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AFRICA AND THE CLIMATE CHANGE AGENDA: HURDLES AND PROSPECTS IN SUSTAINING THE OUTCOMES OF THE SEVENTH AFRICAN DEVELOPMENT FORUM

by James Forole Jarso (HSC)*

Climate change has become one of the biggest developmental challenges facing the planet. The challenges are even more pronounced and significant for the African continent, because of its levels of poverty and low capacity to adapt. . . . Time has now come that we collectively as nations [and] individually in our right have to do something to avert consequences of climate change in order to avoid a future catastrophe. We need to act now, because if we do not, the development gains that we have attained in our countries will be lost, thereby leaving more people in poverty. – Dr. Bingu wa Mutharika¹

INTRODUCTION

Over the past decade or so, climate change has been regularly cited as one of the biggest impediments to Africa's realization of sustainable growth and development.² In particular, African leaders have been warned that, in light of the immense challenges posed by the phenomenon, the continent stands a very marginal chance of making meaningful progress towards achievement of the Millennium Development Goals ("MDGs") by 2015.³ It cannot be gainsaid that these warnings are not without basis. Climate change commands significant influence on Africa's performance; it portends innumerable socio-economic and political challenges for the continent, which has perennially garnered "breaking news" coverage largely for the appalling humanitarian catastrophes on its soil.

Though it contributes only about 3.8% of the total greenhouse gas ("GHG") emissions,⁴ the continent constantly experiences the adverse impacts of climate change, as a result of its high poverty levels and low capacity to adapt.⁵ For example, the continent's food security situation has continually worsened as the productivity of rain-fed agriculture, the main source of livelihood for most Africans, frequently slumps due to erratic rainfall patterns;⁶ massive livestock losses have been caused by successive prolonged droughts in virtually every corner of the continent;⁷ sea level rise (leading to coastal erosion) and flooding (even in areas that never before experienced floods) have become a common sight;⁸ persistent and new health problems are increasingly reported in virtually every corner of the vast continent;⁹ and violent conflicts have become the order of the day as environmental migrants and local communities clash over control of, or access to, resources.¹⁰ Worryingly, the effects of climate change have proved to be akin to Russian roulette, with every pull of the trigger posing risks for all, and the poor bearing the heaviest brunt because of their dependence on the surrounding environment for their survival.¹¹

Today, issues relating to climate change are addressed in a plethora of treaties adopted within the United Nations ("UN") framework. These international instruments include the UN Framework Convention on Climate Change ("UNFCCC"),¹² which was adopted at the landmark UN Conference on Environment and Development ("Earth Summit") in 1992 as part of the package to save the planet along with the UN Convention to Combat Desertification ("Desertification Convention"),¹³ and the Convention on Biological Diversity ("CBD"), which seeks to ensure conservation and sustainable use of biodiversity, as well as fair and equitable sharing of the benefits of genetic resources.¹⁴ Other instruments related to climate change which were subsequently created include the Kyoto Protocol to the UNFCCC ("Kyoto Protocol"),¹⁵ which establishes legally binding obligations for the developed countries to reduce their GHG emissions and, the Cartagena Protocol on Biosafety ("Cartagena Protocol"), which was adopted (as a supplement to the CBD) to protect biodiversity from the potential risks posed by living modified organisms ("LMOs") resulting from modern biotechnology.¹⁶ In their formal acknowledgment of the importance of climate change issues, African countries have overwhelmingly subscribed to these instruments.¹⁷

Africa's predicament has received formal acknowledgment in various circles. Within the inter-governmental African Union ("AU") framework, on several occasions climate change has garnered the attention of the Assembly of Heads of State and Government ("the Assembly"). For instance, in January 2007, the Assembly called upon the AU Member States to integrate climate change into their respective national development programs.¹⁸ In February 2009, the Assembly emphasized the need for international climate change negotiations to give Africa an opportunity to demand compensation for damage caused by global warming.¹⁹ More importantly, the Assembly approved the Algiers Declaration on Climate Change ("Algiers Declaration"),²⁰ thereby paving way for the building of a common

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African Position in preparation for the fifteenth Conference of the Parties to the UNFCCC (“COP-15”).²¹

In July 2009, the Assembly, among other things: 1) established the Conference of African Heads of State and Government on Climate Change (“CAHOSCC”)²² to spearhead leadership in the climate change negotiation process;²³ 2) urged the CAHOSCC, all ambassadors, and negotiators to use the approved African Common Position²⁴ to achieve optimal results for the continent;²⁵ and 3) authorized the AU Commission to facilitate the AU’s accession to the UNFCCC, the Kyoto Protocol, and the CBD.²⁶ Then, in February 2010, the Assembly requested the CAHOSCC to establish a streamlined single negotiating structure at both Ministerial and Expert levels.²⁷

At the inter-ministerial level of the African Ministerial Conference on the Environment (“AMCEN”), climate change issues were addressed on a number of occasions. The agenda was officially floated at the Conference’s twelfth session in Johannesburg, laying the groundwork for the preparation of a common continental position on climate change.²⁸ Shortly thereafter the special session on climate change, which also had the African Group of Negotiators in attendance, adopted the Nairobi Declaration on the African Process for Combating Climate Change,²⁹ which, among other things: 1) noted with concern the inadequacy, complexity, and fragmentation of the existing climate financing mechanisms, as well as the constraints faced by African countries in accessing these facilities;³⁰ 2) reaffirmed the adoption (by the Assembly) of the Algiers Declaration, and “the need [for African countries] to speak with one voice in the negotiations process for the new legally binding global climate change regime;”³¹ 3) stressed that “Africa’s priorities are to implement climate change programmes on adaptation . . . , in particular to alleviate poverty and attain the Millennium Development Goals, with emphasis on the most vulnerable groups, especially women and children;”³² and 4) recognized the need “to ensure coordination and coherence in the implementation” of existing climate change adaptation and mitigation actions in Africa.³³

Within the framework of the New Partnership for Africa’s Development (“NEPAD”),³⁴ the Action Plan of the Environment Initiative affirms the continent’s concerns vis-à-vis the challenges posed by climate change, and provides for climate change as one of the core priority areas to be addressed by the continent’s leadership.³⁵ On the realization that climate change poses a key challenge to environmental sustainability, biodiversity, and food security in Africa, through its Climate Change and Natural Resource Management program, NEPAD provides a platform on which the continent’s players share knowledge and experiences in addressing the fast-creeping threat.³⁶

Climate change issues have equally garnered the attention of various forums, in particular the African Development Forum (“ADF”), a biennial multi-stakeholder gathering committed to building consensus and mobilizing partners for Africa’s development. The 2010 Seventh African Development Forum (“ADF VII”), whose theme was “Acting on Climate Change for Sustainable Development in Africa,” was jointly organized by the Addis Ababa-based UN Economic Commission for Africa

(“UNECA”), the AU Commission, and the Tunis-based African Development Bank (“AfDB”).³⁷ The participants, drawn from diverse stakeholders,³⁸ deliberated on the challenges and opportunities presented by climate change in Africa, and, after the five days of intensive panel discussions and parallel sessions, adopted a common statement (“Consensus Statement”) with some fifty-six points of agreement.³⁹

This article aims to unearth the challenges and prospects in sustaining the outcomes of these principled negotiations for the African continent to make lasting progress in addressing the effects and impacts of climate change and variability.

UNDERSTANDING THE FORUM

ON THE FORUM GENERALLY

The African Development Forum (“ADF”) is a joint initiative of UNECA, the AU Commission, and the AfDB.⁴⁰ It is Africa’s pioneer multi-stakeholder platform established with a view to establishing a consensual African-driven development agenda, and mobilizing partners for Africa’s development.⁴¹ Every forum has a designated theme, on which deliberations are based. Initially, it was intended that the Forum be convened annually. However, after the second ADF, in 2000, the participants agreed that the Forum be convened biennially. Thus, the third ADF was held in 2002, instead of 2001. The seventh ADF VII was recently held in October 2010 and the eighth ADF VIII is slated for 2012.

ADF VII: A CONTEXTUAL OVERVIEW

Thematic Focus of the Forum

ADF VII was devoted to discussions on climate change and participants were tasked to examine the challenges and opportunities presented by the phenomenon, with a view to, within the global context, identifying long-term actions to ensure Africa’s development process is climate resilient.⁴² The discussions were carried out against the backdrop of the realization that climate change is one of the biggest threats to sustainable growth and development in Africa.

Objectives of the Forum

Generally, ADF VII was intended to provide a multi-stakeholder platform to discuss and build consensus on how to mainstream climate change concerns into development policies, strategies, programs and practices in Africa, and to strengthen the African Common Position to ensure that it adequately reflected the continent’s concerns and priorities in the on-going international climate change negotiations.⁴³

Specifically, the Forum was convened to accomplish several goals. First, it considered the evidence and impacts of climate change in Africa and the need for adequate information and services to better inform decision-making and actions.⁴⁴ Second, it deliberated on the challenges and opportunities climate change poses in Africa and policy-making,⁴⁵ while promoting cooperation in sharing of best practices and lessons-learned.⁴⁶ Finally, within the framework of the demonstrated evidence and impacts of, as well as the challenges and opportunities presented

by, climate change, the Forum defined priority actions and measures, built new strategic alliances and partnerships, and provided momentum for the African Common Position, in preparation for the sixteenth Conference of the Parties (“COP-16”) in Cancún, Mexico.⁴⁷

ADF VII: HIGHLIGHT OF THE KEY OUTCOMES

On the premise of the evidence presented, which reflected climate change as a serious, urgent, and compelling reality in Africa,⁴⁸ the participants concluded the Common Statement, which embodies some fifty-six points of agreement. The key ones are highlighted below.

CONSENSUS ON THE AFRICAN COMMON POSITION

With a view to enhancing the continent’s position in the international climate change processes, ADF VII participants agreed that African countries and their leadership should engage all relevant stakeholders in the on-going climate change discussions, and in particular, build the continent’s capacity through a coordinated, effective, and representative position to effectively participate in the relevant international negotiations, in order to ensure that the outcomes reflect the continent’s concerns and priorities.⁴⁹ The agreement also pledged to support implementation of decisions and resolutions of the AU Assembly, the AMCEN, and other relevant continental bodies in regard to climate change concerns for the continent.⁵⁰

Leadership for Climate Change Response

On the understanding that African leaders and their development partners have critical roles to play in implementing Africa’s climate change agenda, participants also agreed that African leaders and their development partners should strongly support the CAHOSCC to enable it to effectively mobilize political commitment and provide effective political leadership. Further, there were pledges to demonstrate additional leadership.⁵¹ These included commitments relating to: 1) taking bold decisions on the issue of innovative climate change financing mechanisms, including proper carbon pricing to complement funding under the UNFCCC;⁵² 2) educating the public to enhance understanding of climate change and variability; 3) garnering support necessary to meet national commitments; and 4) addressing the fallacy that developed countries only have a charitable obligation to finance climate change actions in developing countries.⁵³

The Role of the Private Sector

On the understanding that the private sector⁵⁴ has a vital role to play in addressing climate change in Africa, the participants agreed that African governments should “create an enabling policy environment to encourage the private sector to harness its expertise, resources and creativity.”⁵⁵ Related to this pledge, there was agreement to create and develop partnerships between public, private, and civil society stakeholders.⁵⁶

Further, the participants called on African governments to “establish minimum standards for local and Foreign Direct Investments” (“FDIs”) that were appropriate for both national needs and the private sector.⁵⁷ Finally, there was a pledge to

“encourage research and development that will create Africa-specific technological solutions . . . taking into account [the continent’s] rich indigenous knowledge systems.”⁵⁸

KEY OUTCOMES ON FOOD SECURITY AND ECONOMIC DEVELOPMENT⁵⁹

In the Consensus Agreement, ADF VII participants pledged a number of sector-specific actions, including in agriculture, food security, and infrastructure. For instance, in order to improve the continent’s approach in addressing agriculture and food security challenges, the Agreement called on African countries to take a “holistic approach;” seek a strong, fair, and comprehensive future agreement on payment systems for agriculture sector emissions;⁶⁰ improve and grow “index-based insurance schemes and safety nets;” and accelerate initiatives aimed at reducing dependence on rain-fed farming.⁶¹

In addition, to address the adverse impacts of climate change on the continent’s infrastructure development efforts, the agreement called on African governments to “climate-proof their water infrastructure,” promote more sustainable demand, increase efficiency, increase rain-water harvesting, and support more successful water management at all levels, including for states sharing water resources, notably rivers.⁶² In addition, the agreement pledged to adopt a “holistic approach” to promote low-carbon energy sources and technology, and “to support the Programme for Infrastructure Development in Africa (“PIDA”)⁶³ to ensure development of the continent’s priority infrastructure projects.⁶⁴

OUTCOMES ON HUMAN DEVELOPMENT, SECURITY, AND ECOSYSTEM SUSTAINABILITY

In their resolve to address the social and human development challenges posed by climate change,⁶⁵ the participants agreed to “employ . . . a human rights-based approach (HRBA) in climate change mitigation and adaptation policies.”⁶⁶ The agreement pledges the governments to support an “equity-based health care financing in climate change funding mechanisms and internal resource mobilization.”⁶⁷ There was also a pledge to comprehensively incorporate gender perspectives in development, encourage eco-friendly development and awareness, and promote “youth-led actions and processes.”⁶⁸

Further, the participants agreed that, in order to address the peace and security issues posed by climate change,⁶⁹ African countries should “engage in preventive diplomacy,”⁷⁰ in part through the Climate for Development in Africa (“ClimDev-Africa”) Programme, to effectively address the interface between climate change, peace and security issues, and disaster response.⁷¹ The agreement also proposed amending the African Union Protocol on peace and security,⁷² and tasked the AU Peace and Security Council (“PSC”) to, in its work, take into account climate-related peace and security issues, including migration.⁷³

Finally, in their efforts to address the impacts of climate change on ecosystem sustainability,⁷⁴ African governments agreed to promote effective and sustainable human-centered ecosystem management,⁷⁵ encourage the use of Reducing Emissions from Deforestation and Forest Degradation Plus (“REDD+”)

initiatives to reduce poverty, and implement the UNFCCC, the CBD, and the Desertification Convention “in a synergistic manner to promote coherent [environmental] management.”⁷⁶

OUTCOMES ON HARNESSING MEANS OF RESPONSE TO CLIMATE CHANGE: FINANCING, RISK MANAGEMENT, SCIENCE & TECHNOLOGY, AND CAPACITY BUILDING

It was agreed that, in order to improve financing for climate change actions in Africa,⁷⁷ African governments and their development partners should promote financial reform to enhance funding access for Africa, in particular by identifying and prioritizing efficient financial resource distribution, in part through newly forged Public-Private Partnerships. The agreement also “strongly supports” the establishment and setting up of the proposed African Green Fund (“AGF”),⁷⁸ which is expected to coordinate and manage climate financing on the continent.

In addition, the participants agreed that to improve the continent’s capacity to manage the risks of climate-related disasters,⁷⁹ African governments should strengthen the national institutions generating and handling climate-related data, and promote the exchange of this information. The agreement also calls for promotion of broad cooperation in sharing climate-related knowledge (through early warning systems) and disaster management, and strengthening of surveillance and monitoring systems across all regional levels.⁸⁰ It also calls for promotion of index-based insurance in arid and semi-arid areas,⁸¹ as well as promotion of integration of climate risk management (“CRM”) in all levels of education and all levels of policy-making.⁸²

Further, to improve the continent’s level of scientific and technological innovativeness to respond to climate change,⁸³ the participants agreed that African countries should “build a regional climate change knowledge repository,”⁸⁴ invest in scientific research and development,⁸⁵ and support and prioritize disaster risk-management and preventive capacity. On the international level, the agreement seeks to promote the pursuit of technology transfer and global partnerships to that end.⁸⁶ Finally, the Agreement promotes the strengthening of African universities and research and technology centers to “increas[e] their competitiveness in the global market.”⁸⁷ To improve Africa’s capacity to respond to climate change,⁸⁸ the agreement pledged that African countries, with the support of their development partners, should strengthen CRM-related national institutions, including educational institutions at all levels, and improve the capacity of vulnerable groups;⁸⁹ and foster South-South cooperation.⁹⁰

SUSTAINING THE OUTCOMES: A REALITY CHECK

PRACTICAL CHALLENGES IN SUSTAINING THE OUTCOMES

Impotent Political Leadership

Africa lacks credible leadership to address climate change. The political leaders are yet to effectively walk their unending talks; save for the multitude of pious resolutions,⁹¹ there is no concrete effort to deal with the fast-unfolding crisis. In fact, the continent’s affairs have been reduced to endless spirals of

meetings and deliberations, only to come up with more meetings. It is this circus that has, for instance, delayed the establishment of the AGF.⁹² In general, the continent’s leadership lacks the requisite political will to steer the continent to the path of sustainable growth and development, with mere rhetorical promise to tackle the climate change-related challenges engulfing the continent.

Further, leadership has been lacking in preventing the destruction of the continent’s ecosystems, and in mitigating poverty and hunger, two of the biggest drivers of environmental destruction on the continent. For instance, in the fast-evolving “global land rush,” millions of African farmers have lost their arable lands to foreign investors.⁹³ These deals, often shrouded in veils of secrecy, have violated the resource rights of millions of poor Africans, fuelling poverty and food insecurity,⁹⁴ two of the biggest drivers of environmental destruction on the African continent. Furthermore, as vast forestlands (and other ecosystems that act as carbon sinks) are opened up to large-scale farming, the continent continues to be exposed to further threats of climate change. Sadly, attempts by environmental activists to resist the deals are often forcibly countered by the concerned governments.⁹⁵

Against this backdrop and in the absence of committed and visionary leadership, it cannot be denied that at both regional and national levels it would be an exercise in futility to attempt sustaining the outcomes of ADF VII. Sadly, if African leaders continue to act in the way they are currently, the Consensus Statement may as well land in the heap of unimplemented texts on climate change, only to gather dust and be forgotten altogether.

Corruption and Economic Mismanagement

Corruption may be the most talked about problem in most African countries, many of which have been poorly managed for the better part of their post-independence histories. As we begin the twenty-first century, unfortunately, not much has changed; most of the leaders still use their official positions for self-aggrandizement, as opposed to public service.⁹⁶ In fact, over the years, many African countries have perpetually ranked very poorly on Transparency International’s corruption scorecard.⁹⁷

In both the public and private spheres, the vice has greatly undermined the continent’s growth and development prospects, while exacerbating the costs and effects of climate change.⁹⁸ Undoubtedly, the resulting impoverishment, dilapidation of basic infrastructure, and decay of the social justice system, among many other associate evils, will adversely undermine the affected population’s resilience to shocks related to climate change. More importantly, corruption affects the flow of financing for addressing climate change.⁹⁹ These are real challenges that starkly stand in the path to effectuation of the outcomes of ADF VII.

Continued Impoverishment and Worsening Food Insecurity

For decades, Africa has unsuccessfully struggled to eradicate poverty.¹⁰⁰ Closely intertwined with, and largely culminating from, poverty is chronic food insecurity, a situation that

has seen millions of Africans deprived of food, the most basic necessity in life. According to a recent estimate by the Food and Agriculture Organization (“FAO”) of the UN, Africa hosts approximately thirty percent of the world’s hungry population—about 276 million Africans face hunger.¹⁰¹ The causes are many and complex, and include corruption, protracted armed conflicts, economic and political marginalization, and continued desertification.

Unfortunately, the millions condemned to perpetual poverty and chronic food insecurity have often turned to various forms of environmentally harmful means of survival, including charcoal burning, fuel-wood vending, logging, and encroachment on forests and other sensitive ecological zones to open up more farmlands. These actions will undoubtedly exacerbate the impacts of climate change in the affected areas, thereby portending a visible challenge to sustenance of the outcomes of ADF VII.

The Culture of Marginalization

Discussions on climate change issues in Africa are largely dominated by the political elites and their ilk.¹⁰² Many have been left out of the process. In particular, groups that have remained vulnerable to the adverse impacts of climate change (like indigenous peoples, women, children, and the youth) have been pushed to the peripheries of the discussion, and millions of Africans have had no effective voice in the process.¹⁰³ This has further led to a number of individuals and communities expressing skepticism of the nexus between the environment and climate change, thereby dismissing claims that the current problems are attributable to man’s activities.¹⁰⁴

These challenges, which were expressly acknowledged at ADF VII,¹⁰⁵ cannot be wished away even in the post-Forum periods, for they portend a serious challenge to effectuating the outcomes of the Forum. Indeed, it need not be emphasized that addressing these challenges will greatly contribute to sustenance of the outcomes.

Global Inaction and Unreliable Pledges

Africa’s efforts to address climate change issues cannot succeed if treated in isolation of the global trends. Further, we must not forget that, contributing only about 3.8% of the global GHG emissions,¹⁰⁶ Africa is suffering the wrongs of others, and even if it were to fully tackle climate change in its domain, its efforts would not be more than a drop in the ocean. In light of this, a cursory view of the prevailing global practices reveals a mixed track record, with non-commitment surfacing at various times.

For instance, the commitment of some developed countries to address climate change in developing countries has been merely rhetorical; some of them have yet to honor their pledges under the current global financing mechanism.¹⁰⁷ This has resulted in inadequate, unpredictable, and unreliable financing for climate change actions in Africa, as in other developing countries.¹⁰⁸ The World Bank too has not been straightforward in its dealing with (and in) developing countries; through its subsidiaries, it continues to finance the “global land rush”¹⁰⁹ and other projects that would likely contribute to climate change.¹¹⁰

Surely, if Africa is to meaningfully address climate change, and if the outcomes of ADF VII are to be sustained, adequate, predictable, and reliable, financing for climate change actions is indispensable. Otherwise, in the absence of such external financing support and recognizing that most climate change actions are largely capital-intensive, Africa may be able to only do very little, if anything, to manage climate change on its own.

PROSPECTS IN SUSTAINING THE OUTCOMES

Proliferation of Climate Funds

Over the last few years, we have witnessed proliferation of climate funds, a handful of which have benefited (or are expected to benefit) the African continent in its efforts to implement various climate change mitigation and adaptation actions. Such funding regimes include the Clean Technology Fund (“CTF”),¹¹¹ the Special Climate Fund (“SCF”),¹¹² the Kyoto Protocol Adaptation Fund,¹¹³ the Congo Basin Forest Fund (“CBFF”),¹¹⁴ the Forest Carbon Partnership Facility (“FCPF”),¹¹⁵ the Global Environment Facility Trust Fund (“GEF Trust Fund”),¹¹⁶ the Global Climate Change Alliance (“GCCA”),¹¹⁷ the Least Developed Countries Fund (“LDCF”),¹¹⁸ and the Special Climate Change Fund (“SCCF”).¹¹⁹ These funding efforts received a major boost when the establishment of a “Green Climate” Fund was proposed at the recently concluded COP-16.¹²⁰

It cannot be denied that, the dissatisfactions notwithstanding,¹²¹ cumulatively, these initiatives can greatly contribute to Africa’s cause to address the challenges posed by climate change. If well harnessed, these funding mechanisms have the potential to significantly contribute to the sustaining the outcomes of ADF VII.

Developments within the AU Framework

A number of recent developments within the AU framework hold some positive prospects in sustaining the ADF VII Outcomes. For instance, on October 13, 2010, at a ceremony on the sidelines of ADF VII, the AU Commission, the AfDB, and UNECA launched the Climate for Development in Africa (“ClimDev-Africa”) Programme,¹²² which aims at strengthening the climate-resilience of economic growth and the MDGs through mainstreaming of CRM in sensitive sectors. Shortly thereafter, in November 2010, under the auspices of the AU Conference of Energy Ministers (“CEMA”), the AU Commission, the AfDB, and UNECA jointly hosted the First All-Africa Energy Week 2010 (“AAEW”), a high-level stakeholder forum for monitoring progress, taking stock, undertaking constructive dialog, and sharing knowledge, with the aim of enhancing universal energy access.¹²³

In addition, on November 4, 2010, the AfDB launched the African Carbon Support Project (“ACSP”), which is designed to assist project developers in the continent in accessing carbon finance to ensure commercial viability of their projects.¹²⁴ Most recently, on December 6, 2010, the AfDB representatives joined representatives from other Multilateral Development Banks in a joint side event of the COP-16, whose theme was “Scaling-up International Climate Finance.”¹²⁵

By and large, their individual merits or otherwise notwithstanding, these initiatives hold immense potential to sustain the outcomes of ADF VII, as well as other regional commitments to address challenges related to climate change and variability.

The Cancún Gains

Though heavily criticized as having yielded too little,¹²⁶ COP-16 heralded a number of gains with potential to contribute to sustenance of the Outcomes of ADF VII. For instance, though not legally binding, the Cancún Agreement reflects some level of changing relations between developing countries and the developed countries; it embodies a “fairly modest” deal on reduction of emissions, calling on developed countries to reduce their GHG emissions (as pledged in the Copenhagen Accord).¹²⁷ The Agreement also proposes the establishment of a “Green Climate” Fund, which is intended to assist developing countries finance emission reductions and adaptation actions.¹²⁸

Contributions of the Civil Society and the Private Sector

The African private sector and the civil society, though long excluded from the mainstream discussions, currently play indispensable roles in addressing climate change issues on the continent. While the civil society has been particularly involved in lobby and advocacy activities,¹²⁹ the private sector has proved critical in supplementing the existing global climate financing initiatives.¹³⁰ For instance, on June 5, 2008, the Rockefeller Foundation and the Bill & Melinda Gates Foundation—through their Nairobi-based Alliance for a Green Revolution in Africa (“AGRA”)—established the Africa Enterprise Challenge Fund (“AECF”) to leverage private sector and donor funding for successful eco-friendly projects and enterprises.¹³¹

SUSTAINING THE OUTCOMES: THE WAY FORWARD

In order to sustain the various outcomes of ADF VII, African governments should, as a matter of priority, implement a number of measures. Though not offered as an absolute panacea for the climate change problem in Africa, these measures are believed to wield immense potential to sustain the outcomes and other related initiatives to address the challenges posed by climate change and variability on the continent.

First and foremost, they must back up their words with action—moving from the unending official rhetoric to offering effective leadership in addressing issues related to climate change. In particular, they have to link the continent’s Common Position and the prevailing regional, sub-regional, and national policies, strategies, practices, and programs. Second, they have to fully commit themselves to the fight against corruption, ensure proper targeting of funds received under the prevailing climate funds regimes, and establish effective normative and institutional frameworks. Third, they have to fully commit themselves to the fight against poverty, also through the establishment of appropriate normative and institutional approaches, and with adequate budgetary focus.

Fourth, they must profile climate change as a human rights issue and nurture a sustainable culture of human rights,

in particular through mainstreaming of human rights concerns into all regional, sub-regional, and national policies, strategies, practices, and programs. Indeed, climate change issues have to be effectively integrated in litigations on the environment, with effective remedies for any resulting violations of environmental rights. Fifth, African governments need to effectively leverage the window of opportunity availed by climate change and variability, in particular the opportunity to establish green economies.

Sixth, African governments have to consider inviting leaders from developed countries to their meetings, with a view to enabling them to fully appreciate the African version of the climate change debates. Seventh, they need to effectively engage the big GHG emitters, with a view to having them honor their pledges to reduce their emissions and support climate change adaptation and mitigation actions in Africa. Eighth, they need to engage the international community to break the long-standing lack of transparency at the Breton Woods institutions, in particular the World Bank.

Ninth, African governments have to invest in routine situational assessments in order to establish the progress, challenges and prospects in addressing climate change. In addition, they need to work towards breaking the reigning skepticism (through, for instance, broad-based social mobilization and dissemination on the interface between the environment and climate change. Further, the governments have to establish and sustain credible specialized institutions, preferably within the AU Commission framework, to coherently address climate change issues on the continent. In particular, they must prioritize the operationalization of the AGF, while engaging the continent’s international development partners to sustainably support the initiative.


Last but not the least, African governments have to consider subscribing to the Nagoya Protocol to the Convention on Biological Diversity.¹³² The Protocol, which opened for signature and ratification on February 2, 2011, has the potential to promote more equitable distribution of genetic resources for the continent.

CONCLUSION

This article highlighted key challenges and prospects in sustaining the outcomes of ADF VII. Although immense challenges lie in the path to sustenance of the outcomes, there are equally immense prospects, which, if properly harnessed, can ultimately drive Africa towards effectively combating climate change. On the basis of the balance sheet of challenges and prospects, the article has offered measures that African governments must to adopt. These measures, though not an absolute panacea for the continent’s woes, have the potential to contribute to the cause of fighting the challenges posed by climate change and variability on the continent.

African leaders must improve the continent’s normative and institutional capacities to deal with the challenges posed by climate change. Undoubtedly, they cannot just sit and watch calamities unfold in series; the time has come for them to jointly and individually take action to avert the consequences

of climate change, if they are at all committed to saving Africa from fatal catastrophes. Otherwise, the continent's hard-earned

development gains may quickly erode, thereby subjecting more Africans to the curse of poverty for the foreseeable future. 

Endnotes: Africa and the Climate Change Agenda

¹ Dr. Bingu Wa Mutharika, President, Republic of Malawi, Chairman, Afr. Union, Opening Remarks at CAHOSCC, Meeting, Kampala, Uganda, ¶¶ 1-4 (Jul. 24, 2010), http://www.africa-union.org/root/ua/conferences/2010/juillet/summit_2010_b/doc/discours/climate%20change%20-%20au%20summit%20uganda%20cp%20malawi.doc.

² See Meeting of the Committee of Experts of the 3rd Joint Annual Meetings of the AU Conference of Ministers of Economy and Finance and ECA Conference of African Ministers of Finance, Planning and Economic Development, Lilongwe, Malawi, Mar. 25-28, 2010, *Report on Climate Change and Development in Africa*, E/ECA/COE/29/5, AU/CAMEF/EXP/5/(V) (Mar. 2, 2010) [hereinafter *Report on Climate Change and Development*], <http://www.uneca.org/cfm/2010/documents/English/Report-onClimateChange-andDevelopment-inAfrica.pdf>.

³ See 8th Meeting of the Africa Partnership Forum, Berlin, Germany, May 22-23, 2007, *Climate Change and Africa* 3-4, <http://www.africapartnershipforum.org/dataoecd/57/7/38897900.pdf> (highlighting particular threats to the continent posed by the effects of climate change that will prevent Africa from meeting the MDG's).

⁴ *Id.* at 3 (noting that Africa is the least responsible for the anthropogenic causes of climate change).

⁵ See Seventh African Development Forum, Oct. 10-15, 2010, *Climate Change and Sustainable Dev. in Africa: An Overview*, ¶ 20, http://www.uneca.org/adfvii/documents/ADFVII_BackgroundPaper_ENG.pdf.

⁶ According to the recent estimate by the Food and Agriculture Organization ("FAO") of the UN, about 276 million Africans face hunger. This translates to approximately thirty percent of the world's hungry population. See FAO, *THE STATE OF FOOD INSECURITY IN THE WORLD 2010: ADDRESSING FOOD INSECURITY IN PROTRACTED CRISIS* 10, fig.5 (2010), [http://www.reliefweb.int/rw/lib.nsf/db900sid/ASAZ-89YHA7/\\$file/FAO_Oct2010.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/ASAZ-89YHA7/$file/FAO_Oct2010.pdf?openelement).

⁷ See Seventh African Development Forum, *supra* note 5, ¶ 20.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ See GLOBAL HUMANITARIAN FORUM, *THE HUMAN IMPACT REPORT: CLIMATE CHANGE—THE ANATOMY OF A SILENT CRISIS*, at ii, 22-39 (2009), http://www.preventionweb.net/files/9668_humanimpactreport1.pdf (Providing case studies from around the world, including several locations in Africa where lower-income populations have disproportionately suffered the burdens of climate change).

¹² United Nations Framework Convention on Climate Change, May 9, 1992, S. Treaty Doc No. 102-38, 1771 U.N.T.S. 107 (entered into force Mar. 21, 1994), <http://unfccc.int/resource/docs/convkp/conveng.pdf>.

¹³ United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, Jun. 17, 1994, 1954 U.N.T.S. 3 (entered into force Dec. 26, 1994), <http://www.unccd.int/convention/text/convention.php?annexNo=0>.

¹⁴ Convention on Biological Diversity, Jun. 5, 1992, 1760 U.N.T.S. 79 (entered into force Dec. 29, 1993), <http://www.cbd.int/convention/text/>.

¹⁵ Kyoto Protocol to the UN Framework Convention on Climate Change, Dec. 11, 1997, 2303 U.N.T.S. 148 (entered into force Feb. 16, 2005), <http://unfccc.int/resource/docs/convkp/kpeng.pdf>.

¹⁶ Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Jan. 29, 2000, 2226 U.N.T.S. 208 (entered into force Sept. 11, 2003), <http://www.cbd.int/doc/legal/cartagena-protocol-en.pdf>.

¹⁷ See, e.g., Wilma Lutsch, S. Afr., Dept. of Env'tl. Affairs & Tourism, *National Biodiversity Strategy and Action Plan* (Feb. 2008), <http://www.cbd.int/doc/meetings/nbsap/nbsapcbw-seafr-01/other/nbsapcbw-seafr-01-za-nbsap-en.pdf>; DEPT. OF ENVTL. AFFAIRS & TOURISM, *A NATIONAL CLIMATE CHANGE RESPONSE STRATEGY FOR SOUTH AFRICA*, at iii (2004), http://unfccc.int/files/meetings/seminar/application/pdf/sem_sup3_south_africa.pdf (discussing South Africa's obligation to meet the aims of UNFCCC); *National Steering Committee for the Implementation of the Convention On Biological Diversity (CBD) in Ghana*, CONVENTION ON BIOLOGICAL DIVERSITY CLEARING HOUSE MECHANISM-

GHANA, <http://gh.chm-cbd.net/implementation/steeringcommittee.htm> (last visited Jan. 30, 2011); *Action Programmes*, UNCCD, <http://www.unccd.int/actionprogrammes/africa/africa.php> (last visited Jan. 30, 2011).

¹⁸ See Assembly of the African Union, Eighth Ordinary Session, Jan. 29-30, 2007, *Decision on Climate Change and Development*, in *Decisions and Declarations*, Assembly/AU/Dec.134 (VIII), <http://www.africa-union.org/root/AU/Conferences/Past/2007/January/summit/doc/Decisions%20and%20Declarations%20-%208th%20Ordinary%20Session%20of%20the%20Assembly.pdf>; Assembly of the African Union, Eighth Ordinary Session, Jan. 29-30, 2007, *Declaration on Climate Change and Development in Africa*, in *Decisions and Declarations*, Assembly/AU/Decl.4 (VIII), <http://www.africa-union.org/root/AU/Conferences/Past/2007/January/summit/doc/Decisions%20and%20Declarations%20-%208th%20Ordinary%20Session%20of%20the%20Assembly.pdf>.

¹⁹ See Assembly of the African Union, Twelfth Ordinary Session, Feb. 1-3, 2009, *Decision on the African Common Position on Climate Change Including the Modalities of the Representation of Africa to the World Summit on Climate Change*, in *Decisions, Declarations, Message of Congratulations and Motion*, AU Doc. Assembly/AU/Dec.236(XII), ¶ 5, [hereinafter *Decision on the African Common Position*], [http://www.africa-union.org/root/ua/conferences/2009/jan/summit_jan_2009/doc/conference/assembly%20au%20dec%20%20208-240%20\(xii\).pdf](http://www.africa-union.org/root/ua/conferences/2009/jan/summit_jan_2009/doc/conference/assembly%20au%20dec%20%20208-240%20(xii).pdf).

²⁰ *The Algiers Declaration on Climate Change*, SAHARA & SAHEL OBSERVATORY, http://www.oss-online.org/index.php?option=com_content&task=view&id=622&Itemid=643&lang=en (last visited Mar. 12, 2011); See Decision on the Implementation of the Decision on the African Common Position on Climate Change, May 25-29, 2009, AU Doc. EX.CL/525(XV), http://www.unep.org/roa/Amcen/Amcen_Events/3rd_ss/Docs/AU-Summit-Decision-Implementation.pdf.

²¹ See *Decision on the African Common Position*, note 19, ¶ 3.

²² Current members of the CAHOSCC are: Ethiopia (Coordinator), Algeria, the Republic of Congo, Kenya, Mauritius, Mozambique, Nigeria, Uganda, the AU Chairperson, the Chairperson of the AU Commission, and the Chairperson of Conference of African Ministers of Environment ("AMCEN"), see Afr. Union, Concept Note: First Meeting of the Conference of African Heads of State and Government on Climate Change (CAHOSCC) and African Lead Experts on Climate Change, Aug. 24, 2009, ¶ 2, <http://www.africa-union.org/root/ua/Conferences/2009/aout/SUMMIT/24aout/Concept%20Note%20-%20CONFERENCE%20OF%20AFRICAN%20HEADS%20OF%20STATE%20AND%20GOVERNMENT%20ON%20CLIMATE%20CHANGE.DOC>; Press Release, African Press Organization, First Meeting of the Conference of African Heads of State and Government on Climate Change (CAHOSCC) and African Lead Experts on Climate Change (Aug. 11, 2009), <http://appablog.wordpress.com/2009/08/11/first-meeting-of-the-conference-of-african-heads-of-state-and-government-on-climate-change-cahoscc-and-african-lead-experts-on-climate-change/>.

²³ See *Decision on the African Common Position*, *supra* note 19, ¶ 2 (approving the Executive Council's recommendations in Decision EX.CL/500(XV)).

²⁴ For a critical insight into the African Common Position, see Werner Scholtz, *The Promotion of Regional Environment Security and Africa's Common Position on Climate Change*, 10 AFR. HUM. RTS. L.J. 1 (2010); Albert Mumma, *The Poverty of Africa's Position at the Climate Change Negotiations*, 19 UCLA J. ENVT'L. L. & POL'Y 198 (2002).

²⁵ *Decision on the African Common Position*, *supra* note 19, ¶¶ 3-4.

²⁶ See Assembly of the African Union, Thirteenth Ordinary Session, Sirte, Libya, July 1-3, 2009, *Decision on the Accession of the African Union to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol*, in *Decisions and Declarations*, Assembly/AU/Dec.248(XIII), ¶ 3, [http://www.africa-union.org/root/au/Conferences/2009/july/summit/decisions/ASSEMBLY%20AU%20DEC%20243%20-%2020267%20\(XIII\)%20_E.PDF](http://www.africa-union.org/root/au/Conferences/2009/july/summit/decisions/ASSEMBLY%20AU%20DEC%20243%20-%2020267%20(XIII)%20_E.PDF); see also Assembly of the African Union, Thirteenth Ordinary Session, Sirte, Libya, July 1-3, 2009, *Decision on the African Union Accession to the United Nations Convention to Combat Desertification (UNCCD)*, in *Decisions*

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and Declarations, Assembly/AU/Dec.255(XIII), ¶ 4, http://www.africa-union.org/root/au/Conferences/2009/july/summit/decisions/ASSEMBLY%20AU%20DEC%20243%20-%2020267%20%28XIII%29%20_E.PDF.

²⁷ See Assembly of the African Union, Fourteenth Ordinary Session, Jan. 31-Feb. 2, 2010, *Decision on the Fifteenth Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, in Decisions, Declarations, and Resolutions*, Assembly/AU/Dec.281(XIV), ¶ 4, http://www.africa-union.org/root/ua/Conferences/2010/Summit/doc/DECISIONS/Assembly%20Dec.268-288_%20Decl.1-3_%20Res%20E.pdf.

²⁸ See African Ministerial Conference on the Environment, Twelfth Session, Johannesburg, S. Afr., June 10–12, 2008, *Report of the Ministerial Segment*, UNEP/AMCEN/12/9 (June 12, 2008), http://www.unep.org/roa/Amcen/Amcen_Events/12th_Session_AMCEN/docs/AMCEN-Ministerial-Segment-Report.pdf.

²⁹ Nairobi Declaration on the African Process for Combating Climate Change, May 29, 2009, http://www.unep.org/roa/Amcen/Amcen_Events/3rd_ss/Docs/nairobi-Declaration-2009.pdf.

³⁰ *Id.* at pmb1., ¶ 6.

³¹ *Id.* at pmb1., ¶ 8.

³² *Id.* at pmb1., ¶ 13.

³³ *Id.* at pmb1., ¶ 15.

³⁴ NEPAD is a vision and strategic framework for Africa’s renaissance. Established in 2001, it is an intervention spearheaded by African leaders, which pursues new priorities and approaches to address current socio-economic and political problems facing the continent. For insights into the historical context of NEPAD, see *History*, NEPAD, <http://www.nepad.org/history> (last visited Mar. 12, 2011) and *About*, NEPAD, <http://www.nepad.org/about> (last visited Mar. 12, 2011). On NEPAD’s principles, priorities, and desired outcomes, see THE NEW PARTNERSHIP FOR AFRICA’S DEVELOPMENT (2001), http://www.nepad.org/system/files/framework_0.pdf.

³⁵ See NEPAD, ACTION PLAN FOR THE ENVIRONMENT INITIATIVE (2003), <http://www.unep.org/roa/Amcen/docs/publications/ActionNepad.pdf>.

³⁶ See *Climate Change and Natural Resource Management: Overview*, NEPAD, <http://www.nepad.org/climatechangeandsustainabledevelopment> (last visited Mar. 12, 2011).

³⁷ The AfDB is Africa’s Multilateral Development Bank (“MDB”). Founded in 1964, it is part of the larger African Development Bank Group (“AfDBG”), which also includes the African Development Fund (“ADF”) and the Nigeria Trust Fund (“NTF”). Its membership comprises seventy-seven States, including the fifty-three AU Member States and twenty-four non-African countries. For details on the bank, see *African Development Bank (AfDB)*, AFR. DEVELOPMENT BANK, <http://www.afdb.org/en/about-us/african-development-bank-afdb/> (last visited Mar. 12, 2011).

³⁸ The over seven hundred participants were drawn from, among others, government representatives, UN and bilateral partners, international and regional financial institutions, South-South cooperation organizations, regional economic communities, the civil society, academia, African Diaspora, and the private sector. Kwesi W Obeng, *Climate Change: Africa at the Crossroads*, THIRD WORLD NETWORK AFR. (Dec. 2, 2010), http://twnafrica.org/index.php?option=com_content&view=article&id=406:climate-change-africa-at-the-crossroads&catid=37:african-agenda&Itemid=58.

³⁹ Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Consensus Statement* (Oct. 15, 2010) [hereinafter *Consensus Statement*], <http://www.uneca.org/advfii/documents/ADF-VII-Consensus-Statement.pdf>.

⁴⁰ It hardly goes without emphasis that the Forum should not be confused for its namesake, the UK-based African Development Forum (also abbreviated as “ADF”), a Christian organization that brings together Britain’s African and Caribbean Christians to engage in efforts to address poverty in Africa. For details on this non-profit Christian organization, see AFR. DEVELOPMENT FORUM, <http://www.africandevforum.org> (last visited Mar. 12, 2011). The latter, established in 2006, seeks to contribute to economic and social progress in Africa through education and advocacy activities in three focal areas: Economic Justice, Climate Change, and HIV/AIDS. For details on these focal areas, see *Focus Areas*, AFR. DEVELOPMENT FORUM, <http://www.africandevforum.org/activities.html> (last visited Mar. 12, 2011).

⁴¹ For insights into the establishment of the forum, see *What is the ADF*, UNECA, <http://www.uneca.org/adf2000/abtadf.htm> (last visited Mar. 12, 2011).

⁴² See Seventh African Development Forum, *supra* note 4, ¶ 1.

⁴³ See *Seventh African Development Forum “Acting on Climate Change for Sustainable Development in Africa”*: *Concept Note 4*, <http://www.uneca.org/advfii/documents/ADF-VII-DraftConceptNote.pdf> (last visited Mar. 12, 2011).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ See *Consensus Statement*, *supra* note 39, at pmb1., ¶¶ 2-3.

⁴⁹ *Id.* at 4. On the background to the deliberations, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Governance and Leadership Response to Climate Change, Issues Paper No. 1*, <http://www.uneca.org/advfii/documents/IssuePaper1Governance-and-leadership-through-a-changingclimate.pdf>.

⁵⁰ *Consensus Statement*, *supra* note 39, at 4.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* at 3.

⁵⁴ On the background to the deliberations, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Private Sector Response to Climate Change, Issues Paper No. 11*, <http://www.uneca.org/advfii/documents/IssuePaper11Private-sector-response-to-climate-change.pdf> (discussing several methods through which the private sector can engage in climate change mitigation efforts in Africa).

⁵⁵ See *Consensus Statement*, *supra* note 39, at 4.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ On the background to the deliberations of these subjects, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Climate Change, Agriculture, and Food Security, Issues Paper No. 2*, <http://www.uneca.org/advfii/documents/IssuePaper2ClimateChangeAgricultureandFoodSecurity.pdf> (calling for a paradigm shift that prioritizes agriculture and food security in sustainable development efforts); see also Seventh African Development Forum, Acting on Climate

Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Climate Change, Economic Growth, and Poverty Reduction in Africa, Issues Paper No. 12*, <http://www.uneca.org/adfvii/documents/IssuesPaper12CCEconomicGrowth-andPovertyReduction-inAfrica.pdf> (exploring two issues: 1) the way in which climate change affects economic activity and efforts at poverty reduction; and 2) the challenges associated with managing climate change); see also Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Climate Change and Infrastructure Development, Issues Paper No. 8*, <http://www.uneca.org/adfvii/documents/IssuePaper8ClimateChange-andInfrastructureDevelopment.pdf> (identifying investment initiatives to strength Africa's infrastructure and helping to achieve MDGs).

⁶⁰ See *Consensus Statement, supra* note 39, at 9.

⁶¹ *Id.*

⁶² See *id.* at 10.

⁶³ The Program, launched on July 21, 2010 (on the sidelines of the 15th Ordinary Session of the AU Assembly, Kampala, Uganda, 19-27 July 2010), is a joint initiative of the AU Commission, the AfDB, and the New Partnership for Africa's Development ("NEPAD") Secretariat. It focuses on development of transportation, energy, information and communication technologies, as well as trans-boundary water basins. For in-depth insights into the Program, see AfDB, AUC & NEPAD, *Programme for Infrastructure Development in Africa (PIDA): Concept Note*, <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-related-Procurement/PIDA%20-%20Concept%20Note.pdf> (last visited Mar. 12, 2011) (describing "the context in which the initiative was formulated, the issues it addresses and approaches"); see also AfDB, AUC & NEPAD, *Programme for Infrastructure Development in Africa (PIDA): General Terms of Reference*, <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-related-Procurement/PIDA%20-%20General%20Terms%20of%20Reference.pdf> (last visited Mar. 12, 2011).

⁶⁴ See *Consensus Statement, supra* note 39, at 10.

⁶⁵ For background to the deliberations, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Climate Change and Human Development, Issues Paper No. 3*, <http://www.uneca.org/adfvii/documents/IssuePaper3CC-HD.pdf>; see also Samuel Frankhauser & Guido Schmidt-Traub, *From Adaptation to Climate-Resilient Development: The Costs of Climate-Proofing the Millennium Development Goals in Africa*, CTR. FOR CLIMATE CHANGE ECON. & POLICY, GRANTHAM RESEARCH INST. ON CLIMATE CHANGE & THE ENV'T (Feb. 2010), http://www.ccecep.ac.uk/Publications/Policy/docs/PPFrankhauseretal_costs-climate-proofing.pdf; ISATOU GAYE, UNECA, GENDER AND CLIMATE CHANGE: WOMEN MATTER (2009), <http://www.uneca.org/sdd/documents/gender-and-climate-change.pdf>; William Westermeyer, *Observing the Climate for Development*, 2 CLIMATE & DEV. 276 (2010), <http://www.uneca.org/adfvii/documents/Resourcs/GCOS%20Westermeyer%20-%20Observing%20the%20Climate%20for%20Development.pdf>.

⁶⁶ See *Consensus Statement, supra* note 39, at 8.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ For a concise background to the deliberations on this subject, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Governance for Peace and Security in a Changing Climate, Issues Paper No. 6*, <http://www.uneca.org/adfvii/documents/IssuePaper6GovernanceforPeaceandSecurity.pdf>.

⁷⁰ See *Consensus Statement, supra* note 39, at 7.

⁷¹ *Id.*

⁷² Protocol Relating to the Establishment of the Peace and Security Council of the African Union, Jul. 10, 2002, (entered into force Dec. 26, 2003), http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol_peace%20and%20security.pdf.

⁷³ See *Consensus Statement, supra* note 39, at 7.

⁷⁴ For a background to the deliberations on this critical subject, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Climate Change and Ecosystem Sustainability, Issues Paper No. 9*, <http://www.uneca.org/adfvii/documents/IssuesPaper9CCandEcosystem.pdf>.

⁷⁵ See *Consensus Statement, supra* note 39, at 7.

⁷⁶ *Id.* at 8.

⁷⁷ For a concise background to the deliberations on the subject, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Financing Climate Change Mitigation and Adaptation Actions, Issues Paper No. 7*, <http://www.uneca.org/adfvii/documents/IssuePaper7Financing-climate-change-adaptation.pdf>; see also AFR. PROGRESS PANEL, FINANCE FOR CLIMATE-RESILIENT DEVELOPMENT IN AFRICA: AN

AGENDA FOR ACTION FOLLOWING THE COPENHAGEN CONFERENCE (2010), http://www.africaprogresspanel.org/files/5212/8352/2823/20101407-Finance_for_climate_resilient_development_FINAL.pdf; UNECA & APF, *Financing Climate Change Adaptation and Mitigation in Africa: Key Issues and Options for Policy Makers and Negotiators*, http://www.uneca.org/adfvii/documents/FINALPolicyBrief_FinancingCC130509.pdf (last visited Mar. 15, 2011).

⁷⁸ See *Consensus Statement, supra* note 39, at 5, 10.

⁷⁹ For a concise background to the deliberations on the subject, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Climate Risk Management: Monitoring, Assessment, Early Warning, and Response, Issues Paper No. 4*, <http://www.uneca.org/adfvii/documents/IssuePaper4ClimateRiskManagementMonitoringAssessmentEarly.pdf>.

⁸⁰ See *Consensus Statement, supra* note 39, at 6-7.

⁸¹ *Id.* at 6.

⁸² *Id.* at 6, 10.

⁸³ For background to the deliberations, see Seventh African Development Forum, Acting on Climate Change for Sustainable Development in Africa, Oct. 10-15, 2010, *Science, Technology, Innovation, and Capacity Building for Addressing Climate Change, Issues Paper No. 10* [hereinafter *Science & Technology Issues Paper*], <http://www.uneca.org/adfvii/documents/IssuePaper10Science-technology-innovation-and-capacity-building.pdf>.

⁸⁴ See *Consensus Statement, supra* note 39, at 7.

⁸⁵ *Id.* at 8.

⁸⁶ *Id.* at 3.

⁸⁷ *Id.*

⁸⁸ For background to the deliberations, see *Science & Technology Issues Paper, supra* note 83.

⁸⁹ See *Consensus Statement, supra* note 39, at 5.

⁹⁰ *Id.*

⁹¹ See, e.g., African Commission on Human and Peoples' Rights, Resolution on Climate Change and Human Rights and the Need to Study its Impact on Africa, ACHPR/Res153(XLVI)09 (Nov. 25, 2009), http://www.achpr.org/english/resolutions/resolution153_en.htm; *Analysis of the final version of Kenya's R-PP, FOREST CARBON P'SHIP*, http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Oct2010/Completeness%20check_%20Kenya%27s%20R-PP.pdf (last visited Mar. 12, 2011).

⁹² See *African Leaders Call for the African Green Fund*, AfDB (Dec. 10, 2010) <http://www.afdb.org/en/news-events/article/african-leaders-call-for-the-african-green-fund-7595/> (citing various African leaders attending the Cancun COP-16 conference, who called for the early establishment of the Fund); see also, *AfDB President Underscores Importance of Africa Green Fund at Cancun Climate Conference*, AfDB (Dec. 10, 2010), <http://www.afdb.org/en/news-events/article/afdb-president-underscores-importance-of-africa-green-fund-at-cancun-climate-conference-7597/> (citing the AfDB President, Donald Kaberuka, as having, in his statement delivered at the High-Level segment of the Cancun Climate Conference, underscored the importance of AfDB establishing the AGF).

⁹³ According to a recent World Bank study, during the first eleven months of 2009 alone, the world witnessed farmland deals covering at least 110 million acres. More than seventy percent of the deals were in Africa, with the Sudan, Mozambique, and Ethiopia among the key African nations transferring millions of acres to foreign investors. See KLAUS DEININGER ET AL., WORLD BANK, RISING GLOBAL INTEREST IN FARMLAND: CAN IT YIELD SUSTAINABLE AND EQUITABLE BENEFITS? 156, at tbl.A2.1 (2010), http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf; see also Neli MacFarquhar, *African Farmers Displaced as Investors Move In*, N.Y. TIMES (Dec. 21, 2010), http://www.nytimes.com/2010/12/22/world/africa/22mali.html?_r=2&src=mtwt&wt=mnnytimes (reporting on the agonies of African farmers, who continually lose their arable land).

⁹⁴ See LORENZO COTULA ET AL., IFAD, IIED, FAO, LAND GRAB OR DEVELOPMENT OPPORTUNITY? AGRICULTURAL INVESTMENT AND INTERNATIONAL LAND DEALS IN AFRICA (2009), http://www.ifad.org/pub/land/land_grab.pdf; see also Olivier De Schutter, Op-Ed., *How Not to Think About Land Grabbing*, INT'L LAND COALITION (Jan. 12, 2011), <http://www.commercialpressuresonland.org/opinion-pieces/how-not-think-about-land-grabbing> (arguing that ceding land to foreign investors for large-scale plantation farming is counter-productive as it results in further impoverishment and food insecurity for the affected local populations); Olivier De Schutter, Op-Ed., *Food Crises: G20 Needs Architects, Not Fire-fighters*, PROJECT SYNDICATE (Jan. 28, 2011), <http://www.project-syndicate.org/commentary/deschutter3/English> (urging protection of access to land, which, he argues, is constantly threatened or violated by land grab through foreign direct investments in agriculture); Olivier De Schutter,

UN Special Rapporteur on the Right to Food, *Access to Land and the Right to Food*, Report presented to the 65th General Assembly of the United Nations, UN Doc. A/65/281 (Aug. 11, 2010), http://www.srfood.org/images/stories/pdf/officialreports/20101021_access-to-land-report_en.pdf (noting the relationship between access to land and realization of the right to food); Olivier De Schutter, UN Special Rapporteur on the Right to Food, *Large-Scale Land Acquisitions and Leases: A Set of Minimum Principles and Measures to Address the Human Rights Challenge*, Report presented to the UN Human Rights Council, UN Doc. A/HRC/13/33/Add.2 (Dec. 28, 2009), http://www.srfood.org/images/stories/pdf/officialreports/20100305_a-hrc-13-33-add2_land-principles_en.pdf (noting how human rights violations can be addressed in the context of the global land rush).

⁹⁵ See Genet Mersha, *International Agricultural Land Deals Award Ethiopian Virgin Lands to Foreign Companies*, ABUGIDA INFO (Aug. 13, 2009), <http://farmlandgrab.org/6843>.

⁹⁶ See Nuhu Ribadu, *Challenging Corruption in Africa: Beyond the Blank Projections*, CTR. FOR GLOBAL DEVELOPMENT (Aug. 23, 2010), <http://www.cgdev.org/content/publications/detail/1424376>; Stephanie Hanson, *Corruption in Sub-Saharan Africa*, COUNCIL ON FOREIGN RELATIONS (Aug. 6, 2009), http://www.cfr.org/publication/19984/corruption_in_subsaharan_africa.html; Gbenga Lawal, *Corruption and Development in Africa: Challenges for Political and Economic Change*, 2 HUMANITY & SOC. SCI. J. 1 (2007), <http://idosi.org/hssj/hssj2%281%2907/1.pdf>.

⁹⁷ See TRANSPARENCY INT'L, GLOBAL CORRUPTION REPORT 2010: CORRUPTION AND CLIMATE CHANGE (2010) [hereinafter GLOBAL CORRUPTION REPORT 2010], <http://www.transparency.org/publications/gcr>; TRANSPARENCY INT'L, GLOBAL CORRUPTION PERCEPTION INDEX 2010 (2010), http://www.transparency.org/policy_research/surveys_indices/cpi/2010/in_detail.

⁹⁸ See Frazier Potani, *Corruption Fuelling Climate Change*, AFR. NEWS (Apr. 6, 2010), http://www.africanews.com/site/Corruption_fuelling_climate_change/list_messages/31129.

⁹⁹ See GLOBAL CORRUPTION REPORT 2010, *supra* note 97; see also M.S. Abdulkadir et al., *Africa's Slow Growth and Development: An Overview of Selected Countries*, 16 EUROPEAN J. SOCIAL SCI. 619 (2010), http://www.euro-journals.com/ejss_16_4_12.pdf.

¹⁰⁰ According to the latest release from the UN Development Program ("UNDP"), thirty-five of the forty-two countries with "low human development" are in Africa. See UNDP, HUMAN DEVELOPMENT REPORT 2010: THE REAL WEALTH OF NATIONS: PATHWAYS TO HUMAN DEVELOPMENT (2010), <http://hdr.undp.org/en/reports/global/hdr2010/chapters/en/>.

¹⁰¹ See FAO, *supra* note 6.

¹⁰² See, e.g., *States, Politics and Development in Africa*, FUTURE AGRICULTURES, http://www.future-agricultures.org/index.php?option=com_content&view=article&id=282:states-politics-and-development-in-africa&catid=68:policy-processes&Itemid=521 (last visited Jan. 30, 2011); Matthew Lockwood, *States of Development*, PROSPECT MAGAZINE, Nov. 20, 2005; Richard Dowden, *The Captured State*, PROSPECT MAGAZINE, Aug. 28, 2005.

¹⁰³ See, e.g., *Climate Airwaves*, AFR. ADAPT, <http://www.africa-adapt.net/aa/ProjectOverview.aspx?PID=%2Ft%2BhliQ1hY8%3D> (last visited Jan. 30, 2011); Fabio Pittaluga, *Finding a Voice for Indigenous Peoples at COP16*, BLOGS. WORLD BANK.ORG (Oct. 20, 2010, 5:25 PM), <http://blogs.worldbank.org/climate-change/finding-voice-indigenous-peoples-cop16>.

¹⁰⁴ See, e.g., PASTORALIST CONSULTANTS INT'L, FINDING THE WAY FORWARD: REPORTING FROM A GATHERING OF PASTORALISTS AT KOORA, KAJIADO DISTRICT, KENYA 13 (Paul Sullivan ed., 2008), <http://www.pastoralists.org/media/publication-pdf-files/Finding%20the%20way%20forward%20lowres.pdf> (citing an elder from the Gabra pastoralist community of Northern Kenya, who remarked: "Rain comes from God and there is nothing we can do when the rains fail"); on skepticism at the international level, see also, e.g., Martin Keeley, *Climate Change 'Is the Norm'*, BBC NEWS (Dec. 6, 2004), <http://news.bbc.co.uk/2/hi/science/nature/4066189.stm> (attributing climate change to the unsentimental behavior of Mother Nature); Frederick Seitz & Robert Jastrow, *Do People Cause Global Warming?*, ENV. & CLIMATE NEWS (Dec. 1, 2001), http://www.heartland.org/policybot/results/812/Do_people_cause_global_warming.html (claiming that human CO₂ emissions only marginally contribute to global warming); see also Fred Singer & Dennis T. Avery, *The Physical Evidence of Earth's Unstoppable 1,500-Year Climate Cycle*, NAT'L CTR. FOR POLICY ANALYSIS (Sep. 2005), <http://www.ncpa.org/pdfs/st279.pdf> (claiming global warming is a natural phenomenon with little contribution from human greenhouse gas pollution); Craig Isdo, *A Science-Based Rebuttal to the Testimony of Al Gore Before the United States Senate Environmental and Public Works Committee*, CTR. FOR THE STUDY OF CARBON DIOXIDE & GLOBAL CHANGE (May 2007), http://www.heartland.org/custom/semod_policybot/pdf/21345.pdf.

¹⁰⁵ See *Consensus Statement*, *supra* note 39, at 2.

¹⁰⁶ See *Report on Climate Change and Development*, *supra* note 2, at 3.

¹⁰⁷ See, e.g., *Poor Man's Burden*, DOWN TO EARTH (Jan. 15, 2011), <http://www.downtoearth.org.in/node/2784>; *De Boer: EU 2020 Climate Targets 'A Piece of Cake'*, EURACTIV.COM (Apr. 22, 2010), <http://www.euractiv.com/en/climate-environment/de-boer-eu-2020-climate-targets-piece-cake-news-448843>; Lusekelo Philemon, *'Rich Nations' Pledge on Climate Change Unfulfilled*, IPPMEDIA (Nov. 18, 2010), <http://www.ippmedia.com/frontend/?l=23201>.

¹⁰⁸ *Poor Man's Burden*, *supra* note 107.

¹⁰⁹ Arguably, by financing the numerous land deals, which have resulted in millions of Africans continually losing their arable lands to private investors, the World Bank is fuelling climate change on the continent. See MacFarquhar, *supra* note 93.

¹¹⁰ For instance, on April 9, 2010, the World Bank granted a loan (of USD 3.75 billion) to the South African electricity utility, Eskom, to develop the world's fourth largest coal-fired power plant. This decision did not go well with environmental activists, who rightly argued that it clearly conflicts with the global resolve to fight against climate change. See Annika Lindorsson Krugel, *The World Bank vs Climate Change, Poverty and Corruption* (Apr. 12, 2010), <http://www.suite101.com/content/renewable-energy-given-the-boot-as-leading-party-pockets-profit-a226337>.

¹¹¹ The CTF, which finances scaled-up demonstration, deployment, and transfer of low-carbon technologies with significant potential for reducing emissions, is largely funded by the governments of Australia, France, Germany, Japan, Spain, Sweden, the United Kingdom, and the United States. It is expected to channel (through the AfDB) up to USD 625 million for clean technology projects in Africa. See AfDB, *Status of Involvement of the Bank in the Climate Investment Funds* (Jul. 2010), at 1-3, [hereinafter *Status of AfDB Involvement in CIFs*], [http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Status%20of%20Involvement%20of%20the%20Bank%20in%20the%20Climate%20Investment%20Funds%20\(CIFs\)%20-%2009%2009%202010%5B1%5D.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Status%20of%20Involvement%20of%20the%20Bank%20in%20the%20Climate%20Investment%20Funds%20(CIFs)%20-%2009%2009%202010%5B1%5D.pdf); For in-depth insights, see *Clean Technology Fund*, CLIMATE FUNDS UPDATE, <http://www.climatefundsupdate.org/listing/clean-technology-fund> (last visited Nov. 28, 2010).

¹¹² The SCF, which finances various targeted programs to pilot new climate change action projects, with a possibility of scaling up, has three components: (1) the Pilot Program for Climate Resilience, designed to support countries to scale up climate action and transformational change by integrating climate resilience in their national development plans (currently benefiting Mozambique, Niger, and Zambia); (2) the Forest Investment Program, designed to significantly reduce emissions from deforestation and forest degradation and promote improved sustainable management of forests (currently benefiting Burkina Faso, the Democratic Republic of Congo, Ghana, and Liberia); and (3) the Scaling Up Renewable Energy Program, aimed at piloting energy sector transformation projects (set to benefit Ethiopia, Kenya, and Mali). For in-depth insights into the Fund, see *Strategic Climate Fund*, CLIMATE FUNDS UPDATE, <http://www.climatefundsupdate.org/listing/strategic-climate-fund> (last visited Nov. 28, 2010). For insights into funding in Africa, see *Status of AfDB Involvement in CIFs*, *supra* note 111, at 3-4.

¹¹³ The Kyoto Protocol Adaptation Fund, which finances adaptation projects in developing countries that are parties to the Kyoto Protocol, was established at COP-7 in 2001 and operationalized in 2009. Administered by an independent Board, it is funded with a share of proceeds from the Clean Development Mechanism ("CDM") projects, as well as voluntary pledges by donor governments. Africa's benefit currently stands at 59.8% of the total project expenditure of the Fund. Senegal's "Adaptation to Coastal Erosion in Vulnerable Areas" is one of the two inaugural projects funded by the Fund, the other being Honduras' "Addressing Climate Change Risks on Water Resources." See *Adaptation Fund*, CLIMATE FUNDS UPDATE, <http://www.climatefundsupdate.org/listing/adaptation-fund> (last visited Nov. 28, 2010).

¹¹⁴ The CBFF, was "set up in June 2008 to take early action to save forests in the Congo Basin," Africa's biggest carbon sink. While complementing existing activities, it aims at: 1) supporting "transformative and innovative proposals which will develop the capacities of peoples and institutions to enable them to manage their forests;" 2) helping "local communities find livelihoods that are consistent with forest conservation;" and 3) reducing the rate of deforestation. Financed by the British and Norwegian governments, it benefits the ten Central African Forests Commission member countries: Burundi, Cameroon, Chad, Congo, the Central African Republic ("CAR"), the Democratic Republic of Congo ("DRC"), Equatorial Guinea, Gabon, Rwanda, and Sao Tome and Principe. For further insights, see *Congo Basin Forest Fund*, CLIMATE FUNDS UPDATE, <http://www.climatefundsupdate.org/listing/congo-basin-forest-fund> (last visited Nov. 28, 2010).

¹¹⁵ The FCPF, which was established in December 2007 (and operationalized in June 2008), is intended “to assist developing countries in their efforts to reduce emission from deforestation and land degradation.” Africa’s benefit share stands at 25.5% of the Facility’s total projects expenditure. So far, it is benefiting fourteen African countries (Cameroon, CAR, Congo, the DRC, Equatorial Guinea, Ethiopia, Gabon, Ghana, Kenya, Liberia, Madagascar, Mozambique, Tanzania, and Uganda). See *Forest Carbon Partnership Facility*, Climate Funds Update, <http://www.climatefundsupdate.org/listing/forest-carbon-partnership-facility> (last visited Nov. 28, 2010).

¹¹⁶ The GEF Trust Fund, which is primarily funded by the United States, Japan, Germany, the UK, France, and Canada, has a climate change focal area which supports, *inter alia*, renewable energy projects, energy efficient technologies, new low-emission technologies, and sustainable transportation. In its fourth phase, covering the period 2006-2010, 14.1% of the total projects were in Africa. The continent is expected to benefit even more in the fifth phase, 2010-2014. See *Global Environment Facility Trust Fund – Climate Change Focal Area*, CLIMATE FUNDS UPDATE, <http://www.climatefundsupdate.org/listing/gef-trust-fund> (last visited Nov. 28, 2010).

¹¹⁷ The GCCA is an initiative of the European Union (“EU”) which aims at building a new alliance between the EU and poor developing countries most affected by, and with the least capacity to deal with, climate change, Africa is the biggest beneficiary of the initiative, taking home about 69.2% of the total project expenditure. So far, the initiative has benefited eight African countries (Mali, Mauritius, Rwanda, Senegal, Seychelles, and Tanzania). For insights, see *Global Climate Change Alliance*, CLIMATE FUNDS UPDATE, <http://www.climatefundupdate.org/listing/global-climate-change-allianc> (last visited Nov. 28, 2010).

¹¹⁸ The LDCF, which aims at addressing the special needs of LDCs, “which are especially vulnerable to the adverse impacts of climate change,” including preparation and implementation of National Adaptation Programmes of Action, was proposed at COP-7 and operationalized at COP-8 (New Delhi, India, Oct. 23 – Nov. 1, 2002). It is managed by the Global Environment Facility (“GEF”), the multilateral environmental initiative that brings together over 180 UN Member States and ten partner institutions. So far, it has benefited over twenty-five African countries, including Angola, Burkina Faso, Burundi, the CAR, Cape Verde, Chad, Comoros, Congo, Djibouti, the DRC, Eritrea, Ethiopia, the Gambia, Guinea Bissau, Lesotho, Liberia, Malawi, Mali, Niger, Rwanda, Sierra Leone, Senegal, the Sudan, Tanzania, Uganda, and Zambia. For insights into the Fund, see *Least Development Countries Fund*, CLIMATE FUNDS UPDATE, <http://www.climatefundsupdate.org/listing/least-developed-countries-fund> (last visited Nov. 28, 2010). For insights into the details of funding, see *Funded Projects*, CLIMATE FUNDS UPDATE, <http://www.climatefundupdate.org/projects> (last visited Nov. 28, 2010).

¹¹⁹ The SCCF, whose establishment was proposed at COP-7, was operationalized at COP-8. Managed by GEF, it funds “long-term adaptation measures that increase the resilience of [developing countries’] national development sectors to the impacts of climate change.” Africa currently takes home about 26.5% of the total project expenditure, benefiting, among others, Egypt, Ghana, and Kenya. See *Special Climate Change Fund*, CLIMATE FUNDS UPDATE, <http://www.climatefundsupdate.org/listing/special-climate-change-fund> (last visited Nov. 28, 2010).

¹²⁰ See Cassandra Sweet, *Nations Approve Cancun Climate Package*, WALL ST. J. (Dec. 11, 2010), <http://online.wsj.com/article/SB10001424052748703518604576012922254366218.html>.

¹²¹ African leaders generally feel that the continent is not enjoying equitable access to the funds, especially those funded under the Clean Development Mechanism (“CDM”). The leaders blame this on non-inclusion (in the CDM financing package) of emissions from agriculture and other land use practices, which arguably form important parts of the continent’s economy. See Ramesh Jaura, *Africa Paves the Way for Climate for Development*, INDEPTHNEWS (Oct. 23, 2010), <http://www.indepthnews.net/news/news.php?key1=2010-10-23%2017:07:57&key2=1> (arguing that while Brazil, Mexico, India, and China enjoy hundreds of projects funded under the CDM, Africa has only a handful of such projects).

¹²² See AU-ECA-AfDB, Press Release, ECA-AUC-AfDB Joint Secretariat Launch ClimDev-Afr. at 7th Afr. Dev. Forum (Oct. 13, 2010), <http://www.unece.org/advfii/pressrelease72.asp>.

¹²³ See *First Africa Energy Week Highlights Importance of Clean Energy*, AfDB (Nov. 3, 2010), <http://www.afdb.org/en/news-events/article/first-africa-energy-week-highlights-importance-of-clean-energy-7401/>. See also Conference of African Ministers in Charge of Energy Maputo, Mozam., Nov. 1-5 2010, *Resolution on the “All Africa Energy Week,”* AU/MIN/Energy/Res. 2 (Nov. 5, 2010), [http://www.au.int/en/dp/ie/sites/default/files/Resolution_on_ALL_AFRICA_ENERGY_WEEK_\(final_version_9_-11-10\).doc](http://www.au.int/en/dp/ie/sites/default/files/Resolution_on_ALL_AFRICA_ENERGY_WEEK_(final_version_9_-11-10).doc).

¹²⁴ See *AfDB Launches the African Carbon Support Project*, AfDB (Nov. 11, 2010), <http://www.afdb.org/en/news-events/article/afdb-launches-african-carbon-support-project-7432/>.

¹²⁵ The event provided the “opportunity to share with stakeholders how MDBs are collaborating to expand access to international financing and bolster investments in climate change” adaptation and mitigation actions. See *AfDB Collaborates with MDBs on Climate Finance Innovation*, AfDB (Dec. 10, 2010), <http://www.afdb.org/en/news-events/article/afdb-collaborates-with-mdbs-on-climate-finance-innovation-7588/>.

¹²⁶ For instance, see Alister Doyle, *Analysis: Climate Talks – 18 Years, Too Little Action?*, REUTERS (Dec. 17, 2010), <http://www.reuters.com/article/idUSTRE6BB0DS20101212>; John Vidal, *Does the Cancun Agreement Show Climate Leadership?*, GUARDIAN (Dec. 13, 2010), <http://www.guardian.co.uk/environment/2010/dec/13/climate-leadership-cancun>.

¹²⁷ See John M. Broder, *Climate Talks End With Modest Deal on Emissions*, N.Y. TIMES (Dec. 11, 2010), <http://www.nytimes.com/2010/12/12/science/earth/12climate.html>; Russell Blinich & Chris Buckley, *Climate Talks End With Modest Steps, No Kyoto Deal*, REUTERS (Dec. 12, 2010), <http://www.reuters.com/article/idUSTRE6AR1OI20101212>.

¹²⁸ See Sweet, *supra* note 120.

¹²⁹ See, e.g., PAN AFR. JUSTICE ALLIANCE, <http://www.pacjia.org> (last visited Jan. 30, 2011); Hanry Neondo, *African CSOs to Lobby Over Gaps in Climate Change Regimes*, ASNS NEWS (Mar. 30, 2008), http://africasciencenews.org/asns/index.php/News/Latest/administrator/index.php?option=com_content&task=view&id=251&Itemid=2; *Strengthening Climate Policy Networks in Africa, Asia, Latin America and the Pacific*, SOUTHERN VOICES CAPACITY BUILDING PROGRAMME (2010), <http://careclimatechange.org/files/policy/SouthernVoices2010.pdf>.

¹³⁰ See, e.g., *Africa Enterprise Challenge Fund: Renewable Energy and Adaptation to Climate Technologies (REACT)*, CLIMATE FINANCE OPTIONS, <http://www.climatefinanceoptions.org/cfo/node/226> (last visited Jan. 30, 2011); John Vidal, *Government to Fund Private Sector Renewable Energy Schemes for Africa, Asia, GUARDIAN* (Nov. 18, 2010), <http://www.guardian.co.uk/global-development/2010/nov/18/andrew-mitchell-renewable-energy-private-sector>; Liane Schalatek, *EU Bank Creates New Climate Fund*, CLIMATE EQUITY (May 13, 2010), <http://climateequity.org/2010/05/13/eu-bank-creates-new-climate-fund/>.

¹³¹ The Fund provides competitive grants and interest-free loans to African entrepreneurs who wish to implement innovative climate change adaptation projects in agriculture, financial services, renewable energy, and technology sectors. It is funded by the Australian Government Aid Program, the Consultative Group to Assist the Poor, the UK Department for International Development, the International Fund for Agricultural Development, and the Netherlands Ministry of Foreign Affairs, and managed by the KPMG Development Advisory Services. It is a special partnership initiative of the Nairobi-based Alliance for a Green Revolution in Africa, which was established in 2006 by the Rockefeller Foundation and the Bill & Melinda Gates Foundation to improve agricultural productivity and the well-being of small-holder farmers in Sub-Saharan Africa. For details, see AECF FUNDING INNOVATION FOR BUS. IN AFR., <http://www.aecf africa.org> (last visited Jan. 29, 2011).

¹³² Conference of the Parties to the Convention on Biological Diversity, Tenth Meeting, Nagoya, Japan, October 18-29, 2010, *Access to Genetic Resources and Fair and Equitable Utilization of Benefits Arising from their Utilization* (Oct. 29, 2010), UNEP/CBD/COP/DEC/X/1, *opened for signature* Feb. 2, 2011, <http://treaties.un.org/doc/Treaties/2010/11/20101127%2002-08%20PMP/Ch-XXVII-8-b.pdf> (adopting the instrument more commonly known as the Nagoya Protocol).