Environmental Justice and Human Rights: Exploring the Intersection of Climate Change Impact on Vulnerable Communities

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Abstract

Climate change has transcended its environmental character to become one of the most pressing global human rights challenges of the twenty-first century. This paper therefore aims to examine the intersection between environmental justice and international human rights law. Drawing on relevant normative frameworks of global coverage and some essential African regional instruments, it practically manifests the right to a clean, healthy and sustainable environment as championed by both the United Nations and the African Union. Invoking the municipal laws of Nigeria, Ghana and Kenya, the study employs a doctrinal and comparative legal methodology to interrogate state obligations in the context of climate vulnerability. It further evaluates emerging climate jurisprudence and accountability mechanisms that seek to operationalise environmental justice through rights-based approaches. The paper contends that environmental justice provides a normative bridge linking climate governance to enforceable human rights protections by foregrounding equity, participation and intergenerational responsibility. It concludes that without embedding justice-oriented principles into climate policy and legal frameworks, existing mitigation and adaptation strategies risk perpetuating structural inequity. It recommends the adoption of rights-based approaches as imperative to safeguarding vulnerable communities and ensuring climate-resilient developments that are consistent with international human rights obligations.

Keywords: Environmental Justice, Climate Change, Human Right, Vulnerable Communities, Climate Governance

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1. Introduction

To start with, human rights are rights which all human beings are entitled to by mere reason of the fact that they are humans[1]. These rights become inherently operative with the birth of mankind and they exclusively belong to humanity because of their very existence as such, and without any extraneous reverence for caste, creed, religion, sex, nationality and/or race[2]. Categorically, human rights generally can be civil and political rights (first generation rights) such as right to life, dignity of human person, fair hearing, personal liberty, private and family life, freedom of movement, freedom of expression and right to acquire and own immovable property[3], among others; or social economic and cultural rights (second generation rights) such as right to housing, employment, health care, water, education, good standard of living[4] and so on; or solidarity rights (third generation rights) comprising of the right to a healthy and sustainable environment, the right to development, the right to peace, right to self-determination and right to cultural heritage, to mention but a few[5]. Unequivocally therefore, the right to a good climatic condition is an offshoot of the right to a clean healthy and sustainable environment. The United Nations has officially recognized this right as a universal human right, affirming that a safe, clean and healthy environment is essential for the enjoyment of all other human rights[6].But what essentially is the

[1] Bektas Mehmet, 'The relevance of Universalism in the Context of Human Rights' (14) (1) *ZeszytPrawniczyUAM* (2024) 9 <https://pressto.amu.edu.pl/ index.php/ zpuam/article/view/41687> accessed 15 March, 2026

[2] ibid

[3] Chapter four of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

[4] ibid., read generally chapter two thereof.

[5] Srishti Sori, 'Concept of Human Rights and Its Generations: An Overview' (2025) (8) (2) *International Journal of Law, Management and Humanities* 734 - 735 <https://ijlmh.com/wp-Content/uploads/concept-of-Human-Rights-and-Its-Generations.pdf> accessed 16 March, 2026; see also section 20 of CFRN 1999 (as amended).

[6] United Nations Environmental programme, 'Climate change and Human Rights' <https://wedocs.unep.org/items/8b6255f0-0885-4649-bc2d-c7d8237c5bb6>

working definition of climate and what is climate change in the context of this discourse?

According to the New International Webster's Comprehensive Dictionary of the English Language, climate is circumscribed as the temperature, humidity, precipitation, winds, radiation and other meteorological conditions characteristic of a locality or region over an extended period of time[7]. In the authoritative wordings of the Black's Law Dictionary (2nd edition), climate is defined as the classification of long-term weather in a specific area, covering average conditions for over 30 to 35 years, including temperature, precipitation and wind velocity. It generally refers to the atmospheric state over a large area[8]. In our humble opinion as legal researchers, climate is the total environmental, atmospheric and weather conditions of a given area over a long period of time. These essentially comprise of the winds, the humidity, the dryness, the rain and the radiation among other essential barometric factors existent within certain geographical area(s) usually over a period of 30 to 35 years. It specifically follows therefore that climate change can be particularly described as a major change in temperatures, precipitation or wind patterns that persists for an extended period of time, whether the change is caused directly by human activity that alters the condition of the global atmosphere or natural processes including volcanic eruptions and changes of solar cycles[9].

Holistically, a good and stable climatic condition is highly essential for the wellbeing, safety, livelihood and health of humanity. As a human right, it positively influences ecological factors, food security and the overall lives of humanity across the globe. Hence, the lack of it poses devastating consequences on the lives of humanity including physical and psychological hardship, famine, illness, displacements and even

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accessed 16 March, 2026

[7] *The New International Webster's Comprehensive Dictionary of the English Language* (Encyclopedic edition, Standard International Media Holdings, USA 2013)

[8] Henry Campbell, *Black's Law Dictionary* (2nd edn, West publishing co., USA, 1891)

[9] Vahayala AdamuTari and Emmanuel Christopher Diah, 'Challenges and prospects of the Legal Frameworks for Combating Climate Change in Nigeria' (2024) (4) (1) *AKSU Journal of Administration and corporate Governance* 110-111 <https://share.google/TRxa5lsOnrxrD4How> accessed 16 march, 2026

death[10].In this direction, this paper aims to explore the issue of climate change from the perspective of human right and its consequential impacts around the globe, most especially on the vulnerable communities using the African countries of Nigeria, Ghana and Kenya as case studies. It practically intends to unveil international climate laws in this regard, hence subtly portraying climate justice as a core human right. It shall explicitly analyse through a distinct comparative synthesis the climate laws of Nigeria, Kenya and Ghana with the prime objective of deriving inspiration for possible improvements thereon. It shall amply unravel the legal duties or obligations of states under international law vis-a-vis the continuous maintenance of good climatic condition. It shall further address the causes and effects of climate change and the specific advisory opinions thereon within the international sphere. It shall finally elaborate on the challenges to and the significance of enforcing climate laws *stricto senso* alongside some notable recommendations towards the attainment and sustenance of good climatic condition generally across the globe and specifically in Africa.

2. Right to a Good climatic condition as A Form of Human Right

Climate change is not merely an ecological or developmental issue; it is an existential threat to the protection and realization of fundamental human rights. The direct and indirect consequences of rising global temperatures, shifting weather patterns and resource scarcity cut across virtually all aspects of human wellbeing. While international human rights law was not originally designed to address environmental degradation, the growing recognition of the indivisibility of human rights and environmental protection has reframed the climate crisis as a human right crisis[11]. Specifically, climate change undermines the right to life as enshrined in Article 6 of the International Covenant on Civil and Political Rights of 1966. Extreme weather conditions, prolonged droughts and rising sea levels endanger survival and disproportionately affect marginalized populations[12]. Again, the right

[10] Syeda Kashmala Susan, Hafiz Omer Abdullah and Faisal Shahzad Khan, 'Climate Change as a Human Rights Crisis: Legal Duties of States under International Law' *Research Journal of psychology* (2025) 3 (3) p. 649 <https://share.google/utqs91bh84EHdxqtn> accessed 16 march, 2026.

[11] ibid, p. 651.

[12] ibid

to health recognized in Article 12 of the International Covenant on Economic Social and Cultural Rights of 1966 is compromised by climate-induced disease spreads, air pollution and malnutrition[13]. In the same vein, the right to food and water are jeopardized by disruption in agricultural productivity, desertification and water scarcity as against the stance of Article 11 of this same covenant, while the right to adequate housing faces existential threats from forced migration, displacement and the submergence of coastal settlement against the backdrop of this same Article of the covenant.[14]

In Synopsis, climate change exacerbates structural inequalities. Vulnerable groups, including indigenous peoples, women, children and small island communities face disproportionate burdens despite contributing least to global emissions. This imbalance highlights not only the distributive justice dimension of climate change but also the urgency of integrating equity into legal responses[15]. Climate change and human rights are therefore interrelated as environmental harm is not only a question of sustainability but also a matter of legal accountability for states. Rising global temperatures, desertification and ocean acidification collectively jeopardize rights recognized under the above international human rights instruments. This immeasurably provides a foundation for framing climate inaction as a violation of binding international human rights obligations.[16]

3. The practical emergence of Basic International Climate Laws

In the contemporary time, basic international climate laws have emerged worldwide. These sets of international laws were launched to regulate and stabilize favourable climatic conditions all around the world. Being a form of solidarity right, the world had come to terms with the reality that a good climatic condition is both essential and existential to the proper enjoyment of all other human rights. Without much ado, some of these set of aforesaid international climate laws are substantially examined below.

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[13] ibid

[14] Ibid; see also Article 11 of the International covenant on Economic social and cultural Rights of 1966

[15] ibid

[16] ibid

3.1 The United Nations Framework Convention on Climate Change (1992)

The evolvement of international climate law can be first traced to the beginning of 1990s when the United Nations Framework Convention on Climate Change was established. This convention which was concluded in 1992 served as the basis for subsequent agreements. Signed by 197 countries, the main goal of the convention is the stabilisation of atmospheric greenhouse gas concentration to avoid hazardous anthropogenic interference with the climatic system. The convention maintains that developed nations are mostly responsible for past emissions and should lead the way in mitigation[17]. However, while the convention provided the context for global climate rule-making, it was not reinforced by legally binding emission reduction. This singular factor led to the further development of specific instruments which established legally binding global objectives of reducing greenhouse gas emissions[18].

3.2 The Kyoto Protocol (1997)

The Kyoto protocol which was adopted in 1997 and did come into force in 2005 was the first international treaty to legally bind industrialised countries to reductions in greenhouse gas emissions[19]. The protocol pledged 37 developed countries to a decrease of 5.2% of their emissions from 1990 levels by the 2012 deadline date. Nonetheless, the protocol faced several problems. For instance, the United States, one of the largest emitters, withdrew from the treaty in 2001, citing economic concerns and the fact that developing countries were not subject to this binding commitment[20]. Besides, China and India which were back then rapidly industrializing were not subject to binding emission cut targets under the protocol. As such, while the Kyoto Protocol was an improvement in the worldwide fight against climate change, its narrow scope and less-than-universal membership

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[17] Khadijat Nasir, 'The Role of International Law in Addressing Climate Change' (2025) (7) (6) *International Journal of Social Science Research and Anthropology* 340 <https://www.researchgate.net/publication/389914773_THE-ROLE_OF_INTERNATIONAL_LAW_IN_ADDRESSING_CLIMATE_CHANGE> accessed 16 March, 2026

[18] ibid

[19] ibid

[20] ibid, p. 340 - 341

worked against its power to constrain global emissions. Put differently, its failure to include emerging economies in its fold at inception weakened its effectiveness globally to the point that these excluded economies or countries became increasingly important emitters.[21]

3.3 The Paris Agreement (2015)

The Paris Agreement is a historical transformation in international climate law. In its unique style, this Agreement does not obligate individual state to precise emission reduction targets but rather leaves it to the nations to set their own nationally determined contributions. The greatest advantage of the Paris Agreement is its universality and adaptability as nearly every nation has committed to reducing emissions in some form or another[22]. But the voluntary nature of the Agreement has cast doubt on whether it is sufficient to achieve the ambitious temperature targets. Equally, several writers have argued that while the Paris Agreement gives a useful path of action, the non-legally binding nature of the Agreement and lack of defined penalties for default constitute major flaws of the Agreement.[23]

4. A Comparative Analysis of the Basic Municipal Climate Change Laws of Nigeria, Ghana and Kenya

Without mincing words, climate change as hereinbefore explained, is a huge threat to human existence. This change is triggered by certain emissions that continue to cause significant changes in atmospheric conditions. This shift in climate is eventually felt in rising temperature, extreme weather conditions, heat waves, thunderstorms and floods[24], among other vulnerabilities associated with the shift in climatic conditions. For this reason, apart from the existent global instruments on climate change as hereinabove clearly highlighted, several individual sovereign states have enacted their respective climate laws which are purposefully designed to regulate and stabilise climatic conditions across their individual municipal borders. African countries are no exceptions to this legal trend. As such, this subhead comparatively synthesises the basic climate change laws of the three African countries of Nigeria, Ghana and Kenya as case studies with

[21] ibid

[22] ibid, p. 341

[23] ibid

[24] (n 7), p. 109

the objective of identifying important pathways for future improvements thereon.

Accordingly, while the Nigeria's Climate Change Act, of 2021 governs the issue of climate change in Nigeria, the regulatory law in Kenya is the Climate Change Act of 2016 and the closest similitude of these in Ghana is the Environmental Protection Act of 2015. Moreover, while both Nigeria's Climate Change Act of 2021 and Kenya's Climate Change Act of 2016 virtually tend to be the carbon copy of each other, Ghana's Environmental Protection Act of 2015 appears to be wider in scope and slightly distinct in substance. For instance, both Nigeria's and Kenya's Climate Change Acts amply and particularly provide for the establishment of National Councils on Climate Change which are identically saddled with the responsibility of regulating the causes of climate change, approving and overseeing the implementation of action plan, formulating policies and programmes on climate change and mobilising financial resources to support climate change actions, among others[25]. Whereas, Ghana's Environmental protection Act did not make provision for this specific council. Instead, it made provision for a body corporate identified as Environmental Protection Authority whose functions are not specifically tied to prevention of climate change alone but to the overall maintenance and protection of environmental wellbeing. It thus duly provides for the control of hazardous wastes, pesticides and electrical and electronic wastes and so forth[26]. All of these make the Ghanaian Environmental Protection Act to be largely all-encompassing as opposed to the restrictive scope of the Kenyan and Nigerian Climate Change Acts.

Additionally, by virtue of section 26 of the Nigerian Climate Change Act and Section 21 of the Kenyan Climate Change Act, it is provided that the subject of climate change is to be integrated into the national educational curricula of schools at all levels. This is aimed at gearing these two nations towards Climate adaptation and mitigation of the risk of Climate Change. Again, this ample provision is vital to equip all the citizens of these two nations with intellectual understanding

[25] Sections 3 and 4 of Nigeria's Climate Change Act of 2021 and sections 5 and 6 of Kenya's Climate Change Act of 2016

[26] Ghana's Environmental Protection Act of 2025

about how their environments work and most especially about their climatic conditions and about other matters connected thereto. Unfortunately, this important clause is not provided for under the Ghanaian Environmental protection Act, thereby constituting a huge lacuna in the administration of climate justice of the state[27].

Moreover, Section 30 of the Nigerian Climate Change Act which is equivalent to section 24 of the Kenyan Climate Change Act makes integral provisions for the engagements, consultation and participation of citizens in climate-based matters and activities. These importantly include creating public awareness with reference to laws and policies relating to climate change, making of impactful public contributions by the citizens on the thresholds of decision making on climate issues and publicising by the authority all essential information within their mandate in this relation[28]. These robust provisions which are existential to the stabilisation and maintenance of good climatic condition are, sadly, not contained in the environmental protection Act of Ghana. This, without an iota of prevarication, constitutes a big loophole in the Ghanaian legislation.

Nevertheless, all of the trio of the Nigerian Climate Change Act, the Kenyan Climate Change Act and the Ghanaian Environmental protection Act coincidentally provide for offences and penalties that can emanate from the violation of Climate Change Laws and regulations under different sections. For instance, section 34 of Nigeria's Climate Change Act confers a discretionary power on the National Council on Climate Change established by the Act, to punish any individual or public or private entity that acts in a manner that negatively affects efforts towards mitigation and adaptation measures made under the Act with a form of punishment to be determined by the council. Likewise and more explicitly, the Kenyan Climate change Act provides for a fine not exceeding ten million shillings or a term of imprisonment not exceeding five years or both for similar offences, while sections 97 to 100 of the Environmental Protection Act of Ghana provides for various punishments for distinct offences under the Act.

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[27] Section 26 of the Nigerian Climate Change Act (2021), equivalent to section 21 of the Kenyan Climate Change Act (2016)

[28] Section 30 of the Nigerian Climate Change Act, equivalent to section 24 of the Kenyan Climate Change Act

These amply show that sanctions glaringly exist under all of these Acts against the violation of the Climate Change Laws contained therein[29].

All in all, collectively, the above climate change laws have one and the same objective of protecting their respective states against unfavourable changes in climatic conditions, thereby preserving, promoting and sustaining the human right to a safe, clean and healthy environment of all the citizens of the above examined countries.

5. Legal Duties of States within the International Realm Vis-a-vis the Sustainable Maintenance of Good Climatic Conditions

For the purpose of clarity and emphasis, all states of the world have specific duties within the international realm regarding the sustainable maintenance of good climatic conditions. This is regardless of whether or not any such state has developed its own municipal laws to that effect. Without much ado, the general duties of states in this direction legally include the followings:

5.1 Duty under Customary International Law

Customary International law plays a vital role in shaping the duties of states regarding climate change. This customary law emerges from consistent state practices accompanied by a sense of legal obligation. Thus, one of the most relevant customary principles in the climate context is the duty to prevent transboundary environmental harm which requires states to ensure that activities within their jurisdiction do not cause significant damage to the environments of other states or to areas beyond national jurisdiction[30]. This principle was first articulated in the Trail Smelter Arbitration of 1941 between the United States and Canada, where the tribunal affirmed that no state has the right to use its territory in a manner that causes serious injury to another[31]. It was later codified in principle 21 of the Stockholm Declaration of 1972 and reaffirmed in principle 2 of the Rio Declaration of 1992, both of which established a balance between states' sovereign rights to exploit natural resources and their responsibility to prevent transboundary harm. In brevity, customary international law in this regard extends the scope of state responsibility

[29] Section 34 of Nigeria's climate change Act, section 33 of Kenya's climate change Act and sections 97-100 of Kenya's Environmental Protection Act

[30] (n 8)' p. 653 - 654

[31] ibid

beyond national borders, thereby directly implicating climate change governance. It underscores that climate change inaction or inadequate mitigation violates and/or contravenes fundamental norms of international law, exposing states to potential claims of responsibility at both international and domestic levels.[32]

5.2 Duty under International Human Rights laws

International human rights laws establish a framework that imposes duties on states to protect individuals from foreseeable harms, including those arising from environmental degradation and climate change[33]. For example, the right to life protected under Article 6 of the International Covenant on Civil and Political Rights has been interpreted in General Comment No. 36 of the UN Human Rights Committee to encompass threats from environmental degradation. The Right to health under Article 12 of the International Covenant on Economic Social and Cultural Rights requires states to address environmental determinants of health, including air quality and climate stability.[34]

The right to food and water recognized in Article 11 of the International Covenant on Economic social and cultural Rights are endangered by droughts, floods and declining agricultural productivity. Thus, the obligations of states in this regard are generally divided into three categories to wit; to respect, protect and fulfill human rights. The duty to respect requires states to avoid policies and practices that directly worsen climate change, such as deforestation. The duty to protect obliges states to regulate non-state actors, including multinational corporations whose activities contribute significantly to greenhouse gas emissions. Finally, the duty to fulfill requires proactive measures such as adaptation strategies, disaster preparedness and support for vulnerable groups, thereby ensuring that human rights remain realisable in the face of climate threats[35].

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[32] ibid
[33] ibid
[34] ibid, p. 651 - 652
[35] ibid

5.3 Duty under Environmental Treaties

As earlier discussed, basic international climate laws have specifically emerged in the form of treaty agreements. These treaties which form the cornerstone of international climate governance establish more direct obligations for states to mitigate emissions, adapt to changing conditions and cooperate globally. Without an iota of prolongation, examples of these treaties include the United Nations Framework Convention on Climate Change of 1992, the Kyoto Protocol of 1997 and the Paris Agreement of 2015. Similarly, the Montreal Protocol on Substance that Deplete the Ozone Layer, 1987 demostrates the effectiveness of binding international cooperation in addressing environmental challenges and is often cited as a model for climate governance.[36]

Together, these legal duties do not only reduce emissions but also assist vulnerable nations in coping with the adverse consequences of climate change. Although enforcement mechanisms remain weak, these duties create a dual layer of responsibility: states must act both to protect the planet's climate system and to safeguard the human rights threatened by its destabilization.

6. The Basic Causes and Effects of Climate Change Around the World

Across the globe, there exist two basic causes of climate change to wit; natural causes and man-made causes. These two have a body of resultant effects on our world ranging from extreme weather changes, to impact on nutrition and metabolism and impact on wind energy, among many others[37]. This section of this paper treats the basic causes of climate change and its attendant effects all over the world. Without an iota of prevarication, the basic causes of climate change are examined below:

A) Natural causes: the earth's climate is grossly influenced by natural causes such as ocean currents, volcanic eruption, the earth's orbital changes and solar variations. Each of these are explained hereunder.[38]

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[36] ibid, p. 652 - 653

[37] U. S. Onoja and others, 'Climate change: causes, effects and Mitigation Measures - A Review' *Global Journal of Pure and Applied Sciences* (2011) 17(4) p. 469 <https://share.google/nR7iLnJKgAPNW@TYi> accessed March 16, 2025

[38] ibid

i) Ocean current: as a major cause of climate change, ocean currents move vast amount of heat across the world. It has been recorded that deep ocean circulation of cold water move from the poles towards the equator and warm water from the equator back towards the pole[39]. Without this movement poles would be colder and the equator would be warmer. This plays an important role in determining the atmospheric concentration of carbondioxide. In essence therefore, changes in ocean circulation may affect climate change through the movement of carbondioxide into or out of the atmosphere[40].

ii) Volcanic activities: volcanic eruptions are known to throw out large volumes of sulphur dioxide, water vapour, dust and ash into the atmosphere. This is known to be capable of influencing climate patterns for years[41].

iii) Earth's orbital changes: the earth makes one revolution around the sun one a year. Changes in the tilt of the earth can lead to small but climatically important changes in the strength of the seasons so that more tilt means warmer summer and colder winter; and less tilt means cooler summer and milder winter[42]. As such, slow changes lead to changes in the strength of the seasons over tens of thousand of years[43].

iv) Solar Variation: the sun is known to be the source of energy for the planet's climate system. Although the sun's energy output appears constant from an everyday perspective or view, small changes over an extended period of time can lead to climate changes. As the sun is the fundamental source of energy, that is instrumental in our climate system, it is reasonable to conclude that changes in the sun's energy output would largely cause climate change[44].

B) Human causes: there exist a number of man-made activities which practically are leading to climate change in today's world. These significantly include man-made greenhouse gases from burning fossil

[39] ibid
[40] ibid, p. 470
[41] ibid
[42] ibid
[43] ibid
[44] ibid

fuels for electricity, cars, trains, aircrafts and flaring of gas at the oil fields[45]. Furthermore, land use, deforestation and desertification add pressure to greenhouse gases that builds up in the atmosphere, thereby toxifying the ozone layer and causing climate change[46].

It is our humble view that climate change today's world primarily results from these set of man-made activities arising from the contemporary global quest for modernization, globalisation and competition for the factors of production. It is thus urgently essential for the world to take giant strides to enforcing the legal regulatory mechanisms against these activities so as to curb the adverse effects thereof as a stitch in time saves nine. Meanwhile, climate change has a number of basic injurious effects on our global world. These effects are practically hereunder highlighted as follows;

a) Extreme Weather Changes: one of the major effects of climate change is extreme weather conditions including excessive drought, extreme increase in temperature, increased heat waves and incessant thunderstorms among others. It should be noted that deforestation which is the excessive falling of trees for animal feeds, energy purposes, construction etc., gives birth to drought. Similarly, drought gives rise to desertification and desertification gives rise to an increase in temperature resulting in undesirable and unbearable ecosystems which subsequently become harmful to inhabitants[47]. Extreme weather changes can also be seen in the form of erratic rainfall with adverse consequences of losing biodiversity, intense flooding, degradation of land and increase in varying weather events[48].

b) Effects on Nutrition and Metabolism: It is our humble submission that a prolonged extreme drought and excessive increase in temperature would negatively affect crops and animal farming, thereby causing malnutrition and decrease in metabolism in both animals and human beings. It is of objective importance to emphatically state that malnutrition would lead to decrease in productivity and diseases,

[45] ibid
[46] ibid, p. 471
[47] ibid
[48] ibid, p. 472 - 473

among other ills, all of which are capable of bringing deaths and acrimony into the human society[49].

c) Impact on Wind Energy: global warming occasioned by the abuse of human atmosphere could reduce the amounts of wind energy available in different regions of the world. This is because the atmospheric warming causes wind energy in mid and high latitude regions to decline. This decline in wind energy yet constitute another resultant effect of climate change on our vulnerable global community[50].

(d) **Gully Erosion**: This is yet, another effect of climate change resulting in heavy rainfall pattern. Gully erosion destroys roads, farmlands and physical infrastructural facilities. This is much more so in developing and underdeveloped countries[51].

7. Jurisprudential Developments and Advisory Opinions on Climate change within the International sphere

In recent years, courts and international bodies have increasingly recognised climate change as a matter of human right and legal accountability, thereby framing it as a legal obligation enforceable before judicial and quasi-judicial forums[52]. As such, in Torres Strait Islanders v. Australia[53], the UN Human Rights Committee found that Australia's failure to protect indigenous communities from rising sea levels breaches their rights to culture, family life and home under the International Covenant on Civil and Political Rights (ICCPR) of 1966[54]. This ruling is significant because it demonstrates that inadequate adaptation measures, not only mitigation measures, may constitute human rights violations linked to climate change. Regional human rights bodies have also contributed to this jurisprudential development. For instance, the Inter-American Court of Human Rights Advisory Opinion OC-23/17, 2017) recognised the right to a healthy environment as an autonomous human right and affirmed that states

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[49] ibid, p. 471

[50] ibid, p. 471 - 472

[51] (n 7) 115

[52] ibid

[53] *Torres Strait Islanders v. Australia,* (Communication 3624/2019) CCPR/C/135/D/3624/2019 (UN Human Rights Committee, 21 July 2022)

[54]‘ (n 8) 655

have extra-territorial obligation to prevent environmental harm that could affect the rights of persons beyond their borders. This advisory opinion is particularly relevant to climate crisis as it extends accountability across jurisdictions[55].

In the same vein, more recently global attention had turned to the role of International courts. Accordingly, in 2023, the UN General Assembly requested the International court of Justice to issue an Advisory opinion on the obligations of states regarding climate change and Human rights.[56] Similarly, the International Tribunal for the Law of the sea (ITLOS) has been tasked with clarifying states' duties regarding greenhouse gas emissions and marine environmental protection. These pending opinions have the potential to clarify the scope of extraterritorial obligations and strengthen normative expectations for climate action. Together, these jurisprudential developments signal a growing convergence between human rights and climate governance, hence reinforcing transformative roles courts and tribunals can play in holding states accountable for climate inactions[57].

8. Basic challenges of the Laws for the Regulation of climate change

Significant challenges persist in enforcing state obligations under climate change laws at both national and international levels. These challenges stem from both structural weaknesses in international law and political realities that complicate collective climate action at municipal level. Some of these significant challenges are amply highlighted as follows:

a) Weak International Enforcement Mechanism: most human rights treaty bodies, such as the UN Human Rights Committee and the committee on economic social and cultural Rights issue recommendations and views that are not legally binding. Similarly, the UN framework convention on climate change and Paris Agreement rely on voluntary compliance and peer review mechanisms rather than

[55]‘ (n 8) 655
[56] (n 8) 655
[57] (n 8) 655

robust sanctions, limiting their authority to compel states to meet ambitious climate targets[58].

b) Corporate Accountability of Transnational Corporations: further difficulty yet lies in corporate accountability of transnational corporations, particularly those in the fossil fuel sector which are among the largest contributors to greenhouse gas emissions. This is due to the point that international law primarily regulates states, leaving corporations insufficiently bound by direct obligations. Although domestic courts have begun imposing climate duties on corporations, such cases remain exceptional and uneven across jurisdiction[59].

c) Scientific and Evidential complexities: the scientific and evidential hurdles of attributing specific harms to climate change create complexities in litigation and accountability. While climate science can demonstrate casual links between emissions and global warming, attributing precise responsibility for localised harms to individual states or corporations remain contentious[60]. This uncertainty can weaken claims before courts and tribunals, even when broader responsibility is undeniable. The enforcement of climate change obligations under international law thus remains fragmented, inconsistent and heavily reliant on political will[61].

d) Non-domestication of International climate change Treaties by certain states: the Constitutions of certain municipal states like Nigeria stipulate that treaties entered into by those states are not legally binding unless they are domesticated and incorporated into their laws. Unfortunately, for instance, none of the climate change Treaties ratified by Nigeria has been domesticated.[62] Consequently, from the standpoint of Nigerian domestic laws, these treaties are not legally enforceable and do not have binding authority over the country. As a result, the effectiveness and impact of these treaties in influencing

[58] (n 8) 656
[59] (n 8) 656
[60] (n 8) 656
[61] (n 8) 656
[62] (n 7) 116

climate actions and promoting sustainable practices in countries like this are severely diminished.[63]

e) Weak Municipal Regulatory Institutions: the municipal regulatory institutions for the implementation of climate change initiatives in many states are plagued by weaknesses. Response to climate change threats in some jurisdictions (for example Nigeria, Kenya and Ghana etcetera) is primarily entrusted to various government departments, authorities and agencies, many of which lack efficiency in their operations[64]. Gross failure of these authorities (such as the National Planning Commission and National Council on Climate Change in Nigeria, the Climate Change Council in Kenya and the Environmental Protection Authority in Ghana) to enforce environmental protection laws and guidelines has increased the climate change challenges in these countries.

9. Significance of Enforcing Climate Change Laws Specifically in Africa and Generally Across the Globe

It is without doubt that the world suffers a lot from the impacts of climate change. This suffering is more devastating for the continent of Africa, regard being had to the point that Africa is mostly made up of developing and underdeveloped countries as different from the developed world. Succinctly therefore, the followings are the significance of enforcing climate change laws effectively specifically in Africa and generally across the globe:

a) Favourable Weather Conditions and Environmental Stability: Proper enforcement of climate change laws helps to stabilize favourable weather conditions around the world. This is essentially important in Africa where many amenities for mitigating the direct effect of harsh weather conditions are mostly lacking.

b) Overall food and Nutritional Benefits: a favourable and stable climatic condition boosts agricultural productivity hence enhancing food and nutritional benefits for the entire global populace. This also go a long way, in our objective opinion, in reducing hunger, malnutrition, diseases and mortality rate.

[63] (n 7) 116
[64] (n 7) 117

c) Enhancement of Sustainable Growth and Development: Enforcing climate change laws effectively enhances quality of life. This, in turn, enhances sustainable growth and development in the long run.

d) Restoration of Global Law and Order: adequate enforcement of climate change laws can help restore dutiful compliance with global human rights norms, thereby advancing law and order across the globe.

10. Conclusion

Climate change is a major change in temperature, precipitation or wind patterns that persist for an extended period of time, whether the change is caused directly by human activity that alter the condition of the global atmosphere or natural process including volcanic eruption and changes in solar cycles. A stable and good climatic condition being a form of human right, it influences ecological factors, food security and the overall lives of humanity across the globe. It is the position of this paper that the lack of it poses devastating consequences on the lives of humanity, including hardships, famine, illness, displacement and even death.

This paper discovered the challenges bedevilling the laws for the regulation of climate change to include weak international enforcement mechanism, scientific and evidential complexities, non-domestication of international climate change treaties and weak municipal regulatory institutions, among others. It asserts climate change as a serious human right crisis and recommends the strengthening of international and municipal regulatory institutions, domesticating international climate change treaties, promoting sensitization and awareness, providing supports for vulnerable communities and so forth as pathways to the attainment and sustenance of a good, beneficial and stable climatic condition. Having carried out the above analytical explorations, it is pertinent to reel out certain way forward panaceas in combat against climate change. Accordingly, the following policy recommendations as the necessary progressive measures to be devised in the battle against climate change.

The operational mechanism of the United Nations should be reviewed as to make the “views” and "resolutions" of the UN Human Rights committee and that of its committee on economic, social and cultural rights legally binding coupled with the power of imposing sanctions. This would go a long way in properly curbing the phenomenon of climate change. Again, at municipal levels, sanctioning powers of the authorities and agencies against climate change should be increased significantly or it should be created where such powers did not previously exist.

Virtually all climate change treaties should be domesticated and enforced throughout municipal boundaries by states that are yet to do so. This would not only increase international cooperation but equally boost the commitments towards combatting climate change all around the world.

Public campaigns and sensitizations all around the world should be promoted so far as regards the causes and effects of climate change. These would bring about knowledge and awareness that are capable of reducing the chances of climate change. Transnational corporations should be held legally accountable across municipal borders, especially those in the fossil fuel sector, for their contribution to environmental pollution and degradations. This development would ensure that due care and diligence are exercised by these corporations in their activities that contribute to environmental pollution and degradation leading to climate change. Vulnerable communities, most especially in Africa should be accorded financial and infrastructural support by developed nations. This would help cushion the overall effects of climate change on these given communities.