

Role of Good Governance in Combating Climate Change in Africa

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Abstract

This Paper examines the role of good governance in combating climate change in Africa. The author explores how elements of good governance such as transparency, accountability, curbing corruption, gender equality, access to information, public participation and inclusivity may be entrenched in climate change governance to enable African countries decarbonize their economic development and build a resilient population. To achieve sustainable development, Africa should free itself from the shackles of governance challenges such as impunity in leadership, corruption, poverty, poor democratic processes and the effects of climate change such as food insecurity, water scarcity, desertification, disasters and floods, rising sea levels, conflicts and migration. Whereas most African countries have ratified international climate change instruments, few have taken legislative steps to entrench and mainstream climate change at the national level. In addition, there is lack of transparency and accountability in climate funds expenditure despite the fact that African countries receive substantial climate change funds from bilateral and multilateral sources.

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In this paper, the author posits that good governance is fundamental in achieving effective climate change mitigation and adaptation in Africa. Accordingly, the author examines how elements of good governance may be entrenched in climate change governance to address governance challenges for effective climate change mitigation and adaptation.

1.0 Introduction

Africa contributes only 4 % of global emissions yet the continent suffers the brunt effects of climate change.¹ The Sahel region is the most vulnerable due to exposure to rising temperatures, fluctuating precipitation and low adaptive capacity.² As a result, Africa has dragged in socio-economic development as resources are diverted to address social-economic impacts of climate change such as food insecurity, water scarcity, migration, climate change refugees, civil wars and disease outbreaks. In addition, the burden of climate change adaptation continues to intensify as UNEP statistics estimate current Africa climate change adaptation to \$70 billion, to rise to \$300 billion by 2030 and to \$500 billion by 2050.³

At the Leaders' Summit on Climate Change hosted by the President of the United States of America on 22nd and 23rd April 2021, the leaders agreed on the need to galvanize efforts by the major economies to tackle climate change.⁴ The Summit drew members from 40 countries, with Africa being represented by Presidents of Five Countries, i.e Kenya, South Africa, Nigeria, Democratic Republic of Congo and Gabon. This was further echoed by African countries during the General Debate of the 76th Session of the UN General Assembly in September 22, 2021 where they called for multilateral actions in, *inter alia*, commitment by developed countries to provide tangible climate financial support to developing countries, ensure

¹Tanguy Gahouma-Bekale, 2021, 'COP 26 on Climate-Top Priorities for Africa', *Africa News Renewal E-Magazine*, available at <https://www.un.org/africarenewal/magazine/july-2021/cop26-climate-top-priorities-africa> Accessed on 7th October 2021.

² Etienne Espagne, Luc Jacolin and Florian Leo, 2021, 'How Could Africa Finance its Development in a Climate Change Context?' *Sustainable Development News*. Available at <https://ideas4development.org/en/how-could-africa-finance-its-development-in-a-climate-change-context/> Accessed on 4th October 2021.

³ Tanguy Gahouma-Bekale, 2021, op.cit.

⁴ Tanguy, ibid.

that a significant portion of green manufacturing is located in developing countries as well as strengthening the competence of states to manage diversity and regional trust between citizens and institutions and between citizens and their leaders.

In the upcoming COP 26⁵, African countries will seek to enforce the polluter pays principle against developed countries by ensuring that they set ambitious emission targets as well as lobby for financial, technological and research support for adaptation and establishment of mechanisms to address loss and damage from the impacts of climate change.⁶ In particular, African countries will continue to lobby for higher commitment of USD \$100 billion annually by developed countries for increased contributions towards climate change over and above the USD \$80 billion under COP 21.⁷ These clear targets will enable developing countries boost investment in green manufacturing and infrastructure. African countries will reiterate their commitment to their responsibilities of implementing sustainable development practices and decarbonizing their economic development pathways, subject to obtaining financial support from developed countries.⁸

2.0 Good Governance and Climate Governance

Good governance refers to the provision of political, social, economic and environmental public goods and services that every citizen has the right to expect from their government, and the responsibility of the government to deliver to its citizens.⁹ Climate governance entails the social, economic, political, technical and policy elements of climate change.¹⁰ Under Agenda

⁵ A ‘COP’ is a Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC). The 195 member states meet once every year to assess progress and agree on concrete actions to reduce greenhouse gas emissions.

⁶ , Heinrich Boll Stiftung, *Climate Governance in Africa: A Handbook for Journalists*, Inter Press Service Africa 2013. Available on https://ke.boell.org/sites/default/files/climategovernancehandbook_2.pdf <Accessed on 19th October 2021>.

⁷ Etienne Espagne, Luc Jacolin and Florian Leo, 2021, op.cit.

⁸ Heinrich Boll Stiftung, op.cit.

⁹ Mo Ibrahim Foundation, ‘meaning of Governance’, available at <https://mo.ibrahim.foundation/news/2020/2020-ibrahim-index-african-governance-key-findings> <Accessed on 7th October 2021>.

¹⁰ Heinrich Boll Stiftung, op.cit.

2063,¹¹ African States aspire for, *inter alia*, Africa of good governance, democracy, respect for human rights, justice and the rule of law.¹² This aspiration is anchored on two goals of entrenching democratic values, practices, universal principles for human rights, justice and the rule of law; and strengthening institutional capacity, facilitating emergence of development oriented and visionary leadership at all levels.¹³ As the former UN Secretary General Kofi Annan observes, “Good governance is perhaps the single most important factor in eradicating poverty and promoting development”.¹⁴

The Ibrahim Index of African Governance 2020¹⁵ indicates that African governance has improved between 2010 and 2019 with 60% of African population living in 36 countries with improved governance.¹⁶ However, the findings also point to a decline in the overall governance score in the last half of the decade from 2015 to 2019. In essence, there is an unbalanced progress in African governance with improved governance in some

¹¹ Africa’s Agenda 2063, dubbed ‘Africa We Want’ is Africa’s blueprint and masterplan for transforming Africa into the global Powerhouse of the future. See a pdf copy at https://au.int/sites/default/files/documents/33126-doc-01_background_note.pdf <Accessed on 19th October 2021>.

¹² African Development Bank, “Our Aspirations for the Africa We Want”, available at <https://au.int/agenda2063/aspirations> <Accessed on 16th October 2021>.

¹³ Other aspirations in Africa Agenda 2063 include, A prosperous Africa based on inclusive growth and sustainable development; An integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of African Renaissance; A peaceful and secure Africa; An Africa with a strong cultural identity, common heritage, shared values and ethics; people driven development and Africa as a strong, united, resilient and influential global player. See Africa Agenda 2063 pdf, available on https://au.int/sites/default/files/documents/33126-doc-01_background_note.pdf <Accessed on 16th October 2021>.

¹⁴ Former UN Secretary General Kofi Annan, 1998, as quoted in John Mukum Mbaku, 2020, ‘Good and Inclusive Governance Imperative for Africa’s future’, *Brookings*, Available on <https://www.brookings.edu/research/good-and-inclusive-governance-is-imperative-for-africas-future/> <Accessed on 16th October 2021>.

¹⁵ Report of the MO Foundation on the status of Governance in 54 African Countries between 2010 and 2019. The index uses governance indicators such as citizen participation rights and inclusivity, security and the rule of law, human development and foundations for economic opportunity.

¹⁶ Mo Ibrahim Foundation, 2020 Ibrahim Index of African Governance: Key Findings., 25th November 2020. Available at <https://mo.ibrahim.foundation/news/2020/2020-ibrahim-index-african-governance-key-findings> <Accessed on 7th October 2021>.

countries and a decline in others. The overall improved sectors include infrastructure, health, and environmental sustainability while there has been a decline in citizen participation, human rights, rule of law and security.¹⁷

The Ibrahim's Index uses four indicators which are citizen participation, rights and inclusivity; security and the rule of law; human development and foundations for economic opportunity. In terms of scores between 2010 and 2019, 20 countries hosting 41.9% population improved in human development and foundations of economic opportunity but declined in security and rule of law and citizen participation, rights and inclusivity. Only 8 countries recorded improvement in all the categories.¹⁸

Climate governance requires inclusion and participation of those affected by impacts of climate change, commitment to international obligations for countries that are parties to international climate change instruments, strong and effective institutions, transparency, accountability, social justice and enabling legal and policy framework.¹⁹ Further, climate governance imports the concept of climate justice which refers to the fair treatment of all people and freedom from discrimination with the creation of policies and projects that address climate change and its causes and ensuring equity for all.²⁰

2.0 Entrenching Good Governance in Climate Change Governance in Africa

2.1 Climate Finance

Under the Paris Agreement, developed countries are required to provide financial resources to developing countries for climate change mitigation and adaptation.²¹ In this regard, developed countries are tasked with taking the lead in mobilizing climate finance from a variety of sources, instruments

¹⁷ Ibrahim's Index for African Governance (IIAG) 2020, Key indicators.

¹⁸ See Ibrahim's Index of African Governance 2020 Report for details. Available at <https://mo.ibrahim.foundation/news/2020/2020-ibrahim-index-african-governance-key-findings> <Accessed on 7th October 2020>.

¹⁹ Heinrich Boll Stiftung, op.cit.

²⁰ UNEP, Definitions, Climate Justice, at <https://leap.unep.org/knowledge/glossary/climate-justice> <Accessed on 19th October 2021>.

²¹ Article 9(1), Paris Agreement.

and channels taking into account the needs and priorities of developing countries.²² The rationale for climate finance flow is to ensure balanced mitigation and adaptation actions by offsetting the vulnerability and resource constraints of developing countries.²³ In Africa, climate finance mostly comes in form of grants, loans and technical assistance to projects and initiatives for climate change mitigation and adaptation.²⁴

In the G7²⁵ Summit held in the United Kingdom in June 2021, G7 countries agreed to increase their climate contributions to \$100 billion annually to help developing countries decarbonize development and adapt to the impacts of climate change.²⁶ Some of the G7 members like United States, Canada and Germany pledged to increase their contributions over and beyond their targets.²⁷ However, these remain political commitments as there was no agreement entered into that affect.²⁸

Climate Finance will be one of the key priorities by African Countries in COP 26 at Glasgow.²⁹ Other priorities include climate change adaptation, carbon market mechanisms, ambitious Nationally Determined Contributions and a transparency mechanism, meeting pre-2020 mitigation commitments and recognizing Africa's unique needs and circumstances.³⁰ African climate negotiators will strive to bring the unique needs and circumstances of Africa

²² Article 9(3).

²³ Article 9(4).

²⁴ Gemma Norrington-Davis & Nigel Thornton, 2011, 'Climate Change Financing and Aid Effectiveness: Kenya Case Study', *Alghus Applied Knowledge*. Available at <https://www.oecd.org/countries/kenya/48458443.pdf> Accessed on 3rd October 2021.

²⁵ G7 Countries consists of the USA, Britain, Canada, Japan, Germany, France and Italy.

²⁶ William Schombarg & Elizabeth Piper, 2021, 'More Needed: G7 Nations agree to boost Climate Finance' *Reuters*, 8th June 2021. Available at <https://www.reuters.com/business/sustainable-business/g7-leaders-commit-increasing-climate-finance-contributions-2021-06-12/> <Accessed on 7th October 2021>.

²⁷ Canada pledged to double its climate finance pledge to C\$5.3 which is equivalent to US\$ 4.4. over the next five years while Germany will increase its pledge by 2 billion Euros to 6 billion Euros (equal to US\$ 7.26 billion) by 2025.

²⁸ African countries will seek to cement the commitments in COP 26 in Glasgow this November 2021.

²⁹ Tanguy Gahouma-Bekale, 2021, op.cit

³⁰ Tanguy, ibid.

to the forefront of climate negotiations with a view to hold developing countries responsible for their higher emissions percentage.³¹ Further, African countries will seek to have developed countries mobilize more financial resources and technology transfer to Africa pursuant to Article 4 of United Nations Framework Convention on Climate Change.³² Given that finance is at the heart of climate mitigation and adaptation, African countries will negotiate for Long Term Climate Finance agreements with developed countries.³³ The role of climate finance is to meet commitments by developed countries under international climate change instruments pursuant to the principle of common but differentiated responsibilities.

2.1.1 Principle of Common but Differentiated Responsibilities

The Principle of common but differentiated responsibilities is one of the cardinal principles of international environmental law. The principle is founded in equity and has overtime transited the realms of international environmental law with a view to ensure that needs of developing countries and low income countries are given due consideration in development, application and interpretation of rules of international environmental law.³⁴ This is based on the recognition that climate change is a common concern for humankind hence a common responsibility on States to combat climate change through mitigation and adaptation. In implementing this principle, States are obligated to participate in international response measures aimed at addressing environmental problems and to comply with environmental standards that impose differing obligations.³⁵

In international climate change framework, the Principle of common but differentiated responsibilities is enshrined in the UNFCCC,³⁶ the Kyoto Protocol³⁷ as well as the Paris Agreement. Article 4 of the UNFCCC

³¹ Tanguy, *ibid.*

³² Article 4 of UNFCC stipulates the Common but Differentiated Responsibilities of State Parties to UNFCC;

³³ Tanguy Gahouma-Bekale, 2021, *op.cit*

³⁴ Philippe Sands & Jacqueline Peel, 2018, *Principles of International Environmental Law*, Cambridge University Press 4th Edition, Chapter 6, p. 244.

³⁵ Philippe Sands, *ibid.*

³⁶ Preamble, Art.3(1) and (2) & Article 4.

³⁷ Kyoto Protocol was adopted on 11th December 1997 in Kyoto, Japan and entered into force on 16th February 2005, operationalizes the UNFCCC by setting specific emission reduction targets for developed countries.

stipulates that Parties should act to protect the climate system ‘on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities’. The Paris Agreement requires that its implementation must reflect equity and the principle of common but differentiated responsibilities and respective capabilities in light of different national circumstances.³⁸ Further, Principle 7 of the Rio Declaration enjoins States to co-operate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth’s ecosystem. Furthermore, under the framework of the Paris Agreement, countries are required to submit Nationally Determined Contributions (NDCs) that must be more ambitious than that of preceding years.³⁹ To implement the NDCs, African countries need more funding hence another reason for access to additional climate finance under bilateral or multilateral agreements. However, there is need for transparency and accountability in climate financing to ensure that funds meet their intended purpose.

2.2 Gender Issues and Inclusivity

Although international legal instruments on climate change envisage gender equity in climate change policy and decision making, in practice, there are gender issues in implementation. This is the case despite the fact that women comprise the majority of poor populations in Africa contributing up to 70-80% of domestic food production in Sub-Saharan Africa.⁴⁰

Climate change adaptation actions should be gender-responsive, participatory and fully transparent taking into consideration the interests of vulnerable groups, communities and ecosystems.⁴¹ This is because different genders suffer different degrees of vulnerabilities to climate change induced disasters such as floods, droughts, water scarcity, food insecurity and diseases. Whereas men are more resilient to such events, women are highly vulnerable due to lack of assets and means to enable them respond and adapt to harsh climatic conditions. Secondly, climate change overburdens women as they have to cope with the effects of climate change in addition to other socio-economic roles. For instance, water scarcity due to low precipitation

³⁸ Article 2(2), Paris Agreement 2015.

³⁹ Paris Agreement 2015, Article 3 and Article 4(2) and 4(3).

⁴⁰ Heinrich Boll Foundation, op.cit.

⁴¹ Article 7(5), Paris Agreement.

makes women travel over long distances and spend more time in search of water. Women may not get information on early warnings in time and are less mobile hence may not escape disasters in time. Women suffer loss of crops due to harsh weather and face security risks and are highly exposed to sexual abuse during conflicts.

Women are the axis of a society and thus their welfare should be of paramount consideration. To this end, climate change policies and decision should effectively respond to the needs of women. Indeed, due to their dedication to causes that affect families and communities, women are the best agents for climate change adaptation initiatives and programs. As the world climate change negotiators convene in Glasgow for COP 26, there is need for clear positions and commitments on gender justice accompanied by clear accountability frameworks at the international and national levels.⁴²

2.3 Mainstreaming Climate Change in Public Policy and Practice

Climate change mainstreaming refers to the continuous process of integrating climate change into policy making, budgeting, implementation and monitoring process at the national, sectoral and sub-sectoral levels.⁴³ The overall objective of climate change mainstreaming is to ensure a balanced policy framework for sustainable development that steers economic development while addressing climate change concerns.

Fundamentally, climate change is not just a scientific issue but a developmental issue affecting all sectors. Thus, it is paramount that these sectors be aligned to best practices for climate change adaptation while addressing any contradictions with a view to make them resilient and sustainable. The sectors that need alignment include energy, agriculture, trade, water, tourism, transport and infrastructure, etc. Most African economies highly depend on agriculture as it contributes 35-40% GDP of most countries. Indeed, agriculture has ripple effects on the economy as

⁴² Heinrich Boll Stiftung., op.cit.

⁴³ Climate Policy Info Hub, 'Mainstreaming Climate Change Adaptation in the EU' available at <https://climatepolicyinfohub.eu/mainstreaming-climate-change-adaptation-eu.html> <Accessed on 19th October 2021>.

many economic activities are agriculture based for instance food production, employment, health, education, etc.⁴⁴

2.4 Eradicating Corruption and Impunity

In June 1, 2003, African States adopted the African Union Convention on Preventing and Combating Corruption with an overall objective of providing a penal policy against corruption and to guide African State Parties in development and formulation of legislative and adequate preventive measures against corruption. At the time of adopting the Convention in 2003, the African continent was being plagued by rampant corruption, impunity and human rights violations. Still, corruption continues to ravage economies of most African Countries. The Convention provides a framework for eradicating corruption and fostering good governance through prevention, detection and punishing involvement in acts of corruption.

In the Preamble, African States are cognizant of the need to foster a culture of good governance and rule of law and curb corruption and impunity in order to minimize its effects on political, economic, social and cultural stability of African States. The African states are alive to the fact that bad governance and corruption undermines accountability, transparency in the management of public affairs as well as socio-economic development of the continent.⁴⁵ The objectives of the Convention are enshrined in Article 2 which are, *inter alia*, to promote and strengthen development of measures for prevention, detection, punishing and eradication of corruption; harmonize and coordinate policies and legislation between State Parties for the purposes of prevention and combating corruption as well as to establish the necessary conditions to foster transparency and accountability in the management of public affairs.⁴⁶

In Article 3, the African states agreed on the principles of the Convention such as respect for democratic principles and institutions, popular

⁴⁴ Heinrich Boll Stiftung, op.cit.

⁴⁵ African Union, *African Union Convention on Preventing and Combating Corruption*; available at https://au.int/sites/default/files/treaties/36382-treaty-0028__african_union_convention_on_preventing_and_combating_corruption_e.pdf. Accessed 3rd October 2021.

⁴⁶ See Art.2 of the African Union Convention on Preventing and Combating Corruption(AUCPCC).

participation, the rule of law and good governance; respect for human and people's rights in accordance with the African Charter on Human and People's Rights and other relevant human rights instruments; transparency and accountability in the management of public affairs; promotion of social justice and to ensure balanced socio-economic development and condemnation and rejection of acts of corruption, related offences and impunity.

By and large, these principles embody key tenets of good governance such as transparency, accountability, combating corruption, citizen participation, enabling legal, policy and institutional framework and respect for democratic processes and rule of law.⁴⁷ However, despite enactment of the AU Convention and domestic legislation to curb corruption, corruption remains the major governance challenge in Africa. Indeed, the culture of corruption has permeated into enforcement institutions that are tasked with enforcing anti-corruption laws such as the judiciary and oversight bodies.

2.6 Prioritizing Climate Change Initiatives and Programs

One of the aims of the Paris Agreement is to align all financial flows with a pathway towards low greenhouse gas emissions and climate-resilient development. According to the African Development Bank, all the 54 African Countries have ratified the Paris Agreement and submitted NDCs pursuant to Article 4(2).⁴⁸ This indicates the political will and commitment by African countries to combat climate change. To achieve these commitments, African countries should prioritize climate change mitigation and adaptation programs and projects in their national budgets.⁴⁹ In addition, African countries need to explore investment opportunities at the global and national levels for climate sensitive sectors such as renewable energy, agriculture etc. At the regional level, the African Development Bank through its Africa NDCs Hub has committed to support governments, non-state actors and private sector in formulating policies, strategies and actions to

⁴⁷ African Development Bank, *Bank Group Policy on Good Governance (Abidjan: African Development Bank, July 2000)*.

⁴⁸ African Development Bank, 'Africa NDCs Hub', available on <https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/africa-ndc-hub> <Accessed on 16th October 2021>.

⁴⁹ Etienne Espagne, Luc Jacolin and Florian Leo, 2021, op.cit.

enable African countries achieve their commitments to the Paris Agreement.⁵⁰

2.7 Enabling Legal and Institutional Framework

In the Preamble of UNFCCC, Parties are encouraged to enact effective environmental legislation whereby environmental standards, management objectives and priorities reflect their own environmental and developmental contexts.⁵¹ Since independence, African countries have undergone fundamental transformation of their governance structures by enactment of independent Constitutions.⁵² These Constitutions anchor salient issues of governance such as sovereignty of African citizens, Bill of Rights, separation of powers and checks and balances in public administration. Notably, some African countries have entrenched the right to a clean and healthy environment in their Bill of Rights hence establishing a constitutional imperative for environmental protection and conservation.⁵³ The rationale for anchoring climate change in a national legal framework is to domesticate international climate change instruments with a view to provide a framework for compliance and ensure that climate change does not just exist within the realm of international law but also at the national levels. Undoubtedly, an enabling legal framework backed with strong enforcement institutions is fundamental in entrenching good governance in the fight against climate change.

2.8 Climate Reporting and Access to Information

The Paris Agreement requires Parties to submit Nationally Determined Contributions (NDCs) every five years.⁵⁴ In submitting the NDCs, Parties are required to submit information in a clear and transparent manner and to account for anthropogenic emissions in a manner that promotes environmental integrity, transparency, accuracy, completeness,

⁵⁰ African Development Bank. Op.cit

⁵¹ UNFCCC, Preamble.

⁵² John Mukum Mbaku, 2020, 'Good and Inclusive Governance Imperative for Africa's future', *Brookings*, Available on

<https://www.brookings.edu/research/good-and-inclusive-governance-is-imperative-for-africas-future/> <Accessed on 16th October 2021>.

⁵³ Kenya, Constitution 2010, Art. 42,

⁵⁴ Article 4(2) and 4(9), Paris Agreement.

comparability and consistency.⁵⁵ Parties are encouraged to cooperate in climate change adaptation actions by, *inter alia*, sharing information, good practices, experiences and lessons in relation to science, planning policies and implementation of adaptation programs. The Parties to the Agreement are further encouraged to cooperate in taking measures to enhance climate change education, training, public awareness, public participation and public access to information in achieving the purposes of the Agreement.

Additionally, the importance of sharing accurate information and timely reporting is highly recognized in the UNFCCC and its Kyoto Protocol. Climate Reporting and Access to Information is critical in providing reliable information for predicting future trends in climate change, progress in implementation and to inform policy making.

Access to Information is also anchored under the AU Convention on Preventing and Combating Corruption wherein Parties are enjoined to adopt such legislative and other measures to give effect to the Right of Access to Information to any information that is required to assist in the fight against corruption and related offences.⁵⁶

In terms of climate change governance, there is lack of adequate and accurate information on the amount of climate funding flowing into Africa, how the funds can be accessed and which projects and initiative are supported.⁵⁷ Arguably, due to lack of accurate and timely information, African countries have lagged behind in tapping into global innovations in climate change mitigation and adaptation. For instance, it has been reported that Africa has been slow in adopting green bonds which is a barely new global innovation in climate change mitigation and adaptation.⁵⁸ According to the report⁵⁹

⁵⁵ Article 4(8) and (13), Paris Agreement.

⁵⁶ AUCPCC, Art.9.

⁵⁷ Gemma Norrington-Davis & Nigel Thornton, 2011, op.cit.

⁵⁸ Leo Holts & Chris Heitzhig, 2021, Africa's Green Bond Market Trails Behind Other Regions. Brookings, Africa in Focus, Available on <https://www.brookings.edu/blog/africa-in-focus/2021/03/26/africas-green-bond-market-trails-behind-other-regions/> <Accessed on 16th October 2021>.

⁵⁹ George Marbuah, 2020, Scoping the Sustainable Finance Landscape in Africa: The Case of Green Bonds. *Stockholm Sustainable Finance Centre* Available on <https://www.stockholmsustainablefinance.com/wp->

issued by region, Africa constitutes a mere 0.4% of the global market value while Europe and North America takes the lead by 36.4% and 26.2% respectively.⁶⁰ The leading countries in issuance of green bonds in Africa are South Africa, Nigeria and Morocco which cumulatively accounts for 97% of bonds issued in Africa.

2.9 Transparency and Accountability

In Africa, the flow of climate finance into the continent raises valid concerns as to transparency, accountability and integrity of decisions regarding their expenditure.⁶¹ For instance, whilst African States receives climate change financing from both global climate funds and from bilateral agreements, there's a culture of deep rooted corruption in the continent which undermines the intended objective of combating climate change.⁶²

Under the Paris Agreement, measures taken for reduction of greenhouse gas emissions should adhere to the principles of environmental integrity, transparency and accountability.⁶³ In climate funding, transparency requires availability of accurate information on the total amount of money coming to each country for climate change mitigation and adaptation in order to track appropriation and projects implementation. The Public Finance Management Systems should be strengthened to ensure accountability in public expenditure in addition to establishment of national reporting frameworks for tracking and monitoring implementation of funded projects. At the global level, bilateral and multilateral climate financing bodies such as development banks should ensure that release of climate funds is accompanied by accountability responsibilities.

Furthermore, the role of oversight bodies in climate governance cannot be gainsaid. To this end, there is need to build the capacity of citizens, civil

content/uploads/2018/06/SSFC_greenbonds_africa_report.pdf Accessed on 13th October 2021>.

⁶⁰ Leo Holts & Chris Heitzhig., *ibid*.

⁶¹ Transparency International, 2011, 'Climate Governance & Corruption', Available on

<https://www.transparency.org/files/content/activity/ClimateGovernanceIntegrityProgrammeOverview.pdf> <Accessed on 18th October 2021>.

⁶² Gemma Norrington-Davis & Nigel Thornton, 2011, *op.cit*.

⁶³ Article 4(11) and Article 6(2).

society, private sector and other oversight bodies that monitor how resources are utilized. At the policy level, citizen participation and oversight ensures prioritization of mitigation and adaptation programs. Moreover, Parliaments of African countries should effectively perform their role of holding their Executives accountable in respect to implementation of laws and policies including implementation of commitments to international legal instruments. This includes ensuring timely submission of NDCs under the Paris Agreements and implementation of Sustainable Development Goals strategies.⁶⁴ For example, the Kenyan Parliament is actively involved in international negotiations, tracking implementation of international obligations, scrutinizing budgets and allocations and legislating on environmental matters such as the enactment of climate change Act, 2016 and facilitates submission of NDCs under the Paris Agreement as well as mainstreaming climate change in public policy.

In terms of access to justice in enforcing the fight against corruption and misuse of resources, there is need for strong legal and policy framework safeguarding climate funds from corruption risks. Enforcement institutions such as courts of law, tribunals and oversight bodies should have adequate capacity in terms of funding, staffing, and relevant infrastructure to enforce laws without fear or favour.

2.11 Public Participation and Inclusivity

The importance of involvement of all actors in environmental matters at all levels is well stipulated in Principle 10 of the Rio Declaration and mirrored in international climate change instruments. Under the Rio Declaration, the international community acknowledges the need to involve all actors in environmental policy and decision making at all levels through access to information, public participation in decision-making and access to judicial and administrative proceedings to seek redress and remedies.⁶⁵

⁶⁴ Westminster Foundation for Democracy, May 5th 2021, 'Stronger Democratic Process in Kenya to tackle Climate Change', available on <https://www.wfd.org/2021/05/05/stronger-democratic-process-in-kenya-to-tackle-climate-change/> Accessed on 11th October 2021.

⁶⁵ Rio Declaration, Principle 10.

In the Preamble of the Paris Agreement, Parties are required to respect and consider their respective obligations on human rights, right to health, 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, empowerment of women and inter-generational equity when taking action to address climate change. The Agreement also affirms the importance of public participation in decision making.⁶⁶

Inclusivity and public participation in the climate sector requires that the voices or interests of those affected by the effect of climate change are given due consideration in policy and decision making. In Africa, the severity of climate change is highly felt by most marginalized groups in Sub-Saharan Africa.⁶⁷ The poverty situation in Africa compounds vulnerability to climate change and vice-versa as majority of the poor populace cannot adequately adapt to and respond to the impacts of climate change. The poor populations lives in more vulnerable places than the rich who live in rich neighbourhoods and as such disaster response interventions are not immediate.⁶⁸ Indeed, Africa's vulnerability to the effects of climate change is a matter of climate injustice as the continent contribute decimally to global emissions yet suffers the brunt effects of climate change.

To ensure climate justice in climate policy formulation and implementation, African countries should establish measures to ensure maximum participation by all actors at all levels. This is because climate change affects all groups and thus climate action requires concerted efforts by actors at the global and local levels.⁶⁹ Of course, meaningful participation can be best achieved through availability of timely information and capacity building. For instance, in Kenya, the legal framework has been strengthened to ensure meaningful public participation in public policy making and administration

⁶⁶ See the Preamble of the Paris Agreement 2015.

⁶⁷ Open Society Foundations, 2019, 'Q&A: Organizing for Climate Justice in Sub-Saharan Africa' Available at <https://www.opensocietyfoundations.org/voices/q-and-a-organizing-for-climate-justice-in-sub-saharan-africa> <Accessed on 11th October 2021>.

⁶⁸ Joseph Rowntree Foundation, 2014, 'Climate Change and Social Justice: An Evidence Review, Inspiring Social Change', available at <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/climate-change-social-justice-summary.pdf> <Accessed on 11th October 2021>.

⁶⁹ Etienne Espagne, Luc Jacolin and Florian Leo, 2021, op.cit.

to the effect that any decision or policy made in absence of public participation is null and void.⁷⁰

Conclusion

As discussed above, good governance is critical for successful climate change mitigation and adaptation in Africa. Whilst there is substantial flow of climate funds to aid the continent in combating climate change, there is a valid concern that the funds may not sufficiently achieve the purpose. This is because some African countries face challenges governance such as heightening corruption, impunity, poor citizen participation, gender inequalities and weak institutions. The fact that most African countries are yet to enact domestic legislation on climate change undermines efforts of mainstreaming climate change at the national level. Overall, African countries should aspire for good governance that addresses peaceful co-existence, effects of climate change, economic development, curbing corruption, eradicating inequality, health and pandemics, citizen participation and rule of law as well as bolstering regional and international cooperation.

⁷⁰ Under Article 10 of Kenyan Constitution 2010, participation of the people is among national values and principles of governance and binds all State Organs, State Officers or Public Officers in interpretation of the law, legislation and policy formulation and implementation. In enforcing public participation, the courts in Kenya have nullified many decisions and policies passed in absence of meaningful public participation, including a proposed amendment to the Constitution known as Building Bridges Initiative in 2021. See Kenya's Court of Appeal decision in Nairobi Civil Appeal No. E291 of 2021 and the Nairobi High Court Constitutional and Human Rights Division Petition No. E282 of 2020.

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