CLIMATE CHANGE AND HUMAN RIGHTS PROTECTION IN NIGERIA: A CRITICAL REVIEW OF SALIENT ISSUES

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Abstract

The issue of climate change presents one of the greatest challenges of our time, significantly impacting human rights. In Nigeria, the nexus between climate change and human rights is obvious, as communities deal with frequent flooding, desertification, migration and other issues caused by climate change. This paper critically considers the salient issues surrounding climate change and human rights protection in Nigeria, highlighting the legal and policy frameworks. These instruments offer ways to protect the environment, but problems like poor enforcement, dependence on fossil fuels, constitutional limits and a failure to include human rights in climate policies reduce their effectiveness. The paper shows that climate change hurts basic rights, like the right to life, property, heath and freedom of religion. It argues for adding human rights into climate change plans, improving institutions and courts, and supporting a right based approach to environmental policy. The paper concludes that without urgent reforms and policy integration, Nigeria's climate change issues will keep human rights violations worst, hurting current and future generations.

Keywords: climate change, Nigeria, Climate Change Act, Environmental Impact Assessment Act, National and Environmental Standards and Regulations Enforcement Agency (NESREA) Act, human rights

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1. INTRODUCTION

The issue of climate change has emerged as one of the most pressing global issues, it poses a significant risk to virtually all aspects of human life, it is arguably the most pressing challenge of the time which is likely to define the generation. Climate refers to the long-term regional or global average of temperature, humidity and rainfall patterns over seasons, years or decades. Climate change on the other hand is the significant variation of average weather conditions becoming, for example, warmer or drier- over several decades or long.[1] Human activity leads to change in the atmospheric composition either directly (via emissions of gases or particles) or indirectly (via atmospheric chemistry). Worthy of note is that the long-term sustainability of life on earth depends on the world's vegetation and a rich arable land. They are the sources of primary biological production that sustains the human population and animal species, so when there is a change in climate it will affect these essential resources of human existence which guarantee sustainability.[2]

1.1 CONCEPTUAL CLARIFICATION

The term climate change has been explained to encompass different components, which includes the following:

i. *Global warming*: this is referred to as the increase in the average temperature of the earths near surface and the oceans. Human activities are causing the warming trends which make the earth warmer than the required degree.

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[1] Climate Change Knowledge Portal, 'What is Climate Change' (2021) *Climate Change Knowledge Portal*, available at <https://climateknowledgeportal.worldbank.org/overview> Accessed 19 August 2025.

[2]AmobiD and Onyishi T, 'Governance and Climate Change in Nigeria: A Public Policy Perspective' 2015 9(2), *Journal of Policy and Development Studies* 119.

ii. *Greenhouse effect*: it is the process by which radioactive energy leaving the earth's surface is absorbed by some atmospheric gases called greenhouse gases, come examples of these greenhouse effects includes Carbon dioxide, nitrous, oxide, methane etc.[3] On the other hand, human rights has been explained to mean the rights a person has simply because he is a human. It is the fulfillment of vital needs such as food, shelter, healthcare, education, and the right to enjoy civil and political liberties.[4]

Human lives are directly linked to the climate, including the protection and enjoyment of human rights, thus change in climate has significant impact on the living conditions of human, encompassing the enjoyment and protection of human rights. Within its juridical content inspired by the United Nations Human Rights Council (UNHRC), the United Nations General Assembly has reaffirmed that climate change has direct and indirect impacts on the enjoyment of human rights by recognizing the universal human right to a safe, clean, healthy, and sustainable environment in its 76th session.[5] The UN General Assembly Resolution, while not legally binding, calls on all states to build internal capacities and implement national and local policies to guarantee that the rights of current and future generations are protected (inter and intra generational equity) from the direct and indirect impacts of environmental damage, in accordance with the principle of

[3] Ikumbur B and Iornumbe S, 'The Impacts of Climate Change on Nigerian Ecosystems: A Review' 2019 3(2), *Nigerian Journal of Environmental Sciences and Technology* 268.

[4] Kaur D, 'Historical Development of Human Rights'(2014), *Journal for Social Science and Research, Council for Innovative Research* 52.

[5] United Nations Human Rights Council, 'The Human Right to a Clean, Healthy and Sustainable Environment: Resolution Adopted by the Human Rights Council on 8 October 2021' (18 October 2021) 48th Session UN Doc A/HRC/RES/48/13.

'Leave no one behind,' which is the central to the UN 2030 Agenda and its 17 Sustainable Development Goals.[6]

This article will critically examine the nexus between climate change and human rights protection in Nigeria. Nigeria as Africa's most populous country and one of the world's largest oil producers faces heightened vulnerabilities to climate change. The issue of climate change disaster has tripled in the country, with millions of people displaced from the unprecedented climate related impacts. Research records that Nigeria is already being plagued with diverse ecological problems which have been linked to the ongoing climate change. Nigeria is experiencing adverse climatic conditions with negative impacts on the welfare of millions of Nigerians. The 2022 floods, caused by heavier rainfall have been linked to climate change and the release of excess water from the Lagdo dam, affected majority of areas and serves as a key driver of forced movement and human mobility. Flood prone areas across the country have been particularly affected by climate change, examples include coastal cities like Lagos, Bayelsa, where over 700,000 people were displaced across 300 communities and villages as a result of flooding, 526,215 people were also recorded in Anambra in the 2022 flooding to be displaced.[7] The issues mentioned above have necessitated the need for a critical review of the protection of human rights in the face of climate disaster. Alongside considering the nexus between climate change and human rights protection in Nigeria, this article will also consider the adequacy of

[6] United Nations General Assembly, 'Transforming our World: the 2030 Agenda for Sustainable Development' (21 October 2015) 70th Session UN Doc A/RES/70/1.

[7]Stromsta R, 'Climate Change, Disasters, Insecurity, and Displacement: The Impact of Flooding on Youth Marginalization and Human Mobility in Nigeria' (May 30, 2024) *Environmental Migration*, available at <https://environmental;migration.iom.int/blogs/climate-change-disasters-insecurity-and-displacement-impact-flooding-youth-marginalization-and-human-mobility-nigeria> accessed19 August 2025.

Nigeria's legal and policy frameworks in addressing issues surrounding the protection of human rights in the face of climate change disaster.

2. THE CONCEPTS OF CLIMATE CHANGE AND HUMAN RIGHTS

The United Nations Human Rights Council Resolution expressed that climate change "poses an immediate and far-reaching threat to people and communities around the world, and has implications for the full enjoyment of human rights."[8] The adverse effects of climate change pose an enormous threat to the life and well-being of individuals across the globe. The Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report paints a clear picture of how millions of people and the ecosystems, natural resources, and physical infrastructure they rely on will be negatively affected by the observed and anticipated climate changes.[9] In addition to more gradual forms of environmental degradation that will jeopardize access to clean water, food and other essential resources to support human life, these detrimental effects also include sudden- onset events that directly endanger human lives, safety, and the enjoyment of basic rights. Therefore, billions of people's ability to exercise their human rights will be significantly impacted by climate change. This is more than just a hypothetical future scenario. Global food shortages, ecosystem degradation, and drought are already being exacerbated by climate change.[10] Nigeria is not left out of the picture, as noted above, the

[8]Ibid.

[9]IPCC, Climate Change 2014, 'Fifth Assessment Report' (2014) *IPCC*, available at <https://www.ipcc.ch/assessment-report/ar5/> accessed19 August 2025.

[10] Burger M and Wentz J, 'Climate Change and Human Rights' (2015) *Sabin Center for Climate Change Law, Columbia Law School* available at <https://scholarship.law.columbia.edu/sabin_climate_change/119> accessed 19 August 2025.

country has faced worst climate change impacts, including flooding, desertification in the Northern part of the country, oil spill/pollution in the middle belt region have sent growing seasons out of orbit.[11]

The adverse effects of climate change have necessitated the need for the incorporation of laws regulating same to protect humanity and ensure the enjoyment and protection of human rights. Several international human rights instruments have placed obligations on states, to respect, protect and enforce the human right of all people." Example of such include the Universal Declaration of Human Rights, the European Convention, the International Convention on Civil and Political Rights, the International Convention on Economic Social and Cultural Rights, the Convention on the right of Child, the Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Elimination of Racial Discrimination, the African Charter on Human and People's Rights etc. Efforts to ensure human rights are protected in the face of emerging climate change disaster have necessitated or have birthed the concept of environmental right. The enjoyment of the right to a clean, safe and healthy environment is covered under the ambient of the environmental right which is generally agreed to belong to the third generation of right which is evolving. Simply, environmental right entails the right to a healthy environment for all citizens.[12] The sole import of this right is for the protection of life and good living conditions for all people, this is

[11] African Cities Research Consortium, 'Lessons in Urban Resilience from the Floods in Maiduguri', (October 8, 2024) *African Cities*, available at <https://www.african-cities.org/lessons-in-urban-resilience-from-the-floods-in-maiduguri-nigeria/#:~:text=On%20Tuesday%2010%20September%202024,the%20significant%20loss%20of%20lives> accessed 19 August 2025.

[12] Udede K, Iteshi C, and Nwanga J, 'Critical Analysis of Environmental Rights Protection in Nigeria: Implications for Human Rights' (2015) 9(1), *African Journal of Law and Human Rights (AJLHR)* 80.

because a threat to the environment is deemed as a threat to the most important fundamental human rights- the right to life.[13] There is a direct nexus between the protection of human rights and climate change, this nexus has been a debated one over the years, however, the debate does not negate the notion that a clean, healthy and functional environment is an integral part to the enjoyment of human rights such as right to life, health, and an adequate standard of living.[14]

2.1 Rights affected by Climate Change in Nigeria

Several fundamental human rights entrenched in the constitution have been affected by the impacts of climate change. Examples of such right include:

i. Right to Life:

The right to life is a fundamental human right provided under the 1999 Constitution of the Federal Republic of Nigeria as amended in section 33. The section provides that:

> Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

This right is provided for in virtually all international and regional human right legislations, including the Article 2 of the European Convention, Article 4 of the American Convention and Article 4 of the International Convention on Civil and Political Rights and the African Charter on Human and People's Rights. Environmental right in so far as it relates directly to the existence of man, his survival and right to life. It has been argued that a poor, dirty, and putrid environment can

[13] Adelana O, 'Risks of Climate Change and Human Security in Nigeria' (2024) 8(10), *Wukari International Studies Journal* 31.
[14] Burger M and Wentz J (n 10).

affect the health of the individual, subsequently resulting in death.[15] Research has revealed death across the country (Nigeria) resulting from resulting from cases of bad and damaged environment, an example is the flooding in Maiduguri which claimed the lives of innocent citizens, and the outbreak of cholera which as well resulted in record of death.[16] These cases and many more unpublicised death caused by a diseases which are as a result of the impact of climate change lays bare the notion that life I dependent on the environment and any threat to it infringes on the right to life.[17]

ii. Right to own Property:

The right to own property is expressly provided for under the section 43 of the constitution,[18] this section expressly makes it a fundamental human right of citizens to own property band has a wide scope which includes the right to own movable and immovable property in Nigeria.[19] A misuse of the environment that damages the ecosystem and causes acid rain, ozone layer depletion, global warming and other problems can undermine a citizen's right to own property, thus, damage to the environment is an infringement to the fundamental human rights, consequently undermining the enjoyment of same.[20]

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[15]Olatoke JO and others, 'Climate Change Impacts on Human Rights in Niger Delta, Nigeria: A Jurisprudential Discourse' (2012) 9(1), *International Journal of Innovative Research and Developmen*t 530.

[16]Ibid.

[17]Ibid.

[18] Subject to the provisions of this constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

[19]Akpan P, 'Effect of Climate Change on Human Rights in Nigeria' (2021) 5(11), *International Journal of Research Publication and Review*s 1503.

[20]Ibid.

iii. Right to Freedom of Religion:

This right has also been argued to be one of the many rights affected by the impact of climate change. It is provided for under the section 38 of the constitution, the section provides that:

> Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

This right can be eroded in the sense that a misuse of the environment which leads to desecration of worship centers and sacred places poses an infringement to the right to freedom of religion. [21] This is aptly illustrated in the case of *Otuku&Ors v. Shell B.P.*[22] Although, the Court in this case ruled that it lacked jurisdiction to hear the case, the case however brings to limelight the intersection between climate change impact and the right to freedom of religion, emphasizing that the right to freedom of religion can be denied or breached by environmental pollution.

3. NIGERIA CLIMATE CHANGE REALITY

Nigeria is highly vulnerable to climate induced challenges and the country has experienced worst climate change impacts over the years, with a good number of citizens losing life and properties to the adverse impact of climate change. The 2024 flooding in Maiduguri which happened in September damaged over half the city while an estimated number accumulating to 77 lost their lives to the flood, more than 300,000 people were displaced and damaging property worth billions of Naira with residents risking the adverse effect of the flood such as

[21] Ibid.

[22] Suit no:BHC/83 (Unreported).

risk of diseases due to the overflowing of latrines etc.[23] Desertification in the Northern part of the country has encroached on farmlands, triggering forced migration and conflicts between farmers and herders.

The Intergovernmental Panel on Climate Change (IPCC) has ranked Africa as one of the most vulnerable continents to climate change and its effects.[24] Nigeria is experiencing increasing incidence of climate change, as discussed above, the country has faced with severe drought, flooding, deforestation, loss of biodiversity, forced human mobility and displacement etc. The Nigeria oil and gas industry is the major emitters of greenhouse gas emission through gas flares. Statistically, Nigeria is ranked one of the top seven gas flaring countries in the world.[25] Climate change has over the years have significant impact on the environment, economic and health of inhabitants, examples of such include the spread of infectious diseases, the country experienced the outbreak of cholera in 2024 which is due to contaminated water which triggered occurrence of death in the country, all this has been linked to the issue of climate change.[26] These realities not only underscore the urgency for state actions to mitigate the impacts of climate change, it cut across the need to ensure a safer and cleaner environment for citizens, which is a right directly linked to the right to life, dignity of

[23]Ibid.

[24] Intergovernmental Panel on Climate Change (IPCC), 'Global Warming of 1.5° (2019) *IPCC*, available at <https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_High_Res.pdf> accessed on 19 August, 2025.

[25] World Bank, 'Global Flaring Tracker Report (April 2021) *World Bank*, available at <https://thedocs.worldbank.org/en/doc/1f22154bf1b7c89b850dd85cb409b0-0400072021/original/WB-GGFR-Report-Design-05a.pdf> accessed on 19 August, 2025.

[26] Ikumbur B and Iornumbe S, 'The Impacts of Climate Change on Nigerian Ecosystems A Review' 2019 3(2) *Nigerian Journal of Environmental Sciences and Technology* 268.

human person, protection of lives and properties, freedom of religion etc.

4. LEGAL AND POLICY FRAMEWORKS ON CLIMATE CHANGE AND HUMAN RIGHTS IN NIGERIA

The urgency of the need to address the issue of climate change has led Nations all around the world into taking legal measures to address and mitigate the effects of climate change to ensure continued human existence. The Nigerian Government is as well not left out in the formulation of policies for climate change action in the country. The country has espoused different laws aimed at preventing dangerous human induced interference with the climate system in order to enable economic development without risking irreversible damage to the ecosystem and human health, these statutes include the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Climate Change Act, the Environmental Impact Assessment Act, the NESREA, The Oil Pipelines Act, Petroleum Industry Act etc. This section will consider in details the nexus between these regulations and the protection of human rights in the face of climate change disaster.

i. The Constitution of the Federal Republic of Nigeria, 1999 (as amended)

The 1999 Constitution (as amended) is the supreme law of the land and its provisions has binding force on all persons and authorities in the Federal Republic of Nigeria.[27] The CFRN lays a foundation for the protection of the components in the environment, the constitution in Chapter II sets out the Fundamental Objectives and Directives Principles of a State Policy which guides the law making arm of the

[27]1999 Constitution of the Federal Republic of Nigeria s 1.

government in the formulation of policies, as part of the provisions of the Chapter II of the constitution, the constitution provides for:

Protecting and improving the environment and safeguarding the air, land, forest and wildlife.[28]

The above provision being part of the Fundamental Objectives and Directives Principle of State Policy, was declared non-justiciable by the section 6(6)(c) of the constitution. The section provides that:

The judicial powers vested in accordance with the foregoing provisions of the section shall not, except as otherwise provided by this constitution, extend to any issue or question as to whether any law or judicial decision is in conformity with the Fundamental Objectives and Directives Principles of State Policy set out in Chapter II of this Constitution.

It is evident that the clause in Section 20 of the 1999 Constitution (as amended) is not an environmental right rather, a state goal that the government has the discretion to carry out due to its non-justiciability.[29] Accordingly, the right to enjoy a healthy environment is not recognized under the constitution. Majority of cases of such stem compensation through nuisance and torts actions, this is illustrated in the landmark cased of *Ryland v Fletchers*.[30] These cases have essentially arisen not to enforce the right to enjoy a healthy environment and its benefits, but simply because of the need to be compensated for damage done to private or public.[31]

[28]Ibid s 20.
[29]Okon EM and others, 'Systematic Review of Climate Change Impact Research in Nigeria: Implication for Sustainable Development' (2021), *ScienceDirec*t.
[30][1868] LR 3 HL 330.
[31]Ibid.

However, same cannot be said for Section 33 of the 1999 Constitution (as amended), as Nigerian Court over the years have interpreted the provision to include the right to a safe, clean and healthy environment. It provides that:

> Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

The view above is aptly illustrated in the case of *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation,*[32] where the Supreme Court held that any person, including NGOs, can bring an action against public and private entities seeking in the law court the due performance of statutory functions or enforcement of statutory provisions or public laws, especially laws designed to protect human lives, public health and the environment which expands the issue of locus standi in bringing a suit on environmental law. Similarly, the case of *Gbemre v Shell Petroleum Development Company of Nigeria Ltd. and others,*[33] also lays bare the intersection between climate change and human rights in Nigeria. The case is often regarded to as the landmark case in Nigeria that is related to climate change which addresses the constitutional human rights approach in addressing the issue of gas flaring. The Federal High Court held that constitutionally guaranteed rights inevitably include the rights to a clean, poison and pollution free environment, the court invoked the article 4, 16, and 24 of the African Charter on Human and Peoples Rights ratified and domesticated in Nigeria[34] and ruled that the actions of Shell in allowing and continuing to flare gas in the applicant's community amounts to a violation of their fundamental human rights to a clean and healthy environment.

[32][2019] 15 NWLR 1666.
[33]FHC/B/CS/53/05.
[34]African Charter Ratification Act, Cap A9, Laws of the Federation of Nigeria, 2004.

It is noteworthy that invoking the provisions of the African Charter by the Court has been a contentious fact, as writers have argued that the provision of the ouster clause in the Constitution[35] has weakened the environmental right provided by the Charter.[36] It is argued that any other law, such as the African Charter, which makes environmental right a justiciable right in Nigeria would run contrary to the 1999 Constitution (as amended) and in such instance, the provisions of the Section 1(3) of the 1999 Constitution (as amended).[37] This is aptly illustrated in the celebrated case of *Abacha v Fawehinmi*,[38] where the Court held that the constitution is supreme to any international convention or law including the African Charter and all local statute. Thus, the relationship between the protection of rights and climate change under the 1999 Constitution (as amended) has taken an obscure form. However, Nigerian Courts have over the years through adjudicated cases show the nexus between climate change and the protection of other fundamental human rights entrenched in the constitution.

ii. **The Climate Change Act, 2021.**

The then President Buhari passed the Nigeria Climate Change Act into law in 2021, prior to this time, Nigeria had no binding legal instrument specifically focusing on climate change.[39] The Act was passed to give the nation a legal framework for achieving its long-term social and

[35]1999 Constitution s 6(6)(c).
[36]Ibid.
[37] "if any other law is inconsistent with the provisions of this constitution, this constitution shall prevail, and that other law shall to the extent of the inconsistency be void."
[38][2006] 6 NWLR (PT 660) 22.
[39] Ibid.

economic sustainability and resilience, as well as its climate goals.[40] This Act serves as a key piece of legislation supporting the country's attempt to address the intricate and extensive problems caused by climate change. The Act does not expressly pitch a provision or create a nexus between human rights and climate change. However, as part of the objectives of the Act, one can infer that the drafters of the Act have the interest of other policies in ensuring the protection of humans and environment at heart. It provides that:

> (e) climate-change policies and actions are integrated with other related policies for promoting socio-economic development and environmental integrity.[41]

iii. **Environmental Impact Assessment Act (EIA)**[42]

The EIA was implemented to integrate environmental considerations into development choices. The Act covers many potential projects and activities that could be major sources of greenhouse gas emission, such as those in the transportation, mining.[43] The Act prohibits the public and private sectors from undertaking or embarking on projects that may significantly affect the environment without prior consideration of their environmental effects at the early stages of the project.[44] While not expressly providing for the protection of human rights in the face of climate change disaster, the Act however indirectly protect fundamental human rights by ensuring environmental considerations are integrated into development projects.

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[40] Grantham Research Institute, 'Nigeria's Climate Change Act' (2021) *Climate Change Laws*, available at <https://climate-laws.org/documents/nigeria-s-climate-change-act_a2f0?.> Accessed 19 August 2025.

[41] Climate Change Act s 1(e).

[42] Cap E12, Laws of the Federation of Nigeria, 2004.

[43] Environmental Impact Assessment Act 2004 s 2.

[44] Ibid s 2(1-3).

iv. **National Environmental Standards and Regulations Enforcement Agency Act (NESREA)**

The main piece of the environmental protection legislation in Nigeria is the NESREA. In order to remove any pollutants released into the environment, the Act gives the NESREA the authority to work with other government agencies. The agency is charged with the role of protection and development of the environment, conservation and sustainable development of natural resources and the enforcement of environmental standards. It prohibits the discharge of hazardous substances into the air, land and water[45]. Just like the Climate Change Act, the NESREA Act does not explicitly makes provision for the protection of human right nor create a direct nexus between the two concepts. However, the Act indirectly supports human rights through its focus on environmental protection.

5. SALIENT ISSUES AND CHALLENGES

Despite the existence of constitutional provisions, statutory frameworks and Nigeria's obligations under international instrument, Nigeria still grapple with existing structural and systemic challenges in aligning climate action with human rights protection. These challenges not only undermine the effectiveness of existing laws and policies but also exacerbate the vulnerability of communities most affected by climate change. These salient issues include:

i. **Ineffective Enforcement and Implementation of Existing Legislation and Policies**

The enforcement of climate change policies in Nigeria is relatively weak. The country possesses multitude of laws and policies that could be harnessed to address the pressing issue of climate change, however, there are significant lack of political will to effectively enforce these

[45] National Environmental Standards and Regulations Enforcement Agency (NESREA) Act s 7.

policies. The enforcement of human rights in the face of climate change related policies will suffer a great ordeal if there is inconsistent governmental commitment to environmental concerns.[46]

ii. Inadequate Integration of Hunan Rights in Climate Policies

The inadequate integration of Human Rights in climate policies in Nigeria is also a challenge to the effective enforcement of human rights in the face of climate action. Although, Nigeria's climate change Act of 2021 marks a significant advancement the framework remains technocratic without explicitly anchoring policies in human rights principles. This oversight makes it hard to effectively pursue the protection of rights in the face of climate action.[47]

iii. Dependence on Fossil Fuels and Resource Exploitation

Nigeria heavily relies on oil and gas as a major source of revenue for the country, this reliance has only birthed devastating effects on affected communities. This poses a major barrier to effective climate action and the protection of rights, perpetuating the violation of rights to life, health among others in oil-producing communities.[48]

iv. The Ouster Clause of the Constitution

The section 6(6)(c) renders non-justiciable the duty of the state in providing a clean and healthy environment for all citizens. This clause hinders the effective protection of human rights in the face of climate action, the existence of the ouster clause raises concerns as to enforcement of the fundamental human rights without encountering the obstacle presented by the section 6(6)(c) of the constitution. To fully address the challenges posed by climate change in Nigeria, it is

[46] Ibid.

[47] Ajiya M and Habibu B, 'Issues and Challenges on Environmental Right: The Nigerian Experience' (2014) 5(3), *American Journal of Social Science* 143.

[48] Ibid.

important to reconsider the ouster clause and explore avenues for judicial redress in matters relating to climate change and human rights.[49]

v. Lack of Specialized Environmental Courts and Judicial Limitations

The lack of specialized environmental courts is as well a significant issue in effective enforcement of rights in the face of climate action. The jurisdiction of the court have been questioned in several cases, including the case of *Otuku&Ors v Shell B.P*.[50] Thus there is the need to effectively address the issue of jurisdictions of court in entertaining climate-related case for an effective rights in Nigeria.[51] Similarly, judicial procedural hurdles such as *locus standi*, high cost of litigation and the non-justiciability of environmental rights raises issues relating t the protection of human rights.[52]

6. POTENTIALS TOWARDS EFFECTIVE CLIMATE CHANGE AND HUMAN RIGHTS PROTECTION IN NIGERIA

The issue of climate change and the protection of human rights in Nigeria hold several potentials for increment and positive change. This can be enhanced through various avenues which include:

a. Right based approach: future legal actions might focus on arguments based on human rights. Understanding the protection of human rights in the face of climate change disaster is a key move in pushing forward the protection of rights. This change agrees

[49] Ibid.
[50] Ibid.
[51] Agunia P, Iwori P and Egbufor C, 'Climate Change Litigation: An Emerging Approach to Environmental Protection in Nigeria' 2023 11(1), *AELN Journal of Environmental and Natural Resources Law* 255.
[52] Ibid.

with worldwide movements and gives people and groups to seek justice for impacts of environmental harm.[53]

b. Raising public awareness: By raising awareness about climate change and its link to human rights, individuals, and communities can be empowered to stand up for their interest and hold corporations accountable for the adverse or negative impacts of their operations, consequently enhancing the protection of human rights.[54]
c. The judiciary: the judiciary has a significant role to play in the protection of rights in the climate change age, to enhance the protection of rights in Nigeria, it is important that the judiciary expand their tentacles on climate trends and international legal trends on climate change action.[55]
d. There is the need to strengthen institutional capacity charged with the responsibility for climate action as it relates to environmental safety and the protection of human rights as well as enforcement mechanisms.[56]
e. Mainstream human rights into adaptation and mitigation strategies by ensuring measures explicitly safeguard fundamental human rights violated by the issue if human rights.[57]

7. CONCLUSION

[53]Toraldo S, 'Towards a Universal Climate Justice through a Human Right Based Approach' (2024) 33, *Denning Law Journal* 145.

[54]Etuk E, 'Impacts of Climate Change on Human Rights: A New Frontier' (2023), *International Conference on Innovations in Education and Technology* available at <https://doi.org/10.2139/ssrn.4774930>accessed19 August 2025.

[55] Atoyebi OM, 'Climate Change Litigation in Nigeria: Holding Corporations Accountable', (August 9, 2024) *Omaplex Law Firm*, available at <https://omaplex.com.ng/climate-change-litigation-in-nigeria-holding-corporations-accountable/> accessed19 August 2025.

[56]Ibid.

[57]Ibid.

In Nigeria, shifts in climate seriously impact basic human rights, like the rights to life, health, property, and religious practice. Nigeria does have some laws in place, such as the 1999 Constitution (as amended) and the Climate Change Act. But their impact is limited because they aren't strongly enforced, the Constitution has its own restrictions, and the country depends a lot on fossil fuels. To fix this, Nigeria should include human rights concerns in its climate policies. It also needs to make its courts and other institutions stronger, make sure people know more about the issues, and use a human rights-based strategy. To protect the environment for current and future generations, it is important to include human rights in how the country governs climate-related issues.