

**EXAMINATION OF THE LEGAL CONCEPTS AND THEORIES IMPACTING
ON CLIMATE CHANGE IN NIGERIA**

Eric Omo Enakireru¹
Frank Eserophe Akperegini²

Abstract

Climate change poses a significant challenge globally, with Nigeria being particularly vulnerable due to its exposure to environmental risks such as desertification, flooding, and rising temperatures. In response, Nigeria has developed several legal and policy frameworks aimed at mitigating climate-related impacts and fostering environmental sustainability. However, these frameworks often fall short due to weak enforcement, limited public engagement, and insufficient alignment with international climate commitments. This article critically examines the legal concepts and theories influencing Nigeria's response to climate change, focusing on national legislation, international obligations, and judicial interpretations. The study aims to explore the nature and scope of climate change and its specific impacts on Nigeria; assess the effectiveness of existing legal and institutional frameworks in addressing these challenges; evaluate the extent to which Nigeria's laws align with and implement international climate obligations; and compare Nigeria's climate legal regime with that of India to draw useful comparative insights. Ultimately, it seeks to identify gaps and propose actionable recommendations for enhancing legal enforcement, promoting sustainable development, and improving institutional responses to climate risks in Nigeria. Using a doctrinal research approach, the article analyzes both primary and secondary legal sources through content analysis. Findings reveal that while Nigeria's climate laws and policies are comprehensive on paper, they are inadequately enforced due to political and institutional shortcomings. The study concludes with key recommendations for strengthening Nigeria's climate-related legal structures and implementing more robust strategies to combat climate change effectively.

Keywords: Climate change, concepts and theories, legal frameworks and response

¹PhD, Senior Lecturer, Department of Public Law, Faculty of Law, University of Delta, Agbor, Delta State, Nigeria. E-mail: eric.onakireru@unidel.edu.ng, ericom061@yahoo.com, 08050617977, 07062041722

²PhD, Senior Lecturer, Department of Public Law, Faculty of Law, University of Delta, Agbor, Delta State, Nigeria. E-mail: eric.onakireru@unidel.edu.ng, ericom061@yahoo.com, 08050617977, 07062041722

Introduction

The adverse effects of climate change are increasingly evident across Nigeria, affecting key sectors such as agriculture, health and energy. Climate change exacerbates existing environmental challenges, presenting a unique legal challenge in balancing economic development with environmental protection. Nigeria's legal response to climate is shaped by both domestic and international frameworks, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement. The article critically examines the legal theories and policies affecting Nigeria's climate action efforts. Climate change as one of the effects of environmental degradation is now widely recognized and being discussed as a pressing global challenge of our time, it is a shift in average weather conditions including measures such as temperature, humidity, rainfall, cloudiness and wind patterns-and changes in the frequency or severity of these conditions³. Also, it globally point to extremes in weather, the melting of ice caps and glaciers, and the death of coral reefs and important species⁴. Natural events such as floods, droughts, heat waves, inability to predict weather conditions even by professional bodies are just a few to mention. Climate change impacts has no respect for any person- male or female, young or old, black or white. Neither does it know and recognize territorial boundaries. In fact, it is a worldwide issue. Relatedly, an *Awake!*⁵ journal said, 'The dangers posed by climate change are nearly as dire as those posed by nuclear weapons.⁶ Scientists have been able to understand the causes and impacts of climate change with the aid of collected and analyzed data on global temperature and other climate variables, so too are their scientific instruments used to measure changes in climate. It was observed that 'humanity activities are now the leading causes of climate change and the impacts are being felt around the world.'⁷ According to Bakut,⁸ the very fact that while the activities that generate the sources of the threat are conducted within the defined territories of sovereign and

³F.S Nalwange, and others 'Effects of Climate Variability on Local Communities Living in and around Queen Elizabeth National Park, Uganda' {2022} 16 (6) African Journal of Environmental Science and Technology <<http://www.academicjournals.org/AJEST>> accessed 3rd April 2023.

⁴Anonymous, 'Doomsday Fears Loom Large' *Awake!* (September 2012) 6

⁵ As stated on its page 4, the journal *Awake!* is a publication as part of a worldwide educational work.

Anonymous, 'Signs of Trouble? *Awake!* (August 2008) /8/3.

⁶ Anonymous, 'The Origin and Evolution of Climate Change' <phaseplus.com.ng> accessed 4 march 2023. This brand new website offers conversational interactions with a computer program as one of its services to its users, provided the querying question should be short and straight forward within 150 to 200 characters.

⁷ Ibid.

⁸ B.T. Bakut, 'The Environment, Peace and Conflict in Africa' in Shedrack Gaya Best (ed), *Introduction to Peace and Conflict Resolution in West Africa: A Reader* (NUC and University for Peace, 2006), 234-251

independent countries, mean that all inhabitants of the universe- all species- feel the impact and are threatened.⁹

The fact that human activities have contributed greatly to climate change can be substantiated with examples. Bakut further states that:

The activities of oil companies like Shell (Nigeria)... has their physical environment being damaged... source of livelihood (fishing)... destroyed due to the contamination of the fishing areas by oil spills, gas flaring and chemical waste dumped into the environment by these companies¹⁰.

The author further added, the effect will be that climate changes and substantial rise in sea levels, leading to serious consequence for food production, housing, and flood and communication etc¹¹. Another example pointing to how man has unwittingly tampered with earth's climatic natural process and condition from the perspective of greenhouse gases emissions is published in an article, Earth Observatory opine thus¹²:

For decades human factories and cars have spewed billions of tons of greenhouse gases into the atmosphere... that the increased concentrations... have prevented additional thermal radiation from leaving the Earth. In essence, these gases are trapping excess heat in the earth's atmosphere in much the same way that a windshield traps solar energy that enters a car¹³.

Further accusation on human activities as a leading cause of climate change is by IPCC,¹⁴ which reports, 'There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities'¹⁵ In mathematically allocating the blame Pieter Tans¹⁶ said "60 percent is our fault... The remaining 40 percent is due to natural causes"¹⁷.

Various surveys conducted around the world to elicit people's feeling about environmental climatic issues, showed how very worrisome they are, even

⁹ Institute for Peace and Conflict Resolution, The Presidency, Abuja, Nigeria as at the time of the publication.

¹⁰ Ibid.

¹¹ Ibid.

¹² *Earth Observatory* is an online publication of the U.S. National Aeronautics and Space Administration.

¹³ Awake! 'What's happening to the Weather?' (August 8 2003) 5-7 <www.jw.org> accessed 7 March 2023.

¹⁴ IPCC (Intergovernmental Panel on Climate Change), a research group sponsored by the World Meteorological Organization and the United Nations Environment Programme.

¹⁵ Ibid.

¹⁶ He is a Climatologist of the National Oceanic and Atmospheric Administration.

¹⁷ *Awake!* (n.4)

children. Take for example, a question posed to adult across the world, which factor about our world disturbs you the most?¹⁸ Of the eight options of hunger; war; poverty; pollution; diseases; prejudice; crime, and injustice; pollution of the environment and its resultant climate change came fourth. Another question was, which... would you most like to see?¹⁹ Of the seven options of peace between nations; affordable and better health care; end of discrimination; plenty of food and drinking water; safe neighborhoods; a clean environment, and justice for everyone; a clean environment free of climate change and all its impacts came sixth.

Children are not left out of climate change impacts; they are equally affected like their adults. A web site, 4children.org conducted a survey in Britain of some 2,000 children between the ages of 4 and 14 with the question. What do young people say they would change about the world?²⁰ Of the responses given, over 60 per cent was, 'Stop global warming'. Another one conducted in 2009 by the Bertelsmann Foundation in Germany amongst 500 young people between the ages of 14 and 18²¹, over 70 per cent indicated 'climate change and destruction of the environment' as one of the greatest concerns to them.

In Nigeria, Media Advocacy West Africa Foundation, MAWA, conducted a focused group discussion (FGD) with farmers in the Kwaita community in the Kwali Area Council of Federal Capital Territory (FCT), Abuja.²² It was discovered that climate change has continued to take a toll on them. As MAWA reported, 'the yam farmers have lamented over 65 per cent of their harvest was lost to excessive heat caused by climate change'²³

The rhetorical question that could reasonably be asked is, If environmental climate change issues were of serious concern about 14 years ago in 2009 from the above surveys, even to children, what about now? One would definitely agree that climate change is very more serious now than then. In giving a prediction about future climatic condition in 2009, the U.S. Department of Housing and Urban Development then reportedly stated:

Increasing numbers of people are... vulnerable to overburdened infrastructure... In fact, the United Nations Agency UN-HABITAT projects that within three decades from then, one of three people will live in near total despair- lacking sanitation and clean water, exposed to the imminent effects of climate change, fueling the spread of disease and possible pandemic²⁴

¹⁸Awake! 'Will Our World Ever Change?: What Would You Change? What Must Change? What Will Change?'(July 2012) 2-9.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²²N.Uwerunonye, 'Yam Prices May Shoot Up In Abuja Over Excessive Heat' *Daily Independent* (Lagos March 23 2023) 19 <www.independent.ng> accessed 23 March 2023

²³ Ibid.

²⁴ Ibid.

The foregoing global concern from different sectors of world economy about climate change as one of the environmental issues and its devastating impacts on human sustainability, has led to establishment of legal and institutional frameworks towards curbing the menace since the 19th century. One of such is the Intergovernmental Panel on Climate Change (IPCC) formed in 1988 to assess the scientific evidence on climate change and its potential impacts.²⁵ How effective are the frameworks? This article, therefore seeks to appraise the legal and institutional framework on climate change in Nigeria in adoption of the doctrinal research approach on the theories and impact on humanity.

2. Concept of Climate and Climate Change

'Climate' is one of the key concepts in this research project that needs contextual clarification. What does it mean? A reference work described 'climate' as the 'condition of the atmosphere at a particular location over a long period of time; it is the long-term summation of the atmosphere elements (and their variations) that constitute weather.'²⁶ Some of these elements include 'temperature, humidity, precipitation, radiation and other meteorological conditions characteristic of a locality or region over an extended period of time'²⁷ Kinds of climates as grouped by Wladimir Koppen, a Russian German Climatologist includes 'tropical rainy climates, cold snow forest climate, and polar climates'²⁸.

Statutorily, 'climate' is interpreted to mean 'the average weather condition, as the statistical description in terms of the mean and variability of relevant quantities over a period of time'²⁹.

The conceptual clarification of the term 'climate' as shown in the above description is simply the condition of the weather which affects the environment for good or bad.

Another concept here is 'climate change it means 'a change of climate which is attributed directly or indirectly to human activity or natural climate variability that alters the composition of the global atmosphere and which is... observed over comparable time periods'.³⁰ In adopting United Nations Framework Convention for Climate Change (UNFCCC) definition of climate change,' Olujobi stated thus, 'an alteration in the atmosphere temperature occasioned by greenhouse gases that are accumulating on the earth's atmosphere due to human activities such as gas flaring, burning of fossil fuel, deforestation among

²⁵ Ibid.

²⁶ The New Encyclopedia Britannica (15thedn, 2007) vol 3 p386

²⁷ The New International Webster's Comprehensive Dictionary of the English Language (Encyclopedic edn, 2013) 247

²⁸ Encyclopedia Americana (International edn, 2006) 71.

²⁹ Section 35 of the Climate Change Act, 2021 Cap A2 Laws of the Federation of Nigeria 2004.

³⁰ Ibid.

others'³¹. That is to say, a shift in average weather conditions including measure such as temperature, humidity, rainfall, cloudiness and wind patterns and changes in the frequency or severity of these conditions'³² from their ideal natural state to the extreme.

3. Historical Background of Climate Change

The historical evolution of climate change as a concept can be traced centuries to ancient civilizations. According to a website,³³early observations of climate change were based on local observations... related to natural events such as floods and droughts... and attempting to predict how they might affect their lives.'³⁴

In the 19th century, the concept began to take shape when scientists started to observe global patterns in climate. Notably among them, was a Swedish, Svante Arrhenius who proposed that burning fossil fuels could cause the atmosphere to warm, a process now known as the greenhouse effect.³⁵ The development of the first scientific instruments in early 20th century to measure changes in climate, allowed for data collection on global temperature and other variables to help understand the causes and impacts of climate change.³⁶ The potential for human activities to cause global warming as recognized by the scientific community, led to the formation of the Intergovernmental as one of its services to its users, provided the querying question should be short and straight forward within 150 to 200 characters, Panel on Climate Change³⁷in 1988 to assess the scientific evidence on climate change and its potential impacts.³⁸

As a global body of scientists established by United Nations (UN), the IPCC has among its mandate to 'conducting research and providing advice on atmospheric effects of global warming'³⁹ 'in order to combat the menace of

³¹ Olusola Joshua Olujobi, *Nigrian Petroleum, Energy and Gas Resources Law: Legal Theories, Cases & Practice* (Pinceton& Associate Publishing Co- Ltd, 2022) 226

³² F S Nalwange and others, 'Effects of Climate Variability on Local Communities Living in and Around Queen Elizabeth National Park, Uganda'[2022]16 (6) *African Journal of Environmental Science and Technology* <<http://www.academicjournals.org/AJEST>> accessed 3 April 2023

³³ Anonymous, 'The Origin and Evolution of Climate Change' <phaseplus.com.ng>accessed 4th march 2023. This brand new website offers conversational interactions with a computer program as one of its services to its users, provided the querying question should be short and straight forward within 150 to 200 characters.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷Ibid..

³⁸ Hereinafter referred to as IPCC.

³⁹ Ibid

climate change (which brought about uncomfortable living through unusual weather, flood and significant drought in various parts the world)⁴⁰

In the present 21st century, environmental climatic condition has not been better.⁴¹ The impact of climate change have become increasing apparent in that humanity activities are now the leading cause of climate change, and its impacts are being felt around the world as one of the most pressing global challenges of our time⁴².

Since no singular person is solely responsible for the cause of climate change, nor solve the problem alone, efforts must be made to come together with a view to finding solution to the problem⁴³. Murgan showed how this is possible when is stated thus:

Undoubtedly, law has an important role to play in societal protection and maintaining balance in human activities. It also plays an important role in mitigating climate change by making sure people adapt to nature and its disasters, while ensuring that human activities especially economic activities... that cause climate change through contribution of emission is properly regulated and managed⁴⁴.

To that end, legal and institutional frameworks were therefore established as treaties 'under international law as binding instrument or agreement signed among sovereign States and international organizations'⁴⁵

4. Theoretical Framework

Since ancient civilization when early observations of climate change related to natural events such as floods and droughts and attempting to predict how they might affect lives,²⁰ to when scientists started to observe global patterns in climate in the 19th century,⁴⁶ different theoretical approaches have been adopted in explaining 'climate change' as a key concept in this article. Some of them by different authorities are examined as follows:

⁴⁰ Murtala Ganiyu A.Murgan, 'Revisiting the Role of United Nations Framework Convention on Climate Change (UNFCCC) And the Kyoto Protocol in the Fight Against Emissions from International Civil Aviation' (2021) 12 (1) NAUJILJ 112 -126

⁴¹ Ibid

⁴² ibid; Citing DM Elsom, Amospheric Pollution: A Global Ptoblem (2ndedn, Oxford UK BlackWell, 1992)100

⁴³ Ibid note 14

⁴⁴ ibid; Citing F Olanrewaju and N. Francisca, 'Law and Climate Change in Nigeria' in O Egbewole, A Etudaiye, Muktar, and A O Olugbenga (eds), Law and Climate Change (Faculty of Law, University of Ilorin, 2021) 240

⁴⁵ Ibid, Citing < [https:// www .treatylaw. org](https://www.treatylaw.org)> accessed 16 October 2020

⁴⁶ The Origin and Evolution of Climate Change <phaseplus .com.> accessed 4 March,2023

a. Anthropocentrism

In explaining this climate change related theory,⁴⁷Atsegbua, Akpotaire and Dimowo stated thus:

This theory posits that ... natural resources are to be exploited for the benefit of mankind. Accorded priority of importance in any environmental climatic regime..., whatever happens to the environment appears immaterial provided the welfare and wellbeing of man is achieved⁴⁸.

John Passmore, the Australian philosopher who propounded this 'man centered' theory, posited that 'tradition is generally man centered and nature is treated mainly as a system of resources... to encourage man's ecological destructiveness.⁴⁹

Another contributor to this theory was Professor Russen Keles, stating thus:

... anthropocentrism assumes that nature exists to serve man... to attribute value to things of nature based on whether or not they benefit human being is regarded then as investments of man's survival or well- being. This ... presupposes that the effects of our actions in non-humans is morally significant and ... have consequences for human.²⁴

In consonance with this philosophical theory related to climate change as an aspect of environmental degradation, it has been observed that humanity activities are now the leading causes of climate change, and the impacts are being felt around the world.⁵⁰ The adverse effect the actions of man has in turn generated several policies and legislations to curb the excesses on the environment and its climatic change with a view to preserving it from destruction.⁵¹

b. Ecocentrism

This theoretical approach to climate change 'held that humans, animals and plants have value only as part of an ecological system... irrespective of their existence.'⁵² According to Professor Keles, "ecocentric ethics serves a better

⁴⁷ Lawrence Atsegbua and Vincent Akpotaire and Folarin Dimowo, Environmental Law in Nigeria: Theory and Practice (2ndedn, Ambik Press, 2010) 10

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ ibid 12; Similar thought of the theory is found in the Christians Scriptural Holy Book of Genesis Chapter1 and verse 26 which stated in part: God made mankind and allow them have in subjection all the earth [and its natural resources]. Though, not to nature's detriment-New World Translation of the Holy Scriptures rendition

⁵² Ibid.

reminder of our responsibility to the natural world and ... the preservation of biological values and biodiversity as the main goal of this approach'.⁵³

Beside the above, other climate change related theories are further examined as follows:

c. Solar Radiation Theory:

This theory suggests that changes in the amount of solar radiation reaching the Earth's surface cause climate change⁵⁴ naturally, earth has protective shield in the atmosphere. One of them is described thus:

An outer layer... the stratosphere, contains a form of oxygen called ozone, which absorbs up to 99 percent of incoming ultraviolet (UV) radiations... the ozone layer helps to protect many forms of life- including humans and the plankton we depend on to produce much of our oxygen-from dangerous radiation... it changes, growing as the intensity of UV radiation rises. So, the ozone layer is a dynamic, efficient shield.³¹ What has happened to this natural shielding blanket? Over the years, man's activities on earth have contributed to its depletion, making radiation, especially from the sun to directly reach the earth's surface.

Omughele,⁵⁵stated thus:

The depletion of the ozone layer results largely from the release of chlorofluro carbon (CFC) into the atmosphere with the consequent result of increase radiation arising from unusual penetration of the sun through atmosphere to the earth's crust

A single day of sunlight now feels as intense as a week or month of continuous heat, contributing significantly to global warming and its adverse effects.

d. Orbital Variation Theory:

This theory suggests that changes in the Earth's orbit, such as it tilt to the Earth's axis or the shape of its orbit can cause climate change'⁵⁶. Normally and naturally, 'Earth's tilt of about 23.4 degrees causes the annual cycle of seasons, moderate temperature and allows for a wide range of climate zones'³⁵. What would the effect be if the earth's perfect tilt and spin is adversely affected by

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ O L. Omughele, Oil and Gas Law (A Lecture Note Prepared for Final Year Undergraduate Students of the College of Law, Western Delta University,2023).

⁵⁶ Anonymous, 'Was Life Created?' (Watch Tower Bible and Tract Society of Britain, 2010) 7.

man's anthropogenic activities? The answer is thus: If the speed of rotation were substantially slower, the days would be longer and the side of the earth facing the sun would bake while the other side would freeze. Conversely, if the earth were to spin much faster, the days would be shorter, perhaps just, a few hours long, and earth's rapid spin would cause relentless gale-force winds and other harmful effects⁵⁷.

Recently, the concept of time running faster have been observed and held from people's complaint. Could this change in time be as a result of the propounded theory of earth's orbital variation? More passage of time will provide answer to this question.

e. Atmospheric Composition Theory:

This philosophy suggests that changes in the composition of Earth's atmosphere, such as increase in greenhouse gases like carbon dioxide, can cause climate change⁵⁸. Altering or contaminating the atmospheric composition of the environment could come in mixture of solid particles, gases, physical substances, chemical or biological molecules, dust, smoke, etc of which factories and industries are the major agents⁵⁹. Their activities release carbon monoxide, organic compounds, hydrocarbons, and chemicals which degrade the quality of the atmospheric air in the environment when they are discharged'.⁶⁰The **Atmospheric Composition Theory** posits that the stability of the Earth's climate system is significantly influenced by the natural and anthropogenic substances present in the atmosphere. ⁶¹This theory emphasizes that changes in the concentration of gases, aerosols, and particulate matter can disrupt atmospheric equilibrium, thereby contributing to climate change and associated environmental impacts.⁶² It provides a scientific foundation for understanding how human activities such as the burning of fossil fuels, deforestation, industrial emissions, and urbanization have altered the atmospheric balance by increasing the concentration of greenhouse gases (GHGs) like carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O).⁶³

In the Nigerian context, this theory underscores the legal and policy imperative for regulating not only carbon emissions but also other pollutants

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Agbowo- Egbo and others, 'Environmental Protection and Corporate Social Responsibility: The Nexus' (2022) 4 (1) *BIUJPPPL* 80-98.

⁶⁰ Ibid.

⁶¹ RO, Adeoluwa, "Assessment of Legal Frameworks on Environment and Climate Change Enforceable in Nigeria" (2023) *International Review of Law and Jurisprudence* Vol. 5 No. 2, 112.

⁶² JS Akinbami, "Climate Change and Environmental Degradation: Legal and Institutional Responses in Nigeria" (2022) *Nigerian Law and Practice Journal* Vol. 14, 35.

⁶³ E.C. Diah and VA Tari, "Challenges and Prospects of the Legal Frameworks for Combatting Climate Change in Nigeria" (2024) *AKSU Journal of Administration and Corporate Governance* Vol. 3 No. 1, 48.

that alter atmospheric chemistry, such as black carbon, sulfur dioxide (SO₂), volatile organic compounds (VOCs),⁶⁴ and heavy metals. For example, emissions from vehicular traffic, electricity generators,⁶⁵ open burning, and industrial processes contribute significantly to local air pollution and global warming.⁶⁶ Natural sources such as volcanic eruptions, sea salt spray, and biomass decay also interact with anthropogenic emissions, making atmospheric management more complex.⁶⁷

Legally, the Atmospheric Composition Theory provides a scientific basis for environmental regulation and enforcement.⁶⁸ It justifies the establishment of legal standards for air quality, emission thresholds, and the need for Environmental Impact Assessments (EIAs) as prescribed under Nigeria's National Environmental Standards and Regulations Enforcement Agency (NESREA) Act,⁶⁹ and reinforced by the **Climate Change Act, 2021**.⁷⁰ Furthermore, it supports broader constitutional and statutory obligations such as Section 20 of the 1999 Constitution, which mandates the protection of air, land, and water.⁷¹

The theory is also instrumental in shaping judicial reasoning and policy formulation.⁷² Courts and regulators can rely on atmospheric science to interpret the scope of environmental rights, assess the extent of ecological damage, and enforce liability.⁷³ In comparative jurisdictions like India and Pakistan,⁷⁴ similar scientific grounding has helped courts issue climate-protective judgments under fundamental rights frameworks.⁷⁵ Thus, the Atmospheric Composition Theory not only provides an empirical framework for understanding environmental change but also strengthens the legal rationale for proactive climate governance in Nigeria

⁶⁴ U. Etemire, *Law and Practice on Public Participation in Environmental Matters: The Nigerian Example in Transnational Comparative Perspective* (Routledge 2015).

⁶⁵ Ibid.

⁶⁶ Iwuoha VC, "Legal Framework for Climate Change Mitigation and Adaptation in Nigeria: Appraisal of the Climate Change Act 2021" (2023) *UNN Law Review* Vol. 29 No. 1, 95.

⁶⁷ Ibid.

⁶⁸ O. Nwachukwu, "NESREA and the Challenges of Environmental Regulation in Nigeria" (2024) *British Journal of Mass Communication and Media Research* Vol. 4 No. 1, 27.

⁶⁹ Federal Republic of Nigeria, *National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, 2007* (Federal Government Printer, Abuja).

⁷⁰ Federal Republic of Nigeria, *Climate Change Act, 2021* (Federal Government Printer, Abuja).

⁷¹ Federal Republic of Nigeria, *Constitution of the Federal Republic of Nigeria 1999 (as amended)*.

⁷² Paris Agreement, 2015.

⁷³ United Nations Framework Convention on Climate Change (UNFCCC), 1992.

⁷⁴ S. Oguiche S, "The Right to a Clean and Healthy Environment in Nigeria: Myth or Reality?" (2022) *Ahmadu Bello University Journal of Commercial Law* Vol. 18, 21.

⁷⁵ C. Onuorah, "The Role of the Judiciary in Climate Change Governance in Nigeria: Prospects and Challenges" (2023) *Nigerian Journal of Environmental Law* Vol. 11 No. 1, 60

Volcanic Activity Theory:

As posited, this theory is of the view the 'large volcanic eruptions can release large amounts of greenhouse gases and other particles into the atmosphere which can cause climate change. In support of this theory, is a volcanic eruption of Mount Pinatubo in the Philippines in 1991, killing more than 700 people and leaving some 100,000 homeless⁷⁶?

The report further stated thus:

A huge cloud of ash rose 30 kilometers into the sky and then fell to the earth burying crops and causing the roofs of building to collapse... volcanoes, like it, caused change in climate for several years after erupting... Apart from the immediate destructive power, global climate change would cause crop failure, disrupt food supplies, and lead to mass starvation.⁷⁷

The list of climate change philosophical theories can go on and on exhaustively. They are the jurisprudential basis upon which explanation and approaches to climate change have been based over the years.

According to Okaba⁷⁸ ozone as 'a colourless gas, that is the mayor constituent of photochemical smog at Earth's surfaces in the upper atmosphere (stratosphere)⁷⁹. Also, it protects us from the sun's harmful rays. Alteration of this natural God given protection will definitely contribute to climate change and in turn adversely affect man and his environment.

A onetime famous philosopher, Aristotle (384-322BC) once said, 'man, when... isolated from law and justice, he is the worst of all.⁸⁰ Since man and his anthropogenic activities are lexically linked to climate change, what is the legal framework Nigerian society has put in place to check unacceptable levels of climate change? That is the main question this chapter seek to answer. In doing so, it shall endeavor to extend to regional and international levels too.

5. Lessons from India's Jurisdiction in Combating Climate Change

Nigeria and India, both former British colonies, share a common legal ancestry rooted in the common law tradition. This shared heritage presents an opportunity for Nigeria to learn from India's progressive environmental and climate governance strategies. A key lesson lies in India's proactive review of its environmental laws to address present-day climate realities, thereby

⁷⁶ Anonymous, 'Doomsday: Fears Loom Large', *Awake!* (September 2012) 4-7

⁷⁷ Benjamin Okaba, *My People Perish for Lack of Knowledge: The Knowledge-Industry and the Niger Delta Question* (An Inaugural Lecture Series 44 of the Delta State University, Abraka on 6th August 2015.)

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

providing more robust legal protection for the environment. Nigeria, under Section 20 of the 1999 Constitution (as amended),⁸¹ imposes a duty on the government to protect and improve the environment. India's equivalent provision, Article 48A of its Constitution, has been judicially expanded through Article 21 the right to life to include the right to clean air and water. Notable cases such as *Subhash Kumar v State of Bihar* AIR 1991 SC 420, *MC Mehta v Union of India* (1987) SCR (1) 819, and *Virender Gaur v State of Haryana* AIR 1995 SC 38 show how the Indian judiciary has interpreted environmental protection as integral to fundamental rights an approach that Nigeria can emulate.

India's commitment to international environmental instruments is another critical takeaway. It has ratified and incorporated several treaties and conventions, including the Paris Agreement, into its domestic legal frameworks. This is complemented by active judicial enforcement, where courts issue binding orders to ensure compliance with international and domestic obligations. Nigeria has similarly committed to reducing greenhouse gas emissions by 20% unconditionally and up to 45% with international support under its Nationally Determined Contributions (NDCs) in line with the Paris Agreement.⁸² The Nigeria Climate Change Act, 2021,⁸³ seeks to domesticate these commitments by providing a statutory basis for climate action. However, the real test lies in effective enforcement and monitoring, a gap India is narrowing through a blend of legal activism and administrative accountability.⁸⁴

Furthermore, India ensures that both state and non-state actors including individuals, corporations, and multinational oil companies adhere to environmentally responsible practices. Judicial activism has played a pivotal role in compelling compliance, particularly in pollution and industrial emission cases.⁸⁵ India has also taken a bold step in modifying the traditional doctrine of locus standi, enabling broader public interest litigation in environmental matters. This reform allows concerned citizens and civil society groups to access the courts even when they are not directly affected. It removes procedural barriers and empowers communities to seek judicial redress for environmental degradation, a practice still restricted in Nigeria due to narrow interpretations of standing.⁸⁶

⁸¹ Federal Republic of Nigeria, *Constitution of the Federal Republic of Nigeria 1999 (as amended)*.

⁸² Ibid.

⁸³ Federal Republic of Nigeria, *Climate Change Act, 2021*.

⁸⁴ EC Diah and VA. Tari "Challenges and Prospects of the Legal Frameworks for Combatting Climate Change in Nigeria" (2024) *AKSU Journal of Administration and Corporate Governance* Vol. 3 No. 1, 48.

⁸⁵ VC. Iwuoha "Legal Framework for Climate Change Mitigation and Adaptation in Nigeria: Appraisal of the Climate Change Act 2021" (2023) *UNN Law Review* Vol. 29 No. 1, 95

⁸⁶ S. Oguche "The Right to a Clean and Healthy Environment in Nigeria: Myth or Reality?" (2022) *Ahmadu Bello University Journal of Commercial Law* Vol. 18, 21.

India's commitment to renewable energy and energy efficiency is also instructive. Despite a population exceeding 1.4 billion, many Indian households rely on biomass for cooking and heating reducing the country's dependence on fossil fuels. Additionally, India has enacted laws like the **Energy Conservation Act, 2001**, which mandates energy-saving obligations on large industries. The industrial sectors, especially steel, cement, and power generation, have significantly improved energy efficiency, contributing to a 2.4% reduction in energy intensity over 15 years.⁸⁷ Moreover, the **Electricity Act of 2003**⁸⁸ reformed India's power sector by improving access, increasing generation capacity, and encouraging private participation, resulting in greater grid stability and higher transmission voltages of up to 765KV a feat Nigeria is yet to attain.

Lastly, India's integrated approach to waste-to-energy initiatives offers economic and environmental benefits. For instance, New Delhi's waste-to-energy plants not only reduce landfill burdens but also generate employment and clean energy, aiding air purification efforts.⁸⁹ Similarly, deregulating coal and petroleum prices has made energy more accessible and affordable, aligning economic development with environmental sustainability.⁹⁰ Nigeria, under the Climate Change Act, 2021, must move beyond legislative intent to practical implementation through inter-agency collaboration, judicial support, and stakeholder engagement.⁹¹ The Indian model demonstrates that legal frameworks, when backed by judicial will, administrative coherence, and grassroots involvement, can drive meaningful progress in combating climate change. Whether Nigeria will adopt and adapt these strategies remains a question only time can answer.

Under the Paris Agreement, Nigerian National Determined Contributions outline its commitment to reduce greenhouse gas emissions by 20% unconditionally and up to 45% with international support by 2030, the Nigeria Climate Change Act 2021⁹² establishes a national framework for climate resilience and low-carbon development in Nigeria.⁹³ It mandates the formulation of a national climate action plan, emphasizing adaptation and mitigation measures aligned with international commitment. However, the major challenge is that of enforcement and implementation of its policies and laws.

⁸⁷Government of India, *Energy Conservation Act, 2001*.

⁸⁸ Government of India, *Electricity Act, 2003*.

⁸⁹*MC Mehta v Union of India* (1987) SCR (1) 819.

⁹⁰*Virender Gaur v State of Haryana* AIR 1995 SC 38.

⁹¹*Subhash Kumar v State of Bihar* AIR 1991 SC 420.

⁹² *Ibid.*

⁹³ *Ibid.*

6. Recommendation

In the collective effort to combat climate change and mitigate its adverse effects, several proactive and strategic recommendations are proposed. First, every individual within Nigeria's territory must adopt a positive mental attitude toward the environment. The slogan "Change begins with me," popularized during the Buhari administration, is a call to personal responsibility in environmental interaction. This behavioural transformation can reduce human-induced environmental harm. To support this mindset shift, continuous sensitization campaigns should be conducted by relevant government agencies. These campaigns must utilize all available communication channels, including town criers, local dialects, and Nigerian Pidgin, to reach rural and urban communities effectively.

Second, the creation of **special mobile courts** focused solely on environmental and climate-related offences is recommended. These courts should be autonomous and managed by specially trained judicial officers and staff, insulated from political or bureaucratic interference. Furthermore, an independent monitoring body comprising environmental experts should be established by the judiciary to evaluate the performance of these mobile courts. This legal innovation will fast-track climate justice and improve compliance with environmental regulations. In addition, the ongoing government practice of burning seized stolen petroleum products should be halted. Instead, such products should be assessed for quality and, if deemed safe, sold legally to generate revenue while reducing harmful carbon emissions.

Third, to enhance Nigeria's integration into the global climate regime, the **National Assembly** should play a more active role in the domestication of international environmental treaties, as mandated under Section 12 of the 1999 Constitution. Their early involvement will ensure that international obligations are quickly enforced domestically. Equally important is the **harmonization of climate-related laws** into a single, comprehensive legal code, streamlining penalties, offences, and regulations. This consolidation would reduce legal ambiguity and enhance enforcement. Additionally, government environmental agencies with overlapping functions should either be merged into one or granted separate legal personalities to avoid duplication and inefficiencies in climate governance.

Fourth, strengthening **grassroots participation** in climate governance is crucial. Incentives should be provided to state and local governments to encourage them to implement national climate policies effectively. A collaborative approach involving **public-private partnerships (PPP)** and NGOs is also essential since climate change is not a challenge that can be addressed by government alone. Furthermore, **adequate and accessible compensation mechanisms** should be established in courts for victims of environmental harm, thereby motivating citizens to report violations and strengthening public trust in the legal system. Waste management should be

modernized through government-regulated **sanitary landfills**, minimizing environmental degradation and public health risks.

Fifth, legal reforms must focus on **removing defences and introducing strict liability** for climate-related offences to deter potential violators. Penalties should also be made more stringent to reflect the seriousness of the damage caused. **Political will and sincerity of purpose** from government actors are essential to drive these changes. Incorporating **climate education** into the national curriculum at all levels is critical for long-term transformation, ensuring that future generations are both aware and equipped to tackle climate challenges. Such instruction must be delivered by well-trained educators with practical knowledge of environmental science and climate change.

Lastly, **traditional practices** of afforestation and conservation should be revived, especially in rural communities. Every residence should be mandated to plant trees, which serve as carbon sinks and oxygen producers through photosynthesis. Roadside tree planting initiatives should be state-managed and monitored. More importantly, the **non-justiciability of environmental protection in Section 20 of the Constitution** should be amended to make environmental rights enforceable. Until such reforms are realized, Nigeria must rely on its obligations under **international law** to protect environmental rights in court. Strong collaboration across all tiers of government local, national, and international is indispensable. Additionally, the **Polluter Pays Principle** should be fully enforced. Investment in **green transport and agriculture**, combined with research into future sustainable energy sources, will ultimately pave the way for Nigeria's climate-resilient future...

It is hoped that those practical suggestive recommendations bordering on mitigation and adaptation approaches, when willingly applied by all and sundry will yield successful result against climate change and its adverse impacts

Conclusion

While Nigeria has developed significant legal frameworks addressing the climate change, considerable work remains to bridge the gap between policy and practice. Strengthening the enforcement of laws, fostering community engagement, and enhancing international cooperation are crucial steps. By addressing these legal and structural gaps, Nigeria can better align its climate policies with international standards and improve resilience to climate change impact. The article reveals that there are plethoras of climate change related framework in Nigeria, legal and institutional- from national to regional and international- to combat climate change. Adverse impacts of climate change are global in scope as it neither knows nor recognizes territorial boundaries. Strategic options and lessons from India as far-reaching recommendations were therefore made in this article to cushion the legal and institutional ineffective lacuna through community efforts.