

Prevailing Equity and Fairness Perceptions of African LDCs under the Paris Agreement Regime

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Abstract

Equity and fairness are fundamental principles in climate negotiations under the UNFCCC, essential for incentivizing active and effective participation of all parties involved. Historically, the principle of Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC) has been used to define the fairness and equitability of the international climate process which placed considerable accountability on developed nations on account of their historical responsibility for climate change and their capacity to address the problem. However, the Paris Agreement marked a shift toward a more inclusive global approach, requiring all countries to submit climate action plans tailored to their unique circumstances. Under the Paris Agreement, developing countries which were historically inculpable are also required to take comparable climate action alongside developed countries albeit in accordance with their socio-economic uniqueness. The study examined how Least Developed Countries (LDCs), from Africa, a sub-set of the developing countries within the African Group of Negotiators (AGN) perceive fairness and equity within the Paris Agreement framework. Using exploratory research, focused informant interviews and questionnaire to LDCs negotiators from Africa found that these countries acknowledge the retention of preferential provisions—such as flexible reporting requirements and targeted financial support—in the Paris Agreement as an important element in their consideration of fairness and equitability of the regime given their socio-economic status, vulnerability, and susceptibility to negative impacts to climate change have not improved since 1997. On the other hand, the study found that LDCs from Africa continue to face an avalanche of structural and systematic challenges in international climate negotiations which include inadequate representation, limited access to

scientific information, and power imbalances with developed and emerging developing countries which necessitated the retention of the flexibilities and preferential conditions in the current climate regime. About 75% of the LDCs from Africa negotiators think that the retention of flexibilities enables them to participate in climate action in accordance with their abilities while allowing space to participate in their sustainable development and socio-economic pursuits without any restraining obligations. Despite these challenges, African LDCs from Africa, have developed ambitious NDCs, with 80% adopting economy-wide and long-term low-carbon strategies. Their commitment to implementation of the critical parts of the Paris Agreement relies heavily on targeted and preferential provision of international cooperation, reflecting both their trust in the UNFCCC and the crucial role that perceptions of fairness and equity play in sustaining this trust. To address the structure and system challenges, African LDCs have adopted innovative negotiation strategies to enhance their influence and achieve significant breakthroughs in climate diplomacy. African LDCs hold mixed views on the Paris Agreement's approach to differentiation. While they acknowledge the Paris Agreement's efforts to mobilize climate ambition through NDCs and provide flexibilities and preferential support for implementation, many strongly believe it falls short in delivering true fairness and equity. The research identified the Paris Agreement's Achilles heel as its inability to effectively and practically incentivize climate ambition among parties as anticipated by the objectives of the treaty. Sixty-five percent (65%) of respondents attribute this failure to the lack of enforcement mechanisms and self-differentiation which leaves parties without sufficient motivation to independently and ambitiously determine their contributions. When asked whether the shortcomings of the Paris Agreement could lead to frustration among parties and questioning its effectiveness and pushing for a new treaty, 70% of African LDCs viewed this scenario as unlikely. However, Papua New Guinea's recent decision to boycott climate negotiations in Baku, Azerbaijan, due to unfulfilled climate finance commitments, highlights the growing frustration among parties over the gap between the promise of the Paris Agreement and its actual delivery especially to developing countries. The study found that African LDCs generally view the Paris Agreement as equitable, given its recognition of their vulnerabilities and its emphasis on broadening global climate action to include emerging economies and non-state actors. Though LDCs from Africa welcome the inclusion of the emerging developing countries to take up enhanced commitments almost comparable to developed countries, though they also feel that treating these countries as developed is equally unfair. The study found that the agreement falls short in critical areas, particularly in failing to mobilize climate ambition particularly mitigation and climate finance to support the achievement of the 1.5°C temperature goal and efforts to build adaptation and resilience of the most affected. These challenges significantly impede the efforts of LDCs to implement their ambitious Nationally Determined Contributions (NDCs), particularly in mitigation, which is almost entirely reliant on international cooperation and support. To bridge these gaps, the study is making recommendations for urgent reforms in the UNFCCC process that would ensure meaningful inclusion of LDCs and the successful

achievement of global climate goals.

Keywords

Fairness, Equity, Africa, LDCs, Paris Agreement, G77 and China, UNFCCC
AGN, Ambition, AGN, Differentiation

1. Introduction

A key distinction between the Kyoto Protocol and the Paris Agreement lies in their differentiation architecture with the former loading the greatest burden of responsibility on developed countries while the latter attempts to equitably spread the accountability and responsibility to all parties (Bodansky, 2016; Mehling, 2019; Voigt, 2014; Voigt & Ferreira, 2016b). Differentiation architecture plays a fundamental role in ensuring that all parties to the treaty contribute and benefit equitably from climate action and this is essential for the effective functioning of any multilateral process (Carter & Stone, 2015; Jacoby et al., 2017; Sabel & Victor, 2022; Voigt, 2014; Voigt & Ferreira, 2016b). In the context of international climate change governance, differentiation seeks to balance commitments of countries that are historically responsible for causing climate change with those disproportionately affected by climate change and yet have not contributing much to causing the problem (Caney, 2005; Gardiner, 2011; Gupta, 2010; Streck et al., 2016). Given that climate change affects all countries to varying degrees, the principle of proportional impact relative to contribution becomes crucial in assessing perceptions of fairness and equity of the Paris Agreement becomes paramount. This principle plays a significant role in determining the extent to which the Agreement's expectations align with the differentiated responsibilities and capabilities of the parties involved. The Paris Agreement has redefined differentiation by moving away from the rigid binary classification of developed and developing countries, instead it establishes shared global objectives to which all parties contribute through decentralized and self-differentiated climate action, commonly known as Nationally Determined Contributions (NDCs) (Streck et al., 2016; Voigt & Ferreira, 2016b). The Paris Climate regime has catalyzed global climate action by mandating that each party to the Convention submit updated NDCs every five years, fostering an iterative approach to enhancing climate ambition (Kinley, 2017; Kinley et al., 2021; Sweeney, 2021; Thakur, 2021). Moreover, the agreement has mitigated long-standing tensions regarding the distribution of mitigation and adaptation efforts between developed and developing nations by embedding national climate ambitions within an international policy framework through a self-determined, "ratcheting up" mechanism (Falkner, 2016b; Pan et al., 2017; Van Coppenolle, 2024). The ratcheting up-mechanism is designed to ensure that parties do not backslide on their commitments and some parties have even updated these plans annually instead of every 5 years (Bodansky, 2016).

In a diplomatic landscape where parties hold vastly different levels of historical responsibility and capacity to address climate change, designing a differentiation system that is both equitable and effective was a significant challenge (Ciplet et al., 2015; Feng, 2020; Moellendorf, 2022). But crucially, there is the question of whether such an agreement meets the test of fairness and equity as it subtly ignores and dims the principles of historical responsibility and developed countries' leadership by spreading accountability across all parties albeit equitably. Such inquiries are justified given the Paris Agreement's appalling track record, the lack of incentives for emerging developing countries to increase ambition, the insufficient commitment from developed nations, and growing skepticism about the effectiveness of an international framework without a top-down enforcement mechanism (Bodansky, 2016; Hare et al., 2010; Sabel & Victor, 2022; Tobin, 2017; Zahar, 2017). The importance of the perception of fairness and equity of multilateral agreements by the parties has been underscored by several experts in international relations because of the role they play in enhancing implementation and compliance and most critically in consolidating trust-building of parties in the agreement (Voigt & Ferreira, 2016b). Fairness and equity perceptions of international agreements have a reputation for enhancing trust and commitment to the implementation of the common goal (Albin, 2003; Parkhe, 1998; Siegrist et al., 2012). Exploring the fairness perceptions of agreement for parties could partly explain their commitment to the agreement and consequently whether the treaty will succeed in the achievement or make progress steps towards the common goal. Without positive perceptions of equity, fairness, and justice, multilateralism fails to meet the interests of participating states and undermines its intended objectives (Alvarez, 2000; Criddle & Fox-Decent, 2019; Eckersley, 2015).

The Paris Agreement requires both developed and developing countries to undertake climate commitments through NDCs, aligning these obligations with national capacities and circumstances (Falkner, 2016b; Mbeva & Pauw, 2016; Vogt-Schilb & Hallegatte, 2017). The transition from the Kyoto Protocol's differentiation structure—where developing countries were not required to take on commitments—to a model where they engage in comparable, self-determined climate action is likely to shape evolving perceptions of equity and fairness within the UNFCCC negotiation process. This paper draws from doctoral thesis that examines the impact of the Paris Agreement's differentiation framework on the engagement of African Least Developed Countries (LDCs) in UNFCCC climate negotiations. This paper explores the African LDCs' perceptions of fairness and equity while also elucidating how such perceptions can enhance or hinder individual and collection climate ambition.

2. Methodology

The study focused on Least Developed Countries (LDCs) in Africa, with questionnaires distributed to two climate change negotiators from each LDC. Given that all African LDCs were included, the sample size remained relatively small. To minimize bias and ensure equal representation, the sample was determined using

the Yamane formula, resulting in a total of 66 climate change negotiators participating in the study (Bhaskar & Manjuladevi, 2016; Jilcha Sileyew, 2020). The following Yamane formula was used:

$$n = \frac{N}{1 + N(e^2)}$$

For a 5% margin of error, the study aimed for an acceptable response rate of 57 participants. The actual response rate was 60, representing 90% of the targeted respondents, which is considered acceptable when the sample constitutes a census (Baruch & Holtom, 2008; Swarooprani, 2022; Hansen et al., 1955; Rindfuss et al., 2015). The questionnaire specifically targeted the leaders of delegations from African LDCs.

Primary data collection was conducted through questionnaires, targeting 66 respondents from 33 LDCs in Africa. Additional primary data was obtained through key informant interviews with international climate policy experts, representatives from think tanks, climate activists, and experienced negotiators from both developed and developing countries. Secondary data was gathered through desktop research and systematic literature reviews, applying the PRISMA framework with an eligibility criterion. Data analysis was performed using SPSS for quantitative data, while qualitative data was analyzed using NVivo 14.0.

3. Results and Discussion

3.1. The Importance of Fairness and Equity in International Climate Negotiations

The preamble of the Paris Agreement underscores the centrality of equity and fairness of the UNFCCC process by affirming that parties shall act,

“...in pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances” (UNFCCC, 2015).

Eighty percent (80%) of African LDCs emphasize that equity and fairness are crucial for developing countries, as they enter negotiations from a weaker position—both in terms of influence and economic strength—which are important factors that shape power dynamics in multilateral processes like the UNFCCC. Rules on fairness and equity act as guarantees and assurances that the playground will be fair for every party to the agreement regardless of their size and that each will bring their best efforts and goodwill towards achieving the common good. A positive perception of an international treaty among its members is a critical factor in fostering trust, which is essential for driving ambition in the implementation process (Biermann et al., 2017; Kelemen et al., 2015; Moravcsik & Nicolaïdis, 1999). Perceptions of fairness and equity within an international protocol, such as the Paris Agreement, significantly influence parties' commitment levels and consequently impact their implementation (Voigt & Ferreira, 2016a). Trust and positive perceptions are particularly crucial in the

context of the Paris Agreement, given its bottom-up framework, which relies on self-determined climate action which can only be ambitious if parties trust the process and perceive that it is fair to all involved. The bottom-up design of the Paris agreement differentiation necessitates that parties trust the process if these parties are to commit to implementation of their respective commitments without fear of punitive measures for low ambition or be taken advantage by allowing free-riders (Mbeva & Pauw, 2016; Rajamani, 2016b; Streck et al., 2016).

3.2. The Fair and Equitable Provisions of the Paris Agreement to LDCs

In this study we found that 60% of negotiators from African LDCs expressed full trust in the UNFCCC process under the Paris Agreement as a credible mechanism for support, which explains their commitment to the agreement. Notably, 43.33% of these countries have fully integrated their NDCs into national development planning, while 55.33% have incorporated only selected elements. In terms of the ambition of their climate action, 33.3% mention that their NDCs are developed using the best available science and data in light of the national circumstances hence ambitious compared to developed countries' plans. NDCs from LDCs have been categorized as the most ambitious even when the mitigation commitments are dependent on international cooperation (*The Climate Action Tracker*, 2025). The alignment of the LDCs from Africa NDCs with the dictates of the Paris Agreement is exemplary despite the LDCs enjoying flexibilities under the Paris Agreement differentiation architecture. The principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) in the Paris Agreement has been extended with the phrase "in light of different national circumstances," which mandates all parties to submit climate actions aligned with their respective national contexts. This modification ensures universal participation in climate action, unlike the Kyoto Protocol, where the burden of accountability primarily rested on developed nations. Nonetheless, Small Island Developing States (SIDS) and Least Developed Countries (LDCs) remain exempt due to the extended flexibilities and preferential conditions carried over from the Kyoto framework (Brescia et al., 2019; Marin Duran, 2022). The Paris Agreement thus differentiates LDCs and SIDS from other developing countries by maintaining preferential treatment exclusively for these groups.

Emerging developing countries have questioned and criticized the preferential treatment and flexibilities granted to SIDS and LDCs, arguing that it is unfair to equate them with developed nations. Emerging developing countries contend that they are not historically responsible for emissions, their future emission trajectories are not science-based, and most have yet to achieve the social and economic development levels of the developed world (Okereke, 2010; Richman, 2003; Sud, 2025; Winkler et al., 2018). This perception is also shared by 60% of the LDCs from Africa, who think that although emerging developing countries emissions are increasing, outright placement almost equal to developed countries was unfair

to these group of countries. Despite prevailing concerns that the differentiation architecture of the Paris Agreement disproportionately disadvantages developing countries, findings from this study indicate that African LDCs predominantly perceive the Agreement as fair, equitable, and just. Although perspectives within this group are divided, the majority (53%) assert that the Paris Agreement recognizes their vulnerabilities and applies positive discrimination to support national climate actions through provisions of climate finance, capacity building and technology development and transfer (Dehm, 2020; McGee & Steffek, 2016; Stern, 2024). Given that African LDCs bear the greatest burden of climate impacts despite contributing minimally to the crisis, their continued engagement in international climate negotiations largely depends on the trust and confidence they place in the UNFCCC process (Conway, 2022; Havukainen, 2022; Richards, 2001; Roger & Belliethathan, 2016). African LDCs' perceptions of the Paris Agreement's fairness are shaped more by its textual provisions than by its actual effectiveness in advancing their interests within the UNFCCC process.

3.3. LDC's Journey towards Trust in the Paris Agreement

To understand why African LDCs exhibit strong trust and positive perceptions of equity and fairness in the Paris Agreement, the study found that the UNFCCC process has gradually earned this confidence over time by progressively advancing LDCs' interests within the negotiations. When the Durban Platform for enhanced Action (ADP) commenced its work, LDCs lined up its positions and 75% of LDCs negotiators from Africa indicate that the outcome of the ADP was favorable to majority of their demands. Our analysis of Nepal's submission during ADP1-2, in response to the Co-Chairs' invitation on the key elements of the agreement, revealed that 80% of the demands put forth by LDCs were successfully incorporated into the Paris Agreement which included the explicit mention of the group's vulnerability to climate change and targeted provisions to ensure protection from negative impacts. These provisions include preferential access to climate finance and flexible reporting modalities, special recognition of adaptation and incorporation of loss and damage (Andrei et al., 2016; Ari & Sari, 2017). By explicitly recognizing LDCs as the most vulnerable among developing countries and reinforcing this designation through flexibility mechanisms, the UNFCCC has strengthened LDCs' trust in both the broader process and the Paris Agreement specifically. For example, climate finance provision to LDCs as outlines in Article 9.4 of the Paris Agreement commits to scaling up climate finance for adaptation and mitigation, explicitly prioritizing LDCs and SIDS by stating that resources shall be directed to:

“...those that are particularly vulnerable to the adverse effects of climate change and have significant constraints, such as the LDCs and SIDS, considering the need for public and grant-based resources for adaptation” (UNFCCC, 2015).

Such provisions have had ripple positive effects to LDCs by strengthening their negotiating positions when negotiating for climate finance for enhanced means of

implementation (Bernardo et al., 2020; Holler et al., 2020; Nachmany et al., 2017). Furthermore, Article 9.9 reinforces this commitment by stipulating that the financial mechanisms of the Convention shall facilitate efficient access to financial resources through simplified approval procedures and enhanced readiness support for LDCs and SIDS in implementing national climate strategies and plans (Castro & Michaelowa, 2011; Delbeke et al., 2020; Weikmans et al., 2021).

Least Developed Countries (LDCs) successfully negotiated for the inclusion of their key demands in the Paris Agreement, which has reinforced their trust in the United Nations Framework Convention on Climate Change (UNFCCC) process (Pauw et al., 2014; Pauw & Klein, 2020; Saha, 2024). At COP21, LDCs advanced three primary demands: 1) an agreement aligned with 1.5°C pathways based on scientific evidence; 2) a legally binding, rules-based framework consistent with the principles of the Convention; and 3) a comprehensive agreement incorporating all key aspects of climate action (Kinley et al., 2021). The successful incorporation of these elements into the Paris Agreement has strengthened LDC confidence in the UNFCCC process (Eckersley, 2020; Oberthür & Groen, 2017; Ourbak & Magnan, 2018; Streck et al., 2016).

Regarding the 1.5°C target, LDCs supported developed countries in advocating for broader participation in mitigation efforts, including commitments from emerging economies (Bodansky, 2016; Havukainen, 2022; Vihma et al., 2011). LDCs also sought to expand the pool of climate finance providers within the UNFCCC, ensuring adequate support for their adaptation needs. Article 9.2 of the Paris Agreement, which encourages other parties to provide financial support voluntarily, was a major win for LDCs, as it broadened the potential sources of climate finance. Although emerging economies initially resisted this provision, developed countries insisted on its inclusion in the final agreement (Bodansky, 2010; Guttman, 2018; Helm & Hepburn, 2009). However, scholars anticipate ongoing disputes over climate finance responsibilities and mitigation in future negotiations (Falkner, 2016a; McGinn & Isenhour, 2021; Xu et al., 2016). The Paris Agreement also enhances equity and fairness by prioritizing adaptation, loss and damage, and capacity-building measures, all of which are critical for African LDCs. The inclusion of the 1.5°C goal acknowledges the disproportionate climate vulnerabilities faced by LDCs, although explicit liability and compensation claims were excluded (Amini et al., 2023; McNamara & Jackson, 2019; Siegele, 2021). The establishment of a standalone section on loss and damage further highlights the acute vulnerabilities of LDCs and Small Island Developing States (SIDS), positioning them as priority recipients of unconditional financial and technical support.

After the Paris Agreement was agreed African LDCs recognize several pro-poor achievements under the Paris Agreement, which contribute to their continued positive perception of fairness and justice in global climate governance. Key breakthroughs cited by LDCs negotiators from Africa which have triggered their trust include explicit reference to coal phase-down at COP26, the operationalization of the Loss and Damage Fund, and the commitment to doubling climate fi-

nance. These advancements have bolstered optimism among LDCs, suggesting that historical inequities are being progressively addressed (Brescia et al., 2019; Marin Duran, 2022).

Similarly, LDCs benefit from flexibility in reporting obligations under the Paris Agreement. Article 13 grants developing countries “that need it in light of their capacities” flexibility in transparency requirements, a provision widely interpreted as applying to LDCs and SIDS. Unlike Annex I parties and emerging economies, LDCs are not mandated to submit annual greenhouse gas (GHG) inventories but may report through their national communications, utilizing formats such as the Intergovernmental Panel on Climate Change (IPCC) 1996 guidelines (Delbeke et al., 2020; Weikmans et al., 2021).

3.4. The Deeper Meaning of the Textual Provisions on Fairness and Equity

As the LDCs from Africa think that Paris Agreement is fair and just, the study explored the deeper meaning to these assertions. Eighty percent of the LDCs from Africa attached the provision and flexibilities would help them in building resilience through provision of resources for adaptation and enhanced emission reduction from all parties. It is for this reason that LDCs from African indicate that they are overwhelming supported proposals to ensure adaptation, loss and damage, and capacity building were given special consideration in the Paris Agreement. Fifty-five percent (55%) indicate that they supported the inclusion of 1.5°C goal in the Paris Agreement because an ambitious temperature goal and financial flow, promised protection from current negative impacts and intergenerational justice to LDCs and other developing countries.

Given LDCs’ persistent socio-economic challenges, 70% of African LDC negotiators consider the retention of their vulnerability status, prioritization in climate finance, and flexibility in reporting, and inclusion of the emerging developing countries in economy wide emission reduction as key reasons for viewing the Paris Agreement as fair, equitable, and just.

3.5. The Unfairness of the Paris Agreement: The Agreement’s Achilles Heel

While the textual provisions of the Paris Agreement create perceptions of fairness and equity among African LDCs, fostering progressive and ambitious NDCs, the overall lack of ambition in its implementation—highlighted by their practical experiences—undermines these principles in practice. LDCs from Africa point out that the downside of the Paris Agreement is that while it promises ambition but fails to deliver. The study found that while 53.3% of African LDCs consider the Paris Agreement more just than the Kyoto Protocol, as many as 60% strongly argue that its failure to effectively deliver on its mandate undermines its fairness.

The reasons could be summarized under the three main areas namely: dismal

performance on mitigation and means of implementation, the (ir)rationality of differentiation structure, inadequate accountability mechanism for action and ambition, lack of provisions to address the structural challenges for LDCs effective engagement in the UNFCCC process.

3.6. Dismal Performance of the Paris Agreement

While African LDCs acknowledge that the textual provisions of the Paris Agreement uphold fairness and equity, 80% of respondents expressed frustration over its poor performance in critical areas of mitigation and means of implementation, particularly on climate finance. The Agreement's failure to deliver on mitigation—essential for ensuring their long-term resilience—raises concerns about its fairness. Similarly, its inability to fulfill commitments on climate finance, a key area where LDCs receive preferential consideration, further undermines perceptions of fairness and equity, as climate finance is central to both adaptation and mitigation efforts. This study found that LDCs from Africa criticize the agreement for failing to mobilize sufficient climate action to meet the Agreement's temperature goal of 1.5 degrees Celsius, secure adequate financial resources that would enable transformation adaptation efforts. Although adaptation finance has increased, total climate finance remains below the USD 100 billion annual commitment made at COP15 in Copenhagen, even years after the Paris Agreement's adoption. Sixty percent (60%) of African Least Developed Countries (LDCs) continue to rely primarily on bilateral financing mechanisms due to the persistent challenges associated with accessing multilateral funds such as the Green Climate Fund (GCF). The complexities of the GCF access process, coupled with the disproportionate allocation of climate finance towards mitigation rather than adaptation—which remains the primary focus for developing countries—have hindered effective climate action. Furthermore, African LDCs assert that the slow progress in reforming access modalities for the GCF and other financial mechanisms under the Paris Agreement reinforces their perception of the Agreement's inequities. Experts in the climate process have long debated the Paris Agreement's underperformance, yet no viable solution has emerged to ensure parties submit increasingly ambitious NDCs (Clémentçon, 2023; Eckersley, 2020; Kinley et al., 2021; Sweeney, 2021).

The IPCC's Fifth Assessment Report (AR5) confirms that current climate finance falls short of what is necessary for optimal adaptation and mitigation (IPCC, 2014). The Climate Action Tracker (CAT) reports that the 2030 mitigation targets are far from being met, with coal phase-out, cement decarbonization, and deforestation reduction lagging significantly behind required levels. The 2023 IPCC synthesis report warns that failure to accelerate climate action before the second global stocktake in 2028 will jeopardize the 1.5°C target (Lee & Romero, 2023). Given the shortfall in climate finance and the lack of sufficient emissions reductions, African LDCs argue that the Paris Agreement is failing to address their urgent needs.

An international treaty that fails to achieve its intended objectives—especially in addressing the needs of the most disadvantaged LDCs in the UNFCCC process—cannot be considered just or equitable (Khan et al., 2020; Patel et al., 2021). The failure to deliver on climate commitments raises two critical questions: 1) whether the Paris Agreement’s differentiation approach is effective given its persistent shortfalls, and 2) how the global stocktake process can be improved to generate actionable and ambitious recommendations.

African LDCs exhibit differing assessments regarding the effectiveness of the Paris Agreement in addressing their unique vulnerabilities (Lyster, 2019; Mbeva & Pauw, 2016; Nor & Mohamed, 2024; Weikmans et al., 2021). A significant contention is the extent to which the promised preferential treatments for LDCs under the Paris framework have been realized, particularly given the historical failure to fulfill commitments made under the Kyoto Protocol. Approximately 90% of African LDC representatives contend that their heightened exposure to climate impacts necessitates stronger and more consistent support mechanisms, which remain inadequate (Havukainen, 2022; Hurley & Voituriez, n.d.; Nor & Mohamed, 2024). The flow of means of implementation to LDCs and developing countries in general is far lower than compared to the need for on the ground for effective adaptation and resilience building efforts (UNEP, 2021). The intent of the provisions on flexibility and provisions of resources are not being realized and the LDCs continue to suffer the most from the impacts of climate change (Georgieva et al., 2022).

About 70% of the LDCs negotiators from Africa point that the departure of the intent of the agreement and how it performs on the ground a mark of great injustice. Related to the same the study unearthed a high level of disappointment that while LDCs are ambitious, there is very little leadership especially on emission reduction from developed countries which could guarantee LDCs survival in the long-term. One negotiator pointed out that,

“The traditional firewall from 1992 (Annex 1 and Non-Annex 1 countries) is effectively removed in the Paris Agreement, but there is some preferential treatment to LDCs e.g. in terms of finance. This can be seen as fair in principle, but at the end of the day it is not clear that LDCs have better access to climate finance, and other means of implementation as a result of this”.

LDCs from Africa also noted that the Paris Agreement regime has suffered from leadership particularly from developed countries. Ninety percent (90%) of the negotiators from LDCs from Africa expressed significant level of disappointment, by noting that despite their ambition, the colossal lack of leadership—particularly in emission reduction—among developed countries poses a critical challenge to their long-term survival. The announcement by President Donald Trump, the President of the United States (U.S), to withdraw from the Paris Agreement can only heighten this feeling in LDCs from Africa and other developing countries.

The failure to meet key Paris Agreement commitments has dampened enthusi-

asm among African LDCs. The persistent disparity between the Paris Agreement's ambitious goals and its tangible impacts fosters skepticism regarding its ability to drive substantive change for the most vulnerable nations. Recent withdrawals from the UNFCCC process by some parties, citing a lack of ambition and viewing negotiations as mere rhetoric, exemplify this growing disillusionment (Bush, 2001; Greenfield, 2024).

While the Paris Agreement extends mitigation responsibilities beyond industrialized nations, its differentiation framework has not effectively catalyzed action. The ambition of the initial (I) NDCs was deemed insufficient ahead of COP21, and subsequent NDCs have failed to generate the required level of climate action (Mills-Novoa & Liverman, 2019; Peeters, 2021; Piris-Cabezas et al., 2023; Winning et al., 2019). LDCs from Africa view the agreement as overly ambitious on paper but underwhelming in practice, often frustrating their expectations for adaptation, loss and damage, and means of implementation.

3.7. Lack of Incentives for LDCs Optimal Participation in the UNFCCC Process

The fairness and equity of a multilateral process like the UNFCCC depend on mechanisms that ensure meaningful participation for all parties by addressing long-standing structural challenges, particularly those faced by LDCs, to enable their full and effective engagement.

This is particularly important for LDCs and other developing countries who have experienced structural challenges in their engagement in the UNFCCC process (Andrei et al., 2016; Bernardo et al., 2020; Richards, 2001). Most LDCs lack the national resources to fully engage in negotiations, as UNFCCC funding typically covers only two negotiators per country (Chasek & Wagner, 2012; Downie & Williams, 2018). Additionally, LDCs need access to scientific expertise to ensure that their positions are informed by the latest research (UNDP, 2016).

In this study, 75% of African Least Developed Countries (LDCs) strongly perceive the Paris Agreement as unfair and inequitable, as it fails to adequately address the historical challenges that LDCs have faced within the UNFCCC process. The Paris Agreement did not introduce provisions to enhance LDC participation in negotiations. With the evolution of differentiation under the international climate regime has substantially influenced how parties re-formulate their negotiating strategies in the post-Kyoto era (Dingwerth, 2024; Pickering et al., 2017; Rajamani, 2016b). For example, to address the structural issues of representation, 75% of LDCs from Africa rely on coalitions, alliances, and non-state actors (NSAs) to fill gaps. However, relying on NSAs carries risks, as external actors may prioritize donor interests over national priorities, and their inconsistent participation disrupts negotiation continuity. Since negotiations are ongoing processes that often span years, rather than isolated events, this inconsistency can weaken long-term engagement and progress.

The study found that LDCs also face significant challenges in high-level political representation, particularly during the second week of COP negotiations, when dis-

cussions are led by available ministers, which limits their influence and coordination because, “*we don’t have own ministers who can appreciate our positions and interests*”. The study recommends reforms in UNFCCC-led support for LDCs to enhance their participation and effectiveness in negotiations. Specifically, it calls for expanding financial support beyond the current two negotiators per country and providing targeted support for ministers from both the current and previous LDC Group chairing nations. This would strengthen their capacity to influence decision-making, particularly during the critical second week of COP negotiations.

3.8. The (Ir)rationality of Comparing Developed and Developing Countries under the Paris Agreement Differentiation

The Paris Agreement differentiation builds on the principle of equity and common but differentiated responsibilities and respective capabilities. The principles equity and CBDR-RC are separately referred to four times throughout the Paris Agreement. However, the Paris Agreement has added the rider “in accordance with national circumstances” to CBDR-RC, a clause that was championed by the US in the negotiation of the Agreement.

This approach aims to make CBDR-RC more dynamic by adapting to evolving national circumstances, ensuring that all parties contribute to climate action equitably based on their changing realities. However, this is where LDCs from Africa have challenges with the fairness and equitability of the Paris Agreement. For most LDCs from Africa, the addition or inclusion “in accordance with national circumstances” is more cosmetic and does not fundamentally change the nature and impact of CBDR-RC, which is to draw attention to the fact that countries differ in their historical and current contributions to climate change, and in their capacities to tackle the problem. The principles underlying the Paris Agreement are therefore, the same as those underpinning the UNFCCC and the addition, ‘in light of differing national circumstances’ does not mean anything more or less to the principle of Common But Differentiated Responsibilities—Respective Capacities (CBDR-RC). One informant wondered,

“perhaps that is the main reason why the Paris Agreement has not been able to incentivize climate action more than the Kyoto Protocol. The tweak in the differentiation is almost small to fundamentally change the way parties have been operating their business. Self-differentiation makes the agreement even weaker”.

Approximately 76% of African LDCs view the Paris Agreement as a step backward from both the UNFCCC and the Kyoto Protocol in applying and interpreting Common But Differentiated Responsibilities and Respective Capacities (CBDR-RC). This regression stems from the Agreement’s failure to clearly distinguish between the obligations of wealthier, more developed economies and those of LDCs and other developing countries, thereby weakening equitable treatment. LDCs argue that while developed countries are expected to “continue taking the lead,” the Agreement lacks strong differentiation between their commitments and those of developing nations.

For the majority of negotiators interviewed (65%), the Paris Agreement represents a step backward in terms of equity and incentives for ambitious climate action. Unlike the UNFCCC and Kyoto Protocol, where commitments were clearly differentiated and defined, the Agreement adopts a flatter differentiation structure. This lack of distinction applies not only to mitigation but also to transparency requirements, where the uniform framework effectively imposes the same obligations on all 190 + parties, regardless of their capacities and responsibilities. In the words of one key informant,

“The upshot is that commitments for developing countries were enhanced and strengthened under the Paris Agreement, but those for developed countries (Annex I) were actually weakened! How can this be fair?”

4. Recommendations

The study found that opinions on the fairness and equity of the Paris Agreement are split between its provisions and its implementation. While the Agreement includes substantive measures to ensure fairness and equity for LDCs within the UNFCCC process, its delivery falls short for the majority of these countries. A critical finding was the growing frustration among African Least Developed Countries (LDCs) due to the stark disparity between the ambitious promises of the Agreement and the reality of its implementation on the ground. Equally important is the lack of leadership from developed countries in advancing and enhancing climate action. Based on the findings and the foregone discussion, this paper makes the following recommendation on how LDCs from Africa can enhance their participation in the UNFCCC under the Paris Agreement:

1) Expand the support to LDCs in the UNFCCC process: Currently, the UNFCCC process supports two negotiators to participate in the UNFCCC processes particularly the COP and Intersessional meetings. The study found that LDCs default to using non-state actors because while the UNFCCC process has expanded, the support mechanism to allow LDCs cover the expanded agenda has not been increased. On the other hand, LDCs can continue to use experts from non-state actors after properly training them on diplomacy and negotiation.

2) Provide research and science information support system: The challenge of accessing the latest scientific information predates the formation of the Least Developed Countries (LDCs) as a negotiating group in the early 2000s. Despite numerous scholarly discussions highlighting this issue, the UNFCCC has yet to establish a dedicated mechanism to ensure LDCs have timely access to critical scientific data to support their negotiations. Addressing this gap requires targeted solutions, such as dedicated research teams to assist LDCs and specialized knowledge management systems that provide real-time, reliable information to strengthen their negotiation capacity.

3) Strengthening global stocktake process: The only mechanism that can support climate action ambition is the 5-years global stocktake and NDC review process through which parties communicate new commitments. The global stocktake

processes and outcomes have not been able to incentivize ambition at a scale that is commensurate with the Paris Agreement goals. There is an urgent need to reform the global stocktake to ensure that it delivers on means of implementation, mitigation and enablers for LDCs optimal participation in the UNFCCC process.

5. Conclusion

The study found that the Paris Agreement has enhanced equity and fairness in some ways but compromised it in others, reflecting the very nature of the political compromises that made the treaty possible. The agreement acknowledges the vulnerabilities of African LDCs by providing preferential provisions, yet its overall effectiveness is hindered by its failure to mobilize adequate climate action. While it aims to be more inclusive, its implementation falls short of delivering the support needed for LDCs to fully participate and benefit from the process. Sixty percent (60%) of LDC negotiators highlight the Paris Agreement's failure to deliver on climate finance and emission reductions as undermining their hopes for climate justice and the ambition needed for their survival, given that developing countries—especially LDCs—suffer the worst climate impacts despite their negligible historical emissions.

Structural barriers remain a significant challenge, including the limited capacity of LDC negotiators, insufficient access to scientific and technical resources, and enduring power imbalances within climate diplomacy. These factors continue to restrict the ability of LDCs to influence global climate negotiations meaningfully. Additionally, the absence of strong enforcement mechanisms allows major emitters to avoid ambitious commitments, further undermining the equity the Agreement seeks to promote.

To bridge these gaps, urgent reforms are needed to enhance ambition, improve access to climate finance, and build the technical and institutional capacity of LDCs. Strengthening these areas will ensure that the Paris Agreement can deliver on its promises and truly reflect the principles of fairness and equity it was designed to uphold (Rajamani, 2016a).

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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