

4

PROMOTING REPRODUCTIVE RIGHTS AS A PATHWAY TO CLIMATE COMPATIBLE DEVELOPMENT IN AFRICA

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Abstract

The largest single threat to the planet now and in the decades to come is the global climate disruption due to anthropogenic greenhouse gases in the atmosphere. Wide-ranging action and response are required to address this threat. There are ongoing international, regional and local responses aimed at addressing the problem by reducing carbon footprint through less consumption and better technology. However, unsustainable human population growth can undermine those efforts. The Intergovernmental Panel on Climate Change estimates that, globally, unsustainable consumption and population growth continue to be the most important drivers of increase in carbon dioxide emission from fossil fuel combustion. Unsustainable population growth and consumption patterns are two complex and interconnected issues that need to be addressed in both developing and developed countries as they both are key drivers of anthropogenic climate change. Low and middle-income countries in Africa are classified as high fertility with relatively low per capita emissions, while high-income countries that primarily are responsible for causing the climate to change are low fertility with high per capita emissions and unsustainable consumption patterns. These dynamics raise long-standing sensitivities around population growth, equity in consumption patterns and climate change response and obligations. The call for a human rights-based approach achieved through sexual and reproductive health and rights can help respond to these concerns. Sustainable population growth in Africa will go a long way in addressing exposure and vulnerabilities of people and ecosystems and their ability to adapt to climate risks.

Key words: *climate change; development; reproductive health; sustainable population*

1 Introduction

Unsustainable population growth and consumption patterns are two complex and interconnected issues that need to be addressed as key drivers of climate change.¹ Population growth is a significant driver² of anthropogenic climate change³ and arguably is the most neglected dimension of climate change.⁴ Population size and growth matter for emission projections over the long term, although the degree of the effect currently is difficult to appraise.⁵ The United Nations (UN) estimates that within little more than a decade there are likely to be around 8,5 billion people on earth, and almost 10 billion by 2050, compared to 7,7 billion as at 2019.⁶ According to demographic estimates, Africa is projected to grow the fastest, followed by Asia, Latin America, North America, Oceania and Europe. Africa and Asia account for nearly all current population growth,

- 1 E Ganivet 'Growth in human population and consumption both need to be addressed to reach an ecologically sustainable future' (2020) *Environment Development and Sustainability* 4979.
- 2 Drivers refer to the overarching socio-economic forces that exert pressures on the state of the climate and the environment. Population growth, consumption patterns, economic development are classified as drivers of environmental change. Mostly, environmental pressures are proportional to the number of people dependent on natural resources.
- 3 The United Nations Framework Convention on Climate Change (UNFCCC) defines climate change as a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods. Reprinted in 31 *ILM* 849 (1992).
- 4 J Bongaarts & B O'Neill 'Global warming policy: Is population left out in the cold?' (2018) 361 *Science* 650; Ganivet (n 1); F MacKellar 'Population and climate change', <https://www.globalpolicyjournal.com/blog/25/09/2018/population-and-climate-change> (accessed 3 March 2021).
- 5 UNFPA 'Population dynamics and climate change', <https://www.unccllearn.org/wp-content/uploads/library/unfpa30.pdf> (accessed 13 January 2021).
- 6 A 10% increase, 26% and 42% increase respectively; see United Nations Department of Economic and Social Affairs Population Division (2019) 'World Population Prospects 2019: Ten key findings'. Note that India is projected to overtake China as the world's most populous country in 2027. See also United Nations Department of Economic and Social Affairs Population Division (2019) 'World population prospects 2019: Highlights' ST/ESA/SER.A/423, <https://population.un.org/wpp/Publications/> (accessed 3 March 2020); United Nations Department of Economic and Social Affairs Population Division (2019) 'World population prospects 2019: Wall chart', <https://population.un.org/wpp/Publications/> (accessed 17 March 2021); J Stephenson et al 'Population dynamics and climate change: What are the links?' (2010) 32 *Journal of Public Health* 150.

although Africa is expected to be the main contributor beyond 2050 with the population of Africa projected to double by 2050 (99 per cent).⁷

The negative impacts of climate change are more pronounced in Africa as the continent has less capacity to mitigate and adapt to climate change variability, exposure, and vulnerabilities of people and ecosystems. Policies aimed at sustainable population growth will go a long way in addressing climate change impact, vulnerabilities and exposure in Africa and address social inequalities and ensure a climate compatible development. According to Grace, links between climate, fertility and reproductive health outcomes in African countries, apart from the direct ecological benefits, include indirect benefits such as nutrition and food security, and resource stability and income.⁸

Understanding the relationship between population and climate change is crucial for designing policies that protect people's rights, particularly their reproductive choices, while preserving the planet. Population growth, especially in countries classified as high fertility, often is cited as a primary driver of climate change. These assumptions are debatable and they reiterate sensitivities between developed and developing countries on the burden of responding to climate change.⁹ In addressing these sensitivities, it is key to recognise that the responsibility for reducing global greenhouse gas (GHG) emissions should not be placed on people, particularly women, in low-emitting countries that contribute very little to the causes of climate change but are highly vulnerable to its effects, while exploring opportunities to strengthen and improve resilience to climate change in Africa. To do otherwise again will be unfair and raises the issue of climate justice for such populations.

In fact, the major driver of climate change is the high emission levels per capita from developed countries with the lowest levels of fertility rates. Countries with the highest fertility rates tend to be countries in Africa with the lowest emission levels and their per capita emissions have contributed the least to the current climate crisis, which again speaks to the justice in sharing the burden of responsibility for addressing climate change. Rapid population growth worsens vulnerability to the negative consequences of climate change, and exposes growing numbers of people to climate

7 United Nations Department of Economic and Social Affairs Population Division (n 6).

8 K Grace 'Considering climate in studies of fertility and reproductive health in poor countries' (2017) 7 *Nature Climate Change* 480.

9 United Nations Population Fund 'Population and climate change', <https://www.unfpa.org/climate-change#readmore-expand> (accessed 4 April 2021).

risk.¹⁰ According to Hunter, research indicates that population size and growth will account for 35 per cent of the global increase in carbon dioxide emissions between 1985 and 2100, and 48 per cent of the increase will emanate from developing nations during that period.¹¹ While the per capita emissions of greenhouse gases in African countries are low, it is projected to rise as these countries pursue economic development.¹² This increases the exposure and vulnerabilities of people and ecosystems and their ability to adapt to climate risks.¹³

The UN Programme of Action at the 1994 International Conference on Population and Development calls for the emphasis on reproductive health and rights over demographic aims. Although there is widespread agreement among governments and international organisations that family-planning programmes are a valuable investment, they often are given low priority.¹⁴ According to O'Sullivan, discussions of the risk that unsustainable growth poses to heightened climate change impacts have not been accorded the required recognition by the UN and development community.¹⁵ This chapter advocates that climate policies that incorporate sexual and reproductive health and rights,¹⁶ including the identification of key action areas, budget allocation to meet set targets, and access to family-

10 Population Action International 'Why population matters to climate change', https://pai.org/wp-content/uploads/2012/02/PAI-1293-Climate-Change_compressed.pdf (accessed 3 March 2021).

11 L Hunter *The environmental implications of population dynamics* (2000). The study further notes that as population growth slows during the next century, its contribution to emissions is expected to decline. This decline will be especially large in the context of developing nations. While population-driven emissions from developed nations are estimated to contribute 42% of carbon dioxide emissions between 1985 and 2020, they are expected to contribute only 3% between 2025 and 2100.

12 R Prize 'The linkages between population change and climate change in Africa' (2020), <https://opendocs.ids.ac.uk> (accessed 3 March 2021).

13 As above.

14 Prize (n12).

15 J O'Sullivan 'Synergy between population policy, climate adaptation and mitigation' in M Hossain et al (eds) *Pathways to a sustainable economy* (2018) 103.

16 The Sexual and Reproductive Health and Rights Continental Policy Framework defines reproductive rights as follows: 'Reproductive rights embrace certain human rights that are already recognised in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.' https://au.int/sites/default/files/documents/30921-doc-srhr_english_0.pdf (accessed 17 April 2021). The Guttmacher-Lancet Commission on Sexual and Reproductive Health and Rights defines SRHR as 'the state of physical, emotional, mental, and social well-being in relation to sexuality and reproduction, not merely the absence of disease, dysfunction, or infirmity'.

planning pathways, can be used as an important climate adaptation tool in Africa, in addition to other climate response strategies.¹⁷ Furthermore, access to modern contraceptives, meeting people's needs for family planning and reproductive health should be given high priority. Rather than being considered only a health investment, it should be viewed broadly as investment with wide-ranging socio-economic and environmental benefits. Investments and access to modern contraceptives that meet people's needs for family planning and reproductive health should be viewed broadly as an investment with wide-ranging socio-economic and climate benefits. Investments in sexual and reproductive health and rights, including by building more resilient health systems, improving health and sexual and reproductive health and rights services can reduce the impacts of climate change on people. The realisation of sexual and reproductive health and rights increases individuals' resilience to climate change and reduces the inequitable burden of coping with adverse climate change.

2 Climate change hotspots in Africa

Several studies note that Africa is one of the regions most vulnerable to the impacts of climate change although the impacts are not uniform across the region.¹⁸ The climate change hotspots¹⁹ in Africa include arid/semi-arid regions, low-lying deltas and cities in Africa.²⁰ According to Müller et al, regions with the most severe projected climate change impacts usually record high population density and poverty rates.²¹ The different regions in Africa face various climate risks. East Africa is at a higher risk of flooding and concurrent health impacts and infrastructure damages. West Africa is projected to experience severe impacts on food production, including

17 Some of the responses advocated the climate crisis include technological solutions, personal lifestyle changes, policies to end fossil fuel use and develop alternative energy and potentially fundamental changes to economic systems, especially as the timescale for preventing catastrophic climate change is now less than a decade, according to the IPCC. See C Fields et al *IPCC, 2014 Summary for policymakers, Climate change 2014: Impacts, adaptation, and vulnerability. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* 1-32.

18 Fields et al (n 17); Bongaarts & O'Neill (n 4) 650-652; O Serdeczny et al 'Climate change impacts in sub-Saharan Africa: From physical changes to their social repercussions' (2017) 17 *Regional Environmental Change* 1585; Population Action International (n 10).

19 Climate change 'hotspots' are areas with strong climate change signals and a high concentration of vulnerable people.

20 Price (n 12).

21 C Müller et al 'Hotspots of climate change impacts in sub-Saharan Africa and implications for adaptation and development' (2014) 20 *Global change biology* 2505. Eg, cities such Kampala, Dar-es-Salaam, Abuja, Lagos, Addis Ababa and Luanda are all low-lying deltas and cities and typically are heavily populated and face climate vulnerabilities from sea level rise, extreme heat and natural disasters. See Price (n 12).

through declines in oceanic productivity, with severe risks for food security and negative repercussions for human health and employment. South Africa sees the strongest decrease in precipitation with concurrent risks of drought.²²

Rapid population growth worsens vulnerability to the negative impact of climate change, and exposes growing numbers of people to climate risk.²³ Rapid population growth coupled with the impacts of climate change results in an increase in demand and depletion of key natural resources, such as water, fuel and soil fertility, and natural resources that are already compromised and in decline due to environmental variability and climate change. For example, in Nigeria protracted and severe drought, desertification, and scarce water resources for grazing in the northern part of the country have forced herdsmen from rural areas to migrate to the south to seek pasture and water for their cattle. This is fuelling conflicts and clashes between farmers and herdsmen, resulting in conflicts over access to natural resources such as water.²⁴ The increased pressure to migrate either to environmentally marginal or urban areas then results in exploitation of natural resources in an unsustainable way, leading to a vicious cycle of poverty and degradation.

According to Population Action International, population growth is already putting a strain on the world's limited supply of fresh water. It estimates that more than 45 countries currently are experiencing water scarcity or stress, the majority of these countries being in Africa.²⁵ Population Action International's interactive online database, Mapping Population and Climate Change, indicates 26 population and climate change 'hotspots' (see Table 1 below).²⁶ In hotspot countries, about one in four married women would prefer to avoid pregnancy, but are not using modern family planning. Protecting reproductive rights and achieving universal access to reproductive health are critical for addressing these links.

22 Serdeczny et al (n 18) 1585.

23 Population Action International (n 10).

24 A Adeolu 'Climate change and population dynamics in southwest Nigeria' (2019) 13 *Journal of Environmental Science, Toxicology and Food Technology* 39; I Oramah 'The effects of population growth in Nigeria' (2006) 6 *Journal of Applied Sciences* 1332.

25 Population Action International (n 10). See also Food and Agriculture Organisation of the United Nations (FAO) 'Aquastat country database 2015', <http://www.fao.org/nr/water/aquastat/data/query/index.html?lang=en> (accessed 20 December 2020); A Turton & J Warner 'Exploring the population/water resources nexus in the developing world' in G Dabelko (ed) *Finding the source: The linkage between population and water* (2002) 52.

26 Population Action International (n 10).

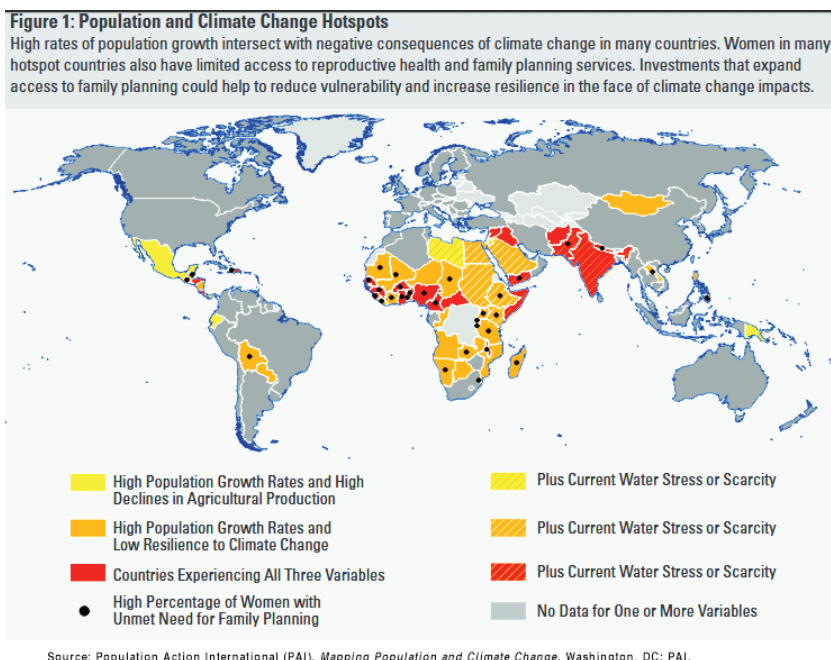


Table 1: Source: Population Action International (PAI), ‘Mapping Population and Climate Change’ (Washington DC: PAI)

3 Sexual and reproductive health and rights in the context of climate change response measures

The UN’s World Population Prospect 2019²⁷ projects that countries in Africa could account for more than half of the growth of the world’s population between 2019 and 2050. Although the growth will be at a slower pace, the region’s population is projected to continue growing through the end of the century. By contrast, populations in Eastern and South-Eastern Asia, Central and Southern Asia, Latin America and the Caribbean and Europe and Northern America are projected to reach peak population size and to begin to decline before the end of this century.²⁸ Rapid population growth in Africa presents mitigation and adaptation capacity challenges and additional challenges in the effort to achieve the sustainable

27 Department of Economic and Social Affairs, Population Division ‘World Population Prospects 2019: Highlights’ https://population.un.org/wpp/Publications/Files/WPP2019_Highlights.pdf (accessed 4 May 2021).

28 As above.

development goals such as the goal on climate action, to eradicate poverty, achieve greater equality, combat hunger and malnutrition, and strengthen the coverage and quality of health and education systems.²⁹

Despite the recent reductions in fertility rate globally, studies³⁰ indicate that women currently have an ‘unmet need’ for family planning and other reproductive health services. The term ‘unmet needs’ is defined as the percentage of women of reproductive age, either married or in a union, who have an unmet need for family planning. Women with unmet needs are those who want to stop or delay childbearing but are not using any method of contraception.³¹ According to the Guttmacher Institute’s factsheet, as of 2017, 1.6 billion women of reproductive age between ages 15 and 49 live in developing regions and about half of these (885 million women) wish to avoid pregnancy. However, only about three-quarters (671 million) of these women have access to modern contraceptives.³² This figure includes 155 million that use no method of contraception and 59 million that rely on traditional methods. The report further highlights that the proportion of women who have an ‘unmet need’ is highest in Africa, at 21 per cent.³³ These women are considered to have an ‘unmet need’ for modern contraceptives because of reduced investment, adequate access to sexual, reproductive and maternal health care, access to sexual and reproductive health information and services, particularly for young

29 SDGs 1, 5, 10, 2, 3 and 4 respectively. United Nations, Department of Economic and Social Affairs, Population Division (n 6); See also K Patterson ‘Making the connection: population dynamics and climate compatible development recommendations from an expert working group’ <https://www.prb.org/wp-content/uploads/2018/03/PHP-population-climate-full-paper.pdf> (accessed 15 March 2021); and Adeolu (n 24).

30 See the following studies: M Vlassoff & M Tsoka ‘Benefits of meeting the contraceptive needs of Malawian women’ <https://www.guttmacher.org/report/benefits-meeting-contraceptive-needs-malawian-women> (accessed 5 May 2021); ‘Adding it up: Investing in contraception and maternal and newborn health in Nigeria, 2018’ <https://www.guttmacher.org/fact-sheet/adding-it-up-contraception-mnh-nigeria> (accessed 15 March 2021); ‘In developing regions, 23 million adolescents at risk of unintended pregnancy, not using modern contraceptives’ <https://www.guttmacher.org/news-release/2016/developing-regions-23-million-adolescents-risk-unintended-pregnancy-not-using> (accessed 15 March 2021).

31 United Nations, Department of Economic and Social Affairs, Population Division (2014) ‘World Contraceptive Use 2014’ https://www.un.org/en/development/desa/population/publications/dataset/contraception/wcu2014/Metadata/WCU2014_UNMET_NEED_metadata.pdf (accessed 1 April 2021).

32 *Adding it up* (n 30).

33 As Above; while the largest absolute number, 70 million women, with unmet needs, live in Southern Asia. Together, Africa and Southern Asia account for 39% of all women in developing regions who want to avoid pregnancy and 57% of women with an unmet need for modern contraception.

people, unmarried women and those living in poorer households.³⁴ Cultural, social and religious factors also affect the use of modern contraceptives in Africa. For example, there are religious beliefs against the use of contraceptives, the practice of polygamy and early marriage, the level of education, poverty, and access to health care.

Studies and data on donor funding for family planning indicate that funding for modern contraceptives and other support for woman of reproductive age declined by at least 50 per cent.³⁵ According to Cilliers, Africa's high fertility rates are a drag on development rather than an advantage, as the region can only expect to enjoy a demographic dividend after mid-century.³⁶ The author further asserts that given the right policy conditions, Africa can accelerate population-driven economic growth by reducing its fertility rate through interventions in education, infrastructure, human capital and, most importantly, women's empowerment.³⁷

4 Reproductive rights as a climate change response in Africa

The UN through its Office of the High Commissioner for Human Rights and other mechanisms highlights the links and key impacts that climate change, directly and indirectly, has on an array of internationally-guaranteed human rights such as the right to life, and has advocated a human rights-based approach to climate change.³⁸ More recently, a report by the UN Special Rapporteur on Human Rights and the Environment

34 (n 33) '... In general, Africa continues to have the world's lowest contraceptive prevalence rate. While the prevalence is low, the proportion of married women who need contraceptives but who are not using any methods is estimated to be 24% in sub-Saharan Africa and 18% in Northern Africa. However, this estimate is conservative as it deals only with married women.' See Sexual and Reproductive Health and Rights Continental Policy Framework. https://au.int/sites/default/files/documents/30921-doc-srhr_english_0.pdf (accessed 4 March 2021).

35 H Zlotnik 'Does population matter for climate change?' in J Guzmán et al (eds) *Population dynamics and climate change* (2009) 45; Bongaarts & O'Neill (n 4).

36 J Cilliers *The future of Africa: challenges and opportunities* (2020) 79.

37 As above.

38 UN Human Rights Office of the High Commissioner 'Key messages on human rights and climate change' https://www.ohchr.org/Documents/Issues/ClimateChange/KeyMessages_on_HR_CC.pdf (accessed 5 March 2021); UN Human Rights Office of the High Commissioner, 'Open-letter from the United Nations High Commissioner for Human Rights on integrating human rights in climate action', <https://www.ohchr.org/Documents/Issues/ClimateChange/OpenLetterHC21Nov2018.pdf> (accessed 5 March 2021); Human Rights Council, Resolution 10/4 'Human Rights and Climate Change' http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_10_4.pdf (accessed 5 March 2021.); and UNFCCC Decision 1/CP.16 <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf> (accessed 5 March 2021).

acknowledges population as one of the drivers of climate change.³⁹ The IPCC report also linked the increasing frequency of extreme weather events and natural disasters, rising sea levels, floods, heat waves, droughts, desertification, water shortages, and the spread of tropical and vector-borne diseases as posing direct and indirect threats to the full and effective enjoyment of a range of human rights, including the rights to life, health, water and sanitation, as well as food.⁴⁰

A rapid population growth presents challenges for robust economic growth and the attainment of the sustainable development goals.⁴¹ Therefore, national and regional policies that promote reproductive health and rights of women require a rights-based approach. Access to modern contraceptives, and meeting people's needs for family planning and reproductive health, will allow couples and individuals to decide freely and responsibly on the number, spacing and timing of their children and to have the information and the means to do so, and the right to attain the highest standard of sexual and reproductive health and rights.⁴²

Advancing the reproductive rights of women as one of the potentially important policy responses to climate change is but one of the policy options in relation to climate change mitigation and adaptation. It is important to highlight that investments in family planning programmes should not be used as a financial incentive to achieve reductions in countries' population growth, to avoid a repetition of the oppressive population targets and controls that several countries adopted in the past.⁴³ Enhancing the rights of women to education, freedom from sexual violence, rights

39 The Report highlights the links and key impacts that Climate change has, directly and indirectly, on an array of internationally guaranteed human rights such as the right to life, health, food, and have advocated for a human rights-based approach to climate change. 'Safe Climate: A Report of the Special Rapporteur on Human Rights and the Environment' A / 74/161 <https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/Report.pdf> (accessed 5 March 2021); also see the preamble to the Paris Agreement.

40 R Pachuri & P Ekins *Climate change 2014: synthesis report. Contribution of Working Groups I, II and III to the fifth assessment* (2014) 151.

41 United Nations, Department of Economic and Social Affairs, Population Division (n 6); see also P Ekins et al (eds) *Global Environment Outlook Geo-6: healthy Planet, healthy People* (2019) 30.

42 See the following studies: H Greaves 'Climate change and optimum population' (2019) 102 *The Monist* 42; A Hayes & S Adamo 'Introduction: understanding the links between population dynamics and climate change' (2014) 35 *Population and Environment* 225; J Guzmán et al (eds) *Population dynamics and climate change* (2009).

43 Such as China's one-child policy and India's forced sterilisation in the 70s. UNFPA 'Population dynamics and climate change', <https://www.uncclearn.org/wp-content/uploads/library/unfpa30.pdf> (accessed 5 March 2021).

to bodily integrity and autonomy and, particularly, reproductive rights is essential for achieving climate-compatible development and strengthening resilience to climate change.

Fertility rates can be influenced by policies.⁴⁴ According to Dodson, high population growth, high fertility and high unmet needs for family planning overlap with regions that experience high vulnerability to climate change. Ongoing unmet needs for family planning in these regions can exacerbate vulnerability and make it more difficult for individuals, households and communities to adapt.⁴⁵ Meeting women's needs for family planning and reproductive health has key short and long-term benefits for climate change adaptation efforts and promoting resilience.⁴⁶ According to Mogelgaard and Patterson, some of the short and long-term benefits include slower population growth, which reduces pressure on the local natural resource base and results in fewer people being exposed to climate hazards, and improves health of women and their children – a fundamental building block of resilience to climate change impacts. Women are better empowered through, for example, enhanced educational opportunities and improved earnings and resilience.⁴⁷

4.1 The importance of sexual and reproductive health and rights for climate change action and resiliency

Efforts related to reducing the unmet needs for family planning for climate change mitigation and adaptation require a rights-based approach. While the right to health is the primary reason for promoting sexual and reproductive health and rights, research and data indicate that the realisation of sexual and reproductive health and rights yields a range of benefits for individuals, their families and their communities.⁴⁸ Research

44 J Dodson et al 'Population growth and climate change: Addressing the overlooked threat multiplier' (2020) 748 *Science of the Total Environment* 141; there are many factors that influence fertility rates indirectly (eg average education level, economic growth, urbanisation, child mortality, cultural factors, social norms on ideal family size) and directly (eg presence of family planning programmes, availability of modern contraception and contraception use rates). Collectively these factors determine the fertility levels of a country.

45 As above.

46 K Mogelgaard & K Patterson 'Building resilience through family planning and adaptation finance' (2018) *Policy Brief*, <https://www.prb.org/building-resilience-through-family-planning-and-adaptation-finance/> (accessed 5 March 2021).

47 As above.

48 A Starrs et al 'Accelerate progress – Sexual and reproductive health and rights for all: Report of the Guttmacher-Lancet Commission' (2018) 391 *Lancet* 2642, [http://dx.doi.org/10.1016/S0140-6736\(18\)30293-9](http://dx.doi.org/10.1016/S0140-6736(18)30293-9) (accessed 5 March 2021). See also Women Review 'The link between climate change and sexual and reproductive health

also indicates that the reverse is true, namely, that gaps in the realisation of sexual and reproductive health and rights limit opportunities, particularly for girls and women, to pursue education and improve their livelihoods, access resources and services, and participate in politics and community affairs.⁴⁹ According to Women Deliver, there are persistent economic, governance-related and social barriers that lead to gaps in the realisation of gender and social inequalities and that these gaps can limit people's ability to engage in climate action.⁵⁰

There are existing regional structures and interventions that can promote sexual and reproductive health and rights as a strategy for climate change adaptation in Africa, especially under the platform of the AU.⁵¹ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) guarantees comprehensive rights to women, including their sexual and reproductive rights, improved autonomy in their reproductive health decisions, among other rights. Article 14 of the Maputo Protocol provides that reproductive rights include the right to control their fertility; the right to decide whether to have children; the number of children and the spacing of children; the right to choose any method of contraception; the right to self-protection and to be protected against sexually-transmitted infections, including HIV; the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually-transmitted infections, including HIV, in accordance with internationally-recognised standards and best practices; and the right to receive family planning education. This is further reinforced by the African Commission on Human and Peoples' Rights (African Commission) which adopted General Comment 2 to interpret the provisions of article 14 of the African Women's Protocol.⁵²

and rights: An evidence review' (2021), <https://womendeliver.org/wp-content/uploads/2021/02/Climate-Change-Report-1.pdf> (accessed 5 March 2021).

49 Women Review (n 48). See also International Planned Parenthood Federation 'Sexual and reproductive health and rights the key to gender equality and women's empowerment' (2015), <https://www.ippfen.org/sites/ippfen/files/2016-12/Vision%202020%20Gender%20Report.pdf> (accessed 5 March 2021); V le Masson et al 'How violence against women and girls undermines resilience to climate risks in Chad' (2019) 43 *Disasters* 245, <https://doi.org/10.1111/disa.12343>; and Women Deliver and Population Council 'Having a child before becoming an adult: Exploring the economic impact in a multi-country analysis' (2019), <https://womendeliver.org/publications/having-a-child-before-becoming-an-adult-exploring-the-economic-impact-in-a-multi-country-analysis/> (accessed 5 March 2021).

50 Report by Women Review (n 48).

51 Art 4(L) of the Constitutive Act of the African Union (AU) highlights the Gender Equality Principle as one of the guiding principles of the AU, https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf (accessed 5 March 2021).

52 AU Protocol to the African Charter on Human and Peoples' Rights on the Rights

The African Strategy on Climate Change 2020⁵³ defines the main parameters⁵⁴ for an effective, coordinated climate change response for Africa, which builds resilient capacities for adaptation, and unlocks the benefits of the massive mitigation potential. One of the parameters identified by the framework for an effective climate change response in Africa is building resilience and reducing the vulnerability of the African continent to climate change. To achieve this, the Framework identifies prioritising adaptation as a tool for optimal resilience building and vulnerability reduction. The African Strategy on Climate Change 2014 makes several references to the challenges of population growth and how population growth and shifting consumption patterns are putting additional pressure on Africa's natural resources and increasing the vulnerabilities to climate change.⁵⁵ There are a few AU policies that can strengthen the African Strategy objective of prioritising adaptation as a tool for optimal resilience building and vulnerability. Sustainable population growth is an adaptation tool that will go a long way in addressing the vulnerabilities of people and ecosystems to climate change and their ability to address those risks. Furthermore, such policies provide the necessary mechanisms for member states in Africa to integrate and implement such strategies in their national policies and programmes.

The Sexual and Reproductive Health and Rights Continental Policy Framework⁵⁶ and its Maputo Plan of Action (MPoA) for the operationalisation of the Sexual and Reproductive Health and Rights (SRHR) Continental Policy Framework 2016-2030 provides a framework for advocacy and implementation.⁵⁷ The Maputo Plan of Action Review Report 2015, which predates the MPoA, acknowledges the linkages.

of Women in Africa, 11 July 2003; also see General Comment 2 on arts 14(1) (a), (b), (c) and (f) and arts 14(2)(a) and (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, <https://www.achpr.org/legalinstruments/detail?id=13> (accessed 5 March 2021).

- 53 African Climate Change Strategy, https://archive.uneca.org/sites/default/files/uploadeddocuments/ACPC/2020/africa_climate_change_strategy_-_revised_draft_16.10.2020.pdf (accessed 5 March 2021). The overall objective of the Africa Climate Change Strategy is the 'achievement of the Agenda 2063 Vision by building the resilience of the African continent to the impacts of climate change'.
- 54 The parameters are effective institutional capacities to implement climate change strategies; climate change strategies are harmonised; Africa speaks with one voice; resilience built, and vulnerability reduced; and increased access to finance.
- 55 African Strategy on Climate Change 2014, https://www.un.org/en/africa/osaa/pdf/au/cap_draft_aucclimatestrategy_2015.pdf (accessed 7 March 2021).
- 56 Sexual and Reproductive Health and Rights Continental Policy Framework, https://au.int/sites/default/files/documents/30921-doc-srhr_english_0.pdf (accessed 7 March 2021).
- 57 Framework (n 56) paras 18(i)-(ix).

The Review Report acknowledges the linkages between sexual and reproductive rights with cross-cutting issues such as climate change, and as part of its recommendations to African states and the AU, the Review Report advocates mechanisms to consider cross-cutting issues such as climate change. The Framework and the MPoA provide the necessary platform for establishing such linkages.⁵⁸ The MPoA seeks to achieve universal access to comprehensive sexual and reproductive health services in Africa. Its long-term plan for achieving its objective includes political commitment, and investment in the vulnerable and marginalised populations and improved adolescent and youth sexual and reproductive health and rights.⁵⁹

The MPoA identifies key strategies for operationalising the sexual and reproductive health and rights policy framework.⁶⁰ These include improving political commitment, leadership and good governance of the Reproductive, Maternal, Newborn, Child and Adolescent Health (RMNCAH) at the continental, regional and national levels; increasing health financing and investments by improving domestic resource mobilisation for RMNCAH through innovative health financing mechanisms and supporting member states to invest in health infrastructure; and ensuring gender equality, women's and girls' empowerment and respect of human rights by protecting the rights of women, men, adolescents and youth to have control over and decide freely and responsibly on matters related to sexual and reproductive health, free from coercion, discrimination and violence; and promoting social values of equality, non-discrimination, and non-violent conflict resolution. It is important to note that while the primary goal of voluntary family planning is not to achieve a decrease in fertility, it is a tool to allow families, and women in particular, to determine the number, timing and spacing of their children. Integrated policies will be key in harnessing synergies between women's empowerment, girls' education and family planning and reproductive health services in Africa.

5 Conclusion

Reproductive health and population control, although contested concepts between the north and the south, are an important focus in the discussion around climate change response measures. It raises the issue as to whether it is fair to require a continent that is affected disproportionately by climate change to assume further responsibility of taking decisive actions on population control. Yet, as has been shown, the interface of populations

58 Framework (n 56) para 30.

59 Framework (n 56) para 6.

60 Framework (n 56) paras 18(i)-(ix).

with climate change is undeniable. Ultimately, investments and access to modern contraceptives, meeting people's needs for family planning and reproductive health are an investment with wide-ranging socio-economic and environmental benefits rather than solely a health investment. The implementation of policy opportunities and programmes to ensure that universal access to family planning is part of climate compatible development strategies is an imperative. Creating an enabling environment for connecting these issues and advancing these policy opportunities is vital for fostering more cross-sector dialogue and action among health, family planning, climate, and development sectors. Furthermore, improved access to finance, especially financing for family planning in climate compatible development plans, is essential for a robust climate change mitigation and adaptation strategy and for achieving climate compatible development and justice in Africa.