

Securing pathways to environmental justice for indigenous women

Multilateral Development Banks and environmental violence in the Americas

Laura Cahier

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Across the Americas, Multilateral Development Banks (MDBs), such as the Inter-American Development Bank (IDB) or the World Bank (WB), finance public and private projects to support the development of the region. Although these projects often participate to the improvement of socio-economic conditions, they may also adversely impact the rights of local communities, cause severe damages to the environment, and fuel the climate crisis. In particular, Indigenous women have been disproportionately affected by MDB-funded projects which are implemented without due respect to human rights and environmental standards. Therefore, this contribution addresses the issue of environmental violence against Indigenous women as a result of MDBs' investments and suggests legal developments, in order to ensure environmental justice for vulnerable groups in the region.

The crisis of environmental violence fueled by development projects

Indigenous women activists use the concept of environmental violence to describe their specific vulnerability to the adverse effects triggered by some development projects on their physical, spiritual, mental, and cultural integrity (see e.g. reports [here](#) and [here](#)). For instance, in the highlands of Northwestern Guatemala, the IDB-funded construction of the San Andrés and Pojom II dams have severely threatened local Indigenous communities, affecting their ability to grow food and maintain their traditional lifestyle, and causing water scarcity as well as contamination (see [here](#)). However, “the damages from the dams are differentially suffered by women, since they are the primary managers of water use in their homes, [...] *[they]* also face stigmatization and live in fear of retaliation for their peaceful opposition to the projects,” notes Anabella Sibrián from the International Platform Against Impunity. Besides, the pollution caused by development projects implemented in their territories often fragilizes Indigenous women’s health. As a result of environmental contamination, the [Inter-American Commission on Human Rights \(IACHR\)](#) has [observed](#) “high levels of toxins in breast milk, in the blood of the umbilical cord, and in blood serum and fatty tissue, causing infertility, miscarriages, premature births, cancers of the reproductive system, decreased lactation and the inability to produce healthy children.” Moreover, in a [report published in 2017](#), the IACHR expressed concerns over the alarming rates of violence against Indigenous women associated with development projects led by States and non-State actors, among which MDBs. For example, the IACHR spotted that the situations of poverty and vulnerability combined with forced removals from traditional lands or the arrival of workers in

remoted areas has led to an increase in forced prostitution, trafficking of indigenous women and girls, STDs, sexual violence, and forced pregnancies. In many cases, poverty, racial discriminations, and gender inequalities are thus intertwined with the implementation of some mega-projects, the intensive exploitation of natural resources, or the contamination of waters and lands (see the [UN Study](#)).

Moreover, Indigenous women suffer the multi-generational effects of environmental destruction in the long run. During the [First International Women's Environmental and Reproductive Health Symposium](#) held in 2010 in Alamo, California, Indigenous women denounced the long-lasting harmful consequences of environmental destruction on “the traditional, spiritual and cultural teachings passed down from [their] ancestors, [their] grandmothers about [their] sexual and reproductive health and their connection to the protection of the environment, [their] sacred life-giving Mother Earth.” Aside from the disproportionate consequences on their bodies, health, and spirituality, Indigenous women also encounter obstacles to accessing justice mechanisms that can address the violations of their human rights.

The “irresponsibility” of MDBs?

Environmental violence against Indigenous women is symptomatic of the various legal challenges posed by the growing role that MDBs play worldwide. In particular, MDBs' responsibility with regard to the socio-environmental crisis remains largely unaddressed, both in relation to harm to women and to Indigenous peoples. Firstly, despite the implementation of environmental and social policies by MDBs, these binding documents do not include sufficient safeguards and monitoring mechanisms to ensure that the projects they fund respect the rights of Indigenous women, especially facing environmental violence. For instance, the [IDB's Operational Policy on Indigenous Peoples](#) lacks a robust gender perspective. Secondly, aside from internal accountability mechanisms, MDBs' legal responsibility remains unaddressed under international human rights law (see [analysis by Leonardo Crippa](#)). When financing projects which have adverse consequences on human rights, the climate or the environment, MDBs are not held accountable under international law. MDBs also enjoy broad privileges and immunities from national jurisdictions, which is recognized in customary international law. In certain cases only, MDBs may be sued in domestic courts and found liable for human rights violations that occur as a result of the projects they finance. For instance, in the *Jam v. International Finance Corp.* decision of February 2019, the U.S. Supreme Court ruled that international organizations such as the WB can be sued under U.S. federal law when they are engaged in commercial activities and acting as private actors in the market. Thirdly, environmental violence is intertwined with the weak enforcement of the right to participation in all stages of development projects. Indigenous women are often excluded from decisions about the impacts of projects on climate and environment, or the use of lands and natural resources. Therefore, MDBs' insufficient safeguard policies, their weak accountability under international law, and the persistent marginalization of Indigenous women have been fueling the crisis of environmental violence.

Curving environmental violence through legal developments

As a largely unaddressed human rights challenge, curbing the disproportionate levels of environmental violence against Indigenous women requires solid legal developments. Firstly, it is crucial that MDBs strengthen their environmental and social policies, while supporting Indigenous women’s empowerment and reducing the environmental impacts of the projects they decide to finance. Both gender mainstreaming and development with identity approach should be systematically applied to MDBs’ policies and actions. According to the [United Nations](#), gender mainstreaming is “a process which systematically integrates gender perspectives into policies, programs and projects”. It enables making women and men’s lived experiences, needs and concerns an integral dimension of the MDB-funded projects with the aim of achieving gender equality and meeting international standards, regarding both the protection of human rights and the preservation of the environment. The development with identity of Indigenous peoples refers to a process which is focused on the strengthening of Indigenous peoples, the respect of their specific cultural, economic, social and political rights, as well as the recognition of their strong relationships with the environment and biodiversity. Therefore, it seems crucial to include stronger preventive dispositions to identify, avoid, and address the harmful impacts of development projects, through gender and culturally sensitive risks assessments, evaluations, and monitoring. Additionally, MDBs could consider implementing quotas or specific grants to further direct investments in key areas for the empowerment of indigenous women – in particular, the labor market, healthcare, or education – and for the protection of the environment (see [OVC’s Evaluation of the IDB’s support for gender and identity](#)).

Secondly, holding MDBs accountable when the projects they finance do not comply with international human rights standards is crucial to secure pathways to environmental justice. Through amendments to human rights treaties or new standards, the responsibility rules applied to MDBs under international law should be developed so that international tribunals can have jurisdiction over them. The ongoing negotiations of an international binding instrument for “Business and Human Rights” at the United Nations represents an unprecedented opportunity for a discussion on the direct responsibility of MDBs under international law. Nonetheless, the current version of the [Draft UN Treaty on Business and Human Rights](#) does not address the direct responsibility of MDBs for human rights violations occurring as a result of the projects they decide to fund.

Thirdly, strengthening the political and economic participation of Indigenous women is necessary to promote development models that respect their human rights, protect the environment, and include them as stakeholders, decision-makers, and beneficiaries. As raised during the first public consultations led by the IDB in August 2019, Indigenous women’s voices are often missing from consultation, planning, and assessment processes. However, Indigenous women are often considered as the bearer of traditional knowledge, especially regarding the relationship that Indigenous peoples have with their environment. Therefore, MDBs should guarantee the participation of Indigenous women in all stages of projects, through affirmative action, parity quotas, and consultation mechanisms. Furthermore, the United Nations and the Organization of American States could open more political and legal spaces for Indigenous women to voice their specific concerns, as their needs and sufferings

are often marginalized. For instance, during the eighteenth session of the United Nations Permanent Forum on Indigenous Issues, women from the *International Indigenous Women's Forum* presented a groundbreaking report on the intersections across gender, climate change, and violence, entitled "[Environmental Justice: the Perspective of Indigenous Women](#)". They called for States and the international community to take preventive and proactive measures with the aim of protecting their rights conjointly with the environment.

Toward environmental justice: acknowledging Indigenous women's agency and ecofeminist theories

In conclusion, securing environmental justice for Indigenous women and protecting them from the negative effects of climate change and environmental destruction requires urgent legal responses by MDBs and international human rights law. As the crisis of environmental violence remains largely unaddressed under international law, structural inequalities have been worsened with vulnerable groups being severely affected. Undoubtedly, further protection of the human rights of Indigenous women against environment violence requires a shift away from single-issue efforts, towards a holistic paradigm of transformative change. In that regard, ecofeminist theories developed by Indigenous women are key alternatives to rethink the intersections across gender equality, cultural rights, environmental preservation, and climate justice (see [here](#)). Women as agents, Indigenous knowledge systems as epistemological alternatives, and ecofeminism as a relevant paradigm can make unique contributions to mitigate and remedy environmental injustices and to address the climate crisis.

[Laura Cahier](#) is a PhD Candidate in Public Law at the University of Aix-Marseille (France) and an invited researcher at Georgetown University. Her research areas include Indigenous women, intersectionality and violence, and legal pluralism.

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