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Legal and Institutional Frameworks for Combating Climate Change and Promoting Sustainable Development: An African Perspective

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Abstract

Africa faces two interconnected challenges which stem from climate change and systematic corruption, which together destroy environmental protection, sustainable development, and social equity. The research investigates how effectively the legal and institutional framework controls the two challenges. The study evaluates how institutional structures between the two challenges create environmental degradation and socio-economic inequality while diminishing institutional strength and obstructing law enforcement through a doctrinal research method which uses Governance theory as its framework. The study analyzed treaties, statutes, policy instruments, and key case law, and found that there is fragmentation of laws, weak enforcement, and limited coordination among institutions. These challenges reduce the effectiveness of climate governance and anti-corruption interventions. The study recommends that there should be a holistic, context-sensitive approach that integrates climate and anti-corruption frameworks, strengthens regulatory oversight, enhances transparency and accountability, and promotes multi-level institutional coordination. Such reforms are essential for breaking the mutually reinforcing cycle of climate vulnerability and governance failure, thereby advancing sustainable development and safeguarding the rights, livelihoods, and well-being of present and future generations in Africa.

Keywords: Climate change, Corruption, Sustainable Development, Environmental Governance, Africa

1. Introduction

Africa's development trajectory depends on effective climate governance, institutional coordination, and transparent use of resources. However, the path to sustainable development is increasingly constrained by the interrelated and mutually reinforcing challenges of climate change and systemic corruption.[1]. As Climate change poses an existential threat to Africa's development trajectory, corruption remains a pervasive governance challenge in many African states. Lately, the continent relies heavily on climate-sensitive sectors such as agriculture, fisheries, and natural resource extraction.[2] However, rising temperatures, prolonged droughts, flooding, desertification, and extreme weather events continue to erode livelihoods, exacerbate food insecurity, and strain fragile public institutions, thereby impeding progress toward sustainable development and the attainment of the Sustainable Development Goals (SDGs).[3]. Yet corruption in Africa is said to manifest in the misallocation of public resources, diversion and mismanagement of climate finance, weak regulatory enforcement, illicit financial flows, and the erosion of institutional accountability.[4] Corruption not only undermines development planning and public service delivery but also weakens environmental governance systems, thereby limiting the effectiveness of climate mitigation and adaptation measures.[5]

The 2030 Agenda for Sustainable Development brings out the nexus between environmental sustainability and good governance. This illuminates the nexus between climate change and corruption.[6]. The Agenda integrates climate action (SDG 13) with governance, rule of law, and anti-corruption commitments under SDG 16.[7]. SDG 13 calls for urgent action to combat climate change and strengthen resilience and adaptive capacity, particularly in vulnerable regions such as Africa (United Nations, 2015, Goal 13). SDG 16 identifies corruption as a structural impediment to sustainable development, requiring states to "substantially reduce corruption and bribery in all their forms" (Target 16.5) and to develop effective, accountable, and transparent institutions (Target 16.6). The Agenda's integrated framework implies that climate governance cannot be effective without institutional integrity and transparency. Climate finance mobilization, adaptation planning, disaster risk reduction, and environmental regulation are dependent on

[1] World Bank Group, 'World Bank Group Climate Change Action Plan 2021–2025: Supporting Green, Resilient, and Inclusive Development' (2021) <https://openknowledge.worldbank.org/handle/10986/35799>.

[2] Intergovernmental Panel on Climate Change (IPCC, 'Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (H.-O. Pörtner et Al., Eds.).' (2022).

[3] United Nations. and United Nations Development Programme. UNDP, 'Sustainable Development Goals.' [2015] https://sdgs.un.org/goals.

[4] Transparency International., 'Corruption Perceptions Index 2023' (2023) <https://www.transparency.org/en/cpi/2023>.

[5] United Nations Economic Commission for Africa, 'Measuring Corruption in Africa: The International Dimension Matters' (2016) <https://repository.uneca.org/handle/10855/23037>.

[6] United Nations UN, 'Transforming Our World: The 2030 Agenda for Sustainable Development.' (2015).

[7] United Nations. and United Nations Development Programme. UNDP (n 3).

accountable public institutions and robust oversight mechanisms.[8]. IPCC argues that, Corruption in public procurement, natural resource management, or climate finance management directly undermines progress toward SDG 13, while weak climate resilience exacerbates socio-economic vulnerabilities that further strain governance systems.[9] Rose-Ackerman & Palifka argue that, by embedding climate action within a broader governance and anti-corruption framework, the 2030 Agenda conceptualizes sustainable development as contingent upon the simultaneous advancement of environmental sustainability and institutional accountability.[10]

Accordingly, this article is guided by two research questions: How do climate change and corruption jointly operate as structural barriers to sustainable development in Africa? Are current international, regional, and national legal and institutional frameworks sufficiently integrated, enforceable, and accountable to address these interlinked challenges? A doctrinal legal research approach was used, through a systematic analysis of treaties, regional instruments, national statutes, policy documents, and judicial decisions, complemented by relevant academic and policy literature.[11]. Doctrinal analysis is particularly appropriate for evaluating the normative coherence, internal consistency, and enforceability of legal regimes governing climate change, corruption, and sustainable development.[12] By interrogating the interaction between binding and soft-law instruments across international, regional, and domestic levels, the study assesses not merely the existence of legal obligations, but their operational integration and institutional viability.

This study is underpinned by the Governance Theory, which posits that development trajectories are fundamentally shaped by the quality, integrity, and capacity of public institutions.[13]. This is used as a critical analytical framework for interrogating why existing legal and institutional responses to climate change and corruption in Africa have produced limited transformative outcomes. Governance Theory Effective governance depends on regulatory coherence, administrative competence, transparency, accountability, and adherence to the rule of law.[14] However, this article advances the argument that prevailing governance arrangements in many African states are structurally ill-equipped to manage the complex, long-term, and resource-intensive demands of climate governance. [15]

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[8] United Nations Development Programme, 'Tackling Corruption to Address Climate Change' [2020] UNDP.

[9] Intergovernmental Panel on Climate Change (IPCC (n 2).

[10] BJ Rose-Ackerman, S., & Palifka, 'Corruption and Government: Causes, Consequences, and Reform.' [2016] Cambridge University Press.

[11] T Hutchinson, *Researching and Writing in Law (4th Ed.).* (2015).

[12] WH McConville, M., & Chui, *Research Methods for Law.* (2017).

[13] BG Pierre, J., & Peters, 'Governing Complex Societies: Trajectories and Scenarios' [2005] Palgrave Macmillan.

[14] World Bank., 'Environmental and Social Framework.' [2017] The World Bank Group.

[15] Diana Reckien and others, *Equity, Environmental Justice, and Urban Climate Change* (2018).

2. Method

The study employs a doctrinal research approach to analyze the legal structures and institutional systems which African countries use to fight climate change and achieve sustainable development. The research method requires researchers to conduct a systematic examination of all existing legal documents, which include constitutions, statutes, regulations, treaties and judicial decisions that govern climate change and sustainable development. The research evaluates the impact of key global treaties, which include the Paris Agreement and the United Nations Framework Convention on Climate Change and the African Charter on Human and Peoples' Rights, on the legal systems of various countries. The research method includes an analysis of policy materials and institutional guidelines, and enforcement systems to assess their sustainable development goal implementation, operational efficiency and regulatory framework alignment across African countries.

The doctrinal approach allows researchers to compare and analyze how various African nations interpret and execute their climate obligations through their legal systems and institutional frameworks. The study uses qualitative analysis to identify legal and policy gaps which create inconsistencies that together construct barriers to effective climate action and sustainable development. Researchers examine judicial precedents and scholarly literature to trace the development of legal principles which protect environmental resources and combat corruption. The research establishes normative arguments through source synthesis, which assesses existing frameworks and recommends institutional reforms to enhance capacity building and accountability mechanisms, and legal enforcement practices. The doctrinal method establishes a formal framework which enables the assessment of legal frameworks that address Africa's climate change problems.

3. Analysis or Discussion

3.1. Corruption and Climate Change: Structural Barriers to Sustainable Development in Africa

In Africa, corruption and Climate change challenges do not operate in isolation but interact by mutually reinforcing each other in ways that structurally undermine sustainable development. Sustainable development is the development that meets present needs without compromising the ability of future generations to meet their needs. It requires environmental protection, economic inclusion, and institutional integrity.[16] The intersection between Climate change and corruption erodes the ecological and economic foundations of development, while weakening the governance systems required to respond effectively. This creates systemic constraints that frustrate progress toward long-term development goals.

Climate Change as a Development Constraint in Africa: Africa's dependence on climate-sensitive sectors like agriculture, fisheries, and natural resource extraction,

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[16] United Nations, 'The Future We Want (Outcome Document of the United Nations Conference on Sustainable Development, Rio de Janeiro, Brazil', (2012).

make it disproportionately vulnerable to climate change and limited adaptive capacity.[17] Climate change is seen in terms of erratic rainfall, Rising temperatures, desertification, extreme weather and floods. These scenarios not only the threaten continent's food security, public health, exacerbating poverty but also constrain already weak and fragile state institutions, and the capacity to implement development and adaptation strategies effectively.[18] Changes in rainfall patterns, droughts, floods, and rising temperatures threatens the Agricultural sector yet it employs a large proportion of the population for livelihoods and significantly it contributes to a country's GDP.[19] Thus, such Climate Change conditions disrupt agricultural productivity, reduce crop yields, and threaten livestock production, thereby undermining food security and rural incomes across the continent (Food and Agriculture Organization, 2021). Hence, Climate variability can significantly reduce economic growth in African countries by lowering labour productivity, damaging infrastructure, and increasing disaster-related losses.[20] Furthermore, climate change impends poverty reduction efforts and sustainable development goals, as vulnerable communities often lack adequate adaptive capacity and financial resources to respond effectively to climate shocks.[21] Consequently, Africa remains one of the regions most vulnerable to climate change, despite contributing relatively little to global greenhouse gas emissions making it a critical development constraint that requires urgent policy attention and climate-resilient development strategies.[22]

The African legal system considers corruption to be an essential governance failure which obstructs both development and the proper operation of institutions[23]. The African Union Convention on Preventing and Combating Corruption establishes a comprehensive normative basis for addressing this challenge by imposing clear obligations on State Parties. The article requires State Parties to establish laws and additional measures which will help them stop corruption and related crimes from happening in both public and private businesses, according to Article 4(1). States must establish effective internal control systems, which include accounting, auditing and monitoring processes to achieve better transparency in public administration according to Article 5(3). The article establishes accountable governance through its requirement that State Parties must implement necessary laws and other measures which will create and maintain systems of government that will operate

[17] Intergovernmental Panel on Climate Change (IPCC (n 2).
[18] United Nations Environment Programme (UNEP), 'Africa Environment Outlook 3: Summary for Policy Makers' (2018).
[19] Intergovernmental Panel on Climate Change (IPCC (n 2).
[20] Solomon M Hsiang and Edward Miguel Burke, Marshall, 'Global Non-Linear Effect of Temperature on Economic Production' (2015) 7577 Nature 235.
[21] World Bank, 'Engaging Citizens for Better Development Results.' (2021).
[22] Intergovernmental Panel on Climate Change (IPCC (n 2).
[23] Oluwafemi Senu, 'A Critical Assessment of Anti-corruption Strategies for Economic Development in Sub-Saharan Africa' (2020) 38, no. 5 Development Policy Review 664.

transparently and accountably and enable public participation. The provisions establish requirements for African states which demand that they create laws against corruption while they build institutions to oversee government affairs and work to create open governance systems.

Corruption in Africa functions as an administrative violation because it operates as an extensive failure of government operations, which disrupts both institutional effectiveness and development progress while creating permanent obstacles to sustainable development. The process happens when corrupt activities change how public officials make decisions and when lawbreakers divert government funds from projects that benefit society. The vice manifests in forms such as grand corruption, petty corruption, political patronage, state capture, illegal logging, illicit mining, land grabbing, and wildlife exploitation and enabling collusion between public officials and private actors.[24] This weakening regulatory capacity weakens policy implementation by eroding public sector professionalism, reducing compliance with environmental regulations, and fostering a culture of impunity within administrative systems.[25] It also gives birth to Regulatory capture and bribery in licensing and concession processes, compromising environmental impact assessments and permitting environmentally harmful projects to proceed without adequate safeguards and entrenching inequality.[26] It also alters incentives within public institutions by undermining accountability systems, degrading ecosystems and accelerating biodiversity loss, public revenue losses, reducing the fiscal space necessary for development investments, obstructing long-term planning essential for sustainable development.[27] In the long run, rather than being instruments of collective welfare, sustainable development initiatives risk being perceived as vehicles for elite enrichment thereby undermining their legitimacy and effectiveness. This is due to the fact that, systemic corruption as discussed will diminish institutional credibility and public trust, discouraging civic participation and weakening the social contract necessary for inclusive governance.[28]

The Climate–Corruption Nexus: In Africa, Corruption is said to intersect with climate change by rendering development vulnerable and governance failure is reinforced by it. Climate action is undermined by Corruption which distorts policy priorities, regulatory enforcement is compromised where transparency and accountability

[24] A Kolstad, I., & Wiig, 'Is Transparency the Key to Reducing Corruption in Resource-Rich Countries?' [2012] World Development, 40(4).
[25] Francis Fukuyama, 'What Is Governance?' (2013) 26, no. 3 Governance 347.
[26] Hugo J Faria, Hugo M Montesinos-Yufa and Daniel R Morales, 'Should the Modernization Hypothesis Survive Acemoglu, Johnson, Robinson, and Yared? Some More Evidence' (2014) 11 Econ Journal Watch 17 <https://econjwatch.org/File+download/794/FariaMontesinosMoralesJan2014.pdf> accessed 29 June 2022.
[27] Aled Williams and Philippe Le Billon, *Corruption, Natural Resources and Development: From Resource Curse to Political Ecology* (2017).
[28] Bo Rothstein and Jan Teorell Persson, Anna, 'Why Anticorruption Reforms Fail—Systemic Corruption as a Collective Action Problem.' (2013) 26, no. 3 Governance 449.

mechanisms in public procurement is weak.[29]. Similarly, the effectiveness and sustainability of climate interventions (like renewable energy initiatives, climate-resilient infrastructure, and disaster risk reduction programs) are undermined by rent-seeking (occurs when political actors, bureaucrats, or private entities manipulate funding processes to obtain financial or political benefits without contributing to genuine climate outcomes),[30] and elite capture,[31] (arises when powerful groups such as political leaders, influential businesses, or local elites dominate decision-making and divert climate funds toward projects that serve their interests rather than the needs of vulnerable communities most affected by climate change) resulting from weak climate finance governance [32]

These scenario weaken public trust, reduces the environmental and social impact of climate programs, and threatens the long-term sustainability of global climate efforts promoted under frameworks such as the Paris Agreement and funding mechanisms like the Green Climate Fund.[33] As such resources intended for mitigation and adaptation initiatives may be misallocated, poorly implemented, or diverted through corruption and patronage networks.[34] These interactions demonstrate that climate vulnerability and governance failure are mutually reinforcing: corruption undermines the capacity of states to respond effectively to climate risks, while climate stress intensifies institutional fragility and opportunities for corrupt behavior.[35] This creates a vicious cycle that deepens environmental degradation, exacerbates inequality, and constrains sustainable development.[36]

3.2. Legal and Institutional Framework addressing Climate Change and Corruption in Africa

The international, regional, and national legal and institutional framework in Africa uses multiple layers to tackle climate change and corruption because environmental governance and anti-corruption work need international cooperation.[37]

3.2.1. International Legal and Institutional Frameworks

[29] ibid.
[30] Ms Nyapid Brenda Kisubi Esther Christine, Godard Busingye, 'THE RESOURCE CURSE IN UGANDA: A LEGAL ANALYSIS OF OIL GOVERNANCE AND SUSTAINABLE DEVELOPMENT CHALLENGES' 1.
[31] Esther Kisubi and Tajudeen Sanni, 'The Regulatory Regime for Public Participation in the Upstream Petroleum Sub-Sector in Uganda' (2024) 5 Journal of Applied Science, Information and Computing 54.
[32] Rose-Ackerman, S., & Palifka (n 10).
[33] Intergovernmental Panel on Climate Change (IPCC (n 2).
[34] Transparency International., 'Global Corruption Report: Corruption in Environmental Governance.' [2020] Transparency International.
[35] Fukuyama (n 27).
[36] Faria, Montesinos-Yufa and Morales (n 28).
[37] Ravi Subramanian, Brian Talbot and Sudheer Gupta, 'An Approach to Integrating Environmental Considerations within Managerial Decision-Making' (2010) 14 Journal of Industrial Ecology 378.

The United Nations Framework Convention on Climate Change (UNFCCC) establishes the global framework to address climate change while the Paris Agreement requires states to improve their climate mitigation and adaptation, and climate finance transparency efforts[38]. The United Nations Convention against Corruption (UNCAC) establishes environmental frameworks which require states to implement criminalization of corruption and development of public sector accountability systems and transparency requirements for handling public resources, including climate-related funds.[39]

The United Nations Framework Convention on Climate Change establishes international climate governance through its definition of essential principles, which have to be followed by participating nations. The principle of equity and common but differentiated responsibilities under Article 3(1) establishes that "The Parties should protect the climate system for the benefit of present and future generations of humankind based on equity and in accordance with their common but differentiated responsibilities and respective capabilities," while emphasizing that developed countries should lead global climate efforts. The Convention establishes essential requirements through Article 4(1)(b), which requires all Parties to "formulate, implement, publish and regularly update" national and regional programmes that will reduce greenhouse gas emissions while helping people to adapt. The Paris Agreement uses its existing framework to create stronger implementation through its binding commitments, which include Article 4(2) that requires Parties to create and keep their nationally determined contributions and Article 7(1), which establishes a global adaptation target. Article 13(1) presents an advanced transparency system, while Article 9(1) requires developed countries to deliver financial assistance to developing nations for their climate change initiatives.

The United Nations Framework Convention on Climate Change together with the Paris Agreement create international climate governance standards and procedures which include equity principles and national climate action through NDCs and adaptation planning and transparency mechanisms and climate finance support components that help African nations combat climate change effects.

The United Nations Convention against Corruption functions as the main international legal framework to fight corruption which affects climate governance because it creates major risks for climate finance and environmental regulation and public procurement activities. States Parties to the UNCAC treaty must establish preventive systems which will decrease the chances of corruption taking place. The United Nations Convention against Corruption establishes strong preventive measures through its Chapter II, which requires States Parties to create complete anti-corruption programs that will ensure public administration operates with

[38] The Paris Agreement, United Nations Framework Convention on Climate Change 2015 ((UNFCCC)).
[39] United Nations Convention Against Corruption. 2003 (www.unodc.org/unodc/en/treaties/UNCAC).

integrity and accountability. Article 5 requires states to establish and implement effective practices which will prevent corruption according to its provisions. Article 8 requires public officials to create and enforce conduct codes which mandate them to behave with integrity and honesty and assume their responsibilities. The three requirements together demonstrate that institutional reforms, transparency mechanisms and ethical standards need to work together to prevent corruption. The climate governance sector requires active oversight because its substantial financial resources and intricate regulations create opportunities for misconduct.

The Convention establishes mandatory requirements for States Parties to create laws that make essential corrupt activities illegal and to establish mechanisms which will hold individuals accountable. The articles from 15 to 22 mandate countries to establish laws that make bribery and embezzlement, and similar crimes illegal because they require every State Party to establish laws against "the promise, offering or giving ... of an undue advantage" to public officials. Article 17 establishes laws against "embezzlement, misappropriation or other diversion" of entrusted property, while Article 18 requires countries to establish laws against trading in influence. The government must adopt auditing procedures and procurement process controls according to Article 9, which mandates public financial management systems to achieve complete transparency. The Convention establishes stronger international enforcement mechanisms through its Articles 43 to 57, which include international asset recovery processes and extradition and mutual legal assistance systems.

The United Nations Convention against Corruption establishes comprehensive legal rules which create a barrier against corruption through its prevention, criminalisation, and enforcement mechanisms. The framework developed through this research benefits African nations, which experience severe climate impacts and face governance problems because it needs proper monitoring to accomplish its environmental and socio-economic goals. The 2030 Agenda for Sustainable Development[40] establishes a link between climate action and good governance through its requirement that countries should protect environmental resources while maintaining their institutional accountability and efficient operations. The Sustainable Development Goal 13 requirements force countries to urgently fight climate change together with its related effects through their obligations to develop methods for climate change mitigation, adaptation and resilience. Sustainable Development Goal 16 reveals the need for governance, but Target 16.5 requires countries to cut down all types of corruption and bribery, while Target 16.6 requires countries to create trustworthy organisations that operate at different levels of their systems.

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[40] United Nations UN (n 6).

The 2030 Agenda demonstrates that climate governance needs institutional strength and transparent practices and legal systems to operate effectively in African regions which experience both climate risks and governance obstacles. The SDG provisions offer designers of climate interventions normative standards and practical implementation methods to create environmentally sustainable solutions which also promote social equity and institutional responsibility. The international legal framework establishes normative standards and operational procedures to combat climate corruption yet its effectiveness suffers from inadequate system integration and restricted enforcement capacity and from the widespread governance deficiencies that exist across numerous African countries.

3.2.2. Regional Legal and Institutional Frameworks

At the regional level, Africa has adopted governance mechanisms aimed at strengthening accountability and combating corruption in public administration. The African Union Convention on Preventing and Combating Corruption requires member states to criminalize corrupt practices, establish anti-corruption institutions, and promote transparency in the management of public finances.[41] Regional organizations such as the African Union and the African Development Bank also play an important role in promoting climate governance, mobilizing climate finance, and supporting institutional reforms aimed at improving accountability and climate resilience across African states.[42]

The African Union Convention on Preventing and Combating Corruption requires member states to create laws that make corrupt activities illegal while establishing both legal systems and institutional frameworks which will fight corruption throughout all public and private institutions. Article 4(1) of the document establishes a broad enforcement mandate because it states that "State Parties commit themselves to adopt legislative and other measures to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors." The Article 4(1)(a) section mandates that all countries must make bribery illegal because the term "bribery" means "the solicitation or acceptance, directly or indirectly... of any goods of monetary value... in exchange for any act or omission" which involves official duties. The Article 4(1)(c) section requires that embezzlement, misappropriation, and public property diversion by officials be established as criminal offenses, which creates fundamental legal grounds for combating public finance corruption, including climate-related funding. The Convention establishes better governance standards because Article 5(3) requires countries to have effective accounting and auditing systems, and Article 12(1) mandates governments to implement transparent systems which enable public participation and hold officials accountable for their actions.

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[41] African Union Convention on Preventing and Combating Corruption 2003 (African Union).
[42] African Development Bank, 'African Economic Outlook 2019' (2019).

The Convention establishes a legal framework which protects climate resources and requires accountable environmental governance through its three main requirements. The Convention establishes systems which enable countries to work together while retrieving stolen assets. Article 16 requires States Parties to cooperate in investigations and legal proceedings related to corruption, while Article 22 emphasizes the recovery and return of assets derived from corrupt activities. The African Union Convention on Preventing and Combating Corruption contains provisions which directly connect to climate governance in Africa. The financial activities of climate financing and environmental regulations and natural resource management create opportunities for corruption because they involve substantial monetary transactions and complicated purchasing systems.

The African Charter on Human and Peoples' Rights[43] provides a foundational human rights basis for environmental protection and sustainable development in Africa by explicitly linking environmental quality to the enjoyment of fundamental rights. Article 24 affirms that “All peoples shall have the right to a general satisfactory environment favourable to their development,” thereby imposing obligations on states to safeguard ecological systems. This provision has been authoritatively interpreted by the African Commission on Human and Peoples’ Rights, notably in Social and Economic Rights Action Center (SERAC) v Nigeria, where it held Nigeria accountable for failing to prevent environmental degradation in the Niger Delta. The Commission emphasized that “Governments have a duty to take reasonable and other measures to prevent pollution and ecological degradation and to secure an ecologically sustainable development,” thereby reinforcing state responsibility to regulate harmful activities and protect environmental rights.

The African Convention on the Conservation of Nature and Natural Resources establishes binding obligations for conservation and sustainable resource use across the continent. Article II(1) requires states to “adopt and implement all measures necessary” to achieve environmental objectives, which include preventive actions and adherence to the precautionary principle. Article V establishes requirements for sustainable forest and biodiversity management, while the Parties will control their water resources according to Article VI and will implement measures to stop water pollution and environmental harm. The African Union Strategy on Climate Change[44] creates a policy framework which supports development planning by requiring climate change considerations to be integrated into national and regional policies while institutions build their capacity for climate governance.

The regional legal and policy instruments which exist in Africa function as a complete system which protects the environment and governs climate matters

[43] African convention on the conservation of nature and natural resources. 2003 (Maputo, Mozambique).
[44] African Union Commission, ‘African Union Strategy on Climate Change’ (2014).

while achieving sustainable development because these instruments connect human rights with natural resource protection and climate change regulations, while they strengthen the duty of African nations to protect their environmental assets for future generations. The Regional Economic Communities (RECs) in Africa function as essential entities which enhance environmental governance together with institutional accountability through their establishment of binding environmental agreements and their development of institutional policy systems. The Economic Community of West African States, the East African Community, and the Southern African Development Community work together with the African Union to create continental environmental protection systems, which include standardized legal frameworks to support regional collaboration. The Protocol on Environment and Natural Resources Management establishes environmental conservation and climate-related collaboration requirements which member states must follow under the East African Community framework.

The environmental governance systems and anti-corruption mechanisms established by African regional legal systems work together to support sustainable development. The East African Community requires partner states to work together through Article 4(1), which states that the Partner States shall take concerted measures to foster cooperation in the joint and efficient management and sustainable utilization of natural resources within the Community. Article 5(1) establishes a requirement for states to create and synchronise their environmental protection and natural resource management policies and laws, and strategies. The Southern African Development Community in Southern Africa achieves its goals through various instruments, which include the SADC Protocol on Forestry. Article 4(1) states that State Parties shall cooperate in the sustainable management, conservation and utilization of all types of forests and trees for the benefit of present and future generations. The Economic Community of West African States in West Africa supports these initiatives through its governance structures, which include the ECOWAS Protocol on the Fight against Corruption (2001), Article 3 states that states are required to enact all required legal and administrative policies to fight against detection and punishment of corruption to eliminate it.

The Economic Community of West African States has developed governance systems for West Africa through its ECOWAS Protocol on the Fight against Corruption, which requires member countries to build their anti-corruption systems. Article 3 requires Member States to create both legislative and administrative systems which will help them prevent, identify and prosecute corruption and other related crimes which occur in public and private organizations. The African regional economic communities (RECs) work together to create standardised environmental protection rules which help their member countries combat environmental crime across international boundaries. The system enables states to tackle cross-border environmental issues through shared monitoring systems, coordinated policies and collaborative enforcement strategies, which also improve institutional accountability and support sustainable climate governance. The organization has established a solid legal and institutional framework, but the actual execution of this framework shows significant variation between different situations. The process of ratifying regional and continental agreements does not guarantee that member states will comply with their obligations, because their capacity to implement these measures depends on their institutional strength, available funding, and dedication to implementing their obligations.

The court case *SERAP v Federal Republic of Nigeria*[45] revealed that Nigeria violated its citizens' socio-economic rights when it failed to protect the Niger Delta region from environmental destruction. The South African government failed to assess climate change impacts during environmental assessments, according to *Earth Life Africa Johannesburg v Minister of Environmental Affairs*[46], which showed that institutional capacity problems and weak enforcement methods undermine climate governance despite the presence of strong legal frameworks. The implementation of climate and anti-corruption policies suffers from three main problems, which include ineffective monitoring, duplicate responsibilities and coordination difficulties between various agencies. The AU and REC frameworks create a complete climate and corruption solution, which establishes an extensive regulatory system, but their enforcement and institutional capacity limitations prevent their complete implementation. The regional instruments need improvements through better connections to national legal frameworks, together with active system monitoring and dedicated leadership that focuses on resolving the governance problems which fuel corruption and harm climate resilience across Africa.

3.2.3. National Legal and Institutional Frameworks

The legal systems and institutional structures of African countries show major differences in how they establish laws and enforce their regulations. African countries implement international and regional environmental and climate change treaties through their national laws and policies, and their environmental protection institutions. The framework includes national climate change policies and environmental management statutes, and anti-corruption agencies which detect, investigate and prosecute cases of public sector corruption. The combination of these legal and institutional systems aims to create transparent climate governance

[45] *Social and Economic Rights Action Center (SERAP) and Center for Economic and Social Rights v Federal Republic of Nigeria*, (2001) No. 155/96.
[46] *Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others* [2017] ZAGPPHC 58; 2017 2 All SA 519.

procedures which protect against corruption that might interfere with climate initiatives and sustainable development efforts in Africa.

Uganda has created a strong legal system together with institutional structures which protect the environment and combat climate change, and prevent corruption. The National Environment Act serves as the primary legislation governing environmental management because its Section 3(1) states that "The objectives of this Act are to provide for the sustainable management of the environment, protect natural resources, and ensure that all persons take measures to prevent environmental degradation." The Climate Change Act establishes climate governance procedures which the government must follow, while Section 6(1) states that "The Government shall formulate and implement policies and strategies to promote climate change mitigation and adaptation, enhance resilience, and reduce greenhouse gas emissions." The Anti-Corruption Act protects governance integrity by making all forms of corrupt activities criminal offences. Section 4(1) provides that "Any person who solicits, accepts, or offers any gratification, whether monetary or otherwise, for the performance of official duties, commits an offence." The various laws create a complete system which helps Uganda to achieve sustainable development while building climate resilience and maintaining accountability in its governance framework.

While the Inspectorate of Government (IGG) enforces anti-corruption measures under the Anti-Corruption Act (2009, SS.5–10). Ugandan courts have enforced through case law. For instance, in *Uganda v Lwamafa & 2 Ors*,[47] the High Court's Anti-Corruption Division convicted senior ministry officers of multiple offences including causing financial loss, abuse of office, false accounting, conspiracy to defraud, and diversion of public funds. The case involved the unlawful allocation of NSSF funds intended for pensionable civil servants, with a syndicate spanning the ministry, Treasury, and a bank. The court emphasized the duty of the Permanent Secretary and Accounting Officer, is to safeguard public resources, noting that this duty extends to all officials entrusted with financial control. Despite these formal structures, enforcement and integration challenges persist, reflecting systemic governance weaknesses.

The environmental governance framework, which Uganda established for climate finance and environmental protection, suffers a breakdown because its main institutional bodies, which include the Ministry of Water and Environment, National Environment Management Authority and Inspectorate of Government, share overlapping responsibilities[48]. The Anti-Corruption Court faces three main problems, which include its slow legal processes, its limited authority, and its lack

[47] *Uganda v Lwamafa & 2 Ors* (2016) 4.
[48] Kisubi Esther Christine, 'ENVIRONMENTAL JUSTICE IN UGANDA ' S OIL AND GAS UPSTREAM SUB-SECTOR DECISION-MAKING By'.

of institutional power to operate independently. Kenya has built a better-organised legal system, which enables climate change mitigation efforts and anti-corruption programs to operate effectively. The Climate Change Act establishes its objectives through Section 5(1), which declares that "The objects of this Act are to promote climate resilience, reduce greenhouse gas emissions[49], and integrate climate change measures into national and county planning," which establishes climate policies as essential elements of national and local government operations. The Anti-Corruption and Economic Crimes Act creates additional accountability measures because it makes corrupt activities illegal, while Section 3(1) defines the offense as "A person who corruptly gives, offers or receives any gratification commits an offence." The laws together improve institutional coordination, which leads to better enforcement.

While the Ethics and Anti-Corruption Commission (EACC) oversees anti-corruption enforcement under the Anti-Corruption and Economic Crimes Act (2003, ss.5–12). Kenyan courts have applied these frameworks in *Director of Public Prosecutions v Kimunya & 3 others*.[50] This case involved the alleged illegal allocation of 25 acres of public land from the Settlement Fund Trust (meant for resettlement of landless people) to a private company linked to the first respondent, Amos Kimunya, former Minister of Lands. The prosecution charged the respondents with abuse of office, fraudulent disposal of public property, and breach of trust for transferring the land without proper authority or trustee approval. Although the trial court initially acquitted them, the appellate court found that the prosecution had established a prima facie case on multiple corruption-related counts, overturning the acquittal and requiring the accused to be placed on their defence, underscoring judicial scrutiny of public resource misuse by officials.

The existing legal framework in Kenya provides complete coverage for tackling climate change and corruption, yet actual enforcement remains hindered because of existing institutional and structural obstacles[51]. The primary problem arises when national authorities and county governments duplicate their functions because this practice results in shared duties that create operational inefficiencies while creating situations where enforcement becomes unworkable. The climate finance system requires better anti-corruption monitoring because its current setup creates weak accountability measures, which undermine both climate governance efforts and anti-corruption programs. The existing system divides responsibilities among multiple entities, which leads to different government sectors conducting their verification and enforcement tasks in separate ways. The combination of weak institutional coordination and unclear role distribution among governing bodies

[49] United Nations Economic Commission for Africa (n 5).
[50] *Director of Public Prosecutions v Kimunya & 3 others* (2022) 6 of 2020 KEHC 13498.
[51] Yussuf Daud, 'A Review of Effectiveness of Anti-Corruption Strategies and Institutions in Kenya' (2024) 4, no. 4 African Journal of Commercial Studies 303.

leads to inadequate climate resilience and corruption control outcomes, which prevent Kenya from achieving its legal and policy goals.

Nigeria established various legal and institutional frameworks to combat climate change while fighting corruption. The Climate Change Act establishes a governance system to manage climate initiatives, which requires the National Council on Climate Change to create policies and plans, and programs that will lower greenhouse gas emissions while building climate protection capabilities according to section 6 of the law. The National Climate Change Policy and Response Strategy from 2012 mandates that climate change factors must be integrated into all development planning processes because it requires all sectors of the economy to incorporate climate change adaptation and mitigation methods into their development initiatives and government policies. The Economic and Financial Crimes Commission Act strengthens anti-corruption initiatives through its Section 6(1), which grants the EFCC authority to investigate financial crimes and public and private sector corruption prevention and prosecution activities. The judicial system, through the Social and Economic Rights Action Center v Nigeria case, established judicial precedents which strengthened state obligations to safeguard environmental rights and stop environmental degradation. The existing frameworks face challenges because various institutions, including the Ministry of Environment, EFCC and ICPC[52], lack proper coordination while subnational entities exercise limited control over enforcement and climate governance activities[53].

The cases demonstrate a recurring pattern which shows that governance systems have fundamental structural flaws. The governance systems show their fundamental weakness through decentralized institutional structures that divide organizational tasks among multiple departments which share similar responsibilities for overseeing climate issues. The system shows its enforcement shortcomings because government agencies lack resources and because the judicial system experiences delays and because the system lacks trained experts who can handle intricate climate finance operations. The system lacks proper climate fund management transparency which allows for both fund misallocation and corrupt activities to take place. The environmental governance system falls short because it fails to implement adequate anti-corruption measures which creates institutional barriers that prevent effective climate accountability from connecting with financial integrity. The national legal frameworks demonstrate their actual strength through their law requirements which create real difficulties for governance which drive the same problems that international and regional agreements have identified. The resolution of these problems needs multiple agencies to work together while they

[52] EFCC Act, 2004; ICPC Act, 2000)

[53] Okereke &Betey Campion Adekola, 'Community Engagement and CSR in the Oil and Gas Industry: The Case of the Niger Delta.' [2019] Business Strategy and the Environment, 28(7).

create unified operational procedures and build effective systems which will establish responsibility to maintain transparent climate governance that meets enforceable standards and sustainable development goals.

4. Conclusion

The article provides a detailed analysis of how climate change and corruption and sustainable development work together to limit African countries' development progress. The African continent needs governance systems that combine different elements with accountable management to solve its problems with climate change and corruption. Climate change endangers human rights and livelihoods while systemic corruption causes resource theft and environmental law enforcement failures which damage SDGs 13 and 16. The existing legal frameworks at international and regional and national levels do not achieve their intended purposes because of their scattered design which lacks sufficient enforcement resources and fails to establish effective collaboration. Climate governance requires organizations to establish anti-corruption frameworks which need funding to become effective while organizations need to create transparent systems through mandatory reporting and public participation and agencies have to define their functions across different levels of authority. The development of institutions sustaining public resources should follow a context-sensitive approach which needs to match local capacities and vulnerabilities for sustainable development.