

Gender and Environmental Law. Challenges and opportunities for promoting the role of gender in environmental justice

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Gender and the need to hear and heed the overlooked in sustainability-based global environmental governance

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It is increasingly recognised that the most pressing challenges to the future stability and flourishing of human life and society, for example (as identified by Planetary Boundaries thinking) climate change and biodiversity loss, can usefully be characterised as sustainability issues. This approach ostensibly provides a mechanism to address threats to environmental in tandem with the human-centred social and economic practices that serve to both drive and ameliorate unsustainable attitudes and practices. This seemingly fairly basic idea has an established (if not particularly efficacious) presence in international environmental governance, dating from the ground-breaking work of the Brundtland Commission and its incorporation in the 1992 Rio Declaration and more detailed incarnation in Agenda 21 and under the good offices of the now defunct Commission on Sustainable Development (CSD). One of the less heralded, but ultimately more significant, implications of sustainability-based governance has proved to be rooted in the necessity of securing the integration of established top-down with hitherto neglected bottom-up inputs into global governance regimes. This has prompted innovative developments to extend the reach of international governance beyond state actors and inter-governmental organisations to encapsulate other stakeholders, notably for present purposes according recognition to nine major groups identified under Agenda 21. While this type of approach continues to be rolled out (albeit with highly variable degrees of commitment and enthusiasm) across a variety of multilateral environmental agreement regimes, on closer examination, it is apparent its operation is far from straightforward. The evolving nomenclature concerning gender is revealing in this regard: under Agenda 21 for example, gender issues tended to be elided with 'women', but we increasingly understand that gender issues are not synonymous with women's issues. The UNFCCC however, as a much more recent 'convert' to gender equality has explicitly recognised the 'women and gender constituency'. Truly inclusive environmental governance needs to rise to the challenge of addressing gender more broadly construed, not least in amplifying LGBTI+ voices. As environmental impacts are increasingly made manifest through slow onset changes and amplified, aggravated, and more frequent natural disasters, its impacts are felt most acutely by the most vulnerable in society, many of whom are subject to gender and/or gender identity based disadvantage. This, coupled with the broad-ranging and various impacts of what feminist analysis terms intersectionality, make embracing and facilitating coalition-building among the most vulnerable a potentially attractive strategy to draw in and augment muted voices in global climate governance. Such a move stands not only benefit those most susceptible to the adverse impacts of climate change in the short term; in the long term it speaks to all of us as humans, ultimately dependant on a viable environment to sustain us.