THE LEGAL PROFESSION AND CLIMATE CHANGE IN NIGERIA

by

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I. INTRODUCTION

- Climate change has become one of the environmental hazards of the 21st century.
- This paper focuses on the inherent legal opportunities associated with the challenges of climate change.
- Climate change poses several issues for the legal profession and is related to issues such as accountancy, taxation, corporate transactions and environmental concerns.

II. DEFINITION

- Climate change is any long term change in the statistics of weather over a certain period that can be attributed to natural and human factors.
- Climate change (also known as global warming) is an imminent threat to human development and survival.
- The impact of climate change in Nigeria has led to excessive flooding in coastal communities, desertification in the sahel resulting in monumental loss of farmlands, serious health and socio-economic

III. CAUSES

- Natural factors
  - Continental drift, volcanoes, ocean currents, earth's tilt, comets, etc.
- Human factors

  - 19th century industrial revolution; industrialisation, air pollution, use of fossil fuels like oil, coal, natural gas, etc

  - Green House Gases emission; nitrogen oxide, carbon monoxide waste.

  - Melting of permafrost, ozone depletion caused by

IV.INTERNATNATIONAL OUTLOOK

- Stockholm Conference of 1972 the
- Intergovernmental Panel on Climate Change of 1988
- United Nations Framework Concentration on Climate Change in 1992 S IN NIGERIA
- Kyoto Protocol of 2005
- Copenhagen Climate Change Summit 2009

V. CLIMATE CHANGE IN NIGERIA

- Climate change exists in Nigeria
- It has affected the savannah and the Sahel and has increased flood and drought
- Efficient use of energy resources

VI.EXISTING LEGISLATIONS IN NIGERIA

- National Environmental Standards and Regulations Enforcement Agency (NESREA)
- Climate Change Bill

VII. OPPORTUNITIES FOR LEGAL PROFESSION IN CLIMATE CHANGE

- Climate Change and Energy Law are rapidly developing areas of law
- The proposed legislation and International Treaties will generate new business avenues for the legal profession

VIII. SOME AREAS WHERE LAWYERS EXPERTISE ARE REQUIRED

A Carbon Projects, Finance and Trading- It is any instrument that represents a tradable right in GHG emissions reductions.

- The Kyoto Protocol provides that countries can trade in carbon projects

-Executing contracts for the purchase and sale of carbon credits

-Rendering legal advice on voluntary offsetting, carbon neutrality, quasi-regulation

B. Regulatory compliance-

Governments are seeking ways to regulate emission of GHGs and enforce compliance under environmental laws.

-Providing methodologies for achieving GHGs reductions

-Conducting environmental due diligence

-Reviewing environmental management systems

-Assist clients with effective management systems

-Expand regulatory programs to promote low-carbon energy technologies

-Advising government on impact of GHG legislations

C. Climate Change Litigation-

- Litigation arising from a cause of action where climate change is the alleged causal factor leading to liability.

It can be in terms of a civil wrong such as negligence, nuisance, liability for emission charges in contracts, claims relating to breach of relevant laws

The potential for climate change related suits is imminent

-US case of Connecticut v. American Electric Power Co., held that the judiciary can be an appropriate forum for resolving issues surrounding harm caused by global warming

D. Policy Monitoring and Lobbying-

lawyers role in monitoring international, national, state and local climate change developments

-Conducting climate change negotiations

-Seminars, workshops,

-Tracking international policy, regulatory improvements

- advise clients on legal response to climate change concerns

-Environmental policy and audit

JUDICIARY

Courts have an important role to play in addressing climate change and this is likely to be the case when the Climate change Bill is enacted into Law.

Courts around the world have seen claims regarding GHGs emissions and impacts(California v. General Motors Corp)

Focus on government regulation of climate change or major corporate emitters.

THANK YOU