

1. Feminist legal methods and environmental chronic emergencies: challenging the anthropocentric and androcentric international legal system

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1. INTRODUCTION

Environmental chronic emergencies (ECEs), as this concept has been developed in this project,¹ are and have been around us, hidden in plain sight, one could say. Some of the phenomena that fall under this notion are related to climate change, which, as this chapter will explain further, is an example of ECE: desertification, loss of biodiversity, sea level rise, acidification of the ocean and salinization of water can be named. However, other environmental phenomena – caused by (a part of) humanity² – could be brought within the terms of this new concept, such as the environmental effects of extractive industries or the end of extractivism, the presence of microorganisms affecting the quality of water and pollutants that are considered relatively innocuous at a certain moment in history, the impact of exploitative animal agriculture.³ Back

¹ On the definition of the concept, see in more detail Deborah Russo, ‘Moving Beyond an Approach Based on Crisis and Disasters to Address Environmental Chronic Emergencies’ in this Volume.

² Emily Jones, Dianne Otto, ‘Thinking through anthropocentrism in international law: queer theory, feminist new materialism and the postcolonial’ (*LSE Centre for Women, Peace and Security blog* 2020) <<https://www.lse.ac.uk/women-peace-security/assets/documents/2020/Final-Jones-and-Otto-Anthropocentrism-Posthuman-Feminism-Postcol-and-IL-LSE-WPS-Blog-2019-002.pdf>> accessed 8 April 2025.

³ On exploitative animal agriculture, see Maneesha Deckha, ‘The One Health Initiative and a Deeper Engagement with Animal Health and Wellbeing: Moving Away from Animal Agriculture’ in Irus Braverman (ed.) *More-than-One Health. Humans, Animals, and the Environment post-Covid* (Routledge 2023) 157. On

in 1962, American biologist Rachel Carson denounced in *Silent Spring* the toxic connections between pesticides, environmental degradation and inter-species health.⁴ Looking at the situation of Indigenous women, the economist and activist Winona LaDuke wrote:

The rapid increase in dioxins, organochlorides and PCBs (polychlorinated biphenyls) in the world as a result of industrialization also has a devastating impact on Indigenous peoples, Indigenous women and other women. Each year, according to Environmental Protection Agency statistics, the world's paper industry discharges from 600 to 3,200 grams of dioxin equivalents in water, sludge and paper products. This quantity is equal to the amount that would cause 58,000 to 292,000 cases of cancer every year. According to a number of recent studies, this has significantly increased the risk of breast cancer in women.⁵

The adjective 'environmental' that this project uses as connected to chronic emergencies must be read as considering the environment as 'us', where all the elements are intertwined.⁶ This is also the view of the *One Health Initiative*, which recognizes that 'human health (including mental health via the human-animal bond phenomenon), animal health and ecosystem health are inextricably linked'.⁷ Some of the research attached to the *One Health Initiative* is relevant for this project as well, whose purpose, however, is not to 'promote, improve, and defend the health and well-being of all species', but to legally analyze what the effects of ECEs are, how they disproportionately affect women and girls, what kind of obligations States have and which forms of reparation are available. Analyzing from a legal perspective, ECE is a matter of time, actors, places and obligations States must abide by.

The scope of this chapter is to provide the theoretical and methodological foundation of the project and to explain why we felt it was necessary to distinguish the concept of ECEs from the well-known one of 'slow violence', coined by the American scholar Rob Nixon, to better grasp the complexity of patterns

the effects of extractive industries, see Sara Seck, Penelope Simons, 'Sustainable Mining, Environmental Justice, and the Human Rights of Women and Girls: Canada as Home and Host State' in Sumudu A. Atapattu, Carmen Gonzalez and Sara Seck (eds) *The Cambridge Handbook on Environmental Justice and Sustainable Development* (Cambridge University Press 2021) 314.

⁴ Rachel Carson, *Silent Spring* (Houghton Mifflin Company, 1962).

⁵ Winona LaDuke, 'Mothers of our Nations: Indigenous women address the world (1995)' in *The Winona LaDuke Reader: A collection of Essential Writings* (Voyageur Press 2002), 211, 216.

⁶ Christopher Stone, *Should Trees Have Standing?: Law, Morality, and the Environment* (3rd edn, Oxford University Press, 2010).

⁷ Mission statement available here: <<https://onehealthinitiative.com/mission-statement/>> accessed 9 April 2025.

of discrimination present in our societies and between and across species. The concept of chronic emergencies derives from the innovative idea of slow violence and elaborates further the concept of slow-onset events elaborated at the UN level⁸ to appreciate situational vulnerabilities and the disproportionate impact of these emergencies on women and girls.⁹ The adjective *chronic* gives the idea of something that is rooted, often silent and surely unseen, but has an impact on women, the environment and present and future generations of both humans and non-humans. It avoids the dichotomy of slow/fast violence, which misses the continuum of violence and strengthens the idea of something that is entrenched in society. The word ‘emergency’ derives from the Latin *e-mergere*, which is composed of *e* (outside) and *mergere* (sink), showing that the emergency is something that comes to light, that reveals itself if we have eyes open to see it.

ECEs can result in an environmental disaster – and probably all the examples cited will, sooner or later, in the short, medium, long, or very long term, result in a disaster of major proportions – but the peculiarity of this kind of phenomena is that they occur gradually and, for this very reason, are poorly considered, even in legal terms, as stuck in the ‘trap’ of the present or at least the imminent.

The project adopts a feminist method of analysis to challenge international law as it stands, to highlight patterns of discrimination and address inequalities and to look at the reality of women, especially those at the intersection of different grounds of discrimination, facing those emergencies. GenRem uses international law categories and analyses them from a critical perspective, embracing post-colonial concerns. This chapter also contributes, in line with the view of scholars such as Greta Gaard, to revitalizing ecofeminism, seeing in it its disruptive effect on monolithic categories of international law.

2. THE STARTING POINT: THE CONCEPT OF SLOW VIOLENCE AND ITS FEMINIST (CRITICAL) ANALYSIS

In his book *Slow Violence and the Environmentalism of the Poor*, Rob Nixon was a pioneer in coining the brand-new concept of ‘slow violence’ and addressing what seems to be an invisible violence ‘that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space,

⁸ OCHA *Occasional Policy Briefing Series – Brief No. 6: ‘OCHA and slow-onset emergencies’* (April 2011) <<https://www.unocha.org>> accessed 9 April 2025.

⁹ See in more detail Enzamaría Tramontana, ‘Environmental Chronic Emergencies, Women’s Inequality, and International Law’ in this Volume.

an attritional violence that is typically not viewed as violence at all'.¹⁰ He was convinced that the very idea of violence needed to be reconceptualized, to take into account other forms of violence, which are 'neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales'.¹¹ He mentioned, as forms of slow violence: climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans and 'a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively'.¹² The author was also aware of not being 'the first one' to realize the impact of substances that at first sight were considered to be devoid of any particular effect: Rachel Carson is one of the authors he mentions.

The concept of slow violence is challenging for lawyers. Many questions indeed arise: Who is responsible for slow violence? Who is affected by slow violence? How can its effects be measured? What kind of legal obligations do States have to prevent and respond to slow violence? What kind of reparations can be envisaged? Personally, as the principal investigator of this project, the idea of 'legalizing' slow violence emerged during the COVID-19 pandemic, while reading multiple sources – during the confinement we were all obliged to undertake – and preparing a chapter on 'Health' for the book *Tipping Points in International Law*.¹³ This chapter was the starting point for a legal analysis that could embrace the complexity of slow violence from an international legal perspective. The two words combine an idea of apparent innocuity (slowness) with the idea of disruption and fear (violence). The concept of slow violence has already been intuitively discussed by a few scholars who used it to reinvigorate an argument or to push the boundaries of the interpretation of legal instruments in force. For example, Eliana Cusato, in her book *The Ecology of War*, reflected on conflicts and other security threats, starting from the compelling argument by Nixon, according to whom 'smart wars' and 'precision' warfare, intended to shorten the conflict, produce 'slow violence, inflicting "off camera" casualties'.¹⁴ She encouraged a political ecology of international

¹⁰ Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Harvard University Press, 2011) 2.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ John Haskell, Jean d'Aspremont (eds) *Tipping Points in International Law: Commitment and Critique* (Cambridge University Press 2021).

¹⁴ Eliana Cusato, *The Ecology of War and Peace* (Cambridge University Press 2021) 20. See also, on climate change, Julia Dehm, 'Climate change, "slow violence" and the indefinite deferral of responsibility for "loss and damage"' (2020) 29 (2) *Griffith Law Review* 220.

law.¹⁵ She also reflected on the opportunity to use the language of peace and security with regard to the violence of climate change, which she found of limited scope ‘without interrogating whose security we are actually concerned about’, and she contended, in line with the argument of these pages, that ‘current discussion obfuscates the differentiated impacts of climate change according to privilege and vulnerability’.¹⁶ More recently, Nicole Rogers developed the idea of ‘climate slow violence’, to which both states (mainly through inaction) and transnational corporations (actively through their business) contribute.¹⁷ The Author stressed the pivotal legal issue these pages also look into, namely the ‘general failure on the part of governing bodies to recognize and respond to “slow” emergencies’, and the incapacity of the criminal justice system to ‘address the prolonged timeframe of the slow lethal violence of climate change’.¹⁸

The concept of ‘slow violence’ was not devoid of criticism from a feminist perspective, though. Rob Nixon dedicated an entire chapter to slow violence and gender, focusing on the Kenya Green Belt Movement.¹⁹ Looking at the role of both Wangari Maathai and Rachel Carson, he stated that both of them sought ‘in their different cultural milieus, to shift the parameters of what is commonly perceived as violence’.²⁰ He was also attentive to intersectional environmentalism, giving prominence to the special position of rural women. The ‘interweaving of environmental and feminist thought’ has indeed its roots in African feminist activism, most specifically in the experience of Wangari Maathai, who connected the ‘erosion of resources’ with the ‘erosion of women’.²¹ However, despite this important chapter in his book, some scholars argued in an interesting special issue in *Environment and Planning C: Politics and Space* that Nixon did not say much about space. Space, which is explored in critical legal geography,²² represents a crucial factor in the analysis

¹⁵ Cusato, *The Ecology of War and Peace* (n 14) 240 ff.

¹⁶ Eliana Cusato, ‘Of Violence and (In)Visibility: The Securitisation of Climate Change in International Law’ (2022) 10 (2) *London Review of International Law* 203.

¹⁷ Nicole Rogers, ‘Climate change and the word’ (2023) 14 (2) *Journal of Human Rights and the Environment* 144, 150.

¹⁸ *Ibid.*, 150.

¹⁹ Nixon, (n 10) 128.

²⁰ *Ibid.*, 144.

²¹ Cinnamon P. Carlarne, ‘Environmental Law and Feminism’ in Deborah L. Brake, Martha Chamallas and Verna L. Williams (eds) *The Oxford Handbook of Feminism and Law in the United States* (Oxford University Press 2021) 573.

²² Critical legal geographers use ‘concepts of space as socially produced, and as fluid, malleable and multidimensional to examine the relationships between

because ‘slow violence is always situated in historical and geographical contexts that affect and enable it’.²³ Also, it should be stressed that slow violence is not only about environmental issues, but that is what Nixon’s book predominantly focused on.

As it will be explained in the next chapter, GenREm also decided to incorporate the adjective ‘environmental’ in chronic emergencies in order to narrow down the analysis to some of the possible forms of slow violence, being aware nonetheless of other forms, such as ‘protracted and subvisible processes of ‘slow dissent’, but also violence in intimate and domestic domains intersecting with other political violence.’²⁴ Nixon was also criticized for neglecting Black, antiracist, decolonial and feminist theoretical work, but also insights from Indigenous geographies.²⁵ The vantage point he offered, scholars contend, is ‘white, patriarchal, heterosexual, classed’.²⁶ As an alternative, the authors of the articles included in the special issue delved into feminist standpoint theories and theories of intersectionality, privileging the standpoint of ‘those who are most affected by slow violence.’²⁷ They challenged Eurocentric approaches and whiteness and engaged in qualitative methods and historical methods, using biographical interviews or historical accounts. Keeping this powerful feminist critique in mind, how can international law deal with its own limits, including its male and ‘Western’ DNA?

3. A FEMINIST PERSPECTIVE: INTERNATIONAL LAW IS THE (ANDROCENTRIC) LAW OF CRISIS

International law, Hilary Charlesworth (critically) tells us, is the law of crisis. She argued, more than twenty years ago, using arguments that are still valid today, that ‘crises structure our thinking about international law’ and that they

space and the law, and to understand the consequences of legal spaces on society, and vice versa’; Zoe Pearson ‘Feminist Project(s): The Spaces of International Law’ in Sari Kouvo, Zoe Pearson (eds) *Feminist Perspectives on Contemporary International Law: Between Resistance and Compliance?* (Hart Publishing, 2014) 47, 56.

²³ Rachel Pain, Caitlin Cahill, ‘Critical political geographies of slow violence and resistance’ (2022) 40 (2) *Environment and Planning C: Politics and Space* 359.

²⁴ *Ibid.*, 361.

²⁵ *Ibid.*, 362.

²⁶ Naya Jones, ‘Dying to eat? Black Food Geographies of Slow Violence and Resilience’ (2019) 18 (5) *ACME: An International Journal for Critical Geographies* 1076, 1081.

²⁷ Pain, Cahill (n 23) 363.

‘dominate the imagination of international lawyers’.²⁸ She identified a few ‘obsessions’ international lawyers have with crises: one, particularly relevant for our analysis, being to be ‘preoccupied with great crises, rather than the politics of everyday life;’ in this way, ‘international law steers clear of analysis of longer-term trends and structural problems’.²⁹ She also identified the silences, including the position of women in the representation of crises: ‘the players in international law crises are almost exclusively male. Men are the protagonists, men are at the negotiating table, men are making threats, retaliating and intervening. The lives of women are considered part of a crisis only when they are harmed in a way that is seen to demean the whole of their social group’.³⁰ The gendered nature of international ‘building blocks’ is also an issue, because the legal discourses on crises rely on dichotomies – objective/subjective, legal/political, logic/emotion, order/anarchy, mind/body, culture/nature, action/passivity, public/private, protector/protected, independence/dependence – ‘with the first term (objective, legal, logical, order etc.) signifying “male” characteristics and the second (subjective, political, emotional, nature etc.) signifying “female”’.³¹ Charlesworth encouraged a refocus of international law on issues of structural justice that underpin everyday life.³² This means, for example, identifying the interconnections of environmental degradation, gender, geographical position and social situation as causes of chronic emergencies, even when those emergencies do not amount to major disasters. It is important to enlarge our vision, not only to include emergencies that do not seem to be as such because they are generally coded as feminine issues (like situations having effects on women’s reproductive health), not only to avoid definitions of women as vulnerable subjects, but also to listen to voices that allow for a better understanding of the phenomenon. Ratna Kapur has warned against the risk of using a ‘victimization’ rhetoric, especially when dealing with the situation of Third World women, and has encouraged a more complex understanding of women’s lives along different axes, including race, wealth, class and religion.³³

The language of the crisis in international law has commonly been a language of securitization that overlooks the importance of prevention and of

²⁸ Hilary Charlesworth, ‘International law: a discipline of crisis’ (2002) 65 (3) *Modern Law Review* 377, 382.

²⁹ *Ibid.*, 389.

³⁰ *Ibid.*

³¹ *Ibid.*, 390.

³² *Ibid.*, 391.

³³ Ratna Kapur, ‘The Tragedy of Victimization Rhetoric: Resurrecting the Native Subject in International/Postcolonial Feminist Legal Politics’ (2002) 15 (1) *Harvard Human Rights Law Journal* 1.

addressing underlying structural inequalities.³⁴ Migration is a crisis, despite being a structural phenomenon. Climate change has been defined as a crisis, as has poverty, health and the scarcity of food and water. This book stresses the importance of considering environmental phenomena (where the environment is meant as interconnectedness between nature, humans and other-than-human beings) like climate change, not as a crisis – which gives the idea of exceptionalism as opposed to normality – but rather as an emergency that is chronic because it is entrenched in societal mechanisms that reproduce inequalities. The surface of the response to crises has always been a language that mainstreams gender, but does little else, if not nothing, to endorse a policy that questions the underlying axes of power and oppression.

Dianne Otto reflected on the fact that the development of international law has often occurred as a response to a crisis.³⁵ The example provided in this book, Minamata, explains this point. Minamata, a severe case of mercury pollution, has been neglected for years, despite causing an impact on the environment and on the reproductive health of women. When the emergency exploded into a crisis, that was the moment in which it ‘became’ relevant to international law with the negotiation and the adoption of a specific Convention.³⁶ This project argues that an ECE must be taken care of before and even if it does not lead to a major crisis; in a feminist reconceptualization of legal obligations, States must abide by. Dianne Otto reflected, from a queer feminist perspective, on the proliferation of ‘sexual and gender panics’, meaning actions undertaken to respond to a crisis that, in the end, divert attention from larger injustices perpetrated in the name of the phenomenon.³⁷ Feminist issues have been deployed, for example, to justify or even legitimize military interventions, such as the US military response to the ‘humanitarian crisis’ of women

³⁴ See, for example, Shirley V. Scott’s ‘Securitizing Climate Change: International Legal Implications and Obstacles’ (2008) 21 (4) *Cambridge Review of International Affairs* 603. Stressing that environmental degradation is a cause of gendered insecurity, ‘particularly in the developing – or ‘majority’ – world, Laura J. Sheperd, ‘Security’ in Laura J. Sheperd (ed.) *Handbook on Gender and Violence* (Edward Elgar Publishing 2019) 146, 153.

³⁵ Dianne Otto, ‘Decoding Crisis in International Law: A Queer Feminist Perspective’ in Barbara Stark (ed.) *International Law and Its Discontents* (Cambridge University Press 2015) 115.

³⁶ The Minamata Convention on Mercury was adopted on 10 October 2013 at Kumamoto (Japan) on the occasion of the Conference of Plenipotentiaries on the Minamata Convention on Mercury held from 7 to 11 October 2013, and it entered into force on 16 August 2017. See in that respect Shuichi Furuya in this Volume.

³⁷ Otto, ‘Decoding Crisis in International Law: A Queer Feminist Perspective’ (n 35) 117.

in Afghanistan:³⁸ the same Western country that later concluded an agreement with the Taliban without women's participation and without taking women's issues into account. In environmental issues, the 'sexual and gender panics' are attached to major disasters (the increase of sexual violence as a consequence of natural disasters, for example), neglecting rooted inequalities exacerbated by disasters and the legal forgetfulness of emergencies that disproportionately affect women and girls. This neglect often turns into narratives that trivialize women's experiences: the 'hysterical' and 'overemotional' wives and mothers at Love Canal being one among multiple examples.³⁹ This approach to crises has consequences in terms of legal response, which is commonly dictated by matters of urgency – 'techno-scientific' solutions, where the priority is 'security'⁴⁰ – and linked to repression rather than to prevention.⁴¹

4. A FEMINIST PERSPECTIVE: INTERNATIONAL LAW IS NOT (YET) THE LAW OF CHRONIC EMERGENCIES

Our international law of the everyday – to use the words by Hilary Charlesworth – is the law of ECEs, which is still underdeveloped and underrecognized. The response to a crisis can be delayed when another crisis takes precedence – the example of the COVID-19 pandemic that slowed down all measures in response to climate change – but a response to an emergency that takes into consideration the interconnectedness between elements must be capable of engaging in critical gender work. That is what climate change and disaster laws have not

³⁸ Dianne Otto, 'Remapping crisis through a Feminist Lens' in Kouvo, Pearson (eds) (n 22) 75, 84.

³⁹ From 1942 to 1953, an area close to Niagara Falls known as Love Canal was filled by Hooker Chemical Company with tons of toxic waste, covered with layers of terrain and later sold to the city, which built a school and a new neighbourhood. A few years later, the effects of pollution started to manifest. Lois Gibbs, one of the women and mothers living there, initiated a case against both Hooker and the city administration. Lois Marie Gibbs, *Love Canal: My Story: Lois Marie Gibbs as told to Murray Levine* (State University of New York Press 1982); Id., *Love Canal: and the Birth of the Environmental Health Movement* (3rd edn, Island Press, 2011); Richard S. Newman, *Love Canal: A Toxic History from Colonial Times to the Present* (Oxford University Press 2016). See also Karen Jan Stults, 'Hysterical Housewives (And Other Courageous Women)' (1989) 13 *On The Issues Magazine* <<https://ontheissuesmagazine.com/feminism/hysterical-housewives-and-other-courageous-women/>> accessed 8 April 2025.

⁴⁰ Sherilyn MacGregor, 'A Stranger Silence Still: The Need for Feminist Social Research on Climate Change' (2010) 57 (2) *The Sociological Review* 124, 127.

⁴¹ *Ibid.*, 128. It has been called 'masculinization of environmentalism'.

accomplished, except for an important but insufficient increase in women's participation in the processes.⁴² As Gina Heathcote argued, fragmented feminist reforms have tended to be directed at improving women's issues rather than improving the discipline of international law.⁴³ Feminist methodologies suggest that the prescription of women's equality must listen to the women 'we think we are helping', incorporating, for example, Indigenous women's rights in the debate and reflecting on their systematic discrimination.⁴⁴ International law has been unable to listen to women's instances. Even though feminist legal theories have sometimes struggled with paradoxes, with the tension between, on the one hand, becoming institutionalized, with the risk of reproducing the same dynamics of oppression and, on the other hand, remaining the critical but often neglected and even trivialized voice, they surely shed light on persistent silences in law and explained how law in itself might represent a cause of violence.⁴⁵

In climate change law, the language of crisis is predominant, with climate change being described as an 'apocalypse':⁴⁶ however, it is not a monolithic phenomenon, but rather composed of different situations, from acidification of oceans to desertification, which cannot be understood properly without recognizing its social dimension. Climate change is a gendered phenomenon and a matter of social justice, mediated by axes of power, including colonial power

⁴² International disaster management law focuses on legal issues arising from the prevention of, response to and recovery from various natural catastrophic events, but also from human-made disasters, such as large-scale industrial accidents. See Andrea de Guttry, Marco Gestri and Gabriella Venturini (eds), *International Disaster Response Law* (Springer 2012); Flavia Zorzi Giustiniani, *International Law in Disaster Scenarios: Applicable Rules and Principles* (Springer 2021). Hopefully, the forthcoming treaty on the protection of persons in disasters will strengthen a gender approach that only timidly appears in the draft of 2016 elaborated by the International Law Commission. Giulio Bartolini, 'Toward a universal treaty on "Protection of Persons in the Event of Disasters"' (*EJIL:Talk!* 17 December 2024) <<https://www.ejiltalk.org/toward-a-universal-treaty-on-protection-of-persons-in-the-event-of-disasters/>> accessed 9 April 2025.

⁴³ Gina Heathcote, *Feminist Dialogues on International Law* (Oxford University Press, 2019) 33.

⁴⁴ Hilary Charlesworth, 'Talking to Ourselves? Feminist Scholarship in International Law' in Kouvo, Pearson (eds) (n 22) 17, 32.

⁴⁵ On law as a cause of gender-based violence against women, see Sara De Vido, *Violence against Women's Health in International Law* (Manchester University Press, 2020).

⁴⁶ Sherilyn MacGregor, 'Only Resist: Feminist Ecological Citizenship and the Post-politics of Climate Change' (2014) 29 (3) *Hypatia* 617, 630.

and inequalities. It is a matter of ‘women’s inequality and climate injustice’.⁴⁷ In a perspective that departs from the predominant Eurocentrism, it is important to stress that ecological catastrophes caused by a part of humanity are part of history and not a recent manifestation: Native Americans’ ecosystems were destroyed due to colonialism, for example. The risk is that, by insisting on the new threat caused by climate change, which matters only because it also affects ‘our’ European world, ‘the existence of a form of ecological catastrophe that has been going on for at least five centuries, threatening all forms of life, but with the Indigenous people paying the first and highest price’ is erased.⁴⁸ An apparently neutral phenomenon, climate change exacerbates situations of discrimination, including gender discrimination and ecological domination as a legacy of colonialism, which are already present in societies. Nicole Rogers explained that ‘climate crisis’ is an ‘assemblage of synergistic violences, encompassing violence to human, nonhuman and more-than-human beings, violence to Earth systems, and violence to all forms of property, including but not limited to, the annihilation of the entire territory of individual nation-states. These violences are both direct and structural in nature’.⁴⁹ Hence, for example, it has been shown that sea level rise produces negative effects on women’s reproductive health.⁵⁰ Two authors argued, without however incorporating a gender dimension, that ‘climate change has been brought about through the colonial processes implicated in the production and reproduction of those very inequalities: the colonial and racialized dispossessions that severed peoples’ access to land and resources to sustain their livelihoods and set them to work in the plantations and factories that went on to drive extraction through industrial development’.⁵¹ It is possible

⁴⁷ Cathi Albertyn, Helena Alviar Garcia, Meghan Campbell *et al.*, ‘Introduction’ in Cathi Albertyn, Meghan Campbell, Helena Alviar Garcia *et al.* (eds) *Feminist Frontiers in Climate Justice: Gender Equality, Climate Change and Rights* (Edward Elgar Publishing 2023) 1, 10.

⁴⁸ Chiara Bottici, ‘Ecofeminism as Decolonial and Transindividual Ecology’ (2021) 2 (2) (*DesTroços: Revista de Pensamento Radical* 141, 146.

⁴⁹ Rogers (n 17) 144. On structural inequality, with a focus not only on women’s rights, Virginia Mantouvalou and Jonathan Wolff (eds), *Structural Injustice and the Law* (UCL Press, 2024).

⁵⁰ Mahadi Al Hasnat, Zoya Teirstein, ‘The Bizarre Link Between Rising Sea Levels and Complications in Pregnancy’ (*Vox* 30 May 2024) *Vox* <<https://www.vox.com/climate/351534/salt-water-pregnancy-rising-sea-levels>> accessed 8 April 2025. See also Cathi Albertyn, ‘Radical connectedness: Reproductive Rights, Climate Justice, and Gender Equality’ in Albertyn, Campbell, Alviar Garcia *et al.* (eds) (n 47) 138, 146.

⁵¹ Gurminder K. Bhambra, Peter Newell, ‘More than a Metaphor: ‘Climate Colonialism’ in Perspective’ (2023) 2 (3) *Global Social Challenges Journal* 179, 182.

to add a layer of analysis: gender-based discrimination against women as one of the inequalities that have shaped colonial development. Fahrana Sultana captured this aspect, advocating for a feminist climate justice scholarship that ‘engages with intersectionality to demonstrate how patriarchy compounds social-ecological crisis’, looking at ‘the specificities of interlocking systems of oppression and exploitation’.⁵² An approach that incorporates systems of oppression and exploitation unveils the inherent masculinities in the law and policies of climate change, which are aimed at addressing the disasters offering ‘techno-scientific solutions’ devoted to security, missing the point of how climate change exacerbates existing inequalities and forms of oppression that are also interspecies.⁵³ Indeed, working on these solutions shifts the responsibility from a part of humanity to nature, stressing the inevitability of natural disasters, which are, however, the result of human behaviour: ‘absent or hidden is an ethical stance against the exploitation of the planet by humans and for its protection as indivisible from human life’.⁵⁴

5. WHY WE NEED MORE ECOFEMINISM IN INTERNATIONAL LAW

Ecofeminism has rarely been explored in law and has never been included among ‘the’ methods of international legal analysis. Despite the fact that this chapter cannot do justice to the richness of the debate on ecofeminism and its manifestations,⁵⁵ a few words are needed to explain why ecofeminism can play a role in international legal scholarship.⁵⁶ For our purposes, combining environmental and feminist legal theory can better grasp the complexity of ECEs because it highlights the intertwining between societal schemes and the environment. The term was coined by Françoise d’Eaubonne in her 1974 work,

⁵² Farhana Sultana, ‘Critical Climate Justice’ (2022) 188 (1) *Geography Journal* 118, 120.

⁵³ MacGregor, ‘Only Resist: Feminist Ecological Citizenship and the Post-politics of Climate Change’ (n 46) 626.

⁵⁴ *Ibid.*, 628.

⁵⁵ An excellent summary of the development of ecofeminist thought, although limited to North America, in Greta Gaard, ‘Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism’ (2011) 23 (2) *Feminist Formations* 26; Carlarne, ‘Environmental Law and Feminism’ (n 21).

⁵⁶ An example of the application of an ecofeminist method to water governance is found in Kate Darling, ‘A Weight for Water: an Ecological Feminist Critique of Emerging Norms and Trends in Global Water Governance’ (2012) 13 (1) *Melbourne Journal of International Law* 1.

Le féminisme ou la mort, in which she highlighted the environmental costs of development and argued that the overpopulation of the planet was caused by the patriarchal rejection of women's right to self-determination with regard to their bodies.⁵⁷ Puleo explained that it is 'an attempt to hypothesize a new utopian horizon, one that addresses environmental problems arising from the categories of patriarchy, androcentrism, care, sex and gender'.⁵⁸ The dialogue between feminism and environmentalism is decisive in emphasizing the impact of environmental degradation on gender and the contributions women can make. Ecofeminism has been a discipline of 'practice'⁵⁹ also because of women's environmental activism 'within the context of, and as a result of, their particular socially assigned roles – roles that in many key ways do transcend boundaries of race, ethnicity and class'.⁶⁰

Vandana Shiva, Carolyn Merchant and Maria Mies were among the key authors at the origin of the thought. References to what we call in this book ECEs were present already in the 1960s, without the law, including the human rights system, being capable of seeing them. For example, in 1996, Merchant argued that:

Environmental equity is an ecofeminist issue. The body, home, and community are sites of women's local experience and local contestation. Women experience the results of toxic dumping on their own bodies (sites of reproduction of the species), in their own homes (sites of reproduction of daily life), and in their communities and schools (sites of social reproduction). Women's leadership and organizing skills gained in grassroots struggles empower them to change society and themselves.⁶¹

⁵⁷ François d'Eaubonne, *Le féminisme ou la mort* (P. Horay 1974). On ecofeminism, see, among others, Karen Warren, 'The Power and the Promise of Ecological Feminism' (1990) 12 (2) *Environmental Ethics* 121; Maria Mies and Vandana Shiva, *Ecofeminism* (Zed Books 1993); Karen Warren (ed.) *Ecofeminism. Women, Culture, Nature* (Indiana University Press 1997); Mary Mellor, *Feminism and Ecology* (New York University Press 1997); Chaone Mallory, 'Val Plumwood and Ecofeminist Solidarity: Standing with the Natural Other' (2009) 14 (2) *Ethics and the Environment* 3; Bruna Bianchi, 'Ecofeminism: Thought, Debates, Perspectives' (2012) 20 (8) *DEP Deported, Exiles and Refugees I*.

⁵⁸ Alicia H. Puleo, 'What is Ecofeminism?' (2017) 25 *Quaderns de la Mediterrània* 27.

⁵⁹ Freya Mathews, 'The Dilemma of Dualism' in Sherilyn MacGregor (ed.) *Routledge Handbook of Gender and the Environment* (Routledge, 2017) 54, 68.

⁶⁰ Joni Seager, *Earth Follies: Coming to Feminist Terms with the Global Environmental Crisis* (Routledge, 1994) 269.

⁶¹ Carolyn Merchant, *Earthcare: Women and the Environment* (Routledge, 1996) 191.

Merchant referred in her pioneering book to women's 'intimate knowledge of nature', deriving from their role as caregivers, and called for a 'partnership ethic of earth care'.⁶² Maria Mies and Vandana Shiva, who also supported a movement to address ecological challenges through decolonization, talked about a 'feminine principle'.⁶³ These arguments paved the way for a critique of ecofeminism as being 'essentialist', either by arguing that women were inevitably and inherently connected to nature or socially intertwined with it.⁶⁴ As it was pointed out, 'if women are essentialized as an eternal feminine principle, then they are relegated once again to the natural realm, as they have been for such a long time, and to their own detriment, as such nature has, in its turn, itself been situated in the horizon of death'.⁶⁵ In other words, the inherent connection between women and nature contradicts the need to disrupt the dichotomy of human/nature. The consequence was a complete silence on ecofeminism: by 2010, 'it was nearly impossible to find a single essay, much less a section, devoted to issues of feminism and ecology (and certainly not ecofeminism), species, or nature in most introductory anthologies used in women's studies, gender studies, or queer studies'.⁶⁶ Legal scholarship entirely ignored the debate, except for a few exceptions.⁶⁷

Despite some clear references by authors to this strong connection between women and nature,⁶⁸ the critique referring to essentialism casts a shadow on the richness of a debate that has not simply equated women with nature.⁶⁹ Ecofeminism has had multiple nuances, only some of which are rooted in

⁶² *Ibid.*, 12.

⁶³ Mies, Shiva (n 57).

⁶⁴ Mary Mellor, 'Feminism and Environmental Ethics: A Materialist Perspective' (2000) 5 (1) *Ethics and the Environment* 107, 114.

⁶⁵ Bottici (n 48) 148.

⁶⁶ Gaard, 'Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism' (n 55). The Italian journal *DEP-Deportate esuli e profughe* dedicated an issue to ecofeminism at a time (2012) when the debate was nonexistent in Italy. See: <<https://www.unive.it/pag/31491/>> accessed 8 April 2025.

⁶⁷ For a reflection on the scarce legal scholarship on ecofeminism, see Linda A. Malone, 'Environmental Justice Reimagined Through Human Security and Post-Modern Ecological Feminism: A Neglected Perspective on Climate Change' (2015) 38 (5) *Fordham International Law Journal* 1445.

⁶⁸ One can read the powerful pages by Mary Hunter Austin, for example, in *The Ford* (Houghton Mifflin, 1917) 233–4, on the androcentric culture in the economic activities in the desert. Mary Hunter Austin, *La terra delle piogge rare* (Nova Delphi 2023).

⁶⁹ Gaard, 'Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism' (n 55).

‘essentialist (cultural) feminisms’, while others ‘grew out of liberal, social, Marxist, anarchist and socialist feminisms’, and ‘in the 1990s, ecofeminist theories continued to refine and ground their analyses, developing economic, material, international and intersectional perspectives’.⁷⁰ Ecofeminism expresses great potential for application as a legal method of international law because it questions monolithic legal categories and reconsiders them in light of the interdependence between all species (human and non-human) and with nature, prioritizing the needs of communities whose voices have never been effectively heard and that are most affected by climate change and, as this book argues, by ECEs. Feminist theories call into question dichotomies such as male/female, reason/emotion, white/colored, transcendent/material, culture/nature, mind/body, human/animal, which are gendered in the sense that the first word is associated with maleness and masculinity and the second, subordinate one, with women and femininity. One of ecofeminism’s points of strength is ‘subjected to the subordinating process of dualism, that nature is perhaps the ultimate “Other” upon which the human self gets constructed’.⁷¹ Ecofeminism, in other words, rejects ‘false binaries and dualisms such as the human/nature dualism (...), as well as a refusal to privilege “ecological” concerns over so-called “humanist”’.⁷²

There are other fascinating theories that have been developed, starting from ecofeminism. For example, MacGregor argued for a project of *feminist ecological citizenship* to develop ecofeminist positions that are non-essentialist, democratic and oppositional. In her book, *Beyond Mothering Earth*, she contended that an ecofeminist approach to citizenship ‘recognizes care as a form of work and a moral orientation that has been feminized and privatized in Western societies and that must be distributed fairly within and between societies if gender equality and sustainability are to be realized’.⁷³ In response and/or opposition to ecofeminism, feminist political ecology developed to provide an intersectional analysis of socio-environmental reactions and to take into

⁷⁰ *Ibid.*, 32. There have been several phases of ecofeminism, including vegan ecofeminism. See also Elizabeth Carlassare, ‘Socialist and Cultural Ecofeminism: Allies in Resistance’ (2000) 5 (1) *Ethics and the Environment* 89.

⁷¹ Chaone Mallory, ‘Environmental Justice, Ecofeminism, and Power’, in Ricardo Rozzi, F. Stuart Chapin III, J. Baird Callicott *et al.* (eds), *Earth Stewardship: Linking ecology and Ethics for a Changing World* (Springer 2013) 251, 254.

⁷² *Ibid.*

⁷³ Sherilyn Mac Gregor, *Beyond Mothering Earth: Ecological citizenship and the Politics of Care* (UBC Press 2006). See also in that respect Karen Morrow in this Volume.

account complex dimensions of gender and social experiences.⁷⁴ Looking at ‘political’ concepts such as ‘citizenship’ and challenging political and economic structures and institutions within which oppression and domination have been reproduced are relevant trajectories to lawyers as well. Going back to the ‘personal is political’, these theories allow an understanding of the role of care, including ecological care, across genders, publicly recognized as a political ideal.⁷⁵ However, ‘the history of ecofeminism merits recuperation, both for the intellectual lineage it provides and for the feminist force it gives to contemporary theory’.⁷⁶ In our case, ecofeminism can and should become a method of international law.

To reply to an obvious objection commonly addressed to feminist lawyers – why they are using ecofeminism and not exploring other methods and theories, such as deep ecology or Marxism⁷⁷ – because hardly classic methods of law would be questioned as relevant for the debate, it should be acknowledged that there are indeed several theories that endorse non-anthropocentric perspectives on law. Nonetheless, revitalizing ecofeminism and using it as a method of international law opens new interesting paths of research that can better examine schemes of oppression within and across species. It is not necessarily the best method – each method has points of strength and weakness and mirrors the given author’s background and sensitivity – or one that necessarily has to replace the others, but it is a method that combines an understanding of persistent discrimination in our societies with the knowledge that humans belong to the environment and not *vice versa*. It is a method that unravels the dynamics of power and oppression within and between different species, expanding the view of these dynamics beyond humans. In our project on ECEs, we searched for a method that, combined with the classic ways in which rules are adopted and ‘performed’, challenges patriarchal structures inherent in international law and helps us reconceptualize them. We see in ecofeminism the origin of the debates that followed, including the aforementioned feminist political ecology and feminist ecological citizenship and in its clear message, despite the nuances of the thought – the intersections existing among environmental

⁷⁴ Dianne Rocheleau, Barbara Thomas Slayter and Esther Wangari (eds), *Feminist Political Ecology: Global Issues and Local Experience* (Routledge, 1996).

⁷⁵ MacGregor, ‘Only Resist: Feminist Ecological Citizenship and the Post-politics of Climate Change’ (n 46) 677.

⁷⁶ Gaard, ‘Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism’ (n 55) 42–3.

⁷⁷ One could use Marxism, for example, which examines the relationship between the base and the ‘superstructure’, and concepts of ideology and hegemony, but not the exploitation of nature by (a part of) humanity.

injuries, destruction of ecosystems and social and economic injustices – the potential to be used as a legal method.⁷⁸

Karen Morrow argued that ‘when ecofeminism is pursued in an international context, its goal is to import this paradigm-shifting approach to accommodating alternative/additional procedural and substantive expertise and experience, from the periphery to the mainstream’⁷⁹ Since international law ‘embraces and even embeds dualism at its very core, with entrenched power holders enjoying the advantages of othering non-privileged humans and the environment’, an ecofeminist approach ‘could offer a corrective [...] entailing at base a radical, relational process of (re)connection – as humans with one another and as humans with the non-human environment’.⁸⁰ Ecofeminism, focusing on the processes through which gender, racial and ecological oppression are connected, is ‘not merely conceptual’: it shows ‘how these ideological connections are dialectically entangled with the material condition of women and other oppressed groups’.⁸¹

Intersectional Legal Ecofeminism

Women, especially those at the intersection of different grounds of discrimination – women of colour, displaced women, Indigenous women, women belonging to minorities, low-income women, women with disabilities, girls etc. – are particularly affected by contamination and ecological degradation. In Colombia, for example, the cultivation of flowers, a largely female

⁷⁸ See Sara De Vido, ‘*In dubio pro futuris generationibus: Una risposta giuridica eco-centrica alla slow violence*’ in Micaela Frulli (ed.), *L’interesse delle generazioni future nel diritto internazionale e dell’unione europea* (Editoriale Scientifica, 2023) 419. As it was argued, ‘Specifically, ecofeminism stems from the philosophical dissection of the shared subjugation of women and nature as social categories nested within the hegemonic arrangement of global heterosexual patriarchal racialized capitalism; ideas that initially coalesced outside of the academy. Whereas FPE emerged from political ecological thought with strong theoretical affinities to the largely Western urban-centric scholarship of feminist geography’: Laura A. McKinney, Devin Wright, ‘Gender and Environmental Inequality’ in Michael A. Long, Michael J. Lynch and Paul B. Stretesky (eds), *Handbook on Inequality and the Environment* (Edward Elgar Publishing, 2023) 228, 235.

⁷⁹ Karen Morrow, ‘Towards an Ecofeminist Critique of International Law?’ in Vincent Chapaux, Frédéric Mégret, Usha Natarajan (eds) *The Routledge Handbook of International Law and Anthropocentrism* (Routledge 2023) 183, 194.

⁸⁰ *Ibid.* See the discussion of ecofeminism in private international law in Sara De Vido, ‘The Privatisation of Climate Change Litigation: Current Developments in Conflict of Laws’ (2024) 6 (1) *Jus Cogens* 65.

⁸¹ Mallory, ‘Environmental Justice, Ecofeminism, and Power’ (n 70) 255.

labour drawn from low-income areas, determines a disproportionate impact on women who are exposed to pesticides and very difficult working conditions.⁸² Flower production, celebrated as an opportunity for the employment of women, has changed the land and women's bodies: their bodies are poisoned, injured and silent.⁸³ The position is maintained for many hours, and the chemicals have a negative impact on the body cycles of menstruation and pregnancy.⁸⁴ As it was argued:

The production of poisoned, sick and silent bodies configures an alienated female corporality, an *experience of bodies apparently without pain* and a labor experience in which the pain is unavoidable. From the Indigenous perspective, it could be said that the pain that female workers of the flower agroindustry feel is an expression of the pain of the land; and the alienated corporality is an expression of the alienation of the territory (of their biodiversity and water sources) by the flower sector.⁸⁵

In Ecuador, the interconnection between the exploitation of nature and the exploitation of women is related to the shrimp fishery. *Concheras* women, of African descent, are subject to discrimination because they are women, because of their ethnicity, but also because of the depletion of the ecological resources that are at the basis of their livelihoods. As it was pointed out, 'an ecofeminist lens brings into focus how the power of white supremacist Anglo-European capitalist patriarchy operates to marginalize women and nature simultaneously'.⁸⁶ Several studies report that women face additional climate-related health vulnerabilities and that racially minoritized women are doubly disadvantaged.⁸⁷ There is also little research, and we are aware that this book is not addressing this aspect in detail, on the femininities of women who were not born female, and on the gender identity and sexual orientation of women vis-à-vis what we call ECEs. For lesbians, for example, ECEs can exacerbate discrimination against them because of the social impact of these phenomena.

⁸² Helena Alviar García, María Carolina Olarte-Olarte, 'Climate change and gender in Colombia: exploring female-led struggle in the flower industry' in Albertyn, Campbell, Alviar Garcia et al. (eds) (n 47) 190.

⁸³ Juliana Flórez Flórez, Guisella Andrea Lara Veloza, Patricia Veloza Torres et al., 'Politics of Place at the Women's School of Madrid: Experiences Around Bodies and Territory' in Wendy Harcourt (ed.) *Bodies in Resistance: Gender and Sexual Politics in the Age of Neoliberalism* (Palgrave Macmillan 2017) 31.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*, 34–35.

⁸⁶ Mallory, 'Environmental Justice, Ecofeminism, and Power' (n 71) 256.

⁸⁷ Thilagawathi Abi Deivanayagam, Sonora English, Jason Hickel et al., 'Envisioning Environmental Equity: Climate Change, Health, and Racial Justice' (2023) 402 *Lancet* 74.

It has also been reported that ‘homophobia infiltrates climate change discourse, distorting our analysis of climate change causes and climate justice solutions, and placing a wedge between international activists’.⁸⁸

An intersectional legal approach ‘listens’ to multiple experiences, not to produce a ‘single’ and irrefutable truth but to interpret States’ legal obligations present in the (limited) legal framework that is available. An intersectional ecofeminist method to law guarantees environmental justice that understands the ways in which ‘systems of oppression (such as racism, gender discrimination and environmental degradation) are interconnected and mutually reinforcing’.⁸⁹ It means, for example, that in deciding cases of ECEs from the perspective of human rights law, international bodies and regional courts should use intersectionality to shape positive obligations of due diligence and to ‘measure’ reparations. To go back to the example of Colombia, occupational healthcare has been ignored by the flower industry, also because in many cases the effects of pesticides manifest once people retire – and that is precisely what we mean by ECEs, because they manifest (or not) after many years both on women’s bodies and on the land.⁹⁰ From an international human rights perspective, if the case was brought to the attention of the Human Rights Committee, having Colombia ratified the Optional Protocol to the International Covenant on Civil and Political Rights, the disproportionate impact on women and on nature could shape the way in which legal obligations for States are conceptualized – for example, obligation to classify the level of toxicity of pesticides with studies that include the effects on women – and which reparations should be envisaged (including long-term and gender-sensitive care). There is a lot to be done in legal scholarship to connect race, class, disability and coloniality with gender on issues of environment, especially when it is not related to major disasters. In this project, we try to take on some of these challenges.

6. WHAT AN ECOFEMINIST LEGAL METHOD PRACTICALLY MEANS WHEN DEALING WITH CHRONIC EMERGENCIES

International law has dealt in recent decades with issues of gender equality and non-discrimination. As Dianne Otto pointed out, ‘feminist tenacity, now spanning decades, has led to international law’s repeated formal commitment to realizing the equality of women’.⁹¹ However, a formal commitment

⁸⁸ Greta Gaard, ‘Ecofeminism and climate change’ (2015) 49 *Women’s Studies International Forum* 20, 24.

⁸⁹ Mallory, ‘Environmental Justice, Ecofeminism, and Power’ (n 71) 253.

⁹⁰ Flórez, Veloza, Torres et al. (n 83).

⁹¹ Otto, ‘Remapping crisis through a Feminist Lens’ (n 38) 93.

is insufficient because international law itself can be a source of violence, contributing to the reproduction of patterns of discrimination and inequality. The representation and participation of women are important but not decisive unless we challenge monolithic categories of analysis, including that of 'crisis'. International law can be the law of ECEs, and we can find some examples of this practice in treaty law, where negotiations were able to (though often partially) respond to an ECE using a feminist lens, and in the interpretation – often encouraged by feminist scholars – of existing legal instruments in a more ecofeminist way. In the Minamata Convention on Mercury, for example, there is a recognition of the disproportionate impact of mercury on women, especially pregnant women, children and on future generations. This is an important step forward, but the reference to women is scarce and not in the operative part of the Convention, especially regarding States' obligations. Women are considered as a vulnerable subject. Their vulnerability is not only related to their reproductive role but also to the societal context in which they operate. This aspect can be taken into account in the adoption of national action plans, interpreting one of the provisions of Annex C to the Minamata Convention on 'artisanal and small-scale gold mining', stating 'strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury used in artisanal and small-scale gold mining'.⁹² This provision does not take into account the interconnection between the exploitation of women and the exploitation of nature, and that women can be placed in a subordinate position in societies where artisanal and small-scale gold mining is performed. Law is surely 'part of the problem' because of its traditional 'anthropocentric' and 'androcentric' structure, and it is not necessarily the only response. This is why 'feminists need to be considerably more sceptical about the embrace of feminist ideas by crisis, searching for ways in which those ideas can be reclaimed for feminist purposes, while at the same time emphasising the continuing complicity of law in women's inequality' (and of the exploitation of nature).⁹³ An ecofeminist method to ECEs will shift the focus from the response to crisis using securitization discourses to prevention, promoting, for example, the right to health, including reproductive health and education, in areas most affected by identified or presumed ECEs. As we are going to see in the following chapters,⁹⁴

⁹² Minamata Convention on Mercury (adopted 10 October 2013, entered into force 16 August 2017) 3202 UNTS, C.N.560.2014, point 1, (i) Annex C.

⁹³ Otto, 'Remapping crisis through a Feminist Lens' (n 38).

⁹⁴ See in that respect, Björnstjern Baade, 'Due Diligence Obligations and Chronic Emergencies'; Martina Sardo, 'The Duty to Cooperate in Addressing the Adverse Impact of Environmental Chronic Emergencies: Ensuring Gender-Sensitive Responses'; Francesca Tammone, 'Transforming *Slow Violence* into

the obligation to respond to ECEs must be characterized by gender sensitivity and by an approach that, while valuing women's participation and gender mainstreaming, does not stop there but embraces intersectional concerns and shapes States' obligations. The issue of reparation is possibly the most challenging one because it means gradually acknowledging – and human rights jurisprudence can help in that respect – that despite the absence of clear causality, the violation of human rights stemming from ECEs deserves a gender-sensitive response.

7. CONCLUSION

This chapter aims to provide the theoretical and methodological basis of our project, using ecofeminism as a method of international law and as the foundation of the concept of ECE. A social movement, an approach, a form of political inquiry with different nuances, ecofeminism, when used in international law, does not replace the more 'classic' methods in international legal analysis, but it interacts with them, disrupting consolidated categories of international law and questioning a legal language that perpetuates discrimination on multiple and intersecting grounds, even when it seems to be prone to gender equality. As we said at the beginning, ECEs are around us; they disproportionately affect women and girls, particularly those at the intersection of different grounds of discrimination, not because they are inherently vulnerable but because of power dynamics that disadvantage them. We can resist the law, or we can comply with it. We situate our project in between, using ecofeminism to break the silences of international law on ECEs and resisting anthropocentric and androcentric expressions of our beloved discipline.

Social Justice: The Quest for Reparation for Environmental Chronic Emergencies' in this Volume.