

# *Gendering International Legal Responses to Environmental Chronic Emergencies: Introduction*

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The book is the development of research originally started by one of the editors on the “legalization” of the concept of *slow violence* (elaborated by the US scholar Rob Nixon) and its reflection on the debate on intergenerational equity, using an ecofeminist method of analysis that is rarely endorsed in legal scholarship. This idea has been expanded and developed into a research project, *GenREm – Gendering international legal response to chronic emergencies*, thanks to the close connection among us, the three co-editors of this book, who are also the heads of the three units of the project. We come from the North (Venice), the Centre (Florence), and the South (Palermo) of Italy, and, talking together, we realized that more could be done in Italian international legal scholarship to endorse a feminist method in international law, especially international environmental law.

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## WHY A NEW CONCEPT?

At the origin of the project, we felt that there was a need for a reflection on emergencies that are not mere disasters but deeper and more complex ongoing phenomena that call into question the traditional categories of time, space and legal obligations in international law. The concept of environmental chronic emergencies (ECEs) derives from the innovative idea of slow violence and elaborates further the concept of slow-onset events, developed at the UN level, to appreciate situational vulnerabilities and the disproportionate impact of

these emergencies on women and girls. The adjective ‘chronic’ conveys the idea of something that is rooted, often silent, surely unseen, but that has an impact on present and future generations, on the environment and on women at the intersection of different grounds of discrimination. There is no other concept, legally conceived, that can capture phenomena like the mercury pollution in Minamata that then led to the adoption of a specific Convention, or the slow, gradual degradation of the environment, which is not immediately perceived as a crisis, or a crisis that has an impact on humans, but that surely represents an emergency exacerbated by structural inequalities. We could have used the concepts of disasters or slow-onset events, but these concepts completely fail to understand the underlying causes of discrimination and inequality that exacerbate environmental emergencies. In our opinion, the idea of conceptualizing ECEs is stimulating and challenging at the same time because it calls into question both the rigid categories of law that are based on links of causality, time and space, and the political approach underlying the legal response to their tragic effects. We decided it was important to take up the challenge and to endorse an ecofeminist method of international legal analysis that precisely grasps the dynamics of power and oppression.

## THE STRUCTURE OF THE BOOK

The book is divided into three parts. In the first one, *Conceptualizing Environmental Chronic Emergencies*, we provide the legal and conceptual frameworks of the book. In the first chapter, *Feminist Legal Methods and Environmental Chronic Emergencies: Challenging the Anthropocentric and Androcentric International Legal System*, Sara De Vido provides the foundations of the project as an ecofeminist international lawyer. In the second chapter, *Moving Beyond an Approach Based on Crisis and Disasters to Address Environmental Chronic Emergencies*, Deborah Russo focuses on the concept of ECE to discuss what responding to such emergencies entails and why this concept is useful for shaping the international law of tomorrow. Enzamaría Tramontana, in *Environmental Chronic Emergencies, Women’s Inequality, and International Law*, examines the intersection of women’s inequality and ECEs through an ecofeminist lens. In *Taking the Long View: What Environmental Chronic Emergencies Require of States*, Karen Morrow examines ECEs as key elements of the rapidly shifting planetary context, and applies an ecofeminist conception of the ethics of care to reframe the treatment of the environment in international law.

The second part of the book – *Environmental Chronic Emergencies Across Time* – endorses a temporal perspective in international law. A historical perspective is provided by Timothy Cooper in the chapter *A Fear of Falling? The Mineshaft as ‘Environmental Chronic Emergency’ in Modern Cornwall*,

which offers an overview of the historical applicability of the concept of *ECE* through the enduring legacy of Cornwall's disused mineshafts. In the chapter *Environmental Chronic Emergencies and the Challenge of Temporality*, David Scott focuses on the challenge of time for a global legal response to ECEs. Every international lawyer knows of the existence of the Minamata Convention on Mercury, but few know the story that led to it. From the legal perspective of this case, there is not much literature in English; hence, the focus provided by Shuichi Furuya is of particular interest. In *Minamata Disease as an Environmental Chronic Emergency: Institutional Failures and Global Lessons*, the scholar, a former member of the Human Rights Committee, frames 'Minamata disease' as an ECE. Laura Magi, in the chapter *Environmental Chronic Emergencies and Future Generations*, explores the concept of ECEs and their impact on future generations, emphasizing the importance of intergenerational equity as a principle of international law.

The third part of the book looks at *ECEs in Context*, focusing on legal obligations, actors and reparations. With regard to actors, the chapter *Toward a Paradigm Shift in Case-Law concerning Environmental Chronic Emergencies?*, written by Monica Feria Tinta, reconstructs different approaches to environmental harm, explaining how both international and domestic judges have started to call into question the traditional anthropocentric paradigm to apply more innovative models. In *States and Corporations in the Context of Environmental Chronic Emergencies: Responsibility and Liability at the Crossroad*, Patricio Barbirotto examines the role of transnational corporations in contributing to ECEs and their impact on human rights, particularly women's rights. Björnstjern Baade, in the chapter *Due Diligence Obligations and Environmental Chronic Emergencies*, analyzes the content and scope of due diligence obligations with regard to preventing and countering ECEs, including any gendered effect deriving from them. Martina Sardo's chapter on *Obligation to Cooperate to Cope with the Adverse Impact of Environmental Chronic Emergencies* examines the content and scope of States' duty to cooperate in responding to the gendered effects of ECEs. In *Transforming Slow Violence into Social Justice: The Quest for Reparation for Environmental Chronic Emergencies*, Francesca Tammone endorses a 'transformative' understanding of reparation, which has the potential to address the root causes of these phenomena and reshape the unjust power relationships on which they are grounded.

Meghan Campbell wrote the concluding remarks.

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We are enormously grateful to our families for the support and the love they give us every day. We dedicate this book to our children, Amanda, Anna, Carlo and Federico. We hope that they will live in a future where ECEs are recognized as drivers and multipliers of inequalities and where environment- and gender-sensitive responses are not the exception, but rather the rule.