



**ECREEE**  
TOWARDS SUSTAINABLE ENERGY

# Background study



Developing a Legal Instrument for  
Gender Assessments in Energy Infrastructure  
Planning and Development within ECOWAS



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**Publisher:**

ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE)

The document should be cited as: ECREEE (2017) 'Background Study: Developing A legal Instrument for Gender Assessments in Energy Infrastructure Planning and Development within ECOWAS'

This publication has been prepared with financing from the National Renewable Energy Laboratory (NREL) Clean Energy Solutions Finance Center through USAID/ Power Africa.

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# Foreword by the executive director of ECREEE



Countries of the Economic Community of West African States (ECOWAS) have set for themselves goals and targets for achieving a gender diverse energy industry by 2030. On the 4th of June 2017 the ECOWAS Heads of State adopted the ECOWAS Policy for Gender Mainstreaming in Energy Access, and prior to that the same Policy was adopted by the Council of ECOWAS Ministers, Energy Ministers and the ECOWAS Energy Experts. In the coming years, we foresee the implementation of transformational agendas geared towards achieving widespread understanding of energy and gender considerations at all levels of society; ensuring that all energy policies, programmes and initiatives, including large energy infrastructures and investments, are non-discriminatory, gender-inclusive, gender-balanced and directed towards addressing inequalities, particularly energy poverty, differentially affecting men and women in the region; increasing women's public sector participation in energy-related technical fields and decision-making positions; ensuring that women and men have equal opportunities to enter and succeed in energy-related fields in the private sector; establishing and maintaining a gender responsive monitoring, accountability and review framework for all of the aforementioned regional policy objectives.

It is important to note that some of these transformations are already happening in countries of the region. To a large extent, gender and energy discussions in the region have shifted from 'are there evidence in support of incorporating gender considerations in energy operations' to 'how should we then modify our operations to address the lack of gender considerations in the planning and development of energy projects in the West African region'. Specifically, we have seen a growing interest in addressing the lack of gender in energy projects and advancing gender equality through energy access. At the ECOWAS Energy Experts meeting that led to the validation of the Policy, a key recommendation from the Energy Experts was to develop a 'regional gender code' to ensure that the incorporation of gender dimensions in energy project planning and implementation is made a legal obligation. Since the 2015 workshop, ECREEE, with the support of the National Renewable Energy Laboratory (NREL) of the United States, and Power Africa, an initiative of the United States Agency for International Development (USAID), set out to develop a legal instrument which will achieve this goal.

In order to inform the drafting of the legal instrument, we conducted this Background Study to: analyse the gender related issues associated with energy infrastructure development, to document negative impacts from past interventions that demonstrate the risk of gender-blind energy planning and implementation; Understand the current energy regulatory framework in the ECOWAS region, to identify the extent to which gender assessments were being incorporated in energy project planning, causes for the lack of it and strategy for addressing this. This Background Study report reveals that energy sector governance is largely gender-blind. Moreover, compared

to widely used environmental impact assessment practices, incorporating gender considerations in energy infrastructure planning is not widespread, even though gender-differentiated risks, impacts, and benefits are in many cases significant. Case-studies from West African energy projects reported on how the lack of gender-responsive energy projects led to expensive work stoppages from community members who felt their needs and interests were not taken on-board.

I am very pleased to say that we have reflected, in this report, opinions from key stakeholder representatives from ECOWAS government ministries, departments and agencies (MDAs), civil society organizations (CSOs), development partners and other relevant actors, on requirements for conducting gender assessments in communities where projects will be sited; requirements for documenting and reporting on the assessments conducted; requirements for mitigating negative impacts, while enhancing possible positive benefits; and requirements for monitoring and reporting.

We are proud of the knowledge contained in this study, and I am certain you will feel the same way. I would therefore like to conclude by expressing my appreciation to all those who contributed to the success of this study, these include representatives from the ECOWAS Gender Department, the ECOWAS Energy Department, the ECOWAS Legal Department, the ECOWAS Regional Electricity Regulatory Authority (ERERA), the West African Power Pool (WAPP), the West African Gas Pipeline Authority (WAGPA), and the ECOWAS Infrastructure Project Preparatory Unit (PPDU). Furthermore, we are very grateful for the contributions from the regulatory agencies in the Members States and the experts from the energy ministries, particularly members of the ECOWAS Gender and Energy Advisory Group (ECOW-GEN TAG), the civil society organisations, particularly women groups, and others who were consulted during the development of this document.



**Mahama Kappiah**  
Executive Director  
ECOWAS Centre for Renewable Energy and Energy Efficiency

To a large extent, gender and energy discussions in the region have shifted from ‘is there evidence in support of incorporating gender considerations in energy operations’ to ‘how should we then modify our operations to address the lack of gender considerations in the planning and development of energy projects in the West African region’.

# Foreword by the Laboratory Director of NREL



As the director of NREL for the past two years, I have the great honor of leading an organization that not only embraces diversity and inclusiveness as core values, but also prides itself on “walking the talk.” The basic tenet that in diversity there is strength is deeply ingrained in the NREL ethos.

Today’s energy challenges are dynamic and far-reaching. They demand greater integration among many energy systems and resources. Pivotal to achieving NREL’s mission-driven goal of advancing efficient and renewable energy solutions at all scales is promoting a business culture that fosters respect for individual differences and seeks out diverse viewpoints. People see things very differently based on education, environment, and experience, and it’s critically important to bring all of this into decision making.

Gender equality is central to this belief, and at NREL this starts at the top. Women now represent more than 20% of our executive management team at NREL, 36% of our total staff, and more than a quarter of our functional research staff. In 2017, 38% of U.S. patents issued for NREL innovations had at least one female inventor. That last metric is perhaps the most telling from my perspective, because it reflects our long-standing commitment to inclusiveness in our day-to-day operations.

Ensuring that women have an equal role in the work to advance our mission improves our performance, enhances our ability and opportunities to advance our mission, increases the impact of our work, and enriches the energy sector as a whole.

This is evidenced by the outstanding innovations of women like Yat-Chen Chou, who in her 25 years at NREL has contributed to 16 issued U.S. patents that have been licensed to 15 separate entities.

It’s reflected in the contributions of women like ASHRAE President Elect Sheila Hayter, who in her 21 years at NREL has published 50 documents and papers, served on the committee that conceptualized the International Solar Decathlon,

and chaired the committee that developed the original charter for ASHRAE’s Advanced Design Guidelines, pushing for the more stringent building efficiency standards and a holistic approach to building design that are now codified in the U.S. Energy Policy Act.

It’s demonstrated in the accolades and accomplishments of Sarah Kurtz, a principal scientist and research fellow with NREL’s National Center for Photovoltaics, who over the course of her 32-year tenure at NREL contributed to super-efficient multijunction solar cell breakthroughs that became the standard for solar energy satellite applications and the Mars rovers; cofounded the International PV Quality Assurance Task Force she now leads, overseeing collaborative research to create international standards that will pave the way for the next stage of growth in the PV industry; and earned the 2016 U.S. Clean Energy Education and Empowerment (C3E) Lifetime Achievement Award for her continuing contributions to PV knowledge.

Each of their contributions—not only to advancing NREL’s mission but to transforming the energy sector in the United States and around the world—underscore the inherent value of empowering women in energy research and development, decision making, policy development, and technology deployment.

Yet until recently, this value was unrecognized and underutilized in parts of the world where providing widespread access to modern energy remains a challenge. The Economic Community of West African States (ECOWAS) is one such region. As in other regions where large segments of the population lack access to electricity, women bear a disproportionate share of the socioeconomic costs of energy

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poverty. They also have a disproportionately limited role in identifying and implementing solutions to the region's energy challenges, for a variety of political and cultural reasons.

This is why we are proud to have partnered with the ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) on two groundbreaking efforts to catalyze gender-equality-focused clean energy development in the ECOWAS region: the ECOWAS Policy for Gender Mainstreaming in Energy Access and a Directive on Energy Assessments in Energy Projects that provides the necessary legal framework for implementing the policy actions.

Developed through the ECOWAS Program on Gender Mainstreaming in Energy Access, the policy and directive were based largely on two reports informed by NREL research and analysis. The first, "Situation Analysis of Energy Issues in ECOWAS Member States," (2015) created a foundation for the policy. The background study detailed in this second report lays the groundwork for the directive, which is premised on the idea that without consideration of the principles of gender equality, the energy sector and region will not reach their full economic potential. Grounded in a high level of expert legal and policy guidance as well as research and analysis, both studies demonstrate that in order to maximize the impact of efforts to improve energy access in the ECOWAS region, women must have a voice and a seat at the table. This should include everything from research and development to decision making, policymaking, and technical implementation.

I extend my heartfelt congratulations to the governments of all 15 ECOWAS member states, which validated the directive in June 2017 and are preparing to adopt it later this year. In doing so, they will institutionalize their acknowledgement that gender and energy development are deeply intertwined and declare that action across the two is necessary to address energy poverty and energy access challenges in the region.

Excluding women from decision-making roles that have tremendous potential to improve their lives, the lives of their families, and their communities is more than a human rights issue. It is a huge missed opportunity. Because the ECOWAS region is rich in clean energy resources, including biomass, wind, and solar, distributed renewable energy solutions have significant potential to both address the region's energy access challenges and empower women socially and economically.

As the 15 ECOWAS member countries develop and implement these innovative solutions, integrating women into the process will enhance and enrich their efforts to increase energy access and advance infrastructure development. Their progress on these fronts will have far-reaching impacts, not only in the ECOWAS region but in other parts of Africa and in countries around the world with limited energy access.

Through its pioneering leadership in developing the ECOWAS Policy for Gender Mainstreaming in Energy Access and the regulatory structure to carry it out, ECREEE has provided a replicable model for others to follow as they pursue clean gender-equity-based energy solutions with the potential to promote sustainable economic growth, improve educational and job opportunities, mitigate the impacts of climate change, and diminish the devastating health and social impacts of energy poverty.

*Martin Keller*

**Martin Keller**  
Laboratory Director  
National Renewable Energy Laboratory

# Foreword by Power Africa Coordinator



Power Africa would like to congratulate the ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) on the development and validation of the ECOWAS Directive for Gender Assessments in Energy Projects.

This ground-breaking Directive mandating gender assessments for energy infrastructure projects follows on the heels of the adoption of the ECOWAS Policy for Gender Mainstreaming in Energy Access. ECREEE's development of the Policy and Directive demonstrate the intense dedication of the ECOWAS member states to the principles of gender equality and female empowerment.

This process of creating and adopting the ECOWAS Directive for Gender Assessments in Energy Projects included an intense level of legal expertise and research, much of which is captured in this study.

This background study, 'Developing a Legal Instrument for Gender Assessment in Energy Infrastructure Planning and Development within ECOWAS,' reveals that energy sector governance was largely gender-blind despite the significant gender-differentiated risks, impacts, and benefits associated with investments in the energy sector. The ECOWAS Directive for Gender Assessment in Energy Projects is premised on the fact that without consideration of the principles of gender equality, the region and sector will not reach their full economic potential.

The ECOWAS Directive on Gender Assessment in Energy Projects is premised on the fact that without consideration of the principles of gender equality, the region and sector will not reach their full economic potential.

Power Africa agrees with this premise and is proud to partner with ECOWAS in advancing this groundbreaking work.

Power Africa agrees with this premise and is proud to partner with ECOWAS in advancing this groundbreaking work. Power Africa, a U.S. Government-led initiative aimed at doubling access to power in sub-Saharan Africa, understands that we cannot achieve our goals while ignoring the talent and needs of half of Africa's population. A modern and sustainable energy sector in Africa will rely on all the talent that Africa has to offer, and serve its population equitably.

Power Africa sees women's roles within the energy sector as policy makers within national and regional governments and institutions, as executives of private sector companies, as entrepreneurs within nascent renewable energy enterprises, as managers within power sector utilities, as employees of generation plants and transmission and distributions systems, and finally as customers of electricity services.

Gender integration within this sector not only creates immediate opportunities for women, but also positively impacts the sector. A growing body of evidence demonstrates that companies that invest in women outperform their peers. This is true across the globe and across multiple sectors. Integrating gender issues into energy sector policies and programs and projects is not just the right thing to do, it is the smart thing to do.

Power Africa was happy to support ECREEE's ambitious efforts to develop the ECOWAS Directive on Gender Assessments in Energy Projects and looks forward to continued collaboration as the sector evolves.

**Andrew M. Herscovitz**  
Power Africa Coordinator



# Acknowledgements

Commissioned by the ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE), the Background Study report lays the foundation for the development of the ECOWAS Directive for Gender Assessments in Energy Projects that commits Member States to plan and execute energy infrastructure projects in a gender inclusive manner. We are pleased that the Background Study benefited from wide-ranging inputs and perspectives to offer a practical and analytically rigorous report that demonstrates the feasibility of implementing a regional legal instrument mandating gender impact assessments for energy projects. ECREEE and the project team that carried out the research and analysis express their profound respect and appreciation to all of the organizations and individuals who helped inform the findings of this report.

The Lead Author and Project Manager was Ms. Ellen Morris, Ph.D., (Sustainable Energy Solutions), who was well supported by a core team that included Ms. Jennye Greene (Sustainable Energy Solutions), Ms. Catherine Diam-Valla (Accessible Energy), and a team at Sullivan & Cromwell LLP. The team at Sullivan & Cromwell consisted of Mr. Sam Saunders, Ph.D., Ms. Sarah Kitai, Ms. Costanza Posarelli, Ms. Anna Chirou and Mr. Chris Beatty. This project would not have been possible without the additional contributions and hard work of other members of the team, including Ms. Joyce Wong (Digital Green), Mr. David Gibson (NRECA International), and Mr. Emmanuel Sekor (REM Law Consultancy). This project benefitted from the steadfast leadership and guidance of Ms. Monica Maduekwe (ECOWAS Centre for Renewable Energy and Energy Efficiency) and Ms. Victoria Healey (National Renewable Energy Laboratory). The report was improved through the review and insightful comments by Mr. Gbêdonougbo Claude Gbaguidi, Ms. Denise Mortimer, Mr. Oumar Bangoura, and Mrs Obii Onouha.

Many thanks are also in order for the following 23 individuals who took part in detailed phone and in person interviews about the relevant programmes and initiatives in their countries (in alphabetical order) as well as the 43 practitioners who participated in an online survey conducted in October 2016 on gender impact assessments.

**Mr. Dominic Aboagye**, Ghana, Planning and Research, National Petroleum Authority  
**Mr. Abbas Aboulaye**, Togo, Directeur Technique, Autorité de Règlementation du Secteur de l'Électricité  
**Dr. Nii Darko Asante**, Ghana, Director, Technical Regulation, Energy Commission  
**Mr. Oumar Bangoura**, ECOWAS, Principal Legal Expert, ECOWAS Regional Electricity Regulatory Authority  
**Mr. Edward Bendu**, Sierra Leone, Director of Environment, Ministry of Lands, Country Planning and Environment  
**Mr. Momodou Lamin Sompou Ceesay**, Gambia, Director for Electricity, Public Utilities Regulatory Authority  
**Mr. Mustapha Cisse**, ECOWAS, Programme Manager, West African Power Pool  
**Mr. Mamadou Fofana**, Guinea, Electro-ingeneer, Agence Nationale de l'Électrification Rurale  
**Mr. Claude Gbaguidi**, Benin, President, Autorité de Régulation de l'Électricité  
**Mrs. Chafari Hanawa-Kanya**, ECOWAS, West African Gas Pipeline Authority  
**Mr. Benjamin Kamara**, Sierra Leone, Director of Energy, Ministry of Energy  
**Mr. Tamba Kellie**, Sierra Leone, Director-General, Electricity and Water Regulatory Commission  
**Mr. H.P. Krou**, Cote d'Ivoire, Conseiller Technique du Directeur General, Autorité Nationale de Régulation du Secteur de l'Électricité  
**Ms. Lakh**, Paule Marie Antoinette Sagna, Senegal, Commission de Régulation du Secteur de l'Électricité  
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**Mr. Abraham Tumbey**, Liberia, Environmental Protection Agency

**Mr. Cheick Ahmed Sanogo**, Mali, Président Directeur Général, Agence Malienne pour le Développement de l'Energie Domestique et l'Electrification Rurale

**Mr. Daniel-Alexander Schroth**, SE4All Africa Hub Coordinator, African Development Bank

**Mr. Iddrissa M. Soumana**, Niger, Directeur des Energies Renouvelables, Ministère de l'Energie et du Pétrole

**Ms. Aminata Sow**, Mali, Analyste Financier, Commission de Régulation de l'Électricité et de l'Eau

**Dr. Abdussalam Yusuf**, Nigeria, Assistant General Manager, Nigeria Electricity Regulatory Commission

The development of the Background Study Report benefitted from a Project Steering Committee that provided ongoing critique and guidance on the methods, findings, and progress of the project. We are grateful to the following individuals who served on the Project Steering Committee:

**Ms. Monica Maduekwe**, ECOWAS Centre for Renewable Energy and Energy Efficiency (Chair of Project Steering Committee)

**Ms. Bola Adetoun**, ECOWAS Gender Division

**Mr. Oumar Bangoura**, ECOWAS Regional Electricity Regulatory Authority

**Ms. Joy Clancy**, Program on Development Studies, University of Twente

**Mr. Olumiyiwa Shokunbi**, ECOWAS infrastructure Projects Preparation and Development Unit

**Ms. Victoria Healey**, National Renewable Energy Laboratory

**Ms. Chafari Hanawa-Kanya**, West African Gas Pipeline Authority

**Ms. Dominique Lallement**, Former Director of World Bank Energy Sector Management Assistance Program

**Ms. Denise Mortimer**, Power Africa/USAID

**Ms. Rebecca Pearl-Martinez**, Renewable Equity Project, Fletcher School, Tufts University

**Ms. Sheila Oparaocha**, The International Network on Gender & Energy (ENERGIA)

**Ms. Elisabeth Toe**, West African Power Pool

**Ms. Obii Onuoha**, ECOWAS Directorate of Legal Affairs

**Mr. A.O Yusuf**, Nigerian Electricity Regulatory Commission

We are grateful to the funders of this project that made this work possible, including ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE), the National Renewable Energy Laboratory (NREL), U.S. Agency for International Development, and pro-bono support from Sullivan & Cromwell.

While the authors of this report made every effort to be inclusive and comprehensive in collecting and presenting information, there may be unintentional omissions. Kindly forward any additional material on policies, programmes, and initiatives for inclusion to: Monica Maduekwe, Coordinator for the ECOWAS Programme on Gender Mainstreaming in Energy Access (MMaduekwe@ecreee.org).

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## Acronyms

AfDB	African Development Bank	KPLC	Kenya Power & Lighting Company
AMADER	Agence Malienne pour le Développement de l'Énergie Domestique et de l'Électrification Rurale	LAIR	Livelihood Assessment and Income Restoration Programme
ASER	Agence Sénégalaise d'Électrification Rurale	NAPTIN	National Power Training Institute of Nigeria
BEE	Black Economic Empowerment	NREL	National Renewable Energy Laboratory
BHP	Bumbuna Hydroelectric Project	NEPAD	New Partnership for Africa's Development
CBN	Central Bank of Nigeria	NGOs	Non-governmental Organizations
CGE	Commission for Gender Equality	O&M	Operations and Maintenance
DOD	U.S. Department of Defense	OFID	OPEC Fund for International Development
EBIT	Earnings Before Interest and Taxes	PAP	Project Affected Persons
ECOWAS	Economic Community of West African States	PCO	U.S. Army's Project and Contracting Office
ECOW-GEN	ECOWAS Programme on Gender Mainstreaming in Energy Access	PDO	Project Development Objectives
ECREEE	ECOWAS Centre for Renewable Energy and Energy Efficiency	PetroSA	Petroleum, Oil and Gas Corporation of South Africa
EIA	Environmental Impact Assessment	PPDU	ECOWAS Projects Preparation and Development Unit
ERERA	ECOWAS Regional Electricity Regulatory Authority	PROGEDE	Projet de Gestion Durable et Participative de l'Énergie
ESIA	Environmental and Social Impact Assessment	PSEG	Public Service Electric & Gas
ESMAP	Energy Sector Management Assistance Program	RAP	Resettlement Action Plan
ESMP	Environmental and Social Management Plan	SAP	Stabilized Agriculture Programme
EU	European Union	SE4ALL	Sustainable Energy for All
EWAP	Eskom Women Advancement Programme	STEM	Science, Technology, Engineering, and Mathematics
EY	Ernst and Young	TAG	ECOW-GEN Technical Advisory Group
FAO	Food and Agriculture Organization	TMPS	Total Measured Procurement Spend
GDP	Gross Domestic Product	UEMOA	Union économique et monétaire ouest-africaine
GRD	U.S. Army Corps of Engineers Gulf Reconstruction Division	UNDP	United Nations Development Programme
GROW	Growing and Reaching Opportunities for Women Programme	USAID	The U.S. Agency for International Development
IADB	Inter American Development Bank	USIWN	The U.S.-Iraq Women's Network
IFC	International Finance Corporation	WAGP	West African Gas Pipeline
ILO	International Labour Organization	WAGPA	West African Gas Pipeline Authority
ITC	International Trade Centre	WAPCo	West African Gas Pipeline Company
FY	Fiscal Year	WAPP	West African Power Pool
GOI	Government of Iraq	WB	World Bank
JCC-I	Joint Contracting Command – Iraq	WOB	Women-Owned Business
JICA	Japan International Cooperation Agency		



# I. Executive Summary

This study seeks to set the stage for the creation and adoption of an ECOWAS regional legal instrument for conducting gender assessments of energy infrastructure projects, including extraction of fuel sources, storage, generation, transmission and distribution of energy, whether from solar, wind, biomass, fossil, geothermal, ocean, nuclear or hydro sources.

The importance of creating a regional regulatory instrument for enforcing gender equality in the energy sector was introduced in the ECOWAS Policy for Gender Mainstreaming in Energy Access. The Policy, the first of its kind, aims to promote gender mainstreaming in energy access and gender equality in the energy sector – not only preventing negative, discriminatory effects, but also harnessing the positive socioeconomic impacts of gender-informed design and decision making in energy development. Compared to widely used environmental assessment practices, incorporating gender considerations in energy infrastructure development is not a widespread phenomenon, though gender-differentiated risks, impacts, and benefits are in many cases significant.

The ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) and the ECOWAS Department of Social Affairs and Gender, in collaboration with the relevant ECOWAS energy agencies, are taking the lead in developing the ECOWAS legal instrument to help ensure that gender considerations are taken on-board when energy infrastructure projects and investments are planned and executed. ECOWAS is recognizing that without consideration of gender equality and inclusivity, the region is both limiting its ability to become a better community steward and to reach its full economic potential. Studies from around the globe link better corporate performance and decision-making to the presence of gender balanced teams drawn from the full talent pool of women and men.

The first step towards creating the envisioned legal instrument is this Background Study, which comprehensively examines gender related issues associated with infrastructure development and the regulatory framework in the energy sector in the ECOWAS region. The Background Study summarizes the regional legal context; surveys current national level practice regarding gender assessments; identifies key considerations for the design of the legal instrument; lays out the process for eventual adoption; explores global trends and best practice in conducting similar assessments, linking those to a number of ECOWAS-specific case studies; and, details a litany of gender-linked impacts of energy sector development.

In this study, two options emerged for legal instruments, common in the ECOWAS legal system, that would be well-suited for requiring gender assessments in energy projects. The two primary options identified in this study are ECOWAS Regulations and Directives. While Regulations are directly applicable in Member States, their enforceability is contingent on the degree to which each State has incorporated ECOWAS law into their national legal systems. Directives provide more flexibility, allowing each nation to determine the particulars of how to integrate provisions into their existing legislation, but are less strictly proscriptive than Regulations.

The Background Study summarizes the regional legal context; surveys current national level practice regarding gender assessments; identifies key considerations for the design of the legal instrument; lays out the process for eventual adoption; explores global trends and best practice in conducting similar assessments, linking those to a number of ECOWAS-specific case studies; and, details a litany of gender-linked impacts of energy sector development.

The variety of current practices, development priorities, and implementation capabilities in the Member States documented by this study strongly suggests that a Directive would be the most appropriate choice for the ECOWAS regional legal instrument. Most importantly, Directives provide flexibility in adapting provisions to each national context. It is noted that Environmental Impact Assessments are routinely required on energy infrastructure projects and there are pre-existing protocols for implementation and enforcement, which opens up the possibility of attaching the gender assessment to this process if Member States do not wish to create stand-alone legislation.

The provisions of the Directive, including gender assessments and management plans, would apply to energy infrastructure projects sponsored or regulated by ECOWAS institutions and/or national ministries, agencies, commissions and state-owned enterprises. Similar to existing requirements for environmental and social impact assessments, threshold criteria will need to be established to determine whether the project is likely to have adverse gender consequences.

This study also examined the technical and budgetary implications of creating a new legal instrument, determining that ECREEE is likely able to leverage third party resources to assist with capacity building and training at the Member State level, while gender license fees paid by project developers should support the day-to-day implementation of a legal instrument, including periodic reporting back to ECOWAS.

Findings from the interviews included that energy sector governance was largely 1) gender-blind (i.e., does not systematically take into account gender differences) in the areas of planning, decision-making, procurement and hiring, and 2) male dominated (i.e., has low representation of women).

The Background Study incorporates information from a large number of in-depth interviews with energy regulators, policy makers and managers. Findings from the interviews included that energy sector governance was largely 1) gender-blind (i.e., does not systematically take into account gender differences) in the areas of planning, decision-making, procurement and hiring, and 2) male dominated (i.e., has low representation of women), which is often but not always linked to stalled progress on gender awareness. Some gender impact assessments of energy infrastructure projects are being completed in ECOWAS, but only in a limited and ad hoc fashion, for example as a small part of a Social Impact Assessment and/or at the request of an international funder as a part of their project safeguards or aspirational performance standards.

Gender awareness by ECOWAS energy sector planners, as determined through the interviews, was highly variable, with many able to identify and discuss in depth project-related gender issues and others with much more limited knowledge. This stands in contrast to widespread perceptions of low governmental awareness as a root cause of inaction, as judged by an online survey conducted for this report. According to interviewed energy sector planners, the four main, interrelated reasons that gender is not better incorporated into energy project assessments are: 1) a lack of good data, 2) a lack of universal awareness, 3) lack of a mandate and accountability mechanisms, 3) lack of in-house expertise, and 4) lack of a critical mass of women working in the energy sector. All respondents, through surveys and the interviews, almost universally affirmed the need for gender assessments to be performed, though they differed on implementation approaches.

While every energy sector project is unique and may pose special risks, most projects involve at least some gender issues related to the following three topics: 1) Land use, resettlement, and compensation 2) Workforce participation and economic opportunity, and 3) Consultative input and agency. Stemming from men's and women's unequal historical endowments and also their distinct socio-cultural roles, differences in how a project may affect women and men are very pronounced. Violence, human trafficking, and communicable diseases are other potential impact areas notable for their devastating consequences. Global strategies and experiences from electricity utilities and petroleum companies, mining operations, and national policy positions are shared in this study for the lessons they offer. In particular, energy sector public procurement is identified as an enormous, fiscally responsible, potential lever to empower women and propel inclusive economic growth.

Two examples of energy infrastructure projects in ECOWAS are highlighted in the study because of the different ways (or not) that gender was considered in the project. The Bumbuna Hydroelectric Project and the West African Gas Pipeline examples are compared and contrasted according to the different ways they took gender considerations into account, the degree to which they sought women's input, the types and amount of data collected, and the explicit project objectives and performance indicators. The Bumbuna Hydroelectric Project clearly outperformed the West African Gas Pipeline as regards gender considerations. In other West African energy projects where women's concerns were not addressed up front, expensive work stoppages and after-the-fact bargaining cost developers dearly in addition to damaging the communities.

Gender assessments can take two different, non-mutually exclusive approaches:

(1) to set minimum gender-related criteria, which if not met would disqualify a project developer; or, (2) to create a framework in which developers, communities and regulators work collaboratively to maximize a project's gender dividend, sustainability profile, and bottom line. Though there is no universally adopted methodology for conducting a gender assessment, there are best practices to be incorporated including detailed data collection, analysis, and community consultations to ensure that sustainable and inclusive development is incorporated in the project design. Equally important, each gender assessment, in order to be effective, is only an initial step inscribed within a greater chain of activities, including a mitigation plan, a monitoring and reporting framework, and an oversight/accountability function.



## II. Introduction

The Economic Community of West African States (ECOWAS) is a globally recognized leader in promoting gender equality in the energy sector. Its Centre for Renewable Energy and Energy Efficiency (ECREEE) has spearheaded a state-of-the-art gender programme, ECOW-GEN, which promotes

- a) Gender inclusive energy supply, such as through skills training, business development and access to finance,
- b) Gender inclusive energy demand, for example through expanding productive use applications, and
- c) Gender inclusive energy planning and policy, notably its work to launch the first ever regional Policy on Gender Mainstreaming in Energy Access.

Against the backdrop of the ECOWAS Policy for Gender Mainstreaming in Energy Access, spearheaded jointly between ECREEE's ECOW-GEN programme and the ECOWAS Department of Gender and Social Affairs, Member States and stakeholders requested the development of a legal instrument to safeguard the rights of women and men during medium- to large-scale infrastructure development. This background paper is a response to that request, summarizing relevant regional legal considerations, detailing best and current practices in managing gender assessments, examining some of the ways that energy infrastructure development impacts male and female citizens, and also exploring how gender inclusivity in infrastructure development may enhance overall sector performance.

Member States and stakeholders requested the development of a legal instrument to safeguard the rights of women and men during medium- to large-scale infrastructure development. This background paper is a response to that request.

To pave the way for this effort, the ECOWAS Policy for Gender Mainstreaming in Energy Access sets out the course of action and principles to ensure that its male and female populations contribute and benefit equitably and equally in the region's energy interventions. One key aspect relates to infrastructure planning and development. The importance of a regional regulatory framework for enforcing the principles established and adopted through the ECOWAS Policy for Gender Mainstreaming in Energy Access was reaffirmed by ECOWAS stakeholders at the Policy Validation Workshop in June 2016. There, it was agreed that a Regulation or Directive would provide a legal instrument to ensure that gender considerations are taken on-board in the planning and execution of energy infrastructure projects and investments.

The scope of this paper, and the contemplated legal instrument, includes the totality of infrastructure projects, involving execution of construction works or of other installations or schemes, or other interventions in the natural surroundings and landscape, including those involving the extraction of fuel sources, storage, generation, transmission and distribution of energy, whether from solar, wind, biomass, fossil, geothermal, ocean, nuclear or hydro sources.

In contemplating the creation of a new legal instrument to support energy sector regulators and managers as they increasingly take gender considerations into account, this report has collected and summarized the results of over a dozen interviews with key national and regional level regulators regarding existing regulatory regimes and practice related to gender assessments. It is hoped that the proposals herein are practical and well-grounded in regional realities.

## A. Rationale

Incorporating gender considerations in energy infrastructure development is not a widespread, (nor consistently executed) practice. It is generally the accepted practice throughout the world that energy infrastructure projects must include Environmental Impact Assessments and/or Social Impact Assessments as part of the project authorization process. This has been an important step to ensure that project developers and regulatory authorities examine and address the impacts of projects on local communities, the natural environment, and overall prosperity.

The problem is that these gender-blind approaches have fallen short because men and women are impacted differently by energy infrastructure planning and projects, a phenomenon generic social impact analyses do not reliably capture.

In depth gender analyses, however, are rarely incorporated into energy infrastructure project assessments, as it is expected that Environmental and Social Impact Assessments are sufficient to ensure that any negative impacts are surfaced and addressed. The problem is that these gender-blind approaches have fallen short because men and women are impacted differently by energy infrastructure planning and projects, a phenomenon generic social impact analyses do not reliably capture. This can include different adverse impacts on women and men related to: displacement and resettlement; employment and education; gender-based violence; and exposure to hazardous work conditions.<sup>1</sup> It also encompasses situations where women and men do not fully and equally enjoy the positive results of infrastructure development.

In fact, gender considerations are rarely considered in energy infrastructure development, despite the recent push by donors and development agencies to adopt guidelines and necessary conditions for gender and social inclusion. There are still serious gaps in that gender is not addressed in a systematic fashion, disaggregated data is not readily available, deep-seated social and cultural norms exist, and gender analysis efforts are mainly relegated to smaller household energy and energy access domains. However, there is a compelling case for clear and harmonized guidelines and procedures for incorporating gender in energy infrastructure development—and, therefore, to create a strong regulatory framework for gender assessments.

### Specifically, the Instrument will aim to:

- 

Set the procedures and guidelines for mandating and conducting gender assessments for energy infrastructure project development and determine licensing requirements;
- 

Design and propose a potential institutional structure (including roles and responsibilities) for regulating a gender-responsive energy sector at the national and regional level;
- 

Accelerate the socio-economic benefits of gender mainstreaming in terms of improved health, economic empowerment, poverty reduction, etc.;
- 

Identify possible regulatory instruments for ensuring compliance;
- 

Present the possible operational modalities for ensuring that energy infrastructure projects and investments are gender-responsive;
- 

Mitigate the risks to project developers associated with ignoring gender considerations; and
- 

Accomplish all of the above in a way that will not unreasonably burden energy infrastructure project developers or deter investment from the sector.

<sup>1</sup> World Bank Energy Sector Management Assistance Program, IUCN Gender Equality for Climate Change Opportunities, Webinar Series on Gender and Energy Infrastructure, October 2015

The proposed ECOWAS legal instrument concerning Gender Assessment in Energy Infrastructure Development (the “Instrument”) is timely in its development as a means for enforcing the principles established and adopted through the ECOWAS Policy for Gender Mainstreaming in Energy Access. Moreover, the proposed Instrument addresses a gap in the regulatory framework for energy infrastructure development in West Africa—a gap that undermines the ability of the region to transition to sustainable and inclusive development. The ECOWAS Instrument for Gender Assessment in Energy Infrastructure Development will support Member States to specifically address the omission of gender considerations in the planning and execution of energy infrastructure projects—becoming a model for coordination, compliance and monitoring.

Insights from certain extractive industries, where the use of gender assessments is arguably more advanced, are also highly pertinent to the energy infrastructure sector; both sectors entail large civil and construction works, rely on natural resources (including land, water and fuel), create jobs, and have workforces that are male dominated. Evidence suggests that the benefits of mining projects are enjoyed more robustly by men – while women bear a greater share of the social, economic, and environmental burdens. According to the World Bank Gender and Extractive Industries Program (World Bank, 2013), the following are arguments for including gender perspectives in extractive industries:

- **Employment of women results in community gains** – When women have access to employment and are more financially empowered, women are more likely to invest in education, health, and nutrition for families.
- **Consultation of women drives sustainable investment** – If women are involved in community consultations to determine priorities for investment of project resources, then project outcomes result in more sustainable development for their communities.
- **Women have a positive effect on workplace performance and professionalism** – Integration of women in the workforce results in increased productivity, reduced costs, more reliability, better adherence to rules, and compliance with health and safety regulations.
- **Gender responsiveness can improve management efficiency** – A proactive gender equity approach can free up management time spent on addressing investor concerns or community conflict resolution to focus on core business activities.
- **Gender equity can reduce community disruption or protest** – Employing women and incorporating women into consultations can create a more predictable business environment and result in fewer production disruptions.
- **Women-led enterprises are good for community development** – Women have a better track record of starting successful businesses and paying back micro-credit loans.

This work is being led by ECREEE and the ECOWAS Department of Social Affairs and Gender, in collaboration with the relevant ECOWAS energy agencies, with financial backing of the National Renewable Energy Laboratory (NREL) Clean Energy Solutions Finance Center through Power Africa/USAID.

## B. Approach

This Background Study aims to lay a solid foundation for the development of the ECOWAS Legal Instrument for Gender Assessment in Energy Infrastructure Development that will support Member States in the planning and execution of gender inclusive energy infrastructure projects.

The approach for the Background Study is designed to be both practical and analytically rigorous in its research methods in order to demonstrate the feasibility of implementing a regional legal instrument concerning for gender assessments. This involved conducting in-depth analyses of gender related issues associated with infrastructure development in the energy sector across

the region. Secondly, the regulatory framework in the region was examined as it concerns energy infrastructure development, with the aim of assessing to what extent gender issues (and social issues in general) are included as conditions for a project's implementation, as well as if and how the stipulated conditions for authorizations are enforced throughout the project's execution. Furthermore, an assessment was done of the awareness and perceived importance, by regulatory agencies, for the inclusion of gender impact assessments in the development of energy infrastructure projects in the region.

The methodology used for the Background Study combined desk research with structured phone and in-person interviews with 19 people from regulatory agencies in 13 countries and an online survey. The goal is to triangulate information and include a wide variety of perspectives in order to arrive at conclusions that are balanced, evidence-based, and realistic in their recommendations for action. The approach included four basic elements:

- (1) A thorough review was conducted of regulations and other legal instruments concerning gender and energy infrastructure development projects (also looking outside the energy sector and ECOWAS region for close analogues, such as experiences with environmental regulations and assessments that are in place). During this phase, barriers to, opportunities for, and future constraints on the realization of the Instrument with respect to gender considerations in energy sector projects were explored.
- (2) Case studies were selected from outside the region (including Iraq, South Africa, and the EU) to investigate the universality of need and also to compare and contrast differing approaches in policy formulation, regulation, and implementation.
- (3) Central to the Background Study are a series of detailed interviews with 19 people from national and regional energy and environmental regulatory agencies from the region, development and multilateral development agencies working on infrastructure, and other stakeholders. In addition, an online survey was conducted to solicit even wider input on the Instrument. The diverse perspectives gained through this process result in a rich data set and insightful findings that will help to inform the development of a legal instrument for the incorporation of gender impact assessments.
- (4) A scenario analysis was done of various institutional arrangements for developing and enforcing gender impact assessments, including key evaluation criteria by which to judge the merits, challenges, and legal issues of each scenario.

The findings from the interviews, background study paper and consultation with ECOWAS led to the design and drafting of the Instrument. The Instrument builds on the existing Policy on Gender Mainstreaming for Energy Access and is fully inscribed within that Policy's strategic objectives. It also leverages the expertise, connections, and enthusiasm of individuals participating in the ECOW-GEN Technical Advisory Group (TAG) and Steering Committee that supported the Policy's drafting and adoption as well as the new Project Steering Committee dedicated to the creation of this regulation. The Instrument includes provisions applicable to community institutions and projects, outline commitments for resources and technical expertise, and also serve as a model law for eventual adaptation and adoption at the national level. The Instrument exhibits stylistic consistency with existing ECOWAS laws and aligns with the Policy for Gender Mainstreaming in Energy Access.

## C. Context:

### ECOWAS Gender Mainstreaming Policy for Energy Access

In 2015, the ECOWAS Policy for Gender Mainstreaming in Energy Access was drafted to provide policymakers with instrumental and human rights-based indicators and rigorous arguments to align energy interventions with principles of gender equality. The ECOWAS Gender Mainstreaming Policy is monumental in that it was the first of its kind to focus on energy access, and it has the overwhelming support from all 15 countries in ECOWAS. The regional policy aims to close gender gaps in the energy sector; to create awareness and understanding of policymakers about gender-sensitive policies; to expand business opportunities; and to encourage information, education and communication among the Member States about gender and energy.

The policy brings in the interests of all of the Member States, including their long-term development goals, and presents concrete targets and timelines for implementation. With the adoption of the ECOWAS Policy for Gender Mainstreaming in Energy Access, Member States will be committed to time bound actions for addressing gender inequalities in the region, as it concerns energy development. With the specific targets and timelines put forth in the Gender Mainstreaming Policy, universal energy access will be achieved in the ECOWAS Region by 2030.

The ECOWAS Gender Mainstreaming Policy is monumental in that it was the first of its kind to focus on energy access, and it has the overwhelming support from all 15 countries in ECOWAS.

The added value of the ECOWAS Policy for Gender Mainstreaming in Energy Access is that a dedicated policy for gender mainstreaming in energy access was needed in order to better satisfy the needs of all its citizenry for modern, sustainable energy services that improve living standards and enhance productivity. This policy sets forth five primary strategic objectives that, if achieved together, will represent the successful mainstreaming of gender into energy access. Implementation of the Policy will be effective from 2016 to 2030. There are a number of milestones embedded in the Policy that will be tracked as implementation proceeds in each Member State.

The contemplated Instrument will most closely support Objective (2), Target (b), by requiring that medium to large scale energy infrastructure investments are analyzed and managed in a way that is non-discriminatory and inclusive. As part of their gender-inclusive management strategies, it is expected that project proponents may promote employment equity for men and women, thus making progress towards Objectives (3) and (4), which envision greater female participation in the public and private energy sectors.

**TABLE 1: ECOWAS Policy for Gender Mainstreaming in Energy Access, Objectives and Targets**

ECOWAS Policy for Gender Mainstreaming in Energy Access	
Strategic Objectives	Targets
1. Achieve widespread understanding of energy and gender considerations at all levels of society	<ul style="list-style-type: none"> <li>a) 100 percent of energy sector government employees will have received some relevant training by 2020 (and routinely thereafter);</li> <li>b) 50 percent of citizens will be exposed to some form of relevant public service announcement by 2020 growing to 90% by 2030;</li> <li>c) At least 50 new scientific articles about gender and energy in West Africa published in peer-reviewed scientific journals by 2020, and 20 per year after that.</li> </ul>
2. Ensure that all energy policies, programmes and initiatives, including large energy infrastructures and investments, are non-discriminatory, gender-inclusive, gender-balanced and directed towards addressing inequalities, particularly energy poverty, differentially affecting men and women in the region	<ul style="list-style-type: none"> <li>a) 50 percent of energy policies by 2020 and 100 percent by 2030 will be gender-sensitive;</li> <li>b) 50 percent of energy projects, programmes, and initiatives with government participation will include gender dimensions in planning, implementation, analysis, and evaluation by 2020, rising to 100 percent in 2030.</li> </ul>
3. Increase women's public sector participation in energy-related technical fields and decision-making positions	<ul style="list-style-type: none"> <li>a) At least 25 percent women in the public sector energy workforce by 2020 and an equal (50-50) gender balance by 2030.</li> </ul>
4. Ensure that women and men have equal opportunities to enter and succeed in energy-related fields in the private sector	<ul style="list-style-type: none"> <li>a) At least 25 percent women participation in energy-related fields in the private sector by 2020 and an equal (50-50) gender balance by 2030, as determined through statistically rigorous random sampling.</li> </ul>
5. Establish and maintain a gender responsive monitoring, accountability and review framework for objectives 1-4	<ul style="list-style-type: none"> <li>a) 100 percent compliance by 2017 in the monitoring, accountability and review framework.</li> </ul>

# III. Key Gender Impacts of Energy Infrastructure Development at the Community Level

While energy infrastructure development can bring many positive benefits to a community, it is the negative impacts (including when positive benefits are highly lopsided) that demand the most regulatory scrutiny and mitigation effort. The most prominent negatively gendered results include: 1) Lack of consultation in matters of land, compensation, and royalties; 2) Payment of compensation and royalties to men which increases women's dependence and vulnerability; 3) Loss of land and displacement which results in loss of livelihoods; 4) Environmental damage which can undermine women's capacity to provide food and clean water; 5) Withdrawal of men from household subsistence activities as they are employed in the projects; 6) Influx of transient male workers which can introduce alcohol use, domestic violence, sexual violence, STDs, HIV/AIDS, and prostitution; and 7) Discrimination in the workforce (Hill & Newell, 2009).

Without special consideration of the gender differences, however, planners and project developers, being predominantly men, have historically had a tendency to consult with male counterparts in project affected communities, predict and interpret impacts through a male worldview, and then assume these are representative of the entire population.

At the community level, the effects of infrastructure development are experienced differently by men and women. Without special consideration of the gender differences, however, planners and project developers, being predominantly men, have historically had a tendency to consult with male counterparts in project affected communities, predict and interpret impacts through a male worldview, and then assume these are representative of the entire population.

**The key areas where women's and men's relationship to infrastructure differ fall along three broad axes:**

**1.** Land and resettlement

**2.** Workforce participation and economic opportunity

**3.** Consultative input and agency

There are numerous other gendered impacts, but these three are present almost universally in infrastructure projects and typically present the greatest areas of concern. However, impacts can be wide-ranging and are often specific to the type of energy project concerned and the particulars of the community where it is located. This is yet another compelling reason to get the feasibility stage stakeholder consultations and gender analysis executed on time and to acceptably high standards.

## A. Land and resettlement

Land is an indisputably important resource, as it serves as a primary economic asset to store, produce and transfer wealth. Agricultural land is equated with the opportunity to work, and produce food and commodities, while developed land supports housing, industry and more. There is often a deep cultural significance attached to land, with land forming a part of a family’s or group’s identity and viewed as a means to self-determination.

Infrastructure development frequently involves the sale—voluntary or not—of land, granting of easements, and alteration of landscapes. Impacts range from the relatively minor to the wholesale replacement of natural ecosystems and large-scale relocation of settlements. Land and resettlement issues are particularly complex and fraught with questions of value, ownership, usage rights, compensation policies, and resettlement proceedings — all areas where careful gender segregated analysis must be performed.

These are several ways in which men and women are impacted differently in relation to land use and compensation during infrastructure development.

**Men and women’s landholding is highly unequal.** Men and women hold land at vastly different rates, with the caveat that measures of landholding are notoriously inconsistent across the statistics bureaus and organizations that track such data. For example, some agencies landholding (occupying and using land, including via any traditional or customary law), while others focus on owning via means of a legal title. Even though data vary significantly, the overall trend of women as historically disadvantaged remains consistent. Below are some measures of landholding (of agricultural land) in ECOWAS countries from the database of the Food and Agriculture Organization (FAO) of the United Nations.

**TABLE 2: Female Agricultural Landholding in Select ECOWAS Countries**

Country	Measures of agricultural holding <sup>2</sup> and/or land ownership	Year of Measurement
<b>Burkina Faso</b>	8% of agricultural landholders are female	1993
	12% of the female population owns land (compared to 43% of the male population); 32% of the female population owns if joint ownership is included	2010
<b>Cape Verde</b>	50% of agricultural holders are female	2004
<b>Cote d’Ivoire</b>	10% of agricultural holders are female	2001
<b>The Gambia</b>	8% of agricultural holders are female	2001-2002
<b>Guinea</b>	6% of agricultural holders are female	2000-2001
<b>Mali</b>	3% of agricultural holders are female	2004-2005

<sup>2</sup> Agricultural holding entails the decision-making/management control over an economic unit of agricultural production, including livestock and land.

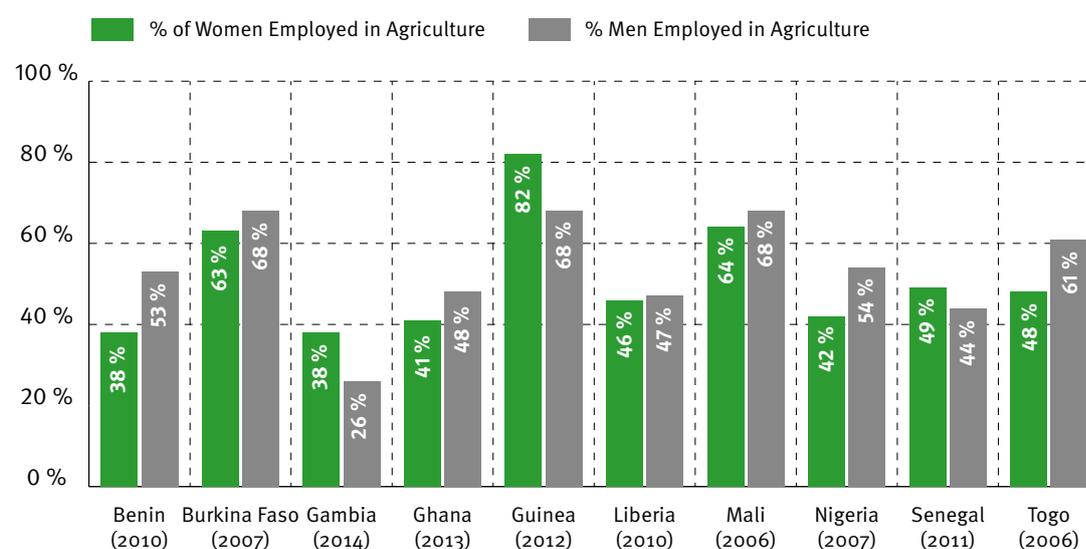
Country	Measures of agricultural holding <sup>2</sup> and/or land ownership	Year of Measurement
<b>Nigeria</b>	10% of agricultural holders are female	2007
	4% of all agricultural land is owned by women (87% is owned by men); 9% is owned jointly	2010-2011
<b>Ghana</b>	38% of agricultural land owners are female	2010
	8% of the female population owns agricultural land (solely or jointly)	2010
<b>Senegal</b>	9% of agricultural holders are female	1998-1999
	5% of the female population owns land (compared to 22% of the male population), 11% of the female population owns if joint ownership is included	2010-2011
<b>Niger</b>	9% of all agricultural land is owned by women (62% owned by men); 29% is owned jointly	2011

Source: FAO, Gender and Land Rights Database, retrieved from: <http://www.fao.org/gender-landrights-database/en/>

Despite the relatively low participation in land and agricultural holding, women in sub-Saharan Africa account for around half of the agricultural labor force and, in a sample of time use surveys from the Gambia, Burkina Faso Nigeria, Niger, Togo and Ghana, supplied between 30% to just over 50% of the labour (SOFA & Doss, 2011). Comparative rates of female and male labor agricultural participation for select ECOWAS countries are provided below. It can be seen that agricultural participation rates are much similar between the sexes within any one country than are rates of agricultural holding or land ownership.

Despite the relatively low participation in land and agricultural holding, women in sub-Saharan Africa account for around half of the agricultural labor force

**TABLE 3: Agricultural Labour Participation Rates**



Source: World Bank Databank, retrieved from: [databank.worldbank.org](http://databank.worldbank.org)

Only three ECOWAS Member States explicitly provide for gender equality in property ownership (Senegal, Liberia, Guinea-Bissau), five grant women's land rights statutory protection under land laws, but none grant women co-ownership through marriage

**Women's and men's land tenure can be legally complex and distinct.** Many citizens in ECOWAS countries, especially those in rural areas, access land via traditional use or customary (as opposed to statutory or legal) rights with significant variation existing between countries and also between groups within a single country. Only three ECOWAS Member States explicitly provide for gender equality in property ownership (Senegal, Liberia, Guinea-Bissau), five grant women's land rights statutory protection under land laws, but none grant women co-ownership through marriage (Hallward-Driemeier, 2013). Women's status in marriage, their treatment in widowhood, and customs surrounding inheritance in West Africa have often, but not always, disadvantaged females with respect to property holding and ownership.

Women and men can both be affected when caught between the customary and statutory tenure systems, as illustrated in Ghana (Box 1, below). Whenever land evolves from customary to statutory holding, there is a real risk of dispossession. An individual's traditionally established access to land (i.e. derived through his/her membership in a larger clan and/or past history using and improving that land) can evaporate if the "allodial" holder (i.e. the topmost rights holder) voluntarily sells to an energy developer or has their land condemned by the State for an energy project.

**Male and female patterns of land use often differ.** Especially pronounced in the rural areas of ECOWAS countries, men and women use and access different parcels of land, though not always in ways that are predictable. Women and men can have separate farming sites, with women sometimes farming more marginal soil where less input intensive crops are grown. Other times, women may farm closer to the homestead so that they can more easily manage domestic work at the same time. That women tend fields closer to home while men's can be much further away (up to three hours in the case of one village) was a trend evident from quantitative surveys and focus groups across 11 sites covering 77 villages in East and West Africa (Perez et al, 2014). The same study also noted a community in Ghana where men's crop fields were adjacent to the main, year-round river while women's plots were clustered around a smaller, seasonal river (Ibid). Women are frequently more reliant on communal lands for collecting water, fuel, and fodder. The lesson for infrastructure siting is that land selection must be evaluated not only in terms of where men and women live, but also where they farm, conduct business activities, travel, worship, collect natural resources, and visit extended family.

### BOX 1: Landholding in Ghana

The majority (78%) of land in Ghana still belongs to customary authorities (i.e. families, clans, and other traditional political units known as stools and skins), while the State has acquired 20% of the nation's land over time by using eminent domain for public purpose developments, energy infrastructure included. Larbi's (2009) survey of the Central Region, found only 20% of government acquisitions were completed and filed legally, making them eligible for compensation procedures. Even among the legally completed acquisitions, only a fraction resulted in actual compensation being issued. When compensation was paid, the benefits accrued to the head holder of the allodial title, at whose sole discretion it is to share

benefits with customary rights holders, many of whom are women. Those persons with informal or derived rights are not legally entitled to any compensation.

There are reports that when local chiefs broker land sales to project developers, they do not always fairly share the benefits with the community (Bertelsmann Stiftung 2011, in USAID, 2011). Also, there have been indirect effects on landholding as a result of infrastructure development in the oil and gas sector reported in Ghana. Oil discoveries in western Ghana circa 2007 significantly drove up local housing and property prices (Degadjor, 2013), likely creating affordability constraints for the lower income residents in the area.

Energy infrastructure can also unlock new opportunities that will shape land use and developers must ensure that these new opportunities do not unfairly benefit one sex at the expense of the other. For example, irrigation services from hydro development can lead to conversion of traditional farms to high-value mono-cropping, the benefits of which are likely to be captured by men.

Energy infrastructure can also unlock new opportunities that will shape land use and developers must ensure that these new opportunities do not unfairly benefit one sex at the expense of the other.

**Men and women’s ability to participate in formal land claims processes and appeals are not necessarily equal.** The World Commission on Dams (1999) reports that women have often been adversely affected during resettlement proceedings because of their higher relative dependence on informal rights to community land and their lack of formal titles, joint or individual, to their homesteads. Compensation, when paid, has many times been paid only to male heads of households, excluding wives, widows, orphans, and female heads of households. There can also be bureaucratic impediments to filing claims requiring multiple trips to an office, high levels of literacy, or the hiring of legal advocates that unfairly burden women.

## B. Workforce participation and economic opportunity

Energy infrastructure projects usually involve a greater number of temporary jobs (e.g. construction and civil works) at all skill levels and a smaller number of permanent positions that tend to be more technical in nature. This is particularly true in the power sector and for oil and gas production. Project construction and ongoing operations also have secondary effects such as increasing demand for the service industries catering to company needs (e.g. food, housing, transport, and domestic services). Other secondary effects may include residents’ ability to capitalize on new infrastructure — e.g. electricity, roads, cell towers, etc. — installed to support energy projects. Infrastructure projects can be a boon for local economies by spurring business growth, and a force for gender equality, if proactive strategies are adopted to draw both women and men into new jobs.

Infrastructure projects can be a boon for local economies by spurring business growth, and a force for gender equality, if proactive strategies are adopted to draw both women and men into new jobs.

**Men and women are employed in infrastructure projects at vastly different rates.** Specific data for the energy infrastructure subsector in ECOWAS are not readily available, but global estimates consistently suggest that women’s employment is far lower. For example, women are reported to form a small

### **BOX 2: Ouarzazate Concentrated Solar Power Project (CSP), Morocco**

In Morocco the **Ouarzazate Concentrated Solar Power Project (CSP)** offers an example of a utility scale renewable generation project. In terms of community involvement, the local population was favorable to the project, but has mixed opinions regarding project implementation and governance. Specifically, women appear to have been excluded from consultations, information sharing, representation, and decision-making. In terms of compensation there was a discrepancy between delivered benefits and the

population’s expectations of free electricity and rights to employment. As an example, local employment for men was typically temporary and low-skilled while women were employed primarily in indirect work such as catering. There were very few technical opportunities or training courses offered. On the positive side, shared benefits of this project included a road connection to neighboring village, drinkable water network, irrigation canal, bridges, and mobile health facilities (ESMAP, 2015).

minority of construction workers: Latin America (0.5%), Western Europe (1%), North America (2%), Asia (7.5%).<sup>3</sup> Furthermore, in low, lower-middle, and upper-middle income countries, the share of men in construction (as opposed to other vocations) over the last 20 years has been increasing much faster than that of women (ILO, 2016). In a similar vein, while women constitute 40% of the global workforce, women comprise only 10% of plant and machine operators—a sub-sector that is continuing to become even less gender diverse (Ibid).

The International Union for the Conservation of Nature has indicated that in West Africa's renewable energy sector "women's role is more visible than in other African countries." (IUCN, 2014, pg 41), perhaps in response to the work ECOW-GEN is doing.

However, there are some bright spots, for example the International Union for the Conservation of Nature has indicated that in West Africa's renewable energy sector "women's role is more visible than in other African countries." (IUCN, 2014, pg 41), perhaps in response to the work ECOW-GEN is doing. In post-conflict Liberia, a quota was set that required reconstruction infrastructure projects to employ at least 30% women, and many women used wages from this work to fund new business ventures (Lallement, 2007). Globally, numerous infrastructure projects have boosted female employment through the use of quotas and special training programmes (See FAO, 2009 for examples from Peru and Haiti, and IUCN, 2014 for references to programmes in Brazil, Pakistan, Bangladesh and the U.S.) and more details are provided in Section III. B. 2.

**The labour market is tainted by gender stereotypes.** Work in ECOWAS is still highly gendered, with some occupations viewed as predominantly male or female. This can cut in both directions. In some cases cultural norms prevent women from entering technical fields in the energy sector. These norms include (often false) assumptions about women's aptitude in STEM fields, their

Gender nuanced strategies are called for in regards to infrastructure employment in order to maximize the contributions of both men and women while ensuring equitable treatment of both.

comfort around high voltage/high current lines, their willingness to work on power lines at heights of five, 10, even up to 80 meters in the case of wind turbines. Discriminatory norms even extend to the cultural acceptability of women dressing appropriately for field work. Other times, however, norms can keep men trapped in highly dangerous occupations (e.g. certain construction jobs, oil rig work, coal mining, etc.) because ingrained beliefs about "male toughness" stall the adoption of adequate safeguards. For all these reasons, gender nuanced strategies are called for in regards to infrastructure employment in order to maximize the contributions of both men and women while ensuring equitable treatment of both.

### BOX 3: The Indian National Rural Employment Guarantee Act (NREGA, 2005)

The Government of India has guaranteed 100 days of unskilled, manual work at the statutory minimum wage to members of any rural household. Much of this work is directed to building infrastructure. Importantly, one third of jobs are reserved for women and the law stipulates that onsite childcare must be provided if more than five young children are present. For rural women it offers an opportunity to work for a wage that is substantially higher than what they could expect to earn elsewhere (in this case, equal to a man's wage) under the reasonably safe and predictable framework of government employment where exploitation is less common than in the private sector. Reetika and Nayak's (2009) survey of 1,000+ NREGA workers found that half of the women said they would not have performed wage work but for NREGA;

majorities reported collecting and keeping their wages (rather than turn them over to male family member) and said that NREGA helped them avoid hunger and also stemmed migration. However, the survey also found that NREGA implementation, though largely successful was not entirely without problems. Implementation was uneven at the State level with unequal commitments to quotas, variable timeliness of payments, and sometimes illegal reliance on contractors who proved exploitative. Nowhere was it found that childcare directive was being implemented seriously, making it almost impossible for mothers with young children to take advantage of the programme. Nonetheless, NREGA provides a meaningful foundation for propelling gender equitable empowerment and economic opportunity in rural areas.

3 ILO Yearbook of Statistics, various dates, accessed at <http://wiego.org/informal-economy/occupational-groups/construction-workers>

**Job quality, crowding, and unintended impacts.** In many instances, a medium- or large-scale energy project in a rural area can become the single largest employer and economic engine for the community with outsize impacts on direct and indirect job opportunities. But as alluded to above, not all jobs are created equal. Some formal jobs, typically performed by men, can be hazardous, with ripple effects on their families should a man become disabled, require care and depend on others to earn the household's income. An influx of male workers from outside the community to a project can also spur increased demand for local sex work, exposing women, and children to violence, physical and psychological trauma, trafficking, and sexually transmitted diseases, including HIV/AIDS. Energy infrastructure projects must consider the quality of the jobs that are created (intentionally and unintentionally) in communities and ensure that they meet minimum standards of safety, pay, and dignity for women and men. The development and enactment of local content policies serve as a potential mechanism for host countries to ensure that economic benefits and employment opportunities generated by energy infrastructure projects are shared locally—and such policies are in effect in several ECOWAS countries. It should be noted that the effectiveness and impacts of local content policies can vary—depending on the ability of the local economy and workforce to compete, among other factors—and must be managed carefully to avoid unintended negative consequences or distortions.

Energy infrastructure projects must consider the quality of the jobs that are created (intentionally and unintentionally) in communities and ensure that they meet minimum standards of safety, pay, and dignity for women and men.

## C. Consultative input and agency

Communities expect to be consulted before a decision is taken to locate an energy project near or within their borders and also want to help shape the design parameters of the project and negotiate maximal benefits for themselves. Just as it is important to conduct a community consultation, it is equally important to ensure all voices within that particular community are heard and valued. Women's opinions about land use, pollution, job creation, and the purview of corporate social responsibility programmes are generally distinct from men's and, when overlooked, risk potentially significant consequences for project-affected women and also for the project's ultimate viability. Box 4 reveals how petroleum companies' failure in Nigeria to address women's needs caused serious harm in project areas and also cost the companies when protests caused work stoppages.

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**Women and men have varying needs and values.** Gender disaggregated surveys of development priorities show differences in how men and women value community development choice. In any one locale, it is common for women and men to differ on the relative importance of a project's ancillary benefits such as jobs, company-funded schools or clinics, electricity connections, roadways, etc. or negative impacts such as land possession, deforestation, pollution, etc. For this reason, it is vital to conduct comprehensive and gender-disaggregated consultations prior to and during project development.

**Women and men vary in the ways they are able to voice and negotiate preferences.** While women and men exhibit different preferences regarding project details (e.g. siting, noise, jobs, etc.), they may often be restricted from voicing and lobbying for these preferences. Energy project developers must ensure consultation times and locations are convenient for both genders and that the forum is one where women are fully empowered to participate, and to voice opinions that may not be consistent with those of men and elders. If not, other steps must be taken to solicit women's input in a way that is sensitive and appropriate to the social context—such as holding women-only consultations

Whether at the household level or that of the community, developers can never assume that one individual or group speaks for everyone; more careful verification is always needed.

#### **BOX 4: Selected Nigerian Women's Petroleum Sector Protests**

In 1984, approximately 10,000 Ogharefe women in southern Nigeria organized a one-day protest of Pan Ocean, a U.S. multinational oil company, surrounding its production site and preventing workers' entry or exit. When the managing director and police arrived for negotiations, the women removed their clothes causing the men to flee in fear and shame; for grown men to view the naked bodies of wives, mothers, and grandmothers is considered highly dishonorable and, some believe, even a curse. Within hours, the company agreed to reimburse the community for the land it took, to offer assistance to install electricity and water connections, and to pay compensation for the local water and air pollution it generated that caused severe health problems, damaged buildings, and degraded agricultural assets. This protest also highlights the danger of consulting and negotiating only with the traditional male elders of the community, trusting them to act in everyone's best interest. One of the protesting women's complaints was that Pan Ocean had cut secret deals with male elders, whether through ignorance or expediency, who received special compensation and sold out the interests of the women and other less politically powerful groups. Two

years later, during a similar protest in Ekpan, women completely excluded local men from negotiations with the oil company fearing local men were allied with the company.

*Source: Pyo, 2012a, 2012b*

In 2002, 600 mainly Itsekiri women in the Niger Delta shut down a large oil terminal, including docks, an airfield, gas plant and tank farm, belonging to Chevron-Texaco for 10 days by threatening to strip, again invoking the curse of nakedness. This disrupted the production of approximately 500,000 barrels of oil per day. The company, in negotiations, promised better corporate responsibility, including providing sanitation, electricity, schools, clinics, town halls, new farms and 25 local full time job positions. As news of the protest spread, women from the Ijaw tribe in the Gbaramatu community then occupied four pipeline feeder stations to the terminal and extracted concessions promising local full-time and contract employment, water and electricity systems, schools, hospitals and a micro-credit scheme for women to launch their own ventures.

*Source: Branigan and Vidal (2002), and Fortuna (2011)*

and focus groups. Whether at the household level or that of the community, developers can never assume that one individual or group speaks for everyone; more careful verification is always needed.

## **D. Other gendered impacts**

While land and labour are arguably the two impacts that repeatedly show the most critical gender disparities, they are far from the only ones. For example, water pollution can disproportionately affect women when they are ones responsible for washing clothes in the river, or when certain chemicals may have an outsize impact on maternal/fetal health compared to the male adult population. Another notable difference is the relative ability of men and women to capitalize on new opportunities, whether for business or a household electricity connection, due to unequal endowments, incomes, and financing. A female-headed household is likely to be poorer and may struggle proportionally more to afford or finance a newly available grid connection or business opportunity.

# IV. Overview Of Gender Assessment Practices

The incorporation of gender issues into any energy infrastructure project begins with a solid assessment, objectively conducted by a subject matter expert and uniquely tailored to the project design and affected community. Detailed data collection, analysis, and community consultations are the hallmarks of quality gender assessments, yet sometimes in practice they are glossed over with gender risks and impacts instead derived on the basis of general assumptions. Equally important, each gender assessment, in order to be effective, is only an initial step inscribed within a greater chain of activities, including a mitigation plan, a monitoring and reporting framework, and an oversight/accountability function. This section also examines some of the transformative tools commonly included in mitigation/management plans that aim to boost female participation in energy supply, including strategies for establishing inclusive procurement and hiring practices.

Gender assessments for energy infrastructure projects are a relatively new requirement of policies and planning, but they are still not widely done. Recent work by Ferguson and Harmon (2015) highlighted the differential impact on women and men of infrastructure planning and development that has been under discussion for almost 20 years, including health effects, decision-making influence, division of labour, and income earning potential, but progress remains slow. Despite a recognition of the benefits of linking gender with infrastructure, little consideration has been given by donors, governments, and private sector to how to get traction. The focus to date has been on including gender experts (or creating gender units) in various planning and project design activities, but the challenge comes in ensuring that gender considerations are taken seriously in the implementation stage of a project and that progress is evaluated against clear benchmarks.

There appear to be two schools of thought among donor funding institutions. For most organizations, such as the World Bank, gender mainstreaming policies and resources are intended as guidelines – offering project stakeholders some flexibility in how they integrate gender into their projects, based on timeline, budget, available experts, and stakeholder buy-in (Janik, 2016). Other donor funding institutions, such as the Asian Development Bank (ADB) and the Inter American Development Bank (IADB), consider their gender policies to take the form of project “safeguards”, which are strict requirements that must be met in order for a project to be initiated and move through the project cycle (Janik, 2016).

An interesting finding from Ferguson and Harmon (2015) regarding the World Bank is that “out of a total of 1878 active infrastructure projects within the World Bank, only 22 have gender listed as a theme, most of which include gender only as a minimum percentage of the project.” In the World Bank’s Energy Sector Management Assistance Programme (ESMAP), the news is more encouraging in that gender concerns have been a core component of its business plan since 2005. And now the World Bank supports gender and energy development strategies with clearly linked output indicators as a way to enhance gender-based assessments and projects. In addition, their work on research, awareness raising and toolkit development supports the sector as a whole (World Bank, 2008).

“out of a total of 1878 active infrastructure projects within the World Bank, only 22 have gender listed as a theme, most of which include gender only as a minimum percentage of the project.”

## A. Gender assessments: Components

The aim of a gender assessment is to set certain standards for addressing gender and social inclusion in the design and development of a project or program. In conducting research for this study, there were no examples of gender assessments that have been done by project developers for infrastructure project and plans. This is likely because gender assessments are not currently mandated by regulations nor are they necessarily required by donors or investors. In general, gender is usually considered in terms of broader development objectives using different metrics depending on the institution supporting the project. For example many development finance

To define gender assessments in the context of a new legal instrument that mandates gender assessments for infrastructure projects and plans, it is instructive to look at environment and social impact assessments (ESIAs) that are commonly required in infrastructure projects.

institutions (World Bank, African Development Bank, Asian Development Bank) require gender assessments looking at the different effects—positive, negative or neutral—to improve the design and the planning of the infrastructure projects or programmes in their portfolio. These usually include identification of gender issues, risks, constraints and opportunities associated with a proposed project or programme to prevent a negative impact on gender equality and to strengthen gender equality by using a more enlightened approach. To define gender assessments in the context of a new legal instrument that mandates gender assessments for infrastructure projects and plans, it is instructive to look at environment and social impact assessments (ESIAs) that are commonly required in infrastructure projects. These are a good starting point in understanding what a gender assessment might entail in ECOWAS Member States in the design and implementation of projects or programmes.

### **BOX 5: Gender Assessments and Mainstreaming in Malawi’s Electric Utility**

Malawi’s electric utility, Escom, has developed a wide ranging gender policy and comprehensive implementation action plan covering gender impact project assessments, customer-facing gender inclusion efforts, gender equity in procurement and contracting, and achieving a balanced workforce within Escom. With regards to gender assessments, the Safety and Environment (S&E) Department, already in charge of the social and environmental assessments, has been tasked with also conducting gender assessments though they will receive support in doing so from the newly created Social and Gender Department, which has a broad role in the organization across all the business units. S&E

will prepare gender assessments and management plans addressing needs and priorities of women with particular regard to “displacement and resettlement, land titles and compensation, loss of livelihood, job creation and safety, and benefit sharing.” This information will be used by the Planning and Development Department. A separate Monitoring and Evaluation Department is tasked with tracking the gender outcomes and indicators named in the assessments and management plans. Responsibility for the oversight of S&E’s work on assessments is shared by the Social and Gender Department, Internal Audit Team, Senior Management and ultimately the Board of Directors.

A gender assessment for energy infrastructure might likely include the following five basic elements: (adapted from World Bank, 2013 and African Development Bank, 2009 and Environmental Resources Management, 2012):

1. **Project description.** This includes the basic features of the infrastructure project or programme, including the scope, the purpose, the location, the timeframe, the budget, the demographics, the local context.

- 2. Baseline assessment.** This would involve an examination of communities potentially affected by the infrastructure project from construction through to ongoing operations. It is essential to collect information about the existing situation for women and men affected by the infrastructure project or programme—including quantitative data and qualitative insights. Things to look at in the baseline assessment in relation to differences between men and women might include:
- Labour: job creation or loss, availability of local skills and opportunities for skills development
  - Land and environmental concerns: impacts on natural resources, waste disposals and effect on quality of life, displacement, resettlement, livelihood loss, job creation and benefit sharing triggered by large infrastructure;
  - Health and safety issues: energy workforce exposure to hazards associated with work in energy-related sectors (in power plants, coal/chemical handling, and live electrical wires); community members' exposure to health hazards arising from the project, etc.
  - Other socioeconomic/public issues: acceptance of the impacts of the infrastructure development on culture and social values; affordability of the services by beneficiaries, etc.
- 3. Impacts analysis.** This would include an evaluation and description of potential impacts as it relates to gender equality and the associated risks with the project or programme. It should look at how the situation might change for women and men as a result of the project or programme and what might happen in the absence of the project or programme. This might include different impacts related to:
- Employment opportunities for men and women in the local communities during construction and operations. This could include procurements, jobs for the project developer, or expansion of services in the communities.
  - Economic opportunities resulting from the improvements in energy infrastructure. This could be direct impacts related to improved access and reliability of energy services for local enterprises, schools, and health clinics as well as allocation of time to productive activities.
  - Health improvements resulting from the infrastructure project or programme. Women might experience reduced drudgery and fewer physical ailments as a result of an energy project or programme. In addition, the local environmental conditions may (or may not be) improved by the energy infrastructure development which could affect health conditions.
  - Social development enhancements including the empowerment and education of women and girls and gender-based social norms. This could include gender roles and how the project or programme will contribute to promoting the equal social value of women and men, femininity and masculinity. Workforce expansion with expanded access to technical training and education could result as well.
- 4. Mitigation measures.** and compensation needed to prevent or reduce potential negative effects of the project on women and disenfranchised groups. It will be imperative to have fair assessments done by a third party linked to appropriate compensation of men and women. In addition, women will need to be given equal voice in the decision-making about compensation and restitution. This might be related to:
- Construction and land-use to ensure that projects do not negatively impact women's land and property rights.
  - Relocation and resettlements required for the construction and operations of the infrastructure project or programme may affect women's and men's livelihood opportunities differently
  - Corrective actions for environmental degradation and waste treatment lapses with long-term effects on the communities' health and well-being
  - Security and hazards as part of the occupational health and safety incidents that arise from the project or programme development

5. **Gender Action Plan.** A detailed plan could be important in ensuring that the gender considerations are met by defining the overall objectives, targets, procedures, compliance measures, and roles of the project developer. The plan will identify how gender equality will be considered and strengthened in the project or programme as well as ensuring that any consultations are gender sensitive. It will important to include considerations, such as:
- Applicable standards and procedures for the gender assessment, including the baseline data collection, monitoring, budgeting, mitigation, and communicating results on a agreed time frame
  - Training needs and approach
  - Compliance and tracking
  - Roles and responsibilities
  - Stakeholder and community engagement strategy

## B. Gender assessments: Illustrative Methodology

There are currently no blueprints for how to go about conducting gender assessments in the energy infrastructure projects and programmes. As such, it is useful to look to the World Bank and other development partners with requirements for considering gender issues, and use these as the basis for legal instrument in ECOWAS. There are three different key aspects that would likely be included in a gender assessment methodology:

1. **Background research:** Some of the data for a gender assessment can be easily gathered by examining energy statistics, socio-economic indicators and the country context from published sources. Desk research can reveal the basic figures and statistics on energy access and end-uses (e.g. from utilities and published research); energy policy, legal and regulatory frameworks and budgets; policies and laws outside the energy sector but impacting energy sector activities (e.g. in the areas of transportation, water, industry, labour, land ownership, etc.); and poverty assessments, social assessments in other sectors, and household energy surveys. In addition, it will be useful to examine other project assessments (e.g., ESIAAs) that might have gender considerations. More detailed data collection that defines and characterizes the specific project area and affected communities will also be needed. It is critical that the should be sex-disaggregated in order to be able to measure and highlight the impact on women and men separately.
2. **Primary Data Collection:** In addition to secondary data collected during the desk review for the gender assessment, it will be necessary to go to primary sources as well. This will require field missions to validate available data and fill data gaps related to the gender aspects of the project or programme. Through structured interviews with stakeholders and community members it will be possible to discern the significance or likelihood of potential impacts of the project or programme and discuss possible mitigation options. In addition, compliance measures could be discussed and evaluated in light of gender considerations' practicality and uptake.
3. **Participatory consultations:** In order to create an infrastructure project that integrates gender considerations in a meaningful way, it is critical to allow consultations of men and women. Considering men's and women's needs as potentially distinct from each other will lead to a more balance and fair-minded approach. Holding women's consultations—which may need to be done in women-only settings—will allow women to express their expectations of the project and specific needs and concerns. Providing a separate channel for women to express their views is critical, as they tend to be more practical and have more long-term and community-oriented views than men.

For comparison to the energy sector, it is useful to look at a gender impact assessment framework that was developed for the mining and extractive industries. Hill and Newell (2009) looked at potential gender impacts of mining projects and provided tools and approaches including social baseline studies, social impact assessments, risk analysis, community mapping exercises, and monitoring and evaluation plans. They make it clear that it can easily be adapted for infrastructure and other heavy industries, and in the development of the ECOWAS legal instrument, it should be consulted. This 6-step framework is outlined below:

### **BOX 6: Gender Impact Assessment for Mining Projects**

#### **STEP 1 – Collect Data**

- Baseline data
- Disaggregated by sex, ethnicity, socio-economic status

#### **STEP 2 – Understand Context**

- Understand the affected communities
- How they are structured
- How they function
- Roles and responsibilities of women in these communities

#### **STEP 3 – Identify Issues Introduced by the Infrastructure Project**

- Displacement
- Loss of Land
- Influx of Workforce

#### **STEP 4 – Understand Women’s Needs**

- What do women need to help their current activities
- What do women need to achieve greater equality in the community
- How does the mining project respond to or impact women’s needs

#### **STEP 5 – Make Recommendations and Develop Gender Strategy**

- Avoid potential negative gender impacts
- Promote gender equality and women’s empowerment
- Develop gender risk awareness strategy

#### **STEP 6 – Regularly Audit and Review**

- Undertake regular independent external gender audits
- Undertake regular community based gender audits
- Monitor how company addresses gender issues
- Identify unforeseen gender impacts

*Source (Hill and Newell, 2009)*

## **C. Gender assessment tools and resources**

In addition to the methodology outlined in Section 2 above, it is also helpful to consider the various tools and resources that have been developed over the years to ensure that gender assessments are part of the project planning, implementation and evaluation. Many of the regional and multilateral development agencies have taken the lead to develop the tools that are usually in the form of checklists and monitoring and evaluation frameworks. Although these tools, checklists and policies are generally aimed internally at the development institution (not at project developers or governmental authorities), they can provide some guidelines in the development of the ECOWAS legal instrument and help guide regulators and project developers.

One that has come to light in reference to the possible relevance to ECOWAS gender assessments for energy infrastructure is the World Bank Energy Sector Management Assistance Programme (ESMAP), which focuses specifically on infrastructure and gender. Table 4 is a compilation of resources regarding gender assessments in the energy sector.

## ESMAP Integrating Gender Considerations into Energy Operations

A planning document and set of tools were developed by ESMAP in 2013 to incorporate gender considerations in energy planning and project development. Although this is geared toward World Bank operations, it is still relevant to ECOWAS gender assessments because it is one of the few resources that focuses directly on the topic of gender and energy infrastructure. It provides specific ways to: conduct gender assessments, plan activities to support the implementation of the assessment, monitor implementation, and analyze impacts and results of the project when it is completed. In addition to the report, there is also a comprehensive compilation of resources and tools for mainstreaming gender considerations into energy sector activities. It offers useful templates for data collection, terms of reference, questionnaires, interview templates, and many others that will be helpful for the ECOWAS regulation.

**Link:** <http://www.esmap.org/node/2757>

**TABLE 4: Other Documents from International Institutions with Relevance to Gender Assessments**

Institution	Policy, Initiative, or Handbook
African Development Bank (AfDB, 2016)	African Women in Business Initiative
United Nations Industrial Development Organization (UNIDO, 2016)	Gender Equality and the Empowerment of Women – Cross Cutting Services
Asian Development Bank (ADB, 2012)	Gender Toolkit – Energy Going Beyond the Meter
UN Women (UN Women, 2016)	Training for Gender Equality and Women’s Empowerment
ENERGIA (ENERGIA, 2011)	Mainstreaming Gender in Energy Projects – A Practical Handbook
World Bank (WB)	World Development Report (2016)
African Development Bank (AfDB)	Gender Policy (2001)
Swedish International Development Cooperation Agency (SIDA)	Gender Equality in Practice – Manual (2009)
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ, 2012)	Gender Strategy
Department for International Development (DFID, 2007)	Gender Equality Action Plan
United States Agency for International Development (USAID, 2012)	Gender Equality and Female Empowerment Policy
Millennium Challenge Corporation (MCC, 2011)	Gender Policy

## D. Case Study: Legal framework for gender impact assessments in South Africa

South Africa is a leader in requiring and conducting Environmental Impact Assessments and has also been at the forefront of implementing women's empowerment and gender-inclusive policies. For this reason, it was selected as a case study to see to what extent these two traditions may or may not have combined to produce a practice of implementing gender assessments in the energy sector. It was found that even though South Africa has numerous policy, institutional and regulatory pathways by which energy sector gender impact assessments could theoretically have arisen, they largely failed to materialize in a systematic way. This suggests that ECOWAS should strongly consider a Community-wide mandate and set of guidelines for implementing such assessments within its territory rather than relying on a voluntary and ad hoc approach.

A quick review of half a dozen recent ESIA's in South Africa revealed little systematic treatment of gender issues. Gender was almost always mentioned, for example, in quoting demographic statistics, but deeper analysis and interpretation was largely absent. These assessments, while focused in great detail on environmental risks, impacts and mitigation strategies, according to the 1998 Environmental Management Act, also require developers to consider social impacts, among many other factors. However, they do not provide specifics nor do they mention the words "women," "gender," or "female" once.

The National Framework for Women's Empowerment and Gender Equality (2000) calls for gender assessments of all existing and proposed policies, but stops short of proscribing project and programme assessments, or the exact form they should take. While the Framework outlines many of the gender considerations relevant to the energy sector, it takes a decentralized approach, ceding the implementation particulars to each line ministry or other government agency rather than try and formulate a standard template that would apply to every sector. The shortcomings of this approach were raised in the 2009 response of the Commission for Gender Equality (CGE) to Eskom's proposed tariff hikes (Abrahams, 2009). The Commission chided Eskom for not mentioning gender once and stated that CGE's role was not to perform gender analysis for Eskom but to monitor Eskom's own gender research. Among other things, CGE noted that the tariff hike would disproportionately hurt poor women, pushing them to reduce consumption and substitute their unremunerated labour for the lost energy services; women informal settlements would likely pay a twofold premium as end users. This example reveals both the admirable activism of the national gender machinery, but also its limitations when the energy sector is slow to adopt full mainstreaming practices.

In conclusion, the two likely sources from which a gender impact assessment of energy infrastructure projects may have been expected — the Department of Environment because of their experience in assessments and the Department of Women because of their strong commitment to gender equity — do not strongly compel such an action. What is left is a voluntary and somewhat ad hoc system in South Africa where international partners are the ones most frequently requesting gender impact assessments.

It was found that even though South Africa has numerous policy, institutional and regulatory pathways by which energy sector gender impact assessments could theoretically have arisen, they largely failed to materialize in a systematic way. This suggests that ECOWAS should strongly consider a Community-wide mandate and set of guidelines for implementing such assessments within its territory rather than relying on a voluntary and ad hoc approach.

**TABLE 5: South Africa Selected Legal Framework Pertaining to Gender Impact Assessments**

Policy, Legislative or Regulatory Instrument	Key Relevant Points
National Environmental Management Act (1998) Environmental Impacts Assessment Regulations (2014)	<ul style="list-style-type: none"> <li>· Impact assessment regulations include call to conduct public consultations and report the results</li> <li>· They generally require “geographical, physical, biological, social, economic, heritage and cultural sensitivity” factors to be examined among impacts, risk assessment, and analysis of alternatives</li> <li>· No specific reference to gender</li> </ul>
National Framework for Women’s Empowerment and Gender Equality (2000)	<ul style="list-style-type: none"> <li>· Gender assessments of existing policies</li> <li>· Addition of Gender Focal Unit to all line ministries</li> <li>· Outlines many issues women face pertinent to energy infrastructure development (land, housing, welfare, poverty, etc.) but fails to make sector-specific, one-size-fits all recommendations on mainstreaming</li> <li>· Focuses on national expectations and indicators, leaving implementation particulars up to line ministries</li> </ul>
Promotion of Equality and Prevention of Unfair Discrimination Act (2000)	<ul style="list-style-type: none"> <li>· Prohibits discrimination that unfairly limits women’s access to land and other resources</li> <li>· Prohibits discrimination that systematically restricts opportunities to women as a result of the gender-based division of labour</li> </ul>

# V. ECOWAS Case Studies Illustrating Use of Gender Tools and Planning

There are two examples highlighted in ECOWAS that illustrate how gender assessments can be an effective tool in ensuring that women are consulted, their input considered, and that they have active role in planning and implementation of infrastructure projects. The following two examples show how gender was considered at various points in the project cycle and some of the challenges that were dealt with in the process.

## A. Bumbuna Hydroelectric Project

### 1. Overview

The 50 MW Bumbuna Hydroelectric Power Station is on the Seli River in the Tonkolili district of Sierra Leone. Following preliminary work in the 1980s, the majority of construction took place in the 1990s, but was then halted in 1997 due to the country's civil war (when the project was 85% complete). After the civil war ended in 2002, the project was restructured and restarted to finish construction (including transmission lines), begin operation, and address social and environmental impacts in the area. The project was financed by the World Bank, the African Development Bank, the Italian Development Cooperation, the Netherlands Development Cooperation, OPEC Fund for International Development (OFID), and the Government of Sierra Leone. The long gap between the project's start and completion provided a unique opportunity to better align the project's objectives with broader development goals and strategies (in a post-conflict environment), and to identify and correct for some aspects of the project that had previously been overlooked.<sup>4</sup>

### 2. Gender considerations

When the Bumbuna Hydroelectric Project (BHP) was restarted in 2005, it was restructured to include the Bumbuna Hydroelectric Environmental and Social Management Plan, which set out objectives of completing the BHP and enhancing environmental and social benefits in the project area. The Project Appraisal set out the main Project Development Objective as increasing the electricity supply services at the “least-cost, and in an environmentally and socially sustainable manner”—and with such an objective, one of the three major project components focused on environmental and social outcomes, and included indicators for measurement (World Bank, 2005). As the Project resumed, a new Environmental Impact Assessment was done, as the landscape and

<sup>4</sup> Bumbuna Hydroelectric Power Station, Tonkolili District, West Africa, Sierra Leone. Power Technology Website <http://www.power-technology.com/projects/bumbuna-station/>

population had changed considerably. A review of the original EIA from 1996 and the consultation documents revealed that few women had been formally involved in the original EIA, and that there seemed to be gaps between the stakeholder consultation results and the content of the EIA (among other oversights), a new EIA was undertaken to learn about the status of the population in the project affected area and to obtain updated and comprehensive stakeholder input (Ibid).

When the project was restarted—and throughout its completion—gender was explicitly considered at key phases to redress the omissions in the first phase, including the Environmental and Social Impact Assessment (EIA), Resettlement Action Plan (RAP), and Environmental and Social Management Plan (ESMP).

When the project was restarted—and throughout its completion—gender was explicitly considered at key phases to redress the omissions in the first phase, including the Environmental and Social Impact Assessment (EIA), Resettlement Action Plan (RAP), and Environmental and Social Management Plan (ESMP). As the basis for understanding the population, a robust household survey was undertaken, which covered 872 households in 54 of the 59 communities in the project affected area (Nippon Koei UK, 2005). Building on the socioeconomic data collected, the project continued to consider, evaluate, and address gender impacts in the following ways:

- **Women’s views were continually sought and incorporated during stakeholder consultations.** During the primary stakeholder consultations, women were included as part of mixed-gender and women-only groups, with the latter conducted to ensure that they were able to express their views freely (and reflecting the contractor’s understanding of the region’s social, cultural, and gender dynamics). The contractor engaged women’s farming associations to organize and facilitate female-only discussion groups, and there is mention throughout the project documents of efforts made to ensure that the interests of women were adequately sought and recorded.
- **Project data and metrics were disaggregated by gender to track women’s participation.** The consultation meeting documents track the number of female attendees separately, allowing the project to ensure close to 50% representation of women (based on documented estimated, approximately 45% of people consulted were female). The meeting records also distinguish whether consultations were conducted with women-only or mixed gender groups, and whether they were private or public—all of which may influence whether women may feel comfortable speaking up and offering genuine opinions, concerns, and questions (World Bank, 2005).
- **Women (and female-headed households) were consistently identified and treated as a vulnerable population.** Women were consistently recognized as a vulnerable population, and a nuanced understanding of their socioeconomic situation enabled efforts to mitigate negative impacts to be designed and implemented. For example, female-headed households were identified as a vulnerable group, as they derived a higher percentage of their overall income from selling crops / vegetables than male-headed households—and therefore might be more severely impacted from the loss of land. They were therefore targeted for food aid distribution, and for inclusion in livelihood support programmes. Gender specific health risks were identified—due to infant mortality rates, it was recommended that health service improvements include an enhanced focus on malaria management for pregnant women (Electrowatt-Ekono Ltd, 2004).
- **Women were formally included in resettlement planning and committees.** During the resettlement phase of the project (affecting 33 villages, to varying degrees), women were recognized as a key stakeholder group and allocated seats in the committees formed for communication and decision-making. Each affected village established a Village Resettlement Committee, and out of a total of 12 representatives (chosen by village members), at least one-third was required to be women, with at least 1 – 2 senior posts reserved for women. Representatives of women’s groups were also included in the Resettlement Advisory Group, which met monthly to ensure exchange of information, and to review resettlement updates, outcomes, and issues requiring escalation (World Bank, 2005). A Resettlement Unit was established to manage all activities, and at least one Gender Officer was included in the staffing plan (Electrowatt-Ekono Ltd, 2004).

- **Women’s lack of formal asset ownership was factored into compensation distribution.**

The project used the World Bank OP4.12 on Involuntary Resettlement (which is applied to mitigate negative economic and social impacts on project-displaced people, with particular consideration of vulnerable groups) to contribute to the empowerment of women. This resulted in providing funding and support directly to women (and not necessarily through their male family members), granting joint asset titles with the names of the husband and wife, and facilitating women to set up savings groups (World Bank, 2008a). (WB Case)

- **Gender-sensitive livelihood strategies were created and put into action.** Building on input gathered through the needs assessment (and women’s only focus groups), gender-sensitive strategies were incorporated into the major community development and livelihood enhancement programmes—the Stabilized Agriculture Programme (SAP) and the Livelihood Assessment and Income Restoration Programme (LAIR). The SAP reached women through farmer field schools to provide farm and off-farm training. As part of the LAIR, women were provided support and capacity building to set up 36 microcredit groups, and they were the beneficiaries of 20 fish ponds (and responsible for day-to-day operations) (World Bank, 2008a, 2014a).

- **Women’s views were incorporated into community development activities.**

Supported by the Bumbuna Trust for Sharing Benefits (which was partially funded with profits from electricity sales), the Upper Seli Development Initiative was created to guide participatory community-driven development and youth capacity building. Women were active participants in the design of community development efforts, including access to roads, water and sanitation, health, and school facilities (World Bank, ND). For example, women had a lower literacy level than men, and it was recommended that schools and health centres offer expanded night time services so that women (and children) working on farms during the day could access them (Electrowatt-Ekono Ltd, 2004).

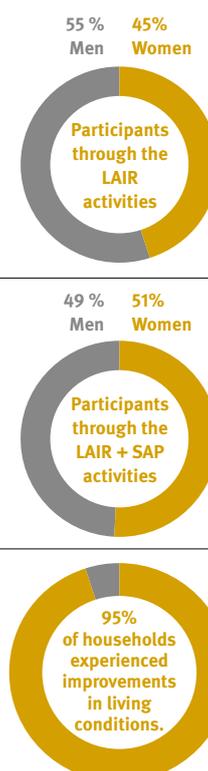
Although women were not directly employed in the plant’s operations, this was at least an indicator that was followed. The O&M contractor stated that the lack of female employees was not the result of discriminatory policies, but rather because of the region’s cultural context and the perception that women did not want to do work that was viewed as traditionally done by men (World Bank, 2015).

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### 3. Gender impacts

Throughout this project, efforts were made to ensure that women were counted (in surveys), given a voice (through consultations), active participants in planning (by sitting on committees), and targeted as beneficiaries for the project’s livelihood and community development interventions. Women accounted for 45% of participants through the LAIR activities, and when combined with their participation in the SAP, they accounted for approximately 51% of project beneficiaries. Overall, the project showed that 95% of households experienced improvements in living conditions, and an increase in household incomes by an average of over 26% (World Bank, 2014a, 2015).

The project also measured its impact on women’s empowerment using data disaggregated by gender, qualitative impact assessments of female micro- and small businesses, women’s participation in project and local decision making, and life skills (using demographic and health indicators). With a 50% increase in women leaders in agribusiness groups and farmer field schools, the project found significant improvement in women’s incomes and leadership (World Bank, 2014a). On the consumption side, project documents note that the power generated would benefit women by reducing the amount of time spent collecting fuelwood and improving night-time security with enhanced lighting (although this was not measured) (World Bank, 2015).



## B. West African Gas Pipeline

### 1. Overview

The West African Gas Pipeline (WAGP) is a 678-kilometer pipeline that extends the Escravos-Lagos pipeline from Nigeria to Ghana, Benin, and Togo. The WAGP transports purified natural gas, and the project intended to improve the competitiveness of the energy sectors in Ghana, Benin, and Togo by increasing access to / use of natural gas as a cheaper and environmentally cleaner fuel, in lieu of solid and liquid alternatives for power generation and other industrial and commercial uses. Approximately 85% of the gas is used for power generation, and the remainder is used for industrial purposes.

The West African Gas Pipeline was developed and is owned and operated by the West African Gas Pipeline Company (WAPCo). WAPCo is a limited liability joint venture between public and private sector partners, headquartered in Accra, with ownership as follows: Chevron West African Gas Pipeline Ltd (36.9%), Nigerian National Petroleum Corporation (24.9%), Shell Overseas Holdings Limited (17.9%), Takoradi Power Company Ltd. (16.3%), Societe Togolaise de Gaz (2%), and Societe BenGaz S.A. (2%).

Leaders of Nigeria, Ghana, Togo, and Benin signed an agreement for the development of the pipeline in 1995, and then signed a treaty in 2003, which paved the way for the formation of WAPCo that same year. The Environmental Impact Assessment reports were submitted to all countries and to the lenders of the project (World Bank, OPIC, and MIGA) in January 2004, and the WAGP Treaty was ratified in October 2004. Construction on the pipeline began in August 2005, with onshore construction beginning in Nigeria and Ghana in March 2006, and the first natural gas supply reaching Ghana in December 2008.

### 2. Gender considerations

During the development of the WAGP, gender was considered at various points, but the complexity of gender dynamics in the region and their impact on women's ability to voice their needs and protect their livelihoods was not fully explored or consistently prioritized—until affected communities drew attention to the issue.

During the development of the WAGP, gender was considered at various points, but the complexity of gender dynamics in the region and their impact on women's ability to voice their needs and protect their livelihoods was not fully explored or consistently prioritized—until affected communities drew attention to the issue. From the outset, the project development objectives (PDOs) were economically-focused, as the project aimed to (1) improve the competitiveness of the energy sectors of Benin, Ghana, and Togo through increased supply of cheaper and environmentally cleaner fuel for power generation and commercial and industrial use, and (2) enhance regional economic and political integration to support economic growth (World Bank & MIGA, 2004). Without a PDO related to or mentioning social responsibility, gender was not given priority in the project design. Gender was mentioned at several points in the Environmental Impact Assessment (EIA), Resettlement Action Plan (RAP), and the Environmental and Social Management Plan (ESMP). However, without a deliberate focus on and analysis of women's socioeconomic situation early on, the needs of women were overlooked in later stages of the project, with detrimental effects. The key areas in which gender was overlooked include the following:

- **An adequate socioeconomic baseline survey was not conducted.** As part of the EIA, the socioeconomic baseline is essential in understanding the situation of the project affected population and how they may be impacted by resettlement and other project-related activities—and provides a foundation to develop effective mitigation strategies. In this case, two separate surveys were conducted, but neither was comprehensive in gathering the information needed on the project affected persons (PAPs). First, the West African Gas Pipeline Company (WAPCo)

hired a subcontractor to conduct a household survey in 2003—while the survey included 510 households, it did not focus on households directly impacted by the project. A subsequent survey conducted by WAPCo employees and Estate Surveyors on the proposed right of way recorded the number and names of 1,557 landowners and 928 tenants, but did not collect information on their socioeconomic status or productive activities—and there was little overlap between the two survey populations (Downing, 2008) (World Bank, 2004b). As the information collected through these surveys was later used to extrapolate the impact and calculate the impact of the project on displaced people, both women and men were affected by the lack of complete data.

- **The vulnerable status of women was not thoroughly assessed.** Although women were recognized as a potentially vulnerable population, the factors contributing to their vulnerability were not fully explored, and therefore could not be adequately addressed.

Although the majority of women in the affected area relied on access to land for their livelihoods—constituting the majority of farmers—they were generally restricted from owning land (Gender Action & Friends of the Earth International, 2011). In the development of the RAP, the complex land tenure system was not taken into consideration—only the household heads (who make decisions on behalf of their extended family) were included in compensation schemes, while the remaining members of their households were left out (Downing, 2008). While this approach affected both men and women, women were infrequently the heads of their households, and were therefore more likely to be excluded.

Without a nuanced understanding of why women owned less land than men, incorrect conclusions were drawn about the relationship between landholdings and vulnerability—even though it was understood that agriculture was the dominant economic activity in the region. For example, in Nigeria, the RAP noted that higher incomes were associated with larger landholdings, and concludes that livelihood impacts are therefore greater for those that have more to lose—failing to recognize that those with fewer assets were in a more precarious position. The Nigeria RAP noted that “Female landowners constitute a smaller portion of the affected people, and they also lose less land than the men. This may be due to women owning smaller amounts of land. Male landowners, on average, lose twice as much land as female landowners. Women do not lose more than proportionate to their holdings and thus will not be vulnerable” (World Bank, 2004b). (The investigation later determined that an adequate assessment of the socioeconomic impacts of the project on vulnerable people had not been done (Downing, 2008).) Without recognition that women were indeed vulnerable, and further analysis of the reasons why, the RAP did not identify a need to undertake a gender-sensitive livelihood analysis.

- **Stakeholder consultations did not adequately incorporate women’s views or needs.** Although the subcontractor conducting the EIA did acknowledge that communal decision-making was generally done by men, this did not translate into a consistent effort to ensure that even in that context, women’s views could be solicited, recorded, and incorporated into the project.

In Togo and Ghana, focus groups were used for discussions among specific demographic groups, but were not used in Benin and Nigeria due to the large number of communities to cover (World Bank, 2004a). While the Project Appraisal

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“There was an expression of intent to involve every sector of the community to understand the issues that matter—that was not in doubt.... Most consultations may not have achieved this because of the social structure and the way communities and family networks are structured. Governance structures are male dominated, making it difficult for females to stand and speak for themselves. The common understanding is that when men speak, they speak for all—this is still an issue that needs to be interrogated.” – *NGO researcher (interview)*

states that efforts were made to ensure women were present at consultation meetings, they accounted for only 20% of attendees (194 out of 963), and there is no mention of whether any of the meetings were women-only discussions (World Bank & MIGA, 2004).

- **No explicit plan to ensure women would benefit economically.** Without a true understanding of how the project would impact women’s livelihoods and well-being, gender-sensitive livelihood support and restoration programmes were not developed. During the Togo consultations, in response to the question “what types of work will be generated for women whether qualified or not?”, the response reads: “WAPG and the Contractor will adopt a non-discriminatory policy with respect to hiring during all phases of the project. In addition, we expect an increase in women’s revenue during the construction as far as their usual local trade is concerned. Further, we expect women to play an important participatory role in the planning and execution of the various projects that will be selected during the implementation of the Community Development Plan” (World Bank, 2004a).

### 3. Gender impacts

“There must be a conscious, deliberate attempt to understand gender dynamics or matters of different groups of people—women, men, minorities, migrants—to understand their positions and interests in designing these projects.” – *NGO researcher (interview)*

In 2006, the Ifesowapo Host Communities Forum on the West African Pipeline Project submitted a Request for Inspection on behalf of 12 communities on the basis that the project as it was scoped at that time would cause “irreparable damage to their land and destroy the livelihoods of their communities” (World Bank, 2006). The request was approved and, following an investigation, resulted in an additional \$11 million allocated for the benefit of project-affected persons. Among a number of gaps in compliance with World Bank Policy, the Inspection Panel Investigation report highlighted the significance of the baseline socioeconomic survey, stating that the

“absence of adequate baseline information makes it impossible to ensure that the impacts and potential impoverishment risks facing local people are properly addressed, as required under the World Bank Resettlement Policy” (Downing, 2008). This oversight during the assessment stage opened the door to inadequate compensation and livelihood support efforts, and enabled the exacerbation of vulnerabilities of women (and others) as the Project was implemented.

International NGO Friends of the Earth and Gender Action (2011) conducted field research in a sample of the affected communities in Nigeria, Ghana, and Togo, and—through discussion and interviews with community members—found that gender had largely been overlooked, as women (and other groups) had not been effectively consulted. As a result, women were impacted in the following ways:

- **Exclusion from compensation schemes.** In Nigeria and Ghana, women were not able to own land and were therefore ineligible for the cash compensation. In Togo, although women constitute the majority of farmers, they also typically had access to land only through spouses, and did not receive compensation.
- **Severe impacts to livelihoods.** In general, women in the region had lower earning potential than men, and relied on farming, trading, raffia palm weaving, and fishing for their incomes. After pipeline construction began and operations were underway, fish and raffia yields declined in some areas, and many women found that they had to walk further to farm, if they still had access to land. With very limited new job opportunities associated from the project (generally limited to cooks and washers), some women turned to prostitution to make ends meet—which increases risk of HIV and other STI transmission, and has implications for family relationships and status / reputation.

- **Impact on household responsibilities.** Women are typically responsible for collecting water, cooking, and gathering firewood, and, due to pollution (from chemical spills) and land restrictions, experienced greater difficulty fulfilling their household duties.
- **Insecurity associated with male migrants.** The construction of the pipeline brought an influx of male migrant workers to the surrounding communities, which resulted in tension and heightened insecurity for women.
- **Services that were intended to help women were not realized.** Field research revealed that some infrastructure improvements and other services were never implemented. In Togo, improved roads would have helped women farmers access markets more easily, but with heavy traffic from trucks, the roads were actually in worse shape.
- **Health consequences.** Women in some communities reported greater fragility, and nurses were concerned that the changing environmental conditions posed risks for pregnant women that the clinics were not equipped to handle (Gender Action & Friends of the Earth International, 2011).

In addition to the negative impacts that occurred, a researcher from one of the NGOs underscored the missed opportunity—and disappointment and tension—of not providing gas (or other types of modern energy) to the affected communities. The researcher noted that the project had not included measures to alleviate energy poverty in the affected communities—which would have benefited women, who are typically responsible for collecting fuelwood. He also suggested that there were (unrealized) opportunities to contribute to the economic empowerment of women through job training, capacity building, trading, and employment opportunities associated with the pipeline.

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Following the investigation, the World Bank Management Report and Recommendation called for an updated socioeconomic baseline to be conducted, greater attention to identify and address the needs of vulnerable people (including women) in the 3rd phase of the Community Development Plan, and increased sensitization efforts (IBRD, 2008). With a more direct mandate to engage women in activities, participation increased: market women in Ghana and women fish sellers in Nigeria received financial assistance, and in Nigeria, women comprised over 60% of participants in the life skills training programmes and 41% of the scholarship recipients in 2012-13 (IBRD, 2004) (World Bank, 2014b). With this renewed focus on vulnerable people and more accurate data on who they were, coupled with the expertise of gender specialists, women became a key beneficiary group for livelihood restoration interventions and trainings—but gaining their participation did require a concerted effort.

An analysis of these two projects reveals how gender can get lost and de-emphasized in a traditional ESIA, as well as the results that a targeted focus on identifying and mitigating gender impacts of an infrastructure project can yield. Both cases demonstrated the importance of conducting a comprehensive socioeconomic baseline and disaggregating data by gender, and implementing measures to ensure that the perspectives of women (and other vulnerable people) were heard.

ECOWAS Experience: An analysis of these two projects reveals how gender can get lost and de-emphasized in a traditional ESIA, as well as the results that a targeted focus on identifying and mitigating gender impacts of an infrastructure project can yield. Both cases demonstrated the importance of conducting a comprehensive socioeconomic baseline and disaggregating data by gender, and implementing measures to ensure that the perspectives of women (and other vulnerable people) were heard—and the WAGP experience shows, unfortunately, what can happen when women's views are not intentionally sought during the assessment phase. A review and comparison of these two cases underscores the need for a deviation from the simple ESIA, and development of a legal instrument requiring a gender specific assessment could help ensure that this is conducted whenever appropriate.



# VI. Additional Dimensions of Gender Inequality within Energy Infrastructure Development

The gender makeup of developer teams, including leadership, rank and file employees and contractors, as well as the composition of regulatory boards, are posited to influence the degree of gender sensitive planning, the seriousness with which gender assessments are carried out, and the ultimate effectiveness of mitigation measures and reporting. Gender inclusive leadership is linked to better corporate social responsibility practices (Catalyst Information Center, 2013).

In the case of the construction industry, there is empirical evidence of small but positive correlations between companies' issuance of non-financial reports (e.g. on social and environmental results), the extent of their social and environmental sustainability practices, and their financial performance (Renard et al, 2013). Anecdotal conversations with female energy sector regulators reveal patterns of women speaking up much more frequently regarding gender issues when projects were presented to them.

Irrespective of whether one believes corporate and regulatory gender diversity leads to better gender and sustainability outcomes for the community, it

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## **BOX 7: Central Bank of Nigeria, Sustainable Banking Principles**

A West African leader in gender inclusivity is the Central Bank of Nigeria (CBN). In its sustainable banking principles, CBN calls for other banks to follow its lead in ensuring a minimum of 40% female representation at the management and board level, publicly reporting on its annual progress, and pursuing a variety of women's empowerment initiatives (CBN, 2012). It also recognizes the business case for gender diversity in relation to its lending portfolios and urges all Nigerian banks to embrace this investment logic. On the continent in general, however, there is low awareness among business leaders regarding the full benefits of gender diversity (Fraser-Moleketi and Mizrahi, 2015). Nigeria is the only country in ECOWAS with a defined regulatory

approach to increasing gender diversity on corporate boards. Across the continent, only Kenya and South Africa have mandated representation. The relevant article from Nigeria's Corporate Governance Code reads:

**“The criteria for the selection of directors should be written and defined to reflect the existing Board's strengths and weaknesses, required skill and experience, its current age range and gender composition.”**

*(Nigerian Securities and Exchange Commission, 2011)*

should be pursued as a “no regrets” strategy for improved sector performance, an outcome in which there is a decided national and private sector interest. There are dozens of studies covering many countries and sectors that show a correlation between gender diversity, particularly in the upper echelons of management where numbers are easier to tally, and companies’ performance. Assessing developers’ and contractors’ degree of gender inclusivity makes sense even within the existing frameworks of assessing the companies’ financial health, completion risk, compliance risk, social and environmental risk, and other project risks. Increasing gender diversity on regulatory boards and commissions is expected to improve risk assessment, decision-making, and problem-solving.

## A. Workforce development

Studies repeatedly show that greater gender diversity—particularly in board and other leadership positions—can benefit business in meaningful financial and non-financial terms—such as through improved profitability and innovation capacity.

While the energy sector remains one of the most gender-imbalanced, the case for increasing gender diversity in the workplace continues to build—along with examples of companies leading the way to recruit and advance females at all levels, and benefiting from their efforts. Studies repeatedly show that greater gender diversity—particularly in board and other leadership positions—can benefit business in meaningful financial and non-financial terms—such as through improved profitability and innovation capacity (EY, 2016 - Diversity & Disruption).

- **Board Representation.** Across sectors, an analysis of nearly 22,000 companies in 91 countries conducted by the Peterson Institute for International Economics found that, among profitable firms, increasing female representation on boards from 0 to 30% was associated with a 15% increase in net revenue margin (Noland et al, 2016).<sup>5</sup> Several other studies (e.g. McKinsey, 2007; Jocks et al 2012) also find a 30% threshold of female representation to be the inflection point at which meaningful performance improvements occur.
- **Leadership Positions.** Through its Women in Power & Utilities initiative, Ernst & Young has developed a methodology to measure gender diversity at the leadership level (including board, executive, and senior management positions) in order to track trends and business impact; a 2015 analysis of 200 utilities found that the top 20 most gender diverse outperformed the 20 least gender diverse P&U companies (with a combined average of 8.5% ROE in the former group, compared to a combined average of 7% ROE among the latter). In Africa, a McKinsey survey of 55 companies showed that those in the top quartile for female representation on executive committees outperformed the industry EBIT margins by 14% on average (Moodley et al, 2015).
- **Non-traditional Roles.** In Chile, mining companies that have made a concerted effort to recruit and train women into positions that are typically male dominated (e.g. truck driving and heavy machinery operation) reported positive effects on productivity, workplace attitudes, and PR / reputation. (IFC, 2013 and World Bank, 2011)

### 1. Barriers

In spite of the building business case for recruiting and advancing women, progress has been slow in the energy sector. While the EY Women in Power & Utilities Index has seen a positive trend in

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<sup>5</sup> Importantly, as a caveat, gender tokenism, or the inclusion of one or small number of minorities to “check the box,” has been shown to decrease performance relative to the homogenous group baseline before performance recovers and improves as companies evolve to 50%-50% representation (Schwab et al, 2016).

gender diversity, they found only a 1% increase over three years (EY, 2016 – Talent at the Table). And, while a 2016 McKinsey & Co. study found that African companies tended to have *more* women in leadership positions than the global average, the global energy & materials and heavy industry sectors lagged behind other sectors (Moodley et al, 2016).

To understand why progress is slow, efforts have been made to identify where gender disparity exists (and where it is greatest), and what barriers may be preventing more women from being recruited into and promoted within energy / utility companies. While many note that gender disparities in education result in a smaller pool of competitive female applicants, there are still other barriers to getting women into positions they are qualified for:

- **Targeted recruitment for employment and training.** Non-discrimination and affirmative action policies are essential to have in place, but may be insufficient to effectively attract women into sectors and roles in which they have been underrepresented, which means that explicit policies / programmes are needed. The USAID Engendering Utilities initiative (which aims to improve gender diversity in power sector utilities) found that even though the seven companies participating in the programme expressed a desire / commitment to increase gender diversity, only one had taken steps to implement policies to actively recruit women. Additionally, although recruiting more women into training programmes could be one tactic to help women gain the skills they need to enter the sector, when analyzing training and internship programmes over a two-year period, they found gender imbalances in almost all utilities, with only 18.9% of 2,800 internships being offered to women (Cain et al, 2016).
- **Policy implementation and sensitization.** Even where gender-sensitive policies exist, more may need to be done to ensure they are truly understood and implemented. While all seven companies participating in Engendering Utilities had maternity leave policies in place, they were still mentioned as a concern regarding hiring women, which indicates that this may subtly factor into hiring preferences (p.24). At the Kenya Power & Lighting Company (KPLC), the company found that an increase in women participating in their training school did not translate into an increased number of women working in the company. To address this, they contracted a consultant to sensitize the company's 1,200 employees on all policies related to gender mainstreaming and equal opportunity (Cain et al, 2016).
- **Mobility and gender norms.** The characteristics and demands of certain positions may make it more difficult for qualified women to apply for or accept them. For example, IBADAN Electric of Nigeria found that geography affected their ability to recruit women into certain positions—recruiting women to work in company business hubs in rural, remote areas was challenging, as single women might not be willing to move to those sites on their own, and married women may not be able to uproot their families. (Cain et al, 2016).
- **Gender-sensitive policies to promote retention / advancement.** An assessment of Kenya Power & Lighting Company (KPLC) found that women had limited involvement in policy decisions (so were not readily able to advocate for policies that would better support them) and often did not take new positions within the company due to family obligations (Cain et al, 2016).

With efforts still largely focused on drawing attention to gender disparity in the sector and reasons and ways to overcome it, yet another barrier may be the lack of knowledge—and data—about what works. In 2015, an EY survey across 600 utility companies in 62 countries found that only 38.5% had formal metrics in place to track progress on gender diversity and only 3% of P&U companies measure the impact of gender diversity on their financial and non-financial performance—which reflects a gap between commitment and the management systems and accountability mechanisms necessary to achieve true progress. (EY, 2016 – Diversity and Disruption)

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## 2. Leading examples

In addition to ensuring that policies that promote gender diversity are in place and communicated, the following examples highlight how companies in the sector have been able to increase the recruitment, retention, and advancement of women, and the results they have realized.

- **Kenya Lighting and Power Company (KLPC).** At KLPC, women account for approximately 20% of the 10,000 employees, and are represented in almost all parts of the company. KLPC began gender mainstreaming activities in 2008, and is an example of a company using a gender assessment and investing in an internal mechanism to continually assess and respond to gender disparities.

KLPC formed a Gender Committee (comprised of four women and four men) to lead gender mainstreaming activities, and conducted a baseline assessment to identify policies and actions to achieve greater gender balance. The Gender Committee's findings resulted in new policies (Gender Mainstreaming Policy, Sexual Harassment and Discrimination Policy, and Equal Opportunity Policies), a Gender Mainstreaming Strategy Plan 2010 – 2015, and a Monitoring and Evaluation Framework. The Gender Committee also found that company communications typically featured male faces, data needed to be disaggregated by gender (in order to track progress), and that greater sensitization of gender-sensitive policies was needed.

KLPC's Gender Committee offers one model for instituting internal oversight of gender issues—and ensuring that there is a mechanism for uncovering and systematically addressing gender imbalances. (Cain et al, 2016).

- **The Chevron Way: Engineering Opportunities for Women.** Launched in 2011, Chevron's initiative to attract and advance women within the company includes a range of programmes, processes, and tools. The programmes are implemented globally and feature targeted recruitment and leadership development training, and other methods to support women through employee networks and mentoring.

A key feature of Chevron's programme is its emphasis on accountability to diversity goals, which include:

- Diversity action plans, which are mandatory and tied to compensation, and
- Personnel development committees, which sit within major business units and sub-teams to monitor and address barriers to progress towards diversity goals.

Since launching this initiative, Chevron has seen women's representation in leadership roles increase, with the proportion of women hires in the U.S. increasing from 24.5% in 2011 to 28.6% in 2013. In the U.S., the percentage of women among executives and senior managers increased slightly from 16.3% in 2011 to 17% in 2015; globally, the percentage of women at mid-level and above rose from 12.4% in 2011 to 14.1% in 2015. Tracking and disclosing gender-disaggregated data publicly can also help to reinforce broader accountability (Catalyst, 2015).

- **Public Service Electric & Gas' (PSEG) GROW Programme.** PSEG is New Jersey's largest provider of electric and gas service, and launched its Growing and Reaching Opportunities for Women (GROW) programme in 2013. The nine-month programme targets high-potential female employees within the company, and focuses on mentoring, self-assessment, accelerating business knowledge, and developing leadership acumen. The programme is rooted in mentoring teams (comprised of women and men), and participants to date make a strong case for the benefits of building a strong, supportive network and gaining insight into different aspects of the business to enhance their confidence and leadership capabilities.

Although the programme started with a goal of achieving 40% movement (defined as a promotion, new / lateral rotation, or expanded job responsibility) for participants within 18 – 24 months

of programme completion, the first class (2013/14) has already seen 50 – 60% movement. The benefits go both ways, as mentors are also experiencing similar movement (Winkler, 2016).

- **Anglo American Copper – El Soldado Mine.** With high demand for engineering and heavy labour skills, the mining sector faces similar challenges with gender diversity—and can offer applicable approaches. Anglo American is a global mining company and one of the largest in the copper mining sector in Chile. Across its operations in 2012, the company employed over 4,000 people, of whom only 12% were women. The company has had a formal gender diversity programme since 2009, but efforts to bring more women into the workforce at the El Soldado mine began in 2007.

With the aim of increasing gender diversity at a mine where turnover was low, Anglo American recognized that actively recruiting women into new jobs was their biggest opportunity—and at that time, the company was particularly in need of heavy truck drivers. The requirements were entry-level, and all successful applicants received paid training and jobs; three women were trained and hired through the first round (representing 27% of new hires). Although this number was small, these women were able to share their positive experience with others in the community, and when the company recruited for both men *and* women in 2009, they received an even higher volume of female applicants. In 2012, women accounted for 10% of El Soldado’s truck drivers (compared to an industry average of 2% for mobile plant operators). The company had also increased the percentage of women in the general workforce from 2% in 2006 to 6% in 2012, and the percentage of women supervisors from 4% to 15%.

The increase in women employed at El Soldado had a positive impact on the company’s reputation with the local community and the working environment. Managers at El Soldado reported that greater gender diversity contributed to enhanced innovation capacity, broader skill sets, improved team dynamics and communication, and an overall more professional environment. As the mining sector has been male-dominated for so long, El Soldado did learn that bringing more women into mine operations meant that certain adjustments had to be made to ensure that both men and women could work, such as offering different sizes of personal protective equipment, changing the height at which materials were stored, and making restrooms and other facilities available for women. In practice, managers noted that these were minimal investments. More importantly, they noted that, while some had thought women might need more training, in practice, there was no cost difference between training women and men. (IFC, 2013).

### 3. Increasing gender diversity in recruitment and training

Energy companies needing to achieve greater gender balance in their workforces are not facing insurmountable obstacles. Many of the strategies for increasing gender diversity are well known, accepted and, if correctly applied, demonstrated to work. Furthermore, many diversity strategies are relatively low cost to implement with significant potential upside in terms of improved business performance. Below are the most basic components a typical corporate gender diversity programme. Tactics such as these have already been implemented, with success, at several electric utilities.

1. Policies (minimum)
  - a. Does the company have policies to support equal opportunity in hiring and advancement?
  - b. Does the company have policies prohibiting sexual harassment and discrimination?
2. Communication / Training
  - a. Are the above policies documented and communicated to the relevant personnel? (minimum)
  - b. Are all employees that play a role in personnel decisions aware of how to put policies (related to gender diversity) into practice? Have they received adequate training / sensitization?
3. Programmes (might recommend that effort in at least one area is minimum?)
  - a. Recruitment
    - i. Does the company have any efforts in place to increase the number / percentage of women that apply for and are hired into new positions?

- b. Training / Advancement
  - i. Does the company have any efforts in place to recruit more women into internship/ apprentice programmes?
  - ii. Do women have equal access to training opportunities as their male counterparts?
  - iii. Do women have equal access to mentoring opportunities?
- c. Building a Pipeline
  - i. Does the company invest in increasing access to STEM education for girls (to address gender inequities in education at an earlier stage)?
4. Governance & Accountability
  - a. Does the company have board-level oversight over gender diversity goals and efforts?
  - b. Does the company have a committee or person responsible for overseeing performance with respect to gender diversity goals / programmes? (minimum)
  - c. Does the company have a gender diversity action plan (especially if there is found to be a significant disparity)?
5. Measurement & Outcomes
  - a. Does the company disaggregate employment data by gender? (minimum)
  - b. Does the company set gender diversity goals?
  - c. Does the company have metrics and a process in place to evaluate gender diversity and business performance? (best practice)

## 4. A detailed look at South Africa

It is worth exploring in more detail the case of South Africa in terms of the great strides that the country has made in the last 20 years on workforce and public procurement issues, resulting in South Africa becoming a leader in pulling women into energy fields via education, civil service, and also the private sector. In emerging from the apartheid era, South Africa had a stronger than average impulse toward inclusivity, of which gender was one dimension. The 1996 Constitution's Bill of Rights, Chapter 9, calls for the "transformation of the State into a genuinely non-sexist and non-racist society." The impetus for change has been driven in large part by the extensive national gender machinery that exists, with energy sector institutions and companies evolving into compliance. This is in contrast to the situation in ECOWAS where the push for gender equality in the energy sector has largely come from within that sector.

**TABLE 6: Selected South Africa National Gender Machinery**

Public Institutions	Notes
Department of Women	<ul style="list-style-type: none"> <li>· Located in the Presidency</li> <li>· Principal coordinating body at the national level</li> <li>· Responsible for developing and overseeing national gender policies</li> </ul>
Commission on Gender Equality	<ul style="list-style-type: none"> <li>· Independent watchdog to address gender grievances and hold public and private actors accountable</li> </ul>
Ministerial Gender Focal Units	<ul style="list-style-type: none"> <li>· Ensure each department carries out the National Gender Policy Framework</li> <li>· Support mainstreaming efforts</li> </ul>
Department of Public Service Administration	<ul style="list-style-type: none"> <li>· Ensures that affirmative action programmes are carried out in the public sector</li> </ul>
Public Service Commission	<ul style="list-style-type: none"> <li>· Regulates and monitors gender equality in public service</li> </ul>
Financial and Fiscal Commissions	<ul style="list-style-type: none"> <li>· Mandate includes ensuring government allocation of funds is in line with stated gender, pro-poor and rural objectives</li> </ul>
Public Protector	<ul style="list-style-type: none"> <li>· Handles women's complaints of discrimination against government</li> </ul>

Source: Public Service Commission, 2007

Several policies and regulations helped usher in the sometimes dramatic workforce and procurement changes experienced in South Africa. However, while South Africa was an early adopter of Environmental Impact Assessments, it lacked a detailed, gender-specific assessment protocol for the energy sector. There are no national standalone gender assessments required of energy infrastructure projects; it is usually rolled into the broader social and environmental assessment where gender issues tend to be addressed only in a very cursory fashion.

**Workforce issues:** South Africa’s push to make public and private employment more gender inclusive has yielded concrete results on surprisingly short timescales. For example, in 2005 South Africa achieved 30% female board composition in state-owned enterprises and, in 2015, 17% of publicly listed company board directors were female, which is identical to the global average for the largest international firms (Fraser-Moleketi and Mizrahi, 2015). By 2005, just a decade after the White Paper on the Transformation of the Public Service, women made up 53% of South Africa’s public sector workforce (SA Department of Public Service and Administration, 2006). While many countries possess high-level commitments to reducing women’s barriers to employment, South Africa is one of the few with a state mandated comprehensive affirmative action programme that is also enforced.

**TABLE 7: Selected South Africa Gender and Employment Legal Framework**

Policy, Legislative or Regulatory Instrument	Key Relevant Provisions
Employment Equity Act (1998)	<ul style="list-style-type: none"> <li>Restates prohibition of unfair discrimination, including on the basis of gender and “family responsibility”</li> <li>Instates specific affirmative action for black people, women and people with disabilities, applicable to large employers (those with 50+ employees)</li> <li>Mandates consultations, assessments, equity action plans, and reporting of income differentials for large employers</li> </ul>
Broad-Based Black Economic Empowerment (BBBEE) Act (2003, revised 2013)	<ul style="list-style-type: none"> <li>Financial incentives created for increasing black female employment</li> <li>Minimum target of 30% black female into senior management positions</li> </ul>
Cabinet-endorsed employment equity targets (2003, 2005)	<ul style="list-style-type: none"> <li>2003 - minimum target of 30% women in public service</li> <li>2005 - minimum target of 50% women in public service</li> </ul>
Women Empowerment and Gender Equality Bill (2013)	<ul style="list-style-type: none"> <li>Replaced all former gender targets with 50% minimum, including for Board representation in all public organs and private companies</li> </ul>

This progress is also evident in energy sector state-owned enterprises. For the last three years, Eskom, the electric utility, has been in the top ten of Ernst and Young’s Women in Power and Utilities Index (3rd in 2014, 1st in 2015, 6th in 2016) (EY, 2014, 2015, 2016). At the start of 2015, seven of Eskom’s 12 boards members were female (EY, 2015) as was 30% of senior management (Eskom, 2015). More importantly, Eskom maintains an employment equity plan as stipulated by the Employment Equity Act of 1998 and subsequent amendments. In 2016, the company reported that 36% of middle managers and 30% of senior managers were female; its 2020 target is 46% for both levels.<sup>6</sup> As part of its employment equity plan, in 2013, Eskom launched the Eskom Women Advancement Programme (EWAP) to facilitate the placement of women in senior positions. It includes governance, profiling of women, a mentorship model, round table discussions, women’s

6 <http://www.eskom.co.za/news/Pages/May2.aspx> accessed 10/21/2016

book launch, a gender equalization plan, the Technogirl Programme (STEM education and job-shadowing opportunities), and a partnership with the Japan International Cooperation Agency (JICA) (graduate-level education and internships at Japanese enterprises) (EWAP, 2016).

In a similar fashion, PetroSA, the state-owned petroleum company, has also significantly progressed towards gender balance. According to the 2014 Integrated Annual Report, 31% of Board and Executive Committee representation was black female. In 2015, 31% of all employees were female (2014 target was 30%) (PetroSA, 2015). 66% and 48% of recruitment was female in 2014 and 2015, respectively (well exceeding the 2015 target of 33%), helping set up the labour pool for medium- to long-term gender balance in upper management; 34% of promotions were female (target 40%) (Ibid.) PetroSA adjusts its employment targets every year in line with its employment equity plan and monitoring. In addition, it has instituted a number of other measures to support and promote female participation and succession planning, such as the company's Women Council, various women's leadership programmes, girls' high school scholarships with job shadowing employment opportunities, and a dedicated vocational training centre with 50-50 male-female enrollment. The IFC, in a report on mining in South Africa, notes the dearth of women engineers in academia and concludes that companies, government and development partners must invest sufficiently in education and outreach to young women in their formative years in order to build a larger pool of women engineers (IFC, 2009).

### **BOX 8: Lonmin's Women in Mining Programme**

Based in South Africa, Lonmin is the world's third largest platinum producer. Its Women in Mining (WIM) programme could be adapted to meet the needs of energy infrastructure projects in the ECOWAS region. Motivations for establishing this programme included legislative requirements, the strength of the business case, and corporate social responsibility goals. The framework of this programme includes the implementation phases: prepare, recruit, and retain. At Lonmin, this effort cuts across a number of departments including programme leadership, operations, engineering, medical, human resources, training, and communications. **Preparing** in-

volves laying the foundation for success through policies, management commitment, preparing the company for culture change, and identifying and analyzing barriers. The **recruiting** phase includes setting targets, screening and selection of candidates, and induction training. Initial steps should target easy wins, like in high volume jobs that don't require great physical strength, extensive experience or high training levels. The goal of **retaining** is to increase women's employee retention levels by providing a conducive physical environment, ensuring a feedback and dialogue mechanisms, and offering options for pregnant and breastfeeding women (IFC, 2009).

**Public Procurement:** South Africa is also one of the rare countries having established preferential procurement systems. In 2000/1, the Framework Act and Regulation were adopted allowing tendering organs of state to consider factors other than price in their selection. For smaller contracts, these other factors, such as the contractor being female, can amount to up to 20% of the bid scoring. The number falls to 10% for larger contracts. In 2011, the procurement regulation was amended to reflect the BBBEE Act of 2003, tying award points to the various BBBEE status levels, and adding verification of status levels and remedies for fraudulent representation.

South Africa has created a uniform measurement and reporting structure that has assisted state organs and the larger private companies to track their progress in this regard. It includes formulas for total measured procurement spend (TMPS), company ownership measurement, measurement of company management/control, clear criteria for qualified small enterprises. With these tools, companies can assess their procurement practices, benchmark, and work toward incremental target improvements. With the procurement focus on BBBEE, the all-race gender focus from the 2001 regulation has been mostly supplanted by targets and reporting primarily for black females.

**TABLE 8: Selected South Africa Gender and Procurement Legal Framework**

Policy, Legislative or Regulatory Instrument	Key Relevant Provisions
Preferential Procurement Policy Framework Act (2000)	<ul style="list-style-type: none"> <li>· All public institutions may include specific goals during tendering, including contracting with those “historically disadvantaged by unfair discrimination on the basis of race, gender or disability”</li> </ul>
Preferential Procurement Regulation (2001, revised 2011)	<ul style="list-style-type: none"> <li>· Establishes a preferential point system for weighting proposals from historically disadvantaged individuals including women, later aligned to BBBEE guidelines</li> <li>· Specific, quantifiable goals may also include use of locally manufactured products, promotion of SMEs, work performed by rural enterprises, and the uplifting of communities</li> </ul>
Promotion of Equality and Prevention of Unfair Discrimination Act (2000)	<ul style="list-style-type: none"> <li>· Prohibits gender discrimination in the denial of opportunities, including contractual opportunities for rendering services</li> </ul>

Both PetroSA and Eskom implement the procurement formulas where applicable. In 2015, 6.6% of Eskom’s procurement spend went to black female suppliers (Eskom, 2015), which is significant but still below national targets. To meet inclusivity targets, these two companies also appear to exercise discretion in using set asides, allowing price-matching, and encouraging subcontracting and unbundling. PetroSA’s black preferential procurement activity actually exceeded its measured discretionary spend (some spending is exempt from the calculation) (PetroSA, 2015), but figures for female preferential procurement are not readily available. However, PetroSA has engaged in additional initiatives to support the inclusion of women in its supply chains, for example skills upgrading for women-owned construction companies, exhibitions and seminars targeting women to notify and prepare them for upcoming contract opportunities, and other enterprise and supplier development efforts (ibid.).

**Gender Budgeting:** In 1995, South Africa launched a pilot Women’s Budget Initiative to track spending and encourage more gender responsive budgeting. However, a 2012/13 review found that the Department of Energy’s main gender equity-related goal was related to achieving universal access. In addition, little systematic gender budgeting seemed to have taken place, perhaps because the Department’s gender policy was still in draft form and the gender unit called for by the National Gender Policy Framework (2000) was not yet operational or budgeted for (Motsepe Foundation, N.D).

## B. Procurement Guidelines

Public and private procurement are common practices in the energy infrastructure sector and can incorporate gender diversity measures as a lever to realize productivity and efficiency gains and enhance corporate social responsibility. Moreover, public procurement provides a “fiscally responsible route to empower women, combat poverty, and promote inclusive economic growth” (ITC, 2014). Kirton asserts that public procurement spending accounts for 10-15% of GDP in developed countries and more than 30% of GDP in developing economies (Kirton, 2013). In the face of this significant economic opportunity – women have largely been excluded due to limited access

to information, lack of understanding of procurement procedures, and unrealistic certification and registration requirements. Moving beyond simply providing women with access to public procurement markets, targeted assistance is needed to overcome “a history of marginalization and discrimination” (ITC, 2014).

Since government bodies in ECOWAS are key stakeholders and significant investors in energy infrastructure development, public procurement reform represents a key tool to address gender inequalities as well as overall inefficiencies in this sector. Public procurement reforms provide a significant opportunity for women-owned businesses to participate in the energy infrastructure sector across the region, bringing their talents and distinct perspective on community gender issues.

Table 9 below was compiled in an effort to quantify the market potential for women-owned businesses across the ECOWAS region resulting from aggressive public procurement reform:

**TABLE 9: Public Procurement Set Aside Potential for Women-Owned Businesses (WOB)**

Country	GDP (\$ USD billion)	Percentage of Regional GDP	GDP/capita (\$USD)	Public Procurement Fraction of GDP	Public Procurement (\$USD billion)	WOB Set Aside Fraction of Public Procurement	WOB (\$USD Billion)
Benin	8.5	1.4%	827	20.0%	1.70	5%	0.08
Burkina Faso	11.1	1.8%	631	24.7%	2.74	5%	0.14
Cape Verde	1.6	0.3%	2,738	32.9%	0.54	5%	0.03
Cote D'Ivoire	31.8	5.1%	1,492	23.0%	7.30	5%	0.37
The Gambia	0.9	0.1%	529	28.8%	0.24	5%	0.01
Ghana	37.9	6.1%	1,696	29.1%	11.02	5%	0.55
Guinea	6.7	1.1%	417	25.0%	1.68	5%	0.08
Guinea-Bissau	1.1	0.2%	535	16.7%	0.18	5%	0.01
Liberia	2.1	0.3%	368	31.0%	0.64	5%	0.03
Mali	13.1	2.1%	903	18.9%	2.48	5%	0.12
Niger	7.1	1.1%	384	25.0%	1.79	5%	0.09
Nigeria	481.1	77.0%	2,548	14.3%	68.79	5%	3.44
Senegal	13.8	2.2%	1,044	28.8%	3.97	5%	0.20
Sierra Leone	4.5	0.7%	498	19.0%	0.85	5%	0.04
Togo	4.0	0.6%	555	25.2%	1.01	5%	0.05
<b>TOTAL</b>	<b>625.04</b>	<b>100.0%</b>		<b>24.2%</b>	<b>104.91</b>		<b>5.25</b>

## 1. Quotas and preferences

In a region such as ECOWAS, where public procurement expenditures range from 25-30% of GDP – establishing a 5% set-aside requirement for women-owned businesses would create an overall procurement opportunity of more than \$5 billion USD annually. Public procurement set asides (reservations) for women-owned businesses have been used successfully in the United

States. These were put in place via a mandatory goal of 5% of annual federal contracting dollars which was established by the WOSB Federal Contracting Program in 2011. This goal was originally recommended in 1994 and reiterated by the Equity for Contracting for Women Act in 2000 (NWBC, 2015). The U.S. Small Business Administration recently announced that the 5% goal had been achieved for the first time in fiscal year (FY) 2015 – representing \$17 USD billion in contract value. Looking back to the early stages of this effort – this achievement represents a doubling from a level of 2.5% in 2001.

The challenges have included more than a decade of delay from passage of the backbone legislation in 2000 to the 2011 implementation (NWBC, 2015). In addition, reduced federal contracting personnel, a limited outreach programme, and restricted access to contract financing have hampered its success (GAO, 2001). Using the U.S. approach as a benchmark, an estimated \$5.25 U.S. billion of public procurement funds would be set aside annually if this was mandated across the ECOWAS region. Nigeria (77%), Ghana (6.1%), and Cote D'Ivoire (5.1%) represent the lion's share of this market opportunity – totaling \$4.36 U.S. billion (88.2%) in contract opportunities. Further investigation is needed to assess the fraction of public procurement funds which could be expected in energy infrastructure across the region. Utility and energy sector work in the U.S. is primarily done by the private sector – with federal procurement dollars less than 1% of all contract opportunities – so it is not possible to estimate an allocation to the energy sector in West Africa using the U.S. data as a basis (Reardon, 2007).

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## 2. Gender focused reforms

A review of current public procurement policies and their practical implementation suggests that a number of gender focused reforms are needed in order to leverage the potential contracting opportunities available to women owned business. These recommendations are cataloged in the International Trade Centre's (ITC) *Empowering Women through Public Procurement Guide* which included interviews with women entrepreneurs. In the context of the male-dominated energy infrastructure sector, adopting these recommendations can be used as a means to aggressively address this public procurement challenge for ECOWAS Member States. Specific gender focused reforms include information access, tender requirements, certification and registration, and collection of gender-disaggregated data (ITC, 2014).

A common complaint from women entrepreneurs is that they are not aware of and/or don't know how to **access public procurement opportunities**. Web based, electronic portals are one way to address this challenge. As an example, in South Africa all national government solicitations are published weekly in a Government Tender Bulletin. Since web based solutions are likely not appropriate in rural communities due to limited internet access, women's business associations may provide an alternative channel to connect with women in rural areas (ITC, 2014).

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**Tender requirements** can also be restrictive to women because of “complex, burdensome, and costly requirements” for preparing bids (ITC, 2014). While it is important to ensure that WOB's are qualified to provide products/service – a balance is needed to ensure that prequalification requirements are appropriate to the size and complexity of the work. This could help to streamline and simplify the public procurement process. Rigorous financial requirements have also been identified as a stumbling block in the tender process. Providing audited financials is a challenge due a lack of financial literacy among small WOB's – as is the cost of an annual audit. Many women reported being reluctant to formalize their businesses and register for government contracting opportunities out of a fear that they would be subject to taxes and other costs (ITC, 2014). As is the case across much of sub-Saharan Africa – many women-owned businesses tend to operate “under the radar” in the informal economy.

### BOX 9: Kenya procurement reforms

From a legal perspective, Kenya provides a best practices example of a number of the gender based reforms and targeted assistance strategies addressed in the narrative above. These include the use of standard bidding documents, establishment of minimum bidding periods, reuse of prequalification results, provision for preference, and definition of women among disadvantaged businesses. These reforms and strategies were put in place via the Public Procurement & Disposal Act 2005 (Kenya, 2005), Public Procurement and Disposal (Preferences and Reservations) Regulations, 2011 s.2 (Kenya, 2011). Minimum bidding periods ensure that business have sufficient time to respond to tender requirements with their proposal. Reuse of prequalification results streamlines the procurement process by allowing one agency to use the results from another agency versus requiring the WOB to repeat the application process for each agency.

In 2013, the Access to Government Procurement Opportunities (AGPO) initiative established a target of 30% of government tenders being awarded to youth, women, and people with disabilities – amounting to Sh 200 billion (\$ 1.97 billion USD) in contract awards (AGPO,

2016). A January 2015 online newspaper article; however, indicates that only 60,000 firms have been registered under AGPO and only 3,000 entities (5% of those registered) have received contract awards. In response to this low uptake, the Devolution and Planning Ministry has initiated a comprehensive marketing and communications campaign to increase awareness of this preferential treatment programme (Standard Reporter, 2015).

As part of the AGPO initiative, the Women Enterprise Fund has been established to provide affordable credit to women to start or expand businesses. In addition to providing a number of loan products, the Women Enterprise Fund provides capacity building and training on the 30% procurement process, training to equip women to start local cooperatives, and SMS banking services (Women Enterprise Fund, 2016).

While the AGPO initiative is not specific to the energy infrastructure sector or the ECOWAS region – the framework of this aggressive programme and the lessons learned from its slow uptake could be applied to addressing gender disparities.

The lack of gender disaggregated data available to government procurement organizations obscures the number of women-owned businesses and the sectors in which they are competing. As an example, the Ghana public procurement authority has reported that the “absence of data on qualified women-owned businesses is a major political hurdle to moving forward with preferential procurement policies”

The **lack of gender disaggregated data** available to government procurement organizations obscures the number of women-owned businesses and the sectors in which they are competing. As an example, the Ghana public procurement authority has reported that the “absence of data on qualified women-owned businesses is a major political hurdle to moving forward with preferential procurement policies” (ITC, 2014). In order to assess the impact of public procurement reform on WOB’s in the energy infrastructure sector, this requirement must be integrated into all phases of the public procurement process – include monitoring and evaluation requirements at the project level.

The **certification process** is used to ensure that businesses meet the certification criteria established by government procurement entities.

**Registration processes** are put in place to provide a point of entry for companies wishing to do business with government entities. Certification and registration can become frustrating and bureaucratic processes which provide minimal value – unless governments understand and address the barriers that WOB’s face in fully leveraging public procurement markets. As an example, certification and registration processes are typically repeated for each procurement agency – versus leverage the results from one agency to another – saving WOB’s and procurement officials significant time and effort. As an example, certification requirements for the energy infrastructure sector should focus on the skills/experience needed to successfully contribute to power generation, transmission, and distribution projects.

African women entrepreneurs consulted for the ITC’s *Empowering Women through Public Procurement Guide* “confirmed that prequalification procedures pose a significant barrier to participation in public procurement” (ITC, 2014). These barriers include lack of access to tender

announcements, difficult tender procedures, unrealistic qualification requirements, large contracts, a lack of time to prepare proposals, price competition from large businesses, limited feedback, and failure to pay WOB's (ITC, 2014).

### 3. Procurement strategies

While the gender based reforms outline above provide a foundation for gender sensitive progress in public procurement reform – targeted assistance strategies are needed to ensure that results are achieved in practice. These strategies are designed to assist WOB's in capitalizing on tender opportunities, overcoming historical barriers, and creating long-term revenue to grow their businesses. Specific strategies include mandatory goals, subcontracting plans, preferences, reservations, and capacity building (ITC, 2014).

**Mandatory goals** can be used to establish a statutory requirement for contracting requirements to WOB's as a percentage of a country's annual procurement budget. As an example, the U.S. Small Business Act requires that “not less than 5% of the total value of all federal contracts” (ITC, 2014) must be awarded to women-owned small businesses. For the ECOWAS region – as noted in the introduction section above, establishing this requirement would create \$5.25 billion USD in public procurement opportunities for WOB's. **Subcontracting opportunities** often provide the most realistic entry point for small businesses into the public procurement market (ITC, 2014). In the context of the energy infrastructure sector, this might take the form of low-skill, high volume tasks such as right-of-way maintenance/vegetation control or GIS mapping of existing infrastructure as an entry point.

**Preferences** are reported to be the most widely used type of targeted assistance. Price preference involves increasing the bid price of “non-preferred” firms by a predetermined level of percentage points in an effort to level the playing field. For example, a large business competing for a specific project might have a 10% increase applied to their price as part of the selection process. Selection criteria preference involves awarding additional evaluation criteria points to a bidder based on their status, such as South Africa's B-BBEE status level system (ITC, 2014). The Broad-Based Black Economic Empowerment initiative was developed to address the limitations black people face in participating in the South African economy. As a supplier, you can achieve 8 levels of BEE certification based on your efforts in integrating black people into the economy. This system has expanded the selection criteria for buyers to include price, quality, service, as well as your BEE score (BEE, 2016). **Reservations**, also known as “set-asides”, represent the most controversial type of targeted assistance. Set-asides limit the competition for a specific procurement opportunity to a preferred category of firms – such as women-owned businesses. As an example, the government of Kenya recently announced a reservation of 30% of all government contracts for women, youth, and persons with disabilities (ITC, 2014).

While the strategies described so far are designed to increase contract awards to WOB's, **capacity building** is focused on increasing the capability of women-owned businesses to compete more successfully and to deliver the products and services that their governments need. Policy makers are responsible for establishing targets and regulatory frameworks. Procuring entities must be trained to implement programs efficiently and effectively. Women entrepreneurs need to understand how to take advantage of available programs.

Finally, trade support and women's business associations can be used to bridge any training gaps (ITC, 2014). Women's business associations can also serve as “force multipliers”, a survey of WOBs in Indonesia noted a “positive correlation between business association membership and ability to successfully win government contracts” (ITC, 2014). In the context of the ECOWAS region and the energy infrastructure sector – focused capacity building could include expansion of the curriculum at the National Power Training Institute of Nigeria (NAPTIN) and the DSTC Solar Training Centre in Ghana to include courses focused on women's training needs – which are not available in the current curriculum (NAPTIN, 2016) (DSTC, 2016).

Fronting is the process of setting up a business with a woman in ownership in name only – but not in practice. In the delivery of the targeted assistance programs outlined, it is important to avoid allowing the practice of “fronting” among bidders. In addition to women having a significant ownership interest in a WOB, it is important that these women actually manage and control their companies on a daily basis (ITC, 2014).

#### 4. Case Study: Iraq Public Procurement in a Post-Conflict Setting (2003-2006)

Reconstruction and stabilization efforts in post-conflict Iraq offer an example of effective use of public procurement funding and mechanisms to increase women’s economic opportunity. While the Iraqi government has largely been ineffective, U.S. government intervention has resulted in 220-250 women-owned businesses (WOBs) being awarded \$200-250 million in government contracts – largely galvanized by the Iraqi women’s movement which emerged in response to the rollback of the 1959 Personal Status Law (Niethammer, 2013), (SIGIR, 2007), (Wilson Center, 2003), (Zuhur, 2006).

Lessons learned from this process suggest that a measured approach that prioritizes interventions, celebrates successes, and adopts gradual fixes is most effective in the institution building which is necessary for public procurement reform (Ali, 2013). Insights from UN Women’s Iraq Deputy Country Representative, Paulina Chiwangu, sadly indicate that much of the progress made over the last decade has been lost due to the ongoing ethnic tensions and the recent ISIS occupation (Chiwangu, 2016). Going forward, commitment to a five percent (5%) set-aside for WOBs by the Government of Iraq (GOI), based on the U.S. public procurement model, would represent ~\$3 billion in annual procurement opportunities.

##### Intervention

U.S. efforts to promote women’s participation in reconstruction efforts produced significant results. Through a joint effort of the U.S. Army’s Project and Contracting Office (PCO), the U.S. Army Corps of Engineers Gulf Reconstruction Division (GRD), and the Joint Contracting Command – Iraq (JCC-I), women-owned businesses were able to compete for and win awards for engineering design, building construction, and office material supplies (Niethammer, 2013). In addition, the PCO/GRD/JCC-I partnership offered capacity building in the form of networking sessions, training, and marketing support to Iraqi businesswomen (Niethammer, 2013).

Incentives were also offered to contractors by the U.S. Department of Defense (DOD) to encourage the participation of local women in projects. This mandate was tied to the prime contractor’s award fee, which also required that capacity building was provided to ensure the long term sustainability of these efforts (Conway, 2005). Some of the language was a bit vague, requiring contractors to “maximize opportunities for Iraqi women in reconstruction” – but it forced contractors to clarify their obligations and goals, set benchmarks for progress, and define what constitutes good performance (Conway, 2005).

While most of the focus and funding was in the Department of Defense, the Department of State also launched a number of initiatives in 2004 that focused on opportunities for women. The U.S.-Iraq Women’s Network (USIWN) was a public private partnership designed to connect women’s organizations (Conway, 2005). In addition, \$10 million was provided to fund the Iraqi Women’s Democracy Initiative (Wilson Center, 2003). This initiative provided training for 2,000 women in democracy, leadership, coalition building, management, entrepreneurship, and media (Conway, 2005). The State Department also supported Iraqi women’s participation in the Global Summit for Women, held in Mexico in 2005, which provided opportunities to network with 800 other women entrepreneurs (Conway, 2005). The U.S. Agency for International Development (USAID) also got into the act—providing micro-finance, as well as training in accounting, finance, management, and entrepreneurship (Zuhur, 2006).

### Effectiveness of Intervention

The effectiveness of this intervention lies in the value of contracts awarded to women-owned business as part of the reconstruction effort in post-conflict Iraq. Estimates indicate that between 220 - 250 women-owned Iraqi businesses were awarded construction and non-construction contracts valued at \$200-250 million USD through a collaboration between the U.S. Army's Project and Contracting Office (PCO), the U.S. Army Corps of Engineering Gulf Region Division for Reconstruction Work (GRD), and the Joint Contracting Command – Iraq (JCC-I). The bulk of these funds came from the Iraq Reconstruction Relief Fund (IRRF). At the height of this effort, women-owned businesses were competing for and winning 15 contracts per month (Niethammer, 2013) (SIGIR, 2007). Out of these successes – women-owned businesses not only had a chance to work on large scale projects – but made some headway in male dominated fields (Niethammer, 2013).

### Outcomes

In her report, *Iraq, Women's Empowerment, and Public Policy*, Sherifa Zuhur asks, “Can one country create and administer policy on socially transformative issues in another country?” (Zuhur, 2006). This imbalance between what seems to be successful U.S. intervention in reconstruction opportunities for women-owned businesses – and the lack of leadership and commitment from the Iraqi government – seems to put the long-term sustainability of these initiatives in jeopardy.

A recent interview with Paulina Chiwangu, Deputy Iraq Country Representative for UN Women, provided a snapshot of the challenging conditions Iraq continues to face due to conflict and ethnic tension. UN Women established an office in Baghdad in 2010, leveraging the resources of the United Nations International Development Fund for Women (UNIFEM). Ms. Chiwangu indicated that she interacts with Iraqi businessmen in her work – but has not crossed paths with any businesswomen or women-owned business associations. Her experience suggests that the gains in public procurement opportunities for WOBs that emerged during the post-conflict reconstruction a decade ago may have been lost due to ongoing conflict (Chiwangu, 2016).

The Iraq GDP (2013) is estimated at \$221.8 billion with \$51 billion (23%) likely to be spent through the public procurement system. In this context, gender sensitive public procurement policies could provide significant opportunities for women-owned businesses (Ali, 2013). As an example, applying the U.S. 5% set-aside requirement for WOBs would result in \$3 billion dollars in annual public procurement opportunities in Iraq.



# VII. Current Situation in ECOWAS

In order to understand how gender considerations are incorporated into infrastructure planning and implementation, a detailed review and analysis of the countries and regulatory agencies in ECOWAS was conducted. To gather this information, interviews were conducted with national energy regulators and environmental ministry staff in the ECOWAS Member States as well as with representatives of WAPP, ERERA, WAGPA and PPDU. The interviews were complemented by desk research and by an online survey distributed to hundreds of energy practitioners both in the ECOWAS region and internationally, of whom 43 responded.

**The interviews, desk research and online surveys sought to answer four main questions:**

**1.** What is the current regulatory framework for energy infrastructure in ECOWAS?

**2.** To what extent is gender considered in energy infrastructure projects?

**3.** What is the level of awareness and perceived importance of gender impact assessment by energy regulators and project developers?

**4.** How important is it to have a regulation for gender impact assessment in the region?

## A. Overview of Energy Sector Regulations

### 1. Regional Regulatory Framework of Energy Infrastructure Development

ECOWAS regional institutions adopt a bottom-up approach under which permitting and licensing are at the discretion of the Member States. The main role of these institutions is to ensure that the states adopt uniform rules and lift barriers in their own regulations that may hamper market integration. Regional energy regulations make no explicit reference to gender impact assessments.

Regional energy integration finds its justification in the 2003 **ECOWAS Energy Protocol** (ECOWAS, 2003), which seeks to decrease the technical, administrative, legal and commercial barriers that hinder the liberalization of investment and trade of electricity, gas and other energy products between the Member States. The Protocol's main role is to ensure free exchange of electrical energy, energy products and equipment; to define rules for conflict settlement and to protect private investment. Under the Protocol, Member States commit to provide access to energy production sources and transport equipment in their territory in a way that doesn't discriminate against non-national investors.

Regional energy regulations make no explicit reference to gender impact assessments.

The Protocol was followed by the establishment of the **West African Power Pool (WAPP)** in 2005. WAPP brings together all of the public-sector and private entities engaged in electricity production, transport and distribution in 14 of the 15 ECOWAS Member States; Cabo Verde electrical utilities are not member. WAPP promotes the development of integrated power generation and transmission systems and coordinates power trade between the Member States. The Articles of Agreement of the West African Power Pool (WAPP, 2005) establish the management structure of the WAPP, its organization and functions. It also upholds the regulatory jurisdiction and authority of Member States' regulatory agencies with regards to the facilities participating in the Pool. The WAPP Master Plan (WAPP, 2011) defines the priority regional infrastructure projects that are to be supported by the WAPP technically and financially. Gender considerations are absent in the Master Plan.

The **ECOWAS Regional Electricity Regulatory Authority (ERERA)** was established in 2008 mainly to regulate the electricity market created by WAPP. ERERA facilitates investment in the sector by fostering a favorable regulatory and economic environment and by supporting national regulators. The regulation (ECOWAS, 2007) outlining the composition, organization, functions and operations of ERERA, gives this specialized institution the power to authorize, approve and control the activities of various participants in the regional power market. However, as of now the regulation governing energy infrastructure development is largely left to each member state.

The **West African Gas Pipeline (WAGP)**, operational since 2011, is a 678 km pipeline that enables the transport of natural gas from Nigeria to Benin, Togo and Ghana. The WAGP Treaty (2003) establishes the WAGP Authority and directs each of the participating countries to create uniform national regulations that govern the development and operations of the pipeline in each territory. The respective national regulations set up the obligations and specifications for land surveying, design, construction, and inspection and testing of the pipeline, consistent with the WAGP Treaty. The national regulations include application of existing environmental laws within the country but do not mention gender impact assessments.

The **ECOWAS Projects Preparation and Development Unit (PPDU)** is tasked with preparing and developing regional infrastructure projects in ECOWAS Member States; managing funds for the preparation of projects and promoting public-private partnerships for financing these projects (ECOWAS, 2011). The PPDU undertakes studies required for the preparation and development of infrastructure including environmental and social impact assessments. The Unit has been functional since 2014, but to date, no project has been developed under its oversight.

## 2. National Regulatory Framework of Energy Infrastructure Development

Electricity and petroleum products are the two energy sub-sectors that have a well-established regulatory framework in the Member States. Nigeria, Cote d'Ivoire, and Ghana (Mail and Guardian Africa, 2015) produce natural gas in the region and they regulate it under the petroleum sub-sector. For this reason, only electricity and petroleum sub-sectors are discussed here.

### Electricity

The regulatory structure of the electricity sub-sector is very similar in all ECOWAS countries: the ministry in charge of energy defines the country's energy policy and strategies; a regulatory agency for the electricity sub-sector provides licenses to operators, sets electricity tariffs, ensures that regulations are complied with, and monitors the sub-sector. All Member States, except Guinea Bissau, have created a national regulatory agency for electricity even though some are not yet fully functional (e.g. Benin, Guinea, Liberia, Niger). Establishing a national regulatory authority is a requirement set forth by Article 22 of the ECOWAS Energy Protocol (2003) in order to facilitate the implementation of the Protocol: *"Each Contracting Party shall ensure that it establishes or maintains an entity and entrusts the entity with regulatory, administrative or other governmental*

### BOX 10: The Electricity Law of Burkina Faso

In Burkina Faso, electricity is a public service whose provision is the responsibility of the state government, local government or third parties that do so on behalf of these governments. The sector is divided in two segments. The first segment comprises all areas connected to the state utility grid and the second segment includes all areas outside of the first segment. In the first segment, production is open to competition, but the national electric utility has a monopoly over transport and distribution.

It is also the sole buyer of bulk electricity from independent power producers. In the second segment, power producers can produce as well as distribute electricity provided that they have concession agreement with the government. All electricity installations must be approved by the government unless they have a capacity under 500 kW. Source: Burkina Faso, “Loi No 053-2012/AN Portant Règlementation Générale du Sous-Secteur de l’Électricité au Burkina Faso”, 2012

*authority, such entity shall exercise that authority in a manner consistent with the Contracting Party’s obligations under this Protocol.”* The same requirement, specific to the electricity sector, is reiterated in Article 10 of the ECOWAS Directive on the Organization of the Regional Electricity Market (2013) *“In order to ensure the smooth operation of the regional market, Member States are mandated to establish an independent regulatory authority when none exists”*

With regard to legislation, nearly all Member States have a law in place that governs production, transportation, distribution, import, export and sale of electricity. The Electricity Law typically defines how electricity should be provided, how tariffs are determined, who are the actors and what are their roles, which segments of the value chains are open to the private sector and which are a monopoly of the state utility. The Law usually sets the obligation to obtain a license in order to operate in the electricity sector.

In addition to the Electricity Law, a host of regulations, decrees, ordinances and guidelines clarify or complement the Law. Ghana, for example, has separate regulations on electricity supply and distribution, electricity transmission and electricity wiring. Nigeria has regulations on mini-grids, supply and installation standards, procedure of tariff reviews, etc. One of these regulations, decrees and ordinances, sets out the requirements for obtaining a license and defines what type of assessments a developer must undertake.

The table below summarizes regulatory framework of the electricity sub-sector in the Member States.

**TABLE 10: Electricity Regulations in ECOWAS Member States**

Country	Electricity Regulatory Authority	Electricity law	Regulation for license application procedure
Benin	Autorité de Régulation de l’Électricité	Code Bénino-Togolais de l’Électricité ; Loi portant code de l’électricité en république du Benin	Décret 182-209 du 13 05 2009; Décret 2007-655 du 31/12/2007 and articles of the CODES.
Burkina Faso	Autorité de Régulation du Secteur de l’Électricité	Loi 053/2012/AN Portant règlement général du sous-secteur de l’électricité au Burkina Faso	Décret N° 2014-636 PRES/PM/MME/MEF portant conditions des conclusions de contrats de délégation de service public, de délivrance de licences, autorisations et de soumission à l’obligation de déclaration de l’installation dans le sous-secteur de l’électricité au Burkina Faso
Cabo Verde	Agencia Regulação Económica	Decreto de Lei nº 14/2006	Decreto-Lei nº 30/2006 de 12 de Junho

Country	Electricity Regulatory Authority	Electricity law	Regulation for license application procedure
Cote d'Ivoire	Autorité Nationale de Régulation du Secteur de l'Électricité	Loi N° 2014-132 du 24 mars 2014 portant code de l'électricité	Not available
Gambia	Public Utilities Regulatory Authority	Electricity Act 2005	The Gambia Public Utilities Regulatory Authority Act, 2011 along with Licensing Guidelines and License Application form
Ghana	Energy Commission	Electricity Regulations, 2008	Energy Commission Act, 1997 and Electricity License Application Manual
Guinea	Agence de Régulation des Services Publics de l'Électricité et de l'Eau	Not available	Not available
Guinea Bissau	None	Not available	Not available
Liberia	Liberia Electricity Regulatory Commission	Electricity Law of Liberia, 2015	Not available
Mali	Commission de Régulation de l'Électricité et de l'Eau	Ordonnance N° 00-019/P-RM du 15 mars 2000 portant organisation du secteur de l'électricité et Décret N° 00-184/P-RM du 14 avril 2000 fixant les modalités d'application de l'Ordonnance N° 00-019/P-RM du 15 mars 2000 portant organisation du secteur de l'électricité	Ordonnance N° 00-019/P-RM du 15 mars 2000 portant organisation du secteur de l'électricité et Décret N° 00-184/P-RM du 14 avril 2000 fixant les modalités d'application de l'Ordonnance N° 00-019/P-RM du 15 mars 2000 portant organisation du secteur de l'électricité
Niger	Autorité de Régulation du Secteur de l'Energie	Loi n° 2016-05 du 17 mai 2016, portant Code de l'Électricité au Niger	Décret fixant les conditions et les modalités de conclusion des conventions de délégation et d'attribution des licences dans le cadre de l'exercice du service public de l'énergie électrique
Nigeria	Nigerian Electricity Regulatory Commission	Electricity Power Sector Reform Act 2005	Nigerian Electricity Regulatory Commission Application for Licenses (Generation, Transmission, Systems Operation, Distribution and Trading), 2006
Senegal	Commission de Régulation du Secteur de l'Électricité	Loi 98-29 du 14 avril 1998 relative au secteur de l'électricité	Décret 98-334 du 24 Avril 98 fixant les conditions et les modalités de délivrance et de retrait de licence ou de concession de production, de distribution et de vente d'énergie électrique
Sierra Leone	Electricity and Water Regulatory Commission	National Electricity Act 2011 and Sierra Leone Electricity and Water Regulatory Commission Act, 2011	Not available
Togo	Autorité de Règlementation du Secteur de l'Électricité	Code Bénino-Togolais de l'électricité and Loi 2000-012 du 18 juillet 2000 relative au secteur de l'électricité	Décret N° 2000-089/PR portant définition des modalités d'exercice des activités réglementées conformément à loi 2000-012 relative au secteur de l'électricité

The requirements for obtaining a license in order to start an electricity infrastructure project are very similar in all Member States. They typically include basic information on the applicant, financial and technical capacity, description of the project, description of the technology, project production target, certificate of approval of Environmental Impact Assessment, etc. Virtually all 15 Member States have an Environmental Impact Assessment (EIA) requirement in the license application process for energy infrastructure projects such as power plants, transmission lines, etc.—although some exceptions are made for small off-grid electricity systems. For instance, in Nigeria, electricity generation systems under 1 megawatt and small distribution systems under 100 kilowatts are exempted from getting a license and therefore do not require an EIA (Federal Republic of Nigeria, 2005). No member state requires a gender impact assessment in the license application process or that the socio-economic assessment of the EIA be gender disaggregated.

Virtually all 15 Member States have an Environmental Impact Assessment (EIA) requirement in the license application process for energy infrastructure projects such as power plants, transmission lines, etc.—although some exceptions are made for small off-grid electricity systems.

Table 11 below provides an example of the type of information required for a license application, based on Nigeria.

**TABLE 11: List of mandatory information to be submitted for license application from the Nigerian Electricity Regulation Commission**

Information required for license application
<ul style="list-style-type: none"> <li>· Completed Application Form</li> <li>· Certificate of Incorporation and Memorandum and Articles of Association, or Deed of Partnership, or Deed of Trust, etc. (as applicable)</li> <li>· Registered Title Deed to Site, or Sale Agreement, or Deed of Assignment/Gift, or evidence of submission of a title deed to a relevant land processing agency (as applicable)</li> <li>· Tax Clearance Certificate for immediate past three (3) years</li> <li>· Certified Audited Financial Statements and Accounts for immediate past three (3) years</li> <li>· Detailed CVs of managerial and technical staff of the power plant</li> <li>· Location Map</li> <li>· Single Line Diagram</li> <li>· Power Plant Design (only for application for Generation License)</li> <li>· Site Plan Drawings</li> <li>· Ten-year Business Plan</li> <li>· Off-take Agreement or Arrangement</li> <li>· Environmental Impact Assessment (EIA) Approval Certificate, or Proof of submission and acceptance for processing of the Report on EIA to the Ministry of Environment, Housing &amp; Urban Planning, or Details on how effluents and discharges will be managed</li> <li>· Fuel Supply Agreement, or a letter from a fuel supplier and transporter indicating the inclusion of the fuel needs of the applicant in the supply plans of the fuel supplier and transporter</li> <li>· Agreement/Approval with Ministry of Water Resources (where applicable);</li> <li>· Letter of intent or an MoU from Engineering Procurement Contract (EPC) Contractor</li> <li>· MoU or Letter of Intent from the technical partner</li> <li>· Evidence of confirmation from Transmission Company of Nigeria that proposed connection point has capacity to take load which will be fed to it (only for application for Generation License)</li> <li>· Financing Agreements or Letter to fund the project from bank(s)</li> <li>· Timelines for commissioning of the power plant and on the date when different capacities of the plant will come into operation, relative to date of issuance of a license.</li> </ul>

Source: Nigerian Electricity Regulatory Commission

## Petroleum

The petroleum sub-sector is structured very differently from one country to another in the ECOWAS region. It may fall under the authority of the ministry in charge of energy (e.g. Benin, Senegal, Côte d'Ivoire), under the ministry in charge of trade and industry (e.g. Sierra Leone) or it may have its own ministry (e.g. Gambia). Only Ghana, Nigeria and Sierra Leone have a regulatory agency dedicated to the petroleum sub-sector. Burkina Faso and Senegal have agencies whose role is limited to regulating petroleum pricing.

The Ghana National Petroleum Authority and the Sierra Leone Petroleum Regulatory Agency regulate, oversee and monitor activities in the petroleum downstream industry. These activities include importation, exportation, refining, storage transportation and sale. In both countries, an environmental permit from the Environmental Protection Agency is required for virtually all activities that involve the construction or installation of a structure: storage facility, retail outlets, bunkering, floating storage units, etc. In Ghana, there is a separate Petroleum Commission that regulates the activities upstream and manages the utilization of petroleum resources—it is responsible for issuing permits for specific petroleum activities and ensuring that the activities comply with national regulation, laws and standards including health, safety and environmental standards. In Nigeria, the Department of Petroleum Resources is the regulatory agency responsible for ensuring compliance with petroleum regulations both upstream and downstream.

Nearly all countries have a Petroleum Law that governs exploration, exploitation, transport, storage and distribution even when they are not oil producing countries. The Law typically provides that oil and gas resources discovered in the country are the property of the national government regardless of land ownership. As such, any party interested in exploration, development and production of petroleum must enter into an agreement with the government and obtain a license. In addition to the Petroleum Law, several countries have regulations outlining the modalities for importing, refining and distributing petroleum products (e.g. Benin, Burkina Faso, Senegal)

**TABLE 12: Ministries in charge of petroleum and petroleum laws in the Member States**

Country	Ministry in Charge of Petroleum	Petroleum Law
<b>Benin</b>	Ministère des Mines, de l'Énergie et de l'Eau	Loi No 2006-18 du 17 Octobre 2006 Portant Code Pétrolier en République du Benin
<b>Burkina Faso</b>	Ministère des Mines, des Carrières et de l'Énergie	Not available
<b>Cabo Verde</b>	Not Available	Not available
<b>Cote d'Ivoire</b>	Ministère du Pétrole et de l'Énergie	Code Pétrolier 1996
<b>Gambia</b>	Ministry of Petroleum and Mineral Resources	Petroleum exploration and production Act of 2004
<b>Ghana</b>	Ministry of Petroleum	Petroleum exploration and production law of 1984
<b>Guinea</b>	Ministère des Mines et de la Géologie	Loi L/2014/N 034 /AN Portant Code Pétrolier
<b>Guinea Bissau</b>	Ministro da Energia e Industria	Lei n.º 2/82 estabelece as bases relativas a pesquisa, a exploracao dos hidrocarbonetos liquidos ou gasosos
<b>Liberia</b>	Ministry of Lands, Mine and Energy	An Act Adopting the New Petroleum Law of Liberia 2001

Country	Ministry in Charge of Petroleum	Petroleum Law
<b>Mali</b>	Ministère des Mines	Loi 035-2015 du 16 juillet 2015 Portant Organisation de la Recherche, de l'Exploitation du Transport des Hydrocarbures
<b>Niger</b>	Ministère de l'Énergie et du Pétrole	Loi no 2007-01 du 31 janvier 2007 portant Code Pétrolier
<b>Nigeria</b>	Federal Ministry of Petroleum	Petroleum Act 1968
<b>Senegal</b>	Ministère de l'énergie	Loi n° 98-05 portant Code pétrolier
<b>Sierra Leone</b>	Ministry of Trade and Industry	The Petroleum (Exploration and Production) Act 2011
<b>Togo</b>	Ministère des Mines et de l'Énergie	Loi n° 99-03 portant Code des hydrocarbures de la République togolaise

As with the electricity sub-sector, the licensing process dictates the conditions for setting up and operating infrastructure such as processing plants, filling plants and pipelines. The only impact assessment required is an Environmental Impact Assessment. Table 13 below provides an example of the type of information required in a license application, based on Sierra Leone

**TABLE 13: List of mandatory information to be submitted for a petroleum license application in Sierra Leone**

Mandatory information required for petroleum license application in Sierra Leone
<ul style="list-style-type: none"> <li>· The name of the company or group of company applying for a licence, particulars of incorporation and registration, the names and nationalities of directors, the share capital of the company or companies, and the name of every person who is the beneficial owner of more than five per cent of the shares issued by the company or companies</li> <li>· An identification of the area to which the application relates.</li> <li>· The period for which the licence is required</li> <li>· The minimum exploration operation programme and expenditure proposed to be carried out in respect of the area to which the application relates, and the period within which the operations will be carried out.</li> <li>· An assessment of the impact which the proposes exploration operations may have on the environment</li> <li>· A plan for the prevention of pollution, the handling of wastes, the safeguard of the natural resources and minimization of the harmful effects of petroleum operations</li> <li>· A description of the technical and industrial resources available to the applicant</li> <li>· Particulars of the financial resources available to the applicant, including capital, credit facilities and guarantee including parent company satisfactory to the Ministry</li> <li>· Proposals with respect to the training and employment of citizens of Sierra Leone</li> <li>· The applicant's proposals for insurance for petroleum operations, including accidental death and health insurance cover for its employees</li> <li>· Any other matter which in the opinion of the applicant is relevant to the application, and</li> <li>· Any other particulars as may be prescribed by the Minister</li> </ul>

## B. Inclusion of Gender in Energy Projects

Gender considerations may be taken into account in all the different phases of energy infrastructure planning and implementation. These phases usually include project formulation, feasibility studies, procurement, Environmental Impact Assessments (EIA), licensing, construction and operation. During the interviews with energy regulators, a particular emphasis was put on gender considerations in the procurement phase in light of findings during the development of the ECOWAS Gender Mainstreaming in Energy Access Policy that women were rarely energy service providers, except for in the sale of household energy appliances.

Dr. Abdussalam of the Nigerian Electricity Regulatory Commission stated that “we have able and qualified women but they may not have the financial muscle to participate in a capital intensive sector. Traditionally, the financial base in this part of the world is male-dominated and women are less adventurous with regards to infrastructure project as it has long gestation period”.

Most national and regional energy regulators stated that they are not aware of gender inclusiveness being considered in the procurement phase. The under-representation of women in the energy sector in general coupled with the advanced technical know-how and the high capital investment needed for energy infrastructure were some reasons offered by interviewees for explaining the scarcity of women as tender participants. For example, Dr. Abdussalam of the Nigerian Electricity Regulatory Commission stated that “*we have able and qualified women but they may not have the financial muscle to participate in a capital intensive sector. Traditionally, the financial base in this part of the world is male-dominated and women are less adventurous with regards to infrastructure project as it has long gestation period*”. This response was echoed in the online survey where most respondents indicated that gender is not considered in the procurement phase.

In the survey, some respondents working in project management, planning, monitoring and evaluation in the national energy ministries of Cabo Verde, Mali, Guinea and Burkina Faso as well as a respondent from a private energy company in Nigeria indicated that gender impact assessments are done during planning, design, monitoring and evaluation of projects they have been involved in. However, all of the regulators who were interviewed said that they were not aware of gender impact assessments included in those phases. Indeed, different responses received during the interviews and online surveys (with sometimes conflicting information within the same national agency) attest to the fact that there is no consensus as to what gender considerations are, whether they are being done and at what level they are being done. For instance, several people suggested that gender impact assessments are included in environmental and social impact assessments (ESIAs) while others indicated that gender is considered only in rural electrification projects or when project funders make such requirement.

National guidelines on EIA clearly demonstrate that the socio-economic impacts of a project are an integral part of EIA. However, a review of guidelines from a handful of Member States (e.g. Benin, Gambia, Liberia) has shown no requirement for gender impact assessments or socioeconomic impacts disaggregated by gender.

ESIA is arguably the one area where gender could be more prominently addressed. Although the first environmental laws that brought EIA to the forefront were mostly concerned with environmental degradation, the practice of EIA has evolved over time to include social assessments as financing partners began to put an emphasis on social impacts. Now, national guidelines on EIA clearly demonstrate that the socio-economic impacts of a project are an integral part of EIA. However, a review of guidelines from a handful of Member States (e.g. Benin, Gambia, Liberia) has shown no requirement for gender impact assessments or socioeconomic impacts disaggregated by gender. Similarly, member states’ gender policies do not specifically advocate for gender impact assessments in infrastructure development -in the energy sector or otherwise- although they generally push for gender consideration in all projects and programmes. For instance, one of the purposes of the

Gambia National Gender Policy is to “achieve gender equity and equality at policy, programme and project levels in all institutions across all sectors of the Gambian society” which possibly includes infrastructure projects but gender impact assessments are not specified.

## International Financier Policies and Practices

It is common practice for development partners to require gender impact assessments as a condition for their support and ESIA's routinely complement national ESIA guidelines with financing partners' standards. Three financing partners that are prominent in the region: the African Development Bank, the World Bank and the International Finance Corporation, all advocate for the incorporation of gender issues in their projects.

**African Development Bank:** The AfDB's Integrated Safeguard System clearly states in its “Operational Safeguard 1– Environmental and Social Assessment” that one of the objectives of Operational Safeguard 1 (OS 1) is “*to identify and assess the environmental and social impact risks –included those related to gender, climate change and vulnerability- of Bank lending and grant-financed operations in their areas of influence*”. The Integrated Safeguard System further states that “*using a gender mainstreaming approach, the Bank carries out an assessment of gender issues for every project and uses the findings as the basis for project design and compensation plans that lead to enhanced gender balance.*” Both the borrowers and the Bank share some responsibility in the environmental and social assessments: borrowers undertake the assessment and develop a plan for managing possible adverse impacts while the Bank's operations staff ensures the proper application of the operational safeguards. While the influence of OS 1 is discernible in AfDB-funded projects, the depth of gender impact assessment and the extent of follow-through remain questionable.

The “Cote d'Ivoire, Liberia, Sierra Leone and Guinee (CLSG) Interconnection Project”, a priority project for WAPP (funded jointly by AfDB, EIB, KfW and World Bank) is an example of a project where attempts are made to address gender, but not in a consistent, continuous manner. The ESIA summary, as provided by WAPP, contains only a paragraph that highlights the benefits of access to electricity for women such as income generating activities, time saved in the processing of agriculture products, improved safety, etc. which appear to be lifted from generally accepted impacts of energy access on women rather than from the results of an assessment. The Sierra Leone-specific ESIA, however, provides a more detailed paragraph titled “gender issues, gender disparities, gender inequalities” that proposes the hiring of a Gender Officer, the development of a gender policy and the application of equal-opportunity recruitment policies at the construction and operational phases. There is also recognition that women may be more affected by the disruption of economic activities and the resettlement process because many of the households proposed for relocation are women-headed households. Specifically, the ESIA states: “*the project has put in place mechanisms to ensure that the resettlement and compensation packages are designed for equality, for example, ensuring that access to, and mode of payment for compensation packages, land access and dispute resolution system are not biased against female-headed households and other vulnerable groups.*” Although the ESIA makes a clear attempt to address gender issues, the proposal for a gender officer, a gender policy and mechanisms for gender-inclusive compensation are not carried into the mitigation measures or into the monitoring plan, which allows them to be easily overlooked during implementation.

The “Cote d'Ivoire, Liberia, Sierra Leone and Guinee (CLSG) Interconnection Project”, a priority project for WAPP (funded jointly by AfDB, EIB, KfW and World Bank) is an example of a project where attempts are made to address gender, but not in a consistent, continuous manner.

**World Bank:** The World Bank's Operational Policy 4.20 and Bank Policy 4.20 “Gender and Development” require Bank managers to ensure that Bank-financed projects are gender responsive when the need for priority gender actions have been identified for the country where the project takes place. But unlike many of the Bank's Operational Policies such as OP 4.01 Environmental Assessment; OP 4.12 Involuntary Resettlement; OP 4.04 Pest Management; OP 4.04 Natural

Habitats that are customarily used in ESIA, OP 4.20 is generally overlooked in ESIA partly because the Bank has not made it part of the package of Environmental and Social Safeguards Policies. In fact, it is only in the recently adopted Environmental and Social Framework (August 2016) that borrowers are required to “pay particular attention to gender impacts” specifically in land acquisition, restriction on land use and involuntary resettlement and also in assessing impact on indigenous people and in engaging stakeholders. It is therefore not surprising that gender is very loosely taken into account in World Bank-funded infrastructure projects.

One example is the “Gambia Electricity Support Project for the National Water and Electricity Company”, a project that seeks to increase power generation capacity in The Gambia by rehabilitating existing generators and replacing inefficient transmission and distribution infrastructure. The Environmental and Social Management Plan prepared for the project includes just one paragraph on gender in which the country’s efforts on gender equality are highlighted with no real connection to the project. Further, as it summarizes the socioeconomic impacts, “gender” is considered as its own parameter alongside “employment and income generation”, “public health and stability”, “education”, etc. The parameter is scored positively because it is assumed that the project will “*increase income of women from petty trade and employment on the project*”. Finally, in the recommendations, the project is urged to give priority to women in the recruiting process. At issue is the over reliance on assumptions, rather than assessments, to determine gender impacts and the handling of “gender” as a parameter rather than a cross-cutting subject.

**International Finance Corporation:** IFC Performance Standards on Environmental and Social Sustainability, which have become the international benchmark for environmental and social assurance, are also used in many ESIA in ECOWAS. Guidance Note 50 related to performance standard 1 states that “*gender-differentiated impacts should be assessed and the risks and impacts identification process should propose measures designed to ensure that one gender is not disadvantaged relative to the other in the context of the project. This may include providing opportunities to enhance full participation and influence in decision-making through separate mechanisms for consultation and grievances, and developing measures that allow both women and men equal access to benefits (such as land titles, compensation, and employment)*”. Unlike the World Bank Operational Policies which are directed at World Bank’s staff, the IFC Performance Standards are requirements put on clients, whether they are direct borrowers or borrowing through financial intermediaries. However, the extent to which gender is considered in IFC-funded projects is not very apparent in the ESIA.

The ESIA of “Azito Power Station in Abidjan” is an illustration of this fact. The project is funded by the IFC to increase the installed capacity of an existing gas-fired power plant from 290 MW to 420 MW and to improve its efficiency. The ESIA was undertaken under applicable Ivorian laws and IFC standards but gender impact assessment is clearly missing. In the demographic trends, the main economic activities of men and women are documented and during stakeholder consultation, a focus group discussion was organized with only women. Beyond those two instances, however, the different impacts on men and women are overlooked.

The ESIA for the three projects above show several shortcomings: 1) gender impacts, when considered, are assimilated with impacts on women only; 2) gender impacts are assumed, not assessed; 3) rather than assessing how parameters such as “employment and income generation”, “energy access” and “education” are impacting men and women differently by the project, “gender” is isolated into its own parameter thus taking away its cross-cutting nature and 4) gender impacts, even when identified, are not included in the mitigation measures. The 3 ESIA exemplify how gender considerations are easily ignored or treated as a “check box” even when the financing partners’ standards require them. Mr. Asante from the Energy Commission of Ghana expressed his concern about such a practice in the following terms: “*When asked to consider gender issues in an ongoing [project] aimed at rehabilitating and improving the performance of the electricity sector, the response was to change the writing style to introduce gender sensitive “wording” and not a design that would yield tangible outcomes for gender*”. This begs the question of the extent

to which the funders' requirements are binding and what level of enforcement exists. It also underscores the lack of expertise to do gender impact assessments in the firms conducting ESIA's as well as in the environmental agencies that are tasked to review and sign off on these ESIA's.

In contrast to conventional energy infrastructure described above, rural electrification infrastructure projects are typically more advanced in mainstreaming gender *“because our projects are development projects and must not only provide electricity but also ensure that income generating activities are created as a result of this access. For that reason, we have to make sure that women are not left out”* (Mr. Cheick Ahmed Sanogo of the Malian Rural Electrification Agency (AMADER)). To illustrate this point, the Malian project, Rural Electrification with Hybrid Systems (financed by the World Bank), based its interventions on a 2011 country-level gender assessment that showed the different uses of electricity by men and women. The concern voiced by women with regards to opportunities for income generating activities led the project to add a line item enabling women's groups and rural production associations to acquire energy efficient appliances for productive use and income generation. Moreover, the project included indicators on how many men and how many women benefit from the project in its monitoring plan. Energy regulators from Burkina Faso and Liberia pointed to similar designs in rural electrification projects in their countries. The advantage that rural electrification projects have over conventional projects is that service providers are in direct contact with their customers both in the planning phase and the implementation phase. As such, they are more aware of the needs of the communities they serve. In addition, rural electrification projects require a socioeconomic assessment during the planning phase that is independent from the ESIA and that must present the economic activity of men and women. Although these assessments are intended to tailor the energy service to the needs of men and women, they provide a first look at how the project's infrastructure may impact both genders.

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## C. Awareness and Perceived Importance of Gender

It is fair to assume that at least one of the reasons why gender impact assessments are not required in the license application for energy infrastructure projects is because decision-makers in the ECOWAS Member States are not aware that men and women may be affected differently by infrastructure projects. To gauge this level of awareness, interviewees were asked to describe possible gender-differentiated impacts of energy infrastructure projects and survey participants were asked to grade the level of awareness of decision-makers, regulators and project implementers in the countries they work. From the results, it is clear that the level of awareness and perceived level of awareness are not homogeneous across the ECOWAS region

The level of awareness of energy regulators regarding gender-related issues in energy infrastructure projects differed greatly from one interviewee to another. While some interviewees struggled to grasp the relevance of the question, many displayed a high level of awareness, especially with regard to land ownership, resettlement and employment.

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On land ownership, many interviewees pointed to the fact that women do not generally own land and are therefore at a disadvantage when a project must compensate for land usage. It was confirmed that in many cases, women work on “borrowed” land, but are not compensated for their loss of income when that land is sold to the project. In the Gambia, Mr. Ceesay of Public Utilities Regulatory Authority, stated that *“it is easier for men to sell land and draw an income for selling land when an energy infrastructure needs it. Women can’t derive an income because they don’t own the land”*

With regard to resettlement, although both men and women are affected, relocation may put more stress on women in terms of access to markets, water, or fuelwood. *“Siting [of infrastructure projects] may disrupt economic activities differently for males and females. The paradigm is to consult men and attention is not paid to women’s issues; and the men and everyone else tends to assume the norm is alright”* said Mr. Asante of the Energy Commission, Ghana.

On employment, it is not surprising that energy infrastructure projects tend to create more job opportunities for men than for women in both skilled and unskilled labour. There are a small number of women in technical fields and in unskilled labour especially during construction, where physical labour is traditionally reserved for men. Physical labour does, however, put men more at risk of accidents, and therefore negatively impacts men more than women. *“The technical aspect of energy infrastructure development is considered to be for men only. Few women are energy technicians and many women find themselves in commercial, legal or marketing services of energy companies”* said Mr. Gbaguidi of the Autorité de Régulation de l’Électricité, Benin. However, it was suggested that once the infrastructure is installed and operational, women tend to benefit more from the access to electricity because they spend more time at home. They are also more involved in petty trade, which tends to gain in scope and become safer when electricity is available.

Other ways that men and women are affected differently by energy infrastructure projects is related to their economic activity. By treating an entire population as a unit, projects often miss that men and women may derive income from very different activities.

Other ways that men and women are affected differently by energy infrastructure projects is related to their economic activity. By treating an entire population as a unit, projects often miss that men and women may derive income from very different activities. A concrete example was provided by Mr. Asante of the Energy Commission of Ghana: *“The siting of a proposed 400 MW solar PV Plant in Northern Ghana: proposed site is populated by shea nut trees whose processing into butter is the mainstay of female economic activity in that part of Ghana. The location would thus adversely impact the livelihoods of women but have no discernible impact on the livelihoods of men.”*

The high level of awareness of gender impacts exhibited by many interviewees contrasted with the perception of people taking the survey that decision-makers, regulators, and project implementers had low awareness. In fact, the majority of survey participants thought that gender impact assessments are not conducted in energy infrastructure projects because decision-makers, regulators and project implementers are not aware of the linkages between infrastructure development and gender. This clear disconnect between perceptions of awareness and reasons for lack of action, needs to be investigated further.

With regard to the importance of gender inclusion, all interviewees and survey participants indicated that it is important that infrastructure projects conduct gender impact assessments, but while the majority advocated for the introduction of an appropriate legal instrument.

With regard to the importance of gender inclusion, all interviewees and survey participants indicated that it is important that infrastructure projects conduct gender impact assessments, but while the majority advocated for the introduction of an appropriate legal instrument, a few indicated that a voluntary approach would be more advisable. Advocates for the legal instrument reasoned that without a legal obligation, gender impact assessments would not be applied. Proponents of a voluntary approach worried that gender impact assessments would increase the cost of doing business in a sector that is already struggling to attract private sector investment, and would therefore make enforcement more difficult.

In addition to the importance of having a legal instrument, the introduction of gender impact assessment within the national energy regulatory framework was discussed with both interviewees and survey participants. Both groups were asked if requirements for gender impact assessments should be a new, standalone legal instrument or whether it should be integrated into existing regulations. The majority opted for integration into an existing regulation, while a few suggested that it should be a stand-alone regulation.

**The argument proposed for the integration in an existing regulation is that:**

1. its acceptance by parliament will be easier since it will not be seen as yet another gender legislation
2. it stands a higher chance of being implemented effectively if integrated in various sectoral regulations.

**People who said that gender impact assessment should be a stand-alone regulation offered the following reasons:**

1. it will be lost within another regulation and may be easily overlooked;
2. it will be more impactful for gender equality.

Mr. Krou from the Autorité Nationale de Régulation du Secteur de l'Électricité in Côte d'Ivoire expressed his opinion in the following terms *"It does not make a difference whether [gender impact assessment] is its own regulation or integrated in an existing regulation. What matters is to have a clear mechanism on how to implement it"*. Several interviewees suggested that implementation of the instrument on gender impact assessment should take place within environmental and social impact assessments.

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## D. Prime Barriers to Gender Inclusion

Gender inclusion in infrastructure projects assessments is a relatively new concept in the ECOWAS region. Mali, which is heralded as pioneer for gender assessments in the energy sector, started considering gender in rural energy projects after 2011, following a pilot project with the World Bank and later engagement with UN Women. Despite this advance, gender inclusion has yet to move beyond rural electrification and into conventional energy projects. Several barriers stand in the way of gender inclusion in the ECOWAS region that were confirmed by interviews with energy regulators in the region:

**Lack of recognition:** although many regulators acknowledge that there are indeed gender-differentiated impacts in energy infrastructure projects, the issue is not as prominent when compared to the severity and awareness of environmental impacts. Throughout the interviews and the online survey, the concept of ESIA did not need any explanation, while gender impact assessment had to be prefaced by a definition. Survey participants perceived that decision-makers, regulators and project developers are not well aware of gender issues in infrastructure projects because they lack a general understanding of linkages between gender and infrastructure and

because gender disaggregated data are not available. As demonstrated in the Situation Analysis for the ECOWAS Policy on Gender Mainstreaming in Energy Access, gender issues in the energy sector are not yet fully recognized. It is only recently that, at ECREEE's request, energy ministries in the region have started creating gender focal points to ensure that access to energy projects do not overlook the energy needs of women. It is therefore not surprising that the planning and operation of infrastructure projects are not yet gender-aware.

**Lack of regulation and regulatory framework:** Project developers must adhere to regulations and there are no regional or national regulations mandating gender impact assessments in the Member States. Several regulators pointed to the ESIA as the level where gender impact assessment might be conducted but at the same time, these ESIA are under the charge of the ministry of environment whose priority is not gender inclusion. Representatives of national environment ministries interviewed for this study indicated that ESIA technical committees usually have a social scientist as a member but they lack the capacity to adequately review gender assessments. Mr. Tumbey of the Liberia Environmental Protection Agency stated that

*“there are individuals [in the technical committee] with background in social science but there is a limited capacity in the area of gender assessment. Unless the Gender ministry is able to review and provide input during the EIA evaluation, the EIA technical committee is somehow inadequate to provide such robust evaluation”*. A framework bringing together the ministries responsible for energy, environment, and gender, respectively, should be envisioned.

**Lack of expertise:** The Situation Analysis for the ECOWAS Policy on Gender Mainstreaming in Energy Access found that the lack of expertise in the gender ministries was one of the reasons gender was not considered in energy policies, programmes and projects. The same is true in environmental ministries and in the environmental sector in general. Gender impact assessments are expected to take place during ESIA's, but these assessments are first and foremost environmental assessments, conducted by environmental experts and reviewed by officials with the same background. Gender experts are typically not brought in during the assessment phase or the review phase.

**Lack of enforcement:** International finance institutions that commonly fund energy projects in the ECOWAS region require that their gender inclusion standards be applied in the assessment of projects that they fund. However, these standards are generally overlooked in the ESIA. This puts into question the level of enforcement of these standards during review of project proposals.

**Shortage of women in the energy sector:** It is well recognized that women are under-represented in the energy sector both as decision-makers and technicians. This under-representation hinders gender inclusion on two fronts. First, the lack of women representation in the decision-making and planning process reduces the likelihood that the needs of both men and women are considered equally. Second, because there are not many women in the technical field, it is difficult to bring them into the labour force of energy infrastructure projects even when hiring policies are gender inclusive.

# VIII. Relevant Legal Context for an ECOWAS Gender Instrument

This section will provide a brief background on the legal context relevant to a proposed ECOWAS legal instrument for gender assessments for energy infrastructure (referred to below as the “Instrument”).

## A. Existing Member State International Law Commitments on Gender

The ECOWAS Member States have already made a range of commitments under international law regarding gender. Most notably, Article 63 of the ECOWAS Revised Treaty provides that the Member States will enhance the economic, social and cultural conditions of women. In recent years, ECOWAS has shown its commitment to promote women’s integration in a number of respects by establishing the ECOWAS Gender Development Centre in 2003, adopting the ECOWAS Gender Policy in 2004, forming the Department of Social Affairs and Gender as one of the departments of the ECOWAS Commission in 2007 and implementing the Supplementary Act on Equality Rights between Women and Men for Sustainable Development in the ECOWAS Region in 2015. In addition, the ECOWAS Programme on Gender Mainstreaming in Energy Access (ECOW-GEN) was established in 2013.

Furthermore, the ECOWAS Member States are generally parties to a number of other treaties and international instruments providing for gender equality, the prohibition of discrimination between men and women and/or recognizing specific rights in favor of women, such as the African Charter on Human and Peoples’ Rights of 1981, the 1948 UN Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the Convention and Optional Protocol on the Elimination of All Forms of Discrimination against Women of 1999, the UN Nairobi Forward Looking Strategies of 1985, the Vienna Declaration and Programme of Action of 1993, and the Beijing Declaration and Platform for Action of 1995. The Agenda 2063 Framework, adopted by the 24th Session of the Assembly of Heads of State and Government of the African Union in January 2015, also sets out key goals regarding equality and gender parity.

These general international law commitments provide a basis for a more specific ECOWAS legal instrument that addresses gender and energy.

## B. Background on ECOWAS Law and Enforceability Considerations

The central political and legal institutions of the ECOWAS are:

- the Authority of Heads of State and Government (the “Authority”), which consists of all Heads of State and Government of the Member States;

- the Council of Ministers (the “Council”), which is comprised of the relevant Ministers from Member States who are in charge of the relevant ECOWAS subject matter in their Member State;
- the Community Parliament (also known as the “ECOWAS Parliament”), which provides a forum for parliamentarians from Member States to discuss pressing political issues; and
- the Community Court of Justice, which produces judgments that are binding on individuals, corporate bodies, institutions of the Community, and Member States.

ECOWAS law is less developed than other bodies of international law, such as EU law, which means there are fewer precedent instruments and less certainty on their legal status. ECOWAS law has recently evolved to include new options for regional instruments such as Regulations and Directives, but there are only a few examples of these new instruments.

In considering the enforceability and design of the Instrument, certain features of ECOWAS law need be taken into account. The binding force of the ECOWAS Revised Treaty of 1993 and of any of the acts adopted thereunder, and their enforceability at the national level are contingent on the extent to which an individual Member State has incorporated ECOWAS law within its national (domestic) legal system.<sup>7</sup> Due to incomplete incorporation into national legal systems, the legal enforceability of ECOWAS law is uncertain in many Member States. However, at a minimum ECOWAS legal instruments represent “soft law” commitments by Member States and may be enforced through political and social methods.

### **BOX 11: Example from the European Union for Regulating Gender Inclusion**

The European Union (EU), a model for regional integration, including in energy sector matters, and a recognized leader in gender equality efforts, was investigated to determine whether any applicable lessons could be drawn for ECOWAS. The equal treatment of men and women is one of the fundamental principles of the European Union (EU), and is an overarching consideration which is required to be ensured in all sectors. The principle of gender equality has been included in all EU treaties, which are the primary source of EU law. Articles 2 and 3 of the *Treaty of the European Union* refer to equality as one of the founding values of the European Union, with an explicit reference to “equality between women and men”. This is further reinforced in Articles 8, 10, 153 and 157 of the *Treaty on the Functioning of the European Union*.

Although there is legislation at the EU level promoting gender equality in certain more specific instances, this is mainly with respect to matters of employment and occupation (e.g. *Directives 92/85/EC, 2000/78/EC, 2006/54/EC, 2010/41/EU and 2010/18/EU*), and the access to and supply of goods and services generally (*Directive 2004/113/EC*). There are also directives on public procurement, which, among other matters, ensure that the procurement market is open and treats suppliers equally and without discrimination (*Directive 2014/24/EU on the public sector, Directive 2014/23/EU on concessions, and Directive 2014/25/EU on utilities*).

In the energy sector specifically, the EU’s objective with regards to gender is to increase women’s participation in the green economy and in the decision-making process of climate change policies. However, the EU has long advocated for gender inclusion in the policy development cycle. The Europe Institute for Gender Equality (EIGE) provides tools for gender mainstreaming, as well as for gender impact assessments that can be applied to laws, policies and programmes. These tools are widely used in the region but, invariably, only in connection with the development of legislation.

There is no energy-sector specific EU legislation covering gender equality, and no requirement for a gender assessment in planning for energy and infrastructure projects. The EU Directives (*2011/92/EU and 2014/52/EU*) requiring environmental impact assessments do not mention gender.

Indeed, there is no mention of gender in the Environmental Statements of several Projects of Common Interest (PCI) (Poyry, 2015; Nemolink, 2013) pertaining to the European Union’s “Making Europe’s electricity grid fit for 2020”. This initiative, similar to the West African Power Pool, seeks to achieve a 10% electricity interconnection target within the EU by 2020. <http://eige.europa.eu/gender-mainstreaming/sectoral-areas/energy>

<sup>7</sup> The Community Court has implicitly held that ECOWAS laws are not binding at the regional level unless incorporated by the Member States. *Ugokwe v. The Federal Republic of Nigeria*, 2005.

# IX. Charting The Path Forward

This section will summarize the current status of gender assessments for energy infrastructure projects in the ECOWAS region and the primary considerations for designing the Instrument. It includes an overview of some of the possible legal forms that the proposed Instrument might have, the key considerations in designing such instrument, and the potential methods of implementation at the national level. As detailed below, the input from all the relevant stakeholders and legal practitioners will need to be considered in the design of the Instrument.

## A. Scenario A: ECOWAS Directive

Directives (which are adopted by the Authority or, in certain circumstances, by the Council) commit Member States to achieve a particular objective, but leave these states with the flexibility to determine the precise legal and regulatory mechanisms for achieving these objectives at the national level. Member States are free to decide the methods for attaining the objectives (ECOWAS, 2016). The choice of means (i.e. the specific laws or administrative regulations to be adopted at the national level) is discretionary for the Member States, provided they attain the objectives set forth in the Directive within the deadline provided by the Directive itself.

Directives (which are adopted by the Authority or, in certain circumstances, by the Council) commit Member States to achieve a particular objective, but leave these states with the flexibility to determine the precise legal and regulatory mechanisms for achieving these objectives at the national level.

There are, however, difficulties with enforcing the obligation of Member States to implement the Directive at the national level. If a Member State fails to implement a Directive, it is not clear under ECOWAS law if any form of disciplinary action can be taken by the Community institutions. Further, where there is no national level implementation in effect, the obligations arising under the Directive will only be binding on Member States. A Directive itself does not provide individuals with the power to sue a Member State for failure to implement the Directive (Ukaigwe, 2016). A Directive will also not impose any obligations or bestow the individuals of Member States with any rights, as such rights and obligations can only arise from the national legislation that implements the Directive.

A Directive allows for a great deal of flexibility, as Member States are able to decide precisely how to implement it (e.g. whether to implement as a stand-alone law, an amendment(s) to existing law, or as a series of binding administrative regulations). Like a Regulation, a Directive has binding force on the Member States, which have an affirmative obligation under ECOWAS law to implement the Directive within the timeframe indicated. The structure of a Directive makes it easier for the Member States to agree on certain minimum rules, leaving each State free to add additional terms if desired. The creation of a Directive could also help to build momentum by establishing a common ground between Member States, which could in the future be supplemented by a Regulation. There are existing precedents in ECOWAS law for Directives regulating mining as well as precedent EU Directives covering environmental and social impact assessments.

However, a Directive is not directly applicable in the Member States and the consequences of noncompliance by Member States are unclear under ECOWAS law. Compared to a Regulation, a lesser degree of harmonization may be obtained through the use of a Directive, since each Member State has the flexibility to decide how it will implement this legal instrument.

## B. Scenario B: ECOWAS Regulation

Under the ECOWAS Treaty, Regulations should have general application and all their provisions should be enforceable and directly applicable in each of the Member States, without any implementing action at the national level (ECOWAS, 2016<sup>8</sup>; ECOWAS Revised Treaty, 1993<sup>9</sup>). Such direct applicability, however, is possible only to the extent that the Member States have taken action to ensure that the ECOWAS Treaty is enforceable within their territory (Ukaigwe, 2016, p. 211).

Regulations are adopted by the Council of Ministers and are immediately binding on the institutions of the Community.

In accordance with Article 12 of the Treaty, Regulations are adopted by the Council of Ministers and are immediately binding on the institutions of the Community. They do not, however, become binding on the Member States until they are approved by the Authority, unless the Council's action in adopting the Regulations has been delegated by the Authority, in which case Regulations are binding upon adoption by the Council.

To the extent they are effective under national legislation, Regulations have direct application, with no implementing action required by the Member States before Regulations are enforceable under national law. These instruments achieve uniformity of law across all Member States through the implementation of the same legislative text in every Member State. As discussed above, Regulations bind the ECOWAS institutions from the time of their adoption by the Council of Ministers. Further, Member States and Community institutions can rely on the provisions of Regulations before the Community Court of Justice (Ukaigwe, 2016, p. 42; ECOWAS, 2005<sup>10</sup>). However, one crucial drawback to a Regulation is its lack of flexibility, as it leaves no leeway to Member States to integrate its provisions into their existing legislation as they deem preferable. Rather, Member States are bound to adopt the text word for word, leaving no room to account for differences in each State's legislative regime or particular circumstance. The uncompromising nature of a Regulation may consequently make it difficult for Member States to agree on its precise terms, causing delays in the drafting and implementation process, or resulting in the adoption of vague terms which may lead to uncertainty in the implementation stage and subsequent enforcement of the Regulation.

## C. Scenario C: Business as Usual (No new legal instrument created)

The interviews with energy regulators in ECOWAS Member States, discussed above, indicate that there are currently limited requirements to consider gender issues in energy infrastructure development in the ECOWAS region.

The representatives interviewed indicated that there is a requirement for both an environmental and a social impact assessment in all Member States. Representatives from certain Member States (Gambia, Ghana, Guinea, and Benin) indicated that social impact assessments often include gender indicators. However, according to the survey and interviews, separate gender assessments are not a requirement under the laws or regulations of any of the Member States.

8 "Regulations have general application and all their provisions are enforceable and directly applicable in Member States. They are enforceable in the institutions of the Community."

9 Revised Treaty, Article 12

10 Supplementary Protocol, Article 9(1) (a)–(g)

Some representatives indicated that gender considerations have been carried out in the past, often as a requirement of NGOs involved in projects or project donors.

Similarly, interviewees stated that measures for the equal participation of men and women in the procurement process of energy infrastructure are for the most part non-existent in Member States.

In summary, in the “business as usual” scenario, initiatives for incorporating gender considerations into existing and future energy projects are voluntary and at the discretion of Member States, project developers and lenders to a particular project.

Consequently, issues of gender disparity are unlikely to be addressed in energy infrastructure development and procurement. Further, due to fragmented state-level regulation, a lack of consistency across the ECOWAS region with respect to gender and energy issues is likely to continue.

In summary, in the “business as usual” scenario, initiatives for incorporating gender considerations into existing and future energy projects are voluntary and at the discretion of Member States, project developers and lenders to a particular project.

## D. Key Considerations in Designing the New Legal Instrument

In designing the Instrument, a number of considerations need to be deliberated and resolved. Below is a non-exhaustive list of such issues. Each consideration is followed by a “Current Proposal” representing a starting point based on discussions with the legal and consultant team and ECREEE. The Technical Advisory Group and Project Steering Committee are encouraged to share their views on each proposal, in order that these can be developed further.

### 1. Scope and Content of Legal Instrument

#### A. **Consideration:** Which entities should the Instrument place obligations on?

The main options for entities which may be obliged to take action, monitor or enforce obligations under the Instrument are: (i) ECOWAS institutions, (ii) Member States and/or (iii) private actors. The first two categories should be covered as a minimum in order to ensure that the aims of the Instrument are met. With respect to private actors, there is limited precedent under ECOWAS law for the imposition of direct obligations on private businesses or individuals, and the practical enforceability of these obligations absent concurrent Member State-level obligations is uncertain. A Directive binds individuals only to the extent it is implemented at the national level. Even then, it is the domestic legislation, not the Directive itself, that attributes rights and imposes obligations on individuals. The potential practical effect of imposing obligations on private actors under the Instrument is that large, well-funded international project developers and lenders may seek to comply with the Instrument, while local developers may ignore or be unaware of their obligations under the Instrument.

**Current Proposal:** First, the Instrument will require [all] ECOWAS institutions to conduct gender assessments in connection with projects they are sponsoring. Specific responsibilities should be allocated, in particular, to certain ECOWAS specialized institutions, including the West African Power Pool (WAPP), which ensures the promotion and development of power generation and transmission facilities, as well as the coordination

The Instrument will require [all] ECOWAS institutions to conduct gender assessments in connection with projects they are sponsoring.

of power trade, the ECOWAS Projects Preparation and Development Unit (PPDU), which is already in charge of the preparation and development of infrastructure projects in the energy sector, and the ECOWAS Regional Electricity Regulatory Agency (ERERA). In addition, ECREEE will be responsible for capacity building in ECOWAS institutions and in the Member States. Second, the Instrument will require the Member States to conduct or require the completion of gender assessments for projects they are sponsoring or approving. Finally, the Instrument will include recommendations for private actors to conduct assessments, regardless of whether the relevant Member State has implemented the Instrument at the national level.

- B. Consideration:** The scope of projects in the energy sector to be covered by the Instrument needs to be defined, for instance with regard to fuel source (e.g. oil, gas, or renewables), and across the supply chain from extraction, storage, generation, transmission and distribution. The scope of the Instrument could also extend to non-energy projects and infrastructure.

The Instrument will apply across the energy sector, to all fuel sources and across the supply chain. The mandatory provisions of the Instrument will cover only energy projects.

The Instrument will include voluntary measures to apply gender assessments to non-energy projects.

Although the concepts are applicable to non-energy infrastructure projects, a wider, non-energy scope could be an impediment to the implementation of the Instrument because a wider stakeholder group would need to buy-in and sign-off. Further, the considerations of gender issues in non-energy infrastructure projects can differ from those which are applicable to energy projects.

**Current Proposal:** The Instrument will apply across the energy sector, to all fuel sources and across the supply chain. The mandatory provisions of the Instrument will cover only energy projects. The Instrument will include voluntary measures to apply gender assessments to non-energy projects. A successful implementation of the Instrument will build momentum to introduce measures for non-energy projects.

- C. Consideration:** The circumstances under which the Instrument will require a gender impact assessment need to be defined. The criteria could include the: (1) number of people affected by the project, (2) cost of the project and (3) potential for significant gender impacts (with reference to specific project characteristics that suggest a high potential for significant impacts). Specific cut-offs for (1) and/or (2) could be set, above which an assessment was required (e.g., 1,000 people, \$10 million). Member States that wish to combine the new gender assessment rules with the existing procedures for environmental and/or social impact assessment could set a uniform materiality threshold triggering the obligation to perform the various assessments. The robustness of the gender assessment could also vary based on the criteria above. A greater or lesser amount of discretion could be given to Member States to determine the criteria for requiring a gender assessment.

**Current Proposal:** Consistent with international practice regarding environmental and social impact assessments, the Instrument will require a gender assessment when the project is likely to have a significant adverse effect on gender equality or discriminate or perpetuate discrimination against one gender. The Instrument will set forth a number of mandatory criteria,

The Instrument will set forth a number of mandatory criteria, while the competent Member State authorities could identify further relevant criteria to be considered.

while the competent Member State authorities could identify further relevant criteria to be considered. The Instrument will include among the minimum mandatory criteria size and cost of the project and other specific factors (to be detailed in the Instrument) that indicate a high potential for gender impact. The Member States will apply the screening procedure transparently, taking into account unsolicited comments that might have been received from other sources, such as members of the public or public authorities, even though no formal consultation is required at the screening stage.

- D. Consideration:** Will the Instrument only require a gender impact assessment or also require mitigation or avoidance of negative effects identified in the assessment? If mitigation is required, how much mitigation (i.e. must all negative effects be remediated or will a lesser amount of mitigation be acceptable depending on the circumstances)? Possible options for the

impacts which should be mitigated are, for example: (1) *any and all* impacts envisaged, (2) only *material* (or *significant*) impacts or (3) all impacts that can be *feasibly* mitigated.

Mitigating or avoiding any and all impacts envisaged could be a high burden in some circumstances. As with environmental and social impact assessment and mitigation, there is a balance to be struck between realizing the benefits of the project overall and mitigating disproportionate impacts. Including a concept such as ‘material’ or ‘feasible’ gives the relevant Member State regulatory agency some flexibility in determining whether the impacts have been adequately mitigated. On the other hand, this flexibility can introduce uncertainty on the part of project developers who may not be sure their mitigation plans will be deemed adequate. It can also lead to inconsistencies between project approvals and across the Member States.

**Current Proposal:** The Instrument will require mitigation or avoidance in order to ensure that unequal treatments or effects identified as potential consequences of a project are addressed. Consistent with international practice on environmental and social impact assessments, the Instrument will require any significant adverse effects to be mitigated or avoidance to the extent feasible<sup>11</sup> and the determination as to what is feasible should be made in a transparent manner.

The Instrument will require mitigation or avoidance in order to ensure that unequal treatments or effects identified as potential consequences of a project are addressed.

- E. Consideration:** Should the Instrument include any additional requirements, for example, such as affirmative action in procurement or training of women for energy sector jobs? Including additional requirements could improve the impact of the Instrument but, conversely, could hinder its enactment since additional stakeholders will be required to buy-in and additional resources will be required to implement the Instrument. Practices in procurement are likely to vary considerably among Member States.

**Current Proposal:** The Instrument will provide only for mandatory gender impact assessment as well as mitigation and avoidance measures. Other measures, such as training and preferences in procurement, will be encouraged but not required.<sup>12</sup>

- F. Consideration:** How will a conflict between the obligations in the Instrument and any pre-existing laws of each Member State be resolved? For example, the impact assessment may find unequal property rights in the project affected community and require compensation to be paid to affected persons, but a Member State’s law may forbid compensation payments to wives or other customary holders during condemnation proceedings. One of the purposes of the Instrument is to harmonize the laws of the Member States on gender impact. If national laws are contrary to the rules implemented under the Instrument, it becomes an obligation of the relevant Member State to amend or repeal such laws, or on its courts to disregard them, such that the Instrument is followed or implemented.

**Current Proposal:** The Instrument will include a provision which clarifies that any incompatible laws and regulations of the Member States are required to be amended by the relevant Member States or should otherwise be disregarded by their national courts and the Community Court of Justice.

The Instrument will include a provision which clarifies that any incompatible laws and regulations of the Member States are required to be amended by the relevant Member States or should otherwise be disregarded by their national courts and the Community Court of Justice.

11 Feasibility could be defined as what is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

12 Note that additional measures may follow indirectly from the requirement to mitigate gender impacts of projects.

## 2. Resource and Capacity Issues

- A. *Consideration:*** What political, monetary and technical capacity do the Member States have to design and enact the necessary laws and regulations? We expect that such capacity varies widely from State to State.

***Current Proposal:*** The Instrument and any supporting materials adopted by ECOWAS institutions and the other regional bodies in the energy field should be clear and accessible to policy-makers at the Member State level in order to facilitate implementation at the national level with minimal additional work. Nevertheless, it is expected that significant regional support will be needed to enact the necessary laws/regulations in most Member States.

- B. *Consideration:*** What type of procedures should be provided with regard to the monitoring and enforcement of the obligations contained in the Instrument? This may include (i) reporting obligations (imposed on the Member States) and (ii) monitoring by an ECOWAS institution. To the extent that its provisions have been implemented [to be verified], the Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector might provide useful insights into implementation and monitoring mechanisms which have already been deemed feasible by the Member States and the institutions.

***Current Proposal:*** It is proposed that Member States will be required to submit an annual report (to be publicly available) to the President of the ECOWAS Commission regarding the status of implementation of the Instrument, outlining achievements and next steps and describing appropriate best practices, and the [President of the ECOWAS Commission] will present an annual report to the Council of Ministers on the status of the implementation of the Instrument.

- C. *Consideration:*** What type of support should be provided with regard to the implementation of the obligations contained in the Instrument? This may include (i) preparation by ECOWAS of guidelines and manuals for the Member States, (ii) training support by ECOWAS, (iii) provision of financial aid to the Member States and (iv) mechanisms of inter-State cooperation. Which institutions at ECOWAS will be involved in the various stages, and what roles will they play?

***Current Proposal:*** It is proposed that ECREEE will lead the capacity building aspects. As no external funds have been allocated for implementation at this time, any obligations imposed on ECOWAS or the Member States must be weighed carefully to ensure there is a good chance they can be financially supported with external or internal funding. It is expected that significant financial support will be required in the initial implementation phase of the Instrument to build the required legal and bureaucratic infrastructure required.

## E. Recommended Process for Implementation

Based on the findings in this report, a draft regional Instrument will be developed for consideration. What follows is a step-by-step outline of the process the draft Instrument will undergo if it is to be adopted and implemented. Because of the diverse legal and constitutional systems of Member States, as well as their differently structured energy sectors, there will be considerable variation at the national level.

### 1. Regional Level

There are several steps in the proposed process for implementing the Instrument: (1) preparation of the draft Instrument to be implemented, (2) the approval process through which the Instrument

is enacted as part of ECOWAS law, (3) implementation of the Instrument by ECOWAS institutions and implementation of the corresponding Member State laws/regulations and (4) monitoring and evaluation of the implementation. The Technical Advisory Group and Project Steering Committee are encouraged to share their views on the proposed process.

### Step 1 - Pre-approval Process:

The first step of the pre-approval process saw lawyers and consultants prepare an initial draft of the Instrument. At the following stage, the ECOWAS Technical Advisory Group & Project Steering Committee (including representatives from ECOWAS Committee of Social Affairs and Gender and from ECOWAS Committee for Energy and Mines) reviewed the initial draft Instrument and provided comments. Additional technical input and feedback was elicited from ECREEE and from ERERA, PPDU and WAPP.

All the comments so obtained was taken into consideration and incorporated in a final version of the draft Instrument. The final draft was adopted by ECREEE and later validated in the course of a Validation Workshop attended by relevant experts and stakeholders from ECOWAS institutions and Member States.

### Step 2 - Instrument to be Approved by ECOWAS:

Once the final draft of the Instrument is prepared, there is a two-part process to its approval by ECOWAS:

1. approval by the Ministers of ECOWAS Member States (Energy Ministers and Council of Ministers); and
2. approval by the Authority.

### Step 3 - Implementation by ECOWAS institutions and Member States

Following approval of the Instrument by the Ministers and the Authority, lawyers and consultants (with input and assistance from ECREEE and the Technical Advisory Group) will prepare training materials to guide the implementation of the Instrument at the Member State level.

The President of the ECOWAS Commission will have a number of responsibilities enshrined in the Instrument, including: (i) mobilizing resources for the monitoring and implementation of the Instrument and making provisions in regional budget for financial and technical support, and (ii) preparing procedures for inter-State cooperation between national bodies empowered to monitor implementation.

Since the Instrument takes the form of a directive, the Member States will implement the Instrument by enacting into local law/regulation the relevant provisions, with the support of ECREEE and inter-state cooperation. To ensure full implementation, Member States will provide annual budget lines of expenditure for the implementation of the Instrument and develop national action plans for its implementation.

ECREEE will actively participate in this stage, by preparing and distributing training materials to facilitate the training of the: (i) officials, policy makers and government agencies that are responsible for implementing the Instrument at the Member State level, (ii) relevant ECOWAS institutions, and (iii) non-governmental stakeholders in the energy sector, including private actors. Additional initiatives may be undertaken to facilitate and foster implementation of the Directive at the national level, including by involving other stakeholders.

### Step 4 – Monitoring and Evaluation

After the Instrument has been approved and implemented, its implementation should be monitored and evaluated annually.

The first step of the pre-approval process saw lawyers and consultants prepare an initial draft of the Instrument. At the following stage, the ECOWAS Technical Advisory Group & Project Steering Committee (including representatives from ECOWAS Committee of Social Affairs and Gender and from ECOWAS Committee for Energy and Mines) reviewed the initial draft Instrument and provided comments.

Since the Instrument takes the form of a directive, the Member States will implement the Instrument by enacting into local law/regulation the relevant provisions.

1. Member States submit an annual report (to be publicly available) to [the President of the ECOWAS Commission] regarding the status of implementation of the Instrument, outlining achievements and setbacks and describing appropriate best practices; and
2. [President of the ECOWAS Commission] presents the annual report on the status of the implementation of the Directive to the Council of Ministers.

## 2. National Level

While a regional instrument will provide harmonization of texts and practices surrounding gender assessments in energy infrastructure, Member States' institutional architecture and legal processes supporting such a regional instrument will vary. Therefore, implementation at the national level will need to be tailored, taking into account legislative frameworks, the characteristics of the State's energy sector, and the general economic and social development status.

### a) Legal instrument and responsible authority

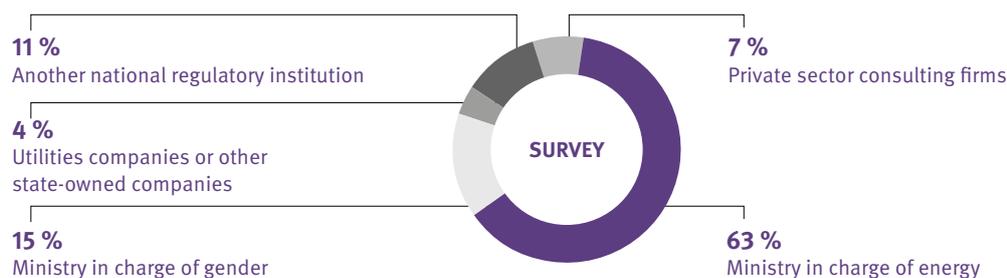
The current legal and institutional arrangements for performing assessments vary with the Member State. A common trend on gender issues is the emergence of gender affairs ministries tasked with the development and superintendence over gender issues in virtually every Member State. Aside from the ministries responsible for gender, other relevant state institutions include the energy sector regulators and the environmental regulators.

Reaching regional convergence on the institutional arrangements will be difficult. However, achieving uniformity in legal text and the processes for assessments may be more feasible. Interviews with energy regulators in ECOWAS Member States indicate that there is no prevailing view on the issue of whether the new rules on gender assessment should be integrated in existing regulation or constitute a stand-alone regulation. The interviewed representatives were roughly evenly divided, with 46% of the interviewees expressing the view that the new rules should be integrated in existing regulations. Their rationale for this approach is that it is likely to be an easy and effective method to ensure implementation and application. The remaining 54% express the view that a stand-alone regulation should be adopted. The reasons provided by survey participants in support of this latter approach include the potential to create momentum as well as to highlight the importance of the new rules and defeat traditional barriers that hinder gender equality. Adoption of a Directive at the regional level will ensure the Member States' freedom to decide among the two options.

In furtherance of regional harmonization of the legal and regulatory framework for the energy sector, the ECOWAS Instrument should provide a model of the minimum requirements of the legislation to be implemented within the Member States. The model legislation can be further supplemented with lower tier guidelines and manuals for the assessments, evaluations as well as performance and progress reporting and monitoring.

The proposed Instrument will also require Member States to appoint an entity that, at the national level, will be in charge of conducting and reviewing gender assessments, providing guidance and advice on the new rules, and monitoring the implementation of the Instrument.

The proposed Instrument will also require Member States to appoint an entity that, at the national level, will be in charge of conducting and reviewing gender assessments, providing guidance and advice on the new rules, and monitoring the implementation of the Instrument. The results of the survey mentioned above demonstrate that energy regulators in the various Member States have very different ideas on which existing agency or other institution should be in charge of these functions. A majority of the interviewed representatives (63%) expressed the view that these powers should be attributed to the national Ministry in charge of energy, while others indicated that the national Ministry in charge of gender (15%), utilities companies or other state-owned companies (4%), another national regulatory institution (11%) or private sector consulting firms (7%) should be in charge of the gender assessment process and the implementation of the Directive.



◀ Which existing agency or other institution should be in charge of energy regulators in the various Member States?

The proposed Instrument will require that each Member State either create an ad hoc entity or empower an existing one to perform these functions. Consequently, each Member State will be able to choose the competent authority that it deems most suitable. The proposed approach has been used in the European Union for the directives on Environmental Impact Assessment and in other fields, and has proved successful in that the degree of flexibility and discretion that it affords to Member States.

### b) Budget implications

There will be budget implications for capacity building among the regulators and also training and deploying the professionals and consultants to effectively deliver on the requirements of the policies and law, including performing the evaluations, reporting and monitoring. This should be borne by the States in the-short term; sustainability of the sector will be promoted by this “buy-in” from the States.

Following initial implementation, the private sector should be able to finance the cost of managing the process through fees charged for governmental project reviews. Private developers should fund directly the costs of the assessments and mitigation measures for their projects.

### c) Legal Process for promulgation

If the Instrument is enacted, each State will have the choice of either introducing new legislation, whether primary (e.g. an act of Parliament), or secondary (e.g. as an administrative regulation by a minister or under the rule making powers of a government agency) or amending existing legislation (either primary or secondary) to cover the requirement for gender assessments.

Once that is decided, the process for developing and promulgating the legislation is similar in the English and French speaking countries, and Guinea Bissau and Cabo Verde could be different. The typical practice is for the executive arm of government to initiate proposals for new or amendments to existing legislation.

Where the Instrument is a primary legislation, the practice is to submit a related bill to Parliament, usually through the Attorney General. Primary legislation will include what are known as acts, laws, decrees or ordinances in English jurisdictions; and *Lois organiques*, *lois matérielles* or *ordonnances* in the Francophone countries.

In the case of subordinate or secondary legislation or regulations, the power and procedure for their issuance should be enshrined in some primary legislation or enabling legislation. The executive authority so empowered to enact the rules then develops the regulations and passes it through the process necessary for it to become law.

The procedures for issuing subordinate legislation generally follow different approval paths in the English and French speaking countries. Secondary legislative instruments are referred to as legislative instruments, regulations or rules under the English system and *decret* (regulations) or *arrête* (administrative orders) in the French speaking countries.

Stakeholders’ engagement and public awareness is common to both sets of jurisdictions. However, challenges to legislation are typically submitted to Parliament in the English jurisdictions, but in the French jurisdictions, an aggrieved party typically has to bring a challenge in the Constitutional Court.

There will be budget implications for capacity building among the regulators and also training and deploying the professionals and consultants to effectively deliver on the requirements of the policies and law, including performing the evaluations, reporting and monitoring. This should be borne by the States in the-short term; sustainability of the sector will be promoted by this “buy-in” from the States.



# X. Conclusions and Next Steps

This study has argued that gender assessments in energy infrastructure are essential because women's livelihoods and future opportunities are at stake. Yet gender assessments are not mandated or systematically performed by ECOWAS energy institutions or national governments, despite considerable interest in doing so. ECOWAS leadership is required to support Member States in developing a harmonized set of practices to safeguard men's and women's distinct interests during the planning, development and operation of energy infrastructure projects. As a collateral benefit, building an inclusive energy infrastructure sector is expected to enhance the sector's performance, bringing energy prosperity to an even wider swath of ECOWAS citizens. The tools and practices used to conduct gender assessments and mitigation/remediation are well-established, with deep roots in the international development community, and the required institutional support framework is plainly understood. The time has come for ECOWAS Member States to commit to a common vision.

A harmonized approach to gender assessments in energy infrastructure is within reach. Two regional legal instruments have been considered in this study, Directives and Regulations, the choice of which will ultimately depend on feedback collected during the validation stage and the political feasibility of passage. The next phase of this project focuses on developing a draft legal instrument along with licensing templates that could be adopted as either a Directive or Regulation. The instrument will be applicable to ECOWAS energy institutions and national governments as they participate in and oversee infrastructure planning, construction, and operations, subject to a certain size threshold. It will require gender assessments and some mitigation of negative impacts, the cost of which is not unreasonable and will be ultimately borne by the developer. ECREEE's support, along with that of international partners, is envisioned during the process of shepherding the Instrument through to adoption and furnishing the capacity building required for implementation by regional and national agencies.



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## XII. Annexes

# Annex A

## Gender Assessment Report Template

*For the ECOWAS Directive on Gender Assessments in Energy Projects*

Project Identifying Number:

Submission date:

Prepared by:

Contact information:

### I. Non-technical summary

- a. Project type, size, location, cost and purpose
- b. Project participants (owners/sponsors, lenders, contractors, special purpose companies, etc.)

### II. Definition of Project Affected Area

- a. Physical footprint of Project (*attached detailed surveys as appendix if needed*) and description of local area
- b. Environmental footprint – impacts transmitted by air, water, soil, geology, biodiversity causal chain, etc. (*reference environmental impact assessment if available and summarize*)
- c. Economic footprint – determined by secondary infrastructure, changes in market size or linkages, employment patterns, etc. (*reference social impact assessment if available and summarize*)

### III. Stakeholder analysis

- a. Basic demographic information for Project Affected Area
- b. Classification criteria used in this report to analyze stakeholder groups (*gender and possibly others, i.e. age, economic status, livelihood source, geography, ethnicity, disability, religion, kinship, etc.*)
- c. Description of stakeholder groups (*including residents, local government, employees, casual laborers, rights holders, etc.*) disaggregated by above criteria

### IV. Anticipated local Project Gender Impacts

- a. Division of labor between groups (*baseline, project effect, risk level, impacts*)
- b. Access to and control over resources (*baseline, project effect, risk level, impacts*)
- c. Gender dynamics in social representation, governance, self-determination, and empowerment (*baseline, project effect, risk level, impacts*)
- d. Gendered participation differences in Project activities (*i.e. design, finance, construction, supply chain, operations, etc.*)
- e. Potential gender differences in imminent domain, compensation, displacement, resettlement, and benefit sharing (*project effect, risk level, impacts*)

**V. Alternatives analysis**

- a. Alternative technical designs that could improve gender outcomes (*proposition, feasibility, and rationale to adopt/reject*)
- b. Alternative management or financial strategies that could improve gender outcomes (*proposition, feasibility, and rationale to adopt/reject*)

**VI. Certification**

- a. Report preparers' certification (*performance of work; authorized representation; report accuracy; report comprehensiveness; freedom from undue influence*)
- b. Developers' certification (*authorized representation; report accuracy; report comprehensiveness; freedom from undue influence*)

**Appendix 1: Gender-sensitive and inclusive Stakeholder consultation**

- Design of consultation process (*place/time selection, format, publication/outreach efforts, attendance record disaggregated by gender*)
- Consultation details (*attendance records and contact info, project presentation, any questions/prompts used, individual responses*)
- Record of issues raised during consultation by stakeholders, including alternative design, issues of equity, and negative gendered impacts

**Appendix 2: Project site map and annotated map of Project Affected Area**

# Annex B

## Gender Management Plan Template<sup>13</sup>

*For the ECOWAS Directive on Gender Assessments in Energy Projects*

Project Identifying Number:

Submission date:

Prepared by:

Contact Information:

### I. Background

- a. Non-technical Project description
- b. Summary of findings in Gender Assessment

### II. Data identification

- a. Data types used for measuring and managing gendered impacts
- b. Validity of data types for assessing gendered outcomes and impacts
- c. Methodology for collection, analysis

### III. Data baseline

### IV. Mitigation actions

- a. Actions related to the division of labor between groups (*incl. rationale, expected results*)
- b. Actions related to access to and control over resources (*incl. rationale, expected results*)
- c. Actions related to gender dynamics in social representation, governance, self-determination, empowerment (*incl. rationale, expected results*)
- d. Actions related to gendered participation in project activities (*incl. rationale, expected results*)
- e. Actions related to gender differences in imminent domain, compensation, displacement, resettlement, benefit sharing (*incl. rationale, expected results*)

### V. Gendered Impacts impossible to mitigate

- a. Description and rationale
- b. Request for a waiver

### VI. Targets

- a. Quantitative indicators and time-bound Project targets
- b. Qualitative indicators and time-bound Project targets

### VII. Management and monitoring

- a. Budget implications of Gender Management Plan
- b. Internal controls and accountability
- c. Monitoring and reporting intervals and procedures

### VIII. Developer certification (*good faith; authorized representation; intent to complete Annex C "Gender Monitoring Report"*)

#### Appendix 1: Data tables

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<sup>13</sup> Note: This can be submitted in conjunction with Gender Assessment

# Annex C

## Gender Performance Monitoring Report Template<sup>14</sup>

*For the ECOWAS Directive on Gender Assessments in Energy Projects*

Project Identifying Number:

Covering Period:

Submission date:

Prepared by:

Contact Information:

### **I. Background**

- a. Project description and updated status
- b. Summary of findings in Gender Assessment
- c. Summary of Gender Management Plan including actions and targets

### **II. Changes to Documents Establishing Basis for a Development Consent**

- a. Summary of all material changes to Gender Assessment
- b. Summary of cumulative revisions to Gender Management Plan

### **III. Narrative Report on Mitigation Actions** (*reference Management Plan*)

- a. Actions related to the division of labor between groups (*incl. rationale, expected results, observed results*)
- b. Actions related to access to and control over resources (*incl. rationale, expected results, observed results*)
- c. Actions related to gender dynamics in social representation, governance, self-determination, empowerment (*incl. rationale, expected results, observed results*)
- d. Actions related to gendered participation in project activities (*incl. rationale, expected results, observed results*)
- e. Actions related to gender differences in imminent domain, compensation, displacement, resettlement, benefit sharing (*incl. rationale, expected results, observed results*)

### **IV. Gendered Impacts impossible to mitigate**

- a. Description and update in status
- b. Request for a continued waiver

### **V. Changes against baseline data and Project targets**

### **VI. Requests for adjustments in forward strategies**

### **VII. Developer certification** (*report accuracy; authorized representation*)

Appendix 1: **Data baseline from Gender Management Plan**

Appendix 2: **Project Targets from Gender Management Plan**

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<sup>14</sup> Note: This will be periodically required for renewal of Development Consent

# Annex D

## Application for Gender Development Consent (Energy Projects)

---

**1 Date:** \_\_\_\_\_

---

**2 Name of project:** \_\_\_\_\_

---

**3 Project status:**     Pre-feasibility     Feasibility     Financing     Construction     Operation

---

**4 Primary Developer Name:** \_\_\_\_\_

---

**5 Address:** \_\_\_\_\_

---

**6 Website:** \_\_\_\_\_

---

**7 Point of Contact Name:** \_\_\_\_\_

---

**8 Phone:** \_\_\_\_\_

---

**9 Email:** \_\_\_\_\_

---

**10 Other Project sponsors and lenders:** \_\_\_\_\_

---

**11 Project Countries:**

<input type="checkbox"/> Benin	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Cabo Verde	<input type="checkbox"/> Cote d'Ivoire	<input type="checkbox"/> Gambia
<input type="checkbox"/> Ghana	<input type="checkbox"/> Guinea	<input type="checkbox"/> Guinea-Bissau	<input type="checkbox"/> Liberia	<input type="checkbox"/> Mali
<input type="checkbox"/> Nigeria	<input type="checkbox"/> Niger	<input type="checkbox"/> Senegal	<input type="checkbox"/> Sierra Leone	<input type="checkbox"/> Togo

Others (please list): \_\_\_\_\_

---

**12 Specific project site(s):** \_\_\_\_\_

---



---

**17 Project direct geographical footprint (land owned, leased, or w/ easement):** \_\_\_\_\_

m<sup>2</sup>       hectare       acre       sq mile       other

---

**18 Number of people affected by Project direct geographical footprint:** \_\_\_\_\_

---

**19 Project indirect affected area (anywhere impacts may be felt):** \_\_\_\_\_

m<sup>2</sup>       hectare       acre       sq mile       other

---

**20 Population in indirect affected area:** \_\_\_\_\_

---

**Units:**

<b>21 Project max energy handling:</b>	<input type="checkbox"/> bbl	<input type="checkbox"/> Wh	<input type="checkbox"/> BTU
	<input type="checkbox"/> m <sup>3</sup>	<input type="checkbox"/> V	<input type="checkbox"/> Ton
	<input type="checkbox"/> TOE	<input type="checkbox"/> Other	<input type="checkbox"/> kg
	<input type="checkbox"/> Other		<input type="checkbox"/> L
			<input type="checkbox"/> Other

**Per time period:**

---

Hour       Day       Year       Other

---

**22 Total project budget (optional):**

XOF       CVE       GMD       GHS       GNF

LRD       NGN       SLL       EUR       USD

CNY       Other (List)

---

---

23 Will this project have significant negative gendered impacts? (disproportionately affecting one gender group):  Yes  No

---

24 Certification:  I certify that the information contained in this application is true to the best of my knowledge

---

25 Material change:  I pledge to inform this office if any material changes take place in this Project before the renewal period

---

**For office use only:** \_\_\_\_\_

---

**Date received:** \_\_\_\_\_

---

**Determination:**  Assessment requirement is waived due to small size, limited anticipated impact; development consent granted

More information is needed to make a determination; please contact XXXXXXXXX to schedule an appointment

More information required; please complete and submit Annex A (Assessment) and Annex B (Management Plan)

---

\_\_\_\_\_ *Sign*

**Reviewed by:** \_\_\_\_\_ *Print*

\_\_\_\_\_ *Title*

---

**Date of Determination:** \_\_\_\_\_

---

**Project identifying number:** \_\_\_\_\_

---

# Annex E

## Training Needs Assessment and Design Framework

*For the ECOWAS Directive on Gender Assessments in Energy Projects*

### I. Introduction

The Economic Community of West African States (ECOWAS) Policy for Gender Mainstreaming in Energy Access, adopted in 2016, sets out the course of action, and principles to ensure that women and men benefit equally in the region’s energy interventions. One of the Policy’s objectives is to, “Ensure that all energy policies, programmes and initiatives, including large energy infrastructure and investment, are non-discriminatory, gender-inclusive, gender-balanced, and directed towards addressing inequalities, particularly energy poverty, differentially affecting men and women in the region.”

In concert with the policy, a regulatory instrument is needed to ensure that gender considerations are taken on-board in planning and executing energy infrastructure projects and investments. Pursuant to this, the ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) and the ECOWAS Department of Social Affairs and Gender, in collaboration with the relevant ECOWAS energy agencies, have embarked on a project to develop the first-ever regional legal instrument mandating gender assessments in energy infrastructure projects. A draft ECOWAS Directive has been developed, and it is now pending validation and adoption by Member States, after which time national authorities will be tasked with integrating the ECOWAS Directive’s provisions into their own national regulatory frameworks and processes.

The ECOWAS Directive on Gender Assessments in Energy Projects presents a legal framework for enforcing the principles established and adopted through the ECOWAS Policy for Gender Mainstreaming in Energy Access. The Directive has four main objectives in the mandate to incorporate gender considerations into energy infrastructure projects:

1. Ensure that the specific interests of women and men, as stakeholders, are taken into account in the development of Projects;
2. Ensure that any potential adverse and discriminatory impacts on women or men deriving from Projects are recognized and avoided or mitigated to the extent feasible;
3. Improve transparency in planning and implementation processes to promote and increase the participation and capacity of women and men, including but not limited to customers, employees, managers, investors, officials and other stakeholders; and
4. Encourage the development of harmonized policy and legal regulatory frameworks in each Member State and for ECOWAS institutions that are consistent with the principles of, and achieve the objectives of, this Directive, whilst imposing the least financial and bureaucratic barriers possible on Developers, Competent Authorities and other stakeholders.

However, it is not well understood how to put these objectives into practice. In fact, the field of gender mainstreaming as it relates to energy infrastructure is new, and many individuals within the government bodies tasked with complying with the ECOWAS Directive on Gender Assessments in Energy Projects are not familiar with the topic or its relevance in their country. To help facilitate uptake and smooth implementation of the Directive, a training programme for the relevant ECOWAS agencies and Member States Institutions is necessary to allow them to fulfill their responsibilities. The starting point of a training programme will be the introduction of gender inclusive development

and its importance, leading to a full understanding of the provisions and implications of the Directive at the national and regional level, continuing on with a more detailed look at the Directive in terms of processes, compliance, reporting, and adaptation.

This report, focusing on the training needs and options for regulatory skill development, is designed to provide a framework for the design and launch of a training programme on the ECOWAS Directive. The report includes basic information about the intended audiences for training as well as the knowledge and skills needed for each of the stakeholders to perform their assigned role mandated by the Directive. It also includes suggested training module topics and recommended delivery options. The report has been informed by the background research, legal consultation, and dozens of interviews conducted in the process of drafting both the ECOWAS Policy for Gender Mainstreaming in Energy Access and the ECOWAS Directive on Gender Assessments in Energy Projects. It is intended to be used by training/capacity building professionals who will be designing and conducting the training modules used in the rollout of the Directive.

## II. Training Needs Assessment

The training needs assessment starts by asking three questions:

1. Who will be involved in the implementation of the Directive?
2. What will they be required to do to implement the Directive?
3. Do they currently possess the requisite skills and knowledge?

The table below summarizes the answers to the three questions in terms of the actors and roles outlined in the draft ECOWAS Directive and an assessment of the ability of each actor to perform the required roles.

1. Institution involved with Directive (“Who?”)	2. Tasks required of Institution by Directive (“What?”)	3. Current capacity to perform task (“How?”)
ECOWAS Commission	<ul style="list-style-type: none"> <li>· Issue harmonized model regulations and document templates</li> </ul>	Drafts of these documents have been produced.
ECOWAS Council of Ministers	<ul style="list-style-type: none"> <li>· Receive annual reports from Member States, collected and forwarded by ECREEE</li> </ul>	Current capacity of the Council of Ministers has not been assessed.
ECREEE	<ul style="list-style-type: none"> <li>· Publish a model form for Member State annual reports</li> <li>· Collect and publish annual reports</li> <li>· Report annually to Council of Ministers on any difficulties encountered by Member States</li> <li>· Mobilize resources for monitoring implementation and results</li> <li>· Assist Member States with financial and technical support</li> <li>· Monitor all exemptions granted and report to the Council of Ministers</li> </ul>	ECREEE, with its history of gender programming, through ECOW-GEN, has sufficient in-house expertise to complete its tasks under the Directive. It also has a proven track record of financial mobilization and supporting Member States with technical assistance.
Member States	<ul style="list-style-type: none"> <li>· Comply with regional Directive within two years</li> <li>· Designate Competent Authorities</li> <li>· Publish adopted national legislation/regulation</li> <li>· Amend or abrogate conflicting laws</li> <li>· Communicate to ECREEE the texts of adopted laws/regulations</li> <li>· Provide annual budget lines required for implementation and develop national action plans</li> <li>· Submit annual reports to ECREEE</li> <li>· Promote inter-state cooperation</li> </ul>	<p>Member States need assistance understanding the provisions and rationale for this novel Directive in order to comply within two years, especially since the Directive provides flexibility in national implementation and many configurations are possible.</p> <p>As for expected effort related to publishing, reporting, budgeting, etc., no additional training or support is required.</p>

1. Institution involved with Directive (“Who?”)	2. Tasks required of Institution by Directive (“What?”)	3. Current capacity to perform task (“How?”)
Competent Authorities (i.e. government bodies charged with overseeing the regulation’s implementation)	<ul style="list-style-type: none"> <li>· Publish the process, timelines, requirements, fees in a transparent fashion</li> <li>· Develop guidelines for Developers</li> <li>· Require completion of reports</li> <li>· Provide comment on submissions and pre-submission opinions</li> <li>· Require appropriate mitigation actions</li> <li>· Monitor the implementation phases of regulated projects</li> <li>· Begin investigations</li> <li>· Enforce penalties</li> <li>· Collaborate on cross-border projects</li> <li>· Transparently report on developments, solicit and consider public consultation</li> <li>· Grant or deny Development Consent, with appropriate rationale</li> </ul>	<p>Most designated Competent Authorities will require training to be able to implement the necessary protocols in the Directive. While several (but not all) Ministries of Energy contain Gender Focal Points, who are potentially capable of carrying out the envisioned tasks, other individuals will require assistance depending on the country and choice of Competent Authority (e.g., Authorities could be existing offices within Ministries of Energy, Environment, or Gender; independent energy commissions; newly created bodies etc. with varying levels of expertise).</p> <p>The anticipated capacity is therefore low for Competent Authorities, excepting the small number of cases where, for example, there are Gender Focal Points who are highly trained, dedicated, and supported to be able to take this on.</p>
ECOWAS energy institutions functioning as regional Project Developers or Competent Authorities (WAPP; WAGPA; PPDU; ERERA)	<ul style="list-style-type: none"> <li>· Ensure compliance with this Directive for any projects they participate in, sponsor, fund, or regulate</li> </ul>	<p>The level of understanding of gender issues is mixed within these institutions, with the PPDU and WAPP potentially being more advanced (PPDU is newer and more sensitized to gender issues; WAPP has a draft gender policy; and both have some limited experience with gender assessments). WAGPA and ERERA are not as well informed on gender and energy.</p> <p>To the extent that regional energy agencies are called on to perform or review gender assessments, basic training on the requirements and procedures would be necessary.</p>
Project Developers	<ul style="list-style-type: none"> <li>· Comply with the provisions of this Directive and national laws, even if national enforcement is lacking</li> <li>· Ensure reports are prepared by competent experts</li> </ul>	<p>Will require detailed and clear information on requirements and procedures (to be provided by Competent Authority)</p>
Technical Experts	<ul style="list-style-type: none"> <li>· Understand the requirements for gender assessments and management/monitoring procedures</li> <li>· Demonstrate familiarity with gender issues related to infrastructure development</li> </ul>	<p>Will require detailed and clear information on requirements and procedures (to be provided by Competent Authority)</p>

## Audience Analysis

Based on the above assessment of the training needs, **two priority audiences**<sup>15</sup> have been identified to receive training for the implementation of the ECOWAS Directive on Gender Assessments in Energy Projects:

1. **National regulators and/or legislators** tasked with translating the ECOWAS Directive's provisions into the national context, including the drafting and promulgation of the implementing law
2. **National and regional regulators and/or administrators, including ECOWAS energy agencies reviewing assessments**, in their role acting as **Competent Authorities** tasked with implementation and enforcement of Directive's provisions

An **additional audience** that may benefit from being sensitized to gender and energy issues could include ECOWAS administrators in charge of receiving and reviewing annual reports from the Member States, depending on the extent of support provided by ECREEE staff, but further exploration of this issue is required.

Lastly, at this time it is not foreseen whether ECREEE will directly train Developers and their hired competent experts in the mechanics of conducting gender assessments and monitoring. It is preferable if each Competent Authority publishes clear instructions tailored to its specific requirements, process, and timelines. However, at a future date, once the ECOWAS Directive is adopted, national regulations have been put in place, and implementation is commencing, ECREEE could decide to reconsider providing training support directly to Developers and/or competent experts.

## Skills and Knowledge Assessment

The **first audience**, national regulators/legislators charged with translating the ECOWAS Directive's provisions into each country's national context, will require the most customized and specialized level of support as there are no "off-the-shelf" training packages or tools available. For this audience, it is recommended that the law firm of Sullivan & Cromwell participate in delivering training at the validation workshop because of their deep knowledge and familiarity with the Directive. Sullivan & Cromwell played a key role in drafting of the Directive and conducting research for the accompanying background study, model regulation, and templates.

In order to ensure national compliance with the ECOWAS Directive within two years, representatives of Member States charged with the drafting and promulgation of the new regulation need to be able to:

- Clearly and convincingly communicate to their colleagues and constituents why gender is an issue within energy infrastructure development
- Identify like-minded champions with whom to work within and outside their countries
- Mobilize resources and buy-in to support national adoption
- Understand the local implications of key design choices (optionality) presented within the model regulation
- Create the institutional architecture and processes to support the Directive in a way that is practical, effective, and low-cost
- Draft the text of the national regulation authorizing the Competent Authorities, establishing the judicial review procedures, setting Project thresholds and gender criteria etc.
- Create an outreach plan to publicize the regulation among appropriate stakeholders

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<sup>15</sup> Note that in some countries, these audiences may be comprised of the same individuals.

To succeed at the above, the national regulators/legislators need the following knowledge and skills:

- Definition of gender and contextualization of gender within ECOWAS
- Theoretical ways in which energy infrastructure impacts are mediated through the lens of gender (common categories of impacts)
- Concrete ECOWAS examples of gender differentiated impacts in energy infrastructure projects
- [IDEALLY- Examples of gender assessment reports and gender management plans]
- The objectives of the ECOWAS Directive on Gender Assessment in Energy Projects
- The key provisions of the Directive
- The areas of the Directive where discretion is left to the Member States in terms of designing their own regulations and the consequences of each, for example:
  - The form of national regulation or legislation that will be best suited to incorporating the Directive’s provisions
  - Whether the national regulation/legislation is best as a new, standalone instrument, or as an amendment to an existing instrument
  - Which institution will best serve as a Competent Authority
  - Which projects should be eligible
- The areas of national law which may be in conflict with the new gender regulation

The **second audience**, individuals working in the Competent Authorities, are tasked with implementation and enforcement Directive’s provisions. They will oversee the day-to-day implementation of the regulations, and will require support to be able to provide guidance to Project Developers and evaluate submitted reports. Luckily, there is already substantial background literature, training programs, and tools available that can be deployed to assist with this type of capacity building and many different firms could potentially develop the materials needed for this programme.

In order to uphold the gender assessment protocols established by each national regulation, the second audience comprised of individuals working in the Competent Authorities will need to be able to do the following:

- Understand the provisions of the regional Directive and applicable national regulations
- Establish ways of reaching the Developer community to make them aware of the new regulation
- Assess submitted documents for completeness and accuracy
- Make judgements about the degrees of severity and acceptability of Gender Impacts in Projects
- Conduct due diligence, if necessary, on Projects
- Help Developers arrive at create solutions that can feasibly mitigate Gendered Impacts
- Enforce compliance through available means
- Inform and consult with the public
- Network with counterparts throughout ECOWAS to share lessons

To succeed at the above, Competent Authorities require the following information:

- Definition of gender and contextualization of gender within ECOWAS
- Theoretical ways in which energy infrastructure impacts are mediated through the lens of gender (common categories of impacts)
- Concrete ECOWAS examples of gender differentiated impacts in energy infrastructure projects
- The key provisions of the relevant national regulation
- The areas of the regional Directive where harmonization is sought
- The building block components of gender assessments, management plans and monitoring reports
- Best, worst and acceptable practice and examples in performing assessments, managing, and monitoring
- Previous examples of negative impacts
- Previous examples of successful mitigation measures

### III. Training Delivery Options

Three training modules are recommended to support the roll out of the ECOWAS Directive on Gender Assessments in Energy Projects: 1) A general introduction to gender issues within energy infrastructure, 2) A thorough presentation of the ECOWAS Directive and training on how to adopt its provisions in each national context, and 3) Detailed support for administering the national gender assessment protocols (see Table 1 that follows).

The first two modules are to be developed and delivered simultaneously at the Validation Workshop scheduled for May, 2017. However, Module 1 should also be packaged in a way that allows its easy reuse and wider dissemination. It is suggested that Module 1 be developed as a standalone training resource, accessible on ECREEE website and perhaps published separately, and that it should also serve as an introduction for Module 3.

Module 2 is envisioned as a one-time training with heavy reliance on Sullivan & Cromwell's unique expertise in research and drafting the ECOWAS Directive. This Module should incorporate significant degrees of debate, discussion, interpersonal interaction through small breakout groups and follow-up – thus it is best suited to a workshop format.

Regarding Module 3, it is assumed that each country will progress in its national adoption and implementation according to its own timeline, making it difficult (though not impossible) to organize a single workshop in support of the Competent Authorities. For this reason, the primary delivery format is suggested as a handbook that can be self-explanatory and self-paced, supplemented by individual consultations with ECREEE or experts engaged by ECREEE as needed. As Competent Authorities are established and gain experience, it will be useful to convene periodic learning exchanges and experience sharing workshops, funding permitting. Also, as Competent Authorities may not even be established for a year, or two, or more, and there could be variation in the type of approach taken by each, it is recommended not to proceed developing Module 3 at this time. Waiting affords ECREEE the opportunity to identify the handful of countries taking leadership with regards to their national regulations and design support materials more responsive to and reflective of their needs, which has the benefit of also creating a better model for other countries to emulate.

Table 1 below entitled “Proposed Training Framework” gives an overview of where ECREEE's support can have the greatest results in aiding the successful adoption and implementation of gender regulations for energy infrastructure. A sample of helpful learning resources and tools to draw on have been provided, but it by no means represents an exhaustive list.

**TABLE 1: Proposed Training Framework for ECOWAS Directive on Gender Assessments for Energy Projects**

Training Topic	Intended Audience	Learning Objective
<b>1. Gender Sensitization for Energy Infrastructure Regulation</b>	<ul style="list-style-type: none"> <li>· ECOWAS managers in charge of annual programme monitoring and reporting</li> <li>· National regulators and/or legislators tasked with drafting and promulgation of regulations</li> <li>· National and regional regulators and/or administrators within the Competent Authorities tasked with implementation and enforcement of regulations</li> </ul>	<ul style="list-style-type: none"> <li>· Understand the difference between gender and biological sex</li> <li>· Understand why gender matters in energy infrastructure projects and programs</li> <li>· Recognize common gender differences within ECOWAS related to energy projects and programs</li> <li>· Become familiar with the major classes of gender impacts common in energy infrastructure projects</li> <li>· Be able to articulate the need for the Gender Directive</li> </ul>
ECOWAS Regional Directive on Gender Assessments in Energy Projects and National Responses	<ul style="list-style-type: none"> <li>· National regulators and/or legislators tasked with drafting and promulgation of the ECOWAS Directive</li> </ul>	<ul style="list-style-type: none"> <li>· Understand the ECOWAS Directive's objectives and provisions</li> <li>· Identify key decision points with attendant implications</li> <li>· Select and adapt the appropriate national legal instrument and promulgation process</li> <li>· Identify and designate a competent authority</li> <li>· Attempt harmonization in:               <ul style="list-style-type: none"> <li>· Setting threshold (triggering) criteria</li> <li>· Elaborating the assessment process</li> </ul> </li> <li>· Deciding on the inclusion of additional assessment components</li> <li>· Adopting final templates</li> </ul>
Gender Assessments for Development Consent	<ul style="list-style-type: none"> <li>· National and regional regulators/ administrators within the <b>Competent Authorities</b> tasked with implementation and enforcement of the ECOWAS Directive</li> </ul>	<ul style="list-style-type: none"> <li>· Understand the objectives, components and process of a gender assessments</li> <li>· Classify projects according to gender impacts</li> <li>· Distinguish and articulate degrees of severity of projected gender impacts</li> <li>· Assess the quality of completed gender assessments</li> <li>· Assess the feasibility of submitted management plans</li> <li>· Evaluate accuracy and acceptability of monitoring reports</li> <li>· Offer constructive feedback to developers/consultants</li> </ul>

<sup>16</sup> These are estimates based on selecting a person who is well versed on the topic. Depending on that person's familiarity with the subject matter, the level of effort would likely need to be adjusted.

Delivery Format	Illustrative Resources to Draw on	Level of Effort and Expertise <sup>16</sup>
<ul style="list-style-type: none"> <li>· Slide presentation, with narration in Fr-Pt-En</li> <li>· Live presentations in conjunction with trainings #2 and #3</li> <li>· 1-hour presentation, + 30-minute discussion (large or small group) for live delivery</li> <li>· Posting of slide deck and video of presentations on ECREEE website</li> <li>· <b>Timing:</b> Delivered at Validation workshop in May 2017 and on an as-needed basis after that</li> </ul>	<ul style="list-style-type: none"> <li>· ENERGIA “The Gender Face of Energy” Unit 1.1: What is gender and what are gender roles? and Unit 1.2: Why is gender is important in energy planning and how can energy help women?</li> <li>· ESMAP “Integrating Gender Considerations into Energy Projects”, Annex 1: Examples of assessments, actions, and examples of monitoring and Evaluation (M&amp;E) in The Energy Sector, Pgs. 18-19</li> <li>· ESMAP “Gender Analysis Tool” (1 pg.) as a framework for examples</li> <li>· Examples highlighted in Background Study: “Developing A Legal Instrument for Gender Assessments in Energy Infrastructure Planning and Development within ECOWAS”</li> </ul>	<ul style="list-style-type: none"> <li>· 10 hours for a subject matter expert</li> <li>· 10 hours for a learning/training specialist</li> <li>· 16 hours for script design (subject matter expert + learning/training specialist + editor + translator)</li> <li>· 12 hours for delivery, recording and editing</li> <li>· 8 hours for graphics, design, layout, posting to internet</li> </ul>
<ul style="list-style-type: none"> <li>· ½-1-day workshop with Fr-Pt-En facilitated breakout/working groups (one-time)</li> <li>· 30-minute slide presentation (overview of the ECOWAS Directive: objective, provisions, and key decision points)</li> <li>· ECOWAS Directive with all options annotated and highlighted (for facilitated discussion in breakout groups with legal experts)</li> <li>· Once developed, catalog of examples from early adopters of the ECOWAS Directive</li> <li>· <b>Timing:</b> Delivered at the May 2017 Validation workshop</li> </ul>	<ul style="list-style-type: none"> <li>· Background Study: “Developing A Legal Instrument for Gender Assessments in Energy Infrastructure Planning and Development within ECOWAS” Chapter IX: Section D: Key Considerations in Designing the New Legal Instrument</li> <li>· ECOWAS Directive On Gender Assessments in Energy Projects</li> <li>· Model Regulation: Annex to ECOWAS Directive</li> <li>· Licensing templates: Annex to ECOWAS Directive</li> <li>· Input and guidance from Sullivan &amp; Cromwell and ECOWAS legal department</li> </ul>	<ul style="list-style-type: none"> <li>· 6 hours for subject matter expert (slide deck)</li> <li>· 20 hours for legal expert (annotations for model regulation)</li> <li>· 10 days (2.5 days/person for 4 workshop breakout group moderators to prepare, deliver and follow-up with participants)</li> </ul>
<ul style="list-style-type: none"> <li>· Gender Assessment handbook (~30 pages) to guide the implementation of the ECOWAS Directive. This will be organized into a series of self-explanatory steps that will be done offline and self-paced. Topics include:</li> <li>· Project classification</li> <li>· Gender baselines</li> <li>· Projected impacts</li> <li>· Management plans</li> <li>· Monitoring reports</li> <li>· Compliance support</li> <li>· <b>Timing:</b> Developed by 2017 year end and published/ circulated; possible workshops organized in 2018-2019</li> </ul>	<ul style="list-style-type: none"> <li>· Relevant national regulation</li> <li>· Project design templates</li> <li>· ESMAP “Gender Categorization Tool” (2 pgs.)</li> <li>· ESMAP “Gender Responsive Rapid Social Assessment” (3 pgs.)</li> <li>· ESMAP “Assessing Access and Control over Resources” (2 pgs.)</li> <li>· ESMAP “Identifying Potential Impact by Gender” (2 pgs.)</li> <li>· UNIDO “Checklist for Gender Mainstreaming in Projects” (1 pg.) (needs adaptation for this purpose)</li> <li>· UNIDO “Gender Mainstreaming in the Project Cycle” (1 pg.) (needs adaptation for this purpose)</li> <li>· ESMAP “Developing an M&amp;E Framework for Gender Goals” (6 pgs.) (needs expansion)</li> <li>· ESMAP “Gender Checklist of Monitoring Protocols” (2 pgs.)</li> </ul>	<ul style="list-style-type: none"> <li>· 15 Days for subject matter expert</li> <li>· 5 days for learning/training specialist</li> <li>· 2 days for graphics and layout</li> <li>· Translation—costs for providing in Pt and Fr [TBD]</li> </ul>

# Annex F

## Gender Gap Indices

Insights from the Global Gender Gap Index and the Social Institutions Gender Index (SIGI) can be used to characterize the enabling environment for reforms. These indices are macro-level indicators of gender mainstreaming progress and could be utilized by ECOWAS Member States in monitoring of the Science, Technology, Engineering and Math (STEM) and Women-Owned Business indicators.

### Global Gender Gap Index

In order to leverage any public procurement reforms which may benefit women-owned business in the energy infrastructure sector, a number foundational elements must be in place. In order to take advantage of such procurement opportunities, a robust pipeline of women engineers, construction managers, and technology experts must be developed and maintained. Thinking further upstream, that pipeline doesn't exist without aggressive Science, Technology, Engineering, and Mathematics (STEM) education starting at the primary level. In addition, an environment must be created where women can participate in business ownership.

The World Economic Forum's (WEF) Global Gender Gap Index offers some insight on these enabling environment issues supporting women-owned businesses. This index "ranks 145 economies according to how well they are leveraging their female talent pool, based on economic, educational, health-based, and political indicators" (WEF, 2016). From the perspective of gender equality in energy infrastructure, indicators describing 1) firms with female participation in ownership (WOB), and 2) percentage of tertiary level STEM graduates (STEM) were investigated. This analysis is illustrated in the table below

**TABLE 1: Global Gender Gap Index in ECOWAS**

Country	Rank	Score	GDP	GDP/capita	STEM	WOB
Benin	129	0.625	6.34	1,779	12%	45%
Burkina Faso	114	0.651	9.25	1,606	15%	19%
Cape Verde	50	0.717	1.41	6,343	37%	33%
Cote D'Ivoire	133	0.606	24.02	3,324	16%	62%
The Gambia	98	0.674	0.83	1,555	NA	21%
Ghana	63	0.704	20.5	3,953	23%	32%
Guinea	131	0.618	3.6	1,179	23%	25%
Guinea-Bissau	NA	NA	NA	NA	NA	NA
Liberia	112	0.652	1.45	934	20%	53%
Mali	137	0.599	7.81	1,653	10%	58%
Niger	NA	NA	NA	NA	NA	NA
Nigeria	125	0.638	194.88	5,607	NA	18%
Senegal	72	0.698	11.77	2,206	NA	23%
Sierra Leone	NA	NA	NA	NA	NA	NA
Togo	NA	NA	NA	NA	NA	NA
<b>Average</b>				<b>2,740</b>	<b>20%</b>	<b>35%</b>

While there are some data gaps for the ECOWAS Member States, a number of insights can be drawn from this review of the Global Gender Gap Index. Cape Verde, Ghana, and Senegal rank the highest – suggested that they may provide some best practices lessons regarding women’s integration into the labour pool. Outside the Member States, SSA neighbors Rwanda, South Africa, and Namibia lead the way with rankings in the top 20. Looking more closely at STEM results – Cape Verde’s success suggests that it should be investigated as a model. Finally, examining the presence of women-owned businesses (WOBs) demonstrate a strong enabling environment in Liberia, Mali, and Cote D’Ivoire. Finally, among the three largest economies (Cote D’Ivoire, Ghana, and Nigeria) – Ghana offers the best model for replication.

## Social Institutions Gender Index (SIGI)

While public procurement reform may create short term opportunities to integrate women-owned businesses into energy infrastructure projects, the enabling environment in each member state is important to the long-term sustainability of this intervention. To this end, the Social Institutions & Gender Index (SIGI) employs the concept of “discriminatory social institutions” which are defined as “the formal and informal laws, social norms, and practices that restrict or exclude women and consequently curtail their access to rights, justice, resources, and empowerment opportunities” (SIGI, 2014). In other words, countries which exhibit a high level of discrimination, as measured by the SIGI index are more likely to have persistent gaps in STEM education for girls and employment opportunities for women – hampering the staying power of public procurement reform initiatives.

Digging a bit deeper, the **restricted resources and assets** component of this index appears to be of most interest women’s integration into energy infrastructure procurement opportunities. This aspect of the index addresses women’s rights to own and inherit land, access to non-land assets, and access to financial services - all precursors for their ability to start and own businesses (SIGI, 2016a). The SIGI index results are organized into five levels of discrimination, ranging from very low (robust legal frameworks) to medium (inconsistent & conflicting legal frameworks) to very high (high levels of discrimination in legal frameworks and customary practices) (SIGI, 2014).

Level of Discrimination	SIGI Score	Characterized By
Very Low	$SIGI < 0.04$	Robust Legal Frameworks
Low	$0.04 < SIGI < 0.12$	Strong Laws
Medium	$0.12 < SIGI < 0.22$	Inconsistent & Conflicting Legal Frameworks
High	$0.22 < SIGI < 0.35$	Discrimination Embedded in Customary Laws, Social Norms & Practices
Very High	$SIGI > 0.35$	High Levels of Discrimination in Legal Frameworks and Customary Practices

The table below provides the SIGI scores and level of discrimination groupings for the Member States as well as a number of other SSA countries. It should be noted that none of the SSA countries have attained a SIGI discrimination level of “very low” and that Cape Verde is not included in the SIGI country rankings and profiles.

**TABLE 2: Social Institutions Gender Institutions in Africa**

Country	SIGI	Level of Discrimination	ECOWAS
South Africa	0.0599	Low	
Namibia	0.1173	Low	
Rwanda	0.1139	Medium	
Togo	0.1860	Medium	x
Senegal	0.1985	Medium	x
Guinea-Bissau	0.2110	Medium	x
Kenya	0.2157	Medium	
Uganda	0.2163	Medium	
Ethiopia	0.2450	High	
Tanzania	0.2504	High	
Cote D'Ivoire	0.2537	High	x
Benin	0.2780	High	x
Burkina Faso	0.2819	High	x
Ghana	0.2998	High	x
Guinea	0.3206	High	x
Sierra Leone	0.3720	Very High	x
Liberia	0.3828	Very High	x
Nigeria	0.3911	Very High	x
Congo, DR	0.4276	Very High	
Niger	0.4415	Very High	x
Zambia	0.4489	Very High	
Somalia	0.4594	Very High	
Mali	0.5164	Very High	x
The Gambia	0.5240	Very High	x
Sudan	0.5550	Very High	

In considering the relevance of the SIGI results to gender assessment for energy infrastructure, a number of issues are worth noting. As illustrated in Table 2, Nigeria; Ghana, and Cote D'Ivoire enjoy the largest GDP among the Member States - representing the greatest potential WOB revenue impact from public procurement reform. In the face of this opportunity; however, Table 2 above illustrates a very high (Nigeria) or high (Ghana and Cote D'Ivoire) discriminatory environment for these large economies – suggesting that the institutional enabling environment needs improvement in order to achieve long term success. Looking at these results more broadly, 73% of ECOWAS Member States fall into the high (33%) or very high discriminatory environment categories (40%) – indicating that this is an endemic issue in the ECOWAS region

which should be considered as a backdrop in developing legal and regulatory instruments. Further investigation of the results in Member States Senegal, Togo, and Guinea-Bissau as well as SSA neighbors South Africa and Namibia may provide insights to improve the institutional environment going forward. At the macro level, it may also be prudent to track the level of acceptance and implementation of the legal/regulatory framework proposed by this project against SIGI score in each member state going forward.

In addition to the SIGI index scores, a country profile is provided which highlights specific issues in each ranked country. Reviewing these profiles for the ECOWAS Member States reveals that nearly all address gender equality in their constitutions, have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), have established national gender equality policies, and have formed gender-related ministries. Since these enabling environment achievements are common across all levels of discrimination in the Member States – they don't appear to be having a practical impact. This suggests the need for a more focused, targeted, and measurable legal and regulatory instrument to drive progress in achieving gender equality in energy infrastructure projects (SIGI, 2016b-p).

Looking at the opportunity to empower women-owned businesses in the energy sector through public procurement reform, the country profiles also paint a picture of limited access to financial services. While most Member States provide a legal framework which guarantees equal access to women, social norms and customary practices prevent women from opening bank accounts, gaining approval for bank loans, and opening businesses. Since public procurement opportunities require women-owned businesses to register and meet certification/qualification requirements – this lack of access to financial services can effectively eliminate their ability to participate (SIGI, 2016b-p).

### **Box: Nigeria training and capacity development**

The Rural Women Energy Security (RUWES) project, created by the Federal Ministry of Environment (FMENV) has entered into a partnership with Growing Girls and Women in Nigeria (G-WIN) to achieve the common objectives of gender empowerment, energy access, improved health and protection (Renewable Energy Programme, 2016). One of the expected outcomes of this partnership is the completion of a “well equipped Skill Acquisition Centre which will provide training on the assembly, repair, maintenance, sales, and distribution of solar lanterns, clean cook-stoves, and other clean energy products” (Renewable Energy Programme, 2016). RUWES has registered more than 2 million women across Nigeria since its inception in March 2013. Creation of a sustainable supply chain for clean energy technologies, access to finance for rural business incubation and entrepreneurship, and the phase out of kerosene lamps are among the RUWES goals and objectives (Renewable Energy Programme, 2016). Coupled with the NAPTIN and DSTC training

facilities addressed above, the Skill Acquisition Centre developed by the G-WIN/RUWES partnership could be used to develop a model for energy infrastructure capacity building throughout the ECOWAS region.

In order for such public reform initiatives to work over the long-term, however; a number of “enabling environment” must be addressed. As the Social Institutions Gender Index (SIGI) revealed, many member states guarantee equal access to financial services for women – but in practice significant barriers remain due to persistent social norms and customary practices. In addition, women's entry into the male-dominated energy infrastructure sector requires a steady pipeline of women engineers, technology specialists, and construction managers. In order to create such a pipeline – Science, Technology, Engineering, and Mathematics (STEM) education must begin at the primary level.

# Annex G

## Online Survey

### ECOWAS Gender Regulation for Energy Infrastructure Online Survey Results Summary

An online survey was conducted from October 10 to 24 among energy sector practitioners to assess to what extent gender impact assessment are done in energy infrastructure projects in the countries where they work. The survey was made available in English, French and Portuguese.

A total of 43 people participated in the survey ranging in age from 20 to more than 60 years old with more than 35% aged between 31 and 40 years old. 56% are male and 44% female. 77% of the respondents work in the ECOWAS while 23% do not. Some of the countries where non-ECOWAS respondents works include Algeria, Kenya, Zimbabwe, Cameroon, USA, UK, Peru, Uganda, Botswana, Ethiopia, Rwanda, Lesotho, Bolivia and Mexico.

What is your age?		
Answer Options	Response Percent	Response Count
Less than 20	0%	0
20-30	26%	11
31-40	35%	15
41-50	16%	7
51-60	16%	7
more than 60	7%	3
<b>answered question</b>		<b>43</b>

What is your gender?		
Answer Options	Response Percent	Response Count
Male	44%	19
Female	56%	24
<b>answered question</b>		<b>43</b>

Do you work in the ECOWAS region?		
Answer Options	Response Percent	Response Count
Yes	77%	33
No	23%	10
<b>answered question</b>		<b>43</b>

Power generation is the sub-sector that most respondents are involved in (37%) followed by transmission and energy distribution. Some respondents are involved in sale and servicing of solar products, solar PV installation and renewable energy research. Most of the respondents are managers or staff directly involved in energy infrastructure (39%), others are NGO staff, funders and a few are regulators and policymakers. Of those directly involved in the energy infrastructure the majority works in planning, operation and monitoring and evaluation. 51% of respondents have less than 6 years of experience in the energy sector; 28% have between 6 and 10 years of experience and 12% have more than 20 years of experience. 45% come from the public sector against 23% from the private sector and 20% from the donor community.

What area (s) of energy infrastructure development are you involved in?		
Answer Options	Response Percent	Response Count
Fuel extraction (e.g. oil, natural gas)	0.0%	0
Fuel processing (e.g. oil refinery, natural gas processing)	0.0%	0
Fuel storage (e.g. petroleum products, natural gas)	2.7%	2
Power generation (e.g. fossil fuel fired plants, hydroelectric, wind and farms)	37.0%	27
Transmission (e.g. transmission lines, substations)	19.2%	14
Energy distribution (e.g. distribution lines, meters, oil and natural gas pipelines)	19.2%	14
All of the above	2.7%	2
Other (please specify)	19.2%	14
<b>Total</b>		<b>73</b>
	<i>answered question</i>	<b>33</b>

What role best describes your involvement in energy infrastructure development and management		
Answer Options	Response Percent	Response Count
Policymaker	8%	4
Regulator	6%	3
Funder	10%	5
Manager or staff directly involved in energy infrastructure project development or operations (including state utilities and private developer)	39%	19
Academic	8%	4
NGO staff	16%	8
Other (please specify)	12%	6
<b>Total</b>		<b>49</b>
	<i>answered question</i>	<b>43</b>

<b>Which sector best describes where you work?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Private sector	23%	9
Public sector	45%	18
International multilateral/bilateral development agency or bank	20%	8
NGO or civil society	13%	5
Other (please specify)		4
<b>answered question</b>		<b>40</b>

The survey provided the following definition of gender impact assessment “Gender Impact Assessment (GIA) is an effort to anticipate the potential impact of any activity on the lives and livelihood of the men and women that the project will come in contact with. Actions towards conducting a GIA include: collecting and using gender disaggregated data from the planning, implementation and M &E stage; understanding the potential impact of the project on both men and women and developing gender sensitive and gender-specific risk mitigation strategies, etc. “

To the question of whether gender impact assessment (GIA) is conducted for energy infrastructure projects in the countries where they work, 21 respondents (49%) answered “yes” and 22 respondents (51%) answered “no”. Among the 21 who answered “yes” only 11 provided follow-up answers on how GIA is conducted. The planning and design phase was the main phase where GIA took place (selected by 10 of the 11 respondents) followed by the monitoring and evaluation phase (selected by 6 respondents) and budgeting phase (selected by 4 respondents). Procurement was the least selected option (only 1 respondent). Respondents provided answers for Nigeria, Mali, Burkina Faso and Cape Verde.

<b>At what phase(s) is gender considered in energy infrastructure projects? Check all that apply</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Planning and design phase	37.0%	10
Budgeting phase	14.8%	4
Procurement	3.7%	1
Construction phase	7.4%	2
Operations phase	7.4%	2
Monitoring, evaluation & reporting phase	22.2%	6
Decommissioning	7.4%	2
<b>Total</b>		<b>27</b>
<b>answered question</b>		<b>11</b>

GIA are primarily required by the ministries in charge of energy, the ministries in charge of gender and a development bank or agency. With regards to the gender related topics covered by the assessments, “employment opportunities” received the highest number of selections (6 times) followed by “gender balance within project decision-making” (5 times) and “participatory consultations with affected communities during the planning stage” (5 times). When gender-related issues are identified, a mitigation action plan is developed (5 selections), findings are integrated in design and implementation (4 selections) and experts are brought in to help address the gender issues (4 selections).

What gender-related topics are covered in these assessments? Check all that apply		
Answer Options	Response Percent	Response Count
I don't know	3%	1
Gender balance within project decision-making	13%	5
Gender balance in labour force	8%	3
Employment opportunities	15%	6
Gender balance in procurement and contracting	5%	2
Gender anti-discrimination measures and redress	8%	3
Accommodations for pregnancy, childbirth, lactation, and care-giving obligations of workers	5%	2
Prohibitions against child labour	3%	1
Precautions against HIV/AIDS and support for affected individuals	5%	2
Precautions against human trafficking	3%	1
Fully participatory consultations with affected communities at the planning stage	13%	5
Fair compensation for land and other natural resources lost or degraded	3%	1
Land allocation and land titling	3%	1
Equity in resettlement proceedings	5%	2
Equitable extension of energy resources to underserved communities or underserved individuals or institutions within communities affected by infrastructure development	8%	3
Equitable extension of energy resources to society at large (consideration of pro-poor, pro-rural, or pro-child/female-headed household policies within overall service plans)	5%	2
Other (please specify)	0%	0
<b>Total</b>		<b>40</b>
	<i>answered question</i>	<b>11</b>

On the question of effectiveness of GIA, 7 out of the 11 respondents answered that GIA is somewhat effective, 3 answered that it is not effective and 1 said that it is very effective. Those who answered that GIA was not effective selected “lack of strong regulatory framework”, “lack of financial resource” and “lack of expertise” as the main reasons.

<b>If the gender assessments are not effective (score of 1 or 2 above) what are the reasons?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Lack of strong regulatory framework	28.6%	4
Lack of financial resources	28.6%	4
Lack of expertise	28.6%	4
Lack of commitment from project implementers	14.3%	2
Other (please specify)		0
<b>Total</b>		<b>14</b>
<b><i>answered question</i></b>		<b>6</b>

Among the 22 respondents who answered that GIA is not conducted in the countries they work, 20 provided answers to the follow-up questions. Answers were provided for Nigeria, Cape Verde, Cameroon, Togo, the UK, Ghana, Burkina Faso, Ethiopia, Mali, Benin and Senegal. 14 people responded that social assessments and stakeholder consultations are carried out for energy infrastructure projects among these 14, 4 indicated that gender is taken into account in these assessments and consultations, 5 indicated that they are not taken into account and the rest was not sure. “Employment opportunities for both men and women” was selected as the topic most covered followed by “fair compensation for land and other natural resources lost”, “equity in resettlement proceedings for both men and women” and “fully participatory consultations with affected communities”. When asked why full GIA are not conducted, most survey participants pointed to lack of awareness, followed by lack of interest, lack of regulation and lack of expertise.

<b>What are the reasons for not conducting full gender assessments in energy infrastructure in the country (ies) you work?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Lack of awareness	24.3%	9
Lack of interest	18.9%	7
Lack of regulation	16.2%	6
Lack of financial resources	13.5%	5
Lack of expertise	16.2%	6
There is no commercial benefit to the project for conducting a GIA	10.8%	4
Other (please specify)		0
<b>Total</b>		<b>37</b>
<b><i>answered question</i></b>		<b>18</b>

18 people provided opinion on the level of awareness of decision-makers, regulators, and project implementers with regards to gender impacts of energy infrastructure projects. 11 people thought that decision-makers, regulators and project implementers are not aware while 7 believed that they are somewhat aware. The lack of understanding of linkages between gender and infrastructure development was selected by 15 of the 18 respondents as the reason why decision-makers, regulators and project implementers are not aware of the gender impact of energy infrastructure. This was followed by the lack of gender disaggregated data which was selected by 12 of the 18 respondents.

<b>On a scale of 1 to 5, 1 being “not aware” and 5 being “very aware”, how aware are decision-makers, regulators, and project implementers of the importance of gender impact assessment in energy infrastructure projects?</b>						
<b>Answer Options</b>	<b>1 (not aware)</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5 (very aware)</b>	<b>Response Count</b>
Decision-makers	2	9	7	0	0	18
Regulators	4	7	4	3	0	18
Project implementers	4	7	7	0	0	18
<b><i>answered question</i></b>						<b>18</b>

<b>If decision-makers, regulators and project implementers are not aware of the importance of gender impact assessment in energy infrastructure projects, what are the reasons?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Lack of understanding of linkages between gender and infrastructure development in general (not just energy infrastructure)	39%	15
No gender disaggregated data on the social impact of energy infrastructure are available	32%	12
No requirement for gender impact assessments from donors/investors	21%	8
No interest	8%	3
Other (please specify)	0%	0
<b>Total</b>		<b>38</b>
<b><i>answered question</i></b>		<b>18</b>

From the original 43 survey participants, 27 provided answer to the question “how important it is to have a regulation in the country you work that mandates gender impact assessment for energy infrastructures”. 17 people (63%) said that it is very important. 2 (7%) said that is not important.

<b>On a scale of 1 to 5, 1 being “not important” and 5 being “very important,” how important is it to have a regulation in the country you work in that mandates gender impact assessment for energy infrastructure?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
1 (not important)	7%	2
2	4%	1
3	15%	4
4	11%	3
5 (very important)	63%	17
<b>answered question</b>		<b>27</b>

14 out of 26 people (54%) indicated that the regulation should be stand-alone while 12 (46%) recommended that it be integrated in an existing regulation (1 person from the 27 in the previous question did not answer this question). Suggested regulations (or practices) in which gender impact assessment should be integrated include design standards, social assessment, community engagement, economic regulatory framework, constitutional law, laws related to reducing energy poverty and electricity law.

<b>If having a regulation on gender assessment is important (i.e., it has a score of 3 to 5) should it be:</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
A stand-alone regulation	54%	14
Integrated in an existing regulation	46%	12
<b>answered question</b>		<b>26</b>

People who indicated that the regulation should stand-alone offered the following reason: “Governments do not refuse gender promotion but gender is blocked but traditional barriers”, “it will have more impact”, “to better take gender into account”, “a stand-alone regulation will force all infrastructure development projects to take gender into account, especially in the energy sector”

Those who said that that gender impact assessment should be integrated in an existing regulation or existing practices offered the following reasons: “keep it practical”, “it is a social-economic issue. Women are the biggest consumers of energy”, “to facilitate harmonization, integration and application”, “to complement the law in which it will be integrated”, “to facilitate its application”

On the question of which agency should be in charge of conducting gender impact assessment in energy infrastructure projects, 17 (63%) said that it should be the national ministry in charge of energy; 4 (15%) said that it should be the ministry in charge of gender and 3 (11%) said it should be a national regulatory institution. One person indicated that it should be both the ministry in charge of energy and civil society organizations or NGO.

<b>If an agency/institution is going to be in charge of conducting gender assessments for energy infrastructure projects, it should be:</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
National Ministry in charge of energy	63%	17
National Ministry in charge of gender	15%	4
Utilities (public or private) or other state-owned companies (please specify which)	4%	1
National regulatory institutions (please specify which)	11%	3
Private sector consulting firm	7%	2
Other (please specify)		1
<b>answered question</b>		<b>27</b>

With regards to which agency should be charge of accountability (ensuring that GIA are done and done correctly) 9 people (33%) responded that it should be the ministry in charge of energy; 8 people (30%) responded that is should be the ministry in charge of gender. 3 people suggested that it should ECREE or another ECOWAS institution.

<b>If an agency/institution is going to be in charge of accountability (making sure that assessments are done and done correctly), it should be:</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
National Ministry in charge of energy	33%	9
National Ministry in charge of gender	30%	8
Other national Ministry (specify)	4%	1
National regulatory institutions (please specify)	15%	4
ECOWAS regional institution (please specify)	19%	5
Other (please specify)		3
<b>answered question</b>		<b>27</b>

**Red flags:** Some people answering for the same country have different answers. For instance, 7 people responded for Cape Verde, 3 answered that GIA are conducted 4 answered that GIA are not conducted. Similarly, in Burkina Faso, two people from the ministry of energy participated in the survey. One said that GIA are conducted the other said that they are not.

# Annex H

## Structured Interview Questions

### Interview questions on gender impact assessment in energy infrastructure

Structured interviews were conducted by phone/skype with ECOWAS stakeholders to assess the degree to which gender is assessed during energy infrastructure development, how any assessments are performed, and the perceived importance of conducting such assessments.

#### Energy infrastructure to be considered in the context of this interview:

- Thermal power plants
- Hydro power plants
- Transmission infrastructure
- Natural gas processing plants and pipelines
- Oil pipelines
- Oil refineries
- Oil storage facilities
- LPG storage facilities
- Solar PV and CSP plants
- Biomass plants
- Ethanol or other biofuel production
- Municipal Solid Waste gas and petroleum sector flare gas
- Electrical distribution infrastructure

#### Definition of Gender Impact Assessment in the context of this interview:

Gender Impact Assessment (GIA) is an effort to anticipate the potential impact of any activity on the lives and livelihood of the men and women that the project will come in contact with. Actions towards conducting a GIA include: collecting and using gender disaggregated data from the planning, implementation and M & E stage; understanding the potential impact of the project on both men and women and developing gender sensitive and gender-specific risk mitigation strategies, etc.

### I. Understanding the regulatory framework of energy infrastructure

1. What regulations and agencies govern the siting and operation of energy infrastructure in your country?
2. What requirements have to be met for energy infrastructure installations to receive a license/ authorization? Which agency oversees licensing/authorization?
3. What are some of the more recent energy infrastructure projects that have been done in your country?
4. Can you describe the different phases of energy infrastructure development, from conception to implementation?
5. Can you provide us with the different government agencies responsible for the origination, procurement, management and regulation of energy infrastructure in your country?

6. How are energy infrastructure projects originated in your country?
  - a) government tenders
  - b) bi-lateral or multi-lateral tenders
  - c) Private developers
  - d) NGO
  - e) Other (please specify)

## II. Gender Impact Assessment for energy infrastructure

7. Are you aware of any gender assessment done during any of the phases described in question 4? If so, can you provide us with a copy of an assessment?
8. If gender assessments are conducted, who requires them and who does them?
9. If gender assessments are not conducted, are environmental impact assessments (EIA) required for energy infrastructure in your country?
10. Do EIA include any aspects on social assessments or are they only limited to environmental issues?
11. If social assessments are conducted, do they include any gender indicators?
12. Are you aware of any measures put in place to encourage the equal participation of men and women in the procurement process of energy infrastructure (e.g., pre-bid meetings, training, quotas)? If so what are they?
13. Do companies that have gender inclusion and gender assessment measures in their operations receive preference during the bidding process on energy infrastructure?

## III. Awareness and Perceived Importance

14. In your opinion, what gender-related issues are associated with siting and operation of energy infrastructure? Please provide examples
15. Are you aware of any instances when men and women were affected differently by an energy infrastructure project (positively or negatively)?
16. If regulations for gender assessment do not exist or are not applied in energy infrastructure in your country, do you believe they should be introduced? If yes, what would be needed to raise the profile of gender assessments (e.g., training, targets, additional budget)?
17. On a scale of 1 to 5, 1 being not important and 5 being very important, how important is it to have a regulation on gender assessment for energy infrastructure in your country? Please explain your choice
18. If a regulation on gender assessment in energy infrastructure were to be introduced in your country, should it be introduced as a standalone regulation or integrated in existing regulations? Please explain your choice
19. What are the opportunities and likely barriers to gender-related legislation?
20. Are there lessons we can learn from other sectors?

# Annex I

## List of Interview Participants

Country	Name	Institution	Position
<b>Benin</b>	M. Claude Gbaguidi	Autorité de Régulation de l'Électricité	President
<b>Burkina Faso</b>	Alassane Tiemtoré	ARSE (L'Autorité de Régulation du Secteur de l'Électricité)	Directeur des Services Techniques et de la Régulation
<b>Cote d'Ivoire</b>	H.P. Krou	ANAREÉ (Autorité Nationale de Régulation du Secteur de l'Électricité)	Conseiller Technique du Directeur General
<b>Gambia</b>	Momodou Lamin Sompo Ceesay	PURA (Public Utilities Regulatory Authority)	Director for Electricity
<b>Ghana</b>	Dr. Nii Darko Asante	Energy Commission	Director, Tech Regulation and Renewable Energy
<b>Ghana</b>	Dominic Aboagye	National Petroleum Authority	responsible for Planning and Research
<b>Guinea</b>	M. Mamadou FOFANA	ANER (Agence Nationale de l'Électrification Rurale)	électro-ingeneer
<b>Mali</b>	Mrs. Aminata SOW	CREE (Commission de Régulation de l'Électricité et de l'Eau)	Analyste Financier
<b>Nigeria</b>	Engr. Abdussalam Yusuf	NERC (Nigeria Electricity Regulatory Commission)	
<b>Senegal</b>	Mme Lakh, Paule Marie Antoinette Sagna	CRSE (Commission de Régulation du Secteur de l'Électricité)	
<b>Sierra Leone</b>	Mr Tamba Kellie	EWRC (Electricity and Water Regulatory Commission)	Director-General
<b>Togo</b>	Mr. Abbas ABOULAYE	ARSE (Autorité de Réglementation du Secteur de l'Électricité)	Directeur Technique
<b>Regional</b>	Olumuyiwa Shokunbi	ECOWAS Project Preparation and Development Unit, Lome Togo	Focal Person
<b>Regional</b>	Oumar Bangoura	ERERA	
<b>Regional</b>	Chafari Kanya-Hanawa	West African Gas Pipeline Authority (WAGPA)	
<b>Regional</b>	Mustapha Cisse	WAPP	

# Annex J

## Project Steering Committee

The Project Steering Committee provides ongoing critique and guidance on the methods, findings, and progress of the project. The Project Steering Committee is also the principal approving body of the work on developing the ECOWAS Regulation for Gender Assessment in Energy Infrastructure Development. A key aspect of the Project Steering Committee's work consists of providing inputs on the development of the content as well as guiding the process leading to the adoption of the regulatory instrument.

	Organization	First Name	Last Name
1	ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE)	Monica	Maduekwe
2	Economic Community of West African States (ECOWAS) Commission, Gender Dept.	Bola	Adetoun
3	ECOWAS Regional Electricity Regulatory Authority (ERERA)	Oumar	Bangoura
4	West African Power Pool (WAPP)	Elisabeth	Toe
5	West African Gas Pipeline Authority (WAPGA)	Chafari	Kanya-Hanawa
6	ECOWAS infrastructure Projects Preparation and Development Unit (PPDU)	Sediko	Douka
7	Nigerian Electricity Regulatory Commission (NERC)	Engr. A.O	Yusuf
8	The International Network on Gender & Energy (ENERGIA)	Sheila	Oparaocha
9	ECOWAS Director of Legal Affairs	Obii	Onuoha
10	NREL	Victoria	Healey
11	Power Africa/USAID	Denise	Mortimer
12	Former Director of World Bank Energy Sector Management Assistance Program	Dominique	Lallement
13	Renewable Equity Project, Fletcher School, Tufts University, USA	Rebecca	Pearl-Martinez
14	Program on Development Studies, University of Twente	Joy	Clancy



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