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**THE EVOLUTION OF CLIMATE CHANGE IN NIGERIA LEGAL JURISPRUDENCE:
IMPLICATIONS FOR ENVIRONMENTAL POLICIES IN PRIVATE SECTOR**

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Abstract

Climate change presents substantial environmental, socioeconomic, and public health challenges worldwide, with Nigeria being especially susceptible due to its varied geography and developmental circumstances. This study examines the evolution of climate change legal jurisprudence in Nigeria and its implications for environmental policies within the private sector. Nigeria faces severe climate risks including desertification, flooding, and pollution, which threaten food security, livelihoods, and economic stability. The Nigerian legal system has changed over the past few decades to include international agreements and pass domestic laws like the NESREA Act (2007) and the Climate Change Act (2021). These laws set up national systems for lowering emissions, adapting to climate change, and holding businesses accountable. Climate jurisprudence has enhanced environmental governance by promoting legal accountability, public interest litigation, and policy alignment with global climate commitments, although enforcement challenges persist. The private sector plays a critical dual role as both a major greenhouse gas emitter and a key partner in advancing sustainable development through innovation, investment, and compliance with climate regulations. This study underscores the importance of effective legal implementation, strengthened institutional capacity, and multi-stakeholder collaboration to foster resilience and sustainable growth in Nigeria's climate response, particularly emphasizing the private sector's integral role in achieving national climate goals.

Keywords: Climate Change. Climate Jurisprudence, Legal Framework, Climate Change Policies

1. INTRODUCTION

Climate change has become one of the most pressing global challenges of the 21st century, affecting ecosystems, economies, and communities worldwide (Bakare, Aziza, Uzougbo & Oduro, 2024). Climate change is a significant global challenge, with adverse impacts on ecosystems, economies, and human livelihoods (IPCC, 2021). Nigeria, as the most populous nation in Africa, faces severe climate risks, including rising temperatures, desertification, coastal erosion, flooding, and irregular rainfall patterns (Nwafor, 2020). These environmental challenges threaten food security, water resources, public health, and overall economic stability, particularly in climate-sensitive sectors such as agriculture and fisheries (Adelekan, 2018). The country's geographical diversity exacerbates its climate vulnerability. The northern

region experiences increasing desert encroachment due to prolonged droughts, while the southern coastal areas are at risk of sea-level rise and recurrent flooding (Oladipo, 2019).

Climate change has been identified as a huge threat to human existence with negative consequences on the lives of billions of people on Earth. This change is triggered by certain emissions that continue to make significant changes in the atmospheric condition. These shifts in climate are eventually felt in the rising temperature, extreme weather conditions, heat waves, thunderstorms, and floods, amongst other vulnerabilities associated with the shift in climate conditions (Vahyala & Emmanuel, 2024).

The evolution of climate change legal jurisprudence in Nigeria reflects a dynamic and increasingly urgent response to the global environmental crisis, with significant implications for environmental policies, particularly within the private sector. Nigeria, as one of Africa's most populous and economically pivotal nations, faces profound environmental challenges exacerbated by climate change, including desertification, flooding, and resource depletion (Adenle, 2017). Over recent decades, Nigerian legal frameworks have progressively adapted to address these challenges by integrating international environmental agreements and developing domestic laws aimed at mitigating climate impacts (Olabode, 2020). This legal evolution not only shapes government policy but also influences the operational strategies of private enterprises, which play a critical role in environmental stewardship and sustainable development (Okorie & Eze, 2019).

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 et al., 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, including the Climate Change Act (2021) and environmental regulations from NESREA, alongside updated Environmental Impact Assessment processes. These efforts aim to guide industries toward lower emissions, cleaner production methods, and more efficient resource utilisation. The goal is to balance the country's need for development with its commitments to the Sustainable Development Goals (SDGs) and international climate agreements (Yakubu et al., 2025). However, the effectiveness of these policies depends on their design, enforcement, and alignment with business interests (EIA, 2021).

The Climate Change Act establishes a national framework for reducing emissions and adapting to climate change, creating new expectations for how different sectors will decrease their carbon footprints (Abubakar et al., 2025). Additionally, new requirements for companies to disclose climate-related information in their financial reports indicate a growing focus on corporate transparency and sustainability standards driven by investors (Al-Amin et al., 2025). Sector-specific measures demonstrate how policies impact actual industrial practices. Updated Environmental Impact Assessment (EIA) procedures and new regulations from the National Environmental Standards and Regulations Enforcement Agency (NESREA) create requirements for assessing impacts, controlling pollution, and managing waste in both manufacturing and extraction industries. Additionally, significant policy efforts, such as gradual bans on single-use plastics and plans to promote circular economy methods, illustrate how laws can guide businesses toward more efficient use of materials and energy (Ibrahim et al., 2025).

Understanding the trajectory of climate change jurisprudence in Nigeria is therefore essential for assessing how environmental policies can be effectively designed and implemented in the private sector to promote resilience and reduce ecological harm. This study explores the evolution and current status of climate change laws in Nigeria, analyzing their implications for private sector environmental governance and policy formulation.

Statement of the Problem

Climate change litigation has emerged as a critical avenue for addressing environmental challenges, influencing the development and implementation of environmental law and policy. Despite Nigeria's long-standing commitment to environmental sustainability through policies such as the National Climate Change Policy (NCCP 2021–2030), the National Environmental Standards and Regulations Enforcement Agency Act (NESREA, 2007), and Climate Change Act 2021, the country continues to experience escalating climate-related impacts. The persistence of floods, deforestation, soil erosion, and declining agricultural productivity across states in Nigeria reflects deep-seated institutional and financial bottlenecks rather than the absence of policies themselves (Federal Ministry of Environment, 2023). This study therefore examines the evolution and current status of climate change laws in Nigeria, analyzing their implications for private sector environmental governance and policy formulation.

2. LITERATURE REVIEW

Climate Change

Climate change can be described as a long-term change and transformation of the world or regional climatic patterns, which can be accredited to the effect of both natural processes and man (Tanko, Magaji, & Musa, 2025). According to IPCC (2021) climate change encompasses shifts in temperature, precipitation, wind patterns, and many other Earth climate system elements during long periods, usually decades and more. Whereas the natural change in climate conditions is not a novelty in history, the climate change concept is currently associated predominantly with anthropogenic (human-made) changes caused by the increased greenhouse gas (GHG) levels, including carbon dioxide (CO₂) methane (CH₄) and nitrous oxide (N₂O) produced through industrial activity, deforestation, burning of fossil fuels (Magaji, Ahmad, Sabiu & Yunusa, 2024). The real world consequence of climate change comes in the form of a perceived global average temperature rise, a rise in sea level, increased severity of weather extremities (floods and droughts among others), impediments to water supply and food production (Magaji, Tanko, & Musa, 2025).

AfDB (2022) and World Bank (2022) state that climate change encompasses global warming and the broader spectrum of long-term changes in weather patterns, sea levels, and natural ecosystems (Sabiu & Magaji, 2024). These changes have profound implications for natural systems and human societies, contributing to extreme weather events, biodiversity loss, and socioeconomic challenges such as food insecurity and health risks. Additionally, climate change is both a risk and an opportunity. While it threatens ecosystems, livelihoods, and human security, it also provides an impetus for innovation in renewable energy, sustainable agriculture, and green finance (Okafor, 2024). This duality highlights the need to conceptualize climate change as a driver of systemic transformation rather than a narrow environmental challenge. Thus, climate change can be broadly conceptualized as a multifaceted phenomenon at once scientific, socio-economic, and political requiring holistic governance responses that integrate mitigation, adaptation, resilience building, and sustainable development.

In the Nigerian context, climate change manifests through rising temperatures, erratic rainfall, droughts, floods, and desertification, threatening food security, livelihoods, and economic stability (Federal Ministry of Environment, 2023). Climate changes are majorly caused by human activities/ interference, which has exceeded the bounds of natural variability. Greenhouse gases play a significant and crucial role in keeping the earth warm and conducive. The greenhouse gases are made up of the methane nitrous oxide, ozone and carbon dioxide. Currently, the level of these gases has tripled in the recent decades. It is pertinent to state that climate change as a profound driver of change presents both hazards and potential opportunity. However, impacts, responses and actions are dependent on varying locations; it depends on climate change manifests at the international, regional and local levels and on the vulnerability of the international, regional and local levels to these changes. Climate change is a complex phenomenon which has multiple effects on countries of the world particularly the developing countries (Uzoka et al., 2024; McClanahan & Cinner, 2012).

Climate Change Issues in Nigeria

While the activities of the developed countries are mostly responsible for the changing climate, the developing nations are those suffering more of the impacts due to the inability to cope as a result of poverty and low technological development (Ati et al., 2018). In addition to that, government neglect with excessive anthropogenic activities has immensely contributed to the worsening effects of climate change in Nigeria. It is on the strength of the above assertion Nigeria is experiencing the following climate change effects:

Gas flaring and oil spillage: The magnitude of oil spillage across the Niger Delta region attributes to the high level of environmental pollution which constitutes a public health challenge and also contributes to the debilitation of the ozone layer. Aside from that, it adds to the poor condition of marine sources which could as well affect both air and water which can negatively affect the wellbeing of the surrounding inhabitants and reduce food security. According to Onosode (2003) cited in Vahyala and Emmanuel (2024), gas development was not accorded significant attention in recent years...The implication is that, without prior arraignment for collection and policy for utilization, the associated gas is continuously vented and flared. With cheaply produced oil readily available, operating companies have not found it attractive to tap and market gas, more so, as legal conditions for flaring were not sufficiently stringent to serve as a deterrent for intending defaulters. Buttressing the above assertion, Sampson (2020) reports that Nigeria has been flaring an estimated 2.5 million cubic feet of gas each day which amounts to almost 40% of the total gas consumption in Africa. Additionally, Nigeria is responsible for one-sixth of the entire gas flared in the world as it pumps over 400 million tons of carbon dioxide into Nigeria's environment.

Gully Erosion: This is another current issue due to climate change resulting in heavy rainfall patterns, particularly in the Eastern part of Nigeria. According to Bashir (2018), it is claimed that, in Anambra State alone, there are about one hundred and fifty devastating erosion sites, destroying physical infrastructural facilities, farmlands etc. Similarly, destruction by erosion is seen all over the country in Enugu, Edo, Akwaibom, Sokoto, Jigawa and some other states of the Federation.

Drought: This environmental challenge has many contributing components. It should be noted that deforestation which is the excessive falling of trees for animal feeds, energy purposes, construction etc. gave birth to drought. Similarly, drought gives rise to desertification, and desertification gives rise to an increase in temperature resulting in undesirable and unbearable ecosystems which subsequently become harmful to inhabitants. Drought can also be seen as a product of erratic rainfall especially in the Northern parts of Nigeria with adverse consequences of losing biodiversity, intense flooding, degradation of land and increase in varying weather events etc. According to Bdliya (2018), rainfall amount has declined by 30% in Nigeria during the Sahel drought (late 1960s to 1990s). Other associated effects of drought include but are

not limited to heat waves, thunderstorms, rise in sea level etc. Drought largely manifests in northern parts of Nigeria with a report showing that 35% of previously cultivated land in 11 northern states of Nigeria has been overran by desertification (Badru, 2020).

Historical Overview of Climate Change Legislation in Nigeria

Generally, the development of legal frameworks on environmental protection in Nigeria according to Adeoluwa (2019) could broadly be divided into three distinct eras. The first period was the pre-colonial era when traditional people through their culture and customs preserved the environment. In this context, the regulatory frameworks on the environment as part of customary laws are totally unwritten but these norms were respected and observed through the use of taboos, beliefs and cultures of various traditional people and societies in Nigeria (Amokaye in Adeoluwa (2019)). The second era began with the introduction of common and statutory laws by the colonial administration to regulate pollution and related activities. This period witnessed the introduction of different regulations which were primarily targeted at protecting human health, forestry, and other natural resources. The third period is the emergence of some stringent statutory environmental laws. Primarily, these laws are made to regulate polluting activities arising from industrialisation, urbanisation and modernisation in Nigeria. The new attitude toward environmental protection in the third era in Nigeria was largely informed by the discovery of the five shiploads of toxic wastes at the small port town of Koko in South-South Nigeria, to which the Nigerian government responded with the promulgation of Harmful Toxic Waste (Special Criminal Provision) Decree, and the establishment of now defunct Federal Environmental Protection Agency (FEPA). FEPA, by its mandate had the overall objective or responsibility to manage the Nigerian environment and protect same.

The emergence of FEPA put Nigeria as usual, in Africa as the first country to establish a national environmental institution or mechanism to manage and protect the environment through enforcement. The government in its wisdom merged FEPA and other relevant Departments in other Ministries in 1999 to form the Federal Ministry of Environment, but without an appropriate enabling law on enforcement issues; the development that created lacuna in the effective enforcement of environmental laws, standards and regulations in Nigeria. In order to bridge the gap and pursuant to Section 20 of the Constitution, NESREA, as a parastatal of the Federal Ministry of Environment was established to enforce all environmental and climate change laws in Nigeria. By the NESREA Act, the Federal Environmental Protection Agency Act was also repealed (Adeoluwa, 2019).

The National Environmental Standards and Regulations Enforcement Agency (NESREA) Act of 2007 is a key legislation aimed at protecting and preserving the country's environment (Federal Republic of Nigeria, 2007). NESREA is responsible for enforcing environmental regulations, conducting environmental impact assessments, and promoting sustainable development practices. Additionally, Nigeria's Ogoniland Cleanup Project, launched in 2016, is a significant environmental remediation effort aimed at addressing decades of oil pollution in the Niger Delta region (United Nations Environment Programme, 2020). This project, overseen by the Hydrocarbon Pollution Remediation Project (HYPREP), aims to restore the environment and livelihoods of communities affected by oil spills through the implementation of comprehensive cleanup and remediation activities.

Legal Framework for Environmental Protection in Nigeria

Nigeria has many regulations (Laws) to promote clean energy, mitigate greenhouse gas and ensure a sustainable environment. Some of these measures that may influence climate change response are discussed below:

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

The NESREA Act of 2007 is an important environmental law in Nigeria that replaced the FEPA Act of 1988. It created the National Environmental Standards and Regulations Enforcement Agency, which is in charge of enforcing environmental laws, guidelines, policies, and standards in Nigeria. The Agency also ensures compliance with international agreements, protocols, conventions, and treaties on various environmental issues, such as climate change, biodiversity, conservation, desertification, forestry, ozone depletion, and others (NESREA, 2007).

The NESREA (2007) Act gives the Agency various powers and duties, such as collaborating with relevant authorities to prosecute environmental offenders and establishing programs for setting standards and regulations for pollution prevention, reduction, and elimination. The Act authorizes the Agency to regulate emissions from different sources, such as energy sources (including those from vehicles and industries), factories, and power-generating facilities to fight atmospheric pollution. Section 20 of the NESREA Act specifically empowers the Agency to make regulations on the best ways of reducing emissions to acceptable levels (NESREA, 2007). To support the functions of the Agency, Section 34 of the NESREA Act allows the Minister of Environment to make regulations for the effective implementation of the Act. Over the years, the Minister of Environment in Nigeria has issued about 24 regulations to achieve the objectives of the NESREA (2007) Act.

The Constitution of the Federal Republic of Nigeria

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) serves as the highest law in Nigeria. Within the Constitution, Section 20 explicitly states that "The State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria" (Constitution of the Federal Republic of Nigeria, 1999:35). This provision imposes a responsibility on the Nigerian government to not only shield Nigeria from the detrimental impacts of climate change but also to take measures that prevent Nigeria from contributing to the causes of climate change. Consequently, Nigerians have the right to compel the government to fulfil this constitutional mandate if it fails to do so. However, it is regrettable that Section 20 is placed under Chapter 2 of the Constitution, which has been declared to contain non-justiciable provisions under Section 6 (6) (c) of the Constitution. This provision states that the judicial powers vested in the courts in Nigeria under the Constitution "shall not, except as otherwise provided by this Constitution, extend to any issue or question regarding whether any act of omission by any authority or person, or whether any law or judicial decision, conforms to the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution." (Constitution of the Federal Republic of Nigeria, 1999). As a result, Section 20 of the Constitution is rendered ineffective in combating climate change because it deprives individuals of the right and power to approach the courts to seek an order compelling the government to enact legislation or policies for climate change regulation and environmental protection. Furthermore, even if the government formulates policies or legislation to address climate change, it cannot be held accountable if it fails to implement such measures or adhere to the principles of the legislation (Oluduro, 2021).

Climate Change Act 2021

The Climate Change Act, enacted in 2021, was signed into law by former President Muhamadu Buhari in November 2021 to provide Nigeria with a legal framework for the country to achieve its climate goals, achieve. Additionally, the policy is to comprehensively address all possible challenges of climate change adaptation and mitigation and to provide a rock-solid foundational framework for ensuring climate change Action Plans, programs and projects, long-term social and economic sustainability and resilience.

Nigeria's 2021 Climate Change Act provides for an ambitious framework for mainstreaming climate actions in line with national development priorities and sets a net-zero target for 2050-2070. The Act codifies national climate actions by mandating the Ministry of Environment to set, among others, a carbon budget, keeping average increase in global temperature within 2 C and pursuing efforts to limit the temperature increase to 1.5 C above pre-industrial levels. It further approves of formulation of a National Climate Change Action Plan in every five-year cycle to ensure that the national emission profile is consistent with the carbon budget goals and prescribes measures for identifying actions for climate adaptation and mitigation.

The Act applies to both public and private entities within Nigeria's territorial jurisdiction and directs both to implement mechanisms geared towards fostering a low-carbon emission, environmentally sustainable, and climate resilient society. The Act obligates any private entity with employees numbering 50 and above to put in place measures to achieve the annual carbon emission reduction targets in line with the Action Plan; and designate a climate change officer responsible for submitting annual reports to the National Climate Change Secretariats, at meeting its carbon emission reduction and climate adaptation plan.

The Act also establishes the National Council on Climate Change, chaired by the President of Nigeria, with members from both the public and private sectors, including members of the civil society, women, youth, and persons with disabilities. It empowers the Council with significant powers to coordinate national climate actions, administer the newly established Climate Change Fund, mobilize resources to support climate actions, and collaborate with the Nigerian Sovereign Green Bond in meeting Nigeria's NDC. The Climate Change Fund is envisioned as a financing mechanism for prioritized climate actions and interventions. The promotion and adoption of nature-based solutions to reducing GHG emissions and mitigate climate change is encouraged.

Legislative oversight is enabled through the Secretariat's obligation to partner with civil society organizations, promote climate education, report annually to the National Legislative Assembly on the state of the nation's climate change activities, and evaluate reports on the performance of climate change duties by private and public entities in Nigeria. The Act also imposes obligations on ministries, departments, and agencies to establish desk officers for ensuring compliance with National Climate Change Action Plan. The Council can further impose obligations relating to climate action on public and private entities.

The Climate Change Act provides a solid framework for climate action to achieve Nigeria's short, medium, and long-term goals on climate mitigation and adaption. Particularly relevant are the obligations imposed on public and private entities to promote low carbon economy and sustainable livelihood, as well as the responsibility of the Council and its Secretariat to partner with relevant stakeholders, especially civil society organizations. These measures provide a sound legal foundation for potential climate litigation. The Act makes it actionable to bring a claim for the potential failure of the Council to regulate offenses and penalties from non-compliance with the climate obligations imposed by the new law on any person, private or public entity that acts in a manner that negatively affects efforts towards mitigation and adaptation measures made under the Act.

The Act empowers a Federal or State High Court, before which a suit regarding climate change or environmental matters is instituted, to make an order to: (a) prevent, stop or discontinue the performance of any act that is harmful to the environment; (b) compel any public official to act to prevent or stop the performance of any act that is harmful to the environment; (c) compensate victims directly affected by the acts that are harmful to the environment. These specifically include climate change harms.

National Climate Change Policies

The Nigerian government has formulated various policies to address climate change and its related issues over the years. These policies aim to reduce greenhouse gas emissions and mitigate the adverse effects of climate change in the country. Some of the notable policies include the following:

- i. **The Nigeria Climate Change Policy Response and Strategy (NCCPRS)** was developed in 2012 to reflect Nigeria's commitment to combating climate change. The NCCPRS provides a framework for integrating climate change into national development planning and sectorial policies. It also identifies priority areas for mitigation and adaptation actions, such as energy, agriculture, water resources, health, and disaster management (Federal Ministry of Environment, 2012).
- ii. **Vision 2020** is a comprehensive socio-economic development plan that also considers climate change implications. Vision 2020 aims to make Nigeria one of the top 20 economies in the world by 2020. It also recognizes the need to promote environmental sustainability and resilience to climate change. It outlines strategies for enhancing renewable energy, improving energy efficiency, promoting low-carbon transportation, and conserving natural resources (National Planning Commission, 2009).
- iii. **The National Climate Change Policy (NCCP)** was revised in 2021 to align with the Paris Agreement and Nigeria's Nationally Determined Contributions (NDC). The NCCP defines a new holistic framework to guide the country's response to the development challenge of climate change. It prescribes sectorial and cross-sectorial strategic statements and actions for pursuing a climate-resilient national sustainable development. It also sets targets for reducing greenhouse gas emissions and enhancing adaptation capacity in various sectors, such as energy, agriculture, industry, transport, and waste management (Federal Ministry of Environment, 2021).

These policies demonstrate Nigeria's efforts to address climate change and its related issues in a coordinated and coherent manner. They also provide a basis for implementing Nigeria's NDC, which is the country's commitment to reduce its greenhouse gas emissions by 20% unconditionally and 45% conditionally by 2030, compared to the 2010 baseline (Federal Ministry of Environment, 2015).

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

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

- vi. In the Transport Sector, to encourage the adoption of low-emission vehicles and the development of sustainable transport infrastructure.
- vii. In the Waste Management Sector, to promote waste reduction, recycling, and proper waste management to minimize environmental impact.
- viii. In the Area of Water Use, to address water resource management and conservation to ensure sustainable water supply in the face of climate change.

Impact of Climate Jurisprudence on Environmental Governance in Nigeria

Climate jurisprudence in Nigeria is an evolving field that significantly influences the country's environmental governance framework. As Nigeria grapples with climate change challenges, including desertification, flooding, and oil pollution, judicial decisions have begun shaping national policies and enforcement mechanisms to address environmental degradation and promote sustainable development.

1. Enhancement of Legal Accountability and Enforcement

Nigerian courts have played a critical role in holding both government agencies and corporations accountable for environmental harm. For instance, rulings related to oil pollution in the Niger Delta, such as the landmark case of *Ogoni v. Shell* (2001), have underscored the responsibility of multinational corporations and the government to mitigate environmental damage and protect local communities (Okereke & Dooley, 2010). These decisions contribute to enforcing environmental regulations and fostering corporate responsibility in climate-sensitive sectors.

2. Promotion of Environmental Rights and Public Interest Litigation

Climate jurisprudence has strengthened the recognition of environmental rights as part of human rights under Nigerian law. Public interest litigation has become a tool for civil society to demand government action on climate issues, pressing for better environmental governance. The judiciary's acknowledgment of the right to a healthy environment in cases like *Attorney General of Lagos State v. Attorney General of the Federation* (2004) has provided a legal basis for climate-related claims (Akinola, 2019).

3. Influence on Policy Formulation and Implementation

Court decisions have pressured Nigerian authorities to align environmental governance with international climate commitments. Judicial pronouncements referencing global frameworks such as the Paris Agreement have encouraged the Nigerian government to develop and implement climate policies, including the National Climate Change Policy (NCCP) and the Nigeria Climate Change Act (2011) (Olowu & Akinbami, 2016).

4. Challenges in Judicial Capacity and Enforcement

Despite these advances, Nigeria faces challenges in fully leveraging climate jurisprudence due to limited judicial capacity, corruption, and political interference. Enforcement of judicial decisions remains inconsistent, hampering the effectiveness of legal tools in environmental governance (Ezeani & Ezeani, 2021).

5. Encouraging Public Participation and Awareness

Climate-related legal cases have heightened public awareness and participation in environmental governance. Courts have facilitated greater inclusion of affected communities in environmental decision-

making processes, fostering transparency and accountability at various governance levels (Nwogwugwu, 2020).

The Private Sector's Place in Nigeria's Framework for Climate Change

The private sector is very important to Nigeria's climate change framework because it is both a major source of greenhouse gas emissions and a key partner in efforts to reduce and adapt to climate change. Nigeria's climate governance mechanisms are increasingly involving private businesses in finding solutions to climate problems by using sustainable practices, green investments, and new technologies. This is because they know that businesses have a dual role to play.

1. Private Sector as a Key Emission Source and Risk Stakeholder

The industrial, oil and gas, and agricultural sectors in Nigeria are major sources of greenhouse gas emissions (Ebohon, 2009). These sectors are mostly made up of private companies. These sectors are directly affected by climate change, which can cause flooding and desertification, putting their ability to keep running and their financial stability at risk. Therefore, it is important for the private sector to be involved in reducing emissions and managing climate risks within the national framework (Aminu & Yusuf, 2020).

2. Inclusion in National Climate Policies and Action Plans

Nigeria's National Climate Change Policy (NCCP) and the Nigeria Climate Change Act (2021) explicitly recognize the importance of private sector participation. These policies encourage private investments in renewable energy, energy efficiency, and climate-resilient infrastructure, aiming to leverage private capital and innovation for climate action (Federal Ministry of Environment, 2012; Nigeria Climate Change Act, 2021).

3. Public-Private Partnerships (PPPs) and Climate Finance

To mobilize resources for climate mitigation and adaptation, Nigeria promotes Public-Private Partnerships (PPPs) that facilitate technology transfer and sustainable development. The private sector's role in climate finance, through green bonds and corporate social responsibility initiatives, supports government efforts in achieving emission reduction targets and sustainable growth (Adewuyi & Oyebanji, 2019).

4. Opportunities for Innovation and Sustainable Business Models

The private sector presents opportunities for driving innovation in clean technologies and sustainable business models. Nigerian startups and established firms are increasingly exploring renewable energy solutions, waste management, and climate-smart agriculture, contributing to national climate goals while creating economic value (Eneji et al., 2017).

3. CONCLUSION

Climate change is a serious and complicated problem for Nigeria that affects its economy, environment, public health, and social stability. The country's varied geography and socio-economic conditions make it more vulnerable to climate risks like desertification, flooding, and pollution. These risks have effects on food security, jobs, and development. Nigeria has built a stronger legal and policy framework over time to deal with these problems. The Climate Change Act (2021), the NESREA Act (2007), and the National

Climate Change Policy are all examples of this. These frameworks increasingly emphasize the vital role of the private sector in climate action through regulation, transparency, innovation, and investment in sustainable practices. While climate jurisprudence in Nigeria has strengthened environmental governance by enhancing accountability and public participation, challenges in enforcement and judicial capacity remain. Moving forward, effective implementation of laws and policies, strengthened institutional capacity, and active collaboration between government, private sector, and civil society are essential to build resilience, reduce emissions, and achieve sustainable development goals amid the growing threats posed by climate change.

REFERENCES

- Abubakar, A., Magaji, S. & Ismail, Y. (2025). Climate crunch: coping with climate change in Irrigated Agriculture in Dutse, Jigawa, Nigeria. *International Journal of Innovative Science and Research Technology*. 10(8), 651–660. <https://doi.org/10.38124/ijisrt/25aug263>
- Adelekan, I. O. (2018). Urban dynamics and vulnerability to climate change in Nigeria. *Environmental and Urbanization*, 30(2), 1–18.
- Adeoluwa, R. O (2019). Assessment of legal frameworks on environment and climate change enforceable in Nigeria by the National Environmental Institution. *IRLJ* 1 (3), 81-90
- Adenle, A. A. (2017). Climate change adaptation and governance in Nigeria: Challenges and prospects. *Environmental Science & Policy*, 77, 1-8.
- Adewuyi, A. O., & Oyeboji, O. O. (2019). Public-private partnerships and climate change mitigation in Nigeria: Challenges and prospects. *International Journal of Sustainable Development & World Policy*, 8(3), 22-35.
- African Development Bank (AfDB). (2022). *Climate resilience in Africa: Challenges and opportunities*.
- Akinola, A. O. (2019). Environmental rights and climate change litigation in Nigeria: Prospects and challenges. *Nigerian Journal of Environmental Law and Policy*, 4(1), 45-62.
- Al-Amin, I. A., Magaji, S., & Ismail, Y. (2025). Investigating the barriers to climate finance and ESG integration in Nigeria's Energy Transition. *GAS Journal of Arts, Humanities and Social Sciences (GASJAHSS)*, 3(9), 32-40. DOI: 10.5281/zenodo.17113171
- Aminu, M., & Yusuf, F. (2020). Climate change and the private sector in Nigeria: Risks, opportunities, and policy implications. *Environmental Policy and Governance*, 30(1), 45-58.
- Ati, O. F., Abaje, I. B., & Onyemaobi, D. (2019). Global climate change policies and politics: Nigeria Response. *FUDMA Journal of Politics and International Affairs*, 1(1), 106-120.
- Badru, L. (2020). Climate change in Nigeria: Causes, effects and legal framework. *UNICAL Law Review*.4 (1)
- Bakare, O. A., Aziza, O. R., Uzougbo, N. S. and Oduro, P (2024). *A legal and regulatory compliance framework for maritime operations in Nigerian oil companies*.

- Bashir, I. L. (2018). *The exploits of yesteryears and the price of today: Environmental degradation and development challenges in contemporary Nigeria (An environmental history)*. Ihsan Printing & Publishing Co.
- Bdliya, H. H. (2018). *Climate change, receding lake chad and the challenges of farmers/herders in Nigeria*. Being a paper presented at the First National conference on the dynamics of pastoralnomadism in contemporary Nigeria: Problems, politics and prospects at Federal University of Kashere on 16th to 17th April, 2018.
- Climate Change Act, (2021). *Domesticating climate change laws in Nigeria*. <https://climate laws.org>. Constitution of the Federal Republic of Nigeria, (1999) (as amended). Cap C23 LFN, 2004.
- Climate Policy Initiative. (2024). *Landscape of climate finance in Nigeria 2024 (Report)*. Climate Policy Initiative. Environmental Impact Assessment Directorate, Federal Ministry of Environment. (2021). *Environmental Impact Assessment Procedures and Charges Regulations, 2021 [PDF]*. <https://ead.gov.ng/wpcontent/uploads/2023/02/2021-EIA-Procedures-and-Charges.pdf>
- Ebohon, O. J. (2009). Climate change policy and the Nigerian private sector: Challenges and Prospects. *Energy Policy*, 37(12), 5353-5360.
- Eneji, I. S., Dauda, R. O., & Kaji, S. (2017). The role of private sector in climate change adaptation and mitigation in Nigeria. *Journal of Environmental Science and Technology*, 10(3), 124-135.
- Ezeani, E., & Ezeani, N. (2021). The role of judiciary in environmental governance and climate change mitigation in Nigeria. *International Journal of Environmental Research and Public Health*, 18(8), 4043.
- Federal Ministry of Finance. (2023). *Federal environmental expenditure report 2023*. Abuja: Budget and Planning Office.
- Federal Ministry of Environment, Nigeria. (2012). *National Climate Change Policy*. Abuja, Nigeria.
- Ibrahim, M., Olusola, A.T. & Magaji, S (2025). Effects of climate change on environmental security among vulnerable groups in ZangoKataf Local Government Area of Kaduna State. *Loka: Journal of Environmental Sciences* 2 (2), 228-250
- Intergovernmental Panel on Climate Change. (2023). *Climate change 2023: Impacts, adaptation and vulnerability*. Cambridge University Press.
- Magaji, S., Ahmad, A. I., Sabiu S. B., & Yunusa, A. A (2024). From deforestation to pollution: Unravelling environmental challenges in Nigeria and Pakistan. *International Journal of Humanities Social Science and Management (IJHSSM)*, 4(2):805-814.
- Magaji, S., Tanko, Y., & Musa I.(2025). Effect of green loan and green mortgage on climate change mitigation in Nigeria. *International Journal of Current Science Research and Review*, 8(6):3124-3138.
- McClanahan, T. R & Cinner, J. E (2012). *Adapting to a changing environment: confronting the consequences of climate change*, (Oxford University Press, New York 2012).
- Nigeria Climate Change Act. (2021). *National Assembly of the Federal Republic of Nigeria*.
- Nwogwugwu, N. (2020). Climate change litigation and environmental justice in Nigeria. *African Human Rights Law Journal*, 20(1), 134-156.

- Nwafor, J. C. (2020). Climate change impacts and adaptation strategies in Nigeria. *African Journal of Climate Science*, 8(3), 45–61.
- Okafor, C. (2024). *Climate change adaptation and renewable energy transition in Nigeria: Governance perspectives*. Lagos: Nigerian Institute for Environmental Policy Research.
- Okereke, C., & Dooley, K. (2010). Principles of justice in pro-poor climate policy. *Global Environmental Change*, 20(2), 194-201.
- Okorie, E., & Eze, C. (2019). Private sector engagement in environmental sustainability in Nigeria: Legal and policy perspectives. *African Journal of Environmental Management*, 8(1), 22-35.
- Olabode, O. (2020). The legal framework for climate change in Nigeria: Progress and prospects. *Journal of Environmental Law and Policy*, 11(2), 45-62.
- Oladipo, E. O. (2019). Climate variability and change in Nigeria. *Journal of Environmental Change Studies*, 10(1), 89–104.
- Olowu, D., & Akinbami, J. F. K. (2016). Legal and institutional framework for climate change in Nigeria. *Journal of Sustainable Development Law and Policy*, 7(2), 217-234.
- Sabiu, S.B. & Magaji, S. (2024). Effect of oil exploration and climate change on Niger Delta Region of Nigeria. *Journal of Development and Society*, 61, 36-49.
- Sampson, A. (2022). *Gas flaring: Nigeria govt under pressure*. <https://www.scoop.co.nz/stories/WO0812/S00359/gas-flaring-nigerian-govt-underpressure.Htm>
- Tanko Y, Magaji S, & Musa I. (2025) Effect of green finance on climate change mitigation in Nigeria. *International Journal of Economic Perspectives*, 19(7):1-22
- United Nations Environment Programme. (2020). *UNEP in Nigeria*.
- Uzoka, N. C., Nwaeze, G., Ibe, G & Nweke, U (2024). Legal frameworks for addressing the impacts of climate change on communities across the world. *Nnamdi Azikiwe University Awka Journal of Private Property Law*, 1 (2), 211-222
- Vahyala, A. T., & Emmanuel, C. D (2024). Challenges and prospects of the legal frameworks for combatting climate change in Nigeria. *AKSU Journal of Administration and Corporate Governance*, 4 (1), 109-121. <https://doi.org/10.61090/aksujacog.2024.009>
- World Bank. (2022). *Climate change and poverty: The Nigerian perspective*.
- Yakubu, J., Magaji, D. A. & Magaji, S. (2025). Assessing the socio-economic impact of climate change and poverty in Birnin Kudu Local Government, Jigawa State, Nigeria. *African Journal of Social Sciences and Humanities Research*, 8(2), 11–31.