

WOMEN AS AGENTS OF TRANSFORMATIVE CHANGE: IMPLICATIONS FOR GENDER EQUALITY AND CLIMATE JUSTICE

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Abstract

This chapter examines the extent to which international and regional legislative frameworks on climate change support the idea of women as agents of transformative change to achieve substantive gender equality and climate justice. The chapter traces the evolution of a number of international and regional legislative frameworks on climate change, examining how gender is represented, identifying gaps in gender terminology, and determining how those gaps can be filled to ensure the fulfilment of gender equality and climate justice rights. The chapter takes an intersectional human rights-based approach to substantive gender equality and climate justice informed by articles 2(1) and 18(2) of the Protocol to the African Charter on Human and Peoples' Rights (Maputo Protocol), which recognise the promotion and protection women's rights as normative legal values. The chapter argues that improving women's agency is crucial for the elimination of all forms of discrimination against women if substantive gender equality and climate justice are to be realised. While the chapter acknowledges the progress made in instituting international and regional laws advocating for gender equality and climate justice, it also recognises the slow progress towards the achievement of substantive gender equality, leaving women entrenched in the socially constructed patriarchal gender roles which in most cases, resist change in order to perpetuate the disempowerment of women. The chapter concludes with arguments that advocate for the transformation of patriarchal gender norms, power relations and cultural mindsets that inhibit the enforcement of substantive gender equality and climate justice-responsive interventions.

Keywords: *intersectionality, transformative change, gender, substantive gender equality, climate justice*

1 Introduction

Africa, as a continent, is experiencing devastating climate change vulnerabilities because of its heavy reliance on climate-related activities,

labour-intensive mode of production and low adaptive capacities.¹ These climate vulnerabilities manifest through a complex interplay of social, political, economic, cultural and environmental factors, which are exacerbated by fragile climate legislative laws and policies, limited climate financial investment, weak institutional and technological governance systems which compromise adaptive and mitigation capacities at different levels.²

In Africa, women account for more than 80 per cent of the agricultural workforce for food production at the family level.³ Statistical evidence predicts that by 2050, climate change will remain an ecological challenge, pushing more than 160 million women into cycles of poverty, with more than 240 million women and girls experiencing food insecurity and water and energy deficiencies compared to 131 million men and boys.⁴ While women in Africa take centre stage in terms of adapting to the challenges of climate change, evidence shows that they are not adequately capacitated to adapt with resilience because their inherent knowledge and insights are seldom recognised for incorporation into climate change decision-making interventions.⁵

Against this background, this chapter seeks to answer the following primary question: to what extent do the different international and African regional climate legislative frameworks support the idea of women as agents of transformative climate change? To further explore this question, this chapter explores the conceptualisation and

1 Intergovernmental Panel on Climate Change (IPCC) 'Sixth Assessment Report Chapter 9: Africa Climate Change 2022' <https://www.ipcc.ch/report/ar6/wg2/chapter/chapter-9/> (accessed 31 January 2025).

2 S Eriksen, K O'Brien & L Rosentrater *Climate change in Eastern and Southern Africa: Impacts, vulnerability and adaptation* (GECHS Report 2008:2) University of Oslo https://www.ipcc.ch/apps/njlite/srex/njlite_download.php?id=5977 (2008) 1-27.

3 E Bryan and others 'Women's leadership and implications for climate resilience: A conceptual framework', December 2023, <https://cgspace.cgiar.org/server/api/core/bitstreams/debec896-8b7a-4b40-8ac7-b91c486bce6b/content> (accessed 24 December 2024).

4 UN Women 'Data-driven insights: The effects of climate change on gender and development', December 2023, https://www.unwomen.org/sites/default/files/2023-11/data-driven_insight_the_effects_of_climate_change_on_gender_development.pdf (accessed 27 December 2024).

5 ML Parry and others (eds) *Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (2007) 1-987.

representation of gender, substantive gender equality and climate justice in these different frameworks.

This chapter aims to contribute to the growing debate on the complex interconnection between gender equality and climate justice and the extent to which these complexities are amplified by the consequences of climate change, whose negative impact does not only disproportionately impact women, but also create gendered fault lines of discrimination across women's gender identities.⁶ Globally, the debate on the role of women as agents of change in response to threats posed by climate change is not only a matter of moral justice, but has become a human rights imperative. Narratives on women's agency in climate mitigation and adaptation interventions have also remained marginal in addressing the gender-specific ramifications of climate change, with much of the debate focusing on women's victimhood, neglecting women's agency as an enabler for transformative climate change.⁷ While understanding the linkages between women's victimhood and climate change is important, failure to extend the debate to women's agency as critical stakeholders in climate change discourses exacerbates women's disempowerment rooted in patriarchal structural systems that are often resistant to transformative changes in fear of weakening men's hegemonic authoritative power.⁸

In the context of this chapter, women's agency is conceptualised as women's ability to make independent choices in setting purposeful goals and actions aligned with their values as human beings with the potential to contribute to achieving gender equality and climate justice. From this perspective, women's agency is closely intertwined with the notion of autonomy and empowerment as essential prerequisites for achieving substantive gender equality and climate justice. Thus, this chapter adopts an intersectional gendered lens in analysing the different climate legislative instruments and the extent to which women's climate change vulnerabilities interact in ways that either exacerbate or mitigate climate inequalities. Therefore, the specific impact of climate change on African women is analysed through the gender equality and climate

6 UN Women 'Explainer: How gender inequality and climate change are interconnected', 28 February 2022, <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected> (accessed 28 December 2024).

7 Parry and others (n 5) 31.

8 Bryan and others (n 3) 2.

justice lenses as enunciated in articles 2 and 18 of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol).

This chapter is divided into five sections. Section 2 examines the conceptual intersections between gender, gender equality and climate justice, focusing on the Maputo Protocol as part of the Africa Union (AU) framework that informs climate change legislation and policy in Africa. Section 3 explores efforts towards instituting gender-responsive normative legislative frameworks at the international and regional levels. The objective is to trace the extent to which the concepts of gender and gender equality in the context of climate change are represented and operationalised. Through a discursive analysis, section 4 presents the extent to which gender concepts have been neglected or conceptualised to project substantive equality embracing empowerment and intersectional dimensions in the respective climate treaties. Section 5 concludes with key highlights and arguments on how the identified gender equality gaps can be filled to achieve substantive equality.

2 Conceptual intersections

2.1 Intersectionality

Intersectionality, as a concept, has its roots in feminist theory, which seeks to understand the dynamics of power, power relations and the production of knowledge as a dialectical process shaped by interlocking forces. In the context of this chapter, intersectionality is conceptualised as an analytical tool that serves to provide a nuanced understanding of how power and power relations interact in shaping men and women's experiences and knowledge systems in contexts of climate change.⁹ This dynamic process facilitates interrogation and critiquing of existing power and power relations and institutional practices that militate against the deconstruction and reframing of gender and climate change dynamics aimed at recreating climate change narratives that recognise women's agency to achieving substantive equality.¹⁰ Agarwal provides

9 A Kaijser & A Kronsell 'Climate change through the lens of intersectionality' (2014) 23 *Environmental Politics* 418.

10 Kaijser & Kronsell (n 9) 419.

an example of how climate change challenges push women to create specific and situated knowledge systems that are highly valuable to addressing the climate change challenges they face. For example, women who live and use the forest for their subsistence can, through their daily practices as farmers, firewood and water collectors, as well as being preservers of the forest, acquire unique tacit knowledge about accessing and using environmental resources in ways that sustain and preserve the naturalness of the forest.¹¹ This highlights that women are not viewed as a homogeneous group and explains how their ways of knowing about and acting on climate change issues are differentiated by how they navigate the climate change challenges with resilience.¹²

2.2 Gender equality vs substantive gender equality

In the context of this chapter, gender refers to a socially constructed phenomenon that explains the social, economic, political, and cultural norms associated with being a man or woman in a given society over time.¹³ These socially constructed norms are learnt through socialisation, and they shape and reinforce power hierarchies and power relations that define the roles and responsibilities of men and women.¹⁴ From a gender perspective, it can be argued that if these normative behaviours are socially constructed and acquired through socialisation, they can be unlearned or transformed over time in ways that facilitate women's agency in achieving substantive gender equality and climate justice.¹⁵ From the standpoint of this chapter, gender, therefore, plays a critical role in understanding women's vulnerabilities to climate change, how the impact of climate change and adaptive potentials define differentiated resilience, and response mechanisms between women and men are.¹⁶

11 B Agarwal 'Conceptualising environmental collective action: why gender matters' (2000) 24 *Cambridge Journal of Economics* 283-310.

12 Agarwal (n 11) 284.

13 United Nations Environmental Programme 'Gender, climate & security: Sustaining inclusive peace in the frontlines of climate change' 6, June 2020, <https://www.unwomen.org/en/digital-library/publications/2020/06/gender-climate-and-security> (accessed 31 January 2025).

14 As above.

15 J Greco 'Gender: A social construction' (2013) 2 *Sociological Imagination: Western's Undergraduate Sociology Student Journal* 1-18.

16 Greco (n 15) 6.

Related to the concept of gender is equality, which is traditionally understood to mean ‘the right to be equal to men’.¹⁷ In the context of this chapter, this traditional conceptualisation becomes problematic as it implies that women must be treated exactly like men if they are to gain equality. It implies that women must be treated according to male standards, obscuring the ways in which women are different from men and how they are impacted more because of socially constructed differences. This calls for alternative approaches that take into account differences between women and men, as some of these differences may not be favourable to women due to their discriminatory effects.¹⁸

In this regard, Campbell identified two approaches used to respond to gender differences in climate change.¹⁹ First is the protectionist approach, which, to some extent, recognises that gender differences, women’s activities and freedoms must be controlled under the guise of ‘protecting’ women from harm against climate change violations.²⁰ In this process, the approach does not challenge discriminatory cultural social norms, but reproduces them under the guise of protecting women. The second approach is the substantive equality approach, which argues that in order to achieve equality between women and men, measures aimed at protecting women must be transformed first to eliminate all the discriminatory inequalities and unequal power balances that disadvantage women.²¹ This substantive gender equality approach acknowledges that women and men cannot be treated the same, but for substantive equality to occur, the differential experiences of both women and men must be recognised in ways that promote independence rather than protection of dependency.²² For example, climate-related laws should be designed through functional gender-responsive justice systems that aim to promote substantive equality of opportunities to women just as much as men should be supportive. Such equality is interpreted in ways

17 U Bob & A Babugura ‘Contextualising and conceptualising gender and climate change in Africa’ (2014) 28 *Gender and Climate Change* 3-15.

18 Bob & Babugura (n 17) 5.

19 M Campbell ‘A greener CEDAW: Adopting a women’s equality approach to climate change’ in C Albertyn, M Campbell, H Alviar García, S Fredman & M Rodriguez de Assis Machado (eds) *Feminist frontiers in climate justice* (2023) 90-115.

20 Campbell (n 19) 97.

21 As above (n 19) 98.

22 As above (n 19) 107.

that challenge climate and gender injustices against women, their impact, and how they can be eliminated to allow women the full enjoyment of climate-environmental rights on an equal footing with men.²³

2.3 Gender and climate justice

Related to gender equality is the concept of gender justice, which is the outcome of gender equality and encompasses the recognition of equal rights and access to justice for all people irrespective of their gender, class, status or sex using non-binary lenses.²⁴ Gender justice is achieved by removing all barriers against women's access to opportunities and resources and advocating commitment to addressing the underlying root causes of gender inequality.²⁵

Thus, the concept of gender and climate justice is rooted in recognising that climate change has ramifications that are detrimental to the enjoyment of social, economic, political, and cultural rights by all people, with women carrying the burden of climate change impacts.²⁶ From a gender equality and human rights standpoint, this implies that climate justice can only be realised when men and women jointly work to ensure the enjoyment of equal rights, equal access to climate resources and diverse opportunities, regardless of one's sex, gender, sexual orientation, or gender identity.²⁷ Climate justice, therefore, calls for law reforms that guarantee distributive justice and procedural justice achieved through gender-responsive climate interventions that promote mitigation, adaptation and resilience as social justice for women, men and youth.²⁸

Therefore, understanding the nexus between gender equality and climate justice is critical in the sense that climate change, as a human rights issue, requires a collective effort that exposes the gendered nature

23 As above.

24 F Sultana 'Critical climate justice' (2022) *The Geographical Journal* 1-7.

25 Sultana (n 24) 3.

26 M Addaney & CG Moyo 'Women's rights, gender and climate change law in Africa: Advancing an equity agenda' (2018) 5 *Journal of Law Society and Development* 3.

27 UN Women 'Explainer: How gender inequality and climate justice are interconnected', 28 February 2022, <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected> (accessed 28 December 2024).

28 As above.

of climate inequalities, climate change vulnerabilities and how they are embedded in societal structures of poverty and discrimination.²⁹

3 The gender responsiveness of the African Union framework on climate change

Africa's engagement in climate change debates can be traced to the establishment of the Organisation of African Unity on 25 May 1963, although little attention was paid to issues of climate change until the adoption of the UN Framework Convention on Climate Change (UNFCCC) in 1992 and the formation of the AU in 2002.³⁰ In Africa, climate change affects women more than men in five impact areas: agricultural production, food and nutrition security, health, water and energy, climate-related disasters, and conflict.³¹

The AU's contribution to the climate change debate is reflected in the creation of an organisational infrastructure aimed at combating climate change with the objective of fulfilling its climate change commitments in support of the UNFCCC and the Maputo Protocol. It is through these climate institutional structures that the AU Assembly, through its Regional Economic Communities (RECs), encourages its member states to play an instrumental role in facilitating women's meaningful engagement in climate change debates at local and global levels, advocating for gender-responsive approaches to climate change challenges.³² In the context of gender equality and climate change, the AU Climate Strategy is guided by seven fundamental principles that take a people-oriented approach to climate action with a particular emphasis on amplifying women's and youth voices in climate change debates.³³

29 World Bank 'World Development Report 2010: Development and climate change', 2010, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/201001468159913657/world-development-report-2010-development-and-climate-change> (accessed 28 December 2024).

30 N Obah-Akpogoghaha and others 'Climate change and the African Union's role in the international system: A brief situational analysis' (2022) 11 *Journal of African Studies* 31.

31 Obah-Akpogoghaha and others (n 30) 1.

32 J Baaki 'Gender just climate solutions' 6, February 2020, <https://womengenderclimate.org/wp-content/uploads/2020/02/GJCS-2019-eng.pdf> (accessed 31 January 2025).

33 African Union Climate Change and Resilient Development Strategy and Action Plan 2022-2032 Principle 1 at 8, 28 June 2022, <https://au.int/en/>

However, despite these efforts at the AU level, a gender analysis of the AU framework on climate change reveals the need to fully embrace a comprehensive gender analysis that prioritises substantive equality beyond a people-oriented approach that only focuses on counting women as affected individuals to a deeper understanding of climate-related power dynamics, access to environmental resource and decision-making disparities as necessary ingredients for effective climate change interventions.³⁴ The AU's institutional structures contain environmental and climate inequalities stemming from entrenched power imbalances. These imbalances hinder progress toward substantive gender equality, which is essential for achieving the AU's climate change commitments. Awiti points out that while there has been credible research evidence on climate change across Africa, what is missing is reliable disaggregated data on the impact of climate change on women, a situation that undermines efforts to effectively design gender-responsive climate interventions aimed at empowering women to adequately adapt to climate threats with resilience.³⁵ This implies that sex-disaggregated data and gender-responsive analysis represent the most effective tools for identifying differentiated impacts that provide essential data for designing climate policy and legislative reforms.³⁶ However, the collection of sex-disaggregated data on basic demographic and climate issues is at most deficient or unavailable, rendering the AU's climate legislative frameworks inadequate to deal with the complex climate issues experienced by AU member states.³⁷ These deficiencies are compounded by the fact that most AU member states lack the human capacity to collect reliable sex-disaggregated data on the impact of climate change on vulnerable groups, including women and youth.³⁸ Thus, the AU, as a regional body and through its member states, should conduct comprehensive gender analyses that facilitate the identification of vulnerabilities before designing gender-responsive climate change interventions. Such climate gender analyses and interventions would

documents/20220628/african-union-climate-change-and-resilient-development-strategy-and-action-plan (accessed 31 January 2025).

34 AU Climate Strategy (n 33) 8.

35 AO Awiti 'Climate change and gender in Africa: A review of impact and gender-responsive solutions' (2022) 4 *Frontiers in Climate* 1-14.

36 Awiti (n 35) 8.

37 Awiti (n 35) 10.

38 Awiti (n 35) 12.

take into account who owns and controls resources, who has access to climate finance, and the unequal power relations regarding decision-making at the different climate change fora.

3.1 The Maputo Protocol as a gender equality and climate justice legislative framework

The Maputo Protocol represents a progressive gender equality legislative framework focusing on the promotion, protection, and fulfilment of human rights for African women. Unlike other human rights treaties, the Maputo Protocol builds on international environmental and climate treaties, including the United Nations Plan of Action on the Environment and Development and the Gender Equality and Women Empowerment Strategy, among others.³⁹ The Protocol further covers a spectrum of substantive rights for women, including civil, political, economic, social, cultural, and environmental rights. The Maputo Protocol challenges the dominant patriarchal stereotypes about the role of women in society as it recognises women as effective, full human beings with the inherent potential to stand as equal partners with men in shaping their climate change identities. The Maputo Protocol places legal obligations on AU member states to ensure that they enact laws and policies that promote equal opportunities for men and women and ensure that women play meaningful roles in society. For example, adopting a substantive and transformative approach, articles 1(f) and 2 of the Maputo Protocol give a comprehensive definition of non-discrimination against women, which emphasises the illegality of ‘exclusion or restriction of any differential treatment based on sex whose effects compromise the recognition and enjoyment of women’s rights in all spheres of their life’. Article 2(1) further obliges all state parties to combat all forms of discrimination against women through the adoption of appropriate legislative, institutional and other measures. It consequently tasks state parties to ‘integrate gender perspectives in all policy decisions, legislation, development plans, programmes and activities and in all other spheres of life’. It further obligates state parties to eradicate discrimination against women in their respective jurisdictions. With regard to participation and

39 United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992 UN Doc A/RES/44/228.

inclusion, article 18(2)(a) of the Maputo Protocol obliges state parties to take all appropriate measures to ensure the active participation of women and the inclusion of their ideas in the planning, management and preservation of natural resources, including forests, water, and animals and the search for new energy sources. This implies creating innovative ways to find new sources of energy for cooking beyond firewood and the use of technology to enhance smart agriculture aimed at reducing women's burden from traditional labour-intensive agricultural practices. For example, it is in this context that the Southern African Development Community (SADC) region, through the SADC Secretariat, developed the SADC Climate Change Strategy and Action Plan (CCSAP), with provisions for harmonised and coordinated regional and national actions responsive to the impacts of climate change.⁴⁰ The SADC-CCSAP strategy aims to achieve global and continental objectives as set out in the UNFCCC, the Africa Union Commission and the Regional Development Agenda.⁴¹ In the context of this chapter, article 12 of the SADC Protocol on Environmental Management for Sustainable Development mandates SADC member states to develop legislative and administrative measures to enhance adaptation to the impacts of climate change, bearing in mind the gendered differential levels of vulnerabilities which require member states as duty bearers to take appropriate climate change mitigation measures. The strategy is also intended to support AU member states in complying with obligations under the UNFCCC and the Maputo Protocol, among other climate normative frameworks.

For example, Moyo and Dhlakama highlight how demographic data in Zimbabwe has shown that poverty levels are higher among rural women than men because their livelihoods are dependent on the utilisation of natural resources, which are susceptible to changing climatic conditions, thereby exacerbating their already subdued adaptation and resilience capabilities.⁴² In alignment with the Maputo Protocol, the Constitution of Zimbabwe Amendment No 20 (2013)⁴³ recognises the importance

40 SADC 'Climate Change Strategy and Action Plan' 4, 24 July 2015, https://www.sadc.int/sites/default/files/2021-11/SADC_Climate_Change_Strategy_and_Action_Plan-English.pdf (accessed 31 January 2025).

41 SADC (n 40) 7.

42 CG Moyo & TO Dhlakama 'Incorporating gender perspectives into national climate change governance mechanisms and strategies' (2018) Centre for Natural Resource Governance (CNRG) Climate Change Symposium.

43 Section 17.

of equality of all human beings and the mainstreaming of gender equality in all legislative laws, policies and programmes. In particular, section 17 of the Constitution of Zimbabwe, in alignment with article 9 of the Maputo Protocol and section 56 of the Bill of Rights, obligates state parties to ensure the enforcement of gender equality and non-discrimination in the participation and representation of women and men in all spheres of their lives.⁴⁴ Complementing these constitutional provisions and the international and continental provisions, including the Maputo Protocol, Zimbabwe drafted a Climate Change Response Strategy in 2014 highlighting both the gender equality and equity provisions whose objectives focus on mainstreaming gender and gender-sensitive climate adaptive interventions responsive to the differential impacts of climate change against women, men and youth at all levels.⁴⁵ Similarly, Kenya, a country prone to hazardous climatic conditions resulting in extreme droughts and floods, was the first African country to institute a Climate Change Legislative Act in 2016 and policies responsive to unpredictable climatic change conditions as ways of addressing intersecting vulnerabilities and exposure among communities and their resilience and adaptive capacities to mitigate impacts of climate change.⁴⁶ Furthermore, evidence shows that many countries across Africa have incorporated the Maputo Protocol provisions on gender equality into their constitutions and legislation frameworks, including Namibia, Gambia, Kenya, Mozambique, and Uganda. While acknowledging the achievements in policy and legal reforms across Africa, climate change continues to create challenges resulting in the displacement of people due to the frequency and intensity of natural disasters, hence the need for increased efforts to implement and enforce the Maputo Protocol gender equality provisions comprehensively.⁴⁷

Article 2 of the Maputo Protocol, read in conjunction with its Preamble and article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), serves as a reminder to

⁴⁴ As above.

⁴⁵ Addaney & Moyo (n 42) 10.

⁴⁶ P Ongugo and others 'A review of Kenya's national policies relevant to climate change adaptation and mitigation: insights from Mount Elgon' (Working Paper No. 155) Center for International Forestry Research https://www.cifor-icraf.org/publications/pdf_files/WPapers/WP155Russell.pdf (2014).

⁴⁷ As above.

all state parties to the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights that they have an obligation to ensure that men and women have equal rights to enjoy all socio-economic, cultural, civil, political and environmental rights. Furthermore, states are obligated to adopt appropriate legislative measures, including sanctions where appropriate, by enacting into domestic law the relevant international and regional climate change treaties aimed at eliminating all forms of discrimination against women. Therefore, in the context of this chapter, it can be argued that gender equality in the context of the Maputo Protocol is framed as a progressive and innovative legally binding environmental right that obligates states to guarantee substantive equality of women and men before the law. As such, gender equality is imperative for the enjoyment of all environmental rights essential for the creation of peaceful and just societies for men, women, and other groups in society.⁴⁸

Article 8 of the Maputo Protocol highlights the equality of women and men before the law and the right to equal protection and enforcement of gender equality rights without discrimination. Similarly, article 18(1) of the Maputo Protocol stipulates that 'women shall have the right to live in a healthy and sustainable environment' and obligates states under article 18(2)(a) to 'take all appropriate measures to ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels.' Thus, the Maputo Protocol adopts a gender equality and climate justice approach that pushes for both substantive equality and the transformation of retrogressive discriminatory legislative norms and harmful practices that militate against the participation and achievement of women's practical and strategic climatic needs in Africa. Article 19(c) further encourages states to put in place legislative measures that ensure that women have the right to fully enjoy their right to sustainable development by promoting women's access to and control over production resources such as land and guaranteeing their right to ownership of property rights. Furthermore, article 24 of the Maputo Protocol obligates AU member states to 'ensure the protection of poor women and women headed families including women from marginalized

48 Maputo Protocol Preamble.

population groups and provide an environment suitable to their conditions and socio-economic needs'. Of significance to the substantive gender equality debate is article 25(a), which obligates state parties to provide appropriate remedies to any violation of women's rights and freedoms and that states should ensure 'such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided by law'.

Unfortunately, a gender analysis of the Maputo Protocol on climate change shows that despite these aspirations, as articulated in the different articles, achieving substantive equality on climate change remains far from the objective of fulfilling women's environmental rights in the majority of African countries. Evidence shows that in 2021, sub-Saharan Africa's gender inequality index performed worse than other regions of the world. This situation makes the prospects of achieving the substantive gender equality sought by the Maputo Protocol far-fetched.⁴⁹ While the Protocol emphasises women's participation in all spheres of their lives, representation of women in climate change dialogue forums, inadequate resources, and cultural norms that perpetuate gender inequality continue to impede the full realisation of substantive gender equality.⁵⁰

The Maputo Protocol recognises the intersection of patriarchy and pervasive traditional cultural values. These forces reinforce hegemonic structural systems that ascribe stereotypical gender roles, undervaluing women's agency in achieving gender equality. However, the commitment to enforce comprehensive and multi-faceted approaches to bridge the gender equality and climate justice gaps, and thus fully realise the Maputo Protocol aspirations, remains elusive.⁵¹ For instance, environmental legal reforms and the enforcement of climate legislative laws and policies are needed to strengthen and enforce existing laws that protect women's environmental rights.⁵² Educating the public and creating awareness about women's environmental rights is also important, and when done

49 PM Achakpa and others 'Gender-responsive climate actions in Africa 1-52, 22 November 2023, https://climatepromise.undp.org/sites/default/files/research_report_document/57405%20-%20Technical%20paper%20-%20EN%20Final%20-%20web.pdf (accessed 28 December 2024).

50 VO Ayeni 'Introduction & preliminary overview of the findings' in VO Ayeni (ed) *Impact of the African Charter and the Maputo Protocol in selected African states* (2016) 1-16.

51 Ayeni (n 50) 8.

52 As above.

consistently and with commitment, this will, over time, foster a cultural shift. Nonetheless, this requires state parties and other key stakeholders to seriously advocate for substantive gender equality in ways that challenge harmful gender norms and practices that militate against climate justice.⁵³ Recognising women's agency as transformative, climate change agents calls for educational training and mentorship programmes that empower women with the knowledge and skills essential for effective climate change engagement in regional and global climate change negotiation processes. This chapter, therefore, argues that limiting the discussion to women's climate vulnerability does not only present simplistic narratives, but deflects attention from deeper analyses of how dynamics of power and power relations intersect in multiple layers of institutions and society and how these produce and reproduce gendered and differentiated climate change impacts.⁵⁴

In the context of this chapter, the Maputo Protocol remains crucial in achieving gender equality and climate justice as it aspires to guarantee comprehensive environmental rights for women by obligating nation states duties and responsibilities that will ultimately result in climate security and substantive gender equality.⁵⁵ This implies that men and women and all key stakeholders have the potential to jointly engage in making decisions that call for repealing, reforming and instituting climate change legislative laws and policies for the benefit of all.

From an intersectional perspective, evidence demonstrates how women across Africa have always been at the forefront of engineering transformative climate actions because of their socially constructed roles, which obligate them as duty bearers and claim holders of food security, water security and energy resource management within family households.⁵⁶ Research by Wachira shows that even though most indigenous women among the Maasai in Kenya remain marginalised and vulnerable due to climate-induced disasters, creating serious food and water insecurities among communities, they have always demonstrated

53 Ayeni (n 50) 309.

54 S Huyers and others 'From gender gaps to gender-transformative climate smart agriculture' (2024) 67 *Current Opinion in Environmental Sustainability* 2.

55 R Sigsworth & L Kumalo 'Women, peace and security' Implementing the Maputo Protocol in Africa' (ISS Paper 295) Institute of Security Studies <https://issafrica.s3.amazonaws.com/site/uploads/Paper295.pdf> (2016) 2.

56 As above.

resilience and resourcefulness through beadwork and crafts making using local resources as part of their livelihood.⁵⁷ Similarly, in Zimbabwe, Mozambique, Malawi, Zambia and other SADC countries, the consequences of climate-induced catastrophes due to El Nino droughts and cyclone-related floods disproportionately affect women in particular whose livelihoods are dependent on rain-fed subsistence farming. This situation further exacerbates cycles of poverty due to food, water, with women and children disproportionately succumbing to the vices of rape and early marriages among adolescent girls.⁵⁸

At the international level, the interconnection of gender equality, climate change and climate justice has been highlighted by the United Nations Development Programme (UNDP) and the Intergovernmental Panel on Climate Change (IPCC). Reports issued by the UNDP and IPCC clarify that these interconnections are essential as they provide a deeper understanding of the empowerment or disempowerment of women.⁵⁹ Therefore, legitimising the existence of these linkages also recognises women's diverse knowledge, skills, resilience, and capacity to adapt to climate change threats. Such knowledge and information become critical as it highlights the potential of women as transformative agents in fostering climate mitigation⁶⁰ adaptation⁶¹ all of which represent outcome measures of women empowerment.

57 GM Wachira 'Indigenous people's rights to land and natural resources' in S Dersso (ed) *Perspectives on the rights of minorities and indigenous peoples in Africa* (2010) 289.

58 CG Moyo 'Climate change and health in Zimbabwe: A legal perspective' (2017) 68 *Journal of Law, Policy and Globalization* 7-12.

59 United Nations Development Programme (UNDP) *Human Development Report* (2011, 2010, 2007); IPCC (n 1); World Bank (n 29).

60 In the context of this chapter climate mitigation is understood as the reduction or storage of GHGs. The UNFCCC describes it 'a human intervention to reduce the sources or enhance the sinks of greenhouse gases'.

61 UNFCCC describes climate adaptation as '[a]djustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities' (UNFCCC 2010). With reference to development policy, we should add '... that adaptation can take place at different levels of society and be influenced by various groups of vulnerable actors'.

4 The gender responsiveness of the United Nations framework on climate change

4.1 The Rio Agreements

At an international level, efforts to elucidate gender-responsive policies to support and empower women to overcome their vulnerabilities and capabilities are becoming part of the climate change policy reform processes. In 1990, at the IPCC and the second World Climate Conference,⁶² the call was made for the global community to commit to taking strong measures to reduce or stabilise greenhouse gas (GHG) emissions.⁶³ The call for action was answered in 1992 with the adoption of the three Rio Agreements, namely the UNFCCC, the UN Convention on Biological Diversity (UNCBD), and the UN Convention to Combat Desertification. The central objective of the three Rio Agreements was to ensure that the treaties worked together, complementing each other towards combating climate change and recognising gender equality and social justice as cross-cutting issues in the three treaties.⁶⁴

Thus, harmonising the approach to gender equality between the conventions was critical to ensure that substantive gender equality, as an entry point of empowerment, was properly understood and implemented in all UN global climate change governance systems, including the Global Environment Facility.⁶⁵

In terms of recognising the position and role of women, the UNCBD recognises gender inequalities and their disproportionate impacts, with women being at the forefront of championing drought resilience interventions. The third objective of the UNCBD, as set out in the Preamble stipulates the fair and equitable sharing of the benefits arising from the utilisation of genetic resources. From a gender analysis perspective, the Preamble also highlights the critical role of women by recognising 'their vital role in the conservation and sustainable use of

62 Held in Geneva from 29 October to 7 November 1990.

63 As above.

64 International Union for the Conservation of Nature (IUCN) 'Harmonizing gender in the three Rio Conventions' (Gender Policy Paper GGPS-001) IUCN Gender Office https://portals.iucn.org/library/dir/publications-list?field_pub_call_number_tid=%22IUCN-GGPS-001%22 (2012).

65 UNDP (n 59); IPCC (n 1); World Bank (n 29).

biological diversity and affirming the need for their full participation at all levels of policymaking and implementation for biological diversity conservation'. General provision 17 of the UNCBD further stresses the critical role of indigenous women in the conservation and sustainable use of the environment and the need for the effective participation of women in biodiversity conservation in accordance with the UNFCCC and the UNCBD.

4.2 The UNFCCC: Gender gaps or missed opportunities

With the ultimate aim of preventing 'dangerous' human interference within the climate system, the UNFCCC is the main treaty of the three Rio conventions. A gender analysis of the history of negotiations and resolutions that established the UNFCCC reveal that limited attention was paid to addressing the gendered experiences of women in relation to climate change. Evidence shows that the early Rio convention drafts were largely framed in the context of dominant masculine perspectives that problematised climate change as shaped only by the reduction of GHG emissions. This reductionist approach neglected the essence of intersectional perspectives that accommodate the multiplicity of voices and ways of knowing in understanding the diverse social factors that influence people's lives and their potential to respond resiliently and recover from climate-induced threats.⁶⁶

A gender analysis shows that the 1992 UNFCCC negotiations did not recognise women as critical actors in climate change interventions and did not mention the concept of 'women' or 'gender' in the outcome agreement text.⁶⁷ It was only in 2001 that the term 'gender' received open recognition in the UNFCCC through Conference of the Parties (COP) Decision 36, which highlighted the need to improve the participation of women in formal UNFCCC negotiations.⁶⁸ This resulted in a number of decisions made within the UNFCCC negotiations, which highlighted selected ways in which the issue of gender was to be addressed. These decisions emphasised gender-sensitive approaches, women's participation

66 R Maguire and others 'UNFCCC: A feminist perspective' (2023) 54 *Environmental Policy and Law* 369-383.

67 Maguire (n 69) 372.

68 As above.

and gender balance, and the achievement of gender equality.⁶⁹ The major outcome of these negotiations and decisions was the referencing of the term ‘gender equality’ in the UNFCCC Preamble, encouraging ‘[p]arties that, when taking action to address climate change, they should respect, promote and consider gender equality and the empowerment of women.’⁷⁰ This was followed by the Cancun negotiations in 2010, during which the importance of gender equality for effective action on climate change was stressed. State parties were to ‘consider’ gender, particularly in the development of national strategies and actions around deforestation and forest degradation to reduce emissions.⁷¹

Despite these progressive efforts, there was still a lack of substantive detail that explained the nature of the gender equality ‘consideration’ and the specific operationalisation of actions to be taken to achieve the intended gender equality goals. Critics questioned UNFCCC’s commitment to proactively ensure substantive gender equality which goes beyond numbers to recognising women as transformative agents to achieving climate justice in line with international environmental law.⁷²

Efforts to see the expansion and focus on the impact of climate change interventions on women resulted in establishing the UNFCCC-Lima Work Programme on Gender (Lima Work Programme) through COP Decision 18 in 2014.⁷³ This was followed by COP Decision 21 in 2016, which aimed to strengthen the link between gender and climate change.⁷⁴ The UNFCCC Gender Action Plan was adopted in 2017 through COP Decision 3,⁷⁵ followed by the enhancement of the Gender Action Plan (GAP) through COP Decision 3 of 2019.⁷⁶ This

69 As above.

70 R Maguire ‘Feminist approaches’ in L Rajamani & J Peel (eds) *The Oxford handbook on international environmental law* 2 ed (2021).

71 COP Decision 1/CP.16 note 4.

72 UNFCCC ‘Promoting gender balance and improving the participation of women in UNFCCC negotiations and in the representation of parties in bodies established pursuant to the Convention or the Kyoto Protocol’ COP Decision 23/CP.18 (COP Decision 23) (7 December 2012).

73 UNFCCC ‘Lima Work Programme on Gender’ COP Decision 18/CP.20 (12 December 2014).

74 UNFCCC ‘Gender and climate change’ COP Decision 21/CP.22 (17 November 2016).

75 UNFCCC ‘Establishment of a gender action plan’ COP Decision 3/CP.23 (17 November 2017).

76 UNFCCC ‘Enhanced Lima Work Programme on Gender and its Gender Action Plan’ COP Decision 3/CP.25 (15 December 2019).

strengthened the Lima Work Programme, whose objective was to ensure reviews of the implementation of all UNFCCC gender-related mandates and activities.⁷⁷ However, while the Lima Work Programme recognised global commitments to ‘gender equality’ under the CEDAW and the Beijing Declaration and Platform for Action, the programme itself did not consistently adopt a language of ‘gender equality’, with this term appearing only once within the instrument.⁷⁸

In 2019, the Lima Work Programme was extended for another five years to amend the GAP objectives. Although the programme was very vocal about ensuring that gender was mainstreamed across all UNFCCC institutions and operations, the UNFCCC’s insistence on using the gender term ‘balance’ rather than ‘equality’ remained a bone of contention. Critics argued that the term ‘balance’ limited women’s representation without meaningful consideration of whether and how increased representation would translate into substantive equality that considered the different impact outcomes for women in terms of their experiences and potential to bring transformative changes to the climate change gender terminology debate.⁷⁹

4.3 Kyoto Protocol

Linked to the UNFCCC is the Kyoto Protocol,⁸⁰ adopted in Japan on 11 December 1997 as a legal response to climate change adaptation and mitigation mechanisms. The flexible mechanisms in the Kyoto Protocol were distinctively different from the joint responsibility agreements under the UNFCCC in that they focused on the principle of joint implementation but differentiated between responsibility, principle and capability. This shift in position gave greater climate change financial responsibility to developed states as major emission polluters. The Kyoto Protocol provides three funds for adaptation: the levy-financed adaptation fund, the fund for the least developed countries, and the

77 African Working Group on Gender and Climate Change (AWGGCC) ‘Gender analysis of the Paris Agreement and implications for Africa’, 27 April 2017, <https://idl-bnc-idrc.dspacedirect.org/bitstreams/c78ea497-f69c-421d-8740-a9d03fa7712d/download> (accessed 31 January 2025).

78 As above.

79 As above.

80 Kyoto Protocol operationalised the UNFCCC by setting emission targets, timeframes, and market-based measures or indicators to meet the targets.

special climate change fund.⁸¹ Under the UNFCCC and the Kyoto Protocol, global nation states are grouped into three broad categories: developed countries, countries in transition, and developing countries.⁸² While the UNFCCC articulates the guiding principles for global climate change response, the Kyoto Protocol sets the formula for translating these principles into practice by setting legally binding targets that obligates industrialised countries to reduce greenhouse gas emissions in recognition of the climate change gendered threats which exacerbate gender inequalities and social injustices on humanity.⁸³

Thus, the Kyoto Protocol operationalises the UNFCCC by obligating developed state parties to set emission targets with timeframes and measurable indicators to monitor impact, recognising that climate impacts are distributed differently among regions, generations, age, classes, income groups, occupations, and genders. These differentiated approaches to climate change response are articulated in the Kyoto Protocol cap and trade system that allows countries with emissions units to spare based on permitted caps to sell or trade the excess capacity to countries over their targets as set out in article 17 of the Kyoto Protocol. Based on the principle of ‘common but differentiated responsibilities and respective capabilities’, the Protocol sets individual legally binding targets for reducing greenhouse emissions for developed countries while developing nations are encouraged to reduce carbon emissions voluntarily in fulfilment of article 3 of the Protocol.⁸⁴ This is interpreted to mean that global countries have different capabilities in combating climate change, owing to their economic status and development. As such, the obligation to reduce carbon emissions was placed on developed countries on the basis that they are historically responsible for the current levels of GHGs in the atmosphere.

A gender analysis of the Kyoto Protocol shows that it adopts a mainstream gender-blind approach of the UNFCCC, which failed to broaden the understanding of the climate change gender terminology

81 Intergovernmental Panel on Climate Change (IPCC) ‘Summary for policymakers (SPM) sixth assessment report’, 2021, <https://www.ipcc.ch/report/ar6/syr/summary-for-policy-makers/> (accessed 30 January 2025).

82 As above.

83 L Rajamani *Differential treatment in international environmental law* (2012) 20.

84 L Carlos ‘Common but different: Africa and Europe’s climate responsibilities’, 24 March 2021, <https://www.accord.org.za/analysis/common-but-different-africa-and-europes-climate-responsibilities> (accessed 30 January 2025).

debate, as it did not recognise the intersectionality of GHG emissions between men and women, including spelling out the gendered differential benefits of reducing gas emissions.⁸⁵ Critics argued that the economic costs of the gas emissions far outweighed the economic benefits in that the targets set for reducing gas emissions were too ambitious, making it difficult for state parties to meet these targets. Critics also questioned the idea of using carbon trading as a control mechanism to curb greenhouse emissions because the measurement standards were not informed by gender economics that recognise substantive climate inequalities in access to climate financial and technological resources, environmental consumption patterns and the increased workload on women.⁸⁶

4.4 Paris Agreement

The obligatory principles of the Kyoto Protocol were strengthened by the adoption of the Paris Agreement in 2015, which came into force on 4 November 2016, after 55 countries that produce at least 55% of the world's GHG emissions agreed to ratify and accede to this Agreement.⁸⁷ As of February 2023, 194 out of 198 state parties representing over 98% of global GHG emissions have ratified or acceded to the Agreement, including China and the United States, the countries with the first and second largest CO₂ emissions among UNFCCC members.⁸⁸ The objective of the Paris Agreement was to build on the foundation of the UNFCCC to meet the set targets of reducing GHG emissions by no more than 1.5 degrees Celsius to mitigate the risks and impact of climate change. However, critics view the set targets in the Paris Agreement as being more ambitious than the 2 degrees Celsius targets set in the Kyoto Protocol, which many countries were failing to meet, making the pledges under the agreement inadequate to limit warming to safe levels as expected. The Preamble of the Paris Agreement obligates state parties to observe, respect and protect the human rights of all people affected by

85 As above.

86 G Prins 'Radical rethinking is needed on the climate change policy' (2008) 452 *Nature* 530.

87 S Duyek and others 'Human rights and the Paris Agreement's implementation guidelines: Opportunities to develop a rights-based approach carbon & climate' (2018) 12 *Law Review* 191-202.

88 As above.

climate change vulnerabilities by committing to the implementation of gender-responsive and intergenerational climate change interventions.

A gender analysis of the Paris Agreement shows that outside of the Preamble, the agreement remained gender-blind or disregarded gender as a significant factor in how men and women interacted with climate change. As such, the word 'gender' is only referenced three times throughout the Agreement: in the Preamble, articles 7 (adaptation focus), and 11 (capacity building focus), respectively. While the agreement text sparingly makes reference to gender terms, including 'gender equality', 'gender-response' and 'gender-disaggregated data', these are limited to climate 'mitigation' and 'technology transfer' issues only. Articles 4, 5, and 6 (Mitigation), article 9 (Finance), and article 10 (Technology) do not refer to gender.⁸⁹ From a gender perspective, it can be argued that failure to embrace the concept of substantive gender equality is interpreted as demonstrating the commitment to counter climate injustices, stigma, prejudice, and climate change violations, as well as transforming social and institutional structures and facilitating participation and social inclusion. Instead, the Paris Agreement sustained the hegemonic gender terminology stance of the UNFCCC that reinforced gender roles and power relations inequalities, resulting in the exacerbation of climate change inequalities between men and women.⁹⁰

With an emphasis on adaptation, article 7(5) of the Paris Agreement obligates state parties to recognise and take adaptation action guided by country-driven, gender-responsive, participatory, and fully transparent approaches that include marginalised groups, communities, and ecosystems. However, a gender analysis of this article shows that women are still regarded as helpless victims of climate change who require additional adaptation support relative to men. Thus, in the context of substantive gender equality, women's knowledge and skills are not acknowledged, and neither is there an attempt to integrate women's situated knowledge and experiences into adaptation planning in ways that contribute to transforming gender relations and bringing greater equality.⁹¹

89 As above.

90 AW/GGCC (n 80) 4.

91 As above.

Article 9 refers to the importance of adequate financial support for all climate intervention actions as part of state party financial obligations, transparency and commitment to holistic climate response aimed at achieving a balance between adaptation and mitigation. From a gender perspective, finance remains a key component of the Agreement if adaptation and mitigation targets are to be met, hence the need for gender-responsive budgeting that goes beyond just increasing women's numbers to being a holistic gender equality strategy that creates climate change budgets that work for everyone. Such gender-responsive budgets would incorporate analyses of the unique practical and strategic needs of every person, with the goal of striving to achieve a fair distribution of financial resources. Gender-responsive budgeting also comes into the climate change frame as a tool that ensures the allocation of public resources contributes to women's empowerment and gender equality; facilitates shifting of mindsets and institutional mechanisms to eliminate outdated ideas of gender roles and stereotypes as an important first step that can lead to transformative change.⁹² However, the Paris Agreement's omission to explicitly spell out how financial resources will be allocated in ways that equitably benefit both men and women with sex-disaggregated monitoring budgetary indicators creates adaptation and mitigation implementation risks which reinforce inequalities.⁹³

Article 10 of the Paris Agreement highlights the importance of technology in increasing climate change adaptation and mitigation interventions, but the article makes no reference to gender. This signifies a missed opportunity to highlight the importance of technology as an enabler to achieving adaptation and mitigation substantive equality, taking into consideration the differentiated climate change needs of men and women.⁹⁴ Failure to recognise gender differences in women and men's access to and use of climate change technologies and the agency of women to contribute to strategic decision-making in climate change

92 ENGENDER Consultancy, Westminster Foundation for Democracy 'Gender responsive budgeting: Enabling the practical realisation of equality', 2023, <https://www.wfd.org/what-we-do/resources/gender-responsive-budgeting-enabling-practical-realisation-equality> (accessed 30 January 2025).

93 As above.

94 As above.

policy and institutional reforms perpetuate technological inequalities against achieving substantive equality.⁹⁵

5 Conclusion

This chapter used an intersectional human rights-based approach to examine the connection between gender, gender equality, women's rights, and climate justice action informed by the Maputo Protocol and related global treaties that advance the empowerment of women as agents of climate change. Informed by existing scholarship, the chapter underscored how climate change and gender inequality are interconnected, requiring integrated approaches that build resilience while promoting women's environmental rights and climate justice.

The analysis highlighted the agency of women in possessing local climate knowledge pertinent to climate change adaptation and mitigation. Such agency also facilitates navigation of complex intersecting layers of inequalities and injustices, socially created by societal hegemonic systems which constrain women's adaptability and resilience in the face of climate change. The chapter also examined the extent to which the different legal normative frameworks on climate change have achieved mixed progress in being responsive to engendering transformative gender climate terminology that accommodates the language of substantive equality and climate justice as imperatives for promoting and protecting women's rights against climate change violations. In this context, the chapter argued that understanding the extent to which gender norms and gender relations are mediated through dynamics of power and power relations becomes critical in determining how women and men are impacted differently by climate changes as they do not represent a homogeneous group. The chapter drew attention to the challenges women in Africa face, including violations of their environmental rights as enshrined in the Maputo Protocol and how these challenges persist despite the existence of elaborate legal and institutional frameworks at the UN and AU levels.

The chapter argued that viewing women as agents of transformative climate change creates opportunities for using multidimensional and intersecting approaches that accommodate and recognise women's

95 As above.

agency for achieving climate resilience as an imperative enshrined in the Maputo Protocol. To achieve climate change provisions as set out in the Maputo Protocol, AU member states should seriously adopt climate gender-responsive budgeting as a strategic tool that ensures the achievement of substantive gender equality, given that lack of financial climate investment remains a major barrier.

Discriminatory social norms, stereotypes, prejudice and violence remain pervasive, with many women and girls being affected by multiple and intersecting forms of discrimination, preventing the full realisation of their environmental rights, hence the need to institute strong legal frameworks that advance substantive gender equality in all climate change areas. Priority must also be given to ensuring that all justice mechanisms, including informal, religious and customary mechanisms, uphold women's environmental rights and promote substantive gender equality. Substantive legal equality requires functional international and regional climate legal frameworks with the capacity to collaboratively enact gender-responsive climate legislative frameworks.

Table of abbreviations

AU	Africa Union
AUC	Africa Union Commission
CCSAP	Climate Change Strategy and Action Plan
GAP	Gender Action Plan
GHG	Greenhouse gas
IPCC	Intergovernmental Panel on Climate Change
OAU	Organisation of African Unity
REC	Regional Economic Communities
SADC	Southern African Development Community
UNCBD	United Nations Convention on Biological Diversity
UNCCD	United Nations Convention to Combat Desertification
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention on Climate Change
CEDAW	Convention on the Elimination of All form Forms of Discrimination Against Women
COP	Conference of the Parties

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Constitution of Zimbabwe Amendment No 20 (2013)

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Convention on the Elimination of All form Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13

Convention to Combat Desertification (adopted on 17 June 1994, entered into force 26 December 1996) 1954 UNTS 3

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Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), (adopted 11 July, entered into force 25 November 2005) CAB/LEG/66.6

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and in the representation of parties in bodies established pursuant to the Convention or the Kyoto Protocol' COP Decision 23/CP.18 (COP Decision 23) (7 December 2012)