REGULATING CLIMATE CHANGE IN NIGERIA: A REVISIT OF REGULATION AND ENFORCEMENT

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Abstract

This study critically examines the environmental effects of Nigeria's climate change regulations, assessing how effectively existing legal and policy frameworks address the complex challenges posed by climate change. Nigeria faces heightened environmental and socio-economic vulnerability due to rapid industrialization, dependence on fossil fuels, and weak infrastructure. The article evaluates Nigeria's compliance with international climate obligations, particularly under the Paris Agreement, and analyses key national frameworks such as the Climate Change Act and the National Policy on Climate Change. It highlights enforcement challenges, including limited institutional capacity, political resistance, and corruption that hinder effective climate governance. The research assesses how climate regulations affect critical sectors such as agriculture, energy, and manufacturing, examining their influence on land use, industrial processes, biodiversity, water resources, and public health. Socioeconomic dimensions, including implications for poverty reduction, social equity, and economic development, are also explored, noting the opportunities and constraints posed by a transition to a low-carbon economy in a resource-dependent state. A major focus is the judiciary's evolving role in interpreting and enforcing climate-related environmental laws. By reviewing landmark cases, the study underscores the courts' capacity to hold both government and private actors accountable for environmental harm. It further considers the contributions of non-state actors, community groups, NGOs, and the private sector in shaping climate policy and advocating stronger environmental protections. The article finds that while Nigeria's regulatory frameworks offer important pathways for climate governance, significant gaps remain. The article suggests a more integrated, inclusive, and justice-oriented approach to climate policy as a means of balancing environmental sustainability with national development needs.

Key-Words: Climate Change Regulation, Environmental Governance,Climate Policy Enforcement,Judicial Role and Sustainable Development.

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1.**Introduction**

One of the most important issues to have dominated global discourse in the twenty-first century is the phenomenon of climate change. The main reason for the global attention on climate change is the serious risks to economies, ecosystems, and public health which are commonly associated with it. Strong legislative frameworks to control or minimize the effects of climate change have become increasingly necessary as its effects become more obvious. This is especially important for nations like Nigeria, where there exist significant social, economic, and environmental risks posed by the phenomenon.[1] Nigeria is uniquely positioned at the crossroads of rapid industrialization and severe environmental deterioration. It is the most populated country in Africa and has one of the largest economies on the continent.[2]

This makes climate change regulation vital for a country like Nigeria which rely on fossil fuels, especially gas and oil, increasing its contribution to greenhouse gas emissions.[3] The legal framework governing climate change in Nigeria is intricate and multidimensional. In order to lower carbon emissions, promote sustainable development, and safeguard the environment, it entails the interaction of international agreements, national laws, and municipal policies.[4] However, a number of issues, such as inadequate public knowledge, a lack of political will, lax enforcement mechanisms, and the socioeconomic realities of developing countries, frequently undermine the efficacy of these policies.[5]

In order to assess the efficacy of the current legislative frameworks and policies, this article seeks to critically analyze the environmental effects of climate change regulation in Nigeria. In addition to evaluating the execution of national initiatives like the National Policy on Climate Change and the Nigerian Climate Change Act, the article examines Nigeria's adherence to international climate accords, such as the Paris Agreement.[6] The study also considers how the courts interpret and apply environmental laws pertaining to climate change. How these laws affect other industries like energy, manufacturing, and agriculture is also

[1]Intergovernmental Panel on Climate Change (IPCC), Climate Change 2021: *Physical Science Basis* (Cambridge University Press 2021).
[2] National Bureau of Statistics, Demographic Statistics Bulletin (NBS 2022).
[3] Federal Ministry of Environment, Nigeria's Emission Profile Report (2020).
[4] Okeke GN, 'Environmental Governance and Climate Law in Nigeria' (2019) 13 *Nigerian Journal of Environmental Law* 44.
[5] Ebeku KS, 'Climate Change Governance in Africa' (2018) 7 *Journal of Sustainable Development Law* 55.
[6] Paris Agreement (2015).

examined.[7] The socioeconomic effects of climate change legislation in Nigeria are analyzed to underscore how these effects relate to social fairness, economic development, and poverty reduction.[8]

The shift to a low-carbon economy brings both benefits and substantial obstacles because of the nation's heavy reliance on fossil fuels for economic growth.[9] The study examines how Nigeria may reconcile its environmental responsibilities with development aspirations, emphasizing the significance of inclusive and long-lasting regulatory frameworks.[10]

Additionally, the impact of civil society and public engagement on climate change regulation in Nigeria is examined in this study. Setting the agenda for successful climate action requires the participation of non-state players, such as community organizations, environmental NGOs, and the commercial sector.[11] The legal options these stakeholders possess to shape public policy and keep the government responsible for its environmental pledges are also discussed in this article.[12]

This article argues that there are major issues with Nigeria's climate change regulation which makes a holistic and multifaceted strategy imperative if the country is to achieve the often talked about sustainable development. As a result, this article seeks to offer insights into the opportunities and challenges facing Nigeria in its efforts to achieve sustainable development and lessen the effects of climate change by looking at the legal, environmental, and socioeconomic aspects of climate change legislation.[13]

2.**Legal Framework for Climate Change Regulation in Nigeria**

Nigeria is legally required to combat climate change by establishing a strong and efficient regulatory framework because it is a signatory to several international environmental agreements and conventions. [14] Nigeria's climate-related obligations derive chiefly from its status as a party to the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement, which

[7] *Centre for Oil Pollution Watch v NNPC* (2019) 5 NWLR (Pt 1666) 518.
[8] World Bank, Poverty and Climate Change in Nigeria (2020).
[9] IMF, Nigeria: Economic Outlook (2021).
[10] Aina EO, 'Environmental Regulation and Development in Nigeria' (2020) 6 *Nigerian Journal of Public Law* 77.
[11] Friends of the Earth Nigeria, Civil Society Climate Engagement Report (2021).
[12] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 22.
[13] UNEP, Climate Legislation in Developing Countries (2020).
[14] UNFCCC (1992).

collectively require the adoption of measures aimed at emissions control, climate resilience, and sustainable development.[15] Furthermore, Nigeria's obligations under the Convention on Biological Diversity (CBD) and the United Nations Convention to Combat Desertification (UNCCD) strengthen its responsibility to safeguard ecosystems and respond to environmental degradation linked to climate change. Taken together, these international instruments provide the legal and normative foundation upon which Nigeria's domestic climate governance architecture should be developed and reinforced.[16]

The high reliance by Nigeria on fossil resources, its rapidly expanding population, and susceptibility to climate-related disasters pose formidable challenges.[17] Nigeria has responded by creating a number of legislative measures intended to foster sustainable development and lessen the effects of climate change.[18] The legal framework for regulating climate change in Nigeria is examined in this section, with an emphasis on national and international laws. Compliance levels are also assessed with reference to the roles of administrative and judicial authorities in effectively addressing cases of non-compliance and upholding the law.[19]

2.1 International Obligations

The obligations Nigeria has made under different international agreements have a significant impact on its regulation of climate change. The nation's internal climate change policies are based on its ratification and adoption of a number of significant international environmental treaties [20]

[15] United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107; Kyoto Protocol to the United Nations Framework Convention on Climate Change (adopted 11 December 1997, entered into force 16 February 2005); Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016), ratified by Nigeria on 18 May 2017.

[16] Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993); United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (adopted 17 June 1994, entered into force 26 December 1996).

[17] National Emergency Management Agency (NEMA), Climate-Related Disaster Report (2018).

[18] Federal Government of Nigeria, National Policy on Environment (2016).

[19] NESREA, Annual Compliance Review Report (2021).

[20] n.15.

2.1.1 United Nations Framework Convention on Climate Change (UNFCCC)

In 1994, Nigeria signed the UNFCCC, pledging to work with other nations to stabilize the atmospheric concentrations of greenhouse gases.[21] Nigeria's ratification of the UNFCCC implies an obligation to regularly prepare and update its National Communications and Biennial Update Reports, which set out Nigeria's greenhouse gas emissions profile and mitigation actions, in accordance with the reporting requirements of the Convention.[22]

2.1.2 Kyoto Protocol

Nigeria was obligated to take action to mitigate climate change even though it was not a party to the Kyoto Protocol's Annex I and was not subject to any set targets for reducing emissions.[23] The Kyoto Protocol established the foundation for Nigeria's participation in global carbon markets and other adaptable mechanisms.[24]

2.1.3 Paris Agreement

Nigeria demonstrated its commitment to keeping the rise in global temperatures well below 2°C in 2017 by ratifying the Paris Agreement.[25] The nation filed its Nationally Determined Contributions (NDCs), outlining its plans to cut greenhouse gas emissions and improve climate resilience.[26] Nigeria has developed extensive programmes for both mitigation and adaptation in response to the Paris Agreement, which has been a major influence on the country's climate policy.[27]

3. National Legislation

The environmental, economic, and social aspects of climate change are addressed by a number of important laws and regulations that make up Nigeria's national legal framework for climate change regulation.[28]

3.1 Climate Change Act (2021)

The Climate Change Act represents Nigeria's initial all-encompassing climate law.[29] It provides a paradigm for developing in a way that is both low-carbon and climate resilient. The Act establishes the National

[21] *Ibid.*
[22] Nigeria's Third National Communication under the UNFCCC (2020).
[23] Kyoto Protocol (1997).
[24] Clean Development Mechanism (CDM) Executive Board, *Annual Overview* (2015).
[25] Paris Agreement (2015), Nigeria Ratification Instrument (2017).
[26] Nigeria's Nationally Determined Contribution (Updated NDC 2021).
[27] Federal Ministry of Environment, National Adaptation Plan Framework *(2019).*
[28] Federal Ministry of Justice, Environmental Law Compendium *(2020).*
[29] Climate Change Act 2021.

Council on Climate Change (NCCC)., The NCCC has the responsibility to coordinate government and industry efforts to combat climate change.[30] It also requires that a Climate Change Action Plan be created, outlining the nation's plans for cutting emissions and adjusting to the effects of climate change.[31] Following the enactment of the Climate Change Act, the government is now legally required to set and enforce sector-specific carbon limits in line with the Act's carbon budgeting framework.[32]

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

Enforcing environmental regulations in Nigeria is the primary responsibility of NESREA, as the regulatory organization established for that purpose.[33] By virtue of the Act, NESREA has the authority to control actions that can affect the environment, particularly those that fuel climate change.[34] Under the NESREA Act, the Agency has issued regulations governing a wide range of activities and pollutant types, including air quality control, industrial emissions, hazardous and solid waste management, noise pollution, effluent discharge, chemicals, and other environmentally harmful substances relevant to climate change mitigation.[35]

3.1.2 Environmental Impact Assessment (EIA) Act (1992)

In Nigeria, the EIA Act requires an environmental impact assessment to be completed before any large development project that is likely to have significant effects on the environment is approved.[36] Incorporating mitigation strategies into project planning and evaluating possible effects on climate change are part of this process.[37] For development endeavors to be in line with the nation's climate goals, the Environmental Impact Assessment (EIA) procedure is essential.[38]

3.1.3 National Policy on Climate Change (2013)

Nigeria's strategic approach to mitigating and adapting to climate change is laid out in this policy.[39] It offers a structure for incorporating climate

[30] *Ibid* s 3.
[31] *Ibid* s 20.
[32] *Ibid* s 22
[33] NESREA Act 2007.
[34] *Ibid* s 7.
[35] NESREA Regulations (various), including NESREA (Air Quality Control) Regulations 2014.
[36] EIA Act Cap E12 LFN 2004.
[37] *Ibid* s 4.
[38] *Gbemre v ShellShell Petroleum Development Co* (2005) AHRLR 151 (NgHC).
[39] National Policy on Climate Change 2013.

concerns into sectoral and national development planning.[40] Resilient agriculture, renewable energy, and improved disaster risk management capabilities are all emphasized in the policy.[41]

3.1.4 Judicial Interpretation and Enforcement

Nigeria's climate change laws are interpreted and enforced in large part by the judiciary. The adjudication of lawsuits concerning environmental degradation and climate change has become more common in Nigerian courts.[42] The judiciary has, over the past two decades, played an increasingly significant role in the interpretation and enforcement of Nigeria's climate change and environmental laws.[43] While Nigerian courts have long adjudicated environmental degradation cases, particularly in relation to oil pollution and gas flaring in the Niger Delta,[44] judicial engagement with climate-related claims became more pronounced from the late 2000s and throughout the 2010s, driven by heightened environmental awareness, public interest litigation, and the use of constitutional and human-rights-based arguments.[45] The enactment of the Climate Change Act 2021 has further reinforced this trend by providing a clearer statutory framework for climate governance and judicial oversight.[46]

3.1.4.1 Judicial Precedents

Nigerian courts have issued a number of historic rulings in recent years that highlight the significance of environmental protection. For instance, the Nigerian Federal High Court acknowledged the right to a healthy environment as a fundamental human right under the Nigerian Constitution in the 2005 case of *Gbemre v. Shell Petroleum Development Company*. [47] The court determined that gas flaring by oil firms constituted an infringement on this right, establishing a precedent for further climate-related lawsuits.[48]

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[40] *Ibid.*
[41] *Ibid.*
[42] Ebeku KS, 'Judicial Approaches to Environmental Protection in Nigeria' (2017) 4 *Nigerian Environmental Law Review* 22.
[43] See generally *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2019) 5 NWLR (Pt 1666) 518 (SC).
[44] *Gbemre v Shell Petroleum Development Company (Nig) Ltd* (2005) AHRLR 151 (NgHC 2005); *Shell Petroleum Development Company (Nig) Ltd v Farah* (1995) 3 NWLR (Pt 382) 148.
[45] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 20 and 33; see also *SERAP v Federal Republic of Nigeria* (2010) ECW/CCJ/JUD/18/10 (ECOWAS Court).
[46] Climate Change Act 2021, ss 1–4, 20–22.
[47] n.29.
[48] *Ibid.*

3.1.4.2 Role of Environmental Tribunals

Nigeria has set up specialized environmental tribunals in addition to conventional courts to address matters pertaining to environmental infractions, especially those affecting climate change.[49] These tribunals are intended to provide environmental dispute resolution that is more rapid and knowledgeable, improving the enforcement of legislation relating to climate change.[50]

3.1.5 Administrative and Regulatory Bodies

Several administrative and regulatory bodies are central to the implementation and enforcement of Nigeria's climate change regulations. [51] Examples include the following:

3.1.5.1 Federal Ministry of Environment

The Ministry of Environment, is the main government agency in charge of [52]climate change-related environmental policies. The Ministry is responsible for supervising the application of the Climate Change Act and other pertinent laws governing environmental management and control.[53]

3.1.5.2 National Council on Climate Change

The National Council on Climate Change (NCCC) is the apex policy-making and coordinating body for climate change governance in Nigeria.[54] It is responsible for formulating national climate change policies and strategies, overseeing the implementation of Nigeria's international climate obligations, and providing strategic direction on mitigation, adaptation, and climate finance.[55] The Council also supervises the setting of national carbon budgets, ensures inter-ministerial coordination on climate action, and monitors compliance with climate targets across public and private sectors.[56] In addition, the NCCC advises the Federal Government on climate-related matters and promotes the integration of climate considerations into national development planning.[57]

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[49] National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, s 20.
[50] NESREA, *Environmental Tribunal Operational Guidelines* (2019).
[51] Federal Ministry of Environment, National Environmental Governance Report (2021).
[52] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 20
[53] Climate Change Act 2021.
[54] *Ibid*, s 4.
[55] *Ibid,* ss 4(a)–(c), 20
[56] *Ibid*, ss 21–23.
[57] *Ibid*, ss 4(d)–(f), 24.

This organization was set up in accordance with the Climate Change and is in charge of organizing Nigeria's response to climate change at all governmental levels and in all sectors.[58] It is essential for keeping track of the nation's progress toward its climate goals and ensuring all pertinent parties are involved in the process. [59]

3.1.5.3 Energy Commission of Nigeria (ECN)

The ECN is responsible for creating and carrying out energy policies that support the use of sustainable energy. [60] The ECN's work is closely integrated with Nigeria's climate change objectives, as energy production is a key source of greenhouse gas emissions. [61] Advancing energy efficiency and the adoption of renewable energy as key strategies for reducing emissions are one of the Commission's objectives. [62]

4.Case Laws on the Environmental Impact of Climate Change Regulation in Nigeria

The Nigerian judiciary has increasingly engaged in environmental protection and climate change issues, often setting precedents that have significantly influenced the country's regulatory framework.[63] Some significant Nigerian case laws that deal with the environmental effects of climate change regulations are discussed below.

4.1 *Shell Petroleum Development Company v. Council Of Ijaw Nation*(2020)

It is important to begin with a clarification of the background of the abovemen[64]tioned case of *Shell Petroleum Development Company v. Council of Ijaw Nation* to properly understand the dispute. The conflict traces its origins to the 1970s, when a significant oil spill devastated the Ejama-Ebubu community in Tai Eleme, Rivers State. The affected residents led by Chief Isaac Agbara and others, instituted legal action against Shell Petroleum Development Company (SPDC). What followed was an extraordinarily prolonged legal battle that spanned over three decades. In 2010, the Federal High Court ruled in favour of the community and awarded damages against Shell. Shell challenged the decision through the appellate system up to the Supreme Court. In

[58] *Ibid* s 3.
[59] *Ibid* s 5.
[60] Energy Commission of Nigeria Act Cap E17 LFN 2004.
[61] ECN, National Energy Policy Review *(2020).*
[62] *Ibid.*
[63] Oyewo A, 'Climate Litigation and Environmental Justice in Nigeria' (2021) 9 *African Journal of Environmental Law* 73.
[64] (unreported).

January 2019, the Supreme Court affirmed the decisions of the lower courts' holding Shell liable and directing it to pay ₦17 billion (Seventeen Billion Naira) in compensation.
Dissatisfied with the Supreme Court's final decision, Shell returned to the apex court 2020 seeking a review of the 2019 judgment. Although the detailed grounds of this application are not fully disclosed in public records, the affected communities objected, arguing that Shell was effectively inviting the court to overturn its own conclusive judgment – an action they said was procedurally improper.[65]

On 27 November 2020, a panel of five Supreme Court Justices dismissed Shell's request for a review. The lead opinion, prepared by Justice Centus Nweze and delivered by Justice Samuel Osuji, upheld the objection raised by the respondents. The Court concluded that Shell had not demonstrated any valid reason to justify revisiting a settled judgment. Consequently, the Court refused to disturb its earlier decision. The parties were ordered to bear their respective costs.

4.1.1 Significance and Legal Impact

1. Finality of Supreme Court Judgments

The ruling reinforces the long-standing principle that decisions of the Supreme Court are meant to be final. The Court underscored that it will only reopen concluded matters in exceptionally narrow circumstances, none of which applied to Shell's application. This affirms the stability and certainty of Nigeria's judicial system.

2. Victory for Community Rights and Access to Justice

For the Ejama-Ebubu, Ijaw and Ogoni communities, the decision represents a major legal triumph after decades of litigation. With the judgment now beyond challenge, they are in a stronger position to demand enforcement and environmental remediation. with accumulated post-judgment interest, the total compensation could rise to approximately ₦182 billion.[66]

3. Corporate Accountability

The case demonstrates that multinational corporations operating in Nigeria can be held accountable for environmental damage. It signals

[65] SeeSupreme Court dismisses Shell's application to reviewOgoni #17bn judgment,*Guardian Nigeria*, 27 November 2020 (reporting Shell's application to revisit the January 11, 2019 judgment and the communities' objection that it was an attempt to undermine the finality of the Supreme Court's decision).
[66]*Shell Petroleum Development Company (Nig) Ltd v Council of Ijaw Nation* (2020) 10 NWLR (Pt 1731) 1 (SC); see also reports on post-judgment interest accruing on the award.

that even economically powerful oil companies cannot evade responsibility once liability has been conclusively established by the courts.

4. Growth of Environmental Jurisprudence in Nigeria

The outcome contributes to the evolving body of environmental law in Nigeria. It encourages other oil-impacted communities to pursue legal redress and may strengthen public confidence in using the courts to challenge pollution and environmental degradation.

4.2 *Gbemre v. Shell Petroleum Development Company of Nigeria Ltd (2005) AHRLR 151 (NgHC 2005)*

Facts: The Nigerian National Petroleum Corporation (NNPC) and Shell Petroleum Development Company (SPDC) were sued in this historic case by Jonah Gbemre, who was representing the Iwherekan community in the Niger Delta. The Nigerian Constitution guarantees the plaintiffs' fundamental rights to life and dignity, and they claimed that the defendants' ongoing gas flaring infringed these rights and harmed the environment. [67]

Decision: According to the Federal High Court's decision in favor of Gbemre, SPDC and NNPC's gas flaring violated both Section 34 (the right to dignity) and Section 33 of the Nigerian Constitution, which guarantees the right to life. [68] The court stressed that the Nigerian government had an obligation to uphold regulations that safeguard the environment and the public's health, and it ordered the defendants to stop gas flaring in the neighborhood. [69]

Significance: The legal recognition of environmental rights as fundamental human rights in Nigeria was established by this case, which makes it notable.[70] The ruling added to the nation's legislative framework for regulating climate change by emphasizing the roles that the public and private sectors must play in safeguarding the environment.[71]

[67] *Ibid* n.29.
[68] *Ibid*.
[69] *Ibid.*
[70] Aina EO, 'Environmental Human Rights in Nigeria: A Judicial Perspective' (2012) 3 *Nigerian Law Journal* 91.
[71] *Ibid*.

4.3 The Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v. Federal Republic of Nigeria & Anor.

Facts: The Federal Republic of Nigeria was sued[72] by the Socio-Economic Rights and Accountability Project (SERAP) at the ECOWAS Court of Justice. The lawsuit claimed that the government had violated the people's right to a healthy environment by not controlling environmental pollution emanating from the operations of oil companies in the Niger Delta. [73]

Decision: According to the ruling of the ECOWAS Court of Justice, the Nigerian government violated the African Charter on Human and Peoples' Rights, including the right to a satisfactory environment, by neglecting to safeguard the Niger Delta people from environmental damage. [74]

4.4 *Centre for Oil Pollution Watch v. Nigerian National Petroleum Corporation*

Facts: An environmental non-governmental organization called Center for Oil Pollution Watch filed[75] a lawsuit against the Nigerian National Petroleum Corporation (NNPC), claiming that the company's disregard for environmental responsibility and its role in aggravating the effects of climate change by failing to clean up oil spills in the Niger Delta constituted environmental negligence [76]

Decision: The Court of Appeal ruled that the NNPC was responsible for the environmental harm brought about by the oil spills and mandated that the company immediately begin cleaning up the impacted regions. The court emphasized the necessity of adhering to environmental standards and emphasized the significance of corporate responsibility in environmental protection.

Significance: The aforementioned decision reaffirmed the legal requirement for enterprises, especially those operating in the oil and gas industry, to reduce their environmental impact. The ruling functions as a

[72]*SERAP v Federal Republic of Nigeria & Anor* (ECW/CCJ/APP/08/09).
[73]*Ibid.*
[74]African Charter on Human and Peoples' Rights, art 24.
[75]*Centre for Oil Pollution Watch v. NNPC*, 2019, LPELR-50879(CA)).
[75]*Ibid.*
[76]*Ibid.*

prompt of the possible responsibility for ecological damage and the need of complying with environmental statutes and guidelines. [77]

4.5. *Oronto Douglas v. Shell Petroleum Development Company Ltd & Others*

Facts: In order to contest the environmental effects of Shell Petroleum Development Company Ltd.'s oil exploration operations in the Niger Delta, environmental activist Oronto Douglas filed[78] a lawsuit against the company. [79] He maintained that the rights of the nearby populations to a healthy environment were violated by the environmental devastation brought on by these activities.

Decision: The plaintiff's right to file a case was recognized by the Federal High Court, which also recognized that groups and individuals may file environmental lawsuits to safeguard the public interest. [80] Even though Shell was not directly found guilty in this case, it was important for establishing the concept of environmental standing in Nigerian law.

Significance: Since it provided a platform for public interest litigation on environmental issues, the case is a significant turning point in Nigerian environmental law. Enforcing legislation related to climate change is made possible by the establishment of the right of individuals and non-governmental organizations to contest environmental harm and request court intervention. [81]

4.6. *SPDC v. Council of Chiefs of Ube Community*

Facts: Bayelsa State's Ube Community sued[82] Shell Petroleum Development Company (SPDC) for environmental harm from oil leaks.[83] By claiming that Shell's operations aggravated climate change and contributed to environmental contamination, the plaintiffs claimed damages for the harm done to their land, water, and means of subsistence.

Decision: Shell was ordered to compensate the community for the environmental harm by the Court of Appeal, which decided in favor of the Ube Community.[84] The court stressed the responsibility businesses

[77] *(*NESREA Act 2007; EIA Act Cap E12 LFN 2004*).*
[78](1999) 2 NWLR (Pt. 591) 466.
[79]*Oronto Douglas v. SPDC*, 1999, 2 NWLR (Pt. 591) 466).
[80] *Ibid.*
[81]NESREA Act 2007; Constitution of the Federal Republic of Nigeria 1999, s. 20
[82] (*SPDC v. Council of Chiefs of Ube Community*, 2015, LPELR-40047(CA))
[83]*Ibid.*
[84]*Ibid.*

have to the communities in which they operate, especially with regard to the environment.

Significance: In Nigeria, this case strengthened the idea that businesses should be held accountable for environmental damage. The ruling emphasized the court's responsibility to ensure businesses are held accountable for the environmental effects of their operations, which is essential for the successful management of climate change.[85]

4.7.*Environmental Rights Action/Friends of the Earth Nigeria v. Federal Government of Nigeria.*

Facts: In a lawsuit[86] brought against the Federal Government of Nigeria, Environmental Rights Action/Friends of the Earth Nigeria[87] contested the government's inability to control the operations of oil firms in the Niger Delta.[88] The plaintiffs contended that this oversight resulted in extensive environmental deterioration, exacerbating climate change and infringing upon local residents' rights.

Decision: The Federal High Court acknowledged the necessity of enforcing environmental rules and regulations more strictly in order to protect the environment and lessen the effects of climate change. [89] Government accountability for environmental control was emphasized by the case, even if it did not specifically result in a finding against the government.

Significance: The case is noteworthy because it highlights how important it is for the government to regulate environmental practices and how those regulations affect climate change. It acted as a call for stricter enforcement of existing environmental regulations and more responsibility in the application of programs aimed at combating climate change. [90]

5.**Regulating Climate Change in Nigeria: A Revisit of Regulation and Enforcement**

Climate change regulation has become a major global legal and environmental concern, especially for developing countries like Nigeria that face rapid industrialisation, depend heavily on fossil fuels, and have

[85] *(*NESREA Act 2007; EIA Act 1992*).*
[86] (*ERA/FoEN v. Federal Government of Nigeria*, 2008, Unreported
[87] *Ibid.*
[88] *Ibid.*
[89] *Ibid* n.75.
[90] *(*Climate Change Act 2021; NESREA Act 2007*).*

weak environmental governance. [91] With expanding international obligations under the Paris Agreement, Nigeria has begun reforming its legal framework, most notably through the Climate Change Act 2021, which introduced binding emission-reduction targets and new institutional structures for climate governance. [92]

Assessing the environmental impact of these regulatory measures is crucial to determine their effectiveness and Nigeria's readiness for a sustainable, low-carbon transition. Nigeria's experience offers valuable insight into how law, policy coordination, and regulatory enforcement shape environmental outcomes in a resource-dependent economy.[93]

5.1 Regulatory Landscape

The Climate Change Act 2021 is widely regarded as the first comprehensive legal instrument establishing a structured and enforceable system for climate governance in Nigeria. The Act creates two important institutional mechanisms[94]: the National Council on Climate Change, responsible for coordinating climate-related policies across government,[95] and the Climate Change Fund, established to mobilise financing for mitigation and adaptation initiatives.[96] The legislation also seeks to align Nigeria's domestic legal framework with global climate obligations most notably the Paris Agreement by institutionalising emission-reduction pathways, carbon budgeting, and national climate action planning.[97]

These provisions represent a major departure from Nigeria's earlier approach, where climate governance relied on fragmented policies, guidelines, and ministerial directives that lacked the force of law. [98]

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[91]Globe Legislators**,**Climate Change Legislation in Nigeria: Policy Developments and Implementation Challenges *(2021)* Globe International Climate Policy Review.

[92]Ajieel, A.**,**Nigeria's Climate Governance Framework: Evaluating the Climate Change Act 2021 and Its Implementation Prospects (2022) *African Journal of Environmental Law and Policy*.

[93] Anyogu, F. A. & Nyekwere, E. H., "Appraisal of the Legal and Institutional Framework for Sustainable Environmental Management in Nigeria" (2021) 16 *Nigerian Juridical Review* 155–176.

[94]*Ibid*, s 1 (establishing the Act and its objectives).

[95]*Ibid*, ss 4–6 (establishment, composition, and functions of the National Council on Climate Change).

[96]*Ibid*, s 15 (establishment and purposes of the Climate Change Fund).

[97]*Ibid*, ss 20–25 (carbon budgets, national climate action planning, and alignment with international climate commitments).

[98] *Ibid* n (79)

5.2 Gaps in Enforcement and Institutional Capacity

Despite the progressive nature of the National Environmental Standards and Regulations Enforcement Agency (NESREA),enforcement remains a significant weakness. The NESREA, as the primary institution responsible for environmental compliance in Nigeria, has been repeatedly criticized [99] for inadequate institutional capacity, insufficient manpower,
and limited technical expertise.[100] In addition, implementation of the Act has been hindered by bureaucratic delays, overlapping institutional mandates, and inconsistent coordination among federal, state, and local authorities. [101] These structural inefficiencies undermine regulatory coherence and weaken Nigeria's institutional readiness to address climate risks.

A further challenge lies in the deterrent mechanisms within the climate regulatory system. Penalties for environmental violations remain insufficiently robust, and oversight mechanisms are inconsistently applied, reducing incentives for compliance among corporations and public entities.[102]

5.3. Environmental Justice and Vulnerable Communities

Contemporary scholarship highlights that climate change in Nigeria does not affect all populations equally. The greatest burdens fall on coastal, riverine, and rural communities, which suffer from flooding, coastal erosion, sea-level rise, biodiversity loss, and reduced agricultural productivity.[103]

This is why some legal scholars and environmental practitioners advocate for stronger integration of environmental justice principles into Nigeria's climate governance framework. The aim is to have climate policies that prioritise vulnerable communities, ensure equitable allocation of adaptation resources, and encourage participatory decision-

[99] Nigerian Journals Online, Annual Review of Scholarly Publications in Nigeria (2020) Nigerian Journals Online Research Report.
[100] National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, ss 2–7; see also O Fagbohun, *Environmental Law and the Nigerian Constitution* (2nd edn, Odade Publishers 2019) 312–315; A Adeola, 'Institutional Challenges of Environmental Regulation in Nigeria' (2018) 9 *Afe Babalola University Journal of Sustainable Development Law and Policy* 45, 60–63.
[101] n.79.
[102] *Ibid.*
[103] *Ibid.*

making.[104] Nature-based solutions such as reforestation, afforestation, and ecosystem restoration are also increasingly recognised as both viable and socially just approaches to climate adaptation. However, their implementation remains limited due to inadequate funding, weak institutional support, and insufficient community engagement.[105]

5.4. Security and Socioeconomic Risks

Climate change in Nigeria is not only an environmental problem; it also presents significant security challenges. Studies published in the *Nigerian Juridical Review* note that climate-induced stressors such as drought, desertification, food scarcity, and resource conflicts intensify communal clashes, displacement, and competition over land and water.[106] These conditions heighten the potential for violent conflict, particularly in the North-East and the Middle Belt.[107] Economically, Nigeria remains highly vulnerable due to its dependence on fossil fuels.[108]

Without a strong regulatory backing for a low-carbon transition, the country risks losing access to global climate finance, falling behind in renewable-energy development, and prolonging economic insecurity.

5.5 Challenges and Recommendations

Nigeria has developed a legal framework for regulating climate change; however, significant challenges remain, including low levels of public awareness and participation, weak enforcement of existing legislation, and inadequate funding for climate-related programmes.[109] The

[104]MSW Management Journal,Sustainable Waste Governance and Climate Policy Integration in Developing Economies (2022) *MSW Management Journal Environmental Policy Review*.

[105] *Ibid* n.79.

[106]Nigerian Juridical Review, Developments in Nigerian Environmental and Climate Law: A Review of Legislative and Judicial Trends (2021) *Nigerian Juridical Review*, Vol. 15.

[107] See United Nations Development Programme (UNDP*),* Nigeria Human Development Report 2021: Multidimensional Poverty in Nigeria(UNDP 2021) 78–82; International Crisis Group, Stopping Nigeria's Spiralling Farmer–Herder Violence (Africa Report No 262, 2018); see also *Adelakun v Federal Republic of Nigeria (2020) 12 NWLR (Pt 1738) 1* (on security challenges in conflict-prone regions).

[108]See Nigerian National Petroleum Corporation (NNPC), Annual Statistical Bulletin *(latest edn); World Bank,* Nigeria Country Climate and Development Report (World Bank 2022) 23–29; International Monetary Fund,Nigeria: Selected Issues (IMF Country Report No 23/85, 2023).

[109] Climate Change Act 2021; see also A A Ademola, 'Climate Change Governance and Implementation Challenges in Nigeria' (2022) 13 *Afe Babalola University Journal of Sustainable Development Law and Policy* 87, 95–102; United Nations Environment Programme (UNEP*),* Climate Change Governance in Nigeria (UNEP 2020) 41–45;

effectiveness of climate policy in Nigeria is also undermined by political instability and systemic corruption.[110] It is argued that resolving these issues will help to ensure that Nigeria's climate change regime produces measurable environmental, socioeconomic, and developmental outcomes. Resolution will require several reforms, discussed below:

a. Strengthen Enforcement Mechanisms: The judicial and regulatory organizations like NESREA must be strengthened in order to properly implement climate legislation. This could be achieved with proper funding of environmental enforcement institutions and the judiciary in addition to enhanced training of environmental enforcement agents. NESREA and allied agencies must be comprehensively restructured and adequately funded to enhance enforcement effectiveness and technical capacity. [111]
b. Enhanced Public Participation: In order to guarantee that policies are inclusive and successful, it is imperative that civil society, local communities, and the commercial sector be included in climate governance. Expanding public awareness efforts and stakeholder discussions will be necessary to achieve this.
c. Increase Funding for Climate Initiatives: Financial support for renewable energy projects and disaster risk reduction initiatives should be included in the government's increased funding for climate change adaptation and mitigation initiatives. To further aid in achieving its climate goals, Nigeria ought to explore global climate financing opportunities, such as the Green Climate Fund (GCF), established under the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, which provides funding to developing countries for climate mitigation and adaptation projects.[112]
d. Integrate Climate Change into Development Planning: All facets of national development planning, including infrastructure

World Bank, Nigeria Country Climate and Development Report (World Bank 2022) 67–73.

[110] See Transparency International, Corruption Perceptions Index (latest edn); World Bank, Worldwide Governance Indicators: Nigeria (World Bank); United Nations Development Programme (UNDP), Governance and Climate Change in Nigeria (UNDP 2021) 22–26; A O Olaniyan, 'Governance Deficits and Environmental Regulation in Nigeria' (2019) 10*Nigerian Journal of Public Law 133, 145–148.*

[111]RUN Repository,Research Outputs on Environmental Policy and Climate Governance in Nigeria *(2022)* Redeemer's University Institutional Research Series.

[112] United Nations Framework Convention on Climate Change (opened for signature 9 May 1992, entered into force 21 March 1994) art 11; Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016); Green Climate Fund, *GCF Governing Instrument* (2011), https://www.greenclimate.fund/document/governing-instrument accessed 26 January 2026.

initiatives and agricultural policies, should take climate change into account. This will guarantee that economic growth is resilient to the effects of climate change and sustainable. The Climate Change Fund must be sustainably financed through transparent public budgeting, private-sector engagement, and access to international climate finance instruments. [113] Grassroots adaptation programmes should be prioritised to ensure equitable access to climate-resilience resources,especially for vulnerable communities disproportionately
exposed to climate hazards.[114]

Regulation of climate change in Nigeria is still evolving. This evolution is propelled by both global obligations and internal demands. It is arguable that the country has made significant progress regarding climate change regulation, especially since the Climate Change Act was passed. However, there is still much to be done to ensure the full implementation of the country's environmental and climate-change-related laws and policies. It is argued that the efficient enforcement of existing laws will augment public engagement, and improve funding for climate initiatives. Therefore, improving the legal enforcement infrastructure could enhance Nigeria's capacity to tackle climate change and attain sustainable development.

The case laws discussed above underscore the influence of enforcement and show how environmental regulations and climate change adaptation are changing in Nigeria. When it comes to interpreting and upholding laws meant to preserve the environment and minimize the effects of climate change, the court has played a major role. The judiciary's ability to hold businesses and the government accountable for environmental harm in Nigeria is vital as the country struggles with the effects of climate change.

The discussions so far demonstrate a robust legal framework and efficient enforcement are desirable in Nigeria to address the environmental effects of climate change. Additionally, they highlight how crucial public interest litigation is to the advancement of environmental conservation and climate change regulation.

6.**Conclusion**

Nigeria's regulations on climate change and related environmental issues are intricate and multidimensional, requiring a thorough and methodical approach for effective implementation. Nigeria, is highly susceptible to

[113]GlobeLegislators,Climate Change Legislation in Nigeria: Policy Developments and Implementation Challenges (2021) *Globe International Climate Policy Review*
[114]*Ibid* n (83)

the effects of climate change. The major issue for Nigeria in addressing this challenge lies in the country's inability to strike a balance between environmental sustainability and economic development. Nigeria is already experiencing a number of the environmental effects of climate change, such as rising temperatures, erratic rainfall patterns, desertification, flooding, and a decline in biodiversity. The nation's water resources, public health, agricultural production, and overall economic stability are all seriously threatened by these developments. Nigeria's legal and regulatory structures, defined by both internal policies and international responsibilities, constitute the framework through which the country is responding to these challenges.

The nation has demonstrated its commitment to taking action on climate change by ratifying important international treaties including the Paris Agreement and the UNFCCC. However, the country faces difficulties in translating these promises into national laws and programs that work. Effectively regulating climate change in Nigeria requires a multi-pronged approach that strengthens both the legal framework and its enforcement. The Climate Change Act 2021 and related environmental laws provide a solid foundation, but challenges such as weak institutional capacity, low public awareness, inadequate funding, political instability, and corruption continue to undermine progress. [115] These challenges have been discussed specifically in section five of this article.

Finally, by adopting these measures, Nigeria can move from a framework of largely aspirational climate regulation to one characterized bypractical, enforceable, and results-oriented climate governance – reducing emissions, building resilience, and fulfilling its global climate commitments. The results of this research contribute to the larger conversation about environmental legislation and policy and provide important insights for other developing nations dealing with comparable difficulties in addressing climate change.[116]

[115] Climate Change Act 2021; National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, ss 2–7; A A Ademola, Climate Change Governance and Implementation Challenges in Nigeria (2022) 95–102.
[116] African Development Bank, Climate Policy in Sub-Saharan Africa (2019).