



Accelerate Law Reforms Towards Gender Parity in the Context of Climate Change

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Abstract. Indonesia as the biggest archipelagic states, currently positioned as one of the countries most affected and vulnerable to climate change. While the climate change occurs globally, the impact of climate hazard is not equally distributed between men, women, girls, boys, indigenous women and gender minorities. Climate change puts women and girls at greater risks and thus, law reforms play a pivotal roles in addressing gender disparities by ensuring that policies and regulation are inclusive and effectively address unique challenge faced by women. Despite progress on laws reforms towards gender parity, there are still gaps in regulation for guaranteeing women's rights in the era of climate change such as lack of recognition for inclusion in decision making on environmental governance, gender-specific health needs during disaster and climate crisis, unequal rights for land and property ownership, etc. This paper aims to understand the nexus of gender and climate change, also providing recommendations to accelerate law reforms that ensure the policies and regulations can guarantee women's health rights, access to resources, and strengthen women protection measures in disaster prone-areas. This paper uses normative legal research which involves examines the norms, principles and values that underlie regulations, aiming to provide a framework that supports better law making and legal reform using a comprehensive and structured search for literature on a specific legal topic. The result of this research is that there is an interrelation between gender in the context of climate change and accelerating law reforms by integrating gender considerations into climate and environment law will ensure that policies are more equitable and inclusive, resulting in more sustainable and just outcomes.

Keywords: Law Reforms, Gender Parity, Climate Change.

1 Introduction

Development is further burdened by climate change. Its effects are already evident, and the latest scientific data indicates that the issue is rapidly getting worse, with current trends in sea level rise and greenhouse gas (GHG) emissions exceeding earlier predictions. If current demographic trends continue, the world's population will reach 9 billion by 2050, with an additional 2.5 billion living in developing nations. Increased demand for energy, increased competition for land and water, and increased strain on ecosystems and natural resources are all consequences of growing populations. All things considered, the poorest parts of the world, primarily in the Global South, will

suffer the most from climate change. However, due to a lack of long-term data records and coverage in these countries, there is a great deal of doubt regarding regional differences in the impact of climate change. Furthermore, widespread poverty and inadequate public infrastructure exacerbate the negative social and economic effects of climate change. Climate impacts are especially catastrophic for the world's poorest people because of gaps in infrastructure and readiness, as well as the widespread nature of inequality and social fragility.[1]

While the climate change occurs globally, the impact of climate hazard is not equally distributed between men, women, girls, boys, indigenous women and gender minorities. Within South East Asia, Because they frequently lack access to essential resources for adaptation or the authority to decide how best to protect themselves, people who were already marginalized are made even more susceptible by the current social stratification. For many impoverished women who have little to no economic, political, or legal clout, this is particularly true.[2] In the worst-case scenario, climate change might force up to 158.3 million additional women and girls into poverty worldwide by the middle of the century (16 million more than all men and boys combined). This is also in line with the UN Women's most recent study, which stated that it will take 286 years for gender equality to be achieved worldwide at the current rate of advancement.[3]

In Indonesia, policies, regulations, and laws continue to pose a challenge in achieving gender equality in the country (for instance, regulations regarding inheritance rights, marriage laws). Legal reformation represents the response to how law in Indonesia is organized within the framework of the envisioned rule of law state. Furthermore, law serves instrumental functions as a means to establish and maintain order, stability, and predictability, as well as to preserve cultural values and achieve justice. It also serves as a tool for education, societal adaptation, and societal renewal (by promoting, channelling, and sanctioning societal changes).[4] The existing policies, regulations, and laws need to be reviewed if gender mainstreaming across all levels and sectors in Indonesia is to be realized, including in addressing the impacts of climate change and law reforms play a pivotal roles in addressing gender disparities by ensuring that policies and regulation are inclusive, and effectively address unique challenge faced by women.

2. Method

This paper uses normative legal research. This method focuses on analyzing the norms, principles, and values that underpin existing legal frameworks related to climate change and gender issues. It aims to critique and assess the adequacy of current laws and regulations in addressing gender disparities exacerbated by climate change. Drawing from the research findings and framework developed, the paper provides policy recommendations. These recommendations are aimed at policymakers, legislators, and stakeholders involved in lawmaking and legal reform processes. They propose concrete steps and measures to accelerate law reforms that promote gender parity in climate change policies and practices.

3. Results and Discussion

In recent years, various parts of Indonesia have been affected by climate change. This impact is thought to be more severe for the poorest communities, such as people living in the most peripheral areas, where most of their lives are vulnerable to drought, floods or landslides. Some of them earn a living by farming and fishing, which sources of income are very vulnerable to climate change. With limited sources of income, it is difficult for poor household groups, both fishermen and farmers, to endure the consequences of climate change. The further effect of this problem is that conditions of poverty are becoming increasingly difficult to overcome so that from the perspective of the Millennium Development Goals (MDGs), their achievement is threatened by climate change. Gender equality and women's empowerment are closely linked to climate change in several ways. Women, particularly in developing countries, often bear a disproportionate burden of the impacts of climate change. Ecological damage, which is also triggered by climate change, has had a serious impact on the daily lives of women and children. The food and clean water crisis is a real threat that is now starting to be felt by many, especially women and children. The food crisis has increased the rate of malnutrition in children as well as maternal and child mortality. Meanwhile, the clean water crisis also contributes to the child mortality rate of 34.6 percent in countries included in the third world group. Around 5 million children die every year from diarrheal disease due to the clean water crisis. Apart from having an impact on health, the phenomenon of climate change also has a serious impact on women's wellbeing, and livelihoods.

There are 3 interrelations between gender and climate change. First, Regarding the effects of climate change on gender and well-being, women are increasingly responsible for providing unpaid care for people, animals, and the environments that households rely on. There are also changes on climate or availability of natural resources. This is brought on by elements including unequal resource access, restricted mobility, and traditional gender roles. For instance, women are responsible for gathering water and fuelwood in many societies, and changes in weather patterns can exacerbate their workload and increase their vulnerability to climate-related disasters like droughts and floods.[5] Secondly, in terms of gender and climate change in livelihoods linkages, women's limited access to resources such as land, credit, and technology constrains their ability to adapt to climate change impacts on livelihoods. A study by Quisumbing, et al. in the World Development journal found that in many contexts, women have less secure land tenure and face legal and customary barriers to land ownership, hindering their resilience to climate-related shocks.[6] Families that live in dry regions or places that experience repeated droughts resort to child marriage as a way to deal with decreased agricultural harvests. Girls may have to leave school to assist secure food or water when families are suffering to deal with food scarcity, and child marriage may be employed as a survival tactic. From increased incidences of food insecurity to heightened risks of displacement and violence, these groups face unique challenges that amplify existing inequalities. Moreover, their invaluable contributions to sustainable development and climate resilience often go unrecognized and unsupported.

With disastrous social, cultural, economic, health, and human rights effects, climate change is endangering the sustainability of our world. Women and girls are disproportionately affected, especially the most vulnerable communities. It is also a serious aggravator of the different forms of Violence Against Women and Girl (VAWG). Although most nations in the globe today have some legal protection, violence is still widespread and enforcement is lax. One of the clear drawbacks of focusing just on the effects of violence is that it may fail to address its root causes.[7] This emphasizes how crucial it is to alter the norms that encourage, condone, or accept violence, as well as how knowledge of laws and legal changes can help do so. One of the formal areas that can be contested through campaigns for reform and advocacy is the law. Individually internalized informal social norms are more challenging to alter. These informal dimensions encompass profoundly ingrained cultural traditions, beliefs, values, attitudes, conventions, and practices that function both at the individual and institutional levels. Compared to formal policy or law, culture changes far more slowly, and changes in law and policy do not always result in changes in culture.[8]

Indonesia has demonstrated a strong commitment to promoting gender equality and mainstreaming. Presidential Instruction No. 9 of 2000, which addressed the implementation of gender mainstreaming (GM) in development, marked the beginning of this commitment. A logical and methodical approach, gender mainstreaming (GM) aims to achieve gender equality and justice in many facets of human life by empowering men and women from the planning, development, implementation, monitoring, and evaluation stages of all policies, programs, and activities across various fields of national and regional development. This is achieved through policies and programs that take into account the needs, desires, experiences, and concerns of both men and women. However, according to the World Economic Forum (WEF) Global Gender Gap Report 2022, Indonesia achieved a gender gap index score of 0.697 (an increase of 0.009 from 0.688 the previous year) and ranked 92nd out of 146 countries (up from 101st the previous year). The WEF Gender Gap Index uses a scoring system ranging from 0 to 1, where a score of “0” indicates a very wide gender gap, and a score of “1” indicates full gender equality.[9] Even though it continues to show an improving trend, the Indonesian Gender Inequality Index is still not satisfactory.

To continue to encourage these improvement efforts, this imperative has prompted calls for accelerated law reforms aimed at fostering gender parity within climate action frameworks. By integrating gender perspectives into legal frameworks, governments can foster more robust and effective climate strategies that leave no one behind. Key areas of reform include enhancing access to resources and opportunities for women in climate adaptation and mitigation efforts. This includes equitable access to land tenure, finance, and technology, which are crucial for building resilient communities. Additionally, legislative measures can promote women’s leadership and participation in environmental governance, ensuring that policies are informed by diverse perspectives and experiences. Civil society engagement and international cooperation are also essential for sharing best practices and mobilizing support for gender-inclusive climate action. Furthermore, legal frameworks must address the intersectional nature of gender inequality, considering how factors such as race, ethnicity, class, and disability intersect with gender to exacerbate vulnerabilities to climate impacts. By

adopting an intersectional approach, lawmakers can craft policies that are not only gender-responsive but also socially just and inclusive.

4. Conclusion

Accelerating law reforms towards achieving gender parity within the context of climate change is imperative for fostering inclusive and resilient societies. By integrating gender mainstreaming strategies systematically into legislative frameworks, policies, and programs, nations can effectively address the disproportionate impacts of climate change on women and men. This approach not only enhances the empowerment of women and marginalized genders but also strengthens the overall resilience of communities facing environmental challenges. As evidenced by global initiatives and reports, such as those from the World Economic Forum, countries like Indonesia have made strides in this direction, underscoring the potential for significant positive impacts when gender equality becomes a cornerstone of legal and policy reforms in climate adaptation and mitigation efforts. Thus, prioritizing these reforms is crucial for ensuring sustainable and equitable development in the face of climate uncertainty.

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