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Gender responsive climate financing as a strategy to climate change mitigation and adaptation: a legal analysis

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ABSTRACT

Women have been noted to be key contributors in seeking strategies to mitigation and adaptation in respect to climate change. Research has acknowledged that due to women's socially constructed gender roles, enhancing their access to economic and social resources is a key contributor to the promotion of better mitigation and adaptation outcomes. It has, however, been observed that despite this realization, climate finances are usually unequally distributed and with unequal participation of men and women during the distribution or consideration for distribution. The available research has, however, not adequately analyzed the role of law in ensuring that equal distribution is achieved. It is therefore important for the barriers against women's equal access to climate finance to be eliminated, from a legal perspective. Although various strategies have been developed for ensuring the realization of climate finance, there is need to legally strengthen the financing through more gender equitable ways. This article therefore employs the doctrinal research method to analyze the adequacy of the existing climate change legal framework in ensuring equal distribution of climate finance in respect to women. The article also analyzes a few of the non-legal factors which are contributors to unequal distribution of climate finance. The article concludes that legal recognition of equitable climate finance distribution will go a long way in contributing to the realization of climate change mitigation and adaptation. In addition, the chapter makes recommendations on improved ways of ensuring equitable distribution of climate finance.

Keywords: Gender, Climate Finance, Mitigation, Adaptation, Law

Introduction

The global impact of climate change is no longer shocking and global Greenhouse gas emissions continue to soar despite the commitments by the global community to lower carbon emission for the purpose of achieving development (Paris Agreement, 2015). The climate change effects which include loss of lives and destruction of the economy and livelihoods is continuing to cost the global community billions of dollars in order to try and contain climate change effects. It is expected that the cost will continue to go even higher especially if States continue to operate in the 'business as usual' trend (World Bank, 2018a). Women across the globe, especially those living in rural communities have continued to experience the climate change impact disproportionately. This continues to be the case in spite of the fact that women have widely made contributions towards the fight against climate change (Samuwai & Fihaki, 2019). In addition, the inequalities that exist between men and women are exacerbated during climate change especially because women bear the brunt of the impact of climate change and are also at the fore front of the climate change fight given their socially constructed gender role of ensuring that their families are well catered for at all times (Samuwai & Fihaki, 2019). Furthermore, women are the least able to endure the impact of climate change especially because they form the majority of the poorest people in the world and also because they heavily rely on climate sensitive resources like land, forests and water bodies (UN Women, 2019a).

Although this is the case and although climate change has been a key reason for development finance, not much attention has been paid to the need to employ equality in the distribution of the finance (William, 2016). Climate finance, although it has no universally acceptable definition has been defined as financial flows from developed countries to developing countries (United Nations Framework Convention on Climate Change (UNFCCC), 1992). This position is based on the 'common but differentiated responsibilities' and the 'polluter pays' principles which basically allude to the fact that developing countries have been beneficiaries of development that is carbon intensive. Developed countries are therefore under obligation to compensate developing countries. This will enable developing countries to not only become less carbon intensive, but to also develop their economies and build resilience amidst climate change (Liswanti, Tamara & Djoudi, 2020). Climate finance has also been defined as the 'new and additional component' of final flows which the developed countries give to the developing countries (Kharas, 2015). Under this definition, however, for financial flows to be recognized as climate finance, they need to be beyond the 'business as usual' (BAU) official development aid (ODA). Although there is still a debate on what amounts to 'new and additional' component of financial flows, this definition of climate finance was adopted by the Cancun Agreements of 2010 and there was a commitment by developed countries that for the period running from 2010 to 2012, they would mobilize resources to a tune of $30 billion of 'new and additional' resources. Climate finance has further been defined as the financing that is received from both public and private sources for purposes of supporting mitigation and adaptation efforts to minimize climate change. The finance may be received from local, national or transnational sources (UNFCCC, 2018a). This therefore means that this type of finance is majorly targeted at supporting activities and projects that are aimed to bring Greenhouse gas emissions to a minimum and empower communities to be able to adapt to climate change (Buchner *et al.*, 2017). Similarly the Paris Agreement refers to Climate finance as "… financial resources provided to assist developing countries with respect to both mitigation and adaptation" (Paris Agreement, 2015). Although the Paris Agreement recognizes the responsibility of developed States to give financial help to developing countries to achieve climate change mitigation and adaptation, it also recognizes climate finance to include all finances from different sources whether public or private, national or international as long as it is aimed to facilitate mitigation and adaptation strategies to curb climate change. The absence of a uniform definition of climate finance has been noted to be a political one because a concrete definition would come with rights and obligations as well as economic and political consequences that might not be in favour of developed nations. An ambiguous definition therefore enables the developed nations to enhance their interests and also make it easier to avid some obligations (Brunner & Enting, 2014). For purposes of this study, the broader definition of climate finance as captured by the Paris Agreement will be adopted and emphasis will be placed on financial support targeted at enhancing climate change mitigation and adaptation strategies.

It is acknowledged that climate finance is an effective tool for advancing climate change mitigation and adaptation. Climate finance is important for both climate change mitigation and adaptation because as far as mitigation is concerned, there is need for significant reduction of emissions, even for large scale investments. In the case of adaptation, there is need for a significant and substantial amount of resources for the purposes of adapting to the dire climate change impacts and to significantly reduce its impact (UNFCCC, 2021). One of the challenges that climate finance is facing, however, is that as has been observed, women who are key and integral players in climate change action are often times left out of climate finance distributions. This has been attributed to various factors, some of which are discussed in the third and fourth sections of this article. It is acknowledged, however, that gender issues are gaining recognition on climate finance with donors targeting gender considerations in climate actions. OECD (2016) has reported that across the globe, financial aid towards gender and climate change has increased by 55% from 2010 to 2014. In addition, major funding climate facilities have made great strides in ensuring gender mainstreaming in their processes (Schalatek & Nakhooda, 2016). For example, the Climate Investment Fund review, in 2013, placed emphasis on the need for gender consideration in the Clean Technology Fund implementation. Similarly, in 2011, gender mainstreaming policies were adopted by various bodies like the Global Environment Facility (GEF) Least Developed Countries Fund (LDCF) and the Special Climate Change Fund. Likewise, a Gender Policy and Action Plan was adopted by the Adaptation Fund of 2016. It among others sets out guidelines for the implementation of compliance conditions. Similarly, the Green Climate Fund (GCF) appreciates the need for gender perspectives in the quest for climate change interventions which include the finance provided by them (GCF, 2017). Several International financial institutions and bodies for example the World Bank have been a major source of global climate finance and have in place gender policies which guide the development of their financing operations. For example, the World Bank has contributed to climate finance with funds totalling to about $20.5 billion (World Bank, 2018).

These positive steps notwithstanding, women across the globe continue to face challenges with accessing climate finance and there is still a lot of need for financial support in favour of women in order to enable them to equally participate in climate action with their male counterparts (Osuna, 2020); OECD, 2016). Research by OECD further revealed that only 3% of the climate finance donated by the Development Assistance Committee (DAC) (A group of 30 states who are the major donors across the globe) addressed gender equality as a primary target. Moreover, gender mainstreaming has been observed to be uneven especially for sectors which are climate sensitive, for example, the energy and the infrastructure sectors. The case is not different for locally based climate financing as very few or no resources at all are dedicated to locally based women Civil Society Organisations (CSOs). For example, they generally received only 2% of climate aid (OECD, 2016). Furthermore, women lack facilities to access information on climate finance and they lack support at community level, with communities majorly supporting men with financial responsibility. In some cases, the bureaucracy involved in accessing climate finance intimidates women (Reddy, 2013).

The research gap that this article seeks to interrogate is that the law in Uganda does not adequately provide for climate finance in respect to women. The first section of this article therefore introduces the article and points out the role of women in fighting climate change. It also defines climate finance and the challenges of women in accessing the same. The next section describes the methods employed by the author in arriving at the findings of this article. The third section analyzes the adequacy of the existing climate change legal framework in ensuring climate finance in respect to women. The fourth section analyses some of the non-legal factors that contribute to unequal distribution of climate finance. The fifth section makes recommendations on improved ways of ensuring equitable distribution of climate finance.

Methods

This chapter is majorly based on a library study. The doctrinal method of research is employed. Primary sources like laws, policies, Conference of Party (COP) decisions and documents on Climate Finance are analyzed. Further, secondary sources like journal articles, textbooks, and reports of reputable organizations like the United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), World Bank and UN Women are analyzed. Basing on the nature of information required, the doctrinal method of research which majorly involves document analysis of primary and secondary data is the most relevant. Secondary sources arising from empirical studies conducted by other researchers are also analyzed. The doctrinal method of research is best suited for this study as it is majorly aimed at the analysis of legal provisions and secondary documents. Doctrinal research has also been pointed out as the best method for pure legal research, which is majorly theoretical. Furthermore, climate finance and specifically equitable distribution of climate finance being an aspect that directly concerns a significant portion of communities (women) and hence society, can best be researched using the doctrinal method. This is because this method has been identified to be best suited for researching issues that directly affect society and how best the law can be used or reformed to address these issues. Doctrinal research has also been identified to be best suited for purely theoretical research which does not involve 'field studies and hence no hypothesis to prove.' The hypothesis, being embedded in the major research question which 'guides the research' or help in finding legal solutions to issues raised.

Legal Framework on Gender and Climate Change Finance: A Critical Analysis

Although climate finance needs vary, it is estimated that after 2030, they could run into billions or even trillions of US dollars per year. The Inter-governmental panel on Climate Change (IPCC) in its Fifth Assessment report issued a warning that a delay in achieving ambition commitments in respect to maintaining the 'below 2 degrees celcius' mark as the global warming limit in order to achieve adaptation would result into massive costs (IPCC, 2014). In this context, there have been noted delays in fulfilling the committed annual goal of 100 billion USD commitments by developed countries. At this rate, as projected by the IPCC, the cost will be heavier on the developed countries in the near future. Under article 4 (3), the **United Nations Framework Convention on Climate Change (UNFCCC) (1992)** provides that developed States are committed to the provision of 'agreed full incremental costs' for climate change in developing countries. This refers to the additional costs that would come with the need to transform the 'business as usual' fossil-fuel dependent strategies in respect to economic growth. Furthermore, climate-resilient development pathways which promote low emission are promoted (UNFCCC, 1992).

In addition, under article 2, the UNFCCC provides that the State parties need to take climate action, including climate finance action on "the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities" (UNFCCC, 1992). This provision is interpreted to be equivalent to the 'polluter pays' principle of environmental law and a key factor in the mobilization for climate financing which is a requirement under UNFCCC as reflected in article 4 (3) cited above. The polluter pays principle has, however, been noted to relate to the extent of each country's Greenhouse gas emissions, whether historical or current as the extent to which each country should pay for Greenhouse gas emissions varies It is, however, unclear how historical cumulative emissions can and should be included and best interpreted as 'the question of an adequate base year.' Furthermore, although the polluter pays principle serves as a normative guidance which enables a discussion on how much climate finance contributions that each country which contributes to pollution should pay, the application of the principle from the understanding of the 'common but differentiated responsibility' perspective has been argued to present and determine climate finance as very different from aid flows (Schalatek & Bird 2016). Moreover, the common but differentiated responsibility which determines the contributions of each of the states alludes to the fact that contribution should be measured according to a country's wealth or rather, the economic and social development which is linked to sustainable development under article 3 (4) of the UNFCCC. A country's legal obligation to pay climate finance whether internationally or locally is based on the capability of a country. This could also be based on the acceptable standard of living of citizens that builds on sustainable development goals of 2015. The challenge paused by this approach is that periodic evaluations of a particular country's ability to pay would be needed and the choice of a year of reference is also a challenge. Similar to article 3 and 4 of the UNFCCC, article 1(e)(i)) of the **Bali action plan** of 2008 provides that funding should be 'adequate, predictable, sustainable, new and additional' (Bali Action Plan, 2008). These funding principles are reiterated in the Cancun Agreements, under paragraph 95 and 97 (Cancun Agreements, 2010).

Furthermore, the UNFCCC in article 11 establishes a financial mechanism which can be entrusted to one or more of the existing international entities. The major purpose of the financial mechanism is to 'provide financial resources on a grant or concessional basis, including for the transfer of technology' (article 11 (1)). The operating entity for the financial mechanism of the Convention has been the Global Environment Facility (GEF). In addition, the Green Climate Fund (GCF) was established at COP 16, in 2010 and it was also designated as an operating entity of the financial mechanism. Under article 11 (1) of the UNFCCC, the financial mechanism functions are under the guidance of the COP which decides on its policies, programme priorities and eligibility criteria for funding. Two other special funds have been established by the parties and they include the Special Climate Change Fund (SCCF) and the Least Developed Countries Fund (LDCF). They are both managed by the GEF. In existence also is the Adaptation Fund established under the **Kyoto Protocol** (1998). The Adaptation Fund is aimed to finance adaptation projects and programmes in developing countries. The foregoing is an indicator that there is growing effort to ensure that climate finance is available to help countries especially the developing countries to mitigate, as well as adapt to climate change. Challenges, however, still remain with ensuring that the most vulnerable communities and persons who are also potential change agents access these funds in order for the funding purposes to be realized. It is surprising although not shocking that the main international agreement on climate change does not mention gender or women despite the fact that its sister Rio instruments which came into force at the same time (the United Nations Convention to Combat Desertification (UNCCD) and the Convention on Biological Diversity (CBD) recognize the role of women in combating desertification and environmental protection and conservation respectively.

At COP 21 in 2015, the developed countries declined to make new commitments in respect to public finance pledges. The **Paris Agreement** (2015) was adopted and instead set 2025 as the year in which new collective climate finance goals will be made from the present 100 billion USD. The Paris Agreement as already pointed out in the introduction section of this chapter, provides that the lead to mobilize climate finance should be taken by developed countries (Paris Agreement, 2015). In addition, the states are expected to annually report on the support which they have provided as well as support for developing countries as is mobilized through many ways, public interventions inclusive (Paris Agreement, 2015). The Paris Agreement was the first binding climate change agreement to redress the gender oversight and sets the momentum for the UNFCCC mechanisms and processes that are gender sensitive. In achieving this, the Paris Agreement sets out gender equality and women empowerment as key principles (Paris Agreement 2015). Although the provisions in the Paris Agreement are only preambular and are therefore non-binding, this a good place to start on the journey to gender responsive climate action. Furthermore, the Paris Agreement only places emphasis on gender responsive adaptation and capacity building as opposed to mitigation. Moreover, the technology and finance section of the Paris Agreement hardly mentions gender (Paris Agreement, 2015). This could imply that technical issues such as finance and gender cannot be entrusted to women. This is so despite the recognition of women as competent agents in the climate change fight. Whether gender sensitive or not, the successes of the Paris Agreement in respect to commitments by states parties can be measured by whether the collective goal is in 2025. This is particularly so especially because developing countries have tagged the success of their Nationally Determined Contributions (NDCs) to the funding support obtained from the developed countries. This is important especially since the Paris Agreement does not provide alternative modes of financing in order to address loss and damage. So unless this is achieved, the already bad matters could become worse for the women in respect to benefitting from climate finance (Schalatek & Bird, 2016).

Greenhouse gas emissions have increased by over 50% since the 1970's. If the 'business as usual' trend continues to be followed, the largest portion of the world may not survive another century (Burleson, 2010). At the COP 14 held at Copenhagen in 2009, the International Union on Conservation of Nature (IUCN) called upon States to …

> "binding quantified emission reduction targets by all developed countries in the upper range of 25% to 40% emission reductions below 1990 levels by 2020, and 80% to 95% below 1990 levels emission reductions by 2050" (Burleson. 2010, p. 544).

The developing countries on the other hand are encouraged to

> "take on significant, measurable, and verifiable actions that are consistent with nationally appropriate mitigation actions and supported by capacity building and financing in a measurable, reportable, and verifiable manner" (Burleson, 2010, p. 556).

The **Kyoto protocol** (1998) operationalizes the UNFCCC and is the only legally binding instrument which requires developed countries to meet their individual emission reduction targets by providing specific emissions reductions. Similar to its parent Convention, the UNFCCC, the Kyoto protocol binds the developed states and places an even heavier burden on them under the 'common but differentiated responsibility and respective capabilities.' This is because the developed states are more responsible for the current Greenhouse gas emissions in the atmosphere. The Protocol, just like the UNFCCC, promotes adaptation and is designed to assist countries to adapt to climate change. Furthermore, it aids technological development that enables the increase of resilience to the climate change impact.

In respect to climate finance, as already pointed out above, the Protocol establishes the Adaptation Fund (AF) whose major aim is to finance projects and programmes aimed to promote adaptation in developing countries which are party to the Protocol and are vulnerable to the climate change impact. The AF majorly finances programmes which help vulnerable communities in developing countries to adapt to climate change (Adaptation Fund, 2021). Although it is commendable that the AF has in place a Gender Policy (Adaptation Fund, 2016) that promotes gender equality in all the actions of AF, it would have been even better for the Protocol itself to incorporate gender considerations in the body of its text given women's contribution to reducing Greenhouse gas emissions.

The non-inclusion and consideration of the gender factors regarding gender equality in climate change finance is not surprising especially seeing as gender had never emerged as a critical matter in climate matters, laws or conferences until the year 2000 at the Conference of Parties (COP 6). The COP recognized the need for inclusion and involvement of women in climate change negotiations. The recognition of this need culminated into adoption gender as a negotiation issue on the COP 7 in 2001 although it took another nine years before the UNFCCC adopted mainstream gender documents (UNFCCC, 2019). Despite the recognition that climate change disproportionately affects women, the UNFCCC process had always revolved around women participation in climate change action only. Civil society's push for the recognition of women as agents of change only culminated into the recognition of women as agents of change at COP 16 in 2010. COP 16 also established the Standing Committee on Finance (SCF) which is aimed to assist the COP as it exercises its functions related to the financial mechanism of the Convention. The functions include;

> "assisting the COP in improving coherence and coordination in the delivery of climate change financing; assisting the COP in rationalization of the financial mechanism of the UNFCCC; supporting the COP in the mobilization of financial resources for climate financing; and supporting the COP in the measurement, reporting and verification of support provided to developing country Parties. The Committee is also tasked to organize an annual forum on climate finance, provide the COP with draft guidance for the operating entities, provide expert input into the conduct of the periodic reviews of the financial mechanism and prepare a biennial assessment and overview of climate finance flows" (UNFCCC, 2021).

It is also the duty of the SCF to "improve the linkages and to promote the coordination with climate finance related actors and initiatives both within and outside of the Convention" (UNFCCC, 2021). Although the COP 16 also recognized women as agents of change, it seemed to focus more on ensuring more cash flows. Moreover, attention was also focused on ensuring that all 'actors' especially financers are coordinated. This was a good step especially because climate finance cannot exist without financers. It was, however, important to spell out specific plans on how important agents of change may access these funds. Nonetheless, it is commendable that the COP recognized women as agents of change although it would have been better for an elaborate plan to be rolled out clearly stating how funds will be accessed and put to use. This is especially important for vulnerable persons who may lack the resources and means to access the available funds.

Although the binding climate change laws at the international level do not contain adequate provisions for gender considerations in climate action, including climate finance, as already highlighted, the COPs have filled in some missing gaps. In addition to the already outlined COP provisions, COP 18 held in

2012 in its decision 23, went a long way in introducing the link between gender and climate change on the international scene. Similarly, COP 19 held in 2013 introduced the Environment and Gender Index, a platform which monitors the performance of governments in integrating and implementing their gender mandates under the three Rio Conventions (UNFCCC, UNCCD and CBD). Conclusively therefore, as discussed in this section, it is obvious that international climate change law does not adequately recognize the link between women and climate change and much less the relevance of gender considerations in climate finance. Although attempts have been made to fill up this gap through COPs, it is not adequate as emphasis on gender is still placed on women as vulnerable groups of society and much more recently, women as agents of change in climate action. No emphasis is placed on the need for women to benefit from climate finance. Furthermore, COP decisions are non-legally binding so countries may not feel obligated or pressured to act upon their provisions. The need for involving women actively in climate change finance distributions in order to enhance their participation in climate change action has still not been captured hence their valuable contribution is still not captured. This also slows down their ability to adapt to the climate change impact. It is important to note that although a host of factors contribute to the inability of women to access climate finance, as will be discussed in the next section, a legal grounding is one of the surest ways of paving way for women to be equally involved in accessing climate finance.

Unequal Distribution of Climate Finance: Analysis of Contributing Factors

Gender equality in climate finance distribution is an issue of both ensuring effectiveness as well as ensuring that equity and equality are realized on the other hand. It is now appreciated that women and men are differently affected by climate change and that women are at the forefront of taking care of natural resources like water bodies, forests and land due to their socially constructed gender role of being the primary care givers at household level. This places them as key decision makers in matters concerning environmental protection for example, a certain level of Greenhouse gas emissions, using clean energy, organic waste management and afforestation, among others (Adams *et al.*, 2014). This notwithstanding, women still have limited access to resources like land, income and even participation platforms to enable them air their views on improved ways of curbing climate change. This has been attributed to a number of factors among them research and policy which only focus on women's vulnerability other than women's potential to be change agents (Adams *et al.*, 2014).

Additionally, mitigation and adaptation measures in many cases are gender blind in the sense that they hardly recognize women's contribution to curb climate change. As a result, women's contribution is hardly captured. In order for mitigation and adaptation measures to be said to be equitably effective, there is need for women to be a target for low-carbon development. This is because the knowledge possessed by women needs to be utilized (Adams *et al.*, 2014). Women for example manage energy at household level and therefore possess knowledge on how to reduce emissions from household energy use. Furthermore, given the percentage of women in the agricultural sector, women can contribute to sustainable farming practices and soil conservation among others. Women's knowledge can also be enhanced through providing them with training on the use of modern technology and in some cases, they can be given incentives to attract them to use modern but safe farming practices as well as training their peers (Adams *et al.*, 2014).

The history of climate finance clearly reveals that it has hardly been inclusive. This has partly been attributed to climate finance being viewed through the lens of large scale technological measures aimed to ensure 'industrial efficiency programs and energy infrastructure' which hardly focus on gender (Eddy *et al*., 2013). With the GCF in place, there have been some strides taken to gear climate finance mechanisms towards mitigation actions that are gender responsive. Although this is the case, it has been observed that overall, the efforts to integrate gender into climate finance have hardly caused impact on the inclusiveness of women (Williams, 2016). A lot more still needs to be done in order to make the need for gender inclusiveness in public policies on climate finance visible. Williams emphasizes that women are still not visible in climate finance largely because of the inadequacy of the global policy on climate change. This has continued to deny women the opportunity to participate in finding solutions to climate change (Williams, 2016).

Under representation of women among climate finance beneficiaries and as well as climate change representation has also been attributed to lack of sensitization and awareness among leaders, populations, funders and women themselves. Women also largely lack access to information and are usually hardly aware about available funding opportunities. In the long run, their male counterparts or male owned/ dominated entities end up dominating the climate finance areas like management and even beneficiaries. In addition, gender discrimination that results from cultural norms and practices has continually been found to put women at a disadvantage. Women have been viewed as receivers and non-decision makers whereas men are viewed as leaders and/or givers who are meant to be responsible for the women. Sometimes women therefore seem resigned to the fact that being at the forefront is not for them but for the men. Additionally, women also heavily suffer from discrimination in resource ownership. Women hardly own any resources like property/land which has been argued to place them at a disadvantage in the financial markets including the climate financial markets which are also discriminatory (Williams, 2016).

Social and political barriers have also contributed a lot to women's non access to climate finance as well as their participation in climate finance decisions. Women not only constitute the largest percentage of the world's poor, they are also a lot less formally educated than their male counterparts (UN Women, 2012). Moreover, they comprise a low number of persons in political positions. For example, women constitute over two thirds of the 796 million illiterate people across the globe (UN Women, 2012). Moreso, according to UNDP, "in 2015, just 14 out of 193 (7 percent) of finance ministers globally were women and female representation in the governing bodies of the major climate funds was, on average, just 22 percent" (UNDP, 2016). This means that they cannot compete on the same footing with their male counterparts who possess all these qualities. This has continually disadvantaged women especially when it comes to accessing economic opportunities like credit facilities. The same is true for climate finance (UNDP, 2016).

More to this, climate finance has been noted to be insufficient at times. Since the coming into force of the Paris Agreement, it was necessitated that the climate actions that had been proposed by more than 160 countries be increased and implemented. This also meant that there in need to identify new sources of income. In 2014, for example, also the largest cash flow was witnessed from both private and public contributors, it was estimated that another 13.5 trillion US dollars would be needed at least for the next 15 years starting from 2015. This was inevitable if the implementation of the provisions for the Paris

Agreement was to be achieved, including the implementation of the Intended Nationally Determined Contributions (INDCs) as well as the investment in energy efficiency and technologies that ensure low carbon. Another 3 trillion US dollars would also be required in order to have the temperatures kept below the 2 degrees celsius mark. With such financial challenges and needs, it will be even harder for already disadvantaged groups like women to access climate funds (UNDP, 2016). Whereas legal provisions and reforms are very important and play a crucial role in ensuring that climate finance is not only effective but that all stake holders, specifically women benefit from it, several other factors as outlined in this section play a crucial role. Ensuring that climate finance works for women may therefore need to go beyond legal reform. Governments, funding organizations as well as all other stakeholders need to ensure that the social, cultural and political factors which bar women from access to climate finance are done away with. Whereas it is acknowledged that there is no 'one size fits all' solution for every climate finance challenge, all individual solutions go a long way in contributing to the desired goal of ensuring that climate finance is accessible to everybody, including women.

Conclusion and Recommendations

This article set out to analyze the adequacy of the existing climate change legal framework in ensuring equal distribution of climate finance in respect to women and to analyze some of the non-legal factors which contribute to unequal distribution of climate finance. The article finds that there is an increase in the flow of climate related finance especially because there are many funding sources both at the international and national levels. There is a challenge, however, with equal distribution of this financial assistance among all persons that need it especially the most vulnerable as well as persons who have the potential to make substantial contribution to the global fight against climate change, including the women. Whereas it is acknowledged that several gender mainstreaming efforts exist to try to ensure the elimination of gender inequalities in many spheres including climate finance, there is still need for significant effort by governments and other stakeholders to ensure the equitable distribution of climate finance. There are several factors that hinder women from accessing the finances and these include gender blind climate laws which do not contain adequate gender considerations in climate change action. Although there have been efforts to close this gap through COP decisions, they are non-binding and although women are considered as climate change agents, the provisions do not contain provisions on climate change finance in respect to women. The chapter also reveals some non-legal factors like the existing social, economic, cultural and political factors as outlined in the third part of this chapter. They include among others, gender stereotypes as well as socially constructed gender roles which do not view women as decision makers capable of limited available climate finance among other factors. Efforts therefore need to be geared towards the elimination or at least the minimization of these barriers because even if the law changes these barriers will continue to hinder its implementation.

Some recommendations for the enhancement of gender sensitive climate finance include but are not limited to legal recognition of gender sensitive climate financing at the international and domestic levels. This will play an important role in ensuring gender sensitive climate financing. In addition to legal provisions, gender budgeting plays a crucial role not only in curbing persistent gender inequalities but also help with ensuring that women's potential of contributing to climate action is fully utilized. Emphasis is usually placed on gender mainstreaming in processes, laws and policies but hardly is it placed on budgeting. By virtue of their prevailing poverty especially due to their low economic status funding their projects and efforts on climate action will go a long way in enhancing climate action. Gender mainstreaming should also be geared towards the direction of the management of finance mechanisms, building structures for project design and implementation, as well as ensuring monitoring and evaluation. Financial bodies like the GCF and AF need to also invest in social and gender impact assessments as a procedural requirement before funding projects. In addition, giving women a voice through financing as well as strengthening local women's CSOs to engage deeper with leaders for accountability on how climate action is undertaken, including expenditure will enhance climate action as it will ensure that funds are not only spent in the right way, but they are also handed over to people who will fulfil their commitments. Accountability and transparency also enables broad participation of stakeholders and equal representation in the presentation of climate finance hence promoting equity and non-discrimination in favour of marginalized groups, who include women. Keeping records of gender segregated data on the different needs and contributions of men and women both during climate change and in climate action as well as accountability of all distributed finances will be a key factor for determining who should receive finances. Empowering women through giving them information on climate action and finance will enhance their knowledge on climate finance. This can be done through informal means like local meeting and sensitizations. Breaking bureaucracy as well as cultural and stereotypical factors which hold women back from participating in public affairs will go a long way in enhancing women's confidence.

Although this article was successfully concluded and produced, it was not without limitations. Academic literature on the subject of gender and climate finance was scarce. As a result of this, the method of research employed (although the best for legal research) might not have been adequate enough to arrive at accurate results. The time frame within which to submit the final draft of the chapter was short, therefore employing a different kind of research method which would have aided the collection and analysis of primary data was not possible.

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