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THE LEGAL RESPONSE TO CLIMATE CHANGE IN NIGERIA: PROGRESS, CHALLENGES, AND INNOVATIONS

Ogugua V.C. Ikpeze[*]
Onyeka Christiana Aduma[**]
Oluchukwu Louis Udemezue[***]

Abstract
Climate change presents a profound challenge to Nigeria, affecting its ecosystems, economy, and societal well-being. In response, Nigeria has developed a legal framework aimed at mitigating climate change and adapting to its consequences. Unfortunately, there are setbacks arising from Nigeria's general legal climate, and specifically, Nigerian cultural response to environmental issues, which militate against the sustainability of legislative climate action. This paper examines Nigeria's legal response to climate change, highlighting significant progress, persistent challenges, and innovative approaches. The research is doctrinal and analytical in nature, employing both primary and secondary sources of legal research. The research finds that while Nigeria has made strides in strengthening legal institutions and fostering climate governance, challenges remain in implementation, enforcement, and financing climate action. Additionally, emerging innovations, such as green finance, climate litigation, and technological advancements, offer new opportunities for legal solutions. The study recommends the strengthening of institutional frameworks, enhanced enforcement mechanisms, and increased public-private collaboration to ensure a more robust legal response to climate change, for a more effective, equitable, and sustainable legal approach to climate governance.

Keywords: Legal response, climate change, Nigeria, progress, challenges, innovations

1. Introduction

Climate change has emerged as one of the most pressing global challenges, with far-reaching consequences for environmental sustainability, economic stability, and human welfare. Nigeria, as a developing nation with a significant reliance on natural resources, faces profound climate-related threats, including rising temperatures, flooding, desertification, and food insecurity. Recognizing the urgency of addressing these challenges, Nigeria has established legal frameworks aimed at climate mitigation and adaptation, notably the Climate Change Act 2021 and various environmental regulations aligned with international agreements such as the Paris Agreement. However, despite these legal efforts, implementation remains a critical hurdle due to weak enforcement, financial constraints, policy gaps, and institutional inefficiencies.

This study examines Nigeria's legal response to climate change, analyzing its progress, identifying persistent challenges, and exploring innovative legal mechanisms that could enhance climate governance. It seeks to provide a comprehensive understanding of the effectiveness of Nigeria's environmental legal framework, evaluate its impact on climate resilience, and propose strategic solutions for improvement. By highlighting the intersection of law, policy, and sustainability, this research contributes to the broader discourse on climate governance and environmental justice in Nigeria, offering insights that can inform future legislative and policy decisions.

2. Core Concepts in Climate Change in Nigeria

2.1Climate Change

"Climate" is the average of the weather conditions at a particular point on the Earth, typically, expressed

[*] **Ogugua V. C. IKPEZE,** PhD, LLM, LLB, BL, Professor and Former Dean, Faculty of Law, Nnamdi Azikiwe University Awka.
[**] **Onyeka Christiana Aduma,** PhD, Lecturer, Faculty of Law, Nnamdi Azikiwe University, Awka. Email: co.aduma@unizik.edu.ng; Tel: 08038725994.
[***] **Oluchukwu Louis Udemezue,** PhD Candidate, Faculty of Law, Nnamdi Azikiwe University, Awka.

in terms of expected temperature, rainfall and wind conditions based on historical observations. "Climate change" is a change in either the average climate or climate variability that persists over an extended period.[1] The body of the world's leading climate scientists convened by the UN, the Intergovernmental Panel on Climate Change (IPCC) states that climate change is a statistically significant variation in either the mean state of the climate or in its variability, persisting for an extended period (typically decades or longer).[2] The IPCC has concluded that climate change is both occurring and is attributable to increasing atmospheric concentrations of greenhouse gases (GHGs) resulting from human activity. Climate change impacts and measures taken to mitigate or adapt to these impacts (referred to as response measures) are already affecting both individuals and communities. Climate change has also been defined to encompass 'changes in the earth's weather, including changes in temperature, wind patterns, and rainfall, especially increase in temperature of the earth's atmosphere caused by increase of particular gases, especially carbon dioxide.[3]

Article 1 of the United Nations Framework Convention on Climate Change (UNFCCC)[4] defines climate change as a change of climate which 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. Climate change could therefore result from both natural internal processes or external forcings, or anthropogenic impacts on the environment. Despite the fact that climate change has always been a part of human existence, resulting in the past from natural and anthropogenic impacts, it is now very likely that it is the anthropogenic impacts that are responsible for current climate change.' There is lack of scientific certainty about the threshold level at which the beginning of dangerous anthropogenic interference with the climate system can be defined, but the global consensus on the anthropogenic impacts has resulted in several government initiatives seeking to limit the emission of greenhouse gases both locally and internationally irrespective of how it is defined, the Centre for International Environmental Law,[5] has identified key manifestations of climate change as including:

- **a.** Rising sea-levels and storms cause flooding, population displacement, salinization of fresh-water resources, and the diminishment of habitable or cultivable land. Rising surface temperatures lead to greater occurrence of diseases such as scrub typhus, diarrheal diseases and other mosquito-borne diseases.
- **b.** The increasing number and intensity of weather events endanger life, health, and housing.
- **c.** Changing coastlines and melting permafrost cause damage to land, houses, and other infrastructure.
- **d.** Changing precipitation patterns and the melting of glaciers affect access to water, which in turn affects the ability to irrigate lands and secure access to food.

In Nigeria, since the 1980s, the temperature has risen significantly. For the next few decades, climate projections point to significant increases in temperature across all ecological zones. Droughts have become a regular occurrence in Northern Nigeria due to decreased precipitation and increased temperature. Lake Chad and other lakes are drying up and facing extinction.[6] Climate change has far-reaching effects on the economy, agriculture and food security, access to water, energy sources, health, security and conflict, and our general ecosystem.[7] The worsening climate change leaves Nigeria susceptible to disaster, insecurity, displacement, and widens inequalities for already vulnerable groups.

[1] C Riedy, 'Climate Change' (Sydney: Blackwell Publishers, 2019) p 2
[2] IPCC, 'Climate Change 1995: The Science of Climate Change. Contribution of Working Group I to the Second Assessment Report' (Cambridge: Cambridge University Press, 1996) p 3
[3] R A Pielke, 'What is Climate Change?' *Energy & Environment* [2004] (15)(3) p 515 R A Pielke, 'What is Climate Change?' *Energy & Environment* [2004](15)(3) p 515
[4] United Nations Framework Convention on Climate Change (adopted 9 May 1992, and came into force 21 March 1994)
[5] Centre for International Environmental Law (CIEL), 'Climate Change & Human Rights: A Primer' (2024) <www.ciel.org/Publications> accessed 22 October 2024
[6] H Haider, 'Climate Change in Nigeria: Impacts and Responses' Helpdesk Report 675. Brighton, UK: Institute of Development Studies (2019) < https://opendocs.ids.ac.uk/articles/report/Climate_Change_in_Nigeria_Impacts_and_Responses/26429638?file=480 78583> accessed 5 June 2025
[7] Ibid.

2.2 Climate Action

Climate action refers to actions taken to address climate change, encompassing both reducing greenhouse gas emissions (mitigation) and adapting to the impacts that are already occurring. This includes measures like transitioning to renewable energy sources, improving energy efficiency, and developing infrastructure resilient to climate-related events. Climate action comprises of all actions taken to prevent, reduce or adapt to private change, usually by transitioning towards low-emission,[8] climate-resilient societies and economies, including through enhanced participatory processes, increasing establishment of institutional arrangements for planning, funding, implementing, monitoring and evaluating such actions.[9]

3. Overview of Climate Laws and Policies in Nigeria

The legal framework for climate change encompasses a set of laws, regulations, policies, and agreements designed to address the causes and impacts of climate change. This framework operates at both national and international levels, aiming to reduce greenhouse gas emissions, promote sustainable development, and enhance resilience to climate impacts. It has been argued that 'despite the laws and institutions intended to protect and sustainably manage the Nigerian environment, the nation's environment keeps deteriorating at an alarming rate'.[10] It is therefore intended in this part of this treatise to examine the legal and institutional framework for mitigating the impacts of climate change in Nigeria, explore the strengths and weaknesses with a view to suggesting areas of improvement.

3.1 The Constitution of the Federal Republic of Nigeria (CFRN), 1999 as amended

The Constitution of the Federal Republic of Nigeria, 1999, serves as the supreme law of the land and provides the foundation for all other legislation, including those related to environmental protection and climate change. At the national level, a list of legislations aimed at combating climate change in Nigeria must therefore start with the Constitution of the Federal Republic of Nigeria1999 (the CFRN 1999) which recognize the right to a heathy environment as a state objective.[11] Specifically, section 20 of the Constitution[12] provides that "the State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria." The fact and justification for expressly stating that the rights to a healthy environment includes the water, air, land, forest and wildlife has been discussed in details elsewhere.[13] However, it must be noted that there are some other rights that go together with right to a healthy environment including:

a. Right to Life[14] : The right to life can be interpreted to include the right to a healthy environment, as environmental degradation and climate change can pose significant threats to human life.
b. Right to Dignity of Human Person[15] : This right can also be linked to environmental protection, as living in a polluted environment can undermine human dignity.

Article 12 of the International Covenant on Economic, Social and Cultural Rights also provides for "the enjoyment of the highest attainable standard of physical and mental health."[16] The European Social Charter, Protocol of San Salvador, American Declaration, and the African Charter on Human and Peoples' Rights, among others, contain similar provisions.[17] The ICESCR identifies the following four steps States should take to fully realize this right: provide for the reduction of the stillbirth-rate and infant

[8] 2014 Report on Mitigation of Climate Change from the United Nations Intergovernmental Panel on Climate Change, page 4
[9] R B Mitchell, 'International Environmental Agreements: A Survey of Their Features, Formation, and Effects' *Annual Review of Environment and Resources* [2003] (28) (1) 432
[10] F A Anyogu and E H Nyekwere 'Appraisal of the Legal and Institutional Framework for Sustainable Environmental Management in Nigeria' (2020 - 2021) 16 *The Nigerian Juridical Review*, pp 155 – 176
[11] CFRN, 1999, s 20
[12] Contained in Chapter II: Fundamental Objectives and Directive Principles of State Policy
[13] E E O Alemika, 'Fundamental Objectives and Directive Principles of State Policy within the Framework of a Liberal Economy' (2000), *Nigerian Institute of Advanced Legal Studies*. <https://www.google.com.ng/amp/s/www.researchgate.net/publication/40439937_ /amp.> accessed 13 October 2024
[14] CFRN, 1999, s 33
[15] Ibid, s 34
[16] ICESCR, Art. 12(1).
[17] European Social Charter, Art. 11; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", Art. 10; American Declaration on the Rights and Duties of Man, Art. XI; African Charter on Human and Peoples' Rights, Art. 16.

mortality and for the healthy development of children; improve all aspects of environmental and industrial hygiene; prevent, treat, and control disease; and create conditions that would provide all with medical attention in the event of sickness.[18] The right to health implicitly involves the Right to a Healthy Environment. States are obligated to eliminate or reduce the harmful effects of environmental pollution by taking appropriate regulatory or monitoring measures so that its citizens may fully enjoy their right to health.[19] Nevertheless, the constitutionally guaranteed fundamental human rights to life and human dignity have been linked to the need for a safe and healthy environment. The Indian Supreme Court has interpreted the right to life as protecting environmental rights.[20] The case of *Gbemre v Shell Petroleum Development Company Ltd & Anor,*[21] where the Federal High Court agreed with the plaintiffs that the right to a healthy environment is an integral part of the constitutionally guaranteed right to life.

To wrap up the discussion on the Constitution as a legal framework for combating climate change in Nigeria, it has to be noted that Section 20 provides a clear policy direction for environmental protection, which can guide the development of specific laws and regulations aimed at combating climate change. Again, as seen from *Gbemre's* case, Nigerian courts have developed innovative interpretations of the Constitution to protect environmental rights by linking the right to life and dignity to environmental protection, making these rights enforceable. However, the drawbacks still remain which include the fact that the provisions in Chapter II of the constitution, including Section 20, are generally non-justiciable, meaning they cannot be enforced in court. This limits their effectiveness in compelling the government to take specific actions to combat climate change. Again, the Constitution does not explicitly address climate change or provide detailed mechanisms for its mitigation and adaptation. This requires reliance on other specific laws and policies to fill the gaps.

3.2 National Environmental Standards and Regulations Enforcement Agency Act (NESREA Act), 2007

The NESREA Act established the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act which replaced the Federal Environment Protection Agency (FEPA) Act. The FEPA Act itself was a knee jerk reaction by the government after the tragic dumping of toxic waste in Koko Port Delta State in 1987. The dumping of the said toxic waste catalyzed the push for the legislation for environmental protection and enforcement in Nigeria. This led to two quick-fire decrees: Harmful Waste (Special Criminal Provisions, etc.) Decree 42 of 1988 and Decree 58 of 1988, which set up the Federal Environmental Protection Agency (FEPA). The core mandate for FEPA was environmental management and protection. The Key provisions of the NESREA Act include –

a. Establishment of NESREA:[22] The Act established NESREA as the primary agency for enforcing environmental standards and regulations in Nigeria, responsible for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources in general and environmental technology, including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies and guidelines'[23]
b. Functions and Powers:[24] NESREA is tasked with protecting and developing the environment, conserving biodiversity, and promoting sustainable development. It has the authority to enforce environmental laws, conduct inspections, and impose penalties for non-compliance.
c. Environmental Standards:[25] The Act mandates the development and enforcement of standards for air quality, water quality, effluent limitations, and hazardous substance discharge.
d. Coordination and Liaison:[26] NESREA is responsible for coordinating with relevant stakeholders, both within and outside Nigeria, on matters of environmental enforcement.

[18] ICESCR, Art. 12(2).
[19] See for example, ECtHR, *Lopez Ostra v Spain*, No. 16798/90, Judgment of 9 December 1994, para. 51
[20] *MC Mehta v Union of India* [1987] 4 SCC 463; *Vellore Citizens Welfare Forum v Union of India* [1996] 5 SCC 64
[21] *Gbemre v Shell Petroleum Development Company Nigeria Limited and Others* [2005] AHRLR 151 (NgHC 2005)
[22] NESREA Act, s 2
[23] Ibid, s 2
[24] Ibid, s 2
[25] Ibid, s 36
[26] Ibid, s 2

3.3 National Environmental (Ozone Layer Protection) Regulations 2009

The National Environmental (Ozone Layer Protection) Regulations, 2009[27] is the first regulation made under the NESREA Act aimed at protecting the ozone layer and mitigating climate change. This Regulation is divided into parts and six schedules. The first part deals with the prohibition of ozone depleting substance and release, working with an ozone depleting substance, fire protection equipment and pressurized containers, sale and labeling of ozone depleting substances, flexible and rigid insulation foams, packaging and wrapping. Part three deals with matters relating to permit conditions, application fees for permit, bi-annual report by permit holder, permit numbers to be shown on records, offence for handling ozone depleting substance refrigerant, possession or trading in refrigerant, offence for possessing halon, refrigerant destruction facilities, application for halon special permit, application for industry permit general, offences and penalty, interpretation and citation. The schedules deal with list of permits and entitlements, categories of pre-charged equipment list of ozone depleting substances, requirements for bi-annual report by permit holders, application for permit in respect of RAC and phase out deadline for controlled substances. Manufacture, importation, sale and use of ozone layer depleting substances were outlawed under the regulation.

It is notable that NESREA is also vested with powers under the regulations, allowing the Agency to enforce compliance with the provisions of these Regulations: The Agency or its authorized agents, is also empowered to exercise such powers over any premises used by RAC and other industries or enterprises using ozone depleting substances and who shall require permit for their activities.[28]

3.4 The National Oil Spill Detection and Response Agency (NOSDRA) Act

The National Oil Spill Detection and Response Agency (NOSDRA) Act No. 15 of 2006 was passed by the National Assembly after it was sent as an executive Bill by the then Government of President Olusegun Obasanjo. The Objectives of NOSDRA is outlined in Section 5 of the Act, which include preventing and controlling oil spills, ensuring prompt and effective response to oil spill incidents, and promoting environmental protection and sustainable development.[29] In effect, NOSDRA's main responsibility is to prepare for, detect, and respond to all oil spillages in Nigeria.[30] NOSDRAs function is to oversee the implementation of the National Oil Spill Contingency Plan (NOSCP) in Nigeria, in line with the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC), to which Nigeria is a signatory.

Section 16 establishes the National Control and Response Centre, which serves as the central hub for coordinating oil spill response activities. A governing Board of NOSDRA, which is responsible for formulating policies for the Agency and overseeing its operations.[31] Section 10 provides for the appointment of the Director-General of NOSDRA, who is responsible for the day- to-day administration of the Agency. Establishment of a fund for the Agency, expenditure guidelines, and the power to accept gifts and borrow funds were all taken care of in Section 14 of the Act.

Since its establishment, NOSDRA has been actively engaged in ensuring compliance with environmental regulations in the Nigerian petroleum sector.[32] It is the primary legislation for environmental protection in Nigeria's oil and gas industry. NOSDRA has two arms; the National Control and Response Centre (NCRC), which provides advisory, monitoring, evaluating, mediating, and coordinating functions, and the Governing Board, which is responsible for overseeing the agency's operations in the event of a major or disastrous oil spill.

[27] S.I. No. 32 of 2009
[28] NEOLPR 2009, Regulation 11(2
[29] Ibid, s 6
[30] Ibid, s 6(a)
[31] NOSDRA Act, s 9
[32] Ibid, s 6(b)

3.5 Environmental Impact Assessment Act

The Environmental Impact Assessment Act of 1992[33] was passed to enable the prior consideration of the impact of private and public sector projects on the environment.[34] The Act aims at infusing environmental considerations into developing project planning and execution.[35] It is also a practicable demonstration of the precautionary principle in environmental management in Nigeria.[36] The Act requires that any entity planning a project/activity which may have an impact on the environment must prepare an environmental impact assessment report which would set out the potential impact of the activity on the environment. The assessment is also to include plans to prevent or mitigate the impact, as well as clean-up plans.[37] All such reports must be approved by the Federal Minister of Environment. Section 60 of the Act also provides for penalties for breach of its provisions. It is important to note that the Act not only emphasizes compliance with regulatory requirements, but it also encourages proactive measures to prevent environmental harm.[38] Companies are encouraged to adopt best practices that promote sustainability and to incorporate environmental considerations into their decision-making processes. Through the Act's provisions, there is an increased awareness of the importance of environmental protection and recognition that development must be sustainable and environmentally responsible.

The EIA Act in Nigeria is criticized for not effectively guaranteeing people's right to information, participation, and justice. According to the critiques of the Act, Nigerians often receive little or no information about the environmental assessment of development projects, seldom participate in decision-making, and are unable to seek redress from courts or other administrative bodies.[39] This leads to a lack of transparency and impartiality in environmental decision-making. Other criticisms are that Nigeria's EIA system suffers from unnecessary duplication of efforts due to the simultaneous use of three independent EIA systems—the EIA Act (1992), the Town and Country Planning Act (1992), and the Petroleum Act (1969),[40] resulting in duplication results in considerable time and financial costs, inadequate public participation, poor EIA quality, and weak monitoring mechanisms.

3.6 The Climate Change Act, 2021

The Act was developed to provide a legal and institutional framework for Nigeria's climate change policies and actions. It aligns with Nigeria's commitments under international treaties like the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement. The Act also reflects Nigeria's pledge made at the COP 26 summit in Glasgow to achieve net-zero emissions by 2060. The passage of the Act was a significant step towards ensuring that Nigeria can effectively tackle climate change, promote sustainable development, and enhance resilience against climate impacts

The Climate Change Act provides a comprehensive legal framework for reducing greenhouse gas emissions in Nigeria. In section 1 of the Act, it was provided that the Act was created to provide a framework for achieving low greenhouse gas emission GHG), inclusive green growth and sustainable economic development by –

i. ensuring that Nigeria formulates programmes for achieving its long-term goals on climate change mitigation and adaptation;
ii. facilitating the coordination of climate change action needed to achieve long-term climate objectives;
iii. mainstreaming climate change actions m line with national development priorities;
iv. facilitating the mobilisation of finance, and other resources necessary to ensure effective action

[33] CAP E12, LFN 2004
[34] EIA Act, s 21(2)
[35] MT Ladan*, Op cit*, p 116
[36] O G Amokaye, *Environmental Law and Practice in Nigeria* (University of Lagos Press: Lagos, 2004) p 72.
[37] EIA Act, s 4
[38] Ibid, s 1(c)
[39]O Eni, N C Ole, H Faga, C N Nwedu, O T Eze 'Mapping the Weaknesses of Nigeria's Environmental Impact Assessment Mechanism as a Framework for Environmental Justice in the Petroleum Sector' [2024] (28)(1) *Human Ecology Review*, 17
[40] R Olaifa, 'EIA Systems In Nigeria: Evolution, Current Practice and Shortcomings' (2025) <https://www.academia.edu/33970756/EIA_systems_in_Nigeria_evolution_current_practice_and_shortcomings> accessed 12 February 2025

on climate change;

v. ensuring that climate change policies and actions are integrated with other related policies for promoting socio-economic development and environmental integrity;
vi. setting a target for year 2050 - 2070 for the attainment of a net-zero GHG emission, in line with Nigeria's international climate change obligations;
vii. identifying risks and vulnerabilities, building resilience and strengthening existing adaptive capacities to the impacts of climate change;
viii. implementing mitigation measures that promote low carbon economy and sustainable livelihood; and
ix. ensuring that private and public entities comply with stated climate change strategies, targets and National Climate Change Action Plan, (in this Act referred to as "Action Plan").

The Act establishes the National Council on Climate Change, which is responsible for policy making and implementation. The Act also mandates the development of a carbon budget and national action plans every five years to align with Nigeria's international climate commitments.

Barrio *et al* [41]analysed the Nigeria Climate Change Act 2021 and hailed it as 'reality of the political commitment to respond to climate change'. The authors highlight that the Nigeria Climate Change Act 2021 is trailblazing because it is the first comprehensive climate change legislation in West Africa. The Act provides a robust legal framework for climate action, setting ambitious targets such as achieving net-zero emissions between 2050 and 2070. It also mandates the creation of a National Climate Change Action Plan and a five-year carbon budget, which are significant steps towards a structured and measurable approach to climate change mitigation and adaptation.

The authors however emphasize several issues that policymakers need to consider for effective implementation of the Act including the need for significant capacity building at all levels of government to ensure effective implementation of the Act's provisions which are mostly novel; adequate funding for the successful execution of climate change programs and initiatives outlined in the Act; engaging the public and ensuring their participation in climate change initiatives, and establishing robust monitoring and evaluation mechanisms to track progress and make necessary adjustments.

3.7 National Policy on Climate Change

The National Policy on Climate Change outlines Nigeria's strategic approach to addressing climate change. It includes sectoral mitigation and adaptation initiatives, promoting a transition to a low- carbon economy. The policy aims to enhance food security, reduce poverty, and promote healthy living for all Nigerians. The provisions of the National Policy aim to create a comprehensive and integrated approach to tackling climate change in Nigeria in the areas set out under the Policy. In the area of Mitigation, the policy has the following focus –

i. In **Agriculture, Forests and Other Land Use**, to promote sustainable agricultural practices and afforestation to enhance carbon sequestration and reduce greenhouse gas emissions.
ii. In the **Energy Sector,** to encourage the development and use of renewable energy sources to reduce reliance on fossil fuels and decrease carbon emissions.
iii. In the **Health Sector,** to address the health impacts of climate change by promoting public health measures and building healthcare resilience.
iv. In the **Industry Sector,** to implement measures to reduce industrial emissions and promote energy efficiency in manufacturing processes.
v. In **Oil and Gas** Sector, to Focus on reducing emissions from the oil and gas sector and promoting cleaner technologies and practices.
vi. In the **Transport** Sector, to encourage the adoption of low-emission vehicles and the development of sustainable transport infrastructure.
vii. In the **Waste** Management Sector, to promote waste reduction, recycling, and proper waste

[41] F Barrio, A Mutsotso & A Babs, 'Nigeria's Climate Change Response: Analysis of the 2021 Nigeria Climate Change Act – A Brief of the Queen Mary Global Policy Institute' (2025) <qmul.co.uk/gpi> accessed 14/2/2025

management to minimize environmental impact.

viii. In the Area of Water Use, to address water resource management and conservation to ensure sustainable water supply in the face of climate change.

These local legislations form the backbone of Nigeria's efforts to combat climate change and promote environmental sustainability. They provide the legal and institutional framework necessary for implementing effective climate policies and ensuring compliance with international climate commitments.

4. Impact of International Climate Agreements on Nigerian Climate Action

Climate change remains a global challenge, necessitating coordinated international efforts to mitigate its adverse effects. International climate agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement, have significantly influenced Nigeria's climate action. These agreements establish legal and policy frameworks for countries to address climate change while promoting sustainability and resilience. Nigeria, as a signatory to these agreements, has adopted various legislative and institutional measures in response.

International agreements have led to the enactment of critical legislation in Nigeria aimed at environmental protection and climate governance. The Climate Change Act 2021 institutionalizes climate action by creating the National Council on Climate Change (NCCC), responsible for policy formulation and monitoring compliance. Similarly, the Renewable Energy Master Plan (REMP) aligns with global climate agreements by promoting clean energy alternatives to reduce carbon emissions. These laws ensure Nigeria's participation in international climate dialogues while integrating environmental sustainability into national development plans.

These climate agreements have facilitated investments in Nigeria's renewable energy sector, particularly through mechanisms such as the Green Climate Fund (GCF) and the Adaptation Fund (UNFCCC, 2021). Nigeria has leveraged these platforms to develop clean energy projects, such as solar mini-grids, hydropower installations, and biofuel initiatives. Furthermore, climate finance strategies, influenced by global accords, have encouraged the government to explore carbon credit markets and public-private partnerships for sustainable energy development, and aided Nigeria in adopting various adaptation measures to combat climate-induced vulnerabilities. Initiatives such as the National Adaptation Strategy and Plan of Action on Climate Change (NASPA-CCN) aim to reduce the impact of desertification, flooding, and extreme weather events on local communities (Federal Ministry of Environment, Nigeria, 2015). Additionally, the African Climate Policy Center (ACPC) has collaborated with Nigeria to implement resilience- building programs, particularly in agriculture and water resource management (United Nations Economic Commission for Africa, 2018).

The **UNFCCC**, adopted in 1992, provides the overarching framework for international climate action, aiming to stabilize greenhouse gas concentrations in the atmosphere. It sets the foundation for global climate governance, requiring Nigeria to develop national strategies for climate adaptation and mitigation.

The Kyoto Protocol, adopted in 1997, established legally binding emission reduction targets for developed countries. Although primarily focused on developed nations, Nigeria benefited from the Clean Development Mechanism (CDM), which allowed investments in renewable energy and carbon credit trading.

The Paris Agreement, adopted in 2015, marked a significant milestone by setting a global goal to limit temperature rise to well below 2 degrees Celsius above pre-industrial levels, with efforts to limit it to 1.5 degrees Celsius. Nigeria committed to reducing greenhouse gas emissions through its Nationally Determined Contributions (NDCs), aiming for a 20% reduction unconditionally and up to 45% with international support by 2030.

These international agreements are supported by various mechanisms, such as the Conference of the

Parties (COP), which serves as the decision-making body for the UNFCCC, and the Intergovernmental Panel on Climate Change (IPCC), which provides scientific assessments on climate change. Together, these instruments and mechanisms form a comprehensive legal structure that guides global efforts to combat climate change and promote sustainable development. However, Nigeria's legal response to climate change based on these international climate agreements is grossly limited by factors like non-ratification, non-domestication and internal structural setbacks. Thus, Nigeria suffers weak implementation of climate policies, loss of international support and funding, reduced global credibility in the climate context, and limited climate litigation and accountability.

5. Climate Action and Status of Compliance with International Climate Agreements in Nigeria

Nigeria has made significant commitments under international climate agreements, particularly the Paris Agreement, the Kyoto Protocol, and the United Nations Framework Convention on Climate Change (UNFCCC). Nigeria has submitted its Biennial Update Reports and National Communications to the UNFCCC, demonstrating efforts to track and report climate actions, in compliance with Article 4 of the United Nations Framework Convention on Climate Change (UNFCCC).

The Climate Change Act 2021 aligns Nigeria's policies with global climate commitments, establishing the National Council on Climate Change (NCCC) to oversee implementation, in compliance with Article 4(2) of the United Nations Framework Convention on Climate Change (UNFCCC). Nigeria has also promulgated laws and developed several APFs for climate change over the last decade. The majority of these APFs highlight Nigeria's bold and ambitious plans, actions, goals, and strategies for mainstreaming adaptation across all spheres of governance. Some of these policy documents include the updated NAP framework, the National Adaptation Strategy and Plan of Action on Climate Change for Nigeria (NASPA-CCN), the Nigeria Climate Change Policy Response and Strategy (NCCPRS), the Nigeria Climate Change Act (CCA) 2021, the National Climate Change Policy for Nigeria 2021 – 2030 , the National Action Plan on Gender and Climate Change for Nigeria (NAPGCC), and other national policy frameworks that have components of adaptation and economic development plans. These are in line with Nigeria's commitments under the United Nations Framework Convention on Climate Change (UNFCCC).

Moreover, Under the Paris Agreement, Nigeria pledged a 20% reduction in emissions by 2030, with an extended target of 45% conditional on international support. The Nigerian government has succeeded in submitting its updated NDC in July 2021, which includes a commitment to reduce greenhouse gas (GHG) emissions by 20% unconditionally (i.e. with domestic resources), and 47% conditionally (i.e. with international support) below business-as-usual (BAU) levels by 2030. These targets focus on five priority sectors – Energy, Oil & Gas, Agriculture, Transport and Waste.

Nigeria has engaged in climate financing mechanisms such as the Green Climate Fund (GCF) and Adaptation Fund, supporting renewable energy projects, in compliance with Articles 4 and 10 of the United Nations Framework Convention on Climate Change (UNFCCC). In addition, the Nigerian government has made concerted efforts to increase adaptation actions in thirteen priority sectors: agriculture; freshwater resources, coastal water resources and fisheries; forests; biodiversity; health and sanitation; human settlement and housing; energy; transportation and communication; industry and commerce; disaster, migration, and security; livelihoods; vulnerable groups; and education.

The Federal government of Nigeria through the Ministry of Agriculture and Rural Development, sets up and supports capacity building capacity for relevant skills in the context of climate change. The government has also established automated early warning systems through the World Bank-supported Nigeria Erosion and Watershed Management Project), to reduce occurrences of disasters and resultant fatalities in over ten states. Climate smart agriculture has also been adopted to increase productivity and resilience. The Nigerian government has begun issuing Green Bonds as an innovative means and alternative way of raising climate finance. Nigeria has also established the National Gender Policy to

address issues of imbalance in the opportunities available to women, resulting from climate change.[42]

6. Challenges to Climate Action in Nigeria

A. Weak Enforcement Mechanisms

Despite legal frameworks, enforcement remains inconsistent due to institutional inefficiencies and regulatory gaps. Nigeria has multiple regulatory agencies overseeing environmental and climate policies, including the Federal Ministry of Environment, the National Environmental Standards and Regulations Enforcement Agency (NESREA), and the National Council on Climate Change (NCCC). However, poor coordination among these agencies leads to bureaucratic delays, overlapping mandates, and lack of accountability, weakening enforcement efforts.

This issue is only exacerbated by the inadequate legal implementation structure of climate change laws or agreements ratified by Nigeria. Even when Nigeria ratifies international climate agreements, these treaties must be domesticated into national law to be enforceable. The slow legislative process and gaps in legal frameworks often delay proper implementation, reducing the effectiveness of global commitments like the Paris Agreement. Moreso, climate-related cases in Nigeria face challenges because environmental rights are often non-justiciable, meaning courts cannot enforce them as fundamental rights. Additionally, lack of legal precedence in climate litigation makes it difficult for courts to hold polluting industries accountable.

B. Financial Constraints for Mitigation and Adaptation Strategies

Enforcing climate laws requires substantial resources for monitoring, compliance checks, and penalties. A major obstacle to effective climate action in Nigeria is financial constraints, which affects Nigeria's ability to implement environmental policies, invest in sustainable development, and meet international climate commitments. Climate mitigation and adaptation efforts require substantial funding, which is not always readily available in Nigeria.

Budgetary constraints hinder enforcement agencies to conduct proper inspections and regulate environmental violations effectively, bureaucratic constraints in accessing international climate funding, high cost of renewable energy transition, weak carbon market participation, and lack of incentives for green investments impede climate action in Nigeria, and hinder effective implementation of climate change laws.

C. Industrial Resistance

Nigeria's economy is deeply tied to industries that depend on high-carbon activities, particularly the oil and gas sector, manufacturing, and transportation. Efforts to implement climate policies often face strong resistance from industries, which view environmental regulations as a threat to their profitability. This resistance significantly slows down Nigeria's transition toward sustainability and climate resilience. The reliance on oil and gas industries creates political challenges, slowing the transition to sustainable environmental policies.

Furthermore, powerful corporate stakeholders often lobby against climate legislation, influencing policymakers to either weaken environmental laws or delay their enforcement. This political resistance delays compliance with international climate agreements, such as the Paris Agreement. The fear of economic loss and job displacements in these sectors also engenders weak implementation of climate action strategies.

D. Public Awareness & Stakeholder Engagement

Many Nigerians lack adequate knowledge of climate policies, leading to weak civic participation in environmental conservation efforts. Also, relevant stakeholders such as women, persons with

[42] C U Okeke, H M Butu and C Okereke, 'Climate Action Strategies, Practices and Initiatives: Challenges and Opportunities for Locally-Led Adaptation in Nigeria' (2023)<https://afripoli.org/climate-action-strategies-practices- and-initiatives-challenges-and-opportunities-for-locally-led-adaptation-in-nigeria> accessed 3 June 2025

disabilities, CSOs, indigenous people, and local and state governments, where not included in the decision-making process pose a major barrier to effective implementation of climate action strategies in Nigeria.

E. Technology Development and Use

Development and effective deployment of technologies for climate action strategies are fundamental to climate action. In Nigeria, there is Limited Investment in Research and development, barriers to technology transfer, inadequate infrastructure and technical capacity, regulatory and policy gaps requiring deployment of effective technology, and challenges in technology integration that militate against deployment of technology in climate adaptation and mitigation strategies.

F. Difficulty in Alignment of Policy with Regional Adaptation Needs, Practices, And Strategies

National climate policies are often developed at the central level with uniform strategies designed to address wide-ranging challenges. However, these wide-angle approaches frequently fail to address the distinct regional adaptation needs. For instance, the northern regions contend with desertification and water scarcity, whereas the southern regions may grapple with flooding, coastal erosion, or urban heat islands. A one-size-fits-all climate policy might overlook these nuances, leaving specific regions with inadequate support for their particular vulnerabilities and adaptation requirements.

G. Corruption and Political Interference

Corruption is a recurrent challenge to execution of policies and regulations in Nigeria. Climate action is weakened by corruption in regulatory agencies, where environmental violations go unpunished due to bribery or political influence. Industries, especially in the oil and gas sector, sometimes bypass climate regulations because of their economic and political power, thereby undermining efforts to hold polluters accountable.[43]

7. Innovative Legal Approaches to Climate Change in Nigeria

Nigeria has developed a range of innovative legal responses to the challenge of climate change, reflecting both domestic policy evolution and international commitments. These legal strategies reflect growing recognition of the climate crisis impact on the Nigerian economy, security, and public health.

7.1 Climate Change Act, 2021

The Climate Change Act, 2021 is Nigeria's most ambitious and comprehensive legal response to climate change. It represents an innovative framework by integrating climate action into all sectors of the economy through a legally binding structure. Key innovations in the Act include:

i. Net Zero Target

Under the Climate Change Act of 2021, Nigeria commits to achieving net-zero greenhouse gas emissions by 2060. The Act reinforces Nigeria's commitment to the Paris Agreement on climate change and her updated Nationally Determined Contributions (NDCs) at the 26th Conference of Parties to the United Nations Framework Convention on Climate Change in Glasgow, which include cutting Nigeria's carbon emissions to reach net-zero by 2060.[44] This is the first such statutory commitment by an African country.

ii. National Council on Climate Change (NCCC)

A central coordination body is established under the Climate Change Act, chaired by the President, with powers to drive implementation across all sectors.[45]

iii. Carbon Budgeting

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[43] C U Okeke, H M Butu & C Okereke, 'Climate Action Strategies, Practices and Initiatives: Challenges and Opportunities for Locally-Led Adaptation in Nigeria' (2023) < https://afripoli.org/climate-action-strategies- practices-and-initiatives-challenges-and-opportunities-for-locally-led-adaptation-in-nigeria> accessed 5/6/2025

[44] Z Akintola, O Odia & F Aliu, 'A Review of Nigeria's Climate Change Act, 2021' (2022) < https://www.aluko-oyebode.com/insights/a-review-of-nigerias-climate-change-act-2021/#:~:text=The%20Act%20reinforces%20Nigeria's%20commitment,to%20reach%20net%2Dzero%20by> accessed 5/6/2025

[45] U Udoma & B Osagie, 'The Climate Change Act 2021: Key Points for Consideration' (2021) < chrome- extension://efaidnbmnnnibpcajpcglclefindmkaj/https://uubo.org/wp-content/uploads/2023/01/THE-CLIMATE-CHANGE-ACT-2021-KEY-POINTS-FOR-CONSIDERATION.pdf> accessed 5/6/2025

The Act mandates the development of five-year carbon budgets to ensure that Nigeria stays on track with its emission reduction commitments. [46] The goal of the carbon budget is to keep the average increase in global temperature within 2 degrees Celsius and make a concerted effort to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels. Under the Climate Change Act, within 12 (twelve) months to the end of a carbon budgetary period, the Federal Ministry of Environment is required to submit to the Federal Executive Council, through the Council, a new carbon budget for approval. Where, however, there is a need to review a carbon budget within a carbon budget cycle, the Ministry shall, within 3 (three) months of the revision of the carbon budget, submit it to the FEC through the Council for approval.[47]

iv. Sectoral Emission Targets

The Act requires sector-specific targets, creating legal obligations for ministries, departments, and agencies.[48]

v. Climate Finance Framework

The Climate Change Act is self-regulatory of its objectives, providing for mechanisms to mobilize climate finance, including public-private partnerships and green bonds.[49]

7.2 Mainstreaming Climate Obligations into Environmental Law

Nigeria's Environmental Impact Assessment (EIA) Act[50] is being increasingly interpreted in a climate-aware manner. Although not originally climate-specific, EIA procedures are being used to scrutinize projects for their GHG emissions and climate resilience, effectively expanding their utility. Innovations are evidenced in the use of EIAs to assess climate vulnerability and adaptation in major infrastructure and energy projects. Judicial expansion of EIA scope through cases like *Centre for Oil Pollution Watch v NNPC*,[51] where courts enforced broader environmental accountability, are also instructive.

7.3 Green Bonds Programme

Nigeria pioneered the issuance of sovereign green bonds in Africa, an innovative legal-financial tool that aligns public finance with climate goals. Nigeria issued its first sovereign green bond in 2017, worth □10.69 billion (approx. USD 30 million), funding renewable energy, afforestation, and climate-resilient agriculture.[52] A legal framework was created in collaboration with the Debt Management Office (DMO) and the Securities and Exchange Commission (SEC) to ensure transparency, monitoring, and alignment with the Paris Agreement.[53]

7.4 National Adaptation Strategy and Plan of Action on Climate Change, 2011

Although non-binding, this policy document has legal force when incorporated into laws or contracts. It guides climate adaptation at the national and subnational levels. The plan encourages state-level legislation and action plans (e.g., Lagos and Ekiti States have begun integrating adaptation strategies into their environmental laws). It also promotes climate-resilient agriculture, water management, and coastal protection, especially critical given Nigeria's vulnerability to flooding and desertification.

7.5 Litigation and Rights-Based Climate Advocacy

Nigerian courts are increasingly venues for climate accountability, though climate-specific litigation remains emergent.The courts have upheld the right to a healthy environment under Section 20 of the 1999 Constitution and Article 24 of the African Charter on Human and Peoples'Rights (ratified and domesticated).[54] Environmental justice cases increasingly incorporate climate concerns, with NGOs using legal tools to challenge polluters and enforce state accountability.

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[46] Climate Change Act, s 19
[47]Udoma and Osagie (n 45)
[48] Ibid.
[49] Climate Change Act, s 15
[50] Environmental Impact Assessment Act, Supra
[51] (2019) 5 NWLR (PT. 1666) 518
[52] V Nkiri, 'Nigeria Green Bond Programme' (2018) < https://fsdafrica.org/projects/nigeria-green-bond- programme/> accessed 5 June 2025
[53] Securities and Exchange Commission Green Bond Rules, 2018
[54] *Gbemre v Shell Petroleum Development Company* (2005) AHRLR 151 (NgHC 2005)

8. Conclusion

Nigeria has developed a critical framework to design and implement its climate action strategies, gaining from international climate frameworks. This is evident in enhanced climate reporting, establishment of legislative frameworks like the Climate Change Act 2021, and Nigeria's active participation in mechanisms such as the Green Climate Fund. However, translating these legal commitments into physical national outcomes has been challenging.

Nigeria faces significant impediments that undermine the efficacy of national climate action. Weak enforcement mechanisms, stemming from institutional inefficiencies and corruption, hinder the proper implementation of climate laws. Financial constraints further limit investments in renewable energy and adaptation projects, while industrial resistance particularly from the oil and gas sector complicates efforts to transition to a low-carbon economy. Additionally, challenges in technology development and the misalignment of national policies with regional adaptation needs reduce the overall impact of climate initiatives.

Innovative legal responses, such as the deployment of green finance instruments, the utilization of climate litigation and judicial activism, and the embrace of technological advancements in environmental law, offer promising pathways to address these shortcomings. A comprehensive strategy that integrates these innovations could significantly enhance Nigeria's ability to meet its international obligations and build a resilient, sustainable future.

In essence, while Nigeria has made considerable progress in laying a foundation for climate action in Nigeria, overcoming the domestic challenges requires coordinated action. Strengthening enforcement, raising awareness, boosting investment in climate technologies, aligning policies with regional realities, and fostering public-private partnerships are crucial measures for ensuring that climate action in Nigeria not only aligns with global standards but also effectively addresses the nation's unique challenges.

9. Recommendations

In light of the above analysis, the following recommendations are highlighted for the purpose of bridging the gap between policy and practice of climate action in Nigeria:

a. The Nigerian Legislature must develop comprehensive policies that incentivize innovation and the integration of climate-safe technologies will create a more conducive environment for growth.
b. The laws regulating ratification, domestication and enforcement of international climate agreements must be amended to eliminate gridlocks militating against local enforcement of international climate treaties and agreements.
c. The Nigerian government must empower regional and local governments to tailor climate adaptation strategies in alignment with their unique environmental, social, and economic contexts.
d. The Nigerian government must improve access to funding and relevant infrastructure for climate action, and eliminate bureaucratic gridlocks that impede access to resources for decisive and effective climate action, gaining on the provisions of the Climate Change Act of 2021.
e. The State must introduce financial and other incentives that encourage corporations to adopt clean sources of energy to meet net zero obligations.
f. The State must increase efforts in improving and instituting robust mechanisms for community input and participatory planning to integrate indigenous practices and regional knowledge into national policies.
g. State and non-State actors must develop and strengthen the institutional and technical capacity of the relevant stakeholders for the design, implement, and manage adaptation projects that resonate with local needs, by awareness and other capacity building programs and strategies.

International and local cooperation frameworks must be promoted and adopted to facilitate effective climate action