

# Indigenous Women's Rights Amidst Environmental Degradation

An Examination of The United Nations Declaration on the  
Rights of Indigenous Peoples



**LUND**  
**UNIVERSITY**

# Abstract

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) stands as the most prominent international human rights instrument that defines and protects the rights of indigenous peoples globally. While it represents a landmark achievement, it significantly lacks comprehensive provisions addressing the rights of indigenous women, particularly environmental rights. This study underscores the distinct and disproportionate impacts of environmental degradation on indigenous women's rights. By centring indigenous women and utilising an intersectional ecofeminist theoretical framework alongside Carol Bacchi's 'What's the Problem Represented to be?' (WPR) approach, the research reveals the colonial and patriarchal systems of power embedded in the UNDRIP, highlighting the ongoing perpetuation of the marginalisation of indigenous women.

*Keywords:* UNDRIP, indigenous women, human rights, environmental degradation, intersectionality  
*Word Count:* 9807

# Table of Contents

<b>1 Introduction</b>	<b>3</b>
1.1 Aim and Research Question	3
<b>2 Background</b>	<b>4</b>
2.1 United Nations Declaration on the Rights of Indigenous Peoples	4
<b>3 Literature Review</b>	<b>5</b>
3.1 Indigenous Women’s Rights and the UNDRIP	5
3.2 Indigenous Women’s Rights and Environmental Destruction	6
3.3 Environmental Rights and the UNDRIP	8
<b>4 Theoretical Framework</b>	<b>9</b>
4.1 Ecofeminism	9
4.1.1 Intersectional Ecofeminism	10
<b>5 Methodology</b>	<b>12</b>
5.1 Research Design	12
5.2 Data Material and Collection	12
5.3 The ‘What’s the Problem Represented to be?’ Approach	13
5.4 Ethical Considerations	15
5.5 Limitations	16
<b>6 Analysis</b>	<b>16</b>
6.1 Environmental Rights	16
6.2 Indigenous Women’s Rights	20
<b>7 Conclusion</b>	<b>24</b>
<b>8 References</b>	<b>27</b>

# 1 Introduction

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is one of the two most prominent mechanisms for ensuring indigenous rights in international human rights law. The UNDRIP is widely acknowledged as the most comprehensive document regarding indigenous rights, even though it is not legally binding. The UNDRIP recognises indigenous peoples' collective right to environmental preservation, protection, development, and self-determination (Giunta, 2019:149; Hannah and Vanclay. 2013:151). However, indigenous women's rights, especially in the context of climate change, remain a deeply overlooked issue at both local and international levels despite the existence of this key international human rights instrument (Prior and Heinämäki, 2017:194; Kuokkanen, 2013:129).

Communities already marginalised, particularly those vulnerable as a result of socio-economic factors or with lifestyles intricately intertwined with the natural environment, are poised to endure the profound ramifications of climate change with heightened severity. Among these cohorts, indigenous populations and women emerge as notably vulnerable subgroups bearing the disproportionate brunt of climate change's unequivocal and escalating impacts (Prior and Heinämäki, 2017:193-195). The effects of climate change and environmental degradation on women, particularly, are further exacerbated at the intersection of gender and race. As such, climate change leads to distinct and severe repercussions for indigenous women (Prior and Heinämäki, 2017:196).

Indigenous women's rights in the context of climate change have been historically neglected. Therefore, it is crucial to examine the extent to which the UNDRIP specifically addresses the unique vulnerabilities and challenges faced by indigenous women amid environmental degradation. Recognising the intersectionality of gender and indigeneity is important in understanding and addressing the unique vulnerabilities faced by indigenous women in the context of environmental degradation. In this regard, using an intersectional ecofeminist theoretical approach in this research can help uncover potential colonial and patriarchal systems of power that prevent the applicability of this human rights instrument to address indigenous women's rights accurately in the world's rapidly changing environment.

## 1.1 Aim and Research Question

The research aims to investigate how the UNDRIP addresses the specific rights of indigenous women in the context of environmental degradation. By employing the WPR approach, it seeks to critically examine how the content of this rights instrument protects and promotes the rights of indigenous women, particularly in the face of the distinct and disproportionate threats posed by environmental degradation to their livelihoods, cultures, and overall well-being. Through the lens of intersectional ecofeminism, it explores the interconnectedness of gendered, indigenous and environmental rights issues, providing a critical perspective for evaluating the capability of the

Declaration in addressing these largely overlooked problems. It aims to contribute to the lack of discourse on indigenous women's environmental rights within the UNDRIP and international human rights law at large.

Thus, the following research question will be used to guide this study:

How does the United Nations Declaration on the Rights of Indigenous Peoples address the protection and promotion of indigenous women's rights amidst adverse environmental degradation?

## 2 Background

This section's objective is to contextualise the research by providing an overview of the UNDRIP. Before assessing how the UNDRIP addresses indigenous women's rights amidst adverse environmental degradation, it is imperative to give context to what this international human rights framework is and represents.

### 2.1 United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples or, the UNDRIP, is a pivotal international document aimed at safeguarding the rights and well-being of indigenous peoples around the world. Adopted by the UN General Assembly in 2007, it outlines a comprehensive framework of rights pertaining to indigenous peoples, addressing issues ranging from self-determination and cultural preservation to land ownership and participation in decision-making processes. The Declaration serves as a crucial instrument in promoting indigenous communities' dignity, equality, and rights, emphasising the importance of their unique cultures, histories, and traditional knowledge systems. It underscores the necessity for states to engage in meaningful dialogue and cooperation with indigenous peoples to ensure their rights are respected, protected, and fulfilled (United Nations, 2007).

There's a common acknowledgement that UNDRIP reflects rights already present in international human rights agreements. Instead of introducing new rights, it interprets existing human rights within the specific contexts and situations of indigenous communities globally, facilitating a more efficient structure for exercising and enforcing these rights (Charters and Stavenhagen, 2009). The UNDRIP as a non-binding legal instrument, also referred to as 'soft law', which means that the Declaration's signatories are not required to ratify it, and there are no sanctions for non-compliance (Stavenhagen, 2009). This human rights instrument is significant to investigate within this research paper because it represents a significant normative framework and globally endorsed standards of the rights of indigenous peoples.

### 3 Literature Review

This research review's aim is to identify, map, and synthesise the existing literature on how the UNDRIP addresses the protection and promotion of indigenous women's rights in the face of adverse environmental degradation. In doing so, the review seeks to provide a comprehensive understanding of the current state of knowledge and highlight significant gaps in the literature regarding indigenous women's environmental rights within the UNDRIP. The review is structured into three sections, each focusing on a major topic identified in the literature relevant to the research question. This structure aims to provide a comprehensive analysis of the most prominent and pertinent literature. It begins with the analysis of literature pertaining to indigenous women's rights and the UNDRIP, thereafter literature concerning indigenous women's rights and environmental degradation is examined, and lastly literature on environmental rights and the UNDRIP is investigated.

#### 3.1 Indigenous Women's Rights and the UNDRIP

In examining the existing literature on indigenous women's rights within international human rights law, it becomes apparent that the discourse on indigenous women's rights in international law is severely limited. Within the existing literature, the overwhelming consensus is that the UNDRIP has neglected indigenous women's rights issues (Kuokkanen, 2016:129; Prior and Heinämäk, 2017:193).

Kuokkanen (2016) emphasises the deficit, highlighting the lack of existing evaluations of the substance of the UNDRIP with concern for indigenous women and their rights. Kuokkanen (2016:130) asserts that in the edited volume *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples* (Charters and Stavenhagen, 2009), none of the 26 chapters address indigenous women's rights. In addition, in the edited volume *Indigenous Rights in the Age of the UN Declaration* (Pulitano, 2012), none of the 11 chapters pertain to any concern for the rights of indigenous women (Kuokkanen, 2016:130). Another edited volume, *Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, Hope, and Action* (Joffe, et al., 2010), includes one chapter on indigenous women's rights, focusing on violence against indigenous women in Canada (Kuokkanen, 2016:130). Similarly, Allen and Xanthaki (2011) in the edited volume *Reflections on the Rights of Indigenous Peoples*, examine the UNDRIP in one chapter in connection to indigenous women's rights in the context of collective and individual rights. However, as asserted by Kuokkanen (2016:130), there is minimal discussion about the actual rights of indigenous women.

Moreover, Kuokkanen (2016) also asserts that the existing provisions within the UNDRIP have not adequately addressed, protected or promoted indigenous women's rights. Although many authors

maintain that the UNDRIP is both comprehensive and ground-breaking in addressing indigenous human rights (Stavenhagen, 2009; Royo, 2009), Kuokkanen (2016) asserts that it has several shortcomings and blind spots regarding the protection of indigenous women's rights. She argues that the UNDRIP inherently categorizes indigenous women as vulnerable by grouping them with children and elders, rather than recognizing that their vulnerability often arises from systemic gender discrimination and subjugation. Additionally, the UNDRIP overlooks intragroup differences and oppression within indigenous communities, as well as the unequal access of rights between indigenous men and women. In essence, the UNDRIP fails to enshrine rights specific to indigenous women or address the unique obstacles and structures that perpetuate discrimination against them (Kuokkanen, 2016:129-141).

Xanthaki (2011) points out that the history of the Declaration reflects the continued unwillingness to address issues pertaining to women's rights. Article 44 of the Declaration states that all men and women are equally granted all rights recognized within the document, yet this provision received little attention during the drafting process. There was a general reluctance to address indigenous women's rights when Article 44 was adopted (Xanthaki, 2011:422). Xanthaki expresses that "Indigenous female representatives repeatedly said, when asked informally, that this was not the forum to discuss the issue" (2011:422).

In a similar vein, Sinclair-Blakemore (2019) provides a similar perspective, highlighting that although the UNDRIP was the first rights instrument to recognize indigenous women as a "minority within the minority" (articles 21, 22, and 44), the drafting of the Declaration indicates that indigenous women's rights were given insufficient attention. She details that although the UNDRIP provisions requiring states and indigenous groups to pay "particular attention" to women's "special needs" were seen as reflecting existing international law standards, their inclusion in articles on indigenous development and self-determination made them contentious (Sinclair-Blakemore, 2019:27). Debates over women's rights, particularly the tension between collective and individual rights, dominated the drafting Working Group meetings until June 2006. Several states strongly opposed collective rights in international law, citing potential conflicts with individual rights. The United States, for instance, argued that collective rights could infringe on individual rights, especially those of women. Despite these concerns, the UNDRIP was adopted without a statement on the compatibility of collective and indigenous women's rights (Sinclair-Blakemore, 2019:27).

### 3.2 Indigenous Women's Rights and Environmental Destruction

In line with Kuokkanen (2016), Prior and Heinämäki (2017) assert that although indigenous women's rights are recognised within the UNDRIP, they are still neglected. Both works highlight the lack of attention to the unique intragroup oppressions and obstacles faced by indigenous women. However, Prior and Heinämäki (2017) go further by situating indigenous women's rights within the context of climate change, arguing that the impacts of climate change on indigenous

women are exacerbated by the intersection of gender and race. They emphasise that indigenous women are distinctly and disproportionately affected by climate change.

Thomson (2022) and Davis (2015) echo Prior and Heinämäki (2017) and Kuokkanen (2016) by describing that groups like indigenous women, who inhabit multiple identity categories, experience challenges distinct to each identity category and unique challenges shaped by these intersecting identities. Consequently, indigenous women grapple with vulnerabilities stemming from both their indigenous and gender identities, confronting challenges shared by women and indigenous peoples in the face of environmental degradation alongside distinct hurdles related to their identity as indigenous women (Thomson, 2022; Davis, 2015). Thomson (2022:172) further underscores that indigenous women, situated at the nexus of race and gender, endure a complex amalgamation of racism, colonialism, sexism, and unique forms of intersectional discrimination.

Prior and Heinämäki (2017:195), and Mearns and Norton (2010:15-19) emphasise that indigenous communities, often among the world's most impoverished and socially marginalised, typically inhabit ecosystems highly susceptible to climate change, such as high mountain areas, polar regions, coastal zones, tropical rainforests, small islands, and arid and semi-arid lands. Due to their heavy reliance on these ecosystems for their livelihoods and their geographical locations, they bear a disproportionate burden of the impacts of climate change (Prior and Heinämäki, 2017:195; Mearns and Norton, 2010:18). Cameron (2011:8) further asserts that indigenous communities face limited adaptive capacity to environmental destruction, as they are often excluded from participating in mitigation efforts, leading to heightened vulnerabilities.

Prior and Heinämäki (2017) also contend that the effects of climate change emphasise existing gender inequalities. They assert that climate change highlights gaps within social and power structures, leading to two distinct causes of disproportionate impact on women: historical disparities and women's reliance on different sectors and resources (Prior and Heinämäki, 2017:195). Women consistently face barriers to accessing economic and social assets, such as land ownership, financial resources, technology, and negotiating power. These inequities challenge women's resilience to climate change, hinder their participation in development, and perpetuate gender disparities. Limited income and resource scarcity reduce women's influence in households, communities, and broader societal contexts (Prior and Heinämäki, (2017:195).

Reese (2023) and Cahier (2022) argue that increased environmental destruction from activities like infrastructure construction, mass tourism, mining, hydroelectric plants, and oil and gas exploitation leads to rising multidimensional violence against indigenous women. Reese (2023) also contends that environmental violence described as the disproportionate impacts that the deliberate spread of environmental toxins and industrial development has on indigenous peoples, disregarded by states and corporations, is a direct result of environmental destruction. She argues that both environmental violence and violence against indigenous women are rooted in colonialism, which



has historically marginalised and targeted indigenous women (Reese, 2023). This colonial legacy has influenced indigenous communities to internalise norms that further marginalise indigenous women. As such, she emphasises that environmental destruction, environmental violence and violence against women are intertwined, rooted in the ideas colonialism and marginalisation (Reese, 2023-85).

Reese (2023:91-92) further explains that governments prioritise the destruction and annexation of indigenous territories over protecting indigenous women's rights, driven by financial gain. This prioritisation leaves indigenous women inadequately protected and continues the colonial legacy of resource exploitation. Environmental destruction directly correlates with violence against indigenous women, reinforcing patriarchal and colonialist ideologies. Colonialism imposes patriarchal structures on indigenous societies, undermining the roles and rights of indigenous women and normalising violence against them. This ongoing influence shapes the societal treatment of indigenous women and their territories, facilitating continued exploitation and disregard for their rights (Reese, 2023:91-92).

### 3.3 Environmental Rights and the UNDRIP

There is a notable lack of literature examining the substance of environmental rights as enshrined in the UNDRIP. Notably, there is an almost complete absence of studies evaluating the UNDRIP in relation to indigenous women's environmental rights. Overall, there is a substantial gap in the existing literature and international indigenous human rights discourse on how indigenous women's rights are protected in the context of environmental degradation.

As presented in Kuokkanen (2016), several pieces of literature pertaining to the UNDRIP make little or no mention of indigenous women's rights issues; similarly, they do not make any mention of the connection between indigenous women's rights and the degradation of the environment (Charters and Stavenhagen, 2009; Pulitano, 2012; Joffe et al., 2010; Allen and Xanthaki, 2011). However, although Kuokkanen (2016) evaluates the UNDRIP in how it addresses indigenous women's rights, she only briefly makes note of the connection between environmental degradation and indigenous women's rights issues, yet only does so in the context of health and reproductive rights.

As aforementioned, Prior and Heinämäki (2017) emphasise that indigenous women's rights are neglected in international law and that climate change has severely affected indigenous women distinctly and disproportionately. Prior and Heinämäki (2017) also evaluate how indigenous women's rights are enshrined within the UNDRIP. However, the sole focus of this article is on the provisions within the Declaration that explicitly refer to indigenous women. As such, they do not evaluate the contents of any of the other provisions that refer to the environment. In a like manner, Cahier (2022) only examines the articles of the UNDRIP that explicitly mention indigenous

women. That being the case, these articles are limited in the scope to which they analyse indigenous women's rights within the Declaration and international human rights law at large, as they do not consider how environmental rights are intrinsically connected to indigenous women's rights.

Conversely, Giunta (2019) and Heinämäki (2022) delve into the examination of environmental rights as enshrined within the UNDRIP, but they both fall short of adequately considering the rights of indigenous women within this context. While Giunta (2019) provides a more comprehensive critical examination of the provisions regarding environmental rights within the Declaration, Heinämäki (2022) provides a more general overview of indigenous people's environmental rights from the point of view of indigenous people's legal subjectivity, with only a brief mention of the Declaration. Giunta (2019) analyses whether Article 29 lacks adequate environmental rights protection and explores the 1994 UN Draft Declaration on the Rights of Indigenous Peoples (Draft Declaration) influence on UNDRIP. She contends that Article 29 is deficient in defining the environment, its management, and accountability for environmental violations (Giunta, 2019:149-173). In addition, Giunta posits that when the UNDRIP was drafted, factors such as climate change, extractive industries, and international trade were not contemplated as potential sources of significant violations of indigenous peoples' environmental rights. (Giunta, 2019).

## 4 Theoretical Framework

The study is underpinned by the theoretical framework of ecofeminism, with a particular emphasis on intersectional ecofeminism. This section will begin with an explanation of ecofeminism and subsequently expound on intersectional ecofeminism. Additionally, it will offer a contextual rationale for the appropriateness of this theoretical framework for the research at hand.

### 4.1 Ecofeminism

The overarching theoretical framework that this research will draw upon is ecofeminism. Ecofeminism is a distinctive and evolving branch within feminist thought, which places environmentalism and the connection between women and the earth at the core of its theoretical analysis. Ecofeminist scholars utilise the concept of gender to critically examine the relationship between humans and the natural world (Zein and Setiawan, 2017:1). The fundamental premise that ecofeminism articulates is the interconnectedness of feminism and ecology, contending that the subjugation of women and the degradation of the environment are inherently intertwined. Therefore, addressing one necessitates confronting the other (Zein and Setiawan, 2017:1; Warren, 2015).

The escalation of the exploitation and domination of nature and the exploitation and domination of women emerged alongside the onset of modernity, a period during which men sought to control resources, notably following the Industrial Revolution (Suresh, 2021:117). Within ecofeminism, a key argument contends that patriarchal ideologies align women with nature and men with culture (Suresh, 2021:117). Consequently, women's oppression is rationalised, rooted in the perception of nature's inferiority relative to culture, thereby positioning women as inferior to men. Given the simultaneous occurrence of women's subjugation and environmental domination, ecofeminism asserts that women have a vested interest in dismantling the exploitation of nature (Suresh, 2021:117). Furthermore, the overarching objectives of the feminist and environmental movements converge, aspiring towards the establishment of egalitarian and non-hierarchical systems. Thus, proponents argue that environmentalists and feminists share common objectives and theoretical frameworks, underlining their parallel aims and perspectives (Suresh, 2021:117). Ultimately, the core idea of ecofeminism is to stress the importance of showing respect towards both women and nature (Zein and Setiawan, 2017:1).

#### 4.1.1 Intersectional Ecofeminism

Ecofeminism has long been focused on comprehending the distinct challenges encountered by individuals subjected to discrimination. However, it is only in recent times that ecofeminists have begun to categorize ecofeminism as explicitly as intersectional (Kings, 2017:63).

Kimberlé Crenshaw, in her 1989 article *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, first coined the concept of intersectionality in relation to Black women in the United States. However, it has since evolved to encompass various forms of overlapping discrimination (Thomson, 2022:172). Intersectionality acknowledges that when an individual belongs to multiple identities, their experiences can be both distinct to their group and influenced by the combination of identities they belong to (Crenshaw, 1989).

An intersectional analysis necessitates careful consideration of individuals whose identities intersect across multiple identity markers. These can include the original focus of Crenshaw, race and sex, as well as other factors such as socioeconomic status, sexual orientation, and physical ability (Davis, 2015:209). As indigenous women are posited at the intersection of sex and race, they encounter sexism, racism, colonialism, and a distinct form of intersectional discrimination (Thomson, 2022:172). As such, gender and indigeneity will be the main focus of this research.

Intersectionality scrutinises gaps in legal acknowledgement for those who exist at the intersection of multiple identity markers. Crenshaw's framework underscores the marginalised and underrepresented space for individuals existing at the convergence of two or more identities. Intersectionality reveals how the convergence of various individual categories can create a harmful

gap instead of providing additional protection. This gap leaves those who belong to double or multiple minority groups without any recognition or legal remedy for their experiences as they fall outside of established legal precedents (Crenshaw, 1989:150 in Davis, 2015:209).

Moreover, French writer Françoise d'Eaubonne, who first coined the term ecofeminism in her book *Le Féminisme ou la Mort* (1974), highlights that at the core of ecofeminism's premise is the correlation of the subjugation and exploitation experienced by various marginalised communities—including women, people of colour, children, and impoverished people—with the exploitation and subjugation of the natural world, encompassing land, water, air, animals, and other ecological elements (Zein and Setiawan, 2017:1). Although the focus is often on women, intersectional ecofeminism posits that the attainment of “freedom” is contingent not only upon the liberation of nature and women but also upon the realisation of liberation for all individuals situated at the intersections of more than one identity marker (Kings, 2017:71).

Intersectionality emerges as a potent analytical framework within ecofeminist discourse (Kings, 2017:71). It facilitates a nuanced comprehension of how an individual’s interaction with the environment is shaped not solely by one aspect of their identity but rather by a multifaceted amalgamation of these factors. As an analytical tool, intersectionality enriches the understanding of the environmental connection shared by all peoples without reducing their experiences to a singular category (Kings, 2017:71).

Ecofeminism offers a comprehensive lens through which to examine the interconnected issues of environmental degradation, indigenous rights, and gender inequality. By emphasising the intertwined oppression of women and nature within patriarchal and colonial systems, ecofeminism provides a holistic understanding of the challenges faced by indigenous communities grappling with climate change-induced environmental degradation. Its intersectional nature aligns well with the multifaceted nature of the research question, which acknowledges the differential impacts of environmental harm on indigenous women due to the intersection of gender and race. This framework allows for an analysis that considers indigenous women’s unique vulnerabilities and experiences.

Employing an intersectional ecofeminism analytical lens will entail examining the provisions of the UNDRIP and scrutinising how the document addresses indigenous women’s explicit rights in the context of environmental degradation. This involves assessing the extent to which UNDRIP is acknowledges and mitigates the compounded vulnerabilities of indigenous women resulting from environmental degradation. Overall, the ecofeminist framework offers a nuanced and interdisciplinary approach well-suited to the research aims, enabling a thorough analysis of the complex intersection of environmental degradation, indigenous rights, and gender inequality.

## 5 Methodology

The following section is organised as followed; firstly, it delineates the research design; subsequently, it delves into the description of data material and collection methods. Following this, the approach to analysis is expounded upon, followed by the operationalisation of this approach within the context of this research. Lastly, the section concludes by discussing the limitations of the research and addressing ethical considerations.

### 5.1 Research Design

The research design for this thesis employs a qualitative design, utilising Carol Bacchi's (2009) "What's the Problem Represented to be" (WPR) approach for policy analysis. This approach is particularly well-suited to investigating how the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) addresses indigenous women's rights within the context of adverse environmental degradation, as the WPR approach offers a robust framework for critically analysing policy content. It allows for an in-depth examination of the declaration's implicit problem representations and underlying assumptions (Bacchi, 2009; 2013). The aim is to critically analyse UNDRIP's provisions that relate to indigenous women's environmental rights and to enhance the understanding of how international human rights instruments like UNDRIP construct and address complex intersectional issues involving gender, race, and environmental justice.

### 5.2 Data Material and Collection

The primary data material for this research consists of the UNDRIP document. The secondary sources consist of scholarly articles and volumes pertaining to indigenous women's rights, indigenous women's environmental rights, and the UNDRIP. These sources assess, scrutinise, analyse or interprets indigenous women's rights, indigenous women's environmental rights, the UNDRIP or a combination of these. When combined with the analysis of the UNDRIP document, these sources will enable a more comprehensive analysis and understanding of how the UNDRIP addresses indigenous women's rights within the context of a degrading environment.

The main selection of literature was sourced using LUBsearch, supplemented by Google Scholar, to broaden the scope. Additionally, the method of "snowballing" was employed to identify the most prevalent literature and leading authors in the fields of international human rights law, indigenous women's rights and indigenous environmental rights. Search terms such as "indigenous women's rights", "indigenous environmental rights", "indigenous women's environmental rights", "indigenous women's rights and UNDRIP", "women's rights and UNDRIP", "environmental rights and UNDRIP", and "intersectionality and UNDRIP" were used to locate relevant studies.

Additionally, different variations of UNDRIP were used with the aforementioned formulations to find the most relevant literature. Such variations included UNDRIP, UN Declaration on the Rights

of Indigenous Peoples, and the United Nations Declaration on the Rights of Indigenous Peoples. Lastly, the selection was limited to English-language sources.

### 5.3 The ‘What’s the Problem Represented to be?’ Approach

The method employed to analyse the data was the ‘What’s the Problem Represented to be?’ (WPR) approach to policy analysis, developed by Carol Bacchi (2009). The WPR approach functions as a methodological framework or tool for facilitating meticulous scrutiny of policies, with a particular emphasis on dissecting the portrayal of the identified ‘problem’ within these policies. Subsequently, this representation undergoes rigorous critical examination to discern its underlying assumptions and implications (Bacchi, 2012:21). This analytical approach differs from traditional policy evaluation methods, which typically prioritise assessing outcomes. Rather, the WPR approach begins with the premise that policies and proposals are rooted in culturally shaped presuppositions and assumptions—termed “unexamined ways of thinking”—that may have adverse consequences for certain social groups. Thereafter, the WPR approach initiates an ongoing process of scrutinising the conceptual foundations inherent in all policies and policy proposals (Bacchi, 2010:62-63).

Although Bacchi (2009) asserts that WPR is not a feminist theory, she states that it does reflect the thinking of some feminist theorists. Nonetheless, feminist issues have been conceptually relevant to Bacchi’s work due to its applicability. WPR, as explained by Bacchi, “presumes that some problem representations benefit the members of some groups at the expense of others. It also takes the side of those who are harmed.” (Bacchi, 2009:44). Additionally, WPR shares similarities with several feminist approaches as there is an emphasis on “privilege, positionality, experience, rationality, objectivity, knowledge hierarchies, the complexity of relationships, contextualisation, antifoundationalism, and other theoretically and politically essential concepts” (Archibald, 2020:14). Due to the gendered nature of this research, and the gendered nature the WPR approach is often applied to, it is an applicable approach for this research.

Furthermore, the WPR approach enables a comprehensive examination of the conceptual underpinnings of these documents, focusing on how the ‘problem’ of indigenous women’s rights and environmental degradation is represented within it. By scrutinising the portrayal of this problem, the WPR approach enables an exploration of the underlying assumptions and implicit biases that may influence policy content and implementation. The WPR approach's emphasis on aligning policy proposals with desired political objectives is consistent with the research objective of assessing the efficacy of the UNDRIP in adequately addressing indigenous women’s rights amidst environmental challenges.

More specifically, the approach operates on the premise that policy proposals reveal what one considers problematic and in need of change. In this framework, policies and proposals inherently convey “implicit representations” of identified ‘problems’ (referred to as “problem

representations”). The primary objective of a 'WPR' analysis is to scrutinise how the ‘problem’ is represented in policies and subject the problem representation to critical evaluation (Bacchi, 2012:21). By doing so, the 'WPR' methodology offers a structured way to examine and challenge policy proposals from multiple perspectives, ultimately leading to a more informed and nuanced approach to policymaking (Bacchi, 2012:21). To accomplish this task, the WPR approach presents six questions:

- (1) “What’s the ‘problem’ represented to be in a specific policy or policy proposal?
  - (2) What presuppositions or assumptions underpin this representation of the ‘problem’?
  - (3) How has this representation of the ‘problem’ come about?
  - (4) What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently?
  - (5) What effects are produced by this representation of the ‘problem’?
  - (6) How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?”
- (Bacchi, 2009 in Bacchi, 2012:21-22).

The emphasis on certain questions during analysis is contingent upon the intended focus of the study. Hence, it is not imperative to address every single question explicitly (Bacchi, 2009 in Bacchi, n.d.). As such, for this research, the questions that will be focused on are one, two, and four, as they are the most relevant to the focus of the study.

### 5.2.1 Operationalization

The analysis will jointly address questions one, two, and four of the WPR approach. This approach is informed by the interconnected nature of these questions, which allows for a more integrated and comprehensive examination of the topic. As these questions are closely related, addressing them together helps avoid unnecessary repetition. As Bacchi (2017) highlights, it is not necessary to state each question explicitly in the WPR approach; rather, one can let the questions sit in the background of an integrated analysis.

Question one of the approach involves examining and evaluating the proposals outlined in the policy and to infer the underlying “problem” from these proposals (Bacchi, 2009:48). According to Bacchi (2012:21), this step is pivotal in the approach as the proposed course of action reveals the perceived problematic aspects that necessitate change. This initial question serves as a foundation for the researcher to move beyond surface-level assessments of social issues and uncover deeper ideological frameworks present in the discourse under scrutiny (Pringle, 2019:5). It prompts exploration into how the issue is framed, what solutions are proposed, and what implicit problems arise from these proposals (Riemann, 2023:155). Thus, question one is designed to delve into the

representation of problems and to discern both explicit and implicit assumptions shaping this representation.

Question two is employed to pinpoint the underlying assumptions and presuppositions embedded within the UNDRIP. This inquiry involves a type of Foucauldian archaeology, which aims to uncover the underlying political rationalities and conceptual logic embedded within policies (Riemann, 2023:156). It seeks to identify the fundamental binaries, categories, and concepts that shape the representation of this particular problem (Carson and Edwards, 2011:76). It establishes a direct connection between problematisations and the societies or knowledge systems that give rise to them (Riemann, 2023:156). In this analysis, this question will be utilised to investigate systems of power that underpin representations of the UNDRIP and thusly the rights of indigenous women in the face of adverse environmental challenges.

Question four shifts the focus towards omissions within the problem representation. It probes into what the representation fails to address, which voices are marginalised or excluded, and what forms of knowledge are disregarded or relegated (Bacchi, 2009:48). It entails a thorough examination of potential gaps or constraints within this representation of the problem. (Bacchi, 2012:23). Drawing from Foucault, question four aims to uncover the combination of specific relations and practices that shape a problem within a particular context and time (Riemann, 2023:156). The focus of this research lies on the limitation of the rights addressed in the UNDRIP for indigenous women, with specific regard to the impact of adverse environmental degradation. Intersectional ecofeminism is valuable in this context, as this theoretical framework sheds light on the identification of different silences, potential gaps, and new ways of thinking about indigenous women's rights.

## 5.4 Ethical Considerations

In qualitative research, it is imperative for researchers to acknowledge and be aware of their own potential biases as they can shape their understanding of the world and can, therefore, eschew results (Robson and McCartan, 2016:479). As such, it is important to bring potential biases into the open as this works to counter them (Robson and McCartan, 2016:103). As a researcher who identifies as a white woman from a Western background, it is crucial for me to acknowledge my own biases. These biases emerge from my unique lived experiences and identity markers that influence my worldview. Recognising this is essential because my perspectives are inherently different from those of indigenous women around the globe, whose experiences are not only distinct from mine but also diverse among themselves.

Indigenous women come from a multitude of cultural, geographical, and social contexts, each with its own specific challenges and forms of resilience. My background may lead to unconscious assumptions and interpretations that do not fully capture the complexities and nuances of their lived realities. Hence, it is important to stress that this research does not aim to speak on behalf of



indigenous women or indigenous peoples. Rather, the intent is to critically assess how their rights are addressed within the framework of the UNDRIP.

## 5.5 Limitations

It is essential to recognise that documents, especially secondary sources containing critiques and evaluations, may have inherent biases (Robson and McCartan, 2016:350). As emphasised by Carr (1961), it is vital to consider and scrutinise the origin, purpose, and perspective of these sources (Carr, 1961 in Robson and McCartan, 2016:350). This scrutiny is necessary to ensure a more critical and objective analysis of the sources and the research findings. In addition, the usage of excerpts of the Declaration, while meaningful on their own, can be limited by being removed from their original contexts (Mason, 2002:95). As such, it is important to contextualise in this regard so as not to divert from the original context. As mentioned, it is also important to recognise researcher subjectivity, as one's own experiences can affect one's worldview and impact results (Robson and McCartan, 2016:103,479).

Another limitation of this research is its focus solely on indigenous women's rights without addressing the specific experiences of sub-groups within this demographic. It is important to recognise that other groups, such as LGBTQ+ indigenous women, elderly indigenous women, and indigenous girls, have distinct and significant experiences that warrant separate examination. These sub-groups face unique challenges and forms of discrimination that intersect with their identities in ways that differ from the broader category of indigenous women. However, due to the scope of this study, the decision was made to concentrate on indigenous women as a whole.

## 6 Analysis

This section utilises questions one, two and four of the WPR approach to analyse the provision within the UNDRIP. It turns towards investigating the implied problems, gaps and limitations present within the UNDRIP in relation to indigenous women's rights amidst environmental degradation. In this context, the silences within the different Articles of the Declaration that pertain to addressing indigenous women's rights amidst environmental degradation will be critically scrutinised while simultaneously investigating the systems of power perpetuating the gaps, limitations, and silences. This section begins with analysing the document in relation to environmental rights thereafter indigenous women's rights are examined

### 6.1 Environmental Rights

The persistent issue within indigenous communities has been the failure to acknowledge the widespread human rights violations experienced by indigenous women, often occurring at the intersection of their individual and collective identities. Instances such as environmental pollution and ecosystem destruction serve as notable examples of these violations (Kuokkanen, 2012:231).

From an intersectional ecofeminist perspective, indigenous women's interaction with the environment is distinct to their group identity and influenced by the combination of identity markers they belong to. As such, it is imperative to address indigenous women's explicit environmental rights as their experience is distinct from any other group (Prior and Heinäkäki, 2017:194-197). Nonetheless, indigenous women's explicit environmental rights are not addressed within the UNDRIP. However, ecofeminism posits that the subjugation of women and the degradation of the environment are inherently intertwined; thusly, collective indigenous environmental rights help secure indigenous women's rights (Zein and Setiawan, 2017:1).

The UNDRIP acknowledges indigenous peoples as bearers of collective rights pertaining to environmental conservation and protection, self-determination, and development. These distinct rights are interconnected and mutually reliant, crucial for the welfare and longevity of indigenous communities (Giunta, 2019:149-150). One of the most significant provisions on environmental rights within the Declaration is Article 29.

Article 29:

- (1) "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination."
- (2) "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent."
- (3) "States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented."

(UN General Assembly, 2007:22)

Article 29 acknowledges the right of indigenous peoples to the conservation and protection of their environment. However, it falls short of addressing the comprehensive environmental rights of indigenous communities. While it emphasises State's responsibility to implement effective measures to safeguard the health and well-being of these communities, it does not explicitly grant indigenous peoples the right to own, control, and develop their environment and natural resources. The language of Article 29 implies that the decision-making power concerning environmental protection and management remains with the State, thereby limiting indigenous peoples' autonomy and authority over their lands and resources (Giunta, 2019:152). This focus also suggests a protective rather than an empowering stance. It portrays indigenous peoples as vulnerable and in need of external protection rather than as autonomous agents capable of managing their own environments. This omission also raises critical questions about who truly holds the rights to the

development and management of indigenous environments, suggesting that the current framework does not fully empower indigenous communities to exercise their environmental rights independently.

Article 29 also mandates that States take measures to prevent the disposal of hazardous materials on indigenous lands without consent, but it fails to address the full scope of accountability for environmental harm. The article does not reference non-state actors or corporate entities, leaving a significant gap concerning environmental damage caused by businesses. Additionally, it omits any mention of climate change or the responsibility for environmental restoration in the context of climate-induced degradation. This absence raises critical concerns about who will be held accountable for restoring or mitigating environmental damage affecting indigenous communities (Giunta, 2019:153). The current language of Article 29 thus inadequately addresses the complex and multifaceted challenges of environmental protection, particularly in an era of escalating climate change and corporate environmental impact.

Moreover, Article 29 lacks a clear definition of the term “environment.” According to the Cambridge Dictionary, the environment encompasses the land, water, and air in which people, animals, and plants reside (Cambridge Dictionary, n.d.). This definition aligns with the indigenous worldview, which sees humans as integral parts of their environment, yet it excludes subsoil natural resources. This raises several important questions. For instance, does the definition include ice, seas, and beaches where many indigenous peoples reside? Are flora and fauna considered part of their environment and land (Giunta, 2019:152)?

Effective environmental protection extends to flora, fauna, beaches, ice and water—elements essential for global food security and the protection of the right to food and human security. Without legally safeguarding these components of the natural environment, achieving global food security and protecting subsistence rights, including the right to dignity and life, cannot be guaranteed (Giunta, 2019:152). Meaningful protection of environmental rights must encompass the entire natural environment, yet Article 29 appears to focus on the environment as an abstract entity rather than recognising it as an entity with intrinsic needs that must be protected (Giunta, 2019:152). This oversight highlights a significant shortfall in the article’s approach to environmental rights, particularly concerning the integral relationship between indigenous peoples and their natural surroundings.

Article 32 enshrines that:

- (1) “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.”
- (2) “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed

consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”

- (3) “States shall provide effective mechanisms for just and fair redress for any such activities, and, appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.”

(UN General Assembly, 2007:23-24)

Article 32(1) provides what Article 29 lacks by articulating that indigenous peoples have the right to ‘determine and develop priorities and strategies for the development or use of their lands or territories and other resources’ (UN General Assembly, 2007:23). Yet, although the right to develop their lands is enshrined in this article, the article is broad and vague. The Declaration does not provide a clear definition of what ‘lands or territories and other resources’ entails. The article implies that indigenous peoples have secure tenure over their lands, territories, and resources. However, in many cases, there are ongoing disputes over land ownership and rights, which can complicate the exercise of this right. Additionally, it lacks a definition of what ‘resources’ constitute. It does not mention if this includes soil and subsoil natural resources.

Moreover, Article 32 does not consider indigenous women's disadvantages regarding access to resources, such as land (Prior and Heinäkäki, 2017:195). In this sense, the Declaration implies that indigenous men and women have equal access to resources, yet this is not the case. Similarly, subsection (3) does not mention the distinct and disproportionate environmental impacts indigenous women face. Such omissions perpetuate a false narrative that indigenous women face the same experiences as indigenous men, and it reduces indigenous women’s lived experiences.

Article 24 recognises that:

- (1) “Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.”
- (2) “Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.”

(UN General Assembly, 2007:18)

Although the Article mentions the conservation of medicinal plants, animals, and minerals, it fails to connect health with indigenous people’s right to their entire natural environment (UN General

Assembly, 2007:18). The conservation of plants, animals, and minerals does not encompass the entirety of what it takes to maintain their health practices. It does not address the broader environmental challenges that can impede conservation efforts. If the entirety of their natural environment is not conserved, plants, animals and minerals will fail to be conserved as well. As aforementioned, meaningful protection of environmental rights must encompass the entire natural environment (Giunta, 2019:152). In addition, the article does not consider the broader global health inequities that disproportionately affect indigenous populations. Factors such as poverty, lack of access to clean water, and inadequate housing can all impact the health of indigenous peoples, and these broader determinants of health are not directly addressed (Rajapakse et al., 2022:195-212). Reiteratively, indigenous women face disproportionate access to resources and are most affected by poverty; as such, Article 24 also fails to address the gendered dimension of indigenous issues. In line with this, it also fails to address reproductive rights.

As intersectional ecofeminism posits, the oppression and exploitation of women and the oppression exploitation of the environment are deeply interconnected phenomena, and addressing one necessitates confronting the other, as both women and the environment are subjected to similar patterns of domination and exploitation (Zein and Setiawan, 2017:1; Warren, 2015). The lack of comprehensive environmental rights, both for indigenous peoples as a whole and for indigenous women specifically within the Declaration, perpetuates this cycle of destruction and subjugation. Without robust protections for indigenous lands and resources, colonial legacies persist, allowing external actors to exploit these territories for profit while disregarding indigenous sovereignty and environmental stewardship. Consequently, the failure to address the intertwined issues of environmental degradation and gender inequality not only perpetuates colonial legacies but also exacerbates the harm inflicted upon both indigenous peoples and the natural world.

Colonialism, with its history of land appropriation, resource extraction, and imposition of patriarchal structures, serves as a prime example of how these forms of oppression intersect (Reese, 2023:91-92). The lack of comprehensive environmental rights, both for indigenous peoples as a whole and for indigenous women specifically, perpetuates this cycle of destruction and subjugation. Without robust protections for indigenous lands and resources, colonial legacies persist, allowing external actors to exploit these territories for profit while disregarding indigenous sovereignty and environmental stewardship. Consequently, the failure to address the intertwined issues of environmental degradation and gender inequality not only perpetuates colonial legacies but also exacerbates the harm inflicted upon both indigenous peoples and the natural world.

## 6.2 Indigenous Women's Rights

As previously noted, while UNDRIP stands as the most expansive international framework concerning indigenous rights, however, the explicit mention of women is limited to only three

articles out of 46 (UN General Assembly, 2007:17-28). The three key provisions on indigenous women's rights are:

#### Article 21

- (1) "States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities."

[...]

#### Article 22

- (1) "Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration."
- (2) "States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination."

[...]

#### Article 44

"All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals."

(UN General Assembly, 2007:17-28)

Aside from the three Articles mentioned above, the language of the UNDRIP is gender-neutral. However, the formulation of Article 44 within UNDRIP, which asserts the equal guarantee of rights and freedoms to "male and female indigenous individuals" (UN General Assembly, 2007:28), perpetuates colonial legacies and prevailing heteronormative and patriarchal paradigms. This provision, while ostensibly advocating for gender equality within indigenous communities, inadvertently reinforces colonial constructions of gender roles and power dynamics.

The colonial imposition of gender roles and power dynamics is intricately linked to the broader project of nation-building and the consolidation of settler state authority. Through the heteropatriarchal organisation of citizens into nuclear families, characterised by normative gender roles and expressions of sexuality deemed "proper" and "modern," colonial regimes sought to cultivate a compliant citizenry supportive of the nation-state. This process involved eradicating

indigenous peoples' traditional governance structures and kinship systems, which were perceived as obstacles to colonial domination (Arvin et al., 2013:14-15). In Canada, for instance, the Indian Act of 1876 exemplifies this strategy by regulating the marriage practices of indigenous peoples to align with colonial objectives. By conferring lines of descent, property, and landholding predominantly to men, the Indian Act reinforced patriarchal norms and undermined the matrilineal or matriarchal traditions prevalent in many Indigenous societies (Barker, 2008; Simpson, 2008). This legislative intervention imposed colonial constructions of gender roles and exemplifies how the colonial legacy persists in society.

The management of indigenous peoples' gender roles and sexuality thus served as a mechanism for remaking Indigenous communities into compliant settler state citizens. By erasing Indigenous governance structures and imposing patriarchal norms, colonial regimes perpetuated systems of power that reinforced settler dominance while marginalising indigenous ways of life (Arvin et al., 2013:14-15). This historical legacy continues to shape contemporary understandings of gender and sexuality within indigenous communities, highlighting the enduring impact of colonialism on indigenous people's lives and identities that the language used in Article 44 perpetuates. The UNDRIP reflects a binary gender framework that aligns with colonial conceptions of gender roles and relations. This formulation fails to account for the diverse gender identities and experiences present within indigenous communities, reinforcing exclusionary practices against non-binary and gender non-conforming individuals. Moreover, by prioritising a binary gender framework, Article 44 sidelines the rights and experiences of LGBTQ+ indigenous peoples, who also face intersecting forms of discrimination based on their sexual orientation and gender identity.

In addition, the concept of 'gender equality' is a colonial Western-Eurocentric construct, as the construct of gender is a colonial construct. As such, utilising such a construct within the framework for indigenous rights further perpetuates colonial culture (Ladner, 2009:63). However, as put by, Barker (2006:127), it can also be argued that, "[t]he idea that by affirming Indian women's rights to equality, Indian sovereignty is irrevocably undermined affirms a sexism in Indian social formations that is not merely a residue of the colonial past but an agent of social relationships today". Nonetheless, Article 44 perpetuates colonial and patriarchal systems of power by the reason of not actively dismantling them. In this way, Article 44 contributes to the marginalisation of indigenous women and reinforces settler state control over indigenous communities, thereby perpetuating colonial legacies and further entrenching heteronormative and patriarchal paradigms within indigenous rights frameworks.

Article 21(2) refers to the 'rights and special needs' of women, eluding to that indigenous women possess additional unique rights. However, it lacks any explanation of what these rights entail, nor what 'special needs' they possess (UN General Assembly, 2007:17). Further, Article 22(1) expands upon this, detailing that "Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities" (UN General Assembly,

2007:17). This articulation has significant implications. By emphasising ‘special needs’, in combination with being grouped together with elders, children and persons with disabilities, implies that women are inherently vulnerable. Iorns (1993) maintains that “The focus on ‘special needs’ perpetuates the stereotype of woman as victim, unable to defend herself or cater to those needs herself, and thus unable to take control over her own life”. This framing can inadvertently reinforce patriarchal views that depict women as victims rather than as empowered individuals capable of autonomy and self-determination. It implies that the solution to addressing women's rights lies in special protection rather than in ensuring that indigenous women have the autonomy and authority to control their own lives and environments.

The core issue, therefore, is not merely that indigenous women have special needs but that they lack sufficient autonomy and control over their lives and resources. Addressing this issue requires a shift from a protectionist approach to one that empowers indigenous women, respects their capabilities, and acknowledges their agency. This means creating frameworks and mechanisms that ensure indigenous women can exercise their rights fully and participate equally in decision-making processes that affect their communities and environments. In doing so, it is crucial to move beyond viewing indigenous women through the lens of vulnerability and instead recognise and support their roles as leaders, knowledge holders, and active agents of change within their societies.

Additionally, suggesting that indigenous women share vulnerabilities with elders, youth, and individuals with disabilities fails to acknowledge that the vulnerabilities faced by indigenous women largely stem from gender inequalities rather than being inherent to their identity (Sinclair-Blakemore, 2019:42). Sinclair-Blakemore (2019:42) contends that emphasising indigenous women's pre-existing vulnerabilities perpetuates the perception of them as passive victims, and argues that articles 21 and 22 pre-emptively address violence against indigenous women. This rhetoric of vulnerability, combined with the absence of specific positive rights for indigenous women in UNDRIP, hinders the argument that indigenous peoples have transitioned from being objects to subjects of international law, as it reinforces the notion that indigenous women are merely ‘objects of protection’ rather than ‘subjects of rights’ (Sinclair-Blakemore, 2019:42).

Furthermore, another limitation of the document is the absence of explicitly articulated positive rights for indigenous women (Xanthaki, 2007:202). This limitation has far-reaching implications, undermining the overall rights of indigenous women and particularly weakening their environmental rights. Positive rights are those that require active provision or facilitation by the state or governing bodies, as opposed to negative rights, which simply require non-interference (Xanthaki, 2007:202). In the context of UNDRIP, the lack of specific positive environmental rights for indigenous women signifies a failure to ensure that they receive the active support and resources needed to achieve true equality and empowerment. Explicit positive rights would affirm the autonomy of indigenous women, ensuring their active participation in decision-making



processes. This is crucial for dismantling patriarchal and colonial structures that often exclude women from leadership roles. By not explicitly providing for these rights, UNDRIP leaves indigenous women without the necessary tools and protections to assert control over their lives and their environment.

The usage of gender-neutral language, apart from the articles mentioned above, presents a significant limitation within the document that perpetuates the marginalisation of indigenous women, particularly concerning their environmental rights. While purportedly aiming for inclusivity, this approach effectively erases the distinct challenges and experiences of indigenous women, relegating them to a homogenised category that fails to capture the complexities of their lived realities. Intersectional ecofeminism provides a lens through which to understand the interconnectedness of gender oppression and environmental exploitation, revealing how indigenous women bear the brunt of both (Zein and Setiawan, 2017:1). By neglecting to address the environmental rights of indigenous women explicitly, UNDRIP overlooks the disproportionate impact of environmental degradation on indigenous women, exacerbating existing gender disparities within indigenous communities (Prior and Heinämäki, 2017:194).

The failure to acknowledge and rectify the intersecting forms of discrimination faced by indigenous women reflects a systemic blind spot within the declaration, one that perpetuates their marginalisation and reinforces patriarchal structures that devalue their agency and autonomy. In essence, the omission of gender-specific language in UNDRIP not only fails to uphold the rights of indigenous women but also perpetuates a cycle of environmental injustice that disproportionately harms them, underscoring the urgent need for a more intersectional and inclusive approach to indigenous rights and environmental governance.

## 7 Conclusion

The purpose of the research was to investigate how the United Nations Declaration on the Rights of Indigenous Peoples addresses the protection and promotion of indigenous women's rights amidst adverse environmental degradation. Using intersectional ecofeminism and the WPR approach to policy analysis, the research critically assessed the provisions within the Declaration to uncover underlying systems of power. The study explored the Declaration's capability to address the intersectionality of gendered, indigenous, and environmental rights issues.

The analysis reveals that the failure to acknowledge the unique challenges faced by indigenous women within the context of environmental degradation reflects a systemic gap in the existing frameworks. Despite the UNDRIP's recognition of indigenous peoples' collective rights to environmental conservation and protection, its provisions fall short of comprehensively addressing the distinct environmental rights of indigenous communities, particularly indigenous women.

Article 29 of the UNDRIP acknowledges indigenous peoples' rights to the conservation and protection of their environment but lacks specificity regarding indigenous control over their lands and resources. Furthermore, it fails to address accountability for environmental harm caused by non-state actors, such as corporations and overlooks the gendered dimension of environmental impacts on indigenous women. Similarly, Article 32, while affirming indigenous peoples' right to determine the development of their lands and territories, lacks clarity and does not adequately consider gender disparities in resource access. Moreover, Article 24, which recognises indigenous peoples' rights to traditional medicines and health practices, does not fully integrate the broader environmental context necessary for maintaining these practices. The failure to address environmental determinants of health and reproductive rights perpetuates global health inequities, disproportionately affecting indigenous populations.

Intersectional ecofeminism illuminates the interconnectedness of gender inequality and environmental degradation, emphasising the need to address both simultaneously. The lack of comprehensive environmental rights within the UNDRIP perpetuates colonial legacies and undermines indigenous sovereignty. In essence, addressing the intertwined issues of environmental degradation and gender inequality is not only a matter of human rights but also a crucial step towards dismantling colonial structures and safeguarding the well-being of both indigenous peoples and the natural world.

Moreover, the acknowledgement of indigenous women within the context of environmental protection remains notably inadequate. The research reveals that despite the expansive nature of the UNDRIP, only a handful of its articles directly address indigenous women's rights, with the majority of its language being gender-neutral. This gender-neutral approach, while aiming for inclusivity, paradoxically erases the distinct challenges and experiences faced by indigenous women. By failing to acknowledge the environmental rights of indigenous women explicitly, the UNDRIP overlooks the disproportionate impact of environmental degradation on this group.

The colonial legacies embedded within the language of the UNDRIP are particularly evident in Article 44, which ostensibly advocates for gender equality but inadvertently perpetuates colonial constructions of gender roles and power dynamics. Additionally, the UNDRIP's reliance on a protectionist approach to indigenous women's rights highlights the necessity of shifting towards frameworks that empower indigenous women and recognise their agency and autonomy rather than portraying them as victims. By reframing indigenous women as active agents of change rather than passive victims, the UNDRIP could better address the structural inequalities that perpetuate their marginalisation.

In summation, the main limitation of the Declaration is its failure to recognise the distinct and disproportionate experiences of indigenous women, particularly in the context of environmental

rights. As such, the protection and promotion of indigenous women's rights have not been addressed in a comprehensive and adequate manner within the UNDRIP.

As this research has focused on how the UNDRIP addresses the protection and promotion of indigenous women's rights in the face of environmental destruction, future research in the form of qualitative interviews would inform the changes that should be made to the UNDRIP. Such a study should be informed by indigenous women from across the world with different perspectives and distinct experiences that can inform comprehensive research as to what specific rights enshrined in the document would most effectively protect and prompt their well-being and continued way of life. Such a study could also include a broader intersectional approach, addressing the specific needs of indigenous women of different ages, sexual orientations, and classes. This would help construct how to proceed with an analysis, such as this one, on the contents of the Declaration. However, what can be concluded from this research is that the UNDRIP lacks an intersectional perspective that acknowledges and includes distinct provisions afforded to indigenous women that address their rights within the context of a degrading environment.

## 8 References

Allen, S. and Xanthaki, A. (2011). *Reflections on the UN Declaration on the Rights of Indigenous Peoples*. Oxford: Hart Pub.

Archibald T. (2020). What's the Problem Represented to Be? Problem Definition Critique as a Tool for Evaluative Thinking. *American Journal of Evaluation*, 41(1), 6–19.  
<https://doi-org.ludwig.lub.lu.se/10.1177/1098214018824043>

Arvin, M., Tuck, E., & Morrill, A. (2013). Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy. *Feminist Formations*, 25(1), 8–34.  
<http://www.jstor.org/stable/43860665>

Bacchi, C. (2009). *Analysing Policy: What's the Problem Represented to Be?* 1st ed. Pearson Australia.

Bacchi, C. (2010). “Poststructuralism, Discourse and Problematization: Implications for gender mainstreaming”, *Women, Gender & Research*, (4). doi: 10.7146/kkf.v0i4.28005.

Bacchi, C. (2012). ‘Introducing the “What's the Problem Represented to be?” approach’, in A. Bletsas and C. Beasley (eds.) *Engaging with Carol Bacchi: Strategic Interventions and Exchanges*. The University of Adelaide Press, pp. 21–24.

Bacchi, C. (2017). FAQ. [online] Carol Bacchi. Available at: <https://carolbacchi.com/faq/>.

Bacchi, C. (2019). WPR and Feminism. [online] Carol Bacchi. Available at: <https://carolbacchi.com/2019/09/01/wpr-and-feminism/>.

Barker, J. (2006) Gender, Sovereignty, and the Discourse of Rights. In: *Native Women's Activism* 7(1) *Meridians: Feminism Race, Transnationalism* 127, 149.

Barker, J. (2008). Gender, Sovereignty, Rights: Native Women's Activism against Social Inequality and Violence in Canada. In *Forum: Native Feminisms without Apology*, ed. Andrea Smith and J. Kēhaulani Kauanui, special section of *American Quarterly* 60(2): 259-66.

Cahier, L. (2022). Environmental Justice in the United Nations Human Rights System: Challenges and Opportunities for the Protection of Indigenous Women's Rights Against Environmental Violence. *George Washington Journal of Energy and Environmental Law*, 13(1), 37-57

Cambridge Dictionary (n.d.). environment. [online] Cambridge Dictionary. Available at: <https://dictionary.cambridge.org/dictionary/english/environment#dataset-cald4>.

Cameron, E. (2011). Development, Climate Change and Human Rights from the Margins to the Mainstream? The World Bank Open Knowledge Repository, World Bank.  
doi:<https://doi.org/10.1596/27308>.

Carr, E.H. (1961). *What Is History?* London: Penguin Books.

Carson, L., Edwards, K. (2011). Prostitution and Sex Trafficking: What are the Problems Represented to Be? A Discursive Analysis of Law and Policy in Sweden and Victoria, Australia. *Australian Feminist Law Journal*, 34(1), 63–87. <https://doi.org/10.1080/13200968.2011.10854453>

Charters, C. and Stavenhagen, R. (2009). *Making the Declaration Work*. Copenhagen: International Work Group for Indigenous Affairs.

Crenshaw, K. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics, *U. Chi. Legal F.* 139, 150–52

Davis, A. N. (2015). Intersectionality and International Law: Recognizing Complex Identities on the Global Stage. *Harvard human rights journal.*, vol. I: *Harvard Human Rights Journal*, Vol. 28, 205–242

D' Eaubonne, F. (1974). *Le Féminisme Ou La Mort*. Paris: P. Horay.

Giunta, A. (2019). Looking Back to Move Forward: the Status of Environmental Rights under the UN Declaration on the Rights of Indigenous Peoples. *The International Journal of Human Rights*, 23(1-2), pp.149–173. doi:<https://doi.org/10.1080/13642987.2019.1572874>.

Heinämäki, L. (2022). Indigenous Peoples Environmental Human Rights - from Objects of Protection Towards stewardship: Assessment of Current International Standards. In: *Research Handbook on the International Law of Indigenous Rights*. Cheltenham, UK: Edward Elgar Publishing, pp.169–201. doi:<https://doi.org/10.4337/9781788115797.00021>.

Iorns, C. (1993). *The Draft Declaration on the Rights of Indigenous Peoples*. Murdoch University Electronic Journal of Law.

Joffe, P., Hartley, J. and Preston, J. (2010). *Realizing the UN Declaration on the Rights of Indigenous Peoples: triumph, hope, and Action*. Saskatoon: Purich Pub.

Kings, A.E. (2017). Intersectionality and the Changing Face of Ecofeminism. *Ethics and the Environment*, [online] 22(1), pp.63–87. doi:<https://doi.org/10.2979/ethicsenviro.22.1.04>.

Kuokkanen, R. (2012). Self-Determination and Indigenous Women's Rights at the Intersection of International Human Rights. *Human Rights Quarterly*, [online] 34(1), pp.225–250. Available at: <https://www.jstor.org/stable/41345477> [Accessed 2 Apr. 2024].

Kuokkanen, R. (2016). Indigenous Women's Rights and International Law: Challenges of the UN Declaration on the Rights of Indigenous Peoples. In: D. Short and C. Lennox, eds., *Handbook of Indigenous Peoples' Rights*. London: Routledge, pp.129–141.

Ladner, K. L. (2009). Gendering Decolonisation, Decolonising Gender. *Australian Indigenous Law Review*, 13(1), 62–77. <http://www.jstor.org/stable/26423117>

Mason, J. (2002). Linking Qualitative and Quantitative Data Analysis. In: A. Bryman and R. Burgess, eds., *Analyzing Qualitative Data*. London and New York: Routledge, pp.1–231.

Mearns, R. and Norton, A. (2010). *Social Dimensions of Climate Change: Equity and Vulnerability in a Warming World* /. Washington, Dc: World Bank, C.

Pringle, W. (2019). Problematizations in Assisted Dying Discourse: Testing the “What’s the Problem Represented to Be? *Frontiers in Communication*, 4(58), 1–11. Doi: <https://doi.org/10.3389/fcomm.2019.00058>

Prior, T.L. and Heinämäki, L. (2017). The Rights and Role of Indigenous Women in the Climate Change Regime. *Arctic Review on Law and Politics*, 8(0). doi:<https://doi.org/10.23865/arctic.v8.901>.

Pulitano, E. (2012). *Indigenous Rights in the Age of the UN Declaration*. United Kingdom: Cambridge University Press.

Rajakpakse, J., Hudson, B., Brown, C. (2022). Poor Water Quality and Related Health Issues in Remote Indigenous Populations of Some of the World's Wealthiest Nations. In: Rajapakse, J. (eds) *Safe Water and Sanitation for a Healthier World*. Sustainable Development Goals Series. Springer, Cham. [https://doi-org.ludwig.lub.lu.se/10.1007/978-3-030-94020-1\\_11](https://doi-org.ludwig.lub.lu.se/10.1007/978-3-030-94020-1_11)

Reese, Taylor. (2023). You took my land and my body too: the intersectionality of environmental violence against indigenous lands and violence against indigenous women. *Journal of Animal & Environmental Law*, 15(1), 84-104.

Riemann, M. (2023). Studying Problematizations: The Value of Carol Bacchi's ‘What’s the Problem Represented to be?’ (WPR) Methodology for IR. *Alternatives*, 48(2), 151-169. <https://doi-org.ludwig.lub.lu.se/10.1177/03043754231155763>

Robson, C. and McCartan, K. (2016). *Real World Research: A Resource for Users of Social Research Methods in Applied Settings*. 4th ed. Chichester: Wiley.

Simpson, A. (2008). *From White into Red: Captivity Narratives as Alchemies of Race and Citizenship*. In *Forum: Native Feminisms without Apology*, ed. Andrea Smith and J. Kēhaulani Kauanui, special section of *American Quarterly* 60(2): 251-57

Sinclair-Blakemore, A. (2019) *Indigenous Women's Rights in International Law: A Comparative Analysis of the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples*. *Australian International Law Journal*, pp. 21-44.

Stavenhagen, R. (2009). *Making the Declaration Work*. In: R. Stavenhagen and C. Charters, eds., *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*. Copenhagen, Denmark: IWGIA, pp.352–370.

Suresh, L. (2021). *Understanding the Relationship Between Sustainability and Ecofeminism in an Indian Context*. *Journal of Developing Societies*, 37(1), 116-135.  
<https://doi-org.ludwig.lub.lu.se/10.1177/0169796X211001648>

Thomson, V. (2022). *Decolonization, Feminism, and Climate Change: A commentary on Misdzi Yikh v Canada*. *McGill Journal of Sustainable Development Law / Revue de Droit Du Développement Durable de McGill*, 18(2), 155–180. <https://www.jstor.org/stable/48735509>

UN General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*. *Human Rights Quarterly*, [online] 33(3). doi:<https://doi.org/10.1353/hrq.2011.0040>.

Warren, K.J. (2015). *Feminist Environmental Philosophy*. [online] Stanford.edu. Available at: <https://plato.stanford.edu/archives/sum2015/entries/feminism-environmental/>

Zein, L.F. and Setiawan, A.R. (2017). *General Overview of Ecofeminism*. [online] doi:<https://doi.org/10.31219/osf.io/fmjgk>.

Hanna, P. and Vanclay, F. (2013). *Human rights, Indigenous Peoples and the Concept of Free, Prior and Informed Consent*. *Impact Assessment and Project Appraisal*, [online] 31(2), pp.146–157. doi:<https://doi.org/10.1080/14615517.2013.780373>.

Royo, LRP. (2009). ‘Where Appropriate’: *Monitoring/implementation of Indigenous peoples’ Rights Under the Declaration*. In: R. Stavenhagen and C. Charters, eds., *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*. Copenhagen, Denmark: IWGIA; pp. 314–343.

Xanthaki, A. (2007). Indigenous Cultural Rights. In: *Indigenous Rights and United Nations Standards: Self-Determination, Culture and Land*. Cambridge: Cambridge University Press (Cambridge Studies in International and Comparative Law), pp. 196–236.

Xanthaki, A. (2011). The UN Declaration on the Rights of Indigenous Peoples and Collective Rights: What's the Future for Indigenous Women? In: *Reflections on the UN Declaration on the Rights of Indigenous Peoples*. Oxford: Hart Pub.

Zein, L.F. and Setiawan, A.R. (2017). General Overview of Ecofeminism. pp.1–10.

doi:<https://doi.org/10.31219/osf.io/fmjgk>.