

Climate Change and Environmental Justice in Nigeria. A Case of Climate Justice in the Niger Delta Region

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Abstract— The world today is faced with the reality of changing climate conditions and degrading of the ecology that is of great concern to humanity. This concerns include gas flaming, oil spillage, fossil fuel burning, deforestation, flood, air pollution and atmospheric ozone layer depletion among others which result in climate change or global warming. The purpose of this paper is therefore is to examine climate change issues and environmental justice in Niger Delta Region in Nigeria. The paper adopted doctrinal research approach with data collected from journal articles, textbooks, United Nations environmental programme reports, government records, internet and newspapers. The findings of this research showed that gas flaring and oil spillage impacted on the poor and under-privileged people, especially from Ogoni communities in Niger Delta Region. These under-privileged people also suffer environmental health hazards and social injustices. The study concluded by suggesting that establishment of environmental justice policy would promote social equity, clean and healthy environment in Niger Delta Region.

Keywords: Climate change; Environment Justice Degradation; Environmental Rights; Social Equity.

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INTRODUCTION

Climate change which has led to a plethora of negative impacts on the world, remains a ranging issue globally. The destructive effects of climate change can be discerned in the short term through natural hazards including drought, flooding, landslides, storms and tidal waves, and in the long term through the continuing destruction of the environment (Gu, et al., 2018). In addition, the intergovernmental panel on climate change (IPCC) report in 2021 has highlighted the various threats climate change poses to the survival of the planet. The report evidences that there has been a big rise in global warming and the greenhouse gas (GHG) emissions, which are having negative impacts on the planet and on billions of people. No part of the globe is left out from climate change impacts (Mora, et al., 2018, p. 1064). This has led to droughts, heatwaves, heavy rainfall and cyclones occurring in different parts of the world. Africa is one of the places bearing the human brunt of climate change. According to the IPCC, 'Africa is one of the most vulnerable continents to climate variability and change (Gemedda & Sima, 2015).

The impacts of climate change will have negative consequences on the human rights and wellbeing of its victims in Nigeria (especially the Niger Delta). In Nigeria, climate change has led, among other things to increased and frequent flooding, rising sea levels and droughts. For instance, the flooding that occurred in the late 2022 in Nigeria affected more than 2.5 million people and led to the widespread destruction of farmlands in the country (Berebon & Gwatana, 2022). Nigeria is one of the ten countries categorized by International Rescue Committee (IRC) as highly vulnerable to climate change impacts. This has been exacerbated by a plethora of factors not limited to poverty, the activities of multinational companies (MNCs) and endemic environmental injustice issues in many parts of the country (especially the Niger Delta, wherein the oil and gas industry is located).

The activities of the MNCs in the Nigerian oil and gas industry also have negative impacts on the climate. Gas flaring is a regular occurrence in the Niger Delta region of Nigeria (where the oil and gas sector is predominantly located (Ekhaton, 2014). Gas flaring occurs when oil is pumped out of the ground, the gas produced is separated and in Nigeria. Most of it is burnt as waste in massive flares. Therefore, in the process of refining, the natural gas, otherwise called 'associated gas' is removed from the crude oil being refined (Berebon, 2025a; Berebon, 2025b). Notwithstanding a plethora of laws and regulations, the Nigerian government has been unable to tackle the menace of gas flaring in the country. Nigeria is one of the top ten flaring countries that accounted for 75 percent of all gas flaring and 50 percent of global oil production in 2021 (Alola, et al., 2023). Nigeria's significant economic reliance on the oil and gas industry has limited its ability to address the human rights and climate related issues emanating from gas flaring.

This paper basically relies on the concept of climate justice as its analytical lens. Climate justice – which is a variant of the environmental justice paradigm-can be used

as a means to evaluate strategies to improve access to justice and protect climate change victims in Nigeria. This work equally examines the potential of climate change victims in Nigeria as well as the potential of climate change litigation in Nigeria as one of the strategies in ventilating climate justice issues in the country.

OVERVIEW OF CLIMATE JUSTICE

There are a plethora of definitions or connotations of climate justice, there is no universally accepted defin. For instance, climate justice is premised on the need for international law to protect the rights of the most vulnerable from the unequal negative impacts of climate change (Umotong, 1999; Umotong, 2001). However, this paper adopts the definition of climate (change) justice as proffered by the task force on Climate Change Justice and Human Rights of the International Bar Association (the IBA Task Force). The IBA Task Force defines Climate Justice as follows:

To ensure communities, individuals and governments have substantive legal and procedural rights relating to the enjoyment of a safe, clean, healthy and sustainable environment and the means to take or cause measures to be taken within their national legislative and judicial systems and where necessary, at regional and international levels, to mitigate source of climate change and provide for adaptation to its effects in a manner that respects human rights (Leslie, 2016, p. 19).

Thus, climate justice is a concept or framework that acknowledges that climate change will unduly affect people or communities who are less capable in preventing, adapting or being able to respond to its negative impacts, such as the now common extreme weather occurrence, rising sea levels and new resource limitations. In essence, climate justice embeds the explicit recognition of the development inequities accentuated by climate change.

Climate justice is an offshoot of environmental justice and environmental justice is also a movement and concept. For instance, there is close connection between the struggles for environmental justice and climate justice in the Niger Delta (Umotong, 2000). Thus, there is an explicit link between the grassroots struggles of people suffering from pollution to broader concerns about the climate change impacts of MNCs - mostly because of the same conduct by the saw MNCs. They pollute locally, and globally, with the effects being felt even more locally due to vulnerabilities in the Niger Delta.

Hence, notable environmental justice NGOs such as the Environmental Rights Action (ERA) have been at the forefront of promoting climate justice action in Nigeria. Environmental justice has an indelible impact on how climate justice has been conceptualized and developed as a scholarly construct. On the other hand, Edwards suggest that 'climate justice as an idea or a concept emerged concurrently in scholarly circles and civil society when climate change issues rose to prominence and public consciousness in the 1990s.

Like environment justice, climate is rooted in anti-establishment social movements. Schlosberg and Collins suggests that one of the conceptualization of

climate justice is that it is rooted in grassroots movement. At the international level, climate justice is also a transnational movement, encompassing a coalition of groups that mobilized during successive climate change conferences. This is exemplified in the development of the Bali principles of climate justice, which according to Gonzalez is the first major articulation of the idea of climate justice by a transnational social movement. Notwithstanding that the concepts of climate justice and environmental justice originated as theories in the Global North, this terminology has diffused to other parts of the world.

In the Global South, climate justice has become a popular mobilizing narrative used by various stakeholders to formulate strategies to hold different actors (including government and non-state actors), accountable for their actions, omissions and commitments under various climate change frameworks (both domestic and global) (Tormos-Aponte & García-López, 2018).

LITERATURE REVIEW

Climate change refers to significant changes of global temperature that occur over several decades. Climate change can be linked as a byproduct of globalization (Franz, et al., 2018). Its link lies in the fact that climate change is not limited to any specific region but cuts across national boundaries. Hence, scientist refer to it as global climate change because it now embraces all mode of large-scale human tempering everywhere on the planet. Climate change is the synthesis of weather in a given place over a period of at least 30 years. It is the permanent departure of climate patterns from mean value of observed climate indices. Climate change in the paper mean values of observed climate indices of weather and related changes in this paper, therefore to change in pattern of degradation and devastation due to oil spills and gas flaring that occurred in Niger Delta region over a period of years due to the activities of multinational oil companies. Particularly, shell Petroleum Development Corporation (SPDC)) in Ogoni communities.

The concept of environmental justice emerged in Niger Delta as a result of “the protest by movement for the survival of the Ogoni people (MOSOP) for environmental justice over the activities of oil exploitation, exploitation and production that have degraded their environment. Environmental justice is principally concerned with “the disproportionate risks to public health suffered by specific socio-economic groups”. In order words, environmental justice tries to address the problem on “how environmental hazards affect some people more than others, and how these people react to the misdistribution” (Musa & Saminu, 2024).

The exploration and exploitation entail tree felling, installation of drilling equipment and pipelines, seismic, and drilling activities. Others involve deforestation and application of explosives to generate sub-surface maps. Among these seismic activities and drilling constitute the most severe environment – damaging activities. Besides, the resultant environmental degradation from gas

flaring, dredging of larger rivers, oil spillage and reclamation of land due to oil and gas extraction across the Niger Delta region cost about US \$758 million every year (Onwumere, 2022). Regrettably, 75 percent of the cost is borne by the local communities through polluted water, infertile farmland and lost biodiversity. It was reported that between 9 million and 13 million barrels have been spilled in the Niger Delta since 1958 (Udoh & Umotong, 2013; Ladelokun, 2021).

Oil spills have had “long term devastating effect on dry lands and freshwater swamps, which hold the means of livelihoods for millions in the Niger Delta Region. In addition, owing to incomplete combustion, a larger percentage of flared gas released to the atmosphere is methane. The methane is accompanied by the other major greenhouse gas, carbon dioxide; which has effects on human health. Research suggests that “the impacts of exposure to these toxics including BTEX generated from flaring gas implies severe health risks, especially to those who live or work in close proximity to the flare sites within the host communities” (Abayomi, et al., 2021, p. 64). Furthermore, gas-flare air pollutants are known to “exhibit some correlation with such diseases as developmental, neurological and reproductive abnormalities, apart from cancer”. Previous studies indicate complaints of adverse health effects by those who live nearby flare sites, and unfortunately, most gas flaring sites in the oil-bearing communities are situated in close proximity to residences of the local people. This has over the decades increased the amount of greenhouse gas (GHGs) in the atmosphere, hence, increasing the global warming potential of the region (Abayomi, et al., 2021, p. 64). It was reported that, Nigeria currently flares 75 percent of gas it produces. Previous studies indicate complaints of diverse health effects sites and unfortunately, most gas flaring sites in the oil bearing communities are situated in close proximity to residences of the local people.

The under-privileged, poor people and marginalized socio-economic groups are often the target of environmental justice. So, the idea behind environmental justice is to “document inequitable, disproportionate impacts and to advocate measures to mitigate them”. The debate about justice in the context of global environmental change is not just about moral standards, it is about fundamental nature and scope of justice. Studies carried out on the Niger Delta reveal that the region is highly susceptible to adverse environmental changes of the location to the coastal region. Besides, the region is susceptible to floods as a result of sea rise and vulnerable to a greater impact to climate change because of oil exploration, exploitation activities and gas flaring (GHG). Gas flaring by multinational oil companies, particularly Shell Petroleum Development Company (SPDC), ELE and AGIP have contributed to the increase in heat and temperature and rendered some areas almost uninhabitable in the Niger Delta. Acid rain which is associated with the flaring of gas was reported to be “higher in Niger Delta region and decreases further away from the region and with the problem of coastal erosion.

Niger Delta region often experiences sea level rise and repeated ocean surges, which cause flooding and intrusion of sea water into fresh water source, thereby destroying the ecosystem, affecting agriculture, fisheries and general livelihood. In addition, the pattern of rainfall in Nigeria has change overtime, which is an indication of abrupt change in climate and poses danger to agriculture and food security in the country. Moreover, “land use, land use charge and forestry (LULUCF) impacts on the global carbon cycle and contribute to climate change especially, how they are used”. The food and agricultural organization (FAO) of United Nations in 2009 reported that the rate of deforestation in Nigeria is quite high, and lost 557 percent of its primary forests and the rate of forest change increased by 31.2 percent per annum (Rufino,et al., 2020). These indicators show that the rate of deforestation is high, thereby capacity of forest to absorb carbon and reduce greenhouse gases (GHG), jeopardizing the environmental conditions making the poor and marginalized communities vulnerable.

There are three distinct categories of environmental inequality (injustice) issues that could emerge from the impact of climate change, namely: procedural inequity, which concerns questions of procedural fairness, the extent to which governing rules, regulation and evaluation criteria are applied in uniformity geographical inequity: concern how some communities of the geographical regions receives benefits and social inequity, how environmental decisions often mirror the power arrangements of larger society that reflect the persistence of racial bias.

From the views of previous studies, it is implied that the international community, Nigerian government and multinational oil corporation seem to agree that gas flaring and oil spillage need to be curtailed in order to save the environment and ecosystems of local communities in the Niger Delta Region. Efforts to do so however, have been limited, even though gas flaring and oil spillage have been declared dangerous to environmental survival and health. However, current research is significant in the search for social justice not only from government in terms of regulatory framework but multi-oil companies to be held accountable for their abuses and pay restitution to communities that have been devastated their exploitation exploration, drilling and production activities.

ENVIRONMENTAL JUSTICE ISSUES IN NIGER DELTA REGION

In Nigeria, the history of environmental justice traceable to the Niger Delta region struggle of 1990, when Ogoni people through the “movement for the survival of the Ogoni people (MOSOP) issued the Ogoni Bill of Rights to the federal government of Nigeria. The emergence of this movement led to the rejection of Shell Petroleum Development Corporation in 1993 (Chidiobi & Ibekwe, 2022). The face-off between MOSOP and the multinational oil companies (SPDC and Chevron) on one hand and the killing of four suspected Ogoni people alleged to be traitors to the people, on the other,

led to the execution of 9 Ogoni indigenes, including Ken Saro-Wiwa (environmentalist/writer) suspected to be killers of the former (Lock, 2000). The public outcry in both national and international arena led to the issue of environmental justice coming into the rubrics of political discourse and consequently, led emergence of environmental rights action (ERA) in 1993. The new wave of environmentalism associated with social equity is associated to what is tagged “environmental justice movement”. Environmental justice movement (EJM) is concerned with distributive and corrective justice. While distributive justice addressed who should get what, corrective justice was concerned with the way individuals are treated in social transaction. The aim of the movement is to remedy social inequities as it pursues environmental equity.

Reasons have been given for the inability of victim of environmental injustice to access justice. With regards to protection of environmental rights in Nigeria, through NESREA Act 2007 makes adequate provision on environmental issues; political will to enforce it has been the challenge (Omaka & Okorie, 2024). Besides lax lack of environmental policies and laws, lack of independent court systems and lack of political will to enforce compliance of extant legal provisions at the national and global level. The following are other challenges faced by victims seeking justice to hold multinational oil companies accountable for their human rights violations and payment of reparation.

1. Lack of legal or policy regulatory framework

There has been a consensus that the state has failed in terms of establishing a regulatory framework. There is a vacuum in regulatory framework in Nigeria for environmental degradation matters (Omaka & Okorie, 2024). This has been exploited by multinational oil companies to degrade or continue to degrade the environment with adverse consequences on the health and well-being of citizens of affected area, especially vulnerable communities who cannot speak out effectively.

2. Lack of access to courts

One of the challenges of environmental justice is the extent in which the victims or political victims of environmental injustice can access, the courts to enforce their rights. Access to justice is very crucial for enforcement of environmental injustice. Certain issues can affect access to court such as

- i. High legal cost: The multinational oil companies have the resources to defend suits instituted against them to any levels compared to poor victims from rural communities.
- ii. Locus standi principle: The problem of “locus standi” has created loophole for multinational oil companies to exploit and escape convictions; if other individuals, other than victims institute the legal action. However, the problem of locus standi has been whittled down in Nigeria by fundamental rules enforcement procedures, “a legislation that gives ample room for non-victims to sue on behalf of victims and potential victims”. For victims to realize this, public education and enlightenment is required (Omaka & Okorie, 2024).
- iii. Non-justifiability of section 20, chapter 11 of Nigeria 1999 constitution. The fundamental objectives and directive principles of state policy, states that; The state

shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria. This statement of directive principles and policy is only to guide the government in providing safe and healthy environment for its citizens, this provision does not create a legal right or remedy that arises or accrues from failure of government to safeguard or improve the environment safe and healthy.

- iv. Burden of proof by victims: This could affect victims as they may not afford the costs or high technical experts to testify on their behalf, while the multinational oil companies can afford to procure experts who can testify for them.
- v. Subject of jurisdiction: Some victims of environmental change impact erroneously institute their cases in state High Courts, instead of Federal High Court as stipulated by 1999 constitution, thereby making their cases liable to being struck out for lack of jurisdiction.

LEGAL FRAMEWORK FOR THE REGULATION OF CLIMATE CHANGE IN NIGERIA

Environmental rules and regulations, serves as a means of including responsible attitudes and behaviours towards the environment. Interestingly, Nigeria has many regulations (Laws) to promote clean energy, mitigate greenhouse gas and ensure a sustainable environment. Some of these measures that may influence climate change response include;

a. National legal framework for combating climate change

Before 2021, Nigeria lacked a specific climate change legislation for regulating climate - related matters. However, this does not mean that the Nigerian government was not making efforts to address climate change. In 2007, two competing bills were presented to the National Assembly to enhance the capacity to establish, coordinate and implement climate change policies (Ayoade, 2019). The first bill suggest the creation of a climate change agency under the ministry of the environment, while the second bill proposed the establishment of an independent National Commission on climate change. Unfortunately, both bills faced challenges during the legislative process and were not passed.

In 2010, the National Assembly passed the climate commission Bill, which, regrettably, did not receive presidential assent. Another climate bill was presented in parliament (Bang, et al., 2012). The bill sought to establish a legal framework for integrating climate change responses and actions into government policy formulation and implementation. Moreover, the bill suggested the creation of a council responsible for coordinating climate change governance and supporting the adaptation and mitigation of climate change's negative effects in the county. The bill was successfully passed into law by the lower house of the Nigeria parliament (The House of Representative) in 2017 and eventually underwent the necessary legislative procedures in the upper house (the Senate).

Until 2021 when the climate change Act was enacted in Nigeria, climate change regulation was governed by general environmental laws. Although these laws indirectly contributed to climate change mitigation and adaptation, they also helped in achieving the targets outlined in Nigeria's nationally determined contributions (NDC) (Adebola, 2025). For instance, the 1999 constitution of the Federal Republic of Nigeria (as amended), holds significance influence over the enforcement of environmental rights, including those about climate change. Therefore, an examination of the relevant provisions of the Nigerian constitution is essential when discussing the legal framework in Nigeria.

b. The constitution of the Federal Republic of Nigeria

The CFRN 1999 as amended) states that "the state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria". This provision imposes a responsibility on the Nigerian government to not only shield Nigeria from the detrimental impacts of climate change but also to take measures that prevent Nigeria from contributing to the causes of climate change. Consequently, Nigerians have the right to compel the government to fulfill this constitutional mandate if it fails to do so. However, it is regrettable that section 20 is placed under chapter 2 of the constitution, which has been declared to contain non-justiciable provisions under section 6 (6) (c) of the constitution. This provision states that the judicial powers vested in the courts in Nigeria under the constitution "shall not, except as otherwise provided by this constitution, extend to any issue or question regarding whether any act of omission by any authority or person, or whether any law or judicial decision, conforms to the fundamental objectives and directive principle of state policy set out in chapter 11 of this constitution" (Adebola, 2025). Constitution of the Federal Republic of Nigeria 1999. As a result section 20 of the constitution is rendered ineffective in combating climate change because, it deprives individuals of the right and power to approach the courts to seek an order compelling the government to enact legislation or policies for climate change regulation and environmental protection. Furthermore, even if the government formulates policies or legislation to address climate change, it cannot be held accountable if it fails to implement such measures or adhere to the principles of the legislation.

c. Climate change Act 2021

The climate change Act, enacted in 2021, was signed into law by former president Muhamadu Buhari in November, 2021 to provide Nigeria with a legal framework for the country to achieve its climate goals, achieve. Additionally, the policy is to comprehensively address all possible challenges of climate change adaptation and mitigate and to provide a rock-solid foundational framework for ensuring climate change action plans, programmes and projects, long-term social and economic sustainability and resilience (Olujobi & Odogbo, 2024). Climate change Act is a significant and comprehensive local statute in Nigeria aimed at addressing the issue of climate change. It provides a legal and institutional framework for reducing greenhouse gas emissions and aligns with Nigeria's international climate change commitments. The Act sets a goal of achieving net-zero greenhouse emissions between 2050 and 2070, which is consistent with the Paris Agreement's goal of limiting the global average temperature rise to well below 2⁰c above pre-industrial levels and pursuing efforts to limit it to 1.5⁰c (Federal Ministry of Environment, 2020).

One of the key provisions of the Act is the establishment of the National Council on climate change which is a corporate body with the authority to make policies and decisions on all matters relating to climate change in Nigeria. The council is responsible for coordinating the implementation of sectorial targets, regulating greenhouse gas emissions and approving and monitoring the National Climate Action Plan. It also manages the climate fund. The Act mandates the Federal Ministries of Environment and Land Use planning to develop a cenbon budget to limit the global temperature rise to 2⁰c and make efforts to limit it to 1.5⁰c above pre-industrial level. The council, through its secretariat is responsible for developing a national action plan on climate change every 5 years, the first of which is expected no later than 12 months after the commencement of the Act Olujobi & Odogbo, 2024).

d. The National Environmental Standards and Regulations Enforcement Agency (NESREA) Establishment Act, 2007

The NESREA Act of 2007 is an important environmental law in nigeria that replaced the FEPA Act of 1988 (Adeoluwa, 2018). It created the National Environmental standards and regulations enforcement agency, which is in charge of enforcing environmental laws, guidelines, policies and standards in Nigeria. The agency also ensures compliance with international agreements, protocols, conventions, and treaties on various environmental issues, such as climate change, biodiversity, conservation/desertification, forestry, ozone depletion and others.

The NESREA Act (2007) Act gives the Agency various powers and duties, such as collaborating with relevant authorities to prosecute environmental offenders and establishing programmes for setting standards and regulations for pollution prevention, reduction and elimination (Adeoluwa, 2018). This Act authorizes the Agency to

regulate emissions from different sources, such as energy source (including those from vehicles and industries), factories and power generating facilities to fight atmospheric pollution. Section 20 of the NESREA Act specifically empowers the agency to make regulations on the best ways of reducing emissions to acceptable levels.

To support the functions of the Agency, section 34 of the NESREA Act allows the Minister of Environment to make regulations for the effective implementation of the Act. Over the years, the Minister of Environment in Nigeria has issued about 24 regulations to achieve the objectives of the NESREA (2007) Act. Climate change is a global challenge that demands joint action from all countries. Various international measures have been established to combat climate change through international agreement, protocols and conventions. Nigeria has been involved in international efforts to combat climate change and has signed and ratified several international climate change agreements, such as

1. The United Nations framework convention on climate change (UNFCCC) is the main international treaty on climate change. It aims to stabilize greenhouse gas concentration in the atmosphere at a level that would prevent dangerous human interference with the climate system. Nigeria signed the UNFCCC in 1992 and ratified it in 1994 (UNFCCC).
2. The Kyoto protocol is an international agreement linked to the UNFCCC sets binding targets for industrialized countries to reduce their greenhouse gas emissions. Nigeria signed the Kyoto protocol in 1998 and ratified it in 2004 (UNFCCC) (Noah, 2022).
3. The Paris Agreement is an international agreement under the UNFCCC that aims to limit the global average temperature rise to well below 2°C above the pre-industrial levels and pursue efforts to limit it to 5°C. Nigeria signed the Paris Agreement in 2016 and ratified it in 2017 (UNFCCC).

Nigeria has also received funding from international climate change funds, such as the Green climate fund (GCF), which is a global fund created to support developing countries in reducing their greenhouse gas emissions and adapting to the impacts of climate change. Nigeria has received over \$100 million from GCF for various projects, such as enhancing the resilience of small holder farmers, improving access to renewable energy and strengthening climate information services.

These international measures show Nigeria's commitment and contribution to the global fight against climate change, which also form the legal framework for the regulation of climate change in Nigeria.

CONCLUSION

Climate change and environmental justice have been multifaceted problems that are now occupying major attention in climate change discourse. The climate space is large and its consequences are touching on the environment and human health. In light of this development, victims of environmental degradation caused by climate change demand that the federal government of Nigeria enact a new legislation or regulatory framework on climate change and environmental injustice. Environmental injustice in Niger Delta include lack of political will to compel multinational oil companies to

protect the environment and uphold human rights, inability to gain access to courts for justice and payment of reparation to victim of environmental injustice. Advocates and victims of climate change argue that environmental justice is achieved when everyone, regardless of race, culture income enjoys the same measure of protection from environmental and health hazards and equal access to the decision-making process. This would help promote a healthy environment in which to live, learn and work.

Against this background, many intervention measures have been provided at the global and municipal levels to combat climate change. Climate change is brought about in Niger Delta Region by greenhouse gas emissions into the atmosphere as a result of human actions and environmental degradation through oil spills since climate change is a global problem, intervention measures are tried through various means globally and nationally. Combating climate change needs international cooperation and its ultimate goal is to mitigate climate change and adapt measures that address environmental injustice. Moreover, Nigerian governments policy and action plans have continued to be based on international cooperation and agreement, such as Kyoto protocol and United Nations Framework Convention on climate change (UNFCCC) agreement in Paris in 2015. This agreement set legally binding commitments to Nigeria being a signatory to lower greenhouse gas emission and address environmental injustice. Government has also set up ministerial committee on climate change and institutional machinery to govern its implementation. In addition, United Nations Environmental Programme (UNEP) was commissioned in 2011 earlier to conduct environmental impact assessment in order to clean up contaminated Ogoni land and oil spillage. This added to governments efforts on combating environmental degradation and injustice meted to indigenes of oil and gas producing communities. The federal government of Nigeria through Nigerian National Petroleum Corporation has disbursed huge amount of money for the clean-up of Ogoni oil spillage. The federal government of Nigeria equally created the Ministry of Niger Delta as well as the Niger Delta Development Commission (NDDC) in 2000 to combat environmental ecological impacts gas flaring and oil spills have had in the Niger Delta Region. Furthermore, the federal government as well as non-governmental organizations (NGO) have equally introduce the use of technology to identify the source and movement of petroleum spil.

Despite all these approaches, gas flaring, oil spillage and environmental injustice still remain one of the many challenges that are unresolved in the Niger Delta Region. Consequently, this paper suggests the following as recommendations which would assist in combating gas flaring and oil spillage (climate change) and environmental injustice in the Niger Delta Region.

RECOMMENDATIONS

1. Establishment of World Environmental Court Access to court for victims or potential victims of environmental injustice is usually dependent on the inter-section of two factors, namely, legal rights recognized in a given society and the procedural gateways created by law for the enforcement of such rights. To seek environmental justice is

highly frustrating to victims and very little has been achieved. In Nigeria, the judiciary is not totally independent. Hence, it is difficult to hold multinational oil companies accountable to human rights violations and pay reparation, it is essential that “World Environmental Courts” (WEC), with international jurisdiction be established to address cases of victims against environmental injustice. Furthermore, global treaties and agreements should include all aspects of human and environmental rights violations and binding clauses with enforcement authority.

2. Development of environmental policy: The federal government should initiate and developed environmental justice policy. Environmental justice is central to the eradication of poverty and enthronement of genuine peace and prosperity. Nigeria should prioritize the “protection and preservation of the National environment to save the poor from falling into further poverty”. To accomplish environmental equity, full representation of minority groups and the poor should be involved in the policy making process. They should participate in decision-making process on gas flaring and oil spillage and pollution prevention through membership of traditional environmental groups and government legal provision required for such participation.
3. Green climate fund (GCF): Nigeria should endeavor to incorporate global agreement as part of regulation or policy to combat gas flaring and oil spillage and address environmental injustice. Being part of 194 countries which are associated to United Nations Framework Convention on climate change (UNFCCC of 2010), where Green climate fund (GCF) mechanism was established for funding mitigation and adaptation, GCF would help Nigeria limit or reduce their greenhouse gas emissions and adapt climate change impacts on human health. This would promote a paradigm shift to low emission and climate resilient development.
4. Oil-spill clean-up option: Nigeria should incorporate UNEP (2011) Report into climate change and environmental justice policy. Government should also stop oil spillage and routine gas flaring that impact on the environment and public health. Satellite imagery combined with the use of geographical information systems (GIS) can be put to work to quickly identify and track oil spills. To hasten the cleanup of spills, regional cleanup sites along the problem areas could help contain spills more quickly. To achieve these objectives, more funding must be provided by the stakeholders of the oil industry.
5. Renewal Energy Option: Fossil fuels burning should be banned. Most air pollution that are harmful to human health results from burning of fossil fuels one of the causes of climate change. Air pollution results from the burning of fossil fuels, such as coal, oil, natural gas, gasoline, wood and vehicles fumes. Therefore fossil fuel does not just pollute the environment, it is the major cause of ill-health around the globe. Renewable energy (solar, wind and water energy) is the way to go in line with cop 21 and global pathway to energy sustainability. This will assist to not only offset – carbon emission but also improve the quality of life by saving the environment from degradation. Use of firewood or coal should be discourage. Stove use should be encourage by giving bonus to encourage non-usage of firewood.

6. Reforestation and “climate smart” Agriculture: The government should also prevent illegal deforestation as well. Greater attention should be shifted towards the system of efficient land use, addressing the problem of deforestation and conservation of natural habitats because of their great capacity to absorb carbon-dioxide and other related greenhouse gases.

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