



**UNIVERSITY OF NAIROBI
FACULTY OF LAW**

GEG 6103: WOMEN'S RIGHTS IN ENVIRONMENTAL GOVERNANCE

Course Instructors

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Wednesdays 6.00 – 9.00 pm EAT/ 5.00 – 8.00 pm CAT

Introduction

Welcome to this course where you will interrogate different groups of women's exclusion and inclusion in environmental governance in the colonial and post-colonial eras and the role of the law in these processes at the international, national and local levels. The course will examine core concepts, theories, and methods relevant to assessing how gender intersects with other identity markers such as race, ethnicity, class, location and marital status (intersectionality) in the triple planetary crisis. We will look into how women's livelihood rights (land, water and food), rights to a healthy environment and participation have evolved in global, regional and national frameworks. We will explore how these frameworks have been implemented in environmental governance especially having regard to the triple planetary crisis and ensuring the rights are respected, protected and fulfilled.

Course description

This is an essential course that investigates the effects of the triple planetary crisis on different groups of women and how environmental governance has ensured interventions that consider the gendered consequences and needs of different women, particularly for women belonging to several vulnerable groups, for enjoyment of their rights. It will identify and resolve conflicts between conflicting rights, such as environmental protection and women's livelihood rights.

Course objectives:

This course will enable you to do the following:

1. Appraise the effects of the triple planetary crisis on the realisation of different groups of women's rights from a grounded, intersectional and multi-disciplinary perspective.
2. Examine how different theoretical perspectives see different groups of women's lived realities, their agency and participation in environmental governance.

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3. Evaluate the gendered consequences of environmental interventions with a view to advance different groups of women's rights at the local, national, regional and global levels.
4. Design women-friendly environmental governance frameworks.

Assessment

Assessment will be conducted as follows:

60% - summative assessment

40% - course work which shall constitute two assignments as follows:

Assignment 1

Group work where which shall constitute 15% of the marks. Students shall be assigned a specific group at the beginning of the semester. The specific question that the groups are required to address will also be assigned to them at the beginning of the semester. The groups will be required to produce a written essay and a power-point presentation and also make an oral presentation.

Assignment 2

Individual assignment which carries 25% of the mark. Students shall be required to work individually and carry out mini-research on a relevant topic, and they will then write a mini-research paper, which will be submitted by week 9.

Conduct of the Course

This course takes the form of interactive seminars. The instructor's role is that of a facilitator, carefully selecting relevant discussion points and structuring the conversations to ensure that the content is covered in an interactive manner.

Preparing for the course by tackling the assigned reading in advance is essential for you to make the most of the course. The style of delivery used in this course is only effective when participants have read and thought deeply about the readings and are prepared to contribute to the discussion.

Students will be called upon to participate actively in the discussions on the topics being covered. As such, students should have read all assigned readings prior to the class.

Topics

Topic One: Introduction to women's rights in environmental governance: Inclusion and Exclusion From colonial period to post-colonial and present-day triple planetary crisis – an overview

Date: 11 October, 2023

Responsible lecturer: Dr Ngcimezile Mweso

Subtopics

- Introduce whole course
- Livelihood rights and access to resources
- Women's participation
- Gendered consequences
- Engendering environmental governance

Core reading materials

1. Filomina Chioma Steady (2014) Women, Climate Change and Liberation in Africa. *Race, Gender & Class* 20(1/2) : 312-333
2. Kyende Kinoti (2022) The Green Belt Movement: Women, Land, and Development. *Global Africana Review* 6: 38-50
3. Arora-Jonsson, S. (2012). Gender, development and environmental governance: theorizing connections. Routledge. Chapter 2.
4. Patricia Kameri-Mbote (2007) Access, control and ownership: Women and sustainable environmental management in Africa, in *Agenda: Empowering Women for Gender Equity Volume 21, Issue No. 72*,

Topic two: Intersecting inequalities and vulnerabilities:

Date: 18 October, 2023

Responsible lecturer: Dr Agnes Meroka

Subtopics

- Intersectionality as a concept in relation to women in environmental governance
- Complexities, inequalities and vulnerabilities in environmental governance affecting women

Core Reading materials

1. Elizabeth Rutsate “Inequality and discrimination in women’s access to, use of and control of water resources in Zimbabwe: An exposition of the underlying intra sex gender dynamics”, in Ikdahl, Ingunn et al (eds) (2023) *Hellum’s Metode, Festschrift to Anne Hellum* (Gyldendal)165-176. Available in Pdf from the author.
2. Anna Kaijsers and Annica Kronsell ‘Climate change through the lens of intersectionality’ (2014) 23:3 *Environmental Politics*, 417–433.
3. Djoudi, H., Locatelli, B., Vaast, C. *et al.* ‘Beyond dichotomies: Gender and Intersecting Inequalities in Climate Change Studies’ (2016) 45: Suppl 3 *Ambio*, 248–262. <https://doi.org/10.1007/s13280-016-0825-2>.
4. Agnes Meroka, ‘Gendered Land Questions and the Marginalization of Maasai Women’ (2017) in Patricia Kameri-Mbote and Collins Odote (eds) *Essays in Honour of Professor HWO Okoth-Ogendo: Thoughts on Land Law in Theory and Practice* (University of Nairobi, School of Law).

Further Reading

1. Marieme. S.Lo (2023) Gender Equality and the sustainable development goals: discursive practices in uncertain times in Cook, J.Rebecca. (ed) *Frontiers of Gender equality transnational legal perspectives*, Pennsylvania Press, Chapter 6.
2. Mweso, Ngcimezile. ‘The complexity of human rights and gender issues in climate change governance’ in Malawi . In Jean-Claude N. Ashukem and Semie M. Sama (eds) *Domestic and Regional Environmental Law and Policies in Africa: A Research Companion* (London: Routledge, 2023) *forth coming*
3. Thompson-Hall, M., Carr, E.R. & Pascual, U. ‘Enhancing and expanding intersectional research for climate change adaptation in agrarian settings.’ (2016) 45: Suppl 3 *Ambio*, 373–382. <https://doi.org/10.1007/s13280-016-0827-0>

Topic three: Theories on women and the environment

Date: 25 October, 2023

Responsible lecturers: Dr Agnes Meroka

Subtopics

- Ecofeminism
- African feminist theories in environment

Core reading materials

1. Foster, E. (2021). Ecofeminism revisited: critical insights on contemporary environmental governance. *Feminist Theory*, 22(2), 190-205.
2. Kathleen P. Hunt (2014) "It's More Than Planting Trees, It's Planting Ideas": Ecofeminist Praxis in the Green Belt Movement, *Southern Communication Journal*, 79:3, 235-249, DOI: 10.1080/1041794X.2014.890245.
3. Kinoti, Kyende. "The Green Belt Movement: Women, Land, and Development." *Global Africana Review* 6.1 (2022): 38-50.
4. Daza, V. (2019). Two fights in one: Feminism and environmentalism. site da organização Dejusticia, 22.
5. Siwila Lilian Cheelo, "Tracing the ecological footprints of our foremothers" Towards an African feminist approach to women's connectedness with nature.

Further Reading

1. Omotoso, Sharon Adetutu. "When the Rains are (Un)Stopped: African Feminism(s) and Green Democracy." *Ethics & the Environment*, vol. 24 no. 2, 2019, p. 23-41. Project MUSE, doi:10.2979/ethicsenviro.24.2.02.
2. Anke Granes: Ecofeminism in Africa: the contribution of Wangari Mathai, in Chimakonam J and Louise du Toit *African Philosophy and the Epistemic Marginalisation of women*(2018)
3. Fraser, N. (2015). Feminism's two legacies: A tale of ambivalence. In *South Atlantic Quarterly*, 114(4), 699-712.

Topic four: Women's right to equality related to the environment in international frameworks (focus on environment as an equal rights issue)

Date: 1 November 2023

Responsible lecturer: Professor Anne Hellum

Subtopic

- The evolving international women's human rights framework with focus on how women's livelihood rights (land, water and food), right to a healthy environment and right to participation are or may be affected by the triple planetary crisis.
- The CEDAW Committee's response to the triple planetary crisis, with focus climate change and environmental depletion as an equal rights issue.
- The relationship between the human rights and equal rights framework and the Sustainable development goals.
- International accountability mechanism: the CEDAW Committee. Options and limits of international law as a tool of change.

Core Reading materials

1. Campbell, Meghan, "A greener CEDAW: Adopting a women's substantive equality approach to climate change", in Cathi Albertyn et al (eds). (2022). In *Feminist Frontiers in Climate Justice Gender Equality, Climate Change and Rights*. Edward Elgar. Open source available at : <https://www.elgaronline.com/edcollchap-oa/book/9781803923796/book-part-9781803923796-9.xml>
2. Chinkin, C., & Yoshida, K. (2020). Women's Human Rights and Climate Change: State Obligations and Standards. *LSE Law-Policy Briefing Paper*, (43). Available online at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3653520
3. Alston, M. (2014). Gender mainstreaming and climate change. In *Women's Studies International Forum* (Vol. 47, pp. 287-294). Pergamon.
4. Rowena Maguire (2020) "Feminist Approaches" Chapter 12 in *The Oxford Handbook of International Environmental Law*. Oxford University Press, p.201-217 (Core course book)
5. Anne Hellum and Ingunn Ikdahl (2019) Committee on the Elimination of Discrimination against Women, in *Max Planck Encyclopedias of International Law*. Available at: [https://opil.ouplaw.com/view/10.1093/law-mpeipro/e1329.013.1329/law-mpeipro-e1329?rskey=jDz5RQ&result=1&prd=MPIL_\(pdf_file_made_available_by_lecturer\)](https://opil.ouplaw.com/view/10.1093/law-mpeipro/e1329.013.1329/law-mpeipro-e1329?rskey=jDz5RQ&result=1&prd=MPIL_(pdf_file_made_available_by_lecturer))

Legal sources

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

CEDAW Committee, <https://www.ohchr.org/en/treaty-bodies/cedaw>

CEDAW General Recommendation No 34 on Rights of rural women (land, water, food, health),

CEDAW General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change

CEDAW General No. 39 (2022) on the rights of Indigenous Women and Girls .

CEDAW General Recommendations available at :

<https://www.ohchr.org/en/treaty-bodies/cedaw/general-recommendations>

CEDAW Committee decision on women's land rights

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2F85%2FD%2F146%2F2019&Lang=en

Sustainable Development Goals <https://sdgs.un.org/goals>

Topic five: Class presentations – Application of theories on women, gender, rights and the environment

Date: 8 November 2023

Responsible lecturers: Prof. Anne Hellum; Dr Agnes Meroka and Dr Ngcimezile Mweso

Subtopics

Students will be given materials to read in groups and discuss, explain and present the relevance of theories presented in week 1, 2,3 and 4. Such as:

- Feminist environmentalism
- African feminism and environment
- Intersectionality, vulnerability and environment
- Equal rights theory

Topic six: Women's rights related to the environment in regional frameworks

Date: 15 November 2023

Responsible lecturer: Dr Paidamwoyo Mukumbiri and Dr Katsande

Subtopics

- Regional frameworks
- Overview of national frameworks Constitutions, EMA Act.
- Country specific guarantees and mechanisms
- Agenda 2063

Core Reading materials

1. Boshoff, E. (2020). Women's Environmental Human Rights in Africa with Reflections on Key Provisions of the Maputo Protocol. In: Addaney, M., Oluborode Jegede, A. (eds) *Human Rights and the Environment under African Union Law*. Palgrave Macmillan.
2. Fareda Banda (2023) African Gender Inequalities. In Cook, J. Rebecca (ed) *Frontiers of Gender Equality Transnational Legal Perspectives*, University of Pennsylvania Press, Chapter 13.
3. Ademola Oluborode Jegede and Pfanelo Lorrain Mamphiswana Right to a Healthy and Sustainable Environment (2023) in Rudman A , Nyamu Musembi C and Muhindo Makunya T (eds) *The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa: A commentary* PULP Chapter 18
4. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
5. African Charter on Human and Peoples' Rights
6. Social and Economic Rights Action Centre (SERAC) & Another v Nigeria (2001) AHRLR 60 (ACHPR 2001).
7. Agenda 2063

Topic seven: Class Presentations -Women's rights related to the environment in domestic frameworks

Date: 22 November, 2023

Responsible lecturer: Course coordinator plus Dr Paidamwoyo Mukumbiri; Dr Katsande; Dr Ngcimezile Mweso; Ms Theresa Chome; Dr. Agnes Meroka-Mutua; Dr Sarah Kinyanjui; Prof Anne Hellum

Topic Eight: Legal pluralism and women in environmental governance

Date: 29 November, 2023

Responsible lecturer: Professor Anne Hellum and Dr. Agnes Meroka-Mutua

Subtopics

- Introduction to legal pluralism and gender in environmental governance
- Interrelationship with other frameworks (i.e. Human rights Based Approach to Development (HRBA) and the grounded women's law approach))
- Case study I: Access to clean water and water for livelihood in Zimbabwe
- Case Study II: Climate change in Kenya
- What can we learn from these case studies

Core reading materials

1. Patricia Kameri Mbote and Nkatha Chapter 7: Gender equality and climate change in plural legal contexts: A critical analysis of Kenya's law and policy framework in in Cathi Albertyn et al (eds). (2022). *Feminist Frontiers in Climate Justice Gender Equality, Climate Change and Rights* (Edward Elgar)
2. Derman, Bill., & Hellum, Anne. The human right to water and beyond: Some reflections on water justice and water reform in Zimbabwe. In *Beyond Law and Development* (pp. 177-197). Routledge.
3. Kameri-Mbote Patricia, and Kariuki PK-MF. "HUMAN RIGHTS, GENDER AND WATER IN KENYA: LAW, PROSPECTS AND CHALLENGES." IELRC. 2015:81-117.

Topic Nine: Incorporating and integrating women's rights in environmental governance- Role of institutions and women

Date: 6 December, 2023

Responsible lecturer: Dr Ngcimezile Mwesio and Ms Theresa Chome

Subtopics

- Law making and reform for women's participation
- Litigation as integration and participation
- Consolidating engendering environmental governance

Reading materials

1. Lisa Chamberlain, "The value of litigation to women environmental human rights defenders in South Africa", in Cathi Albertyn et al. eds. *Feminist Frontiers in Climate Change* (2023; Edward Elgar Publishing) 213-245.
2. Nathan C. Cook et. al "Promoting women's leadership under environmental decentralization: The roles of domestic policy, foreign aid, and population change" *Environmental Science and Policy* (2023) 139: 240-249
3. Salamon, Hannah. "The effect of women's parliamentary participation on renewable energy policy outcomes." *European Journal of Political Research* 62, no. 1 (2023): 174-196.

Topic Ten: Incorporating and integrating women's rights in formal and informal environmental governance

Date: 13th December 2023

Responsible lecturer: Dr. Sarah Kinyanjui and Dr. Agnes Meroka-Mutua

Subtopics

- Women's right to participation in administrative -women's participation in decision making in formal bodies of governance at the local level
- Traditional- women's participation in decision making in informal decision-making bodies administrative level-procedural rights:

Reading materials

1. Cook, Nathan J., Michelle E. Benedum, Ganesh Gorti, and Sitashma Thapa. "Promoting women's leadership under environmental decentralization: The roles of domestic policy, foreign aid, and population change." *Environmental Science & Policy* 139 (2023): 240-249.
2. Women's Right to Participation in Environmental Decision-Making in Uganda Charlotte Kabaseke Chapter 12 in Michael Addaney Ademola Oluborode Jegede(ed.s) Human Rights and the Environment under African Union Law
3. Mweso, Ngcimezile 'Gender and REDD+ governance in Malawi: Enhancing women's right to participate' in Ademola Oluborode Jegede (ed) *REDD+ and State Human Rights Obligations in Africa* (Switzerland: Springer, 2023) *forthcoming*

Topic Eleven: Women's rights activism in environmental governance options and limits

Outcomes of actions on women's rights in environmental governance

Day: 17th January 2024

Responsible teacher: Dr Paidamwoyo Mukumbiri and Dr Rosalie Katsande

Subtopics

- Activism and livelihood resources
- Activists approaches and challenges
- Using Gaventa's power cube to analyse power, rights and action
- Case study I: Extractives
- Case Study II: Energy
- Law reform

Core Reading materials

1. Hellum, A and Katsande R.K (2017) Gender, human rights and legal pluralities in Southern Africa: A matter of context and power, in Brems, F. and Corradi, G Human Rights and Legal Pluralism Hart Publishing (CORE) pp 119-136
2. Lisa Chamberlain, "The value of litigation to women environmental human rights defenders in South Africa" in Cathi Albertyn et al (eds). (2022). *Feminist Frontiers in Climate Justice Gender Equality, Climate Change and Rights*. Edward Elgar
3. Chatiza. K el When the extractives come home: An action research on the impact of the extractives sector on women in selected mining communities. *International Journal of Sustainable Development*

Topic Twelve: Women, agency and environmental governance

Date: 24th January 2024

Responsible lecturer: Dr Rosalie Katsande and Dr Sarah Kinyanjui

Subtopics

- Exploring women's right to participation in practice?
- Field research and reporting
- Consolidating engendering environmental governance

Core reading materials

1. Charlotte Bretherton, 'Movements, Networks, Hierarchies: A Gender Perspective on Global Environmental Governance' (2003) 3(2) *Governance Global Environmental Politics* 103.
2. Godwell Nhamo et al, 'Participate for Women's Sake? A Gender Analysis of a Swedish Collaborative Environmental Management Project' (2015) 28 *Society & Natural Resources* 1233.

3. Seema Arora-Jonsson, 'Forty Years of Gender Research and Environmental Policy: Where Do We Stand?' (2014) 47(b) *Women Studies International Forum* 295.
4. Sigita Strumskyte et al, *Women's Leadership in Environmental Action* (OECD 2022)
5. USAID-LEAF, WOCAN & UN-REDD 'Women's Inclusion in REDD+ in The Philippines Lessons from Good Practices in Forest, and Other Natural Resources Management Sectors (USAID-LEAF, WOCAN & UN-REDD 2014)

ASSIGNMENTS

A. ASSIGNMENT ONE: GROUP ASSIGNMENT (15 MARKS)

Students shall be assigned specific groups at the beginning of the semester. Each group will be required to submit a paper and using PowerPoint, make an oral presentation in class.

The instructions for the paper/PowerPoint presentation are as follows:

Theme: Domestic legal frameworks on women's rights in environmental governance

- a. Identify any one legal framework in your country on environmental governance and examine the adequacy in addressing any one environmental related challenge women face in your country. This written assignment will contribute 10 % to your overall grade in the course.

Writing Guidelines

1. Work in groups of three people in your country and submit as group assignment
 2. Word limit : 2500
 3. Deadline : Monday, 6 November 2023
 4. Use Times New Roman, font size 12, 1.5 spacing
 5. Citation style: OSCOLA
- b. Oral presentations based on the written assignments will be made in class on 22 November, 2023. Several groups that worked on similar themes will be combined to make one presentation in class for 20 minutes. The oral presentations will contribute 5 % to your overall grade in the course.

B. ASSIGNMENT TWO: INDIVIDUAL (25 MARKS)

Theme: Implementation and/or the realisation of women's right to participate in environmental governance

Identify a specific area for participation in environmental governance in your country and:

1. Develop a research objective relating to that area;
2. Articulate a research problem;
3. Develop a research question;
4. Identify the research methodology you would adopt;
5. Make a presentation to the class addressing the above;
6. Incorporating comments made during your presentation, write a paper.

Writing guidelines

Deadline: 20th January 2024

Use Times New Roman, font size 12, 1.5 spacing

Word count: 3500

Citation style: OSCOLA