Chapter 2
Socio-Legal Opportunities and Barriers to Achieving the Objectives of the Paris Agreement in Selected Sub-Saharan African Countries

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ABSTRACT

The 2015 Paris Agreement promises to strengthen the global response to climate change in the context of sustainable development. This chapter examines the socio-legal opportunities and barriers to achieving the objectives of the Paris Agreement in the Democratic Republic of Congo, Kenya, and Nigeria. The three countries have unique approaches to addressing climate change due to their unique areas of intensive carbon emissions. They represent the East, West, and Southern areas in SSA. The chapter investigates the impact of climate change mitigation activities in line with the Paris Agreement on societies in the chosen countries. It evaluates the core climate change mitigation target per country to identify opportunities and challenges to achieving the mitigation objectives of the Paris Agreement in SSA. The chapter finds that while there are opportunities for SSA countries to pursue the low carbon and climate change mitigation objectives of the Paris Agreement, a danger may lie in following the global climate agenda under the Paris Agreement at the cost of national circumstances.

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INTRODUCTION

The global climate agenda involves a broad range of country participation towards limiting global warming to below 2°C, known as the goal to net zero. The United Nations defines net zero as reducing greenhouse gas emissions to nearly 0%, while excess emissions are absorbed from the atmosphere by carbon sinks, including the oceans and forests. (Article 4, (1b) UNFCCC).

The 2015 Paris Agreement promises to strengthen international climate change mitigation and adaptation efforts. While there are general opportunities for promoting the goals of the international climate change agenda in Sub-Saharan African countries. The current energy crisis is a major opportunity to promote low carbon energy options and thus reduce emissions in the energy sectors. However, laws that subsidise and encourage the use of fossil fuel could serve as barriers to departing from these traditional fuel sources, thus extending the oil and gas era in Sub Saharan Africa. The clean energy transition in line with the objectives of the Paris Agreement may be delayed as a result of the global community's recent interest in oil and gas from the region following the Russian-Ukrainian conflict. Further, the absence of laws and regulations to promote the use of renewable, low-carbon energy sources is an added barrier to moving towards net zero. Additionally, poor citizen enlightenment and stakeholder engagement are challenges to achieving its target of keeping the planet's temperature below 2°C compared with pre-industrial levels. So far, achieving this goal has been an ordeal for the global community, as countries have different national, social, economic and political priorities and circumstances. Thus, the disposition per country to address climate change is hinged on national sovereignty, national circumstances and capabilities.

A review of the portfolio of major emitting countries shows that they are also the most industrialised countries compared with countries at the bottom of the ladder regarding their carbon emissions. The energy sector is the source of about three-quarters of global emissions; thus, addressing carbon emissions in the energy sector is essential for GHG mitigation. Significantly, major emitting countries also have carbon-intensive energy industries powered by coal, gas and oil. Countries in Africa, particularly SSA, generate the lowest carbon emissions, have the lowest capacity for energy generation, and have the lowest development indices. These national circumstances, common amongst SSA countries, raise the question of the implication of a 'race to net zero' for countries whose emissions are already close to zero or around 1%. It also raises the question; should countries with low carbon emissions, low

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