

3. Environmental chronic emergencies, women's inequality and international law

Enzamaria Tramontana

1. INTRODUCTION

During the last decade, international legal scholars have increasingly explored the ways in which international law engages with women's inequality in the context of the prevention of, response to and recovery from disasters, including natural disasters such as earthquakes, hurricanes, tsunamis, or bushfires.¹

On the contrary, less attention has so far been dedicated to exploring the state of international law on women's inequality and 'environmental chronic emergencies' ('ECEs'), that is to say, according to the definition proposed by this Volume, long-term, gradual environmental phenomena caused by the unsustainable extraction and use of natural resources, pollution and urbanization – such as, for example, air, water and soil contamination, increasing temperatures, sea level rise, loss of biodiversity and desertification – whose adverse impacts on nature and human beings, especially women and other disadvantaged groups, are far less visible than those of disasters but no less pervasive.²

¹ See, for instance, Monika Mayrhofer, 'Gender (In)equality, Disaster and Human Rights – The CEDAW Committee and General Recommendation No. 37' (2018) 1 *Yearbook of International Disaster Law* 233; Marie Aronsson-Storrier, 'Gender, International Law, and Disasters', in Sarah Bradshaw, Maureen Fordham, Jean-Christophe Gaillard *et al.* (eds), *Oxford Research Encyclopedia of Natural Hazard Science* (Oxford University Press 2024).

² See Sara De Vido, 'Feminist Legal Methods and Environmental Chronic Emergencies: Challenging the Anthropocentric and Androcentric International Legal System'; Deborah Russo 'Moving Beyond an Approach Based on Crisis and Disasters to Address Environmental Chronic Emergencies' in this Volume.

This chapter aims to fill this gap, building upon (and trying to contribute to) a flourishing literature that examines the complex interconnections between gender inequalities and environmental degradation through an ecofeminist lens.³ To this end, the analysis is organized as follows. Section 2 and Section 3 set the scene by, respectively, illustrating ECEs' disproportionate gendered impacts on women and introducing ecofeminism as a particularly suitable theoretical framework for understanding their root causes and devising adequate legal responses. Section 4 then draws on ecofeminist insights to offer a critical analysis of how current international law, particularly human rights and environmental law, engages with women's inequality in the context of ECEs. It shows that, while noticeable progress has been made in acknowledging the particular challenges that slow environmental degradation poses to women, weaknesses and limitations still remain – due to the conceptual architecture underlying relevant norms, processes and solutions – in how these challenges are currently addressed. Finally, Section 5 briefly summarizes the analysis and provides some concluding observations.

2. THE DIFFERENTIATED AND DISPROPORTIONATE IMPACTS OF ECEs ON WOMEN

Increasing research indicates that the adverse effects of rising temperatures, salinification, desertification and other phenomena falling under the notion of ECEs are felt more keenly by women than by men.

This is not due to the biological difference between males and females. Rather, it is the result of gender stereotypes, norms and practices existing within societies, which render women far more exposed and, at the same time, far less resilient to the hazardous effects of slow environmental degradation, in comparison to men. ECEs creep into long-standing cultural, social, legal and economic inequalities between men and women, intersect and exacerbate their harmful effects and contribute, in a vicious circle, to the perpetuation of their root causes.

³ As a way of example, across different fields of international law, see: Karen Morrow, 'Integrating Gender Issues into the Global Climate Change Regime', in Susan Buckingham and Virginie Le Masson (eds), *Understanding Climate Change Through Gender Relations* (Routledge 2017) 31; Sara De Vido, 'A Quest for an Eco-centric Approach to International Law: the COVID-19 Pandemic as Game Changer' (2021) 3 (2) *Jus Cogens* 105; Meghan Campbell, 'A Greener CEDAW: Adopting a Women's Substantive Equality Approach to Climate Change', in Cathi Albertyn, Meghan Campbell, Helena Alviar García, et al. (eds), *Feminist Frontiers in Climate Justice – Gender Equality, Climate Change and Rights* (Edward Elgar Publishing 2023) 90.

Three main interrelated reasons account for ECEs' distinct and disproportionate harms to women.

First, due to gender discrimination within households and workplaces, women are far more exposed than men to the risks and losses provoked by slow environmental degradation.

It is well known that, owing to stereotyped roles, women carry out much more unpaid housework than their male counterparts. In rural areas, this means that women disproportionately bear the burden of securing food, water, and wood for their families.⁴ Drought and biodiversity loss force them to walk longer distances to secure these resources, losing time that they could otherwise spend on education, income-generating activities and leisure, and putting themselves in danger of being attacked on the way.⁵ River and lake pollution exposes them to higher risks of developing diseases such as diarrhoea and cholera that thrive in degraded water.⁶

Much about paid work is likewise gendered, with almost a quarter of employed women globally confined within sectors that are significantly exposed to the impacts of environmental degradation, with roles and working conditions that render them more vulnerable than their male counterparts. An estimated 45 million women, for instance, are employed in small-scale fisheries globally.⁷ Although the decline in coastal resources due to salinization or eutrophication affects everyone in the sector, women face higher risks than men of losing their income as a consequence thereof, since, due to their concurrent responsibilities for home and child care, they are more likely to practice near shore fishing than men.⁸ Approximately 36 percent of working women, to make another example, are employed in the agricultural sector.⁹ Although they are engaged in pesticide application to a lesser extent than their male counterparts, they are more severely hit by the adverse health impact of soil pollution, for they tend to be the first to enter fields after chemicals have

⁴ UN Women, *Unpacking the Care Society: Caring for People and the Planet* (28 November 2023).

⁵ UN Women, *The Climate–Care Nexus: Addressing the Linkages Between Climate Change and Women's and Girls' Unpaid Care, Domestic, and Communal Work* (November 2023).

⁶ Global Development Policy Center, *The Gendered Impacts of Climate Change* (17 May 2022).

⁷ FAO, *The State of World Fisheries and Aquaculture 2022: Towards Blue Transformation* (2022).

⁸ UN Women, *Gender and Biodiversity: A Data Brief* (20 October 2024).

⁹ FAO, *The Status of Women in Agrifood Systems* (2023).

been applied and remain there for long hours, with personal protective equipment designed for male workers and therefore less effective for them.¹⁰

Second, as a result of gender norms, stereotypes and biases, women have fewer means than men to adapt to the impacts of ECEs and are more likely than they are to suffer from the consequences of (negative) coping family and community strategies. This is exacerbated for women who find themselves at the intersection of different and multiple grounds of discrimination because they are, for example, Indigenous, Afro-descendant, older, unmarried, widowed, LGBT+ or because they have disabilities or live in poverty.

Available data indicate that women face disproportionate barriers to owning assets and, as a consequence, have less responsive capacity than men in the face of slow environmental degradation.¹¹ In many parts of the world, for instance, they have limited or no land rights and, as a consequence, are excluded from credit, extension and advisory services that would allow them to learn about and invest in strategies and technologies to offset the negative impacts of land degradation, drought and desertification.¹² Women have, furthermore, limited chances to participate in and influence the outcomes of environmental policy and decision-making processes and face significant obstacles in claiming and obtaining effective reparations to mitigate losses due to environmental degradation.¹³ They are also particularly disadvantaged with respect to access to basic services, including adequate health care: lack of knowledge about the specific health needs of women, coupled with dismissive and misogynistic attitudes, means, for instance, that women suffering from illnesses caused or exacerbated by ECEs, such as those associated with female reproductive health as a result of long-term toxic exposure, do not often receive correct diagnoses and treatments.¹⁴

Gendered negative coping strategies complete the picture. Several studies, for example, show that women are last in household hierarchies and, as a consequence, when food and water become scarce due to environmental degradation, they are compelled to ensure that men's eating and drinking needs are met before their own.¹⁵ It has been demonstrated, as well, that complex interactions of cultural and social factors put women living in areas affected

¹⁰ FAO, *Addressing Gender Issues in Pesticide Management* (2022).

¹¹ OECD, *Gender and the Environment: Building Evidence and Policies to Achieve the SDGs* (2021).

¹² FAO, *The Gender Gap in Land Rights* (2018).

¹³ IUCN, *Women's Participation in Global Environmental Decision Making* (2015).

¹⁴ WHO, *Gender, Climate Change, and Health* (1 December 2014).

¹⁵ UNICEF, *Undernourished and Overlooked: New Report Reveals Global Nutrition Crisis for Women and Girls*, (2023).

by ECEs at greater risk of experiencing gender-based violence. The loss of jobs and livelihoods tied to slow environmental degradation is reported to be associated with rising rates of women victims of intimate partner abuse and women forced into sexual exploitation in exchange for food and natural resources.¹⁶

Third, slow environmental degradation is connected to the rise of gendered processes and contexts. This is the case, for instance, with migrations and internal displacements driven by loss of livelihoods and depletion of natural resources due to drought, desertification, and sea level rise. Several studies illustrate that distinct and disproportionate adverse impacts exist both for women who ‘move’ to seek new livelihood and employment opportunities, typically subject to sexual exploitation, harassment and abuse during transit and in destination countries, and for women who ‘stay behind’, left alone to handle domestic and care responsibilities within households and exposed to increased risks of sexual and physical abuse outside homes.¹⁷

3. ECOFEMINISM AND ITS RELEVANCE IN ADDRESSING THE GENDERED IMPACTS OF ECEs UNDER INTERNATIONAL LAW

To the extent that the gendered impacts of ECEs result from the intersections between environmental degradation and pre-existing structural patterns of disadvantage for women, ecofeminism is a natural candidate as a theoretical framework to conceptualize and address them under international law.

Ecofeminism is not a single strand of thought but refers to a broad spectrum of views that see the oppression of women and the natural environment as intimately and inextricably entangled.¹⁸ In essence, it focuses on dominant Western conceptual dualisms such as male/female, reason/emotion, mind/body, culture/nature and posits that the oppositional and hierarchical thinking

¹⁶ IUCN, *Gender-Based Violence and Environment Linkages: The Violence of Inequality* (2020).

¹⁷ IOM, *Gender, Migration, Environment, and Climate Change* (2022).

¹⁸ Although the term ‘ecofeminism’ was coined in 1974 (see the seminal text: Françoise d’Eaubonne, *Le Féminisme ou la mort* (Pierre Horay 1974), ecofeminism did not emerge as a distinct strand of philosophical thought until the mid-1980s. For an overview of the main schools of ecofeminism, its basic tenets, as well as the charges of gender essentialism that have been moved against it, see Greta Gaard, ‘Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism’ (2011) 23 (2) *Feminist Formations* 26. See also Charis Thompson, Sherilyn MacGregor, ‘The Death of Nature. Foundations of Ecofeminist Thought’, in Sherilyn MacGregor (ed.), *Routledge Handbook of Gender and Environment* (Routledge 2017) 43.

that they entail – in which the former term, associated with maleness and masculinity, is set against and subordinated to the latter, associated with femaleness and femininity – is what have historically enabled and justified both the subordination of women and the exploitation of the environment. It then deconstructs the ways in which existing social norms and political institutions incorporate this dualistic ontology of intra-human and human-nature relationships and encourages its replacement with holistic, non-hierarchical thinking, which recognizes the inherent value of all human and non-human beings.¹⁹

International legal scholars have increasingly used ecofeminism as a theoretical lens through which to engage with issues concerning gender and the environment.²⁰ For the purposes of the present analysis, four key insights from the work of ecofeminist scholars are especially noteworthy.

First, by addressing the full web of connections existing between women and the natural environment, ecofeminism sheds light on how multiple factors including (but not limited to) geographical location, socioeconomic status, race, disability and age combine with gender to place women among the most affected by environmental degradation and, at the same time, among the most powerful agents of environmental change.²¹ In that, it offers valuable insights into the importance of, on the one hand, identifying and grasping the complexities of the structural causes of women's (intersectional) disadvantage in the context of ECEs; on the other hand, appreciating the contribution that,

¹⁹ Just to mention some of the most representative positions: Ynestra King, 'The Ecology of Feminism and the Feminism of Ecology', in Judith Plant (ed.), *Healing the Wounds: The Promise of Ecofeminism* (New Society Publishers 1989) 18; Karen J. Warren, 'The Power and Promise of Ecological Feminism' (1990) 12 (2) *Environmental Ethics* 125; Val Plumwood, *Feminism and the Mastery of Nature* (Routledge 1993).

²⁰ See, for example, Kate Darling, 'A Weight for Water: An Ecological Feminist Critique of Emerging Norms and Trends in Global Water Governance' (2012) 13 (1) *Melbourne Journal of International Law* 1; Kate P. Wilkinson Cross, 'Comparing the Transformative Potentials of the FCCC and the CCD: an Ecofeminist Exploration' (2018) 30 (1) *Denning Law Journal* 5; Sara De Vido, 'Sea Level Rise as a Form of Gendered Climate Violence: International Legal Implications for Migration', in Elisa Fornalé (ed.), *Sea Level Rise – Implications for Human Rights, Security and Peace*, Springer (forthcoming). For an analysis of the ecofeminist jurisprudence in the context of a broader discussion on the feminist methods of international law, Sara De Vido, 'Approcci giuridici femministi al diritto internazionale: Verso un diritto eco-femminista e post-umano?' (2023) LXXVIII (3) *La Comunità Internazionale* 453.

²¹ See, for example, the analysis in Karen J. Warren, 'Taking Empirical Data Seriously: An Ecofeminism Philosophical Perspective', in Karen J. Warren (ed.), *Ecofeminism: Women, Culture, Nature* (Indiana University Press 1997) 3.

thanks to their situated environmental knowledge, women can make to address the root causes of ECEs, avoiding their traditional (gender-based) stereotyped depiction as ‘helpless, disempowered victims or as nurturing caregivers of the environment’.²²

Secondly, by providing a deep understanding of how women’s structural disadvantage exacerbates the impacts that environmental degradation has on them, ecofeminism brings to the fore the need to dismantle long-standing discriminatory social norms and institutional structures.²³ As such, it encourages a transformative approach to the gendered impact of ECEs that fully appreciates how women’s situational vulnerabilities disproportionately affect the enjoyment of their human rights in the context of slow environmental degradation and conceptualizes the State’s obligations accordingly, in order to tear down the patriarchal power dynamics that lie behind these vulnerabilities, redistribute responsibilities and resources and ensure real equal opportunities for everyone.²⁴

Thirdly, ecofeminism criticizes mainstream scientific knowledge for being informed by a mechanistic analysis of reality that legitimizes the instrumentalization of non-human nature and human ‘others’ associated with it, and advocates for the ‘alternative’ experiential knowledges and views of traditionally marginalized communities, including women, to be fully integrated into environmental governance.²⁵ In this perspective, its insights are decisive in emphasizing the importance not only of overcoming the existing barriers to

²² Campbell (n 3) 104. See also Cathi Albertyn, Helena Alviar García, Meghan Campbell et al., ‘Introduction – Feminist Frontiers in Climate Justice: Gender, Equality, Climate Change and Rights’, in Cathi Albertyn, Meghan Campbell, Helena Alviar García, et al. (eds) (n 3) 1.

²³ See, for example, the analysis in Bina Agarwal, ‘The Gender and Environment Debate: Lessons from India’ (1992) 18 (1) *Feminist Studies* 119.

²⁴ Karen J. Morrow, ‘Ecofeminist Approaches to the Construction of Knowledge and Coalition Building – Offering a Way Forward for International Environmental Law and Policy’, in Andreas Philippopoulos-Mihalopoulos and Victoria Brooks (eds), *Research Methods in Environmental Law: A Handbook* (Edward Elgar Publishing 2017) 298. See also Annie Rochette, ‘Transcending the Conquest of Nature and Women: A Feminist Perspective on International Environmental Law’, in Doris Buss and Ambreena Manji (eds), *International Law – Modern Feminist Approaches* (Hart 2005) 203.

²⁵ See the incipient analyses in Vandana Shiva, *Staying Alive: Women, Ecology and Development* (Zed Books 1989) and, more recently, Val Plumwood, *Environmental Culture: The Ecological Crisis of Reason* (Routledge 2002). See also Betty Wells, Danielle Wirth, ‘Remediating Development through an Ecofeminist Lens’, in Karen J. Warren (ed.), *Ecofeminism: Women, Culture, Nature* (n 21) 327.

women's pluralistic participation at all levels of ECEs-related decision-making and implementation, but also, and more importantly, of adopting a 'fresh approach to participation' that makes authentic room for women's voices in a bottom-up perspective.²⁶

Fourthly, and finally, through its sophisticated comprehension of how the oppression of women and nature are interconnected and mutually reinforcing, ecofeminism spotlights the need for addressing issues of women's rights and environmental protection in a synergistic manner.²⁷ This implies the understanding that no attempt to redress women's inequality in the context of ECEs will be successful without a concurrent effort to avert the latter's occurrence by identifying – and dismantling – conceptual apparatus, norms and socio-political structures that devalue the natural environment and instrumentalities it to the needs of humanity (or, better to say, to the needs of that particular portion of it that has historically oppressed and exploited both other humans and the non-human world), spawning slow environmental degradation and (further) reinforcing women's marginalisation.²⁸

4. WOMEN'S INEQUALITY AND ECEs IN INTERNATIONAL LAW: THE STATE OF PLAY

The issue of the gendered impacts of slow environmental degradation lies directly at the intersection of two main fields of international law: international

²⁶ Morrow (n 3), 36–37.

²⁷ As Greta Gaard puts it clearly: 'Drawing on the insights of ecology, ecofeminism's basic premise is that the ideology which authorizes oppressions such as those based on race, class, gender, sexuality, physical abilities and species is the same ideology that sanctions the oppression of nature. Ecofeminism calls for an end to all oppressions, arguing that no attempt to liberate women (or any other oppressed group) will be successful without an equal attempt to liberate nature' (Greta Gaard, 'Living Interconnections with Animals and Nature', in Greta Gaard (ed.), *Ecofeminism: Women, Animals, Nature* (Temple University Press 1993) 1). See also, extensively, Val Plumwood, 'Androcentrism and Anthropocentrism: Parallels and Politics', in Karen J. Warren (ed.), *Ecofeminism: Women, Culture, Nature* (n 21) 327–55.

²⁸ See De Vido (n 2). See also Kate P. Wilkinson Cross, 'A Critical Evaluation of Inter-Generational Equity and Its Application in the Climate Change Context', in Cathi Albertyn, Helena Alviar García, Meghan Campbell et al. (n 3) 40, 66; Karen J. Morrow, 'Towards an Ecofeminist Critique of International Law?' in Vincent Chapaux, Frédéric Mégret and Usha Natarajan (eds), *The Routledge Handbook of International Law and Anthropocentrism* (Routledge 2023) 183, 193.

human rights and international environmental law.²⁹ It is to them, therefore, that the following subsections respectively turn to critically assess, drawing on ecofeminist insights, the way in which international norms and practice currently engage with women's inequality in the context of ECEs.

4.1 International Human Rights Law

Recent years have witnessed growing attention by UN human rights bodies towards the impacts of ECEs on human rights generally, and on women's rights in particular.

Although the major contribution in this latter respect has come from the Committee on the Elimination of Discrimination against Women (CEDAW Committee), other gender specialized bodies (such as the Special Rapporteur on violence against women and girls) and non-gender specialized bodies (including the Special Rapporteurs, respectively, on the right to food, on the right to water and sanitation, on the human rights of migrants and on the human rights of internally displaced persons, on toxics and human rights and on the human right to a healthy environment) have also played an increasing role in the field.

These monitoring mechanisms have recognized the gendered consequences of several ECEs, such as climate change, land degradation, water pollution, desertification and loss of biodiversity, showing a deep understanding of how they both exacerbate pre-existing forms of disadvantage and compound intersecting forms of discrimination.³⁰ On this basis, they have identified several

²⁹ As ECEs are likely to result in natural disasters in the long run, another field of international law may indirectly come into play: international disaster law. For a relevant analysis, see the authors cited above, in footnote 1.

³⁰ See CEDAW Committee, 'General Recommendation No 37 on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change' (13 March 2018) UN Doc CEDAW/C/GC/37, paras 2–5; Special Rapporteur on Violence against Women and Girls, its Causes and its Consequences, 'Violence against Women and Girls in the Context of the Climate Crisis, Including Environmental Degradation and Related Disaster Risk Mitigation and Response' (11 July 2022) UN Doc A/77/136, paras 23–56; Special Rapporteur on the Right to Food, 'Integrating a Gender Perspective in the Right to Food' (29 December 2015) UN Doc A/HRC/31/51, paras 54–5, 63–7; Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, 'Special Thematic Report on Climate Change and the Human Rights to Water and Sanitation – Part 2' (January 2022), paras 31–33; Special Rapporteur on the Human Rights of Migrants, 'The Impact of Climate Change on the Human Rights of Migrants' (19 July 2022) UN Doc A/77/189, paras 46–9; Special Rapporteur on the Human Rights of Internally Displaced Persons, 'Report on Internal Displacement in the Context

rights that are disproportionately affected by the encounter between gender discrimination and ECEs, including the right to live free from violence, and the rights to health, food, water, employment and education, and required States to eliminate the structural barriers that render women more vulnerable to the adverse impacts of ECEs by, *inter alia*, (a) removing the root causes of gender-based violence against women; (b) addressing gender-based discriminatory laws and practices in relation to ownership and use of land and natural resources, as well as barriers that impede women's equal access to water and food; (c) ensuring women access to gender-sensitive health care; and (d) guaranteeing women's equal access to employment opportunities and addressing their unequal burden of unpaid domestic work and care.³¹ They have also underscored the need to provide access to 'gender-transformative remedies' and procedures to hold those responsible for environmental harms fully accountable.³²

of the Slow-Onset Adverse Effects of Climate Change' (21 July 2020) UN Doc A/75/207, para. 32; Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, 'Gender and Hazardous Substances' (16 July 2024) UN Doc A/79/163, paras 14–17, 22, 50; Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, 'Women, Girls and the Right to a Clean, Healthy and Sustainable Environment' (5 January 2023) UN Doc A/HRC/52/33, paras 5–9, 12–37, 70–71, 75–81.

³¹ CEDAW Committee, 'General Recommendation No. 37 on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change' (n 30), paras 57, 60, 64, 68, 72 and 78; *Id.*, 'General Recommendation No. 34 (2016) on the Rights of Rural Women' (7 March 2016) UN Doc CEDAW/C/GC/34, paras 57–59; *Id.*, 'General Recommendation No. 39 on the Rights of Indigenous Women and Girls' (31 October 2022) UN Doc CEDAW/C/GC/39, para. 56; Special Rapporteur on Violence against Women and Girls, its Causes and Consequences, 'Violence against Women and Girls in the Context of the Climate Crisis, Including Environmental Degradation and Related Disaster Risk Mitigation and Response' (n 30), paras 78, 85–6; Special Rapporteur on the Right to Food, 'Integrating a Gender Perspective in the Right to Food' (n 30), paras 84 and 86; Special Rapporteur on the Human Rights of Migrants, 'The Impact of Climate Change on the Human Rights of Migrants' (n 30), para. 80; Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, 'Women, Girls and the Right to a Clean, Healthy and Sustainable Environment' (n 30), paras 61–4.

³² Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, 'Women, Girls and the Right to a Clean, Healthy and Sustainable Environment' (n 30), para. 70. See also CEDAW, Committee, 'General Recommendation No 37 on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate

Commendably, in their analyses, all these bodies have stressed the importance of prioritizing the needs of those groups of women who are at the intersection of multiple grounds of discrimination³³ and have emphasized the important contributions that women, in all their diversity, make to confront slow environmental degradation, thereby avoiding their negative gender stereotype as ‘helpless victims’ in need of protection.³⁴ In this perspective, they have called on States to guarantee women’s meaningful and equitable participation in environmental decision-making and implementation, redesigning decision-making institutions to overcome gender barriers to women’s participation and adopting special measures to place them as fundamental ‘agents of change in leadership positions across all sectors of environmental governance.’³⁵ Recently, furthermore, some of these bodies have shown signs

Change’ (n 30), para. 26 (c); Id., ‘General Recommendation No. 39 on the Rights of Indigenous Women and Girls’ (n 31), para. 61 (d); Special Rapporteur on Violence against Women and Girls, its Causes and Consequences, ‘Violence against Women and Girls in the Context of the Climate Crisis, Including Environmental Degradation and Related Disaster Risk Mitigation and Response’ (n 30), para. 89. See, more in depth, Francesca Tammine, ‘Transforming *Slow Violence* into Social Justice: The Quest for Reparation for Environmental Chronic Emergencies’ in this Volume.

³³ Special Rapporteur on Violence against Women, its Causes and Consequences, ‘Violence against Indigenous Women and Girls’ (21 April 2022) UN Doc A/HRC/50/26, para. 28; Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, ‘Gender and Hazardous Substances’ (n 30), paras 13, 19, 23, 26, 46, 113; Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, ‘Women, Girls and the Right to a Clean, Healthy and Sustainable Environment’ (n 30), paras 82–6.

³⁴ CEDAW Committee, ‘General Recommendation No 37 on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change’ (n 30), para. 7; Special Rapporteur on Violence against Women, its Causes and Consequences, ‘Violence against Indigenous Women and Girls’ (n 33), para. 47; Special Rapporteur on the Right to Food, ‘Interim Report’ (5 August 2015) UN Doc A/70/287, para. 37; Special Rapporteur on the Human Rights of Internally Displaced Persons, ‘Report on Internal Displacement in the Context of the Slow-Onset Adverse Effects of Climate Change’ (n 30), para. 37; Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, ‘Women, Girls and the Right to a Clean, Healthy and Sustainable Environment’ (n 30), paras 4, 56–60.

³⁵ CEDAW Committee, ‘General Recommendation No. 40 on the Equal and Inclusive Representation of Women in Decision-Making Systems’, (25 October 2024) UN Doc CEDAW/C/GC/40, paras 8 and 66(m); Special Rapporteur on the

of a synergistic understanding of (and engaging with) women's inequality and environmental degradation: a tendency has started to emerge, in their practice, to address the root causes of ECEs, calling on States to revise environmentally harmful policies and practices, such as mining or fracking, identified as having disproportionate adverse impacts on women, and to regulate and monitor business activities to prevent actions that may undermine women's rights.³⁶

These positive developments, however, do not represent the whole picture: the nexus between women's inequality and ECEs remains a largely overlooked or inadequately addressed issue in the practice of several other human rights monitoring mechanisms, both at the UN and at the regional level.

Some of these bodies, for instance, have recognized the nexus between women and environmental degradation, but have limited themselves to addressing gender inequality in the context of crisis situations, neglecting the importance of understanding the distinctive impacts of slow environmental degradation on women's rights and reconceptualizing State obligations accordingly. Based on Article 11 of the Convention on the Rights of Persons with Disabilities, as a way of example, its monitoring Committee has drawn attention to the increased risks faced by women with disabilities in situations of natural disasters, stopping short of broadening its analysis to include, as well, the

Right to Food, 'Integrating a Gender Perspective in the Right to Food' (n 30) para. 76; Special Rapporteur on the Human Rights of Migrants, 'The Impact of Climate Change on the Human Rights of Migrants' (n 30), para. 91; Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, 'Women, Girls and the Right to a Clean, Healthy and Sustainable Environment' (n 30), paras 68–9, 79.

³⁶ CEDAW Committee, 'General Recommendation No. 37 on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change' (n 30), para. 46, 51; Id., 'Concluding Observations on the Sixth Periodic Report of Namibia' (12 July 2022) UN Doc CEDAW/C/NAM/CO/6, para. 51; Id., 'Concluding Observations on the Tenth Periodic Report of Norway' (2 March 2023) UN Doc CEDAW/C/NOR/CO/10, paras 48–9; Special Rapporteur on the Human Rights of Internally Displaced Persons, 'Report on Internal Displacement in the Context of the Slow-Onset Adverse Effects of Climate Change' (n 30), para. 68; Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, 'Gender and Hazardous Substances' (n 30), e.g., para. 118 (d)–(f) and (h); Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, 'Women, Girls and the Right to a Clean, Healthy and Sustainable Environment' (n 30), paras 87–88.

widely documented disproportionate impact that ECEs have on these women, finding themselves at the intersection of different grounds of discrimination.³⁷

Others have focused on the human rights impact of ECEs and on their corresponding State obligations, but have failed to incorporate in their analysis a gender perspective. The Human Rights Committee, for instance, has recognized that environmental degradation, pollution and climate change constitute some of the most serious threats to the ability of present and future generations to enjoy the right to life, and in particular life with dignity, and called on States to ensure the sustainable use of their natural resources.³⁸ However, it has disregarded the differentiated gendered impact that these phenomena have on women.³⁹ The Committee on Economic, Social and Cultural Rights has engaged with the human rights aspects of ECEs and acknowledged that women generally face heightened barriers to the enjoyment of their rights due to multiple and intersecting forms of discrimination, but it has failed to grasp the interconnectedness between ECEs and gender inequality. It has, for example, recognized the severe impact that rising temperatures, land degradation and desertification have on access to land, stressed that women have traditionally been discriminated against in terms of enjoyment of land rights, but disregarded the disproportionate impact that these phenomena have on them as a consequence of their intersection with long-standing gender inequalities.⁴⁰

Still other bodies have addressed the human rights impact of ECEs and recognized the unequal harms that women suffer as a consequence thereof, but have fallen short of carefully addressing the root causes of gender disadvantage and drawing appropriate legal consequences from them. The Committee on the Rights of the Child, as an example, has acknowledged that unsustainable extraction and use of natural resources, combined with widespread contamination through pollution and waste, adversely affect the enjoyment of children's rights, particularly those in especially vulnerable situations, and urged States

³⁷ UN Committee on the Rights of Persons with Disabilities, 'General Comment No. 3 on Women and Girls with Disabilities' (25 November 2016) UN Doc CRPD/C/GC/3, paras 49–50.

³⁸ UN Human Rights Committee, 'General Comment No. 36: Article 6: Right to Life' (3 September 2019) UN Doc CCPR/C/GC/36, para. 62.

³⁹ *Ibid.* See also the Committee's decision in *Ioane Teitiota v New Zealand*, (23 September 2020) UN Doc CCPR/C/127/D/2728/2016 with the critical comments of Sara De Vido, 'Sea Level Rise as a Form of Gendered Climate Violence: International Legal Implications for Migration' (n 20).

⁴⁰ E.g., UN Committee on Economic, Social and Cultural Rights, 'General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights' (24 January 2023) UN Doc E/C.12/GC/26, paras 13–15 and 56–7.

to adopt decisive measures to tackle them.⁴¹ Nonetheless, the Committee has only cursorily referred to the gender-differentiated impact of environmental degradation, without engaging with the patriarchal structures that make girls more vulnerable than boys in the context of ECEs.⁴² At the regional level, the European Court of Human Rights has ruled that the Convention encompasses a right for individuals to effective protection from serious adverse effects of climate change on their life, health and well-being, to which corresponds a State obligation to prevent or minimize the causes of climate change and mitigate its adverse effects.⁴³ Although it has recognized the disproportionate burden that, especially when finding themselves at the intersection of different grounds of discrimination, women might bear as a consequence of climate change, it has failed to engage with it for the purposes of determining legal standing in climate change litigation or take them into account to shape States' relevant obligations.⁴⁴ The Inter-American Court of Human Rights, in the context of its far-reaching 'environmental jurisprudence has acknowledged the gendered impact of air, water and soil pollution.'⁴⁵ However, it has packaged gender with other determinants of vulnerability, overlooking the complex ways through which it intersects with toxic exposure to create distinctive harms to women

⁴¹ UN Committee on the Rights of the Child, 'General Comment No. 26 on Children's Rights and the Environment, with a Special Focus on Climate Change' (22 August 2023) UN Doc CRC/C/GC/26.

⁴² *Ibid.*, paras 35, 57, 101–102. See also, e.g., UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Togo' (11 October 2023) UN Doc CRC/C/TGO/CO/5–6, para. 41; *Id.*, 'Concluding Observations on the Combined Fifth and Sixth Periodic Reports of the Congo' (1 March 2024) UN Doc CRC/C/COG/CO/5–6, para. 42.

⁴³ *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*, Appl. no 53600/20 (ECtHR, 9 April 2024), paras 544–554. See Björnstjern Baade, 'Due Diligence Obligations and Chronic Emergencies' in this Volume.

⁴⁴ As a result, the Court rejected the argument of the applicants – four women over the age of 75 and an association of elderly women, who complained about the disproportionate adverse impacts of global warming on their living conditions and health – that the combination of gender and age had made them uniquely at risk of the adverse effects of climate change and in pressing need of individual protection, so as to meet the conditions set forth under Article 34 of the ECHR (*ibid.*, paras 477–488). For a critical perspective, see also: Dina Lupin, Maria Antonia Tigre, Natlia Urzola Gutiérrez, 'KlimaSeniorinnen and Gender' (*Verfassungsblog* 9 May 2024) <<https://verfassungsblog.de/klimaseniorinnen-and-gender/>> accessed 7 April 2025.

⁴⁵ *Case of La Oroya Population v Peru*, Preliminary Objections, Merits, Reparations and Costs, Inter-American Court of Human Rights Series C No. 511 (27 November 2023), para. 264.

and failing to order remedies tailored to redress these harms or aimed at challenging their structural causes.⁴⁶

Overall, therefore, apart from an extensive recognition of the distinctive and disproportionate impacts of ECEs on women, progress in the context of international human rights law remains quite uneven. This, from an ecofeminist standpoint, both in terms of the recognition of the urgent need to dismantle long-standing norms, practices and systems that cause women's inequality and render them, especially those with intersecting identities, more exposed to (and less able to cope with) the impacts of slow environmental degradation and in terms of the consequential reconceptualization of legal categories so as to ensure an effective and comprehensive response to the various forms of gender disadvantage that are exacerbated in the context of ECEs.

Furthermore, despite a noticeable trend to challenge existing practices that cause slow environmental degradation, the human rights discourse on ECEs has mostly remained within a narrow anthropocentric perspective, according to which, rather than for its own sake, the environment is protected for the benefit of human beings, because (and to the extent that) it represents a necessary precondition for the full enjoyment of their human rights.⁴⁷ No real progress has thus been made on challenging the conceptual 'separation and hierarchical ordering of the human and non-human worlds'⁴⁸ that, in the perspective of

⁴⁶ *Ibid.*, para. 231, where the Court briefly sketched the reasons for the disproportionate effects of environmental pollution on women, children, and the elderly, with a general reference to pre-existing situations of 'poverty, discrimination, and systemic marginalization'. This, notwithstanding expert witness testimony showing, for example, that the caregiving work unequally assigned to women had been made more burdensome in *La Oroya* (para. 232). As for reparations, see *ibid.*, paras 377–78 (where the IACtHR limited itself to awarding women higher compensation 'due to their special condition of vulnerability and the differentiated effects arising from this') and para. 348 (where a specific order was made by the Court to provide differentiated health care only for pregnant women).

⁴⁷ A significant exception to this prevailing anthropocentric paradigm is represented by the recent approach taken by the Inter-American Court to the conceptualization of the right to a healthy environment under the American Convention on Human Rights. See, e.g., *Case of La Oroya Population v Peru* (n 45), para. 118, with the comments of Maria Feria-Tinta, 'Environmental Chronic Emergencies, Slow-onset Events and Other Anthropocentric Dilemmas in Times of Climate Crisis: The Need for a Re-conception' in this Volume. On the anthropocentric stance of international human rights law see, generally, Frédéric Mégret, 'The Anthropocentrism of Human Rights', in Chapaux, Mégret and Natarajan (eds) (n 28) 35.

⁴⁸ Kate P. Wilkinson Cross, 'A Critical Evaluation of Inter-Generational Equity and its Application in the Climate Change Context' (n 28) 65.

ecofeminism, traditionally sanctions the exploitation of the natural environment and thereby perpetuates the root causes of ECEs.

4.2 International Environmental Law

Just as ECEs have increasingly, though indirectly, entered the realm of international human rights law, women's inequality has progressively found its place in the most significant multilateral environmental agreements (MEAs) dealing with phenomena of slow environmental degradation: the three 'Rio Conventions' on Biodiversity, Climate Change and Desertification, the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention) and the Minamata Convention on Mercury (Minamata Convention).

The United Nations Convention to Combat Desertification (UNCCD) and the United Nations Convention on Biodiversity (UNCBD) were among the first MEAs to incorporate in their texts an express reference to women and – based on the acknowledgment of the differentiated impacts that environmental degradation has on them and, at the same time, their crucial role in promoting environmental protection – to make gender an established agenda item for their governing bodies.⁴⁹

While at the beginning their engagement with women was limited to promoting gender mainstreaming at all stages and levels of policies, programmes

⁴⁹ The text of the UNCCD contains several references to women. See, for example, para. 20 of the Preamble (stressing 'the important role played by women in regions affected by desertification and/or drought (. . .) and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought') and Article 5, para. (d) (establishing the States' duty to 'promote awareness and facilitate the participation of local populations, particularly women and youth, (. . .) in efforts to combat desertification'). In 2017, the Parties adopted a Gender Action Plan for the Convention: UNCCD, (3 July 2017) ICCD/COP (13)/19. The text of the UNCBD, on the other hand, contains only one relevant reference, in para. 13 of its Preamble (recognizing 'the vital role that women play in the conservation and sustainable use of biological diversity' and affirming 'the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation'). The Parties to the Convention adopted its first Gender Action Plan in 2008 and updated it twice, in 2014 and 2022. See CBD, 'The Gender Plan of Action Under the Convention on Biological Diversity (23 May 2008) UNEP/CBD/COP/9/INF/12/ Rev.1. They updated it in 2014; Id., 'Decision Adopted by the Conference of the Parties to the Convention on Biological Diversity' (17 October 2014) UNEP/CBD/COP/DEC/XII/7; and Id., 'Decision Adopted by the Conference of the Parties to the Convention on Biological Diversity' (19 December 2022) CBD/COP/DEC/15/11.

and projects, the two conventions' regimes have progressively acknowledged the structural inequalities embedded in the social, political, economic, cultural institutions, norms and practices that cause environmental degradation's disproportionate impacts on women, and have recognized the need to address them.⁵⁰ Throughout the years, however, their approach to the women-environmental degradation nexus has remained strongly instrumental, conceiving the promotion of women's equality, rather than as a value per se, as a way to ensure their full participation in efforts to achieve sustainable development as strategic 'agents of change'. As such, their strategy has been limited in scope, with a focus only on two key objectives: on the one hand, building capacities and increasing opportunities to ensure women's equal and balanced participation in the conventions' decision-making and implementation processes, including by working with and through women's organizations, in order to enable the experiences, needs and values of women to inform all relevant actions, plans and programmes; and, on the other hand, ensuring women equal rights to ownership and control over land and natural resources, as well as equal access to education, training, technologies and financial services in order to support their empowerment in affected areas and, thereby, foster their active engagement in the governance, conservation and sustainable use and management of land and biodiversity.⁵¹

The Framework Convention on Climate Change (UNFCCC) was slower than the UNCCD and the UNCBD in integrating a gender perspective.⁵²

⁵⁰ See, e.g., UNCCD, 'Study on the Differentiated Impacts of Desertification, Land Degradation and Drought on Women and Men' (2022) and CBD 'Addressing Gender Issues and Actions in Biodiversity Objectives' (2019).

⁵¹ For the developments within the UNCCD's regime, see: UNCCD, 'Gender Equality and Empowerment of Women for Enhanced and Effective Implementation of the Convention' (23 October 2017) UN Doc Decision 30 COP13-ICCD/COP(13)/21/Add.1; Id., 'Gender Equality Policy and Plan 2024 to 2030' (10 September 2024). As for the UNCBD, see: 'Towards A Gender-Responsive Post-2020 Global Biodiversity Framework: Considerations for Gender Mainstreaming' (27 July 2019) UN Doc CBD/WG2020/1/INF/1 and '2015–2020 Gender Plan of Action Pocket Guide: Summary and Examples' (14 April 2020) UN Doc CBD/SBI/3/2/Add.3.

⁵² The original text of the UNFCCC did not include any references to gender issues. In 2015, the Paris Agreement referred to gender equality in its Preamble (recognizing that 'Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, (...) as well as gender equality [and] empowerment of women'), Article 7 and Article 11 (requiring a gender-responsive approach, respectively, to climate adaptation and capacity building). In 2015, the Conference of the Parties (COP) established the first Lima Work Programme on Gender (LWPG) (2 February 2015) Decision 18/

Throughout the years, three main themes have emerged from the UNFCCC gender policies: the need to ensure a systematic integration of gender concerns and perspectives into all climate policies and actions; the importance of engaging women in relevant decision-making processes, at all levels, and promoting capacity-building for women, including Indigenous women and women from local communities, in negotiations and the Convention's processes; and the urgency of promoting gender-responsive technological solutions to address climate change, by mobilizing financial resources and fostering women's full participation and leadership in science, technology, research and development.⁵³

Overall, the UNFCCC gender strategy replicates the other two Rio Conventions' instrumental perspective on the promotion of women's equality as a means to enhance their role as 'agents of change' for sustainable development. Its approach, however, is even narrower than that developed within the UNCCD and the UNCBD, with no engagement at all with the underlying gender (and other social) inequalities that cause climate change's disproportionate impact on women and no recognition of the need to dismantle existing socio-cultural and economic barriers to their active participation in public life. The measures put forward are nothing but 'quick win' solutions, such as raising awareness of good practices for women to access climate finance, promoting travel funds to support their participation in national delegations or organizing and conducting capacity-building training to promote their leadership and negotiation skills.⁵⁴

Finally, gender features as an important cross-cutting issue in the implementation of the Stockholm Convention and the MCM, based on the shared recognition that women and men are affected differently by the multifaceted harmful impacts associated with POPs and mercury exposure.⁵⁵ However, a

CP.20 UN Doc FCCC/CP/2014/10/Add.3, and in 2018 the first gender action plan (GAP) under the UNFCCC was established (8 February 2018) Decision 3/CP.23 UN Doc FCCC/CP/2017/11/Add.1. In 2020, Parties agreed to a 5-year Enhanced Lima Work programme on Gender and its Gender Action Plan (16 March 2020) Decision 3/CP.25 UN Doc FCCC/CP/2019/13/Add.1, and in 2024 they decided to extend the Enhanced Lima Work Programme on Gender for 10 years: see 'Gender and Climate Change' (23 November 2024) Draft Decision-/CP.29 UN Doc FCCC/CP/2023/L.12.

⁵³ Lima Work Programme on Gender and its Gender Action Plan (n 52) B.1, B.2, and D.2.

⁵⁴ See also, from a critical perspective, Wilkinson Cross, 'Comparing the Transformative Potentials of the FCCC and the CCD: An Ecofeminist Exploration' (n 20) 26.

⁵⁵ See, respectively, Stockholm Convention, 'Gender: Overview' (2020) and UNEP and Minamata Convention on Mercury, 'Gender Equality and Mercury' (May 2021). The Stockholm Convention, in its 2023 revised text, contains express

significant difference exists between their respective strategies to address gender inequality.

The Stockholm Convention regime has almost exclusively followed a gender mainstreaming and participatory approach. Based on the assumption that women's involvement in environmental decision-making is essential for promoting gender equality and achieving sustainable development, it has merely focused on ensuring gender-balanced participation in the Convention's processes and fully integrating women's perspectives into the design, implementation, monitoring and evaluation of its decisions and activities.⁵⁶

The Minamata Convention, on the other hand, has adopted a more comprehensive strategy which, in addition to mainstreaming gender and ensuring equal opportunities for participation in the Convention's processes, including by supporting women's organizations, groups and networks, aims to address the causes of the disproportionate impact of mercury use on women, especially in the artisanal and small-scale gold mining (ASGM) sector, and eliminate the intersectional barriers to their full agency.⁵⁷ Measures adopted to these ends, however, are far from comprehensive.⁵⁸ Their focus is merely, on the

reference to women in its Preamble (noting the Parties' awareness 'of the health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants, in particular impacts upon women'), Article 7 (requiring States to consult women's groups in order to facilitate the implementation of the Convention) and Article 10 (requiring States to promote the development, especially for women, of educational and public awareness programmes on the health and environmental effects of persistent organic pollutants and their alternatives). The Minamata Convention, for its part, pays specific attention to women in its Preamble (noting 'the Parties' awareness of health concerns (. . .) resulting from the exposure to mercury of vulnerable populations, especially women and children'). It prioritizes the needs of 'vulnerable' groups, including women, in several of its provisions, including Article 18, on public information and education, and Article 19, on research, development and monitoring.

⁵⁶ See BRS Gender Action Plan, in Report on Gender-Related Activities Implemented by the Secretariat (23 May 2023) UNEP/CHW.16/INF/42/Rev.1, UNEP/FAO/RC/COP.11/INF/25/Rev.1, UNEP/POPS/COP.11/INF/47/ Rev.1. This text has updated the previous 2016 and 2019 versions.

⁵⁷ See UNEP and Minamata Convention on Mercury, 'Gender Action Plan for the Minamata Convention on Mercury' (4 July 2023) UNEP/MC/COP.5/INF/10.

⁵⁸ Subparagraph 1 (i) of Annex C to the Convention – which addresses ASGM as the largest source of mercury emissions and releases and requires Parties who have ASGM to take steps to reduce and, where feasible, eliminate mercury use from such mining and processing – limits itself to stating that national action plans to address ASGM are to include strategies to prevent mercury exposure of vulnerable populations, including women of childbearing age, especially pregnant women.

one side, on promoting economic empowerment initiatives, such as ensuring equal access to or control over land, water, technologies and markets so as to provide women with independent sources of income and thereby avoid their being driven by poverty into mining; and, on the other side, on ensuring that capacity building, technical assistance and technology transfer to developing country Parties are delivered in ways that support gender equality, including by involving women in the introduction of technically and economically viable alternatives to mercury-added products and processes in which mercury is used or that release it.⁵⁹

In sum, international environmental law has broadly recognized both the gendered impacts of ECEs and the contribution that women can make to address them as key actors in the conservation of the environment and natural resources all over the world. Yet, if looked at through an ecofeminist lens, the approach chosen to address the women-environmental degradation nexus – aimed mostly at promoting women's full involvement across all areas of environmental governance – appears severely limited.

First of all, this approach relies on a paradigm of 'formal' equality, which promotes equal rights and opportunities to participate in environmental practices and decision-making, both at the local and international levels, but glosses over the prevailing, deeply embedded gendered roles and relations that may make it practically difficult or impossible for women to take advantage of their enjoyment.⁶⁰ As such, it fails to challenge the entrenched social gender inequalities that render women more exposed and less able to cope with ECEs, let alone address the special vulnerability that some of them experience owing to the intersection of gender with other inequalities. The result is that women

For an overview of gender issues in the ASGM sector, see UNEP, *Incorporating Gender Dimensions into National Strategy Setting in Chemicals Management for Minamata Convention National Action Plans for Artisanal and Small-scale Gold Mining and Stockholm Convention National Implementation Plans* (2021) 19–27.

⁵⁹ UNEP and Minamata Convention on Mercury (n 57) and 'Gender Priority Activities for the Biennium 2024-2025' (24 November 2023) UNEP/MC/COP.5/Dec.15.

⁶⁰ Marsha A. Freeman, Christine Chinkin, Beate Rudolf, 'Article 1', in Marsha A. Freeman, Beate Rudolf and Christine Chinkin (eds), *The UN Convention on the Elimination of All Forms of Discrimination Against Women: A Commentary* (OUP Oxford 2012) 51, 56. The formal equality paradigm, as is well known, has long been the subject of feminist critiques. See, with particular regard to the environmental governance context, Annie Rochette, 'Stop the Rape of the World: An Ecofeminist Critique of Sustainable Development' (2002) 51 *University of New Brunswick Law Journal* 145; and, previously, Dianne Otto, 'Holding Up Half the Sky, but for Whose Benefit? A Critical Analysis of the Fourth World Conference on Women' (1996) 6 (1) *Australian Feminist Law Journal* 7.

are (further) burdened with an instrumental role as responsible actors for environmentally sustainable management of natural resources, without being freed from their already stretched gendered workloads, in a continuing perpetuation of the so-called ‘feminization of responsibility’.⁶¹

Secondly, the adopted approach embeds women into existing normative and institutional frameworks, which promote sustainable development through technological innovation as the response to current global environmental challenges.⁶² The notion of sustainable development, however, reflects an anthropocentric and androcentric perspective that justifies the commodification of natural resources to meet human demands and builds upon the dominant, neo-liberal economic paradigm that has fuelled, and continues to inflame, social, including gender, inequalities.⁶³ Consequently, norms and institutions that are

⁶¹ Serene J. Khader, ‘Global Gender Justice and the Feminization of Responsibility’ (2019) 5 (2) *Feminist Philosophy Quarterly* 1.

⁶² An express mention of ‘sustainable development’ – that is, as famously defined in 1987 by the World Commission on Environment and Development, ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’ – as the paradigm inspiring and underpinning policy responses to current global environmental challenges is contained, for instance, in the Introduction to the UNCBD, in the Preamble of the UNCCD, in Article 3 of the UNCCC, in the Preamble and in Article 2(1), 4(1) and 6 of the Paris Agreement, in Article 7 and Annex F of the Stockholm Convention. The Minamata Convention, for its part, recalls in its Preamble the Rio Declaration on Environment and Development, which consecrated sustainable development as ‘the conceptual epicentre of global environmental governance’ (see Jorge E. Viñuales, ‘Sustainable Development’, in Lavanya Rajamani and Jacqueline Peel (eds), *The Oxford Handbook of International Environmental Law* (2nd edn Oxford University Press 2019) 285. All these instruments include provisions encouraging technology transfer and scientific cooperation as means to achieve environmental protection. See, e.g., UNBDC, Articles 12 and 16; UNCCD, Articles 16–18; UNFCCC, Articles 4 (c) and (g); Paris Agreement, Article 10; Stockholm Convention, Articles 11 and 12; Minamata Convention, Article 14.

⁶³ Louis Jacobus Kotzé, Duncan French, ‘The Anthropocentric Ontology of International Environmental Law and the Sustainable Development Goals: Towards an Ecocentric Rule of Law in the Anthropocene’ (2018) 7 (1) *Global Journal of Comparative Law*, 5; Vito De Lucia, ‘Anthropocentrism and International Environmental Law’, in Chapaux, Mégret, Natarajan (eds), (n 28) 84. Gear notoriously explains the role that legal subjectivity plays in operationalizing the hierarchical order between human beings, as well as between human beings and non-human beings, that is central to ‘histories of eco-violation’. See, e.g., Anna Grear, ‘The Closures of Legal Subjectivity: Why Examining “Law’s Person” is Critical to an Understanding of Injustice in an Age of Climate Crisis’, in

informed by it end up perpetuating (and even reinforcing) the structural patterns of environmental exploitation and social disadvantage from which ECEs, and their disproportionate impacts on women, ultimately stem. Reliance on technological innovation, for its part, 'institutionalizes a preference for, and deference to, conventional science' in addressing global environmental challenges.⁶⁴ As a result, notwithstanding widespread recognition of the importance of integrating into environmental regimes rural women's unique environmental knowledge, little room is left for the latter to truly influence ECEs governance and its outcomes.

5. CONCLUSION

'Environmental chronic emergencies (...) are around us. Hidden in plain sight, one could say.'⁶⁵ Their disproportionate impacts on women are not immediately visible, as those of natural disasters, but are no less severe and pervasive.

International law, with its vocation to address problems whose causes and consequences transcend national borders, may certainly represent a fundamental tool to tackle the challenges rising from the gendered impacts of ECEs. Yet, an analysis conducted through an ecofeminist lens shows that significant limits exist in how international law has so far engaged with them.

Ecofeminism, at the same time, sets the stage for a more ambitious way of addressing the nexus between women's inequality and slow environmental degradation, informed by a recognition of the inherent value of both humans and non-humans and a contextual reconceptualization of the relationships between them. This entails a paradigm shift into how to tackle ECEs, which implies, on the one hand, a genuine commitment towards preventing slow environmental degradation, rather than merely decelerating it or redressing its consequences, grounded in the need to respect the ecological limits of the Earth system, for the sake of its own integrity⁶⁶; on the other hand, a comprehensive engagement

Anna Grear and Louis J. Kotzé (eds), *Research Handbook on Human Rights and the Environment* (Edward Elgar Publishing 2015) 79.

⁶⁴ Rochette, 'Transcending the Conquest of Nature and Women: A Feminist Perspective on International Environmental Law' (n 24) 224. See also Wilkinson Cross, 'Comparing the Transformative Potentials of the FCCC and the CCD: An Ecofeminist Exploration' (n 20) 34.

⁶⁵ De Vido (n 2); Russo (n 2).

⁶⁶ These ecological limits have been powerfully identified, in environmental sciences, through the concept of 'planetary boundaries', defining a 'safe operating space for humanity with respect to the Earth system' and associated with certain 'thresholds which, if crossed, could generate unacceptable environmental change'. See Johan Rockström, Will Steffen, Kevin Noone et al., 'A Safe Operating Space

with structural forms of (intersectional) gender discrimination and disadvantage, informed by the recognition of the inherent value of women's equality and empowerment.

There is still a long way to go for international law to achieve full equality between men and women in a world where the natural environment is valued and protected for the benefit of all human and nonhuman living beings, but the road is mapped out and its theoretical foundation laid down.

for Humanity' (2009) *Nature* 472; and, more recently, Katherine Richardson et al., 'Earth Beyond Six of Nine Planetary Boundaries' (2023) 9 (37) *Science Advances* 1. The notion of 'planetary boundaries' has increasingly been considered a potentially useful tool for international environmental law as well. See, for instance, Rakhyun E. Kim and Klaus Bosselmann, 'International Environmental Law in the Anthropocene: Towards a Purposive System of Multilateral Environmental Agreements' (2013) 2 (2) *Transnational Environmental Law* 285; Kotzé and French (n 63) 9–10; Edgar Fernandez Fernandez and Claire Malwé, 'The Emergence of the 'Planetary Boundaries' Concept in International Environmental Law: A Proposal for Framework Convention' (2019) 28 (1) *Review of European, Comparative & International Environmental Law* 48. For a thorough discussion on how the concept of 'planetary boundaries' could help frame the international legal response to ECEs, see Karen Morrow, 'Taking the Long View: What Environmental Chronic Emergencies Require of States' in this Volume.