



Gender and the Glasgow COP: “Please do more”



Report by

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Recommended citation

Rowena Maguire, George Carter and Sangeeta Mangubhai, Gender and the Glasgow COP: “Please Do More” Centre for Justice Research Report, Queensland University of Technology (2022) available online at <https://research.qut.edu.au/centre-for-justice/briefing-papers/>

Acknowledgements

We would like to acknowledge the Australian Centre for International Agricultural Research for funding the project: Institutional Barriers to Climate Finance through a Gendered Lens in Fiji, Samoa and Solomon Islands: CLIM/2021/110.

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Introduction

Climate change is not gender neutral and impacts men and women differently based on social and cultural norms that determine power relationships, roles and responsibilities at the household and community levels. In many societies, the ability of women to respond and adapt to climate change is limited as a result of gender relations.¹ Women are often excluded and marginalised in decision-making processes, preventing them from meaningfully contributing to climate-sensitive responsive planning, policy-making, and action at international and national levels.² At the same time, women’s knowledge and innovations remain a largely untapped resource in finding the solutions needed to address the global climate change crisis.³ While there is sufficient knowledge demonstrating the gendered implications of climate change, the United Nations Framework Convention of Climate Change (UNFCCC) has been incredibly slow, even reluctant to incorporate gender into its regime. This paper explores the meaning, place and dominant voices surrounding gender within the UNFCCC. This analysis was carried out in order to understand why action on gender by the Conference of the Parties (COP) has been largely limited to counting the number of women on committees or attending sessions, as opposed to embedding gender more meaningfully into climate action. The report serves as a guide and resource for negotiators as they prepare for future UNFCCC COP Gender sessions.

This report starts by exploring what ‘doing gender’ means within the UNFCCC. This analysis shows that ‘gender balance’ has largely dominated as the key gender strategy within the regime. ‘Gender balance’ within the UNFCCC is largely seen as a numbers problem, with the solution centred on increasing the number of women present at COP negotiations and working on regime bodies. While increasing gendered representation at the COP is a worthy goal, this approach is very limited and largely benefits a few women already in positions of power and influence. The ‘gender balance’ goal also distracts from more critical feminist approaches, which seek to challenge the structural inequities of climate change.

The report then moves on to discuss the place and voices of gender within UNFCCC negotiations and policies. This is undertaken by drawing upon feminist legal theory to show that gender debates occur largely on the margins of international climate negotiations and are viewed as side issues rather than mainstream topics of importance. This section of the report also examines who speaks with respect to gender and explores the role of the Women and Gender Consistency (WGC) group within the UNFCCC.

¹ Rao, Nitya, Elaine T. Lawson, Wapula N. Raditloaneng, Divya Solomon, and Margaret N. Angula, ‘Gendered Vulnerabilities to Climate Change: Insights from the Semi-Arid Regions of Africa and Asia’ (2017) 11(1) *Climate and Development* 14.

² Huyer, Sophia, Mariola Acosta, Tatiana Gumucio, and Jasmin Irisha Jim Ilham, ‘Can We Turn the Tide? Confronting Gender Inequality in Climate Policy’ (2020) 28(3) *Gender & Development* 571.

³ Cohen, Philippa J., Sarah Lawless, Michelle Dyer, Miranda Morgan, Enly Saeni, Helen Teioli, and Paula Kantor, ‘Understanding Adaptive Capacity and Capacity to Innovate in Social–Ecological Systems: Applying a Gender Lens’ (2016) 45(3) *Ambio* 309.

Analysis of the COP26 gender outcomes is carried out by identifying the missing voices at COP26. As has been well documented in the media,⁴ COVID-19-related travel restrictions resulted in the exclusion of a number of voices from COP26 negotiations including Pacific Island negotiators and civil society organisations. As the title of this report suggests, COP26 essentially urged but did not require Parties to ‘please do more on gender.’ In terms of gender outcomes, COP26 took incremental steps forward on gender by referencing gender equality in the preamble and substantive provisions of the Pact. The UNFCCC Secretariat also enhanced reporting requirements on gender balance by analysing, for the first time, speaking time by gender, which showed that men’s voices still dominate UNFCCC negotiations. While the Subsidiary Body for Implementation (SBI) continued to support work on enabling national gender focal point positions and implementing gender-responsive climate policies.

This report concludes by reflecting on how to get strategic on gender in the UNFCCC context. The analysis is informed by political ethnographic research exploring Pacific delegations in climate change negotiations. In this case, insights are drawn from a researcher’s participation in COP26 as a negotiator for Niue, as well as providing technical and political advice to other Pacific states in interstate coalitions like Pacific Small Islands Developing States (PSIDS) and the Alliance of Small Island States (AOSIS). While gender is identified as a key area for small island states and for the Pacific in climate negotiations, the Glasgow agenda prioritised completion of the Paris Rulebook on markets, adaptation and financing for adaptation, loss and damage, and oceans. Furthermore, with the limited capacity and time of negotiators, gender was negotiated at the delegation level rather than the coalition level. While there has been support for women’s participation in the global climate decision-making meetings, there is still a long way to realise gender expertise and gender speak in the climate talks. These are not failures but rather opportunities to elevate gender on the agenda – a strategy to situate gender in the consciousness and high politics of the climate change regime.

⁴ <https://www.theguardian.com/environment/2021/nov/08/cop26-legitimacy-questioned-as-groups-excluded-from-crucial-talks>

The Meaning of Gender within the UNFCCC

The integration of gender into the UNFCCC has been exceedingly slow, with investments spanning over two decades (Figure 1). The UNFCCC was the only instrument to emerge from the 1992 Earth Summit negotiations, which failed to mention women or gender.⁵ Scholarship exploring the reasons behind this omission attributes this failure to: delays in the accreditation of women’s groups as official stakeholders within the UNFCCC;⁶ equity issues being viewed as North/South tensions, as compared with equity being defined by an intersectional analysis;⁷ the dominance of scientific and economic knowledge and thinking;⁸ and characterisation of climate change as an urgent global problem justifying the exclusion of certain voices in order to solve more pressing issues.⁹

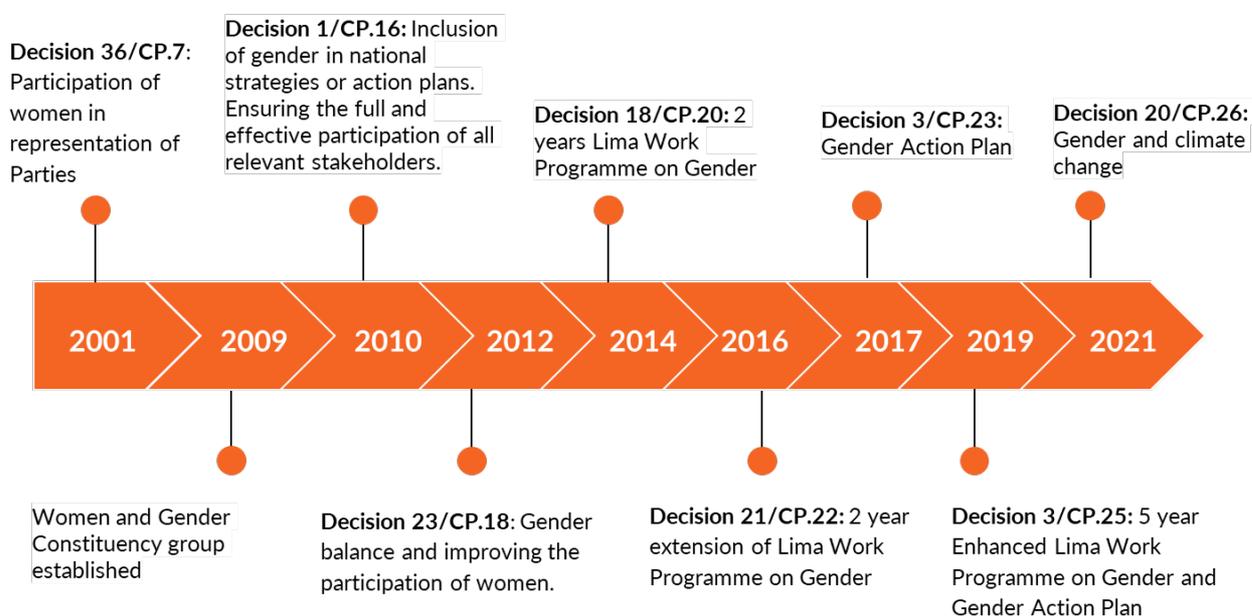


Figure 1. The history of gender in the United Nations Framework Convention on Climate Change.

⁵ Rowena Maguire, ‘Feminist Approaches’ in Lavanya Rajamani and Jacqueline Peel (eds), *The Oxford Handbook on International Environmental Law (2nd ed)* (Oxford University Press, 2021), 200.

⁶ Karen Morrow, ‘Ecofeminism and the Environment: International Law and Climate Change’ in Margaret Davies and Vanessa Munro (eds), *The Ashgate Research Companion to Feminist Legal Theory* (Routledge, 2013), 377.

⁷ Rowena Maguire, ‘Gender, Climate Change and the United Nations Framework Convention on Climate Change’ in Sue Harris Rimmer and Kate Ogg (eds), *Research Handbook on Feminist Engagement with International Law* (Edward Elgar 2019).

⁸ Susan Buckingham, ‘Gender and Climate Change Politics’ in Sherilyn MacGregor (ed), *Routledge Handbook of Gender and Environment* (Routledge 2017) 389, 390.

⁹ Sherilyn Macgregor, ‘Only Resist: Feminist Ecological Citizenship and the Post-Politics of Climate Change’ (2014) 29/3 *Hypatia* 617.

While Decision 36/CP.7 in 2001 first highlighted the need to improve the participation of women in the Parties to the UNFCCC in the formal negotiations,¹⁰ it was not until 2008 that the UNFCCC began to consider and recognise the gendered dimensions of climate change. A decade later, the UNFCCC started to highlight the need to ‘consider’ gender (no specifics provided) in the development of national strategies and actions around deforestation and forest degradation to reduce emissions (Decision 1/CP.16, 2010).

In 2014 the Lima Work Programme on Gender (LWPG) was adopted (Decision 18/CP.20). The LWPG aimed to integrate gender considerations into the Secretariat and the implementation of work under the Convention and the Paris Agreement by Parties. The LWPG creates a framework for reviewing all proposed implementations of gender-related mandates, awareness-raising for delegates on gender-responsive climate policy, capacity-building for women delegates, and appointments of gender focal points at the UNFCCC Secretariat. While the LWPG recognised global commitments to *gender equality* under the *Convention on the Elimination of all forms of Discrimination against Women* and the *Beijing Declaration and Platform for Action*, the LWPG itself does not consistently adopt the language of ‘gender equality’, with this term appearing only once within the instrument. The LWPG instead adopted the gender language of ‘gender balance’ and gender-responsive implementation.¹¹

The LWPG was extended in 2016 (Decision 21/CP.22), with a Gender Action Plan (GAP) finally being adopted in 2017 (Decision 3/CP.23). The GAP aims to mainstream gender across five priority actions: (a) capacity-building, knowledge management and communication; (b) gender balance, participation and women’s leadership; (c) coherence (i.e. strengthen the integration of gender considerations within the work of UNFCCC-constituted bodies, the Secretariat and other United Nations entities and stakeholders); (d) gender-responsive implementation and means of implementation; and (e) monitoring and reporting (i.e. of LWPG and the Gender Action Plan). The LWPG was reviewed in 2019 (Decision 3/CP.25) and extended for a further five years in order to implement the objectives of the GAP.¹² The extension of the LWPG is referred to as the Enhanced Lima Work Programme on Gender (the Enhanced LWPG), which runs to November 2024. Under the enhanced program, the Secretariat is required to prepare biennial synthesis reports on progress in integrating ‘gender balance’ into constituted body processes and an annual report on the gender composition of constituted bodies established under the Convention, the Kyoto Protocol, the Paris Agreement, and of the gender and age composition of Party delegations to sessions held under these instruments, including comparison with data for previous years.

¹⁰ UNFCCC, Improving the Participation of Women in the Representation of Parties in Bodies Established under the United Nations Framework Convention on Climate Change and Kyoto Protocol FCCC/CP/2001/13

¹¹ Rowena Maguire and Bridget Lewis, ‘Women, Human Rights and the Global Climate Regime’ (2018) 9 (1) *Journal of Human Rights and the Environment* 51.

¹² Huyer, Sophia, Mariola Acosta, Tatiana Gumucio, and Jasmin Irisha Jim Ilham. ‘Can We Turn the Tide? Confronting Gender Inequality in Climate Policy’ (2020) 28(3) *Gender & Development* 571.

Miriam Gay-Antaki's work explores the language of gender within the UNFCCC by tracking the gender negotiations leading up to the drafting of the Paris Agreement. Her research unpacks the significance and emergence of certain gender terms, including gender balance and gender equality, in the context of the UNFCCC negotiations.¹³ This research shows that while feminist groups have sought for the language of 'gender equality' to be inserted into UNFCCC instruments, the language of 'gender balance' has taken dominance within the regime. 'Gender equality' refers to equality between women and men and is seen both as a human rights issue and as a precondition for and indicator of sustainable people-centred development. On the other hand, 'gender balance' is more limited in scope and instead focuses on the ratio of women to men in any given situation.

The Paris Agreement reflects this division over gender language, with the preamble (the soft part of the agreement)¹⁴ calling for all actions on climate change to:

'respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.'

The substantive provisions of the Paris Agreement make no mention of gender equality; instead, the section on adaptation refers to 'gendered responsive' implementation. The UNFCCC does not provide a definition of this term, but UNDP defines gender responsiveness as:

*'.. outcomes that reflect an understanding of gender roles and inequalities and encourage equal participation, including equal and fair distribution of benefits. Gender responsiveness is accomplished through gender analysis that informs inclusion. Often, we must try to support efforts that transform unequal gender relations to promote shared power, control of resources, decision-making and support for women's empowerment.'*¹⁵

While gender has been incorporated into the UNFCCC framework, a large degree of uncertainty exists as to what 'doing gender'¹⁶ requires in the context of climate change. The instruments and decisions of the regime tend to focus on gender balance and gender responsiveness, but the UNFCCC does not clearly define these terms. Furthermore, gender seems to be shorthand for women in UNFCCC, with instruments of the regime failing to recognise and address the patriarchal structures and systems that perpetuate inequalities and make women and other gender identities vulnerable or marginalised, thus silencing the

¹³ Miriam Gay-Antaki, 'Feminist Geographies of Climate Change: Negotiating Gender at Climate Talks (2020) 115 *Geoforum* 1.

¹⁴ Lavanya Rajamani, 'The 2015 Paris Agreement: Interplay between Hard, Soft and On-Obligations' (2016) 28(2) *Journal of Environmental Law* 337.

¹⁵ UNDP, *Gender Responsive Indicators: Gender and NDC Planning for Implementation* (2019).

¹⁶ Nancy Johnson et al, 'How do agricultural developments projects empower women? Linking strategies with expected outcomes (2018) 3(2) *Journal of Gender, Agriculture and Food Security* 1.

diversity of voices. As a result of this uncertainty, in combination with resistance from some actors to embedding gender more meaningfully across the regime, gender within COP decisions is largely represented as being a problem of ‘gender balance’. This means that action on gender is seen as a numbers game, with a focus upon tracking the participation of women at COP negotiations and UNFCCC bodies. Analysis of the Glasgow gender-related decisions below shows that the regime’s COP-related decisions tend to focus on the language of gender balance, with gender-responsive being dealt with in side events and capacity-building sessions occurring outside of the official negotiation spaces.

The Place and Voice of Gender in COP Negotiations

While there was increased interest in gender and climate change at COP26, a closer examination reveals that gender discussions occurred largely on the periphery of the COP negotiations. In an article entitled ‘Talking to Ourselves’, Hilary Charlesworth reflects that ‘despite talk of women’s rights and gender mainstreaming, women’s lives remain on the periphery of international institutions.’¹⁷ Charlesworth writes that while ‘feminist international legal scholarship presents itself as being in conversation with mainstream international law ... the conversation is, however, almost completely one-sided, a monologue rather than a dialogue.’¹⁸ These reflections made in 2014 still ring true when considering the place and people involved in gender and climate negotiations within the UNFCCC, as will be explained in more detail below, when considering gender-related developments from COP26.

Gina Heathcote work on fragmentation explains that gender reforms have resulted in minimal change due to gender being relegated to the ‘ghetto’ of international negotiations.¹⁹ Placing gender in the ghetto, means that gender issues appear as special interest topics rather than being viewed as issues integral to the regime’s success. The place of gender within the UNFCCC matters. If critical approaches to gender are only seriously explored within side events and civil society-arranged activities, negotiations around gender only reach the ears of those already interested and engaged in gender and climate policy. Heathcote writes that fragmentation leads to the creation of pockets of isolated feminist reform that tend to be directed at improving women’s issues rather than improving inequality within the structures of international law.²⁰ Such a focus fails to consider how the UNFCCC processes and systems operate to increase gender oppression, for example, by valuing economic and western scientific knowledge as superior forms of knowledge and protecting the interests of powerful nations ensuring that certain obligations and actions are kept out of COP decisions.

In 2009, the WGC was established and recognised as a stakeholder group of the UNFCCC, representing women’s and environmental civil society organisations and mainstream gender equality and the rights of women in the UNFCCC dialogue and commitments.²¹ Karen Morrow has argued that this recognition, despite being incredibly late, is significant for symbolic and practical reasons. Practically, it has provided women’s organisations with more direct access to climate regime meetings, resources and information while, symbolically, it has conferred a degree of legitimacy to the topic of gender in the regime.²² The WGC plays a key role in

¹⁷ Hilary Charlesworth, ‘Talking to Ourselves? Feminist Scholarship in International Law’ in Sari Kouvo and Zoe Pearson (eds) *Feminist Perspectives on Contemporary International Law: Between Resistance and Compliance* (Hart Publishing 2014) 17, 23.

¹⁸ *Ibid* 17.

¹⁹ Gina Heathcote, *Feminist Dialogues on International Law: Success, Tensions, Futures* (Oxford University Press 2019).

²⁰ *Ibid* 83.

²¹ For an overview of the process involved in gaining this recognition see Karen Morrow, ‘Changing the Climate of Participation: The Gender Constituency in the Global Climate Change Regime’ in Sherilyn MacGregor (ed), *Routledge Handbook of Gender and Environment* (Routledge 2017) 399.

²² Karen Morrow, ‘Tackling Climate Change and Gender Justice – Integral Not Optional’ (2021) 11(1) *Onati Social-legal Series* 207.

shaping how gender is represented within the UNFCCC, with its purpose being to link its members to the Secretariat, deliver interventions during formal negotiations, facilitate meetings with other stakeholder groups, and organise side events, including Gender Day, which has been running since 2012. The WGC comprises 28 women's and environmental civil society organisations and networks. Arguably, the strongest voice within the constituency comes from part of the Women's Major Group (WMG), which consists of eight partners who are mainly based in the Global North but who focus on the Global South.²³ The voices representing gender are thus largely from the Global North, justified on the basis of these speakers having significant diplomatic experience and expertise.

The WGC has the difficult task of representing the voice of all women and is given three minutes to deliver interventions within UNFCCC plenary sessions. The WGC's strategy has been to trot out the 'average third world women trope' in order to frame action on gender and climate as a moral imperative.²⁴ While this 'strategic essentialism' has been useful in creating a space for gender within UNFCCC negotiations,²⁵ it means that gender has lost its critical edge, with gender being seen as a technical problem to be fixed rather than being acknowledged as a source of oppression.²⁶ The representation of women as either victims of climate change or as agents of change means that feminist approaches advocating for structural change to global and national economic and political systems are side-lined in favour of maintaining a placeholder for gender within the negotiations.²⁷

Engaging in the UNFCCC is challenging for gender, feminist or women-led organisations because 'advocacy not only requires significant immersion in the negotiation process, it also often requires compromises in the way that one puts forward women's concerns and articulate gender considerations.'²⁸ Some prefer to remain independent in order to hold true to their ideology and values and play a valuable role in pushing for more radical change. There continues to be resistance to more critical feminist approaches as examining climate change through a feminist lens 'implies a shift away from dominant, market-based mechanisms to people-centred ones'²⁹ disrupting business from usual approaches.

²³ Gay-Antaki (n 14).

²⁴ Ibid.

²⁵ A number of gender scholars have explored the strategic use of 'essentialism' within international negotiations to create space for gender-related discussions. See Rosa Braidotti, Ewa Charkjewicz, Sabine Hawsler, Saskia Wieringa, *Women and Sustainable Development: Towards a Theoretical Synthesis* (Zed Books, 1994); Bernadette Resurrección, 'Persistent Women and Environment Linkages in Climate Change and Sustainable Development Agendas' (2013) 40 *Women's Studies International Forum* 33; and Gay-Antaki (n 14).

²⁶ Andres Cornwell, 'Revisiting the Gender Agenda' (2017) 38(2) *IDS Bulletin* 69.

²⁷ Macgregor (n 9).

²⁸ Minu Hemmati, Minu, and Röhr Ulrike, 'Engendering the Climate-Change Negotiations: Experiences, Challenges, and Steps Forward' (2009) 17(1) *Gender & Development* 19, 26.

²⁹ Ibid 30.

Missing Voices at Glasgow Negotiations

The Glasgow COP negotiations have been described as the most exclusionary COP ever.³⁰ In terms of Pacific representation at COP26, only 150 of the 30,000 COP attendees were from Pacific Island countries.³¹ Smaller Island States, such as Tuvalu, Kiribati and the Marshall Islands, have previously have been crucial diplomatic actors in COP negotiations.³² The disruption of airline schedules, diverse quarantine regimes that Islanders had to negotiate to reach Glasgow, combined with the added expense of travel in a pandemic and fear of bringing coronavirus back to largely COVID-19-free areas, reduced the number of Pacific negotiators at COP26.³³ As a result, Pacific Island negotiators and delegates were thin on the ground, with Pacific representatives having to jump between meeting rooms. This was a major problem for Pacific Island delegations, who had reduced power against fossil fuel lobbyists at Glasgow:

*'This is one of those places where numbers matter. You can see the strain on our delegations already, just not having enough people. Each thematic area needs at least one negotiator, but you need two or three to back up.'*³⁴

COP26 was a hybrid conference, and while only 150 negotiators in Glasgow, back in the Pacific, teams worked to support those on the ground in Glasgow. During PSIDS' daily meetings, negotiators on the ground were able to brief but also sought clearance from the capital via zoom meetings. At the same time, delegates were able to participate in the plenary and spin-off sessions throughout the meetings. This involved working through the night because of time differences and, for some delegations, camping and working together for the full two weeks of meetings.

The fourteen Pacific island states represented at the annual COP participate as individual sovereign states carrying national climate change interests. Moreover, Pacific islands assert their positions by working collaboratively in multiple interstate coalitions. These coalitions include the Global South coalitions (e.g., G-77 and China, Least Developing Countries Group, Climate Vulnerable Forum, AOSIS), the mixed North and South coalitions (e.g., the Cartagena Group and High Ambition Coalition), to regional Pacific coalitions like PSIDS.³⁵ The latter, PSIDS, has become a vehicle in which Pacific island states share information and pursue issues, like gender, in forums like AOSIS, other Global South coalitions and the wider UNFCCC forum. PSIDS incorporates the One CROP Plus initiative that brings together all regional inter-

³⁰ Mara Dolan, 'The Power is With Us: COP26 Fails People & Planet' *Women Gender Constituency* (Glasgow, 13 November 2021) <<https://womensgenderclimate.org/press-release-the-power-is-with-us-cop26-fails-people-planet/>>.

³¹ Volker Boege, 'Pacific Voices Loud and Clear at COP26' (*Toda Peace Institute*, 4 December 2021) <<https://toda.org/global-outlook/pacific-voices-loud-and-clear-at-cop26.html>>.

³² George Carter, 'Establishing a Pacific Voice in the Climate Change Negotiations' in Greg Fry and Sandra Tarte (eds), *The New Pacific Diplomacy* (ANU, 2015) 205-220.

³³ Boege (n 47).

³⁴ Nic Maclellan, 'COP26 Pacific Voices, Young and Old, Call for Action at Climate Talks' *IB Island Business* (Samoa, 10 November 2021) <<https://islandsbusiness.com/news-break/pacific-voice-cop26/>>.

³⁵ <https://www.taylorfrancis.com/chapters/edit/10.4324/9780429316258-7/pacific-island-states-30-years-global-climate-change-negotiations-george-carter>

governmental organisations working on climate change to support the positions of countries. One CROP Plus provides training and political support throughout the year and is spearheaded by the Secretariat of the Pacific Regional Environment Program.³⁶

Despite these limitations, COP26 saw ‘Oceanic diplomacy’ on display. Oceanic diplomacy is a culture of engagement, a set of cultural rules and norms that shapes interactions between political communities. This form of diplomacy is about looking at alternative ways in which Oceanic societies have resolved governances of relations between political communities and how these practices remain relevant and important in resolving global challenges in the postcolonial era.³⁷ At COP26, Oceanic diplomacy was used to maintain ambitions to work towards 1.5 degrees of action and to remind Parties of their obligations to increase adaptation finance.

It is estimated that around two-thirds of civil society actors that would normally attend COP negotiations did not attend due to vaccine apartheid, changing travel rules, high travel costs and the United Kingdom’s restrictive visa system.³⁸ Civil society actors that did make it to Glasgow faced further exclusion with limited passes available for the two-day leaders’ summit and were also blocked from entering work stations, offices and restaurants where negotiators were located.³⁹ The WGC released a press release with statements from members critiquing the lack of access and participation rights for Civil Society Organisations at COP26.⁴⁰ Aderonke Ige stated:

‘COP26 is a well-disguised charade, dominated by ‘big boys’ in shiny suits and small rooms, concerned only with protecting their image, profits, and power. Meanwhile, systemic oppression, vaccine apartheid, and private negotiations have excluded the victims of these climate crimes! Without the people’s voices and real solutions, COP is just an elite marketplace for environmental criminals.’⁴¹

Civil society actors have played an important role in moving forward action on gender equality, indigenous rights, youth movements, adaptation, and reducing emissions from deforestation and forest degradation at UNFCCC negotiations.⁴² Non-state actors bring a wealth of knowledge and expertise, working with communities that sit outside the knowledge

³⁶ <https://www.rnz.co.nz/international/pacific-news/457022/cop26-glasgow-climate-pact-we-didn-t-come-home-empty-handed>

³⁷ George Carter, Greg Fry, Gordon Nanau, ‘Oceanic Diplomacy: An Introduction’ (2021) Department of Pacific Affairs Technical/Working Paper In Brief IB 2021/23, <<https://dpa.bellschool.anu.edu.au/experts-publications/publications/8173/ib-202123-oceanic-diplomacy-introduction>>.

³⁸ Nina Lakhani, ‘Cop26 Legitimacy Questioned as Groups Excluded from Crucial Talks’ *The Guardian* (Glasgow, 8 November 2021) <<https://www.theguardian.com/environment/2021/nov/08/cop26-legitimacy-questioned-as-groups-excluded-from-crucial-talks>> accessed date?

³⁹ Ibid.

⁴⁰ Dolan (n 35).

⁴¹ Ibid.

⁴² Karen Morrow, ‘The Gender Constituency in the Global Climate Change Regime’ in Sherilyn MacGregor (eds), *Routledge Handbook of Gender and Environment* (Routledge, 2017) 398; and Heike Schroeder, ‘Agency in International Climate Negotiations: The Case of Indigenous Peoples and Avoided Deforestation’ (2010) 10 (4), *International Environmental Agreements: Politics, Law and Economics* 317.

and expertise of government negotiators. This variety of knowledge and experiences tends to be shared in different forums, with governments controlling the discourse in official negotiating spaces and non-state actors contributing to side events and panels. As discussed above, this means that messages around gender at COP will vary between official negotiating spaces and side events. Gender within official negotiation events is limited to gender topics that are acceptable to more powerful delegations, such as gender balance, while side events and SBI decisions support more critical and structural feminist positions.⁴³

Glasgow Gender Outcomes

Gender in the Glasgow Climate Pact

The Glasgow Climate Pact⁴⁴ is soft law, but not all soft law is created equally. While COP decisions are technically soft law, the Marrakesh Accords and Cancun Agreement provide examples of COP decisions driving ambition and generating far-reaching political – almost legal – consequences. COP decisions also play an important role in operationalising the Paris Agreement and a key role in clarifying global climate governance arrangements for the many institutions operating within the regime.⁴⁵ While the Glasgow Climate Pact is technically soft law, the Pact has political significance and provides insights as to how the regime plans to address gender and climate change. The following analysis unpacks the difference between gender in the formal negotiations (Glasgow Climate Pact) versus gender in the side events and evaluates the legal significance of these decisions addressing gender emerging from the Glasgow negotiations.

The Glasgow Climate Pact, in essence, requests Parties to ‘please do more’ with respect to gender but creates no mandatory obligations to do so. Gender is referenced four times within the Pact, including in the preamble and within the substantive provisions of articles 62, 68 and 69, with the language of ‘gender equality’ starting to gain traction within the decision. The preamble reads: ‘Parties should, when taking action to address climate change, respect, promote and consider ... gender equality and empowerment of women.’ Article 62 repeats the language of gender equality and empowerment of women and ‘urges’ Parties to swiftly begin implementation of the Glasgow work program on Action for Climate Empowerment. Article 68, meanwhile, focuses on gender balance and encourages ‘Parties to increase the full, meaningful and equal participation of women in climate action and to ensure gender-responsive implementation and means of implementation, which are vital for raising

⁴³ Gay-Antaki (n 14).

⁴⁴UNFCCC, ‘Glasgow Climate Pact, Decision- CP.26’, advance unedited version available at <https://unfccc.int/documents/310475>

⁴⁵ Antto Vihma, ‘Climate of Consensus: Managing Decision-Making in the United Nations Climate Negotiations’ (2015) 24(1) *Review of European Community and International Environmental Law* 58, 60; Lavanya Rajamani, ‘The Cancun Climate Agreements: Reading the Text, the Subtext and the Tea Leaves’ (2011) 60(2) *International and Comparative Law Quarterly* 499.

ambition and achieving climate goals.’ Article 69 ‘calls upon Parties to strengthen their implementation of the Enhanced LWPG and its gender action plan.’

In terms of evaluating progress made on gender in the Glasgow Climate Pact, a positive development is the inclusion of gender equality language not only in the preamble but also within the substantive parts of the Pact. A limitation regarding gender in the Pact is the voluntary nature of the wording on gender, which sees gender remain largely on the margins of COP negotiations, requiring no substantial action from parties. Future developments will need to build on these foundations and strengthen the language and financial and technical support available to ensure the implementation of the Enhanced LWPG.

Gender Composition Report

Since 2013, the Secretariat of the UNFCCC has been releasing gender composition reports tracking the gender composition of constituted bodies established under the Convention, the Kyoto Protocol and the Paris Agreement, and of the gender and age composition of Party delegations. This is the mechanism used by the regime to evaluate progress made towards gender balance. In preparation for Gender Day, the Secretariat of the UNFCCC prepared a report tracking gender composition for 2021.⁴⁶ Some key statistics from this report include:

- Gender composition varies among the constituted bodies and fluctuates from year to year. In 2021, the representation of women varied between 10 per cent on the Clean Development Mechanism Executive Board and 63 per cent on the Adaptation Committee.
- Representation of women in Party delegations increased by 9 per cent, with 49 per cent of party delegates being women.
- Representation of women as Party heads rose by 12 per cent, with 39 per cent of heads and deputy heads of Party delegations being women.
- A study put together by the Women’s Environmental and Development Organization (WEDO) suggests that at current levels of change, gender parity for heads and deputy heads of Party delegations won’t be reached until 2068.⁴⁷

COP25 requested the Secretariat to include information on speaking times by gender in the composition report. An analysis of speaking times was requested to provide a deeper understanding of the agency and power that women have in shaping UNFCCC COP outcomes. The speaking time analysis was limited to plenaries (eight) and meetings on the topics of finance (four) and technology (three). In total, 1,367.08 minutes were analysed, with Party delegates differentiated by gender, age and role in the meeting (Chair, co-facilitator or speaker). Some of the key findings from this analysis include:

⁴⁶ Secretariat of UNFCCC, Gender Composition, FCCC/CP/2021/4, 20 August 2021 available at [cp2021_04E.pdf \(unfccc.int\)](#)

⁴⁷ <https://wedo.org/wp-content/uploads/2020/01/Factsheet-UNFCCC-Progress-Achieving-Gender-Balance-2019.pdf>

- While 51 per cent of Party delegations were men, they accounted for 60 per cent of the Party delegates who spoke in plenaries, 63 per cent of the total speaking time in plenaries and 74 per cent of speaking times in finance meetings.
- Chairs and co-facilitators accounted for 31–38 per cent of the speaking time in their respective meetings, highlighting the importance of this role in ensuring women’s visibility.

Addressing gender as an issue of data and percentages is an approach that the UNFCCC is competent and capable to perform. The Gender Composition Report from COP26 seems to suggest that the Secretariat is planning to expand this analysis across other sessions at future COP events. This exercise puts Parties on notice that gender balance is being actively pursued by the regime. The reports are careful not to reveal the gender composition of individual country’s delegations, instead providing an overview of gender participation by comparing gender representation across the five United Nations regional groups: African States, Asia-Pacific States, Eastern European States, Latin American and Caribbean States, and Western European and other States. This process is thus not a naming and shaming activity, and allows Parties not taking action to increase gender representation to remain unidentified. Future reports could break down gender composition by country, and this would signal a commitment to taking gender balance more seriously.

Reporting of gender composition within UNFCCC bodies is more nuanced and includes detail not only on the existing gender composition of these regime bodies but also information on strategies used by these bodies to enhance gender balance.⁴⁸ While it is encouraging to see gender balance being more actively pursued by the regime, these activities conform with the UNFCCC’s existing approach of dealing with gender as a problem of numbers as compared with viewing gender as a more critical variable which can help to achieve climate justice-related issues within the regime. Parties need more pressure placed on them to include gender within their future Nationally Determined Contributions (NDCs) pledges and to commit to gender-responsive implementation and financing of climate mitigation and adaptation policies and projects both within and beyond their jurisdictions.

⁴⁸ Ibid Annex II.

The Glasgow Gender and Climate Change Decision

Despite the relevance of gender and climate, within the Pacific being a priority, no Pacific island state had nominated an NGCCFP at the time of writing. This suggests a need for further resourcing support from the Global North to support NGCCFP positions within Pacific island states.

The Glasgow negotiations resulted in a specific decision on gender and climate change by the SBI.⁴⁹ This decision does not create any significant obligations for Parties but does provide insight into the types of gender activities and strategies that are being prioritised to drive implementation of the Enhanced LWPG with respect to gender-responsive implementation. The preamble of the decision acknowledges, with appreciation, the constructive, ongoing engagement in virtual meetings and workshops in support of Gender Action Plan activities A.2 and D.6 1.

Activity A.2 of the Enhanced LWPG seeks to clarify the role and work of the national gender and climate change focal points. By the time of the Glasgow negotiations, 94 countries had nominated a National Gender and Climate Change Focal Point (NGCCFP), with these individuals largely coming from ministries/environmental departments.

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In preparation for Glasgow, a virtual meeting was held in October 2021 to discuss and clarify the NGCCFP role.⁵⁰ Key issues for discussion included: identifying the short-/medium- and long-term goals of the NGCCFP, gaining some consensus on the workload percentage for the role, and identifying the types of networks and relationships that need to be built to ensure integration of gender across all sectors, programs and institutions involved in climate policy at the national level. The short, medium and long-term goals created at this meeting are summarised in Table 1. These goals provide a very rough roadmap for understanding the objectives and activities of NGCCFPs.

⁴⁹ Subsidiary Body for Implementation, Gender and Climate Change, FCCC/sbi/2021/L.13, 6 November 2021 available at [sbi2021_L13E.pdf \(unfccc.int\)](https://unfccc.int/sites/default/files/2021-11/sbi2021_L13E.pdf)

⁵⁰ UNFCCC, Virtual Workshops – Role of the National Gender and Climate Change Focal Points [Virtual workshops - Role of the national gender and climate change focal points | UNFCCC](https://unfccc.int/sites/default/files/2021-11/virtual_workshops_role_of_the_national_gender_and_climate_change_focal_points.pdf)

Table 1. Outcomes of the meeting to discuss and clarify the NGCCFP role prior to the Glasgow COP

| Goals | Outcomes |
|--------------------|--|
| Short-term | <ul style="list-style-type: none"> • Role of NGCCFP is known • Relevant stakeholders are identified/recognised • Connections are made, tools are set up • Information and data about gender and climate change are disseminated • Capacities on climate change and gender are built • Gender is considered in the national sectorial policies • Gender is integrated into the NAP • Gender and climate change gaps are identified |
| Medium-term | <ul style="list-style-type: none"> • Tools for articulation are identified • Ministries are articulated • Action plan is implemented • All climate change-related institutional arrangements include a gender-focal person • Participation in negotiation spaces • Gender perspectives are integrated into all climate policy documents |
| Long-term | <ul style="list-style-type: none"> • Gender is integrated into different sectors • Gender is monitored in projects and programs • Focal points from different countries exchange knowledge and work in an articulated manner • Gender is integrated into all policy tools • Monitoring and evaluation of the plan are followed • UNFCCC GAP is channelled on a national level for sustainable positive impacts • Make article proposals (GAP) |

Gender focal point positions have been used as a mechanism for mainstreaming gender across a range of sectors. Within the Pacific, gender focal points have been appointed within line ministries, for example, under the Progressing Gender Equality in the Pacific project, which involved the creation of gender focal point positions to support the achievement of gender equality goals in regional commitments such as the Pacific Leaders’ Gender Equality Declaration (2012), and Pacific Platform for Action for Gender Equality and Women’s Human Rights (2017). Sangeeta Mangubhai and Sarah Lawless have explored some of the issues arising from the gender focal point model in the fisheries sector within Melanesia.⁵¹ This research found that those appointed to such positions had little to no experience working on gender, were required to fulfil the role in addition to the other tasks in their job description, and were largely ineffective because they were junior staff without institutional-level decision-making power. NGCCFPs will have a considerable mandate, with their effectiveness for enacting change being dependent upon governments’ willingness to integrate gender into national climate policies and providing resources and political support for the position to deliver.

⁵¹ Mangubhai, Sangeeta and Sarah Lawless, ‘Exploring Gender Inclusion in Small-Scale Fisheries Management and Development in Melanesia’ (2021) 123 *Marine Policy* 104287.

Activity D.6.1 of the Enhanced LWPG focuses on sharing information on lessons learned among Parties that have integrated gender into national climate policies, plans, strategies and action (e.g. information on results, impacts and main challenges) and on the actions that Parties are taking to mainstream gender. A gender tracker tool has been developed by WEDO, which provides an analysis of how each country has or has not included gender within their NDC pledges and national climate policies. A summary of key observations from the 2016 pledges and updated 2020 pledges is summarised in Table 2.⁵²

Table 2. Based on WEDO’s analysis of the 2016 and updated 2020 NDC pledges

| Themes | WEDO Analysis of 2016 NDC Pledges | WEDO Analysis of 2020 Updated NDC |
|--|--|---|
| References to gender | In total, 64 of the 190 NDCs included a reference to women or gender. | Seven of the 14 updated NDCs analysed include a reference to women or gender. |
| Annex I or Annex II countries | All of these 64 countries are non-Annex I countries. WEDO notes this is significant as gender is rarely perceived as being relevant in mitigation contexts, which is the overwhelming focus on Annex I parties. | Norway is the only Annex I country to include a reference to gender. |
| Mitigation or Adaptation or other | Gender is most commonly referenced in relation to adaptation (27 countries), followed by mitigation (12 countries), implementation (9 countries), and capacity-building (5 countries). Of the documents, 22 reference gender as being mainstreamed across a number of sectors. | All 4 new NDCs include a reference to gender or women. |
| Vulnerability framing | In total, 34 of 64 countries position the role of women as a vulnerable group. | |
| Agents of Change framing | Fifteen NDCs refer to women as important decision-makers or stakeholders in the context of climate change policy-making, and 6 NDCs refer to women as agents or drivers of change. | |
| Gender budgeting | Complete absence of gender-responsive budgeting in NDC, which shows weak commitment to implementing gender provisions. | |
| Gender Climate Legislation | Only Liberia and Peru identified legislation that has been specifically developed to address the intersection of climate change and gender. | |

⁵² WEDO, Gender Climate Tracker, available at [Quick Analysis | Gender Climate Tracker](#)

Gender work occurring under the SBI is more focused on gender responsiveness to climate change. The creation of the NGCCFP provides an opening at the national government level to integrate gender into national climate activities and approaches. Networking among NGCCFPs to share lessons on how to make traction will be essential. In addition, sharing templates and examples of gender-responsive wording and drafted policies will also be useful. This work is occurring as a result of the Enhanced LWPG, which is acknowledged in COP decisions. As the UNFCCC is still largely structured on a state-based system, the mainstreaming of gender is largely assumed to be a job for government. In terms of expertise, civil society actors have valuable experience in working on gender and climate initiatives, and this expertise should be drawn on when seeking to ‘do gender’ in national climate policies and foreign aid-related activities.

Getting Strategic on Gender

Within the UNFCCC system ... there is an opportunity for a Gender COP – a COP that seeks all countries to make a commitment and invest in gender in all parts of climate action.

Despite slow progress being made in climate change negotiations, momentum is building on gender along with human rights, oceans and environmental justice as future COP key agenda items. For much of the 30 years of negotiations, the focus of climate politics has always been on mitigation and its mechanism to address the cause of greenhouse gas emissions, on adaptation and local and national responses to impacts on society and the environment, and on ensuring that adequate finance exists to meet these global actions. Lessons from the regime foretell that for any issue or mechanism to be prioritised, it takes years of consistent advocacy, as well as a group of countries, including a Chair or President of the COP, to elevate the issue.

At COP23, Fiji was the chair of the annual conference, and it chose to elevate two issues: a focus on small islands developing states and oceans. Since 2017, oceans have become a permanent issue pursued by groups like the Ocean Alliance, who have called for more attention to dialogue and addressing the impact of climate change on oceans. This has opened up opportunities for research, collaborative inter-governmental initiatives and climate financing to address national government needs like the blue economy. During the United Kingdom's presidency, its priority was to have a goal of net zero and financing for adaptation. The former meant the arduous task of bringing all economies to set a future goal to ensure that economies like China, the United States and Australia set equally ambitious pathways like Tuvalu and the Marshall Islands or net zero. Furthermore, elevating adaptation and finance as key priorities meant Global South assurances to discuss steps in addressing issues of loss and damage and oceans; herein lies the strategies for elevating gender in the UNFCCC regime.

Within the UNFCCC system, elevating gender requires a commitment from an incoming COP President as its key goal. Like Fiji and its Island COP, or the United Kingdom and its Net Zero and Adaptation Finance COP, there is an opportunity for a Gender COP – a COP that seeks all countries to make a commitment and invest in gender in all parts of climate action. A Gender COP will require the UNFCCC to further invest in systems and call for mechanisms to address not just women's participation but gender equality and equity in all facets of climate change work. Similar commitments are seen in the space of sustainable development. The UN Commission on the Status of Women is not waiting for gender to be integrated into the UNFCCC and is mainstreaming climate change into its work on gender equality. For example, the 2022 theme is *“Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes.”*

The COP presidency is rotated through the five UN regions, and COP 27 in Egypt is for Africa. There are certain countries, as seen in COP26 Gender Day, that are gender champions – including: Sweden, New Zealand, Bolivia, Samoa, Venezuela and Tanzania that could play a role in elevating Gender as a priority at future COP sessions.⁵³ The timing of such a gender COP will need to fit around the regime's busy years, such as 2025 for the Global Stocktake or 2030 towards the end of the Paris Agreement year. However, whether the leadership for a Gender COP comes from countries with women leaders or countries with advanced work around National Gender Action Plans, their advocacy and examples would pave the way for more global climate action on gender.

‘Within the UNFCCC system, elevating gender requires a commitment from an incoming COP President as its key goal.’

Beyond this long-term vision of a Gender COP, there is more that can be done now. Capacity continues to be a challenge. While there is some progress in offering: negotiator training for women,⁵⁴ gender training for journalists or Meteorology officers,⁵⁵ and some attempts to mainstream gender across climate finance⁵⁶ more can be done. At best, capacity is channelled at the national government level but has not reached the community and local levels. At the same time, there has been limited acknowledgement or research to explore indigenous/traditional and local knowledge – institutions and their practices – of climate change impacts on gender relations in society. In the Pacific, a community of practice on climate change has developed over the three decades. At best, this knowledge and work in understanding climate action in the Pacific is situated at the national government level. To enhance the work on gender and climate change, acknowledgement of and investment in understating how climate impacts gender relations is needed at the local level as well – not only in the form of equity and equality but also in understanding how climate is linked to tension and violence.⁵⁷

Furthermore, to be able to influence decision-making, information power is needed. While academic research is wanting in terms of understanding gender and climate change, so too is information in the grey literature. Only a handful of technical reports or projects have focused on the nexus of gender and climate change, as well as the contributions to global action. Programs run through the Food and Agriculture Organization of the United Nations Office⁵⁸ on rural women and agriculture, Oxfam research on climate finance and women⁵⁹ and the current work of ACIAR⁶⁰ are attempting to fill this information void. An investment in research and technical work will build a body of knowledge to support the claims and positions of

⁵³ <https://www.gov.scot/news/celebrating-gender-day-at-cop26/>

⁵⁴ <https://wedo.org/learning-leading-pacific-women-climate-negotiators-train-for-the-future/>

⁵⁵ [Supporting gender equality and social inclusion across Pacific Met Services | Pacific Environment \(sprep.org\)](#)

⁵⁶ [Pacific Gender and Climate Change Toolkit | UN Women – Headquarters](#)

⁵⁷ [Climate change disasters and gender based violence in the Pacific | UN Women – Asia-Pacific](#)

⁵⁸ <https://www.fao.org/3/ca6156en/ca6156en.pdf>

⁵⁹ https://www.pasifikarising.org/wp-content/uploads/2020/03/Making_climate_finance_work_for_women.pdf

⁶⁰ <https://www.aciar.gov.au/project/clim-2021-110>

countries and coalitions of small island states in climate negotiations. One major area for research is to support the work of National Gender Action Plans in investigating how such reporting systems can be an extension of current reporting systems and not be a burden to countries. It is essential to build the gender climate change body of knowledge through academic, private and civil society to inform policy and governments.

A Pacific political champion on gender, women and climate change will go a long way in elevating the issue through the negotiations and also in the international media. A global campaign with a Pacific champion should not just be limited to the UNFCCC process but in all global gender and women forums. Woven into such campaigns are the diverse stories of women from across the Pacific, the resilience of the community and local/traditional and indigenous institutions and practices, leadership of government and civil society, and the innovation of regional organisations.

In the contemporary, there is urgency in participating in the current gender processes. With the second phase of the Enhanced LWPG, Parties are ultimately saying they can do more but that this requires political will. While the framework has been set, not many countries like those from the Pacific have responded or provided national submissions. As the UNFCCC process is calling for national submissions in intercessional and upcoming COPs, Pacific states and their coalitions need to be active in setting the agenda and in their participation. This requires national support in elevating gender as a top priority for states or through the regional approach – in this regard, working through the One CROP Plus initiative to seek a political champion to spearhead the Pacific campaign. A Pacific political champion on gender, women and climate change will go a long way in elevating the issue through the negotiations and also in the international media. A global campaign with a Pacific champion should not just be limited to the UNFCCC process but in all global gender and women forums. Woven into such campaigns are the diverse stories of women from across the Pacific, the resilience of the community and local/traditional and indigenous institutions and practices, leadership of government and civil society, and the innovation of regional organisations.

Conclusion

This report has explored the language, places, dominant and missing voices on gender within the UNFCCC. The language on gender differs between formal negotiating spaces of the Parties and side events attended by a larger group of participants, including civil society. In the formal spaces, gender and climate are largely viewed as being about enhancing the representation of women at COP. We have argued that while progress on gender balance is important, it is only a first step in taking action on gender and climate change and that more critical feminist approaches and action on embedding gender more meaningfully in climate policy implementation are urgently needed. More transformational, feminist-inspired gender messages are found within the side events of the regime but largely involve feminists ‘talking to ourselves’.⁶¹

As a result of COP institutional processes, the WGC has been given three minutes to present a message on gender at plenary sessions. This has resulted in strategic essentialism, which tends to restate the ‘vulnerable women’s position’ in order to simplify the message for a broad audience and maintain moral support. This has the flow-on effect of seeing gendered vulnerability being the second most dominant understanding of gender issues within the UNFCCC. Insights into how to enhance the implementation of policy on gender and climate can be gleaned from the COP side-event sessions. Gender events hosted by the SBI prior to the COP on NGCCFP and on enhancing the implementation of gender in climate policies will be key policy spaces to advance action. Initiatives and work emerging from these spaces needs to then be recognised and supported within plenary sessions.

Significant traction on gender could be achieved by a group of countries working together to host a ‘Gender COP’. The Pacific islands and the region have been at the forefront of climate change advocacy, and can lead and mobilise global action. Such an event would result in collaborative inter-governmental initiatives and financing to support gender implementation of climate policy and signal to all Parties that gender is a legitimate and key priority of the regime. The question that remains to be answered is *which country or countries will take charge on gender and climate within the UNFCCC?*

⁶¹ Charlesworth (n 20).

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