Student Essay Feature*—*African SIDS under the International Climate Change Regime: Opportunities and Challenges for Regional Cooperation in Operationalizing the Paris Agreement*

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Small Island Developing States (SIDS) are especially vulnerable to the adverse effects of climate change. This article describes the evolution of international law on climate change and examines the notion of climate justice for developing countries, particularly SIDS under the Paris Agreement. In order to make the most out of international law, Caribbean SIDS and Pacific SIDS have established regional agreements on climate change. African SIDS do not, however, have any similar framework for cooperation. This article presents an account of why and how African SIDS should consider a regional approach for climate change coordination. The article finds that African islands are under-represented in global climate change fora, despite the proliferation of climate change initiatives on the African continent. The prospect of a regional alliance is proposed as an opportunity for operationalizing the Paris Agreement. The adoption of a regional approach to climate change may address common needs, enhance the sharing of experiences, and provide a pool that dilutes risk for individual African SIDS. This article highlights the advantages and limitations of a regional approach, and offers a brief outline of the steps that should be taken toward a regional framework.

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Les petits États insulaires en développement (PEID) sont particulièrement vulnérables aux effets néfastes du changement climatique. Cet article décrit l'évolution du droit international sur la lutte contre le changement climatique et examine la notion de justice climatique pour les pays en développement, plus particulièrement les PEID dans le cadre de l'Accord de Paris. Pour profiter au mieux du droit international, les PEID des Caraïbes et de l'océan Pacifique ont établi des accords régionaux sur le changement climatique. Cependant, les PEID africains n'ont pas de cadre de coopération similaire. Cet article présente un survol des raisons pour lesquelles les PEID africains devraient considérer une approche régionale à la coordination sur le changement climatique. Cet article constate que les îles africaines sont sous-représentées sur les forums internationaux sur le changement climatique, malgré la prolifération d'initiatives liées au changement climatique sur le continent africain. La perspective d'une alliance régionale est présentée comme une possibilité de mise en œuvre de l'Accord de Paris. L'adoption d'une approche régionale à la lutte contre le changement climatique pourrait permettre d'adresser des besoins communs, de rehausser le partage d'expériences et d'offrir un bassin réduisant le risque pour chaque PEID africain. Cet article souligne les avantages et les limites d'une approche régionale et offre un bref exposé des mesures à prendre en vue d'un cadre régional.

1. INTRODUCTION

The concept of climate change surfaced in international environmental law in the late 1980s.[1] The effect of human conduct on the climate—so-called anthropogenic climate change—is the nearly unanimous conclusion of the scientific community.[2] Indeed, the swift ratification of the *Paris Agreement* is evidence of increasing awareness on the part of States of the need to curb greenhouse gas (GHG) emissions from human activities.[3] Due to their topography and geography, small islands are especially vulnerable to climate hazards. To paraphrase the Farbotko study of Tuvalu, small islands are acknowledged by the global community as sites of "wishful sinking" of cosmopolitan experimentation for global climate change.[4] As early as 1987, small islands were among the first entities to alert the world to the effects of climate change. These States were formally recognized as the Group of Small Island

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1 See Daniel Bodansky & Lavanya Rajamani, "The Evolution and Governance Architecture of the Climate Change Regime" in Detlef Sprinz & Urs Luterbacher, eds, *International Relations and Global Climate Change*, 2nd ed (Cambridge: MIT Press, forthcoming), online: <www.cprindia.org/research/chapters/evolution-and-governance-architecture-climate-change-regime>.

2 See Intergovernmental Panel on Climate Change (IPCC), "*Climate Change 2014: Synthesis Report*" in The Core Writing Team, Rajendra K Pachauri & Leo Meyer, eds, *Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (Geneva: IPCC, 2014), online: <ar5-syr.ipcc.ch/ipcc/ipcc/resources/pdf/IPCC_SynthesisReport.pdf>.

3 The agreement was expected to come into force from 2020, but the date was brought forward to 2016 as a result of a considerable number of ratifications.

4 Carol Farbotko, "Wishful Sinking: Disappearing Islands, Climate Refugees and Cosmopolitan Experimentation" (2010) 51:1 Asia Pacific Viewpoint 47.

Developing States in the 1992 Agenda 21 of the United Nations Conference on Environment and Development.[5]

According to the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries, and Small Island Developing States, there are 58 Small Island Developing States (SIDS) in the world.[6] In Africa, there are six: Cape Verde, the Comoros, Guinea-Bissau, Mauritius, Sao Tome and Principe, and Seychelles.[7] SIDS contribute to the discharge of less than 1% of total anthropogenic GHG emissions to the atmosphere. Despite this, the scientific literature unambiguously shows that climate change has had significant negative impacts on such States. Climate change has been affecting their terrestrial and marine ecosystems, livelihoods, health, and economies, and has contributed to coastal erosion, salinification of fresh water resources, and droughts.[8]

It serves as little consolation that in 2016, a United Nations Environment Program (UNEP) study estimated that actual committed mitigation measures would be unable to contain global temperature rise to 1.5ºC by 2030.[9] Not surprisingly, the Alliance of Small Island States (AOSIS) has advocated for an international climate change legal regime that would limit warming to below 1.5ºC.[10] Moreover, Africa is likely to experience some of the most devastating effects of climate change.[11] Despite this, the academic literature on SIDS has paid scant attention to climate change mitigation and adaptation strategies for African SIDS and the opportunities for advancement in the international climate change regime.

African SIDS first organized in 2016, with the creation of the so-called African group of SIDS plus Madagascar (SIDSAM), to coordinate positions and advocate policies for the

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5 United Nations Conference on Environment & Development, *Agenda 21* (Rio de Janeiro: United Nations Conference on Environment & Development, 1992) at paras 17.123–17.136, online: <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>.

6 United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UNOHRLLS), "Country Profiles: Small Island Developing States" (28 September 2017), online: <unohrlls.org/about-sids/country-profiles/> [UNOHRLLS, "Country Profiles"].

7 *Ibid*.

8 See also United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UNOHRLLS), *Small Island Developing States in Numbers: Climate Change Edition* (2015) at 6, online: <https://unohrlls.org/custom-content/uploads/2015/12/SIDS-IN-NUMBERS-CLIMATE-CHANGE-EDITION_2015.pdf>. See also IPCC, *supra* note 2 at 7.

9 United Nations Environment Programme UNEP, *The Emissions Gap Report 2016: A UNEP Synthesis Report*, (UNEP 2016) at 22, online: <https://wedocs.unep.org/bitstream/handle/20.500.11822/10016/emission_gap_report_2016.pdf>.

10 Poh Poh Wong, "Small Island Developing States" (2011) 2:1 Wiley Interdisciplinary Reviews: WIREs Climate Change 1 at 2; Wolfgang Obergassel et al, "Phoenix from the Ashes: an Analysis of the Paris Agreement to the United Nations Framework Convention on Climate Change – Part I" (2016) 27:6 Environmental L & Management 243 at 249.

11 See Isabelle Niang et al, "Africa" in V R Barros et al, eds, *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part B: Regional Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge: Cambridge University Press, 2014) 1205.

benefit of the group in international, regional, and sub-regional organizations.[12] In spite of these efforts, the group of African SIDS remains under-represented in international fora for climate change financing. Other regional SIDS—such as those in the Caribbean and Pacific—have a comparatively greater presence in mechanisms such as the Global Environment Facility (GEF) or the Warsaw International Mechanism for Loss and Damage.[13] This is especially problematic given that three of the six African SIDS are categorized as Least Developed Countries: Comoros, Guinea-Bissau, and Sao Tome and Principe.[14]

This paper presents a concrete proposal for strengthening the position of African SIDS in the global climate change debate. The operationalizing mechanism of the *Paris Agreement* (also known as the "Paris Rulebook") will shape the future of the international climate change regime. Values such as empathy for and solidarity with SIDS illustrate an urgent need for financial commitments for mitigation and adaptation by the "international society"[15] of States. This article submits that an African SIDS regional framework provides an opportunity to pool resources under the *Paris Agreement* and enhance the adaptive capacity of African SIDS in the face of climate change.

Accordingly, the remainder of this paper is organized as follows. Section 2 examines the participation of small islands in the evolution of international law on climate change. Here, the discussion will focus on key statutory instruments of the legal regime. Following this overview, Section 3 discusses the notion of climate justice under the *Paris Agreement* and the special status that has been granted to SIDS. Section 4 then reviews Africa's institutional efforts to respond to climate change and examines the role of African SIDS. Section 5 highlights the advantages of a regional African SIDS framework. Section 6, in contrast, examines the challenges for a regional approach. Finally, Sections 7 and 8 define next steps in implementing an African SIDS framework and summarize the main conclusions.

2. SIDS'S CONTRIBUTION ON THE PATH TO PARIS

SIDS have been actively involved throughout the history of international climate change law-making. In fact, momentum surrounding the *Paris Agreement* was driven in part by considerable efforts made by small islands. Against this backdrop, understanding SIDS's past contribution to the international climate change regime provides a number of lessons on how African SIDS could seize opportunities for an operationalizing strategy under the *Agreement*.

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12 SIDS Action Platform, "First Conference of the African Small Island Developing States and Madagascar (SIDSAM) held in Cabo Verde" (25 of April 2018), *SIDS Times*, online: <www.sids2014.org/index.php?page=view&type=2017&nr=13&template=978&menu=1601>.

13 For instance, the GEF Secretariat does not have a dedicated country relations officer for African SIDS, while it has one for the Pacific Islands, online: <https://www.thegef.org/staff>. Moreover, the current members of the Executive Committee of the Warsaw International Mechanism for Loss and Damage does not have a member from the African SIDS group but has one member from the Pacific Islands and one Caribbean island, online: <https://unfccc.int/process/bodies/constituted-bodies/executive-committee-of-the-warsaw-international-mechanism-for-loss-and-damage-wim-excom/members>.

14 UNOHRLLS, "Country Profiles", *supra* note 6.

15 This expression is employed in the context of the English School of international relations.

Firstly, the development of an international legal framework for the advancement of climate action was formally set in motion with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC).[16] Climate change legal scholars Bodansky and Rajamani divide the evolution of the climate change regime into six phases: foundational, agenda-setting, pre-negotiation, constitutional, regulatory, and a second constitutional phase.[17] This section focuses on the two constitutional phases, notably the entry into force of the UNFCCC and the *Paris Agreement*, and also the regulatory phase marked by the adoption of the *Kyoto Protocol*.

The UNFCCC is the first international instrument that places climate change at the centre of the global environmental agenda. The aim of the UNFCCC is to stabilize "greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" and "allow ecosystems to adapt naturally to climate change."[18] Despite the push by the AOSIS to have a binding commitment, the Convention relies on the non-binding commitments of States to reduce GHG emissions. The Convention requires that State GHG emissions be publicized periodically.[19]

The Convention text reflects the difficult compromise of the various parties involved, which resulted in a layered approach for allocating responsibilities and addressing climate change. This acknowledges a principle of common but differentiated responsibilities between developed and developing States, but also recognizes differences within each of these groups.[20] Thus, the text created a concept of differentiation in which certain developed States take primary responsibility, and a limited number of high-income economies[21] also assume financial commitments to assist developing States. In turn, the Convention obligations of developing States, including most of the SIDS, are tied to the effective implementation of developed countries' financial commitments.[22] However, the Convention's open-ended approach to accommodate all parties' interests failed to set emission targets and specific plans for GHG reductions (to the detriment of small islands'). The loose approach is part of the compromise sought by high-income economies and some middle-income economies that opposed legally binding commitments.

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16 United Nations Framework Convention on Climate Change, 29 May 1992, 1771 UNTS 107, 31 ILM 849 (entered into force 21 March 1994) [UNFCCC] (although before coming into force there were other air pollution treaties addressing GHGs, such as the 1979 Geneva Convention on Long-Range Transboundary Air Pollution, the 1985 Vienna Convention for the Protection of the Ozone Layer, and the 1987 *Montreal Protocol on Substances that Deplete the Ozone Layer*).

17 Bodansky & Rajamani, *supra* note 1 at 4–15.

18 UNFCCC, *supra* note 16, art 2.

19 *Ibid*, art 12.

20 Patricia W Birnie & Alan Boyle, *Basic Documents on International Law and the Environment* (Oxford: Clarendon Press, 1995) at 257.

21 This is according to the World Bank classification of every economy as low-income, lower-middle-income, upper-middle-income, and high-income economies. See The World Bank, "World Bank Country and Lending Groups" (2018), online: <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

22 UNFCCC, *supra* note 16, art 4(7).

The UNFCCC is not a binding agreement, but rather a framework convention that offers a frame for further action.[23] Indeed, a landmark of the UNFCCC is the establishment of the Conference of the Parties (COP) as the main body under the Convention to ensure the regular review of its implementation.[24] Aligned with the AOSIS proposal, the COP 1 meeting agreed to a mandate for developing a legal instrument under the Convention that would include quantified limitations and reduction goals within specific timeframes based on differentiated responsibilities.[25] The process resulted in more detailed commitments with the adoption of the *Kyoto Protocol* in 1997.

The *Kyoto Protocol* marks a regulatory milestone in global efforts to address GHG emissions due to its legally binding emissions reduction targets for its first commitment period (from 2008 to 2012).[26] As a regulatory instrument, the *Protocol* provides for other implementation mechanisms such as the Clean Development Mechanism, a joint implementation mechanism, and an international emissions trading system.[27] These tools are useful in financing climate change mitigation and adaptation measures in SIDS that, within the scope of an African SIDS regional alliance, have the potential to create economies of scale by pooling resources.

After the first commitment period, these mechanisms failed to develop new technology and ensure the proper transfer of knowledge and funds to developing States.[28] Further, to the disappointment of the AOSIS, the Kyoto framework failed to set up a cap on global emissions, since major industrializing economies are not committed to any specific targets.[29] There was also a lack of ambition in the definition of emission reduction targets under the Convention. Challenges with the *Kyoto Protocol* later resulted in the failure of the *Doha Amendment Agreement* for binding commitments beyond 2012 (the second commitment period).[30] The setback of the *Doha Amendment* showed that future climate change regimes needed to be more comprehensive in terms of participation and strike a balance between the diversity of interests held by the State Parties.

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23 See Birnie & Boyle, *supra* note 20 at 252. See also Bodansky & Rajamani, *supra* note 1 at 11.

24 UNFCCC, *supra* note 16, art 7(2).

25 Decision 1/CP.1 *The Berlin Mandate: Review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention, including proposals related to a protocol and decisions on follow-up*, FCCC Dec 1/ CP.1, UNFCCCOR, 1st Sess, UN DocUNFCCC, FCCC/CP/1995/7/Add.1 (1995) 4 at para 2.

26 *Kyoto Protocol to the United Nations Framework Convention on Climate Change*, 1110 December 1997, 2303 UNTS 162, 37 ILM 22FCCC/CP/1997/7/Add.1 (entered into force 16 February 2005) [*Kyoto Protocol*].

27 *Ibid*, arts 6, 12 & 17.

28 Patricia W Birnie, Alan Boyle & Catherine Redgwell, *International Law and the Environment*, 3rd ed (Oxford: Oxford University Press, 2009) at 371–72, 374.

29 David Campbell, "After Doha: What Has Climate Change Accomplished?" (2013) 25:1 J Envtl L 125 (industrializing economies such as China, India and Brazil are left out of the scheme).

30 The *Doha Amendment* to the *Kyoto Protocol* was adopted on 8 December 2012. It is not in force and, as of 3 May 2018, has been ratified by 113 countries. For ratification status, see United Nations Framework Convention on Climate Change, "Status of the Doha Amendment" (22 September 2017), online: <unfccc.int/kyoto_protocol/doha_amendment/items/7362.php>.

A mandate for a new agreement was agreed at the Durban Conference in 2011.[31] It is against this backdrop that the text of the *Paris Agreement* was approved during the COP 21 meeting. The *Paris Agreement* "represents the most ambitious outcome possible in a deeply discordant political context."[32] In support of AOSIS's proposal, the *Agreement* has the long-term goal of keeping the increase in global temperature below 2ºC and, ideally, to endeavour to keep it below 1.5ºC above pre-industrial levels.[33]

Similarly, the *Agreement* acknowledges the principle of common but differentiated responsibilities observed in the UNFCCC. In fact, the convention text adopts a layered approach for allocating responsibilities to address climate change between developed and developing States, while also acknowledging differences within each of these groups. Unlike preceding instruments, the *Paris Agreement* does not draw a clear distinction between developed and developing economies. It provides a "twisted differentiation" by affirming a general commitment from all State Parties, striking a balance between responsibility to lead on climate change and a global framework to curb emissions, as required by SIDS.

According to article 4(2) of the *Paris Agreement*, all parties are required to submit nationally determined contributions (NDCs), in which States publish their commitments on mitigation measures to reduce GHG emissions. Despite this, some argue that in comparison with the *Kyoto Protocol*, the *Paris Agreement* stipulates a lower standard of mitigation commitments.[34] This is because the obligations under the NDCs are chosen by States, since States are given the prerogative to determine their content. [35] In other words, commitments regarding mitigation and adaptation programmes are self-imposed. As a matter of fact, in support of this view, some understand that the *Paris Agreement* enforces procedural commitments, rather than results.[36]

In fact, the *Agreement* defers to future COP meetings to adopt more detailed guidance on how parties are to communicate their NDC commitments—a language that was supported by high-income and middle-income economies. Article 16(1) of the *Paris Agreement* stipulates that the Convention's COP serves as its supreme body, and that its operationalizing mechanism

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31 The work was tasked to the Ad Hoc Working Group on the Durban Platform for Enhanced Action to provide guidance "on mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building"—later referred to as the "Durban pillars." See Decision 1/CP.17 *Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action*, FCCC Dec 1/ CP.17, UNFCCCOR, UN Doc FCCCUNFCCC, FCCC/CP/2011/9/Add.1 (2012) 2 at para 5 [*Durban Platform*].

32 Lavanya Rajamani, "Ambition and Differentiation in the 2015 Paris Agreement: Interpretative Possibilities and Underlying Politics" (2016) 65:2 ICLQ 493 at 494.

33 *Paris Agreement, being an Annex to the Report of the Conference of the parties on its twenty-first session, held in parties from 30 November to 13 December 2015--Addendum Part two: Action taken by the Conference of the parties at its twenty-first session, 4 November 2016*, UN Doc FCCC/CP/2015/10/Add.1 (2016) at 21, art 2(1)(a), 55 ILM 740 (entered into force 29 January 2016) [*Paris Agreement*].

34 Olivia Woolley, "Developing Countries Under the International Climate Change Regime: How Does the Paris Agreement Change Their Position?" in Zeray Yihdego et al, eds, *Ethiopian Yearbook of International Law 2016* (Cham, CH: Springer, 2017) 179 at 185.

35 *Paris Agreement*, *supra* note 33, arts 9–11.

36 Rajamani, *supra* note 32 at 497.

was expected to be adopted at the first COP.[37] However, as a result of the *Agreement* entering into force in 2016, the Conference of the Parties serving as the meeting of the Parties to the *Paris Agreement* (CMA) had to advance the Paris Rulebook adoption to December 2018.[38]

Considering past failures of the climate change regime, what role can the Convention's COP play in achieving a different result under the *Paris Agreement* for SIDS? Contrary to the *Kyoto Protocol*, the voluntary nature of the commitments under the *Agreement* may leave AOSIS short of its objective to keep global temperature increases below 2°C. On the other hand, one could argue that the *Agreement* has a psychological benefit by establishing a Paris baseline from which further climate change regimes will be developed.[39] As a matter of fact, the baseline that has been established with the adoption of the *Agreement* is a sign of the opportunity presented by the COP mechanism.

Indeed, notwithstanding the United States of America Federal Government's decision to withdraw from the *Agreement*, parties are working towards fulfilling the CMA mandate.[40] Considering that the COP mechanism has served well in the past when pushing for more stringent commitments under the UNFCCC on behalf of AOSIS, the faith of SIDS in the process will depend greatly on how the *Agreement* will be enforced under the Paris Rulebook. Hence, African SIDS have an exceptional opportunity here to ensure that the group's interest is taken into consideration in any future climate change regime.

3. PROSPECTS FOR CLIMATE JUSTICE FOR SMALL ISLANDS UNDER THE PARIS AGREEMENT

It is accepted that distributive and corrective justice are included in the text of the *Paris Agreement*, which should allow SIDS to benefit from international assistance within the climate change regime. This section describes the exceptional regime that is granted to SIDS under the *Agreement*. The review will provide some sense of African SIDS' status quo against which the impacts of a future regional alliance can be measured.

According to the *Paris Agreement*, all parties are required to commit to measures on mitigation and adaptation based on the differentiation principle. However, SIDS are not required to submit GHG mitigation contributions or to observe transparency arrangements. They are, however, expected to receive assistance from other States.[41] The special status of SIDS is due in part to the concept of climate justice, which adds the notions of distributive and corrective justice to the idea of differentiation.

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37 *Adoption of the Paris Agreement*, UNFCCC, Dec 1/CP.21, 21st Sess, UN Doc FCCC/CP/2015/10/Add.1 (2016) 2 at paras 26, 28–29, 31–32, 36–38, 40 [*Paris Decision*].

38 *Matters relating to the implementation of the Paris Agreement*, FCCC Dec 1/CMA.1, UNFCCCOR, 1st Sess, UN Doc FCCCUNFCCC, FCCC/PA/CMA/2016/3/Add.1 (2017) 2 at paras 5, 10.

39 Arden Rowell & Josephine van Zeben, "A New Status Quo? The Psychological Impact of the Paris Agreement on Climate Change" (2016) 7:1 European J Risk Regulation 49.

40 See United Nations Climate Change Secretariat, "Progress tracker: Work programme resulting from the relevant requests contained in decision 1/CP.21" (information available as of 19 January 2018), online: <unfccc.int/files/paris_agreement/application/pdf/pa_progress_tracker_200617.pdf>.

41 *Paris Agreement*, *supra* note 33, arts 4(6), 9(4), 9(9), 11(1), 13(3).

Under this concept, the burden of addressing the adverse effects of climate change is to be shared according to principles of equality and fairness. This idea is reaffirmed in article 8 of the *Paris Agreement*, which addresses loss and damage. Nevertheless, the *Paris Decision*, which accompanied the adoption of the *Agreement*, made it clear that it "does not involve or provide a basis for any liability or compensation."[42]

Considering the few climate change options available to SIDS, some argue that only two solutions are possible: 1) relocation or migration (where practicable) or 2) adaptation. Recently, migration has received a great deal of attention from the public and in academic scholarship. From the standpoint of climate justice, continued attention on this topic may help to mobilize greater funds for the implementation of SIDS national adaption programmes. However, this sense is not universally shared in the scholarship; some have called for less sensationalist and alarmist coverage of the climate change migration issue.[43]

The notion of climate justice under article 8 refers the treatment of loss and damage to the Warsaw International Mechanism for Loss and Damage (WIM). The WIM was established during the COP 19 meeting with the aim of enhancing the knowledge of risks and providing support to developing countries, while also reinforcing cooperation between developed and developing countries.[44] So far, the mechanism has completed its initial two-year work plan, with nine action areas reviewed during the COP 22 meeting, and it has developed a framework for a new five-year work plan.[45]

Given the often limited resource base in SIDS, the WIM is an important tool for the operationalization of SIDS adaptation plans, since it goes beyond national sources of financing by drawing on global support. The AOSIS priorities for the WIM framework include a long-term vision with clear funding arrangements for vulnerable regions, effective response mechanisms, and measures to protect displaced people.[46] Whether the WIM activities will

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42 *Paris Decision*, *supra* note 37 at para 51.

43 For example, Betzold argues that migration could be viewed as a failure to adapt and could lower financial contributions to victims in need. See Carola Betzold, "Adapting to Climate Change in Small Island Developing States" (2015) 133:3 Climatic Change 481 at 483.

44 See *Warsaw international mechanism for loss and damage associated with climate change impacts*, FCCC Dec 2/CP.19, UNFCCCOR, 19th Sess, UN Doc FCCCUNFCCC, FCCC/CP/2013/10/Add.1 (2014) 6 at para 1. See also *Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity*, FCCC Dec 3/CP.18, UNFCCCOR, 18th Sess, UN DocUNFCCC, FCCC/CP/2012/8/Add.1 (2013) 21 at para 5.

45 See *Review of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts*, FCCC Dec 4/CP.22, UNFCCCOR, 22nd Sess, UN Doc FCCCUNFCCC, FCCC/CP/2016/10/Add.1 (2017) 10. See also *Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts*, FCCC Dec 3/CP.22, UNFCCCOR, 22nd Sess, UN DocUNFCCC, FCCC/CP/2016/10/Add.1, (2017) 8 at paras 3–5.

46 UNFCCC, *Submission on "views and relevant inputs on possible activities under each strategic workstream as contained in the indicative framework for the five-year rolling workplan of the Executive Committee, with a focus on workstreams (e), (f) and (g)" by the Republic of the Maldives on behalf of the Alliance of Small Island States* (16 March 2017) at 3, online: <https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/maldives_aosis_input.pdf>.

translate into real change for SIDS remains to be seen, as submissions are still ongoing and the Paris Rulebook is still being discussed.

With that said, a more sectoral response to capture and coordinate funding, such as a SIDS international climate change agency, may increase SIDS ability to mobilize resources. Indeed, an institutional solution is aligned with the Barbados *Programme of Action (BPOA)* for the sustainable development of SIDS, which provides a pathway for SIDS in their pursuit of sustainable development.[47]

The reality, however, is that the closest SIDS have come to an international institutional arrangement is the establishment of the SIDS Partnership Framework, which aims "to monitor and ensure the full implementation of pledges and commitments through partnerships for small island developing States."[48] It is said to be "the first of its kind in the UN system."[49] It gathers SIDS from all geographic regions, allowing them to share projects and experiences at an annual Global Multi-Stakeholder SIDS Partnership Dialogue.

The involvement of African SIDS in these fora is lower than one might expect when compared with other regional SIDS groupings. One of the reasons may be that some SIDS have different economic vulnerabilities and respond differently to factors outside of their control.[50] In addition, they have varying levels of international engagement in the climate change agenda. In particular, African SIDS operate in a wider regional African context, which may at times stifle their views in international fora due to the difficulty of securing internal consensus and a single voice on key issues.

4. BACKDROP ON AFRICA'S EFFORTS IN TACKLING CLIMATE CHANGE AND THE CASE OF AFRICAN SIDS

Over the past number of years, Africa has moved toward a greater awareness of the need for endogenous policy on climate change.[51] In recognition of this challenge, the African Union (AU) has adopted several decisions on climate change, including a specific work programme and a draft African Strategy on Climate Change.[52] A different question, though, is to what depth African SIDS interests are represented within the continent's framework.

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47 *Programme of Action for the Sustainable Development of Small Island Developing States*, UNGAOR, Annex II, UN Doc, UNGA, A/CONF.167/9, Annex II (1994) 6 at paras 50–51.

48 *Sustainable development: follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States. Report of the Second Committee*, UNGAOR, 70th Sess, UN Doc, UNGA, A/70/472/Add.2 (2015) 1 at para 8.

49 The Steering Committee on Partnerships for SIDS in collaboration with United Nations Department of Economic and Social Affairs, *Partnerships for Small Island Developing States 2016* (2016) at 12, online: <https://sustainabledevelopment.un.org/content/documents/2364Publication%202016%20read.pdf>.

50 See Lino Briguglio, "Small Island Developing States and Their Economic Vulnerabilitie" (1995) 23:9 World Development 1615.

51 Niang et al, *supra* note 11 at 1205.

52 See e.g. AU, *Assembly Decision 134 (VIII) of 29–30 January 2007 on Climate Change and Development in Africa*, online: <https://au.int/sites/default/files/decisions/9556-assembly_en_29_30_january_2007_auc_the_african_union_eighth_ordinary_session.pdf>; AU, *Assembly Decision 248 (XIII) of 1–3 July 2009 on the Accession of the African Union to the United Nations Framework Convention on Climate*

The African Ministerial Conference on the Environment (AMCEN) is the overarching body within Africa's action framework on climate change and serves as the main forum for environmental deliberations.[53] In addition, the AU formed the Committee of African Heads of State and Government on Climate Change (CAHOSCC) which, alongside AMCEN, provides guidance under the AU umbrella to the African Group of Negotiators (AGN) on global environment negotiations. The AGN has been involved in the G77 climate discussions from an early stage and has now moved from a reactionary position to being considered one of the major coalitions.[54]

Under the AGN, African SIDS are integrated into their respective regional sub-groups. However, recent changes within the AU negotiation group introduced three commissions (Sahel Region, Congo Basin, and the Island States) in the African climate change institutional framework to engage in global climate change negotiations in coordination with AMCEN and CAHOSCC.[55] The newly established Commission of Island States may have been inspired in part by advocacy efforts following the First Conference of SIDSAM. Indeed, the draft African Climate Change Strategy has dedicated a thematic pillar on African SIDS.[56]

Despite this acknowledgement, a recent AGN submission on inputs and activities for the work plan of the WIM does not allude to the particular case of African SIDS.[57] Therefore,

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Change (UNFCCC) and the Kyoto Protocol, online: <https://au.int/sites/default/files/decisions/9560-assembly_en_1_3_july_2009_auc_thirteenth_ordinary_session_decisions_declarations_message_congratulations_motion_0.pdf>; AU, *Assembly Decision 514 (XXII) of 30–31 January 2014 on the Warsaw climate change conference and Africa's preparation for the twentieth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 20 / CMP 10)*, online: <https://au.int/sites/default/files/decisions/9659-assembly_au_dec_490-516_xxii_e.pdf>; AU, *Assembly Decision 538 (XXIII) of 26–27 June 2014 on the high level work programme on climate change action in Africa (WPCCAA) and preparations for the global climate change events in 2014*, online: <https://au.int/sites/default/files/decisions/9661-assembly_au_dec_517_-_545_xxiii_e.pdf>; AU, *Assembly Decision 556 (XXIV) of 30–31 January 2015 on Africa's engagements at the UN Climate Summit and Lima Global Climate Change Conference (COP 20 / CMP 10)*, online: <https://au.int/sites/default/files/decisions/9665-assembly_au_dec_546_-_568_xxiv_e.pdf>; AU, *Assembly Decision 603 (XXVI) of 30–31 January 2016 on Africa's engagements in the global climate negotiations*, online: <https://au.int/sites/default/files/decisions/29514-assembly_au_dec_588_-_604_xxvi_e.pdf>; AU, *Assembly Decision 640 (XXVIII) of 30–31 January 2017 on Africa's engagement in the global climate change negotiations at COP22*, online: <https://au.int/sites/default/files/decisions/32520-sc19553_e_original_-_assembly_decisions_621-641_-_xxviii.pdf> [*COP22 Decision*].

53 AMCEN, "History of the African Ministerial Conference on the Environment: 1985–2005" (2006), online: <wedocs.unep.org/bitstream/handle/20.500.11822/8876/AMCEN_History.pdf>.

54 See UNFCCC, *supra* note 16, art 4(1)(e) (not surprisingly, this article makes a particular mention of the African continent in relation to cooperating for adaptation considering the differentiation principle; further, the AGN is credited to have for the first time presented a strong Common African Position before the COP 15 meeting in 2009); Jean-Christophe Hoste, "Where was United Africa in the climate change negotiations?" (Brussels: Egmont Royal Institute for International Relations, 2010), online: <https://www.open.ac.uk/socialsciences/bisa-africa/files/africanagency-seminar1-hoste.pdf>.

55 *COP22 Decision*, *supra* note 52 at para 7 (on Africa's engagement in the global climate change negotiations at COP 22).

56 See AU, *Draft African Union Strategy on Climate Change*, AMCEN-15-REF-11 (2014) at 55.

57 See UNFCCC, *Submission by the Republic of Mali on behalf of the African Group of Negotiators on Views and relevant inputs on possible activities for the five-year rolling workplan of the Executive Committee of*

one concludes that the interests of African SIDS have not adequately been presented within its regional action framework. This may be partially explained with reference to the lack of financial strength of the continent's SIDS. Other regional SIDS groups, such as Caribbean and Pacific SIDS, also face similar financial constraints, but they still influence the international agenda on climate change through regional initiatives. In fact, the minor international influence of African SIDS is also visible in other fora, such as the AOSIS.

At the level of policy execution, climate change initiatives already exist in some African regions. One example is the West African Science Service Centre on Climate Change and Adapted Land Use (WASCAL). Of Africa's regional groupings, the centre only covers the West Africa region, in which three African SIDS are located. A more comprehensive initiative is the United Nations Economic Commission for Africa's (UNECA) African Climate Policy Centre (ACPC), established under the Climate for Development in Africa initiative, which serves as an information hub on climate change issues and aims to assist decision-makers in the region.[58] The ACPC has a specific programme for African SIDS that assists in assessing their climate change mitigation and adaptation needs, building resilience, and addressing loss and damage. Nevertheless, due to the fact that it is an initiative of the United Nations, one of the criticisms levelled at the ACPC is that of it being an exogenous process, which potentially undermines continuity.

Finally, as the Paris Rulebook is likely to become the dominant operational guideline, civil society groups in Africa have called on governments to draft an African Rulebook for the *Paris Agreement*.[59] Drawing on the experience of earlier negotiations, an African Rulebook should strengthen the ability to assert the African SIDS's interests and to tackle the issue of relatively low-level presence ahead of the adoption of the Paris Rulebook. Having examined the level of representation of African SIDS in the continent's climate change context, the following section will discuss the prospects for a regional climate change framework for African SIDS.

5. OPPORTUNITIES FOR AN AFRICAN SIDS CLIMATE CHANGE REGIONAL ALLIANCE

An African SIDS climate change alliance would help to bring the region to the same level of participation as other SIDS in international climate change discussions. Furthermore, the approach would enhance coordination and provide a risk insurance pool for climate change damages.

Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (10 March 2017), online: <https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/mali_agn_submission.pdf >. Compare United Nations Economic Commission for Africa (UNECA), *Climate Change in the African Small Island Developing States: From Vulnerability to Resilience – The Paradox of the Small* (2014), online: <repository.uneca.org/bitstream/handle/10855/22515/b10825605.pdf> at 6–9 [UNECA, "The Paradox"] (overview of the particular case of African SIDS).

58 See UNECA, "African Small Island Developing States" (3 October 2017), online: <https://www.uneca.org/africansmallislanddevelopingstates/pages/african-small-island-developing-states>.

59 Atayi Babs, "Give Us an African Rule Book for Paris Agreement, Groups Urge African Ministers" in *Pan-African Media Alliance for Climate Change* (12 June 2017), online: <www.pamacc.org/index.php/k2-listing/item/615-give-us-an-african-rule-book-for-paris-agreement-groups-urge-african-ministers>.

There is nothing original about promoting regional alliances in international relations, as there already exist various theories focusing on the understanding of geopolitical alliances. A widely accepted point on alliance formation scholarship is that States form alliances in order to respond to threats to their security.[60]

Therefore, in the face of the threat of climate change on small islands, besides migration and adaptation, a regional alliance represents a balanced solution offering a way to ensure greater focus and to finance adaptation and migration efforts in light of the adoption of the Paris Rulebook.

5.1. A Requirement to Side African SIDS with other Regional SIDS

Under the *BPOA*, SIDS are required to go beyond national actions and also pursue efforts at a regional and international level.[61] A regional alliance for African SIDS would bring the group in alignment with other SIDS groups and instruments.

In the case of the Pacific Islands, a voluntary integrated regional framework on climate change and disaster risk management was adopted in 2016. The framework provides guidance on enhancing resilience to climate change and natural disasters.[62] This would be particularly beneficial within African SIDS as there are asymmetries between countries in the implementation of the climate change regime. Further, within the region's institutional framework, there are various institutions dealing with climate change. Of particular importance is the Agreement Establishing the Secretariat of the Pacific Regional Environment Programme (SPREP), which has some members that are not small islands but has a strategic plan that integrates small islands as a priority.[63] In addition, the organization has a climate change division with the purpose of promoting cooperation in the South Pacific region. A project for a Pacific Climate Change Centre is also underway in order to enhance coordination and strengthen partnerships.[64]

The Caribbean SIDS climate change institutional framework is arranged through the Caribbean Community (CARICOM). CARICOM is a regional integration organization where all members but Belize, Guyana, and Surinam are island States. In 2001, the CARICOM Climate Change Centre was established to provide a long-term strategic approach for the region.[65] The institution provides services to enhance knowledge of climate change and adaptation measures. It also serves as the executing agency of projects related to climate change in the region. Having a similar institution for project administration within African SIDS will

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60 See e.g. Christopher Sprecher, "Alliances, Armed Conflict, and Cooperation: Theoretical Approaches and Empirical Evidence" (2006) 43:4 J Peace Research 363 at 364.

61 See *Programme of Action for the Sustainable Development of Small Island Developing States*, *supra* note 47 at 17.

62 SPC, SPREP, PIFS, UNDP, UNISDR and USP, *Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management 2017-2030* (2016), online: <gsd.spc.int/frdp/assets/FRDP_2016_Resilient_Dev_pacific.pdf>.

63 *Programme of Action for the Sustainable Development of Small Island Developing States*, *supra* note 47.

64 SPREP, "Pacific Climate Change Centre to start construction in May" (2 May 2018), *SDG Knowledge Hub*, online: <https://www.sprep.org/news/pacific-climate-change-centre-start-construction-may>.

65 See "History of CCCCC", online: <www.caribbeanclimate.bz/aboutus/history/history.html>.

facilitate the approval by donors or international financial institutions of projects submitted by the regional group.

In the case of African SIDS, there is only a group alliance within Africa's context for the purpose of climate change negotiations. The importance of an implementing institution is that it has the potential to maximize benefits available to African SIDS. For instance, the ACPC—as a UNECA body—does not provide a forum for regional policy deliberation for African SIDS. As a matter of fact, the centre's programme is organized as a project which has a limited duration.

Moreover, building on the experience from other regional SIDS, African SIDS may also mimic the adoption of regional policies. For instance, through regional cooperation, Pacific islands have developed regional strategies and have made considerable progress, especially concerning resource mobilization. An African SIDS policy would help to define a clear regional strategy and to monitor objectives. The adoption of a regional policy is crucial for identifying the common interests, positions, objectives, strategies, and actions that a regional institution would help to promote in the regional and international arena. The policy should target the harmonization of legal and policy frameworks in African SIDS, the sharing of experiences and mutual support, and the lack of capital for climate change adaptation measures. Finally, though the full effect of a climate change alliance will be felt in the long term, in the short term an institutional arrangement offers a platform for African SIDS for tackling common climate change challenges.

5.2. Improved Regional Coordination

A regional coordination arrangement through a specific African SIDS climate change alliance would improve the efficiency of regional climate change adaptation and mitigation efforts. Such a regional approach would enable the pooling of resources and the sharing of experience, support, and funding by providing a shared overarching platform. The regional alliance, along with increased public investment and spending, development of market-based instruments, and enhancing the legal framework and institutions, would enable SIDS to transition to a "green economy."[66]

Article 4(16) of the *Paris Agreement* calls for this kind of cooperation, as it allows for the sharing of experiences through the joint reporting of NDCs from contracting parties. The benefit of this system is that regional instruments may be able to better reflect challenges faced by African SIDS and complement national policies. Furthermore, it would also facilitate the exchange of information and enhance mutual support for the elaboration of national mitigation and adaptation plans.

Moreover, not all African SIDS have introduced national climate change strategies.[67] At the sub-regional level, African SIDS from the Indian Ocean Commission—of which Comoros, Mauritius, and Seychelles are members—have already developed their own Climate Change

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66 UNEP, UN DESA & FAO, *SIDS-Focused Green Economy: An Analysis of Challenges and Opportunities Plan* (UNEP, 2012) at 22, online: <wedocs.unep.org/bitstream/handle/20.500.11822/9244/-SIDS-FOCUSED%20Green%20Economy%3a%20An%20Analysis%20of%20Challenges%20and%20Opportunities%20-2012Green_Economy_in_SIDS.pdf>.

67 UNECA, "The Paradox", *supra* note 57 at 14.

Adaptation Plan for 2016-2020.[68] This is an example of the asymmetry in the degree of climate change policy implementation among African SIDS. Nevertheless, an early climate change scoping study revealed that despite these differences, African SIDS share similar ecological vulnerabilities and an economic dependence on natural resources. For this reason, a regional sharing of research may enhance the understanding of individual countries of their climate change adaptation capability. Moreover, a single African SIDS integrated regional plan would offer significant mutual benefit by providing a standard framework for the implementation of common actions, potentially improving the capability of individual States. Further, regional coordination through a common framework may assist in better mobilizing financial assistance, technology transfer, and capacity building initiatives. According to article 13(10) of the *Paris Agreement*, developing countries are required to provide information on the level of support needed and received. This coordinating structure would assist African SIDS in identifying needs, setting priorities through regional programmes, and meeting reporting requirements.

A regional approach may also assist African SIDS in the pursuit of international advocacy within international financing mechanisms. This approach would help to ensure the presence of African SIDS in international climate change financial mechanisms, including the financial mechanism of the UNFCCC (the Green Climate Fund board), which is important to attract funds for climate change projects. Another advantage of a regional framework is that it would help to ensure a more active participation of African SIDS in international fora, such as the ongoing work plan of the WIM on Loss and Damage, and to increase the number of partnerships with African SIDS under the SIDS Partnership Framework. Finally, it would be beneficial in coordinating African SIDS positions considering the prospects of a SIDS international climate change agency. This potential for positive outcomes and reports on other regional SIDS demonstrate that an African SIDS regional framework for coordination would be beneficial.

5.3. Benefit from a Regional Risk Pool

This section describes the opportunities presented by an African SIDS regional risk pool. The opportunity for risk-pooling is, in fact, a much-debated issue presented by regional cooperation in the climate change regime. Through risk-pooling, SIDS can form pools of assets which can be used to protect individual countries against natural disasters which are expected to become more intense with climate change. Risk-pooling through a regional framework would lower the cost of reinsurance and facilitate the raising of funds for national initiatives that require significant financial security. Importantly, it would also promote the sharing of expertise in financial risk management. Due to the level of coordination required between participating governments and regional partner organizations in the process, regional risk pools have tended to rely on regional political organizations.[69] For this purpose, an alliance of African SIDS is required to manage such a pool on behalf of its members, to maintain

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[68] Virginia Wiseman, "Indian Ocean Commission Develops Climate Change Adaptation Plan" (29 March 2016), *IISD SDG Knowledge Hub*, online: <sdg.iisd.org/news/indian-ocean-commission-develops-climate-change-adaptation-plan/>.

[69] World Bank Group, *Sovereign Catastrophe Risk Pools: World Bank Technical Contribution to the G20* (Report) (Washington, DC: World Bank, 2017), online: <https://openknowledge.worldbank.org/handle/10986/28311> at 56.

partnerships with donor institutions, and to support political commitments from governments for policy reforms.

Previous regional risk-pooling projects have provided SIDS with disaster risk assessment tools to better understand exposure to natural disasters. Multi-country risk-pooling is used to identify risks and to distribute them evenly among a group. Yet, risk-pooling does not reduce risk itself, but rather only the *cost* of risk by providing affordable financial instruments for its management.[70] The benefit of these mechanisms is that they allow for faster deployment in response to natural disasters through access to immediate funds.

Catastrophe sovereign insurance is one of the financial protections available through risk-pooling. Indeed, article 8(4)(f) of the *Paris Agreement* suggests insurance mechanisms as one of the areas of cooperation between State Parties, and some States have already purchased insurance through regional pools. For instance, the Caribbean Catastrophe Risk Insurance Facility (CCRIF) offers insurance products that provide coverage for hurricane, earthquake, and excess rainfall for eligible small islands.[71] Another example is the Pacific Catastrophe Risk Assessment and Financing Initiative (PCRAFI).[72] Similarly, the African Risk Capacity (ARC) was created as a specialized agency of the AU with eight participating members.[73]

Although some African SIDS have signed the ARC Establishment Agreement, there is not one island participating in risk pool mechanisms that require financial commitment. This is so even though the number of people affected by natural disasters in African SIDS between 1980 and 2014 was over one million.[74] This context is made even more serious since the total number of affected people is higher than the entire population of some of the continent's island States, so risk-pooling should warrant additional attention. Another priority of the ARC should be to provide disaster risk modelling and assessment tools for regional risk-pooling. Moreover, taking into consideration the work of the ARC, an African SIDS regional framework would be able to better secure the political commitment of member States to risk-pooling arrangements.

As such, combining resources under a single regional entity would be an efficient way for individual countries to access insurance instruments. The African SIDS regional alliance would provide a common pool of resources for this purpose.

6. CHALLENGES TO AN AFRICAN SIDS CLIMATE CHANGE REGIONAL FRAMEWORK

African SIDS are characterized, among other things, by their diversity. The present section will discuss challenges associated with an African SIDS regional framework. The first thing that springs to mind is their remote locations, which determine their regional affiliations. They also possess very different levels of implementation capacity and political development.

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70 *Ibid* at 32, 40.

71 See online: <https://www.ccrif.org>.

72 See online: <pcrafi.spc.int>.

73 See online: <www.africanriskcapacity.org>.

74 UNECA, "The Paradox", *supra* note 57 at 8.

6.1. Geographical Dispersion and Regional Affiliations

The geographical dispersion of the islands presents certain challenges in attempting to build a common position for African SIDS, since their different geographies give rise to different priorities. Unlike other small island regional frameworks, African SIDS do not share geographic proximity. Moreover, the islands vary significantly in surface area from 460 square kilometres (Seychelles) to 36,130 square kilometres (Guinea-Bissau).[75] In this respect, there may be operational challenges to the integration and implementation of a common strategy for small islands on the continent.

There is also an issue of different languages, which may hamper participation in regional meetings. Several languages are widely spoken in the African SIDS, including French, Portuguese, English, Arabic, and creoles.

African SIDS are also party to various regional economic organizations with different climate change strategies. For example, Cape Verde and Guinea-Bissau are members of the Economic Community of West African States (ECOWAS), while Sao Tome and Principe is a party to the Economic Community of Central African States (ECCAS). Comoros, Mauritius, and Seychelles are members of the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA).[76] Some of these regional economic organizations have already adopted climate change policies and it may prove burdensome for a SIDS organization to harmonize them.

6.2. Differences in Capacity and Level of Political Engagement

Capacity is understood here as both human resource capacity and financial resource capacity. The population size and the level of development within African SIDS is heterogonous.

Seychelles and Sao Tome and Principe have relatively small populations (94,677 and 199,910 people, respectively), while Guinea-Bissau and Mauritius comprise over one million people each.[77] Small population size may restrict the quality of local human resources and inhibit the ability of African SIDS to participate in regional initiatives.

In addition, according to the United Nations Development Programme's Human Development Report, which assesses economic and human development, African SIDS have very different human development index scores. Seychelles and Mauritius rank highly in overall human development indicators, while Comoros and Guinea-Bissau are in the low human development category.[78] This situation may hinder their capacity to provide financial resources to contribute to regional initiatives, in the context of the country priorities and to provide for more stringent political engagement.

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75 See The World Bank, "Country Profile" (2017), online: <https://data.worldbank.org/> (each country profile is available at the interactive database website) [The World Bank, "Country Profile"]. Note that Guinea-Bissau includes territory on the African continent.

76 Comoros acceded to the SADC Treaty on 20 August 2017. See SADC website, online: < https://www.sardc.net/en/southern-african-news-features/comoros-becomes-16th-member-of-sadc/>.

77 See The World Bank, "Country Profile", *supra* note 75.

78 See United Nations Development Programme (UNDP), "Country Profiles: Human Development Reports" (14 October 2017), online: <hdr.undp.org/en/countries>.

These challenges indicate that there are major asymmetries among African SIDS regarding the implementation of international climate change commitments. Nonetheless, the pool of resources in a regional framework would assist in bridging the gap between the region's islands.

7. THE WAY FORWARD

This section discusses how African SIDS may advance the implementation of a regional institutional arrangement and identifies the main steps towards the development of a regional implementing institution. As argued above, it is submitted that African SIDS should take advantage of a regional approach to climate change coordination to overcome common challenges.

Under Africa's climate change governance framework, there is already a framework in place to support SIDS climate negotiation priorities. The creation of SIDSAM was an important step towards greater coordination, but it lacks an ambitious scope since it does not provide for a regional implementing institution. Nevertheless, the Praia Declaration signed at the First Conference of SIDSAM opens up the possibility for the creation of new innovative mechanisms, which is in line with proposals for establishing a new institution.[79]

Considering that SIDSMA comprises ministerial representatives from African islands, the best option would be for SIDSMA to become the governing body—with overseeing responsibilities—of the new African SIDS regional climate change integration organization. Despite Madagascar—a large island—being part of SIDSMA, the real advantage of this proposal is that it would avoid the duplication of regional bodies and efforts. And, at the same time, one would create synergies between the work of SIDSMA under the AU and an African SIDS alliance spearheaded by SIDSMA.

In order for this to occur, Africa's small islands would need to sign an establishment agreement creating a specialized body for African SIDS under the SIDSMA framework. An intergovernmental working group may then be established, with national representatives with a mandate to study and develop bylaws and rules for the African SIDS regional institution on climate change policy. An important aspect that will need to be regulated by these documents is funding.

In terms of structure, one option could be the adoption of a regional climate change integration organization for African SIDS, in which island States would transfer competence in respect of certain matters to a regional organization, such as imposing caps for carbon emissions or setting GHG emission reduction targets. The advantage of this approach is the ease of implementation of integrated regional policies and programmes. Otherwise, the regional framework would only apply in areas where there are no specific national policies. On the other hand, a second option would of course be for African islands to hold on to their sovereign prerogative powers and to domesticate regional policies and laws on a case-by-case basis. However, the establishment of a regional organization for African SIDS would be a lengthy process. Detailed planning should be in place for effective and timely implementation. Despite being a long-term project, entering into a formal coalition would have an immediate effect on ongoing climate change discussions towards the adoption of the Paris Rulebook.

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[79] SIDS Action Platform, *supra* note 12.

8. CONCLUSION

This article explored the prospect of a regional climate change framework for African SIDS under the international climate change regime in order to operationalize the *Paris Agreement*. In addition, it examined how the evolution of the global climate change agenda signals an increase in solidarity among small island States.

SIDS aggregated GHG emissions contribute little to increasing global surface temperatures, but SIDS are at the front line of climate change effects and will bear disproportionate adaptation costs. Reviews of global emissions have shown a pattern of growth in GHG discharges and, if a serious international commitment is not made, planning for SIDS climate adaptation will be insufficient.

The 2016 entry into force of the *Paris Agreement* has given rise to a great deal of hope. A "twisted differentiation" approach in the *Agreement* endorses the notion of an inclusive engagement in mitigation and adaptation activities of all State Parties. Nevertheless, a review of scholarly opinion finds the academic community divided over the degree of enforceability of the *Paris Agreement* provisions and means of implementation.

The adoption of the Paris Rulebook will signal a turnaround for SIDS in terms of efforts to combat climate change. A regional approach to climate change coordination may better capture opportunities and challenges faced by Africa's small islands under the Paris Rulebook process. However, unlike other regional SIDS groupings, African SIDS have no formal regional alliance at the implementation level.

This article examined the prospects and constraints of such a venture through the SIDSAM. The coordination of climate action within a regional framework—through a coalition of African SIDS—may attract funding opportunities and promote policy implementation, the pooling of risks, and the sharing of experiences. However, limitations emerge due to the diversity among African SIDS. Nevertheless, the significant potential of a regional framework warrants optimism about the future of climate change adaptation and mitigation in African islands.