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Ecofeminism as a Bridge: Linking SDG's and Gender Justice Through Critical Ecofeminist Approaches to Law[3]

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Abstract

A confluence of gender-based inequalities, biases, and societal norms dictating traditional gender roles leads to a unique impact of environmental factors on gender relations and vice versa. Recognising and addressing the connection between gender and the environment could promote policy alignment and facilitate comprehensive and inclusive sustainable development strategies. Ecofeminism, as a critical framework that links the issues of environmental degradation with gender oppression, also offers a distinct perspective on the complex nature of law and propose improvements to environmental legal approaches.

UN's Sustainable Development Goal 5, which focuses on achieving gender parity and empowering every woman and girl, is crucial for this study. Through a thorough review of existing literature and case studies, along with a critical analysis of relevant legal frameworks, this paper seeks to reveal how addressing the interconnected challenges of gender disparities and environmental concerns can support the pursuit and achievement of SDGs through legislative measures.

Keywords: ecofeminism, environmental law, gender justice, sustainable development, SDGs.

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Ekofeminizm jako most: łączenie celów zrównoważonego rozwoju i sprawiedliwości płciowej poprzez krytyczne podejścia ekofeministyczne do prawa[4]

Abstrakt

Synergia efektów nierówności ze względu na płeć, uprzedzeń oraz norm społecznych narzucających tradycyjne role płciowe przekłada się na specyficzne oddziaływanie czynników środowiskowych na relacje między płciami – i odwrotnie. Uznanie istnienia powiązań między płcią a środowiskiem naturalnym oraz pogłębiona ich analiza mogą sprzyjać lepszej koordynacji realizowanych polityk oraz stanowić solidny fundament dla kompleksowych i inkluzywnych strategii zrównoważonego rozwoju. Ekofeminizm, jako krytyczna perspektywa łącząca w sobie problemy degradacji środowiska z opresją ze względu na płeć, oferuje także oryginalne ujęcie złożonej natury prawa i wskazuje możliwe kierunki rozwoju regulacji środowiskowych.

Cel Zrównoważonego Rozwoju nr 5 ONZ, który zakłada osiągnięcie równości płci i wzmocnienie pozycji każdej kobiety i dziewczynki, stanowi zasadniczy punkt odniesienia dla niniejszego badania. Na podstawie wnikliwego przeglądu literatury przedmiotu i studiów przypadków, jak również krytycznej analizy odpowiednich ram prawnych, artykuł ten ma na celu pokazać, w jaki sposób rozwiązanie powiązanych problemów nierówności płci oraz wyzwań środowiskowych może przyczynić się do realizacji celów Zrównoważonego Rozwoju poprzez wdrożenie odpowiednich działań legislacyjnych.

Słowa kluczowe: ekofeminizm, prawo ochrony środowiska, sprawiedliwość ze względu na płeć, zrównoważony rozwój, Cele Zrównoważonego Rozwoju 2030.

[4] Badania wykorzystane w artykule nie zostały sfinansowane przez żadną instytucję.

Introduction

Ecofeminism surfaced in the late 20th century.[5] It aims to highlight that ecological awareness and feminism are deeply intertwined. Ecofeminism has its roots in the environmental, feminist, and peace movements of the 1960s and 1970s. The term "ecofeminism" was coined in 1974 by Françoise d'Eaubonne, a well-known feminist in France, in her publication *Le Féminisme ou la Mort*.[6] She called for a feminist revolution to address environmental degradation and destruction, drawing parallels between how nature is treated and how women are treated, viewing nature and women as properties, regarding women as curators of nature and men as curators of culture – including and not limited to how women are dominated by men and nature is dominated by humans.[7]

The core principles of ecofeminism, i.e. (1) intersectionality, (2) criticism of patriarchal systems that prioritise control, domination, and oppression, and (3) a holistic approach, focus on recognising the existence of multiple forms of oppression of women, which also lead to ecological degradation.[8] These principles offer targeted critical perspectives on the patriarchal values of competition, hierarchy, and dualism (human/nature, mind/body, etc.) which underpin both ecological degradation and sexism. Several environmentalists, feminists, and writers have contributed through influential texts to the development of the "ecofeminist framework" as referred to by famous authors like Greta Gaard and Lori Gruen in their work.[9] Social activists and feminists such as Vandana Shiva, Wangari Maathai, Carolyn Merchant, Maria Mies, and Susan Griffin, to name a few, have spoken extensively on environmental issues and feminism – and the linkage between the two.[10]

The primary focus of this paper will be on the SDGs related to gender equality, nature, and the environment. Initially, in 2013, as the Agenda of 2015, as well as

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5 J. Allison, *Ecofeminism and Global Environmental Politics*, "Oxford Research Encyclopedia of International Studies" 2017.

6 B.T. Gates, *A Root of Ecofeminism: Ecoféminisme*, "Interdisciplinary Studies in Literature and Environment" 1996, *3*(1), pp. 7–16. Available from: http://www.jstor.org/stable/44085413

7 *Ibidem.*

8 M. Özden, *The Importance of Ecofeminism in Sustainable Development*, [in:] *Reconstructing Feminism through Cyberfeminism,* "Brill" 2023, pp. 88–114.

9 G. Gaard, L. Gruen, *Ecofeminism: Toward Global Justice and Planetary Health*, "*Society and Nature"* 1993, pp. 1–35.

10 J. Birkeland, *Ecofeminism: Linking Theory and Practice*, [in:] G. Gaard (ed.), *Ecofeminism: Women, Animals, Nature,* Philadelphia 1993, pp. 13–40.

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the Millennium Development Goals (MDGs), were coming to an end, and as UN officials were drafting Agenda 2030 and the Sustainable Development Goals to replace the MDGs, feminist scholars and activists approached the UN officials seeking the inclusion of goals that promote gender justice. Almost a decade later, an SDG addressing gender equality emerged in the form of SDG5. Additionally, other SDGs can contribute to gender justice and environmental justice simultaneously in a sustainable manner.[11] They will be thoroughly examined in a subsequent section of this paper.

In the following sections, this paper will explore the ecofeminist critiques of the SDGs. This will be followed by a discourse on the intersections between SDG5, the Environmental SDGs, and other SDGs promoting gender justice, wherein the loopholes in the interpretation and implementation of the relevant SDGs will also be highlighted. Before concluding, a more critical and nuanced grasp of ecofeminism will be demonstrated by discussing its possible limitations and criticism. The final section will outline and explain some relevant ecofeminist approaches to sustainable environmental and gender justice to pave the way forward.

Research methodological note

This study examines the use of ecofeminist legal frameworks in relation to gender justice and SDGs using a qualitative case study methodology. The following factors were taken into consideration when choosing the case studies to be discussed: (1) direct connection to gender equity and SDGs; (2) geographical diversity; (3) illustrative capacity in expressing ecofeminist legal ideas; and (4) availability of trustworthy data. Likewise, the analysed literature was sourced from scholarly databases including JSTOR and HeinOnline. To ensure the academic rigour of the sources, the inclusion criteria were restricted to peer-reviewed articles and influential ecofeminist publications. A thematic analysis technique was used to collect and analyse the data – with an emphasis on identifying important ecofeminist legal ideas and how they are applied in diverse circumstances.

[11] W.L. Filho, M. Kovaleva, S. Tsani *et al.*, *Promoting gender equality across the sustainable development goals*, "Environment, Development and Sustainability" 2023, 25, pp. 14177–14198.

Ecofeminist critique of sdg5

A. Ecofeminist Perspectives

As Francoise d'Eaubonne mentioned in her book, ecofeminism is about relating the domination and oppression of all the marginalised groups (women, children, people of colour, queer, the poor, etc.) to the domination and oppression of nature (land, air, water, animals, etc.).[12] This observation underscores that ecofeminism extends beyond the connection between women and the environment or nature. It is broader and extends over all oppressed groups and nature/the natural environment.

In light of the discussion of the critical ecofeminist perspectives, it is reasonable to explore some of the foundational texts of ecofeminist scholars to understand gender and environmental issues from a clear ecofeminist point of view. Griffin's work precedes today's field of gender studies in exploring how the feminised status of women, nature, animals, and others – including people of colour, slaves, as well as farmers – have been conceived as inferior to legitimise their subordination under violent and elite male dominant social order.[13] In her foundational book, Carolyn Merchant examined the historical roots of the domination of nature and women. She highlighted that the historical and cross-cultural harassment of women was legitimised by cultural, religious, and even medical science-related male--dominated institutions.[14]

Evil practices such as Chinese footbinding, Indian sati, European witch burning, and African genital mutilation, were forms of persecution against women that Merchant exposed in her texts. She further linked the environment and the physical health of women having shared roots with the recuperation of a women-centred thought and language.[15] Among the aspects most relevant to the study in question are Merchant's intersectional linkages – that of racism, sexism, capitalism, colonialism and nature; all of these linkages involve illegitimate appropriations of power, self-determination, and wealth from women, animals, queer individuals, nature, and indigenous people to the benefit of elite men of the society.[16] Victims with similar stories of oppression and suffering linked together, women, queer people, and nature, called for the ecofeminist framework to address the wrong done. Kenyan environmentalist Wangari Maathai, who founded the Green Belt Movement in

12 B.T. Gates, *A Root of Ecofeminism: Ecoféminisme…*

13 S. Griffin, *Woman and Nature: The Roaring Inside Her*, Harper & Row, New York 1978.

14 C. Merchant, *The Death of Nature: Women, Ecology, and the Scientific Revolution*, HarperOne 1990.

15 *Ibidem.*

16 E. Akgemci, *An Ecofeminist Contribution to the Debates on the Neoextractivist Development Model in Latin America*, "Uluslararası İlişkiler/International Relations" 2024, 21(82), pp. 135–152.

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1977, also focused on the nexus between women's empowerment and environmental sustainability.

In India, author and environmental scholar, Vandana Shiva has contributed extensively to the literature on the impact of industrial agriculture, globalisation, and biotechnology on both women and the environment. Shiva claims that women and their connection with the environment in India predates the idea of ecofeminism founded in the West in events such as the Greenham Common encampments or the UN's 'women's' decade.[17] She discusses the Chipko movement as the beginning of women's involvement in environmental issues in India. She views ecofeminism as having the potential to "lay the foundations for the recovery of the feminine principle in nature and society", wherein the feminine principle is Shakti/Prakriti in Hinduism, also known as the 'living force which supports life.' In their book 'Ecofeminism' (1993), Shiva and Maria Mies discuss the connection between military and corporate warriors' aggression against the female body and aggression against the environment.[18]

In addition to these, Greta Gaard in her work titled 'Toward a Queer Ecofeminism' reflects upon the various systems of oppression as mutually reinforcing.[19] According to ecofeminism, Gaard states, that the patriarchal society has four interlocking pillars as its basis – sexism, racism, environmental destruction, and class exploitation. Ecofeminists believe that all of the oppressed classes of society are closer to nature. Therefore, today's ecofeminism when revisited is not just interconnecting women and nature/environment. Rather, it highlights the intersectionality of the environment with all the oppressed groups, as also stated by queer theorist Eve Kosofsky Sedgwick when she talks about heterosexual/queer dualism.[20] Many other feminist/environmentalist scholars have also widely contributed to the development of ecofeminism. The principle of intersectionality in ecofeminism initially derived from the need to also take into consideration the multiple circumstances leading to the experiences of black women, which were much beyond the scope of mainstream feminist discourses.[21] Today, this discussion on intersectionality has expanded the domain of gender and environment to much

17 V. Shiva, *Staying Alive: Women, Ecology and Survival in India*. New Dehli 1988.

18 M. Mies, V. Shiva, *Ecofeminism.* Halifax, Nova Scotia 1993.

19 G. Gaard, *Toward a Queer Ecofeminism*, "Hypatia" 1997, 12(1), pp. 114–137.

20 G. Gaard, *Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism*, "Feminist Formations" 2011, pp. 26–53.

21 K.W. Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, "University of Chicago Legal Forum" 1989, pp. 139–167.

broader questions, wherein gender is understood in its widest sense, inclusive of men and the queer community.[22]

B. The Shortcomings of SDG5 from the Ecofeminist Perspective

Having established a sufficient understanding of the objectives of ecofeminism, the discussion now turns to an examination of the shortcomings and contradictions within the framework of SDG5 from the ecofeminist perspective. The ecofeminist critiques of SDG5 largely aim at looking for strategies to transcend hierarchical binaries and to form egalitarian and integrated alternatives. Some of the most common themes in ecofeminist critical analyses by various scholars include:

- **Neoliberal Underpinnings**: Some ecofeminist scholars argue that the main focus of SDG5 is on market-based solutions and an overall global economic growth. Sherilyn MacGregor and Aino Ursula Mäki, while discussing the shortcomings of SDG5, criticise it on the ground that it is rooted in neoliberalism, thereby prioritising economic advancement over gender parity and environmental sustainability.[23] SDG5 views gender equality in an apolitical manner as a form of 'smart economics'. It regards women in a solutionist way as untapped capabilities which can be utilised to enhance output and efficiency.[24]

It is noteworthy here that out of the nine specific targets of SDG5, target 5.4 provides for *recognition and appreciation of the value of unpaid caregiving and domestic work by providing for infrastructure, public services and social protection measures while also promoting a shared responsibility within households and families as deemed appropriate* in each nation.[25] The question arises as to why this particular target is not part of SDG8, which discusses decent work & growth of the economy, of SDG12, which discusses responsible consumption & production, or of SDG16, which focuses on fostering peaceful and inclusive communities.

The answer is that while this target aims to acknowledge and appreciate women's unpaid domestic work, it does not promise any measures to reduce or redistribute

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22 C. Gatt, *Gender, the Environment, and Ecofeminism*, "International Encyclopedia of Anthropology" 2019.

23 S. MacGregor, A.U. Mäki, *We Do Not Want to be Mainstreamed into a Polluted Stream': An Ecofeminist Critique of SDG5*, [in:] *The Environment in Global Sustainability Governance*, Bristol 2023, pp. 220–242.

24 A. Roberts, S. Soederberg, *Gender Equality as Smart Economics? A Critique of the 2012 World Development Report*, "Third World Quarterly" 2012, pp. 949–968.

25 UNDP, *Goal 5: Gender Equality*. Available from: https://www.undp.org/sustainable-development-goals/gender-equality (accessed: 12.10.2024).

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this unpaid domestic labour. It rather perpetuates unequal distribution of unpaid caregiving and domestic tasks as a form of private concern within households. This form of target-setting showcases the deep-rooted invisibility of women and their household contributions. The onus on the SDGs is to emphasise 'science, technology and innovation', and, as a means of its implementation, areas such as finance, trade, capacity-building and technology have been explored. This agenda and the areas specified involve a shift to masculine technology shapers from feminised nature-knowers, which was an agenda in the 1992 Earth Summit's discourse.[26]

- **Instrumentalism:** Regarding gender, the key aspect is how prevailing economic models depend on the *production/reproduction binary*, which is a division between productive and reproductive labour[27] (Leach, Mehta & Prabhakaran, 2016). Reproductive labour includes unpaid and volunteer work involving care, subsistence, and reproduction, much of which is performed by women. While economic globalisation has generated employment opportunities for women from different social classes in the productive labour sector as well, these jobs are often marked by low wages, job instability, and poor working conditions. Many of them are also informal, reinforcing women's status as secondary earners in their households and potentially remaining unrecognised within the economic system. The impacts of environmental change are also experienced in gendered ways, exacerbating inequality. Disasters, including those linked to climate change, frequently have a disproportionate effect on economically disadvantaged women.

Women often shoulder the majority of responsibilities in managing climate--related shocks and urban pollution health effects, which makes their caregiving burdens even greater. Yet, SDG5 makes no effort to recognise these problematic concerns of women and goes on to add productive labour burden upon them – for capitalist motives. MacGregor and Mäki highlight that instead of treating women instrumentally, as tools for economic development – which is the present goal of SDG5, the UN framework must address deeper, interlinked issues of capitalism and patriarchy which reinforce both gender inequality and environmental degra-

[26] E.A. Foster, *Gender, Environmental Governmentality, and the Discourses of Sustainable Development*, [in:] S. MacGregor (ed.), *Routledge Handbook of Gender and Environment*, London 2017, pp. 216–228.

[27] M. Leach, L. Mehta, P. Prabhakaran, *Discussion Paper on Gender Equality and Sustainable Development, 2016.* Available from: https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2016/DPS-Gender-equality-sustainable-development.pdf

dation.[28] Women must be treated as ends in themselves, instead of being treated as tools for achieving economic growth and development.

- **Heteronormative Bias:** Moreover, SDG5 confuses the concepts of sex and gender and upholds a strictly binary perspective on gender, overlooking individuals who do not identify as either male or female. The goal inadequately addresses the relationships among males, females, and others, focusing on females as solitary victims of violence and oppression rather than recognising them as individuals with a range of agency and complex identities with others. The exclusion of sexual rights further marginalises and disempowers the already vulnerable communities, including LGBTQI+ individuals and prostitutes.[29] The UN's sustainable development discourse has faced widespread criticism for sustaining this heteronormative prejudice and reinforcing Western standards concerning gender, sex, and family structures. The instrumental perspective on women underestimates the complexity of gender issues, viewing them merely as tools for economic advancement.

- **Lack of Structural Change:** The current global economy is based on a development model that views economic growth as a primary objective and promotes market-driven strategies as the optimal means to attain it. The neoliberal policies and ideologies prioritise the pursuit of private profits by companies and individuals in markets with minimal state interference. These mainstream neoliberal models depend on and consequently sustain both gender inequality and environmental pollution and overexploitation.

In her commendable work, Vandana Shiva extensively criticises the development paradigms reflected in the SDGs, including SDG5. She argues that SDG5 perpetuates patriarchal, western and capitalist models, which tend to exploit both, women and nature.[30] She emphasises the need for structural changes leading to a shift, moving towards the promotion of socially just and ecologically sustainable development programmes. In line with this perspective, Ariel Salleh also criticises the mainstream development goals for their failure to understand and address the systemic linkages between gender injustice and environmental degradation.[31]

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28 S. MacGregor, A.U. Mäki, *We Do Not Want to be Mainstreamed…*

29 C.H. Logie, *Sexual Rights and Sexual Pleasure: Sustainable Development Goals and the Omitted Dimensions of the Leave-No-One-Behind Sexual Health Agenda*, "Global Public Health" 2021, pp. 1–12.

30 V. Shiva, *Staying Alive: Women, Ecology, and Development*, Brooklyn, NY 2010, pp. 6–10.

31 A. Salleh, *Ecofeminism as Politics: Nature, Marx and the Postmodern*, London 2017, p. 18.

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Across several of her works, Maria Mies explores the absence of structural change in development frameworks, frequently criticising the neoliberal foundations that influence SDG5. She questions mainstream development goals – including those addressing gender equality – due to their frequent upholding of existing power structures and economic injustices instead of dismantling them.[32] These ecofeminists emphasise that the aim of SDG5, of promoting gender equality within the existing structures of capitalism and patriarchy, is inherently unsustainable and flawed. They advocate redefining the development framework in a manner that prioritises social equity and ecological health. The following section explores the fundamental aspects of a range of SDGs promoting gender equality in general and their relation with SDG5 which addresses gender equality in particular.

Intersections between SDG5 and other SDGS promoting gender justice

In 2015, when the UN General Assembly put forward the 17 SDGs to act as a guide for sustainable development up until 2030, they also revealed 169 targets to be achieved based on Agenda 2030's key idea – "*leave no one behind*".[33] Out of the 17 SDGs, **SDG5**, which aims to '*achieve gender equality and empower all women and girls*', a goal that resonates deeply with the principles of ecofeminism, is of direct relevance to this research project. When SDG5 addresses the empowerment of women, it is not limited to heterosexual women, but encompasses also lesbian, bisexual, and trans women. These women belong to marginalised groups and experience intersectional violence and discrimination due to their LGBTQ+ status. Furthermore, other LGBTQ+ individuals remain excluded from sustainable development initiatives and activities undertaken under SDGs. Discrimination and structural oppression translate into poorer health, limited access to education, and higher poverty rates among LGBTQ+ communities. The global goals will remain unattainable as long as LGBTQ+ individuals are excluded from sustainable development efforts.

There have been instances when development programmes have contributed to the reinforcement of gender inequalities by focusing on heterosexual individuals and couples only. Also, their definitions of gender are often narrow and non-inclusive of homosexual and trans individuals. It is imperative to understand that gender-based violence is typically experienced by those who do not meet the

[32] M. Mies, V. Shiva, *Ecofeminism, 2nd Edition*, Bloomsbury Publishing, 2014. Available from: https://www.bloomsbury.com/in/ecofeminism-9781780329796/

[33] M. Bexell, T. Hickmann, A. Schapper, *Strengthening the Sustainable Development Goals through Integration with Human Rights*, "International Environmental Agreements" 2023, 23(2), pp. 1–7.

gender expectations and norms of society. Therefore, even men and non-binary people who belong to the LGBTQ+ community and who do not conform to the gender stereotypes are easy targets of gender-based violence. Understanding gender-based violence as involving only women, particularly cis-heterosexual women, is erroneous on the part of policymakers promoting SDG5.

In addition to SDG5, there are also other SDGs that directly/indirectly deal with gender justice and efforts to reduce inequalities. **SDG10** is one such goal, and its underlying principle is to '*reduce inequality within and among countries*' – which also focuses on reducing racial discrimination and discrimination based on religion, age, belief, or gender.[34] It specifically targets the queer, transgender, and homosexual victims of discrimination – when it comes to gender-based discrimination. Reducing inequalities based on race, religion, age, gender or belief following a holistic and inclusive approach would also act as an important factor contributing to global sustainable development.

It is also relevant to refer to SDG11 here, as it reinforces the connection between the environment, gender justice, and sustainable development. SDG11 lays down the goal to '*make cities and human settlements inclusive, safe, resilient and sustainable*'.[35] The LGBTQ+ community would highly benefit from this SDG, considering the high rate of homelessness amongst members of this community owing to discrimination based on their gender identity/sexual orientation. These people are left exposed to violence and physical as well as mental health issues due to their homeless status. Therefore, ensuring gender justice holistically would require the fulfilment of this goal for people of all genders.

Among other SDGs, **SDG16**, which aims at achieving the goal to '*promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*', is also relevant and extendable to the LGBTQ+ community to secure gender justice inclusively. It can cater to the needs of LGBTQ+ victims of crimes, who face significant challenges in their home countries when trying to report any crime as the gender-specific criminal laws there do not recognise the crimes against them. Incidents of violence against them go, therefore, unreported and unpunished. This leaves this community highly vulnerable to violations of their fundamental human rights in the abovementioned circumstances. The next section examines the interconnections between SDG5 and the environmental SDGs, including actions taken to fulfil each of those SDGs.

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[34] UN General Assembly & UN Economic and Social Council, *Progress Towards the Sustainable Development Goals: Report of the Secretary-General*, 2024. Available from: https://unstats.un.org/sdgs/files/report/2024/SG-SDG-Progress-Report-2024-advanced-unedited-version.pdf (accessed: 22.08.2024).

[35] UNDP, *What are the Sustainable Development Goals?* Available from: https://www.undp.org/sustainable-development-goals (accessed: 3.09.2024).

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Intersections between gender-related SDGS and environment-related SDGS

Recognising the connections between gender inequality and ecological degradation – and implementing appropriate actions – can increase the rate of progress made and foster sustainable development results. The achievement of all SDGs is, in one manner or another, reliant on gender equality. There are significant links between SDG5 (gender equality), SDG7 (clean, affordable energy), and SDG13 (climate action), among others.[36] Women play a crucial role in energy access, production, and consumption. However, they frequently encounter major obstacles that restrict their involvement and influence exerted in the energy sector.

A. SDG2: Zero Hunger – Linkages and Actions related to SDG5

Removing gender bias, especially in land holding and succession rights, and encouraging the involvement of women in organic and sustainable farming can advance efforts to achieve all essential targets within SDG2. This includes **2.3** – concerning small-scale farming, **2.4** – pertaining to resilient and sustainable farming, and **2.5** – regarding conserving genetic biodiversity, particularly in cases involving the risk of extinguishment.[37] As per the UNEP's Policy Brief (2018), a joint research project conducted by UNEP and UN Women has evaluated the financial implications of gender gaps in farming across the African nations of Malawi, Uganda, and Tanzania. The Ministry of Agriculture and Food Security in Malawi has highlighted the importance of female farm workers in its revised National Agricultural Policy of 2016, based on the report's outcomes and supported by specialist contributions of UN Women and the Poverty-Environment programme.[38] The report motivated **rural women** in Kenya to launch the 'Hera' Community Initiative, which seeks to address water scarcity, gender inequality, and unsustainable farming practices in rural areas.

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[36] D. Ogunbiyi, S. Kumar, *Gender Equality as the Plank of Sustainable Development*, "The Hindu" 9.03.2024. Available from: https://www.thehindu.com/opinion/op-ed/gender-equality-as-the-plank-of-sustainable-development/article67929769.ece (accessed: 24.06.2024).

[37] OECD, *Gender and the Environment*: *Building Evidence and Policies to Achieve the SDGs,* OECD Publishing, Paris 2021. Available from: https://www.oecd-ilibrary.org/docserver/3d32ca39-en.pdf?expires=1727016549&id=id&accname=guest&checksum=242CF94C361D1CDD22E1EEB782E1DF6E

[38] UN Environment, *Sustainable Development Goals: Policy Brief 002, Gender and Environment: Empowering Rural Women*, 2018. Available from: https://wedocs.unep.org/bitstream/handle/20.500.11822/25185/sdG_Brief_002_gender.pdf?sequence=1&isAllowed=y (accessed: 7.04.2024).

B. SDG6: Clean Water and Sanitation – Linkages and Actions related to SDG5

In many developing countries, clean water and sanitation issues have a gender--related aspect. According to UNEP's Policy Brief (2018), a survey of 61 countries found that women and girls bear the main burden of water collection (73.5%) in households without water at home. Ensuring women have easy access to clean water can free up their time for job prospects as well as improved education-related opportunities. Access to sanitation is crucial for women's menstrual hygiene and overall health and well-being (SDG3). It also impacts the education of girls. Educating girls further adds to the human resources necessary for the development of the economy.

There have been cases wherein gender equality and empowering women have proven to be crucial for the successful implementation of SDG6. For instance, a project was initiated in 2002 by the World Bank and the UK's Department for International Development, aiming at the enhancement of water supply in the rural areas of northern Kyrgyzstan through the establishment of community-based local drinking water users' associations in rural parts of northern Kyrgyzstan. Although women's overall representation was low, the most effective Community--Driven Water User Unions (CDWUUs) included women in management roles – such as bookkeepers, CDWUU chairs, or water quarter leaders.

C. SDG7: Affordable and Clean Energy – Linkages and Actions related to SDG5

Using solid fuels like wood, charcoal, crop waste, dung, and coal for cooking and heating, largely by women, emits high levels of smoke containing harmful pollutants in and around the home. Decreasing the use of solid fuels translates into poverty reduction, lower rates of respiratory illnesses, and less environmental degradation. Providing accessible and clean energy can empower women by lowering the time and effort spent in collecting biofuels and removing obstacles to children's education in developing nations.

Brazil sets a successful example here, as almost all Brazilian households – including 93% of its rural parts, use LPG for cooking, which is attributable to government policies that have fostered the expansion of an LPG distribution network across all regions, including rural areas, along with subsidies for LPG users.[39]

[39] O. Lucon, S.T. Coelho, J. Goldemberg, *LPG in Brazil: Lessons and Challenges*, "Energy for Sustainable Development" 2004, pp. 82–90.

 DOI: 10.7206/kp.2080-1084.776

D. SDG9: Industry, Innovation & Infrastructure – Linkages and Actions related to SDG5

Biases and other obstacles that limit access to STEM education, especially in the area of sustainable development, hinder women's participation in science and research. Research and innovation are crucial for the knowledge economy and form the foundation of future employment, yet women worldwide occupy less than a third of research positions.[40] Similar disparities exist in the construction, manufacturing, and energy industries, which continue to have too few female employees and decision-makers. Policies on industrialisation and rural-urban migration must consider women's roles in families, communities, and the environment. The structure of the economies can be made more sustainable and inclusive by tackling the problem of unjust working conditions and inadequate pay for female workers.

E. SDG11: Sustainable Cities and Communities – Linkages and Actions related to SDG5

Urban development sectors – such as housing, transportation, and land use – can significantly affect gender equality through factors like e.g. how people use these services, job opportunities, and their impact on the environment and society. Greater involvement of women in the decision-making process for infrastructure could lead to more sustainable projects. To enhance safety and inclusivity in cities and human settlements, it is necessary to promote equality amongst all genders to avoid biases in allocating and renting accommodations. Further, the air quality index deteriorating due to air pollution is no longer just an urban problem of cities and needs to be tackled effectively.

F. SDG12: Sustainable Consumption and Production – Linkages and Actions related to SDG5

Women are the primary buyers of perishable household items, but have less control over the production process. Unsustainable manufacturing, pollution, and waste generation often adversely affect women, especially those who are socially disadvantaged. This ranges from the depletion of natural resources vital for their subsistence, increased unpaid labour in waste management, poor working conditions

[40] UN Women, *SDG 9: Build Resilient Infrastructure, Promote Inclusive and Sustainable Industrialization and Foster Innovation*. Available from : https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-9-industry-innovation-infrastructure (accessed: 19.09.2024).

in female-dominated sectors, and greater exposure to harmful chemicals and products – without the knowledge or consent of those affected. Further, the consumption patterns of men and women differ due to physical and occupational differences, cultural norms, and individual preferences. As a result, women's consumption patterns also have different impacts on environmental footprints. Therefore, promoting gender parity in this sector is extremely crucial for sustainable forms of consumption and manufacturing practices.

G. SDG13: Climate Action – Linkages and Actions related to SDG5

In a publication by UNDESA and UNFCCC, it was reported that countries with integrated policy coherence frameworks, including 96% that address gender equality, were progressing more quickly in fulfilling their Nationally Determined Contributions (NDCs) established by the Paris Agreement concerning Climate Change.[41] The 2015 Paris Agreement placed a strong emphasis on the relevance of equality of gender and women empowerment in addressing climate change and the specific ways it impacts women. Research indicates that women play a vital role in responding to disasters, effectively mobilising communities through the various phases of the risk management cycle.

Additionally, due to their roles in recovery and household management, along with their traditional knowledge, women's participation in climate change policies is crucial. They are especially affected by climate change and related natural hazards – like more frequent floods and droughts, as they also have to provide care for the children, the elderly, and the sick. Women and girls are disproportionately affected by natural disasters, but they could serve as effective and knowledgeable leaders in addressing climate change.

H. SDG14: Life below Water – Linkages and Actions related to SDG5

Women-led initiatives focused on coastal clean-up and protection demonstrate that women can play a vital role in the sustainable management of marine ecosystems. Supporting women's involvement in the fishing industry and recognising their importance as small-scale fishers can promote eco-friendly fisheries. However, the targets of SDG14 do not directly focus on gender parity or the link between aquatic resources and the income sources of both men and women, inclusive of

[41] UN Department of Economic and Social Affairs, *Synergy Solutions for a World in Crisis: Tackling Climate and SDG Action Together*, UNDESA and UNFCCC 2023. Available from : https://sdgs.un.org/sites/default/files/2023-09/UN%20Climate%20SDG%20Synergies%20Report-091223B_1.pdf (accessed: 12.11.2024).

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their roles in poverty reduction, employment, and food security. Similarly, the indicators mentioned in SDG5.A have to do mainly with agriculture and land use and do not mention fisheries or seafood, making it uninformative regarding the potential trade-offs between achieving target 14.5 and promoting gender equality.

I. SDG15: Life on Land – Linkages and Actions related to SDG5

As with other environment-related SDGs, a key issue is the lack of data that is categorised by sex and gender. SDG 15 does not have specific gender-targeted goals. Among the 20 Aichi Biodiversity Targets set by the UN Convention on Biodiversity, only Aichi Target 14 explicitly addresses gender equality, underscoring the need to consider the needs of women, indigenous groups, local communities, and the disadvantaged and marginalised in ecosystem restoration and protection.[42] However, it lacks a specific indicator for gender parity, and the existing indicators are not categorised by sex. In contrast, only Aichi Target 18 – which focuses on traditional knowledge – includes indicators relevant to gender.[43] Women and indigenous communities residing in rural regions can be severely affected by soil degradation, biodiversity loss, ecosystem degradation, reduced water supply, and potentially increasing hunger and poverty.

Although some women do possess the skills to manage mountain resources, forests, and rivers, as well as extensive knowledge of traditional sustainable practices, their expertise is often excluded from decision-making underlying the design and functioning of sustainable ecosystems. The above discussion underscores the interconnections between gender inequality and environmental degradation, a combination that presents challenges to the achievement of the SDGs and overall sustainability. Considering women's positive attitudes towards conservation and environmental protection, addressing the gender gaps related to governance, employment, and representation in the environment-related SDGs (as well as other SDGs) is crucial for accelerating progress towards the 2030 Agenda. The next section covers and discusses the ecofeminist approaches to sustainable development in order to move beyond the previously criticised binaries, aiming at transformation rather than maintaining the status quo.

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42 M. Rai, *Routes for Change: Ensuring Gender Consideration in Biodiversity Governance*, "UN Women" 2021, pp. 4–5. Available from: https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/66/EGM/Expert%20Papers/Mrinalini%20RAI_CSW66%20Expert%20Paper.pdf#:~:text=Of%20the%20Aichi%20Biodiversity%20Targets%2C%20Target%2014,in%20the%20restoration%20and%20safeguarding%20of%20ecosystems (accessed: 4.12.2024).

43 *Ibidem.*

Ecofeminist approaches to legislations for promoting sustainable environmental justice – case studies

Each year, the UN Secretary-General releases an annual SDG Progress report, created in collaboration with the UN System and based on regional statistics, national statistical data, and global indicators.[44] According to the SDG Progress Report 2024, the Sustainable Development Goals are falling short, with only 17% on track, almost half making little or moderate progress, and over a third not progressing – or even regressing.[45]

When it comes to biodiversity and climate, even though some progress has been made by the developed nations in lowering their greenhouse gas emissions, the overall greenhouse gas concentrations hit a new high in 2022 and continue to increase based on real-time data from 2023.[46] CO_2 levels are now 150% higher than they were before industrialisation. Government funding towards the production and consumption of gas, oil, and coal has seen a significant increase, more than doubling between 2021 and 2022 and tripling since 2015, which is hindering the transition to a net-zero emissions economy (UN General Assembly & UN Economic and Social Council, 2024).

Rising CO_2 emissions are causing ocean acidification to increase and will continue to do so. More and more species are at risk of extinction, as shown by a 12% decline in the overall Red List Index since 1993. There is a yearly funding gap of $4 trillion earmarked for developing countries to enable them to achieve the Sustainable Development Goals.[47] Furthermore, as per UN DESA's data, 15.4% of SDG 5 indicators are on track, 61.5% are at a moderate distance, while 23.1% are far or very far off track.[48] This indicates that 2030 Agenda's commitment to gender equality remains far from being fulfilled. There has been slow progress in attaining gender equality in societal life and managerial roles, and the level of violence against women and girls remains persistently high. Despite these challenges, there remains

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44 UN Department of Economic and Social Affairs, *The Sustainable Development Goals Report: Special Edition*, 2023. Available from: https://unstats.un.org/sdgs/report/2023/The-Sustainable-Development-Goals-Report-2023.pdf (accessed: 19.01.2024).

45 UN General Assembly & UN Economic and Social Council, *Progress Towards the Sustainable Development Goals: Report of the Secretary-General*, 2024. Available from : https://unstats.un.org/sdgs/files/report/2024/SG-SDG-Progress-Report-2024-advanced-unedited-version.pdf (accessed: 22.08.2024).

46 UN Environment Programme, *Emissions Gap Report 2023: Broken Record*, 2023. Available from: https://www.unep.org/interactives/emissions-gap-report/2023/#section_-1 (accessed: 1.11.2024).

47 UN News, *Developing Countries face $4 Trillion Investment Gap in SDGs*, 2023. Available from : https://news.un.org/en/story/2023/07/1138352 (accessed: 5.11.2024).

48 UN Department of Economic and Social Affairs, *The Sustainable Development Goals Report: Special Edition*, 2023. Available from : https://unstats.un.org/sdgs/report/2023/The-Sustainable-Development-Goals-Report-2023.pdf (accessed: 17.11.2024).

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hope in the form of ecofeminist approaches, the adoption of which requires a deeper comprehension of gender, power dynamics, and social relationships.

A. Adoption of Intersectionality

Ecofeminist scholars have increasingly embraced intersectionality, which focuses on the interrelations among gender, race, class, and various other manifestations of difference.[49] This framework for analysing power dynamics and knowledge creation helps avoid the oversimplification of social categories and structures. By utilising intersectional analysis, one can transcend binary gender frameworks, uncovering the intricate connections between the development of various social categories and the systems of oppression and inequality that contribute to the existing climate crisis. Addressing discrimination and gender-based violence, as well as improving the political and socio-economic status of women, needs to be viewed as a fundamental ethical obligation rather than simply a strategy to achieve broader objectives.

From an ecofeminist viewpoint, attaining gender equality necessitates addressing structural domination and eliminating all forms of oppression – such as colonialism, patriarchy, imperialism, and racism. These oppressive systems are founded on sets of hierarchical divisions that undervalue the work of women, the ecology, and the foundations of environmental and social sustainability. Equality of gender is attained when men, women, and non-binary individuals have equal rights and opportunities across all social spheres, translating into equal participation in decision-making processes. Justice encompasses more than equality, incorporating both similarity and difference and permitting unequal treatment to correct imbalances. Hence, *gender justice* might have been a more suitable goal for an SDG than gender equality.

B. Dismantling the Binary Logic

The ecofeminist perspective offers a different approach to the conventional divide between reproduction and production, as well as the patriarchal notions of gender hierarchy. It calls for a fundamental shift in the gendered ideas, social ties, and attitudes that provide the foundation for conventional economic systems. The said change requires dismantling the binary logic that distinguishes between paid labour and unpaid caregiving, reproduction and production, and humanity and

[49] M. Özden, *The Importance of Ecofeminism…*

the natural world.[50] In contrast to neoliberal dominance, which reinforces productivist and masculinist biases, critical ecofeminists advocate for a combined emphasis on environmental issues and equality across generations to create a significant framework for redefining sustainability. This new definition encompasses not just maintaining the economy's productivity, but also the social and biophysical environments that are integral to the ecosystem and systems of care.

C. Community-Based, Participatory Solutions

Alternative sustainable pathways promoted by the ecofeminists highlight not only profit and growth but also the importance of inclusivity, sustainability, and social justice. In this context, many women and ecosystems are seen not as victims, but as active agents of change. These pathways typically do not depend on top-down, market-driven approaches to gender justice and respect for ecological boundaries. Rather, they involve different combinations of government, private sector, and civil society initiatives and organisations that provide community-based, participatory solutions – often necessitating robust state intervention. Here, states actively engage in establishing suitable policy frameworks, establishing standards and managing resources, ensuring private companies are responsible, and yielding the public state-funded services and investments that are essential for social and environmental sustainability.

D. Re-evaluation of Policy-Models

Policy-makers should embrace a more comprehensive approach to development – one that incorporates feminist and ecological perspectives. This approach would entail re-evaluating existing economic models, recognising the value of unpaid care work, and giving priority to environmental sustainability.[51] Ecofeminist scholars further advocate for increased participation of women and marginalised groups in decision-making, ensuring that policies incorporate a variety of perspectives and experiences.

To substantiate the claims of ecofeminist scholars, it is necessary to engage in an analysis of legislation and jurisprudence on this subject. The subsequent case studies offer a deeper insight into the effectiveness of the ecofeminist approaches mentioned earlier.

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50 S. MacGregor, A.U. Mäki, *We Do Not Want to be Mainstreamed*…

51 UN Women, *A Toolkit on Paid and Unpaid Care Work: From 3Rs to 5Rs*, 2022. Available from: https://www.unwomen.org/sites/default/files/2022-06/A-toolkit-on-paid-and-unpaid-care-work-en.pdf (accessed: 30.05.2024).

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The Mazahua Women Case in Mexico

The situation of the Mazahua women in Mexico showcases the critical intersection of indigenous rights, environmental justice, and water governance. Their call for regulatory reforms aimed at achieving equitable access to water highlights various legal frameworks, judicial rulings, and international commitments that influence the legal context of water rights in Mexico. The primary legislation regulating water resources in the country is the Ley de Aguas Nacionales (National Water Law), which consolidates water management under the Comisión Nacional del Agua (CONAGUA) and creates a licensing system for water utilisation. Nevertheless, critics argue that this law disproportionately serves industrial and urban interests over rural and indigenous populations, leading to persistent inequities.

Article 27 of the Mexican Constitution[52] recognises water as a national resource and empowers the state to regulate its use. Meanwhile, access to water is considered a crucial human right under Article 4, and the state is required to guarantee its availability, quality, and accessibility. However, the implementation of these provisions has frequently favoured urban and industrial interests, often at the expense of indigenous communities like the Mazahua. The demands of Mazahua women also underscore violations of their rights as indigenous people. Mexico is a signatory to the International Labour Organization (ILO) Convention No. 169, which mandates obtaining prior, informed, and free consent for all projects that impact indigenous lands and resources. However, the domestic application of these principles has been inconsistent, leading to unilateral actions by the state or corporations that overlook meaningful consultation and shared decision-making.

Among the major relevant legal precedents is the Zongolica Case[53], in which the court ruled in favour of indigenous communities against resource exploitation conducted without adequate consultation. This case establishes the necessity for participatory governance in decisions that affect indigenous resources. Furthermore, the advocacy of Mazahua women highlights Mexico's responsibilities under international human rights law. General Comment 15 from the UN Committee on Economic, Social and Cultural Rights (UN CESCR) acknowledges water availability as a fundamental human right. Moreover, the Escazú Agreement – to which

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52 Constitution of Mexico, 1917, Chapter 1: Individual Guarantees, *Art. 27.: Ownership of the lands and waters within the boundaries of the national territory is vested originally in the Nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting private property.*

53 *María de Jesús Patricio Martínez y Otros vs. Tribunal Superior de Justicia del Estado de Veracruz*, Amparo Directo 631/2012, First Chamber, Supreme Court of Justice of the Nation (SCJN), Mexico, decision issued dated August 7, 2013.

Mexico is a signatory – underscores the significance of environmental justice and the need for public involvement in environmental issues.

In the case of San Pedro Cholula v. CONAGUA (2018), the appealing community successfully challenged water concessions that posed a threat to local ecosystems, highlighting the role of litigation in protecting community rights in water-related disputes. Historically, large-scale water diversion projects, particularly those catering to urban areas such as Mexico City, have often marginalised rural and indigenous communities by denying them access to water. In similar cases, courts have stepped in to defend vulnerable populations. For instance, in Tlahuica Pueblos v. State of Morelos[54], the Supreme Court acknowledged indigenous rights in the context of contesting a water project, emphasising the importance of sustainable and fair water practices.

The case of the Mazahua women reflects these established precedents, advocating for changes in regulations that prioritise fair distribution and environmental sustainability. Their legal claims emphasise that water diversions infringe upon their constitutional rights and international obligations by endangering their livelihoods and disrupting ecosystems. The proposed amendments to the National Water Law seek to tackle these concerns by promoting decentralised governance and incorporating indigenous viewpoints. Although the ongoing legislative progress has been slow, the efforts of the Mazahua women have sparked wider discussions on water justice and the rights of indigenous people. The legal aspects of their case illustrate the inadequacies of Mexico's water governance system in catering to the needs of marginalised groups.

Their advocacy emphasises the necessity of a more inclusive and fair legal system by invoking constitutional rights, international obligations, and judicial precedents. Cases such as Zongolica and San Pedro Cholula serve as important precedents that can support their call for change, demonstrating the transformative role that legal actions can play in making water justice reality.

The Nejapa Case in El Salvador

In Nejapa, El Salvador, a multinational beverage corporation, Industrias La Constancia (a subsidiary of AB InBev), has been accused of over-extracting groundwater, jeopardising local water resources and exacerbating water scarcity in the area. Community activists and environmental organisations have condemned the company for favouring industrial water usage over the requirements of residents,

[54] Amparo in Review 372/2019, Second Chamber, Supreme Court of Justice of the Nation (SCJN), Mexico, decision issued dated February 12, 2020.

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voicing concerns about the fair distribution of resources and the adverse impact of the company's activity on the environment.

El Salvador lacks a unified water law, and its water governance is subject to a disjointed framework of various laws and regulations. The main national legislations governing access to water include:

- General Law on the Environment (Ley General del Medio Ambiente, 1998): this law establishes the principles for sustainable development and environmental protection. Article 8 requires that Environmental Impact Assessments (EIAs) be conducted for those projects which may have ecological effects. Activists in Nejapa contended that Industrias La Constancia failed to adequately evaluate and address the environmental risks related to their operations.
- Municipal Code (Código Municipal): the Municipal Code grants local governments the authority to manage natural resources within their respective areas. Community groups in Nejapa pressured local municipalities to enforce regulations limiting industrial water extraction.

Additionally, El Salvador has ratified several international treaties that uphold environmental justice and the right to water, including General Comment 15 of the UN CESCR, which acknowledges the human right to water as crucial for every individual's dignified living. Community groups in Nejapa used this as a basis to argue for equitable availability of water resources. Furthermore, the Escazú Agreement (2021) is also relevant here. While the Nejapa case predates El Salvador's ratification of the Escazú Agreement, the treaty's principles of environmental justice, information access, and public participation remain relevant in framing contemporary legal debates about similar cases.

In a landmark case involving the proposed El Dorado gold mine[55], the Constitutional Chamber of El Salvador's Supreme Court suspended a mining license, citing violations of the right to water under Article 2 of the Constitution. This case established the precedent for prioritising water as a fundamental right over industrial activities. While not formally adjudicated in national courts, the case of *Nejapa Community v. Industrias La Constancia* exemplifies the use of administrative appeals and local advocacy to pressure industries. Community groups petitioned local authorities and regulatory bodies, arguing that the extraction permits issued to Industrias La Constancia violated public interest and environmental sustainability principles.

[55] Constitutional Chamber of the Supreme Court of Justice of El Salvador, 2007; *Pac Rim Cayman LLC v. Republic of El Salvador*, ICSID Case No. ARB/09/12.

Legal advocacy in such cases is not free from challenges. Despite the constitutional protection measures of water as a public good, the lack of clear and enforceable national water legislation complicates the regulation of industrial water use. Local authorities frequently lack the necessary resources or power to properly enforce environmental laws, which restricts their capacity to tackle issues related to corporate over-extraction. Activists fighting for water rights in Nejapa and other areas of El Salvador have faced harassment and legal actions, making it difficult for communities to pursue legal claims.

The Nejapa case has significantly contributed to environmental justice by igniting discussions around the creation of a comprehensive water law, the *Ley General de Aguas*. This law seeks to establish clear regulations for water use, prioritise human consumption, and encourage community participation. Empowering municipalities through the Municipal Code can enhance local responses to industrial water use. Additionally, drawing on the El Dorado case, it can bolster judicial advocacy for human rights in water governance. The Nejapa case highlights the urgent need for legal reforms to recognise water as a fundamental right in El Salvador, as existing laws face challenges in enforcement. Some avenues for advocacy, gaps in enforcement and legislation limit their effectiveness. Referring to precedents like the *El Dorado* case and international frameworks like the Escazú Agreement can further support community rights and environmental justice.

The KlimaSeniorinnen Case in Switzerland

The KlimaSeniorinnen case stands as a significant example of climate-related legal action that merges legal principles with feminist activism. Initiated by the Swiss Association of Senior Women for Climate Protection (KlimaSeniorinnen Schweiz), this case underscores the connection between human rights, environmental safeguards, and gender equity.[56]

The KlimaSeniorinnen claimed that Switzerland's inadequate response to climate change breached its fundamental human rights both domestically and internationally. They emphasised the particular vulnerability of older women, noting that increasing temperatures exacerbate health risks, including cardiovascular and respiratory issues. They invoked the following legal frameworks in their arguments:

- Swiss Constitution (Article 10): it guarantees the right to life and personal freedom, which the plaintiffs argued was imperilled by climate inaction.

[56] *KlimaSeniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, admitted to the Grand Chamber of the ECtHR in 2021 (status: pending).

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- European Convention on Human Rights: the right to life and respect for private and family life, as guaranteed by Articles 2 and 8 were cited. The plaintiffs argued that the lack of sufficient climate policies constituted a violation of these obligations.
- Paris Agreement: Switzerland's inability to fulfil its international obligations under the Paris Agreement was cited as evidence of the state's failure to adequately address climate change.

Swiss courts dismissed the case, ruling that the plaintiffs lacked legal standing as they were not uniquely or directly affected compared to the general population. European Court of Human Rights (ECtHR): the KlimaSeniorinnen claimed that Switzerland's inaction regarding the climate change issue infringed upon their rights under the ECHR and took the matter to the ECtHR. The case was accepted for review in 2021 and is pending a landmark decision. The KlimaSeniorinnen case draws parallels to the *Urgenda case*[57], where the Dutch Supreme Court ordered the government to take stronger climate action, citing human rights obligations. Further, the Pakistani court examining the *Leghari case*[58] recognised the state's responsibility to address climate change under the right to life.

The case highlights how climate change disproportionately affects women, particularly elderly women, due to their socio-economic vulnerabilities and physiological sensitivities to heat waves and pollution. The KlimaSeniorinnen emphasised the significance of gender in their arguments, adopting a feminist viewpoint of environmental justice. The case promotes the idea of intersectional advocacy, acknowledging that even though climate change is a global issue, some groups face more difficulties because of the intersection of age and gender. Their arguments resonate with ecofeminist theories, questioning the patriarchal systems that contribute to both environmental harm and social inequalities. The case also challenges the conventional narratives of women as mere victims of climate change, instead depicting them as active participants in fostering legal and societal change. The legal action taken by the plaintiffs embodies a form of feminist resistance against the systemic oversight of both gender and environmental rights.

The KlimaSeniorinnen case has catalysed feminist-driven climate litigation around the world. For instance, in Notre Affaire à Tous v. France, a coalition of feminist and environmental groups brought a lawsuit against the French government due to its lack of action to address climate issues. Similarly, in Youth for Climate

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57 *Urgenda Foundation v. State of the Netherlands*, ECLI:NL: HR:2019:2006 (Supreme Court of the Netherlands, 2019).

58 *Asghar Leghari v. Federation of Pakistan*, (2015) W.P. No. 25501/2015 (High Court of Lahore, Pakistan).

Justice v. Austria[59], young activists, backed by feminist advocacy organisations, contested inadequate climate policies. The KlimaSeniorinnen case epitomises the convergence of legal, environmental, and feminist advocacy. It highlights the potential of human rights frameworks to hold states accountable for climate inaction while amplifying the voices of marginalised groups like elderly women. As the case awaits a decision from the ECtHR, it has already set a precedent for integrating gender justice into the fight against climate change, emphasising the need for inclusive, intersectional approaches in legal and policy frameworks. These case studies illustrate how women from vulnerable groups confront institutions and challenge different national legal frameworks to strengthen the protection of environmental and human rights.

Potential shortcomings of the ecofeminist theory

Though ecofeminist theory provides a compelling framework to understand the relations between environmental and gender justice, it is necessary to evaluate its drawbacks for a more precise and holistic application – particularly in the context of the legal dimension and the SDGs. The main arguments used to question ecofeminism are as follows:

a) Essentialism – Critics contend that the first phases of ecofeminist discourse tend to capture and essentialise women's roles by associating them with the environment. This might strengthen rather than remove the patriarchal stories and negative images. It may also tend to ignore the plurality of women's experiences. In order to address this issue, contemporary ecofeminist perspectives offered by scholars such as Ariel Salleh and Bina Agarwal, especially the materialist and intersectional ones, have evolved toward social structures and systemic causes of environmental violence against women, rather than focusing simplistically on essentialist viewpoints.[60] Salleh advocates a materialist ecofeminism in which women's relationship to the environment is seen as historically and socially created through gender socialisation and power dynamics, as opposed to biological determinism.[61]
b) Lack of intersectionality – It has been argued by critics such as Val Plumwood and Greta Gaard that ecofeminist approaches tend to prioritise gender over

[59] *Youth for Climate Justice v. Austria*, Application No. 43828/20, European Court of Human Rights.
[60] B. Agarwal, *The Gender and Environment Debate: Lessons from India*, "Feminist Studies" 1992, 18(1), pp. 119–158.
[61] A. Salleh, *Ecofeminism as Politics: Nature, Marx and the Postmodern*, London 2017, p. 18.

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other categories of oppression, like race and class.[62] This can result in a one--dimensional view of women and ignoring of the particular experiences of working class women, women of colour, women from indigenous communities, women from the Global South, and women who identify as LGBTQ+.[63] This concern is being addressed by critical and postcolonial ecofeminist approaches which seek to decolonise the idea by stressing several subjectivities and experiences.

c) Theoretical vagueness – It is contended by some scholars – such as Janet Biehl and Robyn Eckersley – that ecofeminist theory fails to provide specific solutions to environmental problems and is overly theoretical.[64] Since it is driven by ideologies, it lacks in political and legal specificity. The present paper addresses this gap by using eco-legal approaches and integrating theory with practice – that is, by means of SDG integration and legal reform discourse. The various ways in which the principles of ecofeminism have gained practical application are policy campaigning, sustainable farming, and community-based environmental activism. Furthermore, ecofeminism aids in changing cultural values, and this change in values is a prerequisite for practical change.

The field of ecofeminism is broad, dynamic, and subject to constant discussion and improvement. Modern ecofeminism has attempted to address the problems raised by some of the aforementioned criticisms, which are directed at earlier iterations of the movement. Even with its flaws, ecofeminism must be recognised for its value as a critical lens for comprehending and resolving environmental concerns.

Limitations and future research

The critical ecofeminist approach adopted in this research gives high priority to dismantling the prevailing legal narratives, social power structures, and structural injustices. As a result, the methodology is mostly qualitative and concentrates on theoretical frameworks, case studies, and legal texts rather than statistical generalisations. Even though this study places a strong emphasis on critical legal theory and case-based analysis, it acknowledges the importance of quantitative evidence

62 V. Plumwood, *Ecofeminism: An Overview and Discussion of Positions and Arguments*, "Australasian Journal of Philosophy" 1986, 64(sup1), pp. 120–138.

63 G. Gaard, *Toward a Queer Ecofeminism*, "Hypatia" 1997, 12(1), pp. 114–137.

64 J. Biehl, *Rethinking Ecofeminist Politics*, Brooklyn, NY 1999, pp. 8–15.

in supporting normative arguments. To further support the links made between ecofeminism, gender justice, and sustainable development, future research might include gender-disaggregated environmental effect data, legal access statistics, and SDG-based indicators. Combining quantitative breadth and qualitative depth can help create a more comprehensive legal solution to the intertwined gender and ecological issues.

The possible future editions of this study could incorporate national-level statistics on how legal and environmental problems disproportionately affect women and gender-diverse populations to demonstrate the lived reality emphasised by ecofeminist theory. The UNDP Gender Inequality Index (GII) and India's National Family Health Survey (NFHS), for example, may offer relevant empirical elements.[65]

Conclusion

This paper argues that gender equality must be a core component of tackling climate change and promoting sustainable development through legal means. As discussed in this paper, critical ecofeminist alternatives are surfacing rapidly to replace the mainstream development paradigms. The suggested alternatives can help achieve development that is sustainable and promotes gender justice in its true sense. The best example of the ecofeminist policy vision is the *Feminist Green New Deals* (FGNDs). Being a global coalition of organisations and having its origin in the US (2019), the increasing number of FGNDs share a common vision: rejecting the mainstream idea of sustainable development, which aims for gender equality under a capitalist system that continues to exhibit hetero-patriarchal, exclusionary, and colonial traits. According to the FGNDs, an unfair social compact where gender and racial hierarchies shape social and economic relationships is the direct cause of the ecological breakdown seen in climate change.

Today, with an unprecedented number of young women and gender non-binary activists actively involved in the global climate justice movement, links between gender politics and sustainable development have never been more radical or visible. Following the COVID pandemic, academics, activists, as well as policymakers worldwide are developing plans for a climate-just and gender-just recovery. The intersecting crises of climate change, the COVID pandemic, and care have exacerbated preexisting and created new dilemmas, highlighting the necessity of questioning

[65] International Institute for Population Sciences (IIPS) & ICF, *National Family Health Survey (NFHS-5), 2019–21: India*, Mumbai: IIPS, 2021. Available from: https://rchiips.org/nfhs/; United Nations Development Programme (UNDP), *Human Development Report 2023: Gender Inequality Index*, 2023. Available from: https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII.

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the prevailing development models and their inherent inequalities. Instead, there is a call for radical intersectional politics and transformative change in the legal system that prioritises socio-ecological sustainability over growth and profit at the expense of the ecofeminist principles of justice, sustainability, and care.

Although ecofeminist theory provides an insightful analysis of the links between gender and environmental damage, it is important to recognise the criticism of essentialism, which contends that some ecofeminist models depend on dubious presumptions about women's natural relationship with environment. Through a critical interaction with the limits of ecofeminism, this paper not only clarifies its theoretical foundation, but also emphasises the need of changing the framework to fit various global settings and legal uses in pursuit of the SDGs. To advance the SDGs – and SDG5 in particular – with an ecofeminist approach, various actions can be implemented, such as ensuring that all development programmes also address the specific issues faced by women who identify as LGBTQ+, viewing the issue of gender justice from a non-capitalist viewpoint, prioritising funding grants led by LGBTQ+ women, broadening gender definitions to be trans – and non-binary inclusive, and challenging harmful gender norms with an intersectional approach.

Globally, a new progressive legal approach to gender and sustainability is emerging, uniting different movements, governments, forward-thinking businesses, and both structured and unstructured practices. This approach has the potential to achieve alternative solutions. Feminists have long provided incisive critiques of dominant ideologies and lifestyles, often from the fringes. It's time to break free from the sidelines and advocate new, fair, and sustainable legal approaches.

Strategies to Incorporate the Ecofeminist Praxis: Gender + Environment Impact Assessments (GIA+E)

Even though the main contribution of this study is a conceptual framework for connecting ecofeminist legal theory to gender equity and the SDGs, it is important to incorporate such theoretical insights into practical measures. The adaptation of Gender Impact Assessments (GIAs), popular policy instruments that assess the possible impacts of legislation and public policies on various genders, into an intersectional, eco-informed framework is one such tactic. In accordance with ecofeminist jurisprudence, this paper suggests creating a Gender and Environmental Impact Assessment (GIA+E) model that assesses legislative and policy choices from the perspectives of ecological justice and gender equity. A GIA+E would take into account the socio-environmental effects on interdependent communities and vulnerable ecosystems in addition to evaluating the effects of law reforms on women, men, and non-binary persons.

A GIA+E, for example, could show how women farmers, indigenous persons, and ecologically sensitive zones can be disproportionately affected before passing laws pertaining to land acquisition or climate adaptation. This information could then be used to inform the creation of more sustainable and equitable provisions, such as community participation requirements, ecological safeguards, and gender--sensitive compensation. In addition to developing ecofeminism from a critical theory of resistance to a transformative legal praxis, institutionalising such developments within national policy frameworks and legal drafting authorities can aid in achieving the goals of SDGs 5, 13, and 16.

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