

THE EFFICACY OF THE LEGAL FRAMEWORK FOR CLIMATE CHANGE IN NIGERIA

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Abstract

This article discusses the Legal Framework for Climate Change in Nigeria. It discussed the municipal instruments such as the Climate Change Act 2021, the Provision of section 20 of the Constitution of the Federal Republic of Nigeria (SFRN), 1999 (as amended) which is under the Fundamental Objective Principle, this objectives are not enforceable rights on their own, the NESREA Act, and international instruments such as the UNFCCC, the 1972 Stockholm Declaration, Brundtland Conference, Vienna Convention, Montreal Protocol and a host of other legal instruments on climate change were discussed. The Doctrinal method of research was adopted in the course of this work, it involved the analysis and review of statutes, regulations, case laws and secondary materials such as textbooks, journal magazines, both in soft and hard copy forms. Articles in journals were also consulted. The descriptive form of analysis was applied to enable the researcher examine and interpret the primary and secondary sources of research materials to establish the efficacy of the legal framework for the control of Climate Change in Nigeria. The findings show that Climate Change has affects Nigeria and will continue to affect it until the issues addressed with sense of seriousness. Climate change will become a thing of the past if greenhouse emission is reduced to the barest minimum. One of the recommendations in this article is for the provision of Section 20 of the CFRN 1999

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(as amended) should be made a provision of Fundamental right.

Introduction

The impact of climate change as is being felt across the entire world will continue to influence how we live, our work, culture, health and environment, and in the years to come will affect the future generation if action is not taking to protect the environment. Measures have been taken and are still been taken at global level under the United Nations Framework Convention for Climate Change (UNFCCC), the Kyoto Protocol (KP) and through further negotiations, prior to the aftermath of the Copenhagen Conference, to mitigate the causes of climate change and adapt to some effect already being experienced.¹

Climate Change means a change of climate, which attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural variability observed over comparable time period.² A scientist has predicted that the climate change will have detrimental impact on, amongst other things, people's lives and their property.³ It is one of the most fatal environmental and economic threats facing the world at large. This position affects all the countries of the world, Nigeria in particular. It is a global long-term problem and it involves complex interactions with environmental, economic, political, institutional, social and technological processes.⁴ Nigeria has a number of laws that has been put in place for mitigating the effect of climate change, but it is not changing into a lion that is difficult but holding the tail of a live Lion, having a body of laws is one thing and whether they help to realize the

¹ Bagis Osman Elasha et al., "Impact, Vulnerability and Adaptation to Climate Change in Africa" – Background Work Paper for African Workshop on Adaptation Implementation of Decision IKP. 10 of the UNFCCC Accra, Ghana 21 – 23 September, 2006.

² See article 1 of the United Nations Framework Convention on Climate Change, Rio De Janeiro, 9th May 1992, 31 Int. 1 Leg. Mat. 822 (1992)

³ Michael Kerr, *Tori Based Climate Change Litigation in Australia. A Discussion Paper Prepared for the Climate Change Litigation Forum London, March 2002*, hosted by Friends of the Earth International.

⁴ Bert Mert, Ogunlade Stewart and Jiahua Pan (Eds): *Climate Change 2001 Mitigation Contribution of Working Group III to the Third Assessment Report of Intergovernmental Panel on Climate Change*. (Cambridge University Press, 2001), p.65.

intended objective is quite different. The solution to climate change is still very evasive.

Laws sets standards for acceptable behaviour in the society by creating regulations, policies and measures, and establishing agencies with responsibility for implementation.⁵ If we acknowledge the vulnerability of Nigeria like other developing countries to climate change, then it becomes necessary for us to stimulate appropriate mitigation and adaptation measures through the instrumentality of the law. Such laws will have their roots in developing best practices derived from science, experience and knowledge of governments and stakeholders groups. Only then will the laws be capable of providing a regulatory framework for climate change in Nigeria. This is important to for the protection of man, natural resources and the environment generally. This article seeks to address the impact of climate change to the environment and the efficacy of the regulatory legal framework for protecting the environment from the impact of climate change in Nigeria.

The Impact of Climate Change in Nigeria

The general effects of climate change in Nigeria cannot be overemphasized. Some of the effects are as follows.

A. 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. When the weather is severely hot, people find it difficult to work outside their homes, also brings about 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 issues, which has led to poverty.⁶

⁵ Olawuyi Damilola Sunday, "Detonating the Global Climate Change Time Bomb – "The Role of Law" Faculty of Law: University of Calgary, Alberta, Canada, 2009.

⁶ Causes and Effect of Climate Change. United Nations. Available at:<https://www.un.org/en/climatechange/science/causes-effect-climate-change> (Accessed 15/02/2024)

B. Reduced Food Security

One of the most noticeable effect of rising temperatures is being felt in global agriculture, although these effects are felt very differently in the largely temperate developed countries and in more tropical developing countries, different plants grow best at very specific temperatures, and when those temperatures change, their productivity changes significantly. In North America, for example, rising temperature may reduce corn and wheat productivity in the US Midwest but increase production and productivity north of the border in Canada. The productivity of rice, the staple food of more than a third of the world's population, falls by 10% for every 1 °C increase in temperature.⁷

Previous climate related problems have been offset by major advances in rice technology and ever-increasing fertilizer applications. However, global population models suggest that developing countries will add 3 billion people by 2050 and that food producers in developing countries will need double production of staple foods by then to maintain current levels of food consumption,⁸ Nigeria is inclusive as a developing country.

C. Rising Sea Level

Climate change affects sea level rise. The average sea level around the world has risen by about 20 cm in the last 100 years; climate scientists expect it to increase at an accelerating rate over the next 100 years as part of the effects of climate change. Coastal cities like New York are already experiencing an increased number of flooding events, and by 2050 many of these cities may need protective walls to survive.⁹

D. Heavy Downpours and Storms

The specific condition that leads to precipitation will not change, but climate change will affect the amount of water in the atmosphere and will increase, producing heavy downpours instead of steady showers when it rains.¹⁰

⁷ Climate Change, what is it? Understanding the basic fact about global warming.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

E. Increased Droughts

Despite downpours in some places, drought and prolonged heat waves will be the order of the day, this is as a result of the day; this is as a result of change in the climate condition. The manner in which temperature rises may be so alarming but that does not mean that those parts of the world that have been extremely cold would no longer be cold or have the usual terrible winter storms. However, hot, dry places are becoming progressively hotter and drier, and places that were once temperate and regularly rained are becoming much hotter and much drier.¹¹

F. Hotter Temperature

As the world gets warmer, the entire ecosystem is adversely affected. It has been noted that many species of fish have migrated long distances to stay in waters that are the right temperature for them. Farmers in temperate zones are finding drier conditions difficult for crops like corn and wheat, and once prime growing areas are now under threat.¹²

Laws Regulating Climate Change in Nigeria

A. Nigeria Climate Change Municipal Laws

The Nigeria Climate Change Act was promulgated in 2021. This law can be said to be the major comprehensive local statute enacted to address the issue of climate change in Nigeria. The Act 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 the part of the objective of the Act.¹³

The Climate Change Act established the National Council on Climate Change, a corporate body with perpetual succession and common seal, which may sue or be sued in its corporate name. it is vested with the power to make policies and decisions on all matters relating to climate change in Nigeria.¹⁴ The council is saddled with many responsibilities on climate

¹¹ Ibid

¹² Ibid.

¹³ Section 1 (f) Climate Change Act 2021

¹⁴ Section 3 (1) Climate Change Act 2021.

change, among which are coordinating the implementation of sectoral targets and guidelines for the regulation of greenhouse gas emissions and other anthropogenic causes of climate change, approving and monitoring the National Climate Action Plan and managing the Climate Fund.

The law mandates Federal Ministry of Environment and Land Use Planning to develop a carbon budget to limit the average global temperature rise to 2°C and make efforts to limit the temperature rise to 1.5°C above pre-industrial levels. In cooperation with the aforementioned Ministries, the Council, through its Secretariat, is also mandated every five years to develop a National Action Plan on Climate Change.¹⁵

The Climate Change Act offers a strong framework for climate action to meet Nigeria's short, medium and long-term objectives on climate reduction and adaptation. The obligation placed on public and commercial institutions to advance a low-carbon economy and a sustainable way of life are particularly pertinent, as is the Council's and its Secretariat's duty to collaborate with relevant parties, particularly civil society organizations. For any future climate related legal disputes, these measures offer a strong legal foundation.¹⁶ There are number of steps to be taken in order to put the Act into practice, it shows how seriously Nigeria is handling climate change. The Act has the potential to be a tactical weapon for promoting climate change activism and a legal foundation for possible climate litigation in Nigeria because it is the first stand-alone comprehensive climate change law in West Africa and among the few globally and regionally.¹⁷

¹⁵ Akaluzia, T., (2022). The Nigerian Climate Change Act – key highlights- Businessday NG. Available at: <https://businessday.ng/opinion/article/the-nigerian-climate-change-act-key-highlights/> (Accessed 15/2/2024)

¹⁶ A review of Nigeria's 2021 Climate change Act: Potential for increased climate litigation. Available at: <https://www.iucn.org/news/commission-environment-economic-and-social-policy/202203/a-review-nigerias-2021-climate-change-act-potential-increased-climate-litigation> (Accessed 15 02/2024)

¹⁷ Ibid.

B. The Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended)¹⁸

The Constitution of the Federal Republic of Nigeria 1999 (as amended) is the grundnorm of all other legislation in Nigeria as all other laws derive their validity from it. The powers and responsibilities of government are contained in the constitution. The government is the executive, the legislature and the judiciary. The Constitution also provides that the National Assembly has the prerogative to enact laws that would ensure peace, order and good governance of Nigeria. They legislate on drugs, aviation, shipping and drugs, and trafficking, among other things.

Chapter II of the Constitution sets out the basic goals and guiding principle of state policy. This chapter of the Constitution is included in the Constitution to encourage the pursuit and realization of the ideals and aspiration of the nation. These ideals and aspirations include protecting and ensuring good health of workers in their workplace, promoting equitable and sustainable development, and exploiting natural resources for the common good, with a responsibility to protect and improve their environment. Any law inconsistent with the legal provisions contained in the Constitution shall be declared null and void to the extent of its inconsistency.¹⁹ However it is important to note that the chapter in which the section is contained is not justiciable and therefore the state cannot be sued in court for failure to comply with the content of this section. The contents of this constitutional chapter are only declaratory and pointing the way, but not justiciable.

The constitution also provided that everyone has the right to respect for their dignity and that everyone has the right to respect for their dignity and that they may not be subjected to judiciary is independent at all times.²⁰ The Constitution states that anyone may exploit human and natural resources, but if it is not in the interest or benefit of the community then it should be prevented.²¹ The state has a responsibility to protect, conserve and enhance

¹⁸ The Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended) Cap C23 LFN 2004.

¹⁹ Section 1(3) CFRN 1999 (as amended)

²⁰ Section 36 (1) CFRN 1999 (as amended)

²¹ Section 17 CFRN 1999 (as amended)

the environment and protect, conserve and enhance the environment and protect the water, air, land, forest and wildlife of Nigeria.

It is expressly stated in the Constitution that the powers conferred on the judiciary does not extend to “any question or question as to whether there is an act or omission by any authority or persons, or whether any act or judicial decision is consistent with the principles, aims and guiding principle of state policy.”²² These goals and policies cannot be enforced in the courts, instead it depends on what is more important to the government in power at the time.

Apart from the provision of chapter II of the Constitution on environmental protection which is not a justiciable provision, the constitution has been silent on the issue due to its non justiciable nature, there have been several calls the CFRN 1999 (as amended) to be amended. Environmental rights claims can only be rightly brought to justices through the instrumentality of the provisions on fundamental human right in chapter IV of the CFRN (as amended). The right to life, property and respect for family life are all examples the provisions in Chapter IV of that can be linked to environmental protection. Actions relating to environmental laws can be dealt with by approaching the court by the aggrieved parties in Nigeria using a number of international and regional instrument to which Nigeria is a signatory, which has been ratified by the act of the National Assembly.

C. National Environmental Standards and Regulations Enforcement Agency Act 2007 (NESREA Act)²³

Prior to the Koko incidence in Delta State in 1987, there where piece meal of legislation scattered in various laws to regulate the environment, there was no institution or body responsible for the regulation of environmental issues in Nigeria. The Koko toxic waste dump actually motivated serious consideration by government in the formulation of policies on environmental law in Nigeria with the sudden realization that the erstwhile scope and concept of environment needed a redefinition as well as the drafting of new antipollution measures to address emerging problems.

²² Section 6 (6) (c) CFRN 1999 (as amended)

²³ The National Environmental Standards and Regulations Enforcement Agency Act Cap 301 LFN 2010

It is pertinent to note that the Koko incident of June, 1988 actually increased Nigeria's awareness of the need not only to identify pollution agents but also the need to adopt a conceptual and systematic approach in environmental protection. At this point in time the concept of environmental law/protection in Nigeria began to follow the pattern in some developed economies of the world. The Federal Government of Nigeria actually organized an International workshop²⁴ on environmental policy from which it came out with a document titled "Federal Republic of Nigeria National Policy on the Environment."²⁵ For the first time a deliberate conceptual approach was adopted in formulating this policy.

The National Policy on Environment formulated national policy goals and strategies for implementation. The human factors, land use and soil conservation, water resources management, forestry, wildlife and reserves, marine and coastal resources, sanitation and waste management, toxic and hazardous substances, mining, agro-chemicals, air and noise pollution, occupational health safety and preservation of greenbelts became easily recognized concepts in an effort to provide a regime of management regulations and laws to balance the problems they posed. It was at this point that the establishment of an administering and enforcement organ in the nature of the now defunct Federal Environmental Enforcement Agency was proposed.²⁶

FEPA was eventually replaced by the National Environmental Standard Regulations Enforcement Agency created by NESREA Act. The NESREA Act is the major law on environmental protection in Nigeria. The role and objective is to regulate and enforce goals and objectives of the agency is the protection and development of the environment, as well as ensuring the sustainable development of the country's natural resources. The responsibilities and powers of the agency are, broadly speaking, to enforce compliance with regulations and standards for the environment, in the air, on the land and at sea. The law also prohibits unauthorized discharge of hazardous substances into the atmosphere or environment, the offence is punishable by an amount not exceeding one million naira and imprisonment

²⁴ The workshop was held in collaboration with UNEP from 12th – 16th September, 1988.

²⁵ Aina, E.O.A. and Adedipe, N.O. ed., *The Making of the Nigerian Environmental Policy* (Ibadan: University Press 1991)p.311

²⁶ *Ibid.*, p.327.

for a maximum of five years, and if it is a corporation, an additional fifty thousand for each day it persists.

It is important to note that most of the laws mentioned above fall short when it comes to addressing Nigeria's climate change concerns. Most of the rules set forth in these regulations are out – of – date and are followed by the major participants in the sector. The enforcement mechanism is also very poor as penalties prescribed for violation of these laws are unreasonable considering the economic situation of the time in which we find ourselves right now across the globe. It must be made clear that in order for these laws to be effective and useful in Nigeria and around the world in combating climate change, the laws must be reviewed and the major players in the sector must demonstrate serious commitments to ensuring that the laws are obeyed and reasonable sanctions are put in place to deal with those who violate the provisions of the law.

International Regime for the Protection of Climate Change in Nigeria

A. Stockholm Conference 1972

The foundations for global environmental policy were laid at the 1972 Stockholm Conference on the Human Environment. Principle I states that human beings have the fundamental right to liberty, equality, and a decent standard of living in a quality environment enabling a life of dignity and well-being. It was held on June 5 -16, 1972 in Stockholm, Sweden. It was the first international forum aimed at addressing global environmental challenges. The forum addressed the need for a shared perspective and principles to inspire and guide the world's peoples in preserving and enhancing the human environment.

B. Brundtland Conference

The UN in 1983, convened the World Commission on Environment and Development (WCED), it was chaired by Norwegian Prime Minister Gro Harlem Brundtland; it consisted of representatives from both developed and developing countries. The commission was given the responsibility to address growing concerns about the increasing degradation of the human environment and natural resources and the consequences of this degradation for economic and social development.²⁷ Its mission is to unite countries to

²⁷ Drexhage, J. and Murphy D. Sustainable Development from Brundtland to Rio 201 background paper prepared for consideration by the High Level Panel on Global

strive for sustainable development. This commission is not in itself a convention, but the commission has been charged with the duty to create a united international community with a shared sustainability of environmental problems worldwide. Four years later, the commission published its report entitled *Our Common Future*, which provided a diagnosis of the state of the world's environment. The report popularized the most commonly used definition of sustainable development, namely development that meets the needs of the current generation without jeopardizing the ability of future generations to meet their own needs.²⁸

C. Vienna Convention

The Vienna Convention for the protection of the ozone layer is a multilateral environmental agreement. It was adopted at the 1985 Vienna Conference and entered into force in 1988. It serves as a framework for international efforts to protect the ozone layer. However, it does not include legally binding reduction targets for the use of chlorofluorocarbons (CFC's), the main chemical agent responsible for causing ozone depletion. These are set out in the accompanying Montreal Protocol.

D. Montreal Protocol

The Montreal Protocol on Substance that Deplete the Ozone Layer is the protocol to the Vienna Convention for the Protection of the Ozone layer. The air's stratospheric ozone layer acts as shield in the atmosphere, protecting life on Earth from the sun's harmful ultraviolet (UV) radiation. In the 1980s, scientists observed that the stratospheric ozone layer was thinning. The Montreal Protocol is an international agreement to protect the ozone layer by ending the production of many substances thought to be responsible for ozone depletion. It was opened for signature on September 16, 1987 and came into effect on January 1, 1989. The Protocol includes a unique alignment provision that allows parties to the protocol to react quickly to new scientific information and agree to accelerate any reductions so needed in the chemicals already covered by the protocol.²⁹ This protocol

Sustainability at its first meeting, 19th September, 2010. Available at: https://www.e-education.psu.edu/emsc302/sites/www.e-education.psu.edu/emsc302/files/Sustainable%20Development_from%20Brundtland%20to%20Rio%202012%20%281%29.pdf (Accessed 15/02/2024).

²⁸ Ibid, see also Brundtland Report of 1987.

²⁹ <http://www.ozone.unep.org> (Accessed 15/02/2024.)

has undergone six different adjustments since it was first introduced; all of this is to ensure that the goal is achieved.³⁰ The parties to the protocol meet annually to take a variety of decisions aimed at enabling effective implementation of this very important legal instrument. There is disingenuousness on the part of most of the countries that are party/signatories to all these conventions. However, it is expected that the ozone layer will recover by 2050 if the international agreement is respected.

E. Basel Convention

The Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal was adopted on March 22, 1989 by the Conference of Plenipotentiaries in Basel, Switzerland, in response to public outcry following its discovery in Africa in the 1980s and other parts of the developing world of foreign-imported dumps of toxic waste.³¹ The objective of the convention is to protect human health and the environment from the adverse effects of hazardous waste. The Basel Convention defines as illegal the transport or traffic of hazardous waste without consent or with false or fraudulent consent, or that results in the illegal dumping of hazardous waste.³² In this case, it is up to the exporting state to ensure that it is taken back by the exporter or producer or that it is disposed of in an environmentally sound manner.

F. Bamako Convention 1991

The Bamako Convention is the convention on Banning Imports into Africa and Controlling Trans-boundary Movement and Management of Hazardous Waste within Africa. The convention was adopted in 1991. It is a treaty of African nations that bans the importation of hazardous waste (including radioactive waste that was not included in the Basel Convention). The aim is to create a framework for state obligations in relation to the control of hazardous waste, the prevention of trans-boundary shipments or imports and the taking of precautionary measures against such waste.

The Bamako Convention is significant because it provided an effective mechanism to prevent waste traders from turning Africa into an international landfill, preventing and controlling the dumping of hazardous

³⁰ Ibid.

³¹ <http://www.basel.int> (accessed 15/02/2024)

³² Ibid.

waste, including radioactive waste, in the sea or on the seabed/prevents hazardous waste producers from avoiding liability for pollution.³³

United Nations Framework Convention on Climate Change (UNFCCC)

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992 as the basis for global response to the challenge of climate change. The aim of the agreement is to stabilize greenhouse gas concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system. It recognizes that the climate system is a shared resource whose stability can be compromised by industrial and other emissions of carbon dioxide and other greenhouse gases. Countries have recognized by 1995, that the emission reduction provisions in the Convention were inadequate and entered negotiations to strengthen the global response to climate change, launching the Kyoto Protocol two years later. Climate change is a complex problem that is ecological in nature, but has consequences for all aspects of life on our planet. At the heart of the response to climate change is the need to reduce emissions. In 2010, governments agreed that emissions must be reduced to limit global temperature rise to below 2°C.³⁴

G. Kyoto Protocol

The Kyoto Protocol was negotiated in Japan in 1997 and was open for signature between the member states in 1998. It came into effect on February 16, 2005. This is an amendment to the United Nations Framework Convention on Climate Change, a legally binding agreement under which industrialized countries aim to reduce global warming and deal within the inevitable rise in temperature after 150 years of industrialization. The key feature of the protocol is that it includes binding targets for greenhouse gas emissions for the world's leading economies, which have accepted it, to reduce their total emissions of such gases by at least 5% below the existing 1990 levels in the 2008 commitment period.³⁵

³³ <http://www.ntn.org.au> (Accessed 15/02/2024)

³⁴ The UNFCCC, First Steps to a Safer Future: Introducing the United Nations Framework Convention on Climate Change: UNFCCC, Available at :http://unfccc.int/essential_background/convention/items/6036.php (Accessed 15/02/2024.)

³⁵ <http://www.unfccc.int>, (Accessed 15/02/2024).

H. Copenhagen Accord

This is a major breakthrough in the global effort to combat climate change that took place in 2009. The agreement includes emission reduction commitments from all major emitters, including the United States, China, India and Brazil, and provides for an international review of both the goals and actions of developed and developing countries. This reflects Canada's longstanding position that real progress on climate change requires a global deal that includes all major emitters.³⁶

I. Durban Convention

The 2011 United Nations on Climate Change Conference in Durban provided a breakthrough in the international community's response to climate change. The outcomes included a decision by the parties to adopt a universal legal agreement on climate change as soon as possible and no later than 2015. COP17/CMP7 President Maite Nkoana Mashabane said after the conference that what was achieved in Durban during the convention would play a central role in austerly tomorrow.³⁷

J. Doha Conference

This was held in 2012 from November 26 to December, 2012 in Doha, Qatar, Governments consolidated the achievements of the past three years of international climate negotiations, opening a door for the much needed grater ambition and action at all levels. Some of the decisions taken are that governments reaffirmed their determination and set out a timeline for the adoption of a universal climate agreement by 2015, which will come into effect in 2020. They emphasize the need to step up their greenhouse gas reduction ambitions and help vulnerable countries in the process adapt, made further progress in setting up financial and technological support and

³⁶ http://www.unfccc.int/meetings/Durban_nov2011/meeting/6245.ppt (Accessed 18/03/2024)

³⁷ Doha Climate Change Conference – November 2012. UNFCCC. Available at: <https://unfccc.int/process-and-meetings/conference/past-conference/doha-climate-change-conference-november-2012/doha-climate-change-conference-november-2012> (Accessed 15/02/2024).

new institutions to enable clean energy investment and sustainable growth in developing countries, among other things.³⁸

K. Rio Conference

The United Nations Conference on Sustainable Development was held on June 20 -22, 2012 in Rio de Janeiro. It was the conference that laid foundation for the Sustainable Development Goals based on the Millennium Development Goals. During the conference, guidelines on green economy policy were elaborated, while the approach by which proposed sustainable development should be financed was examined and adopted.³⁹

L. Paris Agreement

The Paris Agreement is a legally binding international agreement on climate change. This agreement was approved by 196 parties on December 12, 2015 and entered into force on November 4, 2016. The goal of this remarkable agreement is to limit global warming to below 2 °C, preferably 1.5 °C, compared to pre-industrial levels; with this landmark agreement, countries aim to reach the global peak in greenhouse gas emissions as quickly as possible to achieve a carbon-neutral world by mid-century.⁴⁰ This agreement is groundbreaking because, for the first time, countries around the world are making ambitious efforts to combat and adapt to the climate change that is devastating the world.

Conclusion

The effect of climate change continues to pose serious challenges in Nigeria given the low institutional and technological capacity as well as the lack of appropriate technical data on climate information. It is important to note that climate change is a continuous process. Climate change like other environmental challenges, constitutes a major problem to sustainable growth and development in Nigeria.

³⁸ Doha Climate Change Conference – November 2012. UNFCCC. Available at: <https://unfccc.int/process-and-meetings/conferences/past-conference/doha-climate-change-conference-november-2012/doha-climate-change-conference-november-2012> (assessed 18/03/2024).

³⁹ United Nations Conference on Sustainable Development, Rio+20:Sustainable Development Knowledge Platform. Available at: <http://sustainabledevelopment.un.org/rio20.html> (Accessed 18/03/2024).

⁴⁰ The Paris Agreement. UNFCCC. Available at:<https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> (Accessed 18/03/2024).

From a legal policy perspective, it is manifest that Nigeria has a formidable machinery to attain an effective level of Climate Change reduction by ensuring strict compliance to existing legal regime on Climate change. The Nigerian government has shown a notable sense of commitment to the fight against Climate Change in Nigeria, an example is the Climate Change Act of 2021 and many others of such Legal regime.

It is recommended that the Climate Change Act 2021 provisions should not be treated like other environmental law provision that have become ineffective as a result of lack of compliance and enforcement by those responsible for compliance and enforcement. This law must be monitored to ensure that the provisions of the law are complied with and where there is a breach the law should take it cause by the enforcement of penalty provisions in the Act. It is also important for Nigeria to implement the international agreement they entered into on Climate Change.