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CLIMATE CHANGE AND GENDER JUSTICE

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Introduction

Climate change and women's issues coincide on more than one platform, whether we speak about prevention, protection, participation, education, conservation, management and commerce of the environment at domestic, local, state, national or international level. Women play a vital role in the relationship between humans and nature, therefore for the purpose of this paper; principle of equity in sustainable development is critical to address in the process of climate change mitigation. Equity is a globally accepted principle of international as well as national law and is indispensable since the emergence of the concept of sustainable development. Equity not necessarily in the context of intergenerational equity, although women's role in climate change mitigation can help forward the concept as such. It's the socio-political and intra-generational equity that encompasses the spirit of climate change and women, which will be highlighted in the paper. Therefore the paper will be discussing the importance of women in the climate change regime, vulnerabilities, impacts and decision-making processes from household to international level. Equity has been derived from the concept of social justice that includes fairness, fulfillment of basic needs and opportunity to all. In this principle, the right to a clean and healthy environment, human rights to freedom and equality, all share considerable portions. Similarly, women and climate have a close relationship, which we will be discussing further. Firstly, it can be asserted that women's role in the arena of environment conservation, natural resource management and climate change mitigation cannot be ignored. Social and environmental inequalities make the process of climate change mitigation difficult, especially when talking about the role of women. The need for this arises out of the principle of equity which is underlying in the concept of sustainable development that has emerged beautifully since its conception during the Brundtland Commission. Sustainable development has become a vital component and strategy of climate change mitigation, starting from environment protection, conservation and improvement all the way to adaptation measures, disaster risk reduction and

other mitigation processes. The Sustainable Development Goals (SDGs) that were introduced in the United Nations General Assembly 2015 named the “2040 Agenda for Sustainable Development” under which goal 5 talks about gender equality and 13 talks about climate change.

Gender Mainstreaming

There has been a lot of talk about gender mainstreaming across the globe. What does that exactly mean and what are its implications with respect to women and their roles in policy making, institutional and legislative frameworks in climate change. To address climate challenges keeping in mind gender sensitivity it is important to understand the way transnational, national and local bodies deal with gender mainstreaming.

There are 3 stages of gender equality policy:

“The first being equal treatment for women through, for example, legal statutes that deliver rights to women; the second being positive actions for women such as leadership training; and the third being gender mainstreaming — a commitment to a comprehensive assessment of organizational structures, policies and practices for gender bias.”¹

Gender mainstreaming is defined as:

“The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality. (ECOSOC, 1997)”²²

Thus, gender mainstreaming is being adopted to bring about gender equality, to root out the social construct of gender and make transparent and new possibilities for equitable gender arrangements.

Climate change regime has acknowledged Common but differentiated Responsibilities and Respective Capabilities time and again through legal documents like the UNFCCC mandate,

¹ Margaret Alston, *Gender Mainstreaming and Climate Change*, 47(B) WOMEN'S STUDIES INTERNATIONAL FORUM 287-294 (2014), <https://www.sciencedirect.com/science/article/abs/pii/S0277539513000204> [accessed 14 May 2019]

² *Ibid.*

Kyoto Protocol, Paris Agreement, so on and so forth. Which also means that CBDR & RC can be interpreted not only in economic context but also context of gender. CBDR in this context refers to the common goal of reducing the effects and causes of climate change with the differentiation of approaches used by genders currently. Women are not only more involved, but are socially obligated and expected to manage resources like food or water, education and child rearing, and imbibe values starting from household level. Men's duties and expectations are more in the arena of money making, physical labour or other non-household related responsibilities. Therefore, for the purpose of the Climate Change regime to be effective, women have to be given headspace, understanding the important role they are playing and further ought to play. Although the most important duty of decision making is missing at all levels of governance, whether we talk about domestic level, where generally women play important roles in resource management and procurement, but minimalistic role in decision making or governance through local, state, national or international level, where women's participation can be said to be at an all-time high, yet not enough. This shows that there is a significant lack of participation of women at governance levels.

But taking rural women as an example, they have led the path in sustainable natural resource management, having had to procure and manage water resources for time immemorial. Thus being chief conservators and protectors even without legal regimes present. Other than that, women have strong social and ecological sensitivity with a willingness to share and learn, while also having a sense of family and community responsibilities and means of survival. These qualities give women the capacity to mobilize participation and awareness, given the opportunity due to the pragmatic nature of women. Despite all that some women share the double burden of income generation and taking care of children and elderly, do not have control of resources such as water or land, limited access to training and education, feel dependent on husband thus making them marginalized and at increased risk. Amartya Sen has time and again expressed his dissatisfaction over "poor rural women in India, who generally have fewer rights and assets than men. They experience inequalities in such areas as healthcare and nutrition; are more likely to suffer sex-selective abortion or infanticide; are less likely to receive an education; have lower access to employment and promotion in occupations; lack ownership of homes, land, and

property; and take disproportionate responsibility for housework and child-care”.³ The asymmetrical division of labour, rights, and assets has made women more vulnerable to climate change. “Increasingly, women are sustaining their livelihoods as farm labourers rather than as cultivators, with their knowledge and labour largely marginalized as a result of mechanization and other technical interventions, which they are traditionally excluded from using. In addition, their workload has increased, as the switch to high-yielding varieties of grains has created fewer crops and animal wastes for animal fodder and household fuel, the provision of which is largely the domain of poor peasant and tribal women”.⁴ This means that the responsibilities of cattle rearing, collection of firewood and cooking are burdened onto women, and in circumstances where it becomes difficult, women have to resort to creative ways, thus leading to sustainable practices and help in conservation measures, without being aware of their actions and the consequences. “Moreover, the traditional usufruct rights that women held to community land were lost after land reforms, thus denying them access to these lands where, the landless and land poor procured over 90 per cent of their firewood and satisfied 69-89 per cent of their grazing needs’ in the 1980s.” (FAO 1997⁵ ; Agarwal 2001, 1625⁶). This led to local and rural forest conservation measures, which is critical in the climate change regime, as forests act as filters for air purification, and destruction of these would consequently lead to further devastating effects of climate change.

Amartya Sen’s philosophy about women and “capabilities approach to direct land and environmental management changes in communities, the well-being of the rural poor can be improved. This has the potential to go a long way towards reducing their vulnerability to the risks of climate change. Poor rural women, who are already among the most vulnerable, must be specially considered in such development efforts, however, and their right to participate in decision-making must be promoted and protected.”⁷ Further in the paper, we will discuss the

³ V. Patel, *Of Famines and Missing Women*, 9(4) HUMANSCAPE (2002), <http://humanscapeindia.net/humanscape/new/april02/culturematters.htm>

⁴ B. Agarwal, *The Gender and Environment debate: Lessons from India*, in N. Visvanathan et al. (eds.), *THE WOMEN, GENDER AND DEVELOPMENT READER*(1997), London: Zed Books

⁵ FAO, *SD Dimensions: Asia’s Women in Agriculture, Environment and Rural Production: India* (1997), <http://www.fao.org/sd/WPdirect/WPre0108.htm> [accessed May 16, 2019]

⁶ B. Agarwal, *Participatory Exclusions, Community forestry, and Gender: An Analysis for South Asia and a Conceptual Framework*, 29(10) *WORLD DEVELOPMENT* 1623–48 (2001)

⁷ A. SEN, *DEVELOPMENT AS FREEDOM*, Anchor Books, New York (1999)

current mechanisms involved, women's roles and reservations in governance, which will help make it clearer; why climate change mitigation is not as effective as it should be.

Some big revolutionary actions such as the Chipko Andolan against deforestation and Narmada Bachao Andolan against the damming of a river, causing large-scale ecological destruction, were all led and orchestrated by women. Showing that pragmatism of women has helped in the conservation process, which is vital for the process of climate change mitigation. A sense of empowerment and leadership roles at all levels for women can show positive development in the climate change regime.

However, state actors at all levels such as local authorities to governments as well as civil society need to ensure women's roles as integral to their approaches and encourage "engaging women and men of different social groups in priority-setting and development of interventions most relevant to their situation. This also involves building gender concerns into the underlying systems that have been identified as necessary to enhance adaptation: livelihood diversification, infrastructure, and communication, access to skills and knowledge, and community-based disaster governance. Furthermore, the current disjuncture between the disaster risk-reduction and development sectors must be bridged, to ensure that strategies are both short-term to address immediate impacts, but also long-term to reduce vulnerability and risk, and enhance more climate-resilient development."⁸

Gender and Climate Change – The International Regime:

There is a range of commitments made at International level that indicate global priorities: some are hard law and some are soft law. Hard law agreements are those that are legally binding agreements made by or between countries. They include all treaties, agreements, conventions and covenants and also international customary laws. While on the other hand soft law agreements are non-legally binding agreements and consist of UNGA resolutions and declarations, some key elements such as principles, codes of conduct, statements etc. They also

⁸ Geraldine Terry, *Climate Change and Gender Justice*, OXFAM WORKING IN GENDER DEVELOPMENT SERIES (2009)

include plans of Action such as Agenda 21 and the Beijing platform for Action as well some other international non-treaty obligations.⁹

International conventions and norms have laid a solid foundation that has recognized social and gender dimensions in environment and development. This has set policymakers in drafting various resolutions with references to the connections between gender and environment.

The millennium development goals and the millennium declaration resulted from the 2000 summit. A global partnership was formed to deal with the world's most pressing problems. The MDGs had a timeline from 2000-2015 and had a major significance in terms of gender equality. Post 2015 the Sustainable development goals took root from the Rio+20 Summit. These goals took over where the MDGs left off and from the learnings of the previous years the MDGs were much more comprehensive and applied to all states. The MDGs contain specific Goals on Gender equality (MGD 5) and climate change (MGD 13). The timeline for these extends from 2016 to 2030.¹⁰

The United Nations Framework on Climate Change was unique that it did not integrate any gender or social concerns at the outset. Though Parties have made great strides in agreeing to mandates on key gender issues such as formulating national adaptation plans with gender sensitive approaches, promoting women's participation and leadership, gender mainstreaming of the Green climate fund etc.¹¹

In 2001 at the Conference of Parties (COP 7) meeting in Marrakesh the decision to include gender equality in the National Adaptation Plans was recognised. As seen above it was an acknowledged fact that climate change affects men and women differently and it was important to include women in the process for mitigating climate change as their contributions could prove invaluable to the whole climate change regime.¹²

⁹ Lorena Aguilar, Margaux Granat & Cate Owren, *Roots For the Future: The Landscape and Way Forward on Gender and Climate Change*. IUCN GGCA, <http://genderandenvironment.org/wp-content/uploads/2015/12/RFTF-CH-2.pdf>

¹⁰ *Ibid*

¹¹ Lorena Aguilar, Margaux Granat & Cate Owren, *Roots For the Future: The Landscape and Way Forward on Gender and Climate Change*. IUCN GGCA, <http://genderandenvironment.org/wp-content/uploads/2015/12/RFTF-CH-2.pdf>

¹² *Ibid*

In 2007 the Bali Action Plan (COP 13) was a turning point in the UNFCCC negotiations. The Global Gender Climate Alliance (GGCA) was formed. This provided the much-needed platform and space to collaborate on Gender and climate change issues. The alliance comprises of UN agencies, intergovernmental organizations, non-governmental organizations and other institutions.¹³

In Copenhagen (COP 15) in 2009 though it failed in many aspects in relation to the Bali Action Plan it gave provisional recognition to the Women and Gender Constituency (WGC). The WGC released a joint statement on COP 15 outcomes:

“While gender-sensitive text remained in the negotiating documents till the end, these texts mean nothing without an overall outcome which will protect the lives and livelihoods of everyone on Earth.”¹⁴

The Cancun COP (16) was also significant in recognizing the role of women, the Cancun Agreements consisted of 8 references to women and gender across seven sections. In the shared vision for long-term cooperative action it recognized: “gender equality and the effective participation of women are important for effective climate action on all aspects of climate change.”¹⁵

Doha (COP 18) 2012, also known as the “Gender COP” saw a sudden increase in attention to issues associated with gender and climate change. One of the decisions aimed at promoting gender balance and the participation of women in UNFCCC negotiations and making “Gender” a standing Agenda item for the COP. During this meeting, the first gender day was also organized by the UNFCCC Secretariat, GGCA and WGC to raise awareness and outreach among the parties.¹⁶

In 2011, in Durban, the WGC was given formal recognition as a Constituency of the UNFCCC COP 19 in Warsaw in 2013, hosted the first ever in-session workshop on Gender and climate change.

¹³ *Ibid*

¹⁴ *Ibid*

¹⁵ *Ibid*

¹⁶ *Ibid*

At COP 20 In Lima Peru, the Foundation Text for the new Climate regime was submitted for the new climate agreement in 2015. The text included references to gender in the preamble, in sections on adaptation, finance and capacity building and also across seven decisions under the subsidiary bodies.¹⁷

In Cop 21 in Paris France the new Climate agreement was adopted which recognised the role of women in mitigation of climate change. In the Global Climate Fund meeting The Gender Policy and Action Plan was adopted making it the first financial mechanism with gender mainstreaming before its operationalization.

The progress in the COP's shows the progress of the UNFCCC in the recognition of the gender dimension in Climate change. The mere recognition and mention of gender in various meetings is not enough. The next steps would be for Governments to adapt to gender mainstreaming in their national legislative process. Unless implemented these mandates have no meaning and may seriously hamper the progress of climate change mitigation.

In addition there are several other international agreements and conventions on the rights of women in International and some of these can be seen as precursors to the engendering of later conventions.

The UN regime on Human Rights that consists of the International Bill of Rights which consists of The Universal Declaration of Human Rights (UDHR 1948), the International Covenants on Civil and Political Rights (ICCPR 1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These provide protection for Human rights of all. Each of these restates:

“The recognition of inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”¹⁸

¹⁷ Lorena Aguilar, Margaux Granat & Cate Owren, *Roots For the Future: The Landscape and Way Forward on Gender and Climate Change*. IUCN GGCA, <http://genderandenvironment.org/wp-content/uploads/2015/12/RFTF-CH-2.pdf>

¹⁸ Preamble of all and UDHR Article 2, ICCPR Article 26, ICESCR Part II Article 2

They also declare that all people of the world are entitled to Human rights without distinction based on: “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹⁹

In addition, the 1979 Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) is regarded as the first international Bill on women’s rights. This has direct linkages and implications to climate change as its obligations contain:

“[a]ll appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development.”²⁰ It also has implications in a number of other areas related to women’s empowerment all of which underpin women’s capacity to adapt to climate change and to participate in planning and implementation to address the implications of climate change.

The United Nations Conference on Environment and Development (UNCED) Rio 1992. The outcomes of this conference one of which was Agenda 21, an outline for sustainable development and one of the first UN documents that refers to the position of women and roles and also has a chapter on women.

Fourth World Conference on Women, Beijing (1995). The Beijing declaration and Platform for Action was a result of this conference. The Beijing Declaration addresses a host of issues related to gender perspectives at all levels i.e. local, national and international and a link to sustainable development. Its strategic objectives also include women and environment and resources for dealing with issues like healthcare for women, preventive programmes, information dissemination etc. the platform is not a binding treaty even though it is a consensus document and the most comprehensive statement addressing women’s issues. It recognizes a lack of gender perspectives from governmental decision making to education. It asks governments to take an overall view on Women’s issues and address them at the national level.²¹

The Indian Perspective:

¹⁹ *Ibid*

²⁰ Lorena Aguilar, Margaux Granat & Cate Owren, *Roots For the Future: The Landscape and Way Forward on Gender and Climate Change*. IUCN GGCA, <http://genderandenvironment.org/wp-content/uploads/2015/12/RFTF-CH-2.pdf>

²¹ *Ibid*

In 2001 the National Policy for Women's Empowerment was brought into force. It was in response to the Beijing Declaration and Platform for Action.

“The objectives and goals of the National Policy include the creation of an enabling environment for women through economic and social policies, active protection of rights, equal access to decision making and social sector needs, strengthening institutional support systems and legal machinery, and forging partnerships within civil society. The Policy affirms were to be realized through a review and formulation of positive measures in the judicial legal system, decision making, through the economic and social empowerment of women.”²²

Even though the policy is a comprehensive document even after 17 years and 72 years of independence women in this country still face gender discrimination and bias. The Policy cannot be termed a success. The country is moving forward but the progress is slow and piecemeal.

In 2016 a new women's policy was drafted, the new policy contains an entire section on Climate change and gender. So far it still remains a draft and has not been adopted. It has taken the Government 15 years to bring out a new policy on women's empowerment and yet it remains stagnant. Even though the Government is a signatory to the CEDAW and the Beijing Declaration there is hardly any women's participation on issues that matter like government policy-making and legislation. The oft-used excuse is social and cultural hurdles.

The 1988 National Forest Policy in its objectives states: “Creating a massive people's movement with the involvement of women, for achieving these objectives and to minimise pressure on existing forests.”²³ It mandates the participation of Women in The Joint Forest Management (JFM) programmes. Subsequent circulars mandated that the General Body of the JFM should

²² Vishal Shrivastava, *Analysis of Women's Policy for National Empowerment, 2001: Legal Changes and their Implementation*, 2(1) HUMAN RIGHTS INTERNATIONAL

²³ National Forest Policy, 1988: *New Direction in Forest Management*, 33 (2-3) SOCIAL CHANGE 192-203 (2003)

constitute 50% of women and the Executive Committee of 33%.²⁴This is the only attempt that has been made for mainstreaming gender in the rural areas.

In response to the Lima COP, India made a submission to the Subsidiary Body for implementation in which it welcomed the Gender Action Plan (GAP) and acknowledged that women are more at risk to the effects of climate change and as such their needs are different and competitive. In addition the Government of India has floated a number of gender sensitive programmes to show their commitment.²⁵ Some of these are as mentioned below:

1. The Pradhan Mantri Ujjwala Yojna (PMUY) aims at safeguarding the health of women and children by providing them clean cooking Fuel-LPG. Under the scheme 50 million LPG connections will be provided to families below the poverty line. To ensure empowerment in rural India connections will be in the name of the women in the household.²⁶
2. The Government is also in the process of developing its REDD+ strategy, which aims at ensuring compulsory participation of women.²⁷
3. Support to Training and Employment Programme for Women' (STEP) is another scheme implemented by the Government. It aims to provide skills to women that give employability and provide competencies that enable them to become self-employed/ entrepreneurs.²⁸
4. 'Mahila Shakti Kendra' is a new scheme to empower rural women through community participation and to create an environment in which they realize their full potential. The main aim of this scheme is to enable women to approach the government for their entitlements and also training and capacity building.²⁹
5. The government is also encouraging gender-responsive budgeting in the country through various measures including setting up Gender Budgeting Cells in the Ministries and Departments.³⁰

²⁴ A.K. Mukherji, Forest Policy Reforms in India: Evolution of the joint Forest Management Approach, <http://www.fao.org/3/XII/0729-C1.htm>

²⁵ Submission by India on SBI Agenda item 20:Gender and climate Change, <https://www4.unfccc.int/sites/SubmissionsStaging/Documents/201804051550--India%20Gender%20submission.pdf>

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ *Ibid*

³⁰ *Ibid*

6. The Indian national as well as the international climate delegation also have a considerable representation of women delegates.³¹

Even though there exist a host of international treaties, Covenants and declarations at International level, from the Indian perspective there is difficulty in implementing these due to social and cultural differences. Women have always been marginalised in the largely patriarchal system followed in the Country. We have seen time and time again though the Government may form policies and legislations implementation is almost always a problem due to the mind-set of the people. Efforts must be made to sensitize the population at large and a gender perspective must be made inclusive in policy making and government decisions.

While progress has been slow and piecemeal, the presence of international laws has forced the Government to make changes in the process that involves gender mainstreaming. It is not enough to have policies on paper but sincere efforts have to be made by the government to see that policies are implemented correctly with transparency and proper reporting at domestic level. Women's participation at most remains on paper while most decisions are still considered to be within the male bastion of power, marginalizing women.

The international mandate on gender mainstreaming has helped Indian policy makers to rethink the contribution of women's participation in policy making to make policies gender sensitive and more implementable. This is more so in the face of climate change as women are among the most vulnerable to its impacts.

³¹ *Ibid*