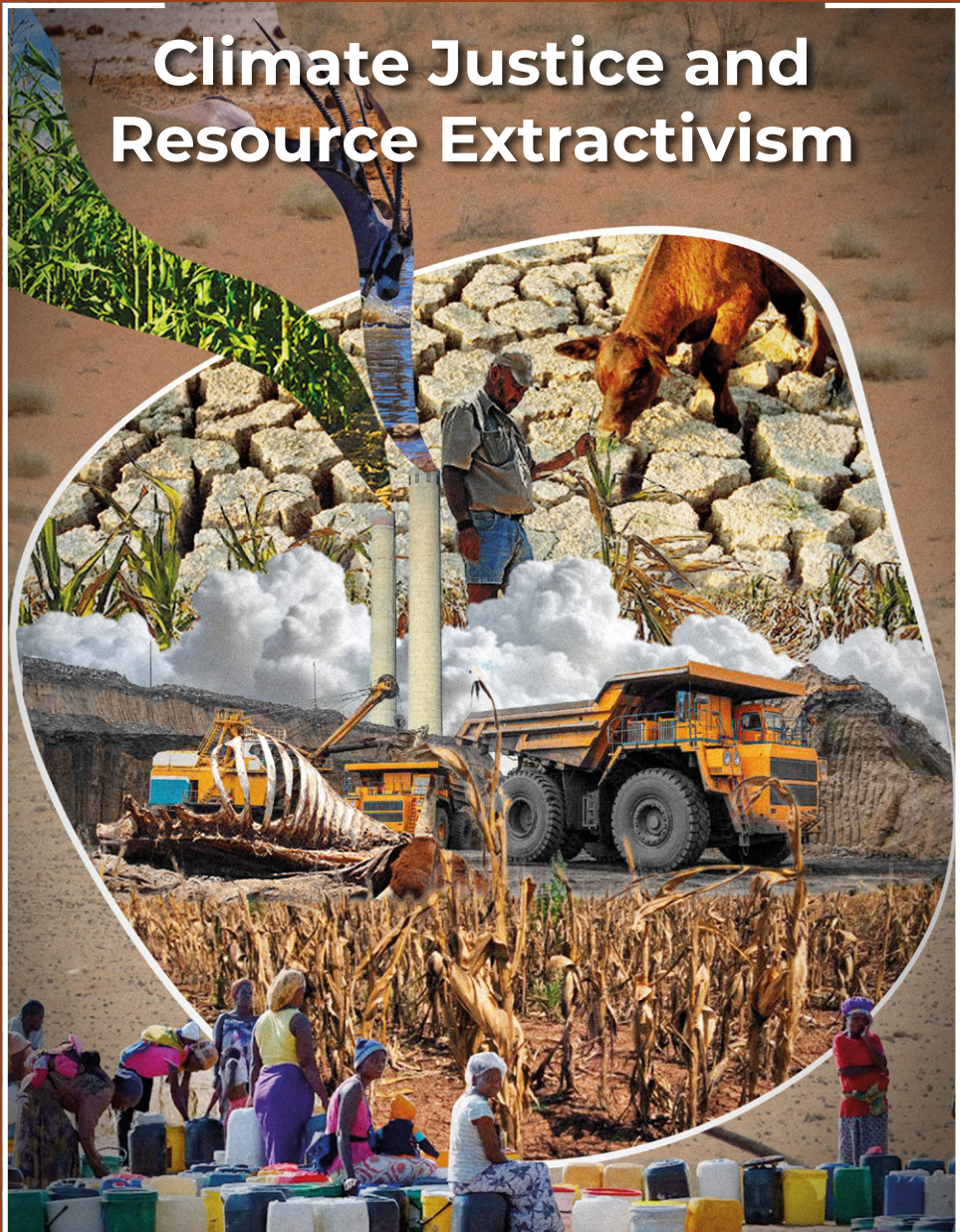


Climate Justice and Resource Extractivism



Assessing Namibia’s Climate-related Laws and Policies: Applying the Human Rights Integration Framework for Climate Policy Evaluation

Oliver C. Ruppel & Atieh Khatibi

Abstract:

Namibia is most vulnerable to climate change and therefore faces significant threats to human rights, particularly among its most vulnerable communities. The adverse impacts of climate change exacerbate socioeconomic inequalities, leading to violations of rights related to access to water, food, land, and health care services. While Namibia established legal and political frameworks to address climate change within both international and national contexts, ongoing challenges persist. Accordingly, there is an increasing need to assess Namibia’s climate-related laws and policies to ensure that they effectively protect human rights and address the needs of the most vulnerable communities. This paper introduces the Human Rights Integration Framework for Climate Policy Evaluation (HRIFCPE) as a novel tool for systematically assessing the integration of human rights in climate policies. Applying HRIFCPE to Namibia’s policies reveals both progress and significant gaps, especially in protecting the rights of the elderly,

children, and persons with disabilities. The study concludes that although Namibia has made strides in integrating human rights into climate policies, further improvements are necessary to ensure comprehensive protection for all vulnerable communities. The HRIFCPE framework not only provides valuable insights for Namibia but also offers a model for other countries seeking to enhance the human rights dimensions of their climate policies.

Keywords: Namibia, climate change, human rights, law and policy assessment, vulnerable population

Introduction

This paper explores the critical intersection of climate change and human rights, focusing on the human rights integration assessment of Namibia’s climate-related laws and policies to protect the rights of its most vulnerable populations. The reports in the Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment

Report (IPCC, 2014a) brought to light a stark reality: climate change is not just an environmental issue but also a profound human rights crisis. From extreme weather events to water and food insecurity, the cascading effects of a warming planet are threatening the very essence of human well-being, particularly for those who are already marginalised politically, socially, and economically (IPCC, 2014b). By progressively highlighting the connection between climate change and human rights, some vulnerable states, including small island nations, began advocating for the inclusion of human rights provisions in climate change agreements. A significant milestone in this effort was the 2007 Malé Declaration, which spurred actions by the United Nations Human Rights Council (UNHRC, hereinafter HRC) and ultimately led to the incorporation of human rights language in the Paris Agreement (Atapattu & Schapper, 2019). Reports by the Office of the High Commissioner for Human Rights (OHCHR) and other bodies have highlighted climate change's disproportionate impacts on poorer and more vulnerable communities, emphasising the necessity for inclusive, rights-based approaches to both mitigation and adaptation plans (OHCHR, 2009).

The human rights-based approach (HRBA) focuses on participation,

accountability, non-discrimination, and the empowerment of vulnerable communities, offering a framework for integrating human rights into climate action (OHCHR, 2015). By applying an HRBA, states can better align climate laws and policies with human rights standards (Firat, 2023).

Home to several deserts, Namibia is one country that is most vulnerable to climate change. Its arid environment exacerbates the impact of intensified droughts, floods, and rising temperatures. The nation's limited resources and capacity, combined with pervasive challenges such as poverty, disease, and high unemployment, further hinder its ability to effectively respond to these climate-related threats. Despite these challenges, Namibia, as a party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, has developed a range of legal and political instruments for combating climate change to meet international obligations (Mapaure, 2022). Many vulnerable countries have prioritised economic concerns in their climate laws and policies, often overlooking the social impacts of climate change on their populations, including human rights considerations. However, there is a growing global trend toward integrating human rights into climate law and policies (Knox, 2016).

This paper aims to evaluate the integration of human rights considerations within Namibia's climate-related laws and policies. The goal is to identify gaps and opportunities for developing more human rights-inclusive climate policies, ensuring that they effectively address and protect the rights of all affected communities. To facilitate the assessment in this paper, we introduce the Human Rights Integration Framework for Climate Policy Evaluation (HRIFCPE), a novel method for systematically assessing the integration of human rights into climate policies, with its foundation in an HRBA. This framework provides a tool for evaluating the extent to which human rights considerations are included in Namibia's climate-related law and policy framework. In this regard, the paper first outlines the HRBA and its application in international human rights mechanisms and climate change regimes. It then offers a brief overview of the status of climate change in Namibia and its implications for human rights. Following this, the paper introduces Namibia's existing climate-related laws and policies, providing the foundation for applying the HRIFCPE. The next section deals with the formulation of the HRIFCPE, illustrating how it can be used to assess the integration of human

rights into climate law and policies. Using the HRIFCPE framework, the final section evaluates to what extent Namibia's climate-related laws and policies respect and integrate human rights.

By assessing how well current legislation and policies protect and promote human rights, this paper seeks to highlight the existing gaps and recommend some entry points to ensure the inclusion of human rights considerations in climate change interventions. This assessment is vital for reviewing legislation and policymaking in the future, and could enable Namibia to meet its international obligations and more effectively safeguard the rights of its population, particularly those most affected by climate change, such as women, children and impoverished rural communities. By integrating human rights standards, Namibia can develop more inclusive, equitable, and effective climate strategies that address both environmental and socioeconomic challenges, ensuring social justice¹ for all its inhabitants.

¹ Social justice in this paper refers to the equitable inclusion and protection of vulnerable communities in the climate change decision-making process and climate-related laws and policies to ensure that their human rights are respected. It emphasises addressing socioeconomic injustices exacerbated by climate change, such as unequal access to food, water, job opportunities, and health services, particularly for marginalised groups like women, children, persons with disabilities, and the elderly.

A Human Rights-based Approach to Climate Change in International Human Rights Mechanisms and Climate Regime

Following numerous efforts to acknowledge human rights in the context of climate change, the 2005 petition by Inuit Communities before the Inter-American Commission of Human Rights highlighted the accountability of major state emitters for their impacts on human rights (Jodoin et al., 2020). The Malé Declaration on the Human Dimensions of Global Climate Change, adopted by the Small Island Developing States group in 2007, formally introduced the link between climate change and human rights. This important milestone document urged the HRC to prioritise this emerging issue (Malé Declaration, 2007).

The HRC has played a crucial role in promoting an HRBA to climate change and advocating for inclusive and equitable policies that respect human rights. The HRC has issued various resolutions emphasising that climate policies must consider the rights of the most vulnerable communities (OHCHR, 2015). In response to the Malé Declaration, the HRC adopted its first resolution (7/23) on climate change and human rights in 2008, noting that climate change “poses an immediate and far-reaching threat to people and communities around

the world” and proposing an HRBA as one of the solutions for addressing its impacts (United Nations Human Rights Council, 2008a). The resolution also mandated the OHCHR to research the impacts of climate change on vulnerable groups, including women, indigenous people, children and youths, persons with disabilities, cross-border displaced persons, and the elderly (United Nations Human Rights Council, 2008b).

The OHCHR has therefore significantly impacted global discussion on incorporating human rights into climate policies through an HRBA. The OHCHR’s reports and analytical studies highlight the link between climate change and the full enjoyment of human rights, advocating for an HRBA in policymaking in an accountable, transparent, and equitable manner (OHCHR, 2021a).

In addition to international human rights mechanisms, human rights have become more prominent in the climate change regime, beginning with the 2010 Cancun Agreement, which incorporated references to the rights of indigenous people and local communities in safeguards for REDD+ (Reducing Emissions from Deforestation and Forest Degradation) (UNFCCC, 2011). The preamble to the 2015 Paris Agreement further recognised the need to respect and

promote different human rights in climate action, including the rights of indigenous people, local communities, migrants, children, persons with disabilities, and vulnerable groups; and the rights to health and development, gender equality, women's empowerment, and intergenerational equity (UNFCCC, 2015).

Additionally, two notable initiatives highlight the integration of human rights in climate governance: the Local Communities and Indigenous Peoples Platform, established under the Paris Agreement to enhance climate efforts and participation of these groups in the UNFCCC process; and the Gender Action Plan, adopted by UNFCCC parties in 2017, which aims to advance gender-responsive climate strategies and integrate gender considerations into climate policy (Jodoin et al., 2021).

Generally, an HRBA is established based on international human rights obligations and principles such as participation, equality and non-discrimination, accountability, and transparency (Gasparri et al., 2021). This approach promotes more sustainable outcomes by empowering right-holders to participate in policymaking and holding duty-bearers accountable (OHCHR, 2010). It is possible to identify both opportunities and gaps for improving human rights protection

at the national level by applying an HRBA to assess the legal framework (Vu, 2022). Incorporating an HRBA into all climate actions ensures that the rights of vulnerable groups are prioritised and that their involvement in decision-making is guaranteed, while also serving as a foundation to assess the extent to which climate laws and policies protect human rights (Orellana, 2012).

An Overview of Climate Change and Human Rights in Namibia

Climate change is not an abstract, distant phenomenon but a pressing and immediate threat in Namibia that profoundly impacts the environment and the fundamental rights of its people. Despite contributing only 0.00026% by weight of global greenhouse gas emissions (Government of the Republic of Namibia [GRN], 2023, pp. 8, 12), Namibia's arid climate and the poverty and income disparities that characterise its socioeconomic conditions make it highly vulnerable to climate change. Projected increases in temperature and rainfall variability threaten the agriculture sector and pose significant risks to human rights (Mendelsohn, 2006). Below are brief descriptions of how climate change impacts various sectors and related human rights in Namibia.

Agriculture and the right to food

Rising temperatures and changes in rainfall negatively affect agriculture, including crop production, livestock rearing, and fisheries, threatening food security and the right to adequate food, particularly for marginalised communities such as rural indigenous populations (World Bank Group, 2021; Mapaure, 2022). For instance, cereal crop yields are projected to decrease by 20% in the northeastern region and by 50% in the northcentral region (Reid et al., 2007). Additionally, the livestock carrying capacity is predicted to decline by 10% in the northeastern region, 15% to 30% in the northcentral region, and 35% in the central region (Turpie et al., 2010). Food insecurity now affects 22% of the population, highlighting the urgent need for targeted interventions (Amnesty International, 2024); 38% of the population, approximately 1.15 million people in Namibia, were expected to experience high levels of food insecurity between April and June 2024, primarily attributable to changing rainfall patterns and long-term droughts (Integrated Food Security Phase Classification [IPC], 2024). Most households, particularly in the northern crop-growing regions suffering from poor harvests, are heavily reliant on food and social aid, which is often hamstrung by inadequate distribution (IPC, 2024).

Food insecurity undermines the right to food, particularly for vulnerable groups who are disproportionately affected by social injustices. Given the results of the IPC report, many social injustice factors exacerbate this issue, including unfavourable economic and market conditions, higher rates of unemployment, and limited agricultural opportunities for marginalised communities. Additionally, increasing migration across borders further intensifies food insecurity challenges in Namibia (IPC, 2024).

Water resources and the right to water

It is projected that southern Africa will experience a 10% to 20% decrease in rainfall by 2050, leading to significant water scarcity in Namibia (Reid et al., 2007). Changes in rainfall may reduce runoff and drainage in perennial rivers by 20% to 30% in northern Namibia, a region that suffers the lowest water access rates. The reduced runoff not only threatens access to water for rural communities that rely on natural resources but also jeopardises government irrigation projects aimed at increasing food production, and thereby impedes the protection of the right to food and water for these communities (GRN, 2020). In addition, the drought period

has adversely affected vegetation and limited access to water for households and their livestock. According to the projection of IPC, the water scarcity situation was expected to deteriorate further by October 2024 (IPC, 2024). Water scarcity thus threatens water supply, sanitation, hygiene, and the right to water, particularly for vulnerable groups, including indigenous communities living near wetlands such as the Kavango River. These communities' livelihoods are highly dependent on agricultural production and livestock rearing (Mapaure, 2022), emphasising the need for comprehensive and sustainable humanitarian aid. This situation exacerbates existing inequalities and social injustices, further impacting their livelihoods.

Human health and the right to health

The health of the Namibian people is at risk due to extreme weather events, rising temperatures, and prolonged droughts which could lead to water and food insecurity, heat stress, and changes in disease transmission patterns (World Bank Group, 2021). Increased temperatures are raising the incidence of heat-related illnesses such as heat stress and vector-borne diseases such as malaria, affecting 60% of Namibia's population in malaria-prone areas (Mapaure, 2022).

In addition, the occurrence of floods in Namibia increases the risks of virus transmission, spreading various illnesses through contaminated water resources (Keja-Kaereho & Tjizu, 2019). Extreme weather events, such as floods in the northern floodplain region of Namibia, exacerbate existing social injustices in the health sector, particularly access to health services. These areas are already vulnerable due to underlying challenges, including poverty, the HIV/AIDS pandemic, tuberculosis, malaria, and malnutrition (World Bank Group, 2021). Vulnerable communities such as women, children, and elderly people, particularly in the rural areas of north and central Namibia, are particularly vulnerable to the health impacts of climate change because they require greater access to health care services, which may be inoperative or inaccessible during natural disasters (Wilhelm, 2012).

Progress has recently been made towards malaria eradication through the publication of three national documents, namely National Malaria Case Management Guidelines, Surveillance Guidelines for Malaria Elimination, and National Malaria Elimination Strategic Plan 2023 – 2027 (World Health Organization [WHO], 2024). However, climate change could undermine these efforts and exacerbate droughts, affecting food and water access, nutritional status, and mental

health (Jacobson et al., 2019). These health risks disproportionately affect vulnerable populations, including children, women, and the elderly (Mapaure, 2022).

Access to natural resources and women's rights

Future projections of climate change impacts on biodiversity indicate a significant reduction in vegetation cover in the central areas of Namibia by 2050. It is estimated that the loss of plant species will range from 40% to 50% by 2050, increasing to between 50% and 60% by the 2080s (Midgley et al., 2005).

Additionally, these projections suggest a notable expansion in arid vegetation, with an estimated increase of 20% by 2050 and up to 43% by 2080 (Mapaure, 2022). Rural women in Namibia, who are largely unemployed and reliant on natural resources, face heightened vulnerability to climate change due to existing social and economic inequalities. The loss of biodiversity, shifting vegetation cover to arid and semi-arid shrublands, and the depletion of natural resources such as fuel wood during floods, disproportionately affect women who are traditionally responsible for cooking and heating in households, increasing their contribution to unpaid labour and exacerbating their vulnerability (Angula & Menjono, 2014).

Moreover, limited access to education, technical skills, and decision-making opportunities, combined with restrictive cultural norms, intensifies this vulnerability. Ensuring women's participation in climate change policymaking is crucial for creating equitable, gender-responsive actions that address these specific vulnerabilities and promote women's empowerment (Van Wyk, 2015).

Selected Namibian Climate-related Laws and Policies

The Namibian approach to addressing climate change is multifaceted, and includes a range of legal frameworks at the constitutional, international and national levels that aim to promote sustainable development and environmental stewardship. The country's commitment lies in its progressive Constitution, which mandates the protection and sustainable use of natural resources and acknowledges the link between a healthy environment and the well-being of citizens (Ruppel, 2022). This paper only focuses on four international and national instruments within the context of climate change, which are explained in the next section. However, it also outlines the constitutional framework along with the international and national legal and political instruments described below.

The constitutional framework

Namibia's 1990 Constitution does not explicitly refer to climate change, but Article 144 highlights the importance of international law in formulating domestic climate policies, reflecting Namibia's commitment to international agreements. As a member of inter alia the United Nations, the African Union, and the Southern African Development Community (SADC), Namibia is bound by multiple treaties, including the UNFCCC and Paris agreement ratification in 2016. While Namibia's environmental legislation does not (yet) specifically address climate change in a separate piece of legislation, related principles are included, such as those in the Environmental Management Act (7 of 2007) and Article 95(1) of the Constitution, which mandate policies for protecting renewable energy resources, and ecosystem and biodiversity conservation, respectively, establishing the foundation for the country's climate action (Ruppel, 2022).

International legal and political framework

International climate change law is established by multilateral, regional, and unilateral agreements, along with general principles of law, customary international law, and key declarations. States are obligated to prevent

transboundary harm and mitigate greenhouse gas emissions, with significant treaties such as the 1992 UNFCCC, the 1997 Kyoto Protocol, and the 2015 Paris Agreement requiring actions to combat climate change, especially (but by no means exclusively) on the part of developed countries. In its preamble, the Paris Agreement also mandates states to protect human rights and submit nationally determined contributions (NDCs) to achieve global temperature goals.

Namibia has signed and ratified the UNFCCC, the Kyoto Protocol, and the Paris Agreement, submitting inter alia four national communications; Namibia's nationally determined contribution 2023: Second update (UNDC-2) (dated 2023, submitted in 2024); three biennial update reports; three national greenhouse gas inventory reports (Ruppel, 2022); and the Republic of Namibia: First Adaptation Communication (FAC) in 2021 (UNFCCC, n.d.-a, n.d.-b, n.d.-c, n.d.-d; GRN, 2021a). The 2021 FAC emphasises climate adaptation as a top priority for Namibia, involving various stakeholders, including women, youths, and marginalised communities, and highlights the need for financial support, capacity development, and technology transfer to implement its adaptation measures (GRN, 2021a).

Among Namibia's international climate policies mentioned above, the second NDC update (UNDC-2, submitted in 2024) and the 2021 FAC were selected for assessment in this paper for the following reasons:

- The NDCs outline key actions for reducing emissions and adapting to climate change. It is crucial to incorporate human rights considerations into the development and evaluation of both NDCs and adaptation plans to ensure that these efforts are equitable and inclusive, and address the needs and rights of all communities affected by climate change.
- The guidelines for developing National Adaptation Plans (NAPs) adopted in 2011 at COP17 in Durban recommend ensuring human rights, non-discrimination, and active participation, particularly for vulnerable groups (Lottje et al., 2017).

National legal and political framework

The Namibian approach to climate policy is multidisciplinary, encompassing a range of legislation and national policies, strategies, and action plans. Despite the absence of a specific legal or policy framework solely dedicated to climate change, significant

progress has been made in integrating climate change considerations into broader national legislation and policy-making initiatives. Key legislation includes the Environmental Management Act (7 of 2007), which promotes the sustainable management of natural resources, and the Forest Act (12 of 2001), which focuses on environmental conservation. The Disaster Risk Management Act (10 of 2012) also plays a crucial role in preventing and mitigating disasters related to climate change (GRN, 2015).

Despite the absence of explicit climate change laws, Namibia's existing legislation incorporates principles of sustainable resource management and environmental protection which influence climate-related decision-making (Ruppel, 2022). Namibia established the Namibian Climate Change Committee in 2001 to provide consultation and make recommendations to the government in the context of climate change, including fulfilling the country's commitments to the UNFCCC. The Climate Change Committee is chaired by the Ministry of Environment, Forestry and Tourism (MEFT), with the Climate Change Unit operating under the Department of Environmental Affairs within the MEFT. The MEFT serves as the national focal point for the UNFCCC, coordinating and implementing climate change activities and preparing

national compliance reports (GRN, 2021b; 2023).

In 2011, the Cabinet approved the National Policy on Climate Change for Namibia – 2010 (NPCC); this was followed by the National Climate Change Strategy & Action Plan 2013 – 2020 (NCCSAP), which guides the country's climate mitigation and adaptation efforts (GRN, 2014). Additional significant policies include (but are not limited to) the 1998 National Disaster Plan, the White Paper on Energy Policy (1998), the National Disaster Risk Management Plan 2011, the National Renewable Energy Policy (2017), and the Fifth National Development Plan (NDP5) 2017/18 – 2021/2022 (Climate Change Laws of the World, n.d.). These initiatives demonstrate Namibia's integrated approach to addressing climate change within its broader development agenda.

The NPCC and the NCCSAP have been selected for this paper for the following reasons:

- The NPCC has been selected due to its focus on developing and implementing adaptation strategies to reduce the vulnerability of Namibians and various sectors to climate change impacts.
- The NCCSAP has been selected because it includes guiding

principles for responses to climate change, outlines priority action areas for adaptation and mitigation, and identifies various funding mechanisms (Ruppel, 2022).

HRIFCPE formulation and application for Namibia's climate-related policies

In this paper, we introduce and apply the HRIFCPE, our own methodological approach designed to assess the incorporation of human rights within Namibia's climate policies. The first step in developing the HRIFCPE involved deriving a set of ten criteria from related OHCHR reports, covering various human rights categories: the right to food; the rights of people in vulnerable situations; the rights of the elderly; the rights of persons with disabilities; the rights of women; the rights of children; and the right to physical and mental health. The OHCHR reports used to define criteria are referenced at the top of each table in the following section. After defining the assessment criteria, each policy is evaluated based on the specified criteria, focusing on whether the policy document explicitly addressed or acknowledged the need to meet these criteria. The following sections detail the application of the HRIFCPE in assessing selected climate policies in Namibia.

Human rights assessment criteria

The OHCHR has published several analytical reports on the human rights implications of climate change for vulnerable populations. We utilised OHCHR reports as they are specifically designed to incorporate HRBA standards and principles, providing a solid foundation for applying HRIFCPE methodology. To build the assessment criteria for evaluating Namibia’s climate policies in the next section, we selected the specified OHCHR analytical studies. Through an in-depth analysis of these reports, ten relevant HRBA

criteria, along with brief descriptions for each, are identified and presented in Tables 1–7. Such a comprehensive review ensures that Namibia’s climate policy assessment is grounded in a robust human rights framework.

Right to food assessment criteria

The assessment criteria for this right, presented in Table 1, were derived from Measures for minimizing the adverse impact of climate change on the full realization of the right to food (OHCHR, 2024).

Table 1 Right to food assessment criteria

No.	Assessment criteria	Description (based on the report text)
1	Women’s empowerment and inclusion	Empowerment and inclusion of women and girls in the agriculture sector
2	Equal land and resource rights	Promotion of equal land and resource rights, access, ownership, and distribution, especially among women and rural communities
3	Right to social security	Ensuring the right to social security for all workers affected by climate change, particularly for those who lose their livelihoods due to climate impacts on food production
4	Equitable access to adequate food	Equitable access to adequate food and nutrition for all, including vulnerable populations
5	Financial support for vulnerable communities	Aligning finance, economic and trade policies, and business activities to ensure the right to food, and affordability of food, especially for vulnerable communities
6	Transforming food systems to protect the right to food	Creation of policy space and flexibility to support small-scale producers while safeguarding the right to food within existing trade rules, such as subsidies
7	Application to indigenous people	Application to indigenous peoples, peasants, small-scale farmers, and rural communities

8	Land tenure rights for women	Land tenure rights, particularly for vulnerable groups, women and girls
9	Transition to people-centred, sustainable food systems	Promotion of transition to people-centred, sustainable food systems based on natural processes such as agroecology, regenerative agriculture, soil rehabilitation, ecosystem-based fisheries, circular bioeconomics, and aquaculture management
10	Protection of food-related rights and knowledge	Protection of food-related rights and knowledge, including safeguarding the rights to seeds, plant varieties, and traditional knowledge essential for sustainable food systems

Human rights of vulnerable people assessment criteria

The assessment criteria for the human rights of vulnerable people were derived from Impacts of climate change on the human rights of people in vulnerable situations: Report of the Secretary-General (OHCHR, 2022), and are presented in Table 2.

Table 2 *Human rights of vulnerable people assessment criteria*

No.	Assessment criteria	Description (based on the report text)
1	Inclusive climate action	Including vulnerable communities in climate action to ensure their participation, access to information, and access to justice
2	Urgent climate finance	Increasing climate finance, with 50% dedicated to adaptation for vulnerable populations
3	Climate grants for vulnerable communities	Ensuring that international climate financing, especially to vulnerable countries, increasingly are grants, not loans
4	Access to information	Providing accessible and understandable climate information to all, including early warnings, in multiple languages and formats
5	Participation in decision-making	Ensuring that people in vulnerable situations have meaningful opportunities to participate in climate policy planning and action
6	Access to justice	Promotion of access to justice in environmental matters, including access to court facilities, interpreters, and culturally appropriate services for vulnerable people
7	Addressing root causes of inequity and discrimination	Tackling the root causes of social injustice and inequality such as poverty, historical and structural inequity, and discrimination, through rights-based climate action
8	Rights-based adaptation measures	Development of rights-based climate adaptation measures with inputs from those most affected by climate change

9	Protection of traditional lands and resources	Recognition and protection of the rights of people in vulnerable situations to their traditional lands, resources, territories, and knowledge
10	Fair energy transition	Ensuring that the energy transition includes a fair transition for workers and communities affected by climate change, benefiting all, especially vulnerable groups

Rights of older persons assessment criteria

The assessment criteria for the rights of older persons were derived from Analytical study on the promotion and protection of the rights of older persons in the context of climate change (OHCHR, 2021b), and are presented in Table 3.

Table 3 Rights of older person assessment criteria

No.	Assessment criteria	Description (based on the report text)
1	Inclusion of the elderly in policymaking and planning	Inclusion of the elderly in policymaking and planning to create sustainable infrastructure, local spaces, and communities that account for their needs and rights
2	Access to high-quality health care and social services	Ensuring access to high-quality health care and social services for the elderly and building social protection systems that consider the effects of climate change and enhance resilience
3	Participation in sustainable livelihoods	Supporting the elderly in participating in sustainable livelihoods through job training, skills-building programmes, and access to relevant credit and resources
4	Preservation of cultural heritage	Taking firm action with community elders to preserve cultural heritage and traditional and indigenous knowledge that is threatened by climate change
5	Investment in climate communication and education	Investing in communication and education about climate change specifically for the elderly, and ensuring accessibility for those with disabilities
6	Inclusion in national and international climate actions	Supporting diversity by including the elderly in national delegations to climate meetings and in environmental volunteering and climate action efforts
7	Support for later-in-life learning opportunities	Providing good-quality later-in-life learning opportunities to enhance the confidence, voice, and negotiation skills of the elderly in the context of climate action
8	Facilitation of intergenerational climate discussions	Making intergenerational discussions about climate change and the environment easier, by involving the elderly in these conversations

9	Fair allocation of benefits from traditional knowledge	Ensuring that the benefits of using traditional knowledge in climate solutions are allocated fairly to communities and the elderly, with prior permission from indigenous peoples
10	Promotion of rights for the elderly	Protecting the elderly’s rights that are affected by climate change, including the rights to life, health, food, water, sanitation, housing, decent work, culture, and development

Rights of persons with disabilities assessment criteria

The assessment criteria for the rights of persons with disabilities were derived from Analytical study on the promotion and the protection of the rights of persons with disabilities in the context of climate change (OHCHR, 2020), and are presented in Table 4.

Table 4 *Rights of persons with disabilities assessment criteria*

No.	Assessment criteria	Description (based on the report text)
1	Disability-inclusive, rights-based approach to climate action	Recognising persons with disabilities as agents of change and ensuring their meaningful, informed, and effective participation in decision-making on climate change at all levels
2	Full implementation of commitments to rights-based climate action concerning the rights of disabled persons	Obligation on states to implement commitments under international conventions, such as the Paris Agreement, the Sustainable Development Goals, and the Convention on the Rights of Persons with Disabilities, to address the root causes of the disproportionate impacts of climate change on persons with disabilities
3	Accountability and accessibility	Ensuring that duty bearers are accountable to persons with disabilities at all stages of climate action and that all communications, information, and venues are accessible
4	Strengthening capacity-building for persons with disabilities	Providing inclusive and accessible education and awareness-raising on climate change to strengthen capacity-building for persons with disabilities and their organisations
5	Monitoring and data collection	Monitoring the impacts of climate change on the rights of persons with disabilities and collecting disaggregated data by disability to inform climate policymaking
6	Protecting the right to social protection for persons with disabilities	Implementing the principle of universal design in social protection, housing, and infrastructure to build more robust systems and empower persons with disabilities

7	Climate financing for persons with disabilities	Recognising the needs of disabled persons by encouraging international climate financing mechanisms to incorporate a disability-inclusive approach and strengthening international cooperation and partnerships
8	Disability-inclusive efforts under the UN Framework	Ensuring that efforts under the UNFCCC are disability-inclusive and rights-based, ensuring accessibility in negotiations, and collecting data on how persons with disabilities are affected by climate change
9	Empowerment through universal design	Developing and implementing policies and programmes using universal design principles to ensure that climate action fosters the dignity of persons with disabilities and addresses existing social inequities
10	Promotion of inclusive disaster risk reduction	Including persons with disabilities in disaster risk reduction plans and policies to ensure their effective participation in mitigating the negative impacts of climate change

Rights of women assessment criteria

The assessment criteria for the rights of women were derived from Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women (OHCHR, 2019), and are presented in Table 5.

Table 5 The rights of women assessment criteria

No.	Assessment criteria	Description (based on the report text)
1	Gender-responsive climate policies	Ensuring that states implement gender-responsive climate policies that empower women, protect their rights, and address the gendered impacts of climate change
2	Women's participation in decision-making and leadership	Ensuring that women participate in decision-making processes at all levels
3	Protection against gender-based violence	Taking measures to address and prevent sexual and gender-based violence in the context of climate change, and ensuring women's meaningful and effective participation in related policies and plans
4	Gender-inclusive climate action	Ensuring that climate action is inclusive, considering the multi-dimensional and intersectional experiences of women, i.a. by including rights to land, resources, services and income, and by addressing climate-induced displacement and migration
5	Gender mainstreaming	Pursuing the inclusion of gender mainstreaming and targeted gender strategies in legislation, policymaking, programming, and other activities related to climate action
6	Gender-responsive stakeholder consultation	Developing guidance for gender-responsive stakeholder consultation, ensuring the active participation of local women's organisations and providing increased funding to support grassroots women's organisations working on climate responses

7	Gender and human rights impact assessments	Implementing ex-ante and ex-post gender and human rights impact assessments in climate action projects, with regular reporting and the collection of gender-disaggregated data
8	Promotion of equal rights and opportunities in agriculture	Promotion of equal rights and opportunities for women in agriculture, strengthening women's land rights, ensuring access to finance and technology, and improving working conditions
9	Gender budgeting and financial audits	Mandating gender budgeting and gender financial audits to ensure that climate funds benefit the most affected countries and people, and systematically integrating women's human rights and gender equality into governance structures
10	Capacity-building for women	Supporting capacity-building for women from diverse backgrounds to maximise their voice, confidence, and negotiation skills in climate action processes

Rights of children assessment criteria

The assessment criteria for the rights of children were derived from Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child (OHCHR, 2017), and are presented in Table 6.

Table 6 Rights of children assessment criteria

No.	Assessment criteria	Description (based on the report text)
1	Integration of children's rights in climate policy	Ensuring that children's rights considerations are integrated into climate, disaster risk reduction, and development activities
2	Enhancing children's resilience to climate change and reducing inequalities	Implementing the Sustainable Development Goals related to child poverty, malnutrition, education, child mortality, health, and water and sanitation to enhance children's resilience to climate change and reduce inequalities
3	Enhancing adaptation capacities of children	Ensuring that climate adaptation policies improve disaster risk preparedness and enhance the adaptation capacities of all children, considering the needs and vulnerabilities of those most at risk
4	Participation in climate policymaking	Facilitating the active participation of children in climate-related decision-making processes at all levels, and recognising their unique perspectives and potential as agents of change

5	Access to education	Obliging states to guarantee continuous access to quality education, including during and after climate-related disasters, and ensuring that educational facilities are resilient to climate impacts
6	Right to health for children	Obliging states to strengthen health systems to address the specific vulnerabilities of children to climate-related health risks, and ensuring access to preventive and curative health services
7	Right to water and sanitation for children	Ensuring that children have access to clean water and adequate sanitation, especially in areas affected by climate change
8	Right to food security and nutrition	Addressing the impact of climate change on food security by ensuring that children have access to adequate and nutritious food
9	Access to remedies for climate harm	Guaranteeing children's access to remedies for harms caused by climate change
10	Resource mobilisation	Mobilising adequate resources for child rights-based climate action

Right to physical and mental health assessment criteria

The assessment criteria for the right to physical and mental health were derived from Analytical study on the relationship between climate change and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (OHCHR, 2016), and are presented in Table 7.

Table 7 Right to physical and mental health assessment criteria

No.	Assessment criteria	Description (based on the report text)
1	Integration of health and human rights policies	Integration of health and human rights considerations in climate policies to ensure comprehensive protection and promotion of the right to health
2	Models to track health threats relating to climate change	Developing and utilising models to track health threats posed by climate change, including by collecting data, monitoring health impacts, and predicting future risks to implement efficient and timely responses
3	Development of resilient health systems	Development by states of sustainable and resilient health systems capable of adapting and responding to climate-related stresses

4	Equity and non-discrimination regarding the right to health	Prioritising equity and non-discrimination in climate policies, and ensuring that health facilities, goods, and services are accessible to all, particularly the most vulnerable populations
5	Public health strategy	Implementing transparent and socially inclusive public health strategies that focus on climate adaptation and mitigation
6	Emergency responses for the right to health protection	Ensuring comprehensive emergency responses for protecting the right to health in climate crises, and covering of a broad range of areas by emergency assistance, including mental health and social protection measures
7	Protection against sexual harm	Including measures in emergency and climate policies to protect against sexual harm
8	Access to reproductive health services	Ensuring that reproductive health services are accessible and available, particularly during climate-related emergencies
9	Universal health coverage and social protection floors	Promotion by states of universal health coverage and establishment of social protection floors as part of their climate adaptation strategies
10	Early warning systems and public accessibility	Establishment of early warning systems for climate effects and natural disasters to ensure effective rights-based climate action

Assessment of human rights integration in Namibia's climate-related policies

Namibia has made considerable efforts to integrate human rights in national and international climate change policies, in alignment with its commitments under international agreements such as the UNFCCC and its subsidiary Paris Agreement. A comprehensive evaluation can highlight the extent to which these frameworks incorporate human rights. Following the extraction of assessment criteria in the previous section, Table 8 identifies the criteria specifically mentioned or indirectly referenced by indicating the need for integration into each human rights category within climate policy. Figure 1 visually illustrates the extent of integration of human rights assessment criteria in each climate policy, and within each human rights category.

Table 8 *Integration of human rights assessment criteria in Namibia’s climate change policies*

Human rights assessment criteria	Namibia’s Nationally Determined Contribution 2023: Second Update (UNDC-2)	Republic of Namibia: First Adaptation Communication (FAC)	National Policy on Climate Change for Namibia – 2010 (NPCC)	National Climate Change Strategy & Action Plan 2013 – 2020 (NCCSAP)
Right to food				
Women’s empowerment and inclusion	✓	✓	✓	-
Equal land and resource rights	✓	-	-	-
Right to social security	-	-	-	-
Equitable access to adequate food	✓	-	-	✓
Financial support for vulnerable communities	✓	-	-	-
Transforming food systems to protect the right to food	✓	-	✓	✓
Application to indigenous people	-	✓	✓	-
Land tenure rights for women	-	-	✓	-
Transition to people-centred and sustainable food systems	✓	✓	✓	✓
Protection of food-related rights and knowledge	✓	-	✓	-
Human rights of people in vulnerable situations				
Inclusive climate action	✓	✓	✓	-
Urgent climate finance	✓	✓	✓	✓
Climate grants for vulnerable communities	✓	-	-	-
Access to information	✓	✓	✓	✓

Human rights assessment criteria	<i>Namibia's Nationally Determined Contribution 2023: Second Update (UNDC-2)</i>	<i>Republic of Namibia: First Adaptation Communication (FAC)</i>	<i>National Policy on Climate Change for Namibia – 2010 (NPCC)</i>	<i>National Climate Change Strategy & Action Plan 2013 – 2020 (NCCSAP)</i>
Participation in decision-making	✓	✓	✓	-
Access to justice	-	-	-	-
Addressing root causes of inequity and discrimination	-	-	✓	-
Rights-based adaptation measures	✓	-	✓	-
Protection of traditional lands and resources	-	✓	✓	-
Fair energy transition	✓	✓	✓	✓
Rights of the elderly				
Inclusion of the elderly in policymaking and planning	-	-	✓	-
Access to high-quality health care and social services	-	-	-	-
Participation in sustainable livelihoods	✓	-	-	-
Preservation of cultural heritage	-	-	-	-
Investment in climate communication and education	-	-	-	-
Inclusion in national and international climate actions	-	-	✓	-
Support for later-in-life learning opportunities	-	-	-	-
Facilitation of intergenerational climate discussions	✓	-	✓	-

Human rights assessment criteria	<i>Namibia's Nationally Determined Contribution 2023: Second Update (UNDC-2)</i>	<i>Republic of Namibia: First Adaptation Communication (FAC)</i>	<i>National Policy on Climate Change for Namibia – 2010 (NPCC)</i>	<i>National Climate Change Strategy & Action Plan 2013 – 2020 (NCCSAP)</i>
Fair allocation of benefits from traditional knowledge	✓	-	✓	-
Promotion of rights for the elderly	-	-	✓	-
Rights of persons with disabilities				
Disability-inclusive, rights-based approach to climate action	✓	-	✓	-
Full implementation of commitments to rights-based climate action concerning the rights of disabled persons	✓	-	-	-
Accountability and accessibility	-	-	-	-
Strengthening capacity-building for persons with disabilities	-	-	-	-
Monitoring and data collection	-	-	-	-
Protecting the right to social protection for persons with disabilities	-	-	-	-
Climate financing for persons with disabilities	-	-	-	-
Disability-inclusive efforts under the UN Framework	✓	-	-	-
Empowerment through universal design	✓	-	-	-
Promotion of inclusive disaster risk reduction	✓	-	-	-

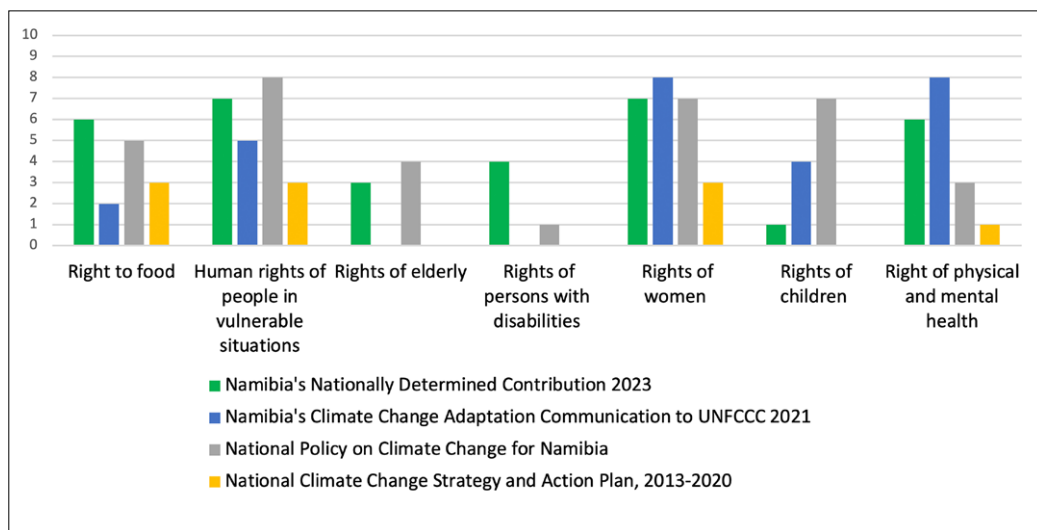
Human rights assessment criteria	<i>Namibia's Nationally Determined Contribution 2023: Second Update (UNDC-2)</i>	<i>Republic of Namibia: First Adaptation Communication (FAC)</i>	<i>National Policy on Climate Change for Namibia – 2010 (NPCC)</i>	<i>National Climate Change Strategy & Action Plan 2013 – 2020 (NCCSAP)</i>
Rights of women				
Gender-responsive climate policies	✓	✓	✓	✓
Women's participation in decision-making and leadership	✓	✓	✓	-
Protection against gender-based violence	-	-	-	-
Gender-inclusive climate action	✓	✓	✓	✓
Gender mainstreaming	✓	✓	✓	✓
Gender-responsive stakeholder consultation	✓	✓	✓	-
Gender and human rights impact assessments	-	✓	-	-
Promotion of equal rights and opportunities in agriculture	✓	✓	✓	-
Gender budgeting and financial audits	-	-	-	-
Capacity-building for women	✓	✓	✓	-
Rights of children				
Integration of children's rights in climate policy	-	-	✓	-
Enhancing children's resilience to climate change and reducing inequalities	-	✓	✓	-
Enhancing adaptation capacities of children	-	-	✓	-
Participation in climate policymaking	-	✓	✓	-

Human rights assessment criteria	<i>Namibia's Nationally Determined Contribution 2023: Second Update (UNDC-2)</i>	<i>Republic of Namibia: First Adaptation Communication (FAC)</i>	<i>National Policy on Climate Change for Namibia – 2010 (NPCC)</i>	<i>National Climate Change Strategy & Action Plan 2013 – 2020 (NCCSAP)</i>
Access to education	-	✓	✓	-
Right to health	✓	✓	✓	-
Right to water and sanitation	-	-	-	-
Right to food security and nutrition	-	-	✓	-
Access to remedies for climate harm	-	-	-	-
Resource mobilisation	-	-	✓	-
Right to physical and mental health				
Integration of health and human rights policies	✓	✓	✓	✓
Models to track health threats relating to climate change	✓	✓	-	-
Development of resilient health systems	✓	✓	✓	-
Equity and non-discrimination regarding the right to health	-	✓	-	-
Public health strategy	✓	✓	✓	-
Emergency responses for the right to health protection	-	✓	-	-
Protection against sexual harm	-	-	-	-
Provision of access to reproductive health services	-	-	-	-
Promotion of universal health coverage and social protection floors	✓	✓	-	-
Early warning systems and public accessibility	✓	✓	✓	-

The human rights variation can be observed in the comparative analysis of climate policy documents, demonstrating significant efforts made in some areas, particularly in newer international policy documents, as well as notable gaps in other areas. However, the document variation underscores the need for continuous evaluation and updating of policies to ensure comprehensive human rights integration in areas where further integration is needed.

Across UNDC-2, FAC, NPCC, and NCCSAP, there is a consistent emphasis on the human rights of people in vulnerable situations and women, reflecting Namibia’s commitment to gender inclusion and stakeholder participation. However, there are also significant gaps in addressing the rights of children, the elderly, and persons with disabilities. For a better analysis of Figure 1, in the following sections, the human rights integration is categorised into three levels: highest, moderate, and lowest scores.

Figure 1 *Human rights integration in Namibia’s climate policies*



Highest score for human rights integration

Namibia’s climate policies reflect a deep commitment to integrating women’s rights, which aligns strongly with the principles of equality and non-discrimination of the HRBA enshrined

in Article 10 of the Constitution. Article 10 guarantees that all persons are equal before the law and prohibits discrimination i.a. on the grounds of sex, race, or economic status. This article supports the advancement of gender equality as a fundamental

right that must be upheld in all areas, including environmental and climate-related policies (Ruppel, 2022).

As shown in Figure 1, Namibia's FAC regarding climate change incorporates the highest number of criteria related to women's rights. This reflects a strong commitment to integrating women's rights throughout the document, with particular emphasis on advancing gender equality and women's empowerment, especially within the gender sector. This policy also promotes the active participation of affected women in decision-making, ensuring that their perspectives on forest use are considered. Additionally, it explicitly incorporates gender considerations in climate-related agriculture initiatives, aiming to promote women's equal participation through gender-related goals or affirmative action (GRN, 2021a). Similarly, UNDC-2 and NPCC also underscore the importance of gender-responsive and gender-inclusive climate policies, particularly in promoting women's participation in decision-making, ensuring equal rights and opportunities, and advancing capacity-building targeting programmes for women to enhance their skills and knowledge related to climate change (GRN, 2011).

The NCCSAP generally mentioned gender-responsive climate policies, gender-inclusive climate action, and

women's participation under the guiding principle, advocating for an inclusive decision-making process (GRN, 2014). This approach aligns with Namibia's broader efforts toward women's empowerment. It underscores a commitment to gender equality, as demonstrated by the establishment of the Ministry of Gender Equality and Child Welfare in 2000. This ministry (subsequently renamed the Ministry of Gender Equality, Poverty Eradication and Child Welfare) focuses on empowering women, men, and children, and ensuring the full participation and equality of women and men in all governance areas across the country (Ruppel, 2008).

Despite considerable political provisions outlined through a *de jure* analysis for integrating women's rights into different Namibian climate policies, prevailing cultural symbolism considering women as marginalised communities threaten social justice by restricting their participation in the decision-making process across different levels of governance. This social exclusion not only hinders Namibia's ability to achieve its international climate targets by limiting women's adaptive capacities but also impedes the realisation of social justice at the national level (Iiping et al., 2000).

For example, women from the Herero, Himba, Oshiwambo, Kavango, and

Zambezi traditional communities are often discouraged from participating in decision-making processes. While gender-inclusive approaches are highlighted in climate policies, some climate-related programmes, like the Namibia Country Pilot Partnership Programme: Adapting to Climate Change through the Improvement of Traditional Crops & Livestock Farming that was piloted in Omusati Region in northern Namibia, have failed to fully integrate women's needs and rights in their design, implementation, and evaluation. This social exclusion risks diminishing women's motivation to take on leadership roles or participate in different climate-related actions (Angula & Menjono, 2014).

Despite the positive aspects expressed above, there remains a need for explicit measures to protect against gender-based violence and to ensure comprehensive gender and human rights impact assessments. Strengthening these aspects will enhance the inclusivity and effectiveness of Namibia's climate strategies, ensuring equity and addressing the specific challenges women face.

In addition to women's rights integration in Namibia's climate policies, the assessment of documents also reflects both significant achievements and notable gaps in the integration of human rights of people

in vulnerable situations. UNDC-2, FAC and NPCC all highlight the need for the active participation of vulnerable communities in climate policy planning and implementation.

UNDC-2 and NPCC both underscore the urgent need for climate finance, particularly for adaptation measures (GRN, 2021a; GRN, 2023; GRN, 2011). UNDC-2, for example, highlights the fact that the Environmental Investment Fund is instrumental in accessing grants which are essential for advancing both adaptation and mitigation efforts. The references to the rights of vulnerable communities in these climate policies are compatible with Articles 10 and 95(l) of the Namibian Constitution. These articles reinforce the state policy principle of protecting all people, including vulnerable populations, from the adverse effects of climate change, and ensuring equality (Ruppel, 2022).

Furthermore, access to information is highlighted across the policies, with NPCC and FAC both emphasising the need to provide vulnerable communities with the necessary information to take appropriate action. However, many Namibian people are still struggling with access to information challenges and a lack of transparency in climate projects. For example, not infrequently, Namibian people are worried about the government signing legally binding agreements, for example, agreements

related to the EU-Namibia strategic partnership on sustainable raw materials value chains and renewable hydrogen, without conducting an environmental impact assessment or consulting with local communities. According to the Procurement Tracker Namibia report published by the Institute for Public Policy Research on 8 March 2022, the information on the expected benefits of the Hyphen Hydrogen Energy project is inexact and not transparent (Institute for Public Policy Research, 2022).

One of the key strengths of climate policies, particularly those that explicitly incorporate an HRBA, is their strong advocacy for rights-based adaptation measures. Both UNDC-2 and NPCC emphasise the importance of ensuring that climate actions respect and promote the human rights of vulnerable communities, thereby providing them with enhanced protection and support (GRN, 2023; GRN, 2011). Protection of traditional lands and resources, especially for indigenous communities, has been recognised in NPCC and FAC. However, UNDC-2 does not fully align with this focus, despite its being an offshoot of an important international climate policy. This is essential for preserving indigenous communities' traditions, lifestyles, livelihoods, and cultural heritages, which could be understood to resort under the right

to culture guaranteed under the Bill of Rights (Chapter 3 of Namibia's Constitution) in Article 19 (Ruppel & Ruppel-Schlichting, 2017).

Despite the positive integration of the rights of vulnerable communities, a critical gap remains in terms of access to justice. Although including economic and social rights in the Bill of Rights could significantly enhance government accountability with respect to safeguarding Namibians' socioeconomic rights and ensuring access to justice, challenges in realising these rights and achieving justice persist (Horn, 2017). Communities frequently encounter significant barriers when seeking legal resources and remedies for climate-related harms. None of the documents, including UNDC-2, NPCC and FAC, adequately address the need for mechanisms to ensure that vulnerable populations have access to justice.

Moderate score for human rights integration

Namibia's climate policies show a moderate level of human rights integration, particularly concerning the right to food and the right to physical and mental health. UNDC-2 and NPCC show great commitment to integrating the right to food through a focus on women's empowerment and inclusion. For example, UNDC-2 emphasises gender-responsive climate adaptation

actions in the agriculture sector, such as developing climate-resilient livestock species and promoting conservation agriculture (GRN, 2023). Both UNDC-2 and NPCC underscore the importance of ensuring equitable access to adequate food, particularly for vulnerable populations. Furthermore, all four documents recognise the need to transform food systems towards sustainability, emphasising the protection of the right to food.

Despite these positive aspects, none of the policies explicitly address the right to social security in the context of food security, which leaves the affected population more vulnerable without adequate protection for their livelihoods. Although UNDC-2 recognises the gender-specific challenges in accessing resources that support equal land and resource rights, none of the policies provide specific measures to secure equal land and resource rights, particularly for women. Moreover, although UNDC-2 includes the importance of financial support for gender-responsive climate actions, it lacks detailed mechanisms for allocating such support to the most vulnerable communities.

In addition to the right to food, Namibia's climate policies, particularly UNDC-2 and FAC, show a high level of integration of the right to physical

and mental health. These documents emphasise the importance of addressing health impacts related to climate change, reflecting a comprehensive approach to safeguarding both physical and mental well-being. The integration of health and human rights policies within all the documents is a positive step towards ensuring that health objectives are met within the broader climate actions. Also, advocacy for developing a resilient health system is another significant strength of these policies. UNDC-2, FAC, and NPCC all highlight the need for health systems that can adapt and effectively respond to climate-induced health threats. Additionally, the focus on early warning systems within these policies demonstrates the extent of efforts to enhance public health preparedness by decreasing the health risks associated with climate change.

However, some gaps regarding the right to health in the context of climate change require future consideration. Specifically, all the policies fail to address access to reproductive health services, which is a vital component of the right to health, particularly during climate-related emergencies. Additionally, the lack of provision for protecting against sexual harm in these policies is a significant oversight, as sexual violence can escalate during or after natural disasters, making women more vulnerable.

Lowest score for human rights integration

In contrast to the strong integration of human rights in Namibia's climate policies discussed above, the analysis reveals weaker integration in specific areas, particularly concerning the rights of the elderly, persons with disabilities, and children. The rights of the elderly are insufficiently addressed across Namibia's climate policies. As shown in Figure 1, NPCC scores the highest among the documents, with the explicit acknowledgement that the elderly should be included in climate change planning and policymaking and the recognition that they are a vulnerable group.

Furthermore, NPCC and UNDC-2 value traditional knowledge, ensuring that the benefits of the contributions of older community members are not lost, and recognising the crucial role they play. However, more explicit mechanisms are needed to secure their involvement in decision-making processes, which could strengthen their participation. For example, critical areas such as access to health care, participation in sustainable livelihoods, and support for later-in-life learning opportunities are not adequately addressed. There is also a lack of focus on the elderly's rights in the FAC and NCCSAP documents, resulting in the risk of further marginalisation.

The rights of persons with disabilities are similarly underrepresented in Namibia's climate policies. Only UNDC-2 includes some references to a disability-inclusive approach, particularly in designing climate adaptation measures. However, significant gaps remain, including the absence of specific measures for accountability, accessibility, capacity-building, monitoring, social protection, and climate financing for persons with disabilities. Although NPCC directly mentions people with disabilities as amongst vulnerable groups that need to be empowered to effectively adapt to climate change impacts, this policy, like UNDC-2, performs poorly in integrating the rights of people with disabilities, with little or no mention of specific rights-based approaches.

Furthermore, the integration of children's rights in Namibia's climate policies is notably weak, particularly in international climate policies, with the lowest scores observed in UNDC-2 and FAC. However, NPCC shows more promise by addressing children's resilience, participation in climate policy formulation, access to education, and the right to health. NPCC explicitly mentions the integration of child welfare in climate policy, which constitutes an attempt to include children as key stakeholders in climate adaptation and mitigation (GRN, 2011).

While Namibia has significant commitments to protect children's rights due to its being a state party to the most relevant international legal instruments, and is obliged to conform to related treaties under Article 144 of the Constitution, UNDC-2 and FAC lack specific frameworks and strategies to address the unique vulnerabilities and rights of children. Although there is an acknowledgement of the disproportionate impacts of climate change on children in UNDC-2, there are no targeted measures to enhance children's rights in the climate change decision-making process.

Conclusion

The HRIFCPE that has been introduced and applied in this paper has proven to be a valuable tool for assessing the integration of human rights within Namibia's climate laws and policies. The HRIFCPE can be applied across various geographical and socioeconomic contexts to evaluate and enhance climate policies. This framework ensures that human rights are effectively considered and integrated into climate policies, promoting a more equitable and inclusive approach to climate action. However, the method introduced in this paper is relatively new, and the assessment criteria outlined in the HRIFCPE can be expanded and adapted based on local contexts and specific human rights challenges. This

approach underscores the importance of a bottom-up approach to policy development, allowing for more tailored and relevant integration of human rights into climate policies.

An assessment under this framework highlights both significant advances and notable gaps in integrating human rights into climate policies. The most prominent gaps are found in the areas concerning the rights of the elderly, persons with disabilities, and children. These categories were either inadequately addressed or not addressed at all across the examined policies, revealing critical areas for improvement.

While to a degree, NPCC is inclusive in integrating the rights of the elderly, the other policies in most instances fail to specifically address rights in fields such as policymaking, access to health care, and livelihood participation. The lack of inclusion of the elderly in national and international climate action across all policies risks marginalising them from important climate actions. There is a notable absence of focus on ensuring access to essential health care, social services, cultural preservation, and later-in-life learning opportunities for the elderly in all the policies. This gap means that older individuals might not fully benefit from or contribute to climate resilience efforts, limiting the effectiveness and inclusivity of climate policies.

Furthermore, the rights of persons with disabilities are insufficiently addressed across Namibia's climate laws and policies. While UNDP2 addresses a few related criteria, there are significant gaps in inclusion, social protection, accessibility, capacity building, and financial support. These gaps suggest that persons with disabilities may be disproportionately affected by climate change as they are not afforded adequate policy support. Addressing these criteria is crucial to ensure that Namibia's updated or newly developed climate policies are truly inclusive, and that neither persons with disabilities nor the elderly are left behind in the fight against climate change.

Conversely, the HRIFCPE shows that women's rights and the human rights of people in vulnerable situations are well-represented in all assessed climate policies. Women's empowerment and inclusion in decision-making, and gender-responsive climate actions are consistently highlighted across all the climate policies, particularly in UNDC-2 and FAC, which could be applied as guidance for other countries seeking to integrate women's rights in their NDCs or national adaptation plans. Still in this category, critical areas such as protection against gender-based violence and gender-specific budgeting are underrepresented, which could serve as entry points for future climate policy efforts.

In addition, the policies strongly emphasise the inclusion of vulnerable communities in climate action, with notable references to inclusive climate action, access to information, and participation in decision-making processes. However, in Namibia's climate policies, access to justice is insufficiently addressed. None of the assessed policies explicitly incorporate mechanisms to ensure that vulnerable populations can access the legal system to defend their rights against climate-related harm.

Ultimately, since the HRBA is not a very clear framework and lacks comprehensive guidelines for integrating human rights into climate policies, frameworks such as the HRIFCPE introduced in this paper can be indispensable. They can assist in ensuring that climate policies do not overlook the rights of those most affected, thereby safeguarding social justice. The identified gaps in Namibia's climate policies highlight critical entry points for future legislation. Addressing these gaps will ensure improved protection of human rights, particularly for neglected communities. Moreover, it can strengthen resilience to climate change, and promote social justice and sustainable development for present and future generations.

References

- Amnesty International. (2024, April 23). *The state of the world's human rights: April 2024*. <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>
- Angula, M. N., & Menjono, E. (2014). Gender, culture, and climate change in Namibia. *Journal for Studies in Humanities and Social Sciences*, 3(1 & 2), 225-238.
- Atapattu, S., & Schapper, A. (2019). *Human rights and the environment: Key issues* (1st ed.). Routledge. <https://doi.org/10.4324/9781315193397>
- Climate Change Laws of the World. (n.d.). *Namibia*. Grantham Research Institute on Climate Change and the Environment. Retrieved June 14, 2024 from <https://climate-laws.org/geographies/namibia>
- Firat, E. (2023). Rights-based litigation in tackling climate change: Can the ECtHR be effective in protecting human rights in the context of climate change? *Law and Justice Review*, (14)26, 89–140. <https://lawandjustice.taa.gov.tr/yuklenenler/dosyalar/dergiler/law/law-26/35f1df5d-7049-4674-a5e2-df7a80cc8dfa-5--laj-82-engin-firat.pdf>
- Gasparri, G., El Omrani, O., Hinton, R., Imbago, D., Lakhani, H., Mohan, A., Yeung, W., & Bustreo, F. (2021). Children, adolescents, and youth pioneering a human rights-based approach to climate change. *Health and Human Rights Journal*, 23(2), 95–108. <https://pmc.ncbi.nlm.nih.gov/articles/PMC8694303/>
- GRN. (2011, October). *National policy on climate change for Namibia – 2010*. Ministry of Environment and Tourism. [https://www.meft.gov.na/files/files/National%20Policy%20on%20Climate%20Change%20for%20Namibia%202011\(1\).pdf](https://www.meft.gov.na/files/files/National%20Policy%20on%20Climate%20Change%20for%20Namibia%202011(1).pdf)
- GRN. (2014). *National climate change strategy & action plan 2013 – 2020*. Ministry of Environment and Tourism. <https://www.meft.gov.na/files/files/National%20Climate%20Change%20Strategy%20and%20Action%20Plan%20brochure%202013%20-%202020.pdf>
- GRN. (2015, September). *Intended nationally determined contributions (INDC) of the Republic of Namibia to the United Nations Framework Convention on Climate Change*. [https://www.meft.gov.na/files/files/Intended%20Nationally%20Determined%20Contributions%20\(INDC\)%20of%20Namibia%20to%20the%20UNFCCC%202015.pdf](https://www.meft.gov.na/files/files/Intended%20Nationally%20Determined%20Contributions%20(INDC)%20of%20Namibia%20to%20the%20UNFCCC%202015.pdf)
- GRN. (2020, March). *Fourth national communication to the United Nations Framework Convention on Climate Change*. Ministry of Environment and Tourism, Namibia. <https://unfccc.int/sites/default/files/resource/Namibia%20-%20NC4%20-%20Final%20signed.pdf>

- GRN. (2021a). *Republic of Namibia: First adaptation communication*. MEFT. <https://unfccc.int/sites/default/files/resource/namibia-adaptation-communication-to-the-unfccc.pdf>
- GRN. (2021b). *Namibia's updated nationally determined contribution 2021*. MEFT. https://unfccc.int/sites/default/files/NDC/2022-06/Namibia%27s%20Updated%20NDC_%20FINAL%2025%20July%202021.pdf
- GRN. (2023). *Namibia's nationally determined contribution 2023: Second update*. MEFT. <https://unfccc.int/sites/default/files/NDC/2024-01/FINAL%20UPDATED%20NAMIBIA%20NDC%202023.pdf>
- Horn, N. (2017). Transformative constitutionalism: A post-modern approach to constitutional adjudication in Namibia. In N. Horn & M. O. Hinz (Eds.), *Beyond a quarter century of constitutional democracy: Process and progress in Namibia* (pp. 241–264). Konrad Adenauer Stiftung. https://www.kas.de/documents/252038/253252/7_dokument_dok_pdf_48513_2.pdf/d857b710-88f7-83e5-faf4-444de2d0d2fe?version=1.0&t=1539656511881
- Iiping, E. M., Phiri, F. A., & Njabili, A. F. (2000). *The national gender study. Volume 1, main study*. University of Namibia.
- Institute for Public Policy Research. (2022, April). H2: Transparency concerns dog 'largest tender in nation's history'. *Procurement Tracker Namibia Issue No. 16, April 2022*. <https://ippr.org.na/wp-content/uploads/2022/04/PTN16-web.pdf>
- IPC. (2024, July 8). *Namibia: Acute food insecurity analysis: April – September 2024*. IPC Global Support Unit. <https://reliefweb.int/report/namibia/namibia-acute-food-insecurity-analysis-april-september-2024-published-8-july-2024>
- IPCC. (2014a, October). *Fifth assessment report*. <https://www.ipcc.ch/assessment-report/ar5/>
- IPCC. (2014b). *Climate change 2014: Impacts, adaptation, and vulnerability. Part A: Global and sectoral aspects* (C. B. Field, V. R. Barros, D. J. Dokken, K. J. Mach, M. D. Mastrandrea, T. E. Bilir, M. Chatterjee, K. L. Ebi, Y. O. Estrada, R. C. Genova, B. Girma, E. S. Kissel, A. N. Levy, S. MacCracken, P. R. Mastrandrea, & L. L. White, Eds.). Cambridge University Press. <https://www.ipcc.ch/report/ar5/wg2/>
- Jacobson, J. O., Smith, J. L., Cueto, C., Chisenga, M., Roberts, K., Hsiang, M., Gosling, R., Mumbengegwi, D., & Bennett, A. (2019, May 22). Assessing malaria risk at night-time venues in a low-transmission setting: A time-location sampling study in Zambezi, Namibia. *Malaria Journal*, 18(179), 1–11. <https://doi.org/10.1186/s12936-019-2807-x>

Jodoin, S., Snow, S., & Corobow, A. (2020, March). Realizing the right to be cold? Framing processes and outcomes associated with the Inuit petition on human rights and global warming. *Law & Society Review*, 54(1), 168–200. Cambridge University Press. <https://doi.org/10.1111/lasr.12458>

Jodoin, S., Savaresi, A., & Wewerinke-Singh, M. J. (2021, July). Rights-based approaches to climate decision-making. *Current Opinion in Environmental Sustainability*, 52, 45–53. 10.1016/j.cosust.2021.06.004

Keja-Kaereho, C., & Tjizu, B. R. (2019, March). Climate change and global warming in Namibia: Environmental disasters vs. human life and the economy. *Management and Economics Research Journal*, 5(S3), 1–11. https://www.researchgate.net/publication/332006884_Climate_Change_and_Global_Warming_in_Namibia_Environmental_Disasters_vs_Human_Life_and_the_Economy

Knox, J. H. (2016, February 1). *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*. United Nations Human Rights Council. <https://digitallibrary.un.org/record/831230?ln=en&v=pdf>

Lottje, C., Hirsch, T., & Minninger, S. (2017). *Poverty orientation and civil society participation in national adaptation plans (NAP)*. German Climate Finance. <https://www.germanclimatefinance.de/2017/02/08/poverty-orientation-civil-society-participation-national-adaptation-plans-nap/>

Malé Declaration on the Human Dimension of Global Climate Change. (2007). https://www.ciel.org/Publications/Male_Declaration_Nov07.pdf

Mapaure, I. (2022). Review of the climate change situation in Namibia: Projected trends, vulnerability, and impacts. In O. C. Ruppel & K. Ruppel-Schlichting (Eds.), *Environmental Law and Policy in Namibia 43* (4th ed., pp. 533–560). Nomos. <https://doi.org/10.5771/9783748933564>

Mendelsohn, J. (2006). *Farming systems in Namibia*. RAISON (Research & Information Services of Namibia). <https://www.raison.com.na/sites/default/files/Farming%20systems%20in%20Namibia.pdf>

Midgley, G., Hughes, G., Thuiller, W., Drew, G., & Foden, W. (2005). *Assessment of potential climate change impacts on Namibia's floristic diversity, ecosystem structure, and function*. South African National Biodiversity Institute, Climate Change Research Group.

<https://www.sanbi.org/wp-content/uploads/2018/04/midgley-et-al-2005-namibian-ecological-impacts-climate-change-report-final-14-apr-05.pdf>

OHCHR. (2009). *Report of the Special Rapporteur on the right to housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context* (A/64/255). United Nations. <https://documents.un.org/doc/undoc/gen/n09/446/64/pdf/n0944664.pdf>

OHCHR. (2010). *Applying a human rights-based approach to climate change negotiations, policies, and measures*. UNCC:Learn. <https://www.unccllearn.org/resources/library/applying-a-human-rights-based-approach-to-climate-change-negotiations-policies-and-measures/>

OHCHR. (2015). *Understanding human rights and climate change*. United Nations. <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/COP21.pdf>

OHCHR. (2016). *Analytical study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/32/23). United Nations. <https://documents.un.org/doc/undoc/gen/g16/092/02/pdf/g1609202.pdf>

OHCHR. (2017). *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/35/13). <https://documents.un.org/doc/undoc/gen/g17/110/91/pdf/g1711091.pdf>

OHCHR. (2019). *Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/41/26). United Nations. <https://documents.un.org/doc/undoc/gen/g19/120/13/pdf/g1912013.pdf>

OHCHR. (2020). *Analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/44/30). United Nations. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4430-analytical-study-promotion-and-protection-rights-persons-disabilities>

OHCHR. (2021a, September 8). *Fact sheet no. 38: Frequently asked questions on human rights and climate change*. United Nations. <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-38-frequently-asked-questions-human-rights-and-climate>

OHCHR. (2021b). *Analytical study on the promotion and protection of the rights of older persons in the context of climate change: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/47/46)*. United Nations. <https://digitallibrary.un.org/record/3927180?ln=en&v=pdf>

OHCHR. (2022). *Impacts of climate change on the human rights of people in vulnerable situations: Report of the Secretary-General (A/HRC/50/57)*. United Nations. <https://www.ohchr.org/en/documents/thematic-reports/ahrc5057-impacts-climate-change-human-rights-people-vulnerable>

OHCHR. (2024). *Measures for minimizing the adverse impact of climate change on the full realization of the right to food - Report of the United Nations High Commissioner for Human Rights (A/HRC/55/37)*. United Nations. <https://www.ohchr.org/en/documents/thematic-reports/ahrc5537-measures-minimizing-adverse-impact-climate-change-full>

Orellana, M. A. (2012). A human rights-based approach to climate change. In J. Parra (Ed.), *The human rights-based approach: A field of action for human rights education* (pp. 39–56). Les Éditions du CIFEDHOP.

Reid, H., Sahlén, L., Stage, J., & MacGregor, J. (2007). *The economic impact of climate change in Namibia: How climate change will affect the contribution of Namibia's natural resources to its economy* [Environmental Economics Programme Discussion Paper 07-02]. International Institute for Environment and Development. https://www.researchgate.net/publication/237559917_The_economic_impact_of_climate_change_in_Namibia_How_climate_change_will_affect_the_contribution_of_Namibia's_natural_resources_to_its_economy

Ruppel, O. C. (Ed.). (2008). *Women and custom in Namibia: Cultural practice versus gender equality?* Konrad-Adenauer-Stiftung/Macmillan Education.

Ruppel, O. C. (2022). Climate change de facto and de jure: Legal and regulatory aspects relevant to Namibia. In O. C. Ruppel & K. Ruppel-Schlichting (Eds.), *Environmental law and policy in Namibia* (4th ed., pp. 561–602). Nomos. <https://doi.org/10.5771/9783748933564>

Ruppel, O. C., & Ruppel-Schlichting, K. (2017). Namibia's Constitution in the context of environmental protection and combatting climate change. In N. Horn & M. O. Hinz (Eds.), *Beyond a quarter century of constitutional*

democracy: Process and progress in Namibia (pp. 103–134). Konrad Adenauer Stiftung. https://www.kas.de/documents/252038/253252/7_dokument_dok_pdf_48513_2.pdf/d857b710-88f7-83e5-faf4-444de2d0d2fe?version=1.0&t=1539656511881

Turpie, J., Midgley, G., Brown, C., Barnes, J., Pallett, J., Desmet, P., & Tarr, P. (2010). *Climate change vulnerability and adaptation assessment for Namibia's biodiversity and protected area system*. Namibia Nature Foundation. <https://www.meft.gov.na/files/files/Climate%20Change%20Vulnerability%20and%20Adaptation%20Assessment%20for%20Namibia's%20Biodiversity%20and%20Protected%20Area%20System%202010.pdf>

UNFCCC. (2011). *Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010: addendum: Part Two: Action taken by the Conference of the Parties at its sixteenth session*. United Nations. <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

UNFCCC. (2015). *Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015* [“Paris Agreement”] (UNFCCC/CP/2015/10/Add.1, pp. 1–32). United Nations.

<https://unfccc.int/sites/default/files/resource/docs/2015/cop21/eng/10a01.pdf>

UNFCCC. (n.d.-a). *National Communication submissions from Non-Annex I Parties*. Retrieved [July 15, 2024], from <https://unfccc.int/non-annex-I-NCs>

UNFCCC. (n.d.-b). *Nationally determined contributions registry*. Retrieved [July 15, 2024], from <https://unfccc.int/NDCREG>

UNFCCC. (n.d.-c). *Biennial update report submissions from Non-Annex I Parties*. Retrieved [July 15, 2024], from <https://unfccc.int/BURs>

UNFCCC. (n.d.-d). *Annual climate reports submissions*. Retrieved [July 15, 2024], from <https://unfccc.int/ACR>

United Nations Human Rights Council. (2008a). *Resolution 7/23 on climate change and human rights* (A/HRC/RES/7/23). https://ap.ohchr.org/documents/e/hrc/resolutions/a_hrc_res_7_23.pdf

United Nations Human Rights Council. (2008b). *Report of the Special Rapporteur on the right to food, Jean Ziegler: addendum* (A/HRC/7/5). <https://digitallibrary.un.org/record/622147?v=pdf>

Van Wyk, L.-A. (Ed.) . (2015). *Commemorating twenty years of tackling climate change in Namibia: 1995-2015*. Hanns Seidel Foundation Namibia. https://namibia.hss.de/fileadmin/user_upload/Projects_HSS/Namibia/Dokumente/bis_2016/20_YEARS_OF_TACKLING_CLIMATE_CHANGE_IN_NAMIBIA_1995_-_2015.pdf

Vu, B. (Ed.). (2022). *Handbook: Applying a human rights-based approach to development and humanitarian programming. People in need*. <https://resources.peopleinneed.net/documents/1194-hrba-handbook--single-paged.pdf>

Wilhelm, M. (2012, October). *Impact of climate change in Namibia: A case study of Omusati Region* [Master's mini-thesis, Polytechnic of Namibia]. Polytechnic of Namibia Library. <https://ir.nust.na/server/api/core/bitstreams/00d6195c-a7af-4a86-926c-05b60193d932/content>

World Health Organization (WHO). (2024, September 3). *Namibia celebrates progress towards eliminating malaria*. <https://www.afro.who.int/countries/namibia/news/namibia-celebrates-progress-towards-eliminating-malaria>

World Bank Group. (2021). *Climate risk country profile: Namibia*. World Bank. https://climateknowledgeportal.worldbank.org/sites/default/files/2021-08/15931-WB_Namibia%20Country%20Profile-WEB.pdf