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## Gender Equality and Climate Change: The International Maritime Organization's Impact on Mauritius Climate Justice

Temitope Omotola Odusanya, PhD

Chairman & Founder, Gender Parity Initiative,  
Gender Parity Research Institute, Nigeria.  
temiodusanya@gmail.com

### Abstract

*This study examined gender equality and the International Maritime Organization (IMO's) impact in consideration to realizing Mauritius climate justice. Women are directly, severely, and inversely affected by climate change yet they are typically overlooked, sidelined, and neglected. The study was anchored on ecofeminism and human rights theoretical frameworks which were considered significant and apposite. This research adopted the qualitative, descriptive research design as the most appropriate to effectively carry out this study. Thus, since it was explorative and majorly qualitative, data were obtained from secondary sources, predominantly, from relevant journal articles and e-resources from the internet. Data were content analyzed. This paper, therefore concluded that gender inequality is apparent and at the current rate, women would have to wait even longer than hundred years in the sphere of marine science, to have equal access and proper representation. This means that there is the need to do a lot in Mauritius's legal and social framework to effect a positive and unchallengeable climate justice that also promotes equal participation. Finally, the study recommended that there should be enhanced cooperation inclusive of both men and women. In addition, human rights principles of equity and fairness must be adhered to, to ensure adequate climate justice funding and research into adaptation measures to help the poorest countries and those persons, groups, and peoples most at risk especially the less privileged. Imperatively, IMO representatives and regulators must wake up and do right by the people of Mauritius.*

**KEYWORDS:** Climate Justice, Gender Equality, Human Rights, IMO; Mauritius and Oil Spill.

## Introduction

Gender equality is a prerequisite for sustainability, simply put, it is the access to equal opportunities, interests, needs, priorities, rights, and responsibilities between men and women *vis a vis* boys and girls.<sup>1</sup> These gender equality considerations are human rights principles that must be reflected in acknowledging diversity, fairness, equity amongst the sexes, inclusion, and development.<sup>2</sup> On the other hand, climate change indicates momentous albeit long-lasting earth-shattering alterations. This could be reflected in primarily human-driven activities that eventually result in extended variations such as the weather, wind, precipitation, temperature, and environment in general.<sup>3</sup> These in turn have economic and physical adverse effects on energy supply, water, health, and food, as it tinkers with the means of living and wellbeing.<sup>4</sup>

Sustainability Development Goals (SDGs) such as gender equality and climate change are ample agendas agreed upon globally, that aims to stimulate actions towards economic, environmental, and social sustainability.<sup>5</sup> Gender equality, as well as climate change, are undoubtedly major international concerns and goals 5 and 13 of the United Nations Sustainable Developmental Goals.<sup>6</sup> Essentially, goal 13 is intrinsically linked to all the other sixteen goals of the UN 2030 Agenda.<sup>7</sup> It, therefore, goes without saying that gender equality is also an overarching goal being that it is a pivotal part of climate justice.<sup>8</sup> Accordingly, a synergy, as established by the UN at the Beijing Platform of Action in 1995, can be created when investigating how climate change affects gender equality and vice versa.<sup>9</sup> In essence, a comprehensive evaluation of the gendered dimension of climate change is strategic for achieving sustainable development and climate justice. It is imperative to give adequate

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<sup>1</sup> Gender Brief, Gender and climate change: Evidence and experience <<https://CIFIR.org/gender-climate> accessed 15th February 2022.

<sup>2</sup> Charlotte Remteng, Johnson Nkem, Linus Mofor, and James Murombedzi, “Gender in the nationally determined contributions of African countries: a way forward for effective implementation of adaptation and mitigation strategies, Ecofeminism and Climate Change” Emerald Insight (2021) 1-21. <https://www.emerald.com/insight/2633-4062.htm> accessed 6th February, 2022.

<sup>3</sup> Josheena Naggea, Emilie Wiehe and Sandy Monrose, “Inequity in unregistered women’s fisheries in Mauritius following an oil spill” <<https://spccfpstore1.blob.core.windows.net/digitallibrary/> accessed 28th March 2021.

<sup>4</sup> *Ibid*

<sup>5</sup> Xueqin Wang, Kum Fai Yuen, Yiik Diew Wong, Kevin X. Li, “How can the maritime industry meet Sustainable Development Goals? An analysis of sustainability reports from the social entrepreneurship perspective”, Transportation Research Part D: Transport and Environment, Volume 78, 2020, 102173, ISSN 1361- 9209<<https://doi.org/10.1016/j.trd.2019.11.002> (<https://www.sciencedirect.com/science/article/pii/S1361920919309472>) accessed 25th March, 2021

<sup>6</sup> United Nations Sustainable Goals 5, 13.

<sup>7</sup> UN Sustainable Developmental Goals

<sup>8</sup> *Ibid*

<sup>9</sup> Van Duijn Diandra, “The Importance of Gender Equality in Climate Action: An investigation into how UN member states view the relation between gender equality and climate action” <<https://www.diva-portal.org/smash/record.jsf?pid=diva2%3A1522679&dswid=7883> accessed 29th March, 2021.

consideration to the issues of climate change and gender equality as these are in tandem with the Paris Agreement's adaptation and capacity development actions.<sup>10</sup>

According to World Bank, (2012) gender equality is an interwoven social development issue. Fundamentally, gender equality is at the heart of advancement since it is a major pillar for eradicating or mitigating poverty, promoting socio-economic empowerment, enhancing sustainability and development.<sup>11</sup> It is against this backdrop that this paper seeks to examine gender equality and climate change, the gender sensitivity and insensitivity especially on the part of IMO in addressing the Mauritius oil spill as well as corroborative attempts in seeking climate justice for the Mauritius citizenry.

### **Methodology**

The methodology for this research is that of explanation, exploration combined with textual and content analysis. This study begins with a review of essential and extant literature and secondary sources of data collection.<sup>12</sup> This research methodology is also referred to as desk or library-based research, relying on the works of other publishers. The technique and procedure for sourcing materials applicable in this paper include an online research database search in order to study and sieve out the most appropriate material from the pool of extant literature, for the study.<sup>13</sup> The sources of data for this paper include data generation, collection, and analytical methods. Data from secondary sources such as books, journals, articles, reports, newspapers, magazines, news reports, and internet sources is therefore collected for content and textual analysis. This serves as the most effective technique for this study as it further aided data comparison and critical analysis of the data so sourced.

### **Theoretical Framework**

This study is anchored on ecofeminism and human rights theories which will now be taken in turns.

**Ecofeminism:** This philosophical, social movement, political, and interdisciplinary theory was propounded by feminist Françoise d'Eaubonne (1974).<sup>14</sup> It intrinsically ties gender and environment together as being interconnected. At the heart of this theory is the issue of male-centeredness as the ecofeminist theorist(s) belief that both women and nature are exploited by patriarchal society.<sup>15</sup> It is a theory that uses feminist lenses to address the relationship between the natural world, objectification, and the oppression of women. It signals when and how gender and environment collide as well as how gender

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<sup>10</sup> Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104. The preamble, Articles 7 and 11.

<sup>11</sup>World Bank (2012), World Development Report 2012: Gender Equality and Development. World Bank. <https://openknowledge.worldbank.org/handle/10986/4391> accessed 7th February, 2022.

<sup>12</sup> Rob Harris and Katie Schlenker, "An Exploratory Study of Best Practice" (2018), Event Management, Volume 22, Issue 6, 1057-1071.

<sup>13</sup> *Ibid*

<sup>14</sup> Eubonne, Françoise de., *Le Féminisme ou la Mort* (1974), Paris: P. Horay

<sup>15</sup> *Supra*.

should not be examined exclusively as a binary.<sup>16</sup> Agriculture, farming, finding water, caring for the environment, in general, are some of the activities executed by women to depict a rigorous and healthy relationship with nature.<sup>17</sup>

Ecofeminism is, thus a scientific and profound theory that has a useful lens in understanding the current social and environmental circumstances. It is a critical theory that provides a broad perspective on women and nature through hierarchy and dualistic concepts.<sup>18</sup> It further corroborated the World Bank's assertion that women are architects of a more sustainable environment and are at the frontlines of climate change.<sup>19</sup> These women actors are fundamental in environmental preservation by utilizing, monitoring, protecting, and managing natural resources.<sup>20</sup> Legally, ecofeminism is a process for seeking climate justice since the basic tenet of the law is to promote and ensure the doctrines of fairness and equity.<sup>21</sup> Hence, it can logically be inferred that this legal precept should be extended in enjoying environmental sustainability.<sup>22</sup>

This theory is, however not perfect as it has been heavily criticized as being unreliable, tainted by patriarchy, and with the lack of thoroughness.<sup>23</sup> However, it is essential for this study based on its appreciation for understanding the interconnectedness of women and climate change. Furthermore, this theory entrenches equality amongst the sexes and annihilates the exclusion of women. It advocates for relieving the vulnerability of gender inequality that limits women's activities in achieving an equitable and sustainable environment.<sup>24</sup> These aptly reflect the essence of this study which ultimately makes the theory of ecofeminism undisputable.

**Human Rights:** This is the second pivotal theory for this study which is also at the core of climate justice for Mauritius. The quintessence of this theory is evident given that, oil spills have deep human, social, economic, environmental, health, and political

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<sup>16</sup> Gender Brief, Gender and climate change: Evidence and experience <<https://CIFIR.org/gender-climate> accessed 15th February, 2022.

<sup>17</sup> Laila Fariha Zein and Adib Rifqi Setiawan, "General Overview of Ecofeminism" <https://dx.doi.org/10.31219/osf.io/fmjgk> accessed 16th February, 2022.

<sup>18</sup> *Supra*

<sup>19</sup> World Bank (2012), World Development Report 2012: Gender Equality and Development. World Bank. <https://openknowledge.worldbank.org/handle/10986/4391> accessed 7th February, 2022.

<sup>20</sup> Bangun, Budi Hermawan, "Ecofeminism and Environmental Protection: A Legal Perspective" (2020) *Jambe Law Journal*, Volume 3, Issue 1, 40.

<sup>21</sup> *Supra*

<sup>22</sup> *Supra*

<sup>23</sup> Bangun, Budi Hermawan, "Ecofeminism and Environmental Protection: A Legal Perspective" (2020) *Jambe Law Journal*, Volume 3, Issue 1, 40.

<sup>24</sup> Laila Fariha Zein and Adib Rifqi Setiawan, "General Overview of Ecofeminism" <https://dx.doi.org/10.31219/osf.io/fmjgk> accessed 16th February, 2022.

dimensions.<sup>25</sup> Tens of thousands in Mauritius were unprotected from VLSFO.<sup>26</sup> During the summer of 2020, the shipping companies responsible for these VLSFOs have not provided a full chemical analysis breakdown of the health risks and toxins that were exposed to the population of Mauritius.<sup>27</sup> Moreover, over a year has passed since this catastrophic event yet, the losses to the Mauritius biodiversity and economy subsist.<sup>28</sup>

This signifies a major human rights abuse, as many in South East Mauritius who were exposed to the VLSFO have been reporting serious health conditions such as skin infections, breathing difficulties, and mental illness. It is, therefore human rights concern as these grave health issues have not been taken seriously by the companies responsible for bringing the pollution to Mauritius.<sup>29</sup>

Communities were also negatively impacted by the pollution suddenly brought to Mauritius. This is further demonstrated by the lack of seriousness of the companies responsible for causing such pollution. Other communities crushed by the ship fuel spills like the Solomon Islands have seen similar experiences.<sup>30</sup> This issue can be examined from the human rights perspective in two spectrums. Primarily, the magnitudes of climate change have adverse effects on the implementation of human rights. Secondly, climate policies can lead to the infringements of local communities' fundamental human rights, in particular, the indigenous peoples.<sup>31</sup> Human rights are universal legal guarantees that protect individuals, groups, and the populace against actions and omissions that interfere with their fundamental freedoms and entitlements.<sup>32</sup> Moreover, human right connotes enjoyment which does not include suffering from climate impacts

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<sup>25</sup> Xueqin Wang, Kum Fai Yuen, Yiik Diew Wong, Kevin X. Li, "How can the maritime industry meet Sustainable Development Goals? An analysis of sustainability reports from the social entrepreneurship perspective", *Transportation Research Part D: Transport and Environment*, Volume 78, 2020, 102173, ISSN 1361- 9209<<https://doi.org/10.1016/j.trd.2019.11.002> (<https://www.sciencedirect.com/science/article/pii/S1361920919309472>) accessed 25th March, 2021

<sup>26</sup> The ship fuel is called Very Low Sulfur Fuel Oil or VLSFO. It contains a wide variety of undefined toxic chemicals which is now in 70% of all ships.

<sup>27</sup> Author(s), *Climate justice and human rights*, *International Relations* (32.3) pp. 275-295. Reprinted by permission of SAGE Publication <<https://dspace.stir.ac.uk/bitstream/1893/27619/1/Climate%20Justice%20and%20Human%20Rightsaccepted%20version.pdf>>f accessed 28<sup>th</sup> March, 2021.

<sup>28</sup> Davide Seveso, Yohan Didier Louis, Simone Montano, Paolo Galli and Francesco Saliu, "The Mauritius Oil Spill: What's Next?" (2021) *Pollutants*, Volume 1, 18-28.

<sup>29</sup> *Ibid*

<sup>30</sup> Van Duijn Diandra, "The Importance of Gender Equality in Climate Action: An investigation into how UN member states view the relation between gender equality and climate action" <<https://www.diva-portal.org/smash/record.jsf?pid=diva2%3A1522679&dsid=7883> accessed 29th March, 2021.

<sup>31</sup> Author(s), *Climate justice and human rights*, *International Relations* (32.3) pp. 275-295. Reprinted by permission of SAGE Publication <<https://dspace.stir.ac.uk/bitstream/1893/27619/1/Climate%20Justice%20and%20Human%20Rightsaccepted%20version.pdf>>f accessed 28<sup>th</sup> March, 2021.

<sup>32</sup> UNFPA, "Human Rights Principles 2005" <<https://www.unfpa.org/resources/human-rights-principles> accessed 29th March, 2021

that undermine their health, life, environment, subsistence, and basic interests.<sup>33</sup>

The theory of human rights is apt for this research because it efficiently addresses the salient issues for consideration such as gender imbalance, environmental pollution, communities' protection as well as climate justice. More so, climate change has profound impacts on a wide variety of human rights, including the rights to life, self-determination, development, food, health, water, sanitation, and housing.<sup>34</sup>

### **Climate Justice and Human Rights**

Human rights are indivisible legally protected rights that cannot be waived and are based on the inherent dignity and equal worth of all human beings.<sup>35</sup> Therefore, human right is a vital and indispensable mechanism in seeking and achieving climate justice with regards to Mauritius climate change. "Human right has the added feature of undercutting rights, important rights like the right to health, the right to food, to water, sanitation, to adequate housing, and, in several small island states and coastal communities, the very right to self-determination and existence".<sup>36</sup> How then do human rights remain respected and not infringed in climate change situations? It suffices to assert flowing from the numerous elucidations of human rights that now, more than ever and beyond dispute, climate change caused by human activity has negative impacts on the full enjoyment of human rights.

The human rights framework also requires that global efforts to mitigate and adapt to climate change should be guided by relevant human rights norms and principles including the rights to participation, information, transparency, accountability, equity, and nondiscrimination.<sup>37</sup> This means that no gender should be marginalized in tackling climate change issues. The basic human rights principles of equality and non-discrimination require action to address and remedy the disproportionate impacts of climate change.<sup>38</sup> Specifically, on the most marginalized and to ensure that climate actions benefit persons, groups, and peoples in vulnerable situations and reduce inequalities.<sup>39</sup>

Climate justice requires that states must look outside and beyond their responsibility to their

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<sup>33</sup> David Schlosberg, "Climate Justice and Capabilities: A Framework for Adaption Policy" *Ethics & International Affairs* 26(4), page 448. DOI:10.1017/S0892679412000615<researchgate.net accessed 29th March, 2021.

<sup>34</sup> UNFPA, "Human Rights Principles 2005"<<https://www.unfpa.org/resources/human-rights-principles> accessed 29th March, 2021

<sup>35</sup> Article 1 of the Universal Declaration of Human Rights declares that "all human beings are born equal in dignity and rights"

<sup>36</sup> Flavia Pansieri, United Nations Deputy High Commissioner for Human Rights

<sup>37</sup> COP21, "Understanding Human Right and Climate Change"<<https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf> accessed 29th March, 2021.

<sup>38</sup> UNFPA, "Human Rights Principles 2005"<<https://www.unfpa.org/resources/human-rights-principles> accessed 29th March, 2021

<sup>39</sup> The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49.

people, to accept their responsibility to those living beyond their shores, who are particularly vulnerable to climate change. And also, inherently, to the unborn generations to come.<sup>40</sup> In other words, the seeking of climate justice necessitates a personal and neighborhood principle which invariably means that an individual must take proper care in the conduct of his or her actions so that it does not warrant harm to self as well as any other person in close proximity that is, the neighbors.

### **Gendered Impact of the Mauritius Climate Change**

Gender disproportionality exhibited by the IMO, adversely impacts climate change specifically on persons such as women and children, in the Mauritius climate change's vulnerable situations.<sup>41</sup> This raises concern about climate justice, fairness, equity and access to appropriate remedy as true justice should not be denied.<sup>42</sup> Kilometers of the Mauritius Island's southeast coast, home to artisanal fishing villages and nature reserves, including two Ramsar sites: the Blue Bay Marine Park and the Pointe D'Esny Wetlands felt the harsh brunt of the oil spill.<sup>43</sup> Mauritius, a popular tourist destination is well known for its immaculate beaches which reportedly contributed about \$1.6 billion to the economy.<sup>44</sup>

Mauritius is a small island, developing, multi-ethnic, and 'democratic country'.<sup>45</sup> It should be noted here a first glance that gender equality is one of the indices of a democratic country, amongst other things. This nation-state majorly relies on an ocean-based economy.<sup>46</sup> Subsequently, this catastrophic oil spillage has devastating consequences for the economy, health, biodiversity loss, food, security, the tourism industry, and the people of Mauritius as a whole.<sup>47</sup> This incident elevates a host of legal and ethical questions surrounding who is responsible for compensation and who ought to decide the course of the cleanup.<sup>48</sup> More so, the issue of gender inequalities in a supposed

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<sup>40</sup> UNFPA, "Human Rights Principles 2005" <<https://www.unfpa.org/resources/human-rights-principles> accessed 29th March, 2021

<sup>41</sup> Author(s), Climate justice and human rights, *International Relations* (32.3) pp. 275-295. Reprinted by permission of SAGE Publication <<https://dspace.stir.ac.uk/bitstream/1893/27619/1/Climate%20Justice%20and%20Human%20Rightsaccepted%20version.pdf>>f accessed 28<sup>th</sup> March, 2021.

<sup>42</sup> Anote Tong, President, Republic of Kiribati.

<sup>43</sup> Josheena Naggea, Emilie Wiehe and Sandy Monrose, "Inequity in unregistered women's fisheries in Mauritius following an oil spill" <<https://spccfpstore1.blob.core.windows.net/digitallibrary/> accessed 28th March 2021.

<sup>44</sup> *Ibid*

<sup>45</sup> *Ibid*

<sup>46</sup> *Ibid*

<sup>47</sup> Chris Heitzig, "Africa in the news: Mali Coup, Mauritius Oil Spill and COVID 19 Updates" <<https://www.brookings.edu/blog/africa-in-focus/2020/09/05/africa-in-the-news-mali-coup-mauritius-oil-spill-and-covid-19-updates/> accessed 28th March, 2021.

<sup>48</sup> Regina Asariotis and Anila Premti, "Mauritius oil spill highlights importance of adopting latest international legal instruments in the field UNCTAD", Article No. 58 of UNCTAD Transport and Trade Facilitation Newsletter N°87 - Third Quarter 2020 <<https://unctad.org/news/mauritius-oil-spill-highlights-importance-adopting-latest-international-legal-instruments> accessed 28th March, 2021.

democratic nation became manifest. More prominently, women who are undisputable major frontlines in managing climate changes were seen to be sidelined based on their gender.<sup>49</sup>

Correspondingly, Mauritius climate change caused an ecological disaster and has severely impacted the life and occupation of residents of many coastal communities in the country.<sup>50</sup> Consequent to the oil spill, several means of livelihoods were halted abruptly. Beyond this, there is no alternative source of income for sustenance, maintenances, and additional costs of repairing work equipment were also incurred. Therefore, leaving these families depending on civil societies and the government.<sup>51</sup> In addition to that, it could be logically inferred that the global pandemic further compounded this crisis, as it prevented the country's access to some international support due to travel restrictions.<sup>52</sup> Furthermore, the lack of gender parity in the vulnerable occurrence of Mauritius climate change reveals and reechoes an already established prevalence of gender disparities in a wider context.<sup>53</sup> This further appears to be outstanding in less democratic states. Mauritius is arguably a democratic regime, yet the influence of climate shock in the oil spill has unearthed gender disproportionalities.<sup>54</sup>

Although it is appealing to reason that climate change distresses men and women equally, the most perceptible effect evident on the realistic societal scale is that this is unbalanced as it affects women more than men.<sup>55</sup> Essentially, climate change vulnerability reflects disparate dispersal of expenses, risks, and hardships for women.<sup>56</sup> Mauritius is more reliant on its tourism and ecosystem services for sustenance which imperatively makes it harder to adapt to the unpleasant environmental changes.<sup>57</sup> Moreover, it does not help that women, who are visibly present and active in managing the Mauritius climate change are sidelined from contributing their knowledge to climate policies.<sup>58</sup> Women are also at the forefront of climate change, even though they are at a greater risk to themselves, they are salvaging the environment from destruction.<sup>59</sup> Essentially, men and women are prominent stakeholders, they work towards the same

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<sup>49</sup> Josheena Naggea, Emilie Wiehe and Sandy Monrose, "Inequity in unregistered women's fisheries in Mauritius following an oil spill" <<https://spccfpstore1.blob.core.windows.net/digitallibrary/> accessed 28th March 2021.

<sup>50</sup> Amanda Serumaga "UNDP's Resident Representative for Mauritius and Seychelles" Kingsley Ighobor from Africa Renewal: March 2021 24 <<https://www.un.org/africarenewal/magazine/march-2021/covid-19-oil-spill-mauritius-highlight-vulnerabilities-small-island-developing> accessed 28th March, 2021

<sup>51</sup> *Ibid*

<sup>52</sup> *Ibid*

<sup>53</sup> Joshua Eastin, "Climate change and gender equality in developing states" (2018) *World Development* 107, 289-305.

<sup>54</sup> *Ibid*

<sup>55</sup> Joshua Eastin, "Climate change and gender equality in developing states" (2018) *World Development* 107, 289-305.

<sup>56</sup> *Ibid*

<sup>57</sup> *Ibid*

<sup>58</sup> *Ibid*

<sup>59</sup> *Ibid*



goal in extenuating climate change.<sup>60</sup> Therefore, it would be a climate injustice to protect or revere only the male gender. It is fundamental to also protect the rights of women who are especially dazed with severe hazards.<sup>61</sup>

Having a gender mix in mitigating the effects of climate change is beneficial in terms of diverse knowledge, participatory roles, decision-making, and skills.<sup>62</sup> It has already been established that climate change unswervingly undermines the rights of both men and women.<sup>63</sup> Hence, men and women as playmakers and stakeholders in alleviating climate change should also not be contested.<sup>64</sup> It seems logical to adduce that both sexes should 'equally' and collaboratively be able to undertake procedures to curb the climate changes affecting their livelihood as they deem fit.

Social inequality reveals that climate change has an obscure gendered impact which could be privileged or disadvantaged.<sup>65</sup> However, the inclusion of women has resulted in positive outcomes for both sexes, the government, and even the environment in general.<sup>66</sup> Thus, applying a complex gender balance lens is vital as a human rights factor and to enable more effective ways to diminish the effects of climate change.<sup>67</sup> There is a correlation between climate change and women alluding to the ecofeminism theory and in that women constitute the majority of the immediate and long-standing climate change actors.<sup>68</sup>

Conversely, women are regarded as the 'invisible' yet phenomenological experts who have lived in the experience of climate change and climate extremes.<sup>69</sup> In essence, this could

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<sup>60</sup> David Schlosberg, "Climate Justice and Capabilities: A Framework for Adaption Policy" *Ethics & International Affairs* 26(4), page 448. DOI:10.1017/S0892679412000615<researchgate.net accessed 29th March, 2021.

<sup>61</sup> *Ibid*

<sup>62</sup> Juliana Nnoko-Mewanu, Luciana Tellez-Chavez, and Katharina Rall, "Protect rights and advance gender equality to mitigate climate change" (2021) *Nature Climate Change*, Volume 11, 366-370 <<https://www.nature.com/natureclimatechange> accessed 10th February, 2022.

<sup>63</sup> Joshua Eastin, "Climate change and gender equality in developing states" (2018) *World Development* 107, 289-305.

<sup>64</sup> David Schlosberg, "Climate Justice and Capabilities: A Framework for Adaption Policy" *Ethics & International Affairs* 26(4), page 448. DOI:10.1017/S0892679412000615<researchgate.net accessed 29th March, 2021.

<sup>65</sup> Charlotte Remteng, Johnson Nkem, Linus Mofor, and James Murombedzi, "Gender in the nationally determined contributions of African countries: a way forward for effective implementation of adaptation and mitigation strategies, Ecofeminism and Climate Change" *Emerald Insight* (2021) 1-21. <https://www.emerald.com/insight/2633-4062.htm> accessed 6th February, 2022.

<sup>66</sup> *Ibid*

<sup>67</sup> Juliana Nnoko-Mewanu, Luciana Tellez-Chavez, and Katharina Rall, "Protect rights and advance gender equality to mitigate climate change" (2021) *Nature Climate Change*, Volume 11, 366-370 <<https://www.nature.com/natureclimatechange> accessed 10th February, 2022.

<sup>68</sup> Charlotte Remteng, Johnson Nkem, Linus Mofor, and James Murombedzi, "Gender in the nationally determined contributions of African countries: a way forward for effective implementation of adaptation and mitigation strategies, Ecofeminism and Climate Change" *Emerald Insight* (2021) 1-21. <https://www.emerald.com/insight/2633-4062.htm> accessed 6th February, 2022.

<sup>69</sup> *Ibid*

be interpreted to mean that women are perceived as being synonymous with undercover agents who contribute a great deal to tackling or managing the Mauritius climate changes even at the detriments of their health and lives. This is because all they do seem to be in the background and without much or any acknowledgment whatsoever. The convergence, however, seems to be that whether or not these women's activities are universally termed covert or overt, they are beneficial in handling climate crises and the Mauritius climate change is no exception. In some cases, these climate events leave their lives shattered or even decimated.<sup>70</sup> Their lack of visibility is a byproduct of a culture that equates actors albeit visible actors with the images of men.<sup>71</sup> This marginalization of women's contribution to climate change is noticeable around the world especially in appalling democratic terrain such as Mauritius. Nonetheless, the world cannot begin to get closer to gender equality if women are continually sidelined from being major actors in climate change and justice.<sup>72</sup>

### **Impact Analysis of IMO on Mauritius Climate Change**

Brief background information of the International Maritime Organization (IMO) is that they are tasked with the responsibility and authority for maritime safety and security of shipping and prevention of marine and atmospheric pollution by ships.<sup>73</sup> The IMO also has the responsibility to implement key international marine anti-pollution conventions.<sup>74</sup> As a specialized and authorized agent of the United Nations, IMO is "the global standard-setting specialist for the safety, security and environmental performance of international shipping. Its main role is to construct a regulatory structure for the shipping industry that is 'impartial', effective, universally adopted and implemented".<sup>75</sup> It can therefore be asserted to mean that the IMO is the United Nation's institutional framework for maritime governance.

This global shipping regulator, the UN's agent also known as the International Maritime Organization is arguably weak as it has been flawed on numerous grounds and heavily criticized issues about Mauritius climate change.<sup>76</sup> The IMO was supposed to be the most effective and official body in the maritime industry by representing a cleaner, greener, more transparent, responsive, and 'gender-balanced' future of global shipping.<sup>77</sup>

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<sup>70</sup> *Ibid*

<sup>71</sup> Xueqin Wang, Kum Fai Yuen, Yiik Diew Wong, Kevin X. Li, "How can the maritime industry meet Sustainable Development Goals? An analysis of sustainability reports from the social entrepreneurship perspective", *Transportation Research Part D: Transport and Environment*, Volume 78, 2020, 102173, ISSN 1361- 9209 <<https://doi.org/10.1016/j.trd.2019.11.002> (<<https://www.sciencedirect.com/science/article/pii/S1361920919309472>) accessed 25th March, 2021

<sup>72</sup> *Ibid*

<sup>73</sup> International Maritime Organization (IMO), "Introduction to IMO" <<https://www.imo.org> accessed 17th February, 2022.

<sup>74</sup> *Ibid*

<sup>75</sup> United Nations Human Rights, Call for submission, SR toxics and human rights "Impact analysis of the International Maritime Organization (IMO)" <<https://www.ohchr.org/EN/Issues/Environment/SRToxicsandhumanrights/Pages/analysis-imo.aspx> accessed 27th March, 2021.

<sup>76</sup> *Supra*

<sup>77</sup> Nishan Degnarain, "IMO in Hot Water Following Mauritius Oil Spill and Botched Wakashio Salvage

Contrariwise, the IMO disturbing operation shut out local talents especially women in Mauritius and they have been behind a sequence of increasingly catastrophic interferences.<sup>78</sup> The IMO was to specifically focus on the oil spill, a distinctly clear mandate meaning that, the salvage operation, as well as the planned sinking, were *ultra vires*, beyond powers and out of their scope of authority.<sup>79</sup>

Although, according to the IMO representative to Mauritius, Matthew Sommerville, it was a planned deliberate sinking, to circumvent more damages to the reef with reference to 'net environmental benefit' analysis.<sup>80</sup> However, within 24 hours of the plummeting of the Wakashio, 18 dolphins and whales washed up dead on Mauritius' beaches.<sup>81</sup> Within five days, there were almost 50 dead whales and dolphins.<sup>82</sup> *Prima facie*, the IMO rules set out very strict procedures and documentation albeit, undisclosed that must be completed and complied with, before anything can be dumped in the ocean.<sup>83</sup> Arguably, the IMO's lack of strict and procedural compliance corroborates and classifies that their independent action without the permission of the principal, that is, the United Nations as *ultra vires* without more.<sup>84</sup>

According to Nishan Degnarain, the IMO representative should not have deliberately sank the large vessels unless it was with authority and following the mandate of OPRC.<sup>85</sup> Consequently, the act of sinking these vessels must only be provoked under two major circumstances. The first context is, with the express permission and in line with the limited agreement by the OPRC which is majorly to evaluate or prevent oil risk and that the oil vessels perilously remained on board.<sup>86</sup> The second situation is, that a new agreement with the definite consent, endorsed by the Mauritius government has been arranged to extend the powers and salvage operations of the IMO regarding or to include taking decisions to scuttle the large vessel.<sup>87</sup>

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Operation" <<https://www.forbes.com/sites/nishandegnarain/2020/09/10/imo-in-hot-water-following-mauritius-oil-spill-and-botched-wakashio-salvage-operation/?sh=2725bffe54d2> accessed 29th March, 2021.

<sup>78</sup> Nishan Degnarain, "IMO in Hot Water Following Mauritius Oil Spill and Botched Wakashio Salvage Operation" <<https://www.forbes.com/sites/nishandegnarain/2020/09/10/imo-in-hot-water-following-mauritius-oil-spill-and-botched-wakashio-salvage-operation/?sh=2725bffe54d2> accessed 29th March, 2021.

<sup>79</sup> This was agreed with the Government of Mauritius under the framework of the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC 90).

<sup>80</sup> Matt Sommerville, Chairman of the Institute of Marine Engineering, Science & Technology's (IMarEST)

<sup>81</sup> Nishan Degnarain, "IMO in Hot Water Following Mauritius Oil Spill and Botched Wakashio Salvage Operation" <https://www.forbes.com/sites/nishandegnarain/2020/09/10/imo-in-hot-water-following-mauritius-oil-spill-and-botched-wakashio-salvage-operation/?sh=2725bffe54d2> accessed 29th March, 2021.

<sup>82</sup> *Ibid*

<sup>83</sup> *Ibid*

<sup>84</sup> This was agreed with the Government of Mauritius under the framework of the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC 90).

<sup>85</sup> *Ibid*

<sup>86</sup> *Ibid*

<sup>87</sup> *Ibid* (Vessels that had not been fully decontaminated).

Notwithstanding recurrent queries to the IMO by Forbes, no such amended agreement between the IMO and Mauritius has been publicly disclosed.<sup>88</sup> The IMO is supposed to be a transparent UN regulator meaning that, such agreements should be in the public domain for the public interest, clearing all doubts or illogical assumptions.<sup>89</sup> Arguably, this evidences the IMO's potential irresponsibility and gross negligence. Mauritius government revealed arsenic levels of 500% to 700% above normal of all fish from their southeastern region.<sup>90</sup> This meant that the fish were not fit for human consumption, as harmful cancer-causing PAH chemicals, as well as hydrocarbons, were also found in tested samples.<sup>91</sup> However, Matthew Sommerville, who again claimed to be speaking on behalf of IMO, asserted that this toxic engine fuel was "just like skin cream" while shown rubbing this on his hands.<sup>92</sup> Impliedly, this ecological verdict ought to be affected by the United Nation's World Health Organization's health experts. Hence, it is worrisome if Sommerville has the requisite professional experience and certification for such ecological pronouncements.<sup>93</sup> The IMO must be more efficient and careful with the bestowed roles, responsibilities with particular caution for potential liabilities and implications.<sup>94</sup>

This is perceptibly not the time, era, or place concerning the inherent and somewhat endless COVID-19 situation, to be careless with people's lives or biodiversity.<sup>95</sup> It could arguably, be considered highly irresponsible and without integrity for the UN's global shipping regulator to proffer health or biodiversity cleanup recommendations to the local media of a country, without conducting large-scale, full toxicity tests on the fish and in a systematic manner along the coast.<sup>96</sup> Furthermore, the communities' voices and efforts need to be accommodated not undermined. Women, local expertise, intellectuals are being sidelined when they are and should publicly also be major actors over climate change issues that severely and personally affect them.<sup>97</sup> These people understand their grievances better than anyone

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<sup>88</sup> *Ibid*

<sup>89</sup> *Ibid*

<sup>90</sup> *Ibid*

<sup>91</sup> *Ibid*

<sup>92</sup> The IMO representative to Mauritius

<sup>93</sup> Nishan Degnarain, "IMO in Hot Water Following Mauritius Oil Spill and Botched Wakashio Salvage Operation" <https://www.forbes.com/sites/nishandegnarain/2020/09/10/imo-in-hot-water-following-mauritius-oil-spill-and-botched-wakashio-salvage-operation/?sh=2725bffe54d2> accessed 29th March, 2021.

<sup>94</sup> *Ibid*

<sup>95</sup> Xueqin Wang, Kum Fai Yuen, Yiik Diew Wong, Kevin X. Li, "How can the maritime industry meet Sustainable Development Goals? An analysis of sustainability reports from the social entrepreneurship perspective", *Transportation Research Part D: Transport and Environment*, Volume 78, 2020, 102173, ISSN 1361- 9209 <<https://doi.org/10.1016/j.trd.2019.11.002>

(<https://www.sciencedirect.com/science/article/pii/S1361920919309472>) accessed 25th March, 2021

<sup>96</sup> Nishan Degnarain, "IMO in Hot Water Following Mauritius Oil Spill and Botched Wakashio Salvage Operation" <https://www.forbes.com/sites/nishandegnarain/2020/09/10/imo-in-hot-water-following-mauritius-oil-spill-and-botched-wakashio-salvage-operation/?sh=2725bffe54d2> accessed 29th March, 2021.

<sup>97</sup> Charlotte Remteng, Johnson Nkem, Linus Mofor, and James Murombedzi, "Gender in the nationally determined contributions of African countries: a way forward for effective implementation of adaptation and mitigation strategies, Ecofeminism and Climate Change" *Emerald Insight* (2021) 1-21.

else and are best suited to help IMO. Regardless, it seems logical to infer that, without their involvement, key commitment coupled with the lack of transparency, and disclosure of accurate information by IMO officials, climate justice cannot be achieved.<sup>98</sup>

### **Substantial Gender Imbalance**

Climate change has a clear gender influence and women's collaborative support cannot be overemphasized.<sup>99</sup> They are the front runners in the Mauritius oil spillage. They braved the waters, stepped up in cleanup response, took several compelling images of the oil spill occurrence, created environmental NGOs, and organized international outreach, large social media groups for volunteer-led responses, rehabilitation needs.<sup>100</sup> Women are also on the receiving end of the oil spill disproportionate impact; concerns from those who are pregnant, the risk of the fuel to the health of their unborn babies because the chemicals have a much more significant effect on female reproductive organs and health.<sup>101</sup> It is therefore insensitive for IMO, an organization that made empowering women in the maritime community, to help the island without collaborating or speaking to women.<sup>102</sup>

Flowing from the above, the gender dimension of IMO is a paramount aspect. The global COVID-19 pandemic as well as the Oil spill highlighted the vulnerability of women to climate change, their incapacity to handle the financial responsibilities incurring from the environmental crises.<sup>103</sup> These dual combinations of disasters: the COVID situation and oil spill can be likened to 'from the frying pan right back into the fire' circumstance for Mauritius. Rationally, women suffer disproportionately from poverty, thus, they also suffer more when erratic weather brings droughts or floods to marginal lands or crowded urban areas where poverty is most felt.<sup>104</sup> Women must not be sidestepped as they are vitally responsible for the mitigation of the effects and adaptation of climate change by supporting their families and societies.<sup>105</sup> Women have commanded and they will continue to lead several most innovative reactions to ecological conservation challenges

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<https://www.emerald.com/insight/2633-4062.htm> accessed 6th February, 2022.

<sup>98</sup> *Ibid*

<sup>99</sup> Xueqin Wang, Kum Fai Yuen, Yiik Diew Wong, Kevin X. Li, "How can the maritime industry meet Sustainable Development Goals? An analysis of sustainability reports from the social entrepreneurship perspective", *Transportation Research Part D: Transport and Environment*, Volume 78, 2020, 102173, ISSN 1361- 9209<<https://doi.org/10.1016/j.trd.2019.11.002>

(<https://www.sciencedirect.com/science/article/pii/S1361920919309472>) accessed 25th March, 2021

<sup>100</sup> *Ibid*

<sup>101</sup> *Ibid*

<sup>102</sup> Charlotte Remteng, Johnson Nkem, Linus Mofor, and James Murombedzi, "Gender in the nationally determined contributions of African countries: a way forward for effective implementation of adaptation and mitigation strategies, *Ecofeminism and Climate Change*" *Emerald Insight* (2021) 1-21.

<https://www.emerald.com/insight/2633-4062.htm> accessed 6th February, 2022.

<sup>103</sup> *Ibid*

<sup>104</sup> *Ibid*

<sup>105</sup> *Ibid*

globally.<sup>106</sup>

Women are dazed with greater social and financial pressures following the oil spill as they had been employed in the informal sector e.g., supportive roles to their husbands in the fishing business or making tourist products to be sold on the informal beach stands.<sup>107</sup> Yet, the gender dimension has been utterly dismissed by the companies and countries responding to the oil spill disaster in Mauritius.<sup>108</sup> This unjustly undermines their eligibility for any climate justice compensation, wherein over 100 international consultants, not one was female.<sup>109</sup>

The severity of climate change is dependent on gender, income level, and geographical location. Essentially, climate change is not gender-neutral as there is a strong relationship between gender and climate. Women are affected by climate change in a disproportionately larger or more severe manner, their needs are different and diverse which consequently makes the gender perspective key in climate change. More so, this is further important as there is already an existing lacuna in gender equalities notwithstanding the contributory factor of climate change.

Just like the sea is important to everyone, climatic changes affecting the sea must also involve everyone (especially the vulnerable group) without any exception whatsoever. In local communities, girls and women are mostly in charge of fetching water for their households. The climate action by the oil spill undoubtedly affects the quality of the water. Notably, the lack of quality water supply or scarcity may result in poor sanitation, which could inadvertently cause severe bacterial diseases in women. The aftermath of climatic changes such as the Mauritius oil spill left women and children with a higher vulnerability risk. This further reveals that Mauritius must reconsider this issue of gender equality and climate justice through a more critical lens

## Conclusion

Although women are major actors in combatting crises ensuing from climate actions, notwithstanding, climate changes have intensified and further challenged Mauritius gender inequalities.<sup>110</sup> The domain of marine science may need to wait even longer to

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<sup>106</sup> UNESCO, “Gender and Science”, <<http://www.unesco.org/new/en/natural-sciences/priority-areas/gender-and-science/cross-cutting-issues/climate-change-and-gender-equality/> accessed 28th March 2021.

<sup>107</sup> Bangun, Budi Hermawan, “Ecofeminism and Environmental Protection: A Legal Perspective” (2020) *Jambe Law Journal*, Volume 3, Issue 1, 40.

<sup>108</sup> *Ibid*

<sup>109</sup> Hellenic Shipping News Worldwide, “UN Opens Human Rights Investigation into Global Shipping over Use of Toxic Fuels” <<https://www.hellenicshippingnews.com/un-opens-human-rights-investigation-into-global-shipping-over-use-of-toxic-fuels/> accessed 29th March, 2021.

<sup>110</sup> Xueqin Wang, Kum Fai Yuen, Yiik Diew Wong, Kevin X. Li, “How can the maritime industry meet Sustainable Development Goals? An analysis of sustainability reports from the social entrepreneurship

bridge the gender gap in seeking climate justice.<sup>111</sup> Based on the analysis of the diverse risk posed to women as a result of climate change, this is a major issue that requires full-blown attention to curtail the dangers of climate actions.<sup>112</sup> With the inequality extrapolations of IMO, the team who are showing up in Mauritius from Japan's public and private sector infers that women will have to wait even longer than a hundred years to have equal access.<sup>113</sup> Fundamentally, to mitigate or avoid this cataclysm of having to wait even longer to achieve gender parity, this study proffers some recommendations.

### **Recommendations**

This study recommends that the IMO representatives and regulators must wake up and do right by the people of Mauritius “with accurate listening ears”, towards bridging this lacuna. That is, consider the immediate impact on local communities, be trustworthy and accountable to them in their regulatory conducts and ensure good ethical practices. Also, women are major actors in climate change and should be accorded equal representation in seeking climate justice. More so, Mauritius being a democratic nation must pay strict attention to ensuring that women are not sidelined in a true egalitarian country.

Systemic inequalities should be replaced with an all-inclusive and pragmatic gendered in policy and decision making. Furthermore, there should be enhanced cooperation based on the human rights principles of equity and fairness to ensure adequate climate justice funding and research into adaptation measures to help the poorest countries and those less privileged persons or groups most at risk. Finally, the creation of a legal instrument to protect the rights of climate-displaced people is indispensable.

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perspective”, *Transportation Research Part D: Transport and Environment*, Volume 78, 2020, 102173, ISSN 1361- 9209<<https://doi.org/10.1016/j.trd.2019.11.002>

(<https://www.sciencedirect.com/science/article/pii/S1361920919309472>) accessed 25th March, 2021

<sup>111</sup>UNESCO, “Gender and Science”, <<http://www.unesco.org/new/en/natural-sciences/priority-areas/gender-and-science/cross-cutting-issues/climate-change-and-gender-equality/> accessed 28th March 2021.

<sup>112</sup> Harper Adshade Lam, and Pauly Sumaila, “Valuing invisible catches: Estimating the global contribution by women to small-scale marine capture fisheries production” (2020) <https://doi.org/10.1371/> accessed 8th February, 2022.

<sup>113</sup> *Ibid*