Gender & Environment
Linkages: The Promise of the Maputo Protocol for East Africa

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Interfaces of gender and environment discernible at 5 interfaces

- Anthropocentrism and Ecocentrism
- Equality/equity and sustainable development
- Gender mainstreaming and environmental assessments (EIA/SEA)
- HRBA – Women’s rights; environmental rights; economic and social rights
- Public/Productive and Private reproductive
Role of Law

- Different instruments used by polities at different levels to allocate resources including envtl resources
  - Power; gender; generation factors that influence representation and input in decision-making process
- Role of law:
  - Law can reinforce social injustices & and marginalise
  - Can lead to gender inequality/Can be obstacle to change
- Women and the Law
  - 1. Legal Rules: De jure equality, De facto discrimination
  - Gender neutral laws
Role of Law (2)

- 2. Structure & Administration of laws
- 3. Patriarchal social ordering
- 4. Intention and rationale of law Vs consequences of law

Concerns about women’s access to, control over and ownership of resources at different levels but inter-related

- Environmental resources: Forests; Water; Wildlife; Community resources – grazing areas; fish stocks; genetic resources
- Land as locus for environmental resource rights

- Globalisation and effects on access, ownership, control of land benefits from resources by women
Globalisation/interconnectedness of international community – land grabs and extractive industries

Economic liberalisation & subscription to international treaties

Impact of global treaties on land & resource rights

- Predominance of private property rights in international regimes replicated in national regimes
- International law state centric – impacts at local level
- Resources not managed directly by state

Effects on

- Livelihoods: Food Security: food availability/entitlement; access to resources; link with poverty
- Outlawing/demeaning women’s ways
Diverse juristic norms deposited in Conventions; Protocols; Constitutions; Statutes; Religious Law; Common Law; Customary Law

* Intersections & Interactions between and among norms

Women & environment is an access to EJ issue - mediated by social/political power positioning

* Power relations between actors a major determinant of participation in and access to EJ

Lack of equity in A, O, C & B of environmental resources an EJ issue

* Exclusion of women in decision-making
Women’s movement & environment movement on parallel tracks

- Couching of environment & development agenda distinctly from women and development agenda

- Increasing recognition of role of women in environmental management especially in developing countries
  - Move from 1980s perception of women as victims of envtl degradation to women as envtl managers
  - MEAS & gender platforms canvassing women’s rights issues

- Development of ‘afrocentric’ ecofeminist theory?
* Envtl laws at international, regional & national levels
  * Normative recognition of roles of women
* Agenda 21 action programme on women in sustainable environmental management
* Provisions of CBD, Rio Declaration & UNFCCC
  * Integration in national ecosystem management; valuation of roles of women; elimination of legal, cultural, political, economic & social barriers to women’s participation in sustainable environmental management
Principle 20 of Rio: Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

WSSD 2002 Plan of Action addressed same issues with regard to women’s participation in environmental management.

- Access; recognition and protection of rights; participation in sustainable environmental management

- Vibrant gender agenda platforms at national levels

- Implementation of CEDAW; ECOSOC; ICCPR
Some gains have been made in linking women’s movement to environmental management in EA

- Recognition of the importance of women’s roles and gender equality in protecting the environment and promoting sustainable development;
- More women are participating in environmental management through groups; and
- At normative level, Constitutions, laws & policies are engaging patriarchal rules and norms inimical to women’s engagement in sustainable development
  - Constitutions – National principles and values; gender equality; participation; bill of rights; citizenship
  - Laws on gender; framework environmental laws; sectoral laws on environment and natural resources
* Policies on gender; environment, forests, water, land, climate change etc
* Need for greater synergy between environment movement and women’s movement
  * Gender desks not enough
* Need for people who understand gender and sustainable development and can marry them
* EAC provides space for finding common ground
The Promise: Maputo Protocol

- Protocol to the African Charter on Human and People Rights on the Rights of Women
  - Adopted in 2003, it entered into force in 2005
  - Kenya yet to ratify
- A post-Rio agreement that integrates gender issues and sustainable development
  - Elimination of discrimination against women & integration of a gender perspective in policy decisions, legislation, development plans, programmes and activities
  - Access to justice and equal protection before the law
The Promise: Maputo Protocol (2)

* Right to participation in political and decision-making processes – ‘increased and effective representation and participation of women at all levels of decision-making’

* Right to peace & protection in armed conflicts

* Right to education and training

* Identifies the need to upscale women’s participation in environmental decision-making as a strategic action in the improvement of the overall status of women
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Article 15: Right to Food Security
- Nutritious and adequate food
- Access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food

Right to Adequate Housing: acceptable living conditions in a healthy environment

Right to a healthy and sustainable environment
- Greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources
Promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;

Protect and enable the development of women’s indigenous knowledge systems;

Regulate the management, processing, storage and disposal of domestic waste;

Ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.
Right to SD

Gender perspective in the national development planning procedures
Participation of women in conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
Promote women’s access to and control over productive resources such as land and guarantee their right to property;
Promote women’s access to credit, training, skills development and extension services at rural and urban levels in order to enhance their quality of life and reduce their level of poverty;
The Promise: Maputo Protocol (6)

- Take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and
- Ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.
Cross fertilization between environmental conventions & women’s rights treaties

- NFLS; BPFA; CEDAW; Protocol to ACHPR
- Rio Conventions & other: CBD; UNFCCC; Rio Declaration; Agenda 21
- WSSD; Rio+20

Climate Change - vulnerability

- Gender inequalities intersect with climate risks and vulnerabilities... climate change is likely to magnify existing patterns of gender disadvantage (UNDP 2007)

We can ride on each others’ wave

- Women as agents of adaptation to CC versus victims
Role of National Institutions

- Role of national institutions in delivering rights for women/detracting therefrom
- Striking balance between utilitarian/efficiency approach & deontological/moral theories (fairness; equality etc)
- Transition from the old to the new
  - Market dictates; equity and national interests
  - Respect for customary rights
- Environmental institutions (forest; wildlife; water) as high altar of patriarchy
- How can we engender?
Role of National Institutions - 2

* Courts to develop endogenous progressive jurisprudence for implementation of environmental & women’s rights
  * Breathing life into constitution
  * New paths for vindicating claims
  * Balancing different interests
  * Courts can be gatekeeper/barrier/guardian of bastions of patriarchy
  * Example: Two thirds rule in elective & appointive positions
  * Progressive Implementation?
Debates affecting women’s rights to environmental resources at different levels & in different spaces

- Household – semi-autonomous social fields
- Local – local government & community level; traditional governance institutions
- Sub-regional – Regional Economic Communities
- Regional – AU; AMCEN; AMCO; NEPAD; regional agreements
- National – Agriculture; Transport; Energy; Water; Land; Environment
- International – Multilateral treaties & bodies
Engaging in Diverse Spaces -2

* Building on multilayered engagement spaces
* Engaging African systems
  * Protocol on Women’s Rights – a post Rio approach informed by African women’s experiences – sustainable development
  * AMCEEN; AMCOW
  * RECs
* Post 2015 Agenda – Sustainable Development Goals
Interventions

* Peer pressure on Kenya to ratify
* Research & Advocacy
* High level political engagement
* Intellectual engagement Mobilising
* Building on prior work and core competences
* Leveraging networks