

# Human Rights and Women's Disproportionate Vulnerability to Climate Change: Insights from Nigeria and Ethiopia

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## Abstract

Changes in climate overtime due to natural variability and human activity poses a serious threat to human rights, and indeed to human existence. Climate change has and will continue to contribute to an increase in the frequency and intensity of events which adversely affect the full enjoyment of a broad range of human rights. Women are more likely to experience the adverse effects caused by climate change than men because women constitute most of the world's poor and are often directly dependent on natural resources that are threatened by climate change as their primary source of food and income. In developing nations of Africa, women often face systemic discrimination, cultural stereotypes and social, economic and political barriers that limit their adaptive capacity. Hence, climate change negatively affects women's rights to food and livelihood, water, health, education and participation in environmental decision making. The paper combines theoretical insights with primary data to highlight the peculiar circumstances of women in Africa which increases their vulnerability to the adverse impacts of climate change and the extent of protection under the human rights system. Drawing on women experiences in Nigeria and Ethiopia, it argues for more attention to women's ecological, economic and human rights deficits in a changing climate and the policy implications for future efforts to address the adverse impacts of climate change.

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## 1. Introduction

The Intergovernmental Panel on Climate Change defines 'climate change' as a significant and long lasting (a decade or more) changes in the composition of the global atmosphere that, either directly or indirectly, are attributed to human activities.<sup>1</sup> Examples of such changes include global warming, increased global mean temperature; severe heat and drought, extreme rain and wind, and behavioral changes in plants and animals.<sup>2</sup> Rising sea levels pose a significant threat to the approximately 40 percent of the world's population that lives in or near coastal areas.<sup>3</sup> These changes, combined and in isolation, threaten ecosystems, water availability, food security and public health around the world. The effects of these threats range across sustainable development contexts creating risks associated with political unrest or social conflict: as natural resource scarcity increases, feedback fuel famine and relocation of populations.<sup>4</sup> Diverse stakeholders widely support use of both adaptation strategies aimed at helping people cope with climate change shocks, and mitigation strategies aimed at reversing or stopping change through reduction of greenhouse gas emissions.

The importance of climate change in Africa cannot be overemphasized. Studies<sup>5</sup> show that global warming and extreme weather conditions may have calamitous human rights consequences for millions of people.<sup>6</sup> Climate change affects the economic and social rights of countless individuals; this includes their rights and ability to access food, health and shelter.<sup>7</sup> Unsurprisingly, the United Nations emphasizes safeguarding the human rights of people whose lives are most adversely affected by climate change - the vulnerable groups. Vulnerable groups such as the elderly, children, farmers, people living with disability, and women, typically the poorest individuals in the society, disproportionately bear the brunt of climate change risks.<sup>8</sup> This means that the

<sup>1</sup> IPCC, "Climate Change Science - the Status of Climate Change Science Today," *United Nations Framework Convention on Climate Change*, no. February 2011 (2011): 1-7, doi:10.1111/j.1467-9388.1992.tb00046.x.

<sup>2</sup> *Ibid.*

<sup>3</sup> D. R. Bassett, "Climate Change as a Women's Issue" in M. Z. Stange, C. K. Oyster & J. E. Sloan (eds) *Encyclopedia of Women in Today's World*, (Thousand Oaks, SAGE Publications, Inc., 2011)

<sup>4</sup> *ibid.*

<sup>5</sup> D. Hassan and A. Khan, "Climate-Change-Related Human Rights Violations," *Environmental Policy and Law* 2 (2013): 80-87.; Humphreys, S. (Ed.) 2011. *Human Rights and Climate Change*, (Cambridge: Cambridge University Press); International Council for Human Rights Policy. 2008. *Climate Change and Human Rights: A Rough Guide*, (Vernier: ATAR Roto Press SA), p1;

<sup>6</sup> D. Hassan and A. Khan, *ibid*

<sup>7</sup> S. Humphreys, (Ed.) 2011. *Human Rights and Climate Change*, (Cambridge: Cambridge University Press)

<sup>8</sup> C. J. Onwutuebe, "Patriarchy and Women Vulnerability to Adverse Climate Change in Nigeria," *SAGE Open* 9, no. 1 (2019),

degree to which each of the groups will be impacted by climate change may partly be a function of their status, gender, poverty, age, power and access to and control of resources.<sup>1</sup>

This work focuses on one of these aforementioned vulnerable groups; women. African women, like women in other developing nations, are uniquely vulnerable to climate change.<sup>2</sup> Climate change negatively affects women's rights to health, housing, water and food, among others, due to several factors peculiar to their gender.<sup>3</sup> Women are often excluded from decision-making processes about climate change regulations or policy developments.<sup>4</sup> This state of affairs is problematic because human rights laws mandate that women serve as meaningful participants in development related activities including climate dialogues and actions.

Within Africa, Nigeria and Ethiopia share key similarities in women's vulnerability to climate change and their associated threatened socio-economic and human rights. Both have a very large diversity of ethnic groups and patriarchal system tilted against women which render climate change adaptation burdensome. This paper highlights critically reviews climate change stresses in these countries to illustrate linkages between climate variability, human rights and women rights using experiences in Nigeria and Ethiopia.

## 2. Linkages between Climate Change and Human Rights

It has long been recognized that a clean, healthy and functional environment is integral to the realization of human rights, such as the rights to life, health, food and an adequate standard of living.<sup>5</sup> This recognition offers one reason that the international community has banded together through multilateral environmental agreements (MEAs) that prohibit illegal trade in wildlife, to preserve biodiversity and marine and terrestrial habitats, reduce transboundary pollution, and prevent other behaviors that harm the planet and its residents.<sup>6</sup> Environmental protection preserves human rights and at the same time, adherence to human rights rules such as those that ensure public access to information and participation in decision-making. Thus, there can be dual contributions to more just decisions about the utilization and protection of environmental resources, and protection against the potential for the abuses under the auspices of environmental action.<sup>7</sup> Domestic environmental laws and MEAs can both be enhanced through the incorporation of additional human rights principles, even as they contribute to the ongoing realization of human rights.<sup>8</sup>

Anthropogenic climate change is the largest, most pervasive threat to the natural environment and human rights in recent times. The IPCC's Fifth Assessment Report (AR5) provides a detailed picture of how the observed and predicted climactic changes will adversely affect millions of people and the ecosystems, natural resources, and physical infrastructure upon which they depend.<sup>9</sup> Both mitigation and adaptation responses to climate change can interfere with human rights, as has been the case for a number of hydroelectric and biofuel projects undertaken, in part, to reduce global greenhouse gas emissions.<sup>10</sup> It is therefore critical that as the world endeavours to address the 'super wicked' problem of climate change it does so with full respect for human rights.<sup>11</sup> International law requires states and other governmental actors to ensure that the actions they undertake to mitigate and adapt to climate change do not violate human rights.<sup>12</sup> This obligation applies to both specific projects and broader policy decisions, and is in line with the objective of the United Nations Framework Convention on Climate Change, Article 2, in that implementing strategies to combat global climate change do not negatively affect the right to adequate food and freedom from hunger, but rather promote sustainable agriculture.<sup>13</sup>

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doi:10.1177/2158244019825914.

<sup>1</sup> *ibid*

<sup>2</sup> Although women in developing nations are most vulnerable to climate change, women in developed nations are also at risk, particularly those in low-income communities. For example, in 2005, Gulf Coast regions of the United States were severely affected by flooding related to Hurricane Katrina. Similar to women in developing countries, the effect of the storm on women in these regions was compounded by their economic status, restricted mobility, and care-giving responsibilities. In addition to the devastation of communities and loss of life caused by the storm, women in affected regions faced post-storm challenges such as lack of affordable and safe housing, which resulted in increased domestic violence and sexual assault. In addition, representation of women in the workforce in these regions decreased with lack of job opportunities, lower wages, and the closure of childcare facilities. See D. R Bassett (n3), p.3.

<sup>3</sup> *ibid*.

<sup>4</sup> D. Hassan and A. Khan, (n5), p.80

<sup>5</sup> United Nations Environment Programme (UNEP), *Climate Change and Human Rights*, UNEP Publication in cooperation with the Sabin Center for Climate Change Law at Columbia University in the City of New York, 2015.

<sup>6</sup> *ibid*.

<sup>7</sup> *ibid*.

<sup>8</sup> *ibid*.

<sup>9</sup> IPCC, CLIMATE CHANGE 2014: IMPACTS, ADAPTATION, AND VULNERABILITY, CONTRIBUTION OF THE WORKING GROUP II TO THE FIFTH ASSESSMENT REPORT (AR5) OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (Cambridge University Press 2014).

<sup>10</sup> UNEP, (note 13) p.2

<sup>11</sup> *ibid*

<sup>12</sup> *ibid*

<sup>13</sup> United Nations Framework Convention on Climate Change, opened for signature 9 May 1992, 1771 UNTS 107, (entered into force 21 March 1994).

Human rights and climate change are inextricably linked and these inter-linkages are found, especially in those areas in which the worst effects of climate change are likely to be felt by individuals and groups whose rights are not adequately protected.<sup>1</sup> Policy responses to both climate change and human rights are dependent on the international cooperation by States and the multilateral action of the international community.<sup>2</sup> Concerns about climate change and human rights vulnerability arise from common economic roots as protections are inevitably weakest in resource-poor regions. In view of the adverse effects, the United Nations General Assembly (UNGA) has explained climate change with reference to a wide range of human rights implications.<sup>3</sup> The UN Human Rights Council (UNHRC) recognized that climate change ‘poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights.’<sup>4</sup> It is the tragedy for humankind that although climate change will clearly have direct and indirect human-rights impacts, the focus seems to have been largely on the economic, trade and security impacts of climate change, with little attention to social and human rights issues in policy debate.<sup>5</sup> Climate change and human-rights issues are not only closely connected but also impose legal obligation on States and the international community for the protection of human rights from any kind of violations.

### 3. Climate change impacts on women’s rights

Climate change impacts human dignity, and is, therefore, inseparable from human rights.<sup>6</sup> Mary Robinson rightly argued, ‘The human cost of global warming has a name: climate injustice.’<sup>7</sup> As a serious threat to the full enjoyment of human rights, climate change is connected to many of the principles enshrined in the 1948 Universal Declaration of Human Rights (UDHR), although the term ‘climate change’ was not coined until years later.<sup>8</sup> A human-rights-based approach allows identification of the most pressing needs of individuals in a highly inequitable global society, with greatly differing social, environmental and economic levels of development.<sup>9</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979, provides an insightful framework for linking climate change with the protection of women from harms caused by climate-related vulnerabilities, and the advancement of gender equality, including women’s ability to lead alongside men in pursuit of sustainable solutions.<sup>10</sup> This notion aligns closely with the 1995 Beijing Platform for Action, which although does not explicitly mention climate change, but holds relevance to climate change through an emphasis on women’s decision-making and protection of the environment.<sup>11</sup> In the Sustainable Development Goals (SDGs),<sup>12</sup> gender is integrated into the goals, and gender equality (Goal 5), serves as a key theme throughout the agenda.<sup>13</sup> Moreover, the relationship between climate change and women’s empowerment is reinforced from a security standpoint in the framework for UNSCR 1325.<sup>14</sup> Also the International Bar Association (IBA) noted that gender equity is also an essential element of climate change justice and as climate change accelerates migration and displacement, women in particular are subject to abuse and deprivation.<sup>15</sup>

The specific impacts of climate change on women and their rights can be viewed in relation to the following climate change manifestations:

<sup>1</sup> International Council for Human Rights Policy (2008), (note 5), p.1.

<sup>2</sup> *ibid*

<sup>3</sup> S. McInerney-Lankford, M. Darrow and L. Rajamani, *Human Rights and Climate Change: A Review of the International Legal Dimensions*, (Washington DC, World Bank, 2011), p.11.

<sup>4</sup> *ibid*

<sup>5</sup> D. Hassan and A. Khan, (note 5), p.82

<sup>6</sup> M. Alam, R. Bhatia and B. Mawby, *Women and Climate Change: Impact and Agency in Human Rights, Security, and Economic Development* (Georgetown, Institute for Women, Peace and Security, 2015)

<sup>7</sup> Mary Robinson, UN Special Envoy for Climate Change, speaking as President of The Mary Robinson Foundation “International law is coming up short in its response to climate change,” *The Guardian*, Jan. 9, 2015, cited in M. Alam, *et al.*, *ibid*.

<sup>8</sup> F. Pansieri “Climate change impacts enjoyment of human rights,” UNHCR, Feb. 17, 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/Climatechangeimpactsenjoyment.aspx#sthash.0Z2DFaPR.dpuf>.

<sup>9</sup> M. Alam, *et al.* (note 28)

<sup>10</sup> CEDAW defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Convention on the Elimination of All Forms of Discrimination against Women, art. 1, Dec. 18, 1979, 1249 U.N.T.S. 13, <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>, accessed November 29, 2019

<sup>11</sup> The Beijing Platform for Action called for women’s participation at all levels of decision-making processes as well as women’s representation in various government and ministerial bodies, which would include women’s participation in decision-making bodies focused on climate change. See “Platform for Action,” UN Fourth World Conference on Women, Beijing, 1995, cited in M. Alam, *et al.* (note 28)

<sup>12</sup> Sustainable Development Goals at <https://sustainabledevelopment.un.org> accessed 30 November 2019

<sup>13</sup> *ibid*

<sup>14</sup> United Nations Security Council Resolution 1325 (S/RES/1325), on Women, Peace, and Security, was adopted unanimously by the UN Security Council on 31 October 2000 at <https://www.unwomen.org/en/digital-library/publications/2006/1> accessed 29 November, 2019

<sup>15</sup> International Bar Association - Climate Change Justice and Human Rights Task Force, *Achieving Justice and Human Rights in an Era of Climate Disruption* (London: International Bar Association, 2014): 47

### 3.1 Flooding

Flooding and sea level rise destroy crop production and cause salinization problems, which seriously affect women's ability to provide resources for themselves and their families.<sup>1</sup> Sea level rise occurs as a result of the thermal expansion of the ocean, and through the melting of glaciers and ice sheets caused by rising atmospheric temperatures.<sup>2</sup> Sea level rise is common in most coastal cities of West Africa and causes salinity of soil, reduced crop yields, contamination of drinking water and loss of fish habitat resulting in reduced fish production. Flooding is also exacerbated by climate variability due to frequent and heavy rainfall. This causes loss of life, increase in water-borne diseases, loss or destruction of property and agricultural production and even displacement of households in extreme cases. Women are disproportionately affected by these events leading to loss of lives, health complications, loss of livelihood and poor standard of living.<sup>3</sup>

### 3.2 Deforestation

Deforestation is one of the main human induced contributors to climate change and comes in many forms such as wildfire, agricultural clearcutting, livestock ranching, and logging for timber, among others. Women, like many people in rural communities depend on forests resources, such as for food, firewood, fiber timber, material for crafts, animal fodder, and medicinal herbs, for their livelihood.<sup>4</sup> As a result of deforestation due to climate change, women must work harder to secure resources and feed their families. Deforestation is currently affecting livelihoods across Africa, especially in Tanzania, Sudan, Cameroon, Kenya, and Mali, where women and children collect 60 to 80 percent of all domestic firewood supplies in Africa.<sup>5</sup> As forest resources diminish due to climate variability, it leads to food insecurity and livelihood instability. Women often serve as the managers of household resources, and their burdens are likely to become significantly heavier as they must find new sources of food and resources to support their families.<sup>6</sup>

### 3.3 Water Scarcity

In relation to water resources, climate changes, evidenced by erratic temperature patterns, rainfall, solar radiation, and winds, negatively impacts water supplies around the world leading to increasing desertification of land. The combination of higher temperatures and lack of water in the soil can decrease crop productivity due to deterioration of soil properties. Prolonged periods without adequate rainfall cause droughts, which then result in a shortage of water. The impacts of desertification and drought can include the loss of livelihoods (pastoral lands, death of livestock) and the displacement of populations from one degraded ecosystem zone to another.<sup>7</sup> Lack of access to clean drinking water also disproportionately impacts women as women bear the primary burden of finding water.<sup>8</sup> What they are able to carry on their heads and shoulders is then rationed carefully for drinking, cooking, cleaning and other basic needs. In sub-Saharan Africa, women and girls collectively spend a total of 40 billion hours per year collecting water for their households.<sup>9</sup> This water scarcity has serious implications for sanitation and health of women and children, increasing the risk of spread of infectious diseases. Search for the water over long distances can also expose women and girls to sexual violence and death especially in conflict prone countries.

### 3.4 Food Security

Climate change threatens food Security through reduced agricultural production. The effects of climate change (changes in temperature and rainfall precipitation) on crop and food production are already evident in several regions of the world including Africa.<sup>10</sup> There is evidence that extreme weather events (storms and flooding) have impacted food production such as wheat and maize and is also adversely impacting the productivity of fisheries.<sup>11</sup> Women, who comprise the majority of the global agricultural workforce, including between 45 and 80 percent in developing countries, must adapt to increased instances of drought and desertification.<sup>12</sup> In the face of drought and threatened food scarcity, a common strategy adopted by men is leave their rural communities to search for employment outside of cultivating crops leaving women to become sudden heads of households with

<sup>1</sup> *ibid*

<sup>2</sup> "Slow Onset Events: Technical Paper" (United Nations Framework Convention on Climate Change, November 26, 2012): 9, at <http://unfccc.int/resource/docs/2012/tp/07.pdf> accessed 01 December, 2019.

<sup>3</sup> D. R. Bassett, (note 3), p.36

<sup>4</sup> *ibid*

<sup>5</sup> F. C. Steady (2014) "Women, Climate Change and Liberation in Africa" *Race, Gender and Class*, Vol. 21(1/2)Pp.312-333 at 324; See also M. Alam, *et al.*(note 28), p.23.

<sup>6</sup> UNEP, (note 13), p.5.

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

<sup>9</sup> *ibid*

<sup>10</sup> UNEP, *ibid*

<sup>11</sup> *ibid*

<sup>12</sup> M. Alam, *et al.*(note 28), p.27.

assume responsibilities traditionally assigned to men, but often without corresponding authority, decision-making power and access to resources.<sup>1</sup>

### 3.5 Population displacement

Climate change has the potential to create massive population displacement as well as forced or voluntary migration. Migration is an important form of adaptation which may offer many individuals and families the opportunity to secure better homes, livelihoods, and access to resources but there may be serious risks associated with climate change-induced migration, especially for women. Women and children comprise the overwhelming majority of the world's current displaced population, and although most have been forced to flee due to conflict, the risks they would face due to climate change-induced displacement are comparable.<sup>2</sup> Migration and displacement are often very dangerous for women and girls and may lead to sexual violence, prostitution and even human trafficking. Sometimes, population displacement triggers off conflict between the migrants and the host communities and in all these, it is women and children that are vulnerable to greater risk of harm.

### 3.6 Mitigation and Adaptation Programmes

Climate change mitigation and adaptation programmes which refers to the manner in which governments and other actors respond to the challenges of climate change can also affect the enjoyment of human rights. This is true for actions undertaken to mitigate the greenhouse gas (GHG) emissions that contribute to climate change, as well as projects undertaken to adapt to the impacts of climate change.<sup>3</sup> Certain kinds of mitigation projects undertaken to reduce or sequester GHG emissions can adversely affect the rights of certain groups. For instance, hydroelectric projects and Biofuels policies and projects often lead to displacement of local people, the destruction of ecosystems upon which they depend, contribute to food shortages, water scarcity and can also harm the health and livelihoods of the people.<sup>4</sup>

## 4. Legal and Policy Framework on Climate change and Women rights

Gender equality and non-discrimination are two fundamental human rights principles that relate to women. There is a plethora of policy documents and international legal instruments on the subject of climate change impact on human rights especially the rights of vulnerable groups such as women, children, persons living with disabilities and the elderly. These section highlights some of these legal and policy instruments relating to women's right and climate change.

The preamble of the 1948 UDHR begins with its recognition of human rights without any distinction to gender. It provides that "the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."<sup>5</sup> That is, the rights and freedoms enshrined under the declaration can equally be claimed by both men and women. The declaration further provides equality of men and women before the law.<sup>6</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>7</sup> and the International Covenant on Civil and Political Rights (ICCPR)<sup>8</sup>, were adopted in 1966 as part of the international Bill of Rights which is applicable by state parties to all without discrimination. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>9</sup> was adopted in 1979 by the UN general assembly as the first universally internationally comprehensive instrument on women's right.<sup>10</sup> The convention primarily addresses the issue of women discrimination in every aspect of life such as on the social, economic, cultural and political spheres.<sup>11</sup> It requires state parties to abolish and modify particularly social and cultural structures that promote stereotypes that have an effect of leading women to acquire an inferior position within the society. In the same vein, the Beijing Declaration and Platform for Action, of September, 1995 were also put in place to achieve equality of men and women and end discrimination against women by

<sup>1</sup> *ibid*

<sup>2</sup> *ibid*, p.31

<sup>3</sup> UNEP, (note 13), p.8.

<sup>4</sup> According to a 2008 Oxfam Report, the "scramble to supply" biofuels like palm oil, which was partly driven by EU biofuel targets, exacerbated the food price crises, brought "30 million people into poverty," and put 60 million indigenous people at risk." See OXFAM, CLIMATE WRONGS AND HUMAN RIGHTS: PUTTING PEOPLE AT THE HEART OF CLIMATE-CHANGE POLICY 15-16 (2008), cited in UNEP, *ibid*, p.9.

<sup>5</sup> Preamble of Universal Declaration of Human Rights (UDHR), Adopted by the General Assembly of the United Nations, 10 December 1948. Art. 2 of the declaration provides that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

<sup>6</sup> *ibid*, art.7

<sup>7</sup> International Covenant on Economic, Social and Cultural Rights, Adopted by the General Assembly of the United Nations on 16 December 1966, article 2.

<sup>8</sup> International Covenant on Civil and Political Rights, Adopted by the General Assembly of the United Nations, 16 December 1966, Art. 2

<sup>9</sup> United Nations Human Rights, Convention on the Elimination of All forms of Discrimination against Women, Office of the High Commissioner, [http://www.ohchr.org/Documents/HRBodies/CEDAW/OHCHR\\_Map\\_CEDAW.pdf](http://www.ohchr.org/Documents/HRBodies/CEDAW/OHCHR_Map_CEDAW.pdf). accessed 2 December 2019.

<sup>10</sup> *ibid*, art.1

<sup>11</sup> *Ibid*.

elimination of hindrances to achieve gender equality including empowerment of women, elimination of gender based violence, health care for women.<sup>1</sup>

Apart from the international conventions, regional commitments are also made to protect the rights of women. The two major instruments that embodied the rights of women within the African human right system are the African Charter on the Human and Peoples' Right and the Protocol to the African Charter on the Human and Peoples' Right on the Right of Women in Africa.<sup>2</sup> The text of these instruments were based on the international human rights standards of non-discrimination<sup>3</sup> and equality before the law.<sup>4</sup>

The incorporation of international human rights into the domestic laws is vital to the implementation of international instruments within the domestic jurisdiction. The constitution of Nigeria<sup>5</sup> and Ethiopia<sup>6</sup> incorporates these international human rights standards for their application in the respective jurisdictions. The Federal Democratic Republic of Ethiopia (FDRE) Constitution provides that "All international agreements ratified by Ethiopia are an integral part of the law of the land,"<sup>7</sup> and also that "The fundamental rights and freedom specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia."<sup>8</sup> In like manner, the Constitution of Nigeria incorporates the text of the international human rights standards in it chapter four as Fundamental Human Rights, applicable to all without discrimination. It further requires that an international legal instrument does not have direct application in the courts except it is domesticated in a national law.<sup>9</sup>

The text and intent of the forgoing and other instruments strongly affirm that Parties and other relevant actors must prioritize gender equality in all their actions and recognize that individuals who are part of certain groups— notably, women, indigenous groups, and children—are entitled to special protections.<sup>10</sup> In relation to climate change, the United Nations Framework Convention on Climate Change (UNFCCC) has also highlighted the obligation of Parties to fulfill the rights of women and promote gender equality.<sup>11</sup> The UNFCCC has emphasized "the need for gender mainstreaming through all relevant targets and goals in activities under the Convention as an important contribution to increase their effectiveness".<sup>12</sup> The 2010 Cancun Agreements include a detailed call for Parties to address the impacts of climate change on people who are vulnerable to climate change as a result of geography, gender, age, indigenous or minority status, and disability.<sup>13</sup> The Cancun Agreements also recognize that gender equality and the effective participation of women are important for effective action on all aspects of climate change.<sup>14</sup> However, they do not outline any specific requirements for countries to ensure that women are adequately involved in the various phases of government decision-making related to climate change mitigation and adaptation, or to address the potentially discriminatory effect of certain actions on women. The Committee on the Elimination of Discrimination Against Women at its 44th session (2009), stated that "All stakeholders should ensure that climate change and disaster risk reduction measures are gender-responsive, sensitive to indigenous knowledge systems, respect human rights...women's right to participate at all levels of decision making must be guaranteed in climate change policies and programmes."<sup>15</sup>

Currently there is a continuing call for cooperation and assistance to address the impacts of climate change, and to support the resilience and adaptive capacities of women and girls as is found in most legal and policy instruments.<sup>16</sup> CEDAW general recommendation No. 37 (2018) on gender-related dimensions of disaster risk

<sup>1</sup> John Wiley& Sons Ltd, 'Introduction: Beijing +20 where now for Gender equality?' Institute of development studies, IDS Bulletin, Volume 46, November 4, July (2015), p.1.

<sup>2</sup> African Charter on Human and Peoples' Rights, Adopted by the Assembly of Heads of states and Government of the Organization of African Unity, at Nairobi on 27 June 1981, art. 2.

<sup>3</sup> *ibid*, art. 2

<sup>4</sup> *ibid*, art.3

<sup>5</sup> Constitution of the Federal Republic of Nigeria (CFRN) 1999 as amended in 2011, Cap 4 embodies the Fundamental Human Rights.

<sup>6</sup> Proclamation of the Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, 1st year No.1, Addis Ababa, 21st August 1995.

<sup>7</sup> *ibid*, art. 9(4)

<sup>8</sup> *ibid*, art. 13(2)

<sup>9</sup> CFRN 1999, (note 65), s. 12(1) No treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly.

<sup>10</sup> Discussion Paper "The rights of those disproportionately impacted by climate change" (30 September 2016). This paper was drafted by OHCHR in consultation with a core drafting group. It is designed to generate and support discussion at OHCHR's Expert Meeting on Climate Change and Human Rights on 6 – 7 October 2016, at <http://www.ohchr.org/discussionpaper/> accessed 5 December, 2019

<sup>11</sup> UNFCCC decisions 36/CP.7, 23/CP.18, and 18/CP.20.

<sup>12</sup> UNFCCC, Report of the Conference of the Parties on its twentieth session, held in Lima from 1 to 14 December 2014. Addendum. Part two: Action taken by the Conference of the Parties at its twentieth session. FCCC/CP/2014/10/Add.3 (2015)

<sup>13</sup> UNFCCC Decision 1/CP.16, The Cancun Agreements, p. 8, UN Doc. FCCC/CP/2010/7/Add.1 (March 15, 2011).

<sup>14</sup> *ibid*

<sup>15</sup> Discrimination against women, available at [https://www.hrw.org/sites/.../2015\\_HRW%20CEDAWpdf](https://www.hrw.org/sites/.../2015_HRW%20CEDAWpdf) accessed 25 May 2019.

<sup>16</sup> Human Rights Council – 41st session - Panel Discussion on Women's Rights and Climate Change: Climate Action, Good Practices and Lessons Learned, *Concept note* (draft as of 21 June 2019) at <https://www.ohchr.org/NewsEvents> accessed 30 Nov 2019.

reduction in the context of climate change, highlights the importance of gender-responsive climate action and highlights the steps needed to achieve gender equality and promote climate resilience.<sup>1</sup> Also Article 7(5) of the Paris Agreement states that Parties acknowledge the need for gender-responsive climate adaptation and Article 11(2) calls for gender-responsive capacity-building.<sup>2</sup> More than 60 UNFCCC decisions are addressing gender and since 2012, gender and climate change has been a stand-alone agenda item before the Conference of the Parties, and the Subsidiary Body for Implementation.<sup>3</sup> Human rights are at the core of the 2030 Agenda for Sustainable Development and Sustainable Development Goal 13 (climate action) explicitly calls for Member States to “promote mechanisms for raising capacity for effective climate change...including focusing on women”.<sup>4</sup> The Human Rights Council in its resolution 38/4 recognizes the need to support the resilience and adaptive capacities of women and girls to respond to climate change and further highlighted the importance of international cooperation and assistance, in particular to better promote women’s access to food, water, health care, education, housing, decent work and clean energy.<sup>5</sup>

All these show increasing global legal and policy efforts toward addressing the vulnerability of women to the severe impact of climate change and to protect their human rights. However, it remains a challenge to translate these efforts into practical realities for women in low income communities and developing countries especially African women. Climate change impacts are increasing daily and statistics on casualties of climate-related hazards and natural disasters show that women and girls are among the most impacted.<sup>6</sup>

### 5. Disproportionate vulnerability of African women to climate Change

Africa is already a continent under pressure from climate stresses and is highly vulnerable to the impacts of climate change.<sup>7</sup> Many areas in Africa are recognized as having climates that are among the most variable in the world on seasonal and decadal time scales. Floods and droughts can occur in the same area within months of each other.<sup>8</sup> Many factors contribute and compound the impacts of current climate variability in Africa and will have negative effects on the continent’s ability to cope with climate change.<sup>9</sup> These include poverty, illiteracy and lack of skills, weak institutions, limited infrastructure, lack of technology and information, low levels of primary education and health care, poor access to resources, low management capabilities and armed conflicts.<sup>10</sup> The overexploitation of land resources including forests, increases in population, desertification and land degradation pose additional threats.

There is a wide variation in the capacity of women and men to adequately cope with climate change effects.<sup>11</sup> Women tend to be more vulnerable and face greater challenges than men in adapting to climate change.<sup>12</sup> Vulnerability to environmental hazard (also known as human or social vulnerability) refers to people’s exposure to risks, coupled with their capacity to anticipate and respond, whether by adapting to their setting, or by moving to less affected areas.<sup>13</sup> When livelihoods are highly dependent on the environment, vulnerability is potentially higher – and it is evident that poor people are more reliant on the environment for their survival.<sup>14</sup> African women have much to lose, since not only their livelihoods, but also their responsibility for the survival and health of their children, are linked to their natural surroundings. They shoulder an enormous but imprecisely recorded portion of the responsibility for subsistence agriculture, the culling of resources for subsistence and marketing, the provisioning of households in fuel and water, and much of the share of agribusiness and various economic crops.<sup>15</sup> Mary Johnson<sup>16</sup> made the following critical statements borne out of knowledge and experience in climate justice:

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<sup>1</sup> CEDAW/C/GC/37, para 8.

<sup>2</sup> UNFCCC, COP21, Paris Agreement 2015 at <https://unfccc.int/resource/docs/2015/cop21/eng/109r01.pdf> accessed 30 November 2019

<sup>3</sup> UNFCCC, “Gender and Climate Change- UNFCCC related activities- 2017” at <https://unfccc.int/topics/gender/workstreams/gender-and-climate-change-unfccc-related-activities-2017>.

<sup>4</sup> Sustainable Development Goals 13- Climate Action at <https://sustainabledevelopment.un.org/sdg13> accessed 30 November 2019

<sup>5</sup> Human Rights Council Resolution 38/4 of 5 July 2018 at <https://ap.ohchr.org/documents/> accessed 30 November 2019

<sup>6</sup> UNEP, (note 13), p.5.

<sup>7</sup> UNFCCC, CLIMATE CHANGE: IMPACTS, VULNERABILITIES AND ADAPTATION IN DEVELOPING COUNTRIES at <https://unfccc.int/resource/docs/publications/impacts.pdf> accessed 5 December, 2019.

<sup>8</sup> *ibid*, p. 18

<sup>9</sup> *Ibid*.

<sup>10</sup> *ibid*.

<sup>11</sup> Global Gender and Climate Alliance, “Gender and Climate Change in Africa FACTS FROM GENDER AND CLIMATE CHANGE : A CLOSER LOOK AT EXISTING EVIDENCE,” *Global Gender and Climate Alliance*, no. November (2016), <http://gender-climate.org/wp-content/uploads/2014/10/GGCA-RP-Factsheets-FINAL.pdf>. accessed 6 December, 2019.

<sup>12</sup> C. J. Onwutebe, (note 8), p.5

<sup>13</sup> M. Madambura and M. Mawere, “Climate Change, Gender and Development in Africa,” *African Studies in the Academy: The Cornucopia of Theory, Praxis and Transformation in Africa?* 1, no. 1 (2017): 185–210, doi:10.2307/j.ctvh9vv87.11.

<sup>14</sup> *ibid*.

<sup>15</sup> *ibid*.

<sup>16</sup> Mary Robinson Foundation, “Women’s Participation: An Enabler for Climate Justice” (2015) at [https://www.mrfcj.org/wp-content/uploads/2015/11/MRFCJ\\_-\\_Womens-Participation-An-Enabler-of-Climate-Justice\\_2015.pdf](https://www.mrfcj.org/wp-content/uploads/2015/11/MRFCJ_-_Womens-Participation-An-Enabler-of-Climate-Justice_2015.pdf) accessed 6 December, 2019.

*'Women constitute 50% of the world's population and the majority of the world's poor';  
'Over 60% of the people living on less than one US dollar a day in sub-Saharan Africa are women';  
'During natural disasters, women and children are 14 times more likely to die than men'<sup>1</sup>*

These statements of facts emphasize the disproportionate vulnerability of African women to the adverse impacts of climate change. Poverty increases vulnerabilities to environmental destruction for everyone, especially women.<sup>2</sup> In this paper, vulnerability is viewed in terms of women's capacity to understand, manage, and mitigate and adapt to the many impacts of climate change. Several reasons which account for this differential vulnerability of African women may be categorized into three as follows<sup>3</sup>:

The first one is structural inequality, a poverty factor, which refers to the disparities in economic opportunities and access to productive resources and which render women more vulnerable to climate change.<sup>4</sup> Women are often poorer, receive less education and are not involved in political, community and household decision-making processes that affect their lives.<sup>5</sup> They also tend to possess fewer assets and depend more on natural resources for their livelihoods.

The second reason is the discrimination which hinges on the economic marginalization of women meaning that they have fewer assets and a more inadequate resource base than men to effectively respond to the effects of climate change.<sup>6</sup> African women still face gender-based discrimination on ownership of land and access to natural resources and credit facilities.<sup>7</sup>

The third reason is a sociocultural barrier which refers to gender-differentiated roles and responsibilities of women at the household and community levels which often lead to their increased vulnerability to climate change.<sup>8</sup> These factors have been a recurrent issue in many climate change literature<sup>9</sup> and reports<sup>10</sup> and they represent the major inhibiting factors to the full realization of women rights in developing countries and especially in Africa.

This paper focuses on two unique African countries - Nigeria and Ethiopia - where the adverse impact of climate variability is particularly significant due to both countries' large population, high poverty ratio and much dependence on rain fed agriculture.<sup>11</sup>

In Nigeria, agriculture accounts for about 40 percent of its GDP and employs 70 percent of its people because virtually all agricultural production in Nigeria is rain-fed, and is highly vulnerable to weather swings.<sup>12</sup> Stagnating yields in the presence of a growing population are causing dependency on food imports (particularly rice) to increase. In large parts of the country, especially in the northern states, livelihoods depend on livestock, which accounts for 5 percent of GDP; livestock is already exposed to thermal stress, and to declining pasture productivity due to climate induced drought and desertification.<sup>13</sup> Cervigni *et al* identified four main climate change-related hazards: (a) higher temperatures; (b) change in the amount, intensity, and pattern of rainfall; (c) extreme weather events, including sea surge and drought; and (d) a rise in the sea level.<sup>14</sup> The adverse impacts of climate change are expected to both lead to production losses in agriculture and affect the characteristics of the freshwater resources on which Nigerians depend and the impacts will vary depending on the agro-ecological zone (AEZ), production, and the sociocultural conditions for any given area of Nigeria. On the vulnerability of women in Nigeria to climate change impacts, Onwutuebe noted that to some extent, women in Nigeria are more vulnerable to climate change impacts than men because a large number of them are poor.<sup>15</sup> A large number of women are engaged in the agricultural sector as their main source of livelihood and the sector is highly exposed

<sup>1</sup> *ibid*.

<sup>2</sup> F. C. Steady (note 42), p.324.

<sup>3</sup> Senay Habtezion, *Training Module 1-Overview of Linkages between Gender and Climate Change*, (New York, United Nations Development Programme, 2016), p.18 at <https://www.undp.org/gender> accessed December 2019

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*, See F. C. Steady (note 42), 325.

<sup>6</sup> *ibid*, See C. J. Onwutuebe, (note 8), p.5

<sup>7</sup> Food and Agriculture Organization, *The State of Food and Agriculture*. (Rome: Italy, FAO, 2011).

<sup>8</sup> *ibid*

<sup>9</sup> Vulnerability to climate change describes the degree of exposure of people, geophysical and socioeconomic systems to adverse climate change as well as the extent to which people can respond to problems associated with climate change. See L. Amusan, O. Abegunde & T. Akinyemi (2017). Climate change, pastoral migration, resource governance and security: The Grazing Bill solution to farmer-herder conflict in Nigeria. *Environmental Economics*, 8, 35-45; I. Madu, (2012) "Spatial Vulnerability of Rural Households to Climate Change in Nigeria: Implications for internal Security" CCAPS Working Paper No.2, The Robert S. Strauss center for international Security and Law, University of Texas, Austin, USA; Hassan and Khan (note 5)p.81. Women vulnerability to climate change has much to do with their level of susceptibility to adverse impacts of climate change with attention is given to their exposure to the risks and human security challenges arising from climate disasters. See C. J. Onwutuebe, (note 8) p.5

<sup>10</sup> See M. Alam et al, (note 28), UNEP, 2015, (note 13), IPCC 2014, (note 17).

<sup>11</sup> UNECA (2011) Climate Science, Information, and Services in Africa: Status, Gaps and Policy Implications. United Nations Economic Commission for Africa, African Climate Policy Centre (ACPC), Working Paper 1.

<sup>12</sup> R. Cervigni, R. Valentini, and M. Santini, *Toward Climate-Resilient Development in Nigeria* (Washington DC, The World Bank, 2013) p.2.

<sup>13</sup> *ibid*

<sup>14</sup> *ibid*, p.16

<sup>15</sup> C. J. Onwutuebe (note 8)



to climate crises<sup>1</sup> and the underlying factor responsible for the disparate effect of climate change on men and women revolves around societal behaviors built around division of roles on the basis of gender.

In Ethiopia, more than 85 % of its population is dependent on rain-fed agriculture<sup>2</sup> and since 1980, Ethiopia experienced at least five major droughts caused as a result of decline in rainfall which in turn led to the death of hundreds of thousands of people, which facilitated the country's dependence on food aid.<sup>3</sup> Over the last 50 years, Ethiopia experienced both warm and cool years, though the warmest days showed an increment in recent years, particularly by 0.37 % in every ten years.<sup>4</sup> In some Ethiopian regions, the increase in temperature along with a decrease in precipitation, is becoming a serious problem that frequently affects the agricultural sector.<sup>5</sup> Crop-pest, livestock epidemic, hailstorm, drought, and floods have become the most dominant and frequently occurring climate related shocks in some of the regions.<sup>6</sup> On women vulnerability to climate change impacts, Atinkut noted that unlike men, women have limited access to information, land and other resources due to socio-cultural barriers and that seasonal migration as an adaptation strategy is less likely for female headed households.<sup>7</sup> This is consistent with the assertion that in response to climate risks, men are more likely to migrate and leave behind their families in search of secondary employment while women are more likely to stay home and face the situation. The peculiar vulnerabilities of women in both countries as well as its impact on their human rights shall be further examined drawing insights from literature and respondent views.

## 6. Impacts of Climate Change on Women's Rights: Insights from Nigeria and Ethiopia

The qualitative information obtained from key informant interviews largely coincides with the information collected through documentary data. A total of 11 key informants from government agencies such as AU, IGAD, UNDP, EPA as well as some independent environmental experts in Ethiopia, were interviewed to (a) characterize the manifestations of climate change in Ethiopia, (b) identify how and why climate change impacts women more than men and (c) identify the implications of climate change impacts on the rights of women. Information obtained from the key informants on the first two questions was a mere collaboration of documentary sources. The responses on the last interview question are summarized below and corroborated by two case studies from Ethiopia and Nigeria recounting particularly relevant experiences of climate change impact on the rights of women. Most of the respondents had the view that temperatures in the Ethiopia were increasing and the rainfall decreasing at an unusual rate compared to the past 30 years and that climate change impacts affects the full enjoyment of rights of women. They all agreed that climate change impacts affects the full enjoyment of rights of African women especially women in Ethiopia.

With regards to right to life, the right to life is explicitly protected under the ICCPR and treated as a "supreme right, basic to all human beings."<sup>8</sup> It appears in every human rights document and no derogation from it is permitted, even in time of public emergency.<sup>9</sup> The protection of the right to life in the context of climate change is closely related to measures for the fulfilment of other rights, such as those related to food, water, health and housing.<sup>10</sup> Due to climate change people have been suffering from death, disease and injury from heatwaves, floods, storms, fires and droughts,<sup>11</sup> and women and children become casualties more than men. Sometimes women become victims of climate change impacts. Agwu and Okhaimhe noted that when landslide destroy farmlands at Nanka South East Nigeria, women were forced to migrate to neighboring villages for fetching water, farming or collecting firewood, women were sometimes molested by men who take advantage of the fact that the outsiders will not be able to identify them.<sup>12</sup> All the respondents interviewed asserted that climate change affects the right to life of women in Ethiopia through hunger and malnutrition and other related

<sup>1</sup> *ibid*

<sup>2</sup> World Bank Group (2010). Economics of Adaptation to Climate Change, Ethiopia country study. Washington DC. at [http://climatechange.worldbank.org/content/ethiopia\\_economics\\_adaptation\\_climate\\_change\\_study](http://climatechange.worldbank.org/content/ethiopia_economics_adaptation_climate_change_study), accessed 6 December, 2019

<sup>3</sup> B. Atinkut and A. Mebrat, "Determinants of farmers choice of adaptation to climate variability in Dera Woreda, South Gondar Zone, Ethiopia" *Environmental Systems Research* (2016) 5:6

<sup>4</sup> B. Marye (2011) "Local people's perception on climate change, its impacts and adaptation measures in Simada woreda, south Gondar," Unpublished M.Sc. Thesis, Addis Ababa University, Addis Ababa, cited in Atinkut and Mebrat, *ibid*, p.2.

<sup>5</sup> *ibid*

<sup>6</sup> T. Misganaw, A. Enyew, T. Temesgen, (2014) Investigating the determinants of adaptation measures to climate change: a case of Batii district, Amhara region, Ethiopia. *Int J Agric Res* 9(4):169-186

<sup>7</sup> Atinkut and Mebrat, (note 110) p.7

<sup>8</sup> ICCPR, (note 57)

<sup>9</sup> Human Rights Committee, General Comments No. 6 (1982) on Article 6 (Right to life), para. 1, and No. 14 (1984) on Article 6 (Right to life), para. 1. See <http://www2.ohchr.org/english/bodies/hrc/comments.htm> accessed 6 December 2019.

<sup>10</sup> Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary General. Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights, GA Res. A/HRC/10/61 HRC 10th sess., Agenda item 2 (15 January 2009) [8-15], p.8; cited in Hassan and Khan, (note 5), p.82.

<sup>11</sup> *ibid*

<sup>12</sup> J. Agwu and A.A. Okhaimhe, *Gender and Climate Change in Nigeria: A Study of Four Communities in North-Central and South-Eastern Nigeria*, (Lagos, Heinrich Böll Stiftung (HBS), 2009), p.62

disease conditions due to its impact on food production and water resources. Two case studies from Nigeria and Ethiopia particularly illustrate the extent of threat of climate change impacts on women's right.

Nebechi (aged 28), a mother of three young children aged 3,5 and 7 years, lost her husband, a civil servant in Enugu State, Nigeria, in a road accident in June 4, 2017. As a house wife, she grows vegetables along the Idaw River banks to supplement her husband's meagre income. She grows all year round using water from the river for dry season irrigation, when the sale attract good income. When she became widowed in 2017, she went into full scale commercial vegetable farming. She took a soft loan of 200,000 (\$ 600) from Umuchinaemere Community Bank Enugu (at an interest rate of 15% *per anum*), with which she rented more land space, planted various types of vegetables to increase her vegetable farm production and earning to pay her rent, children school fees, feeding and other household needs. In November 9, 2018, there was a downpour of heavy rainfall which was obviously abnormal given the Nigerian rainy season which usually ends in September. The riverbank overflowed and the overbank flooding carried away most farms along the riverbank at Idaw river layout. Nebechi's farm was amongst the several plots that got washed into the river. She ended up without means of supporting her young family, an ailing health (hypertension) and a huge debt of N370,000 (over \$1,000). Her efforts to receive assistance from her husband's family proved fruitless as she had rejected the counsel by her brother in-law to return to the village (Mgbowo, Awgu Local government area, Enugu State) to become his third wife. The brother in-law already has eight children many of whom were not in school.

Source: Family Law and Advocacy Center, Enugu, Nigeria.

Lialeese (pseudonym), a 32-year-old Ethiopian woman, was brought in by her relatives to the local private clinic with multiple infected, deep cut wounds on her face. Lialeese's history was taken from the words of her husband. He said that Lialeese was appointed as a paid forest guard by her local council, kebele. She was supplied with a firearm and was requested to control the main road in order to limit the opportunities of unsolicited tree loggers to take the logs to the city, where they could sell them. Her responsibility was that whenever she saw a man carrying a log, she should stop the person, arrest him, and inform the local council. She was also required to go deep into the forest whenever she heard the sound of an axe cutting a tree, and confront that person. One day Lialeese met her distant relative who was cutting a tree and confronted him with the firearm. Her relative started to negotiate with her, promising to pay her some money for allowing him to cut the tree and not reporting his action to the local council. After Lialeese refused, he left the spot, swearing and threatening to kill her. A few days later, he attacked Lialeese in the forest, close to the main road, and cut her face with an axe. No action was taken against the perpetrator by the local council, because Lialeese had no witnesses to support her case. Additionally, no support was provided by the local council to Lialeese.

When Lialeese's scarf was removed to allow for examination, her face was disfigured, swollen, and necrotised. Multiple cuts were clearly visible, including a cut through her left eye. Lialeese was in deep pain, restless, and febrile. The referral to the hospital was immediately written and the severity of the situation explained to her husband. However, Lialeese's husband refused to take her to the hospital because he had no money to pay for the hospital services. He also mentioned that she is not eligible for free treatment because she had recent paid work in the local council. The clinic staff informed Lialeese's husband about the potential consequences, including death that she might face without surgical intervention. He said that he cannot go above God's plans for her, and asked only for pain relief medication for which he was able to pay.

Source: Team and Hassen (2016)<sup>1</sup>

In the two cases narrated here, it is apparent that climate change is grave threat to women's right to life, and livelihood in Africa. Nebechi's case typifies the increasing cases of women becoming heads of households with all the burden of catering for the family falling squarely on their shoulders. Lack of access to and use of land resources as well as access to credit affects women's capacity to cope with the increasing threats of climate change. In the case of Lialeese, without dwelling into the many factors implicated in her case, an important analogy drawn from this scenario is that first, the need for forest guards arose as a result of climate change impacts which has led to increasing deforestation of natural forests in search of living resources. The second issue is why women would opt for this type of job with its attendant hazards not appropriate for her gender and which is contrary to popular socio-cultural gender norms in Ethiopia. Thirdly, lack of government protection for women engaged is not risky job speaks volume for the extent of women rights protection in the face of growing impacts of climate change.

The right to health is addressed in Article 12(1) of the ICESCR. CEDAW, in Article 12(1) expressly states that "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services..." and also Article 14(2)(b) states "States Parties shall take all appropriate measures ... to have access to adequate health care facilities..." In Nigeria, it has been observed that many ailments were ushered in by climate change and

<sup>1</sup> V. Team and E. Hassen, (2016) "Climate Change and Complexity of Gender Issues in Ethiopia" in P. Godfrey and D. Torres (eds) *Systemic Crises of Global Climate Change: Intersections of Race, Glass and gender*, (Routledge, 2016) Ch.4, pp. 314-326 at <https://www.researchgate.net/publication> accessed 24 November, 2016.

these include malaria, hypertension, HIV/AIDs, diarrhea, asthma and diabetes, with malaria being the most widespread.<sup>1</sup> In rural Nigerian communities, about thirty years ago, women relied on local herbs for treating illnesses such as chicken pox and yellow fever, but now they resort to the local hospital for treatment, especially because the herbs were no longer available.<sup>2</sup> However, most of the hospitals do not have enough qualified medical personnel or drugs for treatment.

On right to food and livelihood, this is explicitly mentioned under Article 11 of the ICESCR as an obligation on the part of the government to protect the right to food and adequate standard of living for all.<sup>3</sup> Article 14(2)(h) of CEDAW also provides for the right of women to food and adequate standard of living which right is threatened by climate change impacts.<sup>4</sup> It has been estimated that an additional 600 million people will face malnutrition due to climate change with a particularly negative effect on sub-Saharan Africa.<sup>5</sup> Developing countries are particularly vulnerable due to their disproportionate dependency on climate-sensitive resources for their food and livelihoods<sup>6</sup> and extreme climate events are increasingly threatening livelihoods and food security. The impact of climatic change in the form of erosion, landslides and general land degradation has threatened lives and property in most rural communities in Nigeria.<sup>7</sup> This has grossly affected the fertility of farm lands leading to less food production and an increase in the number of women living below the poverty line, with attendant malnutrition.<sup>8</sup> Human activities such as deforestation, the burning of fossil fuel, indiscriminate excavations of soil for foundation filling and sand for brick making and plastering has exacerbated the impact of climate change in South-Eastern Nigeria.<sup>9</sup> A study conducted in south-East Nigeria noted that the destruction of farmlands and crops by landslides and erosion were the impact of climate change and responsible for food insecurity as almost all the women were left without food and loss of income.<sup>10</sup> As a result of insufficient food for their children, women took up menial jobs such as weeding and working at construction sites. This increased their work burden as they had to choose who to feed when the food was insufficient, and most times went hungry and were often ill and malnourished.<sup>11</sup>

With respect to proprietary rights and access to resources, women in Africa have limited access to land and other resources needed for their sustenance. Customary laws in Nigeria restrict women's proprietary rights<sup>12</sup> despite a myriad of decided cases upturning this. The Nigerian Supreme Court has been at the forefront of holding that discriminatory practices and laws against women are illegal and unconstitutional.<sup>13</sup> In *Onyibor Anekwe & Anor v Maria Nweke*<sup>14</sup>, the issue was a 'purported disinheritance of a widow for not having a male child'. The Supreme Court stated thus: 'The custom of the Awka people of Anambra State pleaded and relied on by the appellant is barbaric and takes the Awka community to the era of cave man. It is repugnant to natural justice, equity and good conscience and ought to be abolished.'<sup>15</sup> Similar decision was reached in *Lois Chituru Ukeje & Anor v Gladys Ada Ukeje*,<sup>16</sup> where the Supreme Court relied on the non-discrimination/equality provisions of the constitution to declare the Igbo customary law and practice which deprives children born out of wedlock from sharing the proceeds or benefits of their father's estate as unconstitutional.<sup>17</sup> Despite these decisions, it is still a fact that in most rural communities in Nigeria, women do not own land and as a result, they cannot take loans in the event of the erosion of the farmland due to climatic change. Financial institutions in Nigeria would always demand landed properties as securities for loan facility. The only exception are microfinance or community banks which grant small sums of money for small scale farming or trading at cut-throat interest rates. Even in such cases, women are expected to provide their husbands or any male member of their family as sureties. Lack of access to lands and financial resources limits incentives to engage in

<sup>1</sup> J. Agwu and A.A. Okhimamhe, (note 119)

<sup>2</sup> *ibid*

<sup>3</sup> ICESCR, (note 56)

<sup>4</sup> CEDAW, (note 58)

<sup>5</sup> Annual Report of the United Nations High Commissioner for Human Rights (note 106)

<sup>6</sup> Parry, M.L. et al. (Eds) 2007. *Climate Change 2007: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, at 8. Cambridge and New York NY: Cambridge University Press.

<sup>7</sup> J. Agwu and A.A. Okhimamhe, (note 119)

<sup>8</sup> *ibid*

<sup>9</sup> *Ibid*, p.41

<sup>10</sup> *Ibid*, p.56.

<sup>11</sup> *Ibid*.

<sup>12</sup> J. N. Ezeilo, *Gender, Politics and Law* (Lagos: Women Aid Collective, 1999) See for example, *Mojekwu v. Iwuchukwu* (2004)11 NWLR (Pt 882) 196. In this case, the Supreme Court 'chose to maintain its usual conservative policy in favour of discriminatory customary law rules of inheritance' *Osaretin Aigbovo and Anthony Ewere, 'Adjudicating Women's Rights in Nigeria: Has the Tide Finally Turned?'* (2015) 5(2) *African Journal of Law and Criminology* 12, 14.

<sup>13</sup> CFRN 1999, (note 65), s. 21 of the constitution states that the Nigerian state shall protect, preserve and promote Nigerian culture which enhances human dignity.

<sup>14</sup> (2014) All FWLR (Pt 739) 1154

<sup>15</sup> *Ibid*, per Ngwuta JSC, 1157

<sup>16</sup> (2014) LPELR – 22724 (SC) *Electronic Law Reports*

<sup>17</sup> *Ibid*.

environmentally sustainable farming practices and make long-term investments in land rehabilitation and soil quality less attractive to women.

In relation to women right to water, Article 14(2)(h) of CEDAW states that “States Parties shall take all appropriate measures...to enjoy adequate living conditions, particularly in relation to ... water supply...” Climate change (extreme weather, drought and flooding) will exacerbate existing stresses on water resources, and compound the problem of water supplies and access to safe drinking water.<sup>1</sup> In Nigeria and Ethiopia, it is the primary responsibility of women to provide water for cooking, washing, bathing and drinking.<sup>2</sup> Even in situations when streams have dried up, the water quality in streams has deteriorated, and the streams are not accessible due to landslides, more time and energy is spent in search of water in neighbouring communities.<sup>3</sup> Money intended for food is spent on water, which means that they have to take on an extra job and increase their workload. Poor water quality and water husbandry bring diseases such as typhoid and malaria and then money for food is spent on medication and at the end of the day, these mothers fall into debt.<sup>4</sup>

African women’s right to participation in environmental decision making is still very low despite global interests and recommendations for gender mainstreaming in climate change negotiations. If given the chance, women can become strategists who can adapt to their environment’s challenges and in many instances,<sup>5</sup> women have proven that they are effective in mobilizing their communities to prepare for disasters and respond to its consequences. Adaptive process among these women included animal and crop diversification to suit the prevailing environment, shelter reconstruction, dietary adaptation and anti-erosion ring construction.<sup>6</sup> The mitigation processes included the use of energy-saving technology such as improved cooking stoves and biogas. In Mali and Ghana, women started to cultivate *Jatropha curcas* in commercial quantities. This fast growing shrub is a source of bio energy for cooking; its seeds are used to make soap and shea butter.<sup>7</sup> *Jatropha curcas* reduces erosion, increases water retention and nitrifies water sources. In Nigeria, the latex from this plant is also used for dental inflammation treatment and this plant serves as a good example of the ways in which women are using indigenous knowledge to mitigate the effects of climate change and adapt in their communities. This shows that women are important stakeholders whose voice ought to be amplified in climate change decisions.

## 7. Conclusions and the Way Forward

From the foregoing, it is established that climate change and responses to climate change will have a profound effect on the exercise of human rights for millions and perhaps billions of people across the world.<sup>8</sup> This will occur through both direct impacts on humans and settlements, as well as through the degradation of the ecosystems and environmental resources upon which many lives and livelihoods depend. More so, states have obligations to respect, protect, and fulfill human rights, and this includes obligations to mitigate domestic GHG emissions, protect citizens against the harmful effects of climate change, and ensure that responses to climate change do not result in human rights violations especially to the vulnerable groups. To achieve this a robust legal and policy framework have been put in place at the international, regional and national levels. Several multilateral agreement and international collaborations also have taken place as well as efforts of national governments and private actors. The plight of women and the impact of climate change have been well documented in policy briefs and research reports, yet much still remains to be done to ensure that there is a significant manifest improvement in the protection of human rights of women and the vulnerable members of the society.

The gendered roles of women in most Africa countries is much similar and the paper highlights this drawing from the experiences of women in Nigeria and Ethiopia. These roles which include child bearing, child and husband care, education of the child, cooking food, washing clothes, providing water for the family, and growing food for the family have been severely complicated by climate change impacts in recent years. Thus, climate change impacts have led to food insecurity, shortage of water, shortage of cooking fuel, shortage and loss of shelter, loss of income, increased burden of work and care giving, hunger and malnutrition. These impacts severely limits the full realization and enjoyments of women’s right to life and adequate standard of living, right to food and livelihood, right to water, right to health and their proprietary rights and access to resources. Two case studies narrated in this work reveal the limiting factors as well as impacts of climate change

<sup>1</sup> W. V. Reid, et al. 2005. Millennium Ecosystems Assessment 2005, Ecosystems and Human Well-being, Synthesis, at 52. Washington DC: Island Press, cited in Hassa and Khan (note 5), p. 83.

<sup>2</sup> J. Agwu and A.A. Okhimamhe, (note 119); see V. Team and E. Hassen, (note 120); Misganaw et al, (note 113)

<sup>3</sup> J. Agwu and A.A. Okhimamhe, (note 119).

<sup>4</sup> *ibid*

<sup>5</sup> During Hurricane Mitch in Guatemala and Honduras in 1998 (Schrader and Delang 2000), in Ghana, Senegal, Mali and Bangladesh among other places (Dankelman et al. 2008), in J. Agwu and A.A. Okhimamhe, (note 119), p.62; Niger delta women

<sup>6</sup> *ibid*

<sup>7</sup> United Nations Development Programme. Resource Guide on Gender and Climate Change, 2009 cited in J. Agwu and A.A. Okhimamhe, (note 119), p.

<sup>8</sup> UNEP (note 13), p.1.

on women's rights in Nigeria and Ethiopia. As observed from most gender literature and policy briefs, there is need for women right of participation in climate change decisions women being the primary burden bearers of the environmental degradation. Socio-economic status and gendered norms in Africa still severely affect the practical realization of this right in most climate change decisions.

Poverty and sociocultural gender norms limiting access to land and living resources have been identified as the major drivers of women's disproportionate vulnerability to climate change impacts. Women bear the brunt of poverty in Nigeria and Ethiopia because they are the least educated and economically active, the governments should develop more effective strategies to reduce poverty among women. Sustainable Development Goals in Goal 5,(SDGs) mandates all countries to achieve empowerment and gender equality for women and girls, Nigeria and Ethiopia should not be exceptions. Hence more laws should be enacted to promote gender equality in the country and existing laws promoting gender equality and protecting women's rights should be implemented with diligence.

An important note on this paper is that the threat of climate change is real and the impact is not same for all persons, women, especially women in Africa, stand to suffer more. However, the critical role of women in national development especially in driving subsistence agriculture in Africa cannot be ignored. In addition to addressing the poverty vulnerability in women, efforts should be made by national governments in Africa to build their capacity through education, training and access to financial resources. Public awareness is important to change perceptions of women and break the sociocultural barriers attendant to their gender.

Finally in keeping with the mandate of nations in many Multilateral environmental Agreements and the international human rights system, there should be more cooperation and synergy to achieve effective implementation of laws and programmes aimed at protecting women and their rights. It is very crucial to incorporate gender perspectives in climate change programmes because women are critical agents of change with rich experience on the workings of environmental factors. Hence, equitable participation of women in decision making processes at all levels of environmental and climate change governance is key to effective protection of their rights in the face of growing threats of climate change.

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