

Legal framework for climate change and climate change litigation in Nigeria _____

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Abstract

Nigeria is very susceptible to the adverse effects of climate change because it relies heavily on climate-sensitive industries like agriculture and water resources. This presents substantial environmental and economic difficulties on a global scale. This study seeks to provide a thorough analysis of Nigeria's legal system on climate change and examine how climate change lawsuits can contribute to improving climate governance. The study used a mixed-methods approach, integrating qualitative and quantitative data obtained from literature reviews, case studies, and analyses of policy documents. The results indicate that although Nigeria has made progress in implementing climate legislation, there are still substantial deficiencies in the enforcement and adherence to these laws. The report points out the detrimental effects of climate change on Nigeria's environment and economy, emphasising the necessity for strong legal and institutional structures. Nigeria's climate governance can

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improve by implementing tactics employed in more developed countries, as evidenced by comparative study with worldwide best practices. The key issues that have been recognised include the presence of legal, procedural, and institutional obstacles that hinder the effectiveness of climate litigation. The study provides suggestions for fortifying Nigeria's legal structure, improving institutional capabilities, and promoting public involvement in climate action. Nigeria can enhance its ability to withstand the impacts of climate change and promote fairness in addressing climate issues by incorporating climate considerations into wider development strategies and utilising global assistance. This study stresses the need for implementing extensive changes and fostering international collaboration to tackle the complex concerns of climate change in Nigeria.

Keywords: Climate Change; Nigeria; Legal Framework; Climate Litigation; Environment; Policy Reform.

Introduction

Climate change presents substantial environmental, social, and economic challenges on a global scale, with emerging nations such as Nigeria experiencing a disproportionate burden of consequences of climate change (Ogbuabor & Egwuchukwu, 2017; Okon et al., 2021). Carbon emission and forest depletion were used to capture climate change, while changes in government expenditure, domestic private investment and exchange rate were used as control variables. The results indicate that both in the long-run and short-run, carbon emissions affect growth adversely. In addition, forest depletion impacts negatively on growth in the short-run. These results imply that Nigerian government should evolve and implement policies to curb carbon emissions and forest depletion. In particular, a National Climate Change Commission is required in Nigeria to deal with all climate change issues. Furthermore, the finding that domestic private investment and naira-to-dollar exchange rate impede growth in Nigeria means that policymakers and governments at all levels in Nigeria should evolve and implement policies to reverse these undesirable outcomes.

Keywords: Climate Change; Economic Growth; Ordinary Least Squares; Nigeria

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license: "Copyright (c. Nigeria, with its varied ecosystems and increasing population, is experiencing threatening repercussions from climate change, such as changes in rainfall patterns. These changes pose a serious risk broadly from environmental and economic standpoints and specifically to agriculture, water resources, health, and overall development of the country. Desertification is a nub of the matter in the

Northern part of Nigeria. The Sahara Desert is progressively expanding towards the south, intruding upon fertile regions and reducing the agricultural productivity of the region (Food and Agriculture Organisation, n.d.; Ritchie & Roser, 2024). Consequently, there has been a decline in biodiversity, a decrease in soil fertility, and an increase in dust storms, all of which contribute to further environmental degradation (FAO n.d.). Flooding is having a growing impact on coastal regions, particularly in the Niger Delta region (Ikehi, Onu, Ifeanyieze, & Paradang, 2014; Onuoha, 2023). Climate change intensifies the process of rising sea levels, resulting in the erosion of coastal areas and the infiltration of saltwater into freshwater sources. Intense precipitation in inland areas leads to river floods, affecting both urban and rural communities (Agossou, Yang, & Lee, 2022).

Climate change has a very concerning negative influence on agriculture, which is a fundamental industry for Nigeria's economy and food security (Adamaagashi et al., 2023; Ani, Anyika, & Mutambara, 2021) focusing on Nigeria. Nigeria, as the most populous country in Africa, is highly vulnerable to the impacts of climate change on its agricultural sector. The research conducts a comprehensive literature review and synthetic analysis to identify the key factors that make Nigeria's food production systems susceptible to climate change. Nigeria's diverse climate, influenced by latitude, topography, winds, ocean currents, and the Sahara Desert, contributes to its vulnerability. Agriculture is crucial for food security, economic development, and livelihoods in Nigeria, making it particularly susceptible to climate change. The study examines the relationship between climate change and agriculture in Nigeria, discussing key challenges, possible consequences, and adaptation strategies. Impacts of climate change on Nigeria's food security include increased droughts, desertification, pests and diseases, unpredictable weather, decreased fishery productivity, and limited access to resources and technology. To mitigate these impacts and enhance resilience, the study suggests various adaptations and strategies such as crop diversification, utilization of improved varieties, efficient water management, sustainable soil practices, climate-smart agriculture, capacity building, access to credit and insurance, policy support and coordination, climate information systems, and the establishment of farmer cooperatives and sustainable value chains. These recommendations aim to improve food security, rural livelihoods, and overall resilience in Nigeria's agricultural system in the face of climate change.";container-title": "International Journal of Agriculture and Earth Science (IJAES). Changes in precipitation patterns, extended periods of drought, and exceptional weather occurrences affect the timing of planting and harvesting cycles, resulting in decreased crop production and endangering the source of livelihoods of countless farmers, and in a similar fashion, climate change presents substantial health hazards as well (Mohammed & Tanko, 2018; Yila, Gboku, Lebbie, & Kamara, 2022). Increased temperatures facilitate the proliferation of vector-borne illnesses, such as malaria and dengue fever (Mojahed, Mohammadkhani, &

Mohamadkhani, 2022; Paz, 2024). More so, flooding may result in the transmission of waterborne illnesses such as cholera, as well as heatwaves significantly heighten the likelihood of heat-related ailments and fatalities, especially among susceptible demographics such as the elderly and children (Meena & Jha, 2023). Climate change can lead to environmental degradation and resource scarcity, which in turn can fuel unhealthy migration and conflict. Communities in northern Nigeria for instance, are compelled to migrate towards the south due to desertification and drought, resulting in conflicts over land and water supplies. This has intensified tensions and played a role in clashes between farmers and herders (Mohammed & Tanko, 2018).

Higher temperatures give rise to a hike in the need for energy, particularly for the purpose of cooling (Mojahed et al., 2022). This exacerbates the burden on Nigeria's already precarious electrical infrastructure. This further exposes the nation's dependence on hydropower also, as it is already at risk due to alterations in precipitation patterns and diminished water availability, resulting in variations in the provision of electricity. A report by Sustainable Insurance Forum & Financial Stability Institute, (2019) show that climate change poses heightened hazards to the financial sector as insurance firms face the challenge of dealing with increasing claims associated with severe weather events, resulting in increased premiums and limited coverage options. This has had a huge effect on firms and individuals who depend on insurance as a means of managing risk.

Nigeria has acknowledged the pressing necessity to tackle climate change (The State House, 2023). The National Climate Change Policy 2021-2030 establishes a strategy framework for reducing the socio-economic consequences of the detrimental impacts of climate change Nigeria has submitted its Nationally Determined Contributions (NDCs) under the Paris Agreement, and these NDCs detail the country's efforts to decrease greenhouse gas emissions and improve resilience to climate effects (Federal Ministry of Environment, 2021). A recent report by the United States Agency for International Development (USAID), (2023) indicate that Nigeria's objective is to unconditionally decrease emissions by 20%, and potentially achieve a reduction of up to 45% with international assistance by 2030 (Michael, 2023). Major efforts invested in improving the climate conditioning of the country primarily encompass the enlargement of renewable energy sources, enhancement of energy efficiency, and advocacy for reforestation. The Climate Change Act of 2021 offers a comprehensive legal framework to facilitate climate action in Nigeria, thus requiring the establishment of a National Council on Climate Change, saddling it with the responsibility of coordinating climate policy and establishing targets for reducing emissions. The Act also implements a carbon budget system to effectively govern and diminish greenhouse gas emissions. Nigeria engages in multiple international climate initiatives and accords, such as the United Nations Framework Convention on Climate Change (UNFCCC)

and the Green Climate Fund (GCF). These platforms offer financial, technical, and expert assistance to bolster Nigeria's climate objectives. Implementing these commitments through tangible measures necessitates a synchronized strategy that makes a mix of all tiers of governance, the business sector, and non-governmental organizations. Enacting comprehensive legislation and regulations can establish the basis for sustainable development, safeguard at-risk groups, and contribute to international climate objectives.

This study aims to provide a thorough review of the legal system governing climate change and climate change cases in Nigeria as well as to assess Nigeria's adherence to and effectiveness in tackling climate change by analyzing both domestic and international legal frameworks. This paper analyses the problems and opportunities presented by the current legislative framework and recommend ways to improve the efficacy of climate policies and activities in Nigeria. The primary research questions that lay the groundwork for this paper include an inquiry into the principal legal mechanisms that regulate climate change in Nigeria, the extent to which these legal frameworks have been instrumental in reducing the effects of climate change and advancing sustainability, the major obstacles impeding climate change litigation in Nigeria and how Nigeria's climate policies and litigation procedures compare to those of other jurisdictions.

Additionally, this study seeks to enhance the existing knowledge on climate change legislation and policy by conducting a comprehensive analysis of Nigeria's approach to climate change in relation to global efforts. The analysis will encompass an examination of pertinent international accords, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement, in order to comprehend Nigeria's implementation efforts as well as the country's obligations under these accords. The study will investigate the influence of different stakeholders, such as government agencies, civil society, and the judiciary, in creating and implementing climate policy. The study seeks to provide valuable insights to policymakers, legal practitioners, and scholars by conducting a thorough analysis and also contribute to the current discussion on climate change mitigation and adaptation. This paper seeks to close the divide between theory and practice by evaluating the efficacy of legal frameworks and providing tangible steps for improvement on climate change action.

Literature review

The effects of climate change in Nigeria are evident in a range of environmental and socioeconomic forms that have a substantial impact on the development of the country. The environmental effects takes the form of increased temperatures, altered precipitation patterns, and severe weather events such as floods and droughts

(Adedoyin, Ayoola, Opele, & Ikenweiwe, 2011; Ogbuabor & Egwuchukwu, 2017). The changes have an immediate impact on agriculture, which is a crucial industry for Nigeria's economy and food security. A class of scholars including Adamaagashi et al., (2023); Kim & Lee, (2023); Raza et al., (2019); Tunde, Amindeh, and Omojola, (2024) have in their research demonstrated that modified precipitation patterns and extended periods of drought disturb the timing of planting and harvesting, resulting in decreased crop production and endangering the livelihoods of countless farmers. The effect on water resources is particularly considerable, with water scarcity becoming a notable concern in several regions of the country, impacting both human consumption and agricultural irrigation.

Climate change not only has environmental consequences but also presents significant socioeconomic difficulties. The rise in temperatures worsens health hazards by promoting the transmission of vector-borne diseases such as malaria and dengue fever. Flooding can result in the occurrence of waterborne diseases, such as cholera. The economic consequences are significant, as sectors such as agriculture, health, and infrastructure face rising expenses as a result of climate-induced damages and disruptions. If sufficient actions are not taken, the World Bank projects that climate change could result in the impoverishment of millions of Nigerians by 2030 (Cervigni, Valentini, & Santini, 2013; Jafino, Walsh, Rozenberg, & Hallegatte, 2020). The social ramifications encompass heightened migration and disputes arising from the scarcity of resources, particularly among agriculturalists and pastoralists in the northern areas of the nation.

The Nigerian government has acknowledged these difficulties and has implemented measures to tackle climate change through a range of laws and programs. The National Climate Change Policy 2021-2030 delineates the nation's strategic approach to alleviate and adjust to the consequences of climate change (Federal Ministry of Environment, 2021). This strategy incorporates mechanisms to mitigate greenhouse gas emissions, bolster resilience, and advance sustainable development. The government has formulated the National Adaptation Strategy and Plan of Action on Climate Change for Nigeria (NASPA-CCN) to provide guidance for climate adaptation endeavors in many sectors (Greenwalt et al., 2021; Kolade, 2023). Nevertheless, the execution of these programs encounters substantial obstacles, such as insufficient financial resources, limited technical expertise, and fragile institutional structures.

International Legal Framework on Climate Change

The United Nations Framework Convention on Climate Change, which entered into force in 1994, is the main international legal framework for addressing climate change (UNFCCC, n.d.). It has near-universal membership and governs the

global affairs climate change issues. Nigeria, being a signatory to the UNFCCC, has undertaken several responsibilities with the objective of tackling climate change. The UNFCCC establishes the structure for international collaboration on climate change, mandating parties to disclose their greenhouse gas emissions, national policies, and actions taken to reduce and adapt to climate change. Thus, Nigeria is obligated under the UNFCCC to provide national communications and regular update reports that comprehensively outline the country's endeavors and advancements in addressing climate change.

The Paris Agreement, ratified in 2015 by the UNFCCC, is another major international accord set up with the primary aim of limiting the rise in global temperatures to less than 2°C above pre-industrial levels, as well as with additional measures to limit the temperature from increasing to 1.5°C (UNFCCC, n.d.-b). The Nationally Determined Contributions (NDCs) of Nigeria, as defined by the Paris Agreement, specify the country's objectives for mitigating greenhouse gas emissions and the approaches it will employ to accomplish these objectives. Nigeria's objective is to drastically decrease its emissions by 20% USAID, (2023) and potentially achieve a reduction of up to 45% with international assistance by 2030 (Michael, 2023). The Nationally Determined Contributions (NDCs) encompass initiatives like as the expansion of renewable energy sources, enhancement of energy efficiency, and the promotion of reforestation. The Paris Agreement also stresses the need for adaptation, as Nigeria delineates strategies to bolster resilience in key areas including agriculture, water resources, and health.

The NDCs of Nigeria draw attention to the relevance of implementing an exhaustive strategy to achieve the set targets for emission reduction. One of the primary objectives is to promote the adoption of renewable energy sources, such as solar and wind power, in order to reduce reliance on fossil fuels. Nigeria aims to enhance energy efficiency in the industrial and residential sectors, promote sustainable farming practices, and execute comprehensive afforestation and reforestation programs. The NDCs bring out the imperative of worldwide cooperation in domains such as finance, technological transfer, and capacity building to achieve these lofty goals. Nigeria is required, as per the Paris Agreement, to submit biennial update reports to track its progress and actively engage in the global stock take process to assess the overall progress made towards achieving the long-term goals of the Agreement.

The Kyoto Protocol, which came before the Paris Agreement, set enforceable targets for reducing emissions for wealthy nations. Although Nigeria, as a developing country, is not obligated to meet specific goals under the Kyoto Protocol (UNFCCC, n.d.), it actively engaged in initiatives like the Clean Development Mechanism (CDM) (Adejonwo-Osho, 2017; Nwozor et al., 2021) especially in developing countries to steer them away from the path of unsustainable development travelled

by developed countries. Article 12 of the Kyoto Protocol established the Clean Development Mechanism (CDM). This mechanism facilitated the implementation of projects aimed at reducing emissions while promoting sustainable development. Another important global agreement is the Kigali Amendment to the Montreal Protocol, which seeks to gradually reduce the usage of hydrofluorocarbons (HFCs), highly potent greenhouse gases (United Nations, 2016). Nigeria's role and adherence to these accords entail not just ensuring its global obligations but also incorporating these objectives into domestic policies and initiatives.

Nigeria actively participates in multiple international agreements and efforts, including the Kyoto Protocol, with the aim of addressing the issue of climate change. Nigeria is a member of the Climatic and Clean Air Coalition (CCAC), an organization entirely devoted to reducing the levels of short-lived climate pollutants such as methane, black carbon, and hydrofluorocarbons. These pollutants possess considerable potential to induce warming and pose serious health risks, emphasizing the need to prioritize their removal for the benefits of both climate and public health. Nigeria's involvement in the Global Methane Initiative (GMI) demonstrates its commitment to reducing methane emissions in key sectors such as oil and gas, agriculture, and waste management (Mahmoud, 2024).

Nigeria guarantees compliance with these international agreements by employing its domestic legal and administrative frameworks. The Department of Climate Change, which falls under the purview of the Federal Ministry of Environment, is responsible for ensuring the implementation of Nigeria's international climate commitments (Federal Ministry of Environment, 2021). This entails the development and execution of regulations, the distribution of resources, and the active engagement of stakeholders to ensure the effective implementation of climate action. The National Council on Climate Change, established under the Climate Change Act of 2021, plays a crucial role in overseeing and coordinating climate policies and activities at all levels and sectors of government. Nigeria aims to enhance its resilience to climate change and contribute to global climate goals by aligning its domestic efforts with international obligations.

Nigeria's participation in the UNFCCC, Paris Agreement, Kyoto Protocol, and other international climate agreements reflects its unwavering commitment to addressing the problem of climate change. Nigeria has set ambitious goals to reduce emissions, implemented a variety of strategies to mitigate and adapt to climate change, and actively participated in international efforts to address this issue, all aided by these frameworks. However, fulfilling these commitments requires continuous efforts, international support, and robust national frameworks to overcome challenges and take advantage of the opportunities presented by climate action. Nigeria's active engagement in these initiatives will significantly contribute to global efforts aimed at mitigating the impacts of climate change. Concurrently,

it will promote sustainable development and enhance resilience to the impacts of climate change.

National Legal Framework for Climate Change in Nigeria

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

The first and perhaps the most important legal groundwork from which climate change in Nigeria is founded is the Nigerian Constitution. However, it does not explicitly acknowledge climate change, however, it does build a fundamental structure for protecting the environment by incorporating provisions on environmental rights and responsibilities. As per Chapter II, Section 20 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), the state has a mandate to guarantee the safeguarding and improvement of the environment, including the preservation of water, air, land, forests, and wildlife. Although classified as non-justiciable Fundamental Objectives and Directive Principles of State Policy (Okere, 1983), these provision provides a normative framework that guides legislative and administrative activities concerning environmental matters. According to the constitution, the government is obligated to enact legislation and carry out initiatives that mitigate the impacts of climate change and support the advancement of sustainable development. In addition, the constitutional right to life as codified in the Section 33 of the CFRN 1999 (as amended) can be interpreted as include the right to a healthy environment, considering that environmental degradation and climate change pose direct threats to human life and well-being. Legal scholars and environmental activists often cite these constitutional provisions to ensure that the government fulfils its environmental obligations (Okonkwo, 2015, 2017; Umukoro, 2023).

The Climate Change Act 2021

Nigeria has enacted several substantial legislative measures to address climate change and protect the environment. The Climate Change Act of 2021 is an extremely important piece of legislation that establishes a comprehensive legal framework for tackling climate-related concerns in Nigeria. The legislation mandates the creation of a National Council on Climate Change, tasked with coordinating climate policy, setting emission reduction targets, and overseeing the implementation of the national climate action plan. The Act also establishes a carbon budget system, aimed at methodically overseeing and reducing greenhouse gas emissions. Moreover, it emphasizes the integration of climate change concerns

into both national and sector-specific development plans, ensuring a holistic approach to tackling climate change (The Climate Change Act, 2021).

Environmental Impact Assessment (EIA) Decree, 1992

The Environmental Impact Assessment (EIA) Decree of 1992 is another major legislation that requires the assessment of potential environmental effects of proposed projects prior to their approval and implementation. The EIA process ensures the inclusion of environmental considerations, such as the impacts of climate change, in the planning and decision-making processes. This legislation is crucial for mitigating and minimizing the adverse environmental effects resulting from industrial and developmental activities. The National Environmental Standards and Regulations Enforcement Agency (Establishment) (NESREA) Act of 2007 establishes NESREA Act as the principal entity responsible for implementing environmental laws and regulations. NESREA Act is tasked with the establishment and enforcement of regulations pertaining to the preservation of air and water quality, the handling of dangerous waste, and the mitigation of environmental pollution. Implementing these strategies is essential for mitigating the impacts of climate change.

Regulatory Bodies and Agencies

Regulatory entities and agencies such as NESREA Act have a vital function in carrying out and ensuring compliance with climate policies. NESREA's primary mandate is to enforce environmental legislation and regulations, carry out environmental audits, and oversee the measurement and tracking of greenhouse gas emissions. The Federal Ministry of Environment is responsible for supervising the formulation and execution of nationwide environmental policies, particularly those pertaining to climate change (Federal Ministry of Environment, n.d.). These bodies, however, encounter obstacles such as insufficient budget, restricted technical capabilities, and overlapping missions, which can impede the effectiveness of climate governance. Empirical evidence and case studies demonstrate that it is crucial to improve the capacity and coordination of these institutions in order to achieve effective climate action.

Policies and initiatives, such as the National Policy on Climate Change and Nigeria's Climate Change Response Strategy, serve as a guide for tackling climate change (Federal Ministry of Environment, 2021). These documents delineate the nation's strategy for mitigating and adapting to climate change, clearly stating precise objectives, benchmarks, and measures. The National Policy on Climate

Change prioritizes the incorporation of climate change factors into national development planning, advocating for the adoption of renewable energy sources, and strengthening the ability of vulnerable sectors to withstand and recover from climate-related challenges. The primary objective of Nigeria's Climate Change Response Strategy is to enhance its adaptive capability, minimize vulnerability, and harness international assistance. These policies and strategies are backed by diverse national and international financing channels designed to facilitate their implementation.

Apparently, Nigeria's approach to addressing climate change is guided by both global obligations and domestic legislative structures. Nigeria's global climate obligations are governed by the UNFCCC, Paris Agreement, and other international agreements. Meanwhile, domestic climate action is supported by national legislation, regulatory agencies, and policies. Nevertheless, there are still substantial obstacles to overcome in terms of executing, capability, and ensuring compliance. For Nigeria to effectively tackle climate change and achieve sustainable development, it is essential to fortify the legal and institutional framework, increase public engagement, and utilize foreign cooperation.

Methodology

Theoretical framework

This paper's theoretical approach is based on normative and empirical ideas that pertain to legislation concerning climate change. Normative theories provide as a foundation for assessing the moral and ethical aspects of climate policies, with a focus on concepts like fairness, righteousness, and durability. These theories aid in evaluating the extent to which the existing legal frameworks are in line with the overarching objectives of environmental justice and sustainable development. Empirical theories, in contrast, focus on the measurable consequences of climate change and the efficacy of legislative actions. This study seeks to provide a thorough knowledge of the strengths and weaknesses of Nigeria's climate change law by combining normative and empirical viewpoints. The analysis strives to be both theoretically rigorous and practically applicable.

Research Design

The research design employs a mixed-methodologies approach, integrating qualitative and quantitative methods for data collection and analysis. This technique enables a more intricate comprehension of the intricate matters related

to laws on climate change. The use of qualitative research approach according to Teherani and associates, (2015) a program director might say: “I collect data from my residents about their learning experiences in a new longitudinal clinical rotation. If I want to know about their learning experiences, should I use qualitative methods? I have been told that there are many approaches from which to choose. Someone suggested that I use grounded theory, but how do I know this is the best approach? Are there others?” Qualitative research is the systematic inquiry into social phenomena in natural settings. These phenomena can include, but are not limited to, how people experience aspects of their lives, how individuals and/or groups behave, how organizations function, and how interactions shape relationships. In qualitative research, the researcher is the main data collection instrument. The researcher examines why events occur, what happens, and what those events mean to the participants studied.^{1,2} Qualitative research starts from a fundamentally different set of beliefs—or paradigms—than those that underpin quantitative research. Quantitative research is based on positivist beliefs that there is a singular reality that can be discovered with the appropriate experimental methods. Post-positivist researchers agree with the positivist paradigm, but believe that environmental and individual differences, such as the learning culture or the learners’ capacity to learn, influence this reality, and that these differences are important. Constructivist researchers believe that there is no single reality, but that the researcher elicits participants’ views of reality.³ Qualitative research generally draws on post-positivist or constructivist beliefs. Qualitative scholars develop their work from these beliefs—usually post-positivist or constructivist—using different approaches to conduct their research. In this Rip Out, we describe 3 different qualitative research approaches commonly used in medical education: grounded theory, ethnography, and phenomenology. Each acts as a pivotal frame that shapes the research question(s) involve analyzing policy papers, legislative texts including the CFRN 1999 (as amended), the Climate Change Act of 2021 amongst others, and judicial precedents to extract pertinent information about the legal frameworks and how they are put into practice. Quantitative approaches encompass the use of statistical analysis on real-world data, such as greenhouse gas emission levels, deforestation rates, and socioeconomic indicators (Figgou & Pavlopoulos, 2015). These methods allow us to assess the effects of climate policy and track patterns and changes over time.

The data collection methods employed in this study comprise a diverse range of sources in order to guarantee a thorough and all-encompassing examination. Theoretical foundations and contextual backgrounds are provided by literature reviews of scholarly publications, books, and reports from respectable institutions. Examining prominent climate litigation cases in Nigeria and other jurisdictions provides tangible illustrations of how laws are construed and implemented in real-

world scenarios. The Nigerian government's stated pledges and planned actions are analyzed by studying policy papers such as national climate policies and international agreements. In addition, empirical data from government agencies, international organizations, and non-governmental organizations are used to measure the environmental and socioeconomic effects of climate change and evaluate the success of legislative actions.

Data Analysis

The data analysis methodologies utilized in this study are specifically developed to methodically assess the gathered data and extract significant results. Thematic analysis is employed to examine qualitative data derived from policy documents, legislative texts, and interviews. This analytical approach entails the identification, analysis, and reporting of patterns or themes present in the data. This approach facilitates the identification of fundamental problems, difficulties, and potential advantages in the execution of climate change legislation. Quantitative data is examined through statistical methods like trend analysis, correlation analysis, and regression analysis. These techniques help identify connections between variables and assess the effects of climate policies on important indicators such as greenhouse gas emissions, deforestation rates, and socioeconomic outcomes.

Comparative analysis approaches are used to compare Nigeria's climate change legislation and policies with those of other countries. This entails evaluating the legislative frameworks, policy approaches, and implementation techniques of nations that have achieved success in climate governance, such as the United Kingdom, the United States, and South Africa. The study intends to provide practical recommendations for improving Nigeria's climate change law and policy implementation by analyzing the best practices and lessons gained from these countries. The comparative analysis also emphasizes the distinct challenges and opportunities encountered by Nigeria, guaranteeing that the recommendations are customized to the particular circumstances of the country.

In all, this study combines normative and empirical ideas to conduct a thorough examination of climate change legislation in Nigeria. The mixed-methods research strategy integrates qualitative and quantitative methodologies to collect and analyze data from many sources, ensuring a comprehensive and nuanced comprehension of the topics at hand. The study uses thematic, statistical, and comparative methodologies to assess the efficacy of current legislation and policies, identify deficiencies and obstacles, and generate practical suggestions for action. This methodological approach guarantees that the study is firmly based on theory, informed by empirical evidence, and has practical significance, providing vital insights to the subject of climate change legislation.

Results

An examination of environmental and socioeconomic data uncovers a large chunk and diverse effects of climate change in Nigeria. Environmental impacts encompass heightened frequency and intensity of extreme weather phenomena, such as droughts, floods, and heatwaves. These events have resulted in substantial reductions in agricultural production, as crop yields have decreased due to unpredictable rainfall patterns and extended periods of drought. Studies have shown that basic crops like maize and sorghum have suffered yield decreases of up to 30% in certain areas (Durodola, 2019; Ogbuabor & Egwuchukwu, 2017). Moreover, climate change has worsened the process of desertification in the northern regions of Nigeria, resulting in a further decline in fertile land and posing a significant risk to food security (Adamaagashi et al., 2023; Audu & Linus, 2018; Dauda, 2023; Okon et al., 2021; Olagunju, 2015).

The socioeconomic impacts of climate change are equally significant. The agricultural industry, which has a workforce comprising more than 70% of the Nigerian population (Duru, 2022), has experienced significant negative effects, resulting in heightened levels of poverty and food insecurity (Osuji et al., 2023; Etuk & Ayuk, 2021; Omodero, 2021). The decrease in agricultural production has also stimulated rural-urban migration, as farmers and herders pursue improved prospects in metropolitan regions. The process of migration has placed significant stress on urban infrastructure and services, resulting in overpopulation and heightened demands on resources (Sennuga, Barnabas, Alabuja, Dokubo, & Bankole, 2023). Furthermore, climate change has substantial health consequences, since increasing temperatures and altering precipitation patterns contribute to the proliferation of diseases like malaria and cholera (ANWAR et al., 2019; Awad, Masoud, & Hamad, 2024; World Health Organization, 2014). If major mitigation measures are not implemented, projections indicate that climate change could potentially lead to a reduction of up to 11% in Nigeria's GDP by 2050, resulting in huge economic implications (Federal Ministry of Environment, 2020).

The assessment of Nigeria's legal frameworks for tackling climate change reveals a combination of pledges and obstacles. Nigeria is a signatory to several international agreements like the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement. Nigeria has pledged to decrease its greenhouse gas emissions by 20% unconditionally and by 45% conditionally by 2030 (United Nations, n.d.), as part of its Nationally Determined Contributions (NDCs) under the Paris Agreement. However, the achievement of these targets is contingent upon receiving foreign assistance. The Nationally Determined Contributions (NDCs) prioritize key sectors such as

energy, agriculture, and transportation. The measures outlined in the NDCs involve the scaling up of renewable energy sources, the implementation of reforestation initiatives, and the promotion of climate-smart agricultural practices (UNFCCC, n.d.-a).

Within the country, the legislative structure encompasses the Climate Change Act 2021, which established a National Council on Climate Change to effectively coordinate climate initiatives and enforce the Nationally Determined Contributions (NDCs). The Environmental Impact Assessment (EIA) Act requires evaluations for projects that are likely to have an impact on the environment, while the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act gives NESREA the authority to enforce environmental laws and regulations. Notwithstanding the existence of these frameworks, compliance and enforcement are still inadequate. The challenges encompass insufficient financial resources, limited technical expertise, and inadequate public knowledge. The Climate Change Act's ambitious objectives are impeded by insufficient budgetary resources and the lack of adequate monitoring and reporting methods (Olujobi & Odogbo, 2024).

Climate Change Litigation in Nigeria

The Nigerian courts have seen a number of significant climate change cases, which emphasize the judiciary's responsibility in dealing with climate-related matters. A landmark precedent is the case of *Gbemre v. Shell Petroleum Development Company Nigeria Limited and Others*, (2005) the Federal High Court sided with the plaintiff and confirmed that gas flaring contravened the constitutional rights to life and dignity. This pivotal ruling underscored the government's obligation to safeguard the environment and the well-being of the population, establishing a standard for forthcoming legal action related to climate issues. One other significant instance is the case of *SERAP v Federal Republic of Nigeria*, (2010), wherein SERAP filed a lawsuit against Nigeria for its failure to effectively prevent environmental degradation in the Niger Delta. SERAP alleged that the Nigerian government infringed upon the rights of the residents of Awori Community in Abule Egba, Lagos State, following a pipeline explosion in 2006. The NGO claimed that the government's noncompliance with environmental rules and regulations, together with oil spills and pollution, were responsible for the violations. The case exposed the deficiencies in Nigeria's climate policies and advocated for stricter steps to meet the country's international commitments under the Paris Agreement. While the court did not provide the exact remedies requested, the case drew considerable attention to the necessity for enhanced climate governance.

The case of *Centre for Oil Pollution Watch v. Nigerian National Petroleum Corporation*, (2019) specifically examined the effects of oil pollution that were worsened by climate change. The court's ruling emphasized the necessity for regulatory bodies to enhance the enforcement of environmental laws and ensure that polluters are held responsible. These cases demonstrate how the judiciary in Nigeria can have an impact on climate policy and enforcement. However, the small number of cases also highlights the difficulties faced in climate litigation, such as low public awareness and lack of technical understanding.

It goes without saying that climate change in Nigeria has had notable effects on the environment and the economy. This emphasizes the need for prompt and efficient legal and legislative measures to address the issue. Although Nigeria has pledged to adhere to international accords and has implemented a domestic legal framework, it continues to face difficulties in ensuring compliance and enforcement. Examinations of legal cases involving climate change demonstrate both the possibilities and challenges of utilizing the court system to promote efforts to address climate issues. The data presented here offer a thorough comprehension of the present condition of climate change effects and legal structures in Nigeria. This knowledge informs the ensuing debates and recommendations in this study.

Discussion

This paper draws attention to the disturbing effects of climate change on Nigeria's environment and socioeconomic structure. These findings are in line with previous research, which mostly and consistently emphasizes the susceptibility of African countries to climate change because of their strong dependence on climate-sensitive industries such as agriculture and their poor ability to adapt. The environmental data, which shows a rise in the occurrence and intensity of extreme weather events, aligns with the global patterns documented by the Intergovernmental Panel on Climate Change (IPCC) (Bolan et al., 2024). Nevertheless, the social outcomes, including the worsening of poverty and the movement from rural to urban areas, are particularly severe in Nigeria because of its substantial population and preexisting socioeconomic difficulties.

When comparing Nigeria's legal framework and climate obligations with some global best practices, it becomes evident that there are substantial deficiencies. For example, although Nigeria has passed the Climate Change Act 2021, its approach for putting the law into action and ensuring compliance are not as advanced as those of countries like the UK, which has a more thorough and enforceable legal structure in place with its Climate Change Act 2008. This comparison emphasizes the necessity for Nigeria to not only adopt strong legislation but also guarantee them efficient enforcement through sufficient financial resources, technical

expertise, and institutional backing. In addition, the number of climate litigation case studies in Nigeria is limited compared to more litigious nations such as the USA, where courts have significantly contributed to the advancement of climate policy through significant legal decisions.

Climate change lawsuits have gained major standing in several countries, each with its unique legal systems and judicial approaches. Suits related to climate change have been necessary in promoting environmental advocacy in the United States. A prominent case is that of *Massachusetts v. EPA*, (2007), in which the United States was a party. According to the Clean Air Act, the Supreme Court has ruled that greenhouse gases are classified as pollutants, and as a result, the Environmental Protection Agency (EPA) is obligated to control their emission into the atmosphere. This ruling underlined the role of the court in environmental legislation and set a precedent for future climate-related legal cases. Another notable example is the *Juliana v. United States* (2015) case, when a group of young plaintiffs argued that the government's failure to take action on climate change violated their constitutional rights to life, liberty, and property. Although facing legal challenges, the lawsuit drew attention to the innovative utilization of constitutional rights in climate litigation.

Climate litigation has gained major notoriety in the United Kingdom. The case of *Friends of the Earth and Others v. Secretary of State for Transport*, (2020) is a prominent example where the Court of Appeal declared the government's plan for a third runway at Heathrow Airport to be unlawful due to its failure to consider the Paris Agreement. This verdict highlighted the judiciary's willingness to uphold the government's duty to fulfil international climate commitments. Furthermore, the Climate Change Act 2008 in the UK offers a robust legal framework for climate lawsuits by legally mandating the government to reduce greenhouse gas emissions. The Act has been instrumental in cases such as *ClientEarth v. Secretary of State for Business, Energy and Industrial Strategy*, (2020), where the government was sued for failing to reach air quality goals.

South Africa has achieved notable advancements in climate litigation, as demonstrated by the groundbreaking case of *Earthlife Africa Johannesburg v. Minister of Environmental Affairs and Others*, (2017). The High Court has ruled that the government is required to consider the impact of climate change when granting license for new coal-fired power stations. This lawsuit established the precedent that environmental impact assessments must include considerations of climate change, therefore establishing a significant benchmark for future judicial proceedings. The South African Constitution, which includes the right to a healthy environment, has been a significant tool in climate litigation, enabling courts to hold the government accountable for environmental degradation and the impacts of climate change.

Challenges in Climate Change Litigation

A major obstacle in climate change litigation in Nigeria is the presence of legal and procedural impediments that impede the ability to take effective judicial action. The scarcity of climate-related cases can be ascribed to a dearth of public consciousness of environmental rights and the intricacies of establishing causation in climate litigation. Moreover, there exist substantial deficiencies in the legal structure that provide challenges for plaintiffs in achieving favorable outcomes in climate litigation. For instance, although the Nigerian Constitution acknowledges the entitlement to a sound environment, this entitlement is frequently not subject to legal action because of the absence of explicit, enforceable clauses in the enabling legislation.

Organizations such as NESREA and the Federal Ministry of Environment often suffer from insufficient funding and a lack of the requisite technical proficiency to adequately enforce environmental legislation. The lack of enough resources is worsened by bureaucratic inefficiency and corruption, which further undermine the implementation of climate measures. The judiciary encounters problems in its procedural approach, particularly due to a deficiency of specialized understanding of environmental law. This deficiency impairs judges' capacity to efficiently resolve intricate climate disputes. The inefficiencies of the court system and the prolonged duration of legal proceedings discourage potential litigants from pursuing climate lawsuit.

Potential Improvement Strategies

In order to tackle these issues, various possibilities for enhancement have been recognized. To enhance Nigeria's legal framework for climate change, it is necessary to not only alter current laws but also incorporate precise and enforceable regulations pertaining to greenhouse gas emissions, deforestation, and other crucial domains. By adopting strategies used in countries like the UK, Nigeria has the potential to gain advantages by establishing explicit goals for reducing emissions, implementing obligatory evaluations of climate impacts for significant projects, and imposing strict penalties for failure to comply.

These reforms should be accompanied by endeavors to integrate climate action into all sectors of development strategy. Enhancing institutional capacity is equally vital. Targeted training programs, augmented financing, and the supply of modern technologies and procedures can facilitate the accomplishment of this goal in environmental monitoring and enforcement. Collaborating with international organizations and other countries can grant access to specialized knowledge and

resources, thereby strengthening the capabilities of agencies such as NESREA and the Federal Ministry of Environment. Specialized training in environmental law is crucial for the judiciary to adequately prepare judges to successfully manage complicated climate lawsuit issues.

Enhancing public engagement is another crucial aspect that requires development. Involving civil society and communities in climate action can promote increased responsibility and endorsement of climate policies. Methods for improving public involvement encompass raising awareness through educational and promotional projects, engaging communities in environmental decision-making procedures, and providing assistance to local initiatives. Civil society organizations, non-governmental organizations (NGOs), and the media have the potential to significantly impact this matter, as demonstrated by the achievements of community-driven conservation initiatives in other nations. Promoting public engagement can result in policies that are more comprehensive and efficient.

Utilizing international cooperation and alliances is crucial for effectively addressing the worldwide scope of climate change. Nigeria can get advantages by engaging in international agreements and efforts, such as the Paris Agreement, since they offer opportunities to secure finance, obtain technical support, and facilitate the flow of knowledge. Enhancing Nigeria's ability to execute effective climate policy can be achieved by strengthening engagement with international organizations, such as the UNFCCC and the Green Climate Fund. Moreover, gaining knowledge from the experiences of other nations through bilateral and multilateral collaborations can offer significant ideas and exemplary methods for tackling climate change.

Conclusion and Recommendations

Ultimately, the pressing necessity for extensive legal and legislative reforms to tackle climate change in Nigeria cannot be overemphasized. Although the existing legislative structure and institutional processes serve as a basis, substantial enhancements are required to guarantee the efficient execution and enforcement. To effectively tackle the complex difficulties of climate change, Nigeria should improve its response by amending legal regulations, reinforcing institutions, and promoting public engagement. By utilizing international assistance and adopting successful strategies from around the world, Nigeria can strengthen its efforts to fulfil its climate obligations and safeguard its environment and people from the negative effects of climate change.

This study has exposed the diverse effects of climate change on Nigeria, with a particular focus on the environmental and economic consequences. The key

findings include a rise in the frequency and intensity of extreme weather events, negative impacts on agriculture, water resources, health, and the economy, and the worsening of poverty and rural-urban migration. These effects emphasize the need for strong measures to address climate change and for well-designed legal systems to reduce its impact and adjust to it. The evaluation of Nigeria's domestic and international legal systems revealed notable deficiencies in the implementation and adherence to laws, indicating the necessity for more robust regulatory mechanisms and institutional capabilities. Furthermore, the limited case studies of climate change litigation in Nigeria offer unique insights into the difficulties and possibilities of using legal channels to promote climate justice.

Comparing Nigeria's climate legislation to international best practices reveals that although Nigeria has made progress in enacting the Climate Change Act 2021, its implementation falls behind that of countries such as the UK and the USA. The absence of specific expertise in environmental law among the court, inadequately funded regulatory entities, and procedural hurdles pose substantial challenges to the successful pursuit of climate litigation in Nigeria. These findings emphasize the urgent requirement for extensive changes in legal regulations, institutional capabilities, and public involvement to improve climate governance in Nigeria.

The significance of these results for study, practice, and society is substantial. In order to further research, it is imperative to perform empirical studies that assess the efficacy of climate policies and legal frameworks in Nigeria, thereby bridging the gap between theory and practice. This can facilitate the identification of optimal methodologies and areas that require enhancement, thereby establishing a robust foundation of empirical data for future policy initiatives. Furthermore, conducting comparison studies with other jurisdictions might provide significant insights and tactics for improving climate governance in Nigeria.

Practically, the results highlight the significance of enhancing Nigeria's legislative and administrative structures concerning climate change. This entails not just modifying current legislation but also guaranteeing its efficient enforcement through sufficient financial resources, technical expertise, and institutional backing. In order to successfully address complicated climate litigation matters, it is imperative that the judiciary possesses specialized knowledge in environmental law. In addition, it is crucial to provide sufficient resources and authority to regulatory organizations such as NESREA and the Federal Ministry of Environment to effectively implement climate legislation.

Engaging civil society and communities in climate action is essential for society as it promotes accountability and garners support for climate measures. Increased public awareness and participation have been shown to result in the development of more inclusive and effective policies, as demonstrated by successful community-led conservation projects implemented in other nations. Promoting public

engagement through educational initiatives, advocacy campaigns, and active involvement in decision-making processes might improve the efficiency of climate governance in Nigeria.

Future research and policy efforts should prioritize the development of a more integrated and comprehensive approach to climate governance in Nigeria. This entails integrating climate issues into all areas of development policy, improving the legal environment with clear and enforceable rules, and building institutional capacities. International collaboration and alliances can offer vital assistance and resources for these endeavors. Nigeria can strengthen its ability to tackle the complex issues of climate change by studying the experiences of other nations and utilizing global initiatives.

This study has emphasized the immediate necessity for extensive overhauls in Nigeria's legislative and institutional frameworks in order to effectively tackle climate change. The findings emphasize notable deficiencies in the implementation and adherence to regulations, indicating the necessity for more robust regulatory procedures, institutional capabilities, and public involvement. Nigeria can effectively tackle the challenges of climate change and safeguard its environment and population from its negative effects by improving legal provisions, reinforcing institutions, and promoting public engagement. Future research and policy efforts should prioritize the development of a cohesive and all-encompassing strategy for climate governance. This should involve utilizing international assistance and drawing lessons from successful global initiatives to ensure the implementation of effective climate measures.

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