

Gender and Climate Change

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Climate change is one facet of the triple planetary crisis, alongside biodiversity loss and pollution. In this presentation, we examine the impact of climate change, to see how women are disproportionately impacted. For example, food systems; water and energy & what can be done.

OUTLINE

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INTRODUCTION

- **CC poses a major threat globally**
- **Unchecked, it poses major obstacle to poverty reduction, peace & security**
- **Many people are vulnerable to CC – Geography; Low incomes; Reliance on climate sensitive sectors**
 - **Impacts proportionally greater & ability to adapt smaller**
- **It is not surprising that Kenya's CC shocks fall disproportionately on poor communities in general, & poor women in particular**
 - **According to the Kenya National Bureau of Statistics, women provide 80 per cent of farm labour and manage 40 per cent of the country's smallholder farms**
 - **Yet they own only roughly 1 % of agricultural land and receive just 10 per cent of available credit**

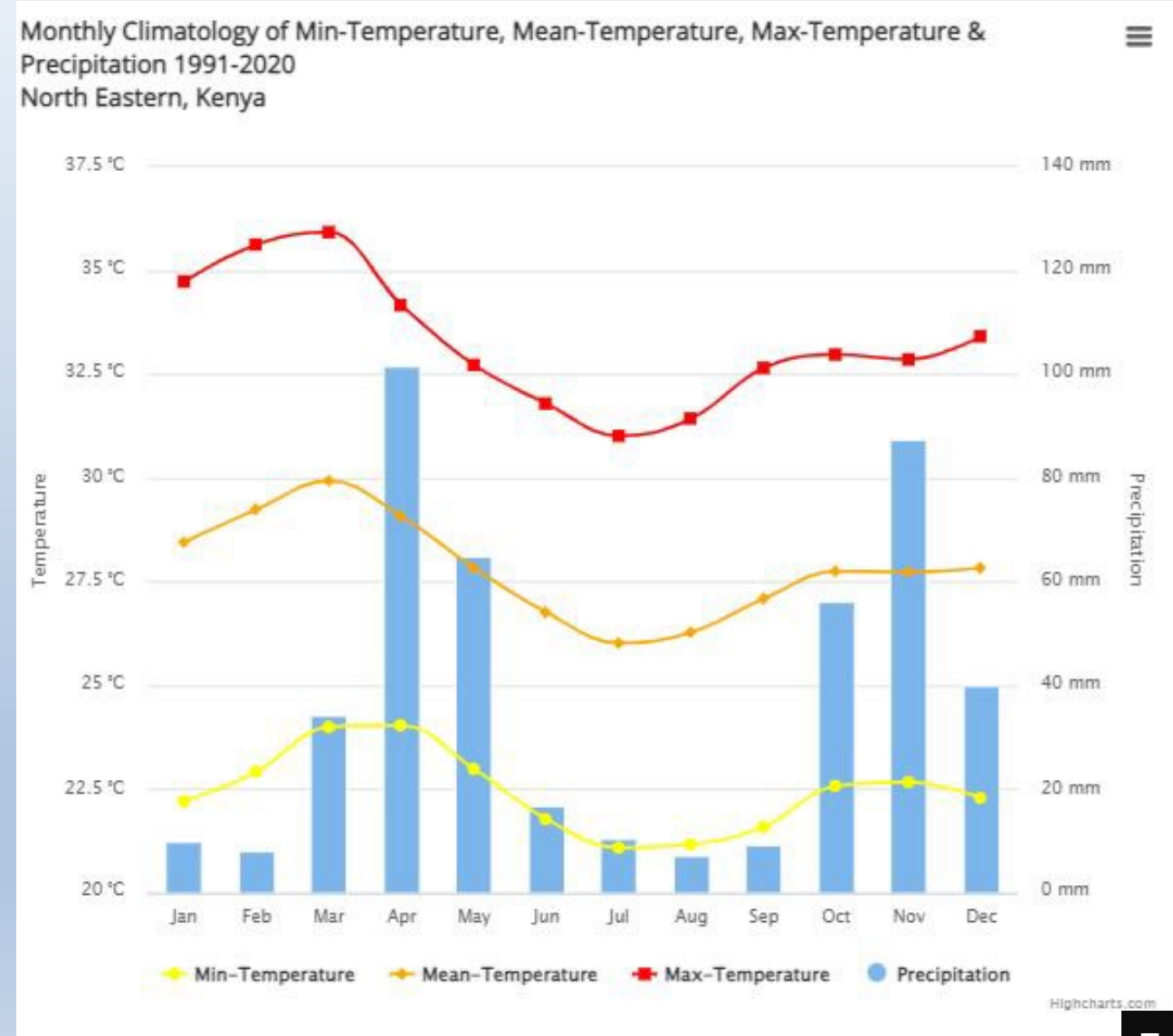
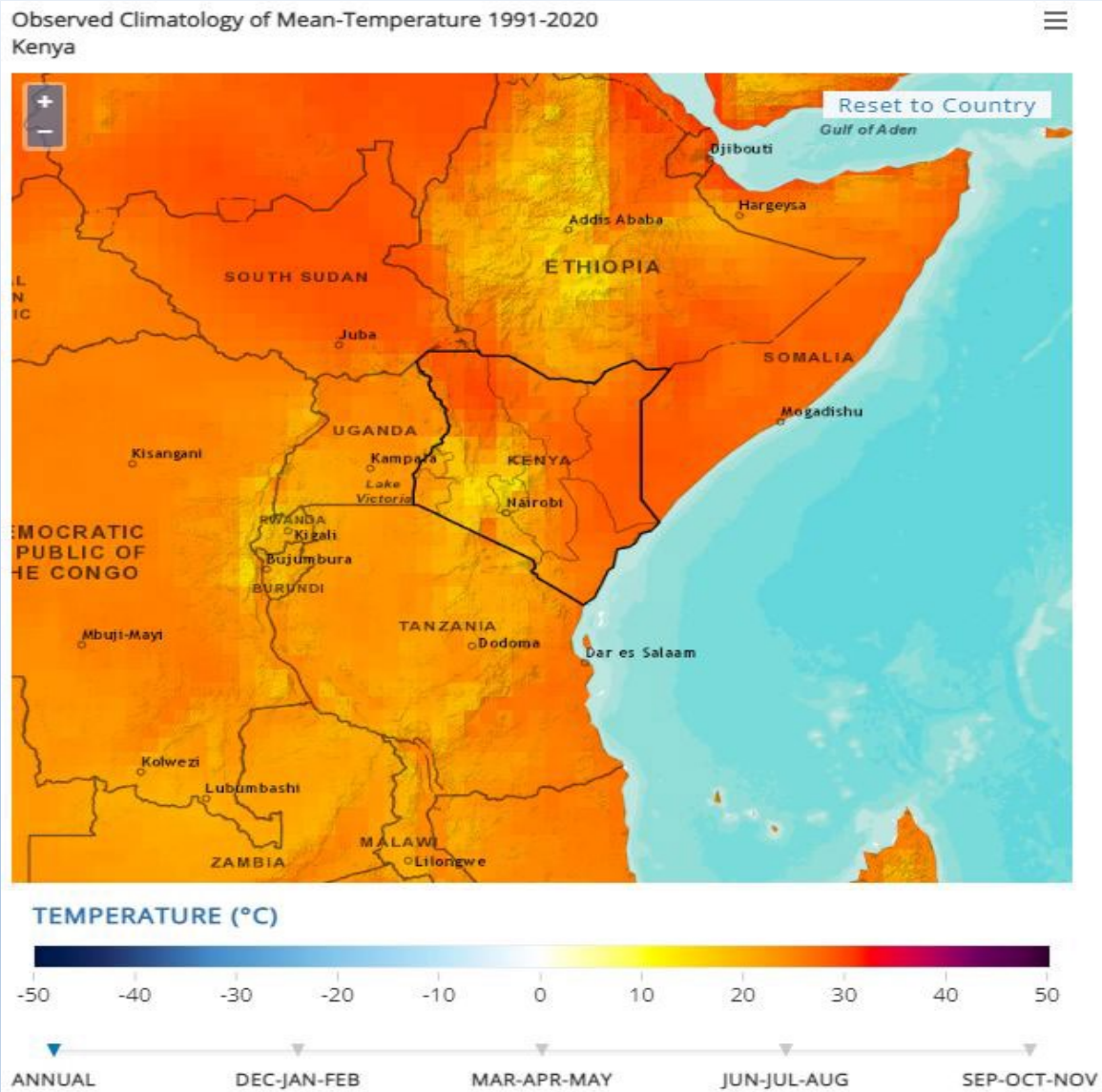
INTRODUCTION - 2

- **An estimated 16.4 million Kenyans have limited or diminished access to food at all price levels**
 - **This has significant impact on women, who bear a disproportionate burden of ensuring that the family is fed and taken care of, and the climate crisis will only compound this disadvantage**
- **In Kenya, in terms of food security:**
 - **36.1 percent of all Kenyan households are considered poor & an estimated 16.4 million Kenyans have limited or diminished access to food at all price levels**
- **This has significant impacts on women**

INTRODUCTION - 3

- **Climate change, particularly extreme drought, is changing the activities performed by men and women in some communities**
 - For instance, in Kenya's Turkana District, women traditionally collected water and firewood. Yet due to increased conflict in this area during droughts, men have taken up this activity
- **The loss of biodiversity also has an impact on the knowledge systems and practices of both men and women**
- **Havemann rightly notes that 'the indigenous knowledge of the ecosystem is learned and updated through observation'**
 - Women transmit knowledge to the next generation. Yet when climate change results in the migration of communities from their ancestral land, there is a break in the generational cycle of learning and the transmission of knowledge.

Observed Climatology of Mean-Temperature in Kenya and the Monthly Climatology of Min-Temperature, Mean-Temperature, Max-Temperature & Precipitation of North Eastern, Kenya (1991 – 2020). [Source: Climate Change Knowledge Portal – World Bank](#)



LEGAL INTERVENTIONS TACKLING CLIMATE CHANGE



The United Nations 2030 Development Agenda and numerous international, regional, national laws and policies recognize the importance of ensuring and integrating gender equality, including in climate mitigation and adaptation. Yet even through these laws and policies we have not succeeded in elevating the role of women. Women continue to be side-lined in climate action. Women must be front and centre of climate action, for many reasons.

TACKLING CLIMATE CHANGE

- **Different manifestations of climate change raise need for multifaceted approach in addressing it**
 - CC addressed in international, regional, national laws & policies
 - Local interventions where climate change occurs critical to address immediate issues
- **Law is important in addressing climate risks & associated human security issues**
 - It is part of the broad mosaic of environmental governance norms that are critical for CC mitigation & adaptation
- **Law has both substantive & procedural norms to ensure implementation & enforcement of mechanisms**
- **There is however a broader constellation of environmental sustainability norms that are not strictly speaking law which govern people's interaction with the environment**

TACKLING CLIMATE CHANGE - 2

- **Kenya is party to international & regional environmental treaties**
 - UNFCCC to Paris Agreement a pathway for tackling climate change
 - NDCs under Paris Agreement across sectors
 - Transport; Agriculture; Energy; Forestry; Livestock & Fisheries; Water; Tourism; Trade; Manufacturing & Industry; Drought Risk Management
 - **She has commitments under other treaties that have a bearing on CC law**
 - UNCCD - Quest for Land Degradation Neutrality
 - CBD – Global Biodiversity Framework; Regional & National Biodiversity Strategies & Action Plans
 - **Regional: African Conservation of Nature and Natural Resources**
- **Kenya is also a party to international & regional agreements seeking to assault gender equality**
 - CEDAW; ACHPR; Maputo Protocol etc

CONGRUENCES & INCONGRUENCES

- **Gender Equality in the Constitution and Law**
 - Robust gender equality provisions in CoK
 - Gender provisions in land and environmental laws
- **Kenya has Climate Change Act**
 - Guiding principles include 'ensuring equity and social inclusion in allocation of effort and costs and benefits to cater for special needs, vulnerabilities, capabilities, disparities and responsibilities of vulnerable populations including women'.
 - The characterization of women as a vulnerable group depicts women as a group in need of protection rather than as active participants in the quest for climate justice.
- **Kenya's Nationally Determined Contributions (NDC) fails to recognize that gender is a cross-cutting issue in all the areas in which adaptation and mitigation in preventing dangerous anthropogenic interference with the climate system.**

CONTESTED NORMS IN CLIMATE & GENDER JUSTICE

- **CC advocacy embedded in plural legal systems where more than one legal order exists in a country**
 - Customary & religious laws part of national law
- **Informal norms and practices embedded in customary law on relationships between people and nature in the area of drought and natural resource loss and degradation, for instance, can hinder or promote climate justice**
- **Traditional reliance on raw natural resources for food and livelihood also strains natural resources and can make it hard to curb climate change**

CONTESTED NORMS IN CLIMATE & GENDER JUSTICE - 2

- **Acceptance of gender discriminatory practices in law and practice denies climate justice to valuable actors**
- **The tension between formal legal systems and customary practices in many communities in Kenya significantly influences women's ownership and control over land and land-based resources, as well as their voice in decision making over the resources**
 - **Between 1-5% of women hold title to land and this directly affects climate change mitigation and adaptation**
- **Different manifestations of climate change raise need for multifaceted approach in addressing it**
 - **Multiple advocacy strategies & alliances needed**

WHY WOMEN SHOULD BE AT THE FRONT AND CENTRE OF CLIMATE ACTION

1

CC is a threat multiplier & impacts women's livelihoods & their participation in decision-making, limiting choices and silencing voices in CC mitigation and adaptation measures.

2

Women's knowledge and experiences have not been integrated in mainstream knowledge on climate governance despite the acknowledgment that women are important agents of change.

3

Implementation challenges persist in the African context because of discrepancies between formal & informal legal contexts and norms

THE FUTURE WE WANT

In accommodating 'The Future We Want', the Outcome Document of the 2012 Rio Conference, the need to promote gender equality and women's empowerment was highlighted. We must therefore ensure the full, equal, and effective participation of women in sustainable development policies, programs, and decision-making at all levels.

This aim also links this to the implementation of States' obligations and commitments under the Convention on the Elimination of All Forms of Discrimination Against Women, Agenda 21, the Beijing Declaration and Platform for Action, and the UN Agenda 2030 (SDGs)

The key question is whether we have attained the Future we Want, where obligations and commitments are realized in national legal and policy and framework on climate change.



WHAT CONTINUES TO PLAGUE COUNTRIES?

Despite the elaborate international and regional frameworks on gender equality and climate change, various countries have yet to fully adopt an integrationist approach to gender and climate justice in their national and subnational laws and policies.

The entrenched and systemic nature of inequality has been difficult to dislodge, even with progressive laws. For example, women in Kenya have been and continue to be systematically excluded from fully participating in development processes.

- Women transmit knowledge to the next generation. Yet when climate change results in the migration of communities from their ancestral land, there is a break in the generational cycle of learning and the transmission of knowledge.

ADDRESSING CLIMATE CHANGE WITH WOMEN IN MIND

Recognizing gender & socio-cultural rights in formulating climate change laws, policies, action plans and strategies

Integrating gender considerations in development & sectoral plans -agricultural, energy, infrastructure, and other sectoral development plans

Implementing Adaptation and Mitigation responses that integrate gender and climate change resilience to enhance readiness to address climate-related shocks

CLIMATE CHANGE AND HUMAN RIGHTS

- **CC threatens human rights to life, water and sanitation, food, health, housing, self-determination, culture and development**
- **In 2022, the General Assembly recognised the right to a clean, healthy, and sustainable environment as a human right**
 - **Implementation of this right must be done alongside implementing women's rights**
- **States as duty bearers have obligation to**
 - **1. Prevent foreseeable adverse effects of CC**
 - **2. Ensure that those affected, particularly those in vulnerable situations, have access to effective remedies and means of adaptation to enjoy lives of human dignity**
- **Climate justice can be sought through climate litigation**

CLIMATE CHANGE LITIGATION

- **Recent years have seen an increase in cases on “climate rights” or “climate litigation” cases**
 - **Actions asserting that insufficient action to mitigate climate change violates plaintiffs’ international and constitutional rights to life, health, food, water, liberty, family life, and more**
- **Cases seek to compel governments to**
 - **1. Accelerate efforts to implement emissions reduction targets**
 - **2. Attain ambitious national GHG emission reduction goals**
 - **3. Connect harms suffered by vulnerable communities to emitters**
 - **4. Bring global climate change concerns to bear on local action**

CLIMATE CHANGE LITIGATION - 2

- **5. Either force adaptation action or recover damages that result from others' failures to adapt**
- **Women have not been left behind in raising these issues**
 - **In Pakistan, a group of women filed a petition arguing that Pakistan had not followed through on its Paris Agreement pledge to reduce greenhouse gas emissions, citing the country's failure to permit any renewable energy projects over a period of 14 months preceding the petition.**
 - **This showed the disparate impact of climate change on women in Pakistan, where they argued that the government had violated their constitutional right to life, to be free of discrimination on the basis of sex, and to a clean and healthy environment**



WAY FORWARD & CONCLUSION

Photo: Dibakar Roy/Pexels

WAY FORWARD: WHAT CAN COUNTRIES LIKE KENYA DO?

- **1. Contribute to the aims of climate justice in a way that contributes to women's equality and empowerment and guarantees protection of women in the face of climate change through formal, informal, living customary or religious systems**
 - Recognizing women's contribution & amplifying their agency in addressing the triple planetary crisis.
 - Ensuring procedural rights (participation; access to information; and access to justice)
- **2. Redefine and rearrange societal relations to right wrongs such as gender inequality**

WAY FORWARD: WHAT CAN COUNTRIES LIKE KENYA DO? - 2

- For instance, the embedded nature of discrimination against women in Kenya has historical and contemporary roots and law historically reinforced gender inequality through legal rules that validated the embedded social injustices leading to the marginalization of women
- **3. Move to laws that bring transformative equality because formal equality or identical treatment may result in unanticipated de facto discrimination**
 - Neutral or consistent treatment between men and women can unfortunately result in inequalities
 - Configure climate change laws and policies, including customary norms to address inequality and discrimination against women

WAY FORWARD: WHAT CAN COUNTRIES LIKE KENYA DO? - 3

- **4. Invest in women focused climate (environmental) justice advocacy to raise issues at the intersection of gender and climate injustices in statutory and customary law to weed out norms that perpetuate inequality and ensure that law is an enabler of both gender and climate justice**



CONCLUSION

Inclusivity and the 2030 Agenda

- **Inclusivity in SD is a key concern of Agenda 2030**
 - Gender equality and women's empowerment are important for the realization of SDGs.
 - We must reaffirm our commitment to ensuring women's equal rights, access and opportunities for participation and leadership in the economy, society and political decision making.
 - **IN CLIMATE ACTION. IN ENVIRONMENTAL ACTION. IN ALL DEVELOPMENT ACTION!!**

QUESTION?



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Thank you!

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