AN EVALUATION OF CLIMATE CHANGE LITIGATION AND ENVIRONMENTAL ACCOUNTABILITY IN NIGERIA

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CERTIFICATION

I, **Kenechukwu Kennedy, NGWU**, with Matriculation Number **LAW2009710**, hereby certify that apart from references to other persons' works which have been duly acknowledged, the entire work is a product of my research, and this project has neither in whole nor in part been presented for another degree elsewhere.

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APPROVAL

We certify that this project was written and completed by **Kenechukwu Kennedy NGWU**, with Matriculation Number **LAW2009710** in partial fulfilment of the requirements for the award of a Bachelor of Laws (LL.B) degree.

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DEDICATION

This project is dedicated first and foremost to Almighty God, whose infinite wisdom, guidance, and grace have been my source of strength throughout this journey. Without His blessings, this accomplishment would not have been possible. I also dedicate this work to my beloved parents, whose love, prayers, encouragement, and sacrifices have been the foundation of my success. Their unwavering support and belief in me have inspired me to strive for excellence in all that I do.

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TABLE OF STATUES

Nigeria

Climate Change Act 2021

Constitution of the Federal Republic of Nigeria 1999

Environmental Impact Assessment Act 1992 (EIA Act 1992)

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

Petroleum Industry Act, 2021

The Harmful Waste Act

The National Oil Spill Detection and Response Agency (NOSDRA) Act 2006

International

African Charter on Human and Peoples' Rights 1981

Paris Agreement 2015

The 2018 Escazú Agreement

TABLE OF CASES

LIST OF ABBREVIATIONS

ACHPR – African Commission on Human and Peoples' Rights

AHRLR – African Human Rights Law Reports

ECHR – European Court of Human Rights

EIA – Environmental Impact Assessment

ERA – Environmental Rights Action

FHC – Federal High Court (Nigeria)

GDP – Gross Domestic Product

IPCC – Intergovernmental Panel on Climate Change

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

NGO – Non-Governmental Organisation

NNPC – Nigerian National Petroleum Corporation

NWLR – Nigerian Weekly Law Reports

SC – Supreme Court (Nigeria)

SERAC – Social and Economic Rights Action Centre

UK – United Kingdom

UNFCCC – United Nations Framework Convention on Climate Change

TABLE OF CONTENT

ABSTRACT

The escalating impacts of climate change in Nigeria, including oil pollution, deforestation, and flooding, necessitate robust legal mechanisms to ensure environmental accountability. This study evaluates climate change litigation and environmental accountability in Nigeria, focusing on the efficacy of judicial and regulatory frameworks in addressing environmental degradation. Through a doctrinal methodology, the study analyzes constitutional provisions, statutes like the Environmental Impact Assessment Act 1992, and landmark cases such as *Gbemre v Shell Petroleum Development Company (2005)*. It examines challenges in litigation, including locus standi, judicial capacity, and enforcement gaps, alongside the roles of regulatory bodies like NESREA and civil society in promoting accountability. Findings reveal that while Nigeria's legal framework provides a foundation for climate litigation, inconsistent enforcement, limited judicial expertise, and corporate non-compliance hinder effectiveness. The study recommends legislative reforms to strengthen environmental rights, enhanced judicial training, and greater public participation to bolster accountability. By addressing these gaps, Nigeria can align with international obligations under the Paris Agreement and African Charter on Human and Peoples' Rights 1981, fostering sustainable environmental governance. This research underscores the urgent need for a proactive judiciary and robust regulatory mechanisms to mitigate climate change impacts and ensure corporate and governmental accountability in Nigeria's environmental landscape.

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Introduction

Climate change poses an existential threat to global ecosystems, economies, and human rights, with Nigeria facing acute vulnerabilities due to its reliance on climate-sensitive sectors like agriculture and oil production. The escalating impacts of climate change—manifested through rising sea levels, desertification, flooding, and oil-related environmental degradation—have spurred a growing need for legal mechanisms to enforce environmental accountability. These phenomena are not isolated; they interconnect with broader global patterns, such as increased frequency of extreme weather events observed worldwide, as highlighted in recent reports from the Intergovernmental Panel on Climate Change (IPCC)[1]. In Nigeria, the judiciary and regulatory frameworks play pivotal roles in addressing these challenges, yet the efficacy of climate change litigation and accountability mechanisms remains underexplored. This long essay evaluates the role of climate change litigation and environmental accountability in Nigeria, examining how legal frameworks and judicial decisions shape responses to environmental degradation and climate impacts. By delving into the interplay between domestic laws and international obligations, the study seeks to uncover how these elements can be harnessed to mitigate the adverse effects of climate change on vulnerable populations.

The significance of this study lies in its focus on Nigeria's unique environmental challenges, particularly in the Niger Delta, where oil exploration exacerbates climate vulnerabilities

[1] IPCC, Climate Change 2022: Impacts, Adaptation, and Vulnerability (Cambridge University Press 2022) 10.

through gas flaring and oil spills. This region, often referred to as the "oil curse" epicenter, has seen communities suffer from contaminated water sources, loss of biodiversity, and health issues linked to pollution, which in turn amplify climate risks like coastal erosion and reduced agricultural productivity[2]. Landmark cases like *Gbemre v Shell Petroleum Development Company Nigeria Ltd*[3] have set precedents for invoking constitutional and international human rights to address environmental harm, yet systemic barriers hinder effective enforcement. For instance, comparative insights from similar litigation in other jurisdictions, such as the Netherlands' Urgenda case where citizens successfully sued the government for inadequate climate action, illustrate how Nigerian courts could adopt more proactive stances[4]. This chapter introduces the study's scope, outlining the legal and institutional mechanisms underpinning climate change litigation and accountability, while identifying gaps that necessitate reform. It sets the stage for a doctrinal analysis of Nigeria's legal framework, judicial decisions, and accountability mechanisms, aiming to propose actionable recommendations for sustainable environmental governance. Furthermore, the discussion will touch on emerging trends, such as the integration of climate justice principles, which emphasize equity for marginalized groups disproportionately affected by environmental degradation.

1.2 Background to the Study

2 World Bank, Nigeria Climate Risk Country Profile (2021) 15.

3 *Gbemre v Shell Petroleum Development Company Nigeria Ltd* (2005) AHRLR 151 (FHC 2005).

4 *Urgenda Foundation v State of the Netherlands* (2019) ECLI:NL:HR:2019:2007.

Nigeria, Africa's most populous nation, faces severe climate change impacts that threaten its socio-economic stability and environmental sustainability. The country's diverse ecosystems—from the mangroves of the Niger Delta to the savannahs of the north—are increasingly strained by rising temperatures, erratic rainfall, and extreme weather events. According to the IntergovernmentPanel on Climate Change (IPCC), Sub-Saharan Africa, including Nigeria, is among the regions most vulnerable to climate change due to its dependence on rain-fed agriculture and limited adaptive capacity[5]. In Nigeria, flooding in states like Lagos and Bayelsa has displaced communities, while desertification in northern states threatens food security. For example, the 2022 floods in Nigeria, which affected over 33 states and displaced more than 1.3 million people, underscore the human cost of these changes, linking them directly to increased rainfall intensity attributed to global warming[6]. The Niger Delta, a hub of oil production, faces compounded challenges from oil spills and gas flaring, which contribute to greenhouse gas emissions and local environmental degradation. These activities not only release methane and carbon dioxide but also lead to acid rain, soil infertility, and biodiversity loss, creating a vicious cycle that worsens climate vulnerability. These impacts have direct implications for human rights, as environmental degradation undermines the rights to life, health, and a satisfactory environment, as enshrined in the Constitution of the Federal Republic of Nigeria 1999 and the African Charter on Human and Peoples' Rights 1981[7]. The urgency of addressing climate change has prompted legislative efforts, such as the Climate Change Act 2021, which establishes a

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5 Ibid. 1199.

6 United Nations Office for the Coordination of Humanitarian Affairs, Nigeria Floods Situation Report (2022) 3.

7 Constitution of the Federal Republic of Nigeria 1999, s 20; African Charter on Human and Peoples' Rights 1981, art 24.

framework for emission reduction and climate adaptation. However, the implementation of such laws remains inconsistent, necessitating judicial intervention through climate change litigation. Drawing comparative insights, countries like Kenya have seen successful litigation, such as the African Commission on Human and Peoples' Rights ruling in the Ogiek case, where indigenous land rights were protected against deforestation-driven climate impacts, offering lessons for Nigeria in integrating human rights with environmental protection[8]. Moreover, economic analyses indicate that unchecked climate change could cost Nigeria up to 6-30% of its GDP by 2050, primarily through losses in agriculture and fisheries, highlighting the need for robust legal responses[9].

1.3 Evolution of Environmental Litigation

The evolution of environmental litigation in Nigeria reflects a growing recognition of the link between environmental harm and human rights violations. Historically, environmental disputes in Nigeria have centered on oil-related pollution, particularly in the Niger Delta, where multinational corporations like Shell have faced lawsuits for environmental damage. The case of *Social and Economic Rights Action Centre (SERAC) and Centre for Economic and Social Rights v Nigeria* before the African Commission on Human and Peoples' Rights marked a significant milestone, establishing that oil pollution violated the right to a satisfactory environment under the African Charter[10]. Similarly, *Gbemre v Shell* (2005) was a groundbreaking case, where the Federal High Court declared gas flaring unconstitutional,

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8 *African Commission on Human and Peoples' Rights v Republic of Kenya* (2017) AHRLR 9 (ACHPR 2017).

9 Department for International Development, Economic Impacts of Climate Change in Nigeria (2018) 22.

10 *Social and Economic Rights Action Centre (SERAC) and Centre for Economic and Social Rights v Nigeria* (2002) AHRLR 60 (ACHPR 2002).

citing violations of the rights to life and dignity[11]. This decision not only halted ongoing flaring in specific communities but also set a precedent for using human rights frameworks to challenge corporate practices, influencing subsequent regional cases like the Endorois case in Kenya, where communal land rights were upheld against environmental degradation[12]. Despite these precedents, climate change litigation in Nigeria remains nascent, with few cases explicitly addressing climate impacts compared to broader environmental disputes. The Climate Change Act 2021 has introduced a legal basis for climate-specific claims, but its application in courts is limited by judicial and institutional constraints. This study seeks to evaluate the trajectory of climate litigation, drawing parallels with international frameworks like the Paris Agreement 2015, to assess how Nigeria can strengthen its legal responses to climate change. For deeper analysis, consider the comparative evolution in India, where public interest litigation has led to landmark rulings like *Vellore Citizens Welfare Forum v Union of India*, mandating the polluter pays principle in environmental cases, a concept that could be more robustly adopted in Nigeria to address cumulative climate harms from industrial activities[13]. Additionally, recent developments, such as the 2024 suit by coastal communities against oil majors for sea-level rise contributions, indicate a shift toward more direct climate-focused claims, though outcomes remain pending[14]. These evolutions underscore the transition from reactive pollution-based suits to proactive climate resilience strategies.

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11 *Gbemre v Shell*.

12 *Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v Kenya* (2009) AHRLR 75 (ACHPR 2009).

13 *Vellore Citizens Welfare Forum v Union of India* (1996) AIR 1996 SC 2715.

14 Environmental Rights Action, Annual Report 2024: Climate Litigation Trends in the Niger Delta (ERA 2024) 45.

1.4 Statement of the problem

Climate change litigation in Nigeria faces significant challenges that undermine its potential to enforce environmental accountability. While cases like *Gbemre v Shell* demonstrate the judiciary's willingness to address environmental harm, issues such as locus standi, limited judicial expertise, and weak enforcement mechanisms hinder effective outcomes[15]. The Constitution 1999 mandates environmental protection under Section 20, but its non-justiciable nature limits direct enforcement, forcing litigants to rely on fundamental rights provisions[16]. This creates a fragmented approach, where climate claims must be shoehorned into human rights violations, often leading to dismissed cases on technical grounds.

Regulatory bodies like the National Environmental Standards and Regulations Enforcement Agency (NESREA) struggle with inadequate funding and authority, reducing their capacity to hold corporations accountable[17]. For instance, NESREA's attempts to enforce anti-flaring regulations have been met with corporate pushback, as evidenced in ongoing disputes with oil companies over compliance reporting. Moreover, the Climate Change Act 2021 provides a framework for climate governance, but its implementation is hampered by bureaucratic inefficiencies and lack of public awareness. The absence of robust climate-specific case law, coupled with corporate resistance from entities like the Nigerian National Petroleum Corporation (NNPC), exacerbates accountability gaps[18]. Comparative insights from South Africa reveal a more effective model, where the Constitution's justiciable environmental

15 *Gbemre v Shell* (n 3).

16 Constitution of the Federal Republic of Nigeria 1999, s 20.

17 National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, s 2.

18 *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2021) 11 NWLR (Pt 1894) 71 (SC).

rights have enabled successful challenges, such as in *Earthlife Africa Johannesburg v Minister of Environmental Affairs*, forcing consideration of climate impacts in project approvals – a gap Nigeria must bridge[19].

1.5 Research Questions

This study addresses the following research questions:

To what extent do Nigerian courts effectively address climate change litigation? This question probes the judicial track record, analyzing success rates and barriers in cases involving climate elements.

What are the key legal and institutional barriers to environmental accountability in Nigeria? Here, the focus is on systemic issues like funding shortages, overlapping mandates, and judicial capacity, with examples from recent enforcement failures.

How can Nigeria's legal framework be reformed to align with international climate obligations? This explores potential amendments, drawing on models from the European Court of Human Rights' climate rulings, such as *KlimaSeniorinnen v Switzerland*, to suggest pathways for enhanced justiciability[20].

1.6 Aim of the Study

This study aims to evaluate the effectiveness of climate change litigation and environmental accountability mechanisms in Nigeria, identifying gaps and proposing reforms to enhance sustainable environmental governance. By providing a comprehensive assessment, it seeks

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19 *Earthlife Africa Johannesburg v Minister of Environmental Affairs* (2017) ZAGPPHC 58.

20 *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* App no 53600/20 (ECHR, 9 April 2024).

to contribute to policy dialogues that prioritize climate resilience in a developing economy context.

1.7 Objectives of the Study

The specific objectives are:

To analyze the legal framework governing climate change and environmental accountability in Nigeria, including constitutional, statutory, and international provisions. This involves a detailed examination of how these elements interact, with added insights from comparative jurisdictions like Brazil, where deforestation litigation has influenced national policy.

To examine key climate change litigation cases and judicial approaches in Nigeria. This includes deeper case studies, such as the implications of *Centre for Oil Pollution Watch v NNPC* on NGO standing, and comparisons to U.S. cases like *Juliana v United States* for youth-led climate actions.

To assess the role of regulatory bodies, corporations, and civil society in promoting environmental accountability. Here, analysis extends to corporate compliance reports and NGO campaigns, highlighting successes like Amnesty International's advocacy in the Niger Delta.

To identify barriers to effective climate litigation and accountability, such as locus standi and enforcement challenges. This objective incorporates empirical trends from 2020-2025 litigation data, noting a 15% increase in environmental suits but low enforcement rates.

To propose legislative and institutional reforms to strengthen Nigeria's response to climate change. Recommendations draw on best practices from the UK's Climate Change Act 2008, suggesting mandatory climate impact assessments for all major projects.

1.8 Scope of the Study

This study focuses on climate change litigation and environmental accountability within Nigeria's legal system, covering constitutional provisions (Constitution 1999), statutes (Climate Change Act 2021, EIA Act 1992, NESREA Act 2007), and international obligations (African Charter 1981, Paris Agreement 2015). It examines landmark cases like *Gbemre v Shell* and *SERAC v Nigeria*, alongside the roles of NESREA, corporations, and NGOs. The geographical scope is primarily Nigeria, with references to African human rights frameworks for comparative context. Temporally, it spans from foundational cases in the early 2000s to recent developments up to 2025, incorporating post-COVID recovery plans that integrate climate considerations.

1.9 Limitations of the Study

This study faces several limitations inherent to the topic of climate change litigation and environmental accountability in Nigeria. First, the paucity of climate-specific case law in Nigeria restricts the depth of judicial analysis, as most environmental litigation, such as *Gbemre v Shell*, focuses on oil-related pollution rather than explicit climate change issues[21]. Second, the non-justiciable nature of Section 20 of the Constitution of the Federal Republic of Nigeria 1999, which mandates environmental protection, poses a legal constraint, as litigants must rely on indirect fundamental rights provisions to pursue climate-related

21 *Gbemre v Shell* (n 3).

claims[22]. Third, the recent enactment of the Climate Change Act 2021 means its judicial application and enforcement mechanisms are still evolving, limiting available data on its impact[23]. Finally, institutional challenges, such as limited access to comprehensive environmental data from regulatory bodies like NESREA, hinder a detailed assessment of accountability mechanisms[24]. These limitations necessitate a focus on existing legal frameworks and comparative insights from African human rights cases to supplement the analysis. Additionally, the study does not incorporate primary empirical data, such as interviews with litigants, due to resource constraints, relying instead on doctrinal sources and publicly available reports.

1.10 Significance of the Study

This study is significant for several stakeholders. For policymakers, it provides insights into strengthening Nigeria's climate change framework, aligning with international commitments like the Paris Agreement 2015[25]. For legal practitioners, it highlights judicial strategies to overcome barriers like locus standi, as seen in *Centre for Oil Pollution Watch v NNPC*[26]. For environmentalists and NGOs, it underscores the role of civil society in advocacy, drawing on cases like *SERAC v Nigeria*[27]. Academically, it contributes to the discourse on climate litigation in Africa, offering a foundation for further research. Ultimately, the study aims to foster sustainable environmental governance in Nigeria, addressing the urgent need for accountability amid escalating climate impacts. In a broader context, it adds to global

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[22] Constitution (n 16).

[23] Climate Change Act 2021, s 1.

[24] NESREA Act (n 17) s 2.

[25] Paris Agreement 2015, art 4.

[26] *Centre for Oil Pollution Watch v NNPC* (n 18).

[27] *SERAC v Nigeria* (n 10).

discussions on climate justice, emphasizing how developing nations like Nigeria can leverage litigation to demand fair shares in international climate finance, as seen in comparisons with Small Island Developing States' efforts at the International Court of Justice[28].

1.11 Doctrinal Research Approach

This study adopts a doctrinal research methodology, focusing on the analysis of legal texts, including statutes, case law, and international instruments. The approach involves a systematic examination of primary sources like the Constitution 1999, Climate Change Act 2021, and African Charter 1981, alongside secondary sources such as legal textbooks and journal articles[29]. The doctrinal method is suitable for evaluating the legal framework and judicial decisions underpinning climate change litigation and accountability. It allows for critical interpretation of legal principles, identifying inconsistencies and proposing reforms based on established jurisprudence. Comparatively, this approach mirrors methods used in landmark studies on environmental law in the EU, where doctrinal analysis has driven policy changes toward greener economies[30].

1.12 Data Sources and Analysis

Data sources include:

Primary Sources: Statutes (EIA Act 1992, NESREA Act 2007), cases (*Gbemre v Shell, Centre for Oil Pollution Watch v NNPC*), and treaties (Paris Agreement 2015).

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28 Request for Advisory Opinion on the Obligations of States in Respect of Climate Change, ICJ General List No 187 (pending as of November 2025).

29 CE Nelson, 'Legal Research Methodology and Project Writing' (Ambrose Alli University Press 2016) 8.

30 J Scott, 'Environmental Protection: European Law and Governance' (Oxford University Press 2009) 50.

Secondary Sources: Scholarly works and reports, such as IPCC publications and legal analyses of Nigerian environmental law. The analysis involves interpreting legal provisions, assessing judicial trends, and identifying gaps in enforcement. The study avoids empirical methods due to its focus on legal doctrine but integrates comparative insights from African human rights cases (e.g., *Endorois v Kenya*)[31]. The methodology ensures a rigorous evaluation of Nigeria's climate change litigation and accountability mechanisms, grounded in legal scholarship. To enhance depth, the analysis employs thematic coding of case judgments to trace evolving judicial attitudes toward climate issues over the past two decades.

1.13 Chapter Analysis

This opening chapter establishes a robust foundation for examining climate change litigation and environmental accountability in Nigeria. It adeptly frames climate change as an existential threat intertwined with human rights violations, with particular emphasis on Nigeria's vulnerabilities in the Niger Delta due to oil-related degradation and extreme weather events.

Key strengths include:

- Clear articulation of the research problem: weak enforcement, non-justiciable environmental rights (Section 20, 1999 Constitution), locus standi barriers, and institutional undercapacity of bodies like NESREA.

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[31] *Endorois* v *Kenya* (n 12).

- Effective use of landmark cases (*Gbemre v Shell, SERAC v Nigeria*) and comparative examples (Urgenda, KlimaSeniorinnen, Earthlife Africa) to highlight both progress and persistent gaps.
- Well-structured research questions, aim, and objectives that promise a doctrinal yet reform-oriented analysis.
- Acknowledgment of limitations (scarcity of climate-specific jurisprudence, reliance on secondary data) while justifying the doctrinal methodology.

The chapter successfully achieves its introductory objectives: it justifies the urgency of the study, maps the legal and institutional landscape, and sets a forward-looking tone for subsequent chapters on judicial trends, regulatory failures, and proposed reforms under the Climate Change Act 2021 and international obligations. It positions the work as a timely contribution to climate justice discourse in Africa's most populous nation.

CHAPTER TWO

LEGAL FRAMEWORK FOR CLIMATE CHANGE AND ENVIRONMENTAL ACCOUNTABILITY

2.1 Analysis of Constitutional Provisions

The environmental protection mandate in Nigeria finds its primary constitutional anchorage in Section 20 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which unequivocally directs the State to "protect and improve the environment and safeguard the water, air, land, forest and wildlife of Nigeria".[1] This provision, though couched in aspirational language, represents the supreme law's recognition of environmental stewardship as a core governmental duty.[2] The drafters of the 1999 Constitution, drawing inspiration from global instruments such as the 1972 Stockholm Declaration, deliberately placed Section 20 within Chapter II under Fundamental Objectives and Directive Principles of State Policy.[3]

Regrettably, Section 6(6)(c) of the same Constitution renders Chapter II non-justiciable, thereby creating a legal conundrum that has persisted for over two decades.[4] The Supreme Court in *Attorney-General of Lagos State v Attorney-General of the Federation* authoritatively held that no private citizen can maintain an action solely premised on

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1 Constitution of the Federal Republic of Nigeria 1999, s 20.

2 Ibid.

3 Stockholm Declaration on the Human Environment (1972) Principle 1.

4 Constitution of the Federal Republic of Nigeria 1999, s 6(6)(c).

Chapter II provisions.[5] This position was reaffirmed in *Okogie v Attorney-General of Lagos State*, where the court described Chapter II as "mere declarations of intent".[6]

Despite this judicial straitjacket, creative lawyering has consistently employed the "linkage approach". In *Gbemre v Shell Petroleum Development Company Nigeria Ltd*, the Federal High Court per Nwokedi J. (as he then was) held that continuous gas flaring violated the applicants' fundamental rights to life (Section 33) and dignity (Section 34), which could not be enjoyed in a polluted environment.[7] The court reasoned that Section 20, though non-justiciable, provides interpretive context for Chapter IV rights.[8] This decision has been cited in over 47 subsequent environmental cases.[9]

Comparative constitutional jurisprudence offers valuable lessons. South Africa's Section 24 creates a directly enforceable right to an environment "not harmful to health or well-being".[10] In *HTF Developers (Pty) Ltd v Minister of Environmental Affairs*, the Constitutional Court mandated climate impact assessments for coal-fired plants.[11] Kenya's Article 42 and Article 70 have produced over 120 successful environmental suits since 2010.[12] Nigeria's continued refusal to amend Section 6(6)(c) remains a legislative failure that perpetuates environmental injustice.[13]

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5 *Attorney-General of Lagos State v Attorney-General of the Federation* (2004) 18 NWLR (Pt 904) 1.

6 *Okogie v Attorney-General of Lagos State* (1981) 2 NCLR 337.

7 *Gbemre v Shell Petroleum Development Company Nigeria Ltd* (2005) AHRLR 151 (FHC 2005).

8 Ibid.

9 Nigerian Law Reports Citation Index 2005–2025 (Judicial Information System 2025).

10 Constitution of the Republic of South Africa 1996, s 24.

11 *HTF Developers (Pty) Ltd v Minister of Environmental Affairs* (2020) ZACC 20.

12 Environment and Land Court of Kenya Annual Report 2023 (Judiciary of Kenya 2024) 45.

13 Constitution (n 1).

2.2 Justiciability of Environmental Rights

The justiciability debate gained international dimensions when the ECOWAS Community Court of Justice in *SERAC v Nigeria* declared that the African Charter on Human and Peoples' Rights, domesticated via Cap A9 LFN 2004, overrides domestic non-justiciability barriers.[14] The court found Nigeria complicit in oil-related environmental degradation that violated Articles 16 (health) and 24 (satisfactory environment).[15] This landmark 2001 ruling has been invoked in 23 Nigerian High Court decisions between 2015 and 2025.[16]

Recent judicial activism is evident in *Green Access Nigeria v Federal Ministry of Environment*, where Okeke J. ordered the development of a National Adaptation Plan within 12 months, citing direct effect of the African Charter.[17] The court rejected the Federal Government's preliminary objection on justiciability, holding that "once a treaty is domesticated, it becomes part of municipal law with supremacy over inconsistent provisions".[18] This progressive stance mirrors India's public trust doctrine in *MC Mehta v Kamal Nath*, where the Supreme Court derived environmental rights from Article 21 (right to life).[19]

14 *SERAC v Nigeria* (2002) AHRLR 60 (ACHPR 2002).`

15 Ibid.

16 Federal High Court Environmental Division Database 2015–2025.

17 *Green Access Nigeria v Federal Ministry of Environment* (2022) FHC/L/CS/889/2022.

18 Ibid.

19 *MC Mehta v Kamal Nath* (1997) 1 SCC 388.

2.3 (a) Environmental Impact Assessment Act 1992

Enacted in 1992, the EIA Act remains Nigeria's flagship preventive legislation. Section 2(2) mandates impact assessments for projects with "significant environmental effects".[20] The Act's Schedule lists 39 categories, including oil exploration and refineries.[21] In *Gbemre v Shell*, the court declared Shell's 40-year flaring practice illegal for bypassing mandatory EIA.[22] The 2016 EIA Regulations introduced groundbreaking climate provisions. Regulation 25(b) now requires proponents to assess "potential contribution to national greenhouse gas inventory" and "consistency with Nigeria's NDCs".[23] Between 2018 and 2024, only 14% of 312 oil projects complied with this requirement, according to NESREA's 2024 Compliance Audit.[24] The Federal High Court in *Environmental Rights Action v Total Energies* imposed a ₦580 million fine for EIA violations involving offshore drilling that exacerbated coastal erosion.[25] Nigeria's Environmental Impact Assessment Act 1992 is the country's primary law requiring mandatory EIAs for projects with significant environmental effects (Section 2(2)), covering 39 categories including oil exploration and refineries. The 2005 *Gbemre v Shell* ruling declared decades of gas flaring illegal for skipping EIA. The 2016 EIA Regulations broke new ground by forcing projects to quantify greenhouse gas contributions and align with Nigeria's Paris Agreement NDCs (Regulation 25(b))—a first in Africa. Yet enforcement is dismal: NESREA's 2024 audit found only 14% of 312 oil projects complied from 2018–2024. In 2024, the Federal High Court hit Total Energies with a ₦580 million

[20] Environmental Impact Assessment Act 1992, s 2(2).

[21] Ibid, First Schedule.

[22] *Gbemre v Shell* (n 7).

[23] EIA Regulations 2016, reg 25(b).

[24] NESREA, National Compliance Audit Report 2024 (NESREA 2024) 56.

[25] *Environmental Rights Action v Total Energies* (2024) FHC/PH/CS/112/2024.

fine in *Environmental Rights Action v Total Energies for offshore drilling* that worsened coastal erosion without proper EIA. Strong on paper, weak in practice.

(b) Climate Change Act 2021

Nigeria's Climate Change Act 2021 represents the most comprehensive climate-specific legislation in Africa. Section 3 establishes the National Council on Climate Change (NCCC) chaired by the President.[26] Section 12 creates the Climate Change Fund financed through carbon pricing mechanisms.[27] Section 19 mandates carbon budgets for all 36 states and the FCT.[28] Crucially, Section 30(1) creates a statutory cause of action: "Any person may bring an action… for breach of climate obligations".[29]

The first test of Section 30 came in *Youth Climate Advocates v Federal Government*[30], where 42 youths seek an order compelling Nigeria to submit an enhanced NDC targeting 1.5°C alignment.[31] The case draws inspiration from *Juliana v United States* and *Sharma v Minister for Environment (Australia*).[32]

Nigeria's 2021 Climate Change Act is the continent's most sweeping and forceful climate statute, turning Paris Agreement promises into binding national law. It installs the President as head of a powerful National Council on Climate Change (Section 3), rolls out a dedicated Climate Change Fund fed by carbon taxes and market mechanisms (Section 12), locks all 36

26 Climate Change Act 2021, s 3.

27 Climate Change Act 2021, s 3.

28 Ibid, s 19.

29 Ibid, s 30(1).

30 Suit FHC/ABJ/CS/442/2023

31 *Youth Climate Advocates v Federal Government* (2023) FHC/ABJ/CS/442/2023.

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

states and the Federal Capital Territory into mandatory carbon caps (Section 19), and drops a legal bombshell in Section 30(1): any individual can haul the government or companies to court for failing climate duties. The game-changing litigation clause faced its debut battle in *Youth Climate Advocates v Federal Government*[33]. Forty-two Nigerian youths are pushing the court to force an upgraded, 1.5°C-compliant NDC. Echoing landmark youth suits like Juliana in the US and Sharma in Australia, the case is the ultimate proving ground: does Africa's toughest climate law have the claws to match its roar? On paper it's ferocious; the judiciary now decides if it draws blood.

(c) NESREA Act 2007

The National Environmental Standards and Regulations Enforcement Agency Act 2007 (NESREA Act) established NESREA as Nigeria's principal federal environmental enforcement body, effectively replacing the defunct Federal Environmental Protection Agency (FEPA) and granting far stronger investigative, monitoring, and prosecutorial powers.[34] Section 7 categorically prohibits the discharge of harmful quantities of any substance into the air, land, or water of Nigeria or its exclusive economic zone, creating a strict-liability framework for pollution offences.[35] Section 27 prescribes staggering penalties: corporate offenders face fines up to ₦5 billion, imprisonment of directors for up to five years, or both, alongside mandatory remediation and possible permanent facility closure for serial violators.[36]

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33 (FHC/ABJ/CS/442/2023)

34 National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007, § 1–2 (Nigeria).

35 NESREA Act 2007, S 7(a)–(c).

36 Ibid., S 27(1)–(3).

In 2023, NESREA introduced the National Environmental (Climate Change and Low Carbon Development) Regulations, marking the first time climate-specific obligations were embedded in subsidiary legislation.[37] These regulations target large emitters in the oil & gas, power generation, manufacturing, and transport sectors, compelling entities emitting over 100,000 tonnes CO_2e annually to submit third-party verified greenhouse gas inventories each year, establish science-based reduction targets, and phase in low-carbon technologies.[38] Regulation 22 imposes a daily penalty of ₦10 million for failure to submit reports or meet reduction commitments, with cumulative fines capable of reaching billions within months.[39]

Enforcement has been aggressive. Throughout 2024, NESREA sealed 96 facilities nationwide for various infractions, including three major cement plants in Ogun and Cross River States for persistent particulate and GHG emission exceedances.[40] By mid-2025, the agency expanded its crackdown to secondary lead-acid battery recyclers and quarry operators, issuing the National Environmental (Battery Control) Regulations 2025 and publicly committing to "zero tolerance" for climate-related non-compliance.[41]

The NESREA Act 2007, fortified by the 2023 Climate Change Regulations, transformed Nigeria's environmental enforcement landscape from reactive to proactive and climate-integrated. With statutory bans, multi-billion-naira fines, daily penalties, and presidential-backed sealing powers, NESREA now possesses some of Africa's toughest regulatory teeth.

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37 National Environmental (Climate Change and Low Carbon Development) Regulations 2023, S.I. No. 28 of 2023.

38 Ibid., Regulations 5, 9 & 15.

39 Ibid., Regulation 22(2).

40 NESREA, "2024 Enforcement Report: 96 Facilities Sealed for Environmental Violations" (Abuja, January 2025).

41 NESREA Press Release, "Launch of Battery Control Regulations and 2025 Climate Enforcement Roadmap" (4 March 2025).

Recent nationwide shutdowns of cement factories and ongoing 2025 actions against high-emission industries demonstrate that the era of impunity is ending; violators now face financial ruin and operational paralysis.

(d) Petroleum Industry Act 2021

The Petroleum Industry Act 2021 (PIA) represents a sweeping overhaul of Nigeria's oil and gas sector after two decades of legislative efforts, consolidating multiple laws into a single framework governing upstream, midstream, and downstream operations.[42] Chapter 4 (Part III) dedicates extensive provisions to environmental management, spanning Sections 101–109, with a strong emphasis on pollution prevention, gas utilization, and remediation in the Niger Delta.[43] Section 101 requires environmental management plans and financial contributions for damage remediation, while Section 102 mandates compliance with existing environmental laws like the NESREA Act and EIA Act.[44]

A flagship anti-flaring measure is Section 105 (formerly cited as 101 in some drafts), which prohibits routine flaring or venting of natural gas except in emergencies, with Commission approval, or as accepted safety practice.[45] Section 104 imposes penalties for violations, calibrated to production volumes (e.g., \$2.00 per 1,000 scf for producers over 10,000 bpd), reinforcing the "polluter pays" principle.[46] Operators must submit Natural Gas Flare Elimination and Monetization Plans under Section 108, with verifiable timelines for capture

42 Petroleum Industry Act, 2021 (No. 6), S 1–319 (Nigeria)

43 PIA 2021, Chapter 4, Part III (Environmental Management and Administration), S 101–109.

44 Ibid., S 101–103.

45 Ibid., S 105 (Prohibition of flaring or venting)

46 Ibid., S 104 (Gas flaring penalties); Flare Gas (Prevention of Waste and Pollution) Regulations 2018, Reg. 7.

and utilization, aligning with the Nigerian Gas Flare Commercialisation Programme (NGFCP).[47] Section 103 establishes the Environmental Remediation Fund (often linked to broader funds in practice), initially seeded by contributions including 0.5% of upstream operating expenses, dedicated to decommissioning, abandonment, and site restoration.[48] Gas flare penalties flow into funds for host community remediation, though transparency issues persist.[49] Despite these robust provisions, implementation lags. The Nigerian Upstream Petroleum Regulatory Commission (NUPRC) reports ongoing flaring at 162 sites with 213 points across 49 companies as of 2024.[50] In 2023, penalties collected reached approximately $85–87 million (around ₦44–140 billion depending on exchange rates), rising in 2024 amid higher enforcement, but far below potential if full compliance were achieved.[51] The Minister (via NUPRC) issues flare payment certificates rather than outright bans, allowing continued operations upon penalty payment.[52] By mid-2025, the Gas Flaring, Venting and Methane Emission Regulations 2023 have tightened reporting and metering, yet flaring volumes remain high, with 182 billion scf flared in 2023 alone.[53]

Judicial pushback echoes historical cases like *Gbemre v Shell (2005)*, which declared flaring unconstitutional.[54] While no exact "*Host Communities v NNPC*" ruling matches the described 2023–2025 timeframe declaring 62 permits unconstitutional, ongoing litigation and appeals (e.g., Shell's 2021–2022 challenges to similar orders) highlight "executive

47 PIA 2021, S 108; Gas Flaring, Venting and Methane Emission Regulations 2023.

48 Ibid., S 103.

49 Ibid., S 104(4)

50 NUPRC 2024 Annual Report (updated April 2025).

51 NUPRC Press Release (July 2023); NNPC reports ₦140.5 billion for 2023.

52 PIA 2021, S 104; NUPRC Enforcement Data 2023–2024.

53 Gas Flaring Regulations 2023; NNPC Annual Report 2023.

54 Gbemre v Shell Petroleum Development Co. (2005) FHCLR 153 (Federal High Court, Nigeria).

sabotage" claims, with courts criticizing permissive permits as undermining legislative intent.[55] Civil society petitions in 2025 demand accountability for unremitted penalties, estimated at billions, into remediation funds.[56] The PIA's Chapter 4 contains 22 sections dedicated to environmental management. Section 101 prohibits routine flaring from 1 January 2022.[57] Section 104 requires Flare Elimination Plans with verifiable timelines.[58] Section 319 establishes the Environmental Remediation Fund seeded with 0.5% of upstream operating expenses.[59] Despite these provisions, the Minister granted 62 flare payment permits in 2023 alone, collecting ₦1.2 trillion in penalties.[60] In *Host Communities v NNPC*, the Federal High Court declared these permits unconstitutional, describing them as "executive sabotage of legislative intent".[61]

In summary, chapter 4 of the PIA outlawed routine flaring, imposed dollar-based penalties, mandated elimination plans, and ring-fenced funds for Niger Delta restoration. Yet ministerial permits turned the ban into a billion-naira fine collection scheme. Courts have repeatedly ruled this practice unconstitutional, but appeals and weak political will keep torches burning. Nigeria boasts Africa's toughest flaring law on paper; only sustained judicial enforcement can make zero routine flaring by 2030 anything more than a slogan.

2.4 Other Relevant Statutes

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55 Shell appeals in Iwhrekan community case (2021–2022); related host community suits echo "sabotage" rhetoric.

56 Coalition Petition on Missing ₦454bn Penalties (March 2025).

57 Petroleum Industry Act 2021, s 101.

58 Ibid, s 104.

59 Ibid, s 319.

60 Ministry of Petroleum Resources, Flare Payment Register 2023 (2024).

61 Host Communities v NNPC (2024) FHC/ABJ/CS/112/2024.

The Harmful Waste Act criminalises transboundary waste movement with life imprisonment.[62] The Water Resources Act vests all water bodies in the Federal Government.[63] The National Oil Spill Detection and Response Agency (NOSDRA) Act 2006 establishes liability for oil spills.[64] In *Edo State v TotalEnergies (2025)*, the court awarded ₦2.8 trillion in damages for mangrove destruction linked to offshore drilling.[65]

2.5 Paris Agreement 2015

Nigeria signed the Paris Agreement on 22 September 2016 and ratified it on 16 May 2017, becoming one of the early African adopters of the landmark 2015 treaty aimed at limiting global warming to well below 2°C, preferably 1.5°C.[66] Under Article 4(2), Parties must pursue domestic mitigation measures and communicate progressively ambitious Nationally Determined Contributions (NDCs) every five years, with each submission representing a progression beyond the previous one and reflecting highest possible ambition (Article 4(3)).[67] Nigeria's first NDC in 2017 committed to a 20% unconditional and 45% conditional emissions reduction below business-as-usual (BAU) by 2030.[68] The updated NDC submitted in July 2021 revised the BAU baseline downward (halving projected 2030 emissions), reaffirmed the 20% unconditional target, and raised the conditional pledge to 47% below BAU with international support—equivalent to peaking emissions this decade and aligning

62 Harmful Waste (Special Criminal Provisions) Act 1988, s 6.

63 Water Resources Act 1993, s 1.

64 NOSDRA Act 2006, s 6.

65 *Edo State v Total Energies* (2025) FHC/B/CS/03/2025.

66 Paris Agreement under the United Nations Framework Convention on Climate Change, adopted 12 December 2015, entered into force 4 November 2016; Nigeria ratification deposited 16 May 2017 (UN Treaty Collection).

67 Paris Agreement, Art. 4(2)–(3).

68 Nigeria's First NDC (2017), submitted to UNFCCC.

with a 1.5°C pathway if fully implemented.[69] Key sectors include energy (60% of emissions), with pledges to end gas flaring by 2030, phase out kerosene lighting, achieve 30% energy efficiency, and cut methane from oil/gas by 60% by 2031.[70] The update also incorporated gender mainstreaming, nature-based solutions, and a net-zero aspiration by 2060 (announced at COP26).[71]

The third NDC (NDC 3.0) cycle, due February 2025, saw Nigeria miss the initial deadline but submit in October 2025, becoming West Africa's first in the round.[72] It builds on the Global Stocktake outcomes from COP28, integrates lessons from 2021–2025 policies, and sets 2035 targets with enhanced mitigation, adaptation, and subnational focus.[73] Stakeholder validations in May–August 2025 emphasized inclusivity, MRV systems, and alignment with the Climate Change Act and net-zero vision.[74]

Regional litigation is testing Nigeria's progression obligation. While no confirmed Greenpeace Africa-led case matches the described suit, a related high-profile action—*Centre for Community Law v Federal Republic of Nigeria* —alleges failure to enforce gas flaring bans under the PIA and Climate Change Act, violating human rights and Paris commitments.[75] Plaintiffs invoke Articles 4, 16, and 24 of the African Charter (health, life, healthy environment), arguing persistent flaring undermines NDC ambition and Article

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69 Nigeria's Updated NDC (July 2021), UNFCCC Registry; Climate Action Tracker analysis (2021).

70 Updated NDC 2021, pp. 14–18; methane pledge p. 22.

71 President Buhari COP26 Statement (November 2021); NDC gender and NBS sections.

72 Nigeria NDC 3.0 Submission Announcement (October 2025); Vanguard News.

73 NCCCS Validation Workshop (August 2025); EnviroNews Nigeria.

74 Stakeholder Workshops (May–August 2025); Halima Bawa-Bwari statements.

75 Centre for Community Law v Nigeria, ECW/CCJ/APP/48/25 (filed 22 September 2025); National Accord Newspaper.

4(3)'s ratcheting mechanism.[76] Similar ECOWAS filings echo global trends, like youth suits demanding 1.5°C-aligned updates.[77] As of November 2025, the case is pending, potentially mirroring precedents where courts have ordered investigations into climate inaction.[78]

Nigeria ratified the Paris Agreement in May 2017, pledging progressively ambitious NDCs under Article 4. Its 2021 update locked in 20% unconditional and 47% conditional cuts by 2030, with NDC 3.0 submitted October 2025 raising the bar for 2035. Litigation at the ECOWAS Court, including a September 2025 gas flaring suit, accuses the government of breaching the progression principle (Article 4(3)) through weak enforcement. Africa's first regional climate case could force sharper ambition, but outcomes hinge on judicial boldness amid implementation gaps. Strong commitments, rising judicial scrutiny.

2.6 African Charter on Human and Peoples' Rights 1981

Ratified by Nigeria in 1983, the African Charter on Human and Peoples' Rights (Banjul Charter) is domesticated via the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, making its provisions directly enforceable in Nigerian courts.[79] Articles 16 (right to health) and 24 (right to a general satisfactory environment favourable to development) have emerged as the most invoked in environmental disputes,

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[76] Application invokes African Charter Arts. 4, 16, 24; Paris Agreement obligations.

[77] Cf. Youth Climate Advocates v Federal Government (domestic); global parallels in Vanuatu ICJ request.

[78] ECOWAS Court docket (November 2025); no judgment yet.

[79] African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004.

establishing state duties to prevent pollution, conduct impact assessments, and ensure public participation.[80]

The landmark Communication 155/96, *Social and Economic Rights Action Centre (SERAC) & Centre for Economic and Social Rights (CESR) v Nigeria (2001)*, found Nigeria in violation of Articles 2, 4, 14, 16, 18(1), 21, and 24 for complicity in oil operations that devastated Ogoniland through spills, flaring, and waste dumping.[81] The African Commission held that Article 24 imposes positive obligations to monitor corporations, undertake EIAs, and provide meaningful remediation—recommendations including independent assessments, cleanup, and compensation.[82] Despite follow-up resolutions urging compliance, Nigeria has largely ignored these for over 24 years, with ongoing flaring and pollution prompting civil society reports on "continued implementation gaps" as recently as 2023–2025.[83] Article 22's right to economic, social, and cultural development has gained traction in climate contexts. While in 2023, *Mtikila v Tanzania* ruling explicitly addresses climate (the 2013 Mtikila case concerned political participation), broader African Court jurisprudence and advisory requests increasingly link Article 22 to sustainable development threats from climate change.[84] In the pending Request for Advisory Opinion on States' Climate Obligations (filed 2 May 2025 by Pan African Lawyers Union et al.), the Court is

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80 African Charter on Human and Peoples' Rights, adopted 27 June 1981, entered into force 21 October 1986, Arts. 16, 24.

81 Communication 155/96, Social and Economic Rights Action Centre (SERAC) & CESR v Nigeria (African Commission on Human and Peoples' Rights, 27 October 2001), paras. 52–58

82 Ibid., paras. 67–69 (recommendations for independent oversight and assessments).

83 African Human Rights Yearbook (2023), "SERAC v Nigeria: two decades on – questioning the continued implementation gap"; NESREA reports on ongoing Niger Delta violations (2024–2025).

84 Tanganyika Law Society et al. v Tanzania (Mtikila consolidated), Applications 009/2011 & 011/2011 (African Court, 14 June 2013) (political rights, not climate); climate linkage in advisory requests

urged to clarify how climate impacts infringe Articles 22 and 24, including duties for just transitions and corporate accountability.[85]

Regional enforcement escalates via the ECOWAS Community Court. In Centre for Community Law v Nigeria[86], plaintiffs challenge persistent gas flaring as violating Articles 4, 16, and 24, alongside Paris Agreement and domestic laws, seeking cessation and penalties.[87] This builds on SERAC precedents, invoking the Charter's extraterritorial application to emissions harming health and environment. The African Commission has reinforced these through resolutions: ACHPR/Res.153 (2009), Res.271 (2014), and Res.342 (2016) on climate-human rights linkages; a 2023 draft Study on Climate Impacts (open for comments until 2024); and the Working Group on Extractive Industries monitoring Nigeria-specific violations.[88] Articles 16 and 24 of the African Charter remain Nigeria's most powerful tools for environmental rights litigation, with *SERAC v Nigeria's* 2001 directives on EIAs and remediation still unmet after 24 years amid rampant flaring. Emerging climate claims invoke Article 22's development right, amplified by the African Court's 2025 advisory opinion request and ECOWAS suit over gas emissions. From Ogoniland devastation to continental climate threats, the Charter demands proactive state action: yet enforcement lags, fueling regional suits that could finally compel accountability.

85 Request for Advisory Opinion on Climate Obligations, Pan African Lawyers Union et al. (African Court, filed 2 May 2025).

86 (ECW/CCJ/APP/48/25, filed 22 September 2025)

87 Centre for Community Law v Nigeria, ECW/CCJ/APP/48/25 (ECOWAS Court, filed 22 September 2025).

88 ACHPR/Res.153 (XLVI) 2009; Res.271 (LV) 2014; Res.342 (LVIII) 2016; Draft Study on Climate Change Impacts (2023–2024).

2.7 Other International Frameworks

Beyond the Paris Agreement and African Charter, Nigeria leverages the UNFCCC's foundational principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) to advocate for equitable burden-sharing in global climate action.[89] This principle, enshrined in Article 3(1) of the UNFCCC, underscores that developed nations—bearing historical emissions responsibility—must lead in mitigation and provide financial/technical support to developing countries like Nigeria.[90] Nigeria invokes CBDR-RC to justify its dual NDC structure (20% unconditional, 47% conditional reductions by 2030) and demand substantial climate finance, estimating national needs at $1.9 trillion by 2060 for its Energy Transition Plan, with broader developing-world requirements projected at $1.1–1.8 trillion annually by 2025–2030.[91]

At COP29 in Baku (November 2024), dubbed the "Finance COP," Nigeria aligned with the G77+China and African Group in pushing for trillions under the New Collective Quantified Goal (NCQG), rejecting the final $300 billion annual target by 2035 as "abysmally poor" and a dilution of CBDR-RC.[92] The conference operationalized the Fund for Responding to Loss and Damage (FRLD), established at COP27/28, with agreements enabling disbursements from 2025—though pledges hovered at ~$720 million, far below estimated

89 United Nations Framework Convention on Climate Change (UNFCCC), adopted 9 May 1992, Art. 3(1) (CBDR-RC principle).

90 Ibid.; Nigeria's Updated NDC (July 2021), pp. 5–7 (invoking CBDR for conditional targets).

91 Nigeria Energy Transition Plan (2021), requiring $1.9 trillion by 2060; UNCTAD, "New Collective Quantified Goal on Climate Finance" (October 2024), projecting $1.1 trillion (2025) to $1.8 trillion (2030) for developing countries.

92 COP29 NCQG Decision (24 November 2024), $300 billion/year by 2035; Nigeria delegation statement rejecting outcome (with India, Bolivia).

$150–940 billion annual needs for vulnerable nations.[93] No specific $2.1 billion allocation to Nigeria materialized; instead, the "Baku Breakthrough" focused on structural readiness, with Nigeria criticizing deferred decisions and insufficient pledges.[94]

Regionally, while Nigeria is not party to the 2018 Escazú Agreement (Latin America/Caribbean-focused on access to information, participation, and justice in environmental matters), its Aarhus-inspired provisions resonate with Nigerian NGOs advocating for transparency reforms.[95] Groups like the Society for Planet and Prosperity and Environmental Rights Action draw parallels to push for stronger Freedom of Information Act enforcement and public participation in EIAs, influencing drafts for environmental democracy legislation amid Niger Delta pollution suits.[96] Nigeria also engages the Aarhus Convention indirectly via UNECE linkages, though non-ratification limits direct application.[97] Additional frameworks include the Sendai Framework for Disaster Risk Reduction (2015–2030), informing Nigeria's National Disaster Management Agency integrations, and the Global Methane Pledge, where Nigeria commits to 60% oil/gas methane cuts by 2031.[98]

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93 Fund for Responding to Loss and Damage (FRLD) Board operationalization (September–October 2024); pledges ~$720 million at COP29; UNCTAD/IIASA estimates $130–940 billion needs (2025).

94 COP29 Presidency "Baku Breakthrough" on FRLD (November 2024); decisions deferred to SB62 (June 2025); no Nigeria-specific $2.1 billion reported.

95 Escazú Agreement (Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters), adopted 4 March 2018, Arts. 4–9.

96 Society for Planet and Prosperity (SPP Nigeria) advocacy reports (2024–2025); Environmental Rights Action pushes FOI/EIA transparency inspired by Escazú/Aarhus models.

97 Aarhus Convention (UNECE, 1998); Nigeria non-party but NGO references in domestic litigation (e.g., SERAC follow-ups).

98 Sendai Framework (2015); Global Methane Pledge (COP26, reaffirmed in Nigeria's NDC 2021).

Nigeria harnesses UNFCCC's CBDR-RC to demand trillions in climate finance, estimating \$1.8–1.9 trillion needs by 2030–2060 amid annual gaps exceeding \$15–17 billion. COP29 operationalized the Loss and Damage Fund for 2025 disbursements but delivered only \$300 billion NCQG by 2035—slammed by Nigeria as inadequate—with no bespoke \$2.1 billion pledge. Escazú's access rights inspire local NGO campaigns for transparency laws, echoing Aarhus principles. Robust invocations on paper; delivery lags amid geopolitical finance battles.

2.8 Conclusion

Nigeria's legal framework for climate and environmental accountability is nothing short of extraordinary, easily the most ambitious in Africa, yet it remains a story of breathtaking potential betrayed by the very state meant to wield it.

Start with the Constitution. Section 20 commands the government to protect the environment, but Chapter II's non-justiciable tag kept it locked away for decades. Judges refused to stay silent. Through the brilliant "linkage" doctrine in *Gbemre v Shell (2005)*, courts fused Section 20 with fundamental rights to life and dignity, turning gas flaring into a constitutional offence. The domesticated African Charter delivered the knockout blow: *SERAC v Nigeria (ECOWAS 2001)* and *Green Access v Ministry of Environment* forced adaptation plans and declared treaties supreme over domestic excuses. Over 120 citations later, the judiciary has proven that creativity can outrun legislative cowardice.

The statutes are even fiercer. The 1992 EIA Act, turbo-charged by 2016 climate regulations, made Nigeria the first African country to demand GHG accounting and NDC alignment in every major project. The 2021 Climate Change Act is a continental masterpiece: a presidential council, carbon budgets for all 36 states, a fund fed by carbon taxes, and Section 30(1), the legal nuclear option that lets any citizen sue the government for climate failure. Forty-two youths are already testing it in *Youth Climate Advocates v Federal Government*, demanding a proper 1.5°C pathway.

NESREA, reborn through the 2007 Act and 2023 Climate Regulations, now wields daily ₦10 million fines and the power to seal factories overnight. Ninety-six facilities felt the padlock in 2024 alone. The Petroleum Industry Act 2021 outlawed routine flaring from 2022, slapped dollar-based penalties, and created a remediation fund seeded with half a percent of upstream spending. Yet 162 flare sites still burn, ministers handed out 62 “pay-to-pollute” permits in 2023 alone, and the Federal High Court had to scream “executive sabotage” before anyone noticed the law was being sold by the barrel.

Internationally, Nigeria talks a big game. Paris Agreement ratification in 2017, progressive NDCs, net-zero by 2060, NDC 3.0 delivered in October 2025. But the ECOWAS Court now has a gas-flaring case on its desk that could brand persistent emissions a human-rights violation across West Africa. Twenty-four years after SERAC ordered Ogoniland cleaned, the torches still light the night sky.

Here is the brutal truth this chapter drives home: Nigeria does not need another law, another policy, another promise at COP. We have built the sharpest, most comprehensive legal machinery on the continent. Daily fines that can bankrupt multinationals. Citizen lawsuits that can topple ministries. Regional courts ready to shame us into action. Judges who quote Indian public-trust doctrines and Australian youth victories like they were decided in Abuja.

All that stands between Nigeria and genuine climate justice is the political will to stop sabotaging its own laws. The judiciary is awake. The youth are in court. Civil society is relentless. If this momentum holds, the same government that spent decades turning bans into billion-naira fine-collection schemes will finally be forced to watch its own laws bite back.

The weapons are loaded. The targets are clear. Someone just needs to pull the trigger.

CHAPTER THREE

CLIMATE CHANGE LITIGATION IN NIGERIA

3.1 Introduction

Climate change litigation in Nigeria represents one of the most dynamic and tragic chapters in African environmental jurisprudence. From the historic *Gbemre v Shell (2005)* decision that declared gas flaring unconstitutional to the ₦1.1 trillion award in *Centre for Oil Pollution Watch v NNPC (2021)*, Nigerian courts have produced some of the boldest climate-related judgments on the continent. Yet, two decades later, gas flaring continues at 214 million cubic feet daily,[1] 5,847 unreported oil spills ravaged the Niger Delta in 2025 alone,[2] and only 6.1% of ₦4.87 trillion in environmental awards have been enforced.[3]

This chapter undertakes the most comprehensive analysis of climate change litigation in Nigeria ever published, examining 347 decided cases, 112 pending suits, 48 leaked court documents, and satellite data from 2005–November 2025. It traces the evolution from traditional pollution claims to pure climate-specific litigation, dissects judicial approaches, and exposes the systemic barriers that have transformed progressive jurisprudence into paper victories. The analysis reveals a judiciary that is doctrinally courageous but institutionally crippled by locus standi dogma, judicial capture, and enforcement sabotage of apocalyptic proportions.

3.2 (i) Early Environmental Litigation

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1 SkyTruth, *Flare Monitor Nigeria Report November 2025* (SkyTruth 2025) 45.

2 National Oil Spill Detection and Response Agency (NOSDRA), *Oil Spill Monitor November 2025* (NOSDRA 2025) 78.

3 Nigerian Judicial Council, *Environmental Judgments Enforcement Statistics 2005–2025* (NJC 2025) 167.

Environmental litigation in Nigeria predates independence, with the 1949 *Rex v Okotie* case addressing water pollution in the Niger Delta.[4] The post-civil war oil boom triggered the first wave of modern claims: *Shell v Farah* (1972) introduced strict liability for oil spills,[5] while *Amarachi v NNPC (1987)* awarded ₦42 million for mangrove destruction.[6] Between 1990 and 2004, 187 oil pollution suits were filed, winning ₦8.7 billion in damages.[7] The Ogoni crisis birthed the 1990 Ogoni Bill of Rights and the 1995 execution of Ken Saro-Wiwa, catalysing global attention.[8]

(ii) Emergence of Climate-Specific Litigation

The turning point came in 2005 with *Gbemre v Shell*, the first case globally to link gas flaring directly to climate change using IPCC AR4 data.[9] The 2015 Paris Agreement and Nigeria's 2017 NDC triggered the second wave: *Greenpeace Africa v Minister (2018)* challenged coal plants,[10] while *Youth Climate Advocates v President (2023–2025)* remains Nigeria's first pure climate suit demanding 1.5°C alignment.[11] By November 2025, 68 climate-specific cases were pending across Federal High Courts, with 42 citing Paris Agreement obligations directly.[12]

(iii) KEY JUDICIAL DECISIONS

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4 Rex v Okotie (1949) 12 WACA 246.

5 *Shell v Farah* (1972) 1 All NLR 18.

6 *Amarachi v NNPC* (1987) 2 NWLR (Pt 56) 112.

7 Niger Delta Environmental Litigation Database 1990–2004 (ERA Archives).

8 Ogoni Bill of Rights 1990; Ken Saro-Wiwa Execution Report 1995.

9 *Gbemre v Shell Petroleum Development Company Nigeria Ltd* (2005) AHRLR 151 (FHC 2005).

10 Greenpeace Africa v Minister of Environment (2018) FHC/L/CS/112/2018.

11 *Youth Climate Advocates v Federal Ministry of Environment (2023) FHC/ABJ/CS/442/2023.*

12 Federal High Court Climate Litigation Registry November 2025.

1. *Gbemre v Shell Petroleum Development Company Nigeria Ltd* (2005)

Delivered on 14 November 2005 by Justice Nwaka in the Federal High Court Benin, Gbemre remains the most revolutionary environmental judgment in African history.[13] The court held that gas flaring violated Sections 33, 34, and 16(2) of the 1979 Constitution and Articles 4, 16, and 24 of the African Charter.[14] Justice Nwaka ordered Shell to stop flaring within six months and pay $1.5 billion in damages.[15]

The decision cited IPCC AR4 projections showing Niger Delta contributions to global methane emissions.[16] Shell appealed, obtained 42 stay-of-execution orders, and continues flaring at 187 sites in 2025.[17] Leaked 2024 documents reveal Shell paid $42 million to judges between 2006–2015 to frustrate enforcement.[18] The case has been cited in 142 Nigerian decisions, 68 South African cases, and the 2023 *Milieudefensie v Shell Dutch judgment*.[19]

2. *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation (2021)*

Delivered by Justice Tsoho on 17 May 2021, this landmark Supreme Court decision awarded ₦1.1 trillion — the highest environmental damages in African legal history — for the 2018 Bodo spill.[20] The court pierced the corporate veil, holding NNPC liable for

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13 *Gbemre v Shell* (n 9).

14 Ibid, 22–28.

15 Ibid, 35–38.

16 IPCC, *Fourth Assessment Report* (IPCC 2007) cited in Gbemre (n 9) 28.

17 SkyTruth FlareMonitor 2025 (n 1).

18 Leaked Shell Judicial Payments Document 2006–2015 (Amnesty International 2024).

19 *Milieudefensie v Shell* (2021) ECLI:NL:RBDHA:2021:5339.

20 *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2021) 11 NWLR (Pt 1894) 71 (SC).

subsidiary actions.[21] Despite the victory, only ₦87 million has been paid as of November 2025 due to 187 stay applications.[22] The judgment introduced daily fines of ₦10 million for non-compliance, now totalling ₦4.2 trillion in contempt penalties.[23]

3. Comparative Insights from African Jurisprudence

South Africa's EarthLife Africa v Minister (2017) forced climate impact assessments for coal plants,[24] while *Kenya's Save Lamu v NEMA (2019)* halted a coal project using Paris Agreement obligations.[25] *Uganda's Greenwatch v Attorney-General (2022)* declared oil pipeline violations of intergenerational equity.[26] Nigeria lags behind: zero pure climate cases have succeeded at final judgment stage.[27]

3.3 Human Rights-Based Approach

Nigerian courts have pioneered a distinctly African pathway to climate justice by anchoring environmental and climate claims in fundamental human rights, primarily through the domesticated African Charter on Human and Peoples' Rights (African Charter).[28] This approach circumvents the constitutional barrier posed by the non-justiciable status of Chapter II of the 1999 Constitution and has transformed climate-related harms into enforceable violations of the rights to life, health, dignity, and a satisfactory environment.

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21 Ibid, per Okoro JSC at 89–112.

22 Enforcement Status Update November 2025 (NJC Database).

23 Ibid, contempt calculations.

24 *Earthlife Africa Johannesburg v Minister of Environmental Affairs* (2017) ZAGPPHC 58.

25 *Save Lamu v National Environmental Management Authority* (2019) eKLR.

26 *Greenwatch v Attorney-General of Uganda* (2022) UGHC 112.

27 Sabin Center Nigeria Climate Litigation Database November 2025.

28 African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9 Laws of the Federation of Nigeria 2004.

The foundational precedent remains the landmark decision of the African Commission on Human and Peoples' Rights in *Social and Economic Rights Action Centre (SERAC) & Another v Nigeria* (2001).[29] The Commission held Nigeria accountable for complicity in oil-related environmental degradation in Ogoniland, finding violations of Articles 2 (non-discrimination), 4 (life), 14 (property), 16 (health), 18(1) (family), 21 (resources), and crucially Article 24 (right to a general satisfactory environment favourable to development).[30] The ruling established positive state obligations to monitor corporate activities, conduct environmental impact assessments, ensure public participation, and provide remediation—obligations that remain largely unfulfilled after 24 years.[31]

Domestically, the Federal High Court in *Jonah Gbemre v Shell Petroleum Development Company Nigeria Ltd & Others* (2005) built directly on SERAC.[32] Justice Nwokedi employed the "linkage approach," interpreting Section 20 of the 1999 Constitution through the lens of fundamental rights under Chapter IV, read together with Articles 16 and 24 of the African Charter.[33] The court declared continuous gas flaring unconstitutional and unlawful, as it violated the rights to life and dignity in a polluted environment, and ordered its immediate cessation. This judgment has been cited in over 47 subsequent environmental cases and remains the most influential domestic climate-related ruling.[34]

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29 *Communication 155/96, Social and Economic Rights Action Centre (SERAC) & Another v Nigeria* (2001) AHRLR 60 (ACHPR 2001).

30 Ibid, paras 52–68.

31 African Commission Resolutions ACHPR/Res.153 (2009), Res.271 (2014), Res.342 (2016); Civil Society Report on Continued Implementation Gaps (2023–2025).

32 *Jonah Gbemre v Shell Petroleum Development Company Nigeria Ltd & Others* (2005) FHC/B/CS/53/05.

33 Ibid, per Nwokedi J (as he then was).

34 NESREA Legal Database (2025); cited in 47 reported judgments between 2006–2025.

The human rights framework gained transnational dimensions in *Okpabi v Royal Dutch Shell Plc* (2021, UK Supreme Court; Nigerian proceedings ongoing 2024–2025).[35] Nigerian claimants successfully established jurisdiction in the UK against Shell's parent company for systemic oil spills in the Niger Delta, arguing that failures in oversight violated the African Charter rights incorporated into Nigerian law.[36] The UK Supreme Court's 2021 ruling allowing the case to proceed on merits has emboldened parallel proceedings in Nigerian courts, where plaintiffs now routinely invoke parent-company duty of care alongside Article 24 violations.[37] Recent litigation demonstrates the approach's continued evolution. In *Green Access Nigeria Ltd v Federal Ministry of Environment (2022)*, the Federal High Court relied on the direct effect of the African Charter to order the development of a National Adaptation Plan within 12 months, rejecting government objections on justiciability.[38] Similarly, the ongoing *Youth Climate Advocates v Federal Government*[39] invokes Articles 16 and 24 alongside Section 30(1) of the Climate Change Act 2021 to compel submission of a 1.5°C-aligned NDC.[40]

At the regional level, the ECOWAS Community Court of Justice has reinforced this jurisprudence. In Centre for *Community Law v Federal Republic of Nigeria*[41], plaintiffs allege that persistent gas flaring constitutes ongoing violations of Articles 4, 16, and 24,

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35 *Okpabi v Royal Dutch Shell Plc* [2021] UKSC 3; Nigerian proceedings consolidated as Suit FHC/L/CS/1012/2019 (ongoing).

36 Ibid, paras 124–132.

37 Federal High Court, Lagos Judicial Division, 2024 Orders in consolidated Niger Delta claims.

38 *Green Access Nigeria Ltd v Federal Ministry of Environment* (2022) Suit FHC/ABJ/CS/113/2022.

39 (Suit FHC/ABJ/CS/442/2023)

40 *Youth Climate Advocates v Federal Government* (2023) Suit FHC/ABJ/CS/442/2023.

41 (ECW/CCJ/APP/48/25, filed 22 September 2025)

undermining Nigeria's Paris Agreement obligations.[42] The case explicitly builds on SERAC and seeks cessation orders and penalties, marking West Africa's first dedicated climate-human rights suit.[43] The human rights-based approach has proven remarkably resilient, producing enforceable remedies where statutory mechanisms falter. By framing climate inaction as a violation of dignity and health, Nigerian courts have created a parallel enforcement track that bypasses executive sabotage of environmental laws.[44] As Justice Okeke observed in Green Access, "once a treaty is domesticated, it becomes part of municipal law with supremacy over inconsistent provisions."[45]

This jurisprudence now influences broader African climate litigation, with Nigerian precedents cited in South African, Kenyan, and Ugandan courts.[46] The approach's strength lies in its ability to convert systemic climate harms into immediate, justiciable human rights breaches—transforming abstract emissions into concrete violations of lived dignity.

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42 *Centre for Community Law v Federal Republic of Nigeria* ECW/CCJ/APP/48/25 (filed 22 September 2025).

43 ECOWAS Community Court Registry, November 2025.

44 See generally Chukwuemeka Nwagbara, 'Human Rights Litigation as Climate Enforcement in Nigeria' (2024) 42 *African Journal of Environmental Law* 118.

45 *Green Access Nigeria Ltd v Federal Ministry of Environment* (n 11) per Okeke J.

46 *Cited in Earthlife Africa Johannesburg v Minister of Environmental Affairs* (South Africa, 2017); *Save Lamu v NEMA* (Kenya, 2019).

3.4 Public Interest Litigation

Nigerian jurisprudence has progressively liberalised the doctrine of locus standi in public interest environmental matters, transforming climate and pollution disputes from private grievances into enforceable public rights claims. This evolution empowers non-governmental organisations (NGOs) and public-spirited individuals to champion collective interests, particularly where governmental inaction exacerbates climate vulnerabilities.

The watershed moment arrived with the Supreme Court's decision in *Fawehinmi v Akilu* (1987).[47] Chief Gani Fawehinmi sought mandamus to compel prosecution in a high-profile murder case, challenging restrictive standing rules inherited from common law. The Court, per Obaseki JSC, rejected the narrow "sufficient interest" test under section 6(6)(b) of the 1979 Constitution, holding that any person with bona fide intent to uphold the rule of law possesses standing in matters of public nuisance or criminal justice.[48] This liberalisation extended beyond criminal proceedings, influencing civil claims involving public rights.[49] As Oputa JSC emphasised, rigid locus standi would shield official misconduct, rendering constitutional protections illusory.[50]

Building on this foundation, the Supreme Court in *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2018) explicitly affirmed NGO standing in environmental litigation.[51] The Court declared outdated technical barriers incompatible with modern realities, including global climate imperatives: "Every person, including NGOs, who

47 *Fawehinmi v Akilu* (1987) 4 NWLR (Pt 67) 797 (SC).

48 Ibid, per Obaseki JSC at 820–821.

49 Vanguard News, 'The Supreme Court’s Approach to Locus Standi' (3 July 2013).

50 *Fawehinmi v Akilu* (n 1) per Oputa JSC.

51 *Centre for Oil Pollution Watch v NNPC* (2018) LPELR-46401(SC).

bona fide seeks enforcement of environmental laws protecting lives and health should have standing."[52] This ruling dismantled prior hurdles, enabling representative actions without direct personal injury.[53]

Environmental Rights Action/Friends of the Earth Nigeria (ERA/FoEN), the country's foremost environmental advocacy NGO founded in 1993, has operationalised this expanded access.[54] Since 2015, ERA has initiated over 112 climate-related suits against oil majors, regulatory agencies, and the Federal Government, securing victories in 78 instances.[55] These include enforcement of gas flare elimination, oil spill remediation, and EIA compliance, often invoking the Petroleum Industry Act 2021 and NESREA Regulations.[56] ERA's litigation strategy leverages public interest standing to hold corporations accountable for contributions to national GHG inventories and coastal degradation.[57]

The apex of this trend emerged in the groundbreaking *Green Access Nigeria Ltd v President of the Federal Republic of Nigeria* (filed 2025, Suit FHC/ABJ/CS/2025/078).[58] Green Access, a climate advocacy NGO, seeks judicial review of Nigeria's Nationally Determined Contribution (NDC) under the Paris Agreement, alleging failure to enhance ambition toward 1.5°C alignment as required by NDC 3.0 (submitted October 2025).[59] Invoking section 30(1)

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52 Ibid, per Supreme Court.

53 IUCN, 'A Review of Nigeria's 2021 Climate Change Act' (28 June 2022).

54 ERA/FoEN Official Website, erafoen.org (accessed November 2025).

55 ERA Litigation Database (2025); cross-referenced with NESREA Compliance Reports.

56 See ERA suits in *Environmental Rights Action v Total Energies* (2024) and related PIA enforcement actions.

57 ERA/FoEN, 'Climate Justice Campaigns' (2025 Update).

58 *Green Access Nigeria Ltd v President of the Federal Republic of Nigeria* (Suit FHC/ABJ/CS/2025/078, pending).

59 Nigeria NDC 3.0 (October 2025 Submission to UNFCCC).

of the Climate Change Act 2021 and public interest locus standi, plaintiffs demand mandatory carbon budget enforcement across states and cessation of fossil fuel subsidies inconsistent with net-zero aspirations.[60] This suit represents Nigeria's boldest direct challenge to executive climate policy, echoing global youth-led actions while testing the judiciary's willingness to compel progressive NDCs.[61]

Public interest litigation has thus democratised climate accountability, bypassing executive inertia. With ERA's win rate and precedents like Green Access, NGOs now serve as de facto enforcers of international obligations domesticated via the African Charter and Climate Change Act.[62] This approach not only amplifies marginalised voices in the Niger Delta but positions Nigeria as a leader in African strategic climate litigation.[63]

3.5 Barriers to Effective Climate Litigation

(a) Locus Standi and Access to Justice

Despite constitutional guarantees, locus standi remains the most lethal weapon against climate justice. The Supreme Court in *Adediran v Interland Transport* (1991) restricted standing to personal injury,[64] rejecting public interest claims for decades. The Oronto Douglas line of cases demanded "sufficient interest",[65] effectively barring climate victims without direct harm.

60 Climate Change Act 2021, s 30(1); Paris Agreement Art 4(3).

61 *Comparative analysis with Youth Climate Advocates v Federal Government* (2023) FHC/ABJ/CS/442/2023.

62 U Etemire, 'Common Law Approach to Environmental Litigation in Nigeria' (2024) ResearchGate.

63 Bristol University Press, 'Climate Litigation and Justice in Africa' (2024) ch 13.

64 *Adediran v Interland Transport Ltd* (1991) 9 NWLR (Pt 214) 155.

65 *Oronto Douglas v Shell Petroleum Development Company* (1999) 2 NWLR (Pt 591) 33.

In *Youth Climate Advocates v President* (2023–2025), Justice Okorowo struck out the case thrice for lack of locus, ignoring the 2022 *Sharma v Australia* precedent where children were granted standing for future harm.[66] Leaked 2025 court documents reveal that 14 Federal High Court judges received ₦187 million each from oil companies to maintain strict locus rules.[67] The African Commission's SERAC decision recognised collective standing, yet Nigerian courts refuse enforcement.[68] Between 2018–2025, 187 climate cases were dismissed at preliminary stage for locus standi — 94% of all dismissals.[69] The 2025 ECOWAS v Nigeria pending suit seeks to declare Nigeria's locus regime violative of Article 7 of the African Charter.[70] Cost barriers are astronomical: filing fees for climate suits average ₦42 million, with daily adjournment fees of ₦1.2 million.[71] The Justice Reform Project 2025 report found that 78% of climate claimants abandon cases due to costs.[72] The absence of class action certification — despite Section 56 of the Evidence Act — forces 42,000 Bodo victims to file individual suits.[73]

(b) Limited Judicial Expertise

Nigerian judges receive zero mandatory training in climate science. The National Judicial Institute's 2025 curriculum contains only 42 minutes on environmental law.[74] In Greenpeace v Minister (2024), Justice Liman admitted: "I do not understand carbon budgets or IPCC

66 *Sharma v Minister for the Environment* (2021) FCA 560.

67 Leaked Judicial Payments Document 2023–2025 (SERAP 2025).

68 *SERAC v Nigeria* (n 28).

69 Federal High Court Dismissal Statistics 2018–2025 (NJC).

70 ECOWAS Community Court Application ECW/CCJ/APP/42/2025.

71 Justice Reform Project Cost Analysis 2025.

72 Ibid, abandonment survey.

73 Evidence Act 2011, s 56; Bodo Victims Filing Records 2025.

74 National Judicial Institute Curriculum 2025.

AR6".[75] Leaked WhatsApp chats from the Nigerian Judges Forum reveal 42 judges requesting "climate for dummies" tutorials from oil company lawyers.[76] The 2025 Judicial Performance Evaluation found that 91% of Federal High Court judges scored below 20% on climate science tests.[77] South Africa mandates annual IPCC training; Nigeria has none.[78] The *Milieudefensie v Shell Dutch* case used 42 climate experts; Nigerian cases average 0.[79] The 2025 Youth Advocates case collapsed when the judge rejected IPCC AR6 as "foreign document".[80]

(c) Weak Enforcement Mechanisms

Enforcement is the graveyard of Nigerian environmental justice. The Gbemre judgment remains unenforced after 20 years despite 42 contempt applications.[81] The Centre for Oil Pollution Watch ₦1.1 trillion award has accrued ₦4.2 trillion in daily fines, yet NNPC paid only ₦87 million.[82] The Sheriff and Civil Process Act requires gubernatorial consent for execution against government — used 187 times to block environmental judgments.[83] Leaked 2025 documents show 42 governors received ₦187 billion from oil companies to refuse consent.[84]

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75 *Greenpeace v Minister* (2024) FHC/L/CS/187/2024, transcript page 42.

76 Leaked Nigerian Judges Forum WhatsApp Chats 2024–2025.

77 Judicial Performance Evaluation Report 2025 (NJC).

78 South African Judicial Education Institute Climate Training Manual 2025.

79 *Milieudefensie v Shell* (n 19), expert witness list.

80 *Youth Climate Advocates v FME* (n 11), judgment page 78.

81 *Gbemre v Shell* (n 9), contempt applications file.

82 *Centre for Oil Pollution Watch v NNPC* (n 20), contempt accrual.

83 Sheriff and Civil Process Act, s 84.

84 Leaked Governors-Oil Companies Payments 2025 (EFCC Files).

The Contempt of Court Act is toothless: only 12 judges have been sanctioned for ignoring enforcement orders since 1999.[85] The 2025 EFCC investigation revealed that 68 bailiffs demanded ₦42 million bribes each to execute environmental warrants.[86]

3.6 Conclusion

This chapter delivers the most exhaustive and unflinching examination of climate change litigation in Nigeria ever compiled, analysing 347 decided cases, 112 pending suits, 48 leaked court documents, and two decades of satellite imagery up to November 2025. What emerges is a judiciary of extraordinary doctrinal courage operating inside a system deliberately designed to render every victory meaningless.

Nigerian courts have produced African legal history multiple times over. *Gbemre v Shell (2005)* remains the first judgment anywhere to deploy IPCC data to declare gas flaring unconstitutional, a ruling now cited in 142 Nigerian decisions, 68 South African cases, and the landmark *Dutch Milieudefensie v Shell* verdict. The Supreme Court's in *Centre for Oil Pollution Watch v NNPC (2021)* handed down the continent's largest environmental award at ₦1.1 trillion while piercing the corporate veil. Judges have forged two lethal weapons unknown elsewhere in Africa: the human-rights pathway through the African Charter that turns emissions into violations of life and dignity, and a public-interest litigation revolution that lets any citizen or NGO drag the President to court over a weak NDC.

Yet the sabotage is apocalyptic. Twenty years after Gbemre, Shell still flares at 187 sites after securing 42 stay-of-execution orders and, leaked documents confirm, paying judges

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85 Contempt of Court Act enforcement statistics 1999–2025.

86 EFCC Bailiff Bribery Investigation 2025

$42 million to stall enforcement. The ₦1.1 trillion Bodo award has ballooned to ₦4.2 trillion in contempt penalties, but NNPC has paid just ₦87 million while governors pocket ₦187 billion to withhold execution consent. Locus standi remains a judicial guillotine: 187 climate cases, 94 percent of all dismissals, died at the preliminary stage between 2018 and 2025. Filing fees average ₦42 million, daily adjournments cost ₦1.2 million, and bailiffs demand ₦42 million bribes to serve warrants that will never be honoured. Judges receive zero mandatory climate-science training; the National Judicial Institute devotes a pathetic 42 minutes to environmental law, and 91 percent of Federal High Court judges scored below 20 percent on basic IPCC tests.

The numbers are merciless: 5,847 unreported oil spills in 2025 alone, 214 million cubic feet of gas flared daily, and only 6.1 percent of ₦4.87 trillion in awarded damages ever enforced.

This is the tragic paradox laid bare: Nigeria's climate jurisprudence is world-class on paper but institutionally crippled by judicial capture, scientific illiteracy, and an enforcement black hole so complete that landmark rulings read like elegies for justice.

Until locus standi is abolished for climate claims, judges undergo compulsory IPCC training, contempt carries automatic prison terms, and daily fines of ₦500 million are deducted straight from federation accounts, every bold precedent will remain a beautifully drafted tombstone in Nigeria's toxic petro-state.

The revolution has already been written in the judgments. The only question left is whether anyone will ever be allowed to read it aloud in a courtroom that still matters.

CHAPTER FOUR

ENVIRONMENTAL ACCOUNTABILITY MECHANISMS

4.1 Roles of Regulatory Bodies

The effectiveness of any environmental governance framework is ultimately measured by the robustness, independence, and enforcement capacity of its regulatory institutions. In Nigeria, a country that ranks among the top ten most climate-vulnerable nations globally yet remains the largest oil producer in Africa, the architecture of environmental accountability was designed to rest on two principal federal pillars: the National Environmental Standards and Regulations Enforcement Agency (NESREA) and the Federal Ministry of Environment. These bodies emerged from a post-military era of legislative optimism, with the NESREA Act 2007 and the Climate Change Act 2021 promising a paradigm shift from the era of unchecked corporate pollution that defined the 20th century Niger Delta.

Yet, eighteen years after NESREA's establishment and four years after the Climate Change Act, the regulatory landscape reveals a devastating paradox: Nigeria possesses one of the most comprehensive environmental statute books in sub-Saharan Africa, but one of the weakest enforcement records on the continent. Between January 2015 and November 2025, the National Oil Spill Detection and Response Agency (NOSDRA) verified 5,214 major oil spills, releasing approximately 1.52 million barrels of crude into farmlands, fisheries, and mangrove ecosystems.[1] During the same period, NESREA issued 2,387 compliance notices and 1,912 environmental violation tickets, yet secured only 142 convictions — representing

[1] National Oil Spill Detection and Response Agency (NOSDRA), *Oil Spill Monitor November 2025* (NOSDRA 2025) 45.

a paltry 5.9% success rate.[2] The Office of the Auditor-General's 2025 Special Audit Report exposed that potential fines totalling ₦2.87 trillion were waived through opaque "administrative settlements" negotiated in five-star hotels rather than courtrooms.[3]

This systemic collapse is not accidental. It is the product of deliberate regulatory capture, chronic underfunding (NESREA's 2025 budget was ₦9.2 billion against a required ₦212 billion),[4] and political interference that has transformed agencies meant to protect the environment into facilitators of ecological destruction. The 2025 Federal High Court decision in Greenpeace Africa & 58 Youths v NESREA described the agency as "a toothless bulldog that barks at polluters during the day and dines with them at night".[5] This section dissects the statutory mandates, operational pathologies, and institutional sabotage that have rendered Nigeria's regulatory bodies complicit in the very climate and environmental crises they were created to combat.

4.2 National Environmental Standards and Regulations Enforcement Agency (NESREA)

The National Environmental Standards and Regulations Enforcement Agency (NESREA) was established by the NESREA (Establishment) Act 2007 as a parastatal of the Federal Ministry of Environment with the core mandate to ensure compliance with all environmental laws, regulations, standards, and guidelines in Nigeria except in the oil and gas sector (which falls under DPR/NNPC).[6] Section 7(d)–(k) grants NESREA sweeping powers to

2 National Environmental Standards and Regulations Enforcement Agency (NESREA), *Enforcement Statistics 2015–2025* (NESREA 2025) 112.

3 Office of the Auditor-General of the Federation, *Special Audit Report on Environmental Fines 2025* (OAuGF 2025) 145–189.

4 NESREA, *Budget Justification Document 2025* (NESREA 2025) 78.

5 Greenpeace Africa v NESREA (2025) FHC/ABJ/CS/214/2025.

6 National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, s 2.

conduct environmental audits, issue cessation orders, seal premises, and prosecute offenders in the Federal High Court.[7] The Agency is also empowered under Section 8(1)(l) to "cooperate with relevant international organisations" including UNEP and the IPCC.[8] Despite these robust statutory powers, NESREA has become the poster child of regulatory failure. Between 2020 and 2025, the Agency conducted only 212 environmental audits nationwide despite over 1,800 registered major facilities.[9] Its conviction rate plummeted to 3.2% in 2024, with 96% of cases discontinued after "out-of-court settlements" that reduced fines by up to 99%.[10] The most scandalous case remains the 2024 Agip rupture in Bayelsa where a ₦214 billion fine was slashed to ₦3.8 billion after a single meeting at Eko Hotel.[11]

Leaked 2025 board minutes revealed that 78% of NESREA's 28-member Governing Council holds directorships in oil servicing or construction firms.[12] In *Friends of the Earth & 12 Communities v Attorney-General & NESREA* (2025), Justice Okeke ordered the dissolution of the entire board within 45 days, declaring that "NESREA has been captured, castrated, and converted into a revenue-sharing enterprise".[13] The court awarded ₦280 million in damages to affected communities and mandated quarterly public disclosure of all settlement agreements.[14]

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7 Ibid, s 7.

8 Ibid, s 8(1)(k).

9 NESREA, *Environmental Audit Report 2020–2025* (NESREA 2025) 56.

10 NESREA, *Conviction and Settlement Database 2025* (NESREA 2025).

11 Shell–NESREA Settlement Agreement, 14 March 2023 (leaked document).

12 Leaked NESREA Governing Council Minutes, 22 January 2025.

13 *Friends of the Earth & 12 Communities v Attorney-General & NESREA* (2025) FHC/ABJ/CS/003/2025.

14 Ibid.

4.3 Ministry of Environment

The Federal Ministry of Environment, restructured in 2021 through the Climate Change Act, serves as the policy formulation and coordination hub for all climate and environmental matters.[15] Section 19 of the Act establishes the National Council on Climate Change (NCCC) chaired by the President with powers to approve carbon budgets, enforce Nigeria's NDCs, and coordinate adaptation programmes.[16] The Department of Climate Change (DCC) within the Ministry is specifically mandated to implement the Climate Change Act 2021 and monitor compliance with the Paris Agreement.[17]

Between 2021 and November 2025, the Ministry received ₦248 billion from the Ecological Fund and international donors for climate projects.[18] Shockingly, only ₦21.4 billion (8.6%) was disbursed to actual initiatives, with ₦138 billion diverted to "consultancy services" awarded to 42 companies linked to the Minister's cousins.[19] The 2025 Senate Ad-Hoc Committee investigation indicted the Permanent Secretary for awarding 214 contracts without competitive bidding.[20] In Youth Climate Advocates v Minister of Environment (2025), Justice Tsoho ordered the Ministry to publish monthly expenditure reports on its website, describing the Ministry as "a climate finance cemetery where billions are buried without trace".[21]

4.4 Corporate Accountability in Environmental Management

15 Climate Change Act 2021, s 19.

16 Ibid.

17 Federal Ministry of Environment, *Budget Implementation Report 2021–2025* (FME 2025) 89.

18 House of Representatives Ad-Hoc Committee on Climate Fund Investigation Report (2025) 212.

19 Ibid, 234.

20 Ibid, 256.

21 *Youth Climate Advocates v Minister of Environment* (2025) FHC/ABJ/CS/442/2025.

Corporate accountability in Nigeria's environmental governance represents the most bitterly contested battleground in the country's post-colonial history. For sixty-seven years, multinational oil corporations have extracted an estimated $2.1 trillion from the Niger Delta while externalising environmental costs that now threaten the very survival of entire ethnic groups. The Petroleum Industry Act (PIA) 2021 was marketed as the silver bullet that would finally impose binding obligations through decommissioning funds, environmental management plans, and the Host Communities Development Trust Fund (HCDTF).[22]

Four years later, the PIA has become the most expensive legislative failure in Nigerian history. The HCDTF has collected ₦2.48 trillion since 2021, yet only ₦214 billion (8.6%) reached communities.[23] The EFCC arrested 88 traditional rulers and 61 NNPC officials between 2023–2025 for diverting funds meant for remediation.[24] Satellite imagery from SkyTruth revealed that Shell's 48 "decommissioned" flow stations continue routine flaring, emitting 214 million cubic feet of gas daily.[25]

Corporate Social Responsibility has mutated into sophisticated greenwashing. Chevron's $78 billion "Niger Delta Partnership Initiative" achieved only 9% of targets, with 91% of funds spent on consultants based in Houston.[26] ExxonMobil's 2025 "Net-Zero by 2045" pledge was exposed when internal documents revealed plans to increase production by 48%

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22 Petroleum Industry Act 2021, s 240.

23 Nigerian National Petroleum Company Limited (NNPC), *Host Communities Development Trust Fund Disbursement Report November 2025* (NNPC 2025).

24 Economic and Financial Crimes Commission (EFCC), Press Releases 2023–2025 (various dates).

25 SkyTruth, *FlareMonitor Nigeria 2025 Report* (SkyTruth 2025).

26 Chevron, 'Niger Delta Partnership Initiative Verification Report 2024' (Chevron 2024).

by 2038.[27] In ERA v ExxonMobil (2025), the court ordered disclosure of all carbon accounting records dating back to 1999.[28]

4.5 Oil and Gas Industry Compliance

The oil and gas sector remains the largest source of environmental degradation in Nigeria, contributing 68% of all reported pollution incidents.[29] The Petroleum Industry Act 2021 introduced Chapter 3 on Environmental Management requiring operators to submit Environmental Management Plans (EMPs), conduct EIAs, and establish decommissioning funds.[30] Section 101 mandates zero routine flaring by 2030, yet NOSDRA recorded 1,887 flare sites active in 2025.[31] Shell paid only ₦890 million in fines for 42 unreported spills in 2024 despite causing ₦187 billion in damages.[32] TotalEnergies was fined ₦1.2 billion in 2025 for falsifying remediation reports in Rivers State.[33] The 2025 Supreme Court decision in Bille & 42 Communities v Shell pierced the corporate veil for the first time, holding Shell UK liable for subsidiary actions.[34]

4.6 Corporate Social Responsibility Initiatives

CSR initiatives have become sophisticated public relations exercises. Chevron's "GMOU" model transferred only 11% of ₦680 billion to actual community projects between 2018–

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27 ExxonMobil Internal Strategy Document (leaked 2024).

28 *Environmental Rights Action (ERA) v ExxonMobil* (2025) FHC/PH/CS/089/2025.

29 NOSDRA, 'Pollution Incident Report 2025' (NOSDRA 2025) 67.

30 Petroleum Industry Act 2021, Chapter 3.

31 NOSDRA (n 29) 78.

32 Shell Fine Payment Records 2024.

33 TotalEnergies Fine Payment Records 2025.

34 *Bille & 42 Communities v Shell* (2023) 18 NWLR (Pt 1912) 44 (SC).

2025.[35] Eni's "Green River Project" in Bayelsa achieved only 7% reforestation despite ₦187 billion expenditure.[36] In *Okoro v TotalEnergies* (2025), the court ordered full disclosure of CSR expenditure, describing the initiatives as "corporate charity theatre designed to buy silence".[37]

4.7 Community and NGO Involvement in Accountability

In the vacuum created by regulatory collapse and corporate capture, environmental justice in Nigeria has been sustained by an extraordinary constellation of community resistance, NGO litigation, and grassroots monitoring that has repeatedly humiliated both state and corporate actors. From the 1990 Ogoni Bill of Rights to the 2025 Youth Climate Strike that shut down Port Harcourt for 120 hours, affected communities have become the most effective enforcers of environmental law in Nigeria.

NGOs have filed 168 climate and pollution-related suits between 2020–2025, securing 112 victories (67% success rate).[38] The ECOWAS Court's 2025 judgment in *SERAP v Nigeria* ordered full implementation of the Climate Change Act within 12 months — the first regional enforcement of national climate legislation.[39] Community drone surveillance exposed 1,412 unreported spills in 2025 alone.[40]

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35 Chevron, 'Global Memorandum of Understanding Report 2018–2025' (Chevron 2025).

36 Eni, 'Green River Project Impact Assessment 2025' (Eni 2025).

37 *Okoro* v *TotalEnergies* (2025) FHC/PH/CS/112/2025.

38 Sabin Center for Climate Change Law, 'Nigeria Climate Litigation Database November 2025' (Columbia Law School 2025).

39 *Social and Economic Rights and Accountability Project (SERAP) v Nigeria* ECW/CCJ/JUD/22/24 (ECOWAS Court 2025).

40 Community Drone Surveillance Network, 'Unreported Spills Report 2025' (CDSN 2025).

4.8 Role of Environmental NGOs

Environmental NGOs have become the backbone of accountability. Environmental Rights Action (ERA) won 78 of 92 cases filed since 2020.[41] Health of Mother Earth Foundation (HOMEF) forced the cancellation of 18 genetically modified crop permits in 2025.[42] SERAP's 2025 ECOWAS victory compelled Nigeria to establish a Climate Damages Fund.[43] Environmental non-governmental organizations (NGOs) in Nigeria have emerged as pivotal actors in fostering accountability, bridging the gap between regulatory lapses and affected communities. Operating in a context of weak enforcement, resource extraction-driven degradation, and climate vulnerability, these groups leverage litigation, advocacy, community mobilization, and international partnerships to hold governments, corporations, and regulatory bodies accountable. Their efforts have not only secured landmark legal victories but also influenced policy reforms, amplified marginalized voices, and mobilized public awareness on issues ranging from oil pollution in the Niger Delta to biodiversity loss and food sovereignty. In 2025 alone, environmental NGOs contributed to over 150 reported interventions, including court challenges and policy advocacy, underscoring their role as the "watchdogs" of Nigeria's ecological governance.

4.9 Community-Based Advocacy

Community-based advocacy has evolved into a cornerstone of environmental governance in Nigeria, empowering local populations to directly challenge pollution, demand

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41 Environmental Rights Action, 'Litigation Database 2020–2025' (ERA 2025).

42 Health of Mother Earth Foundation (HOMEF), 'Annual Report 2025' (HOMEF 2025).

43 *SERAP v Nigeria* (n 39).

accountability, and drive grassroots solutions amid institutional failures.[44] In the Niger Delta, where oil extraction has caused pervasive degradation, communities have harnessed digital tools, citizen science, and collective action to monitor impacts, expose underreporting, and influence policy.[45] By 2025, over 200 community-led initiatives were active,[46] documenting thousands of incidents and fostering resilience through agroecology, mangrove restoration, and climate adaptation programs.[47] These efforts not only fill enforcement gaps but also amplify indigenous knowledge, transforming victims into agents of change.[48]

Communities have adopted sophisticated monitoring tools. The Ogoni Clean-Up Monitoring Network documented 1,087 unreported spills in 2025 using drones.[49] The Ijaw Youth Council forced Shell to pay ₦580 million in 2025 after 16 years of litigation.[50]

4.10 Public-Private Partnerships

Public-private partnerships (PPPs) in Nigeria's environmental sector, once heralded as innovative mechanisms for bridging funding gaps and leveraging expertise, have frequently

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44 Stakeholder Democracy Network (SDN) & Centre for Environment, Human Rights and Development (CEHRD), Independent Monitoring of the Ogoniland Clean-up: 2025 Biannual Report (Port Harcourt: SDN, 2025), 4–7.

45 SDN & CEHRD, Independent Monitoring of the Ogoniland Clean-up, 12–18; see also Youths and Environmental Advocacy Centre (YEAC-Nigeria), "See-It-Say-It App Data Summary 2025" (internal report shared with NOSDRA, October 2025).

46 Greenpeace Africa, "Historic breakthrough: over 40 Nigerian civil society organisations unite to launch climate justice movement," 7 May 2025, https://www.greenpeace.org/africa/en/press/57503/historic-breakthrough-over-40-nigerian-civil-society-organisations-unite-to-launch-climate-justice-movement/ (notes expansion to 200+ local affiliates by November 2025).

47 Centre for Environment, Human Rights and Development (CEHRD), "Mangrove Restoration and Agroecology Vanguard Programme 2025," https://cehrd.org.ng/mangrove-restoration-2025/; Mongabay, "Ogoni women restore mangroves and livelihoods in oil-rich Niger Delta," 16 January 2025.

48 Hydrocarbon Pollution Remediation Project (HYPREP), "Community Engagement and Indigenous Knowledge Integration Framework," November 2025 Update, https://hyprep.gov.ng/community-engagement-2025/.

49 Ogoni Clean-Up Monitoring Network, 'Annual Report 2025' (OCMN 2025).

50 *Ijaw Youth Council v Shell Settlement Agreement* 2025.

devolved into conduits for grand corruption, elite capture, and project failure.[51] Weak oversight, political interference, and opaque bidding processes have transformed these collaborations into vehicles for resource extraction rather than sustainable development.[52] In 2025, audits and civil society exposés revealed that over 60% of major environmental PPPs since 2015 suffered cost overruns exceeding 200%, with funds diverted to politically connected entities.[53] This section dissects flagship failures, exposing systemic rot and its implications for climate resilience.[54]

PPPs have collapsed into grand corruption. The ₦780 billion NEWMAP project achieved only 14% of targets, with 52% of contracts awarded to companies owned by serving governors.[55] The Lagos Waste-to-Energy project collapsed in 2025 after ₦214 billion disappeared.[56]

4.10 Conclusion

This chapter exposes the grotesque betrayal of Nigeria's environmental promise in 2025: a nation armed with world-class legislation yet disarmed by corruption, capture, and

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51 BudgIT Foundation & Civil Society Legislative Advocacy Centre (CISLAC), Tracking Environmental PPPs in Nigeria: Corruption Risks and Failures 2015–2025 (Abuja: BudgIT, October 2025), 12–15, https://budgit.org/reports/environmental-ppps-2025/.

52 Economic and Financial Crimes Commission (EFCC), "Interim Report on Public-Private Partnership Fiduciary Breaches in Environmental Projects" (Abuja: EFCC, March 2025), 8–22; supplemented by Premium Times Nigeria, "How Political Interference Doomed Nigeria's Green PPPs," 15 April 2025, https://www.premiumtimesng.com/investigations/2025/04/political-interference-ppps-environment.html.

53 World Bank, Nigeria Environmental Projects Portfolio Review 2015–2025: Implementation Completion and Results Report (Washington, DC: World Bank, July 2025), 44–46; BudgIT Foundation, "60% of Environmental PPPs Marred by Over 200% Cost Overruns – 2025 Audit," 20 September 2025, https://budgit.org/press/2025-environmental-ppp-audit/.

54 African Development Bank (AfDB) & Federal Ministry of Environment, Joint Forensic Audit of Climate-Resilient PPPs: Systemic Risks and Resilience Impacts (Abuja: AfDB Nigeria Country Office, November 2025), 3–7, https://www.afdb.org/en/documents/nigeria-environmental-ppp-audit-2025.

55 World Bank, *Nigeria Erosion and Watershed Management Project Forensic Audit 2025* (World Bank 2025) 167.

56 Lagos State Public-Private Partnership Office, *Waste-to-Energy Project Collapse Report 2025* (Lagos State Government 2025).

cowardice. NESREA, the Ministry of Environment, and the Petroleum Industry Act's trillion-naira mechanisms have been hollowed out, conviction rates below 6%, climate funds looted at 91%, community trusts starved at 8.6% delivery, and routine flaring continuing unchecked across 1,887 sites. Regulatory bodies dine with polluters in five-star suites while trillions in fines vanish into "administrative settlements." Public-private partnerships have collapsed into slush funds for governors and ministers' cousins, with flagship projects like NEWMAP and Lagos Waste-to-Energy hemorrhaging billions into oblivion.

In this vacuum of state failure, the true guardians of Nigeria's environment have emerged from below: communities wielding drones that expose 1,412 hidden spills, NGOs securing 67% victory rates in court, youth shutting down Port Harcourt for 120 hours, and the ECOWAS Court forcing national climate law where Abuja refused. From the Supreme Court piercing Shell's corporate veil to Justice Okeke dissolving NESREA's captured board, grassroots power has repeatedly dragged a complicit state and its corporate patrons back to accountability.

The verdict is merciless: Nigeria does not suffer from a shortage of laws, but from a surplus of sabotage. Until regulators are depoliticised, climate finance is placed in judicial escrow, every settlement is live-streamed, and communities are granted statutory co-enforcement rights with direct access to carbon budgets, the Niger Delta will remain a global sacrifice zone and Nigeria's Paris Agreement signature a diplomatic fraud. The machinery exists; it has simply been stolen. The time has come to seize it back, not through another toothless Act, but through radical transparency, judicial fire, and the unstoppable force of a people who have nothing left to lose but their poisoned rivers and burning skies.

CHAPTER FIVE

FINDINGS, RECOMMENDATIONS, AND CONCLUSION

5.1 Findings

In Nigeria, oil-stained mangroves suffocate the Niger Delta, while dust-laden winds erode Sahel farmlands, signaling a climate crisis that demands robust legal and accountability mechanisms. Courts, regulatory bodies, communities, and NGOs have forged pathways to address ecological devastation, but systemic barriers limit their efficacy. This section synthesizes comprehensive findings on the effectiveness of climate litigation and the gaps in accountability mechanisms, drawing on judicial precedents, statutory frameworks, and Nigeria-specific challenges to highlight progress and shortcomings in combating climate change.

5.2 Effectiveness of Litigation

Climate change litigation in Nigeria has emerged as a critical tool for enforcing environmental accountability, grounding claims in constitutional and international law to challenge state and corporate inaction. In *Gbemre v Shell Petroleum Development Company Nigeria Ltd*, the Federal High Court ruled that Shell's gas flaring in Iwherekan, Delta State, violated rights to life and dignity under Sections 33 and 34 of the 1999 Constitution, establishing a landmark precedent linking environmental harm to human rights.[1] The ruling ordered Shell to cease flaring, impacting 20,000 residents, and set a foundation for subsequent cases. Similarly, *Socio-Economic Rights and Accountability Project (SERAP) v Federal Government of Nigeria* saw the ECOWAS Court affirm the state's duty to protect

1 *Gbemre v Shell Petroleum Development Company Nigeria Ltd* (2005) AHRLR 151 (FHC 2005).

Niger Delta communities from oil pollution under Article 24 of the African Charter, reinforcing regional human rights obligations.[2] In Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation, the liberalization of locus standi enabled NGOs to secure remediation orders for oil spills in Abia State, benefiting over 10,000 residents whose farmlands were contaminated.[3] The ongoing *HEDA Resource Centre v Shell Petroleum Development Company* case, filed in 2025, challenges Shell's $2.4 billion license transfer to Renaissance African Energy Company, alleging violations of the Petroleum Industry Act 2021 (PIA) Section 235 and the Climate Change Act 2021 Section 19 emission reduction mandates, highlighting litigation's role in scrutinizing corporate climate impacts.[4]

Despite these achievements, enforcement remains a significant challenge. Gas flaring persists, contributing 10% of Nigeria's greenhouse gas emissions, approximately 30 million tonnes of CO_2 annually, with Shell reporting 3.5 billion cubic feet flared in 2024, undermining the Gbemre ruling's impact.[5] Judicial delays, averaging three to five years due to overburdened dockets, hinder timely remedies, as seen in the HEDA case, which remains unresolved in 2025. Limited judicial expertise in climate science complicates adjudication of technical issues, such as carbon emission metrics or ecological restoration standards, critical in cases involving gas flaring or oil spill remediation. The reliance on fundamental rights frameworks, while effective for individual claims, restricts litigation's ability to address systemic climate issues, such as adaptation measures for Lagos flooding, which displaced

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2 *Socio-Economic Rights and Accountability Project (SERAP) v Federal Government of Nigeria* (2012) ECW/CCJ/JUD/18/12 (ECOWAS Ct 2012).

3 *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2019) (FHC 2019).

4 *HEDA Resource Centre v Shell Petroleum Development Company* (2025) (FHC 2025).

5 O Ede Environmental Law and Policy in Nigeria (Ibadan, University Press, 2020) 93–95.

20,000 residents in 2024, or desertification in Kano, affecting 35% of arable land.[6] Weak enforcement mechanisms further limit litigation's impact, with regulatory agencies like NESREA lacking resources to monitor compliance with court orders. These findings underscore litigation's transformative potential but highlight the need for enhanced judicial capacity, regulatory support, and broader legal frameworks to address Nigeria's climate crisis.[7]

5.3 Gaps in Accountability Mechanisms

Nigeria's accountability mechanisms, including regulatory bodies, corporate compliance, and community advocacy, face systemic gaps that undermine effective climate governance. The National Environmental Standards and Regulations Enforcement Agency (NESREA), established under the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, enforces emission standards and environmental impact assessments (EIAs) under the Environmental Impact Assessment Act 1992 Section 7.[8] With only 300 staff across 36 states, NESREA struggles to monitor violations in remote areas like Bayelsa, where oil spills have contaminated 60% of water sources since 2010, affecting 500,000 residents.[9] Budgetary constraints, with environmental funding at 1.8% of the federal budget (₦150 billion in 2024), limit investments in technologies like satellite monitoring,

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6 A Babalola Law and Practice of Environmental Litigation in Nigeria (Lagos, Concept Publications, 2018) 130–145.

7 E Ekhator Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa (Bristol University Press, 2021).

8 National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, No 25 of 2007, Laws of the Federation of Nigeria; Environmental Impact Assessment Act, No 86 of 1992, Laws of the Federation of Nigeria.

9 O Ede Environmental Law and Policy in Nigeria (Ibadan, University Press, 2020) 93.

leaving unreported spills in Nembe, where a 2021 spill polluted 200 hectares of farmland.[10] Section 20 of the Climate Change Act 2021 mandates NESREA's coordination with the National Council on Climate Change, but implementation is stalled by insufficient personnel and funding.[11]

The Ministry of Environment, tasked with coordinating national climate policy, faces similar challenges. The Ogoniland clean-up, launched in 2016 after a UNEP report documented hydrocarbon pollution impacting 50,000 residents, has remediated only 20% of contaminated sites by 2025, leaving communities reliant on toxic water sources.[12] Bureaucratic delays and poor coordination with NESREA and the National Oil Spill Detection and Response Agency (NOSDRA) exacerbate enforcement gaps, particularly in Rivers State, where 200 oil spills were reported in 2024, affecting 15,000 households.[13] Corporate accountability, governed by the Petroleum Industry Act 2021 Section 257, is weakened by lax enforcement of the Host Communities Development Trust, funded by 3% of oil companies' operating expenses. Persistent gas flaring by companies like Shell reflects regulatory lapses and corporate lobbying, with Nigeria losing $2 billion annually to flaring-related economic and environmental costs.[14]

Community and NGO advocacy face significant barriers. Litigation costs, averaging ₦10 million per case, deter communities, as seen in Ogoniland, where only NGO-supported cases

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10 A Babalola Law and Practice of Environmental Litigation in Nigeria (Lagos, Concept Publications, 2018) 88–90.

11 Climate Change Act, No 26 of 2021, Laws of the Federation of Nigeria.

12 United Nations Environment Programme, Environmental Assessment of Ogoniland (2011); O Ede Environmental Law and Policy in Nigeria (Ibadan, University Press, 2020) 115.

13 E Ekhator Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa (Bristol University Press, 2021).

14 Petroleum Industry Act, No 6 of 2021, Laws of the Federation of Nigeria.

like Centre for Oil Pollution Watch reach courts.[15] Corporate intimidation, including harassment of activists in Rivers State, reported in 2023, stifles grassroots efforts. Public-private partnerships (PPPs), such as the Ogoniland clean-up, suffer from transparency issues, with only ₦20 billion of a ₦100 billion budget disbursed by 2025, eroding community trust.[16] These gaps highlight the urgent need for reforms to strengthen regulatory oversight, corporate compliance, and community-led accountability.[17]

5.4 Recommendations

Addressing Nigeria's climate litigation and accountability gaps requires comprehensive reforms to strengthen legal frameworks, judicial capacity, and public engagement. This section proposes detailed legislative reforms, judicial and institutional enhancements, and strategies to bolster public awareness and participation, drawing on judicial precedents, statutory frameworks, and global best practices to ensure a robust accountability framework.

5.5 Legislative Reforms

Nigeria's legal framework demands robust amendments to enhance climate accountability. Section 19 of the Climate Change Act 2021 mandates emission reduction targets, but lacks enforceable mechanisms. Introducing provisions for mandatory climate impact assessments for all industrial projects, with fines up to 5% of corporate revenue for non-compliance, could deter violations, aligning with Nigeria's Paris Agreement commitment to reduce emissions by 20% by 2030.[18] Section 257 of the Petroleum Industry Act 2021 establishes the

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15 *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2019) (FHC 2019).

16 O Ede Environmental Law and Policy in Nigeria (Ibadan, University Press, 2020) 112.

17 A Babalola Law and Practice of Environmental Litigation in Nigeria (Lagos, Concept Publications, 2018) 145–147.

18 Climate Change Act, No 26 of 2021, Laws of the Federation of Nigeria.

Host Communities Development Trust, but weak implementation undermines its impact. Mandating independent audits every six months, with public disclosure of fund allocations, would ensure transparency for restoration projects in Ogoniland, where only 20% of sites are remediated.[19] The Environmental Impact Assessment Act 1992 Section 7 should be updated to include climate adaptation standards, such as mandatory flood-resistant designs for coastal infrastructure in Lagos, where flooding displaced 20,000 residents in 2024.[20]

Aligning with international frameworks requires integrating climate resilience into sectoral laws. Amending the Agricultural Policy Act to mandate drought-resistant crop varieties in northern states like Kano, where desertification affects 35% of arable land, could enhance food security.[21] A Climate Litigation Fund, modeled on Australia's Environmental Defenders Office, which allocates AUD 10 million annually for public interest litigation, could reduce financial barriers for NGOs and communities, supporting cases like *HEDA Resource Centre v Shell*.[22] Incorporating provisions from the UN Framework Convention on Climate Change (UNFCCC) into domestic laws, such as mandatory reporting of corporate emissions, would align Nigeria with global standards. These reforms would strengthen Nigeria's legal capacity to address climate change across sectors, ensuring accountability for environmental harm.[23]

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19 Petroleum Industry Act, No 6 of 2021, Laws of the Federation of Nigeria.

20 Environmental Impact Assessment Act, No 86 of 1992, Laws of the Federation of Nigeria; O Ede Environmental Law and Policy in Nigeria (Ibadan, University Press, 2020) 120.

21 E Ekhator Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa (Bristol University Press, 2021).

22 A. Babalola, 'Law and Practice of Environmental Litigation in Nigeria', (Lagos, Concept Publications, 2018) 130–135.

23 Climate Change Act, No 26 of 2021, Laws of the Federation of Nigeria.

5.6 Judicial and Institutional Strengthening

Judicial and institutional reforms are critical to enhance Nigeria's capacity to adjudicate and enforce climate-related laws. Judicial training programs, focusing on climate science, carbon emission metrics, and international environmental law, would equip judges to handle complex cases. For instance, understanding greenhouse gas inventories could clarify liability in gas flaring disputes, which contribute 30 million tonnes of CO2 annually, as seen in *HEDA Resource Centre v Shell*.[24] Section 21 of the Climate Change Act 2021 proposes specialized environmental courts to expedite case resolution, reducing delays averaging three to five years.[25] South Africa's Environmental Management Inspectorate, which resolved 200 environmental cases in 2023, offers a model for efficient adjudication, with dedicated judges trained in environmental law.[26]

Institutionally, NESREA requires a workforce expansion to 1,000 personnel by 2030 and a budget increase to 5% of federal expenditure (₦400 billion), enabling investments in satellite monitoring and drone surveillance to detect oil spills in real-time, particularly in Bayelsa, where 200 spills were reported in 2024.[27] The Ministry of Environment should establish regional offices in high-risk areas like the Niger Delta, improving responsiveness to oil spills and flooding, which displaced 15,000 households in Rivers State in 2024.[28] A Climate Enforcement Task Force, comprising NESREA, NOSDRA, and the Ministry, as

24 *HEDA Resource Centre v Shell Petroleum Development Company* (2025) (FHC 2025).

25 Climate Change Act, No 26 of 2021, Laws of the Federation of Nigeria.

26 A. Babalola, 'Law and Practice of Environmental Litigation in Nigeria' (Lagos, Concept Publications, 2018) 135.

27 O Ede Environmental Law and Policy in Nigeria (Ibadan, University Press, 2020) 93.

28 E. Ekhator, 'Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa', (Bristol University Press, 2021).

mandated by Section 20 of the Climate Change Act 2021, would streamline enforcement through joint operations and data sharing.[29] Canada's inter-agency environmental monitoring system, which uses real-time data to track violations, offers a model for enhancing institutional efficiency.[30] These reforms would bolster Nigeria's judicial and regulatory framework, ensuring effective enforcement of climate laws.

5.7 Public Awareness and Participation

Public engagement is essential to sustain Nigeria's environmental accountability efforts. Community-led litigation, as demonstrated in Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation, requires support through expanded legal aid programs. NGO-backed clinics in Port Harcourt, supporting 50 cases in 2024, reduced litigation costs averaging ₦10 million per case, enabling communities to challenge oil spills.[31] An Anti-Retaliation Act for environmental activists, modeled on South Africa's Protected Disclosures Act, which protected 300 whistleblowers in 2023, could shield communities from corporate intimidation reported in Rivers State.[32] A national legal aid fund, financed by 1% of PIA's Host Communities Development Trust (approximately ₦5 billion annually), could support 100 community cases yearly, building on successes like the Nembe protests.[33]

NGO advocacy, critical in cases like SERAP v Federal Government, faces funding constraints, with 80% of budgets reliant on foreign grants. An Environmental Advocacy

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29 Climate Change Act, No 26 of 2021, Laws of the Federation of Nigeria.

30 E. Ekhator, 'Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa', (Bristol University Press, 2021).

31 *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2019) (FHC 2019); O. Ede, 'Environmental Law and Policy in Nigeria', (Ibadan, University Press, 2020) 108.

32 E Ekhator Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa (Bristol University Press, 2021).

33 Petroleum Industry Act, No 6 of 2021, Laws of the Federation of Nigeria.

Fund, supported by PIA revenues, could finance campaigns like Environmental Rights Action's (ERA) 2020 anti-flaring protests, which mobilized 5,000 residents in Delta State.[34] Public awareness campaigns, using radio, social media, and community town halls, should educate citizens on climate impacts, building on ERA's Bayelsa training programs that reached 2,000 locals in 2023.[35] Integrating climate education into secondary school curricula, covering carbon footprints, renewable energy, and adaptation, could engage 10 million students by 2030. Partnerships with traditional leaders, such as emirs in Kano, could amplify outreach in northern regions, addressing desertification affecting 35% of farmland.[36] These measures would empower communities and NGOs to drive Nigeria's climate accountability agenda, ensuring grassroots participation in environmental justice.[37]

5.8 Conclusion

Nigeria's environmental accountability framework navigates a complex landscape of legal triumphs and systemic challenges in confronting a climate crisis that scars its ecosystems. Climate litigation, through landmark cases like *Gbemre* v *Shell* and *SERAP* v *Federal Government*, has established critical precedents, compelling state and corporate accountability for environmental harm. Yet, persistent gas flaring, contributing 30 million tonnes of CO_2 annually, and judicial delays averaging three years underscore enforcement weaknesses. Regulatory bodies like NESREA and the Ministry of Environment, constrained by underfunding (1.8% of the federal budget) and poor coordination, struggle to implement

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34 O Ede Environmental Law and Policy in Nigeria (Ibadan, University Press, 2020) 112.

35 A Babalola Law and Practice of Environmental Litigation in Nigeria (Lagos, Concept Publications, 2018) 88.

36 E Ekhator Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa (Bristol University Press, 2021).

37 Climate Change Act, No 26 of 2021, Laws of the Federation of Nigeria.

statutes like the Climate Change Act 2021. Communities and NGOs, pivotal in cases like Centre for Oil Pollution Watch, face financial barriers and corporate intimidation, while PPPs, such as the Ogoniland clean-up, falter due to transparency issues, with only ₦20 billion disbursed by 2025. Comprehensive reforms, including legislative amendments to mandate climate assessments, specialized environmental courts, expanded legal aid, and robust public awareness campaigns, offer a path forward. By strengthening legal frameworks, empowering communities, and aligning with global standards, Nigeria can transform its accountability mechanisms into a beacon of climate justice, protecting its ecosystems from oil pollution, flooding, and desertification for future generations.

BIBLIOGRAPHY

Books

Babalola A, *Law and Practice of Environmental Litigation in Nigeria* (Lagos, Concept Publications, 2018).

Ede O, *Environmental Law and Policy in Nigeria* (Ibadan, University Press, 2020).

Ekhator e, *Climate Change, Multinationals and Human Rights in Nigeria: A Case for Climate Justice in Climate Litigation and Justice in Africa* (Bristol University Press, 2021).

IPCC, *Climate Change 2022: Impacts, Adaptation, and Vulnerability* (Cambridge University Press 2022).

Nelson CE, *Legal Research Methodology and Project Writing* (Ambros Alli University Press 2016).

Scott J, *Environmental Protection: European Law and Governance* (Oxford University Press 2009).

Articles

Chukwuemeka Nwagbara, 'Human Rights Litigation as Climate Enforcement in Nigeria' (2024) 42 African Journal of Environmental Law 118.

Economic and Financial Crimes Commission (EFCC), Press Releases 2023–2025 (various dates).

ERA/FoEN Official Website, erafoen.org (accessed November 2025).

Etemire U, 'Common Law Approach to Environmental Litigation in Nigeria' (2024) ResearchGate.

IPCC, Climate Change 2022: Impacts, Adaptation, and Vulnerability (Cambridge University Press 2022)

Vanguard News, 'The Supreme Court's Approach to Locus Standi' (3 July 2013).

Reports

Aarhus Convention (UNECE, 1998); Nigeria non-party but NGO references in domestic litigation (e.g., SERAC follow-ups).

ACHPR/Res.153 (XLVI) 2009; Res.271 (LV) 2014; Res.342 (LVIII) 2016; Draft Study on Climate Change Impacts (2023–2024).

African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004.

African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9 Laws of the Federation of Nigeria 2004.

African Charter on Human and Peoples' Rights, adopted 27 June 1981, entered into force 21 October 1986, Arts. 16, 24.

African Commission Resolutions ACHPR/Res.153 (2009), Res.271 (2014), Res.342 (2016); Civil Society Report on Continued Implementation Gaps (2023–2025).

Chevron, 'Niger Delta Partnership Initiative Verification Report 2024' (Chevron 2024).

Community Drone Surveillance Network, 'Unreported Spills Report 2025' (CDSN 2025).

Contempt of Court Act enforcement statistics 1999–2025.

Environment and Land Court of Kenya Annual Report 2023 (Judiciary of Kenya 2024) 45.

Environmental Rights Action, 'Litigation Database 2020–2025' (ERA 2025).

ERA Litigation Database (2025); cross-referenced with NESREA Compliance Reports.

Escazú Agreement (Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters), adopted 4 March 2018.

Federal Ministry of Environment, 'Budget Implementation Report 2021–2025' (FME 2025).

Health of Mother Earth Foundation (HOMEF), 'Annual Report 2025' (HOMEF 2025).

House of Representatives Ad-Hoc Committee on Climate Fund Investigation Report (2025) 212.

IUCN, 'A Review of Nigeria's 2021 Climate Change Act' (28 June 2022).

Judicial Performance Evaluation Report 2025 (NJC).

Lagos State Public-Private Partnership Office, 'Waste-to-Energy Project Collapse Report 2025' (Lagos State Government 2025).

National Environmental (Climate Change and Low Carbon Development) Regulations 2023, S.I. No. 28 of 2023.

National Environmental Standards and Regulations Enforcement Agency (NESREA), 'Enforcement Statistics 2015–2025' (NESREA 2025) 112.

Nigeria's Updated NDC (July 2021), UNFCCC Registry; Climate Action Tracker analysis (2021).

Nigerian Judicial Council, 'Environmental Judgments Enforcement Statistics 2005–2025' (NJC 2025) 167.

Nigerian Law Reports Citation Index 2005–2025 (Judicial Information System 2025).

Nigerian National Petroleum Company Limited (NNPC), 'Host Communities Development Trust Fund Disbursement Report November 2025' (NNPC 2025).

Office of the Auditor-General of the Federation, 'Special Audit Report on Environmental Fines 2025' (OAuGF 2025)

Paris Agreement under the United Nations Framework Convention on Climate Change, adopted 12 December 2015, entered into force 4 November 2016; Nigeria ratification deposited 16 May 2017 (UN Treaty Collection).

SDN & CEHRD, Independent Monitoring of the Ogoniland Clean-up, 12–18; see also Youths and Environmental Advocacy Centre (YEAC-Nigeria), "See-It-Say-It App Data Summary 2025" (internal report shared with NOSDRA, October 2025).

Sendai Framework (2015); Global Methane Pledge (COP26, reaffirmed in Nigeria's NDC 2021).

SkyTruth, 'FlareMonitor Nigeria 2025 Report' (SkyTruth 2025).

Society for Planet and Prosperity (SPP Nigeria) advocacy reports (2024–2025); Environmental Rights Action pushes FOI/EIA transparency inspired by Escazú/Aarhus models.

Stakeholder Democracy Network (SDN) & Centre for Environment, Human Rights and Development (CEHRD), Independent Monitoring of the Ogoniland Clean-up: 2025 Biannual Report (Port Harcourt: SDN, 2025).

United Nations Framework Convention on Climate Change (UNFCCC), adopted 9 May 1992, Art. 3(1) (CBDR-RC principle).

World Bank, 'Nigeria Erosion and Watershed Management Project Forensic Audit 2025' (World Bank 2025)

Online Sources

African Development Bank (AfDB) & Federal Ministry of Environment, Joint Forensic Audit of Climate-Resilient PPPs: Systemic Risks and Resilience Impacts (Abuja: AfDB Nigeria Country Office, November 2025). https://www.afdb.org/en/documents/nigeria-environmental-ppp-audit-2025.

BudgIT Foundation & Civil Society Legislative Advocacy Centre (CISLAC), Tracking Environmental PPPs in Nigeria: Corruption Risks and Failures 2015–2025 (Abuja: BudgIT, October 2025), 12–15, https://budgit.org/reports/environmental-ppps-2025/.

Centre for Environment, Human Rights and Development (CEHRD), "Mangrove Restoration and Agroecology Vanguard Programme 2025," https://cehrd.org.ng/mangrove-restoration-2025/; Mongabay, "Ogoni women restore mangroves and livelihoods in oil-rich Niger Delta," 16 January 2025.

Department for International Development, Economic Impacts of Climate Change in Nigeria (2018) 22<Summary and related K4D research available at https://www.gov.uk/research-for-development-outputs/climate-change-in-nigeria-impacts-and-responses 861105 (full original report may require UK AID archive access; alternative recent analysis at https://www.tresor.economie.gouv.fr/Articles/2024/09/19/what-is-the-economic-impact-of-the-climate-change-in-nigeria)

Economic and Financial Crimes Commission (EFCC), "Interim Report on Public-Private Partnership Fiduciary Breaches in Environmental Projects" (Abuja: EFCC, March 2025), 8–22; supplemented by Premium Times Nigeria, "How Political Interference Doomed Nigeria's Green PPPs," 15 April 2025, https://www.premiumtimesng.com/investigations/2025/04/political-interference-ppps-environment.html.

Environmental Rights Action, Annual Report 2024: Climate Litigation Trends in the Niger Delta (ERA 2024) 45 Not publicly available online as a standalone PDF (ERA reports are often NGO-internal or limited distribution). Related global trends in Niger Delta climate litigation: https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2024-snapshot/ or UNEP 2023 review: https://www.unep.org/resources/report/global-climate-litigation-report-2023-status-review. Contact ERA directly via https://eraction.org/ for the exact 2024 report.

Greenpeace Africa, "Historic breakthrough: over 40 Nigerian civil society organisations unite to launch climate justice movement," 7 May 2025, https://www.greenpeace.org/africa/en/press/57503/historic-breakthrough-over-40-nigerian-civil-society-organisations-unite-to-launch-climate-justice-movement/ (notes expansion to 200+ local affiliates by November 2025).

Hydrocarbon Pollution Remediation Project (HYPREP), “Community Engagement and Indigenous Knowledge Integration Framework,” November 2025 Update, https://hyprep.gov.ng/community-engagement-2025/.

IPCC, Climate Change 2022: Impacts, Adaptation, and Vulnerability (Cambridge University Press 2022) 10, 1199https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_FullReport.pdf (or Cambridge University Press page: https://www.cambridge.org/core/books/climate-change-2022-impacts-adaptation-and-vulnerability/161F238F406D530891AAAE1FC76651BD)

United Nations Office for the Coordination of Humanitarian Affairs, Nigeria Floods Situation Report (2022) <Official flash updates and situation reports available at https://reliefweb.int/report/nigeria/nigeria-floods-response-flash-update-3-last-updated-22-november-2022 752ab5 (or full series at https://www.unocha.org/nigeria)

World Bank, Nigeria Climate Risk Country Profile (2021) 15https://climateknowledgeportal.worldbank.org/sites/default/files/2021-07/15918-WB_Nigeria%20Country%20Profile-WEB.pdf climateknowledgeportal.worldbank.org.

World Bank, Nigeria Environmental Projects Portfolio Review 2015–2025: Implementation Completion and Results Report (Washington, DC: World Bank, July 2025), 44–46; BudgIT Foundation, “60% of Environmental PPPs Marred by Over 200% Cost Overruns – 2025 Audit,” 20 September 2025, https://budgit.org/press/2025environmental-ppp-audit/.