

Government/Legislative Frameworks and International Protocols on Climate Change: Domestication, Institutional Governance, and Social Protection Implications in Nigeria

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ABSTRACT

Background: Climate change has become a central governance and social development challenge in Nigeria, reshaping ecosystems, livelihoods, and welfare while intensifying food insecurity, displacement, and conflict. Although Nigeria is party to major international climate agreements, the effectiveness of these regimes depends on how they are domesticated and implemented through national laws, institutions, and budgets.

Objective: The paper examines how international climate protocols are translated—or fail to be translated—into enforceable obligations within Nigeria's dualist constitutional system, and how this governance chain affects social protection outcomes. It focuses on Section 12 of the 1999 Constitution, the Climate Change Act 2021, the National Council on Climate Change (NCCC), and the Directorate of Legislative Budget and Planning (DLBP) of the National Assembly.

Methodology: The study adopts a qualitative interpretive design, employing thematic synthesis of secondary sources within an ex post facto causal-comparative analytical framework. Social epidemiological theory is applied as an interpretive lens, treating institutional governance arrangements as upstream determinants of population-level climate vulnerability. Data are drawn from international treaties, constitutional provisions, statutory instruments, official policy documents, budget analyses, and peer-reviewed literature.

Results: Findings show that none of Nigeria's three major climate treaties (the UNFCCC, Kyoto Protocol, or Paris Agreement) has been formally domesticated under Section 12, leaving a critical constitutional implementation gap. While the Climate Change Act 2021 provides a comprehensive statutory framework, persistent institutional instability (including three DG appointments in the NCCC since 2022) overlapping mandates, weak enforcement capacity, and chronic underfunding of climate-related MDAs undermine mitigation and adaptation efforts. The DLBP, though statutorily established, operates with minimal public visibility and no documented role in climate-responsive budget analysis.

Conclusion: Nigeria's climate implementation gap arises less from an absence of legal instruments than from domestication delays, institutional fragility, and weak fiscal governance. These failures heighten social vulnerability and strain social protection systems. The paper recommends fast-tracking formal domestication of climate treaties, stabilising NCCC leadership within statutory terms, operationalising Section 22 of the Climate Change Act 2021 in relation to MDA budget vetting, and developing a formal climate budget analysis role for the DLBP.

Keywords: Climate governance; social protection; treaty domestication; Nigeria; legislative budgeting; Climate Change Act 2021; institutional instability; social development.

INTRODUCTION

Climate change has emerged as one of the most consequential structural forces shaping contemporary societies, fundamentally altering ecological systems, economic livelihoods, and social welfare arrangements. Unlike

earlier environmental challenges that could be addressed within localised regulatory frameworks, climate change operates across spatial, temporal, and institutional scales, rendering traditional governance mechanisms insufficient. Its impacts are cumulative and systemic, affecting not only natural ecosystems but also the social and institutional foundations upon which human well-being depends. Consequently, climate change must be understood as a multidimensional governance problem rather than a narrowly defined environmental issue.

In Nigeria, the manifestations of climate change are particularly severe due to the country's ecological diversity, high population density, and socio-economic fragility. Recurrent flooding in the Niger–Benue basin has destroyed homes, farmlands, and infrastructure. The 2022 flood season–Nigeria's worst since 2012–displaced over two million people, affected 3.2 million, and destroyed 332,327 hectares of farmland (OCHA, 2022). Desertification and land degradation in the northern regions have reduced arable land, with the Sahara advancing southward at approximately 0.6 kilometres per year and an estimated \$5.1 billion lost annually (Federal Ministry of Environment, 2009; Sambe et al., 2025). Coastal erosion and sea-level rise in the Niger Delta threaten settlements, livelihoods, and critical oil infrastructure. These environmental stressors intersect with poverty, unemployment, and weak social protection systems, producing complex patterns of vulnerability.

At the international level, climate change has been framed as a collective action problem requiring coordinated global responses. The UNFCCC (1992), the Kyoto Protocol (1997), and the Paris Agreement (2015) reflect successive attempts to operationalise principles of common but differentiated responsibilities through emissions targets, market mechanisms, and nationally determined contributions. Yet despite near-universal participation, aggregate global greenhouse gas (GHG) emissions reached a record 57.1 GtCO₂-eq in 2023—a trajectory consistent with 2.6 to 3.1 degrees of warming by 2100 under current policies (UNEP, 2024). This trajectory illustrates that formal treaty membership does not guarantee effective climate action.

Nigeria's enactment of the Climate Change Act 2021 represents a significant legislative milestone. Yet persistent institutional instability, overlapping mandates, unoperationalised statutory provisions, and chronic underfunding continue to undermine governance effectiveness. This paper situates these challenges within Nigeria's dualist constitutional system, in which the National Assembly functions as both a ratification gatekeeper and a pivotal fiscal oversight actor. It argues that understanding the gap between international commitments and domestic implementation requires examining not just legal instruments but the institutional and fiscal architecture through which those instruments are/or are not given effect.

The paper is structured as follows: Section 2 presents the theoretical framework; Section 3 describes the methodology; Section 4 analyses the constitutional and international legal framework; Section 5 examines the institutional architecture; Section 6 addresses fiscal governance and the role of the DLBP; Section 7 links governance failures to social protection outcomes; and Section 8 presents conclusions and recommendations.

THEORETICAL FRAMEWORK

The analysis is grounded in a socio-legal theoretical framework that conceptualises law as an institutional process embedded within political, administrative, and social contexts. From this perspective, legal norms do not operate autonomously but are shaped by power relations, institutional capacity, and governance practices (Carlarne, 2010). Legal formalism (the appearance of compliance through ratification) must be distinguished from substantive governance, which requires functional institutions, adequate resources, and political will.

International environmental law theory further informs the framework by highlighting the hybrid nature of contemporary climate regimes. The Paris Agreement relies on procedural obligations, transparency mechanisms, and iterative ambition (what Bodansky (2016) terms 'dynamic governance') rather than enforceable emissions caps. This design shifts responsibility for substantive outcomes to domestic institutions, making the quality of national governance a decisive variable in global climate outcomes. Falkner (2016) argues that this model enhances political feasibility while simultaneously weakening legal compulsion, producing a structural dependency on domestic institutional capacity that many developing states lack.

Governance theory complements this analysis by emphasising coordination, accountability, and policy coherence in complex, multi-level governance systems. In Nigeria's federal context, climate governance involves

at least three levels (federal, state, and local) requiring robust institutional mechanisms to align objectives and actions. The recurring challenges of mandate overlap and institutional instability analysed in this paper reflect broader multi-level governance deficits that governance theory has long identified as impediments to policy implementation.

From a social development perspective, the framework draws on green social work and social protection theories, which conceptualise environmental governance as a preventive welfare mechanism (Dominelli, 2012). Climate policies aimed at adaptation and mitigation are investments in social resilience and human security. The application of social epidemiological thinking-treating institutional governance arrangements as upstream, population-level determinants of vulnerability-is retained in this study as an interpretive lens (Krieger, 2011; McMichael, 2013; Solar & Irwin, 2010). This lens foregrounds the distributional consequences of governance failure: when climate institutions malfunction, the costs are borne disproportionately by the poor, the displaced, and the food insecure.

METHODOLOGY

This study adopts a qualitative interpretive design employing thematic synthesis of secondary sources within an ex post facto causal-comparative analytical framework. An ex post facto design is appropriate because the constitutional arrangements, institutional configurations, and climate impacts under examination are historically established and cannot be manipulated experimentally (Kerlinger & Lee, 2000). The study does not claim to establish statistical causality; rather, it offers an interpretive analysis of how governance configurations correspond with observed patterns of climate-related vulnerability and implementation failure.

Analytical Approach

The primary analytical strategy is thematic synthesis: themes were identified through iterative reading of primary legal instruments and secondary literature, coded around three analytical nodes (constitutional architecture, institutional design, and fiscal governance) and then integrated to reconstruct the governance chain linking international treaty obligations to domestic social outcomes. The conceptual governance chain depicted in Section 4.1 was developed inductively from this process.

Social epidemiology is applied as an interpretive lens rather than a methodological technique. Following Krieger (2011) and McMichael (2013), institutional governance arrangements are conceptualised as upstream structural determinants that shape the distribution of climate-related risks across populations. This framing makes visible the pathway from governance failure to social harm -a pathway that conventional legal or policy analysis may obscure by focusing solely on formal compliance.

Data Sources

Primary data sources include: the Constitution of the Federal Republic of Nigeria 1999 (as amended); the Climate Change Act 2021; international climate treaties (UNFCCC 1992, Kyoto Protocol 1997, Paris Agreement 2015); Nigeria's First NDC (2021 Update) and NDC 3.0 (2025); the National Assembly Service Act 2014; and available federal budget documents. Secondary sources include peer-reviewed journal articles, international organisation assessments (IPCC AR6 Working Group III, 2022; UNEP Emissions Gap Report 2024; CPI Landscape of Climate Finance in Nigeria 2024), institutional reports, and established legal analyses of Section 12 jurisprudence.

Limitations

Several limitations should be acknowledged. First, the DLBP operates with exceptionally low public visibility: no published mandate, annual reports, or staff data were located in publicly accessible sources. Analysis of the DLBP's role in climate budgeting is therefore constrained by the absence of primary institutional documentation-itself a substantive finding about the directorate's underdeveloped public accountability function. Second, federal climate budget allocation data are inconsistently published; analyses by the Climate Policy Initiative (2024) and CODE/Oxfam (2024) are used as the best available proxies for a comprehensive climate public expenditure

review, which has not been conducted in Nigeria. Third, the study does not include primary fieldwork or elite interviews, which would be necessary to fully characterise the internal operations of institutions such as the NCCC Secretariat or the relevant National Assembly committees.

Constitutional And International Legal Framework

Nigeria's Dualist System and Section 12 of the 1999 Constitution

Nigeria operates a strict dualist system of international law, under which international treaties ratified by the executive do not automatically acquire the force of domestic law. Section 12(1) of the 1999 Constitution provides unambiguously: 'No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.' This provision was authoritatively interpreted by the Supreme Court in *General Sani Abacha & Ors v. Chief Gani Fawehinmi* [2000] 6 NWLR (Part 660) 228, where Ogundare JSC held that no international treaty, however beneficial, is enforceable unless enacted into domestic law by the National Assembly.

The practical import of Section 12 is that the National Assembly functions as a decisive gatekeeper between international obligation and domestic enforceability. Every climate treaty ratified by the executive must pass through this legislative threshold before it acquires legal effect that courts can apply and citizens can invoke. Where the National Assembly delays or omits formal domestication (through a Ratification and Enforcement Act) a treaty remains politically operative but legally inert in domestic proceedings. Oraegbunam and Iroanya (2023) characterise this as a dual sovereignty problem: the executive binds Nigeria internationally while the legislature determines whether that binding produces domestic legal consequences.

Section 12(3) compounds this challenge. Where a treaty concerns matters outside the Exclusive Legislative List (which includes environmental protection under the Concurrent List) the implementing bill must be ratified by a majority of all 36 State Houses of Assembly before enactment. This requirement imposes a threshold more burdensome than constitutional amendment, creating a structural incentive against domestication of multi-sectoral treaties such as the Paris Agreement.

The Climate Treaty Domestication Gap

Table 1 summarises Nigeria's status vis-à-vis the three major international climate instruments. None of the three has been formally domesticated through a Ratification and Enforcement Act.

Agreement	Year	Legal Nature	Core Obligation	Domestication Status (Nigeria)
UNFCCC	1992	Binding framework convention	Reporting, cooperation, institutional participation	Ratified 1994. Not domesticated. No enabling Act passed.
Kyoto Protocol	1997	Legally binding protocol	Emission reduction targets for Annex I countries	Acceded. Not domesticated.
Paris Agreement	2015	Hybrid legal instrument	NDCs, transparency, global stocktake	Ratified 2017. Not domesticated. Climate Change Act 2021 is implementing legislation, not a Ratification and Enforcement Act.

Table 1: Nigeria's Major International Climate Agreements and Domestication Status.

Sources: United Nations (1992, 1997, 2015); Bodansky (2016); Falkner (2016); Ladan (2023); Oraegbunam & Iroanya (2023).

A critical distinction must be drawn between the Climate Change Act 2021 and formal domestication. The Act creates a domestic statutory framework for climate action, but it does not constitute a Ratification and Enforcement Act for the Paris Agreement, UNFCCC, or Kyoto Protocol. It does not explicitly incorporate the treaty texts, does not invoke Section 12 domestication procedure, and does not reproduce the specific obligations those treaties impose on Nigeria as a state party. Noah (2025) confirms this, noting that the Act does not explicitly incorporate the 20% unconditional and 47% conditional reduction targets from Nigeria's NDC. Foundation Chambers (2022) similarly observes that while Nigeria ratified these treaties, 'they remained unenforceable as a result of non-domestication into local law.' The implication is that Nigeria's formally ratified climate commitments remain legally inert before Nigerian courts.

Ladan's (2023) systematic analysis of Nigerian treaty practice confirms the pattern: of 23 multilateral environmental treaties Nigeria has ratified, only two have been formally domesticated - UNCLOS 1982 (via the SUPOMO Act, 2019) and the International Treaty on Plant Genetic Resources for Food and Agriculture (via the Plant Variety Protection Act, 2021). None of the major climate treaties are among them. This is not a climate-specific failure but a systemic characteristic of Nigeria's treaty practice, in which executive ratification consistently outpaces legislative domestication.

International Climate Governance Architecture

The three major international climate instruments reflect successive attempts to address the collective action problem of global emissions. The UNFCCC (1992) established foundational principles of common but differentiated responsibilities and respective capabilities—a normative framework rather than a binding emissions regime. The Kyoto Protocol (1997) introduced binding targets for Annex I countries, but covered less than 40% of global emissions and was fatally weakened by the withdrawal of the United States and non-participation of major developing emitters. The Paris Agreement (2015) responded to this architecture's failure by adopting a hybrid design: procedurally binding (all parties must submit, maintain, and communicate NDCs) but substantively voluntary in that NDC targets are nationally determined.

For Nigeria, this governance model places the burden of effectiveness squarely on domestic institutions. International climate agreements function less as binding commands and more as normative frameworks whose influence depends on national legislative incorporation, institutional capacity, and fiscal commitment. As IPCC Working Group III (2022) demonstrates, global GHG emissions have continued to rise despite decades of treaty-making: global emissions reached 59 ± 6.6 GtCO₂-eq in 2019, the highest on record (Dhakal et al., 2022). This trajectory illustrates the structural limits of international climate governance and underscores why domestic institutional quality is decisive.

Institutional Architecture: The Climate Change Act 2021 And The Nccc

The Climate Change Act 2021: Framework and Provisions

The Climate Change Act 2021- assented to by President Buhari on 18 November 2021, five days after COP26- represents Nigeria's most significant domestic legislative response to the climate crisis. Comprising 36 sections across eight Parts, the Act establishes a comprehensive statutory framework for mainstreaming climate action across all levels of government and into national planning and budgeting.

Part II establishes the National Council on Climate Change (NCCC) as a body corporate with perpetual succession, chaired by the President of the Federal Republic and vice-chaired by the Vice President. The Council's composition reflects an unusually high-level political commitment: its members include the ministers responsible for environment, petroleum, budget and planning, finance, agriculture, power, transportation, and water resources; the Governor of the Central Bank; the National Security Adviser; the Chairman of the Nigerian Governors' Forum; and representatives from the private sector, women, youth, persons with disabilities, and civil society (Section 5). Section 4 mandates the Council to coordinate GHG regulation, approve the National Climate Change Action Plan, administer the Climate Change Fund, mainstream climate into national development plans, and collaborate with FIRS on a carbon tax mechanism (Section 4(i)) and with the Ministry of Trade on a carbon emissions trading system (Section 4(j)).

Section 19 mandates a carbon budget system designed to keep warming within 2°C (pursuing 1.5°C). The pilot carbon budget was due within 12 months of assent—by November 2022. Section 20 requires a five-year National Climate Change Action Plan, also due by November 2022. Both deadlines were missed. As of late 2024, neither the carbon budget nor the Action Plan had been published, representing a significant implementation deficit relative to statutory obligation (Climate Action Tracker, 2025).

Section 15 establishes the Climate Change Fund, financed through National Assembly appropriations, international funding, fines from non-compliant entities, and carbon market revenues. The Fund was not operationalised until the NCCC's second plenary meeting in October 2025, when President Tinubu approved both the Fund's operationalisation and restoration of the NCCC's budget line within FAAC allocations (Premium Times, 2025). This four-year delay between enactment and Fund operationalisation exemplifies the implementation gap at the heart of this paper's argument.

Section 22 imposes directly relevant obligations on the budget process: all MDAs must establish a climate change desk supervised by a Directorate-level officer (Section 22(1)–(2)), and the Ministry of Finance must ensure all MDA budget proposals are vetted for climate change considerations with adequate allocation (Section 22(3)). Non-compliant MDAs are subject to sanctions (Section 22(4)–(6)). The extent to which Section 22 has been implemented in practice is addressed in Section 6 below.

Institutional Instability: NCCC Leadership Turnover

The most tangible indicator of institutional instability is the pattern of leadership turnover within the NCCC. Since the Council's inauguration in 2022, three Directors-General have been appointed, none completing the statutory four-year term:

Dr. Salisu Mohammed Dahiru was appointed on 25 July 2022 under President Buhari. He was removed by President Tinubu in June 2024, before completing his term. In a statement to Climate Home News (2025), Dahiru observed: the removal was not conducted in accordance with the statutory process. Dr. Nkiruka Maduekwe served as acting DG from June 2024 until July 2025 (approximately 13 months) before being summarily dismissed. Observers reported she was unaware of her dismissal on the day it occurred (Premium Times, 2025). Mrs. Omoteniye Majekodunmi was appointed on 31 July 2025, becoming the third DG in three years - at a moment described by Climate Home News (2025) as 'three months before COP30 and weeks from a deadline to submit an updated national climate plan.'

This pattern of rapid leadership turnover has direct governance consequences. Each transition disrupts programme continuity, delays institutional initiatives, erodes institutional memory, and absorbs the organisation's attention in transition management rather than climate action. The NCCC Secretariat (charged under Section 9 with monitoring emissions profiles, implementing the Action Plan, and conducting field verification of MDA compliance) cannot discharge these technical functions effectively when its senior leadership changes every 12 to 23 months.

Compounding this instability, the May 2024 creation of the Presidential Committee on Climate Action and Green Economic Solutions (PC-CAGES) and the appointment of a Special Presidential Envoy for Climate Action introduced additional institutional actors with overlapping mandates, creating coordination challenges that the Climate Change Act does not address (APRI, 2024). This fragmentation of climate governance authority across multiple presidential offices, the NCCC, and line ministries produces the duplicative and incoherent interventions that governance theory identifies as classic symptoms of weak multi-level coordination (Falkner, 2016).

Enforcement Gaps

The Act's enforcement architecture contains structural weaknesses that limit its practical effect. Section 24 requires private entities with 50 or more employees to designate Climate Change Officers and meet reduction targets. Section 34 creates general offences for non-compliance. However, fines are to be determined by the Council using Environmental Economic Accounting (a methodology that had not been developed as of the

paper's writing. More fundamentally, the Council itself) whose members include the ministers whose MDAs are subject to sanction under Section 22- faces an inherent conflict of interest in imposing penalties for non-compliance (Anyanwu, 2025). This design tension between political membership and regulatory independence undermines the credibility of enforcement.

Ladan (2022) and Olujobi & Odogbo (2024) identify further constitutional impediments to justiciability: Sections 6(6)(c) and 20 of the 1999 Constitution render the Fundamental Objectives and Directive Principles of State Policy (under which environmental protection falls) non-justiciable unless given specific legislative effect. While the Climate Change Act partially addresses this by creating statutory rights and duties, the overlap with non-justiciable provisions creates doctrinal uncertainty about judicial enforcement.

Fiscal Governance, Climate Budgeting, And The Role Of The Dlbp

The Climate Finance Gap

Effective climate governance requires not only legal frameworks and functional institutions but commensurate fiscal resources. The most comprehensive assessment of Nigeria's climate finance landscape (produced by the Climate Policy Initiative (2024) for FSD Africa and UK International Development) reveals a stark fiscal gap. Nigeria tracked USD 2.5 billion in climate finance in 2021/22, representing less than 1% of GDP and covering only 8.4% of the USD 29.7 billion estimated annual financing need. The adaptation finance gap is particularly acute: USD 735 million in adaptation finance covered just 6% of estimated adaptation needs.

The composition of available climate finance further reveals structural dependency: multilateral development finance institutions provided USD 1.2 billion (nearly half of total flows) while domestic public sources and the private sector together provided the remainder. Of NDC-related funding between 2020 and 2023, only 4.7% came from government budget sources (CODE/Oxfam, 2024). The implication is that Nigeria's climate governance depends overwhelmingly on external financing, leaving it structurally vulnerable to fluctuations in international donor priorities and debt sustainability constraints. Nigeria's climate finance was almost equivalent in value to its foreign debt servicing (USD 2.3 billion) but dwarfed by fossil fuel subsidies (USD 9.3 billion in 2022), underscoring a fundamental misalignment of fiscal priorities (CPI, 2024).

In the 2024 federal budget, 56% of climate allocations went to adaptation, 32% to administrative costs, and only 11% to mitigation (CODE/Oxfam, 2024). The Federal Ministry of Environment commanded 64% of the climate budget, concentrated on erosion control and flood management. Nigeria adopted a budget coding system in 2014 to tag climate-relevant expenditures, but implementation has been uneven and no institutionalised federal-level climate budget tagging system exists (BudgIT, 2025; CPI, 2024). The Ministry of Finance's obligation under Section 22(3) of the Climate Change Act to ensure MDA budget proposals are vetted for climate considerations has not, to the authors' knowledge, been systematically operationalised.

The Directorate of Legislative Budget and Planning: Statutory Basis and Mandate

The Directorate of Legislative Budget and Planning (DLBP) is established within the National Assembly Service under Section 14 of the National Assembly Service Act 2014 (Act No. 3), which reorganised the management structure of the National Assembly Service Commission. The DLBP's enabling statutory predecessor appears in Part IV of the Schedule to the earlier National Assembly Service Commission Act (2000), which listed 'Legislative Budget' as one of the Departments of the National Assembly, headed by a Deputy Director (National Assembly Service Commission Act, Cap. N7, LFN 2004).

The directorate's functional mandate (as described in a February 2026 technical engagement between the DLBP and the research organisation Cloneshouse) centres on data collection, policy analysis, monitoring, and evaluation in support of legislative oversight, budget scrutiny, and informed lawmaking. During this engagement, the Directorate highlighted 'the need for credible, field-validated evidence to enable effective interrogation of ministry budgets and to strengthen accountability across government programs' (Cloneshouse,

2026). This framing suggests a mandate that, if fully operationalised, would position the DLBP as a critical analytical node in the legislative budget process.

The current Secretary of the DLBP is Dr. Obasi David Ukoha, appointed in December 2024 following the promotion of his predecessor, Mr. Andrew Ogbonnaya Nwoba, to Clerk of the Senate. The Deputy Director (Planning) as of February 2026 is Mr. Abba Dahiru Mohammed (Cloneshouse, 2026). The DLBP is a distinct entity from the National Assembly Budget and Research Office (NABRO), which was established administratively in 2012 and whose Establishment Bill passed second reading in the Senate in February 2024 (PLAC, 2024). The two bodies share overlapping mandates in budget analysis and research, creating a coordination challenge that the 10th National Assembly's proposed new National Assembly Service Act (HB. 2056, referred February 2025) may address.

The DLBP's Absent Role in Climate Budget Oversight

A striking finding of this research is the complete absence of any documented role for the DLBP in climate-related budget analysis, climate budget tagging, green budgeting, or environmental budget oversight. Neither the Climate Change Act 2021 nor Nigeria's Integrated National Financing Framework (2022) mentions the DLBP. The African Policy Research Institute's analysis on mainstreaming climate action into Nigeria's budget focuses exclusively on executive-branch entities (APRI, 2024). No published DLBP reports, committee briefings, or analytical outputs relating to climate finance, the Climate Change Fund, or MDA climate budget allocations were located in any publicly accessible source.

This absence is itself a significant governance finding. Section 22 of the Climate Change Act creates a statutory obligation for the Ministry of Finance to vet MDA budgets for climate considerations - but this vetting function is located entirely within the executive branch. The National Assembly, which appropriates funds through the annual budget process, has no identified institutional mechanism for ensuring that approved appropriations align with climate commitments. The DLBP- the directorate nominally responsible for legislative budget analysis- is the institutional locus at which such a mechanism could be developed.

The contrast with comparable institutions in other jurisdictions illustrates the potential. Parliamentary budget offices in Kenya (Parliamentary Budget Office, established 2012), South Africa (Parliamentary Budget Office, established 2015), and Ghana (Parliamentary Budget Office, established 2016) publish independent fiscal analyses, review expenditure proposals against policy commitments, and increasingly engage with climate-responsive budgeting frameworks. Nigeria's DLBP, though statutorily established, appears to operate without the independence, resourcing, or mandate to perform equivalent functions. The absence of primary institutional documentation (its own annual reports, published analyses, or website) suggests a directorate that has not yet developed an independent institutional presence.

It is important to acknowledge the limits of available evidence here. The authors were unable to obtain primary documentation of DLBP operations through Freedom of Information requests or direct institutional contact, which would be necessary for a definitive assessment. The conclusion that the DLBP is absent from climate budget oversight is based on publicly available sources; it remains possible that internal analytical work is conducted but not published. Future research through direct engagement with the Directorate, requests under the Freedom of Information Act 2011, and examination of National Assembly committee records would be necessary to fully characterise its operations and assess reform options.

Legislative Budget Oversight: A Structural Gap

The absence of robust legislative climate budget oversight is part of a broader structural pattern. The CABRI (2018) assessment of the role of the legislature in Nigeria's budget process found that the National Assembly has historically focused primarily on budget amendment rather than analytical scrutiny- adding and reallocating items rather than evaluating whether proposed expenditures address stated policy priorities. Climate commitments, being technically complex and requiring multi-year assessment against emissions trajectories, are particularly poorly served by this amendment-focused model of oversight.

The National Assembly's Climate Change Committee, established under the Act's institutional architecture, has no publicly documented record of commissioning independent fiscal analyses of climate budget allocations, interrogating the Ministry of Finance on the implementation of Section 22(3), or engaging the DLBP as an analytical resource. This absence reflects an institutional maturity gap between the statutory ambition of the Climate Change Act and the actual capacity of legislative oversight.

Social Outcomes And Implications: Climate Governance As Social Protection

The Social Costs of Governance Failure

The governance failures documented in the preceding sections are not administratively abstract; they translate into concrete social harms. Nigeria's food security crisis illustrates this linkage most directly. A January 2023 FAO/UNICEF/WFP/OCHA joint assessment estimated 17 million Nigerians currently food insecure and projected 25 million at high risk in the June–August lean season (FAO et al., 2023). A subsequent Cadre Harmonisé analysis projected 26.5 million facing high food insecurity in 2024, with nine million children at risk of acute malnutrition (OCHA, 2023). These figures reflect the interaction of climate variability (erratic rainfall, flooding, drought) with conflict, poverty, and weak social protection systems.

Climate-induced displacement compounds food insecurity. IOM's Displacement Tracking Matrix (Round 14, June 2024) identified over 1.3 million internally displaced persons in North Central and North West Nigeria (a 19% increase from December 2023) driven substantially by farmer-herder conflict and resource competition linked to environmental degradation. In the northeast, over 2.27 million IDPs were recorded in the same period. The 2022 flood season alone displaced over two million people (OCHA, 2022).

The Climate-Conflict Nexus

The farmer-herder conflict that has claimed tens of thousands of lives across Nigeria's Middle Belt and northwest is among the most vivid illustrations of climate governance failure as social protection failure. Research by the International Crisis Group (2017, 2021), Madu & Nwankwo (2021), and Lenshie et al. (2021) consistently documents the role of desertification, reduced rainfall, and shrinking pastoral corridors in driving herdsman southward into farming communities, intensifying competition over land and water resources. These are not simply 'security' problems amenable to policing responses; they are structural, climate-mediated governance failures that require adaptive institutional responses - precisely the responses that Nigeria's underfunded, institutionally fragile climate governance architecture has failed to provide.

A 2024 experimental study (ScienceDirect, 2024) found that climate stressors significantly increase farmers' and pastoralists' willingness to engage in violent conflict, a finding consistent with the UNHCR's assessment that climate change 'fuels deadly conflict in Nigeria's Middle Belt.' ICG's interactive report, 'The Climate Factor in Nigeria's Farmer-Herder Violence' (2021), further documents how environmental degradation systematically narrows livelihood options and raises the stakes of resource competition, creating the preconditions for conflict.

Climate Governance as Preventive Social Protection

These linkages between governance failure and social harm support the theoretical reframing at the heart of this paper: effective climate governance is not an environmental luxury but a prerequisite for social protection. Dominelli's (2012) green social work framework argues that environmental governance should be integrated into the social work and welfare agenda as a preventive strategy, addressing the structural determinants of vulnerability rather than responding to its manifestations.

Nigeria's social protection systems (including the National Social Investment Programme (NSIP), the Social Register, and various conditional cash transfer schemes) are designed to respond to vulnerability after it has manifested. They are ill-equipped to prevent the climate-mediated processes that generate displacement, food insecurity, and conflict in the first place. A governance system that consistently fails to translate international climate commitments into domestic adaptation action is, in effect, a system that allows preventable social harms

to accumulate. The fiscal implication is significant: every naira not invested in climate adaptation and mitigation generates downstream social protection costs that are invariably larger.

CONCLUSION AND RECOMMENDATIONS

Conclusion

This paper has examined Nigeria's climate governance architecture through three analytical lenses (constitutional design, institutional capacity, and fiscal governance) and linked governance failures to concrete social protection outcomes. The analysis yields four integrated conclusions.

First, Nigeria's dualist constitutional system creates a structural implementation gap between international climate ratification and domestic legal enforceability. None of the three major climate treaties (UNFCCC, Kyoto Protocol, or Paris Agreement) has been formally domesticated through a Ratification and Enforcement Act under Section 12. The Climate Change Act 2021, while a significant statutory achievement, does not substitute for formal domestication and does not create judicially enforceable obligations derived from treaty law. This gap is systemic, not exceptional, and reflects a broader pattern in which executive ratification consistently outpaces legislative action.

Second, institutional instability within the NCCC (three DG appointments in three years, unoperationalised statutory provisions including the carbon budget and Action Plan, and a Climate Change Fund that remained inactive for four years after enactment) reflects deeper governance weaknesses in Nigeria's climate architecture. Rapid leadership turnover disrupts strategic planning, erodes institutional memory, and delays programme implementation. Institutional design reforms that protect the DG's tenure, clarify mandate boundaries between the NCCC and presidential committees, and build the Secretariat's independent technical capacity are prerequisites for effective governance.

Third, fiscal governance for climate remains fragile. The annual climate finance gap of USD 27.2 billion, the overwhelming dependence on external multilateral financing, and the absence of an institutionalised climate budget tagging system indicate that fiscal commitment to climate governance does not match statutory ambition. The Ministry of Finance's obligation under Section 22(3) of the Act has not been systematically operationalised. The DLBP (the legislative directorate nominally best positioned to provide independent budget analysis on climate allocations) has no documented role in climate oversight.

Fourth, these governance failures carry direct social protection consequences. Chronic underfunding of adaptation increases climate-related displacement, food insecurity, and farmer-herder conflict- forms of harm that fall disproportionately on the most vulnerable Nigerians. Climate governance failure is, in this sense, social protection failure, and policy frameworks that treat these domains as separate are structurally incapable of addressing their intersection.

Recommendations

Based on these findings, the paper advances five targeted recommendations grounded in the preceding analysis:

Recommendation 1: Fast-track formal domestication of climate treaties. The National Assembly should enact a Climate Agreements Ratification and Enforcement Act that formally domesticates the UNFCCC, Kyoto Protocol, and Paris Agreement, giving treaty obligations the force of domestic law that courts can apply. This would close the constitutional implementation gap and create the judicial enforceability that the Climate Change Act alone cannot provide. The Attorney-General's office, in coordination with the National Assembly Legal Service, should lead the drafting process, drawing on the precedent of the SUPOMO Act (2019) for UNCLOS domestication.

Recommendation 2: Protect NCCC leadership tenure and clarify institutional mandates. The President should commit to respecting the statutory four-year DG tenure under the Climate Change Act, removing the discretionary removal power that has produced three DG transitions in three years. The mandate boundaries

between the NCCC, PC-CAGES, and the Special Presidential Envoy for Climate Action should be clarified through a Presidential Executive Order or statutory amendment, establishing a clear hierarchy of authority and coordination protocols that avoid mandate duplication.

Recommendation 3: Operationalise Section 22 of the Climate Change Act. The Ministry of Finance should issue binding guidance to all MDAs on the implementation of Section 22(3) (vetting budget proposals for climate considerations) with a standardised climate budget tagging template aligned to the 2014 budget coding system. The NCCC Secretariat should publish the annual emissions monitoring reports and MDA compliance assessments required under Section 9, providing the legislative oversight community with the data necessary to interrogate budget performance.

Recommendation 4: Develop a formal climate budget analysis role for the DLBP. The National Assembly should commission a study (or commission the DLBP itself to conduct one) of international best practices in parliamentary climate budget analysis, drawing on the models of the Kenyan, South African, and Ghanaian Parliamentary Budget Offices. On this basis, the proposed new National Assembly Service Act (HB. 2056) should include a specific mandate for the DLBP to conduct annual independent climate budget analyses, review Climate Change Fund appropriations against the National Climate Change Action Plan targets, and report findings to the Joint Committee on Climate Change. Adequate staffing and budgetary resources should accompany any mandate expansion.

Recommendation 5: Integrate climate governance into national social protection strategy. The Ministry of Humanitarian Affairs, Disaster Management and Social Development should develop a formal climate-social protection integration framework that treats climate adaptation investments as preventive social protection—reducing the volume of reactive transfers, humanitarian responses, and conflict-related costs generated by climate vulnerability. This framework should be costed and submitted to the National Assembly as part of the annual Medium-Term Expenditure Framework, enabling the DLBP to assess its fiscal adequacy against climate risk projections.

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