

ENVIRONMENTAL JUSTICE IN AFRICA: EXAMINING THE ROLE OF LEGAL INSTITUTIONS IN ADDRESSING CLIMATE CHANGE AND PROMOTING SUSTAINABILITY

BY

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EXPECTED LEARNING OUTCOMES

• AN UNDERSTANDING OF:

1. Environmental Justice in the African context
2. How climate change disproportionately affects African communities
3. key legal institutions and frameworks addressing climate action in Africa
4. The gaps and opportunities for the legal profession and how to advance sustainability in Africa



What is Environmental Justice?



Fair treatment and meaningful involvement of all persons in environmental laws, policies, and decisions.

In Africa:

Justice = access to clean water, land rights, climate compensation, intergenerational equity..

Core principle:

Those least responsible for climate change suffer its worst impacts.

Legal institutions in Africa, particularly in Nigeria, play a crucial role in promoting environmental justice and addressing climate change

How do legal institutions in Africa address climate change and promote environmental sustainability?

3 LENSES

Institutional frameworks:

Ministry of Environment: Oversees climate/environmental policies.

2. NESREA: Enforces environmental laws.

3. National Council on Climate Change: Implements Climate Change Act.

Policies:

National Environmental Standards Regulations (2018)*: Sets standards for pollution control, EIA, etc

Laws:

1. Climate Change Act (2021): Establishes a framework for climate action, NCCP, and institutional setup.

2. NESREA Act: Mandates environmental protection and enforcement.

Nigeria, like many African countries, is vulnerable to climate change impacts (e.g., flooding, desertification) despite contributing minimally to global emissions

The question is how effectively does legal institutions address these challenges?

Legal frameworks align with global goals (Paris Agreement) but; Weak Implementation, poor enforcement, corruption, Limited coordination between agencies, inadequate funding, and lack of access to justice for communities, Few climate-related cases in courts e.g. Ogoni case, are critical for impact



Climate Change Reality in Africa

Africa contributes <4% of global emissions, yet faces 40% of climate disaster impacts.

Threats:

Desertification in Sahel, flooding in West/Central Africa, sea-level rise in coastal states.

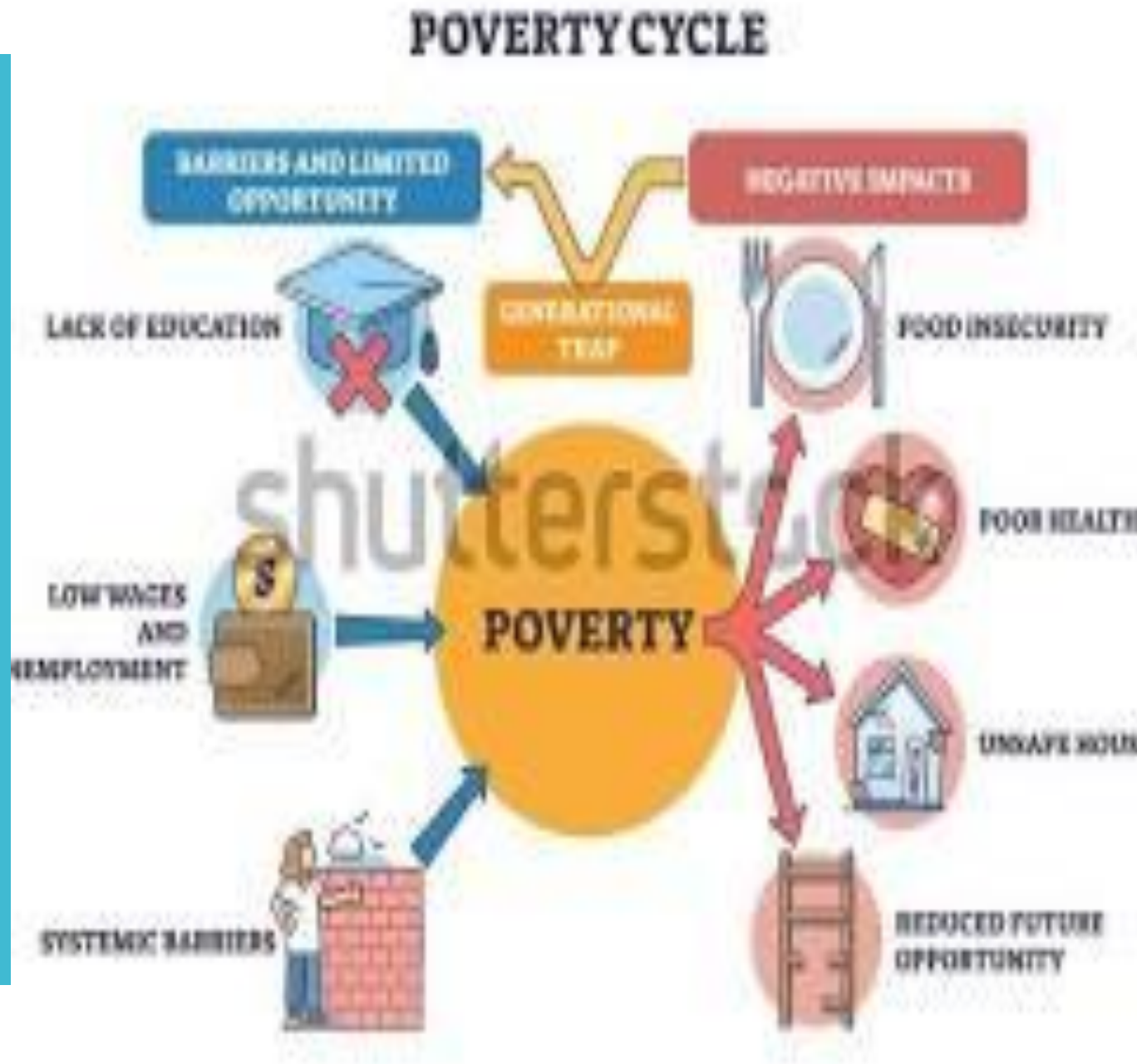
Human cost:

Displacement, food insecurity, loss of livelihoods

**Environmental degradation →
Reduced economic opportunities →
Increased poverty →
Further environmental degradation**

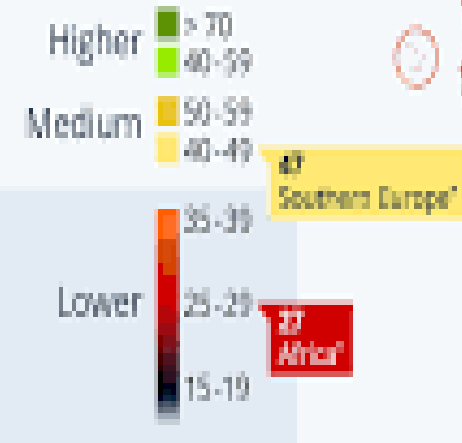
Examples:

- Lake Chad's shrinkage affects 30 million people across four countries 📉.
- Mozambique's cyclones (Idai, Kenneth) caused billions in damages 🏠.



Africa Is on the of Climate Change

Index scores for climate resiliency



Based on assessment of 180 countries

* Averages based on 10 countries in S

Sources: Herley & Partners, Statista

Why This Matters?

Climate vulnerability is a **Global** concern

SOLUTIONS	EXAMPLES	INNOVATIVE INITIATIVES
❖ Climate-Resilient Infrastructure: Invest in flood defenses, drought-resistant crops, and renewable energy. ❖ Sustainable Agriculture: Promote climate-smart practices, agroforestry, and irrigation systems. ❖ Climate Finance: Mobilize funds for adaptation, technology transfer, and capacity building. ❖ Regional Cooperation: Strengthen organizations like ECOWAS, SADC, and AU to address transboundary challenges. ❖ Community-Led Adaptation: Empower local communities to design and implement solutions.	❖ Morocco: Scaling up solar energy, reducing fossil fuel dependence ☀️. ❖ Rwanda: Implementing plastic ban, promoting eco-tourism, and reforestation 🌳. ❖ Kenya: Geothermal energy leader, reducing reliance on fossil fuels 🔥. ❖ South Africa: Carbon tax, renewable energy targets, and climate litigation 📊. 	❖ African Development Bank's Africa Climate Change Fund: Supporting climate-resilient projects 💰. ❖ Great Green Wall: Restoring Sahel's degraded lands, creating jobs 🌳. ❖ Mobile Tech for Climate: Using SMS, apps for early warnings, weather forecasts 📱.

The Role of Courts- Litigation



➤ Climate litigation is rising:

- a. Youth cases
- b. community vs oil companies, and
- c. government inaction suits

➤ - African Courts using human rights law to enforce environmental duties

➤ Cases linking right to life/dignity to clean environment

- a. **SERAC v. Nigeria (2001)**: African Commission ruled Nigeria violated Ogoni people's rights to health, life, and environment due to Shell's activities.
- b. South Africa's **EarthLife Africa (2017)**: Court halted coal-fired power plant over climate impact, citing public participation rights.
- c. **Uganda's Mbabazi case (2020)**: Court stopped oil palm project, linking environmental harm to human rights

Challenges:

1. Access to Justice: High costs, limited awareness, and intimidation hinder cases
2. Enforcement: Winning cases doesn't always mean compliance
3. Capacity Gaps: Judges need climate expertise

Legislatures and Policy Making



- ❖ Duty to enact Climate Change Acts, carbon laws, EIA laws
- ❖ Oversight: Ensure executive implements climate pledges and NDCs
- ❖ Budget: Allocate funds for adaptation, renewable energy, disaster response

Success Stories:

- Kenya's Climate Change Act (2016) 🌳
- South Africa's Carbon Tax (2019) 🏠
- Rwanda's Green Growth 📈

The Bar and Legal Practitioners



- ❖ Advise clients on ESG, climate compliance, and green finance
- ❖ Pro-bono representation for affected communities
- ❖ Advocate for stronger laws and judicial independence in environmental cases
- ❖ Build capacity by mentoring others on climate law



General Gaps and Challenges

- ❖ Weak enforcement and political interference
- ❖ Limited access to justice for rural/poor communities
- ❖ Outdated laws not aligned with climate science
- ❖ Lack of data and expertise among legal actors



Opportunities for Legal Institutions

- ❖ Strategic litigation to set precedents
- ❖ Law reform and advocacy for just transition
- ❖ Partnership with CSOs, academia, traditional institutions
- ❖ Bar Associations/Branch level: Policy positions, training, public interest litigation



The Charge For Us



“Environmental justice is not an ‘environmental’ issue. It is a justice issue.” ⚖️

As lawyers, we must:

- ❖ Defend constitutional environmental rights
- ❖ Hold institutions accountable
- ❖ Promote sustainable development through law



Conclusion

- ❖ Climate change is testing our legal systems
- ❖ Legal institutions must rise to the occasion and do their best
- ❖ The future of Africa depends on justice-driven climate action

