



LITIGATING CLIMATE CHANGE IN NIGERIA: NAVIGATING LEGAL AVENUES AND OVERCOMING CHALLENGES FOR ENVIRONMENTAL JUSTICE IN A DEVELOPING NATION

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1.0 Introduction

In the face of escalating climate crises, the imperative to address environmental challenges through legal mechanisms has gained unprecedented significance. While certain nations, particularly those in the developing world, have courageously embraced climate change litigation as a proactive measure against the climate change crisis, Nigeria seems to be in the early stages of exploring this pivotal opportunity to address the challenges posed by climate change through legal means. This paper explores the intricate landscape of climate change litigation within the Nigerian environmental law context, illuminating both the promising legal avenues available and the formidable challenges that could impede the realisation of climate justice in a developing nation such as Nigeria. As this terrain is navigated, the examination of litigation as a tool for mitigating and adapting to climate change becomes not only a legal imperative but a crucial pathway toward sustainable development.

2.0 Background to Climate Change litigation in developing and developed countries.

There is the near consensus to reduce the effect of climate change on the environment. One of the novel strategies adopted to achieve this laudable objective is resort to litigation. Globally, Climate change litigation has emerged as a pivotal legal instrument for compelling governments, corporate bodies and individuals to step up to their statutory and contractual obligations,¹ with both developing and developed countries grappling with the profound implications of climate-related challenges.² In developed nations, a significant body of climate change litigation has evolved, reflecting heightened awareness and legal frameworks conducive to addressing environmental concerns. Developed countries often witness

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¹ G Ganguly, J Setzer and V Heyvaert, 'If at First You Don't Succeed: Suing Corporations for Climate Change' (2018) 38 (4) Oxford Journal of Legal Studies 842; J Gupta, 'Legal Steps Outside the Climate Change Convention: Litigation as a tool to Address Climate Change' (2007) 16 (1) RECIEL 76.

² N Ali, A Majeed, S Saeed, N Zulfiqar and MJ Ashraf, 'Climate Change in Pakistan and its Resilience Efforts' (2023) 9 (4) Al-Qantara 516; Sabine Centre for Climate Change Law, 'Global Climate Change Litigation Report: 2023 Status Review' <https://climatecasechart.com/> accessed 30 November 2023.



climate change litigation driven by citizens, advocacy groups, and even local governments.³ Noteworthy cases, such as *Juliana v United States* in the U.S.⁴ and *State of the Netherlands v Urgenda Foundation in the Netherlands*⁵ highlight the pursuit of legal remedies to compel governments to adopt and enforce more robust climate policies, asserting the rights of present and future generations.

A substantial amount of climate change litigation has grown in industrialised countries, indicating increased knowledge and legal systems that are supportive of tackling environmental issues such as climate change.⁶ Individuals, advocacy organisations, and even municipal governments in developed nations frequently bring climate change lawsuits.⁷ The developed world's legal systems, often characterized by well-established environmental laws and robust judiciaries, provide a conducive environment for such litigation.

In *Juliana's* case above, a group of adolescents between the ages of eight and nineteen filed a lawsuit against the federal government of the United States of America, for infringing on their civil rights to a healthy, habitable future living environment. The plaintiffs alleged that the industrial scale burning of fossil fuel was causing catastrophic and destabilising impacts to the global climate, threatening the survival and welfare of present and further generations. In a bid to reduce their government's contribution to atmospheric CO₂, the plaintiffs demanded injunctive and declaratory reliefs to halt the federal government's policies of promoting and subsidizing fossil fuels, due to the limited timeframe for addressing the impacts of climate change. Although the case was dismissed for lack of jurisdiction⁸ to hear the case because the issues raised were political questions,⁹ it has been noted that the claims invoked complex and novel questions about the role of the judiciary in addressing climate change injury in relation to standing and constitutional rights.¹⁰

In contrast, developing countries, including those in Africa, have been navigating the early stages of climate change litigation.¹¹ The challenges faced are multi-faceted, encompassing issues of legal infrastructure, resource constraints, and competing developmental priorities. While some developing nations have initiated climate-related legal actions, the overall landscape remains nascent.¹² In the context of developing nations like Nigeria, the journey involves laying the groundwork for effective climate change litigation. This entails fortifying legal frameworks, enhancing judicial capacity, and

³ M Burger and J Gundlach, *The Status of Climate Change Litigation: A Global Review* (United Nations Environment Programme 2017) 15.

⁴ *Juliana v United States*, 217 F. Supp. 3d 1224 (D. Or. 2016).

⁵ *State of the Netherlands v Urgenda Foundation* ECLI:NL:HR:2019:2007, Judgment (Sup. Ct. Neth. Dec. 20, 2019) (Neth.)

⁶ J Peel and HM Osofsky, *Climate Change Litigation* (No. 116) (Cambridge University Press 2015); 'U.S Climate change Litigation' <https://climatecasechart.com/us-climate-change-litigation/> accessed 30 November 2023;

⁷ *Juliana v United States* (n 4).

⁸ *Juliana v United States*, 947 F.3d 1159, 9th Circuit. 2020).

⁹ D Brister, '*Juliana v United States*' (2019) *Public Land & Resources Law Review* 1.

¹⁰ *ibid*, 7.

¹¹ J Gupta, 'Legal Steps Outside the Climate Change Convention: Litigation as a Tool to Address Climate Change' (2007) 16 (1) *RECIEL* 82.

¹² HM Osofsky, 'Climate Change Litigation as a Catalyst for Legislative Regulatory Innovations' (2010) 29 (1) *Stanford Environmental Law Journal* 3-67.



addressing socioeconomic factors that may impede access to justice in environmental matters.¹³ Despite these challenges, the urgency of climate action and the recognition of environmental rights in national constitutions provide a compelling backdrop for the evolution of climate change litigation in developing countries. The background on climate change litigation reveals a divergence between developed nations with an institutional legal landscape for such litigation and developing countries, including Nigeria, where the pursuit of legal avenues is still unfolding amidst unique challenges.

3.0 Relevance of Climate Change litigation to Nigeria's Environmental Context

Climate change litigation holds profound relevance to Nigeria's environmental context, aligning with both domestic and international legal frameworks.¹⁴ In the domestic sphere, the Nigerian Constitution¹⁵ guarantees the right to life which includes the right to live with dignity including the necessities of life.¹⁶

The CFRN further provides for the protection and the improvement of the environment by the state. However, section 6 (6) c prevents the judiciary from entertaining any question as to whether any act, omission, law or judicial decision is in conformity with the provisions set out in Chapter II of the constitution which contains the fundamental human right to life. While the CFRN did not go further to set out specifically what constitutes the right life or other ancillary matters akin to the right to life, it became necessary for this clarification to be sought and had.¹⁷ This clarification came by alternative pathways,¹⁸ one of which is the African Charter on Human and Peoples' rights.¹⁹ The Charter to which Nigeria is a signatory and has acquired legal status in Nigeria by reason of domestication, set out an extended explanation of the right to life.²⁰ The African Charter on Human and Peoples' Rights underscores the right to a clean and healthy environment as a fundamental human right.²¹ Therefore, section 20 of the 1999 Constitution of the Federal Republic of Nigeria expressly acknowledging the right to a "dignified and humane environment",²² emphasises the legal importance of resolving environmental problems via judicial proceedings and establishes the framework for climate change litigation in Nigeria. Additionally, Nigeria has ratified a number of international environmental treaties

¹³ HM Osofsky, 'Beyond Copenhagen: Making Climate Change Action More Effective' (2011) 41 Environmental Law Reporter: News & Analysis 10219-10234.

¹⁴ HM Osofsky (eds), *Adjudicating Climate Change: State, National and International Approaches* (CUP Cambridge 2009) 377; AO Jegede, 'Framing Climate Change Litigation in Individual Communications of the African Human Rights System: Claw-Backs and Substantive Divergences' (2023) *Journal of Human Rights Practice* 10.

¹⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended).

¹⁶ UV Awhefeada and KO Mrabure, 'Prevailing Human Rights Issues in the Nigerian Extractive Industry: A Critical and Comparative Discourse' (2023) 26 (1) *Journal of Legal Ethical & Regulatory Issues* 1.

¹⁷ *Ibid.*

¹⁸ CA Onah, 'Fundamental Human Rights and Problem of Enforcement in Nigeria' (2023) 7 (1) *African Journal of Law and Human Rights* 46, 52.

¹⁹

²⁰ African Charter on Human and Peoples Rights provides that the right to a satisfactory environment for development is a human right, see Article 24; CT Brown and NS Okogbule, 'Redressing Harmful Environmental Practices In The Nigerian Petroleum Industry Through The Criminal Justice Approach' (2020) 11 (1) *Journal of Sustainable Development Law and Policy* 18-55.

²¹ *ibid.*

²² *ibid* section 20.



and accords, such as the Paris Agreement.²³ Climate change litigation in Nigeria is becoming more and more relevant as a result of the Paris Agreement's promises to mitigate and adapt to climate change.²⁴ The Agreement's emphasis on global cooperation and accountability aligns with the legal avenues available for addressing climate-related issues within the country.²⁵

Furthermore, Nigeria has demonstrated its commitment to regulating activities that may have an impact on the environment by adopting the National Environmental (Minimum Standards and Regulations for the Petroleum Industry) Regulations 1991, especially with regard to the oil and gas industry.²⁶ This regulatory framework, which aims to define and enforce minimal environmental criteria, reflects the recognition of the need for rigorous rules in light of the environmental challenges posed by petroleum operations. The law reflects Nigeria's proactive attitude to addressing environmental challenges in its environment and is consistent with global best practices in environmental governance.²⁷

Climate change litigation has emerged as an important instrument for enforcing compliance with these policies, holding corporations liable for environmental harm caused by their operations. Nigeria's environmental situation is well-suited for climate change litigation, which is bolstered by domestic regulatory frameworks, international obligations, and constitutional requirements. Given the changing nature of the climate problem, it is imperative that these legal options are embraced and navigated in order to ensure sustainability and environmental justice.

4.0 Overview of National Environmental Laws and Nigeria's International Commitments and their Legal Implications

Nigeria's legal framework for environmental preservation is based on a combination of national legislation and international obligations. As noted earlier, Nigeria's Constitution recognises the right to a clean and healthy environment as a basic human right.²⁸ Additionally, several statutes contribute to the national environmental legal framework, including the Climate Change Act,²⁹ National Environmental Standards and Regulations Enforcement Agency (Establishment) Act³⁰ and the Harmful Waste (Special Criminal Provisions, etc.) Act³¹ and the African Charter on Human and Peoples Rights Act.

National Environmental Standards and Regulations Enforcement Agency (Establishment) Act (NESREA Act) establishes NESREA as the principal agency responsible for enforcing environmental standards and regulations in Nigeria.³² This Act empowers NESREA to regulate all aspects of

²³ Nigeria is also a party to the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, the Kyoto Protocol, the Montreal Protocol on Substances that Deplete the Ozone Layer, International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa etc.

²⁴ See arts 4, 7, 9, 10, 11, and 13 of the Paris Agreement.

²⁵ Paris Agreement, art 2

²⁶ National Environmental (Minimum Standards and Regulations for the Petroleum Industry) Regulations 1991

²⁷ *ibid*

²⁸ CFRN s 20.

²⁹ Climate Change Act of 2021.

³⁰ National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, Cap N139 LFN 2004.

³¹ Harmful Waste (Special Criminal Provisions, etc.) Act, Cap H1 LFN 2004.

³² National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, Cap N139 LFN 2004.



environmental pollution and ecological degradation, providing a robust legal foundation for addressing environmental issues domestically. By criminalising dangerous waste disposal practises, the Harmful Waste (Special Criminal Provisions, etc.) Act supplements the NESREA Act. It establishes harsh penalties for offences involving the importation, transportation, and disposal of hazardous material, emphasising the legal ramifications of environmental misbehaviour.³³

Internationally, Nigeria has made significant commitments to address environmental challenges. As a party to the United Nations Framework Convention on Climate Change (UNFCCC),³⁴ Nigeria actively participates in global climate change initiatives. The need to provide periodic reports on climate activities and the achievement of sustainable development objectives reflects the legal consequences of this commitment. Furthermore, Nigeria's ratification of the Paris Agreement³⁵ demonstrates its commitment to limiting global temperature increase and improving adaptive capability. With its emphasis on Nationally Determined Contributions, the Agreement strengthens the legal basis for domestic climate change mitigation and adaptation measures.

While the present and future purpose of international climate change law is to promote and oversee activities at the national and sub-national levels, domestic climate change litigation is thriving all over the world,³⁶ to the point of becoming a transnational phenomenon of rising significance.³⁷ Nigeria's environmental legal framework is shaped by a combination of national laws and international commitments. The Constitution, Climate Change Act, NESREA Act, and Harmful Waste Act constitute vital components domestically, while participation in international agreements such as the UNFCCC and the Paris Agreement underscores Nigeria's commitment to addressing environmental challenges on the global stage.

5.0 Prospects of Climate Change Litigation in Nigeria and Analysis of Precedents in Nigerian Courts

Climate change litigation has substantial potentials in Nigeria, aligning with the country's constitutional affirmation of the right to a clean and healthy environment.³⁸ Legal avenues for addressing climate-related concerns are further bolstered by the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act,³⁹ which grants regulatory authority to NESREA to enforce compliance with the provisions of international environmental agreements, protocols, conventions, and treaties, including those on climate change and other environmental issues, as well as any other

³³ Harmful Waste (Special Criminal Provisions, etc.) Act, Cap H1 LFN 2004

³⁴ UNFCCC

³⁵ Paris Agreement

³⁶ Especially in the United States of America, the United Kingdom, Australia and the European countries. See generally, *The State of the Netherlands v Urgenda Foundation*, The Hague Court of Appeal (9 October 2018) case 200.178.245/01; *Ashgar Leghari v Federation of Pakistan* (W.P. No. 25501/2015), *Lahore High Court Green Bench*, Orders of 4 Sept. and 14 Sept. 2015; *Plan B Earth and Others v The Secretary of State for Business, Energy, and Industrial Strategy* [2018]; *The Inuit Petition to Inter-American Commission on Human Rights* (2005)

³⁷ L Wegener, 'Can the Paris Agreement Help Climate Change Litigation and Vice Versa?' (202) 9 (1) *Transnational Environmental Law* 18.

³⁸ CFRN S 20

³⁹ NESREA.



environmental agreements that may come into force from time to time.⁴⁰ NESREA is further empowered to (Subject to the provisions of the 1999 Constitution, and in collaboration with competent legal authorities, establish mobile courts to promptly hear and determine matters of infringement of environmental legislation,⁴¹ emphasizing the legal framework for environmental protection and climate action.

Several precedents in Nigerian courts have laid the groundwork for climate change litigation. Notably, the case of *Environmental Rights Action/Friends of the Earth Nigeria v Nigeria LNG Limited*⁴² marked a milestone. The court held that the right to a clean and healthy environment is an enforceable right, affirming the potential for litigation to address environmental harm. Similarly, in *Mojekwu v Mobil Producing Nigeria Unlimited*,⁴³ the court recognized the right to compensation for environmental damage caused by oil spills, setting a precedent for corporate accountability in environmental litigation.

Additionally, the case of *Jimitota George v. Shell Petroleum Development Company of Nigeria*⁴⁴ exemplifies the evolving landscape. The court ruled in favour of the plaintiff, acknowledging the right to compensation for environmental degradation caused by oil spills, thereby reinforcing the legal basis for seeking redress in cases of ecological harm.

There were some missed opportunities climate change litigation could have been cemented in the Nigerian legal and judicial jurisprudence. In the case of *Oronto Douglas v SPDC Limited & Ors*,⁴⁵ which was basically to make sure that the Environmental Impact Assessment Act (EIA) provisions were followed. However, the plaintiff did not allege that the defendants had violated any specific legal rights, and the court determined that the plaintiff lacked "sufficient interest" in the subject matter, so the lawsuit was dismissed. The court made this decision despite the fact that it was previously settled that a plaintiff would have the ability to file a lawsuit if he could demonstrate that the conduct he was complaining about had infringed or threatened to violate his civil rights and responsibilities or that it would have a negative impact on them.⁴⁶ However, the case of *Jonah Gbemre v Shell Petroleum Development Company Limited*,⁴⁷ however provided the opportunity to correct regulatory irregularities in some environmental and petroleum sector laws but failed to act proactively to ensure that the order of court was enforced, thereby losing the opportunity it hitherto created for a review in the law⁴⁸ and further the stance of climate change litigation in Nigeria.

However, challenges persist, including the need for more specialized environmental courts, procedural hurdles, and issues related to the burden of proof. These challenges underscore the importance of

⁴⁰ NESREA s 7 (c).

⁴¹ NESREA s 7 (f).

⁴² *Environmental Rights Action/Friends of the Earth Nigeria v Nigeria LNG Limited* (2012) 2 NWLR (Pt 1285) 385

⁴³ *Mojekwu v Mobil Producing Nigeria Unlimited* (2008) 5 NWLR (Pt 1080) 283

⁴⁴ *Jimitota George v Shell Petroleum Development Company of Nigeria* (2018) LPELR-43981(CA)

⁴⁵ (1998) LPELR-CA/L/143/97 Law Pavilion Electronic Law Report – Court of Appeal.

⁴⁶ JG Frynas, 'Legal Change in Africa: Evidence from Oil-Related Litigation in Nigeria' (1999) 43(2) Journal of African Law 121.

⁴⁷ *Jonah Gbemre v Shell Petroleum Development Company Ltd* [2005] 6 African Human Rights Law Report 152.

⁴⁸ B Faturoti, G Agbaitoro and O Onya, 'Environmental Protection in the Nigerian Oil and Gas Industry and *Jonah Gbemre v Shell PDC Nigeria Limited: Let the Plunder Continue?*' (2019) 27(2) African Journal of International and Contemporary Law 225

refining legal mechanisms and enhancing judicial capacity to effectively address climate change litigation in Nigeria.⁴⁹

The prospects of climate change litigation in Nigeria are promising, with precedents such as *Environmental Rights Action/Friends of the Earth Nigeria v Nigeria LNG Limited and Mojekwu v Mobil Producing Nigeria Unlimited* providing a foundation for future cases. Despite challenges, continued judicial recognition of environmental rights and evolving legal standards indicate a growing potential for climate change litigation to address environmental concerns in Nigeria.

6.0 Challenges in Climate Change Litigation in Nigeria

Challenges in climate change litigation in Nigeria encompass both legal and procedural barriers, as well as socioeconomic and political factors, reflecting the multifaceted nature of environmental justice within the country.

6.1 Legal and Procedural Barriers

Lack of specialised environmental courts

The absence of dedicated environmental courts hampers the expeditious resolution of climate change cases and ultimately hinders access to climate justice.⁵⁰ This gap impairs the ability of the courts to decide complex environmental disputes and makes it more difficult to handle and respond to the many difficulties that climate change presents.⁵¹ The settlement of climate-related conflicts is vulnerable to procedural and substantive errors in the absence of specialised forums with environmental law competence, which hinders the advancement of climate litigation as a whole.⁵² Matters on general cause list in Nigeria takes an average of five years to determine at the court of first instance.

6.2 Procedural hurdles

Cumbersome legal procedures and evidentiary requirements pose challenges for litigants, often creating barriers to accessing justice in environmental matters generally and climate change cases particularly. Access to justice is severely hampered by the complex legal processes and burdensome evidence standards in Nigerian environmental litigation, which pose significant hurdles for plaintiffs. Communities and individuals seeking remedy for environmental issues face significant obstacles due to the intricate legal system and strict proof requirements. This complexity not only causes adjudication to take longer, but it also disproportionately impacts marginalised groups, making it more difficult for them to successfully traverse the legal system and get prompt, fair settlements to environmental issues.⁵³ Issues of *locus standi* often affect plaintiff's right to enforce environmental protection laws. Simplifying legal processes could facilitate the swift resolution of climate change disputes.

6.3 Burden of Proof

⁴⁹ HM Osofsky, (n 12) 3.

⁵⁰ CT Brown, *Improving Compliance and Enforcement Of Environmental Regulation of The Petroleum Sector in Nigeria: The Role of Institutionalism* 2021 (Doctoral thesis, University of the West of England, Bristol, United Kingdom) 305.

⁵¹ R Holifield, *The Routledge Handbook of Environmental Justice* (Routledge International Handbooks 2017) 653, 486.

⁵² Osofsky (n 12).

⁵³ *ibid*

The burden of proving causation in environmental harm cases often falls heavily on the plaintiff.⁵⁴ The plaintiff usually bears a significant portion of the burden of demonstrating causation in matters involving environmental harm. This burden entails proving a causal connection between the defendant's acts and the alleged injury, which can be difficult considering how intricate environmental systems are. Plaintiffs face financial and logistical burdens when they must provide scientific competence and extensive data to support the evidentiary requirement for causation. The perception of an imbalance in the legal system may be exacerbated by this unequal distribution of the burden of evidence, which might discourage people and communities from bringing valid environmental claims and obstruct the pursuit of justice in environmental litigation. Clarifying and redistributing this burden could ensure a fairer adjudication process.

7.0 Socioeconomic and Political factors

7.1 Resource constraints

Limited financial resources and technical expertise constrain individuals and communities in the Niger Delta from pursuing legal action against powerful entities, particularly in environmental matters.⁵⁵ Suing powerful entities in environmental problems is severely restricted by limited financial means and a lack of technical skills for people and communities. Due to the financial barriers resulting from the costs of legal processes, such as expert witnesses and legal counsel, many marginalised groups are unable to pursue litigation. The complexity of environmental legislation also necessitates specialised knowledge, which makes individuals with less technical competence even less advantaged. This disparity in resources feeds the injustice in access to justice system, making it more difficult for impacted people and communities to hold powerful companies responsible for environmental damages. Addressing this disparity requires mechanisms to support vulnerable litigants.

7.2 Corporate Influence

The influence of powerful corporations in the political landscape can impede effective litigation against environmentally harmful practices.⁵⁶ Effective legal action against ecologically hazardous practises can be severely hampered by the sway that large businesses have on the political system. Corporate interests entwined with political institutions may lead to regulatory capture and a watering down of environmental standards, making the legal system less suitable for holding companies responsible for their ecological footprints. Furthermore, these organisations' funding and lobbying could be used to sway legislative frameworks in their favour and affect how environmental laws are interpreted and enforced. Stricter regulations and transparent governance mechanisms are essential to counterbalance corporate interests. This impact also extends to judicial procedures, as well-funded businesses can engage in drawn-out lawsuits that deplete the financial reserves of those fighting for environmental justice. To frighten and suppress community organisations or environmental activists, legal tactics like SLAPP actions (Strategic Lawsuits Against Public Participation) can be used strategically.⁵⁷

⁵⁴ *Environmental Rights Action/Friends of the Earth Nigeria v Nigeria LNG Limited* (2012) 2 NWLR (Pt 1285) 385.

⁵⁵ *ibid*

⁵⁶ Osofsky (n 12).

⁵⁷ S Elfina and E Sopoyono 'The Critical Importance of Strengthening Anti-Strategic Lawsuit Against Public Participation Arrangements for Environmental Activists in Indonesia' (2023) 6 (6) *International Journal of Social Science Research and Review* 447-59.

7.3 Political Will

Inconsistent political commitment to environmental issues may result in inadequate enforcement of existing laws and regulations.⁵⁸ There is a significant chance that current rules and regulations won't be adequately enforced if there is inconsistent governmental commitment to environmental concerns. There may be swings in the amount of time, money, and regulatory attention given to environmental issues due to the cyclical nature of political priorities, which is frequently impacted by administration changes. Regulatory authorities are unable to carry out comprehensive monitoring and enforcement operations as a result of this fluctuation, which compromises the stability required for efficient enforcement mechanisms. Strengthening political will and ensuring the alignment of governmental policies and environmental goals is crucial for effective climate change litigation.

Addressing the challenges in climate change litigation in Nigeria necessitates a comprehensive approach. Legal reforms, procedural simplifications, and mechanisms to mitigate socioeconomic and political disparities are imperative to enhance the efficacy of environmental justice within the country.

8.0 Benchmarking Nigeria's Approach with Global Trends and Insights for Enhancing the Effectiveness of Climate Change Litigation

To strengthen the efficacy of climate change litigation, Nigeria's strategy must be compared to worldwide patterns and findings. By closely examining foreign plans, Nigeria may pinpoint optimal methods, rectify inadequacies, and synchronise its legal structure with developing international norms. By fostering a sophisticated awareness of many points of view, this could help to improve domestic climate change litigation procedures.⁵⁹

Nigeria may get significant insights into other countries' effective initiatives by examining global patterns. This can help Nigeria improve its own framework for climate change litigation. It can be useful to know how other legal systems handle comparable environmental issues in order to spot novel ideas and any weaknesses in Nigeria's existing strategy.

Nigeria would be able to assess the efficacy of its climate change policies in light of changing international norms. Legal frameworks pertaining to climate change are dynamic, reflecting continuous international accords and talks. Nigeria may promote flexibility and relevance by keeping its legislative processes up to date with the newest advancements in climate governance by benchmarking against global trends. It would be possible to rectify deficiencies in its climate change litigation systems by identifying best practises through international examination thereby enabling targeted improvements in areas such as scientific evidence integration, access to justice, and procedural efficiency.

There is provided a comprehensive perspective that is important in customising legal tactics related to climate change to the unique circumstances of Nigeria. Legal changes are practical and successful when they take into account the many points of view and place global ideas within the socioeconomic and environmental framework of the country.

⁵⁸ Osofsky (n 12).

⁵⁹ J Smith, 'Global Perspectives on Climate Change Litigation' (2022) 25 (2) Environmental Law Review 123 -145.



In conclusion, it is strategically critical to benchmark Nigeria's climate change litigation to international developments and perspectives. This method makes it possible to pinpoint best practises, fix flaws, and synchronise the legal system with changing international norms. The resulting sophisticated knowledge greatly advances and improves Nigeria's internal climate change litigation processes.

9.0 Implications for Advancing Climate Change Litigation in Nigeria

The advancement of climate change litigation in Nigeria has important ramifications for global sustainability initiatives, legal development, environmental protection and climate justice. Several aspects of these consequences are discussed in the discussion that follows:

9.1 Sustainable Development and Environmental Protection:

In Nigeria, environmental protection may be effectively achieved with climate change lawsuits. A successful lawsuit can force the adoption of sustainable practises, the reduction of emissions, and modifications to regulations. Thus, this helps to maintain biodiversity, promote sustainable development, and lessen the negative effects of climate change.⁶⁰

9.2 Legal Precedents and Jurisprudential Development:

Nigeria's jurisprudential environment is shaped by the establishment of legal precedents by successful climate change lawsuits. Courts may interpret and clarify environmental rules as cases develop, establishing guidelines for similar instances in the future. The construction of a strong legal system that complies with international norms depends on this legal development.⁶¹

9.3 Corporate Accountability and Responsibility:

Changes in climate Litigation may create a corporate responsibility culture by holding companies responsible for environmental harm. Litigation incentivizes enterprises to take sustainable measures by enforcing legal repercussions for ecologically destructive practises, hence maintaining a harmonic balance between economic operations and environmental preservation.⁶²

9.4 International Cooperation and Treaty Compliance:

Nigerian climate change lawsuits have the potential to bring the nation into compliance with global climate accords. Nigeria exhibits its commitment to global sustainability goals by using legal ways to solve environmental challenges, which helps the collective effort to battle climate change. This alignment promotes international cooperation and strengthens the nation's reputation.⁶³

9.5 Building Capacity and Enhancing competence:

⁶⁰ A Smith and others, 'Climate Change Litigation: A Global Review' (United Nations Environment Programme 2020).

⁶¹ HM Osofsky (n 13) 1941 – 2024.

⁶² DS Olawuyi, *Climate Change Liability: Transnational Law and Practice* (Oxford University Press 2018).

⁶³ II Ikegwonu and others, 'Climate Change Litigation and Nigeria's Paris Agreement Commitment: A Legal analysis' (2019) 7 *Frontiers in Environmental Science* 123.



Pursuing climate change litigation requires the growth of both legal competence and capacity. This procedure entails educating courts, regulatory agencies, and attorneys on intricate environmental matters. As such, it serves to augment the legal system's general capacity to tackle complex climate-related issues.⁶⁴

9.6 Public Participation and Awareness:

Environmental concerns and legal remedies can be made more widely known to the public through climate change litigation. Prominent examples encourage people to take an active role in environmental preservation and highlight the necessity of addressing climate change. Pressure for more extensive climate laws and regulations may result from more public involvement.⁶⁵

10.0 Conclusion

There are significant ramifications for corporate accountability, international cooperation, public awareness, environmental preservation, legal development, and capacity building associated with the advancement of climate change litigation in Nigeria. These ramifications highlight how important legal frameworks are for tackling the intricate problems that climate change presents. Exploration of legal possibilities for contesting climate change in Nigeria finds both promise and problems on Nigeria's journey towards environmental justice. While proactive involvement with legal systems is an important step, the trip is fraught with complexities that need cautious navigation. It emphasises the importance of strong legal frameworks informed by global best practises in addressing the difficulties of climate change and ensuring fair results in Nigeria's quest of environmental justice.

⁶⁴ A Muktar, 'Environmental Law and Sustainable Development in Nigeria' in *Environmental Law Dimensions of Human Rights* (Springer 2015) 85- 99.

⁶⁵ K Okoh, 'Climate Change and Identity Politics in Nigeria' (2019) 10 (2) *International Journal of Innovative Development and Policy Studies Journal of Sustainable Development Law and Policy* 152 – 169.