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Statement submitted by Asia Pacific Forum on Women, Law and Development, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

The Asia Pacific Forum on Women, Law and Development (APWLD), representing 227 members from 26 countries in the region, submits this statement to the 62nd Commission on the Status of Women. Our statement draws attention to significant systemic barriers and enablers to advancing the human rights of rural women and girls in the context of:

- trade and investment agreements;
- threats from land-grabbing practices;
- increased risks of climate change.

Rural women are not homogenous and include small farmers with ownership rights, farmers on collective or common land, waged farmers, workers in secondary and non-farm industries, pastoralists, fishers, peasants and Indigenous women. They also may be girls, parents, widows, women with disabilities, women living with HIV or other diseases, of diverse sexual orientations and/or gender identities. Many interventions target rural women as singular, food-producing identities, failing to address the heterogeneity of rural women and the challenges they face.

Given the multiple and intersecting crises that affect the livelihoods of rural women, there is a necessity for building rural women's movements around a new alternative development model to ensure gender-just political and social relationships.

The impact of trade agreements

The proliferation of trade and investment agreements designed to enable the flow of global capital negatively impact rural communities, including women. Trade agreements such as the Trans Pacific Partnership (TPP) and the Regional Comprehensive Economic Partnership (RCEP) have retrogressive provisions on human rights, including by lowering thresholds for health protection, food safety, and labour standards, by catering to the business interests of monopolies and extending intellectual property protection.

Trade agreements are designed to protect the investor over local communities, exemplified in provisions such as the Investor State Dispute Settlements (ISDS), which enables corporations to sue governments in closed tribunals. ISDS is commonly used to challenge decisions by governments that can affect the profit margin of the investor, including when states introduce labour rights protections or environmental protections. When such protections are challenged, communities bear the cost, especially in addressing the repercussions of extractive industries.

Trade agreements and neoliberal, pro-austerity and pro-privatisation policies pushed forward by international finance institutions limit the capacity of states, particularly in the global south, to ensure rural women have access to resources, public goods and services.

Addressing this requires ensuring the primacy of human rights in trade agreements and in the articles of agreement for international finance institutions, and through ex-ante and ex-poste reviews of such agreements. Rural women and girls can be empowered by participatory action-oriented research (as recommended under actions to be taken in paragraph 258(b)) to mobilise, build movements and use their

knowledge to address disparity, mitigate climate change, and advance the 2030 Agenda.

Threats from land-grabbing practices

State supported land-grabbing practices increasingly threaten rural women's land rights. Foreign investment in the agricultural sector is focused on export industries that benefit large corporations. These mono-cropping investments rely heavily on chemical inputs of pesticides and fertilisers, and result in long term damage to land fertility, water-ways and biodiversity. Addressing this crisis requires a global treaty to regulate and phase out dangerous pesticides, as proposed by two Special Rapporteurs earlier this year.

The expansion of export-oriented crops decreases availability of land and water for subsistence agriculture that is primarily tilled by women. The expansion of commercial agriculture also depletes communal land and resources, which women largely rely on for fuel, water, and fodder for medicinal purposes. Large-scale projects are often undertaken without meaningful consultation of women in local communities, or without their free, prior and informed consent. Militarisation of land concessions threatens the safety of women human rights defenders involved in land disputes or protection of land from environmental disaster. (It should be noted that 2017 is one of the deadliest years for environmental defenders.) As a result of these practices rural women increasingly move to work as labourers in factories, plantations or as domestic workers with sub-standard labour conditions.

In Myanmar's Rakhine State, the exodus of over half a million Rohingyas, including large numbers of women and girls, can be seen as a massive landgrab. Military operations in this state are consistent with past military attacks in other ethnic minority states, where divisionary tactics were used alongside land confiscation enabling laws passed by the military-dominated parliament. A key law is the Vacant, Fallow and Virgin Lands Management Law (2012), which defines 'vacant land, fallow land' as 'tenanted in the past but abandoned for various reasons, never making exception for land abandoned because of conflict or landmines. The same law allows foreign investors to obtain the right to utilise vacant or fallow land in partnership with the government or a citizen. In this way the land that Rohingya communities fled from, where their villages were burned down, can now be claimed by the government for 'development'. Threats to communities from the state, militarism and fundamentalism, must be challenged by a people-centred framework of development. APWLD has proposed an alternative framework of Development Justice to counter the neoliberal model of development, rooted in five foundational shifts.

Risks from climate change

Climate change exacerbates existing inequalities in rural communities, including along gendered lines, as seen with the prevalence of early, child or forced marriage in climate affected communities in Nepal and Bangladesh. Climate change exposes women to increased risks of violence, trafficking and conflict. In the last sixty years, at least 40 per cent of all intrastate conflicts were linked to natural resources and the environment.

Rural women are likely to suffer higher disaster-related mortality and carry the burden of the long-term impacts of loss of land, livelihood and security. Women and girls are exposed to more risk because of their role in care work, food and water collection, and agricultural production. Climate change could reduce agricultural

production between 2-15 per cent, which will more greatly affect rural women in the Global South.

Large-scale migration increases the risk of conflict in host communities as tensions and competition over land and resettlement areas arise. Women in these situations face a violent environment with the additional dangers of long migrations such as hunger and dehydration. Displacement increases the threat of violence against women, restricts their livelihood options, and increases the chances of family separation through multiple migrations.

Building rural women's movements for a Feminist Fossil Fuel Free Future

Electrification has commonly been associated with mega-energy projects and extractive industries which disproportionately and adversely impact rural women and are not accessible to them as sources of electricity, as such projects cater to industry and high paying customers. The transition to renewable energy should come with a transformation, not just in the source of energy but the purpose, distribution and control over energy. As numerous countries phase out the use of fossil fuels, the price of solar energy has already fallen below coal-based power in some countries. This is the time for building a gender-just renewable energy sector, which focusses on the 1.2 billion people estimated to be without energy, 80 per cent of whom are living in rural areas. Gender-responsive structuring for both the delivery of electricity and the industry itself has the capacity to change the situation of rural women and girls in developing countries, remote areas, and small island states.

APWLD's elaboration of a Feminist Fossil Fuel Free Future envisions a just and equitable transition of the economy and workforce with the potential to redistribute power and make energy democracy a reality. Access to renewable, clean, safe, predictable energy has the capacity to alleviate some of the unpaid work burden on rural women and increase health and livelihood standards in rural areas.

Recommendations to the Commission

- Support a model of development that addresses inequality, and the use of participatory action-oriented research to enable rural women and girls to share knowledge, build movements and increase decision making power;
- Support human rights assessments of trade and investment treaties, and call on international finance institutions to integrate human rights in articles of agreement, ensuring lending policies do not conflict with women's human rights;
- Revisit the recommendation from the 61st Commission on just transition of the workforce and consider expanding to just and equitable transition of the economy in the context of climate change, recognising this as the opportune moment globally to support and finance the transition to renewable, clean energies and resource democracy;
- Recognise the underpaid and unpaid labour of rural women and girls can be addressed by the fulfilment of their economic rights and the realisation of the four pillars of Decent Work.