

Climate change adaptation law and policy in Benin: Towards gender-equitable climate action

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Abstract: This article examines the integration of gender into climate change adaptation law and policy to identify pathways for achieving gender equality and equity in adaptation action. Climate change impacts all population groups, but its adverse effects affect people differently based on their context, with vulnerable populations such as women, children, persons with disabilities and the elderly facing specific risks and greater burdens. Women are often more dependent on natural resources but have less access and disproportionately bear responsibility for securing food, water and fuel. Employing a doctrinal method involving a critical review of Benin's international commitments and key climate-related legal and policy texts, the article reveals that national adaptation plans, policies and strategies insufficiently incorporate gender considerations, leading to the implementation of gender-blind adaptation policies and practices. It highlights a significant gap between Benin's international and regional human rights obligations and its domestic climate change adaptation framework. This neglect

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stems from institutional barriers, limited awareness of gender-related climate change issues, and a lack of prioritisation of women's roles and contributions. The article argues for developing guidance for gender-sensitive vulnerability assessment, establishing robust monitoring systems with gender-responsive indicators, disaggregated data, and allocating dedicated financial resources for gender-specific actions in Benin.

Key words: adaptation; Benin; climate law and policy; gender; national adaptation plan

1 Introduction

Climate change is a major global issue with reported projections of severe impact on all sectors and across population groups.¹ Thus, climate risks and impacts affect men and women, youth, persons with disabilities, children and the aged. However, scientific evidence shows that the adverse effects of climate change affect people differently according to their cultural, economic, environmental, geographical and social context.² It is also well recognised that the impacts and risks of climate change fall most heavily on those least responsible for greenhouse gas (GHG) emissions, as they usually have limited capacity to adapt to it.³ Thus, women, children, persons with disabilities and the elderly face specific risks and greater burdens, particularly when they are already living in poverty. Across the Global South, especially in the least developed and developing countries, the majority of the poor are women, with poverty rates ranging between 5 and 20 percentage points higher than men's poverty in sub-Saharan Africa.⁴ Climate change, coupled with other crises such as the COVID-19 pandemic, has widened the poverty gap, with new forecasts showing that 83,7 per cent of the world's extremely poor women and girls would live in just two regions: sub-Saharan Africa (62,8 per cent) and Central and Southern Asia (20,9 per cent).⁵

1 World Meteorological Organisation *State of the global climate 2023* (2024) 3; Intergovernmental Panel on Climate Change (IPCC) 'Global warming of 1,5°C: An IPCC special report on the impacts of global warming of 1,5°C above pre-industrial levels and related global greenhouse gas emission pathways in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty', Geneva: Intergovernmental Panel on Climate Change, 2018 392.

2 D Chingarande and others 'Mainstreaming gender into national adaptation planning and implementation in sub-Saharan Africa' (2020) CCAFS Working Paper 323, CGIAR Research Programme on Climate Change, Agriculture and Food Security (CCAFS); M Addaney and CG Moyo 'Women's rights, gender and climate change law in Africa: Advancing an equity agenda' (2018) 5 *Journal of Law, Society and Development* 1; H Djoudi and others 'Beyond dichotomies: Gender and intersecting inequalities in climate change studies' (2016) 45 *Ambio* 248.

3 S Patel and others 'Socio-economic impacts of climate change' in P Kumar and others (eds) *Climate impacts on sustainable natural resource management* (2021) 237-267.

4 AM Munoz Boudet and others 'Gender differences in poverty and household composition through the life-cycle: A global perspective' World Bank Policy Research Working Paper 8360 (2018), <https://documents1.worldbank.org/curated/en/135731520343670750/pdf/WPS8360.pdf> (accessed 20 January 2025).

5 UN Women 'Explainer: How gender inequality and climate change are interconnected' (2022), <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected> (accessed 20 January 2025).

The African continent ranks among the areas most vulnerable and profoundly impacted by climate change.⁶ Even though the magnitude of climate change remains unclear, it is widely agreed that the phenomenon is occurring and is striking the continent with significant force.⁷ Consequently, marginalised and vulnerable populations such as women, the youth, children, persons with disabilities, indigenous peoples and the aged face specific risks and greater burdens. More broadly, climate change responses fall into two categories – mitigation and adaptation. Mitigation entails policy and programmatic action of reducing the severity of climate change by reducing greenhouse gases (GHGs).⁸ Mitigation strategies and methods usually involve international cooperation, afforestation, locally sourced products, renewable energy, conserving energy, reducing wastage, and improving carbon capture. Similarly, adaptation involves assisting and supporting vulnerable populations to live with the effects of climate change.⁹ Adaptation to climate change includes reducing risk from sea level rise, changing agricultural patterns and water projects.¹⁰ For instance, climate change will impact both food production and agricultural methods.¹¹ Thus, the agricultural, food production and water sectors could adapt by adopting climate-smart agricultural technologies and practices, such as altering the species to suit the new climate conditions.¹² Climate-smart agricultural technologies and practices, such as drought-tolerant wheat, which has deep root systems to help access more water, and water harvesting technology (dams and reservoirs), are increasingly being adopted to conserve soil moisture during decreased rainfall.¹³ Thus, in managing climate change, African countries are implementing adaptation measures to enhance living conditions and the adaptive capacities of vulnerable communities.¹⁴

Owing to the continent's low adaptive capacity and insignificant carbon footprint compared to the rest of the world, enhancing adaptation efforts has been a primary focus for the African continent during negotiations.¹⁵ The Africa Climate Change Strategy emphasises that adaptation to the impacts of climate

6 C Remteng and others 'Gender in the nationally determined contributions of African countries: A way forward for effective implementation of adaptation and mitigation strategies' (2022) 3 *Ecofeminism and Climate Change* 2.

7 E Nkiaka & JC Lovett 'Mainstreaming climate adaptation into sectoral policies in Central Africa: Insights from Cameroon' (2018) 89 *Environmental Science and Policy* 49.

8 IPCC 'Climate Change 2022: Impacts, adaptation and vulnerability, contribution of Working Group II to the sixth assessment report' Intergovernmental Panel on Climate Change (2022).

9 As above.

10 As above.

11 IPCC (n 1); IPCC (n 8).

12 IPCC (n 1).

13 I Gabriel and others 'State of climate smart agriculture (CSA) practices in the North Central and Northwest zones Nigeria' (2023) 4 *CABI Agriculture and Bioscience* 1.

14 M Gbomagba, OA Afinowi & N Kumi 'Climate change adaptation governance in Africa: The legal and institutional frameworks' in M Addaney, DB Jarbandhan & W Kwadwo Dumenu (eds) *Climate change in Africa* (2023) 36.

15 African Union 'African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032)' (2022), https://au.int/sites/default/files/documents/41959-doc-CC_Strategy_and_Action_Plan_2022-2032_08_02_23_Single_Print_Ready.pdf (accessed 22 May 2025).

change remains the priority action for Africa and a prerequisite for building resilience.¹⁶ This is confirmed by the nationally determined contributions (NDCs) submitted by most African countries, where adaptation is the focus.¹⁷ However, to be successful, African countries must develop innovative adaptation strategies and policies that address the particular needs of both men and women, boys and girls and the aged. Although gender should not be considered as referring specifically to relations between men and women,¹⁸ mainstreaming gender in adaptation strategies, planning and policy is a key step toward achieving gender equity in climate action. The majority of African countries are parties to the core gender-specific international instruments such as the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹⁹ the Beijing Declaration and Platform for Action (1995)²⁰ and the Vienna Declaration and Programme of Action (1993)²¹ as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol).²² The International Bill of Rights, comprising the Universal Declaration of Human Rights (Universal Declaration), the International Covenant on Economic, Social, and Cultural Rights (1966) (ICESCR)²³ and the International Covenant on Civil and Political Rights (1966) (ICCPR),²⁴ is also relevant for analysing gender equity in climate action in Africa.

The international climate change regime anchored by the United Nations (UN) Framework Convention on Climate Change (UNFCCC),²⁵ the Paris Agreement²⁶ and other relevant Conference of the Parties' decisions²⁷ has recently emphasised gender equality in addressing climate change.²⁸ However, the transformation process of climate adaptation law and policy to become gender sensitive at the national and local levels, taking place in Africa, is

16 As above.

17 As above.

18 SCR Dossou-Cadjia 'Hello can you hear me? On climate change: Inequalities and gender vulnerability in Benin' (2020) 3 *African Journal on Land Policy and Geospatial Sciences* 116.

19 United Nations Convention on the Elimination of All Forms of Discrimination against Women 1988 UNTS 1249 vol 13.

20 UN Women Beijing Declaration and Platform for Action, 1995 adopted by the UN General Assembly on 15 September 1995 during the Fourth World Conference on Women, United Nations, 1995, https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA_E_Final_WEB.pdf (accessed 22 May 2025).

21 Office of the High Commissioner for Human Rights (OHCHR) Vienna Declaration and Programme of Action adopted 25 June 1993 at the World Conference on Human Rights held in Vienna, Austria, A/CONF.157/23.

22 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol) AHG/Res.240 (XXXI) June 1995, Addis Ababa, Ethiopia.

23 ICESCR, 16 December 1966, 993 UNTS 3.

24 ICCPR, 19 December 1966, 999 UNTS 171.

25 United Nations Framework Convention on Climate Change, 9 May 1992, 1771 UNTS 107 (UNFCCC).

26 Paris Agreement, 12 December 2015, 3100 UNTS 3.

27 Eg, Decision 1/CP.16 UN Doc FCCC/CP/2010/7/Add.1 adopted 10 December 2010 preambular para 7 and ch I, para 8.

28 Chingarande and others (n 2).

proceeding at a slow pace.²⁹ At the domestic level, climate adaptation frameworks have been evolving independently of human rights treaties and have failed to address gender equality and the realisation of the rights of women, youths, children, Indigenous Peoples, persons with disabilities and people with low incomes.³⁰ Thus, national human rights and gender policies remain separate rather than being coherently integrated into climate adaptation law, policy and strategies. Gender mainstreaming in climate adaptation action in Africa has received significant scholarly attention.³¹ However, Benin has received limited attention, even though the country is among the first few on the continent to enact a comprehensive climate law (after Kenya in 2016 and before that, Nigeria in 2021). In addition, most of the existing studies on gender-related climate issues³² fail to analyse climate adaptation action from a gender justice perspective comprehensively. Therefore, this article examines the integration of gender into Benin's climate change adaptation law and policy, focusing on the interests and rights of women to identify pathways for achieving equality and equity in adaptation action. The article aims to understand the extent to which gender has been incorporated and the challenges hindering the integration of women's rights, well-being and participation in climate action. By analysing this gap and highlighting the consequences of gender-blindness, the article provides crucial insights and recommendations for ensuring that Benin's climate laws and policies are gender equitable, thus moving towards more effective and inclusive climate change adaptation that considers the needs and capacities of all its citizens.

The article uses a doctrinal legal method underpinned by critical analysis from a gender lens. This involves a critical review and content analysis of Benin's international commitments and key climate-related legal and policy texts. The analysis uses a framework based on seven principles and minimum criteria for gender integration. The key documents analysed include Benin's international commitments; the 2018 Climate Change Law;³³ the National Adaptation Plan

29 M Addaney 'Climate change and human rights in Africa: A new factor in African Union policymaking?' In ME Addadzi-Koom, M Addaney & LA Nkansah (eds) *Democratic governance, law, and development in Africa* (2022) 582.

30 M Addaney 'The law as shelter: The interface between women and climate change adaptation responses in Africa' (2018) 5 *Journal of Comparative Law in Africa* 117.

31 See GA Apatinga, CJ Schuster-Wallace & SE Dickson-Anderson 'A conceptual framework for gender and climate mainstreaming to mitigate water inaccessibility in rural sub-Saharan Africa' (2022) 9 *WIREs Water* e1591; AA Mulema, L Cramer & S Huyer 'Stakeholder engagement in gender and climate change policy processes: Lessons from the Climate Change, Agriculture and Food Security Research Programme' (2022) *Frontiers in Sustainable Food Systems* 2; L Nyahunda 'Social work empowerment model for mainstreaming the participation of rural women in the climate change discourse' (2021) 6 *Journal of Human Rights and Social Work* 120; G Otieno and others 'Gender and social seed networks for climate change adaptation: Evidence from bean, finger millet, and sorghum seed systems in East Africa' (2021) 13 *Sustainability* 2074.

32 P Afokpe and others 'Progress in climate change adaptation and mitigation actions in sub-Saharan Africa farming systems' (2022) 31 *Cahiers Agricultures* 4; M Al-Zu'bi and others 'African perspectives on climate change research' (2022) 12 *Nature Climate Change* 1078; TW Carr and others 'Climate change impacts and adaptation strategies for crops in West Africa: A systematic review' (2022) 17 *Environmental Research Letters* 1.

33 The National Assembly, Climate Change Law of Benin (Law 2018-18) 18 June 2018.

(NAP 2022);³⁴ the Nationally Determined Contribution (NDC 2021);³⁵ and the National Climate Change Management Policy (PNGCC 2021-2030).³⁶ The critical gendered analysis approach is based on content rather than process analysis.³⁷ To inform the degree to which gender perspectives are incorporated into policies and strategies, the article uses the content analysis framework developed by Gumucio and Tafur Rueda,³⁸ as applied by Nyasimi and others,³⁹ and Ampaire and others,⁴⁰ with the inclusion of minimum principles. The seven principles and minimal criteria focused on the gendered discourses employed in policies and the degree of gender integration. These principles are the following: evidence-based, positive social and gender norms; equal benefits; participation; needs assessment and analysis; strategic planning and implementation; monitoring and evaluation (Table 1).

Table 1: Principles and criteria for a gender-responsive climate change policy

Principles	Criteria
Evidence-based	Analyse whether the climate change policies/plans/strategies did a gender analysis on climate risks, impacts, and vulnerability.
Positive social and gender norms	Analysis of whether vulnerable people are identified, defined, and targeted and their knowledge and capacity to address risk and vulnerability assessed
Equal benefits	Analyse whether the design of initiatives and activities within the climate change policies/plans/strategies aims to ensure that the resulting benefits, systems, and services benefit women and youth.
Participation	Analyse whether the climate change policies/plans/strategies promote participation, voice, and inclusion of all groups, especially women and youth. Analyse whether they recognise and strengthen the capacity and rights of vulnerable men, women, and youth to participate in adaptation decision-making continually.

34 See, generally, National Adaptation Plan of Benin (2022).
35 Government of Benin Nationally determined contributions (NDCs) (Benin’s First NDC updated submission) 12 October 2021, <https://unfccc.int/documents/497137> (accessed 20 May 2025).
36 Other relevant policies reviewed include the Government’s Action Programme (PAG 2021-2026); the National Development Plan (PND 2018-2025); the Gender Policy of the National Environment and Climate Fund (FNEC); the National Policy for Prevention and Integrated Disaster Management (PNPGIC 2016); and the Low-Carbon and Climate-Resilient Development Strategy (SDFICRCC 2016-2025).
37 EL Ampaire and others ‘Gender in climate change, agriculture, and natural resource policies: Insights from East Africa’ (2020) 158 *Climatic Change* 43.
38 T Gumucio & M Tafur Rueda ‘Influencing gender-inclusive climate change policies in Latin America’ (2015) 1 *Journal of Gender, Agriculture and Food Security* 42.
39 M Nyasimi and others ‘Inclusion of gender in Africa’s climate change policies and strategies’ in WL Filho and others (eds) *Handbook of climate change communication: 1. Theory of climate change communication* (2018) 171.
40 Ampaire and others (n 37).

Needs assessment and analysis	Analyse whether the climate change policies/plans/strategies identified adaptation and mitigation actions that respond to the needs of women, youths and other vulnerable groups.
Strategic planning and implementation	Analyse whether the technology choices identified in the policies/plans/strategies respond to risk and vulnerability and the anticipation of future climate and uncertainty at the community and national level, and consider trade-offs and synergies between different vulnerable groups. Analyse whether the technology choices identified in the climate change policies/plans/strategies build on local knowledge and consider availability, accessibility, affordability, and relevance to women, youth, and other vulnerable groups. Analyse the extent to which climate change policies/plans/strategies facilitate access to finances across gender and youth.
Monitoring and evaluation	Analyse whether the monitoring system incorporates reflection by women and youth and identifies feedback loops to inform modifications as the project evolves, so that activities are successfully adapted to new learning and do not create/lead to more inequalities.

Source: adapted from Nyasimi and others (n 26).

These principles comprise a set of minimum gender inclusion criteria for gender-responsive climate change policies and strategies. The term ‘minimum criteria’ in the context of a gender-responsive climate change law and policy refers to the key aspects or standards that must be met to ensure that the policy or strategy effectively addresses gender considerations.⁴¹ These criteria are a baseline requirement for integrating gender into climate change action. Based on the findings, the analysis found that national adaptation plans, policies and strategies in Benin insufficiently incorporate gender considerations, leading to gender-blind adaptation policies and practices. Thus, a significant gap exists between Benin’s international/regional gender and human rights obligations and its domestic climate change adaptation framework. It concludes by making a case for ensuring that all genders’ vulnerabilities, capacities and needs are fully integrated into climate law and policy in Benin, moving towards more gender-equitable and effective climate action.

2 Climate change risks and impacts from a gender-specific lens

Due to existing social and cultural gender norms, roles and expectations, the positions and conditions of women and men are different in each society.⁴²

41 Nyasimi and others (n 39).

42 UN Women (n 5).

Climate change is not gender-neutral.⁴³ It is a social, economic, political and environmental phenomenon with far-reaching implications for gender equality and social justice.⁴⁴ Its consequences vary according to gender, region, income level, age group and profession, and reinforce existing gender inequalities.⁴⁵ In addition, women and girls are not a homogeneous group defined solely by gender.⁴⁶ Socially limiting norms and values often exacerbate women and girls' vulnerability to climate change. According to Brody and others,⁴⁷ women and children are 14 times more likely than men to die during natural disasters. For instance, Neumayer and Plümper analysed disasters in 141 countries and discovered that gender disparities were directly associated with the economic and social rights of women.⁴⁸ In societies where both genders had equal rights, disasters resulted in the same fatalities for both sexes.⁴⁹ To address these risks and achieve sustainable development, it is crucial to understand the implications of climate change on women, men, boys, girls and the elderly. Around the globe, women are typically more dependent on natural resources for subsistence.⁵⁰ Yet, they have less access to these resources and paradoxically bear a disproportionate responsibility for securing food, water and fuel. For instance, evidence from East Africa shows that, even though commercialisation is a key strategy in assisting farmers to adapt to climate change, women's control of crop income is weakened in the process.⁵¹ Commercialisation is defined as growing crops and livestock on a large-scale basis for sale.⁵² In addition to unequal access to resources and decision-making processes, women and girls also contend with limited mobility and information access, as well as the threat of sexual violence.⁵³ Women and girls are rarely given the opportunity to better comprehend their risks and to prepare for, respond to and recover from climate hazards.⁵⁴

In West Africa, countries, including Benin, and especially communities where patriarchal norms are strictly enforced, women are deprived of property rights and

43 IPCC (n 8).

44 UN Women (n 5).

45 As above.

46 IPCC (n 8).

47 A Brody, J Demetriades & E Esplen 'Gender and climate change: Mapping the linkages – A scoping study on knowledge and gaps' (2008) prepared for the UK Department for International Development, BRIDGE, Institute of Development Studies (IDS), Brighton, <http://www.adequations.org/IMG/pdf/GenderAndClimateChange.pdf> (accessed 29 December 2024).

48 E Neumayer & T Plümper 'The gendered nature of natural disasters: The impact of catastrophic events on the gender gap in life expectancy 1981-2002' (2007) 97 *Annals of the Association of American Geographers* 551.

49 As above.

50 UN Women (n 5).

51 K Tavenner and others 'Intensifying inequality? Gendered trends in commercialising and diversifying smallholder farming systems in East Africa' (2019) 3 *Frontiers in Sustainable Food Systems* 10.

52 As above.

53 AHX Goh 'A literature review of the gender-differentiated impacts of climate change on women's and men's assets and well-being in developing countries' (2012) CAPRI Working Paper 106, International Food Policy Research Institute, Washington DC.

54 I Dankelman *Gender and climate change: An introduction* (2010).

participation in decision making.⁵⁵ For instance, in Benin, even though women and girls comprise 60 to 80 per cent of the agricultural labour force and produce 44 per cent of family subsistence labour,⁵⁶ a lack of access to land accounts for 50 per cent of their vulnerability and socio-economic inequalities.⁵⁷ The 'access to land' or land rights dimension is critical in understanding the climate injustice women face in the agriculture and food production sector. Notably, the land access parameter is expressed through use (the right to exploit the land for our needs), control (the right to decide on the management of the land and the fruits of its exploitation) and transfer (the right to sell, reallocate or redistribute the rights to use and control the land to another individual).⁵⁸ In rural areas, unequal land distribution and other resources (for instance, farm equipment, inputs and plant conservation) are often a problem.⁵⁹ This trend generally represents the West African sub-region (Benin as a far-reaching example), where the patriarchal system prevails.⁶⁰

The modes of access to land in Benin are inheritance, purchase, donation and rent. Once excluded from inheriting land from their husbands and/or their male parents and faced with insufficient financial means, Beninese women are disadvantaged regarding their access to land.⁶¹ For instance, an integrated modular household living conditions survey conducted in 2011 reveals that 85,1 per cent of land owners were men (compared to 14,9 per cent of women) and only 12 per cent of women gained access to land through inheritance (compared to 88 per cent of men).⁶² This factor contributes to increasing women's vulnerability to climate change. In fact, due to their lack of access to land, they are forced to take low-paying jobs or rely on subsistence farming, particularly in sectors sensitive to climate change. Moreover, women's lack of access to land hinders their ability to participate in climate change adaptation decision-making processes at the national and local levels.⁶³ For example, their opinions on what crops to sow, when, how, and where do not count. This exclusion from decision making makes it difficult for women to advocate their needs and priorities and gain access to

55 AO Awiti 'Climate change and gender in Africa: A review of impact and gender-responsive solutions' (2022) 4 *Frontiers in Climate* 895950.

56 AP Dah-gbeto & GB Villamor 'Gender-specific responses to climate variability in a semi-arid ecosystem in Northern Benin' (2016) 45 *Ambio* S297.

57 Dossou-Cadja (n 18).

58 Food and Agricultural Organisation of the United Nations (FAO) 'The state of food and agriculture. Women in Agriculture: Closing the gender gap for development' (2011), <https://www.fao.org/3/i2050e/i2050e.pdf> (accessed 30 December 2024).

59 FAO 'The future of food and agriculture – Trends and challenges' (2017), <https://www.fao.org/3/i6583e/i6583e.pdf> (accessed 30 December 2024).

60 Ministry of Living Environment and Sustainable Development, Republic of Benin 'Towards a National Adaptation Plan (NAP) process that responds to gender issues in Benin' (2019).

61 As above.

62 B Balogoun 'Women and land realities in Benin' *Medium* (web blog) 15 May 2017, <https://medium.com/@BolaBLG/la-femme-et-les-r-per-centC3-per-centA9alit-per-centC3-per-centA9s-fonci-per-centC3-per-centA8res-au-b-per-centC3-per-centA9nin-9638e4875ba8> (accessed 5 January 2025).

63 O Adejonwo 'Loss and damage fund: Towards a gender-responsive approach and climate justice for women in local communities in Africa' (2024) 1 *African Journal of Climate Law and Justice* 57.

resources and services that are crucial for building climate change resilience.⁶⁴ As Moalic notes, women's access to land rights as guaranteed by Beninese land legislation and local practices are antinomic.⁶⁵ Other parameters, such as access to the labour market, capacity and financial services, technology and education, further weaken the adaptive capacity of women farmers.⁶⁶

In the water resources and energy sectors, climate change increases the household burden for Beninese women. For instance, women and girls are generally responsible for water collection and fuel wood for domestic use (drinking, cooking meals, washing clothes and dishes, showering, watering, and so forth).⁶⁷ Their vulnerability is increasing with climate-induced forest degradation and the scarcity of fuel wood. As climate-related droughts impact the availability and quality of water supplies, women and girls are tasked with finding alternative water sources that are often farther away or of poorer quality.⁶⁸ As for men, they look for water for productive activities (water resale, brick making, livestock, car wash, and so forth).⁶⁹ The impact of climate change, leading to an upsurge in diseases such as HIV, hantavirus, hepatitis C and SARS, among others, places an additional domestic burden on women.⁷⁰ As primary care givers for their families, women often bear the responsibility of caring for sick family members affected by these diseases.⁷¹ The effects of climate change also amplify the risks associated with pregnancy and childbirth, placing women and their infants at a higher level of vulnerability.⁷² The Third National Communication of the country highlights that due to climate change, there is a decline in acquired immunity in pregnant women, a regression of growth in children and a very high rate of infant mortality. Similarly, the dominant diseases in Benin (malaria, acute respiratory infections and diarrheal diseases), exacerbated by extreme temperatures, affect women more than men.⁷³

The absence of women in the infrastructure and urban planning professions has repercussions on the decision-making process and the policies, as the

64 Addaney (n 29).

65 AC Moalic 'Les enjeux locaux de la formalisation des droits fonciers en Afrique rurale. Analyse de la diversité des appropriations et réinterprétations du dispositif PFR: cas des communes de Dassa et Savalou, département des Collines, Bénin' Master's dissertation, Istom, Cergy-Pontoise, 2014 92.

66 Dossou-Cadja (n 18).

67 See 'Plan national d'adaptation aux changements climatiques du Bénin» (National Climate Change Adaptation Plan of Benin) République du Bénin, 2022, <https://unfccc.int/documents/526006> (accessed 6 January 2025).

68 Addaney and Moyo (n 2).

69 See C Kabaseke 'Climate change adaptation and women's land rights in Uganda and Kenya: Creating legal pathways for building the resilience of women' (2020) 18 *Gender and Behaviour* 15458–15475.

70 United Nations Development Programme 'Gender-responsive climate change actions in Africa' 2023 UNDP, https://climatepromise.undp.org/sites/default/files/research_report_document/57405-per-cent20-Technical-per-cent20paper-per-cent20-per-cent20Final-per-cent20web.pdf (accessed 5 February 2025).

71 As above.

72 Goh (n 53).

73 'Plan national d'adaptation aux changements climatiques du Bénin' (n 67).

perception of the cities is biased, and it also affects the professional culture generated in part in the workplace.⁷⁴ In the Beninese administration, which is in charge of infrastructure and urban development, as well as in the private sector and politics, few women hold decision-making positions (head of institutions or political groups, director-general, treasurer-general, and others).⁷⁵ This leads to the exclusion of social considerations and gender-related effects of climate change in urban development policies, programmes, plans and initiatives. The intersection of gender and poverty is also of great importance in the context of climate change vulnerability. Poverty and gender disparities interact to provide further impediments to women's engagement in climate change adaptation. Climate change is also increasingly causing people in Benin to migrate from their communities in search of better social and economic opportunities.⁷⁶ It is a general perception that men have more mobility due to social norms that deem it acceptable for a man to migrate and material facilities such as cars, money and personal networks.⁷⁷ Men are more likely to migrate to areas unaffected by climate change in search of employment. In contrast, women have fewer opportunities to migrate and are more likely to stay in the affected area to care for their families and households.⁷⁸ The fact that men migrate often increases women's responsibilities in and out of the household since they must carry out additional activities handled by men,⁷⁹ such as providing for the family's economic needs, performing heavy physical labour and engaging in activities that require mobility outside the home. This is because these roles and responsibilities, which are traditionally considered masculine, increase workloads and stress for women in addition to their existing responsibilities, such as caring for children, cooking, cleaning and other household chores.

3 Gender-equitable climate action

Gender equality is widely recognised as a fundamental human right.⁸⁰ It is increasingly becoming a norm that climate action adheres to a gendered and human rights-based approach to enhance climate action at the local and national levels.⁸¹ As a result, human rights and gender-equitable climate action are inextricably linked. For instance, article 4(1) of the Constitutive Act of the African

⁷⁴ As above.

⁷⁵ National Gender Promotion Policy (Benin) adopted 1 January 2008, amended 2022.

⁷⁶ 'Plan national d'adaptation aux changements climatiques du Bénin' (n 67).

⁷⁷ H Lundgren 'Men, masculinity and climate change: Exploring the relation between masculinity norms and climate-related political participation' Master's dissertation, Uppsala University, 2019.

⁷⁸ As above.

⁷⁹ 'Plan national d'adaptation aux changements climatiques du Bénin' (n 67).

⁸⁰ Chingarande and others (n 1).

⁸¹ Paris Agreement, preambular para 11. See also C McKiernan and Z Loftus-Farren 'The human rights impacts of climate policy' (2011) Submission to the UNFCCC, Berkeley: International Human Rights Law Clinic, Berkeley Law, <https://unfccc.int/resource/docs/2011/smsn/ngo/262.pdf> (accessed 7 February 2025).

Union,⁸² the African Women's Protocol and the Solemn Declaration on Gender Equality in Africa emphasise the importance of gender equality and its status as a fundamental human right. Thus, effective and inclusive climate adaptation policy must incorporate gender dimensions (equity) to promote fair and equal treatment of men and women, boys and girls, the elderly, persons with disabilities and indigenous peoples in the responses to climate change.⁸³ Furthermore, most African countries, including Benin, commit to integrating gender issues into environmental decision making, including climate change adaptation.⁸⁴ Additionally, African countries, for example, through the Committee of African Heads of State and Governments on Climate Change (CAHOSCC) agreed in Malabo at the twenty-third ordinary session of the Assembly of the African Union (AU) to develop the Women and Gender Programme on Climate Change (CWGPCC) to engender the interests of women and gender considerations in climate action.⁸⁵ Similarly, all 54 African countries have signed the 2015 Paris Agreement which is the first ever universal, legally binding global climate change agreement.⁸⁶ The Paris Agreement, which focuses on cutting down GHG emissions and enhancing adaptation to climate change, emphasises the relevance of human rights and explicitly identifies gender equity as a priority within the global climate agreement.⁸⁷

Under the UN system, the key human rights treaties that recognise and promote gender equality and equity are anchored by CEDAW.⁸⁸ CEDAW explicitly addresses the rights of women and their equal participation in decision-making processes, highlighting the importance of gender equality in climate change responses. For example, article 14(1) of CEDAW guarantees women's right to actively participate in the development, implementation, and monitoring of government policies and programmes, specifically including those related to climate change. Similarly, articles 14(2) and 16(1)(e) establish the obligation for state parties to undertake necessary measures to ensure women's equal access to information, consultation and involvement in decision-making processes at all levels. These provisions highlight the importance of eliminating discrimination against women in all areas of economic and social life, which are particularly relevant in the context of climate action at the national and sub-national levels.

At the regional level in Africa, the African Women's Protocol focuses on the rights of women, including the right to a clean and healthy environment (article

82 African Union Constitutive Act of the African Union, 11 July 2000 2158 UNTS 3, UN Reg No I-37733, OAU Doc CAB/LEG/23.15, OXIO 371.

83 Addaney & Moyo (n 2).

84 See African Women's Protocol (n 22); art 18 provides the right to a healthy and sustainable environment. Among other things, it specifically provides that '(1) Women shall have the right to live in a healthy and sustainable environment; (2) States Parties shall take all appropriate measures to (a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels'.

85 Chingarande and others (n 1).

86 See Paris Agreement (n 26).

87 As above.

88 CEDAW (n 19).

14).⁸⁹ The provisions of articles 15 and 18(2) of the Women's Protocol are also relevant to climate adaptation action. For instance, article 15 guarantees women's rights to participate in the management, conservation and exploitation of natural resources, recognising their valuable insights in adapting to climate change. This inclusion is crucial for addressing women's specific needs and vulnerabilities in climate change adaptation planning and implementing gender-responsive adaptation strategies. Additionally, article 18(2) calls for greater participation of women in the planning, management and preservation of the environment and sustainable use of natural resources. This approach, when effectively translated into national climate change laws and policies, will ensure that adaptation initiatives consider the diverse needs, perspectives, and capacities of women, leading to more effective and equitable outcomes. Furthermore, international climate change law, especially the Cancun Agreement and the Paris Agreement, recognises the importance of gender equality in climate action. The UNFCCC in article 11(2)(f) requires the establishment of national climate change programmes that consider the specific needs of women, indigenous peoples and other vulnerable groups. Additionally, the Cancun Agreements⁹⁰ acknowledge the necessity of promoting gender equality and the active participation of women in climate change policies, plans, programmes and actions. These provisions collectively highlight the imperative of integrating gender considerations and addressing the specific needs of vulnerable groups such as women and girls in climate change mitigation and adaptation action. Articles 7(5) and 11(3) of the Paris Agreement go further by explicitly recognising gender equality and the empowerment of women as critical for effective climate change mitigation and adaptation. It underscores the need for gender-responsive approaches to be integrated into national climate policies and actions.⁹¹

In Africa, there are additional commitments that reinforce the importance of gender equality in climate adaptation action. More significantly, the AU's Agenda 2063 strongly emphasises gender equality, recognising it as a key driver for sustainable development.⁹² The AU also adopted the Gender Strategy for the African Union, which promotes the integration of gender perspectives into various sectors, including climate change.⁹³ These demonstrate Africa's commitment to promoting gender equality in climate adaptation and provide a regional framework for implementing gender-responsive climate policies. This commitment has manifested in significant attempts to mainstream gender into

⁸⁹ African Women's Protocol (n 22).

⁹⁰ See UNFCCC Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, Report of the Conference of the Parties on its 16th session, held in Cancun from 29 November to 10 December 2010, <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf> (accessed 7 February 2025).

⁹¹ Paris Agreement (n 26).

⁹² AU Agenda 2063: The Africa we want, 2015 (Agenda 2063), https://au.int/sites/default/files/documents/33126-doc-framework_document_book.pdf (accessed 7 February 2025).

⁹³ African Union AU Strategy for Gender Equality and Women's Empowerment 2018-2028 (2018), https://au.int/sites/default/files/documents/36195-doc-52569_au_strategy_eng_high.pdf (accessed 8 February 2025).

national action plans, climate change policies and climate legislation, NDCs, national adaptation plans (NAPs) and national communications.⁹⁴

Theoretically, gender inequality may intensify climate change's impacts in developing societies such as Africa due to existing development challenges and prevailing inequalities.⁹⁵ Notwithstanding the differences in religions and cultures, unequal power relations are fundamental to the inequity involved in gender relations.⁹⁶ Therefore, mainstreaming gender in climate change policy allows going beyond the data disaggregated by sex.⁹⁷ It enables understanding the different concerns of women and men, boys and girls, persons with disabilities and the elderly by assessing and recognising the gender implications of various policy interventions.⁹⁸ However, Alston notes that one of the critical issues surrounding gender mainstreaming is how to identify the exact problem, as policies do not clearly define the issues they aim to address.⁹⁹ This implies that poorly designed gender equality policies might reproduce inequalities between men and women in the context of climate change that they intended to address.¹⁰⁰ Similarly, there are debates over the success of gender mainstreaming to achieve gender equality.¹⁰¹ Additionally, Aston observes that the scientific and technological approach employed in institutional gender mainstreaming responses has frequently resulted in disregarding overall social outcomes.¹⁰² For example, the African Working Group on Gender and Climate Change (AWGGCC) within the African Union Commission is a proponent of the broader notion of gender integration rather than gender mainstreaming.¹⁰³ Gender integration entails greater women's involvement at all levels of planning and implementation, rather than mainstreaming targeted and gender-specific needs in climate law, policy and strategies.¹⁰⁴ This dominant framing underscores the need for African countries to integrate gender considerations, especially women's needs, interests and rights in climate change law and policy.

94 Chingarande and others (n 2).

95 African Development Bank (AfDB) & United Nations Economic Commission for Africa (UNECA) 'Africa Gender Index Report 2019', https://www.afdb.org/sites/default/files/documents/publications/africa_gender_index_report_2019_-_analytical_report.pdf (accessed 10 February 2025).

96 Dankelman (n 54).

97 C Hannan 'Gender mainstreaming climate change' (2009) *Kvinder, Kon & Forskning* (3-4), <https://doi.org/10.7146/kkf.v0i3-4.27971> (accessed 10 February 2025).

98 M Alston 'Gender mainstreaming and climate change' (2014) 47 *Women's Studies International Forum* 287.

99 As above.

100 AfDB & UNECA (n 95).

101 Ampaire and others (n 37).

102 Alston (n 98).

103 AfDB & UNECA (n 95).

104 AK Larsson 'Gender and climate change: An empirical legal study of gender responsiveness in Kenyan climate change response documents' (2017) 149, https://gupea.ub.gu.se/bitstream/handle/2077/54117/gupea_2077_54117_1.pdf?sequence=1&isAllowed=y (accessed 10 February 2025).

4 Gender informed adaptation law and policy: Benin as a case study

In the context of gendered climate change adaptation law and policy, it is evident that the extent of gender integration in domesticating international commitments falls short. For instance, the 2018 Climate Change Law, which serves as the primary legal mechanism regulating climate change action in Benin, notably omits gender and associated concepts such as women, men, boys, girls, persons with disabilities, indigenous peoples, the aged, or any related terms.¹⁰⁵ This absence demonstrates a significant gap in mainstreaming gender issues into the national climate change framework and underscores the need for comprehensive gender integration into climate change laws and regulations. On the other hand, the integration of gender considerations into vulnerability assessments is emphasised by the UNFCCC Gender Action Plan. This aligns with the Paris Agreement's decision on gender, which underscores the importance of addressing the needs of women, children, and other vulnerable groups in climate change actions.¹⁰⁶ The National Adaptation Plan of Benin reflects the recognition of gender issues by emphasising the significance of gender equality and women's empowerment in effective adaptation strategies.¹⁰⁷ The plan acknowledges that women and girls often bear responsibility for areas and roles highly vulnerable to climate change, including household chores and the provision of water, food and fuel.¹⁰⁸

Moreover, women and girls, including those in indigenous and forest-dependent communities, are more likely to live in rural areas, experience poverty, and face heightened vulnerability to climate change impacts.¹⁰⁹ Their roles in ensuring food security and water collection expose them to increased risks from climate-related hazards such as droughts and floods.¹¹⁰ While the NAP commits to conducting gender-sensitive vulnerability assessments, the details of implementation remain unclear. The plan lacks specific guidance on conducting such assessments and ensuring their findings inform adaptation planning and implementation. The NAP prioritises gender-responsive adaptation through various commitments, including enhancing the adaptive capacity of vulnerable groups, improving regulatory frameworks, facilitating access to microfinance funds and affordable credit lines, raising awareness of climate change opportunities, promoting livelihood diversification, and supporting sustainable livelihoods for vulnerable populations, especially women.¹¹¹ However, the NAP does not explicitly address monitoring and evaluation for gender-responsive

105 Loi n° 2018-18 du 06 août 2018 sur les changements climatiques en République du Bénin (Law n° 2018-18 of 6 August 2018 on Climate Change in the Republic of Benin) 2018.

106 At COP29 in Baku, countries agreed to extend the Enhanced Lima Work Programme on Gender and Climate Change for another 10 years, reaffirming its critical role in advancing gender equality in climate responses.

107 'Plan national d'adaptation aux changements climatiques du Bénin' (n 67).

108 As above.

109 As above.

110 As above.

111 As above.

adaptation measures. Similarly, there is no cost allocation for implementing adaptation measures, which implies that cross-cutting issues such as gender receive the lowest financial allocation compared to prioritised sectors.

The omission of explicit gender considerations in the 2018 Climate Change Law and the National Adaptation Plan directly contradicts the principles of participation and non-discrimination outlined in CEDAW, particularly article 8, which provides that ‘States Parties shall take all appropriate measures to ensure that women, on equal terms with men and without discrimination, can represent their governments at the international level and participate in the work of international organisations’.¹¹²

Specifically, article 8 of CEDAW stresses equality of opportunity and treatment, non-discrimination, and women’s participation in all spheres, including decision making related to climate policy development and implementation at the national and sub-national levels in Benin. This translates to ensuring equitable access to information, participation in climate action planning and strategy development and the allocation of resources for women in the context of climate change.

Furthermore, the lack of gender mainstreaming clashes with the African Women’s Protocol, particularly articles 18(1) and 18(2(a)), which guarantee the following:¹¹³

- (1) Women shall have the right to live in a healthy and sustainable environment;
- (2) States Parties shall take all appropriate measures to –
 - (a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels.

Articles 18(1) and (2(a)) unambiguously guarantee women’s right to a healthy and sustainable environment and call for their participation in environmental planning and management. These provisions, therefore, underscore the importance of integrating women’s perspectives and ensuring their active involvement in developing and implementing climate change adaptation laws, policies and strategies. As highlighted by Agarwal, the absence of gender-disaggregated data obscures the disparate impacts of climate change on various demographics, hindering the design of targeted interventions.¹¹⁴ This lack of data contradicts article 19 of the African Women’s Protocol, emphasising the inclusion of a gender perspective in national development planning, which is critical for ensuring climate policies address the differentiated needs of women and support their economic empowerment.¹¹⁵ Grodin and others highlight the interconnectedness

¹¹² Art 8 CEDAW.

¹¹³ African Women’s Protocol (n 22).

¹¹⁴ B Agarwal *Gender and green governance: The political economy of women’s presence within and beyond community forestry* (2010) 333.

¹¹⁵ Art 19 of the African Women’s Protocol provides that ‘[w]omen shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take

of health, human rights and environmental issues' underscoring the imperative of integrating gender perspectives into climate change policies to uphold fundamental human rights principles. By neglecting these provisions, Benin risks undermining the effectiveness of its adaptation efforts and perpetuating existing inequalities in the context of climate change.

The other key climate change policy in Benin is the Nationally Determined Contribution (NDC 2021).¹¹⁶ The updated NDC of Benin acknowledges the importance of integrating gender considerations in its implementation, recognising the critical role women play in combating climate change.¹¹⁷ Several sectors in the NDC outline specific measures, indicators and recommendations to promote gender-responsive climate action. For instance, the NDC proposes adaptation projects involving women farmers and rural communities in the agricultural sector.¹¹⁸ It underscores the participation of women farmers in sustainable land management actions and recommends tracking the percentage of women farmers considered for support and those receiving technical and financial assistance.¹¹⁹ Similarly, in the Land Use, Land-use Change and Forestry (LULUCF) sector, the NDC aims to enhance living conditions and promote sustainable development in forested areas.¹²⁰ It suggests specific gender indicators, such as the number of natural forest and plantation protection and conservation projects and programmes managed by women, the rate of women involved in natural forest protection and conservation projects, and the rate of women and men targeted for reforestation who have benefited from technical and financial support measures.¹²¹ Within the energy sector, the NDC focuses on promoting the economic utilisation of wood energy and enhancing access to small cooking equipment powered by domestic gas.¹²² It highlights the importance of gender mainstreaming during the sale and distribution of these resources. Indicators measuring the percentage of women benefiting from improved stoves and domestic gas cooking equipment are identified.¹²³ The NDC also acknowledges the significance of integrating gender considerations in line with international best practices and commitments such as the UNFCCC Gender Action Plan and the Paris Agreement Decision on Gender.¹²⁴ However, the NDC falls

all appropriate measures to 1(a) introduce the gender perspective in the national development planning procedures; (b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes.'

116 'Contribution Déterminée au Niveau National Actualisée du Bénin au Titre de l'Accord de Paris (Benin First Nationally Determined Contribution)' République du Bénin, 2022, https://unfccc.int/sites/default/files/NDC/2022-06/CDN_ACTUALISEE_BENIN2021.pdf (accessed 20 December 2024).

117 As above.

118 Benin First Nationally Determined Contribution (n 116) 33.

119 Benin First Nationally Determined Contribution (n 116) 34.

120 As above.

121 Benin First Nationally Determined Contribution (n 116) 35.

122 As above.

123 As above.

124 The Gender Action Plan (GAP) under the Lima Work Programme outlines practical steps for integrating gender-responsive measures in climate policies. COP29 decided to develop a new GAP for adoption at COP30 to strengthen implementation strategies.

short in certain areas. First, the NDC does not disaggregate data on climate risks and vulnerability by gender, impeding the assessment of the specific needs of women and girls, boys and men and the elderly. Second, it lacks clarity on ensuring the inclusion and participation of women in climate action planning and implementation. Moreover, the NDC does not explicitly recognise women as agents of change in climate adaptation efforts. It also overlooks the gendered implications of technology choices and lacks specific indicators for monitoring and evaluating the gender responsiveness of climate action.

The importance of gender-responsive approaches to climate change adaptation and mitigation has been advanced in other policy spheres.¹²⁵ Similarly, various studies have consistently highlighted the differentiated impacts of climate change on different genders and the importance of acknowledging and addressing these disparities through legislation and policy instruments. The NDC's recognition of the critical role of women in combating climate change aligns with the findings of these studies,¹²⁶ which underscores the need to involve women in decision-making processes and recognise their agency in climate action.¹²⁷ However, the NDC lacks disaggregated data on climate risks and vulnerabilities by gender, the absence of specific indicators for monitoring and evaluating gender responsiveness, and the failure to allocate dedicated resources for gender-responsive climate action.

Furthermore, the National Climate Change Management Policy (PNGCC), which encompasses overarching objectives that aim to guide Benin's actions in climate change management and contribute to global efforts in combating the adverse impacts of climate change through adaptation and mitigation, have gendered implications.¹²⁸ The PNGCC aligns with the provisions of the Beninese Constitution, particularly article 26, which guarantees equality before the law without distinction of origin, race, sex, religion, political opinion or social position. Specifically, article 26 of the Constitution of Benin provides:¹²⁹

The State shall ensure equality for all before the law without distinction as to origin, race, sex, religion, political opinion or social position. Men and women are equal in

¹²⁵ See the following: K O'Brien and others 'Mapping vulnerability to multiple stressors: Climate change and globalisation in India' (2004) 14 *Global Environmental Change* 303; S Huyer and others 'Supporting women farmers in a changing climate: Five policy lessons' CCAFS Policy Brief 10, CGIAR Research Program on Climate Change, Agriculture and Food Security (2015); J Njuki, J Parkins & A Kaler (eds) *Transforming gender and food security in the Global South* (2019) 312; I Gutierrez-Montes and others 'Contributing to the construction of a framework for improved gender integration into climate-smart agriculture projects monitoring and evaluation: MAP-Norway experience' (2020) 158 *Climatic Change* 93. Agarwal (n 114); Gumucio & Tafur Rueda (n 38).

¹²⁶ As above.

¹²⁷ 'Contribution Déterminée au Niveau National Actualisée' (n 116).

¹²⁸ 'Politique Nationale de Gestion des Changements Climatiques (PNGCC 2021-2030) (Climate Change Management Policy)' République du Bénin, 2021, <https://faolex.fao.org/docs/pdf/ben210369.pdf> (accessed 23 May 2025).

¹²⁹ Loi n° 90-32 du 11 décembre 1990 (à jour de sa révision par la loi N° 2019-40 du 07 Novembre 2019 portant révision de la loi n°90-32 du 11 décembre 1990 portant Constitution de la République du Bénin) (Law 90-32 of 11 December 1990 (as revised by Law 2019-40 of 7 November 2019 revising Law 90-32 of 11 December 1990, the Constitution of the Republic of Benin)), art 26.

law. However, the law may provide special provisions to improve the representation of women. The State shall protect the family, particularly the mother and child. It shall assist persons with disabilities and the elderly.

This provision affirms the principle of non-discrimination based on sex and the equality of men and women before the law. The provision further mandates that the state protect the family, particularly the mother and child, and provide care for disabled and aged persons. However, it does not explicitly address the specific needs and vulnerabilities of women or other vulnerable groups in the context of climate change.

This also aligns with the country's commitments under the Lima Work Programme on Gender of the UNFCCC.¹³⁰ This decision established the first framework for gender mainstreaming in climate policy under the UNFCCC and stresses the importance of gender-responsive climate policy across all areas related to climate action. Although the policy also aligns with the Paris Agreement's Preamble, which acknowledges the importance of respecting 'human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality', it lacks the actionable steps and targeted measures necessary to uphold these principles and ensure gender-responsive climate action. Nevertheless, gender issues have been addressed across various thematic areas and programmes in the PNGCC. For instance, it acknowledges the vulnerability of specific groups, such as women, the youth and people with disabilities, and advocates their participation and empowerment by ensuring their inclusion in climate change response efforts.¹³¹ However, it lacks detailed implementation plans, making it challenging to gauge its effectiveness. Additionally, the policy fails to consider the differing impacts of climate change on men and women. This omission can lead to inadequate and potentially harmful interventions. Similarly, the Low-Carbon and Climate-Resilient Development Strategy (SDFICRCC) and the National Policy for Prevention and Integrated Disaster Management (PNPGIC) lack a gender-responsive approach. These omissions contradict established international frameworks such as CEDAW and the African Women's Protocol and overlook extensive scholarship highlighting the need for gender-responsive climate action.¹³²

5 Conclusion

This article examines the integration of gender into climate change adaptation law and policy in Benin, focusing on the interests and rights of women to identify legal and policy pathways for achieving gender equality and equity in adaptation action. The analysis establishes that while Benin acknowledges the

¹³⁰ UNFCCC Decision 18/CP.20.

¹³¹ 'Politique Nationale de Gestion des Changements Climatiques' (n 128).

¹³² As above.

importance of climate change adaptation, its existing national policies, plans and strategies inadequately integrate gender considerations related to impacts, risks, vulnerabilities, and adaptation interventions. A critical review of key legal and policy texts reveals that the national climate change law and policy framework largely fails to comply with Benin's gender and human rights obligations under international and regional law. The majority of core legislation and policies, including the primary 2018 Climate Change Law, which entirely omits gender-related terms, are demonstrated to be gender-blind. Although climate change policies such as the National Adaptation Plan (NAP 2022) and the Nationally Determined Contributions recognise gender issues to some extent, they lack specific details for implementation, monitoring, data disaggregation, ensuring women's participation, and adequate resource allocation. This neglect stems from institutional barriers, limited awareness of gender-related climate change issues, and a lack of prioritisation of women's roles and contributions. Gender blindness not only contradicts Benin's international and regional commitments, such as CEDAW and the African Women's Protocol, but crucially undermines the potential effectiveness of climate change adaptation efforts by failing to address differentiated impacts and to leverage the capacities of all segments of the population. Addressing these gaps is essential for moving towards more gender-equitable and effective climate action in Benin.