

Environmental Protection efforts, Women's rights, and Ecofeminism in Uganda

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Abstract: (The environment and women have been depicted as correlating by many studies. Using a desktop, documentary review method, the study examines the ecofeminism theories, women's rights and how they interact with the environment, and how women can be a natural blessing for environmental conservation in Uganda. The study found that women's representation in national governments and decision-making positively impacts the country's environmental protection efforts. It also found that women in Uganda face challenges that deny them adequate access, control, and use of land due to property rights that are rooted in the patriarchal and cultural institutions, that vest those rights in men. It is therefore recommended that barriers to women's participation in decision-making need to be addressed. That property rights and women's economic empowerment should be addressed as well as environmental awareness should be promoted at all levels for sustainable development and environmental protection to take root.)

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1. INTRODUCTION

The relationship between women and the environment is one of the contentious matters in developing countries. In the practical sense, examining environmental issues vis-a-vis women's rights can help improve gender relations associated with the ecology such as industrialization and modernization constrain a nation's development.¹ There is no doubt that the environment is a source of man's life and human survival, socially and economically man's activity tends to have an impact on the environment.² At the Stockholm concluding session, the participants proclaimed that

*Man is both a creature and molder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. . . . Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights; even the right to life itself.*³

Principle 1 of the Stockholm Declaration established a foundation for linking human rights, health, and environmental protection declares the fundamental rights and freedoms to equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and wellbeing, and the responsibility to protect and improve the environment for present and future generations.⁴ In addition, the Rio Declaration⁵ stresses that human beings are entitled to a healthy and productive life in harmony with nature.⁶ International law obligates states to protect and conserve the environment for present and future generations to strike a balance between development and protecting the environment,⁷ as was illustrated in the *Legality of the Threat or Use of Nuclear Weapons* case where the ICJ declared that there exists a general and international obligation of states to ensure and control activities within their territory and respect the environment.⁸ In the *Chorzow Factory case and the Trail Smelter arbitration*,⁹ and the *Corfu Channel case*,¹⁰ where it was stated that is under the obligation not to permit the use of its territory in such a manner as to cause injury to another territory or environment.¹¹ And in the ICJ case *Concerning Gabčíkovo-Nagymaros Project (Hungary vs Slovakia)*,¹² Judge

¹ Chen Ling, "The Background and Theoretical Origin of Ecofeminism" (2014) 10 Cross-Cultural Communication 104 <www.cscanada.net/www.cscanada.org/108.availablefrom:http://www.cscanada.net/index.php/cc/article/view/4916DOI:http://dx.doi.org/10.3968/4916>.

² Southern Punjab, 'International Journal of Asian Social Science RELATIONSHIP BETWEEN ENVIRONMENT AND SUSTAINABLE ECONOMIC DEVELOPMENT: A THEORETICAL APPROACH TO ENVIRONMENTAL PROBLEMS Abdul Ghafoor Awan Non-Renewable Resources' (2013) 3 741.

³ *Stockholm conference on human environment* 1972

⁴ Principle 1, Declaration of the UN Conference on the Human Environment held at Stockholm from 5-16 June 1972, available at <http://www.unep.org/Documents.multilingual>

⁵ Principle 1, Declaration of the UN Conference on the Environment and Development held at Rio de Janeiro from 3 – 14 June 1992 [hereinafter Rio Declaration], available at <http://www.unep.org/Documents.Multilingual/>

⁶ See also the UN Millennium Development Goals, Goal No. 7. For details see <http://www.undp.org/mdg/goallist.shtml>.

⁷ Principle 21 of the 1972 United Nations Stockholm Declaration on environment

⁸ ICJR 1996, para.29

⁹ 1939,33 AJIL p. 182

¹⁰ 1949 ICJR, p.4

¹¹ The Draft Articles on state responsibility 2000, Articles 1, 2, 3

¹² 1997, ICJR

Weeramantry noted that development and environmental protection should go hand in hand as a recognized principle of sustainable development international law.

Coined on that background, the ecofeminists the Earth was termed as “goddess” representing the feminine nature, motherhood, fertility, creation, and destruction which is a true picture of a woman. This creates a nexus between Earth and women the basis for ecofeminism in understanding ecology.¹³ Ecology in biological science deals with the interaction among organisms with their environment. While feminism implies equality between men and women. A large number of in Uganda rely on the environment for all their incomes and food.¹⁴ 80% to 60% of women contribute to labor for food production subsistence and for commercial use.¹⁵ Yet it is sometimes hard for them to get credit facilities without consent from their husbands.¹⁶

The term ecofeminism as coined by Francois Eaubonne in 1974 is about the connectedness and wholeness of theory and practice of the devastation of the earth and her beings by corporate warriors (masculinity mentality).¹⁷ This implies that humanity is capable of destroying itself through its uncontrolled activity in the environment and the earth as a mother will revolt and discipline the children who are the inhabitants. This is evidenced through the disappearance of many species like the dynamos due to over-exploitation and destruction of the environment.¹⁸

2. BACKGROUND

Gender and environment correlation was pronounced in the United Nations Conference on Environment and Development in Rio 1992 and in the Beijing conference and action plan 1995. The two conferences were concerned about human activity in the environment and emphasized the role of

women in particular. Women traditionally are taken to bear the social role in the management of natural resources and food security as the men go to industries to work.¹⁹ Thus, women are most likely to suffer ecological harm arising from civilization, industrialization, modernization, and oil explorations, which destroy the ecological balance than men.²⁰ For instance, modernization of agriculture is said to destroy soil fertility as well as harm the mind and body of women taking part in the production. In the case of *Uganda Electricity Transmission Co Ltd v De Samaline Incorporation Ltd*,²¹ it was noted that the concept of human health moves beyond ‘merely the absence of disease or infirmity’²² and encompasses ‘a state of complete physical, mental and social wellbeing.’²³ And in *Advocates Coalition for Development and Environment v Attorney General and NEMA*,²⁴ the court stated that the right to a healthy environment entitles Ugandans to a right to an environment adequate for their health and well-being. Ecofeminism argues that women as bearers of the social function are affected greatly and point out the need for states to rise up and examine the social situation of women, geared toward solving environmental and ecological problems from a social gender perspective.²⁵

Apparently, the Brundtland Report²⁶ stressed the need for an integrated approach to development policies and projects that, if environmentally sound, should lead to sustainable economic development and the need to give higher priority to anticipating and preventing problems. And The Rio Declaration on environment and development 1992 provides in Principle 4 that “in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.” The 1994 final report on Human rights and the Environment stated principles that ‘the notion that human rights, an ecologically sound environment,

¹³ S.Saleena Beevi, “Role of Ecofeminism in Environmental Protection” 78.

¹⁴ Food & Agric. Org. of the United Nations: Document Repository, New Partnership for Africa's Development (NEPAD), *Comprehensive Africa Agricultural Development Program*, Ch. 5.3.4. (Nov. 2002), available at http://www.fao.org/docrep/005/y6831_e/y6831_e-06.htm#P1524_344480

¹⁵ FAO Corporate Document Repository, *The State of Food and Agriculture 2002*, Part II: Regional Review, I. Africa, available at http://www.fao.org/DOCREP/004/y6000e/y6000e07.htm#P207_9835; FAO Corporate Document Repository, *Gender Food Security*, Part II: Women's Contributions to Agricultural Production and Food Security: Current Status and Perspectives, available at <http://www.fao.org/docrep/X0198E/x0198e02.htm>

¹⁶ Jacques du Guemy & Daphne Topouzis, *Gender, Land and Fertility-Women's Access to Land and Security of Tenure*, SDDIMENSIONS, (March, 1996), available at <http://www.fao.org/sd/wpdirect/wpanOOOI.htm>.

¹⁷ R Elmhirst, BP Resurreccion-and natural resource management and undefined 2012, “Gender, Environment and Natural Resource Management: New Dimensions, New Debates” [taylorfrancis.com](http://www.taylorfrancis.com/chapters/edit/10.4324/9781849771436-8/gender-environment-natural-resource-management-new-dimensions-new-debates-rebecca-elmhirst-bernadette-resurreccion) <<http://www.taylorfrancis.com/chapters/edit/10.4324/9781849771436-8/gender-environment-natural-resource-management-new-dimensions-new-debates-rebecca-elmhirst-bernadette-resurreccion>> accessed July 11, 2022.

dimensions-new-debates-rebecca-elmhirst-bernadette-resurreccion> accessed July 11, 2022.

¹⁸ RM Olalekan and others, “The Roles of All Tiers of Government and Development Partners in Environmental Conservation of Natural Resource: A Case Study in Nigeria” [academia.edu](https://www.academia.edu/download/59357425/MOJES-04-0014220190522-80675-m1h0jh.pdf) <<https://www.academia.edu/download/59357425/MOJES-04-0014220190522-80675-m1h0jh.pdf>> accessed July 9, 2022.

¹⁹ Siddiqui NA, Akbar Z. Natural resources and environmental management systems. New Delhi: Khanna Publishers; 2008

²⁰ C Miao and others, “Natural Resources Utilization Efficiency under the Influence of Green Technological Innovation” [2017] Elsevier <<https://www.sciencedirect.com/science/article/pii/S0921344917301982>> accessed July 11, 2022.

²¹ Misc. Cause No. 181 of 2004 (High Court of Uganda).

²² Preamble, Constitution of the World Health Organisation, New York, 22 July 1946, available at <http://www.who.int/governance/eb/>

²³ Id

²⁴ Misc. Cause No. 0100 of 2004 (High Court of Uganda),

²⁵ Ling, “The Background and Theoretical Origin of Ecofeminism.”

²⁶ World Commission on Environment and Development, U.N. Doc. A/42/47 (11 Dec. 1987), reprinted in *Our Common Future* 43 (1987).

sustainable development, and peace are interdependent and indivisible and that all 'all persons have the right to secure healthy and ecologically sound environment.' And The Energy Charter Treaty²⁷ in Article 19 notes that *contracting parties shall strive to minimize in an economically efficient manner harmful environmental impacts.* Similarly, the [Rio Declaration on Environment and Development](#)²⁸ in Principle 3 of the Rio Declaration states that *"the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations"*. Therefore, it is a sin to destroy nature, because the maxim is that 'we borrow the environment from the future and have a duty to keep it safe until we hand it over to the owners in good condition. So environmental protection is a duty and a practice of protecting and conserving the natural environment on individual, organizational, and government levels.

Seemingly, women have been found to play a significant role in natural resource management as part of their social duty of taking care of their families. This makes them a vital part to be considered in matters of environmental protection and also considering their intimate connection with other nature. Through their role as farmers, collectors of food, and firewood, they get intimately connected to mother nature and acquire knowledge on how to conserve it and at the same time are most likely to suffer any harm that results from environmental degradation, as advanced by the ecofeminists.²⁹ Therefore, the women's perspective and values for the environment are different from men's, the women will give greater priority to the protection of and improving the capacity of nature, maintaining and caring for trees and forests for medicinal use and farmlands. While the men will see the environment, as a source of income, they see timber in the forests, commercialized agriculture, and modern farming with chemicals, to earn quick money yet these practices have a great negative impact on nature and the women who usually are the casual laborers on such projects.³⁰ Notably, in spite of the fact that women face all these challenges, it has been found that the governments' response is not felt and as a result, there is an escalation of ecological

crises such as mudslides, floods, climate change, poverty, disease, and hunger across the country.³¹ This is a clear indicator that, a crash is inevitable without an enhanced perception of a gendered analysis to guide into future environmental protection programs. This also shows that the degradation of natural resources, whether induced by modernization, industrialization, or oil production, can undermine women's ability to perform their roles and also means that they can fulfill those roles with increasing costs and considering that the women in Uganda are not yet economically stable. Thus, environmental policies should take account of women's roles or they risk having negative impacts on the natural resources.³²

Uganda is a signatory to a range of treaties that protect women's rights as well as environmental protection. Some of the treaties include but are not limited to, the UN Charter 1945, the Universal Declaration of Human Rights, the Stockholm Declaration on environment 1972,³³ the Convention on the Elimination of All Forms of Discrimination Against women 1979, the African Charter on Human and Peoples rights 1981, the UN Declaration on the Right to Development 1986, the Rio Declaration on the human environment and Development 1992,³⁴ the Declaration on Violence Against women 1993, the Beijing Declaration and action Platform 1995, protocol to the ACHPR on the Rights of women in Africa 2008 and The Millennium Development Goals and sustainable development goals 2015.³⁵ Following its international obligation, Uganda ratified most of those treaties. The 1995 constitution of Uganda provided a key turning point for the protection of women's rights, empowering,³⁶ and recognizing the equality of men and women, and ensuring that women have an opportunity to participate in decision-making at all levels of governance, through affirmative action provisions and policies.³⁷ This has promoted the increment in the numbers of women in the legislature.³⁸ The country also has made several laws pitched to promote and protect the rights of women such as the Domestic Violence law 2010,³⁹ and regulation 2011,⁴⁰

²⁷ The Energy charter Treaty 1994 at Lisbon

²⁸ This declaration, agreed to at the 1992 Earth Summit in Rio de Janeiro

²⁹ Solomon Endris, "Gene Conserve - Articles - Articles - - Articles - - Articles - Gene Conserve - Articles - Articles - Volume 7 - Issue 30 - October / December , 2008 ." (2008) 7 Production 2008.

³⁰ MN Chukwu, "A Study on Gender Involvement in Environmental Protection in Pedro Village, Lagos" (2014) 3 Academic Journal of Interdisciplinary Studies 20.

³¹ Solomon Z.Wuyep and others, "Women Participation in Environmental Protection and Management: Lessons from Plateau State, Nigeria" (2014) 2 American Journal of Environmental Protection 32.

³² Melissa Leach, "Gender and the Environment: Traps and Opportunities" (1992) 2 Development in Practice 12.

³³ Principle 1, Declaration of the UN Conference on the Human Environment held at Stockholm from 5-16 June 1972, available at <http://www.unep.org/Documents.multilingual>

³⁴ Principle 1, Declaration of the UN Conference on the Environment and Development held at Rio de Janeiro from 3 – 14 June 1992 [hereinafter Rio Declaration], available at <http://www.unep.org/Documents.Multilingual/>

³⁵ UN Millennium Development Goals, Goal No. 7. For details see <http://www.undp.org/mdg/goallist.shtml>.

³⁶ The Constitution of the Republic of Uganda, Objective II Part i, and ii.

³⁷ Article 21; protection from deprivation of property in Article 26,(1); equal rights during and after marriage in Article 31 (1) and; provides for affirmative action for marginalized groups on the basis of gender, history, traditions or customs in Article 32 (1).

³⁸ MFPED, 2013. Millennium Development Goals Report for Uganda 2013: Special Theme: Drivers of MDG Progress in Uganda and Implications for the Post – 2015 Development Agenda.

³⁹ Republic of Uganda, The Domestic Violence Act, 2010

⁴⁰ Republic of Uganda Domestic Violence Regulations, 2011

3. ECOFEMINISM AND THEORETICAL INSIGHTS

Moreover, ecofeminism also believes that women's emancipation is in tandem with the establishment of power free and nondestructive nature-society relationship,⁴⁹ where both the environment and women can be liberated together. There a country can witness a rise in environmental protection efforts if there is women empowerment⁵⁰ because women can assert their *de facto* status and knowledge to ensure

3.1 ECOFEMINISM, WOMEN'S RIGHTS, AND ENVIRONMENTAL PROTECTION IN UGANDA

Therefore, it is important to understand the needs of particular women before endorsing any project to protect the environment. For instance, the theories and the law have indicated that a woman with less or no education, not economically stable, and hampered by the socio-cultural institution will not be able to conserve the environment. The ecofeminists emphasize that equal opportunities, education, and economic empowerment will enable women to positively contribute to environmental protection efforts.⁵³

Although ecofeminism and public participation theories have alluded that, women should be involved in decision-making at all levels, it has been found that politics in Uganda today is

⁵³ Banford Cameron Kiely Froude and Kiely.

heavily commercialized, and a poor person cannot be voted into office. This implies that the women mostly economically handicapped will be left out in the decision-making process. There is also another danger that those women who go through the elective posts have funder of their elections and as such, they will be representing the interests of the funders, not the key environmental issues. Besides, the funders are always investors and entrepreneurs who may be largely responsible for environmental degradation. They choose to finance politicians to protect their establishments.⁵⁴ For instance, bribery was proved, in the cases of *Muwanga Kivumbi Muhammed v The Electoral Commission & Anor*,⁵⁵ and in *Electoral Commission and Another v Bakireke*.⁵⁶ Therefore, any government intervention in that matter should first aim at revisiting the electoral process to make it free and fair to allow women to exercise their right to be voted and to participate in the decision-making process.⁵⁷ The issue of voter bribery is rampant in Uganda and courts are always handling such allegations immediately after any elections. Thus, as the ecofeminists assert, it is paramount to programs of inclusion of poor people in decision-making rather than being sidelined and alienated.⁵⁸ Perfect decisions will be made depending on how well that program of inclusion is implemented ensuring certainty and generality, and for legitimacy, the process should have adequate participation and objectivity.⁵⁹

Further, it is also true that politically empowered women can exert their voice and influence to ensure substantial environmental protection and conservation. A case in point was seen from Hon Beatrice Anywa (mama mabira) a woman

legislator in Uganda who successfully stood up and advocated against turning Mabira forest into a sugar cane plantation by the government. It also asserted that a county with higher numbers of women legislators is more likely to ratify environmental treaties.⁶⁰ There is no doubt that Uganda through its affirmative action policies and women empowerment has created avenues for women to participate in decision-making.⁶¹ In spite, of all the good laws and policies, women still face the challenges of customary law, culture, and religion that compound inequality between men and women.⁶²

Similarly, women enjoy the right to a clean and healthy environment,⁶³ like any other person as guaranteed by international law and the laws of Uganda as was illustrated in *Advocates Coalition for Development and Environment v Attorney General and NEMA*,⁶⁴ and in *Uganda Electricity Transmission Co Ltd v De Samaline Incorporation Ltd*,⁶⁵ it was noted that the concept of human health moves beyond 'merely the absence of disease or infirmity'⁶⁶ and encompasses 'a state of complete physical, mental and social wellbeing.' It should be regarded as a holistic social-cultural phenomenon because it is concerned with the physical and mental well-being of human beings... a clean and healthy environment is measured in both ethical and medical contexts. It is about linkages in human well-being. These may include social injustice, poverty, diminishing self-esteem, and poor access to health services. The state has a duty to ensure the promotion⁶⁷ and protection of the right of all.⁶⁸ To take reasonable steps to prevent⁶⁹ the use of harmful drugs, pollution, and ecological

⁵⁴ Christine KE and Amos K, 'Factors That Drive Public Participation in Local Governance and Development in Uganda: A Case of Butaleja District' (2022) 6 International Journal of Academic Multidisciplinary Research 118 <<http://dx.doi.org/10.1111/1467-9299.00253>> accessed 13 July 2022

⁵⁵ (Kampala Election Petition No.018 of 2011) [2011] UGHC 149 (12 October 2011)

⁵⁶ ((Election Petition Appeal Nos.1 and 2 of 2007)) [2009] UGCA 12 (25 March 2009)

⁵⁷ Art. 21, 38 and 59 of the 1995 constitution of Uganda

⁵⁸ Claridge T (2004) Designing social capital sensitive participation methodologies. Report, Social Capital Research, Brisbane, Australia.

⁵⁹ Quick KS, Bryson J (2016) Theories of public participation in governance

⁶⁰ Chukwu MN, 'A Study on Gender Involvement in Environmental Protection in Pedro Village, Lagos' (2014) 3 Academic Journal of Interdisciplinary Studies 20

⁶¹ Articles 32, 38, and 59 of the 1995 constitution of Uganda.

⁶² Kisubi Esther Christine, "Women's Rights to Participate in Representative Politics: Perspectives from the Eastern and Central Regions of Uganda" (2022) 6 International Journal of Academic Multidisciplinary Research 255 <<https://www.wipo.int/edocs/lexdocs/laws/en/ug/ug002en.pdf>> accessed July 11, 2022.

⁶³ Article 18(1), Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa [hereinafter

Women's Protocol], available at http://www.achpr.org/english/_info/women_en.html.

⁶⁴ Misc. Cause No. 0100 of 2004 (High Court of Uganda),

⁶⁵ Misc. Cause No. 181 of 2004 (High Court of Uganda).

⁶⁶ Preamble, Constitution of the World Health Organisation, New York, 22 July 1946, available at <http://www.who.int/governance/eb/>

⁶⁷ CESCR, General Comment No. 14, The Right to the Highest Attainable Standard of Health (Article 12), UN Doc. E/C.12/2000/4 (2000), Para.15. The Committee on Economic, Social and Cultural Rights (CESCR) interpreted this provision as comprising inter alia of: 'Preventive measures in respect of occupational accidents and diseases; the requirement to ensure an adequate supply of safe and potable water and basic sanitation; the prevention and reduction of the population's exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health...

⁶⁸ Id., Article 12 (2)b. For a discussion of the interface between environmental law and public health, see William Onzivu, 'International Environmental Law, the Public Health, and Domestic Environmental Governance in Developing Countries', 21 Am. U. Int'l L. Rev 597 (2006).

⁶⁹ Principle 1, Declaration of the UN Conference on the Human Environment held at Stockholm from 5-16 June 1972, available at <http://www.unep.org/Documents.multilingual>

degradation⁷⁰ and to secure ecologically sustainable development and use of natural resources.⁷¹ As was expressed by the African Commission in the case of *Social Economic Rights Action (SERAC) and The Centre for Economic and Social Rights. Vs Nigeria*,⁷² and in Uganda the case of *Asiimwee & 2ors v Leaf Tobacco & commodities (u) ltd & anor*.⁷³

Additionally, Ecofeminism asserts that given the roles women play in society as laborers, fetching firewood, and tilling the farms, they are most likely to suffer greatly from environmental harm resulting from the use of chemicals in modernized agriculture, pesticides, and industrial pollution.⁷⁴ This violates the women's right to a clean and healthy environment, as was noted in the Ugandan case of *Uganda Network on Toxic Free Malaria. Vs Attorney General*,⁷⁵ where it was observed that spraying of DDT amounts to a violation of the right to a clean and healthy environment and the right to life under Article 20 enshrined in Article 39 of the constitution and section 3 of the National Environment Management Act of Uganda.⁷⁶ The court, in this case, was hesitant to make a pronouncement against a government program so the case was dismissed. This sends a clear message to the public, that the courts are not willing to interfere with the government even if such a program infringes human rights. This is done despite the constitutional guarantee for checks and balances⁷⁷ and judicial independence.⁷⁸

Furthermore, to the ecofeminists, women's property rights are crucial if environmental conservation efforts are to be achieved. Women currently face a challenge of male exclusivity compounded by colonial governments and indigenous cultures that promote the patriarchal nature of

property ownership and exclude women.⁷⁹ These gender discrepancies are still present in Uganda regardless of the constitutional provisions on the right to hold property. Women in rural areas and those with limited education have limited property rights and access to productive assets. Research has further proved that there is a discrepancy between the law and its implementation,⁸⁰ which are hampered by customary norms and culture that give land and other natural resources to men or male heads of extended families, while women only enjoy secondary rights such as usage through their fathers or husbands, brothers and male relatives.⁸¹ Such practices have undoubtedly affected women's rights to land and related resources because, it is true that, to own something is to assert every authority as deemed fit.

Therefore, it is the duty of every democratic government to ensure everyone's property rights,⁸² because it is a guarantee of a fair production resource as a basis for managing one's affairs.⁸³ And ideally, the land, and environment are the source of man's livelihood, and knowing that there is a link between the environment and women and social role, denial of property rights, denies the people the right to food and a healthy environment.⁸⁴

Similarly, the ecofeminists argue that to enhance the productive roles and capacity of women,⁸⁵ the government has to improve the status of women through programs like

⁷⁰ Principle 1, Declaration of the UN Conference on the Environment and Development held at Rio de Janeiro from 3 – 14 June 1992 [hereinafter Rio Declaration], available at <http://www.unep.org/Documents.Multilingual/>

⁷¹ Article 24, African Charter on Human and Peoples' Rights, 21 Int'l Leg. Mat. 58 (1982) [hereinafter ACHPR].

⁷² Communication No. 39 of 2001 of African Commission on Human and Peoples' Rights. For further details see <http://www.serac.org>

⁷³ (MISCELLANEOUS CAUSE NO. 43 OF 2013) [2014] UGHCCD 179 (21 October 2014)

⁷⁴ CONSTITUTION, Art. V, § 82(4), 82(6) (1992) (Kenya) (excluding protection against discrimination "with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law") [hereinafter KENYA CONSTITUTION];

CONSTITUTION, § 23(3)(a) (1983) (Zimbabwe) (excluding protection against discrimination for matters of "adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law"); CONSTITUTION, Part III, Art. 23(4)(c) (1991) (Zambia) (excluding "adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law" from the anti-discrimination clause of the document).

⁷⁵ (CONSTITUTIONAL PETITION NO. 14 OF 2009) [2014] UGCC 6 (11 March 2014);

⁷⁶ Part XXII (i) and (ii) of National Objective and Directive Principle of State Policy [hereinafter NODPSP], of the Constitution. Article 8A of the Constitution obliges Uganda to be governed based on the principles of national interest and common good

⁷⁷ See the Constitution, note 3 above, Article 126(1).

⁷⁸ Id., Article 128.

⁷⁹ Daniel S (1995) Social Aspects of Sustainable Dryland Management. John Wiley and Sons. UNEP, Nairobi.

⁸⁰ Cynthia Grant Bowman & Akua Kuenyehia, *Women and Access to Land, in* WOMEN AND LAW IN SUB-SAHARAN AFRICA 128 (2003)

⁸¹ Embassy of Sweden Uganda. October, 2013. Gender Analysis. Chris Coulter and Ashnaut Okille. Citing the report 'Women's Land Rights and the Law,' Uganda Land Alliance (ULA).

⁸² Rawls 2001, 114.

⁸³ Rawls, J. (1999), *A Theory of Justice*, revised edition, Cambridge/MA ? (2001), *Justice as Fairness*, E. Kelly (ed.), Cambridge/MA ? (2005), *Political Liberalism*, expanded edition, New York ? (2007), *Lectures on the History of Political Philosophy*, Cambridge/MA

⁸⁴ Tilo Wesche (n 307).

⁸⁵ Razavi S, Miller C (1995) From WID to GAD: Conceptual Shifts in the Women and Development Discourse. United Nations Research Institute for Social Development (UNRISD) Geneva Switzerland. United Nations Development Programme, pp. 55

education,⁸⁶ and economic schemes,⁸⁷ and prevent inequality in social,⁸⁸ political, and economic spheres.⁸⁹ Lack of gender equality poses a heavy price on inclusive growth.⁹⁰ The link between women and environmental protection has undoubtedly been recognized by several international bodies,⁹¹ although Uganda is yet to achieve effective involvement of women in environmental planning and activities.⁹² Sustainable development goals and pro-poor growth require that women should be economically empowered because it increases women's economic resource opportunities, property, and productive assets.⁹³ The government of Uganda has put in place policies⁹⁴ and legal frameworks to empower women and programs to this effect.⁹⁵ The constitution of Uganda recognizes equality between men and women and the role of women in society,⁹⁶ provides for a fair and balanced representation of marginalized groups, affirmative action in favor of women,⁹⁷ and outlaws customs, traditions, and practices that undermine the women's interests and dignity.⁹⁸

That notwithstanding, more women continue to remain disadvantaged in terms of education attainment even when the government gave 1.5 points for girls joining university. These

additional points are available to those girls from well-to-do families who were able to study in good secondary schools and could score points to take them to Makerere University. Promotion of education should start at lower levels if this program has to be achieved. Indeed, due to low levels of education, they account for 83.5% of the unemployed percentage in Uganda and end up doing subsistence farming ('*kukolera ekida kyonka*').⁹⁹ This implies, that without meaningful employment and meaningful economic empowerment,¹⁰⁰ the environment is in danger of degradation.¹⁰¹ The equity approach calls for equitable distribution of resources and proceeds of development equitably and that women's equal rights to development is a universal good.¹⁰² The rationale is that empowering women enhances their ability to enjoy their human rights, impacts their lives, and reinforces their powerlessness.¹⁰³

4. CONCLUSION AND RECOMMENDATION

This must change if sustainability is to be achieved,¹⁰⁴ and the protection and fulfillment of women's human rights can be a catalyst for positive environmental change in Sub-Saharan African countries.¹⁰⁵ the potential benefits of increasing women's participation in their communities is an effective

⁸⁶ One aspect of women empowerment is provision of quality education. However, this remains a challenge given that a moderately high percentage of women and men do not have any formal education. Even though the overall percentage of people without any formal education is quite high (36.6%), the total lack of formal education is mostly reported among women.

⁸⁷ Labaris.

⁸⁸ O'Neill, M./T. Williamson (2012) (eds.), *Property-Owning Democracy: Rawls and Beyond*, Chichester (2012), *Free (and Fair) Markets without Capitalism. Political Values, Principles of Justice, and Property-Owning Democracy*, in: O'Neill/Williamson (eds.), 75:100

⁸⁹ Women's Economic Empowerment (WEE) promotes gender equality, which is one of the 17 global UN Sustainable Development Goals (SDGs).

⁹⁰ The International Monetary Fund [IMF] (2018),

⁹¹ AMARTYA SEN, *DEVELOPMENT As FREEDOM* 189 (1999) (emphasis in original).

⁹² Flynn Coleman, *Pan-African Strategies for Environmental Preservation: Why Women's Rights are the Missing Link*, 23 *Berkeley J. Gender L. & Just.* 181 (2008). <http://scholarship.law.berkeley.edu/bgji/vol23/iss1/5>

⁹³ Leif Petersen MG, 'Policy Brief Policy Brief' (2019) 1 *Pancanaka* 14

⁹⁴ The Uganda Gender Policy (2007)

⁹⁵ The Uganda Women Entrepreneurship Programme (UWEP) is one of the flagship Programmes being implemented by the Ministry of Gender, Labour and Social Development (MGLSD).

⁹⁶ National objective and guiding principles XIV, Article 33

⁹⁷ The Uganda Women Empowerment Program (UWEP)

⁹⁸ The 1995 constitution of Uganda, Articles, 21, 26, 28, 23, 32, 31, 33, 50

⁹⁹ 2018 report by the Uganda Bureau of Statistics (UBOS) titled "2017 Baseline Survey of Perceptions on Violence Against Women, Women's Economic Empowerment and Women's Political Participation and Leadership report of the NGPSS 2017"

¹⁰⁰ Uganda's development vision 2040 vision expressed in the National Development Plan, also lists 'gender issues, negative attitudes, mindset, cultural practices and perceptions' among the key binding constraints on economic and social development.

¹⁰¹ See the reports of the Secretary-General entitled "Effective mobilization and integration of women in development: gender issues in macro-economic policymaking and development planning" (A/50/399); "Women in development" (A/62/187); and *World Survey on the Role of Women in Development* (A/64/93).

¹⁰² United Nations Development Programme (UNDP), *Human Development Report 1995: Gender and Human Development* (New York, Oxford University Press, 1995); World Bank, *Engendering Development: Through Gender, Equality in Rights, Resources, and Voice* (New York, Oxford University Press, 2001), p. 100; Nicholas D. Kristof and Sheryl WuDunn, *Half the Sky: Turning Oppression into Opportunity for Women Worldwide* (London, Virago, 2010), pp. xxi-xxii.

¹⁰³ UNDP, *Human Development Report 2000: Human Rights and Development* (New York, Oxford University Press, 2000), p. 17. See Oxfam, *The Oxfam Handbook of Development and Relief*, D. Eade and S. Williams, eds. (Oxford, Oxfam

¹⁰⁴ Labaris.

¹⁰⁵ Alan E. Boyle & Michael R. Anderson, *Human Rights Approaches To Environmental Protection* (1996). And Jan Hancock, *Environmental Human Rights: Power, Ethics And Law* (2003).

strategy for environmental protection; recognizing that women tend to experience disadvantages such as poverty, discrimination, lack of political power, and land rights.¹⁰⁶ They found that women's representation in national governments and decision-making positively impacts the country's environmental protection efforts. It also found that women in Uganda face challenges that deny them effective access, control, and use of land due to property rights that are rooted in the patriarchal and cultural institutions, that vest those rights in men. It is therefore recommended that barriers to women's participation in decision-making need to be addressed. That property rights and women's economic empowerment should be addressed as well as environmental awareness should be promoted at all levels for sustainable development and environmental protection to take root. Furthermore, ecofeminism believes that the protection and fulfillment of women's rights can be a catalyst for positive environmental change.¹⁰⁷ There is no doubt that enhancing women's participation in decision-making has potential benefits to the environmental protection efforts, because poverty, lack of political power, and land rights are key potential threats to women's efficiency in environmental protection.

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