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Gendered Implications of Climate Change: Empowering Women in Climate Law and Policymaking in Nigeria

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Climate change presents significant challenges to societies worldwide, and addressing it requires the inclusion of diverse voices and perspectives. This study focuses on the under-representation of women in Nigeria's climate policy and decision-making processes and its implications for effective climate governance. Drawing on the recognition of the importance of women's participation in international climate negotiations, this paper examines Nigeria's legal and institutional frameworks aimed at promoting gender equality and female empowerment in climate action. Through analytical legal research, the study investigates how these frameworks either enable or hinder women's engagement and representation in climate governance. Findings reveal that excluding women's voices leads to inadequate gender-responsive and equitable approaches to climate adaptation and mitigation. The under-representation of women in Nigerian governance institutions exacerbates the problem, creating barriers to their involvement in decision-making. To address these challenges, the study emphasises the need for legal and policy frameworks that facilitate women's participation and representation and foster supportive environments for their leadership and agency in climate change contexts. The paper concludes by recommending strategies such as developing gender-responsive climate policies, enhancing women's leadership and capacity, and fostering inclusive networks and partnerships to promote gender equality and climate justice.

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1. INTRODUCTION

Climate change is one of the most significant challenges facing the world today, with far-reaching and complex implications for human societies and the natural environment.¹ While the climate change debate has focused on economic and social issues, the situation of women and the gender inequalities reproduced and strengthened by this global phenomenon has been treated as a side issue.² According to Roberts and Mukim (2023),³ with the increasing pace of climate change—primarily driven by the dominant global development model that prioritises rapid urbanisation, industrialisation, and heavy reliance on fossil fuels—poor and marginalised people, including women, are generally less able to absorb even moderate climate risks. This is because they are often the first to experience asset erosion, poverty traps, and limits to their adaptive capacity, as this development model frequently overlooks environmental sustainability and social equity, exacerbating their vulnerabilities. According to Molotoks et al.,⁴ climate change's effects will deepen existing gender inequalities, reflecting the concentration of power and hierarchical relations that prevail in the public domain and institutional decision-making structures in the field of climate change.

As climate change mitigation and adaptation actions become imperative, funding distribution and the potential disparity in access to and control of resources between men and women under the prevailing systems and mechanisms will increase.⁵ This likely disparity highlights the importance of prioritising and addressing gender equality and the autonomy of all women and girls, recognising their diverse needs, and comprehensively addressing them in climate change actions deployed nationally and globally.⁶ This is further bolstered by the fact that research has shown that women's participation and representation in climate law and policy-making are critical in achieving practical solutions to climate change.⁷

¹ J Ruszkiewicz et al, 'Brain Diseases in Changing Climate' (2019) 177 *Environmental Research* 108637.

² M Rainard, CJ Smith, and S Pachauri, 'Gender Equality and Climate Change Mitigation: Are Women a Secret Weapon?' (2023) 5 *Frontiers in Climate* 946712.

³ M Roberts and M Mukim (eds), *Thriving: Making Cities Green, Resilient, and Inclusive in a Changing Climate* (World Bank Publications 2023) ch 2.

⁴ A Molotoks, P Smith, and TP Dawson, 'Impacts of Land Use, Population, and Climate Change on Global Food Security' (2021) 10(1) *Food and Energy Security* e261.

⁵ Muhammad Khalid Anser et al, 'Beyond Climate Change: Examining the Role of Environmental Justice, Agricultural Mechanization, and Social Expenditures in Alleviating Rural Poverty' (2023) 6 *Sustainable Futures* 100130.

⁶ SG Smith and JC Sinkford, 'Gender Equality in the 21st Century: Overcoming Barriers to Women's Leadership in Global Health' (2022) 86(9) *Journal of Dental Education* 1144.

⁷ Séverine Le Loarne-Lemaire et al, 'Women in Innovation Processes as a Solution to Climate Change: A Systematic Literature Review and an Agenda for Future Research'

This importance, which is increasingly recognised in international climate negotiations and agreements, has made women's engagement in decision-making processes at both national and community levels essential for addressing the challenges posed by climate change.

In Nigeria, excluding women's voices and perspectives from climate policy and decision-making poses a significant problem. Despite being disproportionately affected by the impacts of climate change, both as primary caregivers and members of marginalised communities, women are often not included in these processes.⁸ This lack of representation leads to a failure to incorporate gender-responsive and equitable approaches to adaptation and mitigation.⁹ Compounding this problem is the under-representation of women in Nigerian governance institutions, creating persistent barriers to their involvement in political and decision-making processes.¹⁰ Therefore, this paper examines how Nigeria's legal and institutional frameworks, promoting gender equality and female empowerment in climate action, influence women's participation and representation in climate governance. The paper uses analytical legal research methodology to identify how these laws and institutions enable or hinder women's engagement and expression in climate decision-making.

At the heart of this analysis is the recognition that climate change is not just an environmental problem but also a social and political issue that intersects with questions of gender, race, class, and other dimensions of identity and power.¹¹ The paper is divided into six parts. The introduction serves as a foundation for the study's objectives. The second section clarifies the concept under investigation. The third section consists of a literature review addressing gender inequalities, women's participation, and representation in climate change governance in Nigeria. The fourth section forms the paper's primary focus, examining the legal and institutional framework for climate change in Nigeria to assess its impact on gender equality and female empowerment in climate action. In the fifth section,

(2021) 164 *Technological Forecasting and Social Change* 120440.; N Allen, 'Gender Disparity and Climate Change—Addressing the Disproportionate Effects of Climate Change on Women' (2022) 3(2) *Global Energy Law and Sustainability* 206.

⁸ A Basiru et al, 'Climate Change and Climate Justice: Procedural Gender Analysis in REDD+ Piloted Site, South-South Nigeria' (2022) 21(2) *Journal of Agriculture Science & Technology (JAGST)* 66 <https://dx.doi.org/10.4314/jagst.v21i2.6> accessed 24th September 2024.

⁹ *Ibid* 77.

¹⁰ *Ibid* 79.

¹¹ Natalie Osborne, 'Intersectionality and Kyriarchy: A Framework for Approaching Power and Social Justice in Planning and Climate Change Adaptation' (2015) 14(2) *Planning Theory* 130; S Fawzy, A Osman, J Doran, and D Rooney, 'Strategies for Mitigation of Climate Change: A Review' (2020) 18 *Environmental Chemistry Letters* 2069.

strategies are proposed to enhance women's participation and representation in climate governance in Nigeria. Finally, the sixth section concludes the paper.

2. CONCEPTUAL CLARIFICATION

2.1 Climate Change

Globally, climate change is one of the foremost threats to sustainable development, adversely affecting health, the economy, natural resources, infrastructure, and food security.¹² Climate change refers to the long-term change in the average weather patterns that define Earth's local, regional, and global climate.¹³ It can also be described as a significant and lasting change in the statistical distribution of weather patterns over decades to millions of years.¹⁴ To Raimi et al.,¹⁵ climate change is an alteration in Earth's climate system, resulting in long-term shifts in temperature, precipitation patterns, sea levels, and extreme weather events. The recent climatic changes are much more severe than the last two million years ago, and in the previous two decades, the Earth's warming has reached its maximum level¹⁶. Rajak attributes these changes to the Earth's atmosphere's excessive buildup of greenhouse gases like carbon dioxide and methane.¹⁷

One common denominator of the studies conducted on climate change and its impact is that human influence has been the dominant cause of this warming since the mid-20th century.¹⁸ Whereas climate change is influenced by natural factors, including oceanic processes, solar radiation variations, plate tectonics, and

¹² TT Nguyen et al, 'Security Risks from Climate Change and Environmental Degradation: Implications for Sustainable Land Use Transformation in the Global South' (2023) 63 *Current Opinion in Environmental Sustainability* 101322.

¹³ S Prakash, 'Impact of Climate Change on Aquatic Ecosystem and Its Biodiversity: An Overview' (2021) 3(2) *International Journal of Biological Innovations* 45.

¹⁴ A Chuka, 'The Problem of Climate Change: A Study of Anthropocentric Environmental Ethics' (2012) 2 *Research on Humanities and Social Sciences* 134.

¹⁵ MO Raimi, OT Vivien, and OA Oluwatoyin, 'Creating the Healthiest Nation: Climate Change and Environmental Health Impacts in Nigeria: A Narrative Review' (2021) *Scholink Sustainability in Environment*.

¹⁶ KR van Daalen et al, 'The 2022 Europe Report of the Lancet Countdown on Health and Climate Change: Towards a Climate Resilient Future' (2022) 7(11) *The Lancet Public Health* e942.

¹⁷ J Rajak, 'A Preliminary Review on Impact of Climate Change and Our Environment with Reference to Global Warming' (2021) 10 *International Journal of Environmental Science* 11.

¹⁸ AM Driga and AS Drigas, 'Climate Change 101: How Everyday Activities Contribute to the Ever-Growing Issue' (2019) 7(1) *International Journal of Recent Contributions to Engineering, Science and IT* 22.

volcanic eruptions,¹⁹ human-induced alterations of the natural world through activities like burning fossil fuels,²⁰ deforestation,²¹ and industrial processes release greenhouse gases contribute the most to global warming²² and "climate change." This poses significant risks to human and natural systems and could be catastrophic if left unchecked. According to the Intergovernmental Panel on Climate Change (IPCC, 1998), 'anthropogenic climate change' refers to climate change caused directly or indirectly by human activity that alters the global atmosphere's composition.²³ This phenomenon raises critical concerns, including threats to unique ecosystems and cultures, increased extreme weather events, disproportionate impacts on disadvantaged communities, global impacts on biodiversity and the economy, and the risk of large-scale singular events such as the loss of ice sheets.²⁴

Climate change today is noteworthy in three overarching ways. First, it is the first time climate change globally affects a civilization perfectly adapted to thousands of years of stable climate conditions.²⁵ Second, today's climate change is occurring at a rate much faster than preceding natural climate changes.²⁶ Third, climate change has transformed from an ecological challenge to a multifaceted concern encompassing social and political aspects, intertwining with gender, race, class, and other facets of identity and authority.²⁷ These three factors make today's climate change a unique challenge to humankind. It is crucial to actively respond to this threat by implementing measures to reduce climate change and alleviate its

¹⁹ HNL Nwankwoala, 'Causes of Climate and Environmental Changes: The Need for Environmental-Friendly Education Policy in Nigeria' (2015) 6(30) *Journal of Education and Practice* 224.

²⁰ D Pimentel et al, 'Ethical Issues Concerning Potential Global Climate Change on Food Production' (1992) 5 *Journal of Agricultural and Environmental Ethics* 113.

²¹ P Swedan, 'Deforestation and Land Farming as Regulators of Population Size and Climate' (2020) 40 *Acta Ecologica Sinica* 443.

²² A Shakoor et al, 'Biogeochemical Transformation of Greenhouse Gas Emissions from Terrestrial to Atmospheric Environment and Potential Feedback to Climate Forcing' (2020) 27 *Environmental Science and Pollution Research* 38513.

²³ Intergovernmental Panel on Climate Change, *Technical Paper on Climate Change and Water* (1998) <https://tinyurl.com/2vupm7dh> accessed 11 November 2023, 7.

²⁴ *Ibid*

²⁵ JD Hughes, *An Environmental History of the World: Humankind's Changing Role in the Community of Life* (Routledge 2009)

²⁶ L D'Orangeville et al, 'Current Symptoms of Climate Change in Boreal Forest Trees and Wildlife' in Scott Goetz et al (eds), *Boreal Forests in the Face of Climate Change: Sustainable Management* (Springer International Publishing 2023) 747.; K Sam and N Chakma, 'Climate Change in Bengal Duars' (2021) *Boreal Forests in the Face of Climate Change: Sustainable Management* 27.

²⁷ J Jeon, R Gurney, and MM Bell, 'From Non-Believer to Believer: What Leads People to Change Their Climate Views' (2023) 93(3) *Sociological Inquiry* 440.

impacts through adaptation. One practical approach to achieve this is by tackling the issue of gender inequality.

2.2 Gender Equality

Gender equality refers to the equal rights, opportunities, and treatment of individuals, regardless of gender.²⁸ It aims to ensure that both men and women have equal access to resources, decision-making power, and participation in all areas of life, including education, employment, politics, and social activities.²⁹ It is a concept that advocates that women and men, girls and boys, have equal conditions, treatment, and opportunities for realising their full potential, human rights, and dignity and for contributing to (and benefiting from) economic, social, cultural, and political development.³⁰ Gender equality, therefore, refers to society's equal valuing of the similarities and differences between men and women and their roles. Equality does not mean that women and men will become the same. Instead, in the context of our modern world, it means that women's and men's rights, responsibilities, and opportunities will not depend on whether they are born male or female.³¹

Inequalities based on gender exist in every country and all aspects of social life.³² They are echoed in the vast divides between men and women in their ability to access, manage, and benefit from water, sanitation, and hygiene and their level of participation in governance. Given its global relevance, Goal 5 of the Sustainable Development Goals brings out the concept of gender equality and provokes its importance in the well-being of any country. According to Errami et al.,³³ Goal 5

²⁸ J Zhang and Y Zhang, 'A Qualitative Comparative Analysis of Tourism and Gender Equality in Emerging Economies' (2021) 46 *Journal of Hospitality and Tourism Management* 284.

²⁹ S Shanthi and Kakarla Sai Mitravinda, 'Gender Equality: The Need of the Hour' (2020) 1(1) *International Journal of Language, Literature and Culture* 1.

³⁰ N Prem, 'Increasing Women's Political Participation in India' (2022) *International Journal of Health Sciences* <https://doi.org/10.53730/ijhs.v6ns3.8115> accessed 24th June 2024.; S Padhan and S Husain, 'Gender Equality and Women Empowerment: Key for Nation Building' (2020) 6 *International Journal of Home Science* 224.

³¹ AMM Boudet, P Petesch, and C Turk, *On Norms and Agency: Conversations About Gender Equality with Women and Men in 20 Countries* (World Bank Publications 2013).

³² J Heymann et al, 'Improving Health with Programmatic, Legal, and Policy Approaches to Reduce Gender Inequality and Change Restrictive Gender Norms' (2019) 393(10190) *The Lancet* 2522.; E MacPherson et al, 'Gender Equity and Sexual and Reproductive Health in Eastern and Southern Africa: A Critical Overview of the Literature' (2014) 7 *Global Health Action*.

³³ E Errami, G Ochir, and S Peppoloni, 'Achieve Gender Equality and Empower All Women and Girls' in *Geosciences and the Sustainable Development Goals* (Springer 2021) 105.

aims to achieve gender equality and empower all women and girls, given that equality is a human right and a precondition for realising all goals in the 2030 Sustainable Development Agenda. The goal comprises nine (9) targets and fourteen (14) indicators. The focal point of this study lies in its fifth target, which endeavours to guarantee women's full and meaningful engagement and fair chances for leadership across all spheres of political, economic, and public decision-making. More precisely, the goal supports elevating the ratio of women occupying positions in national parliaments, local governments, and managerial roles. The intention is to foster gender equality, empower women, and amplify their impact on formulating policies and decision-making procedures across various levels.³⁴

2.3 Democratic Governance and Gender Equality

The notion of democratic governance is challenging to delineate; it varies temporally and within and amidst regions.³⁵ It is often hailed as a cornerstone and a goal of effective governance. Bohman's definition of democracy highlights principles like fair and competitive elections, freedom of expression, and access to information.³⁶ On the other hand, Klein adopts a broader perspective of democracy, encompassing civil and political rights and equitable power distribution within society.³⁷ Another definition of democracy highlights the rights of citizens to actively participate in governance processes, whether directly or through voting in transparent and equitable elections for freely chosen representatives³⁸. This definition further underscores the need for governments to be responsive and accountable to their citizens. The concept also reasserts citizens' entitlement, including marginalised groups, to exert influence over their governments and critique governing bodies without apprehension of reprisal. Consequently, a crucial discourse in this realm revolves around the notion that democratic governance refers to one that upholds equality, dignity, and respect for all individuals, irrespective of gender.

³⁴ JA Odera and J Mulusa, 'SDGs, Gender Equality and Women's Empowerment: What Prospects for Delivery?' in *Sustainable Development Goals and Human Rights* (Springer 2020) 95.; P Hepp, C Somerville, and B Borisch, 'Accelerating the United Nation's 2030 Global Agenda: Why Prioritization of the Gender Goal Is Essential' (2019) *Global Policy* <https://doi.org/10.1111/1758-5899.12721> accessed 11th March 2024.

³⁵ S Bussu et al, 'Introduction: Embedding Participatory Governance' (2022) 16(2) *Critical Policy Studies* 133.; C Auerbach, 'How Is Democracy Possible? Critical Realist, Social Psychological and Psychodynamic Approaches' (2020) 19 *Journal of Critical Realism* 252

³⁶ J Bohman, 'Survey Article: The Coming of Age of Deliberative Democracy' (1998) 6(4) *Journal of Political Philosophy* 400.

³⁷ S Klein, 'Democracy Requires Organised Collective Power' (2022) 30(1) *Journal of Political Philosophy* 26.

³⁸ P Maurya, 'Participatory Democracy and Civil Society' (2022) 11(3) *International Journal of Social Science* 201.

Gender democracy, according to Hong & Kim, is a normative idea related to gender mainstreaming.³⁹ It aims to achieve democratic conditions through equal participation of men and women in the political structures of society, including within companies, bureaucracies, and other organisations. According to Onditi,⁴⁰ gender equality is fundamental to democracy and good governance, as both require institutions and policies responsive to women's and men's lived experiences. It entails that democracy, as a process, should be guided by human rights principles presupposing a genuine partnership between women and men in conducting the affairs of society. It should not only be a system of governance defined by "one person, one vote" but a system where individuals living within a particular jurisdiction are treated fairly, respectfully, and equally. It is, therefore, critical that democratic governance be conceptualised as an inclusive process and practice. As Eto⁴¹ notes, it must involve women and men and have gender equality as a core guiding principle. Essentially, the focus of gender equality is not merely an "addition;" but a fundamental requirement for authentic transformative progress and the establishment of more comprehensive, fair, and democratic communities.

In summary, within the scope of this research, the integration of democratic governance and gender equality refers to a system that enables women to gain credibility, occupy positions of influence, and contribute to discussions in the political system. This allows women to advance their priorities and broader interests within democratic governance systems.

3. ADDRESSING GENDER INEQUALITIES IN CLIMATE LAW AND POLICY IN NIGERIA

Climate change directly affects indispensable natural resources, including water, fishery resources, accessible energy sources, and biodiversity.⁴² As these resources diminish or become arduous to obtain, it engenders significant ramifications for gender dynamics and time utilisation. In many of these contexts, women are more susceptible to climate change's repercussions than men, primarily due to their

³⁹ MH Hong and NK Kim, 'Electing More Women to National Legislatures: An Interplay Between Global Normative Pressure and Domestic Political Regimes' (2022) 66(4) *International Studies Quarterly* sqac071.

⁴⁰ F Onditi, 'Equalitarianism' in *Gender Inequalities in Africa's Mining Policies: A Study of Inequalities, Resource Conflict and Sustainability* (Springer Singapore 2022) 31

⁴¹ M Eto, 'Substantive Representation of Women in Japan: Pursuing Gender Equality in a Gender-Insensitive Parliament' in M Eto (ed), *Substantive Representation of Women in Asian Parliaments* (Routledge 2023) 27.

⁴² RK Mishra, 'Freshwater Availability and Its Global Challenge' (2023) 4(3) *British Journal of Multidisciplinary and Advanced Studies* 1.

excellent representation among the world's impoverished population and higher reliance on threatened natural resources for their livelihood.⁴³ Moreover, according to Sultana⁴⁴, women encounter social, economic, and political barriers restricting their coping ability. Women residing in rural regions of developing nations face heightened vulnerability when their livelihood heavily depends on local natural resources.⁴⁵ Those entrusted with securing water, food, and fuel for cooking and heating confront the most formidable challenges. Additionally, when coupled with inequitable resource access and limited involvement in decision-making processes, women find themselves disproportionately affected by climate change⁴⁶.

According to Md et al.,⁴⁷ women are not solely susceptible to the impacts of climate change; they also serve as influential participants or catalysts for transformation in terms of mitigation and adaptation. Women frequently possess knowledge and expertise that can be harnessed for climate change mitigation, disaster reduction, and adaptation strategies.⁴⁸ Their roles as caretakers of natural and household resources within households and communities also equip them to contribute to livelihood strategies tailored to evolving environmental circumstances effectively.⁴⁹

International norms and standards on women's and girls' human rights and gender equality provide a solid basis for advancing action to strengthen the vital role of women in achieving sustainable development.⁵⁰ The significance of women's involvement in making climate change decisions has been acknowledged

⁴³ DJ Kaczan and J Orgill-Meyer, 'The Impact of Climate Change on Migration: A Synthesis of Recent Empirical Insights' (2020) 158(3-4) *Climatic Change* 281.

⁴⁴ F Sultana, 'Climate Change, COVID-19, and the Co-Production of Injustices: A Feminist Reading of Overlapping Crises' (2021) 22(4) *Social & Cultural Geography* 447.

⁴⁵ U Supraptiningsih et al, 'Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society' (2023) 9 *Cogent Social Sciences*.

⁴⁶ JD Lau et al, 'Gender Equality in Climate Policy and Practice Hindered by Assumptions' (2021) 11(3) *Nature Climate Change* 186.;N Tanny and M Rahman, 'Climate Change Vulnerabilities of Women in Bangladesh' (2016) *Environmental Economics eJournal* <https://doi.org/10.3329/AGRIC.V14I2.31355> accessed 11th May 2024.

⁴⁷ A Md et al, 'Exploring Gender and Climate Change Nexus, and Empowering Women in the South Western Coastal Region of Bangladesh for Adaptation and Mitigation' (2022) 10(11) *Climate* 172.

⁴⁸ Ibid 180.

⁴⁹ DA Bin Duwa Bin Khoja, 'Participation of Rural Women in Agricultural Activities' (2021) 1(2) *International Journal of Modern Agriculture and Environment* 1;

⁵⁰ JA Odera and J Mulusa, 'SDGs, Gender Equality and Women's Empowerment: What Prospects for Delivery?' in JA Odera and J Mulusa (eds), *Sustainable Development Goals and Human Rights* (Springer 2020) 95.

worldwide. The Conference of the Parties to the United Nations Framework Convention on Climate Change, during its eighteenth meeting in 2012,⁵¹ approved a resolution to foster the objective of gender equality in the entities and delegations participating in the sessions of the Conference of the Parties and to incorporate gender and climate change as a permanent topic on the Conference's agenda. The centrality of gender equality to sustainable development has been reiterated in recent resolutions passed by the General Assembly. In resolution 68/139, adopted during the sixty-eighth session to enhance the status of women in rural areas, Member States were encouraged to incorporate gender perspectives into the stewardship of natural resources.⁵² Member States were also urged to harness women's active participation and influence in the sustainable utilisation of these resources.⁵³ The resolution further urged governments to assist women smallholder farmers by enabling access to extension and financial services, agricultural inputs and land, water sanitation and irrigation, markets, and innovative technologies. In resolution 68/227 on women in development, adopted during the same session, the Assembly prompted governments to implement measures ensuring equal access to complete and productive employment and decent work.⁵⁴

Likewise, the approved findings of the Commission on the Status of Women 1946 have propelled the global policy structure on gender equality and sustainable development.⁵⁵ During its fifty-eighth session, the Commission called upon

⁵¹ United Nations, 'Report of the Conference of the Parties to Its Eighteenth Session, Held in Doha from 26 November to 8 December 2012' (FCCC/CP/2012, 2012) <https://tinyurl.com/4h62x5uf> accessed 5 November 2023.

⁵² United Nations, 'Resolution Adopted by the General Assembly on 18 December 2013: A/RES/68/139' (United Nations, 2013) <https://documents.un.org/access.nsf/get?OpenAgent&DS=A/RES/68/139&Lang=E> accessed 24 September 2024, 2.

⁵³ Ibid 4.

⁵⁴ United Nations, 'Resolution Adopted by the General Assembly on 20 December 2013: A/RES/68/227' (United Nations, 2013) https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_68_227.pdf accessed 24 September 2024, 4.

⁵⁵ The Commission on the Status of Women is a functional commission of the United Nations Economic and Social Council (ECOSOC), dedicated exclusively to gender equality and advancement of women. It is the principal global policy-making body. Every year, representatives of Member States gather at United Nations Headquarters in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and advancement of women worldwide. The Commission was established by ECOSOC resolution 11(II) of 21 June 1946 with the aim to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. The Commission also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights. www.un.org/womenwatch/daw/csw/index.html

governments to foster the complete and equal involvement of women and men as catalysts and recipients of sustainable development, prioritising people's well-being.⁵⁶ Recently, there has been renewed interest in the importance of women in addressing climate change vulnerabilities. To celebrate International Women's Day 2023, the United Nations Framework Convention on Climate Change (UNFCCC) highlighted five reasons women are vital for climate change action.⁵⁷ First, women comprise half of the global population but are often excluded from climate discussions. Their involvement is crucial to achieving the Paris Agreement's objective of limiting global temperature increase. Second, empowering women in agriculture, where they make up nearly half the labour force in developing countries, positively impacts climate adaptation. Third, involving women in community planning and resilience-building enhances the effectiveness of climate strategies. Fourth, climate change disproportionately affects vulnerable populations, including women in poverty, necessitating their knowledge and collective action. Lastly, many countries integrate gender into their national climate plans, empowering women to contribute and benefit from climate action across sectors.

As regards the intersection of gender, governance, and climate change, The Gender Action Plan (2022-2025) agreed by governments under the UNFCCC calls for women's full, equal, and meaningful participation in the international climate process and to ensure a prominent role for women in decision-making and climate action.⁵⁸ However, in Nigeria, accomplishing this goal remains a significant challenge. According to Afolabi, this is not unconnected with the low level of women's participation in Nigeria's politics and decision-making process.⁵⁹ To place this assertion in perspective, Oni and Joshua's earlier analysis found that although the National Gender Policy advocates for 35% women representation in governance, women's representation in the national legislature⁶⁰ in the 4th Assembly(1999-2003), 5th Assembly(2003-2007) and the 6th Assembly(2007-2011)

⁵⁶ UN Women, 'CSW58 Panel 1 Bios' (UN Women, 2024) https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/58/CSW58-Panel1_bios%20pdf.pdf accessed 24 September 2024.

⁵⁷ UN Climate Change News, 'Article Title' (UN Climate Change News, 2023) <https://tinyurl.com/3rxhmdn9> accessed 4 November 2023.

⁵⁸ C Wong, 'Climate Finance, Conflict and Gender—Benchmarking Women's Empowerment and Sustaining Peace' (2023) 1(1-2) *Environment and Security* 62.

⁵⁹ CY Afolabi, 'The Invisibility of Women's Organisations in Decision-Making Process and Governance in Nigeria' (2019) 3 *Frontiers in Sociology* 40.

⁶⁰ Nigeria operates a federal system of government with three distinct arms: the executive, the judiciary, and the legislature. The National Assembly, as the legislative arm of government, consists of two chambers—the Senate (upper chamber) and the House of Representatives (lower chamber).

elections recorded a dismal 6.3%, 8.8%, and 7.3% respectively.⁶¹ Despite efforts by the Nigerian government to tackle this phenomenon of low women's political participation through the formulation of national and ratification of international instruments⁶² on gender equality in governance, women's representation in governance remains below 7%.⁶³ A 2022 study on women's representation in the 8th and 9th National Assemblies in Nigeria found that in the 8th Assembly (2015-2019), of the 469 members across both chambers, only 28 were women, representing just 5.9% of the total members.⁶⁴

Similarly, the study's findings revealed that the 9th Assembly was inaugurated on the 11th of June 2019 to terminate in June 2023; only 19 female legislatures in both chambers account for 3.9% of members. According to Vishwakarma, this trend reflects how the country's resources remain under the control of elite groups, contributing to the feminisation of poverty.⁶⁵ In Nigeria, the intersection of elitism and gender democracy is evident in the way political power is often concentrated within elite families. While some women have gained prominence in public life or politics, they are frequently connected to the political elite as daughters, wives, or relatives of powerful men.⁶⁶ This dynamic limits broader access to political and economic resources for women outside these elite circles, further entrenching gender inequality and limiting opportunities for grassroots gender democracy.⁶⁷

⁶¹ S Oni and S Joshua, 'Gender Relations in Nigeria's Democratic Governance' (2012) 1(2/3) *Journal of Politics & Governance* 4.

⁶² Examples include National Gender Policy (Federal Ministry of Women Affairs, 2006).and Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

⁶³ OC Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-Policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' (2021) 21(1) *International Journal of Discrimination and the Law* 26.

⁶⁴ BO Eke, *Women's Representation in Nigeria's National Assembly: An Assessment of Their Contribution to Legislative Activities of the 8th and 9th Assemblies* (National Institute for Legislative and Democratic Studies, University of Benin, 2022) <https://tinyurl.com/dac9hacf> accessed 20 June 2023.

⁶⁵ A Vishwakarma, 'Repression and Resistance: Negotiation between Motherhood and Labour Force Participation by Igbo Women' (2022) 23(4) *Journal of International Women's Studies* 2.

⁶⁶ Esther Omoniyi Mofoluwawo and Elizabeth Ikeola Wahab, 'African Women's Active Participation in Politics and Nation-Building: The Case of Nigeria' (2023) 7 *International Journal of Research and Innovation in Social Science* 1821.

⁶⁷ Adeola Adeleke, 'Ministerial List: Is It Freedom for Nigerian Women?' *Punch Newspapers* (9 August 2023) <https://punchng.com/ministerial-list-is-it-freedom-for-nigerian-women/> accessed 24 September 2024.

Following the above, since women's representation and participation in Nigeria's electoral politics, governance process, and decision-making remain peripheral, the effect on developing gender-sensitive responses to climate change would be limited. According to Bature & Edoje,⁶⁸ this lack of sufficient representation of women in governance in Nigeria tilts the scale of gender equality in the country, leaving women at a disadvantage in addressing the impacts of climate change. Consequently, this deprivation of opportunities has hindered women from actively participating in decision-making processes, accessing resources, and contributing to sustainable climate change mitigation and adaptation efforts. Adalakin & Adalakin⁶⁹ argue that in Nigeria, the exclusion of women from pooled resources—defined as the collective assets and opportunities shared within communities—reinforces male dominance, creating a significant power imbalance against women. By limiting women's access to these resources, men's control is perpetuated, further entrenching gender inequality. The study argues that excluding women from the distribution of resources, especially land significantly hampers their ability to adapt effectively to challenges related to climate change. In another study conducted by Duru et al.⁷⁰ on the effects of climate change on the livelihoods of rural women in Ilorin South Local Government Area of Kwara State, Nigeria, it was found that anthropogenic climate change disasters severely impact rural women. However, the methods employed by these women—such as crop diversification, rainwater harvesting, and traditional farming techniques—enhance their resilience in the face of these ongoing challenges. The study findings also highlighted various factors contributing to women's vulnerability to the impacts of climate change. These factors include lacking essential infrastructure, limited financial resources, and reliance on outdated farming techniques. Additionally, according to the study, when women are denied the right, privilege, and opportunity to engage in economic or public activities like men, it exacerbates the risks they face amidst the escalating threats of climate change.

Redressing this imbalance will require interventions from different strata of society, including government agencies, private individuals, and civil society organisations. While the primary focus has been on empowering women in climate law and policy-making, legal measures must also be implemented to address discrimination in both private and public spheres, ensuring gender equity. This broader approach acknowledges that gender equity benefits all members of

⁶⁸ EA Bature and GD Edoje, 'Globalisation and Women in Governance in Nigeria: 2015-2022' (2023) 11(1) *Nigerian Journal of Social Development* 57.

⁶⁹ OS Adalakin and A Adalakin, 'Religious Syncretism and the Inclusion or Exclusion of Women in Peacebuilding in Northeast Nigeria' (2022) 15(1/2) *International Journal for Religious Freedom* 71.

⁷⁰ J Duru, J Aro, and RE Oladipo, 'The Effects of Climate Change on the Livelihood of Rural Women: A Case Study of Ilorin South, Nigeria' (2022) 46(1) *Bulletin of the National Research Centre* 1.

society by fostering more inclusive and effective governance. According to Morgan, laws give individuals a legal claim, creating social expectations and spurring public action.⁷¹ Legal guarantees on gender equality and non-discrimination can help build political legitimacy to back the enforcement of women's and girls' rights regarding climate change action and their involvement in climate governance.⁷² Therefore, laws related to gender equality must explicitly address the different experiences of men and women; otherwise, legislation that may seem gender-neutral will hide essential differences between genders and benefit some persons more than others regarding mitigating the impacts of climate change. Therefore, the next part of the paper examines the laws and institutional framework on climate change action and governance to determine how well these laws tackle gender inequalities in practice and strengthen women's voices and participation in climate governance in Nigeria.

4. LEGAL AND INSTITUTIONAL FRAMEWORKS FOR GENDER EQUALITY IN CLIMATE ACTION IN NIGERIA

In Nigeria, there have been attempts to tackle the drivers that contribute to the increased susceptibility of women to the negative repercussions of climate change and other forms of gender inequality.⁷³ Some of these initiatives utilise legal mechanisms as a means of social transformation.⁷⁴ These laws aim to integrate women's perspectives on strategies for mitigating and adapting to climate-related problems. By acknowledging the differential impact of climate change on men and women, with women often being more vulnerable, these laws strive to establish a gender-responsive approach to addressing the challenges posed by climate change. Consequently, this section delves into an analysis of the legal and institutional framework concerning climate change action and governance to assess these laws' effectiveness in addressing gender inequalities and promoting women's active involvement and influence in climate governance within Nigeria.

One such national law is the supreme law of the land, The Constitution of the Federal Republic of Nigeria 1999(as amended) (the Constitution). Section 20 of the Constitution places an obligation on the State to protect and improve the environment and safeguard Nigeria's water, air, land, forest, and wildlife and, by

⁷¹ JN Morgan, 'Rethinking Disorderly Conduct' (2021) 109 Cal L Rev 1637.

⁷² AC Vithanage, 'Addressing Correlations Between Gender-Based Violence and Climate Change: An Expanded Role for International Climate Change Law and Education for Sustainable Development' (2020) 38 Pace Envtl L Rev 327.

⁷³ CJ Onwutubebe, 'Patriarchy and Women Vulnerability to Adverse Climate Change in Nigeria' (2019) 9(1) Sage Open 2158244019825914.

⁷⁴ SM Eskander and S Fankhauser, 'Reduction in Greenhouse Gas Emissions from National Climate Legislation' (2020) 10(8) Nature Climate Change 750.

extension, includes an obligation to mitigate against the impact of climate change in the country. On gender equality, Section 15 of the Constitution provides, *inter alia*, that in promoting the motto of unity, faith, peace, and progress in Nigeria, discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association, or ties shall be prohibited. Furthermore, Section 42 provides that:

"A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject."

The combined reading of these sections implies that the State or agencies acting on its behalf while protecting and improving the environment should not put some groups at a disadvantage based on their sex, religion, or ethnicity. In Nigeria, no individual must be subjected to unfair treatment or discrimination based on their community, ethnic background, place of origin, gender, religion, or political beliefs.⁷⁵ This principle dictates that the law and government actions must not exhibit bias towards individuals on these grounds. Every person should be entitled to equal rights and opportunities, irrespective of their characteristics, whether these relate to sex or gender.

This study posits that although these provisions of the Constitution uphold the notion of a just society devoid of discrimination, where the needs and concerns of women, men, girls, and boys are mainstreamed equitably into all sectors of national development, women in Nigeria still face significant challenges, particularly in attaining elective positions. The disparity between the legal framework and the reality on the ground highlights the persistent issue of gender discrimination in the country's political landscape. This underrepresentation of women in decision-making roles is particularly concerning in the context of Nigeria's energy transition, where the involvement of diverse voices is critical to ensuring equitable and sustainable policies. As the country moves towards a low-

⁷⁵ In Nigeria, it is imperative that no individual is subjected to unfair treatment or discrimination based on their community, ethnic background, place of origin, gender, religion, or political beliefs. The Nigerian Constitution (1999, as amended), particularly in Section 42, explicitly prohibits discrimination on the basis of community, ethnicity, place of origin, sex, religion, or political opinion. Additionally, the National Gender Policy (2006) further underscores gender as a protected characteristic, advocating for the elimination of all forms of discrimination against women and promoting gender equality

carbon future, ensuring that women disproportionately affected by climate change and energy poverty have equal access to political participation and decision-making processes is crucial. Addressing gender inequality in governance will lead to more inclusive strategies for climate mitigation and energy policy, benefiting all segments of society.

The National Environmental Standards and Regulations Agency Act 2007 (the Act)⁷⁶ is the primary legislation establishing the National Environmental Standards and Regulations Agency (NESREA) and setting out the modalities for NESREA's operations. The Act defines the powers, functions, and responsibilities of NESREA in ensuring the enforcement of environmental standards and regulations across various sectors in Nigeria.⁷⁷ The Act also outlines the mechanisms for monitoring, compliance, and enforcement of environmental standards and the penalties for non-compliance.⁷⁸ The Act has few but salient provisions that help to address climate change: Section 7(c) of the Act empowers the agency established by the Act, NESREA, to enforce compliance with the provisions of international agreements on climate change. Section 21 of the Act also enables the agency to collaborate with other relevant agencies to protect the ozone layer, which is inexplicably linked with Climate Change, as certain ozone-depleting substances are also potent greenhouse gases. In addition, Sections 26, 20, and 23 call for protecting terrestrial and marine ecosystems since these ecosystems play a vital role in mitigating climate change by absorbing artificial carbon emissions. The NESREA Act provides for enforcing compliance with environmental policies and laws, including those related to climate change. While the NESREA Act may indirectly incorporate gender considerations through broader environmental policies, it lacks explicit provisions for gender mainstreaming.⁷⁹ This absence of gender-specific provisions limits the full integration of gender considerations into environmental strategies. As a result, while the Act indirectly supports gender-inclusive policies, explicitly incorporating gender mainstreaming would better address the gendered impacts

⁷⁶ Available at <https://www.nesrea.gov.ng/publications-downloads/laws-regulations/> accessed 6 June 2024.

⁷⁷ National Environmental Standards and Regulations Enforcement Agency (NESREA) (Establishment) Act 2007, ss 7, 8.

⁷⁸ Ibid

⁷⁹ Relevant policies enforced by NESREA include the National Environmental (Energy Sector) Regulations (2014), which governs energy project standards, and the National Environmental (Desertification Control and Drought Mitigation) Regulations (2011), which addresses desertification—a critical issue for rural women in agriculture. Although these policies are vital for environmental protection, they do not specifically address the unique vulnerabilities of women or promote their inclusion in environmental decision-making.

of climate change and empower women in environmental law and policy-making in Nigeria.

The National Climate Change Policy for Nigeria 2021-2030⁸⁰ recognises the intricate linkage between climate change and gender inequality. The policy recognises that the causes and impacts of climate change are not gender-neutral and require gender-responsive strategies coupled with the capacity to respond to or address it. It further recognises that just like gender inequalities exacerbate the effect of climate change, climate change also worsens existing inequalities and generally slows progress toward gender equality. Therefore, adaptation and mitigation efforts would lack sustainability until gender is effectively mainstreamed at every stage. Thus, the policy promotes low-carbon, climate-resilient, gender-responsive, and sustainable socio-economic development.⁸¹ The strategic objective of the policy, amongst others, is to mainstream gender, children and youth, and other vulnerable groups into all climate change interventions.⁸² This objective is guided by the principle that gender equality and social inclusion are relevant to attaining the policy's aim.

The Policy in Chapter 7.2 states that vulnerable groups, including women, often experience elevated risks and heavier burdens due to the consequences of climate change, particularly in impoverished circumstances. Women's limited involvement in decision-making procedures and the workforce exacerbates inequalities and frequently hampers their ability to actively engage in climate-related planning, policy development, implementation, monitoring, and assessment. Specifically, regarding the role of women, the policy recognises them as agents of change rather than victims with unique knowledge and capabilities.⁸³ Therefore, encouraging and supporting their leadership to address climate change and inform policy is one way to ensure that a gender perspective is included; without this, climate policies could fail to be effective.⁸⁴ This study opines that this may indicate the government's commitment to gender mainstreaming into climate change policies, programmes, and actions, particularly in implementing the Paris Agreement and the country's Nationally Determined Contributions (NDCs). The policy measures focus on understanding the gender dimensions of climate change and addressing specific inequalities that increase the vulnerability of women and other disadvantaged groups to its impacts. These measures recognise women as critical agents of change in climate responses and promote actions that align with the goals of gender equality, women's empowerment, and climate adaptation and

⁸⁰ Available at <https://tinyurl.com/22hec2p6> assessed 21st October 2023

⁸¹ See Chapter 3.3 National Climate Change Policy for Nigeria 2021-2023.

⁸² See Chapter 3.4 National Climate Change Policy for Nigeria 2021-2023.

⁸³ See Chapter 7.2 National Climate Change Policy for Nigeria 2021-2023.

⁸⁴ See Policy Measure (V) Chapter 7.2 National Climate Change Policy for Nigeria 2021-2023.

mitigation. The policy also emphasises incorporating gender perspectives into climate change responses and finance processes. It ensures that women participate equally alongside men and are encouraged to take on leadership roles throughout the climate change programme management cycle. Furthermore, it seeks to bridge the data gap on gender and climate change while investing in women, youth, and other vulnerable groups to participate in national climate change responses effectively. These measures highlight the essential link between gender equality and climate change governance.⁸⁵

Another significant policy is the National Action Plan on Gender and Climate Change for Nigeria 2020 (the Plan), developed by the Department of Climate Change, Federal Ministry of Environment, to guide mainstreaming gender concerns to address climate change challenges in Nigeria.⁸⁶ On integrating gender perspectives into climate change mitigation and adaptation, the Plan aims to ensure that national climate change governance processes in Nigeria mainstream gender considerations. This is to guarantee the inclusivity of all demographics, including women, men, youth, the elderly, and other vulnerable groups, in the formulation and implementation of climate change initiatives, programmes, and policies.⁸⁷ The Plan includes enhancing awareness of climate change impacts among women, youth, and vulnerable groups through evidence-based vulnerability analysis and communication.⁸⁸ Additionally, it aims to integrate gender considerations into all climate change management policies, programs, and processes across different sectors of the economy. The Plan advocates for the incorporation of gender concerns and innovative gender-responsive approaches in the implementation of the Paris Agreement and Nigeria's NDCs.⁸⁹ The Plan aims to increase the participation of vulnerable groups, particularly women, in climate change policies and negotiations at local, State, national, and international levels. It seeks to achieve this through capacity-building initiatives, promoting gender-responsive budgeting, fostering partnerships with women's organisations, and creating opportunities for women to lead in climate governance. The Plan also emphasises ensuring equal representation in decision-making bodies and developing specific interventions to empower women to contribute to climate policy-making.⁹⁰

⁸⁵ Ibid

⁸⁶ Available at <https://tinyurl.com/39chdhpw> accessed 22 October 2023

⁸⁷ See Chapter 4.1.1 National Action Plan on Gender and Climate Change for Nigeria 2020.

⁸⁸ See Chapter 2.2 National Action Plan on Gender and Climate Change for Nigeria 2020.

⁸⁹ See Chapter 4.1.2 National Action Plan on Gender and Climate Change for Nigeria 2020.

⁹⁰ *ibid*

In addition to the above, the Plan seeks to promote sustainable, gender-responsive adaptation and mitigation initiatives to minimise climate change risks and maximise opportunities for all vulnerable groups.⁹¹ It also aims to establish a gender-responsive monitoring and evaluation system and collect/disseminate sex-disaggregated data on climate change issues.⁹² In addition to these objectives, the Plan identifies five key priority sectors – agriculture, forestry and land use, food security and health, energy and transport, water and sanitation, and waste management – where it seeks to incorporate gender considerations into Nigeria's climate-related policies effectively.⁹³ In the context of this study, the Plan effectively addresses gender balance and women's participation in Nigeria's climate governance. It prioritises equality between men and women when it comes to climate policies.⁹⁴ This promotes equitable access, involvement, and sharing of benefits among all stakeholders, particularly women, and promotes sustainable and equitable development in Nigeria.

The National Gender Policy 2006 did not explicitly address climate change, but the revised National Gender Policy 2021-2026 represents a significant improvement by focusing on emerging gender issues, including climate change.⁹⁵ Section 3.4.3 of the revised policy, titled "Gender, Environment, and Climate Change," aims to integrate gender and social inclusion frameworks into climate change mitigation efforts. The revised policy underscores the critical intersection between gender, environment, and climate change in Nigeria, emphasising the differential impacts on men and women due to varying access to resources and support systems.⁹⁶ Women are often more vulnerable to weather-related disasters and possess unique knowledge that can contribute to recovery efforts. The revised policy highlights the importance of involving women in decision-making processes related to the environment at all levels.⁹⁷ It calls for integrating gender perspectives in policies and programs for sustainable environmental management and stresses the need to assess the impact of environmental policies on women and

⁹¹ Ibid

⁹² Specifically, the Plan outlines the development of gender-sensitive indicators (Section 6.2) to track progress on gender equality in climate actions and mandates periodic reporting to ensure accountability. By ensuring that data is disaggregated by sex, the Plan seeks to better inform climate strategies that address the unique challenges faced by women and other vulnerable groups

⁹³ Chapter 4.2.0 National Action Plan on Gender and Climate Change for Nigeria 2020

⁹⁴ Section 4.2 of the Plan emphasises the importance of ensuring equal participation of men and women in climate change governance, decision-making processes, and leadership roles. It also calls for gender-responsive budgeting and policies to address the specific vulnerabilities of women and other marginalised groups in the context of climate change.

⁹⁵ Available at <https://tinyurl.com/3c38ayzu> Accessed 6th June 2024

⁹⁶ Ibid

⁹⁷ See Section 1.2.3.

vulnerable groups.⁹⁸ The revised policy seeks to engender environmental protection and natural resource conservation for sustainable development.⁹⁹ The policy's objectives include involving women in decision-making processes, integrating gender concerns in environmental policies, and establishing mechanisms to assess the impact of policies on women and vulnerable groups.¹⁰⁰

The policy's targets emphasise integrating gender and social inclusion principles into emergency management processes to address disaster vulnerabilities and involve women in decision-making within the environment and climate change sector.¹⁰¹ Proposed strategies include advocating for programs that mitigate the impact of climate change on women and vulnerable groups and building the capacity of women and vulnerable populations to adapt to environmental challenges.¹⁰²

Overall, the policy underscores the importance of recognising and addressing the gendered implications of climate change in Nigeria, emphasising the need for gender-responsive policies and programs to ensure sustainable environmental management and resilience. Despite its ambitious provisions, empirical evidence suggests a weak link between the policy's intentions and its actual impact on women's representation in governance in Nigeria.¹⁰³ A key challenge lies in the non-binding legal status of the National Action Plan, which limits its enforceability. To ensure effective implementation and accountability, there is a pressing need for supporting legislation that mandates the enforcement of its gender equality provisions and guarantees women's participation in climate governance.

Nigeria enacted the 2021 Climate Change Act (CCA)¹⁰⁴ to establish a national structure for addressing climate-related matters. The CCA, the first all-encompassing legislation dedicated explicitly to climate change, is evidence of

⁹⁸ See Section 2.4.

⁹⁹ Ibid.

¹⁰⁰ Section 2.4 National Gender Policy 2021-2026.

¹⁰¹ See Section 3.3 National Gender Policy 2021-2026.

¹⁰² Ibid.

¹⁰³ MN Ajemba, 'Women in Leadership, Gender Inequality in Nigeria, Diversity and New Trend of Women in Leadership Positions in Industries Around the World' (2023) 14(1) *GSC Advanced Research and Reviews* 78.; A Taiye, 'Gender Disparity and the Challenges of Governance in Nigeria (1999-2007)' (2008) 6 *Gender and Behaviour* 1532 <https://doi.org/10.4314/GAB.V6I1.23402> accessed 24 September 2024; J Dan-Azumi and C Asan, 'Women and Legislative Representation in Nigeria's National Assembly: A Detailed Appraisal of the 8th Assembly (2015-2019)' (2021) 11 *Journal of Public Administration and Governance* 86 <https://doi.org/10.5296/JPAG.V11I2.18543> accessed 24 September 2024.

¹⁰⁴ Climate Act Act 2021 Available at <https://tinyurl.com/4ak6tjes> Assessed 6th June 2024

Nigeria's dedication to achieving net-zero emissions, as emphasised by President Buhari during the COP26 conference held in Glasgow.¹⁰⁵ The objectives of the Act are clearly outlined in Section 1, aiming to establish a structure for reducing Greenhouse Gas (GHG) emissions, promoting inclusive green growth, and fostering sustainable economic development. These objectives provide a comprehensive and inclusive regulatory framework that supports Nigeria's long-term climate objectives. They encompass essential elements such as securing adequate climate financing, ensuring environmental and economic accountability, and prioritising climate change action through mitigation, adaptation, and mainstreaming. Key objectives include aligning climate change action with national development priorities, facilitating financial and other resources for climate change initiatives, implementing measures to mitigate emissions and encourage a low-carbon economy, and promoting sustainable livelihoods. Section 3 of the Act prescribes the establishment of a National Council of Climate Change (NCCC).¹⁰⁶ As a high-level entity, the NCCC is the primary body in Nigeria with the capacity and commitment to tackle the extensive task of achieving deep national decarbonisation, which is essential for meeting ambitious climate targets. The NCCC coordinates with key climate-related agencies, including the Federal and State Environmental Ministries, NESREA, the Department of Climate Change (DCC) under the Federal Ministry of Environment, and the National Agency for the Great Green Wall (NAGGW). These agencies collaborate to ensure cohesive national strategies for climate action. The NCCC thus plays a central role in harmonising these efforts, overseeing the implementation of Nigeria's climate policies, and fulfilling its international obligations under agreements like the Paris Accord.

Furthermore, the NCCC is responsible for steering the country towards an equitable and sustainable green transition, fostering climate-resilient development in the coming decades. In the context of this study, The CCA, in contrast to the NESREA Act, incorporates provisions in section 5 that necessitate the participation of the Minister of Women Affairs and a representative of women in the NCCC.¹⁰⁷ Furthermore, section 25 of the CCA underscores the importance

¹⁰⁵ Available at <https://tinyurl.com/mv7uw9tk> accessed 25th October 2023

¹⁰⁶ The NCCC comprises the President, the Vice President, government officials involved in climate change-related work (such as the Minister of Environment, Minister of Petroleum Resources, Minister of Power, and others), a representative from a Civil Society Organization focusing on climate change, representatives from the private sector, as well as representatives from marginalised groups. The NCCC is granted several powers, including overseeing the implementation of the National Climate Action Plan, establishing and executing mechanisms for carbon emissions trading, and ensuring the integration of climate change considerations into national programs, among other responsibilities.

¹⁰⁷ Section 5(1)(s) Climate Change Act 2021

of partnerships with women and other stakeholders to oversee climate plans, engage in advocacy, and access essential climate information. While these provisions acknowledge the significance of gender considerations, the current representation of women in these capacities may not be adequate to yield a substantial impact.¹⁰⁸ Collaborating with women, civil society organisations, and diverse stakeholders is pivotal for effective climate change mitigation and adaptation.

Nonetheless, the suggestion for more gender-specific provisions might be more fitting for policy instruments rather than obligatory legislative mandates. Policy instruments offer flexibility and can be adapted more readily to emerging issues, particularly in climate governance, where gender dynamics constantly evolve. Policies can be updated or expanded to reflect ongoing developments without the lengthy processes often required for legislative amendments. For instance, the National Gender Policy (2006) provides a framework that supports gender mainstreaming in various sectors, including climate change, and can be revised as needed to address specific challenges women face. By contrast, while more enforceable, legislative mandates can be rigid and may not fully capture the nuances of gender-specific issues. Scholarly arguments for legislative provisions, particularly in affirmative action, such as in Ridgeway¹⁰⁹ and Lovenduski¹¹⁰, argue that laws enforcing gender quotas or mandatory gender representation can ensure more concrete outcomes. For example, affirmative action laws in countries like Rwanda have effectively increased women's representation in parliament.¹¹¹ However, critics like O'Cinneide¹¹² note that legislative mandates may face challenges in implementation and might not address underlying social and structural barriers to gender equality. Given the evolving nature of climate change impacts and the specific vulnerabilities of women, gender-responsive policy instruments may offer a more dynamic approach to addressing these issues in Nigeria. However, combining legislative mandates, particularly for affirmative action, and adaptable policy frameworks would likely provide the most comprehensive solution to ensuring women's empowerment in climate law and

¹⁰⁸ Scholastica UC and Lawal O, 'Women and Girls' Vulnerability to Climate Change: Gender-Based Policy Strategies for Sustainable Development' (2022) 16(2) *Asian Research Journal of Arts & Social Sciences* 54 <https://doi.org/10.9734/arjass/2022/v16i230283> accessed 25 September 2024.

¹⁰⁹ Cecilia Ridgeway, *Framed by Gender: How Gender Inequality Persists in the Modern World* (Oxford University Press 2011) <https://doi.org/10.1093/acprof:oso/9780199755776.001.0001> accessed 24 September 2024, 25.

¹¹⁰ Joni Lovenduski, *Feminizing Politics* (Polity Press 2005) 11-15.

¹¹¹ Goswami I, Balakrishnan S, Vinotha C, Chopra R, Sivakumar V and Chetan DM, 'Gender and Politics: Examining Women's Representation and Empowerment' (2023) 33 *Journal of Namibian Studies: History Politics Culture* 1980.

¹¹² Colm O'Cinneide, 'The Uncertain Foundations of Contemporary Anti-Discrimination Law' (2010) SSRN <https://ssrn.com/abstract=1769068> accessed 25 September 2024.

governance. Ensuring that the Act's implementation effectively addresses the gendered implications of climate change is therefore crucial for fostering sustainable development in Nigeria.

Furthermore, provisions offering practical guidance on mainstreaming gender issues at every stage of climate change work—from policy development to research, intervention design, implementation, monitoring, and evaluation—should be more explicit in the Climate Change Act (CCA). While the Act includes representation from the Ministry of Women's Affairs and community organisations, this study calls for a review to enhance its gender focus. Specifically, the Act does not go far enough in recognising women's unique contributions to climate change mitigation and adaptation or addressing the specific barriers they face. Although there is widespread advocacy for greater women's involvement, as noted in the National Action Plan on Gender and Climate Change (2020), evidence of concrete integration of women into decision-making processes remains limited. This reflects acknowledging the need for active participation rather than recognising current involvement. Thus, strengthening the CCA's provisions on gender inclusion is necessary to harness women's full potential in climate governance.

In addition to these laws and policies, national institutions with mandates related to gender and climate change exist in Nigeria. First is the Federal Ministry of Environment, which is responsible for climate change actions and serves as the designated National Focal Point (NFP) for implementing the UNFCCC and the Kyoto Protocol. The Federal Ministry of Women's Affairs advises the government on gender and children issues, aiming to promote and develop equal rights for women. The National Centre for Women Development (NCWD), established in 1995, operates as a parastatal under the Federal Ministry of Women Affairs and Social Development. Its core mandate includes gender research, mainstreaming, training, and documentation to promote gender equality across various sectors, including climate change. The National Council of Women Societies (NCWS), founded in 1958, is a prominent non-governmental organisation (NGO) focused on improving women's welfare, progress, and living standards in Nigeria, particularly emphasizing increasing women's participation in socio-economic activities.

These two organisations are instrumental in shaping gender discourse in Nigeria and are thus relevant to analysing gendered responses to climate change. The NCWD, through its institutional backing and policy influence, offers an avenue for embedding gender considerations into climate governance. At the same time, the NCWS, through its grassroots mobilisation and advocacy, ensures that women's voices at the community level are integrated into broader socio-economic policies. Despite their significant contributions, both institutions lack a

direct focus on climate change. This absence reflects a broader institutional fragmentation, where a centralised gender-climate mandate could hinder a coordinated response to gendered climate impacts. However, this fragmentation may also serve as an opportunity, allowing multiple institutions to approach the intersection of gender and climate change from different perspectives, thereby enriching the overall policy response.

The legal and institutional frameworks for gender equality in climate action in Nigeria play a pivotal role in promoting inclusiveness and gender responsiveness within the governance structures of climate change. However, while these frameworks have laid the foundation for women's participation and representation, significant gaps remain. For instance, studies have shown that women's voices often remain underrepresented in key decision-making processes despite policy provisions.¹¹³ Okpala and Moyosoluwa's analysis underscores the failure to fully address women's specific needs, particularly in rural areas where they face increased vulnerability due to limited access to resources and decision-making platforms.¹¹⁴ Achieving true inclusiveness and gender responsiveness in Nigerian climate governance will remain elusive unless women's voices are amplified, their perspectives integrated, and their unique challenges addressed at all policy-making levels.

5. STRATEGIES FOR ENHANCING WOMEN'S PARTICIPATION AND REPRESENTATION IN CLIMATE GOVERNANCE

To achieve effective and inclusive climate governance in Nigeria, it is imperative to develop and implement strategies that enhance the participation and representation of women, recognising their unique perspectives, experiences, and contributions in addressing the challenges of climate change. Therefore, this section proposes effective strategies for enhancing women's involvement in climate change governance.

¹¹³ Fejika SI and Ojo VO, 'Gender Equity and Women's Inclusion in Governance Processes in Nigeria: Why Was the National Gender Policy's Affirmative Action Unable to Engender Desired Change?' (2024) 24(1) *International Journal of Community Diversity* 51.; Iloka CP, 'Affirmative Action and the Role of Lawyers in Fostering Women's Participation in Election Processes in Nigeria: A Critical Analysis' (2023) 4 *ACARELAR* 11.; Ette M and Akpan-Obong P, 'Negotiating access and privilege: politics of female participation and representation in Nigeria' (2023) 58(7) *Journal of Asian and African Studies* 1291.

¹¹⁴ Okpala NR and Moyosoluwa PD, 'Women In Politics: A Prognosis of The Nigeria's Fourth Republic' (2024) 1(1) *Taraba International Journal of Social Sciences Research* 1.

First, to enable the full participation of women in climate change efforts, enhancing their resilience and that of their communities is crucial. This requires leading agencies and institutions responsible for implementing public policies on gender equality and women's autonomy in Nigeria to take an active and transformative leadership role. These women must be fully integrated into climate actions as critical participants in shaping and responding to climate policies. While the Plan and the CCA include provisions for women's involvement, gaps persist in ensuring their full and meaningful participation. For example, women remain underrepresented in decision-making roles, and structural barriers—such as limited access to financial resources, education, and land—continue to hinder their ability to engage in climate adaptation and mitigation effectively. Prioritising gender equality and addressing these barriers will ensure women's perspectives and needs are central to climate governance.¹¹⁵

There is a critical need for capacity building and development to strengthen skills and knowledge related to gender equality and climate change at the national level, encompassing state institutions and civil society organisations. Despite policy frameworks such as the National Action Plan on Gender and Climate Change, there remains a significant gap in the capacity of these institutions to implement gender-sensitive climate policies. This gap is particularly evident in the machinery for women's advancement and organisations' capacity to engage in climate governance. Studies, such as those by Agu and Okhimamwe, highlight that many institutions lack the technical expertise and resources to mainstream gender into climate policies.¹¹⁶ Similarly, Etokidem et al. stress that civil society organisations often face funding and training limitations, preventing them from fully addressing the gendered impacts of climate change.¹¹⁷ Bridging this capacity gap through targeted training and resources is essential for fostering more inclusive climate governance, ensuring that women's perspectives and needs are adequately represented.¹¹⁸ Although governments have shown interest in integrating gender equality and women's autonomy in climate change processes through some of the

¹¹⁵ Huber J et al, 'Climate-related migration and the climate-security-migration nexus in the Central American Dry Corridor' (2023) 176(6) *Climatic Change* <https://doi.org/10.1007/s10584-023-03549-6>.

¹¹⁶ Agwu J and Okhimamwe AA, *Gender and Climate Change in Nigeria* (Heinrich Böll Stiftung, Lagos 2009).

¹¹⁷ Etokidem A et al, 'Potential Barriers to and Facilitators of Civil Society Organization Engagement in Increasing Immunization Coverage in Odukpani Local Government Area of Cross River State, Nigeria: An Implementation Research' (2021) 19 *Health Research Policy and Systems* 1.

¹¹⁸ Goodrich CG, Gurung DD and Bastola A, *State of Gender Equality and Climate Change in Nepal* (2021) <https://doi.org/10.53055/icimod.790>; Ferraz da Silva PI, 'Capacity Building as the Cornerstone of the Climate Change Regime: Evolution of the Agenda through a Policy-Practitioner View from Brazil' (2022) 22(5) *Climate Policy* 687.

laws examined, a significant obstacle is the lack of skills and training in areas such as the design of public policies, the implementation of actions in projects, or the implementation of monitoring and evaluation systems with a gender perspective. This obstacle can be overcome by incentivising research and academic training through partnerships with universities and think tanks and promoting diploma courses or certifications on gender equality and climate change.¹¹⁹

Furthermore, there is a pressing need to increase the representation of women in key decision-making roles, such as planners, technical advisers, managers, and extension workers in the fields of environment and development. In the Nigerian context, women remain significantly underrepresented in climate governance and related sectors. For instance, a study by Adamu highlights that women occupy less than 10% of decision-making roles within environmental agencies at both national and State levels.¹²⁰ Additionally, a study by Worika and Ozuru emphasises that women's voices are largely absent from critical discussions on climate change adaptation and mitigation, particularly at the local government level.¹²¹ This underrepresentation is not limited to environmental bodies but spans various government institutions where climate policies are developed and implemented.¹²² To promote gender equality and ensure that women from diverse backgrounds are actively engaged in climate change negotiations and decision-making processes, a comprehensive strategy is required. This strategy must address constitutional, legal, administrative, cultural, and economic barriers that impede women's full participation in governance. Moreover, it should establish more equitable gender representation within governmental bodies directly responsible for climate change policy and those indirectly involved in shaping environmental and developmental governance.

An additional strategy for enhancing women's inclusiveness in climate change governance in Nigeria involves establishing inclusive networks and partnerships that actively pursue gender equality and climate justice. These networks, comprising government agencies, civil society organisations, academic institutions, and grassroots communities, would provide a platform for dialogue and collaboration. By fostering such partnerships, women would be empowered to express their perspectives and share their experiences on climate change. This

¹¹⁹ Demaidi M and Al-Sahili K, 'Integrating SDGs in Higher Education—Case of Climate Change Awareness and Gender Equality in a Developing Country According to RMEI-TARGET Strategy' (2021) 13 Sustainability 3101.

¹²⁰ Adamu RO, 'Women Participation in Nigerian Politics: Challenges and Prospects to Nigerian Democracy' (2023) 6(2) International Journal of Humanity Studies 301.

¹²¹ Lucky IW and Ozuru GO, 'EnVironmental Governance And Sustainability: Beyond Policy To Protecting The Rights Of (Rural) Women In The Niger Delta Of Nigeria' (2024) 8(4) Irish International Journal of Law, Political Sciences and Administration 53.

¹²² Ibid, 60.

approach amplifies their voices and ensures their active participation in decision-making processes. While there are existing partnerships and advocacy groups at various levels,¹²³ many of these collaborations are either fragmented or lack sufficient capacity to influence national climate policy. Establishing a unified, inclusive network would bridge this gap, enabling women's contributions to be acknowledged and integrated into climate governance. These partnerships would also catalyze capacity-building initiatives, equipping women with the technical skills, leadership abilities, and advocacy tools necessary to engage in climate policy formulation and implementation effectively. In doing so, this strategy would help foster a more equitable and inclusive climate governance framework in Nigeria.¹²⁴

6. CONCLUSION

The interplay between gender equality, climate governance, and democracy is essential for fostering a sustainable and just future. Recognising and addressing the gender disparities within climate decision-making processes is crucial to ensure inclusive and effective governance. By promoting equal participation and representation, we can strengthen democratic principles while advancing climate action for the benefit of all. Embracing the interconnectedness of these critical factors will contribute to a more equitable and resilient society in the face of climate challenges. Ensuring the inclusion of women in climate governance is not only a matter of equity but also of efficacy. Women, with their diverse experiences and perspectives, play a critical role in shaping climate policy and action. However, as highlighted throughout this paper, the existing legal and institutional frameworks in Nigeria—while promising—remain insufficient in practice to fully achieve gender equality in climate governance.

The aspirations for women's increased participation in climate decision-making must go beyond formal representation. A gender analysis is necessary to address women's systemic barriers in accessing leadership positions and influencing policy outcomes. Such an analysis would allow institutions to identify and rectify the biases embedded in legal frameworks, policy implementation, and institutional practices, fostering a more inclusive and effective climate governance structure. By conducting this analysis, the Nigerian government, alongside civil society and women-led organisations, can challenge existing institutional biases and create governance systems responsive to all citizens' needs. The CCA and the National Action Plan on Gender and Climate Change offer a foundation for further

¹²³ Examples of such groups include the Climate Change and Sustainable Development Network of Nigeria, Climate Change Network Nigeria and the International Centre for Energy Environment and Development

¹²⁴ Ali MA and Kamraju M, 'The Role of Women in Rural Development Programs' (2023) 2(1) ASEAN Journal of Community Service and Education 67.

progress. However, without a concerted effort to strengthen the practical application of these frameworks through gender analysis, the full potential of women's contributions to climate governance will remain untapped. Ultimately, advancing gender equality within climate governance will not only promote justice but also enhance the resilience and adaptability of Nigeria's climate response.

The interplay between gender equality, climate governance, and democracy is essential for fostering a sustainable and just future. Recognising and addressing the gender disparities within climate decision-making processes is crucial to ensure inclusive and effective governance. By promoting equal participation and representation, we can strengthen democratic principles while advancing climate action for the benefit of all. Embracing the interconnectedness of these critical factors will contribute to a more equitable and resilient society in the face of climate challenges. Therefore, granting women legitimacy and incorporating them into positions of power can contribute to discussions and align their gender aspirations with the broader interests of democracy. This approach aims to harmonise democratic governance and gender equality. Consequently, when establishing new institutions for climate change mitigation and adaptation in Nigeria, it becomes possible to conduct a gender analysis. This analysis can challenge harmful thought patterns and weaken the impact of institutional practices, behavioural patterns, and personal biases.