
Written Submission in Response to:

Questionnaire in relation to Human Rights Council Resolution A/HRC/RES/38/4 on
human rights and climate change

31 December 2018

Women's land rights simultaneously combat climate change and protect human rights.

Gender-equal land rights are a critical missing piece in climate change strategies at global, national, and local levels. Land literally underlies climate change impacts, both environmental and human—and women's human rights are impacted most negatively and severely; and conversely, land is essential to key interventions to mitigate climate change. But land is often overlooked in global conversations about climate change, even when agriculture, forests, and land degradation (all arenas inextricably tied to land) are centrally featured in these same conversations. And women are often absent or marginalized in global, national, and local-level decision-making spaces where climate change interventions related to land are conceptualized, designed, and adopted, despite the key roles they play in sustainable land and natural resource management. Directing resources to strengthening women's rights to land and women's participation in land governance is a strategic strategy to simultaneously address climate change and its impacts, and to achieve gender equality.

For all these reasons, we believe that women's land rights should be a key theme of the envisioned Human Rights Council discussion on "Women's rights and climate change: climate action, best practices and lessons learned," into which this consultation feeds. Securing women's land rights could enhance resiliency to climate change, significantly bolster national mitigation and adaptation efforts, and strengthen communities' ability to respond well to shifting circumstances.

Women are disproportionately adversely impacted by climate change. In regions of the world most affected by climate change, women bear the brunt of increased natural disasters, displacement, unpredictable rain fall, decreased food production, and increased hunger and poverty. UN-Women has highlighted that "women are more vulnerable to the effects of climate change than men—primarily as they constitute the majority of the world's poor and are more dependent for their livelihood on natural resources that are threatened by climate change."¹ Women's participation and

¹ UN-Women, 'Fact Sheet: Women, Gender Equality and Climate Change,' 2009.

interests should therefore be at the core of efforts to address climate change, including strategies related to mitigation, adaptation, technology development and transfer, and capacity building.

While the 2015 Paris Agreement on Climate Change does not explicitly mention land rights, global and national plans of action will benefit from an enhanced focus on land rights, and particularly women's land rights. In both law and practice, women's rights to land, including the right to access, use, control, manage, and make decisions about land and land-based resources, are often diluted or denied.² Yet, emerging evidence suggests that **when women hold secure rights to land, efforts to tackle climate change are more successful, and responsibilities and benefits associated with climate change response programs are more equitably distributed.** Conversely, without effective legal control over the land they farm or the proceeds of their labor, women often lack incentives, security, opportunity, or authority to make decisions about land conservation and to ensure its long-term productivity.

Climate change threatens women's land rights directly through desertification, soil degradation, and increased demand for and contests over arable land in many parts of the world. Additionally, "land grabbing" for investment, large scale industrial agriculture, biofuel production, and market-based carbon schemes further undercut women's land rights. Indeed, a major impact of climate change is increased land-grabbing due to greater demand for energy³ and to shrinking supplies of arable land.

Because women's land rights are already often tenuous and insecure due to both *de jure* and *de facto* gender discrimination, within the context of climate change they often come in last. This puts rural women at particular risk given their substantial reliance on land, and their indispensable role in agricultural and food production. In this regard, UN-Women and OHCHR have highlighted that:

*"... in an era of climate change, studies have pointed to increased desertification and a marked decrease in land suitable for farming. Unpredictable rainfall and unseasonal temperatures already present a major challenge to many farmers, especially small landholders who have little capacity to adapt through technology or diversification. In Africa, the proportion of women negatively affected by climate-related crop changes is reportedly as high as 73 per cent in the Democratic Republic of the Congo and 48% in Burkina Faso. Because of increasing land pressures around the world, the phenomenon of land-grabbing, and the ever increasing commodification of land, some scholars have noted that "the issue of women's land rights is not only important today, it is likely to become increasingly so over time."*⁴

Climate change strategies and interventions can, in and of themselves, deepen gender inequalities and violate women's human rights, undermining secure land rights for women. For example, market-based carbon schemes, such as the Reducing Emissions from Deforestation and Forest Degradation Plus (REDD+) programme, has been heavily criticized for land grabbing in order to capture carbon through agro-forestry and selling carbon credits (aka 'carbon-grabbing'), with potentially negative consequences for those with insecure land tenure rights, including women.⁵ Absent secure land rights women are often totally excluded from any benefits of such schemes.

² Women's land rights are generally considered secure if they are: 1) clearly defined, 2) socially and legally legitimate and recognized, 3) unaffected by changes in women's social status that would not affect men in the same ways (such as dissolution of marriage by divorce or death), 4) long-term, 5) enforceable and appropriately transferable, and 6) exercisable without an additional layer of approval that applies only to women, but not to men. See: Landesa Issue Brief, Land Rights and Food Security, March 2012.

³ International Institute for Environment and Development, 'Land grabbing' in Africa: Biofuels are not off the hook,' 16 October 2013.

⁴ UN-Women/OHCHR, 'Realizing women's rights to land and other productive resources,' 2013.

⁵ See: Rights and Resources Initiative, 'Status of Forest Carbon Rights and Implications for Communities, the Carbon Trade, and REDD+ Investments,' March 2014.

Over the long run, climate change therefore threatens to marginalize women further, deepening their poverty and exclusion, making it harder for them to access, control, and make decisions about land and vital natural resources. In contrast, when women hold secure rights to land, positive social and ecological consequences tend to flow. These include improved nutrition, education, resiliency, and greater investment in soil conservation and sustainable land use.⁶

Human rights bodies have called for a gender-responsive approach to land management and land rights in climate change interventions related to mitigation, adaptation, and resiliency.

Land tenure is often sidelined in global and national planning documents, even when topics dependent on land management receive significant attention (forests, land degradation, agriculture).⁷ This runs counter both to the rights of participation of indigenous peoples and local communities (and women within these communities), and to a wealth of evidence that shows that smallholder and collective management of land produces far better outcomes for addressing climate change and ensuring local and national food security.⁸ A gendered perspective is crucial given women's marginalization in rural areas and their role in food production.

There are important international human rights standards addressing the links between climate change, gender, land and human rights. For example, CEDAW General Recommendation No. 34 on Rural Women highlights "Environmental issues, including climate change and natural disasters, often provoked by the unsustainable use of natural resources, as well as poor waste management practices, also have detrimental impacts on the well-being of rural women. Gender-neutral policies, reforms and laws may uphold and strengthen existing inequalities related to all of the above."⁹

Further, CEDAW General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change similarly says "To ensure substantive equality between women and men in the context of disaster risk reduction and climate change, States parties should take specific, targeted and measurable steps: (a) To identify and eliminate all forms of discrimination, including intersecting forms of discrimination, against women in legislation, policies, programmes, plans and other activities relating to disaster risk reduction and climate change. Priority should be accorded to addressing discrimination in relation to the ownership, access, use, disposal, control, governance and inheritance of property, land and natural resources"¹⁰

⁶ See e.g., Landesa, A better world: strengthening women's land rights, 2014, at <http://www.landesa.org/resources/womens-land-rights-and-the-sustainable-development-goals/>; Land Rights, Climate Change and Environmental Stewardship, 2015 at <http://www.landesa.org/resources/climate-change/>. E.g., the 2011 Human Development Report found that "greater equality between men and women and within populations may have transformative potential in advancing environmental sustainability," and in relation to land degradation specifically, data analysis for that report covering some 100 countries confirmed that greater equity in power distribution, broadly defined, is positively associated with better environmental outcomes, including less land degradation. UNDP 2011 Human Development Report: Sustainability and Equity: A Better Future for All, at p. 65.

⁷ In the FAO's recent [regional analysis](#) of the Nationally Determined Contributions of 18 East African countries, the agriculture, forest, and other land use (AFOLU) sector accounted for 67% of greenhouse gases regionally; land management received some mention, but land tenure was mentioned only once, as an adaptation strategy in Rwanda, and even then not as a means to securing rights in addition to addressing climate change.

⁸ See UNDP 2011, *supra* at 6; *see also*, Altieri, M & Nicholls, C. (2013). "The adaptation and mitigation potential of traditional agriculture in a changing climate," Climatic Change, available at: https://s3.amazonaws.com/academia.edu.documents/45901748/trad_ag_and_climate_change.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1545428075&Signature=KAJ19xoO6e9a7W9Xgav1Tlcq0wc%3D&response-content-disposition=inline%3B%20filename%3DThe_adaptation_and_mitigation_potential.pdf

⁹ UN Doc. CEDAW/C/GC/34, at para. 10.

¹⁰ UN Doc. CEDAW/C/GC/37, at para 31.

The UN Working Group on Discrimination against Women in Law and Practice has also noted the important links between gender, land and climate change in their 2017 position paper on women's land rights: "Driven by the urgency of a global rush for land and extracted resources and unprecedented urbanization, hastened by the growing impact of climate change and frequency of natural disasters, women have been at the center of human rights violations worldwide regarding their rights and access to land."¹¹ That paper also highlights the relevant land and gender-related development goals, all of which are implicated in managing and mitigating climate change, stating: "Furthermore, the global goals set by the 2030 Agenda for Sustainable Development recognize women's land rights as an explicit cross-cutting catalyst to ending poverty (Goal 1); seeking to achieve food security and improved nutrition (Goal 2) and achieving gender equality and women's empowerment (Goal 5). The New Urban Agenda (2016) sets a roadmap for sustainable urban development and guidance to fulfilling the Sustainable Development Goals (SDGs) also stressed security of land tenure for women as key to their empowerment."¹²

Participation is a central theme related to gender, climate change and land. Women are often absent from national decision-making spaces related to land management and governance, and this includes decisions about climate change interventions. This results in an absence of gendered perspectives on land and climate change in national plans to address climate change. Laws and social norms often limit or ignore women's land and property rights and routinely exclude women from decision-making on land and natural resources. Women are thus frequently excluded from planning for adaptation and mitigation that could improve sustainable use of land in response to climate change.¹³ As the Georgetown Institute for Women, Peace and Security highlights:

*"Although women are forced to bear the brunt of the consequences of climate change, they have been systematically excluded from decision-making mechanisms and denied agency in deciding when and how to overcome the vulnerabilities they face. This is a serious omission that undermines the potential and compromises the effectiveness of even the best-intentioned efforts to address climate change."*¹⁴

Women's right to participate in the design and implementation of climate change mitigation and adaptation strategies is critical; not only is participation a right in and of itself, but as highlighted below women also have much to bring to the table in terms of resilience strategies, knowledge and expertise which would aid local (and global) communities in addressing climate change. In earlier supplementary submissions to the CEDAW Committee on Tuvalu (2015 review) and Maldives (2015 review) – two countries at the front line of climate change– the GI-ESCR and partner organizations from both countries highlighted how women are often excluded from formal decision making, and are also at times experience discrimination related to land rights at the community level. In both cases, the CEDAW Committee emphasized the importance of ensuring women's rights to participation in climate change policy, disaster management, and natural resource governance.¹⁵

Women are effective land managers. Where women have secure rights to use and access land, evidence suggests that they use resources sustainably. Research shows that many women practice

¹¹ Working Group on the issue of discrimination against women in law and in practice, "Insecure land rights for women threaten progress on gender equality and sustainable development," 1 July 2017.

¹² Ibid.

¹³ A. Davis, L. Roper & U. Miniszewski, *Climate Justice and Women's Rights: A Guide to Supporting Grassroots Women's Action*, at 8 (2015).

¹⁴ Georgetown Institute for Women, Peace and Security, 'Women and Climate Change: Impact and Agency in Human Rights, Security, and Economic Development,' 2015.

¹⁵ UN Doc. CEDAW/C/MDV/CO/4-5 and UN Doc. CEDAW/C/TUV/CO/3-4.

“traditional conservation methods such as ‘managed’ fallow, crop rotation, intercropping, and mulching,” and “[b]ecause of their particular household responsibilities for obtaining food, fuel, and water, women who get these products directly from natural resources have a vested interest in protecting them.”¹⁶ Women’s secure land rights enhance environmental protections and climate change interventions, enabling them to make good long-term land use decisions and use ecosystem-based approaches to land management. Land-tenure security incentivizes landholders to invest in adaptation measures, such as soil conservation, sustainable pasture use, growth of drought-resistant crops, and development of alternate water sources.¹⁷ Yet without secure land rights, women know if they irrigate their field or plant border trees, they may not be the ones to reap the benefits.¹⁸

Securing women’s land rights will also be essential to mitigating predicted climate change impacts on food insecurity and water scarcity. Robust research links secure land rights for women to increased agricultural productivity and improved food security.¹⁹ This can have significant impacts at a global level: in rural areas where poverty is most severe, food security is often dependent on women’s role in agricultural production to feed the population.²⁰ About 70% of rural women in South Asia and more than 60% in Africa are farmers.²¹ By some predictions the yields of rain-fed crops in certain African countries will be cut in half by 2020 due to climate change.²² But households where women have land rights report greater yields and increased food security.²³

Similarly, secure land rights can be instrumental in addressing climate-induced water scarcity. UN-Water highlights that “lack of access (ownership) to land may be the underlying cause of women’s limited access to water and a key reason for the greater poverty of female-headed households In many countries ... land ownership is a precondition for access to water.”²⁴ IFAD also highlights the importance of land rights in facilitating access to water.²⁵ Gender-blind land allocation policies can therefore determine water rights and distribution, while local norms can further curtail women’s rights to access and control water resources.²⁶ Land “grabs” and takings, even when such schemes endeavour to compensate communities, can likewise ignore women’s water access and use rights.

In conclusion, women’s perspectives must be included—and their rights and interests accounted for—to address climate change and fulfill women’s human rights.

¹⁶ Mehra, R. (1995). Women, Land and Sustainable Development. ICRW Working Paper No. 1, 24.

¹⁷ Mitchell, D., *Assessing and Responding to Land Tenure Issues in Disaster Risk Management: Training Manual*, at 34 (Food and Agriculture Organization 2011) at <http://www.fao.org/3/a-i2115e.pdf>.

¹⁸ Landesa, ‘Women Gaining Ground: Securing Land Rights as a Critical Pillar of Climate Change Strategy,’ 2014.

¹⁹ Food and Agriculture Organization (2011), *The State of Food and Agriculture 2010-11, Women in Agriculture, Closing the Gender Gap for Development*, Rome. See also: Swedish International Development Cooperation Agency (2010), ‘Quick Guide to What and How: Increasing Women’s Access to Land,’ Women’s Economic Empowerment Series.

²⁰ UN-Water, ‘Gender, Water and Sanitation: A Policy Brief,’ June 2006.

²¹ Food and Agriculture Organization, ‘Men and women in agriculture: closing the gap’ (last visited 18 Feb. 2016) at <http://www.fao.org/sofa/gender/did-you-know/en/>.

²² The Inter-Governmental Panel on Climate Change, ‘Climate Change (2007) Impact, Adaptation, and Vulnerability,’ at https://www.ipcc.ch/pdf/assessment-report/ar4/wg2/ar4_wg2_full_report.pdf

²³ Landesa, Issue Brief, Land Rights and Food Security, March 2012, at <https://www.landesia.org/wp-content/uploads/Landesia-Issue-Brief-Land-Rights-and-Food-Security.pdf>.

²⁴ UN-Water (2006), *Gender, Water and Sanitation: A Policy Brief*, June 2006, p. 4.

²⁵ International Fund for Agricultural Development (2010), *Gender and Desertification: Expanding Roles of Women to Restore Drylands*, Rome. See also: International Fund for Agricultural Development (2012), *Gender and Water: Securing Water for Improved Rural Livelihoods: The Multiple Uses Systems Approach*, November 2012.

²⁶ Ibid.