

COUNTERING CLIMATE CHANGE

Article

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Legal Framework for Combating Climate Change in Nigeria

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Abstract: A very important issue that needs to be addressed urgently across the globe is the issue of climate change. Nigeria as a country is not left out in the battle against climate change. One of the major things that results in the change in climate is the low level or inadequate laws governing activities which lead to climate change. The laws available are ineffective as the level of compliance with the existing laws is extremely low; ignorance on the part of Nigerians is another major issue as an average Nigerian is not aware that his/her day-to-day activities might result in a change in climatic condition. The concept of climate change is a concept in Nigeria that has received a bit of recognition but has not been addressed as it ought to be. This paper examines the effects of climate change on Nigerians and the Nigeria environment in its totality; it further makes an overview of the international conventions on climate change while evaluating the adoption of the international conventions by Nigeria. It examines the laws put in place by the Nigeria government in relation to environmental protection generally and further considers their effectiveness. It concludes that there is no solid legal framework to combat climate change in Nigeria and that the laws put in place to govern environmental protection in Nigeria are grossly inadequate. It recommends that new laws should as a matter of urgency be promulgated to tackle the menace of climate change in Nigeria.

Keywords: Nigeria environment; climate change; environmental protection; international conventions; laws

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I. Introduction

The method of research employed in this study is the doctrinal in nature. Reference is made to both primary and secondary sources. Primary sources include the 1999 Constitution of the Federal Republic of Nigeria (as amended)¹, National Environmental Standards and Regulations Enforcement Agency Act (NESREA Act)², the United Nations Framework Convention on Climate Change (UNFCCC). Secondary sources such as textbooks, journals, articles and case laws were also of great assistance. The importance of internet-based research cannot be overemphasised; the internet is also of tremendous help in the course of this study.

There is no gainsaying that humans, like any other living organism, have affected their environment in diverse ways, through deforestation, burning gas, improperly disposing of wastes and so on. All of them have adverse effects on the climate system, which is absolutely undesirable. Nigeria, including other African countries, is considered to be the most

¹ The 1999 Constitution of the Federal Republic of Nigeria, Cap C23, LFN 2004.

² National Environmental Standards and Regulations Enforcement Agency Act 2007Cap 301LFN 2010.

vulnerable region in the world in terms of the effects of climate change on it as the African continent is seen as one of the most desirable economies in the world and most fragile (Egbewole, 2011, p. 30). There is little or no research on the concept of climate change and it is also difficult to assess the extent of these changes. William Ruddiman is a scientist who studies the Earth's prehistoric climate, he makes the assessment that human activities affecting the global climate can be traced back to 8000 years ago due to activities which involve clearing forests in order to provide space for agriculture and also 5000 years ago to ensure irrigation for Asian rice. It is important to note that these human activities do not contribute as much to global climate change as the evolution of the industrial age, which introduced the burning of fossil fuels for industrial or domestic purposes, biomass burning, greenhouse gas production and aerosols that affect the composition of the atmosphere (Ruddiman, 2021, p. 28).

Therefore, climate change-causing activities is one of the greatest concerns of our generation today and needed to be addressed as a matter of urgency. Some of the potential impacts scientists predicted long ago are now steadily realizing and impacting the lives of people around the world. Some of these effects include droughts, flood, sea ice loss, and more intense heat waves. Nevertheless, it is important to note that human activity over the last 250 years has increased the concentration of greenhouse gases in the atmosphere, but there was no solution to the concentration already present and ravaging the atmosphere (Oluduro, 2012, p. 33). However, it must be pointed out that whenever there is any environmental challenge that poses risk to the world, nations would come together to address the issue by way of conventions to consider it holistically and come up with various policies that will assist in ensuring that the issue is totally resolved. In 1992, a forum was established to bring together most countries of the world to jointly regulate climate change, it is known as the United Nations Framework Convention on Climate Change (UNFCCC) and there are several other Conventions and Protocols after then that will be considered in this research.

This study is significant and crucial at this time and its importance cannot be overemphasized, because human beings live in the environment and it is the environment that sustains them, once the environment is

negatively affected, human existence becomes difficult and there is a struggle of survival; in short, the environment determines the survival of humans and other living organisms.

II. Need for Laws on Climate Change

One of the biggest problems the world is facing right now is climate change, whether we are aware of it or not (Houghton, 2009, p. 87). Scientists agree that human activities are having negative impacts on global climate systems, which would lead to global warming. It is well known around the world that climate change is a phenomenon that is not just one person's responsibility, nor can it be solved by one person.

Climate change is defined as a change in climate, directly or indirectly attributable to human activities, that changes the composition of the global atmosphere and is observed in addition to natural climate variability over a comparable period of time.³ In short, it is an abnormal, unprecedented change in the average temperature of the troposphere and the atmosphere with an anomalous rate that is the result of emissions of gases, also known as greenhouse gases, which cause the sun's heat to become trapped in the atmosphere (Olawuyi, 2013, p. 89). It is a major long term change in the climate globally.⁴ The emission of various pollutants, including carbon dioxide, causes a change in the temperature of the atmosphere leading to what we call climate change. The year 2015 was one of the warmest years since 1850, it is now widely accepted around the world that climate change is indeed real.

Thus, climate change has been seen as a global challenge, which needs to be addressed as a matter of urgency as there is no part of the world that is not experiencing the devastating effect of climate change. In view of this, various conventions have been adopted across the globe to examine the deteriorating effects of climate change and the need to tackle them as a matter of urgency. It has been noted that there is a need to come up with more laws to address the tragedy that is already

³ Article 1(2) United Nation Framework Convention on Climate Change.

⁴ Climate change, what is it? Understanding the basic facts about global warming. Available at: https://warmheartworldwide.org/climate-change/?gclid=EAIaIQobChMIQceI1uuf1-AIVEdtRCh22MAxUEAAyAAEgIAS_D_BwE [Accessed 12.07.2022].

manifesting as a result of climate change. Some of the existing local laws and international treaties on climate change will be examined briefly.

III. General Effects of Climate Change

The negative effects of climate change across the world cannot be overemphasized. The effects are felt by everyone across the globe. Some of the effects are as follows.

Poverty

It has been noted that climate change brings about all sorts of disaster, including flood, which can sweep away regions accommodating people who lack the basic necessities to sustain a healthy and safe livelihood, destroying homes and livelihoods thereby leaving people in abject poverty. When the weather is severely hot, people find it difficult to work outside their homes, which also brings about poverty. Poverty also arises when crops are not growing well as a result of lack of adequate water needed by them to grow well. Research has also found out that between the year 2010 and 2019, more than 23.1 million people have been displaced by weather-related crisis, which has led them to poverty.⁵

Reduced food security

One of the most noticeable effects of rising temperatures is being felt in global agriculture, although these effects are felt very differently in the largely temperate developed countries and in the more tropical developing countries. Different plants grow best at very specific temperatures, and when those temperatures change, their productivity changes significantly. In North America, for example, rising temperatures may reduce corn and wheat productivity in the US Midwest but increase production and productivity north of the border in Canada. The productivity of rice, the staple food of more than a

⁵ Causes and Effects of Climate Change. United Nations. Available at: <https://www.un.org/en/climatechange/science/causes-effects-climate-change> [Accessed 16.07.2022].

third of the world's population, falls by 10 % for every 1 °C increase in temperature.⁶

Previous climate-related problems have been offset by major advances in rice technology and ever-increasing fertilizer applications. However, future temperature increases in Thailand, the world's largest rice exporter, are expected to reduce production by 25 % by 2050. At the same time, global population models suggest that developing countries will add 3 billion people by 2050 and that food producers in developing countries will need to double production of staple foods by then just to maintain current levels of food consumption.

Rising sea level

Climate change affects sea level rise. The average sea level around the world has risen by about 20 cm in the last 100 years; climate scientists expect it to increase at an accelerating rate over the next 100 years as part of the effects of climate change. Coastal cities like New York are already experiencing an increased number of flooding events, and by 2050 many of these cities may need protective walls to survive.⁷

Heavy downpours and storms

While the specific conditions that lead to precipitation will not change, climate change will affect the amount of water in the atmosphere and will increase, producing heavy downpours instead of steady showers when it rains.⁸

Increased droughts

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

⁶ Climate change, what is it? Understanding the basic facts about global warming.

⁷ Ibid.

⁸ Ibid.

hotter and drier, and places that were once temperate and regularly rained are becoming much hotter and much drier.⁹

Hotter temperatures

As the world gets warmer, the entire ecosystem is adversely affected. It has been noted that many species of fish have migrated long distances to stay in waters that are the right temperature for them. Farmers in temperate zones are finding drier conditions difficult for crops like corn and wheat, and once prime growing areas are now under threat.¹⁰

IV. Laws Regulating Climate Change in Nigeria

Three major laws will be discussed here.

Nigeria Climate Change Act

The Act was promulgated in 2021. This law can be said to be the major comprehensive local statute enacted to address the issue of climate change in Nigeria. The newly passed law provides a legal and institutional framework for the reduction of greenhouse gas emissions into the atmosphere by ensuring the formulation of programs and policies for such purposes. It aligns with Nigeria's international climate change commitments by setting a goal of net-zero greenhouse gas emissions by 2050–2070 as this is part of the objectives of the Act.¹¹

The Climate Change Act established the National Council on Climate Change — a corporate body with perpetual succession and common seal, which may sue or be sued in its corporate name. It is vested with the power to make policies and decisions on all matters relating to climate change in Nigeria.¹² The Council is saddled with many responsibilities on climate change, such as coordinating the implementation of sectoral targets and guidelines for the regulation of greenhouse gas emissions and other anthropogenic causes of climate change, approving and

⁹ Ibid.

¹⁰ Ibid.

¹¹ Section 1 (f) of the Climate Change Act 2021.

¹² Section 3 (1) of the Climate Change Act 2021.

monitoring the National Climate Action Plan and managing the Climate Fund.

The law mandates federal ministries of environment and land use planning to develop a carbon budget to limit the average global temperature rise to 2 °C and make efforts to limit the temperature rise to 1.5 °C above pre-industrial levels. In cooperation with the aforementioned ministries, the Council, through its Secretariat, is also mandated every five years to develop a national action plan on climate change, the first of which is expected no later than 12 months after the commencement of the Act.¹³

The Climate Change Act offers a strong framework for climate action to meet Nigeria's short, medium and long-term objectives on climate reduction and adaptation. The obligations placed on public and commercial institutions to advance a low-carbon economy and a sustainable way of life are particularly pertinent, as is the Council's and its Secretariat's duty to collaborate with relevant parties, particularly civil society organizations. For any future climate-related legal disputes, these measures offer a strong legal foundation.¹⁴ Even though there are a number of steps that must be taken in order to put the Act into practice, it shows how seriously Nigeria is handling climate change. The Act has the potential to be a tactical weapon for promoting climate change activism and a legal foundation for possible climate litigation in Nigeria because it is the first stand-alone comprehensive climate change law in West Africa and among few globally and regionally.¹⁵

¹³ Akaluzia, T., (2022). The Nigerian climate change act — key highlights — Businessday NG. Available at: <https://businessday.ng/opinion/article/the-nigerian-climate-change-act-key-highlights/> [Accessed 14.07.2022].

¹⁴ A review of Nigeria's 2021 Climate Change Act: Potential for increased climate litigation. Available at: <https://www.iucn.org/news/commission-environmental-economic-and-social-policy/202203/a-review-nigerias-2021-climate-change-act-potential-increased-climate-litigation> [Accessed 24.09.2022].

¹⁵ Ibid.

The 1999 Constitution of the Federal Republic of Nigeria¹⁶

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

Chapter II of the Constitution sets out the basic goals and guiding principle of state policy. This chapter of the constitution is included in the Constitution to encourage the pursuit and realization of the ideals and aspirations of the nation. These ideals and aspirations include protecting and ensuring the good health of workers in their workplace, promoting equitable and sustainable development, and exploiting natural resources for the common good, with a responsibility to protect and improve their environment. Any law inconsistent with the legal provisions contained in the Constitution shall be declared null and void to the extent of its inconsistency.¹⁷ However, it is important to note that the chapter in which this section is contained is not justiciable and therefore the state cannot be sued in court for failure to comply with the content of this section. The contents of this constitutional chapter are only declaratory and pointing the way, but not justiciable.

The Constitution also provided that everyone has the right to respect for their dignity and that they may not be subjected to torture or degrading treatment.¹⁸ Also, a person has the right of access to court and that the judiciary is independent at all times.¹⁹ The Constitution

¹⁶ The 1999 Constitution of the Federal Republic of Nigeria (as amended) Cap C23, LFN 2004.

¹⁷ Section 1(3) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

¹⁸ Section 34(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

¹⁹ Section 36(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

further states that anyone may exploit human and natural resources, but if it is not in the interest or benefit of the community then it should be prevented.²⁰ The state has a responsibility to protect, conserve and enhance the environment and protect the water, air, land, forest and wildlife of Nigeria.

However, it is expressly stated in the Constitution that the powers conferred on the judiciary do not extend to “any question or question as to whether there is an act of omission by any authority or person, or whether any act or judicial decision is consistent with the principles, aims and guiding principle of state policy.”²¹ Therefore, these goals and policies cannot be enforced in court, rather it depends on the priority or policy of the government in power.

There is a growing body of legislation on environmental issues in Nigeria, although apart from the provisions of Chapter II, the Constitution has been silent on the matter and, due to its non-judicial nature, there have been several calls for the Nigerian Constitution to be amended. Environmental rights and claims can currently only be legitimately brought to justice through the basic human rights set out in Chapter IV. For example, the right to life, property and respect for private and family life affect aspects of environmental protection. Redress relating to environmental laws can also be sought in court by any aggrieved Nigerian using a number of international and regional environmental instruments to which Nigeria has signed. Some of these instruments serve as binding laws for the member state to which Nigeria belongs, ensuring their rights are protected.

National Environmental Standards and Regulations Enforcement Agency Act 2007 (Nesrea Act)²²

Prior to the Koko event in Delta State in 1987, there was virtually no environmental legislation in Nigeria and no institution or body was

²⁰ Section 17 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

²¹ Section 6 (6) (c) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

²² The National Environmental Standards and Regulations Enforcement Agency Cap 301 LFN 2010.

created to regulate and control environmental issues in Nigeria. In 1988, following the episode of the Koko saga, the federal government enacted Hazardous Waste Regulations 42, which also led to the creation of the Federal Environment Protection Agency (FEPA).

FEPA was eventually replaced by the National Environmental Standards Regulations Enforcement Agency created by the NESREA Act. The NESREA Act is the major law on environmental protection in Nigeria. The role and objective of this agency is to regulate and enforce environmental standards and policies in Nigeria. One of the main goals and objectives of the agency is the protection and development of the environment, as well as ensuring the sustainable development of the country's natural resources. The responsibilities and powers of the body are, broadly speaking, to enforce compliance with regulations and standards for the environment, in the air, on land and at sea. The law also prohibits the unauthorized discharge of hazardous substances into the atmosphere or environment, the offense is punishable by an amount not exceeding one million naira and imprisonment for a maximum of five years, and if it is a corporation, an additional fifty thousand for each day it persists.

It is important to note that the majority of the laws mentioned above fall woefully short when it comes to addressing Nigeria's climate change concerns. Most of the rules set forth in these regulations are out-of-date and are not followed by the major participants in the sector. The enforcement mechanism is also very poor as penalties prescribed for violation of these laws are unreasonable considering the economic situation of the time in which we find ourselves right now across the globe. It must be made clear that in order for these laws to be effective and useful in Nigeria and around the world in combating climate change, the laws must be reviewed and the major players in the sector must demonstrate serious commitments to ensuring that the laws are obeyed and reasonable sanctions are put in place to deal with those who violate the provisions of the law.

V. International Acts to Combat Climate Change

1972 Stockholm Conference

The foundations for global environmental policy were laid at the 1972 Stockholm Conference on the Human Environment. Principle 1 states that human beings have the fundamental right to liberty, equality and a decent standard of living in a quality environment enabling a life of dignity and well-being. It was held on June 5–16, 1972 in Stockholm, Sweden. It was the first international forum aimed at addressing global environmental challenges. The forum addressed the need for a shared perspective and principles to inspire and guide the world's peoples in preserving and enhancing the human environment. The preamble to the Declaration provides that both aspects of man's environment, the natural and the man-made, are essential to his well-being and the enjoyment of fundamental human rights, the right to life itself. (Olawuyi, 2013, p. 97).

Brundtland Conference

In 1983, the UN convened the World Commission on Environment and Development (WCED), chaired by Norwegian Prime Minister Gro Harlem Brundtland; it consisted of representatives from both developed and developing countries. The Commission was given the responsibility to address growing concerns about the increasing degradation of the human environment and natural resources and the consequences of this degradation for economic and social development.²³ Its mission is to unite countries to strive for sustainable development. This commission is not in itself a convention, but the commission has been charged with the duty to create a united international community with a shared sustainability of environmental problems worldwide. Four years later, the Commission published its report entitled *Our Common Future*, which provided a diagnosis of the state of the world's environment. The

²³ Drexhage, J. and Murphy D. Sustainable Development from Brundtland to Rio 2012 background paper prepared for consideration by the High Level Panel on Global Sustainability at its first meeting, 19th September, 2010. Available at: https://www.e-education.psu.edu/emsc302/sites/www.e-education.psu.edu/emsc302/files/Sustainable%20Development_from%20Brundtland%20to%20Rio%202012%20%281%29.pdf [Accessed 19.07.022].

report popularized the most commonly used definition of sustainable development, namely development that meets the needs of the current generation without jeopardizing the ability of future generations to meet their own needs.²⁴

Vienna Convention

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

Montreal Protocol

The Montreal Protocol on Substances that Deplete the Ozone Layer is the protocol to the Vienna Convention for the Protection of the Ozone Layer. First, the air's stratospheric ozone layer acts as a shield in the atmosphere, protecting life on Earth from the sun's harmful ultraviolet (UV) radiation. In the 1980s, scientists observed that the stratospheric ozone layer was thinning. The Montreal Protocol is an international agreement to protect the ozone layer by ending the production of many substances thought to be responsible for ozone depletion. It was opened for signature on September 16, 1987 and came into effect on January 1, 1989. The Protocol includes a unique alignment provision that allows Parties to the Protocol to react quickly to new scientific information and agree to accelerate any reductions so needed in the chemicals already covered by the Protocol.²⁵ Since it was first introduced, it has undergone about six different adjustments; all of this is to ensure that the goal is achieved.²⁶ In addition, the parties to the Protocol meet annually to take a variety of decisions aimed at enabling effective implementation

²⁴ Ibid, see also Brundtland Report of 1987.

²⁵ <http://www.ozone.unep.org> [Accessed 20.03.2022].

²⁶ Ibid.

of this important legal instrument. So many writers have expressed concern about the state of our natural environment. James Gustav Speth, expressed so much concern about the state of the environment in general and he states that the climate convention does not protect the climate, the biodiversity convention does not protect biodiversity [and] the desert convention does not prevent desertification. He went on to say that since the Montreal Protocol, [the United States] has not given global environmental problems the priority they deserve. There is disingenuousness on the part of most of the countries that are party/signatories to all these conventions and it is safe to assume that this is one of the reasons why not much has been achieved despite all these conventions. However, it is expected that the ozone layer will recover by 2050 if the international agreement is respected (Speth, 2004, p. 30).

1989 Basel Convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted on March 22, 1989 by the Conference of Plenipotentiaries in Basel, Switzerland, in response to public outcry following its discovery in Africa in the 1980s and other parts of the developing world of foreign-imported dumps of toxic waste.²⁷ The overall objective of the Convention is to protect human health and the environment from the adverse effects of hazardous waste (Olawuyi, 2013, p. 98). The Basel Convention defines as illegal the transport or traffic of hazardous waste without consent or with false or fraudulent consent, or that results in the illegal dumping of hazardous waste.²⁸ In this case, it is up to the exporting state to ensure that it is taken back by the exporter or producer or that it is disposed of in an environmentally sound manner. In summary, then, the Convention seeks, among other things, to:

i. reducing the generation of hazardous waste and promoting the environmentally sound disposal of hazardous waste, regardless of where it is disposed of;

²⁷ <http://www.basel.int> [Accessed 19.03.2022].

²⁸ Ibid.

- ii. restricting the transboundary movement of hazardous waste, unless this is in line with the principles of sound management; and
- iii. regulatory system for cases where cross-border shipments are allowed.

In summary, it was designed to reduce shipments of hazardous waste between nations, and specifically to prevent shipments of hazardous waste from developed countries to less developed countries.

1991 Bamako Convention

This is fully known as the Bamako Convention on Banning Imports into Africa and Controlling Transboundary Movements and Management of Hazardous Wastes Within Africa. The convention was adopted in 1991. It is a treaty of African nations that bans the importation of hazardous waste (including radioactive waste that was not included in the Basel Convention). The aim is to create a framework for state obligations in relation to the control of hazardous waste, the prevention of transboundary shipments or imports and the taking of precautionary measures against such waste.

The Bamako Convention is significant in that it provided an effective mechanism to prevent waste traders from turning Africa into an international landfill, preventing and controlling the dumping of hazardous waste, including radioactive waste, in the sea or on the seabed /prevents hazardous waste producers from avoiding liability for pollution.²⁹

United Nations Framework Convention on Climate Change (UNFCCC)

In 1992, the United Nations Framework Convention on Climate Change was adopted as the basis for a global response to the challenge of climate change. The aim of the agreement is to stabilize greenhouse gas concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system. It recognizes that the climate system is a shared resource whose stability can be compromised by industrial and other emissions of carbon dioxide

²⁹ <http://www.ntn.org.au> [Accessed 29.03.2021].

and other greenhouse gases. By 1995, countries had recognized that the emission reduction provisions in the Convention were inadequate and entered negotiations to strengthen the global response to climate change, launching the Kyoto Protocol two years later. Climate change is a complex problem that is ecological in nature, but has consequences for all areas of life on our planet. At the heart of the response to climate change, however, is the need to reduce emissions. In 2010, governments agreed that emissions must be reduced to limit global temperature rise to below 2 °C.³⁰

Kyoto Protocol

This was negotiated in Japan in December 1997 and was open for signature between the member states in 1998. It came into effect on February 16, 2005. This is an amendment to the United Nations Framework Convention on Climate Change, a legally binding agreement under which industrialized countries aim to reduce global warming and deal with the inevitable rise in temperature after 150 years of industrialization. The key feature of the Protocol is that it includes binding targets for greenhouse gas emissions for the world's leading economies, which have accepted it, to reduce their total emissions of such gases by at least 5 % below existing 1990 levels in the 2008 commitment period.³¹

Copenhagen Accord

This is a major breakthrough in the global effort to combat climate change that took place in 2009. The agreement includes emission reduction commitments from all major emitters, including the United States, China, India and Brazil, and provides for an international review of both the goals and actions of developed and developing countries. This reflects Canada's longstanding position that real progress on climate change requires a global deal that includes all major emitters.³²

³⁰ The UNFCCC, First Steps to a safer Future: Introducing the United Nations Framework Convention on Climate Change: UNFCCC. Available at: http://unfccc.int/essential_background/convention/items/6036.php [Accessed 01.11. 2021].

³¹ <http://www.unfccc.int>. [Accessed 29.03.2021].

³² http://www.unfccc.int/meetings/Durban_nov2011/meeting/6245.ppt [Accessed 20.03.2021].

Durban Convention

The 2011 United Nations Climate Change Conference in Durban provided a breakthrough in the international community's response to climate change. Outcomes included a decision by the parties to adopt a universal legal agreement on climate change as soon as possible and no later than 2015. COP17/CMP7 President Maite Nkoana Mashabane said after the conference that what was achieved in Durban during the convention would play a central role in austerity tomorrow.³³

Doha Conference

This was held in 2012 from November 26 to December, 2012 in Doha, Qatar. Governments consolidated the achievements of the past three years of international climate negotiations, opening a door for much-needed greater ambition and action at all levels. Some of the decisions taken are that governments reaffirmed their determination and set out a timeline for the adoption of a universal climate agreement by 2015, which will come into effect in 2020. They emphasize the need to step up their greenhouse gas reduction ambitions and help vulnerable countries in the process help adapt, made further progress in setting up the financial and technological support and new institutions to enable clean energy investment and sustainable growth in developing countries, among other things.³⁴

Rio Conference

The United Nations Conference on Sustainable Development was held on June 20–22, 2012 in Rio de Janeiro. It was the conference that laid the foundation for the Sustainable Development Goals based on the Millennium Development Goals. Also during the conference, guidelines on green economy policy were elaborated, while the approach by which

³³ http://www.unfccc.int/meetings/Durban_nov2011/meeting/6245.ppt [Accessed 20.03.2021].

³⁴ Doha Climate Change Conference — November 2012. UNFCCC. Available at: <https://unfccc.int/process-and-meetings/conferences/past-conferences/doha-climate-change-conference-november-2012/doha-climate-change-conference-november-2012> [Accessed 17.07.2022].

the proposed sustainable development should be financed was examined and adopted.³⁵

Paris Agreement

The Paris Agreement is a legally binding international agreement on climate change. This agreement was approved by 196 parties on December 12, 2015 and entered into force on November 4, 2016. The goal of this remarkable agreement is to limit global warming to below 2 °C, preferably 1.5 °C, compared to pre-industrial levels; With this landmark agreement, countries aim to reach the global peak in greenhouse gas emissions as quickly as possible to achieve a carbon-neutral world by mid-century.³⁶ This agreement is groundbreaking because, for the first time, countries around the world are making ambitious efforts to combat and adapt to the climate change that is devastating the world.

These are some of the international agreements put in place by nations of the world to combat the menace of climate change. Climate change is with us now and it is obvious that the effects are overwhelming. Several other efforts must be made by all and sundry to ensure that climate change becomes the thing of the past.

VI. Recommendations and conclusion

It is hereby recommended that the newly enacted law on climate change in Nigeria should not be treated like other laws on environmental protection that are ineffective as a result of non-compliance with the laws. The law must be adequately monitored so as to ensure that Nigerians obey the its provisions. Violators of the provisions of the law should also be prosecuted for the violation. There is an urgent need for States to implement the international agreements entered into by them, Nigeria inclusive.

³⁵ United Nations Conference on Sustainable Development, Rio+20: Sustainable Development Knowledge Platform. Available at: <https://sustainabledevelopment.un.org/rio20.html> [Accessed 17.07.2022].

³⁶ The Paris Agreement. UNFCCC. Available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> [Accessed 18.07.2022].

It is unarguably certain that climate change has affected the whole world and will continue to affect us until countries of the world address the issue with all sense of seriousness. Thus, the fact that climate change exists is an established fact and it has been analyzed in this article, it is one of the greatest challenges that is currently facing the world. It is an environmental phenomenon and it has a lot to do with energy production and use. Climate change will become the thing of the past and countries of the world will enjoy the weather as usual if the greenhouse emission is reduced as agreed upon.

References

1. Egbewole, W., (2011). *Law and Climate Change in Nigeria*. Ilorin: University of Ilorin: University Press.
2. Hansen, J., (2004). Defusing the Global Warming Time Bomb. *Scientific American*, Vol. 290, No. 3, pp. 68–77. Available at: https://www.researchgate.net/publication/7144217_Defusing_the_global_warming_time_bomb.
3. Houghton, J., (2009). *Global Warming: The Complete Briefing*. 4th ed. Cambridge: Cambridge University Press.
4. McCarthy, J., et al. (eds.), (2001). Climate Change 2001, Impacts, Adaptation and vulnerability: Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge: Cambridge University Press.
5. Olawuyi, D., (2013). *The Principles of Nigerian Environmental Law*. Ado Ekiti: Afe Babalola University.
6. Oluduro, O.F., (2012). Climate Change — A Global and National perspective: The case of Nigeria. *Journal of Politics and Law*, Vol. 5, No. 3, pp. 33–38. Available at: <https://www.ccsenet.org/journal/index.php/jpl/article/view/19901>.
7. Ruddiman, W., (2003). The anthropogenic greenhouse era began thousands of years ago. *Climatic Change*, 61, pp. 261–293, doi: <https://doi.org/10.1023/B:CLIM.0000004577.17928.f8>.
8. Speth, J., (2004). *Red Sky at Morning: America and the Crisis of the Global Environment*. 2nd ed. New Haven: Yale University Press.

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