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THE LEGAL FRAMEWORK FOR ADDRESSING THE IMPACT OF CLIMATE CHANGE ON LOCAL COMMUNITIES: THE NIGERIA PERSPECTIVE

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ABSTRACT

Climate change has been identified as a huge global threat to human existence with negative consequences on the lives of billions of people on Earth as it possess a great danger to everyone's physical and mental health. The Global South is bearing the brunt of those impacts due to under investment that hinders economic growth and as a result it is socially and economically disadvantaged. Climate change is triggered by certain emissions caused by human activities that continue to make significant changes in the atmospheric condition. The aim of this paper is to critically examine the legal framework for combating the impacts of climate change in the global south using Nigeria as a case study. Adopting a doctrinal legal research methodology, the study finds that Nigeria's legal framework for climate change regulation faces numerous challenges that impede its effectiveness. Also in addition, environmental injustice has been found as one of the reasons inhibiting the practicality of the legal framework of climate change in Nigeria. This paper concludes that the laws put in place to govern environmental protection in Nigeria are grossly inadequate. It recommends that new laws on climate change should focus on environmental justice in order to tackle the menace of climate change in Nigeria. Climate change law must evolve to blend environmental protection with human rights, and development, in order to produce outcomes that are not only ecologically sustainable but also socially just. This will ensure policy coherence between environmental protection and socio-economic rights of the local communities bearing the negative impacts of climate change.

Keywords: *Climate; Climate Change; Policies; Legal Framework; Environmental Justice; Nigeria*

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1. INTRODUCTION

The magnitude of recent climatic changes surpasses those observed over the past two million years, with the earth's warming reaching record levels in the last two decades[2]. This accelerated warming is primarily attributable to the excessive accumulation of greenhouse gases, particularly carbon dioxide and methane, in the Earth's atmosphere. A common thread running through contemporary climate change research is the conclusion that human influence has been the principal driver of this warming trend since the mid-twentieth century[3]. Although natural factors such as oceanic cycles, variations in solar radiation, tectonic movements, and volcanic activity continue to play a role in shaping the climate, it is human activities that contribute most significantly. The burning of fossil fuels, widespread deforestation, and various industrial processes have collectively increased greenhouse gas emissions, intensifying both global warming and broader climatic disruptions[4]. This presents serious threats to both human and natural systems and could result in catastrophic consequences if not urgently addressed.

Climate change presents a multidimensional challenge, with its impact disproportionately affecting vulnerable local communities worldwide. These include indigenous populations, low-income settlements, small island nations, and agrarian societies whose livelihoods and cultures are intrinsically linked to their environments. While international, regional, and national legal frameworks have evolved in response to climate change, their effectiveness in addressing the specific needs of local communities remains contested[5]. This paper critically examines the legal framework addressing climate change impacts on local communities. Using Nigeria as case study, the paper shall be examining the effect of climate change in Nigeria, taking cognizance of the legislation and further highlighting gaps and proposing reforms rooted in justice, inclusivity, and sustainability.

1.1 Conceptual clarification

Climate:

The term climate originated from the Ancient Greek word Klima meaning inclination. It is defined as the weather average over a long period. The climate also includes statistics other than the average, such as the magnitude of day-to-day or year-to-year weather temperature variation[6]. Cambridge Dictionary defines Climate as the general weather conditions usually found in a

[2] Kim R van Daalen et al, 'The 2022 Europe Report of the Lancet Countdown on Health and Climate Change: Towards a Climate Resilient Future' (2022) 7(11) The Lancet Public Health e942.<https://www.thelancet.com/pdfs/journals/lanpub/PIIS2468-2667(22)00197-9.pdf.> accessed 18April 2025

[3] Anna Maria Driga and Anthanasios S Drigas, 'Climate Change 101: How Everyday Activities Contribute to the Ever-Growing Issue' (2019) 7(1) International Journal of Recent Contributions to Engineering, Science and IT <https://online-journals.org/index.php/i-jes/article/view/10031> accessed 17April 2025

[4] Bryson Bates et al, 'Intergovernmental Panel on Climate Change, Technical Paper on Climate Change and Water' (1998) <https://tinyurl.com/2vupm7dh.> accessed 15 April 2025

[5] Ibid

[6] Odoh, S. I. (2012). Climate Change and conflict in Nigeria. A theoretical and empirical examination of the worsening incidence of conflict between farmers and Fulani herders in Northern Nigeria. Arabian Journal of Business and Management Review. 2(1),110-124

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particular place[7]. Climate is the average weather in a given area over a longer period of time. A description of a climate includes information on the average temperature in different seasons, rainfall, and sunshine. Also a description of the (chance of) extremes is often included. The classical period used for describing a climate is 30 years, as defined by the World Meteorological Organization (WMO)[8].

Climate Change: Climate change refers to long-term shifts in temperatures and weather patterns. Such shifts can be natural, due to changes in the sun's activity or large volcanic eruptions[9]. William Ruddiman, a prominent climate scientist, has argued that human influence on the global climate can be traced as far back as 8,000 years ago. According to his assessment, early agricultural practices—particularly the clearing of forests to create arable land—began to alter the Earth's climate long before the industrial era. Further, around 5,000 years ago, the expansion of irrigated rice agriculture in Asia is believed to have contributed to atmospheric changes through increased methane emissions. Nevertheless, it is critical to acknowledge that these early anthropogenic influences pale in comparison to the profound impact brought about by the advent of the industrial age. The Industrial Revolution introduced widespread combustion of fossil fuels for industrial and domestic purposes, large-scale biomass burning, significant greenhouse gas emissions, and the release of aerosols, all of which have dramatically altered the composition of the atmosphere and accelerated global climate change[10].

Climate change is defined as a change in climate, directly or indirectly attributable to human activities, that changes the composition of the global atmosphere and is observed in addition to natural climate variability over a comparable period of time[11]. It is an abnormal, unprecedented change in the average temperature of the troposphere and the atmosphere with an anomalous rate that is the result of emissions of gases, also known as greenhouse gases, which cause the sun's heat to become trapped in the atmosphere. It is a major long term change in the climate globally[12]. The emission of various pollutants, including carbon dioxide, causes a change in the temperature of the atmosphere leading to what we call climate change.

[7] Cambridge Dictionaryhttps://dictionary.cambridge.org/dictionary/english/climate
[8] Climateurope; What is Climate what is climate change? <https://www.climateurope.eu/what-is-climate-and-climate-change/> accessed 17 April 2025
[9]United Nations : Climate Action, <https://www.un.org/en/climatechange/what-is-climate-change> accessed 17 April 2025
[10] W F Ruddiman, 'The Anthropogenic Greenhouse Era Began Thousands of Years Ago' (2003) 61 Climatic Change 261 https://doi.org/10.1023/B:CLIM.0000004577.17928.fa
[11] John Houghton, *Global Warming: The Complete Briefing*. (4th ed. Cambridge: Cambridge University Press 2009) 17-33
[12] J.J McCarthy et al (eds), 'Climate Change 2001: Impacts, Adaptation and Vulnerability: Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change' (Cambridge University Press 2001).

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2. THEORETICAL FRAMEWORK ON CLIMATE CHANGE:

2.1. Environmental Determinism and Human Ecology:

This theory posits that the environment acts as a primary factor influencing human activities, and by extension, the capacity of societies to thrive or decline. In the context of climate change, this theory underscores the potential for environmental changes such as rising temperatures, shifting weather patterns, and extreme weather events to directly influence human activities, including agriculture, infrastructure, economic and settlement patterns[13]. Environmental Determinism presents a critical challenge for lawmakers and policymakers to address these far-reaching impacts of climate change on man. If climate change can, as the theory suggests, directly alter human behavior and societal structures, then legal systems must consider the broader environmental context when crafting policies. As sea levels rise and extreme weather events displace populations, countries may be forced to adopt new legal frameworks that address the rights of displaced persons and the responsibilities of states to provide asylum or relocation options. The theory of Environmental Determinism raises the question of whether laws should be designed to reflect a fatalistic view of environmental determinism accepting the inevitable changes or whether they should instead focus on preemptive action, attempting to limit or reverse the effects of climate change before they lead to irreversible harm. Environmental law thus finds itself at the intersection of adaptation and mitigation, seeking not only to prevent further environmental degradation but also to ensure that society can continue to thrive in a changing climate[14].

While Environmental Determinism focuses on the environment as a shaping force, Human Ecology emphasizes the mutual, dynamic relationship between human societies and the environment. Human Ecology highlights the role of legal frameworks in promoting adaptive strategies. As societies experience the increasing impacts of climate change, legal systems must encourage sustainable land-use practices, climate-resilient infrastructure, and innovative technologies that allow communities to thrive in the face of environmental pressures. A key aspect of Human Ecology that is highly relevant for climate change adaptation is the concept of resilience. Resilience refers to a society's ability to absorb and recover from environmental shocks, whether they be floods, hurricanes, or prolonged droughts. Legal systems must create frameworks that not only help communities to recover from these events but also minimize their vulnerability in the future. This may include legal provisions for climate-proofing infrastructure, the establishment of early warning systems, and the creation of legal mechanisms for disaster risk reduction[15].

[13] Harrison Gerald. K, Environmental Determinism <https://www.ebsco.com/research-starters/religion-and-philosophy/environmental-determinism> accessed 1 May 2025
[14] John L. Bloke. Environmental Determinsim <https://www.oxfordbibliographies.com/display/document/obo-9780199363445/obo-9780199363445-0045.xml?d=%2Fdocument%2Fobo-9780199363445%2Fobo-9780199363445-0045.xml&p=emailAiccUOYqMS5BQ> Accessed 2 May 2025
[15] Ibid

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2.2 The Tragedy of the Commons: A Global Shared Resource Under Threat

One of the central ideas in understanding climate change is the Tragedy of the Commons, a theory introduced by Garrett Hardin[16]. This theory suggests that when resources are shared by everyone, but controlled by no one, they are often overused and depleted[17]. In the case of climate change, the atmosphere is a global commons—everyone shares it, yet no single country has control over its use. Over time, industrialized nations have released vast amounts of greenhouse gases into the atmosphere, contributing to global warming and the destabilization of the climate. this creates a dilemma: how can we regulate something so vast and shared? The Tragedy of the Commons highlights the need for collective action, where all nations must work together to protect the environment, ensuring the sustainable use of global resources. Treaties like the Paris Agreement are attempts to address this issue by encouraging countries to agree on limits to emissions and share responsibility for mitigating climate change[18].

2.3 Environmental Justice, Climate Justice and Human Rights

Environmental justice refers to the principle that all individuals irrespective of race, colour, national origin, or income are entitled to equal protection from environmental harm and equal access to environmental benefits, along with meaningful participation in the policies or decision-making processes that affect their communities[19]. Environmental justice may be understood as the principle of equity in both the distribution of environmental benefits and burdens, and in the processes through which such distribution occurs[20]. Environmental burdens refer to a variety of harmful conditions that negatively affect human health and well-being, such as air and water pollution, exposure to pesticides and industrial chemicals, infectious diseases, flooding, noise pollution, racial or ethnic discrimination, and crime. Conversely, environmental benefits include access to green spaces, secure and healthy housing, nutritious food, and adequate healthcare[21].

Climate justice integrates human rights and development principles to promote a human-centred approach that protects the rights of the most vulnerable, ensuring that the burdens and benefits of climate change and its mitigation are distributed fairly and equitably. It is guided by scientific

[16]Garrett Hardin, 'The Tragedy of the Commons' (1968) 162 science 1243-1248 <https://pages.mtu.edu/~asmayer/rural_sustain/governance/Hardin%201968.pdf> accessed 2 May 2025
[17] ibid
[18] O'Gorman, Maebh, "Global Warming: A Tragedy of the Commons" (2010). 32 Comparative Research in Law & Political Economy. <http://digitalcommons.osgoode.yorku.ca/clpe/99> aCCESSED 2 May 2025

[19]Renne Skelton et al; 'The Environmental Justice Movement' <https://www.nrdc.org/stories/environmental-justice-movement> Assessed 17th April 2025
[20]John Rawls, *A Theory of Justice* (6th edn, Routledge 2016) 9.
[21] Kaswan A (2013). Environmental justice and environmental law, 24 (2), Fordham Environmental Law Review149–179, <https://www.jstor.org/stable/26195842> accessed 15th April 2025

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evidence, responds to scientific findings, and recognises the necessity of managing the world's resources with fairness and responsibility[22].

The Climate Justice framework connects climate change with human rights, arguing that the people who contribute least to climate change are often the ones who suffer the most. This includes communities in the Global South, Indigenous peoples, and low-income groups who have less ability to adapt to climate shocks like floods, droughts, or heatwaves. It highlights the need for international laws that not only reduce emissions but also ensure that those who are most vulnerable are protected and compensated[23].

2.4. Ecological Modernization Theory: The Path to a Green Economy

Ecological Modernization offers a more optimistic view by suggesting that we can tackle climate change while still pursuing economic growth. This theory argues that technological innovation, market-driven solutions, and legal reforms can enable societies to reduce their environmental impact while continuing to develop economically[24]. The law plays a crucial role in promoting the transition to a low-carbon economy. Laws that encourage the use of renewable energy, increase energy efficiency, and sustainable practices are at the forefront of this transformation. Ecological Modernization suggests that through innovation, sustainable balance can be achieved between economic progress and environmental protection[25].

2.5 Adaptation and Resilience Theory: Building for the Future

Adaptation and Resilience theory emphasizes the importance of preparing for and coping with environmental changes. This theory encourages legal frameworks that foster resilience helping communities adapt to climate impacts such as extreme flooding, droughts, or coastal erosion[26].The UNFCCC has set up constituted bodies and workstreams relevant to progressing adaptation responses and enhancing societal and environmental resilience. The purpose of the United Nations framework on Climate change is to guide the achievement of the global goal on adaptation and the review of overall progress in achieving it with a view to reducing the increasing adverse impacts,

[22] Mary Robison Foundation Climate Justice, Principles of Climate Change.<https://www.mrfcj.org/pdf/Principles-of-Climate-Justice.pdf> accesses 27 April 2025
[23] Peter Hansen, Climate Justice In Nigeria (2021 Climate Score card, <https://www.climatescorecard.org/2022/03/climate-justice-in-nigeria/> accessed 20, April, 2025.
[24]Lazarus Adua &et al the Human Dimensions of Climate Change: A micro Level Assesment of Views from the Ecological modernisation, political economy and Human ecological perspectives <https://www.sciencedirect.com/science/article/abs/pii/S0049089X15001830.> Accessed 2 May 2025
[25] ibid
[26] United Nations on CLimte Change , Adaption and Resilience <https://unfccc.int/topics/adaptation-and-resilience/the-big picture/introduction#:~:text=It%20refers%20to%20changes%20in,and%20future%20climate%20change%20impacts.> accessed 29 April 2025

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risks and vulnerabilities associated with climate change, as well as to enhance adaptation action and support[27].

3. THE EFFECT OF CLIMATE CHANGE TO LOCAL COMMUNITIES

The adverse effects of Climate Change across the world is enormous, as it constitutes an existential threat to Nigeria's socio-economic stability and ecological balance, disproportionately affecting rural and peri-urban communities. Nigeria, Africa's most populous country, faces grave challenges from climate change. The northern region suffers from desert encroachment and droughts, while the southern coastal areas are plagued by sea-level rise and flooding. Local communities, many of whom live below the poverty line, lack adaptive capacity. However this section shall be taking into consideration the effect of climate change in Nigeria which includes drought, poverty, rising food insecurity, rising sea level, and hotter temperature[28].

3.1 Increased Droughts

Change in the Climatic condition has brought about drought and prolonged heat wave, regardless of downpours in some places within Nigeria, there is constant heat Hot and dry places are becoming progressively hotter and drier, and places that were once temperate and regularly rained are becoming much hotter and much drier[29].

3.2 Loss of Biodiversity in plants and animals

Rising temperatures are causing the decline of various plant and animal species, with the warming of the planet due to climate change having a profound impact on entire ecosystems. It has been observed that many fish species are migrating long distances to find waters with suitable temperatures. Farmers in temperate regions are struggling with drier conditions, which are proving challenging for crops like corn and wheat. Once fertile growing areas are now facing significant threats[30].

3.3 Poverty

It has been noted that climate change brings about all sorts of disaster, including flood, which can sweep away regions accommodating people who lack the basic necessities to sustain a healthy and safe livelihood, destroying homes and livelihoods thereby leaving people in abject poverty. Poverty also arises when crops are not growing well as a result of lack of adequate water needed by them to grow well. Research has also found out that between the year 2010 and 2019, more than 23.1 million people have been displaced by weather-related crisis, which has led them to

[27] Ibid
[28] Federal Ministry of Environment, *Nigeria's Climate Change Policy Response and Strategy* (2012) 3.
[29] Adeola Kehinde and Olufemi Abifarin; Legal framework for combaing Climate Change in Nigeria.<https://www.researchgate.net/publication/370401027_Legal_Framework_for_Combating_Climate_Change_in_Nigeria> Accessed 6 April 2025
[30] Ibid

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poverty[31].The introduction of carbon emissions cap-and-trade system targeting major polluters like power plants and factories. However, such approaches are likely to significantly raise energy costs and hinder economic growth, effects that disproportionately impact low-income populations. Since poorer individuals allocate a larger portion of their income to energy compared to wealthier individuals, these policies tend to be regressive in nature. A lack of affordable energy contributes to persistent poverty, malnutrition, and disease.[32]

3.4 Reduced food security

Plants thrive within specific temperature ranges, and any changes in these ranges can have a significant impact on their productivity. In North America, for example, rising temperatures may reduce corn and wheat yields in the US Midwest but increase production in Canada. Similarly, rice—the staple food for over a third of the global population—sees a 10% reduction in productivity for every 1°C rise in temperature[33].

In Nigeria, these temperature changes are also affecting agricultural productivity. Nigeria, like many parts of sub-Saharan Africa, depends heavily on rain-fed agriculture, which is vulnerable to shifts in climate patterns. Rising temperatures and erratic rainfall are causing disruptions in crop cycles, leading to reduced yields for staple crops such as maize, rice, and cassava. This has significant implications for food security, as the country already faces challenges in meeting the growing demand for food due to a rapidly expanding population.

Historically, Nigeria has relied on technological advances and the increased use of fertilizers to mitigate climate-related challenges in agriculture[34]. However, projections suggest that by 2050, the impacts of climate change could reduce agricultural productivity by as much as 25%. Additionally, with Nigeria's population expected to grow significantly in the coming decades, the country will face the dual challenge of increasing food production while managing the adverse effects of climate change[35].

As in other developing nations, the global population growth predicted to add 3 billion people by 2050 means that countries like Nigeria will need to significantly increase food production just to maintain current consumption levels. The country must therefore adapt to the changing climate,

[31] United Nations. Causes and Effects of Climate Change. <https://www.un.org/en/climatechange/science/causes-effects-climate-change> Accesed 20 April 2025
[32] ibid
[33] Ibid note 16
[34] A Adebayo and EO Oladipo, 'Climate Change and Agricultural Productivity in Nigeria: Implications for Food Security' (2016) 13(4) *International Journal of Environmental Science and Technology* 1027.
[35] Ibid

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investing in sustainable agricultural practices and technologies to ensure food security for its growing population[36].

3.5 Melting of Glaciers and Rising Sea level

Melting glaciers are a significant contributor to the rise in sea levels, which is a major impact of climate change. Over the past century, the global average sea level has risen by approximately 20 cm, and climate scientists predict that this will continue to accelerate over the next 100 years. Coastal cities, such as New York, are already experiencing an increased frequency of flooding events. By 2050, many of these cities may require protective barriers to prevent further damage. In Africa, the melting of glaciers poses a threat to more than 25% of the population, who live within 100 kilometers of the coast, making them vulnerable to rising sea levels and flooding.[37]. Climate change primarily leads to extreme weather events, often referred to as 'climate shocks.' For example, in Pakistan, regions that historically experienced frequent but low-intensity flooding are now facing floods of higher intensity and greater frequency, such as the devastating floods that occurred in 2010 and 2011 [38].

3.6 Heavy downpours and storms

One of the effects of climate change is either an increased rainfall or reduced rainfall. Although the specific conditions that trigger precipitation will remain unchanged, climate change is expected to alter the amount of water vapour in the atmosphere, leading to an increase in overall moisture. This results in heavier downpours rather than steady, moderate rainfall during precipitation events[39].

3.7 Human Health

Climate change is exerting profound and wide-ranging impacts on human health. It contributes to increased mortality and morbidity through more frequent and intense extreme weather events, including heatwaves, storms, and floods[40]. It also disrupts food systems, leading to malnutrition and food insecurity, and drives the spread of zoonotic diseases as well as food-, water-, and vector-borne illnesses[41]. Mental health consequences are increasingly recognized, as climate-related disasters and displacement trigger psychological distress, anxiety, and depression[42].

[36] J.J McCarthy et al (eds), 'Climate Change 2001: Impacts, Adaptation and Vulnerability: Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change' (Cambridge University Press 2001).
[37]H Brock, "Climate Change: Drivers of Insecurity and the Global South", <https://www.files.ethz.ch.> accessed on 18 April 2025.
[38] Floods in Pakistan: A State-of-the-art review. < https://www.sciencedirect.com.> accessed 24 April, 2024.
[39] ibid
[40] World Health Organization (WHO), *Climate Change and Health* (WHO, 30 October 2021) <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health> accessed 2 May 2025.
[41] IPCC, *Climate Change 2023: Synthesis Report* (IPCC 2023) 22–25.
[42] Watts N et al, 'The 2023 Report of the Lancet Countdown on Health and Climate Change' (2023) 402 *The Lancet* 2345–2381.

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In addition, climate change exacerbates many social determinants of health, such as livelihoods, income equality, access to health care, and the strength of social support systems[43]. These health risks are not evenly distributed across populations. The most vulnerable and marginalized groups—including women, children, ethnic minorities, impoverished communities, migrants, displaced persons, older adults, and individuals with pre-existing health conditions—bear a disproportionate burden of climate-sensitive health challenges[44].Without urgent action, the health implications of climate change will likely deepen existing inequalities and overwhelm already fragile health systems, particularly in low- and middle-income countries.

4. AN EXAMINATION OF THE LEGAL FRAMEWORK FOR ADDRESSING THE IMPACT OF CLIMATE CHANGE IN NIGERIA .

4.1 International Legal Frameworks

Addressing climate change in the context of its negative hold in the world requires a robust and inclusive legal and institutional framework capable of responding to the needs of vulnerable populations. The United Nations Framework Convention on Climate Change (UNFCCC) 1992, is the first international legal instrument on climate change which sets the stage for global cooperation on climate action[45]. The Kyoto Protocol (1997), Kyoto Protocol in 2005, the climate summits in Copenhagen and Cancún in 2009 and 2010 and the Paris Agreement (2015) represent milestones in establishing binding and non-binding obligations for states. The above legal instruments among others will be considered under this heading.

4.1.1 United Nations Framework Convention on Climate Change (UNFCCC) 1992

The UN Framework Convention on Climate Change (UNFCCC) sets out the basic legal framework and principles for international climate change cooperation with the aim of stabilizing atmospheric concentrations of greenhouse gases (GHGs) to avoid dangerous anthropogenic interference with the climate system.

a. Common but Diffirentiated Responsibilities

The United Nations Framework Convention on Climate Change (UNFCCC) incorporates the principle of common but differentiated responsibilities (CBDR), which acknowledges that while all states have obligations to address climate change, developed countries bear a greater responsibility owing to their historical emissions and enhanced capacities to undertake mitigation measures. As such, developed nations are expected to "take the lead in combating climate change and the adverse effects thereof," while developing countries are expected to participate in mitigation efforts to the extent of their capabilities[46]. The Convention repeatedly underscores the importance of fostering sustainable economic growth in developing countries and grants them more flexible reporting and compliance obligations. Furthermore, the implementation of commitments by developing countries

[43] Haines A and Ebi KL, 'The Imperative for Climate Action to Protect Health' (2019) 364 *New England Journal of Medicine* 1–7.
[44] WHO, *Health and Climate Change: Country Profile 2021—Nigeria* (WHO 2021) 10–13.
[45] United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107 (UNFCCC).
[46] United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107, art 3(1).

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is expressly contingent upon the adequate provision of financial resources and technology transfer from developed country parties[47].

b. Data Gathering

With respect to data collection and reporting, the UNFCCC established mechanisms requiring parties to submit national greenhouse gas (GHG) inventories. While all states are obliged to report their emissions data, developed countries must provide more detailed accounts of their mitigation strategies and projections regarding the expected impacts on GHG emissions. These reporting processes have been critical in enhancing the scientific understanding of climate change and have served as the foundation for the reporting requirements of subsequent agreements, including the Paris Agreement[48].

c. Administrative Institution, Structures and Process

The Convention also established the fundamental institutional framework for international climate governance, creating bodies such as the Conference of the Parties (COP), a secretariat, and subsidiary bodies responsible for overseeing the Convention's implementation and related legal instruments. This institutional architecture has facilitated the negotiation and adoption of numerous subsequent protocols and agreements, including most notably the Paris Agreement[49].

4.1.2 The Kyoto Protocol (1997)

The Kyoto Protocol was adopted at the third session of the Conference of the Parties (COP 3) to the United Nations Framework Convention on Climate Change (UNFCCC), convened in Kyoto, Japan, on 11 December 1997. While the Protocol shares the same overarching objectives and institutional architecture as the UNFCCC, its critical distinction lies in transforming the Convention's largely aspirational commitments into legally binding obligations for industrialised states to reduce greenhouse gas (GHG) emissions[50]. The operational details for implementing the Protocol were subsequently formalised at COP 7 in Marrakesh in 2001 through what became known as the Marrakesh Accords[51].

Anchored in the principle of "common but differentiated responsibilities," the Kyoto Protocol imposes more stringent obligations on developed countries in recognition of their historical contributions to climate change and greater capacity to address its impacts[52]. The Protocol entered into force on 16 February 2005 and has, to date, been ratified by 192 parties, reflecting near-universal international endorsement[53]. Under its first commitment period (2008–2012), 37 industrialised countries and the European Community pledged to achieve an aggregate emissions

[47] UNFCCC (n 1) arts 4(3)–4(7).
[48] ibid arts 4(1)(a), 12; Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/10/Add.1, arts 13–14.
[49] UNFCCC (n 1) arts 7–10; Paris Agreement (n 3).
[50] Kyoto Protocol to the United Nations Framework Convention on Climate Change (adopted 11 December 1997, entered into force 16 February 2005) 2303 UNTS 162, arts 2–3.
[51] ibid; UNFCCC, 'The Marrakesh Accords and the Marrakesh Declaration' (UNFCCC, 2001) <https://unfccc.int/resource/docs/cop7/13a01.pdf >accessed 2 May 2025.
[52] Kyoto Protocol (n 1) art 10; UNFCCC (n 2) art 3(1)
[53] UNFCCC, 'Kyoto Protocol: Status of Ratification' (UNFCCC, 2024) <https://unfccc.int/kyoto_protocol> accessed 2 May 2025.

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reduction of approximately 5 per cent below 1990 levels[54]. With the adoption of planned domestic policies and measures, these states were projected to reach an overall reduction of around 11 per cent during this period. Notably, the Protocol also introduced a suite of "flexible mechanisms"—including international emissions trading, the Clean Development Mechanism (CDM), and Joint Implementation (JI)—to facilitate cost-effective compliance with reduction targets[55].

4.1.3 The Paris Agreement: The Paris Agreementis particularly notable for its emphasis on limiting global warming to 1.5°C and recognising the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC)[56].

Importantly, Article 7 of the Paris Agreement obligates parties to enhance adaptive capacity, strengthen resilience, and reduce vulnerability to climate change, thereby implicitly acknowledging the specific needs of local communities[57]. However, critics argue that while the Paris Agreement makes references to human rights and indigenous knowledge, these references are not enforceable, limiting their practical utility[58].

The question to determine here is on how the Paris Agreement may influence countries that may legislate their international climate targets or their climate policies more broadly? The Paris Agreement has a number of features that may influence how countries adapt, improve, or create new domestic processes in order to comply with its obligations. All parties to the Agreement are required to maintain a nationally determined contribution (NDC) that outlines their self-defined mitigation goals.[59]They are legally obligated to pursue domestic measures with the aim of achieving those goals. Every five years, they must update or communicate a new NDC[60]. The Agreement reiterates the UNFCCC goal of keeping average warming below two degrees Celsius while pursuing efforts to limit the temperature increase to 1.5 degrees Celsius[61].

The agreement prescribes two long-term emission goals: to include

1. a peaking of emissions as soon as possible taking into cognizance of the fact that it will take longer for developing countries
2. a goal of net greenhouse gas neutrality in the second half of this century[62].

In line with these aims, the Paris Agreement encourages parties to develop and communicate long-term low greenhouse gas emission development strategies. The Paris Agreement also establishes an enhanced transparency framework that covers reporting and review of information on parties' emissions, mitigation efforts, and support provided or received. It requires developed countries (and encourages other countries providing support) to report in their biennial transparency reports on the

[54] Kyoto Protocol (n 1) art 3(1), Annex B
[55] ibid arts 6, 12–17
[56] Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/10/Add.1.
[57] art 7.
[58] Paris Protocol Annalisa Savaresi, 'The Paris Agreement: A New Beginning?' (2016) 34(1) *Journal of Energy & Natural Resources Law* 16.
[59] J. Huang, A Brief Guide To The Paris Agreement And 'Rulebook' (June 2019),<https://Www.c2es.Org/Wp-Content/Uploads/2019/06/Paris-Agreement-And-Rulebook-Guide.Pdf> accessed 2 May 2025
[60] Paris Agreement Article 4.2
[61] Paris Agreement Article 2
[62] Article 4

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support for developing countries they have provided or mobilized Developing countries should provide information on financial, technology transfer and capacity-building support needed and received[63]. To promote rising ambition, the Agreement created a new mechanism called a global stocktake to assess collective progress toward meeting the agreement's long-term goals[64]. Parties will then submit new NDCs, informed by the outcomes of the global stocktake. Article six of the Paris Agreement recognizes that parties may cooperate voluntarily in the implementation of their NDCs, in order to allow for higher ambition and to promote sustainable development and environmental integrity.

However, perhaps the most significant impact of the Paris Agreement has been on the ambition of new laws[65]. The passage of legally binding, mid-century climate neutrality goals indicates that governments are responding to the long-term nature of the climate crisis, with some of the climate framework laws explicitly mentioning the Paris Agreement's long-term goals. For example, New Zealand's Zero Carbon amendment creates a framework by which the country can develop and implement clear and stable climate change policies that "contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above preindustrial levels."t legislative implementation of the Paris Agreement is far from

4.2 Regional Approaches

African Charter on Human and Peoples' Rights (ACHPR) : The African Charter on Human and Peoples' Rights (ACHPR) adopted in 1981 entered into force in 1986, is the foundational human rights instrument of the African continent. While the Charter does not explicitly mention climate change, several of its provisions are increasingly interpreted as relevant to environmental protection and climate action. The legal instrument have been invoked to address climate-related harm. Notably, Article 24 provides that "all peoples shall have the right to a general satisfactory environment favourable to their development," which has been understood to impose both negative and positive obligations on African states to safeguard the environment and address environmental harm, including harm induced by climate change[66]. The African Commission's resolution on climate change and human rights (2016) affirms that climate change adversely impacts the enjoyment of human rights in Africa, and urges member states to integrate climate adaptation strategies with a rights-based approach[67].The African Commission on Human and Peoples' Rights, the body tasked with monitoring the implementation of the Charter, has affirmed that environmental degradation and climate change can impair the enjoyment of various human rights, including the

[63] Paris Agreement Article 13
[64] Paris Agreement Article 14
[65] ShAikh Eskander Et Al., Global Lessons From Climate Change Legislation And Litigation, (2021) 2(3) Environmental And Energy Policy And The Economy 44, 45– 46, 48 .
[66] African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217, art 24
[67] African Commission on Human and Peoples' Rights, 'Resolution on Climate Change and Human Rights in Africa' (ACHPR/Res.342(LVIII)2016).

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rights to health, life, food, water, and housing[68]. In its Resolution 153 (2009) on Climate Change and Human Rights and Resolution 271 (2014) on Climate Change in Africa, the Commission underscored the urgent need for African states to adopt measures to mitigate and adapt to climate change, while ensuring that such measures respect human rights standards[69].

The African Union (AU) Constitutive Act (2000): The AU's founding instrument includes environmental sustainability as part of its objectives and mandates member states to promote sustainable development at the economic, social, and cultural levels (Article 3)[70].

The 2003 Maputo Convention on the Conservation of Nature and Natural Resources: This revised treaty sets binding commitments for African states to conserve biological diversity, sustainably use natural resources, and integrate environmental considerations into development plans — all of which have direct relevance for climate change mitigation and adaptation[71].

The African Ministerial Conference on the Environment (AMCEN): Established in 1985, AMCEN provides political guidance on environmental protection and has adopted several declarations and action plans specifically addressing climate change, including the African Climate Change Strategy and the African Common Position on Climate Change, which guide Africa's negotiation stance at global climate fora such as the UNFCCC[72].

The African Union Climate Change and Resilient Development Strategy and Action Plan (2022–2032): This ten-year framework provides a coordinated African response to climate change, focusing on enhancing resilience, mobilizing climate finance, and supporting low-carbon development pathways across the continent[73].

Together, these instruments reflect a growing recognition in Africa that climate change is not merely an environmental challenge but a fundamental human rights and development issue. The integration of climate obligations within human rights frameworks like the ACHPR strengthens the legal and moral basis for demanding accountability and advancing climate justice on the continent.

4.3. National Legal Frameworks

At the domestic level, several countries have enacted climate-specific legislation these legislations include: the constitution of the Federal Republic of Nigeria, the Climate Change Act 2021, the *Environmental Impact Assessment Act*, Cap E12 LFN 2004, the *National Environmental Standards and Regulations Enforcement Agency (NESREA) Act*, and state-level environmental laws, which are variably implemented.However, many national laws remain top-down in structure, failing to

[68] African Commission on Human and Peoples' Rights, 'Resolution 153 on Climate Change and Human Rights in Africa' (24 November 2009); ACHPR, 'Resolution 271 on Climate Change in Africa' (5 November 2014).
[69] Ibid
[70] Constitutive Act of the Africa Union Article 3 <https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf> accessed 2May 2024
[71] Revised African Convention on the Conservation of Nature and Natural Resources (adopted 11 July 2003, entered into force 23 July 2016) <https://au.int/en/treaties/revised-african-convention-conservation-nature-and-natural-resources> accessed 2 May 2025.
[72] African Ministerial Conference on the Environment (AMCEN), 'African Strategy on Climate Change' (AMCEN 2011); AMCEN, 'African Common Position on Climate Change' (AMCEN 2013
[73] African Union, 'African Union Climate Change and Resilient Development Strategy and Action Plan (2022–2032)' (AU 2022) https://au.int/en/documents/20220225/african-union-climate-change-and-resilient-development-strategy accessed 2 May 2025.

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empower local communities with sufficient legal standing or resources to pursue climate adaptation autonomously. There is a growing consensus that legal pluralism, which integrates customary and statutory laws, may be essential in improving climate resilience among indigenous populations[74].

4.3.1 Constitutional and Legislative Framework

The 1999 Constitution of the Federal Republic of Nigeria (as amended) lacks an explicit right to a healthy environment. However, environmental protection is embedded under Chapter II (Fundamental Objectives and Directive Principles of State Policy), which obligates the state to improve and protect the environment (Section 20)[75]. While non-justiciable, this provision offers interpretative guidance and underpins statutory duties.

4.3.2 The Climate Change Act 2021 is Nigeria's most significant legal step towards institutionalizing climate action. This law can be said to be the major comprehensive local statute enacted to address the issue of climate change in Nigeria. The law provides a legal and institutional framework for the reduction of greenhouse gas emissions into the atmosphere by ensuring the formulation of programs and policies for such purposes. It aligns with Nigeria's international climate change commitments by setting a goal of net-zero greenhouse gas emissions by 2050–2070 as this is part of the objectives of the Act.

The Act establishes the National Council on Climate Change and mandates the formulation of carbon budgets, climate resilience policies, and mainstreaming of climate change into national planning[76]. The council on climate change is vested with the power to make policies and decisions on all matters relating to climate change in Nigeria among its numerous responsibilities includes coordinating the implementation of sectoral targets and guidelines for the regulation of greenhouse gas emissions and other anthropogenic causes of climate change. Notably, Section 18 provides for the inclusion of vulnerable groups, including women, youth, and persons with disabilities, though specific mention of rural or indigenous com

4.3.4 The Environmental Impact Assessment Act in Nigeria and Its Relevance to Climate Change

Nigeria's principal legal instrument governing environmental protection in the context of development activities is the Environmental Impact Assessment Act 1992 (EIA Act)[77]. The Act establishes a mandatory framework for assessing the potential environmental impacts of proposed projects, with the goal of ensuring that development proceeds in a manner that is environmentally sustainable and socially responsible.

The EIA Act requires that any project likely to have significant effects on the environment whether public or private must undergo an environmental impact assessment (EIA) before approval or implementation[78]. Section 2(1) of the Act stipulates that the assessment must consider the direct and indirect effects of a project on the environment, including on land, air, water, and biological

[74] Kirsten Anker, *Declarations of Interdependence: A Legal Pluralist Approach to Indigenous Rights* (Ashgate 2014).
[75] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 20.
[76] Climate Change Act 2021, ss 3–6.
[77] Environmental Impact Assessment Act 1992 (Nigeria), Cap E12, Laws of the Federation of Nigeria 2004.
[78] EIA Act 1992, s 1–2

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resources, as well as socio-economic, cultural, and health factors[79].³ This broad mandate places climate change considerations firmly within the scope of the EIA process, particularly when projects involve sectors such as energy, oil and gas, transportation, and infrastructure that are significant sources of greenhouse gas (GHG) emissions.

Although the EIA Act does not explicitly mention "climate change," its provisions provide an important legal basis for integrating climate-related concerns into environmental decision-making in Nigeria. In practice, this means that EIAs should evaluate a project's contribution to GHG emissions, its vulnerability to climate risks (such as flooding, sea-level rise, or extreme weather), and the adequacy of mitigation and adaptation measures. This aligns with international best practices under instruments such as the Paris Agreement and regional frameworks like the African Union Climate Change Strategy[80].

The Federal Ministry of Environment, which oversees the implementation of the EIA Act, has increasingly recognised the need to mainstream climate change considerations into EIA procedures. However, challenges remain, including weak institutional capacity, limited technical expertise, and inadequate enforcement, which have constrained the effective use of the EIA process as a tool for climate action[81]. Strengthening the integration of climate change into EIA processes is therefore essential to advancing Nigeria's commitments under its Nationally Determined Contribution (NDC) and the Climate Change Act 2021[82].

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

The National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007 is a key environmental legislation in Nigeria, establishing NESREA as the principal regulatory body responsible for enforcing all environmental laws, guidelines, policies, standards, and regulations across the country[83]. The Act empowers NESREA to ensure compliance with environmental standards, protect natural resources, and promote sustainable development.

Although the NESREA Act does not explicitly refer to "climate change," its broad environmental protection mandate places it in a critical position to address climate-related challenges. Under Section 7, NESREA is tasked with enforcing environmental regulations on air quality, atmospheric protection, noise pollution, hazardous substances, and waste management — all of which are closely linked to Nigeria's efforts to mitigate greenhouse gas (GHG) emissions and adapt to climate impacts[84].

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[79] ibid s 4 and the Schedule to the Act.

[80] Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/10/Add.1; African Union, 'African Union Climate Change and Resilient Development Strategy and Action Plan (2022–2032)' (AU 2022) https://au.int/en/documents/20220225/african-union-climate-change-and-resilient-development-strategy accessed 2 May 2025.

[81] Okechukwu Ibeanu, 'Strengthening Environmental Impact Assessment in Nigeria' (2019) Environmental Policy and Law 49(3–4) 198.

[82] Climate Change Act 2021 (Nigeria), Act No 32 of 2021

[83] National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007 (Nigeria), Cap N164, Laws of the Federation of Nigeria 2010.

[84] NESREA Act 2007, s 7(a)–(l).

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NESREA has also been instrumental in developing subsidiary regulations that incorporate climate change considerations. For instance, the agency has issued regulations on National Environmental (Air Quality Control), Ozone Layer Protection, Waste Management, and Energy Sector Emissions Control, which directly or indirectly contribute to Nigeria's climate mitigation efforts[85]. Through these regulations, NESREA works to reduce emissions from industrial activities, ensure cleaner production methods, and safeguard ecosystems that act as carbon sinks.

Furthermore, NESREA plays an important role in Nigeria's implementation of international and regional climate commitments. As part of its statutory functions, NESREA monitors compliance with multilateral environmental agreements (MEAs), including the Paris Agreement, the Vienna Convention on Ozone Layer Protection, and the Montreal Protocol, all of which have climate-related dimensions[86]. NESREA's enforcement actions thus complement Nigeria's obligations under its Nationally Determined Contribution (NDC) and its domestic framework, including the Climate Change Act 2021[87].

Despite these efforts, challenges remain. NESREA faces institutional constraints such as inadequate funding, limited technical capacity, and overlapping mandates with other regulatory agencies, which can undermine the effectiveness of its climate-related functions[88]. Strengthening NESREA's capacity, clarifying inter-agency roles, and enhancing stakeholder engagement are critical steps toward enabling the agency to play a more robust role in Nigeria's climate governance.

5 IMPACT OF LEGAL FRAMEWORK ON CLIMATE CHANGE TO ENVIRONMENTAL JUSTICE

The **Climate Change Act 2021** establishes a robust legal framework to guide Nigeria's pursuit of its short-, medium-, and long-term objectives for climate change mitigation and adaptation. Central to the Act are the obligations it places on both public and private entities to foster a low-carbon economy and advance sustainable livelihoods. The Act also charges the National Council on Climate Change and its Secretariat with the responsibility of collaborating with key stakeholders, notably civil society organization, to ensure inclusive climate governance. Collectively, these provisions create a strong legal foundation for the emergence of climate change litigation in Nigeria. Significantly, the Act permits legal action against the Council or any other entity, whether public or private, for failure to regulate or enforce sanctions against non-compliance with the climate obligations set forth in the legislation, particularly where such non-compliance undermines mitigation or adaptation efforts[89].

The Act enables both Federal and State High Courts to grant orders in climate-related and environmental cases, such as:

[85] National Environmental (Air Quality Control) Regulations 2014; National Environmental (Ozone Layer Protection) Regulations 2009; National Environmental (Energy Sector Emissions Control) Regulations 2014.
[86] NESREA Act 2007, s 7(f); Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/10/Add.1.
[87] Climate Change Act 2021 (Nigeria), Act No 32 of 2021
[88] Uchenna Jerome Orji, Environmental Law and Underdevelopment in the Niger Delta (Wolf Legal Publishers 2012) 178–181.
[89] Climate Change Act 2021 section 3, 5 and 26

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(a) injunctions to restrain or discontinue harmful environmental practices;
(b) orders compelling public authorities to prevent or remedy environmental harm;
(c) compensation awards to persons directly impacted by environmentally damaging activities.

These remedies expressly encompass harms linked to climate change[90].

In Gbemre v Shell Petroleum Development Company of Nigeria Ltd[91], the Federal High Court ordered Shell to halt gas flaring in the Niger Delta, recognizing the grave threat it posed to the local community's survival and the broader environmental harm, including acid rain. The court ruled that such persistent and intensive gas flaring violated the constitutionally guaranteed rights to life and human dignity under the 1999 Constitution and the African Charter on Human and Peoples' Rights.

Further expanding the potential for climate litigation, the Supreme Court's decision in Centre for Oil Pollution Watch v NNPC[92] broadened the doctrine of locus standi in environmental suits. Rejecting the restrictive application of technical standing rules, the Court affirmed that individuals and non-governmental organizations acting in good faith to ensure the fulfilment of statutory duties, particularly those safeguarding public health, human life, and the environment, possess the legal standing to initiate actions concerning public environmental harms.

The Nigerian courts' purposive reading of constitutional and human rights provisions strengthens the prospects for future climate claims. By reading together the 1999 Constitution (as amended)[93] and the African Charter on Human and Peoples' Rights[94], the courts have recognised the right to a clean and healthy environment as a fundamental human right. This interpretation imposes a duty on the state to shield communities from toxic and hazardous pollutants, particularly those emanating from extractive industries such as oil and gas. While primarily framed as environmental jurisprudence, these cases are highly relevant to the future of climate litigation in Nigeria. Their true importance lies in their expansive interpretation of the constitutional right to life, the state's environmental protection mandate, and the right under the African Charter to an environment conducive to human development. Such an interpretive approach lays a valuable normative and legal foundation for advancing climate claims, positioning climate protection not only as a statutory duty under the Climate Change Act but as a core human right deserving of judicial protection.

6 CHALLENGES AND PROSPECTS OF LEGAL FRAMEWORKS FOR CLIMATE CHANGE

6.1 Administrative challenges

It is believed within legal and policy discourses that climate change mitigation and adaptation measures would naturally advance environmental protection objectives and promote social and economic justice[95]. However, these policies often suffer from weak implementation, low funding,

[90] Ibid Section 26 (1)
[91] (2005) AHRLR 151 (NgHC 2005).
[92] [2019] 5 NWLR (Pt 1666) 518 (SC)
[93] SECTION 20 , 30, 33-34 CFRN
[94] Article 26, 24 ACHPR
[95] Henry Shue Subsistence emissions and luxury emissions. Law and Policy, 15(1), 39–60. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-9930.1993.tb00093.x>

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and insufficient decentralization[96]. Local governments, despite being closest to the communities, lack constitutional recognition as autonomous entities with climate governance powers. Community engagement remains largely tokenistic. For example, the Ogoni cleanup under the UNEP recommendations for the Niger Delta has suffered delays and community distrust due to insufficient legal guarantees of participation and oversight[97].

However, research has demonstrated that such measures may, if not carefully designed, exacerbate existing structural inequalities[98]. This reflects a critical tension in climate governance: while climate policies aim to promote environmental sustainability, they may also generate regressive socio-economic impacts unless accompanied by adequate distributive safeguards.

6.2 Social and economic challenges

For instance, mitigation strategies—such as carbon pricing, fossil fuel taxation, cap-and-trade mechanisms, and transitions to renewable energy sources—are fundamental to achieving international climate targets under instruments such as the Paris Agreement. These measures are designed to reduce greenhouse gas emissions and thereby fulfil states' environmental obligations. However, they also tend to increase the cost of energy, reduce employment in fossil-fuel dependent sectors, and disproportionately affect low-income groups, who are more vulnerable to such economic disruptions due to limited adaptive capacity and a higher proportion of income spent on basic utilities[99].

Similarly, the promotion of biofuels, although environmentally justified as a means of reducing reliance on carbon-intensive energy, has been linked to rising global food prices. This again impacts economically disadvantaged populations, raising concerns about policy coherence between environmental protection and socioeconomic rights, particularly the right to food and an adequate standard of living[100].

6.3 **Environmental Degradation**: Environmental degradation poses a significant obstacle to the effective implementation of climate change mitigation laws, particularly in developing countries such as Nigeria.[101]For instance, rising sea levels and recurrent flooding not only displace vulnerable populations but also damage critical public infrastructure, impeding the ability of government agencies to carry out climate-related interventions[102]. Poor waste management practices, including the indiscriminate disposal of refuse and untreated sewage, result in the blockage of drainage systems, intensifying urban flooding and making environmental governance increasingly difficult[103]. Such physical disruptions severely constrain the institutional capacity needed to enforce

[96]Climate and Clean Air Coalition, 'Climate Change Policies in Nigeria' (2020) https://www.ccacoalition.org/en/resources/nigerias-national-climate-policies accessed 23 April 2025.
[97] United Nations Environment Programme (UNEP), *Environmental Assessment of Ogoniland* (2011).
[98] Mann ME (2021). The new climate war: The fight to take back our planet. Hachette Book Group
[99] Sawhill IV (2012, March 6). How higher gases prices hurt less affluent consumers and the economy. Brookings Institution. https://www.brookings.edu/opinions/how-higher-gas-prices-hurt-less-affluent-consumers-and-the-economy/
[100] Climate change mitigation policies and poverty in developing countries. Environmental Research Letters, 8, 1–8
[101] IPCC, Climate Change 2023: Synthesis Report (IPCC 2023) 17–19.
[102] Ibid
[103] NESREA, National Environmental (Sanitation and Waste Control) Regulations 2009 (Nigeria).

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compliance with climate laws, leaving communities more exposed to climate-related risks and raising the overall cost and complexity of mitigation efforts[104].

Moreover, the pollution of water bodies through oil spills and the discharge of untreated sewage continues to compromise aquatic ecosystems, threaten access to clean water, and generate serious public health hazards[105]. This not only diverts government attention and resources toward emergency disaster responses but also delays long-term climate planning and investment[106]. In addition, persistent droughts, particularly in the northern regions, endanger water security, food production, and livestock survival, intensifying poverty and forcing communities into unsustainable survival strategies such as deforestation for fuel, which further accelerates climate change[107].

Fundamentally, these environmental challenges stem from weak governance, infrastructural deficits, and low public awareness, which together impede the enforcement of climate obligations[108]. Even the most well-drafted climate legislation relies on robust institutions, local engagement, and resilient natural systems to succeed. Without addressing these underlying drivers of environmental degradation, Nigeria's legal frameworks on climate change risk remaining largely aspirational.

7. RECOMMENDATION TOWARDS A COMMUNITY-CENTRED LEGAL FRAMEWORK

To enhance the legal response to climate change impacts on local communities the following are recommended:

7.1 **Legislative and legal Measures**

There is a compelling need to transition towards legal frameworks that are not only state-centric but also community-informed. This requires enhancing procedural rights for local communities in environmental decision-making. The local governments should be empowered through legislative amendments and fiscal allocations to implement local adaptation strategies. It is recommended that there is need for the amendment of the Climate Change Act in Nigeria to specifically protect rural, indigenous, and resource-dependent communities.

7.2.Strengthening international funding mechanisms to support locally-led climate adaptation initiatives:

Another strategy involves promoting biofuels made from crops such as corn, soybeans, and sugarcane. Yet, diverting these agricultural products for fuel production can increase food prices, further burdening low-income communities

[104] Olaniyi O. A, 'Climate Change Mitigation and Adaptation in Nigeria: Legal Framework and Policy Gaps' (2022) 3(2) Environmental Law Review 47–49.
[105] UNEP, Environmental Assessment of Ogoniland (United Nations Environment Programme 2011) 24–27.
[106] Okonkwo T, 'Environmental Governance and Climate Change in Nigeria' (2020) 10(4) African Journal of Law and Society 128–130.
[107] Ede PN, 'Environmental Degradation and Food Security in Nigeria' (2021) 12(1) *Nigerian Journal of Environmental Law* 78–81.
[108] Centre for Oil Pollution Watch v NNPC [2019] 5 NWLR 47 (SC).

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7.3 Social - Economic Measures: The challenge for legal and policy frameworks lies in ensuring that climate change laws do not merely achieve environmental protection in the abstract, but do so in a manner that is socially equitable and rights-compatible. This includes adopting measures such as progressive taxation schemes, social safety nets, job transition programmes for displaced workers, and participatory decision-making processes that involve affected communities

8. CONCLUSION

The global legal framework for addressing climate change is gradually evolving to recognise the differentiated impact of climate change on local communities. While climate change mitigation is necessary, its policies can unintentionally exacerbate economic and social inequalities if not carefully designed. This paper has argued on how low-income populations bear the brunt of both climate change itself and the economic costs of transitioning to a greener economy. At both the national and international levels, the effectiveness and fairness of climate change responses depend on the extent to which the government internalise distributive justice considerations. Legal mechanisms must go beyond technical environmental targets and incorporate obligations to protect vulnerable populations, particularly in light of the common but differentiated responsibilities and respective capabilities (CBDR-RC) principle in international environmental law.

However, significant legal and institutional reforms are necessary to actualize this recognition. A truly equitable response to climate change must prioritize the voices and rights of those most vulnerable, ensuring that legal mechanisms are both accessible and effective at the grassroots level. Nigeria's legal framework for addressing climate change is evolving but remains inadequate in protecting the rights and livelihoods of local communities. Bridging this gap requires a holistic and justice-oriented legal reform agenda, rooted in constitutional guarantees, participatory governance, and climate equity.

It further suggests that for the legal framework on climate change to become effective, environmental justice must be at the heart of policy makers ensuring policy coherence between environmental protection and socio-economic rights of the local communities bearing the negative impacts of climate change.

Unfortunately, having a few climate policies or embedding climate targets into law do not in themselves hold future leadership to climate action. The uptick in climate framework laws is encouraging given that it makes it significantly harder for future leadership to roll back climate ambition, particularly where citizens can access litigation as a tool to enlist the courts to ensure the effectiveness of those laws. In many ways, it may seem daunting to establish a climate framework law. For some countries, the cost to achieve a target like climate neutrality by 2050 seems economically formidable. Accordingly, climate change law must evolve as an interdisciplinary regime, bridging environmental protection with human rights, development, and equity imperatives, in order to produce outcomes that are not only ecologically sustainable but also socially just.Thus, while the Climate Change Act offers a critical legal foundation, its success ultimately depends on parallel actions to strengthen waste management, enhance disaster preparedness, restore degraded ecosystems, and build the resilience of local communities.