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# AGENDA 2063 and Vulnerability to Climate Change: Implications for Climate Risk Management Capacity of the SADC

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## Abstract

Climate change creates unique and differentiated vulnerabilities for different regions. Resilience to climate change is increasingly defined by factors such as a region's economic strength and its ability to adapt. Scientific findings and projections by the Intergovernmental Panel on Climate Change (IPCC) indicate that the Southern African Development Community (SADC) is a “climate change hot spot.” The SADC's prospects for climate change adaptation and resilience are low, and worsened by its low gross domestic product (GDP). Agenda 2063 was adopted by the African Union (AU) to address the developmental crisis. It requires all eight African Regional Economic Communities (RECs) blocs to participate as a blueprint for socio-economic development dependent on African resources. This article assesses the provisions of Agenda 2063 in light of

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*the international climate law framework and, in doing so, demonstrates their implications for SADC's capacity for climate risk management. It is found that the evidence regarding climate vulnerability and the imperative of climate risk management is real. Compared to expectations of international climate instruments on climate risk management, Agenda 2063 is inadequate. However, when read alongside the provisions of international instruments, it offers a significant basis for SADC's engagement in climate risk management capacity development. As this is not yet the case, it is recommended that the SADC implement international climate instruments, enact appropriate adaptation policies, and involve state and non-state actors in the development of climate risk management capacity.*

**Keywords:** Adaptation; Agenda 2063; climate risk management; climate vulnerability; SADC

## 1 INTRODUCTION

Climate change is, without doubt, the greatest challenge facing humanity in the twenty-first century<sup>1</sup> and the most urgent crisis facing decision-makers of the collective global community.<sup>2</sup> The United Nations (UN) defines climate change as the long-term changes in temperature and weather patterns.<sup>3</sup> On the other hand, NASA defines climate change as “the long-term change in average weather patterns that have come to define Earth’s local, regional and global climates and the changes have a broad range of observable effects synonymous with the term.”<sup>4</sup> Some changes could be natural driven by changes in the sun’s activity or significant volcanic eruptions.<sup>5</sup> However, since the 1800s, the main driver of climate change has been human activities, such as burning fossil fuels like coal, oil, and gas.<sup>6</sup> These activities produce greenhouse gas emissions that, in illustrative terms, act as a blanket wrapped around the Earth, which traps the sun’s heat, causing high temperatures.<sup>7</sup> Modern-day surges in climate change are exacerbated by increased levels of carbon dioxide and methane in the atmosphere, and are worsened by gasoline-powered engines, coal use, clearing more land for agriculture, and gas operations, among others.<sup>8</sup> This position is reinforced by the UN Intergovernmental Panel on Climate Change (IPCC) Working Groups, which, in its sixth assessment report, stresses that there is compelling evidence of the connection between human activities and climate change.<sup>9</sup> The report further affirms that more compelling evidence from *in situ* observations of the atmosphere, land, oceans, and cryosphere are under climatic-induced stress due to higher concentrations of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) that have increased in the last century because

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1 UN Human Rights Council Resolution 32/34 Climate change and Human Rights (1 July 2016) and UN Framework on Climate Change Convention (UNFCCC) adopted in 1992 at the Rio Summit.

2 World Economic Forum Annual Meeting 21–24 January 2015.

3 UN Climate Action. 1992

4 NASA “What is Climate Change” <https://science.nasa.gov/climate-change/what-is-climate-change/> (accessed 07-04-2025).

5 UN Climate Action 1992 and NASA “what is climate change.”

6 *Ibid.*

7 *Ibid.*

8 Lee and Romero (eds) *Climate Change 2023: Synthesis Report (Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (2023) (IPCC AR6) and AR6 Summary for Policymakers (2023) 1–34.*

9 IPCC AR6.

of human activities.<sup>10</sup>

The Southern African Development Community (SADC) is one of eight African Regional Economic pillar blocks (RECs), comprising countries.<sup>11</sup> The SADC focuses on particular regional issues in cooperation with other sub-regional bodies.<sup>12</sup> In terms of the AU Constitutive Act, each of the following RECs are expected to cooperate in the implementation of regional policy and strategic frameworks for development, arguably including environmental management and climate change issues: (the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA); the East African Community (EAC); the International Conference on the Great Lakes Region, the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the Intergovernmental Authority on Development (IGAD); and the Community of Sahel-Saharan States (CEN-SAD).<sup>13</sup> There is a bulk of factual and empirical evidence,<sup>14</sup> pointing out that the SADC is one of the three global climate change “hot spots.”<sup>15</sup>

The objective of this article is to place and assess the provisions of Agenda 2063 in the context of the international climate law framework for SADC and, in doing so, demonstrate their implications on climate risk management capacity within the community. To achieve its objective, the study sketches the situation of climate vulnerability within the SADC and examines Agenda 2063 in the context of international climate pillar instruments, highlighting its interface and implications for adaptation and climate risk management capacity within the SADC. The article establishes that climate change-related vulnerabilities are real and that climate risk management is imperative in the SADC. It becomes evident that although key international climate governance instruments such as the UNFCCC, the Paris Agreement, and the UN SDGs acknowledge the urgency of climate action, including the need for robust climate risk management, the SADC’s engagement with these global and regional frameworks remains insufficient. Strengthening the alignment between SADC mechanisms and international climate governance is therefore essential for the effective implementation of climate risk management across the region. This development has implications for capacity development, especially regarding funding, NGO involvement, and the adequacy of adaptation policies in climate risk management interventions within the SADC.

## 2 SADC: VULNERABILITY AND THE CLIMATE RISK MANAGEMENT IMPERATIVE

Climate change-induced adverse events, such as flooding, heat stress, drought, and variable seasonal changes, have direct human vulnerability-related implications.<sup>16</sup> Human vulnerabilities

<sup>10</sup> *Ibid.*

<sup>11</sup> SADC member states: Angola, Botswana, Comoros, Democratic Republic of Congo (DRC), eSwatini, Lesotho, South Africa, Mozambique, Zimbabwe, Tanzania, Zambia, Malawi, Namibia, Mauritius, Madagascar and Seychelles.

<sup>12</sup> Africa’s Regional Blocs: Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the International Conference on the Great Lakes Region, the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and Community of Sahel-Saharan States (CEN-SAD).

<sup>13</sup> Africa Union Constitutive Framework 2000.

<sup>14</sup> IPCC report 6 (AR6).

<sup>15</sup> De Souza *et al.* “Vulnerability to Climate Change in Three Hot Spots in Africa and Asia: Key Issues for Policy-relevant Adaptation and Resilience-building Research” 2015 *Regional Environmental Change* 747–753. “Hot spots” are areas where strong physical and ecological effects of climate change come together as a combination of high climate signals and high concentration of vulnerable people.

<sup>16</sup> Ruppel “Climate Change and Human Vulnerability in Africa”, in: Ruppel and Schlichting (eds) *Environmental Law and Policy in Namibia: Towards Making Africa the Tree of Life* 2 ed (2013) 280.

to climate change include impacts on health, access to water, forced migration, human displacement, property destruction, poverty, and other adverse effects.<sup>17</sup> These implications are disproportionate on specific populations, such as women, children, the elderly and persons with disabilities and Indigenous Peoples.<sup>18</sup> It is also the biggest threat to future generations.<sup>19</sup> The SADC falls in one of three classifications of climate change hot spots, underscored as requiring urgent climate action based on a collective of geographical, bio-ethical, and socio-economic factors that increase vulnerability and limit adaptation and resilience.<sup>20</sup> The SADC's vulnerability to climate change is worsened by pre-existing exposures and policy deficiencies, which directly constrain the room for climate action. For instance, the vulnerability index is high due to semi-arid, naturally dry environments which are exposed to extreme weather events.<sup>21</sup> Also, the SADC comprises seven low-income countries, four lower-middle-income countries, four upper-middle-income countries, and one high-income country, which directly affects its collective GDP.<sup>22</sup> The GDP of any region or country informs the level of adaptation and resilience capacity; hence, the SADC has low adaptive and resilience capacity, which further contributes to its vulnerability.<sup>23</sup>

The SADC situation compares poorly with other RECS that bear the burden of climate change.<sup>24</sup> For instance, North Africa is experiencing the fastest and highest rate of climate change, with a trend of 0.4 degrees Celsius per decade between 1991 and 2023, while Southern Africa experiences a trend of 0.2 degrees Celsius per decade over the same period.<sup>25</sup> Importantly, the choice to focus on the SADC's adaptive capacity is not well explored in scholarly publications, yet it is characterised by low adaptive capacity and high, disproportionate poverty rates that exacerbate adaptation and recovery vulnerabilities. A high dependency on climate-sensitive sectors such as agriculture, tourism and extractive industries and weak economies and governance are real.<sup>26</sup> The Notre Dame Global Adaptation Initiative (ND-Gain Index) and other scholarly works find that nine out of ten of the world's most vulnerable and least resilient countries to climate change are in Africa. Of these, four states, namely Zimbabwe, Democratic

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17 Ruppel "Climate Change and Human Vulnerability in Africa" 280.

18 *Ibid* 283.

19 IPCC AR5 and 6 project a harsher climate by 2050 and irreversible climate change by 2070 with increased human vulnerabilities.

20 *Ibid*.

21 *Ibid*.

22 Lower income countries: DRC, Malawi, Mozambique, and Madagascar; Lower-middle income countries: Angola, Comoros, Tanzania, Lesotho, eSwatini, Zambia and Zimbabwe; Upper-middle income countries: Botswana, Namibia, South Africa, and Mauritius and Upper-income country: Seychelles (ISS Future African Studies with AUDA-NEPAD <https://www.futures.issafrica.org/geographic/recs/sadc/> (accessed 05-11-24).

23 Milazzo and Van de Walle "Women Left Behind? Poverty and Headship in Africa" 2015 *Policy Research Working Paper* WPS 7331 Washington DC: World Bank Group <http://documents.worldbank.org/curated/en/277221468189851163/Women-left-behind-poverty-and-headship-in-Africa> (accessed 3-03-2021); World Bank "Poverty is Falling Faster for Female-headed Households in Africa" <https://blogs.worldbank.org/african/poverty-is-falling-faster-for-female-headed-households-in-africa> (accessed 05 05 2024).

24 AU Climate Change and Resilient Development Strategy and Action Plan (2022-2032) at: [https://au.int/sites/default/files/documents/41959-doc-CC\\_Strategy\\_and\\_Action\\_Plan\\_2022-2032\\_08\\_02\\_23\\_Single\\_Print\\_Ready.pdf](https://au.int/sites/default/files/documents/41959-doc-CC_Strategy_and_Action_Plan_2022-2032_08_02_23_Single_Print_Ready.pdf) (accessed 15-04-2025) and Omotoso *et al.* "Climate Change and Variability in Sub-Saharan Africa: A Systematic Review of Trends and Impacts on Agriculture" 2023 *Journal of Cleaner Production* 137487 <https://doi.org/10.1016/j.jclepro.2023.137487> (accessed 15-04-2025).

25 World Meteorological Organisation "Africa faces disproportionate burden from climate change and adaptation costs" <https://wmo.int/news/media-centre/africa-faces-disproportionate-burden-from-climate-change-and-adaptation-costs#:~:text=The%20warming%20has%20been%20most,decade%20between%201991%20and%202023.> (accessed 14-04-2025).

26 SADC CCSAP.

Republic of Congo, Mozambique and Madagascar, are part of the SADC.<sup>27</sup>

These states are also characterised by governance weaknesses, political instability, civil unrest, and high levels of poverty, and are exposed to climatic events associated with increased temperatures and decreased precipitation. Writings have shown that these factors are also emblematic of vulnerability. For instance, Adger states that climate vulnerability is defined by social vulnerability, “explained by the level of poverty, income, adjustment of means of subsistence to climate shock, and the institutional and political framework,” and “climate risks such as strong winds, abnormal temperatures and precipitation.”<sup>28</sup> Sarkodie and Strevoz identify economic and social factors and governance as determinants of climate vulnerability.<sup>29</sup>

Extreme weather events are already occurring at unprecedented levels in the SADC region. For instance, droughts, floods, cyclones, and heat stress have increased over the years, directly affecting significant populations across the SADC region.<sup>30</sup> The SADC faces increased droughts, erratic rainfall, and extreme weather events, which are already exacerbating resource scarcity, jeopardising livelihoods and exacerbating existing vulnerabilities.<sup>31</sup> Other slow-onset impacts, such as sea-level rise and salinisation, remain a looming threat to the coastal communities of the SADC.<sup>32</sup> Between 2021 and 2022, the SADC experienced six cyclones that significantly affected over 2.5 million people across Zimbabwe, Madagascar, Mozambique, and Malawi.<sup>33</sup> This accentuates existing risks relating to vulnerable groups living in rural areas. The agricultural sector, which is critical to the SADC’s development and on which seventy per cent of its population depends for food, job security and general livelihood opportunities.<sup>34</sup> The 2022 Global Report on Food Crises reported that, as of 2022, over 43 million people across eleven SADC states experience and continue to experience acute food insecurity due to climate change and related risks.<sup>35</sup> In addition, due to high poverty, low development, inequalities across the SADC, conflict in the Democratic Republic of the Congo (DRC), and economic stress from COVID-19, the SADC’s vulnerability to climate change is further compounded in contemporary times.<sup>36</sup> Considering these issues and the increased socio-economic pressure at the personal development level, national and regional levels, this increases the potential for conflict, migration, and overall social instability.<sup>37</sup>

In the SADC, climate vulnerability is significantly related to climate risk management. This refers to the activities and mechanisms adopted by individuals, organisations, and institutions

27 Notre Dame Global Adaptation Initiative (ND-GAIN Index <https://gain.nd.edu/our-work/country-index/rankings/> (accessed 14-4-2025); Global Climate Risk Index (2021) and Aurélien “Vulnerability to Climate Change in Sub-Saharan Africa Countries: Does International Trade Matter”? 2025 Hellyon 1–25.

28 Adger *Approaches to Vulnerability to Climate Change* (1996).

29 Sarkodie and Strevoz “A review on environmental Kuznets curve hypothesis using bibliometric and meta-analysis” 2019 *Science of the Total Environment* 128–145.

30 Seyuba and Garcia “Climate-related Security Risk in SADC Region” 2022 SIPRI <https://www.sipri.org/commentary/topical-background/2020/climate-related-security-risks-sadcregion#:~:text=southern%20africa's%20high%20vulnerability%20to,sensitive%20livelihoods%20and%20natural%20resources> (accessed 05-05-2024).

31 *Ibid* and IPCC AR6.

32 *Ibid*.

33 *Ibid*.

34 *Ibid*.

35 *The Sixth Global Report on Food Crises* (2022) Global Network Against Food Crises “11 SADC states Angola, Madagascar, Eswatini, Lesotho, Zimbabwe, Zambia, Tanzania, DRC, Malawi, Mozambique, Tanzania.”

36 *Ibid*.

37 *Ibid*.

to facilitate climate-resilient decision-making.<sup>38</sup> Climate risk management's objective is to promote sustainable development through maximising beneficial responses to climate change impacts and minimising negative impacts across a full spectrum of geographies and sectors potentially affected by climate change.<sup>39</sup> In essence, climate risk management is a plan to monitor and guide risk mitigation actions in the context of development projects known to cause or assessed for potential exposure to and potential climate impacts.<sup>40</sup> Lastly, climate risk management is relevant in the developmental context, as it is a major mechanism for optimising development opportunities while contributing to environmental and economic sustainability in the face of climate change.<sup>41</sup>

Considering the above, the SADC's interlinkages with climate governance in the context of climate risk management merit examination in the following section.

### 3 SADC AND CLIMATE CHANGE GOVERNANCE

#### 3.1 International Climate Framework and its Interface with SADC

This section examines key international climate change frameworks, governance and institutional mechanisms and their interaction with the SADC. The UN Framework Convention on Climate Change (UNFCCC),<sup>42</sup> the Kyoto Protocol<sup>43</sup> and the Paris Agreement<sup>44</sup> are the key, binding international frameworks regulating climate change. The UNFCCC is a pivotal international treaty that addresses the pressing issue of global warming and its far-reaching consequences.<sup>45</sup> Its primary focus is on mitigating the adverse effects of climate change on both natural ecosystems and human societies. Key to its provisions are response mechanisms, such as mitigation and adaptation, and the mandate for all parties to uphold the common but differentiated responsibilities principle.<sup>46</sup>

The Convention sets a target to stabilise greenhouse gas (GHG) levels at a level that inhibits dangerous anthropogenic interference with the climate system. This target level is achievable within a certain time frame, allowing the ecosystem to adapt to climate change while enabling other key sectors, such as the economy, to achieve sustainable growth.<sup>47</sup> Article 4(1)(b) mandates all parties to adopt measures for adaptation to climate change at both national and regional levels.<sup>48</sup> Article 4(1)(e) further requires all parties to adopt preparatory measures for adaptation to climate change impacts.<sup>49</sup> Some of the recommended mechanisms in this regard include adequate and integrated strategies for coastal zone management, water resources and

38 Dessai *et al.* "UK Climate Risk Assessment and Management" 2022 *Climate Risk Management* 10044 <https://doi.org/10.1016/j.crm.2022.100440> (accessed 15-04-2025) and Magnan *et al.* "Further Understanding 'severe' climate risks" 2023b *Climate Risk Management* 100538 <https://doi.org/10.1016/j.crm.2023.100538> (accessed 15-04-2025).

39 *Ibid.*

40 *Ibid.*

41 European Commission Tools and Methods Series, 2016. Guidelines N. 6, Integrating the Environment and Climate Change Into EU International Cooperation and Development (Annex 9, Terms of Reference for a Climate Risk Assessment) and The International Institute for Sustainable Development (IISD) 2011 CRISTAL – Community-based Risk Screening Tool – Adaptation & Livelihoods.

42 UN Framework Convention on Climate Change (UNFCCC) 1994.

43 Kyoto Protocol to the UNFCCC 1997.

44 Paris Agreement adopted by 196 parties at UN Climate Change Conference (COP21) in Paris, France 2016.

45 See generally UNFCCC.

46 *Ibid.*

47 *Ibid.*

48 UNFCCC art 4(1) (b).

49 *Ibid.* (e).

agriculture, and protection and rehabilitation of areas, particularly in African areas exposed to droughts, desertification, and floods.<sup>50</sup>

The Convention further mandates parties to integrate such strategies into policy on social, economic, and environmental actions to minimise climate change's impact on the economy, public health, and the quality of the environment.<sup>51</sup> Parties in the category of developed countries, as defined in Annexe II of the Convention, are required to assist developing countries, particularly those vulnerable to climate change and its adverse effects, in bearing the financial costs of adapting to such effects.<sup>52</sup>

The UNFCCC balances between mitigation and adaptation mechanisms, particularly when considering that its key objective is to stabilise greenhouse gas emissions and levels, which is more mitigation than adaptation. The key shortcoming of the UNFCCC is its inability to facilitate international cooperation on an issue that requires the global community to find common ground on climate policy.<sup>53</sup> Notwithstanding this, the framework is fundamental to the overall concern with climate action. Climate change is altering in scope and nature to the extent that the course of events indicates that the entire global community is moving towards change before stabilisation. This suggests that adaptation is the favoured approach.

The Kyoto Protocol to the UNFCCC, a brainchild of negotiations after the first Conference of the Parties to the UNFCCC, was adopted to pursue the objectives of the UNFCCC.<sup>54</sup> The Protocol was adopted to have a binding effect on measures to reduce greenhouse gas emissions and levels. Article 12(8) provides that “The Conference of the Parties serving as the meeting of the Parties to this Protocol shall ensure that a share of the proceeds from certified project activities is used to ... assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.”<sup>55</sup> This explains why the financial aid of developing countries towards adaptation is generally linked to emissions reduction. The above is also aligned with the spirit and normative standards of the Paris Agreement, whose long-term objective is to reduce cumulative global warming below two degrees Celsius, above pre-industrial levels and limit it to 1.5 degrees Celsius.<sup>56</sup> The Paris Agreement provides explicit recognition of adaptation and resilience to climate impacts, with particular focus on developing countries, and mandates developed countries to contribute funding to support adaptation targets.<sup>57</sup> The Agreement relies on its flexibility standards in global efforts to curb climate change by identifying unique national circumstances and responsibilities, and is expressly anchored in the principle of common but differentiated responsibilities.

The UN Sustainable Development Goals (SDGs)<sup>58</sup> include climate risk management as a strategy to promote environmental and economic sustainability. For instance, UN SDG 13 affirms the need for urgent action to address climate change and its impacts.<sup>59</sup> The goal broadly includes strengthening resilience, integrating climate measures into national policies, and

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50 See generally the UNFCCC.

51 *Ibid.*

52 *Ibid.*

53 Glazewski and Du Toit “International Climate Change Law” in: Glazewski and Du Toit (eds) *Environmental Law in South Africa* loose-leaf edIssue 1 (2013) 3–36.

54 See generally the Kyoto Protocol.

55 Kyoto Protocol Art 12(8).

56 See generally Paris Agreement.

57 Paris Agreement on common but differentiated responsibilities on funding of adaptation.

58 The 2030 Agenda for Sustainable Development adopted in 2015.

59 Sustainable Development Goal (SDG) 13: Climate Action.

improving education and capacity-building on climate change.<sup>60</sup> This is an acknowledgement of the reality that climate change disproportionately impacts developing countries and vulnerable populations, making it a major threat to development.<sup>61</sup>

In addition to the key international frameworks on climate change and response mechanisms, the Cancun Adaptation Framework (CAF) is also a key framework.<sup>62</sup> This framework focuses on adaptation action, including international cooperation and provides a comprehensive account of issues relating to adaptation under the UNFCCC. In terms of the framework, adaptation requires a similar priority to mitigation.<sup>63</sup> It addresses the need to assist vulnerable groups in adapting to the inevitable adverse effects of climate change through coordinated adaptation. Adaptation actions reduce vulnerabilities and enhance resilience in developing countries and the most vulnerable regions.<sup>64</sup> To complement this, the UNFCCC mandates all parties to adapt their provisions and implement national adaptation mechanisms, including cooperating with other parties on adaptation actions.<sup>65</sup>

The CAF was adopted to enhance adaptation action, international cooperation, and fluid accountability on adaptation under the UNFCCC.<sup>66</sup> The framework provides guidelines for least developed countries to identify and adopt short- and long-term adaptation strategies at the national level.<sup>67</sup> Further to this, CAF emphasises adaptation action by incorporating the Bali Action Plan<sup>68</sup> and the Durban Platform for Enhanced Action. These incorporations reinforce the notion that adaptation is a key and sustainable approach to implementing the UNFCCC. Given that SADC has more least developed countries than developed ones, this makes the framework(s) relevant and applicable.

Most SADC member states have signed and ratified the UNFCCC, the Kyoto Protocol, and the Paris Agreement. For instance, Zimbabwe signed and ratified in 1992 and 1994, respectively; South Africa signed in 1997; Madagascar signed in 1992 and ratified in 1999; Malawi signed in 1992 and ratified in 1994,<sup>69</sup> and the DRC signed in 1992 and ratified in 1996.<sup>70</sup> In international law, ratification is a legal confirmation and declaration of a state's consent to be bound to a treaty.<sup>71</sup> The process also grants states a reasonable time to comply with national laws for the steps necessary to frame and obtain domestic approval of a treaty, or to enact legislation giving effect to the treaty.<sup>72</sup> In *Glenister v President of the Republic of South Africa*,<sup>73</sup> the South African Constitutional Court explored the application of international law in South Africa. The court held that, under section 231 of the Constitution, international law treaties are binding on South Africa when parliament has resolved to approve the treaty and thereafter enacted it into domestic law through legislation.<sup>74</sup> The court also noted that parliament's approval of the treaty without

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60 *Ibid.*

61 *Ibid.*

62 The 2010 Cancun Adaptation Framework (CAF) to the UNFCCC.

63 *Ibid.*

64 *Ibid.*

65 UNFCCC arts 4.4, 4.8 and 4.9.

66 The Cancun Adaptation Framework.

67 *Ibid.*

68 The Bali Action Plan to the UNFCCC adopted at the 13th Conference of the Parties held in December 2007 in Bali.

69 UNFCCC: Malawi signed 10 June 1992 and ratified 21 April 1994.

70 UNFCCC: DRC signed 11 June 1992 and ratified 9 January 1995.

71 Vienna Convention on the Law of Treaties 1969 Arts 2 (1)(b), 14(1) and 16.

72 *Ibid.*

73 *Glenister v President of the Republic of South Africa* [2011] ZACC 6.

74 *Ibid.*

further incorporation into domestic law through legislation creates a human rights obligation for South Africa under international law.<sup>75</sup> Customary international law is directly applicable without domestication, where it is not contrary to the Constitution<sup>76</sup>

Zimbabwe, like South Africa, adopts a similar monist (automatic application of international law into municipal law) and dualist (requiring domestic legislation and processes to give effect to international law) approach, under which customary international law is directly applicable without domestication if it is not contrary to the Zimbabwean Constitution.<sup>77</sup> On the other hand, other international laws must be incorporated into domestic law through Acts of Parliament.<sup>78</sup> This affirms the decision of the High Court of Zimbabwe, *Gamara (Private) Limited v Government of the Republic of Zimbabwe*,<sup>79</sup> in interpreting the application of International law in Zimbabwe under the 2005 Constitution, whose provisions are virtually the same as the 2013 Constitution on the application of international law.

By comparison, the DRC is primarily dualist, meaning that international law becomes applicable only after it is incorporated into national law through domestic legislation. Article 231 of the DRC Constitution provides that in respect of international law, the DRC will have obligations towards agreements that have been duly ratified and published and considered part of national law.<sup>80</sup> On the other hand, Madagascar is primarily monist, meaning that international law becomes applicable and is incorporated into national law upon ratification, without the need for domestication by the legislature or a relevant organ of state. The higher courts, particularly the Supreme Court of Madagascar, are responsible for interpreting and applying international law in the context of national laws,<sup>81</sup> whereas the Constitutional Court ensures that international law aligns with Madagascar's Constitution, including the interpenetration of the concerned international law.<sup>82</sup>

The legal significance of the above is that SADC member states, by ratifying climate change international law, have assumed obligations to directly apply such international law in the case of a monist approach like Madagascar, or to follow domestication processes in the case of a mixed approach, such as Zimbabwe and South Africa, as well as the dualist approach by the DRC. In any event, an obligation arises to ensure that international law is given national effect through the relevant processes of the nation concerned. In the context of climate risk management, it means that the SADC member states that have ratified climate change instruments are obligated to enact laws or directly apply relevant provisions on climate actions such as adaptation, building resilience and capacity, and climate risk management.

### 3 2 Regional Framework and its Interface with the SADC

In the context of Africa, the African Union (AU) Constitutive Act, which founded the AU, outlines the AU's objectives, which can be argued to include environmental and climate change issues, as well as the need for response mechanisms.<sup>83</sup> Article 4 of the AU Constitutive Act provides and mandates states to develop "early responses to contain crisis situations" as well

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75 *Ibid.*

76 *Ibid.*

77 Constitution of Zimbabwe 2013, s 326(1).

78 *Ibid* s 327(2).

79 *Gramara (Private) Limited v Government of the Republic of Zimbabwe* HC 33/09.

80 DRC Constitution 2005 art 231 rev 2011.

81 *Supreme Court, Dugain and Others v Compagnie Air Madagascar*, 5 September 2003, Decision No. 231 (exemplifies application and interpretation of the ILO Convention No 111).

82 Constitution of Madagascar 1992 art 106 (on competences of the Constitutional Court).

83 Constitutive Act of the African Union, arts 3, 4, and 6.

as balance the “interdependence between socio-economic development and security of people and States.”<sup>84</sup> In the same context, the SADC is experiencing and faces a worse crisis situation due to climate change.<sup>85</sup> As a REC under the AU, it has an obligation under the Constitutive framework to rely on the overwhelming scientific evidence and findings on climate change and its future impacts to translate these findings into early responses to the crisis.

Climate change, as both a matter of urgent concern and a major environmental concern, continues to appear in other African frameworks such as the New Partnership for Africa’s Development (NEPAD)<sup>86</sup> of 2001. The NEPAD is an institutional architecture within the AU that participates in international climate forums, such as COP29, to advance Africa’s priorities and secure funding for climate action.<sup>87</sup> The NEPAD’s efforts are directed towards strengthening the resilience of AU member states to climate change through the development of national, sub-regional, and continental capacities.<sup>88</sup> The NEPAD has undertaken certain projects such as the Rural Futures Programme, the Food and Nutrition Security Programme, the NEPAD Climate Change Fund and the Gender, Climate Change and Agriculture Support Project (GCCASP), which recognises the impact of climate change and aims to promote sustainable development in climate-sensitive sectors such as agriculture.<sup>89</sup> As of 2023, the SADC and the NEPAD are collaborating on the Great Green Wall Initiatives (GGWI), which addresses environmental concerns in SADC, with the SADC GGWI Investment Forum scheduled for 2025 yet to provide impetus for the initiative.

The Kampala Convention of 2009<sup>90</sup> (which is relevant to SADC member states that have ratified it) links between climate change and natural disasters as causes of internal displacement in Africa. Out of sixteen SADC member states, only six have ratified the Convention, namely Botswana, Eswatini, Lesotho, Mozambique, South Africa and Zambia.<sup>91</sup> Certain SADC member states are currently experiencing disproportionate impacts from climate change. Violence and conflict, human rights violations, for instance, in the DRC, with ongoing conflict, droughts, famine, and warming temperatures<sup>92</sup> and recent conflict in the post-electoral process in Mozambique, to name a few.<sup>93</sup> In the DRC and Mozambique, reports of both internal and external displacement were received. By stressing the need to address climate-related disasters, the Kampala Convention is a useful tool for promoting adaptation, climate resilience, and risk

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84 *Ibid* art 4.

85 IPCC AR 5; Von Maltitz *et al.* (eds) *Sustainability of Southern African Ecosystems under Global Change: Science for Management and Policy Interventions* (2024).

86 The 2001 New Partnership for Africa’s Development (NEPAD) adopted by the Heads of State and Government of the OAU and ratified by the AU in 2001.

87 *Ibid.*

88 *Ibid.*

89 NEPAD Gender, Climate Change and Agriculture Support project [https://africangreatlakesinform.org/organization/new-partnership-africas-development-nepad#:~:text=NEPAD%20recognises%20the%20impact%20that%20climate%20change,\(GCCASP\)%20with%20support%20from%20the%20Norwegian%20government](https://africangreatlakesinform.org/organization/new-partnership-africas-development-nepad#:~:text=NEPAD%20recognises%20the%20impact%20that%20climate%20change,(GCCASP)%20with%20support%20from%20the%20Norwegian%20government) (accessed 07-05-2025).

90 AU 2009 Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).

91 List of countries which have signed, ratified/acceded to the African union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) 8 July 2024. <https://au.int/sites/default/files/treaties/36846-sl-> (accessed 07-05-2025).

92 UNHCR Refugee Agency “The Democratic Republic of Congo: Global Appeal 2025 situation overview” <https://reporting.unhcr.org/sites/default/files/2024-11/The%20DRC%20Situation%20Overview.pdf> (accessed 07-05-2025).

93 UNOCHA “Mozambique” <https://www.unocha.org/mozambique> (accessed 07-05-2025).

management within the SADC.

The 2010 African Climate Policy Centre was founded to complement the Climate for Development in Africa (ClimDev-Africa) Programme,<sup>94</sup> and the African Ministerial Conference on the Environment (AMCEN). These developments cohere around the need to enhance cooperation between Africa and developed regions worldwide, as well as to focus on particular areas such as agriculture and food security, climate change, environmental natural resource management, water, and energy.<sup>95</sup> Article 5 of the Kampala Convention provides that measures should be adopted to protect and assist persons who are internally displaced and affected by natural and human-made disasters, including climate change. The Convention further mandates states to adopt mechanisms for early detection, warning, and disaster preparedness and management mechanisms to curb the effects of natural disasters.<sup>96</sup>

The AMCEN plays a pivotal role in Africa's climate action and provides regional- and sub-regional-focused approaches. It serves as a forum for African environment ministers to caucus and discuss environmental-related concerns for Africa. Importantly, the AMCEN assess regional economic blocs' potential and builds on it to integrate adaptation mechanisms into regional policies and socio-economic development.<sup>97</sup> In essence, this forum is a key policy and decision-making body which can focus on the unique needs and challenges of each economic regional bloc. The fifth Session of the AMCEN held in Gaborone, Botswana, resulted in the adoption of the Gaborone Declaration on Climate Change and Africa's Development.<sup>98</sup> At the session, stakeholders tabled and prioritised climate change. The Declaration reaffirms adaptation as a priority mechanism for Africa. It also noted the need for support from developed regions of the world, as well as from institutions such as the Green Climate Fund, to cover adaptation costs.

In the context of climate change, the general implications for the entire African continent include stressed sectors such as agriculture, health, energy, water resources, coastal areas, ecosystems, and biodiversity. Climate change poses multi-faceted social, economic and cultural effects, in addition to restricting the enjoyment of fundamental human rights to life, food, and water, among others.<sup>99</sup> In this regard, the key question is whether Agenda 2063 should address these issues in its ambitious continental goals for socio-economic development. Agenda 2063 is currently the overarching Action Plan framework for Africa, adopted by the AU to shape ideologies, policy, mechanisms, regional cooperation, and overall African developmental objectives.<sup>100</sup> Furthermore, it is a blueprint adopted to safeguard the right to development, particularly socio-economic development.<sup>101</sup> Agenda 2063 sets out as an aspiring continental blueprint and master plan for advancing Africa towards being a formidable global socio-economic force.<sup>102</sup> This ambitious strategic framework, adopted in 2013, must span out towards 2063, guiding continental development in five ten-year phases. From 2014 to 2023 it focused on convergence;

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94 African Climate Policy Centre ClimDev Programme.

95 See generally NEPAD; Kampala Convention and ClimDev-Africa Programme.

96 See generally Kampala Convention.

97 Scholtz "The Promotion of Regional Environmental Security and Africa's Common Position on Climate Change" 2010 *AHRLJ* 1–25.

98 The 2013 Gaborone Declaration on Climate Change and Africa's Development adopted at the fifth session of AMCEN.

99 UN Human Rights Council Res 18/22 Human Rights and Climate Change (17 October 2011); UN Human Rights Council Res 26/33 Human Rights and Climate Change (25 June 2014) and UN Human Rights Council Res 32/34 Climate change and Human Rights (1 July 2016).

100 Agenda 2063 Aspirations 1–7.

101 *Ibid.*

102 See generally Agenda 2063.

2024 to 2033 (the current period) is the decade of acceleration of the implementation of Agenda 2063, and the priority of the next decade remains to be determined.<sup>103</sup> This is important because it shows that, by creating a ten-year series of plans, there is flexibility to identify priority areas, redefine targets, strategies, and policy measures. In such a context, the authors are well-placed to argue for and shape the future of the Agenda 2063 approach to development, which is sensitive to the unique capacity challenges of different RECS, such as the SADC and climate constraints identified in this article.

Agenda 2063, through its seven pillars, aims to eradicate poverty, promote inclusive economic growth, facilitate gender equality, and enhance infrastructure and technology.<sup>104</sup> It further aims to enhance governance, democracy and social justice while preserving continental cultural heritage and environment.<sup>105</sup> However, Agenda 2063 falls short in providing sufficient provisions to strike a balance between the development goals it pursues and the urgent need for an effective response to climate change, leaving a critical gap in addressing the intertwined challenges of sustainable development and climate resilience. The article authors agree with this position on the basis that there are overwhelming lines of evidence on the link between development and adaptation, which, in essence, speaks to the ability to enhance development through adaptation and resilience mechanisms. Adaptation and resilience are linked with development for their innate ability to mitigate vulnerability, considering that socio-economic development is essential for Africa in general, and the SADC in particular. Adaptation is linked to sustainable development and should be an underlying norm in development strategies and planning processes.<sup>106</sup>

Mendelson asserts that development translates to an adequate adaptation strategy to climate change for developing countries.<sup>107</sup> The reasoning behind this is that first, there is no evidence that an adequate and effective mitigation strategy is applicable.<sup>108</sup> Second, pursuing development shifts the focus from agro-focused development to other forms of development since agriculture is climate-sensitive.<sup>109</sup> Third, development creates an opportunity for compensation to developing countries for bearing the brunt of climate change, towards which they did not contribute.<sup>110</sup> Lastly, development serves as a vital pathway for poverty alleviation, particularly through calls for economic powerhouses to provide resources and support to poorer nations and vulnerable populations in covering the costs of climate adaptation, ensuring that the burden of climate change does not disproportionately fall on those least responsible for it.<sup>111</sup> In modern times, development, economic growth, and sustainable development have increasingly become interchangeable and are important for adapting and responding to climate change. This reasoning is salient, as Agenda 2063's robust socio-economic development ambitions are inherently linked to adaptation. However, the mere lack of reference to the level of cooperation in climate-constrained regions in pursuing Agenda 2063 aspirations could mean that either the regions must translate these ambitions in the context of their constraints, or

103 Africa Union "Agenda 2063: The first-ten year implementation" <https://au.int/en/agenda2063/ftyip#:~:text=The%20First%20Ten%20Year%20Implementation,the%20First%20Ten%20Year%20Plan> (accessed 14-04-2025).

104 *Ibid.*

105 *Ibid.*

106 Capoco "Trade and Climate Change: The Environment from Developmental and Economic Perspective in Southern African Development Community (SADC)" 2010 *Working Paper Series*.

107 Mendelsohn "Development and Climate Adaptation" in Hahn and Ulph (eds) *Climate Change and Common Sense: Essays in Honour of Tom Schelling* (2012) 245.

108 *Ibid.*

109 *Ibid.*

110 *Ibid.*

111 *Ibid.*

that the constraints of each REC limit its capacity to cooperate in this continental endeavour. Further contradictions appear in the fact that climate change worsens through robust economic development that targets sectors that converge with climate change. In this regard, Agenda 2063 needs a more explicit and robust inclusion of adaptation and mitigation mechanisms as underpinning its developmental ambitions, against which regions can measure their capacity to cooperate towards these continental commitments.

A narrower approach by Global Adaptation Mapping Initiatives and the IPCC concurs that development is a key constraint to addressing climate change.<sup>112</sup> This reasoning derives from an assessment of how climate action constraints have evolved or may evolve, on a national climate action proxy.<sup>113</sup> Agenda 2063 aims to address the climate crisis as a major developmental concern. However, according to the 2023 Institute for Security Studies (ISS) Policy brief, Agenda 2063 requires an urgent update to address climate change.<sup>114</sup> The key findings of the report raise concerns about Agenda 2063's ambitions, strategic framework, and heavy reliance on Africa's fossil fuel assets, while the rest of the world is transitioning to a low-carbon economy and facing carbon-related trade barriers.<sup>115</sup> Secondly, climate resilience is crucial if Agenda 2063 is to be realised, particularly because climate change results in increased costs, increased vulnerabilities, and potentially reduces economic growth and development.<sup>116</sup> Furthermore, climate change is already affecting the growth of Africa's economy, with the reduction in GDP per capita being ten to thirteen per cent on average, which is a considerable economic growth challenge.<sup>117</sup> In a sense, the already established climate crisis poses a challenge to socio-economic growth, and the report further underscores that the lack of climate safeguards within the framework of Agenda 2063 will not only worsen the climate situation but also increase barriers to development, which the Agenda seeks to achieve.

A further examination of Agenda 2063 reveals that it lacks climate risk management strategies grounded in scientific findings, actionable and integrated with other AU-to-sub-regional strategic frameworks. Secondly, RECS lack the establishment of platforms that serve to address shared climate vulnerabilities, the development of regional climate action plans and the integration of climate risk management practices. RECS can collaborate on water strategies that facilitate cooperation on trans-boundary water resources, enhance water security, foster regional renewable energy markets and encourage energy trade, expertise and the sharing and transfer of technology. For instance, the DRC, as a SADC member state, has the capacity to provide renewable energy to the entire SADC and several other RECs, with its hydropower capacity alone estimated to account for thirty-seven per cent of Africa's total capacity.<sup>118</sup> However, such an initiative needs an REC-guided framework focused on climate-sensitive development. Lastly, the AU, as the motherboard of all African RECs, is not sufficiently visible in its role as a climate change advocate through equitable policies, international cooperation, and increased

112 IPCC AR 6 and Global Adaptation Mapping Initiative (GAMI) <https://globaladaptation.github.io> (accessed 21-08-2024).

113 *Ibid.*

114 Dahir, Gulati and Naidoo "Towards a Climate Resilient Agenda 2063" (November 2023) *Institute for Security Studies (ISS) Policy Brief*.

115 *Ibid.*

116 *Ibid.*

117 *Ibid.*

118 International Energy Agency <https://www.iea.org/countries/democratic-republic-of-the-congo> (accessed 07-05-2025) & International Trade Administration <https://www.trade.gov/country-commercial-guides/democratic-republic-congo> energy#:~:text=Inga%20I%20have%20an%20installed,to%20bring%20Inga%20back%20to%20full%20capacity.&text=The%20GDRC%20envisions%20Inga%20-III%20as%20a,of%20the%20African%20continent%27s%20current%20energy%20needs (accessed 07-05-2025).

financing.

In light of the above, it can be argued that the ideals of the UNFCCC, as set out in Articles 3.1 and 3.4, are not reflected in Agenda 2063. These ideals pertain to the protection of the climate system for the benefit of present and future generations of humankind based on equity and common but differentiated responsibilities and capabilities.<sup>119</sup> Further to this is the ideal of states' right to pursue sustainable development.<sup>120</sup> The missing elements in Agenda 2063 at this juncture are climate safeguards alongside socio-economic development.

### 3 3 SADC Framework with Focus on Resilience and Climate Risk Management

SADC member states are “generally” party to the international and regional frameworks discussed above, making their provisions binding on SADC member states. The SADC founding treaty sets out the objectives of the sixteen-member bloc, including environmental protection.<sup>121</sup> This does not directly speak to climate change; however, Article 5(1)(b) elaborates that the objective extends to pursuing sustainable use of natural resources and effective protection of the environment. The treaty also sets objectives for socio-economic development, the alleviation of poverty, the enhancement of the standard and quality of life for the citizens of the SADC, and the assistance to the socially disadvantaged through regional integration.<sup>122</sup> Therefore, pursuing both climate action and development must remain fundamental to the SADC, while taking into account its climate constraints and regional integration commitments.

Regarding climate change, SADC's main framework is the Climate Change Strategy and Action Plan (CCSAP).<sup>123</sup> The framework purports to be a blueprint for facilitating resilience and climate-proofing all other SADC protocols, policies and environmental strategies.<sup>124</sup> The CCSAP underscores climate change as a “threat multiplier” to factors such as development, migration, water, food, and livelihood insecurity.<sup>125</sup> The CCSAP is adopted with consideration of current and projected SADC climate conditions, making it a broader framework for climate change in the SADC. However, the SADC relies on different policy responses of different but diverging sectors that seek to align with the mitigation (preventing, stabilising or reducing greenhouse gas emissions to lessen climate change severity),<sup>126</sup> and adaptation (adjusting to current and future impacts of climate change)<sup>127</sup> objectives of CCSAP. Climate change is a cross-cutting theme in the SADC's main frameworks and climate change-related policies. The SADC's Vision 2050<sup>128</sup> and Regional Indicative Strategic Development Plan (RISDP) 2020–2030<sup>129</sup> provide that climate change must be addressed as a cross-cutting phenomenon that threatens sustainable development, peace and security and regional integration.<sup>130</sup> In this regard, framing climate change as a threat to development, and vice versa, is used to question the capacity of a climate-constrained SADC to attain its continental development commitments. In the same context, the capacity to address climate change translates into the capacity to contribute

119 UNFCCC Art 3.1.

120 *Ibid* Art 3.4.

121 The 1992 Declaration and Treaty of the SADC (SADC Treaty).

122 *Ibid* Art 5 (1)(a).

123 SADC Climate Change Strategy and Action Plan.

124 *Ibid*.

125 *Ibid*.

126 NASA “Responding to Climate Change” <https://science.nasa.gov/climate-change/adaptation-mitigation/> (accessed 05-11-24).

127 *Ibid*.

128 SADC Vision 2050 Framework.

129 Regional Indicative Strategic Development Plan (RISDP) 2020-2030.

130 RISDP 2020-2030 and SADC Vision 2050.

to continental development commitments under Agenda 2063 without exposing the sub-region to climate-related annihilation.

The SADC has also adopted several protocols across different sectors that address environmental concerns and climate change, with the most relevant being the SADC Protocol on Environmental Management for Sustainable Development (EMSD).<sup>131</sup> The EMSD affirms and facilitates sustainable development and environmental protection in the SADC. The primary objective of the EMSD is to target environmental management practices to balance the region's socio-economic development with its climate sensitivity. Other SADC sectoral protocols include the Protocol on Energy,<sup>132</sup> Protocol on Fisheries 2006,<sup>133</sup> Protocol on Forestry 2002,<sup>134</sup> Protocol on the Development of Tourism 1998,<sup>135</sup> Protocol on Wildlife Conservation and Law Enforcement 1999<sup>136</sup> and the Revised Protocol on Shared Watercourses 2000.<sup>137</sup>

In support of the framework are institutional mechanisms at the core of current climate action efforts, such as the SADC Secretariat, which oversees and directs climate action implementation in the region. The Secretariat, as an institutional architecture for climate action, oversees the Climate Services Centre, which is responsible for monitoring and predicting climate conditions; the findings are shared with member states for guidance.<sup>138</sup> In addition, the Disaster Risk Reduction Unit (DRRU), also under the Secretariat, develops policy, coordinates regional risk reduction and provides member states with strategic guidance. The SADC has the Food, Agriculture and Natural Resources Directorate (FANR),<sup>139</sup> an additional institutional mechanism aimed at balancing the sustainable use of natural resources for present and future generations. The latter, however, depends on the effectiveness of multi-sector frameworks in mainstreaming environment and climate change *vis-à-vis* the socio-economic development of the region. The FANR, in this case, plays only a monitoring role regarding the integration and promotes or coordinates the harmonisation of relevant policies and programmes. This approach, arguably, reaffirms the criteria on capacity challenges of RECS, as it shows SADC's over-reliance on the same model of mainstreaming environment and climate change, on external funding, and on limited pronouncements on alternative mechanisms for climate-sensitive sectors. For instance, a significant step was taken through the tripartite agreement between the SADC, the EAC, and COMESA RECs to adopt a five-year Programme on Climate Change Adaptation in Eastern and Southern Africa and to facilitate resilient mechanisms for socio-economic development.<sup>140</sup> However, the plan has not been translated into actionable steps because it depends on securing

131 The Protocol was signed by SADC member states and came into effect on 18 August 2014 during the 34th SADC Summit held in Victoria Falls, Zimbabwe.

132 SADC 1996 Protocol on Energy.

133 *Ibid* 2006 Protocol on Fisheries.

134 *Ibid* 2002 Protocol on Forestry.

135 *Ibid* 1998 Protocol on Development and Tourism.

136 *Ibid* 1999 Protocol on Wildlife Conservation and Law Enforcement.

137 *Ibid* 2000 Protocol on Shared Watercourses.

138 Seyuba and Garcia "Climate-related Security Risk in SADC Region" "Climate-related Security Risk in SADC Region" 2022 SIPRI <https://www.sipri.org/commentary/topical-backgrounder/2020/climate-related-security-risks-sadcregion#:~:text=southern%20africa's%20high%20vulnerability%20to,sensitive%20livelihoods%20and%20natural%20resources> (accessed 05-05-2024).

139 The mandate of the FANR Directorate is derived from the Regional Agricultural Policy (RAP) and from the Regional Infrastructure Development Master Plan (RIDMP)

140 The 2012 Tripartite Agreement for EAC-COMESA-SADC concluded at the 19th African Union Summit of Heads of State and Government in Ethiopia.

investors for a regional adaptation fund and for smart agriculture programmes.<sup>141</sup> In the case of the tripartite agreement, the United Kingdom and Northern Ireland each contributed US\$90 million to the project in 2012. However, the programme's impact was limited and short-term, leaving the three RECs without the capacity to continue on their own in the long term.

The SADC is expected to contribute towards continental commitments under Agenda 2063. Nonetheless, the mere textual acknowledgement and identification of climate change in the SADC's regional frameworks does not translate to climate action or the capacity to undertake it, nor do they translate into the capacity to contribute to continental goals. The SADC's approach to climate change law relies on a multifaceted strategy that incorporates regional consensus, harmonised policies, and the integration of environmental considerations into developmental agendas. This essentially means the CCSAP focuses on resilience-building and climate proofing,<sup>142</sup> yet the SADC continues to experience elevated temperatures and reductions in precipitation, as per IPCC findings, without evidence of effective resilience or climate proofing.<sup>143</sup> Lastly, the Climate Change Adaptation (CCA) Strategy focuses on adaptive water resources development and management towards addressing climate change implications.

The above is evidence of an attempt to mainstream climate change and climate action. However, the disproportionate and multifaceted approach adopted by the SADC amounts to mere duplication of efforts due to a lack of coordination, significantly impacting capacity-building mechanisms.<sup>144</sup> Commissioned scientific findings indicate that climate action capacity is linked to the ability to adapt and be climate resilient.<sup>145</sup> In addition, on a comparative basis, the African Climate Change Adaptation Performance Index<sup>146</sup> shows that while Southern Africa, where the SADC is geographically located, has potential for climate adaptation and resilience, Northern Africa is leading in this regard.<sup>147</sup> The spatial distribution of best performance is determined using indicators such as corruption, policy, renewable energy, and greenhouse gas emissions.<sup>148</sup> In this regard, the Northern African Region states are recorded as the top performers compared to those in Southern Africa. In this regard, Morocco, Cape Verde, Angola, Ghana and Senegal not only face severe climate change projections and current implications,<sup>149</sup> with reference to the spatial distribution criteria used in this context. This section concludes that the SADC's progress is not only affected by translating policy into action or actionable steps, but that the policy itself needs revision.

#### 4 IMPLICATIONS FOR THE CAPACITY OF THE SADC

The SADC is bound by the normative standards set within the climate change governance, as examined in the preceding section. However, a submission by the SADC delegate to the AU in

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141 Olaniyan "Challenges in Achieving Regional Integration in Africa: Keynote Address at the Southern Africa Development Forum on Progress and Prospects in the Implementation of Protocols in Southern Africa" (29-31 May 2008) UNECA-SA in Lusaka Zambia: <http://archives.au.int/handle/123456789/1382> (accessed 14-04-2025).

142 CCSAP.

143 IPCC AR6.

144 Olaniyan Challenges".

145 IPCC AR6.

146 African Climate Change Adaptation Performance Index (ACCAPI) "evaluates and assesses countries and regions in Africa in terms of their climate change performance."

147 *Ibid.*

148 Epule *et al.* "African Climate Change Policy Performance Index" 2021 *Environmental and Sustainability Indicators* 100163.

149 *Ibid.*

2008 captured key REC capacity challenges.<sup>150</sup> In essence, the capacity gaps of RECS in Africa are defined by several factors, such as weak institutions, in which most RECS lack effective governance structures, systems, and adequate financial resources to implement integration programmes.<sup>151</sup> Secondly, personnel overseeing studies and the implementation of integration measures are inadequately skilled.<sup>152</sup> Thirdly, there are general financial constraints and over-reliance on external or foreign financial aid, which inadvertently limit a REC's autonomy and ability to respond to emerging and urgent needs.<sup>153</sup> Fourthly, the mere duplication of efforts due to a lack of coordination significantly undermines capacity-building mechanisms.<sup>154</sup> Lastly, a cluster of common issues is affecting the majority of African RECs. These challenges include uneven levels of integration, reflected in the varied pace of progress across different RECs. They are further compounded by political instability within and among member states, limited economic diversification resulting from heavy reliance on agriculture and extractive industries, and persistent corruption coupled with weak governance structures. Moreover, the unequal distribution of benefits and the divergent political and economic interests of member states constrain the overall momentum of regional integration efforts.<sup>155</sup>

Furthermore, the principle of common but differentiated responsibility in climate governance underscores the need for foreign assistance to build capacity for climate risk management in the SADC.<sup>156</sup> This would entail enhancing technical leadership for resource mobilisation and management, channel funding to regional projects, and attracting aid from entities such as the Green Climate Fund (GCF),<sup>157</sup> the GEF<sup>158</sup> and the Adaptation Fund (ADF).<sup>159</sup> In a sense, the climate change repercussions on vulnerable populations in the SADC also underscore the gap in achieving inclusive growth. Development remains a fundamental objective for Africa, with the role of RECs pivotal; however, the concern remains finding pathways beyond alleviating poverty to dignified and sustainable pathways to advancing life or human development. The lack of safeguards for climate resilience and adaptability in Agenda 2063 directly amplifies the ongoing decline in growth and development, which Agenda 2063 seeks to address through socio-economic development. This, however, is counterintuitive, given the Agenda's lack of inclusion of climate-resilience mechanisms, such as climate risk management, in its developmental plan. The SADC's role in realising Agenda 2063 is crucial, given that it is the AU's long-term developmental plan to enhance continental integration.<sup>160</sup> Without climate risk management, the situation for already vulnerable communities is difficult to improve, as it constitutes a significant barrier to development, particularly in the SADC. Considering the current inadequate, expensive, low-carbon energy systems and Africa's, and in particular the SADC's, limited ability to afford them, these pathways inevitably lead to increased use of fossil fuels and a general increase in carbon emissions. In a broader sense, this places development in

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150 Olaniyan "Challenges".

151 *Ibid.*

152 *Ibid.*

153 *Ibid.*

154 *Ibid.*

155 *Ibid.*

156 Paris Agreement to the UNFCCC Arts 2(2), 4(3) and (19).

157 Operating Financial Mechanism of the Paris Agreement under the UNFCCC and the largest fund dedicated to funding climate action in developing countries established by parties Decision 1/Cp.16 at Cop 16 in Cancun to fulfil Art 9 of the Paris Agreement.

158 The GEF serves the Paris Agreement: "primarily supports various environmental concerns, including climate change adaptation."

159 The ADF serves the Paris Agreement "supports adaptation projects and initiatives in developing countries and those vulnerable to climate change."

160 SADC Secretariat 2019 Report on Status of Integration in the Southern African Development Community.

conflict with climate protection.<sup>161</sup>

Climate governance plays an important role for NGOs and non-state actors in capacity development for climate risk management. In the Agenda 2063 context, to ensure inclusive and sustainable development in the attainment of Africa's developmental goals.<sup>162</sup> Agenda 2063 requires non-state actors to participate in policy formulation, implementation, and monitoring of development initiatives, in line with their relevance and competencies.<sup>163</sup> While the Agenda 2063 categorisation of the role of non-state actors is yet to be fully defined, elaborated, and implemented, the UNFCCC states that various non-state actors, including civil society organisations, the private sector, and sub-national governments, play a crucial role in mobilising innovation and action at all levels to address climate change.<sup>164</sup> The UN SDGs also recognise the fundamental role of non-state actors in achieving global goals, which includes taking urgent action on climate change in the context of global sustainable development.<sup>165</sup> The SDGs encourage collaboration between non-state actors and governments in implementing the SDGs, and enhance monitoring, progress, transparency, and accountability.<sup>166</sup> Lastly, the Paris Agreement aligns with the discussed frameworks regarding the role of non-state actors.<sup>167</sup> The Paris Agreement also recognises and encourages non-state actors to partake in climate change mitigation and adaptation initiatives.<sup>168</sup> The Agreement establishes a hybrid approach in which state-led mechanisms and actions must complement non-state actors' efforts to reduce the emissions gap.<sup>169</sup> Non-state actors are important partners in climate risk management because they can complement government efforts, address governance gaps, and drive innovative mitigation and adaptation strategies.<sup>170</sup>

In the context of the SADC, these entities may play a fundamental role in filling governance gaps in climate action by bridging the gap between local communities and international and regional climate goals, and by promoting sustainable practices.<sup>171</sup> In addition, they also advocate for effective and better policy, have the capacity to mobilise human and financial resources and oversee the implementation of sustainable solutions such as renewable energy and smart agriculture projects, which Africa in general needs the most,<sup>172</sup> which in this case can ensure that both climate capacity and action, and developmental capacity and goals are effectively and equitably realised. In this contribution, it is argued that the participation of non-state actors can significantly mitigate capacity challenges inherent in government-led initiatives, arising from weak government institutions, corruption, and the appointment of unskilled personnel, among others. The SADC's capacity-building efforts for both climate and developmental capacity must

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161 Chung *et al.* "Professionalism: Bridging the mMissing Link Between Environmental MRV and Carbon Neutrality" 2024 *Data and Policy*.

162 Africa Agenda Plan Document (annex 1 and annex 2).

163 *Ibid.*

164 See generally UNFCCC "appendix 1 non-party stakeholder engagement in the UNFCCC."

165 SDG 17 "Multi-stakeholder Partnerships: Strengthen the Means of Implementation and Revitalise the Global Partnership for Sustainable Development."

166 *Ibid.*

167 The Paris Agreement.

168 *Ibid.*

169 *Ibid.*

170 Rajavuori *The Role of Non-State Actors in Climate Law* 2021 and Hale "The Role of Sub-state and Non-state Actors in International Climate Processes" (2018) 1–15.

171 Sharma "Civil society Organizations' Institutional Climate Capacity for Community-based Conservation Projects: Characteristics, Factors, and Issues" 2023 *Current Research in Environmental Sustainability* 100218.

172 *Ibid.*

consider the role of NGOs and grassroots organisations.

In terms of climate risk management, an analysis of SADC states shows serious gaps in national adaptation climate responses. For instance, among the sixteen SADC member states, only South Africa and Zimbabwe have adopted climate change legislative bills, with Zimbabwe yet to pass them into law, which could be used to enhance national-level climate resilience and adaptation capacity.<sup>173</sup> The remaining SADC member states rely primarily on general environmental management legislation, which addresses climate change only indirectly. Others depend on short-term strategies, sectoral plans, or ad hoc policy visions to guide their climate response. In the context of this study, such fragmented and short-horizon approaches are not suitable for advancing the long-term, 50-year developmental commitments envisioned under Agenda 2063.

To illustrate the foregoing, Madagascar, one of the least developed and least resilient SADC member states is significantly affected by climate change and relies primarily on the National Policy on the Fight Against Climate Change (2010), the National Climate Change Adaptation Plan (2021), and the Environment Charter (Law 2015003), which serves as the country's principal environmental management law. Tanzania, by contrast, adopted the Environmental Management Act in 2004, later amended in 2025, becoming the first legislative instrument in the country to explicitly recognise the right to a clean and safe environment, to which climate change concerns are intrinsically linked; it further depends on the short-term National Climate Change Strategy 2021–2026 to navigate the interaction between development imperatives and climate challenges. The DRC similarly relies on short-term instruments, such as its National Adaptation Plan to Climate Change (2022–2026) and the National Programme of Action for Adaptation to Climate Change (NAPA), supplemented by constitutional provisions that mandate environmental protection. Mozambique's primary environmental legislation, the Environmental Law No. 20/97, regulates, among other matters, ozone-depleting activities and is complemented by short-term climate-specific policy instruments, including the National Strategy for Adaptation and Mitigation of Climate Change (2013–2025) and the National Adaptation Plan. Without referring to all SADC member states, this already paints a stark image of the legal mechanisms to address climate change at a national level, which significantly limits an individual state's capacity to be resilient and adapt to climate change, which further weakens the capacity for development in the context of integrated regional efforts towards Agenda 2063.

## 5 CONCLUSION

There is clear evidence that Agenda 2063, a developmental blueprint for Africa, recognises the vulnerabilities to climate change and the significance of climate risk management. The recognition exists within the framework of international climate instruments, such as the UNFCCC, the Paris Agreement, and the UN Sustainable Development Goals, which recognise the need for urgent climate action, including climate risk management. The lived experiences of communities within the SADC buttress the reality of climate vulnerability and the necessity for climate risk management. While SADC member states are parties to these international instruments, the SADC's engagement with climate change governance at the international and regional levels for the implementation of climate risk management requires improvement. Also, while Agenda 2063 includes significant provisions on climate vulnerability and resilience, this article finds that there is an inadequate reflection of norms and standards to balance the pursuit of development with climate risk management commitments. This development has implications

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173 South Africa Climate Change Act 22 of 2024 (supersedes all other domestic laws on climate change and intends to align South Africa's climate response with its international law obligations and is yet to be promulgated as regulations on carbon budgets and mitigation plans are yet to be finalised) and the Zimbabwe Climate Change Management Bill 2021 will integrate climate change into national law, focus on both mitigation and adaptation efforts in alignment with international obligations on climate change management.

for capacity development, funding, NGO involvement, and the adequacy of adaptation policies in climate risk management interventions. Accordingly, this article recommends that the SADC implement provisions in instruments related to climate risk management to which member states are parties, enact an appropriate adaptation policy that addresses climate risks, and involve state and non-state actors in climate risk management.