

The Protection of the Environment: A Gendered Analysis

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Abstract

This article addresses the International Law Commission's *Draft Principles on the Protection of the Environment in Relation to Armed Conflicts*. The main argument presented is that any principles on the protection of the environment – pre-conflict, during conflict, and post-conflict – should be complementary to and inclusive of both the Women, Peace and Security agenda and Convention on the Elimination of All Forms of Discrimination Against Women as part of a holistic and integrated approach to environmental protection. The erasure of the specific women's human rights instruments, including Convention on the Elimination of All Forms of Discrimination Against Women, cannot be legitimized on the basis that mentioning gender equality or the right to non-discrimination is redundant given that other more general instruments have been cited or that considering them is too controversial. Their inclusion as part of the underlying international human rights framework is vital.

A. Introduction

In 2015, the United Nations Security Council (UNSC) adopted Resolution 2242, as part of its Women, Peace and Security (WPS) framework.¹ This framework is one of the ways in which women's groups have advocated for the inclusion of gender equality and women's participation in conflict and post-conflict settings. Resolution 2242 broke new ground by recognizing climate change as a threat to international peace and security. The more recent Resolution 2467 (2019) included the threat of the illicit trade in natural resources with respect to "conflict minerals".² While Resolution 2467 does not develop its analysis on illicit trade more broadly to consider the linkages between extractive industries, sexual violence, trafficking, and environmental degradation, the inclusion of both climate change and conflict minerals within the WPS framework recognizes how issues of climate insecurity, as well as environmental degradation and protection, interrelate and affect women in conflict and post-conflict settings.

Within the human rights framework, the Beijing Declaration and Platform for Action, approaching its 25th anniversary, famously stated that "[w]omen's experiences and contributions to an ecologically sound environment [are] [...] central to the agenda for the twenty-first century".³ In reality, issues relating to women in conflict and post-conflict settings and conflict prevention are presented as distinct from those of environmental protection, including its gendered nature. I have recently drawn attention to how the WPS framework and the literature and practice of environmental peacebuilding fail to adequately take one another into account.⁴ This leads to a number of practical problems

¹ SC Res. 2242, UN Doc S/RES/2242 (2015), 13 October 2015.

² SC Res. 2467, UN Doc S/RES/2467 (2019), 23 April 2019. See also Draft Principles 18 and 21 on the sustainable use of natural resources in *Text and Titles of the Draft Principles Provisionally Adopted by the Drafting Committee of the International Law Commission on First Reading on the Seventy-First Session, Protection of the Environment in Relation to Armed Conflicts*, UN Doc A/CN.4/L.937, 6 June 2019, 3-4 [Text and Titles, Protection of the Environment in Armed Conflict].

³ United Nations, *Report of the Fourth World Conference on Women*, UN Doc A/CONF.177/20/Rev.1, 15 September 1995, 104 - 105, para. 251.

⁴ K. Yoshida, 'The Nature of Women, Peace and Security: Where is the Environment in WPS and Where is WPS in Environmental Peacebuilding', LSE Centre for Women, Peace and Security Working Paper, 22/2019. See also A. Kronsell, 'WPS and Climate Change', in S. E. Davies & J. True (eds), *The Oxford Handbook of Women, Peace and Security* (2018), 726; R. Balakrishnan & K. Dharmaraj, 'WPS and Sustainable Development Goals', in S. E. Davies & J. True (eds), *The Oxford Handbook of Women, Peace and Security* (2018); For

concerning the failure to ensure women's participation in environmental peacebuilding issues, which result in a narrowed approach that is focused on inclusion of women in the management of natural resources rather than considering broader conceptions of environmental protection.⁵ Foundationally, this means that the gendered risks and gendered consequences of environmental degradation, and its links to conflict, are not adequately addressed.

This bifurcation can also be seen in relation to the International Law Commission's (ILC) Draft Principles on the protection of the environment in armed conflict.⁶ The principles on the Protection of the Environment in Relation to Armed Conflict provide a much needed update to the issue of environmental protection in the context of growing attention to the ways in which the environment intersects with, contributes to, sustains, or fuels conflict. The ILC has adopted a number of Draft Principles discussed in the articles in this special edition following its examination of environmental law, human rights law, and international criminal law. The Draft Principles make clear that "[...] the natural environment shall be respected and protected in accordance with applicable international law, and in particular, the law of armed conflict."⁷

The Draft Principles and the reports which accompany them consider the international law framework in order to enhance the protection of the environment in relation to armed conflict including through reminding States of their obligation to take "[...] preventative measures for minimising damage to the environment during armed conflict [...]" (Draft Principle 2). Notably, however, neither the Draft Principles nor the reports mention women's human rights instruments, such as the Convention on the Elimination of All Forms

an overview and classification of the literature on environmental peacebuilding see, T. Ide 'The Dark Side of Environmental Peacebuilding', 127 *World Development* (2020) 1.

⁵ For example, the Harmony with Nature framework before the General Assembly. See also D. Boyd, *The Rights of Nature: A Legal Revolution that Could Save the World* (2017); V. Shiva & M. Mies, *Ecofeminism* (2014). Generally, on environmental peacebuilding see: C. Bruch *et al.*, 'Post-Conflict Peace Building and Natural Resources', 19 *Yearbook of International Environmental Law* (2008) 1, 58; C. Bruch *et al.*, 'International Law, Natural Resources and Post-Conflict Peacebuilding: From Rio to Rio+20 and Beyond', 21 *Review of European, Comparative & International Environmental Law* (2012) 1, 44 [Bruch *et al.*, Rio to Rio+20 and Beyond].

⁶ For an overview of the Draft Principles see this issue, M. Jacobsson & M. Lehto, 'Protection of the Environment in Relation to Armed Conflicts – An Overview of the International Law Commission's Ongoing Work', 10 *Goettingen Journal of International Law* (2020) 1, 32.

⁷ *Text and Titles, Protection of the Environment in Relation to Armed Conflicts*, *supra* note 2, Draft Principle 13.1.

of Discrimination against Women (CEDAW). Looking beyond the Draft Principles of the ILC, the main argument is that any principles on the protection of the environment – pre-conflict, during conflict, and post-conflict – should be complementary to and inclusive of both the WPS agenda and CEDAW as part of a holistic and integrated approach to environmental protection.

This article therefore introduces audiences to the work of the CEDAW Committee through their most pertinent general recommendations on this issue: general recommendations 30 and 37. In the second section, it outlines how gender equality and women's rights are obfuscated in the ILC's work and, finally, it concludes that the promotion of progressive development in relation to the protection of the environment in armed conflict must acknowledge the intersections between women's rights and the protection of the environment, given the lived realities of many women who are engaged in environmental protection.

B. Where are the Women?

The failure to expressly include gender equality and non-discrimination within the ILC's consideration of the most significant instruments illustrates how women's rights are often at the periphery of the international legal ecosystem.⁸ As Hilary Charlesworth has lamented, despite claims of feminist governance in international law “[...] feminist concerns have been translated in a very limited way[.]” and scholarship is often consigned to a footnote.⁹ The protection of the environment and its intersection with women's rights has been a longstanding concern for many women, particularly from Indigenous communities and the global South more broadly. Indigenous ecofeminists such as Vandana Shiva have drawn attention to the impacts of environmental degradation on human health, including women's reproductive health, and their livelihoods through food and water insecurity.¹⁰ Adverse impact on biodiversity, ecosystems, and the land, as both a material and non-material source of sustenance, has been experienced by

⁸ H. Charlesworth, ‘Talking to Ourselves? Feminist Scholarship in International Law’, in S. Kuovo & Z. Pearson (eds), *Feminist Perspectives on Contemporary International Law: Between Resistance and Compliance?* (2011), 17.

⁹ *Ibid.*, 23.

¹⁰ V. Shiva, ‘Staying Alive: Women, Ecology and Development’ (1988). See also M. Viezzer, ‘Si me Permiten Hablar: Testimonio de Domitila, una Mujer de las Minas de Bolivia’, in Y. Espinosa Miñoso, D. Gómez Correal & K. Ochoa Muñoz – Popayán (eds), *Tejiendo de Otro Modo: Feminismo, Epistemología y Apuestas Decoloniales en Abya Yala* (2014), 391. This interview records Domitilia's experience of attending the World Conference for

some Indigenous communities fighting to guard the rights of nature as a form of ecological and/or spiritual violence.¹¹ The right to non-discrimination is thus a particularly important one in the context of the *greening of human rights*.¹² As the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment has explained: “The degradation and loss of biodiversity often result from and reinforce existing patterns of discrimination. Although everyone depends on ecosystem services, some people depend on them more closely than others”.¹³ The Special Rapporteur notes that the loss of biodiversity dependent ecosystem services also has disproportionate effects on people who are vulnerable for other reasons, including gender, age, disability, or minority status. This means that being attentive to non-discrimination and the differential impacts on environmental degradation is fundamental in thinking about whose voices and experiences are considered.

The decision not to expressly include mention of non-discrimination, or CEDAW’s work on the environment or conflict, is striking given the temporal complementarity inbuilt between the approach of the ILC,¹⁴ and the WPS framework and CEDAW General Recommendation No. 30.¹⁵ General Recommendation No. 30 provides guidance to States on the application of CEDAW to conflict prevention, international and non-international armed conflicts, situations of foreign occupation, and post-conflict situations. It is

Women in Mexico 1975 and the marginalization of women’s narratives from the global south by Western women and women from the bourgeoisie classes.

¹¹ Draft recommendation no 13.3 (*Text and Titles, Protection of the Environment in Relation to Armed Conflicts, supra* note 2) would be unacceptable applying the rights of nature frameworks. It states that “No part of the natural environment may be attacked, unless it has become a military objective”. For an excellent overview on the rights of nature and the law see, D. R. Boyd, *The Rights of Nature: A Legal Revolution that Could Save the World* (2017).

¹² Human Rights Council, UN Doc A/HRC/RES/38/4. 16 July 2018.

¹³ Human Rights Council, UN Doc A/HRC/34/49, 19 January 2017.

¹⁴ The standards of soft law on women’s rights are instead implicitly included in the Draft Principles through the provision which provides that “States shall, pursuant to their obligations under international law, take effective legislative, administrative, judicial and other measures to enhance the protection of the environment in relation to armed conflict”, *Text and Titles, Protection of the Environment in Relation to Armed Conflicts, supra* note 2, Draft Principle 3. The standards arguably therefore must be read together with all State obligations, including in relation to women’s rights, more generally.

¹⁵ C. O’Rourke & A. Swaine, ‘CEDAW and the Security Council: Enhancing Women’s Rights in Conflict’, 67 *International and Comparative Law Quarterly* (2018) 1, 167-199 [O’Rourke & Swaine, CEDAW and the Security Council].

structured with a focus on the conflict cycle but the Committee “[...] notes that the transition from conflict to post-conflict is often not linear and can involve cessations of conflict and then slippages back into conflict – a cycle that can continue for long periods of time”.¹⁶ The long-lasting effects of conflict on the environment are also recognized within the ILC reports. The ILC has acknowledged the severe environmental impacts of conflict which are long lasting. As the Special Rapporteur of the ILC notes, “[n]ot all resources are renewable, reforestation can take decades and may not produce expected results, restoring areas affected by erosion or desertification is difficult, forms of land use may change permanently, and species may be lost”.¹⁷ To this end, the ILC’s work relates to the temporal phases of preventative measures, conduct of hostilities, and reparative measures. The acknowledgement by the ILC and CEDAW regarding the need to adopt principles and standards which apply throughout a non-linear conflict cycle echoes the work of feminist scholars who have long argued that strict temporal framings, often present in international law, fail to reflect the realities of conflict and peace.¹⁸

The purpose of this section is to provide a brief overview of the WPS framework and the work of the CEDAW Committee.¹⁹ It is beyond the scope of this short paper to give a comprehensive account of the gender architecture at the UN or to set out all of the laws and standards which apply to women’s human rights.²⁰ This section does not provide an overview of all of these instruments. Instead, it focuses on two frameworks, and within these the focus is on the right to participation or the participation pillar of the WPS agenda.

¹⁶ Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW), *General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations*, UN Doc CEDAW/C/GC/30, 18 October 2013, para. 4 [CEDAW, General Recommendation No. 30].

¹⁷ *Second Report of the Special Rapporteur on Protection of the Environment in Relation to Armed Conflicts by Marja Lehto*, UN Doc A/CN.4/728, 27 March 2019, 11, para. 19.

¹⁸ A. R. Roberts, ‘Women and the Political Economy of War’, in C. Cohn (ed), *Women and War* (2013), 40.

¹⁹ M. Freeman, C. Chinkin & B. Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination Against Women: A Commentary* (2012).

²⁰ On the gender architecture of the UN see, H. Charlesworth & C. Chinkin, ‘The New United Nations ‘Gender Architecture’: A Room with a Review?’, 17 *Max Planck Yearbook of United Nations Law* (2013).

I. The UN's Women, Peace, and Security Agenda

In October 2000, the UNSC adopted its first resolution on WPS. Resolution 1325 became the first of a series of resolutions focusing on women's rights and gender equality in the context of the Security Council's peace and security agenda.²¹ Participation is a core pillar in the WPS framework, which addresses the issue of gender balance in peace negotiations and also in new institutional and legal frameworks constructed through the political transition processes.²² Resolution 1325 stresses the importance of women's "[...] equal participation and full involvement in all efforts for the maintenance and promotion of peace and security [...]" and also recognizes the urgent need to mainstream a gender perspective into peacekeeping operations. The nine resolutions which now make up the agenda are conceptualized as falling under four pillars: conflict prevention, women's participation, protection, and relief and recovery.²³ The resolutions have developed to ensure that women's participation is meaningful and effective in that it should also include a gendered understanding of the structures in place, ensuring that women can have influence and effectively participate in different spheres and stages of the conflict cycle.²⁴ Significantly, this means including women in peace processes and ensuring that they are consulted and included in all decisions, including on matters relating to the natural environment.

²¹ K. Barnes & F. Olonisakin, 'Introduction', in F. Olonisakin *et al.* (eds), *Women, Peace and Security* (2010), 3. The WPS framework includes the following core resolutions: SC Res. 1325, UN Doc S/RES/1325 (2000), 31 October 2000; SC Res. 1820, UN Doc S/RES/1820 (2008), 19 June 2008; SC Res. 1888, UN Doc S/RES/1888 (2009), 30 September 2009; SC Res. 1889, UN Doc S/RES/1889 (2009), 5 October 2009; SC Res. 1960, UN Doc S/RES/1960 (2010), 16 December 2010; SC Res. 2106, UN Doc S/RES/2106 (2013), 24 June 2013; SC Res. 2122, UN Doc S/RES/2122 (2013), 18 October 2013 and SC Res. 2242, UN Doc S/RES/2242 (2015), 13 October 2015. UN Woman, 'Global Study on Preventing Conflict, Transforming Justice, Securing Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325' (2015), available at [https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf) (last visited 24 March 2020).

²² C. Chinkin, *Peace Agreements as a Means for Promoting Gender Equality and Securing the Participation of Women*, UN Doc EGM/PEACE/2003/BP.1, 31 October 2003; C. Bell & C. O'Rourke, 'Peace Agreements or Pieces of Paper? Impact of UNSC Resolution 1325 on Peace Processes and Their Agreements', 4 *International and Comparative Law Quarterly* (2010) 1, 59.

²³ P. Kirby & L. Shepherd, 'Reintroducing Women, Peace, and Security', 92 *International Affairs* (2016) 2, 249 (original emphasis).

²⁴ T. Paffenholz, 'What Works in Participation', in S. E. Davies & J. True (eds), *The Oxford Handbook of Women, Peace and Security* (2019).

Beyond women's participation, the WPS resolutions are relevant to the work of the ILC given its recent recognition that environmental factors affect international efforts to build and maintain peace. In 2015, the Security Council enacted Resolution 2242, which made an important step towards expanding WPS by recognizing that climate change interconnects with the WPS framework. The Preamble to Resolution 2242 (2015) notes the

“[...] changing global context of peace and security [including] the impacts of climate change...and in this regard reiterating its intention to increase attention to women, peace and security as a cross-cutting subject in all relevant thematic areas of work on its agenda, including threats to international peace and security caused by terrorist acts [...]”.²⁵

As set out in the introduction, the most recent resolution importantly addresses the issue of small arms, the need to prevent sexual violence in conflict, and the illicit trade in natural resources. Although Resolution 2467 does not develop its analysis on conflict minerals with respect to the environment, the Resolution does speak to a growing awareness present elsewhere on the linkages between extractive industries, sexual violence, and trafficking in human beings.²⁶ As the Special Rapporteur on Trafficking has stated in her most recent report:

“Conflict-related violence is also used to strip natural resources, forcibly seize land and displace populations, often leading to the trafficking of women and girls who are recruited for the purpose of sexual exploitation and forced labour in illegal mining areas and

²⁵ Significantly, in 2018 the CEDAW Committee published General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change. The Recommendation follows earlier work and statements of the Committee on natural disasters: CEDAW, *General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, UN Doc CEDAW/IC/GC/37, 7 February 2019 [CEDAW, General Recommendation No. 37].

²⁶ C. Chinkin & G. Fernandez, ‘Women, Peace and Security: The Sound of Silence’, in S. Basu, P. C. Kirby & L. J. Shepherd, *New Directions in Women, Peace and Security* (2020). See also P. Simons, ‘Unsustainable International Law: Transnational Resource Extraction and Violence Against Women’, 27 *Transnational Law and Contemporary Problems* (2017) 2, 416.

other extraction zones controlled by non-State actors, such as armed groups or private security services”.²⁷

The report underscores the political economy of violence, including competition for the control of natural resources and mining, drawing attention to evidence from the Democratic Republic of Congo and Colombia. The Special Rapporteur’s reports extensively consider the issue of the illegal exploitation of natural resources, noting “[...] the severe environmental impacts of illegal resource extraction”.²⁸ The reports considered a number of intersecting and fragmented legal norms, including the prohibition of pillage under international humanitarian law, the principle of permanent sovereignty over natural resources, international environmental law protections of watercourses, lakes, and wetlands, and the designation of protected zones in areas of major ecological importance. It draws particular importance to the protection of the traditional lifestyles of Indigenous Peoples in accordance with the Convention on Biological Diversity, which links to the Special Rapporteur’s observations above on the disproportionate impact of environmental degradation on the lives of forest dwellers, Indigenous Peoples, fishers, and others who live in close connection with forests, rivers, lakes, and oceans.²⁹

The connection between the legal protection of natural resources and the environment relates to all temporal areas of the Commission’s work, including in relation to peace agreements. The reports do not, however, consider the links between trafficking, sexual violence, and the illegal exploitation of natural resources within their consideration of organized crime (para. 29).³⁰ They omit any mention of standards which relate to women’s rights, the prohibition of sex trafficking, and gender-based violence within international criminal law, or women’s participation more generally during the different temporal stages of the conflict.

At the same time, the WPS framework can be criticized for its failure to develop its understanding of how environmental protection is integral to obtaining international peace and security. Importantly, the Draft Principles

²⁷ Special Rapporteur on Trafficking, *Report Presented to the General Assembly on Trafficking in Persons, Especially Women and Children*, UN Doc A/73/171, 11 July 2018, 7-8, para. 22.

²⁸ *Ibid.*, para. 19.

²⁹ *Second Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts* by M. G. Jacobsson, UN Doc. A/ CN.4/685, 28 May 2015, para. 15.

³⁰ CEDAW, *General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19*, UN Doc CEDAW/C/GC/35 (2015) [CEDAW, General Recommendation No. 35].

also recognize the environmental impact of peace operations. Draft Principle 7 states:

“States and international organizations involved in peace operations in relation to armed conflict shall consider the impact of such operations on the environment and take appropriate measures to prevent, mitigate and remediate the negative environmental consequences thereof”.³¹

The impact of peace operations on women’s rights has been a topic of central interest to those working in the field of WPS, particularly in relation to responsibility over sexual violence. The wider ecological and gendered impact of peace operations remains an area for scholarly attention in the WPS field. Another aspect which both the WPS agenda and the ILC could and should have paid more attention to is the protection of human rights defenders who protect the environment throughout the conflict cycle and particularly in post-conflict settings. Resolution 2467 does not make any direct reference to human rights defenders, though the Security Council states that it remains “[...] deeply concerned about threats, attacks and restrictions on the work of civil society organizations that inhibit their ability to contribute to international peace and security”.³² The ILC does, conversely, include two significant Draft Principles in this regard. Draft Principle 10 on corporate due diligence and Draft Principle 11 on corporate liability both recognize that States should take appropriate measures to ensure that corporations and other business enterprises can be held liable for harm caused by them to the environment, including in relation to human health, encompassing post-conflict situations. These Draft Principles echo the work of the CEDAW Committee, which has also reminded States of the need to take appropriate measures to ensure corporations are held accountable for sexual and gender-based violence against women.³³

³¹ *Text and Titles, Protection of the Environment in Relation to Armed Conflicts*, *supra* note 2, 2.

³² C. Chinkin & M. Rees, ‘Commentary on Security Council Resolution 2467: Continued State Obligation and Civil Society Action on Sexual Violence in Conflict’ (2019), available at https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/09/report/commentary-on-security-council-resolution-2467/19_0496_WPS_Commentary_Report_online.pdf (last visited 21 February 2020).

³³ CEDAW, *General Recommendation No. 35*, *supra* note 30.

II. The Women's Convention and the CEDAW Committee

The WPS agenda, which sits at the level of the Security Council, falls within the international human rights framework, via the CEDAW Committee. The enactment by the Committee of General Recommendation No. 30 (2015) on women in conflict prevention, conflict, and post-conflict situations presented a further important step with regard to the normative status of the WPS agenda.³⁴ General Recommendation No. 30 cements synergies between the international human rights framework on women's rights and the Security Council agenda, and it ensures that States parties to the Convention report to the Committee about its compliance with the WPS framework.³⁵ States parties now report to the CEDAW Committee during the periodic reporting procedure on their compliance with the agenda.

The recommendation provides authoritative guidance to States on their obligations in relation to women and girls in conflict and post-conflict situations and importantly emphasizes the need for a human rights perspective.³⁶ CEDAW's General Recommendation No. 30 makes it clear that conflict exacerbates gender inequalities and that, in post-conflict environments, the violence does not stop but rather often increases.³⁷ General Recommendation No. 30 warns that, at the official cessation of hostilities, the promotion of gender

³⁴ CEDAW, *General Recommendation No. 30*, *supra* note 16. The Recommendation covers the application of the Convention in situations of international and non-international armed conflicts, situations of foreign occupation, as well as other forms of occupation, and post-conflict transition (see para. 4) and “[...] internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency, and suppression of mass uprisings, war against terrorism and organised crime [...]” and other situations which result in serious violations of women's rights. The Recommendation refers to the WPS agenda as a “political framework” raising questions as to the exact normative status of the WPS agenda. This questions forms part of the research of the Feminist International Law of Peace and Security project currently under investigation at the Centre for Women, Peace and Security at the LSE.

³⁵ *Ibid.*, 1. The “[...] primary aim and purpose of the general recommendation is to provide authoritative guidance to States parties on legislative, policy and other appropriate measures to ensure full compliance with their obligations under the Convention to protect, respect and fulfil women's human rights”. Notably, the environment and climate change are barely mentioned in *General Recommendation No. 30*. On CEDAW and WPS see, O'Rourke & Swaine, *CEDAW and the Security Council*, *supra* note 15. See also SC Res. 1457, UN Doc S/RES/1457 (2003), 24 January 2003, para. 3.

³⁶ *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Judgment, ICJ Reports 2010, 639, para. 66.

³⁷ CEDAW, *General Recommendation No. 30*, *supra* note 16, para. 35.

equality and women's participation in decision-making processes is often not seen as a priority and may even be side-lined as incompatible with stabilization goals. Together with the WPS framework, it reminds States that women's rights cannot be traded for peace. In other words, gender-blind conflict prevention measures cannot adequately predict and prevent conflict. It is only by including female stakeholders and using a gendered analysis of conflict that States parties can design appropriate responses.

Significantly, General Recommendation No. 30 also highlights how the immediate aftermath of conflict can provide a strategic opportunity to adopt legislative and policy measures to eliminate discrimination against women and have equal opportunities to participate in the new, post-conflict structures of governance. This requires the full participation and involvement of women in formal peacemaking, post-conflict reconstruction, and socio-economic development. The Committee reminds the State parties that, under the Convention, the obligation to ensure women's equal representation also requires temporary special measures to ensure that special and multiple barriers to women's equal participation are addressed. The General Recommendation also notes that rural women are often disproportionately affected by the inequitable access to land and natural resources.

In addition to the guidance specifically on women's rights in the conflict continuum, the CEDAW Committee's recent work has focused on the intersection between gender equality and the protection of the environment.³⁸ Much like the significant standards developed by the Committee on gender-based violence through its jurisprudence and general recommendations,³⁹

³⁸ See also Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 'Women's Human Rights and the Right to a Clean, Safe and Healthy, and Sustainable Environment: Reference Manual for Judges 2019', available at <https://www.icj.org/wp-content/uploads/2019/12/Women%E2%80%99s-Human-RigHts-and-tHe-RigHt-to-a-Clean-safe-HealtHy-and-sustainable-enviRonment-Reference-Manual-for-Judges-2019.pdf> (last accessed 21 February 2020). M. Robison, *Climate Justice: Hope, Resilience and the Fight for a Sustainable Future* (2018).

³⁹ H. Monansky, 'What's Law Got to Do With It?: An Overview of CEDAW's Treatment of Violence Against Women and Girls Through Case Studies', *Michigan State Law Review* (2014) 2, 327. All following cases are CEDAW cases: *A. T. v. Hungary*, Communication No. 2/2003, UN Doc CEDAW/C/32/D/2/2003, 26 January 2005; *Fatma Yildirim v. Austria*, Communication No. 6/2005, UN Doc CEDAW/C/39/D/6/2005, 6 August 2007; *Sahide Goekce v. Austria*, Communication No. 5/2005, UN Doc CEDAW/C/39/D/5/2005, 6 August 2007; *Karen Vertido v. the Philippines*, Communication No. 18/2008, UN Doc CEDAW/C/46/D/18/2008, 16 July 2010; *V.K. v. Bulgaria*, Communication No. 20/2008, UN Doc CEDAW/C/49/D/20/2008, 17 September 2011; *Inga Abramova v. Belarus*,

CEDAW developed and read the right to a healthy environment into the Convention.⁴⁰ In 2012, the former UN Special Rapporteur on Human Rights

Communication No. 23/2009, UN Doc CEDAW/C/49/D/23/2009, 27 September 2011; *S. V. P. v. Bulgaria*, Communication No. 31/2011, UN Doc CEDAW/C/53/D/31/2011, 27 November 2011; *Isatou Jallow v. Bulgaria*, Communication No. 32/2011, UN Doc CEDAW/C/52/D/32/2011, 28 August 2012; *R. P. B. v. the Philippines*, Communication No. 34/2011, UN Doc CEDAW/C/57/D/34/2011, 12 March 2014; *Angela González Carreño v. Spain*, Communication No. 47/2012, UN Doc CEDAW/C/58/D/47/2012, 15 August 2014; *X. and Y. v. Georgia*, Communication No. 24/2009, UN Doc CEDAW/C/61/D/24/2009, 25 August 2015; *Belouosova v. Kazakhstan*, Communication No. 45/2012, UN Doc CEDAW/C/61/D/45/2012, 25 August 2015; *A. S. v. Hungary*, Communication No. 4/2004, UN Doc CEDAW/C/36/D/4/2004, 29 August 2006; *Kell v. Canada*, Communication No. 19/2008, UN Doc CEDAW/C/51/D/19/2008, 27 April 2012; *M. W. v. Denmark*, Communication No. 46/2012, UN Doc CEDAW/C/63/D/46/2012, 21 March 2016; *L. R. v. Republic of Moldova*, Communication No. 58/2013, UN Doc CEDAW/C/66/D/58/2013, 21 March 2017; S. Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (2006), 21; See also by way of background C. Chinkin, 'Violence Against Women', in Freeman, Chinkin & Rudolf (eds), *supra* note 19, 443; C. Bunch, 'Women's Rights as Human Rights: Toward a Re-Vision of Human Rights', 12 *Human Rights Quarterly* (1990) 4, 486; Y. Erturk, *Violence Without Borders: the Paradigm, Policy and Practical Aspects of Violence Against Women* (2016).

⁴⁰ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, states in Article 18 that women have "[...] the right to live in a healthy and sustainable environment". The African Charter on Human and Peoples' Rights of 1981 provides in Article 24 that "[a]ll peoples shall have the right to a general satisfactory environment favorable to their development". See the *African Charter on Human and Peoples' Rights*, 27 June 1981, 1520 UNTS 217 [Banjul Charter]. The Protocol of San Salvador provides in Article 11(1) that "[e]veryone shall have the right to live in a healthy environment [...]". See the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights*, 17 November 1988, OAS A-52 [Protocol of San Salvador]. The Arab Charter on Human Rights 2004 includes a right to a healthy environment as part of the right to an adequate and decent standard of living in Article 38. See the *Arab Charter on Human Rights*, 22 May 2004, 12 *International Human Rights Report* (2005) 893. More recently, the Inter-American Court of Human Rights has confirmed in its advisory opinion 23/17 that there is a stand-alone right to a healthy environment and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement) has been opened to States for ratification. See the Official Summary Issued by the Inter-American Court, 'Advisory Opinion of OC-23/17', 15 November 2017, available at www.corteidh.or.cr/docs/opiniones/resumen_serica_23_eng.pdf (last visited 21 February 2020).

and the Environment⁴¹ found, in relation to CEDAW, that, while the text of the Convention neither explicitly describes a human right to a healthy environment, “[...] the relationship between environmental harms and human rights protections has been recognized and integrated into the understanding of ‘traditional’ human rights by the Committee”.⁴² The Mapping Report found that the CEDAW Committee had a long history of recognizing the right to a healthy environment through its concluding observations, which have held that environmental degradation threatens the enjoyment of many human rights *inter alia* the right to the highest attainable standard of physical and mental health, the right to an adequate standard of living including the rights to adequate housing, food, and safe and clean drinking water, and sanitation, but also the right to land and the right to freedom of movement. This was further cemented in 2019 with the Committee’s enactment of a specific general recommendation on climate change, making it the first treaty body to address this issue through a general comment.

Beyond participation and the need to integrate women’s traditional and local knowledge, the CEDAW Committee’s recent work highlights the economic and social impact of environmental degradation on women’s lives and livelihoods. The Committee has set out the ways in which negative gender stereotyping and the limited control women have over decisions governing their lives make them more vulnerable to climate change and the impacts on environmental degradation. The Committee explains how gendered social, cultural, and

⁴¹ Special Rapporteur on the Environment and Human Rights, *Report of the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment*, John H. Knox, UN Doc A/HRC/22/43, 24 December 2012. John Knox, the UN Rapporteur on the Environment and Human Rights, stated that his first priority would be to provide greater conceptual clarity to the application of human rights obligations related to the environment by taking an evidence-based approach to determining the nature, scope and content of the obligations. He complied legal experts to prepare a number of reports, in a mapping exercise. This included a specific mapping document on *Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Development. Individual Report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc A/HRC/25/53, December 2013.

⁴² Individual Report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women, *Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Development. Individual Report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women*, *supra* note 41, para. 15; the right to a healthy environment generally see, Human Rights Council Resolution 16/11, UN Doc A/HRC/RES/16/11, 12 April 2011.

economic structures mean that women and girls are disproportionately impacted by the effects of climate change and disasters. Women's limited access to education and reproductive health services are further restricted in times of crisis, resulting in human rights violations. Climate change and disasters thus result in differential impacts on women and girls.⁴³

The CEDAW Committee makes it clear that women and girls in conflict situations are particularly exposed to the risks associated with disasters and climate change, which includes higher levels of mortality and morbidity. As the literature on environmental peacebuilding also makes clear, environmental degradation is entangled with conflict in a myriad of complex ways. The impacts of climate change are exacerbating food and water insecurity, resulting in a loss of livelihood and, by extension, increased climate migration.⁴⁴ This has a gendered component as those who are most vulnerable are often those who are least likely to be able to flee when there is a substantial risk to their life. Women and girls also face a heightened risk of gender-based violence, with recent evidence suggesting that the impacts of climate change are increasing the levels of child marriage.

The State obligations in the human rights framework in relation to women and girls intersect with environmental protection in important ways. Women's rights of access to land, their right to participate and be actors in peace processes, and the inclusion of their knowledge on environmental protection are all important dimensions of environmental management. The interlinking nature of each of these issues is addressed by the CEDAW Committee in their most recent general recommendation. On 7 February 2018, the CEDAW Committee published General Recommendation No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change.⁴⁵ The objective of the

⁴³ See, M. Tanyag & J. True, 'Gender Responsive Alternatives to Climate Change' (2019), available at <https://actionaid.org.au/wp-content/uploads/2019/11/Monash-GRACC-Report-Global-.pdf> (last visited 25 March 2020).

⁴⁴ See for example, *Ioane Teitiota v. New Zealand*, UN Doc CCPR/C/127/D/2728/2016, 7 January 2020.

⁴⁵ CEDAW, *General Recommendation No. 37*, *supra* note 25. Other UN treaty bodies refer to general recommendations as general comments. See also Economic and Social Council, *Mainstreaming Gender Equality and Empowerment of Women in Climate Change Policies and Strategies*, UN Doc E/CN.6/2011/L.1, 1 March 2011. Climate change is defined in the *United Nations Framework Convention on Climate Change* in Article 1 as "[...] a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods", *United Nations Framework Convention on Climate Change*, 9 May 1992, 1771 UNTS 107 [UNFCCC]. The UNFCCC is a *lex*

general recommendation is to underscore the urgency of mitigating climate change to highlight the steps that need to be taken to achieve gender equality as a factor that will reinforce the resilience of individuals and communities globally in the context of climate change and disasters. The Committee has previously highlighted the linkages between environmental degradation and violations of women's human rights, including the right to live a life free from violence.

General Recommendation No. 37 reinforces non-discrimination obligations and the obligation to ensure that prevention or mitigation efforts do not reinforce gender inequality. The General Recommendation makes it clear that any measures to combat climate change or to protect the environment should comply with human rights (para. 14).

Significantly, the General Recommendation has a separate section on participation and empowerment, which creates State obligations to promote the participation of women and girls in the creation, development, implementation, and monitoring of policies and plans on climate change (para. 32). It underlines the importance of local and traditional knowledge held by rural women and underlines how Articles 7 and 8 of CEDAW provide that women should have equality in political and private life at the local, national, and international levels. This recalls General Recommendation No. 30, which affirms that "[...] the inclusion of a critical mass of women in international negotiations, peacekeeping activities, all levels of preventative diplomacy, mediation [...]"⁴⁶

At its very core, the WPS agenda and CEDAW remind States of the need to adopt a gendered approach to issues of peace and security. They create obligations on States to ensure that women are included in all stages of the conflict cycle. Women cannot continue to be excluded from these discussions or silenced by policies, as is so often the case. Women must be listened to, included, and have their right to effectively participate respected. They must be recognized as actors with vital knowledge for transitions to peace and for social change.⁴⁷ The standards place obligations on States to ensure that all policies, legislation, plans, programs, budgets, and other activities related to environmental protection, climate change, disaster risk reduction, and post-

specialis. Its relationship to human rights is comprehensively explored in M. Wewerinke-Singh, *State Responsibility, Climate Change and Human Rights Under International Law* (2018).

⁴⁶ CEDAW, *General Recommendation No. 30*, *supra* note 16, para. 42.

⁴⁷ *General Recommendation No. 37* also makes specific and repeated mention of local knowledge, including of indigenous knowledge in relation to climate change mitigation and protection of the environment. See CEDAW, *General Recommendation No. 37*, *supra* note 25.

conflict situations are gender responsive and grounded in human rights based principles including gender equality and non-discrimination.⁴⁸

While it is fair to say that CEDAW General Recommendation No. 30 does not address environmental peacebuilding directly, the obligation on States to ensure that the protection of the environment is carried out with the participation of women and in a way which does not reinforce gender inequality, or which positively promotes gender equality, can be gleaned through numerous human rights instruments that emphasize women's rights to participation set out above. This is a fundamental human right which also forms a core pillar of the WPS framework, recognizing the need to include women in peace negotiations and conflict prevention strategies as a key component of ensuring a sustainable peace.

C. A Missing Piece of the Story

On 16 December 2013, the General Assembly adopted Resolution 68/112 which emphasized the “[...] importance of furthering the progressive development and codification of international law”.⁴⁹ The resolution took note of the decision of the ILC to include the topics “Protection of the environment in relation to armed conflicts” and “Protection of atmosphere” in its program of work. The work of the ILC thus aims to enhance protection for what has been described as “[...] the silent victim of warfare”.⁵⁰ All over the world, there is growing momentum for change, in order to protect the environment given the climate emergency in which we live. Further, the protection of the environment has increasingly been recognized as a core component of creating the conditions

⁴⁸ CEDAW, *General Recommendation No. 30*, *supra* note 16, para. 31.

⁴⁹ *Report of the International Law Commission on the Work of its Sixty-Fifth Session*, 68/112, UN Doc A/RES/68/112, 18 December 2013.

⁵⁰ G. Bartolini & M. Pertile, ‘The Work of the ILC on the Environment and Armed Conflicts: Enhancing Protection for the Silent Victim of Warfare?’, 34 *Questions of International Law* (2016), 1; R. Rayfuse, ‘Rethinking International Law and the Protection of the Environment’, in R. Rayfuse (ed), *War and the Environment – New Approaches to Protecting the Environment in Relation to Armed Conflict* (2014), 1.

for sustainable peace.⁵¹ As the Rio Declaration of 1992 states, “[...] [p]eace, development and environmental protection are interdependent and indivisible”.⁵²

The ILC’s reports developed through the work carried out by the Commission between 2007 and 2016 draw attention to numerous ways in which the environment is harmed due to conflict, including through toxic hazards from the bombardment of industrial sites, weapons, landmines, depleted uranium, and direct targeting of natural resources through scorched earth tactics.⁵³ It also draws on the work of the United Nations Environment Programme (UNEP) and the World Bank, which identifies the use of extractive industries to fuel conflict and the issue of human displacement as well as how these relate to the depletion of natural resources.⁵⁴ The reports importantly address certain questions relating to State responsibility, non-State actors, and multinational enterprises present in conflict zones. The reports highlight the ecological destruction engendered by conflict through logging, mining, deforestation, and extractive industries, and also address the emerging concept of environmental reparations.

Through a number of reports drafted by the two Special Rapporteurs, the Commission has taken on the immense task of examining the applicable international law in relation to the protection of the environment in armed conflict.⁵⁵ The first Special Rapporteur’s initial report notes that environmental

⁵¹ GA Res. 70/262, UN Doc A/70/262, 12 May 2016 and GA Res. S/2882 (XXVI), UN Doc A/RES/2882, 21 December 1971. C. Voigt, ‘Environmentally Sustainable Development and Peace: The Role of International Law’, in C. Marcela Bailliet & K. Mujeznovic Larsen (eds), *Promoting Peace Through International Law* (2015) [Voigt, Environmentally Sustainable Development and Peace].

⁵² Bruch *et al.*, ‘Rio to Rio+20 and Beyond’, *supra* note 5, 44.

⁵³ *Second Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts by Marja Lehto*, UN Doc A/CN.4/728, 27 March 2019.

⁵⁴ See also M. Choudhury & L. Arimatsu, ‘Reclaiming the WPS Agenda: it’s Time to Talk About the Elephant in the Room’ (2019), available at <https://blogs.lse.ac.uk/wps/2019/09/27/reclaiming-the-wps-agenda-its-time-to-talk-about-the-elephant-in-the-room/> (last visited 25 March 2020).

⁵⁵ See reports *Preliminary Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts*, UN Doc A/CN.4/674, 30 May 2014, 16, para. 56 [Preliminary Report]; *Preliminary Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts, Corrigendum*, UN Doc A/CN.4/674/Corr.1, 11 August 2014; *Second Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts by M. G. Jacobsson*, *supra* note 29; *Third Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts by M. G. Jacobsson*, UN Doc A/CN.4/700, 3 June 2016; *First Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts by Marja Lehto*, UN Doc A/CN.4/720, 30 April 2018.

protection has primarily been viewed through the lens of the law of armed conflict but that other areas of international law may be applicable.⁵⁶ These areas include international human rights law and international environmental law. The 61-page report is a significant legal document, which identifies and extrapolates “[...] the most important principles, concepts and obligations [...]” in relation to environmental protection. It does not endeavour “[...] to chart every single international or bilateral agreement that regulates the protection of the environment or human rights”.⁵⁷ This is “[...] for obvious reasons [...]” given that it would be unmanageable to list all of the treaties and instruments.⁵⁸ The first Special Rapporteur’s report thus recalls the work of Christina Voigt, who has argued from a critical perspective that:

“The sheer number of existing laws, principles, case law, regulations, standards and so on that address environmental protection already constitute a vast and complicated apparatus of international legal norms. Yet, environmental degradation and with it political stress and conflict continue to rise despite such norm density”.⁵⁹

One of the normative areas addressed by the first Special Rapporteur in her report is the area of human rights and the environment. The report includes an overview of significant jurisprudence in this area, which clarifies State obligations to take reasonable measures to prevent environmental harm and the individual right to a healthy environment.⁶⁰ While the report cites instruments, including the African Charter on Human and Peoples’ Rights and the additional protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador), there is no mention at any point of the instruments, cases, or normative developments on women’s rights which intersect with environmental protection and human rights. For example, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), which recognizes women’s rights to a healthy and sustainable environment (Article 18), is not mentioned where other instruments are cited.⁶¹ In this way, women’s human rights and its contribution

⁵⁶ *Preliminary Report*, *supra* note 55, 2, para. 2.

⁵⁷ *Ibid.*, 16, para. 56.

⁵⁸ *Ibid.*, 32, para. 120.

⁵⁹ Voigt, ‘Environmentally Sustainable Development and Peace’, *supra* note 51, 169.

⁶⁰ *Preliminary Report*, *supra* note 55, para. 162.

⁶¹ In the case of the African Court a petition can be brought solely on the basis of violations of the Maputo Protocol. It is not dependent on pleading violations of the Charter. See for

to the development of a right to a healthy environment is erased from the human rights and environment story.⁶²

Although the report specifically states that it cannot consider all the norms and laws relating to human rights and the environment, the exclusion of the Maputo Protocol is a troubling omission. This is because its omission is an obfuscation of norm development from the global South. As Fareda Banda has argued, there is a need to actively take part and acknowledge progressive developments of the law from the African continent in order to decolonize knowledge production.⁶³ The erasure of the specific women's human rights instruments, including CEDAW, cannot be legitimized on the basis that mentioning gender equality or the right to non-discrimination is redundant given that other more general instruments have been cited or that considering them is too controversial.

It is also troubling since instruments, such as the Maputo Protocol and CEDAW, provide States with important guidance as to their obligations throughout the conflict cycle. The Maputo Protocol, for example, has a specific right to peace under Article 10 which provides that women have "[...] the right to participate in the promotion and maintenance of peace".⁶⁴ Significantly, Article 10.3 provides that "States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular".⁶⁵ Although, on the face of it, this Article does not relate to the protection of the environment in armed conflict, the reduction of military spending is relevant to the issue of environmental protection, given the devastating consequences of war and conflict on the environment.⁶⁶ Given that the Draft Principles apply to the protection

example, *Association Pour le Progress et la Defense des Droits des Femmes Maliennes (APDF) and the Institute for Human Rights and Development in Africa (IHRDA) v. Republic of Mali*, Application No. 046/2016, Judgment, 11 May 2018.

⁶² H. Charlesworth, 'Talking to ourselves? Feminist Scholarship on International Law', in S. Kouvo & Z. Pearson (eds), *Feminist Perspectives on Contemporary International Law: Between Resistance and Compliance?* (2014), 17, 32.

⁶³ S. Labenski & K. Yoshida, 'Where Would Women be Without CEDAW' (2019), available at <https://blogs.lse.ac.uk/wps/2019/09/04/where-would-women-be-without-cedaw/> (last visited 21 February 2020).

⁶⁴ *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, 11 July 2003, Registration Number A-26363 [Maputo Protocol].

⁶⁵ *Ibid.*

⁶⁶ J. Seager, 'Patriarchal Vandalism: Militaries and the Environment', in J. M. Silliman & Y. King (eds), *Dangerous Intersections: Feminist Perspectives on Population, Environment, and Development* (1999), 163.

of the environment before, during, or after an armed conflict, human rights principles on decreasing military spending or calling for complete and universal disarmament form part of the important obligations under international law which enhance the protection of the environment.

The Draft Principles of the ILC also do not acknowledge the need for a critical mass of women to be involved in the peace agreements or highlight the importance of women's participation in the principles which are applicable after armed conflict. Rather than harmonize the principles set out in the WPS framework and in CEDAW, the ILC remains silent on the issue of non-discrimination and participation. A gendered approach could have been included within Draft Principle 5 or at least the analysis of the international frameworks in the reports concerning the protection of the environment of Indigenous Peoples. At the very least, the human rights obligations on non-discrimination in relation to armed conflict should have been mentioned as a recommendation. This approach was adopted in relation to corporate due diligence and corporate liability. As Marie Jacobsson and Marja Lehto explain, while the principles “[...] do not reflect generally binding legal obligations, they have been phrased as recommendations”.⁶⁷ On the other hand, the principle of non-discrimination is a legally binding obligation and could have been included as such.

D. Conclusion

The progressive development and clarification of the standards by the ILC on the protection of the environment is an important step toward reminding States that the environment can also be a victim of conflict and that corporations, non-State actors, and States can be held liable for damaging the environment. A significant amount of work has been done to clarify the standards which are fragmented and refracted throughout the legal ecosystem. It is in this spirit that this article has argued that the failure to include women's human rights as a recognized aspect of international law is problematic. Further, as set out above, States should be reminded that all measures must be inclusive of women's rights. For example, according to UN Women:

“Largely overlooked in gender-related peacebuilding programming to date, interventions around natural resources, environment and

⁶⁷ This issue, M. Jacobsson & M. Lehto, ‘Protection of the Environment in Relation to Armed Conflicts – An Overview of the International Law Commission’s Ongoing Work’, 10 *Goettingen Journal of International Law* (2020) 1, 32.

climate change provide significant opportunities to empower women politically and economically, and to strengthen their contributions to peace”.⁶⁸

Participation, non-discrimination, and empowerment of women and girls is an important aspect which links together with environmental peacebuilding. In the progressive development of international law, the principles as they are present a missed opportunity to reinforce the standards and obligations which exist and contribute to a vision of sustainable peace that is gender inclusive.

⁶⁸ UN EP, *Women, Natural Resources and Peace* (2018), available at https://postconflict.unep.ch/publications/Women_NR_Peace_2pager_2018.pdf (last visited 21 February 2020).