

The Motivation of Climate Action Through Free Trade Agreements: What Does the AfCFTA Agreement bring to the 2015 Paris Agreement on Climate Change

V Antifon*

Online ISSN
1727-3781

P·E·R

Pioneer in peer-reviewed,
open access online law publications

Author

Vieviene Antifon

Affiliation

Aston University,
United Kingdom

Email

v.antifon@aston.ac.uk

Date Submitted

27 October 2022

Date Revised

7 July 2025

Date Accepted

7 July 2025

Date Published

15 October 2025

Editor

Mr Michael Laubscher

Journal Editor

Prof Wian Erlank

How to cite this contribution

Antifon V "The Motivation of Climate Action Through Free Trade Agreements: What Does the AfCFTA Agreement Bring to the 2015 Paris Agreement on Climate Change" *PER / PELJ* 2025(28) - DOI
<http://dx.doi.org/10.17159/1727-3781/2025/v28i0a15060>

Copyright



DOI

<http://dx.doi.org/10.17159/1727-3781/2025/v28i0a15060>

Abstract

Global climate change mitigation within the framework of the 2015 *Paris Agreement on Climate Change* essentially revolves around a hybrid of bottom up and top-down state action. However, regional climate action in Africa is not entirely defined by the *Paris Agreement* due to inevitable intersections with actions directed towards the organisation of trade within a state, as well as multilateral cooperation with other states in regional trade agreements. The widely acknowledged implication of this intersection between regional trade governance and climate change mitigation is that regional free trade agreements like the 2020 *Africa Continental Free Trade Area Agreement (AfCFTA Agreement)* have the potential to advance or hinder climate mitigation objectives within a particular construct.

In addition to the foregoing understanding on the connections between trade governance and climate change, as well as the opportunities for harmonisation or conflict, there is an existing lack of clarity about the specific possibilities that the *AfCFTA Agreement* brings to the climate change objectives of the *Paris Agreement*. This article, therefore, explores how climate action can be adequately motivated through regional trade agreements, using the novel interaction between the *AfCFTA Agreement*, which came into effect in January 2021, and the 2015 *Paris Agreement on Climate Change*. It examines the implications of trade governance for climate policy under the *AfCFTA* framework, and how those outcomes align with and promote the objectives of the *Paris Agreement*. By focussing on the intersection between climate change and regional trade agreements, the contribution of this article to scholarship is the elaboration of the burgeoning practice of motivating climate action through regional trade agreements within the context of the novel interaction between the *AfCFTA Agreement* and the *Paris Agreement*.

Keywords

Climate change; climate action; free trade agreements; *AfCFTA Agreement*; *Paris Agreement*.

.....

1 Introduction

While the global focus shifted toward managing the COVID-19 pandemic, climate change remains an urgent and enduring global challenge, with mitigation efforts spanning regional and multilateral trade.

Efforts to mitigate its impacts continue across various fronts, including regional and multilateral trade. In Africa the stakes are particularly high. The continent is highly vulnerable to climate-related risks,¹ despite its contributing minimally to global greenhouse gas (GHG) emissions when compared to the Global North, or even other developing regions such as Asia or South America.² Also, global climate change mitigation within the framework of the 2015 *Paris Agreement on Climate Change* essentially revolves around a hybrid of bottom-up and top-down state action. This disparity highlights the transboundary nature of climate change and longstanding inequities in global climate governance.

The 2015 *Paris Agreement*, adopted under the United Nations Framework Convention on Climate Change (UNFCCC), relies primarily on the nationally determined contributions (NDCs) of state parties to achieve its GHG mitigation objectives.³ However, scrutiny of the implementation of the *Paris Agreement* across Africa reveals deep challenges. The continent's economic and developmental realities make it heavily reliant on support from public, private, and international development sectors.⁴ Unlike wealthier countries that have access to substantial climate finance and institutional support, many African states lack sufficient funds, sufficiently mature regulatory frameworks, or sufficient climate-related technological expertise to fully operationalise their NDCs. Even where the political will exists, socio-economic priorities and capacity constraints often hinder climate ambition.

Against this backdrop, the entry into force of the *Agreement Establishing the Africa Continental Free Trade Area (AfCFTA Agreement)* in January 2021 offers a dual opportunity — not only to accelerate intra-African trade and economic integration, but also to support climate mitigation in a region where climate vulnerability and trade governance are closely linked. The *AfCFTA Agreement* is the first continental agreement designed to bring

* Dr Vieviene Antifon. Teaching Fellow in Law, Aston University, School of Law and Social Sciences, United Kingdom. E-mail: v.antifon@aston.ac.uk. ORCID: <https://orcid.org/0000-0002-8066-2930>.

¹ Conway and Vincent "Conversations About Climate Risk" 147-162.

² World Bank *Accelerating Climate-Resilient and Low-Carbon Development* 6-7.

³ *Paris Agreement on Climate Change* (2015) (hereafter the *Paris Agreement*) Arts 3, 4 and 6.

⁴ African Development Bank 2018 <https://cop24.afdb.org/en/news/africa-must-not-be-short-changed-climate-finance-says-expert-panel-cop24>.

together all 55 African Union (AU) member states under a single trade regime.⁵ Unlike previous sub-regional arrangements, it seeks to unify the continent's fragmented trade architecture and enable broader development gains.

Given the multilayered nature of multilateral trade,⁶ where various aspects of sustainable development and its politics are necessarily implicated, this article asserts that there is an underexplored need to assess the climate change mitigation potential of the *AfCFTA Agreement* in relation to the *Paris Agreement*. This analysis is crucial, not only due to Africa's current vulnerability, but also because of the legal and institutional synergies that might be forged between regional trade and climate regimes. The implications for policy harmonisation, legal coherence and more effective multilateral engagement on climate are significant.

This article therefore seeks to clarify how climate action in Africa might be motivated through regional trade agreements, using the novel interaction between the *AfCFTA Agreement* and the *Paris Agreement* as a case study. It considers the extent to which trade liberalisation under the *AfCFTA Agreement* creates opportunities — or poses risks — for achieving the *Paris Agreement's* temperature goals, especially given Africa's competing development needs.

Three guiding research questions frame the analysis:

1. To what extent are the climate-related provisions of the *AfCFTA Agreement* designed with an underlying free trade-climate nexus?
2. What types of climate action does the *AfCFTA Agreement* promote, and how effective are these mechanisms?
3. Who are the dominant actors driving climate action within the *AfCFTA*, and how can their influence be leveraged to align with the objectives and stakeholders of the *Paris Agreement*?

The article adopts a hybrid methodology comprising doctrinal, non-doctrinal, applied and theoretical legal approaches. It begins by exploring the conceptual links between climate governance and trade law. This is followed by an analysis of relevant *AfCFTA Agreement* and *Paris Agreement* provisions, with a view to identifying opportunities for harmonisation or reform. The article concludes with observations and recommendations for future action.

⁵ *African Free Continental Trade Agreement* (2018) (hereafter *AfCFTA Agreement*).

⁶ Moustapha *et al* *Trade, Climate Change and Sustainable Development* 23-24; Gallina 2017 *International Trade Forum* 20.

Free trade agreements (FTAs) have increasingly taken on a regulatory role in the climate space, filling a gap left by global institutions like the World Trade Organisation (WTO) and the UNFCCC.⁷ Neither organisation has thus far developed trade disciplines explicitly aligned with climate change objectives.⁸ As noted by Cottier and Payosova,⁹ this represents a serious failure of global governance. While the *Paris Agreement* makes only limited reference to trade-related mechanisms, many FTAs now contain binding or aspirational provisions connecting trade policy and climate goals. This evolving trend opens new possibilities for regional frameworks — such as the *AfCFTA* — to play a complementary role in the global climate regime.

2 An overview of climate change and free trade agreements

Climate change is a complex global challenge with profound economic, environmental and social implications. FTAs have emerged as important tools in responding to this challenge. According to the Organisation for Economic Co-operation and Development (OECD), global greenhouse gas (GHG) emissions must be halved by 2030 relative to 2005 levels to avoid exceeding the 2°C temperature threshold. The intersection between trade and climate change is therefore critical,¹⁰ as the way trade is structured influences both mitigation efforts and sustainable development outcomes.

FTAs are increasingly viewed as platforms for climate change mitigation.¹¹ On the one hand, free trade can facilitate the efficient use of natural resources, raise income levels that support stronger environmental commitments, promote the production of environmentally friendly goods and services, and foster the cross-border transfer of green technologies.¹² On the other hand, increased trade may also result in higher GHG emissions, rapid resource depletion, and environmental degradation, especially if the growth it facilitates is not accompanied by environmental safeguards.¹³ The net environmental impact of an FTA thus depends on the scale and type of economic activity it promotes and the technological and regulatory mechanisms accompanying it.

While many FTAs have been negotiated under the auspices of the WTO, the proliferation of bilateral and regional FTAs over the past two decades is

⁷ *United Nations Framework Convention on Climate Change* (1992) (UNFCCC).

⁸ Dent 2020 *Global Policy* 123-135.

⁹ Cottier and Payosova 2019 *J Int'l Econ L* 451-474.

¹⁰ Brunnee "Common Areas" 550; Pauwelyn "Global Challenges" 1.

¹¹ Bernauer and Nguyen 2015 *Global Environmental Politics* 105-129; Leitao and Lorente 2020 *Energies* 4-8.

¹² Abman and Lundberg 2020 *Journal of the Association of Environmental and Resource Economists* 35-72; Peters and Hertwich 2008 *Environmental Science & Technology* 1401-1407.

¹³ OECD *Methodologies for Trade and Environmental Reviews* 6-9.

notable. For example, the North American Free Trade Agreement (NAFTA), the Trans-Pacific Partnership (TPP), and recent EU-Mercosur agreements exemplify trade regimes that increasingly address sustainable development. In 2019 the European Union (EU) and the Mercosur bloc reached a comprehensive agreement that included environmental protection provisions.¹⁴

In contrast, Africa has historically engaged in fewer FTAs. Prior to the *AfCFTA Agreement*, most African countries had signed only one or two trade agreements, often with limited scope. The continent's trade landscape has largely been shaped by the EU, with African exports heavily reliant on European markets.¹⁵ Reports from the New Partnership for Africa's Development (NEPAD) and the African Union of Exporters highlight concerns over this imbalance and its implications for poverty, development and climate resilience.

The increase in FTAs globally — from just 22 fully operational agreements in 1990 to over 300 by 2020 — underscores their growing influence. According to Christopher Dent,¹⁶ the flexible and modular structure of FTAs allows them to address trade-related environmental concerns more effectively than multilateral institutions such as the WTO. Their smaller scale and tailored legal frameworks make them more responsive to the diverse needs of member states.

FTAs now govern a significant portion of global trade and include their own regulatory provisions shaping trade flows and economic interactions. This autonomy enhances their potential to influence national environmental policies and incorporate climate provisions directly.¹⁷ Given the WTO's lack of climate-specific trade disciplines,¹⁸ and the limited treatment of trade within the UNFCCC and *Paris Agreement*,¹⁹ FTAs are filling a critical governance gap. As noted by Cottier and Payosova,²⁰ this represents a significant failure in global institutional coordination.

Because FTAs are highly diverse in scope, structure, and ambition, global-level evaluations of their effectiveness on climate action are difficult.²¹ This further justifies a focussed assessment of the *AfCFTA Agreement* and its

¹⁴ *EU-Mercosur Trade Agreement* (2019).

¹⁵ Dent 2021 *Energies* 5.

¹⁶ Dent 2020 *Global Policy* 128-130; Cottier and Payosova "Common Concern and the Legitimacy of the WTO" 22-29.

¹⁷ Brandi *Trade Elements in Countries' Climate Contributions* 3-9; Brewer 2010 *World Economy* 799-809.

¹⁸ WTO 2021 <https://rtais.wto.org>.

¹⁹ Kulovesi 2014 *Trade Law and Development* 55-92.

²⁰ Cottier and Payosova "Common Concern and the Legitimacy of the WTO" 22-29.

²¹ Breinlich "Economic Effects of Free Trade Agreements" 140-142.

potential to motivate state-level climate action in Africa within the broader goals of the *Paris Agreement*.

3 Methodology

This study employs a qualitative methodology to explore how climate action can be motivated through free trade agreements, using the specific context of the *AfCFTA Agreement* and the *Paris Agreement*. Given the complex interrelationship between climate change, trade, development and legal norms, this approach enables a nuanced analysis of how these regimes intersect in Africa.

A combination of doctrinal, non-doctrinal, applied and theoretical legal research methods is adopted.²² This mixed-method approach allows for the examination of treaty texts, legal instruments and empirical studies, as well as insights from arbitral decisions and international practice. It also facilitates a contextual understanding of climate-trade disputes and how they have been resolved in relevant forums such as the WTO and bilateral arbitration panels.²³

²² King "Doing Template Analysis" ch 24.

²³ Dent 2021 *Energies* 6-11. He conducted a comprehensive scrutiny of the complete documented texts of all the 305 in-force FTAs notified at the WTO by the end of 2020. According to him: "Almost all FTAs are organised into chapter sections, each comprising a number of 'articles' which themselves consist of specific provisions (or measures) entailing particular rules or actions that require signatory parties to comply with or commit to. Annexes, side letters, and other appendages may too be incorporated into these agreements and contain additional provisions.... This study used a template analysis methodological approach to scrutinise these documented FTA texts, generating research findings and results. This study used a template analysis methodological approach to scrutinise these documented FTA texts, generating research findings and results. Template analysis involves structuring and organising the evaluation of text data through the creation of hierarchical tier nodes that form 'templates' for analysis.... In the first methodological phase, key word searches (including 'carbon', 'climate', 'energy', 'emissions', 'environmental', 'clean', 'green', 'ecological', 'renewable', 'GHG', and 'UNFCCC') derived from relevant terms of reference from the six trade-climate empirical domains were conducted across all agreements to establish which FTA provisions were qualifiable as climate relevant, this meaning designed to contribute positively to climate change mitigation or adaptation outcomes. These provisions were then classified into different provision types utilising an adapted form of the aforementioned TREND codebook structure. In this sense, this study drew upon an existing coded template but significantly extended and further developed it. Whereas previous research identified eight TREND-based provision types as directly climate relevant, this study argues that 14 climate-relevant provision types can be classified, as detailed in Table 1. These formed the *first-tier nodes* of this study's coding template in the initial stage of thematically analysing the text content of FTA documents. The eligibility of four provision 'nodes' (types 1, 2, 3 and 11) is based on the earlier discussed reasoning that energy and its related carbon and other GHG emissions are the principal cause of climate change. The TREND codebook itself combines energy with climate change under its heading structure (Section 10.15), and half of this study's 14

This methodology supports the article's aim to bridge the academic, policy and practical dimensions of climate action through trade law. By analysing how environmental and commercial interests are negotiated and regulated within FTAs, the study identifies pathways for enhancing the alignment of *AfCFTA* mechanisms with the climate goals of the *Paris Agreement*.

Secondary sources — including legal databases, treaty archives, scholarly commentary, and institutional reports — will be relied upon. No fieldwork is required for the completion of this research.

4 Previous scholarship on advancing climate action through FTAs

Concerning existing scholarship, the collaborative research undertaken by Morin, Michaud and Bialais²⁴ offers arguably the most comprehensive global-level research on the motivation of climate action through FTAs, as well as one of the most important studies on climate action-related provisions in FTAs so far. The bulk of their submissions are developed based on research data obtained from the Trade and Environment Database (TREND), which contains about 308 environment-related provisions whose details are outlined in a comprehensive codebook.

In their subsequent research on the same subject, Morin, Dür and Lechner²⁵ were more specific in identifying eight provisions from the above-mentioned TREND codebook, which directly address climate action in FTAs, and thus revealed several insights that are relevant for this article. These insights include the increasing inclusion of climate-specific provisions in FTAs, the variation in the depth and scope of such provisions, and the potential for FTAs to complement multilateral climate efforts. Therefore, the discussion of this article's research questions using previous scholarship will provide new perspectives and findings based on the motivation of climate action

provision types (4 to 10) come under this specific heading category. Table 1 also maps the trade-climate empirical domains against each of the provision types, helping further establish energy's connections with them. Provision types 1, 2 and 3 have been adapted from the TREND codebook to become more climate action focused from their original generic environmental phrasing. Type 3 ('promotion') also includes trade and/or FDI liberalization by inference. Type 10 ('other climate norms') is a residual provisional type that rarely arises in FTAs but is nevertheless relevant. The TREND codebook did not include the UNFCCC 2015 Paris Climate Agreement but has been added here (type 14). Table 2 details the pattern of the 14 climate-relevant provisions across the 69 FTAs found to possess at least one of such provision."

²⁴ Morin, Michaud and Bialais 2016 https://www.researchgate.net/publication/311039641_Trade_negotiations_and_climate_governance_the_EU_as_a_pioneer_but_not_yet_a_leader.

²⁵ Morin, Dür and Lechner 2018 *Global Environmental Politics* 122-139.

through the *AfCFTA Agreement* for the benefit of the climate agenda of the *Paris Agreement*.

5 The 2015 *Paris Agreement on Climate Change*

The *Paris Agreement* was negotiated in December 2015 to address global climate change under the auspices of the UNFCCC.²⁶ It draws on institutional arrangements of the UNFCCC and is binding only for UNFCCC parties. This Agreement sets a legal framework to reduce greenhouse gas emissions and ensure transparency and accountability in climate action.

Importantly, the *Paris Agreement* is not a standalone instrument but operates as a supplemental treaty under the broader UNFCCC regime.²⁷ This relationship underscores the integrated nature of international climate law, and by extension, the relevance of analysing its links with other areas of international law, such as trade.

International climate change law is not a self-contained regime. It overlaps with international environmental law and public international law, making it necessary to examine climate action through trade agreements like the *AfCFTA Agreement*. As Bodansky, Brunnee and Rajamani²⁸ observe, international climate law increasingly functions as a laboratory for broader developments in international law.

Moreover, the implementation of the *Paris Agreement's* objectives has significant trade implications.²⁹ Global trade systems must adapt, particularly in sectors such as energy.³⁰ Energy governance lacks a central institution, so trade and environmental agreements serve as indirect but powerful regulators of climate-related energy flows.

Pauwelyn's analysis³¹ supports this by noting the urgent need for coherence between regimes. The *Paris Agreement* itself adopts a hybrid model,³² requiring all state parties to submit Nationally Determined Contributions (NDCs). Its temperature targets — well below 2°C with efforts to stay under

²⁶ Rajamani 2016 *JEL* 337-339; Bodansky 2016 *Am J Int'l L* 290.

²⁷ UNFCCC Art 17.

²⁸ Bodansky, Brunnee and Rajamani *International Climate Change Law* 21-36.

²⁹ Meyer 2012 *ASIL Proc* 390; Botchway 2001 *Syracuse J Int'l L & Com* 1-17.

³⁰ Such as the requirement to switch to renewable energy sources and the trade in renewable energy technology. The International Energy Agency (IEA) said that in 2015 two thirds of all Anthropogenic Green House Gas emissions came from fossil fuel use in the energy sector. IEA *World Energy Outlook 2020* 1-8.

³¹ Pauwelyn "Global Challenges" 4; Westphal "Energy in an Era of Unprecedented Uncertainty" 1-26.

³² Rajamani 2016 *JEL* 341.

1.5°C — carry implications for trade, energy and industrial policy.³³ Articles 3, 4 and 6 of the Agreement especially frame domestic commitments that inevitably influence international trade.

6 The specific climate actions promoted by the *AfCFTA Agreement* and their impact on the climate objectives of the *Paris Agreement*

This section addresses the second research question: What specific climate actions are promoted by the *AfCFTA Agreement*, and how effective are they in advancing the *Paris Agreement's* climate objectives?

Dent's framework³⁴ for classifying climate measures in FTAs identifies renewable energy promotion and energy efficiency as focal areas. Historically African FTAs like Economic Community of Central African States (1983), East African Community (1991) and Common Market for Eastern and Southern Africa (1993) addressed energy within an energy security lens, not an environmental one.³⁵ Provisions often promoted renewable energy and hydrocarbons simultaneously producing "green paradox" effects.³⁶

Similarly, the *AfCFTA Agreement* does not contain a standalone climate action provision.³⁷ Instead, climate-related references appear indirectly through sustainable development, Agenda 2063,³⁸ and general trade

³³ From foreign direct investments to the extraterritorial reach of a country's climate mitigation regulation through its multinational companies and regional cooperation efforts.

³⁴ Dent 2021 *Energies* 6-15.

³⁵ *Treaty Establishing the Economic Community of Central African States* (1983) Arts 12-13; *Treaty Establishing the African Economic Community* (1991) Arts 7 and 49; *Treaty Establishing the Common Market for Eastern and Southern Africa* (1993) Arts 7-8.

³⁶ Partain "Climate Change" 315-316.

³⁷ The negotiations for the *AfCFTA Agreement* started with the *Decision of the Assembly of Heads of State and Government during its Eighteenth Ordinary Session held in Addis Ababa, Ethiopia from 29th-30th January 2012* (Assembly/AU/Dec. 394(XVIII) (2012) of the Framework, Road Map and Architecture for Fast Tracking the establishment of the African Continental Free Trade Area and the Action Plan for Boosting Intra-African Trade. This was followed by the launch of negotiations for the establishment of the Continental Free Trade Area aimed at integrating Africa's markets in line with the objectives and principles enunciated in the *Abuja Treaty* during the Twenty-Fifth Ordinary Session of the Assembly of Heads of State and Government of the African Union held in Johannesburg, South Africa from 14-15 June 2015 (*Decision on the Launch of Continental Free Trade Area Negotiations* AU Doc Assembly/AU/Dec.569(XXV) (2015)).

³⁸ Article 3(d) of the *AfCFTA Agreement*.

cooperation clauses.³⁹ This mirrors EU FTAs in the 1990s, which also focussed on energy efficiency but lacked strong climate language.⁴⁰

Despite this, the *AfCFTA Agreement* introduces new benchmarks for climate cooperation through its broad "cooperation" framework. Dent⁴¹ identifies four levels of cooperation — optional, intentional, action-structured and programmatic — and three functional features: institutionalised, assistive, and multilateral-supportive. The *AfCFTA Agreement's* provisions, while indirect, align with several of these levels and features.

The *AfCFTA Agreement's Protocol on Trade in Goods*,⁴² for example, refers to cooperation on non-tariff barriers and sustainable trade practices, providing a basis for potential climate-related cooperation.⁴³ Legally binding provisions would have stronger impacts, but even indirect measures can foster climate action if supported by institutions and political will.⁴⁴

Therefore, the climate viability of the *AfCFTA Agreement* depends not just on explicit climate text,⁴⁵ but on the strategic inclusion of cooperation mechanisms⁴⁶ and alignment with broader frameworks like the *Paris Agreement* or WTO norms.⁴⁷ This flexibility allows for future engagement on climate priorities, even where current texts are silent on specific climate targets.

³⁹ Articles 3(a) and 4(d) of the *AfCFTA Agreement*.

⁴⁰ Carter and Turnock *Environmental Problems* 73. A relevant example can be found in Arts 77(1) and 78(1) of the *European Economic Area Agreement Between the European Communities and their Member States, and the Republic of Poland* (1991) which states that "cooperation shall take place within the framework of the principles of the market economy and develop against a background of progressive integration of the energy markets in Europe". The only details that follow this provision is a list of energy focused themes including "the promotion of energy saving and energy efficiency". Also, Arts 79 and 80 of the above-mentioned FTA refer to environmental cooperation in the following words: "The Parties shall develop and strengthen their co-operation in the vital task of combating the deterioration of the environment, which they have judged to be a priority." Again, this is followed by a list of specific activities in the area of energy efficiency, production, and consumption.

⁴¹ Dent 2021 *Energies* 13.

⁴² Article 2 of the *Protocol on Trade in Goods* (2018).

⁴³ Gehring *et al* 2013 <https://www.files.ethz.ch/isn/168816/climate-change-and-sustainable-energy-measures-in-regional-trade-agreements-rtas.pdf> 1-39.

⁴⁴ Morin and Jinnah 2018 *Environmental Politics* 541-565; Kawai and Wignaraja *Asia's Free Trade Agreements* 12.

⁴⁵ Article 4(d) of the *AfCFTA Agreement*.

⁴⁶ Dent 2020 *JWT* 765-794.

⁴⁷ Leal-Arcas 2018 *U Pa J Int'l L* 83-153.

7 What is the *AfCFTA Agreement*?⁴⁸

The Continental Free Trade Area (CFTA) is a continent-wide free trade agreement designed to boost intra-African trade and lay the groundwork for the eventual creation of a continental customs union. The CFTA builds on the existing Tripartite Free Trade Area (TFTA) negotiations among three major African regional economic communities (RECs): the Southern African Development Community (SADC), the Common Market for Eastern and Southern Africa (COMESA), and the East African Community (EAC). It also anticipates the inclusion of other RECs that are currently operating outside the *AfCFTA* framework.

The decision to establish the *AfCFTA* was adopted in 2012 during the 18th Ordinary Session of the Assembly of Heads of State and Government of the AU, with formal negotiations commencing in June 2015.⁴⁹ The *AfCFTA Agreement* brings together all 54 African Union member states, representing a combined GDP of over US\$3.4 trillion. Its overarching goal is to reshape the international economic order from within by creating a unified African market for goods, services, and the movement of people.⁵⁰ In doing so it aims to address the long-standing challenge of overlapping trade regimes⁵¹ on the continent and to connect over two billion Africans to cross-border opportunities in goods, services, investment and mobility through improved trade facilitation.

To realise these goals the *AfCFTA Agreement* adopts a progressive approach by incorporating provisions that seek to resolve the persistent problem of fragmented trade arrangements.⁵² However, the Agreement currently lacks detailed operational guidance and clarity on how its objectives are to be practically implemented.⁵³ This institutional gap becomes particularly significant when considered in the context of climate change, a complex and borderless challenge that requires coordinated action across the diverse and historically uneven regions of the continent.

⁴⁸ Parshotam 2017 <https://www.polity.org.za/article/a-brief-guide-to-the-continental-free-trade-agreement-2017-08-28>.

⁴⁹ Parshotam 2017 <https://www.polity.org.za/article/a-brief-guide-to-the-continental-free-trade-agreement-2017-08-28>.

⁵⁰ Article 6 of the *AfCFTA Agreement* (Scope). Pursuant to Art 7, the Phase II Negotiation rounds are designed to address specific protocols on intellectual property rights, investment, and competition policy.

⁵¹ According to Art 3(h) of the *AfCFTA Agreement*, the general objectives of the Agreement include "the challenges of multiple and overlapping memberships and expedite the regional and continental integration processes".

⁵² Abe 2019 <https://www.afronomicslaw.org/2019/01/30/gender-mainstreaming-and-empowerment-under-agreement-for-the-establishment-of-the-african-continental-free-trade-area-afcfta/>.

⁵³ Abe 2019 <https://www.afronomicslaw.org/2019/01/30/gender-mainstreaming-and-empowerment-under-agreement-for-the-establishment-of-the-african-continental-free-trade-area-afcfta/>.

Notably, the objectives of the *AfCFTA Agreement* extend beyond trade liberalisation to include socio-economic development, gender equity, structural transformation and improved public health. These broader aims signal that the *AfCFTA Agreement* is not merely a trade agreement but a multifaceted development instrument — one that creates room for the parallel advancement of environmental protection, particularly climate change mitigation, alongside economic integration. This approach aligns with the well-established position in environmental and trade law scholarship⁵⁴ that environmental sustainability is not ancillary to development but a central and inseparable element of it. Accordingly, for regional or international trade legislation to be effective, it must treat climate protection as integral to socio-economic progress.

Article 4 of the *AfCFTA Agreement* sets out the specific measures intended to achieve its broad objectives. These include the progressive elimination of tariff and non-tariff barriers to trade in goods, the liberalisation of trade in services, and cooperation among state parties on investment, intellectual property rights, competition policy, customs matters, and trade facilitation. Additionally, Article 4 provides for the establishment of a dispute settlement mechanism and an institutional framework⁵⁵ to oversee the implementation and administration of the *AfCFTA Agreement*. Article 5 further expands the legal and institutional scope of the agreement by embedding as building blocks foundational principles such as variable geometry, consensus-based decision-making, and the adoption of existing regional free trade areas. It also affirms the relevance of best practices drawn from RECs, state parties, and international conventions binding upon the AU.

Despite this ambitious framework, the *AfCFTA Agreement* currently encompasses only the legal architecture for trade in goods, trade in services, dispute resolution and institutional governance. The detailed provisions governing the actual terms of trade in goods and services are still under negotiation and are expected to be incorporated in subsequent annexes to the Agreement's protocols. While formal trade under the *AfCFTA's* tariff framework officially commenced in January 2021, key elements of the Agreement's trade liberalisation regime remain incomplete and subject to ongoing discussions.⁵⁶

One recurring theme throughout the *AfCFTA Agreement* is the emphasis on "cooperation", both in the formulation and implementation of trade measures and in promoting compliance with existing international

⁵⁴ World Bank *African Continental Free Trade Area*; Bodansky 2011 <http://www.c2es.org/publications/multilateral-climate-efforts-beyond-unfccc>.

⁵⁵ Article 4(a)-(g) of the *AfCFTA Agreement*.

⁵⁶ Echandi, Maliszewska and Steenberg *Making the Most of the African Continental Free Trade Area* 42-43.

agreements and conventions to which African states are already committed. This emphasis on cooperation is especially instructive when assessing the *AfCFTA Agreement's* potential implications for climate change mitigation and adaptation under the *Paris Agreement*. In the following sections this article explores whether the *AfCFTA Agreement's* implementation offers realistic and progressive opportunities for climate governance in Africa as part of a broader effort to reshape the continent's economic architecture.

A crucial factor in this analysis is whether a climate-conscious *AfCFTA* can reflect the complex socio-economic and political realities of its diverse member states. This is particularly significant in the light of earlier regional trade initiatives such as the AEC, established under the 1991 *Abuja Treaty*. That Agreement failed to deliver a common African market within its 34-year target timeline, largely due to its inability to accommodate the economic heterogeneity of member states and to engage with the informal sector, which remains a vital component of intra-African trade.

8 The importance of the *AfCFTA Agreement* in relation to the *Paris Agreement*

The establishment of the *AfCFTA* is in part a response to Africa's historically low levels of regional economic integration, especially when compared to other economic blocs such as the EU, Asia-Pacific and North America. As against the situation in these regions, economic integration across African RECs has been uneven, and intra-African trade remains critically low in comparison to trade between African countries and external partners.⁵⁷

The *AfCFTA Agreement* targets seven priority areas: trade policy, infrastructure, finance, market information, market integration, productivity enhancement and trade facilitation. The success of the Agreement is inextricably linked to how effectively it can address the complex challenges associated with these priority areas — challenges that must be overcome to unlock the full potential of intra-African trade and regional economic development.⁵⁸ Key to this success is the diversification of Africa's export base, a reduction in reliance on raw commodities, and deeper regional integration to enable the freer movement of goods, services, people and investment across the continent.

⁵⁷ Hoffmann, Osnago and Ruta 2017 <https://documents1.worldbank.org/curated/en/700771487791538589/pdf/WPS7981.pdf>; De Melo and Sorgho 2021 *Journal of African Trade* 98-108.

⁵⁸ TRALAC 2021 <https://www.tralac.org/resources/infographic/15294-intra-africa-trade-update-2020>.

Empirical data⁵⁹ further support this imperative. For instance, in 2015 manufactured goods accounted for 43% of intra-African exports, but only 19% of exports to markets outside the continent. These figures demonstrate the existing sophistication and potential of African manufacturing markets and highlight the untapped value of expanded intra-African trade. According to estimates by the United Nations Economic Commission for Africa (UNECA), the *AfCFTA Agreement* could increase intra-African trade by 52% between 2010 and 2022, with industrial goods seeing the largest growth in trade flows.

Against this backdrop, the *AfCFTA Agreement's* potential contribution to sustainable economic development in Africa is of considerable significance. By expanding market access and harmonising trade rules across the continent, the Agreement provides new opportunities for all state parties to enhance intra-African trade. This includes widening access for member states of COMESA, EAC and SADC, as well as for countries in Central and West Africa. As such, the *AfCFTA Agreement* is not merely a trade facilitation tool, but a strategic instrument for economic transformation, positioned to reinforce the continent's role in the global climate regime, particularly through its alignment with the goals of the *Paris Agreement*.

Since both the *Paris Agreement* and the *AfCFTA Agreement* meet the definition of a treaty under the *Vienna Convention on the Law of Treaties*,⁶⁰ they can each be regarded as treaty-based strategies responding to distinct but interrelated global challenges. The *Paris Agreement* addresses the imperative of global climate change mitigation, while the *AfCFTA Agreement* seeks to fill a long-standing gap in Africa's economic architecture by providing a continent-wide framework for free trade. Although international environmental norms play an influential role in shaping environmental governance — including the climate change regime under the *Paris Agreement* — a treaty-based approach offers a more structured mechanism.⁶¹ It enables the creation of concrete, legally binding commitments and provides more detailed normative guidance than

⁵⁹ TRALAC 2021 <https://www.tralac.org/resources/infographic/15294-intra-africa-trade-update-2020>; Mold and Chowdhury 2021 <https://www.brookings.edu/blog/africa-in-focus/2021/05/19/why-the-extent-of-intra-african-trade-is-much-higher-than-commonly-believed-and-what-this-means-for-the-afcfta/>.

⁶⁰ *Vienna Convention on the Law of Treaties* (1969) Art 2.1(a).

⁶¹ Barrett *Environment and Statecraft* 184-187.

customary international law, which is particularly valuable in navigating the complex, multi-sectoral nature of climate governance.⁶²

These strengths are reflected in the flexible treaty provisions of both the *Paris Agreement* and the *AfCFTA Agreement*, particularly in their respective reliance on NDCs and progressive implementation strategies.⁶³ Such flexibility is designed to encourage broad participation by reducing the economic, social, and technological risks that may deter states — especially developing countries — from making long-term commitments. The potential of this flexibility to support climate action is especially pertinent given the phased and ongoing nature of the *AfCFTA*'s legal and institutional development.

However, as Bodansky, Brunnee and Rajamani⁶⁴ have argued, flexibility alone is not a panacea. Its effectiveness depends on the particular features of the regulatory problem it seeks to address. In the case of motivating climate action through a multilateral free trade agreement like the *AfCFTA Agreement*, it is not immediately evident how existing trade measures and provisions might directly facilitate the kind of climate mitigation actions envisaged under the *Paris Agreement* and the broader UNFCCC framework. To date the United Nations (UN) climate regime has largely confined itself to general statements about the importance of a "supportive and open international economic system",⁶⁵ cautioning that climate measures — including unilateral ones — should not become tools for arbitrary or unjustifiable discrimination or disguised restrictions on international trade.⁶⁶

Similarly, the *AfCFTA Agreement* does not yet contain explicit trade-climate provisions. Rather, opportunities for climate action must be inferred from its general principles of cooperation and sustainable development.⁶⁷ This study identifies this gap as both a challenge and an opportunity. It proposes that a purposive and flexible interpretation of existing provisions in the *AfCFTA Agreement* could support climate mitigation objectives consistent with the *Paris Agreement*. Moreover, by identifying these gaps, the study aims to contribute to the ongoing negotiations of the *AfCFTA Agreement* —

⁶² Cofino 2015 <https://www.theguardian.com/sustainable-business/2015/jan/19/davos-climate-action-democracy-failure-jorgen-randers>; Barrett *Environment and Statecraft* 186-187.

⁶³ Bodansky and Diringer 2014 <https://www.c2es.org/publications/building-flexibility-ambition-2015-climate-agreement>.

⁶⁴ Bodansky, Brunnee and Rajamani *International Climate Change Law* 63.

⁶⁵ Article 3 of the *Paris Agreement*.

⁶⁶ Article 3.5 of the UNFCCC; Bodansky, Brunnee and Rajamani *International Climate Change Law* 64.

⁶⁷ Articles 3 and 4 of the *AfCFTA Agreement*.

particularly the development of future annexes to its protocols — by encouraging the inclusion of targeted climate-related trade measures.

This proposition is closely aligned with the "sequencing approach" proposed by former WTO Director-General Pascal Lamy,⁶⁸ who argued that:

In an orderly world of international cooperation, governments will agree on how they need to cooperate to manage climate change, and the WTO trade regime will make any necessary accommodations to ensure consistency in these related areas of cooperation. This sequence would seem to make sense in light of the reality that maximizing trade flows is not an end in itself, rather trade is a means of fostering growth and development in conjunction with the attainment of a range of other public policy objectives including the management of climate change.

Accordingly, this article underscores the need for the *AfCFTA* to adopt an intentional and strategic posture towards climate action. Embedding climate considerations into the *AfCFTA*'s legal architecture is essential for ensuring that Africa's economic integration does not come at the expense of environmental sustainability. Instead, it should foster a balanced approach that aligns with the socio-economic, political, and developmental priorities of all parties to both the *Paris Agreement* and the *AfCFTA Agreement*.

9 Dominant actors influencing climate action under the *AfCFTA Agreement*

The previous sections examined the legal and structural foundations of the *AfCFTA Agreement* and its alignment with the climate goals of the *Paris Agreement*. This section extends the analysis by identifying the dominant actors shaping, or likely to shape, climate action under the *AfCFTA* framework, and explores how their influence can support alignment with the *Paris Agreement*.

Climate governance today involves a broad and dynamic set of actors operating at various institutional and geographic levels. The interaction between trade and climate under both the *AfCFTA Agreement* and the *Paris Agreement* reflects this evolving, multilevel architecture. Kenneth Abbott and Duncan Snidal⁶⁹ describe this phenomenon as a "governance triangle" involving three main nodes: states, civil society organisations (CSOs) and business actors. While states remain central, the *Paris Agreement* departs from a purely state-centric model by adopting a hybrid structure anchored

⁶⁸ Pauwelyn "Global Challenges" 6.

⁶⁹ Abbott and Snidal "The Governance Triangle" 44.

in bottom-up NDCs but reinforced by top-down rules on ambition, transparency and accountability.⁷⁰

Within this multilevel context, five key mechanisms illustrate how dominant actors contribute to climate action under free trade frameworks like the *AfCFTA*:

1. **Private sector-led standards:** Initiatives such as the Verified Carbon Standard (VCS) system — developed by coalitions including the International Emissions Trading Association — offer voluntary certification frameworks that can complement national climate targets.⁷¹
2. **Technical harmonisation:** Organisations like the International Organisation for Standardisation (ISO)⁷² provide harmonised GHG accounting and emissions reduction standards. These are increasingly used to align trade with environmental goals across sectors.
3. **Multi-stakeholder coalitions:** Collaborations between CSOs, businesses and states — such as the Gold Standard and REDD+ — have proven effective in verifying and enhancing the legitimacy of mitigation efforts.⁷³
4. **Subnational action:** Local and regional governments can drive climate action upward through integrated policies. The California–Quebec carbon market linkage, though outside Africa, demonstrates how local initiatives can set transnational standards that support international climate regimes.⁷⁴
5. **Judicial developments:** Courts at national and regional levels⁷⁵ increasingly influence policy by requiring governments to integrate climate considerations into trade and regulatory decisions.⁷⁶

⁷⁰ UNFCC *Synthesis Report on the Aggregate Effect of the Intended Nationally Determined Contributions* UN Doc FCCC/CP/2015/7 (2015); World Resources Institute 2017 <http://cait.wri.org/indc/>.

⁷¹ Verra 2025 Verified Carbon Standard <https://verra.org/project/vcs-program>.

⁷² ISO date unknown <https://www.iso.org/home.html>.

⁷³ Reductions in Emissions from Deforestation and Forest Degradation.

⁷⁴ Betsill and Bulkeley 2006 *Global Governance* 143.

⁷⁵ *Urgenda Foundation v The State of the Netherlands* (Hague District Court) case number C/09/456689/HA ZA 13-1396 of 24 June 2025.

⁷⁶ Examples of climate change cases sponsored by multiple actors at different levels, but building up to the international framework of the UN climate regime are: at the international level, an Inuit group filed a petition before the Inter-American Commission on Human Rights in 2005, alleging that the United States of America

These examples underscore the fact that leveraging dominant actors — especially those with regulatory, economic, or normative influence — can enhance climate action within *AfCFTA*'s legal and institutional framework.⁷⁷ Importantly, this can be achieved without disrupting *AfCFTA*'s core trade facilitation objectives.⁷⁸

The AU, as the leading multilateral entity under *AfCFTA*, is especially well-positioned to steer state parties and regional markets toward low-carbon trade practices. For instance, it could support the adoption of continental standards that promote clean technologies or introduce preferential treatment for climate-aligned goods and services. This strategy aligns with Article 4 of the *AfCFTA Agreement*, which promotes cooperation on all trade-related matters, and Article 6 of the *Paris Agreement*, which allows states to engage in "cooperative approaches" and use "internationally transferred mitigation outcomes".

Richard Stewart, Michael Oppenheimer and Bryce Rudyk⁷⁹ describe such actions as part of a "dominant market actor strategy", where powerful public or private actors drive sectoral standards that others follow, either voluntarily or through legal harmonisation. This dynamic, seen in the so-called "California Effect" and "Brussels Effect", can be replicated under the *AfCFTA Agreement* through AU-led or private sector-driven initiatives that enhance compliance with *Paris Agreement* objectives.

Finally, as Bodansky, Brunnee and Rajamani⁸⁰ observe, dominant actors may induce cooperation even outside formal institutional confines, provided their actions are grounded in legitimate policy goals. In this context, the *AfCFTA Agreement*'s provisions on trade cooperation offer a flexible legal basis to engage with climate actors beyond the Agreement's original scope.

In summary, the motivation of climate action under the *AfCFTA Agreement* should not rely solely on formal treaty provisions. Instead, it should leverage the regulatory power, convening authority and normative influence of dominant actors — particularly the AU and its organs — to catalyse multi-actor collaboration. Such a strategy would not only align the *AfCFTA Agreement* with the *Paris Agreement* but also operationalise its climate ambition in a politically and economically feasible way.

had violated their human rights, including the rights to culture, life, health and shelter, by failing to reduce its emissions. Between 2004 and 2006, several environmental non-governmental organisations (NGOs) filed petitions to the World Heritage Committee, arguing that climate change was a threat to the Great Barrier Reef, Waterton-Glacier National Park, and other world heritage sites.

⁷⁷ Hunter "Implications of Climate Change Litigation" 357.

⁷⁸ Stewart, Oppenheimer and Rudyk 2013 *Stan Envtl L J* 341-392.

⁷⁹ Stewart, Oppenheimer and Rudyk 2013 *Stan Envtl L J* 341-392.

⁸⁰ Bodansky, Brunnee and Rajamani *International Climate Change Law* 272-273.

10 Conclusions

The integration of climate action measures within FTAs is increasingly recognised as a strategic avenue for addressing global climate challenges. Notably, approximately two-thirds of global trade flows are now governed by FTAs that incorporate climate considerations. This underscores the critical role of trade frameworks in advancing climate objectives.

This study has explored the climate action provisions within the *AfCFTA Agreement*, assessing their potential to support the *Paris Agreement's* temperature goals in Africa. Three key research questions guided this analysis:

1. To what extent do the *AfCFTA Agreement's* provisions reflect the nexus between free trade and climate change?
2. What specific climate actions does the *AfCFTA Agreement* promote, and what is their rationale and efficacy?
3. Who are the dominant actors influencing climate action within the AfCFTA framework?

The findings indicate that while the *AfCFTA Agreement* provides a foundational platform for integrating climate action into regional trade, significant efforts are required to enhance its effectiveness. The involvement of specialised climate action agents and the alignment of their initiatives with both the *AfCFTA Agreement* and *Paris Agreement* objectives are crucial for achieving more ambitious outcomes.

This study concludes with three key insights:

1. **Open-ended cooperation and sustainable development provisions** within the *AfCFTA Agreement* are central to motivating stronger climate action. These provisions offer opportunities to align the *AfCFTA* with evolving global climate strategies.
2. **Recognising the legal role of dominant actors**, both within and beyond the *AfCFTA*, can enhance the Agreement's impact and alignment with the *Paris Agreement*. Collaborative measures led by these actors are essential to bridging trade and climate governance.
3. **The evolving trade-climate nexus in Africa** demands deeper institutionalisation. While Africa's role in global climate mitigation is gaining prominence, international norms and practices linking trade

and climate remain underdeveloped. The *AfCFTA* must proactively embed explicit provisions in future negotiations to strengthen these links.

The Africa Climate Summit held in Nairobi, Kenya, in September 2023 further emphasised Africa's commitment to climate action. The summit culminated in the *Nairobi Declaration*, which calls for increased climate finance and underscores the continent's potential to balance sustainable development with ambitious climate commitments.⁸¹

Building on this momentum, the 29th Conference of the Parties (COP29) held in Baku, Azerbaijan, in November 2024 resulted in significant developments pertinent to Africa's trade and climate agenda. Notably, negotiators agreed to triple climate financing for developing countries to \$300 billion annually by 2035, a move aimed at supporting climate mitigation and adaptation efforts.⁸² Additionally, COP29 saw the approval of a rulebook for carbon credits under Article 6 of the *Paris Agreement*, facilitating international carbon market mechanisms that could benefit African nations.⁸³

These developments underscore the imperative for the *AfCFTA Agreement* to act decisively as a governance instrument that aligns Africa's trade agenda with global climate imperatives. By incorporating explicit climate provisions and leveraging international climate finance mechanisms, the *AfCFTA Agreement* can play a pivotal role in ensuring the continent's active contribution to achieving the *Paris Agreement's* goals.

BIBLIOGRAPHY

Literature

Abbott and Snidal "The Governance Triangle"

Abbott KW and Snidal D "The Governance Triangle: Regulatory Standards Institutions and the Shadow of the State" in Matli W and Woods N (eds) *The Politics of Global Regulation* (Princeton University Press Princeton 2009) 44-88

⁸¹ AU 2023 <https://media.africaclimatesummit.org/NAIROBI%20Declaration%20FURTHER%20edited%20060923%20EN%20920AM.pdf>.

⁸² Mathiesen 2024 <https://www.politico.com/news/2024/11/23/new-300-billion-deal-climate-talks-00191241>.

⁸³ Khan 2024 <https://www.wsj.com/articles/u-n-negotiators-take-key-step-to-global-carbon-deal-1e23433e>.

Abman and Lundberg 2020 *Journal of the Association of Environmental and Resource Economists*

Abman R and Lundberg C "Does Free Trade Increase Deforestation? The Effects of Regional Trade Agreements" 2020 *Journal of the Association of Environmental and Resource Economists* 35-72

Barrett *Environment and Statecraft*

Barrett S *Environment and Statecraft: The Strategy of Environmental Treaty Making* (Oxford University Press Oxford 2003)

Bernauer and Nguyen 2015 *Global Environmental Politics*

Bernauer T and Nguyen Q "Free Trade and/or Environmental Protection?" 2015 *Global Environmental Politics* 105-129

Betsill and Bulkeley 2006 *Global Governance*

Betsill MM and Bulkeley H "Cities and the Multilevel Governance of Climate Change" 2006 *Global Governance* 141-159

Bodansky 2016 *Am J Int'l L*

Bodansky D "The Paris Climate Agreement: A New Hope" 2016 *Am J Int'l L* 288-319

Bodansky, Brunnee and Rajamani *International Climate Change Law*

Bodansky D, Brunnee J and Rajamani L *International Climate Change Law* (Oxford University Press 2017)

Botchway 2001 *Syracuse J Int'l L & Com*

Botchway FN "International Trade Regime and Energy Trade" 2001 *Syracuse J Int'l L & Com* 1-17

Brandi *Trade Elements in Countries' Climate Contributions*

Brandi C *Trade Elements in Countries' Climate Contributions Under the Paris Agreement* (ICTSD Geneva 2017)

Breinlich "Economic Effects of Free Trade Agreements"

Breinlich H "The Economic Effects of Free Trade Agreements" in Breinlich H (ed) *Handbook of International Trade Agreements* (Routledge London 2018) ch 6

Brewer 2010 *World Economy*

Brewer TL "Trade Policies and Climate Change Policies: A Rapidly Expanding Joint Agenda" 2010 *The World Economy* 799-809

Brunnee "Common Areas"

Brunnee J "Common Areas, Common Heritage and Common Concern" in Bodansky D, Brunnee J and Hey E (eds) *Oxford Handbook of International Environmental Law* (Oxford University Press Oxford 2007) 550-573

Carter and Turnock *Environmental Problems*

Carter FW and Turnock D *Environmental Problems in Eastern Europe* (Routledge London 1996)

Conway and Vincent "Conversations About Climate Risk"

Conway D and Vincent K "Conversations About Climate Risk, Adaptation and Resilience in Africa" in Conway D and Vincent K (eds) *Climate Risk in Africa* (Palgrave Macmillan London 2021) 147-162

Cottier and Payosova 2019 *J Int'l Econ L*

Cottier T and Payosova T "Trade and Climate Change: A New Nexus" 2019 *J Int'l Econ L* 451-474

Cottier and Payosova "Common Concern and the Legitimacy of the WTO"

Cottier T and Payosova T "Common Concern and the Legitimacy of the WTO in Dealing with Climate Change" in Delimatsis P (ed) *Research Handbook on Climate Change and Trade Law* (Edward Elgar Cheltenham 2016) 9-30

De Melo and Sorgho 2021 *Journal of African Trade*

De Melo J and Sorgho Z "Rules of Origin Across African Regional Trading Agreements: A Landscape with Measures to Address Challenges at Harmonization" 2021 *Journal of African Trade* 98-108

Dent 2020 *Global Policy*

Dent CM "The Rise of Free Trade Agreements: Implications for Global Governance" 2020 *Global Policy* 123-135

Dent 2020 *JWT*

Dent CM "Trade, Climate Change and Sustainable Development: The Case of Regional Trade Agreements" 2020 *JWT* 765-794

Dent 2021 *Energies*

Dent CM "Trade Climate and Energy: A New Study on Climate Action Through Free Trade Agreements" 2021 *Energies* <https://doi.org/10.3390/en14144363>

Echandi, Maliszewska and Steenbergen *Making the Most of the African Continental Free Trade Area*

Echandi R, Maliszewska M and Steenbergen V *Making the Most of the African Continental Free Trade Area: Leveraging Trade and Foreign Direct Investment to Boost Growth and Reduce Poverty* (World Bank Washington DC 2022)

Gallina 2017 *International Trade Forum*

Gallina S "How the European Union Joins Trade Dynamism with Sustainable Development: Embedding a Multilateral Approach is Pivotal to the EU's Ethos on Trade and Sustainable Development" 2017 *International Trade Forum* 20-21

Hunter "Implications of Climate Change Litigation"

Hunter DB "The Implications of Climate Change Litigation: Litigation for International Environmental Law-Making" in Burns WC and Osofsky HM (eds) *Adjudicating Climate Change: State, National and International Approaches* (Cambridge University Press Cambridge 2009) 357-374

IEA *World Energy Outlook 2020*

International Energy Agency *World Energy Outlook 2020: Overview and Key Findings* (IEA Paris 2020)

Kawai and Wignaraja *Asia's Free Trade Agreements*

Kawai M and Wignaraja G *Asia's Free Trade Agreements: How is Business Responding?* (Asian Development Bank Manila 2011)

King "Doing Template Analysis"

King N "Doing Template Analysis" in Symon G and Cassell C (eds) *Qualitative Organisational Research: Core Methods and Current Challenges* (SAGE Thousand Oaks 2012) ch 24

Kulovesi 2014 *Trade Law and Development*

Kulovesi K "Real or Imagined Controversies: A Climate Law Perspective on the Growing Links Between the International Trade and Climate Change Regimes" 2014 *Trade Law and Development* 55-92

Leal-Arcas 2018 *U Pa J Int'l L*

Leal-Arcas R "New Frontiers of International Economic Law: The Quest for Sustainable Development" 2018 *U Pa J Int'l L* 83-153

Leitao and Lorente 2020 *Energies*

Leitao C and Lorente DB "The Linkage Between Economic Growth, Renewable Energy, Tourism, CO₂ Emissions, and International Trade: The Evidence for the European Union" 2020 *Energies*
<https://doi.org/10.3390/en13184838>

Meyer 2012 *ASIL Proc*

Meyer T "The Architecture of International Energy Governance" 2012 *ASIL Proc* 389-394

Morin and Jinnah 2018 *Environmental Politics*

Morin JF and Jinnah S "The Untapped Potential of Preferential Trade Agreements for Climate Governance" 2018 *Environmental Politics* 541-565

- Morin, Dür and Lechner 2018 *Global Environmental Politics*
Morin J-F, Dür A and Lechner L "Mapping the Trade and Environment Nexus: Insights from a New Data Set" 2018 *Global Environmental Politics* 122-139
- Moustapha *et al Trade, Climate Change and Sustainable Development*
Moustapha G *et al Trade, Climate Change and Sustainable Development: Key Issues for Small States, Least Developed Countries and Vulnerable Economies* (Commonwealth Secretariat London 2010)
- OECD *Methodologies for Trade and Environmental Reviews*
Organisation for Economic Co-operation and Development *Methodologies for Trade and Environmental Reviews* (OECD Paris 1994)
- Partain "Climate Change"
Partain RA "Climate Change, Green Paradox Models and International Trade Rules" in Delimatsis P (ed) *Research Handbook on Climate Change and Trade Law* (Edward Elgar Cheltenham 2016) 302-326
- Pauwelyn "Global Challenges"
Pauwelyn J "Global Challenges at the Intersection of Trade, Energy, and the Environment: An Introduction" in Pauwelyn J (ed) *Global Challenges at the Intersection of Trade, Energy and the Environment* (CEPR Press London 2010) ch 1
- Peters and Hertwich 2008 *Environmental Science & Technology*
Peters G and Hertwich E "CO₂ Embodied in International Trade with Implications for Global Climate Policy" 2008 *Environmental Science & Technology* 1401-1407
- Rajamani 2016 *JEL*
Rajamani L "The 2015 Paris Agreement: Interplay Between Hard, Soft and Non-Obligations" 2016 *JEL* 337-358
- Stewart, Oppenheimer and Rudyk 2013 *Stan Env'tl L J*
Stewart RB, Oppenheimer M and Rudyk B "Building Blocks for Global Climate Protection" 2013 *Stan Env'tl L J* 341-392
- Westphal "Energy in an Era of Unprecedented Uncertainty"
Westphal K "Energy in an Era of Unprecedented Uncertainty: International Energy Governance in the Face of Macroeconomic, Geopolitical and Systemic Challenges" in Koranyi D (ed) *Transatlantic Energy Futures: Strategic Perspectives on Energy Security, Climate Change, and New Technologies in Europe and the United States* (Center for Transatlantic Relations Washington DC 2011) 1-26

World Bank Accelerating Climate-Resilient and Low-Carbon Development
World Bank Accelerating Climate-Resilient and Low-Carbon Development: The Africa Climate Business Plan — Third Implementation Progress Report and Forward Look (World Bank Washington DC 2018)

World Bank African Continental Free Trade Area
World Bank The African Continental Free Trade Area: Economic and Distributional Effects (World Bank Washington DC 2020)

Case law

Urgenda Foundation v The State of the Netherlands (Hague District Court)
case number C/09/456689/HA ZA 13-1396 of 24 June 2025

International instruments

African Free Continental Trade Agreement (2018)

Decision of the Assembly of Heads of State and Government During Its Eighteenth Ordinary Session Held in Addis Ababa, Ethiopia from 29th-30th January 2012 AU Doc Assembly/AU/Dec. 394(XVIII) (2012)

Decision on the Launch of Continental Free Trade Area Negotiations AU Doc Assembly/AU/Dec.569(XXV) (2015)

European Economic Area Agreement Between the European Communities and their Member States, and the Republic of Poland (1991)

EU-Mercosur Trade Agreement (2019)

Paris Agreement on Climate Change (2015)

Protocol on Trade in Goods (2018)

Treaty Establishing the African Economic Community (1991) (*Abuja Treaty*)

Treaty Establishing the Common Market for Eastern and Southern Africa (1993)

Treaty Establishing the Economic Community of Central African States (1983)

United Nations Framework Convention on Climate Change (1992)

United Nations Framework Convention on Climate Change. Synthesis Report on the Aggregate Effect of the Intended Nationally Determined Contributions UN Doc FCCC/CP/2015/7 (2015)

Vienna Convention on the Law of Treaties (1969)

Internet sources

Abe 2019 <https://www.afronomicslaw.org/2019/01/30/gender-mainstreaming-and-empowerment-under-agreement-for-the-establishment-of-the-african-continental-free-trade-area-afcfta/>

Abe O 2019 *Gender Mainstreaming and Empowerment Under Agreement for the Establishment of the African Continental Free Trade Area (AfCFTA)* <https://www.afronomicslaw.org/2019/01/30/gender-mainstreaming-and-empowerment-under-agreement-for-the-establishment-of-the-african-continental-free-trade-area-afcfta/> accessed 15 June 2025

African Development Bank 2018 <https://cop24.afdb.org/en/news/africa-must-not-be-short-changed-climate-finance-says-expert-panel-cop24>

African Development Bank 2018 *African Countries Must Not Be Short-Changed by Climate Finance, Says Expert Panel at COP 24* <https://cop24.afdb.org/en/news/africa-must-not-be-short-changed-climate-finance-says-expert-panel-cop24> accessed 15 June 2025

AU 2023 <https://media.africaclimatesummit.org/NAIROBI%20Declaration%20FURTHER%20edited%20060923%20EN%20920AM.pdf>

African Union 2023 *Nairobi Declaration* <https://media.africaclimate-summit.org/NAIROBI%20Declaration%20FURTHER%20edited%20060923%20EN%20920AM.pdf> accessed 20 December 2024

Bodansky 2011 <http://www.c2es.org/publications/multilateral-climate-efforts-beyond-unfccc>

Bodansky D 2011 *Multilateral Climate Efforts Beyond the UNFCCC* <http://www.c2es.org/publications/multilateral-climate-efforts-beyond-unfccc> accessed 15 June 2025

Bodansky and Diringer 2014 <https://www.c2es.org/publications/building-flexibility-ambition-2015-climate-agreement>

Bodansky D and Diringer E 2014 *Building Flexibility and Ambition into a 2015 Climate Agreement* <https://www.c2es.org/publications/building-flexibility-ambition-2015-climate-agreement> accessed 15 June 2025

Cofino 2015 <https://www.theguardian.com/sustainablebusiness/2015/jan/19/davos-climate-action-democracy-failure-jorgen-randers>

Cofino J 2015 *It is Profitable to Let the World Go to Hell* <https://www.theguardian.com/sustainable-business/2015/jan/19/davos-climate-action-democracy-failure-jorgen-randers> accessed 15 June 2025

Gehring *et al* 2013 <https://www.files.ethz.ch/isn/168816/climate-change-and-sustainable-energy-measures-in-regional-trade-agreements-rtas.pdf>

Gehring MW *et al* 2013 *Climate Change and Sustainable Energy Measures in Regional Trade Agreements (RTAs): An Overview. ICTSD Issue Paper No 3* <https://www.files.ethz.ch/isn/168816/climate-change-and-sustainable-energy-measures-in-regional-trade-agreements-rtas.pdf> accessed 15 June 2025

Hoffmann, Osnago and Ruta 2017 <https://documents1.worldbank.org/curated/en/700771487791538589/pdf/WPS7981.pdf>

Hoffmann C, Osnago A and Ruta M 2017 *Horizontal Depth: A New Database on the Content of Preferential Trade Agreements Policy Research. Working Paper 7981* <https://documents1.worldbank.org/curated/en/700771487791538589/pdf/WPS7981.pdf> accessed 15 June 2025

ISO date unknown <https://www.iso.org/home.html>

International Organisation for Standardisation date unknown *ISO: Global Standards for Trusted Goods and Services* <https://www.iso.org/home.html> accessed 15 June 2025

Khan 2024 <https://www.wsj.com/articles/u-n-negotiators-take-key-step-to-global-carbon-deal-1e23433e>

Khan Y 2024 *U.N. Negotiators Take Key Step to Global Carbon Deal* <https://www.wsj.com/articles/u-n-negotiators-take-key-step-to-global-carbon-deal-1e23433e> accessed 20 December 2024

Mathiesen 2024 <https://www.politico.com/news/2024/11/23/new-300-billion-deal-climate-talks-00191241>

Mathiesen K 2024 *Climate Summit Approves Divisive \$300B Deal* <https://www.politico.com/news/2024/11/23/new-300-billion-deal-climate-talks-00191241> accessed 20 December 2024

Mold and Chowdhury 2021 <https://www.brookings.edu/blog/africa-in-focus/2021/05/19/why-the-extent-of-intra-african-trade-is-much-higher-than-commonly-believed-and-what-this-means-for-the-afcfta/>

Mold A and Chowdhury S 2021 *Why the Extent of Intra-African Trade is Much Higher than Commonly Believed — and What this Means for the AfCFTA* <https://www.brookings.edu/blog/africa-in-focus/2021/05/19/why-the-extent-of-intra-african-trade-is-much-higher-than-commonly-believed-and-what-this-means-for-the-afcfta/> accessed 15 June 2025

Morin, Michaud and Bialais 2016 https://www.researchgate.net/publication/311039641_Trade_negotiations_and_climate_governance_the_EU_as_a_pioneer_but_not_yet_a_leader

Morin J-F, Michaud N and Bialais C 2016 *Trade Negotiations and Climate Governance: The EU as a Pioneer, But Not (Yet) a Leader. IDDRI Issue Brief No 10* https://www.researchgate.net/publication/311039641_Trade_negotiations_and_climate_governance_the_EU_as_a_pioneer_but_not_yet_a_leader accessed 15 June 2025

Parshotam 2017 <https://www.polity.org.za/article/a-brief-guide-to-the-continental-free-trade-agreement-2017-08-28>

Parshotam A 2017 *A Brief Guide to the Continental Free Trade Agreement* <https://www.polity.org.za/article/a-brief-guide-to-the-continental-free-trade-agreement-2017-08-28> accessed 15 June 2025

TRALAC 2021 <https://www.tralac.org/resources/infographic/15294-intra-africa-trade-update-2020>

Trade Law Centre 2021 *State of Intra-Africa Trade: 2020 Update* <https://www.tralac.org/resources/infographic/15294-intra-africa-trade-update-2020> accessed 15 June 2025

Verra 2025 <https://verra.org/project/vcs-program>

Verra 2025 *Verified Carbon Standard* <https://verra.org/project/vcs-program> accessed 15 June 2025

World Resources Institute 2017 <http://cait.wri.org/indc/>

World Resources Institute 2017 *CAIT Climate Data Explorer* <http://cait.wri.org/indc/> accessed 15 June 2025

WTO 2021 <https://rtais.wto.org>

World Trade Organisation 2021 *Regional Trade Agreements Database* <https://rtais.wto.org> accessed 15 June 2025

List of Abbreviations

AfCFTA	Africa Continental Free Trade Area
Am J Int'l L	American Journal of International Law
ASIL Proc	American Society of International Law Proceedings
AU	African Union
CFTA	Continental Free Trade Area
COMESA	Common Market for Eastern and Southern Africa
COP29	29th Conference of the Parties
CSO	civil society organisation
EAC	East African Community
EU	European Union
FTA	free trade agreement
GHG	global greenhouse gas
IEA	International Energy Agency
ISO	International Organisation for Standardisation
J Int'l Econ L	Journal of International Economic Law
JEL	Journal of Environmental Law
JWT	Journal of World Trade
NDCs	Nationally Determined Contributions
OECD	Organisation for Economic Co-operation and Development
RECs	regional economic communities
SADC	Southern African Development Community
Stan Env'tl L J	Stanford Environmental Law Journal
Syracuse J Int'l L & Com	Syracuse Journal of International Law and Commerce
TRALAC	Trade Law Centre
TREND	Trade and Environment Database
U Pa J Int'l L	University of Pennsylvania Journal of International Law
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
WTO	World Trade Organisation