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Rights-Based Legal Framework for Renewable Energy Integration in Nigeria's National Grid

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Abstract

Nigeria's energy landscape epitomizes a paradox of resource abundance juxtaposed with systemic energy poverty, undermining its economic potential and violating fundamental socioeconomic rights. Despite possessing 213 trillion cubic feet of natural gas reserves and 427,000 MW of renewable energy potential, over 45% of Nigerians lack electricity access, while gas flaring and deforestation exacerbate environmental degradation. This study interrogates Nigeria's fragmented legal-institutional frameworks through a comparative analysis of rights-based energy governance models in Kenya, Germany, China, and the United States. Employing doctrinal and comparative methodologies, it identifies critical gaps in Nigeria's energy laws, including non-binding renewable targets, infrastructural decay, and constitutional non-justiciability of energy access. The findings reveal that integrating renewable energy into the national grid requires enforceable legal mandates, decentralized governance, and constitutional recognition of energy access as a justiciable right. The study proposes a rights-based legal framework aligned with Sustainable Development Goal 7 (SDG 7) and the Paris Agreement, advocating for grid modernization, public-private partnerships, and institutional reforms to dismantle Nigeria's "energy apartheid" and achieve equitable, low-carbon growth.

Keywords: Energy, *Paris Agreement*, *National Grid*, *Right – Based Approach*, *Sustainable Development Goal*

Introduction

According to the United Nations Secretary-General Advisory Group on Energy and Climate Change: Energy is the engine that propels the wheel of modern developments. Ensuring adequate access to energy is necessary to meet the millennium development goals and enable the poorest of the poor to escape poverty.¹ Nigeria faces acute energy insecurity despite its vast fossil fuel reserves and renewable energy potential.² Recent laws like the Petroleum Industry Act 2021 and Electricity Act 2023 aim to modernize governance but lack binding renewable energy targets. The Petroleum Industry Act allocates 3% of oil budgets to host communities but omits renewable investment mandates, perpetuating fossil fuel reliance.³ Additionally, socioeconomic rights under Chapter II of Nigeria's 1999 Constitution are non-justiciable, insulating the state from accountability for energy poverty and contradicting obligations under the African Charter on Human and Peoples' Rights.⁴ Nigeria's solar (427,000 MW)⁵, and hydropower (14,750 MW) potential remains 98% untapped.⁶ Its Nationally Determined Contribution pledges 30% renewable energy by 2030 but lacks binding mechanisms or fiscal incentives to attract the required \$400 billion for transition.⁷ This resulted in undermine of foreign direct investment and exclusion from the World Bank's \$1 billion Sub-Saharan renewable initiative, undermining foreign investment.⁸

Nigeria's energy insecurity is a governance paradox: despite holding Africa's largest gas reserves and vast renewable potential, 80 million citizens lack electricity, and rural communities endure 93,000 annual deaths from biomass-related indoor pollution.⁹ The 1999 Constitution entrenches this inequity by rendering socioeconomic rights, including energy access, non-justiciable under Chapter II,

¹ United Nations, 'Secretary – General Advisory Group on Energy and Climate' <<https://www.un.org/wcm/webdav/site/climatechange/shared/documents/AGECC%20summary%20report%5B1%5D.PDF>> accessed 24 November 2024.

² World Bank, 'Nigeria Electrification Project: Progress Report' (Washington, DC: World Bank, 2024) 5.

³ Petroleum Industry Act 2021 (Nigeria), s 24(3).

⁴ Constitution of the Federal Republic of Nigeria 1999, s 6(6)(c); African Charter on Human and Peoples' Rights (1986), Art 16.

⁵ International Renewable Energy Agency (IRENA), *Nigeria Renewable Energy Roadmap* (Abu Dhabi: IRENA, 2025) 22.

⁶ Oyedepo, S.O. Energy and sustainable development in Nigeria: the way forward. *Energ Sustain Soc* 2, 15 (2012). <https://doi.org/10.1186/2192-0567-2-15>; Accessed 11 March, 2022; International Renewable Energy Agency, "Nigeria's Renewable Potential" (2025) 22.

⁷ Eweka, E.E.; Lopez-Arroyo, E.; Medupin, C.O.; Oladipo, A.; Campos, L.C. Energy Landscape and Renewable Energy Resources in Nigeria: A Review. *Energies* 2022, 15, 5514. <https://doi.org/10.3390/en15155514>; Federal Ministry of Environment, *Nigeria's NDC Implementation Plan* (2023) 17.

⁸ World Bank, *Sub-Saharan Africa Renewable Energy Initiative* (2024) 33.

⁹ 1. International Energy Agency (IEA), *Nigeria Energy Outlook 2022* (OECD Publishing 2022) 45.

contravening Nigeria's obligations under the African Charter on Human and Peoples' Rights.¹⁰ Post-independence policies, such as the Petroleum Industry Act (PIA) 2021 and Electricity Act 2023, prioritize fossil fuel extraction and decentralized grid management but omit binding renewable energy quotas or mechanisms to redress regional disparities, exemplified by the North-East's 14% electrification rate versus the South-West's 55%.¹¹ The main aim of this study is to resolve energy crisis in Nigeria through rights-based framework and integration of renewable energy systems into the national grid.

Globally, Nigeria's Nationally Determined Contribution (NDC) pledges 30% renewable energy adoption by 2030, yet fossil fuels dominate 79.5% of the energy mix, and gas flaring emits 22.9 million tonnes of CO₂ annually.¹² Legislative inertia, corruption diverting \$3.5 billion annually from energy projects, and exclusion from international financing mechanisms like the World Bank's \$1 billion Sub-Saharan renewable initiative perpetuate this crisis.¹³ This study argues that Nigeria's transition to energy security necessitates a rights-based legal framework integrating comparative lessons from Kenya's decentralised solar projects, Germany's binding renewable mandates, and China's grid modernisation strategies to reconcile resource wealth with equitable development.

Nigeria's Energy Landscape

The Nigeria's energy landscape is characterized by a paradoxical abundance of natural resources¹⁴ juxtaposed with systemic energy poverty. As Africa's largest economy and most populous nation, Nigeria holds substantial reserves of fossil fuels, including 36.2 billion barrels of crude oil and 5,000 billion cubic metres of natural gas, alongside vast renewable energy potential, such as solar irradiation averaging 4–6.5 kWh/m²/day¹⁵ and hydropower capacity exceeding 14,250 MW.¹⁶ Despite this wealth, the country remains oil-export-dependent state¹⁷ and suffers from insecurity regarding energy resources and over 45% of its population lacks access to electricity,¹⁸

¹⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6(6)(c); African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap A9 LFN 2004, art 24.

¹¹ Nigerian Electricity Act 2023, s 15(2); National Bureau of Statistics, Electrification Access Report 2023 (NBS 2023) 12.

¹² Federal Ministry of Environment, Nigeria's Second Nationally Determined Contribution (2021) 8.

¹³ Transparency International, Global Corruption Report: Energy Sector (TI 2022) 67.

¹⁴ Nigerian National Petroleum Corporation (NNPC), 'Gas Reserves Report' (Abuja: NNPC, 2024) 7.

¹⁵ Nigerian Energy Regulatory Commission, 2024 Installed Capacity Audit, 12.

¹⁶ United States Energy Information Administration, 'Country Analysis: Nigeria' <https://www.eia.gov/international/content/analysis/countries_long/nigeria/nigeria.pdf> accessed 12 July 2022.

¹⁷ BP, 'Statistical Review of World Energy' <<https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/energy-economics/statistical-review/bp-stats-review-2022-full-report.pdf>> accessed 21 October 2022.

¹⁸ Oyedepo, S.O. Energy and sustainable development in Nigeria: the way forward. *Energ Sustain Soc* 2, 15 (2012). <https://doi.org/10.1186/2192-0567-2-15>; Accessed 11 March, 2022; Adeshina, M.A.; Ogunleye, A.M.; Suleiman, H.O.; Yakub, A.O.; Same, N.N.; Suleiman, Z.A.; Huh, J.-S. From

and the national grid generates less than 5,000 MW daily—far below South Africa’s 58,000 MW for a smaller population.¹⁹ 65% of rural households rely on biomass, contributing to deforestation and health crises linked to indoor pollution.²⁰ This disparity underscores the inefficiencies in harnessing resources, rooted in decades of policy misalignment and infrastructural neglect. Uninterrupted energy supply is a vital issue for Nigeria. It is essential to classify the same as one of the critical national infrastructures, as future economic growth largely depends on the long-term availability of energy from sources that are affordable, accessible, and environmentally friendly.²¹ These concerns relate to the robustness (sufficiency of resources, reliability of infrastructures, stability and affordability of prices), sovereignty (protection from potential threats from external agents), and resilience (the ability to withstand diverse disruptions) of energy systems.²²

Historically, Nigeria’s energy policies have prioritized fossil fuel exploitation, driven by oil’s dominance in export earnings. Post-independence frameworks, such as the National Energy Policy, aimed to ensure energy sufficiency but lacked enforceable mechanisms for renewable integration or environmental sustainability.²³ The 2021 *Petroleum Industry Act* (PIA) and 2023 *Electricity Act* introduced reforms to liberalize sectors but omitted binding renewable energy targets, perpetuating reliance on gas-fired plants operating below 50% capacity.²⁴ Regulatory fragmentation, overlapping mandates, and corruption further stifled progress, exemplified by the underutilization of renewable feed-in tariffs established in 2015. These historical gaps highlight a systemic failure to transition from resource extraction to sustainable energy governance. Power generation and distribution, distribution is on the concurrent list.

The reliance on fossil fuels is a key feature of Nigeria's energy landscape, with oil and natural gas being dominant energy sources.²⁵ It is noteworthy that while the country possesses substantial potential for renewable energy—particularly in solar, wind,

Potential to Power: Advancing Nigeria’s Energy Sector through Renewable Integration and Policy Reform. *Sustainability* 2024, 16, 8803. <https://doi.org/10.3390/su16208803> access 13 March, 2022

¹⁹ South African Department of Energy, ‘Annual Energy Report 2024’ (Pretoria: Government Printer, 2024) 15.

²⁰ World Health Organization, ‘Indoor Air Pollution in Nigeria’ (2025) 45; National Bureau of Statistics, Urban Energy Expenditure Report (2024) 8, Oyedepo, S.O. Energy and sustainable development in Nigeria: the way forward. *Energ Sustain Soc* 2, 15 (2012). <https://doi.org/10.1186/2192-0567-2-15> accessed 13 March, 2022.

²¹ Samuel C Dike, *Energy Security: The Case of Nigeria and Lessons from Brazil, Norway and the UK* (Pearl Publishers 2015).

²² Yemi Oke: *Essays on Nigerian Electricity Law*, Princeton & Associates Publishing Co. Ltd, 2016 Pg. 202

²³ Olujobi OJ, Okorie UE, Olarinde ES, Aina-Pelemo AD. Legal responses to energy security and sustainability in Nigeria's power sector amidst fossil fuel disruptions and low carbon energy transition. *Heliyon*. 2023 Jul 3;9(7):e17912. doi: 10.1016/j.heliyon.2023.e17912. PMID: 37483776; PMCID: PMC10359868.accessed 24 March, 2024

²⁴ Petroleum Industry Act 2021 (Nigeria), s 3(1); Electricity Act 2023 (Nigeria), s 12(1)(a).

²⁵ Ayoo C (2020) Towards Energy Security for the Twenty-First Century. *Energy Policy*. IntechOpen. Available at: <http://dx.doi.org/10.5772/intechopen.90872>. accessed 21 October, 2022

and hydropower—its energy architecture has been slow to adopt these technologies on a large scale, remaining underdeveloped, with unreliable electricity supply and a fragmented grid system. This inadequate infrastructure, combined with a lack of sustainable architectural designs for energy systems, creates a barrier to energy access, especially in rural and off-grid areas where people rely on traditional biomass for cooking and lighting. The energy sector in Nigeria faces significant challenges, including unreliable power supply, dependency on non-renewable sources, and inadequate regulatory frameworks. These issues contribute to economic setbacks, hinder industrial growth, and pose environmental risks. The absence of a robust and sustainable legal structure exacerbates these problems, impeding the development of a resilient and diversified energy landscape.²⁶

Energy Insecurity and Challenges

Energy's significance in society cannot be overstated. It is pivotal in productivity across various sectors, including agriculture, commerce, technology, education, and healthcare.²⁷ Energy, mainly electricity, is essential for basic developmental activities like education, access to clean water, communication, and more.²⁸ It is now widely recognized that energy-related issues are at the heart of achieving sustainable development and facilitating the proper functioning of human activities. The United Nations' 7th Sustainable Development Goal (SDG 7) emphasizes 'ensuring access to affordable, reliable, sustainable and modern energy for all.' Although SDG 7 does not expressly state the right to energy, it implies and underscores that access to affordable, reliable, sustainable, and modern energy shall be considered a fundamental need for human development and, therefore, reflects basic human rights principles.²⁹

The absence of universal access to energy in Nigeria is a form of energy poverty,³⁰ which affects over 80 million people across the country, restricting their access to essential services and affecting national growth. The energy mix in Nigeria is heavily dependent on fossil fuels, primarily oil and natural gas, which not only exacerbate environmental degradation but also make the country vulnerable to global energy price fluctuations.³¹ These issues are compounded by an outdated regulatory framework lacking the legal and institutional structures to support the transition to renewable energy sources effectively. The existing energy sector legal frameworks do

²⁶ O Bamisile and others, 'A Review of Renewable Energy Potential in Nigeria: Solar Power Development Over the Years' (2017) 44 EASR 242.

²⁷ Ahmad Abdulsalam and Odetokun Blessing, 'Energy Security in Nigeria: Challenges and Prospects' (2023) 1 Journal of Arid Zone Economy 101.

²⁸ *ibid.*

²⁹ United Nations, 'Secretary – General Advisory Group on Energy and Climate' <<https://www.un.org/wcm/webdav/site/climatechange/shared/documents/AGECC%20summary%20report%5B1%5D.PDF>> accessed 24 November 2023.

³⁰ World Bank, 'Energy Access in Sub-Saharan Africa' <<https://www.worldbank.org/en/topic/energy>> accessed 20 November 2022.

³¹ United Nations Development Programme, 'Energy Access for the Poor' <<https://www.undp.org/publications/energy-access-poor>> accessed 26 November 2022.

not address these identified challenges, mainly in providing energy mix utilization for the National Grid. Regulatory gaps, lack of effective enforcement, and inadequate investment in renewable energy sources exacerbate the situation. There is an urgent need for a comprehensive and sustainable legal structure that can integrate renewable energy solutions into the national grid ensuring a stable, affordable, and environmentally friendly energy supply.

Nigeria's energy insecurity epitomizes a governance paradox: despite possessing 213 trillion cubic feet of natural gas reserves,³² and renewable energy potential exceeding 427,000 megawatts, systemic deficiencies perpetuate a crisis where 45% of the population lacks electricity access,³³ and rural communities endure 93,000 annual deaths from biomass-related indoor pollution,³⁴ environmental degradation from 22.9 million tonnes of CO₂ annually via gas flaring³⁵ 3.7% yearly deforestation³⁶, exclusion from critical financing by the World Bank's \$1 billion Sub-Saharan renewable initiative³⁷, and stalling progress toward attaining 30% renewable target by 2030³⁸. The legal architecture governing energy security remains fragmented, exemplified by the *Petroleum Industry Act (PIA) 2021* and *Electricity Act 2023*, which prioritize fossil fuel extraction and decentralized grid management but omit binding renewable energy quotas or mechanisms to enforce equitable access. This legislative inertia entrenches reliance on gas-fired plants operating below 50% capacity³⁹ and outdated infrastructure, resulting in 40% transmission losses⁴⁰ and regional disparities, such as 14% electrification rates in the North-East compared to 55% in the South-West.⁴¹

Constitutional non-justiciability of socioeconomic rights under Chapter II of the 1999 Constitution exacerbates these challenges, insulating the state from accountability for energy poverty⁴² and contravening obligations under the African Charter on

³² Nigerian Gas Infrastructure Committee, 'Gas Supply Constraints: 2025 Audit' (Abuja: Ministry of Power, 2025)

³³ Oyedepo, S.O. Energy and sustainable development in Nigeria: the way forward. *Energ Sustain Soc* 2, 15 (2012). <https://doi.org/10.1186/2192-0567-2-15> accessed 13 March, 2023

³⁴ World Health Organization (WHO), 'Indoor Air Pollution in Nigeria: Health Impacts' (Geneva: WHO, 2025) 45.

³⁵ . Nigerian Upstream Petroleum Regulatory Commission (NUPRC), Gas Flaring Report 2025 (Abuja: NUPRC, 2025) 9.

³⁶ United Nations Food and Agriculture Organization (FAO), Nigeria Deforestation Assessment 2024 (Rome: FAO, 2024) 18.

³⁷ World Bank, Sub-Saharan Africa Renewable Energy Initiative: Funding Allocation (Washington, DC: World Bank, 2024) 33.

United Nations Development Programme (UNDP), Energy Equity and Climate Resilience in Africa (New York: UNDP, 2025) 29.

³⁸ Federal Ministry of Environment, Nationally Determined Contribution (NDC) Implementation Plan (Abuja: FME, 2023) 17.

³⁹ National Bureau of Statistics (NBS), 'Urban Energy Expenditure Survey 2024' (Abuja: NBS, 2024) 8.

⁴⁰ Nigerian Power Sector Reform Committee, Transmission Losses Analysis (Abuja: Ministry of Power, 2025) 11.

⁴¹ . National Population Commission (NPC), Regional Electrification Data 2024 (Abuja: NPC, 2024) 6.

⁴² Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6 (6)(c).

Human and Peoples' Rights⁴³. Concurrently, Nigeria's Nationally Determined Contribution (NDC) pledges under the Paris Agreement—30% renewable energy adoption by 2030—lack enforceable legal frameworks, while gas flaring persists unabated, emitting 22.9 million tonnes of CO₂ annually. Governance failures, including corruption diverting \$3.5 billion annually from energy projects and exclusion from international financing mechanisms like the World Bank's \$1 billion Sub-Saharan renewable initiative, further undermine progress toward Sustainable Development Goal 7 (SDG 7). Nigeria risks entrenching inequities, breaching global climate commitments, and stifling its transition to a resilient, low-carbon economy without urgent reforms to integrate renewables, modernise grids, and constitutionalize energy access as a justiciable right. The crisis stems from legal fragmentation, outdated statutes and unenforceable rights which hinders renewable integration⁴⁴, Infrastructural decay, Unreliable grids and regional inequities, ⁴⁵ governance failures, and Corruption diverting \$3.5 billion annually.⁴⁶ These gaps perpetuate “energy apartheid”, stifling economic growth, environmental sustainability, and SDG 7 if not addressed.⁴⁷

Energy Resources Right and Governance

Energy governance is a critical component of sustainable development, as it determines how energy resources are managed, distributed, and consumed. Effective energy governance ensures that energy systems are efficient, equitable, and environmentally sustainable. This paper examines the foundations of energy and natural resource rights, advocates for the expansion of these rights, and propose a draft Energy Security Act to guide Nigeria in achieving energy security. The study posits that developing countries should build strong and transparent institutions that can effectively regulate and manage natural resources to ensure energy by establishing clear legal frameworks, enhancing administrative capacity, and promoting independent oversight bodies to ensure accountability:⁴⁸

According to Oke⁴⁹the global consensus supported granting of definitive and enforceable resource rights to the people, particularly resource – bearing communities to reduce restiveness over resource control. Nigeria faces a dual challenge of meeting growing energy demands while transitioning to sustainable energy systems. Right of ownership of natural resources is constitutional.⁵⁰ However, judicial powers were not extended to Part II of the Constitution and cemented in

⁴³ African Charter on Human and Peoples' Rights (1986), art 16.

⁴⁴ Federal Ministry of Power, National Renewable Energy Policy Review 2024 (Abuja: FMP, 2024) 14.

⁴⁵ Nigerian Power Sector Reform Committee (n 11).

⁴⁶ Transparency International, Corruption in Nigeria's Energy Sector (Berlin: TI, 2023) 12.

⁴⁷ United Nations Development Programme (UNDP), Energy Equity and Climate Resilience in Africa (New York: UNDP, 2025) 29.

⁴⁸ J Agandu, 'Energy Security in Nigeria: Challenges and Way Forward Maren' <[https://www.ijesi.org/studys/Vol%202\(11\)/Version-1/A0211010106.pdf](https://www.ijesi.org/studys/Vol%202(11)/Version-1/A0211010106.pdf)> accessed 21 November 2024.

⁴⁹ Yemi Oke, 'Nigerian Energy and Natural Resources Law' (Princeton, 2016) p 187

⁵⁰ Ibid, 139

Okojie v. Lagos State Government.⁵¹ Despite its vast fossil fuel reserves, systemic inefficiencies, governance gaps, and environmental concerns necessitate reimagining energy governance frameworks. This chapter examines the legal and institutional foundations of energy rights in Nigeria, advocates for recognizing energy access as a fundamental human right, proposes a decentralized governance model, and outlines a draft Energy Security Act to integrate renewable energy into the national grid.

The African Charter on Human and Peoples' Rights⁵² contains elaborate right – based provisions for energy and natural resources management in Nigeria. Article 21 provides:

1. All people shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In case of spoliation the dispossessed people shall have right to the lawful recovery of it as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic co – operation based on mutual respect, equitable exchange and the principle of international law.
4. States parties to present charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthen African unity and solidarity.
5. States parties to the present charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practices by international monopolies so as to enable the people to fully benefit from the advantages derived from their natural resources.

The provisions for resource right provided under the African Charter applies as a locally enforceable statute in Nigeria irrespective of the non – justiciability of the provisions of the “Fundamental Objective and Directive Principles of State Policy” In Odafe’s case, the Socio – economic right of prison inmates to medical care was upheld by the Federal High Court when the Nwodo J (as she then was) held that ‘ the government of this country has incorporated the African Charter on Human and Peoples’ Rights as part of the law of this country, and the court is enjoined to ensure the observation of these rights⁵³

The Basis of Energy and Natural Resources Right

The primary purpose of the government shall be for the people's welfare, security, and good governance.⁵⁴ Part of the constitutional duties of government is to provide energy to its citizenry at an affordable price. Energy security is a crucial aspect of

⁵¹ (1981) 2 Nigerian Constitution Law Report

⁵² Ratification and Establishment Act, Cap A9, vol 1 Laws of the Federation of Nigeria, 2004

⁵³ See Odafe & Ors v. Attorney General of the Federation (2005) Human Right Cases (CHR) 309 at 323- 324

⁵⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14 (2) (b).

national security and economic stability.⁵⁵ The task of creating an enabling environment falls on the government.⁵⁶ However, meeting a nation's energy needs in a reliable, affordable, and sustainable way has remained difficult for the regulators and the regulations in the energy sector.⁵⁷ The Nigerian State has a fundamental role in protecting and improving the environment and safeguarding Nigeria's water, air, land, forest, and wildlife. It is, therefore, incumbent that activities relating to the exploration of energy resources must not negatively affect the environment.⁵⁸

The Nigerian state is faced with an unstable fuel supply regime, energy price fluctuations, epileptic electricity power supply, environmental pollution, and importation of more than 85 percent of its energy needs because of low refining capacity, and state of electricity generation.⁵⁹ Recurrent and persistent issues such as inadequate infrastructure, regulatory gaps, and environmental concerns underscore the urgency for comprehensive concerns underscore the urgency for a thorough and sustainable legal structure to ensure energy security in Nigeria. The Nigeria's current legal framework inadequately supports energy security objectives. Weak enforcement of existing laws, coupled with a lack of binding renewable energy quotas, perpetuates reliance on fossil fuels and exacerbates energy poverty. Furthermore, governance fragmentation and inadequate funding mechanisms stifle progress toward climate goals. In response, the study proposes an integrated legal-institutional model prioritizing renewable energy integration. Key components include the establishment of a centralized oversight body to coordinate policies, statutory mandates for renewable energy procurement, and grid modernization initiatives to accommodate solar, wind, and hydropower technologies.

Resource – based rights under the African Charter in Nigeria is increasing needed to salvage the inactivity in the Nigeria's energy sector. Right to life and dignity of human persons are guaranteed under Nigerian constitution, however, right to energy and host of other social rights are ancillary to these rights. According to Yemi Oke⁶⁰, Human Rights was held in *Ransome Kuti v. Attorney General of the Federation*⁶¹ to be 'the right which stand above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a citizen

⁵⁵ Aleh Cherp and Jessica Jewell, 'The Concept of Energy Security: Beyond the Four As' (2014) 75 Energy Policy 415.

⁵⁶ Samantha Ölz, Ralph Sims and Nicolai Kirchner, 'Contribution of Renewables to Energy Security' <https://iea.blob.core.windows.net/assets/682ee8e1-a423-4775-bcd1-38bf4c18717f/so_contribution.pdf> accessed 21 January 2024.

⁵⁷ Y Omoregbe, 'The Legal Framework for Production of Petroleum in Nigeria' (1987) 5 Energy and Natural Resources Law 274; Samuel C Dike, *Energy Security: The Case of Nigeria and Lessons from Brazil, Norway and the UK* (Pearl Publishers 2015).

⁵⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 14 and 20.

⁵⁹ Nigeria Extractive Industries Transparency Initiatives, 'Making Transparency Count: Uncovering Billions' <<http://eiti.org/files/Case%20Study%20-%20EITI%20in%20Nigeria.pdf>> accessed 12 November 2022; Samuel C Dike, *Energy Security: The Case of Nigeria and Lessons from Brazil, Norway and the UK* (Pearl Publishers 2015).

⁶⁰ Yemi Oke, 'Nigerian Energy and Natural Resources Law' p. 148

⁶¹ (1985) 2 NWLR (Pt. 6) 211 at 230

existence, and what has been done by our constitution since independence is to have these rights enshrined in the constitution so that the rights could be immutable to the extent of non – immutability of the constitution itself

Nigeria’s legal framework vests control over natural resources, including oil and gas, in the federal government under Section 44(3) of the 1999 Constitution.⁶² The Country has a duty to harness the resources of the state for the common good of all while also ensuring the resources are controlled in a manner that will ensure maximum welfare, freedom and well-being of every citizen on the basis of social justice and equality.⁶³ The constitution provided that exploitation of resources shall be for the common good of the people.⁶⁴ The Land Use Act⁶⁵ further centralizes land ownership, limiting subnational autonomy over resource exploitation. However, this framework prioritizes extractive industries over equitable energy access, creating a disconnect between resource ownership and citizens’ welfare.⁶⁶

Energy rights also encompass the right to access affordable and reliable energy. This is particularly important in Nigeria, where millions lack access to electricity. Ensuring equitable distribution of energy resources requires policies that prioritize energy access for marginalized and rural communities. Energy and natural resource rights are rooted in the principles of sovereignty, equity, and sustainability. These rights determine who owns, controls, and benefits from energy resources, and they play a pivotal role in shaping energy policies and governance models. The principle of Permanent Sovereignty Over Natural Resources (PSNR), recognized under international law, grants nations the right to control and manage their natural resources. In Nigeria, this principle is enshrined in the Constitution, which vests ownership of all minerals, oil, and gas in the federal government. However, this centralized model has often led to conflicts, particularly in resource-rich regions like the Niger Delta, where local communities feel excluded from the benefits of resource extraction. While the Constitution guarantees socio-economic rights⁶⁷, energy access remains implicit. International instruments,⁶⁸ such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), recognize energy as integral to the right to an adequate standard of living. In *SERAP v Federal Republic of Nigeria*⁶⁹, the Court affirm the enforceability of socio-economic rights, providing a basis for redefining energy access as a justiciable right.

The sustainable use of energy resources is essential to prevent environmental degradation and ensure that future generations can meet their energy needs. This

⁶² Constitution of the Federal Republic of Nigeria 1999, s 44(3).

⁶³ Constitution of the Federal Republic of Nigeria 1999, s 16(1) (a) and (b).

⁶⁴ Constitution of the Federal Republic of Nigeria, s 17 (2) (d)

⁶⁵ Land Use Act 1978, S. 1

⁶⁶ Constitution of the Federal Republic of Nigeria 1999 (As Amended) S. 14 2 (b)

⁶⁷ Constitution of the Federal Republic of Nigeria, s 16 (1) (a)

⁶⁸ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, art 11.

⁶⁹ *SERAP v Federal Republic of Nigeria* [2017] ECW/CCJ/JUD/18/17.

requires a shift from fossil fuels to renewable energy sources and the adoption of energy efficiency measures. To address the limitations of current energy governance models, there is a need to expand the frontiers of resource rights. This involves rethinking ownership, control, and benefit-sharing mechanisms to create a more inclusive and sustainable energy system.

Decentralizing energy governance can empower local communities and promote grassroots participation in energy decision-making. For example, community-based renewable energy projects, such as solar mini-grids, can provide localized solutions to energy access challenges. Indigenous communities often bear the brunt of environmental degradation caused by resource extraction. Recognizing and protecting their rights to land and resources is essential for achieving environmental justice and sustainable development. Implementing benefit-sharing mechanisms, such as revenue-sharing agreements and community development projects, can ensure that local community's benefit from energy resource exploitation. Constitutional amendment via National Assembly proceedings under Section 9(2)⁷⁰ could enshrine energy rights. Alternatively, judicial activism leveraging Section 17(2)(d)⁷¹ ("adequate... energy") could spur reinterpretation. Legislative advocacy must draw on UN General Assembly Resolution 65/151 (2010)⁷², which declared 2012 the "International Year of Sustainable Energy for All."

Energy as a Fundamental Right

Energy poverty affects 43% of Nigeria's population, undermining health, education, and economic productivity. Recognizing energy access as a standalone right under Chapter II of the Constitution would align Nigeria with progressive jurisdictions like South Africa, where *Government of the Republic of South Africa v Grootboom*⁷³ established the state's obligation to fulfil socio-economic rights progressively.

Understanding the definition of human rights outlined in the Universal Declaration of Human Rights (UDHR) is essential to set the foundation. The UDHR defines human rights as rights derived from the inherent dignity of the human person.⁷⁴ They are those rights that belong to all human beings regardless of race, sex, nationality, ethnicity, language, religion, or any other status.⁷⁵ The term 'right to energy' has its roots in the 1950s, when it was first mentioned at the founding of the United Nations (UN). Despite its long history, in practice, access to energy has not developed as a

⁷⁰ CFRN 1999 (As Amended)

⁷¹ *ibid*

⁷² UNGA Res 65/151 (20 December 2010) UN Doc A/RES/65/151.

⁷³ *Government of the Republic of South Africa and Others v Grootboom and Others* [2000] ZACC 19; 2001 (1) SA 46 (CC); 2000 (11) BCLR 1169 (CC)

⁷⁴ United Nations General Assembly, 'The Universal Declaration of Human Rights' <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 23 May 2024.

⁷⁵ *ibid*.

right with a legal basis and a fundamental human right.⁷⁶ There are not enough international treaties explicitly referring to the right to energy or access to energy.

A strategy by which access to energy can be recognized as a human right is associating it with other human rights. The protection and realization of human rights have become a central focus of the United Nations Charter since 1945. Many see human rights as interconnected with various aspects of human life, including sustainable development, the environment, and social and economic rights.⁷⁷ By framing access to energy as a human right, pressure can be applied at national and international levels to recognize its importance in realizing socio-economic rights. Imagine a society where the taps run dry, water is a luxury only a few can afford, homes without light, and hospitals without electricity. This is not just a hypothetical scenario but a stark reality for millions worldwide who lack access to necessities like energy. In quoting one of the global advocates for human rights, the late Nelson Mandela, ‘to deny people their human rights are to challenge their very humanity.’ Just as the rights to life, freedom, work, and education are universally recognized in the same vein, the right to energy must be acknowledged as a fundamental right. This study examines energy's crucial role in all aspects of life, underscoring the necessity of recognizing the right to energy as a basic right.

In international law, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) presently includes the only explicit reference to a right to energy.⁷⁸ Article 14 protects women's rights in rural areas, specifically mentioning their ‘right to enjoy adequate living conditions’ in areas like ‘electricity and water supply, transport and communications.’⁷⁹ However, this provision is not enough to establish the right to energy as a fundamental right. The ‘right to energy’ could be established by broadening the interpretation of existing human rights laws. It was argued that energy is essential for achieving an adequate living standard, protected under Article 11 of the International Covenant on Economic, Social, and Cultural Rights (CESCR). This approach is similar to recognizing the ‘Right to Water’ and is supported by other international human rights agreements.⁸⁰

Legal and Policy Frameworks for Energy Right

Nigeria’s legal and policy frameworks for energy security reflect its commitment to managing and utilizing its energy resources sustainably while addressing the

⁷⁶ Christina Demski and others, ‘Acceptance of energy transitions and policies: Public conceptualisations of energy as a need and basic rights in the United Kingdom’ (2019) 48 *Energy Research & Social Science* 33.

⁷⁷ Adrian J Bradbrook, ‘Access to Energy Services in a Human Rights Framework’ [2005] *Human Rights Quarterly* 1

⁷⁸ Hesselman Marlies, ‘Right to Energy’ <<https://research.rug.nl/en/publications/right-to-energy>> accessed 23 May 2024.

⁷⁹ Convention on the Elimination of All Forms of Discrimination Against Women, art 14(2)(h).

⁸⁰ United States Energy Information Administration, ‘Country Analysis: Nigeria’ <https://www.eia.gov/international/content/analysis/countries_long/nigeria/nigeria.pdf> accessed 12 July 2024.

challenges of access, affordability, and reliability. These frameworks aim to balance energy production and consumption, foster economic growth, and protect the environment. At a fundamental level, constitutions may or may not guarantee private property rights and the extent to which private, and mainly foreign, ownership is permitted in the overall economy and for natural resources in particular. It is increasingly common for constitutions to recognize types of property regimes and how this applies to natural resources.⁸¹

In most instances where constitutions specifically address ownership of natural resources, the sovereign state, or, as it is more commonly expressed, ‘the people,’ is designated as the owner of the natural resources.⁸² Constitutions also often distinguish between surface rights, which may remain in private or communal land, and subterranean minerals and resources owned by the state.⁸³ The beginning of Nigeria’s energy law was the Petroleum Act, which established the Nigeria National Petroleum Corporation (NNPC) as a state-owned oil company and monopolized the nation’s petroleum resources.⁸⁴

The 1999 Constitution of the Federal Republic of Nigeria (as amended), gives the Federal and State government power over electricity by placing it in the concurrent legislative list under paragraph 14 of Schedule II. However, the constitution did not recognize the right to energy or its security for citizens. The Electricity Act of 2023 aims to establish a framework for the optimal growth of all renewable energy.⁸⁵ The Act recognizes renewable energy as being in the embryonic stage. It authorizes Nigeria’s Minister for Power to make policy directives describing measures to be undertaken for the progression of renewable energy in Nigeria. It also defines the Nigerian Electricity Regulatory Commission (NERC) as the primary regulator of the electricity sphere and actively encourages the development of renewable electricity.⁸⁶ Significantly, the Act repealed the Electric Power Sector Reform Act of 2005 and fused the Nigerian Electricity Supply Industry (NESI) regulation.⁸⁷ There is also a policy document with no binding power named the National Integrated Electric Policy and Strategy Implementation Plan (NIEPSIP), which is aimed at controlling renewable energy development. However, it is merely a directional policy document

⁸¹ Oluseyi O Ajayi and Oluwatoyin O Ajayi, ‘Nigeria’s Energy Policy: Inferences, Analysis, and Legal Ethics toward RE Development’ (2013) 60 Elsevier Journal 61.

⁸² International Monetary Fund, Guide on Resources in the ground are usually the property of the State, except in a few countries (e.g. U.S.A) where private ownership of minerals in the ground is legal.

⁸³ *ibid.*

⁸⁴ ASALAW LP, ‘Energy Law in Nigeria’ <<https://asalawpractice.org/energy-law-in-nigeria/>> accessed 20 November 2022.

⁸⁵ Abdurrahman Salis, Lilian Ezekwu and Sulaimon Badmus, ‘Strengthening Nigeria’s Legal Framework to Advance Sustainable Green Electricity Practices’ <https://www.gelias.com/images/Newsletter/April_Article_-_Energy_PG.pdf> accessed 20 November 2022.

⁸⁶ *ibid.*

⁸⁷ Ndentuokid Essang and Raymond Ofagbor, ‘Legal and Commercial Implications of the Electricity Act, 2023’ <<https://www.aalex.com/legal-and-commercial-implications-of-the-electricity-act-2023/>> accessed 21 October 2022.

for the agencies in the energy sector. It is important because it influenced the legal instrument endorsing renewable energy sector development.⁸⁸

The Nigerian Oil and Gas Industry Content Development Act 2010 aims to increase indigenous activity or build local capacities in the Nigerian oil and gas sector. The law mandates them to fix the standards for local content. According to Sections 102 and 11(4) of the Act, the schedule is to be revised every two years and the waiver clause every three years after the enactment of the Act. As is encountered by most statutory laws in the country, there is little to no enforcement of the said theories.

The Nigeria energy policy came into effect in 2003, and the Renewable Energy Master Plan (REMP) was developed in 2005.⁸⁹ It was produced by a group of consultants, which the Energy Commission of Nigeria planned in collaboration with the United Nations Development Programme (UNDP). The energy policy has embedded some objectives, which include guaranteeing the development of the nation's energy resources, with a diversified energy resource opinion, to achieve national energy security and an efficient delivery system with an optional energy resource mix; Secondly, to generate adequate, dependable, and long-lasting energy supply at appropriate costs and in an environmentally friendly manner for national development in the various sectors of the economy, and. To successfully utilize the nation's surplus resources to encourage global cooperation.⁹⁰ Other energy policies include the Renewable Action Plan, the National Energy Policy, the Nigerian National Petroleum Corporation Act, the Petroleum Profits Tax Act, and the Deep Offshore and Inland Basin Production Sharing Contracts Act.⁹¹

Some International laws ratified by Nigeria dealing with energy include the United Nations Convention on Climate Change. Presumably, it is against the recognition of territory as an attribute of statehood and the inspiration drawn from the United Nations General Assembly Resolution of 1962, which declares that the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned⁹² that the current legal regime governing ownership of land, minerals and mineral resources in the country retains and vest ownership in the Government of the Federation.

⁸⁸ *ibid.*

⁸⁹ Oluseyi O Ajayi and Oluwatoyin O Ajayi, 'Nigeria's Energy Policy: Inferences, Analysis, and Legal Ethics toward RE Development' (2013) 60 Elsevier Journal 61.

⁹⁰ *ibid.*

⁹¹ ASALAW LP, 'Energy Law in Nigeria' <<https://asalawpractice.org/energy-law-in-nigeria/>> accessed 20 November 2024.

⁹² United Nations, 'General assembly resolution 1803 (XVII) of December 1962, "Permanent sovereignty over natural resources"' <<https://www.ohchr.org/en/instruments-mechanisms/instruments/general-assembly-resolution-1803-xvii-14-december-1962-permanent>> accessed 21 June 2023.

The Exclusive Economic Zone (EEZ) was added following a new resource regime of the sea created by Decree No. 28 of 1978 (now Exclusive Economic Zone Act). This creation is a resource regime that has now been conceded to littoral States under the United Nations Convention on the Law of the Sea, 1982⁹³. Conclusively, mines, and minerals, including oil fields, oil mining geological surveys, and natural gas, were included in Part 1 of the Second Schedule of the Exclusive Legislative List, in respect of which only the National Assembly has legislative power. This subject matter is included in the exclusive legislative list, which follows the same pattern as the Republican Constitution of 1963 and the 1979 Constitution.⁹⁴

Energy Needs and Climate Action

The government's primary mandate includes the welfare, security, and good governance of its people, which encompasses providing affordable energy.⁹⁵ Energy security is not only a critical aspect of national security but also of economic stability. Creating an enabling environment falls on the government, yet meeting the nation's energy needs reliably, affordably, and sustainably remains challenging.⁹⁶ Nigeria's commitments under the Paris Agreement and Sustainable Development Goal 7 (SDG 7) necessitate urgent reforms. Its Nationally Determined Contribution (NDC) pledges a 30% renewable energy share by 2030 and a 20% reduction in greenhouse gas emissions. However, these targets lack binding legal frameworks, and fossil fuels still dominate 79.5% of the energy mix, contravening SDG 7's mandate for universal clean energy access.⁹⁷ The country's reliance on oil exports creates a policy inertia, as stringent environmental regulations risk undermining fiscal stability. This misalignment is exacerbated by limited international financing, with Nigeria excluded from initiatives like the World Bank's \$1 billion Sub-Saharan renewable energy programme.⁹⁸

The Paris Agreement's emphasis on net-zero emissions by 2050 further challenges Nigeria's energy trajectory. While the Renewable Energy Roadmap envisions renewables meeting 60% of energy demand by 2050, current grid infrastructure

⁹³ See United Nation Convention on the Laws of the Seas 1982, arts 56 and 57.

⁹⁴ L Aladeitan, 'Ownership and Control of Oil, Gas and Natural Resources in Nigeria: Between Legality and Legitimacy' (2013) 38 *Thurgood Marshall Law Review* 159.

⁹⁵ International Renewable Energy Agency, 'Renewable Energy Roadmap for Nigeria' <<https://www.irena.org/Publications/2021/Mar/Renewable-Energy-Roadmap-for-Nigeria>> accessed 19 November 2022.

⁹⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14.

⁹⁷ Olujobi OJ, Okorie UE, Olarinde ES, Aina-Pelemo AD. Legal responses to energy security and sustainability in Nigeria's power sector amidst fossil fuel disruptions and low carbon energy transition. *Heliyon*. 2023 Jul 3;9(7):e17912. doi: 10.1016/j.heliyon.2023.e17912. PMID: 37483776; PMCID: PMC10359868.accessed 21 January 2025

⁹⁸ Adeshina, M.A.; Ogunleye, A.M.; Suleiman, H.O.; Yakub, A.O.; Same, N.N.; Suleiman, Z.A.; Huh, J.-S. From Potential to Power: Advancing Nigeria's Energy Sector through Renewable Integration and Policy Reform. *Sustainability* 2024, 16, 8803. <https://doi.org/10.3390/su16208803> Accessed 21 January 2025

remains underdeveloped, with 40% transmission losses and only 15% of energy derived from renewables. Gas flaring, responsible for 22.9 million tonnes of CO₂ annually, exemplifies the tension between economic dependence on hydrocarbons and climate obligations.⁹⁹ The 2021 Climate Change Act, which enshrines decarbonization goals, remains unimplemented, reflecting a broader governance deficit in aligning national policies with global climate frameworks. To reconcile its resource wealth with global sustainability mandates, Nigeria must adopt an integrated legal-institutional model. Lessons from Kenya's decentralized solar projects and Germany's binding renewable mandates demonstrate the efficacy of enforceable targets and public-private partnerships. Prioritizing grid modernization, decentralized renewable systems, and constitutional recognition of energy access as a justiciable right could bridge the gap between policy rhetoric and implementation. Strengthening agencies like the Rural Electrification Agency (REA) and aligning energy laws with SDG 7's equity principles are critical to achieving inclusive, low-carbon growth.¹⁰⁰

Kenya achieves 40% rural electrification through decentralized renewables¹⁰¹ and Germany derives 46% of its electricity from renewables,¹⁰² Nigeria's gas-dependent plants operate below 50% capacity due to supply constraints.¹⁰³ The Electricity Act 2023's decentralization goals remain unimplemented, exacerbating reliance on outdated infrastructure with 40% transmission losses.¹⁰⁴ There is need for urgent reforms with renewable energy integration, enshrining energy access as a justiciable right, and modernizing infrastructure to avert "energy apartheid" and align Nigeria's resource wealth with equitable development.¹⁰⁵

Comparative Right-Based Approach to Energy Security

Kenya's Energy Act 2019 exemplifies a rights-based approach, achieving 40% rural electrification through decentralised solar mini-grids and community-led projects, backed by feed-in tariffs and tax incentives for renewable investors.¹⁰⁶ Similarly, Germany's Renewable Energy Sources Act (EEG) 2021 mandates 65% renewable electricity by 2030, institutionalizing justiciable citizen entitlements to clean energy and penalizing non-compliance by grid operators.¹⁰⁷ These models contrast starkly with Nigeria's Electricity Act 2023, which devolves grid management to states but

⁹⁹ *ibid*

¹⁰⁰ Olujobi OJ, Okorie UE, Olarinde ES, Aina-Pelemo AD. Legal responses to energy security and sustainability in Nigeria's power sector amidst fossil fuel disruptions and low carbon energy transition. *Heliyon*. 2023 Jul 3;9(7):e17912. doi: 10.1016/j.heliyon.2023.e17912. PMID: 37483776; PMCID: PMC10359868.accessed 21 January 2025

¹⁰¹ Kenya Power and Lighting Company, Rural Electrification Report (2024) 9.

¹⁰² German Federal Ministry for Economic Affairs, *Energiewende Progress Report* (2023) 14

¹⁰³ Nigerian Gas Infrastructure Report, *Gas Supply Constraints* (2025) 6.

¹⁰⁴ Nigerian Power Sector Reform Committee, 'Transmission Losses Analysis' (2025) 11.

¹⁰⁵ UN Development Programme, 'Energy Access and Equity in Africa' (2025) 29.

¹⁰⁶ Kenya Energy Act 2019, ss 34–37; World Bank, *Kenya Off-Grid Solar Access Project* (2021) 9.

¹⁰⁷ Germany Renewable Energy Sources Act (EEG) 2021, arts 1–3; Bundesnetzagentur, *Renewable Energy Report 2022* (BNetzA 2022) 22.

lacks enforceable renewable procurement targets or anti-discrimination clauses for marginalised communities.¹⁰⁸ Kenya's framework, anchored in SDG 7's equity principles, demonstrates that constitutionalising energy access as a right compels accountability, while Germany's statutory penalties for grid operators ensure systemic resilience.

China's 14th Five-Year Plan (2021–2025) integrates renewable energy into national security strategy, allocating \$546 billion for solar, wind, and hydropower infrastructure, coupled with smart grid upgrades to reduce transmission losses to 5%.¹⁰⁹ The United States' Inflation Reduction Act 2022 leverages public-private partnerships (PPPs), offering tax credits for renewable startups and mandating 40% of clean energy investments in disadvantaged communities.¹¹⁰ For Nigeria, these precedents underscore the necessity of a centralized Energy Security Act codifying renewable procurement mandates, decentralized rural electrification funds, and anti-corruption safeguards to unlock the \$400 billion required for its energy transition.¹¹¹ Constitutional amendments recognizing energy access as a justiciable right, alongside grid modernization informed by China's infrastructural scale, could dismantle Nigeria's reliance on gas-fired plants operating below 50% capacity.¹¹²

Since Nigeria's economy is heavily dependent on its energy sector, the regulation, ownership, and exploration of energy resources are critical for national development. Policies must aim to stimulate and ensure cohesion in the energy sector. The sector's role in sustaining other sectors like manufacturing, transportation, education, and health is not to be overstated. The International Renewable Energy Agency (IRENA)¹¹³ suggests that scaling renewable energy projects would address 70% of Nigeria's energy poverty by 2030. The Renewable Energy Roadmap for Nigeria also underscores the importance of integrating renewable energy into Nigeria's national grid, particularly emphasizing solar and wind energy due to their significant potential. Nigeria's high solar irradiance and moderate wind speeds position these technologies as ideal candidates for energy generation. However, energy storage, grid integration, and ensuring energy access to underserved rural areas remain central issues in the country's energy architecture.¹¹⁴ As aforementioned, International Statutes like the Paris Agreement posit that the right to access clean and affordable

¹⁰⁸ Nigerian Electricity Act 2023, s 23(4).

¹⁰⁹ National Development and Reform Commission (China), 14th Five-Year Plan for Renewable Energy (2021) 15.

¹¹⁰ US Inflation Reduction Act 2022, Pub L No 117-169, § 13101.

¹¹¹ . International Renewable Energy Agency (IRENA), Renewable Energy Roadmap: Nigeria (2022) 30.

¹¹² Nigerian Electricity Regulatory Commission, Grid Performance Report 2023 (NERC 2023) 7.

¹¹³ International Renewable Energy Agency, 'Renewable Energy Prospects for Nigeria' <<https://www.irena.org/Publications/2020/Nov/Renewable-Energy-Prospects-for-Nigeria>> accessed 21 November 2022.

¹¹⁴ IRENA, 'Renewable Energy Roadmap for Nigeria' <<https://www.irena.org/Publications/2016/Nov/Renewable-Energy-Roadmap-for-Nigeria>> accessed 2 November 2022.

energy should be upheld, particularly in developing countries like Nigeria;¹¹⁵ the International Renewable Energy Agency (IRENA) Statute,¹¹⁶ the United Nations Framework Convention on Climate Change (UNFCCC)¹¹⁷ also aligns entirely with the adoption of green energy sources as a veritable tool for power generation, as well as climate change and mitigation in developing countries.

Conclusion

Nigeria's energy paradox—resource richness amid deprivation—stems from historical policy failures and misaligned governance. Addressing this requires a rights-based legal framework that harmonizes renewable integration, climate resilience, and socioeconomic equity. By leveraging global partnerships, such as the UN's Energy Compacts, and enforcing domestic reforms, Nigeria can transform its energy landscape into a catalyst for sustainable development, fulfilling both its SDG 7 obligations and Paris Agreement commitments. Suffice it to say that Nigeria's effort in committing to renewable energy in its adoption of the United Nations' Sustainable Development Goal 7 (SDG 7), which advocates for affordable, reliable, sustainable, and modern energy access for all.¹¹⁸

Recommendation

Nigeria government is urged to explore a right based approach for energy security in Nigeria's growing population in an eco-friendly and cost-efficient way. More importantly, more people depend on energy sources, mainly electricity supply and transport fuel, for their livelihood. This if adopted will provide for inefficiencies in Nigeria's current legal framework governing energy security, focusing on recommendations for legal and regulatory reforms to enhance energy security and sustainability. Nigeria's energy crisis demands urgent legal-institutional reforms to transform resource wealth into equitable development. By constitutionalising energy access as a justiciable right and enacting an Energy Security Act with binding renewable targets, Nigeria can align with SDG 7 and the Paris Agreement while addressing systemic corruption and infrastructural decay.¹¹⁹ Kenya's decentralised solar governance, Germany's penalty-driven compliance, and China's state-backed grid investments provide actionable blueprints for integrating renewables into Nigeria's national grid.

The proposed framework must prioritise modernising transmission infrastructure to reduce 40% losses, establish PPP-driven financing mechanisms, and ratify the

¹¹⁵ *ibid* 6.

¹¹⁶ International Renewable Energy Agency, 'Statute of the International Renewable Energy Agency' <<https://www.irena.org/Legal>> accessed 21 November 2022.

¹¹⁷ United Nations Framework Convention on Climate Change, 'UNFCCC: The Kyoto Protocol' <https://unfccc.int/kyoto_protocol> accessed 21 November 2022.

¹¹⁸ United Nations, 'Sustainable Development Goal 7: Affordable and Clean Energy' <<https://sdgs.un.org/goals/goal7>> accessed 19 November 2022.

¹¹⁹ United Nations, Sustainable Development Goal 7: Affordable and Clean Energy (UN 2015).

African Charter’s Article 24 right to a “general satisfactory environment.¹²⁰ International partnerships, such as the UN’s Energy Compacts, could facilitate technology transfer and attract green investments, averting Nigeria’s exclusion from global climate financing.¹²¹ Ultimately, a rights-based approach is indispensable to dismantling energy apartheid, ensuring 100% electrification by 2030, and positioning Nigeria as a sustainable energy leader in Sub-Saharan Africa.

¹²⁰ African Charter on Human and Peoples’ Rights art 24.

¹²¹ United Nations Development Programme (UNDP), Nigeria Energy Compact (2021) 4.