

Climate Change and Laws Guiding Corporate Social Responsibility in Nigeria: A New Direction for Global Recovery

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ABSTRACT

This study looks at the issue of climate change and corporate social responsibility (CSR) in Nigeria. Climate change was looked from the social dimensions like its impact on gender equality, health, population and human rights. Corporate social responsibility was looked from the regulations and CRS initiatives by organizations in Nigeria. The policies and regulations governing climate change was analyzed together with an examination of the regulation and concept of CSR in Nigeria. Social and environmental challenges and inadequate and irresponsible CSR initiatives by corporate organization form the problems that this study addresses. The study seeks to establish how unsuitable CSR initiatives by businesses derail climate change goals in Nigeria. A critical review and appraisal through library research on climate change and contributory factors was reviewed. The policies and regulations governing climate change was analyzed, together with an examination of the regulations and concept of CSR in Nigeria. It was found that climate change issues were poorly regulated with inadequate strategies for enforcement and with too much emphasis on mitigation than prevention by corporate organizations. Based on the findings, the study conclude that organizations have not paid the right attention to the issues of climate change in their CSR functions, rather organizations pay lip service to CSR obligations because organizations sees CSR as a voluntary affair with no mandating law for them to be sustainable and responsive to climatic issues in Nigeria. On the bases of this conclusion, the study recommends an enactment of laws with clear approach for the prevention of climate change related issues. Furthermore, CSR should be seen as an effective tool for ameliorating climate change issues by putting in place mandating laws that can change the perception of the organizations operating in Nigeria; as this will ensure that organization in Nigeria respond to CSR initiatives with much sense of obligations.

KEYWORDS: Gender Equality, Health, Population, Human Rights, corporate social Responsibility

1. INTRODUCTION

Globally, nations on a regular bases are meeting to see how the can checkmate the issues of climate change. As such, about twenty-five thousand people from nearly 200 different countries attended the 26th annual edition of the Conference of Parties (COP26) in Glasgow (Nassir Aminu, 2021). The attendees include activists, negotiators, delegates and world leaders. The gathering actually is for them to take action on the climate crisis which has cause a lot of sleepless night and wasted many lives and properties

globally. The impacts of climate change are even now evident in the world; from wildfires in Greece and Algeria, to flooding in London and Turkey, to drought in Australia and Northern Nigeria. Furthermore, there are also the crises of extinction of land and ocean species, rising sea levels, and increased drought just to mention a few. For the developing countries like Nigeria, these issues have led to increased food shortage, animal migration, health risks, poverty and displacements.

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Conventional wisdom says that problems left unattended to have a habit of becoming a crisis. As such, there has been a growing concern to address existential issues of climate change such as human activities of heating the globe, burning fossil fuels for energy, cutting down forests and farming livestock. This activity creates many gases like carbon dioxide, methane, and many others called greenhouse gases which are harmful to human health. Although the issue of climate change is experienced by all nations of the world in one way or the other (Raimi, Akosile and Adebunwa, 2016); the situation is readily evident in Nigeria and it is worsened by poverty, poor leadership, corruption and weak regulations. Also, seasons are interfered with, major cities are being ravaged by floods, the air is increasingly becoming contaminated by black soot in the south part of the country; drought and scarcity of pastures in the northern part have led to forced migration contributing to the vicious cycle of the farmers herders conflict (Haider, 2019).

Framework Convention on Climate Change (FCCC, 2007) defines climate change as a change of climate that is attributed directly or indirectly to human activity, that alters the composition of the global atmosphere, and that is in addition to natural climate variability over comparable time periods. Intergovernmental Panel on Climate Change (IPCC, 2007) defines climate change broadly as any change in climate over time whether due to natural variability or as a result of human activity. These different definitions have practical implications for decisions about policy responses such as adaptation. They also set the stage for endless politicized debate. For decades, the options available to deal with climate change have been clear. We can act to mitigate the future effects of climate change by addressing the factors that cause changes in climate, and we can adapt to changes in climate by addressing the factors that make society and the environment vulnerable to the effects of climate.

Mitigation policies focus on either controlling the emissions of greenhouse gases or capturing and sequestering those emissions. Adaptation policies focus on taking steps to make social and environmental systems more resilient to the effects of climate. Effective climate policy will necessarily require a combination of mitigation and adaptation policies. However, climate policy has for the past decade reflected a bias against adaptation, in large part due to the differing definitions of climate change. The bias against adaptation is reflected in the schizophrenic attitude that the IPCC has taken toward the definition of climate change. Adaptation refers

only to new actions in response to climate changes that are attributed to greenhouse gas emissions. It does not refer to improving adaptation to climate variability or change that is not attributed to greenhouse gas emissions. The IPCC report discusses mitigation policies in terms of both costs and benefits but discusses adaptation policies only in terms of their costs. It is only logical that a policy that offers benefits would be preferred to a policy with only costs. The bias against adaptation occurs despite the fact that adaptation policies make sense because the world is already committed to some degree of climate change and many communities are ill prepared for any change.

On the other hand, the issue of corporate social responsibility in Nigeria has been treated with too much kit gloves. Many corporate organizations see what they give or do for the immediate society they reside in as a privilege other than a responsibility. Complicating matters further is the myopic concept behind corporate social responsibility (CSR) by those corporations in Nigeria whose businesses impact the environment greatly. According to Amodu (2017) the idea that CSR is a philanthropic gesture or represents something outside the confines of the law is faulty. This faulty notion constitutes a major factor behind the popular belief that CSR or its regulation should be voluntary in Nigeria. CSR is the lasting commitment by business to act ethically and contribute to economic development, while improving quality of life of the workforce and their families, the local community and the larger society (Mordi *et al.*, 2012). To this effect, business corporations have a degree of responsibility towards economic, social and environmental issues and consequently require adequate direction.

In spite of the debates going on globally on the issue of climate change, corporate social responsibility as regards climate change has not been thoroughly handled by organizations in Nigeria. As most corporate entities have not even seen why they should help reduce the effect of their actions on the change in climate. This act has led to climate change issues, social and environmental challenges, inadequate and irresponsible CSR initiatives from corporations. The purpose of this study so therefore is to determine how climate change and corporate social responsibility laws and regulations projects or promote global recovery with emphases to Nigeria.

2. Literature Review

Climate Change

Climate is the average of the weather conditions at a particular point on the Earth. Typically, climate is expressed in terms of expected temperature, rainfall

and wind conditions based on historical observations. Climate change is a change in either the average climate or climate variability that persists over an extended period of time. Climate change can take the forms increment in fossil fuel burning and land use variations; which emits and continue to emit increased quantities of greenhouse gases into the atmosphere. These greenhouse gases include carbon dioxide (CO₂), methane (CH₄) and nitrogen dioxide (N₂O). As such, a rise in these gases has caused a rise in the amount of heat from the sun on the earth's atmosphere; heat that would normally be radiated back into space. This increase in heat has led to the greenhouse effect that in turn results to climate change (FCC, 2007).

The Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC 2007) dispelled many uncertainties about climate change in the form of global warming. Warming of the climate system is now unequivocal. It is now clear that global warming is mostly due to man-made emissions of greenhouse gases (mostly CO₂). Bindoff *et al.*, (2007) worldwide local climate variability influences peoples' decisions with consequences for their social, economic, political and personal conditions and the effects on their lives and livelihoods (Meehl *et al.*, 2007).

Global Warming

Field *et al.*, (2014) global warming is an enhanced greenhouse effect. Global warming drives other changes in the climate, such as changes in rainfall patterns and the frequency and distribution of weather events such as droughts, storms, floods and heat waves. Greenhouse effects are gases accumulated in the atmosphere that allows radiation from the sun to pass through but trap some of the heat which in turn radiate back into the Earth. Cook *et al.*, (2013) although the terms climate change and global warming are often used interchangeably, climate change is a broader term that incorporates both global warming and other observed changes in climate. The causes and impacts of climate change are unevenly distributed, raising questions of social justice.

Black Soot

Black soot is an environmental issue experienced down south in Nigeria since 2016. The air is increasingly being polluted from activities of illegal oil refining which releases the black carbon into the atmosphere. According to Tollferson (2013) black soot has global warming capabilities twice as much than it was previously conceived, and it ranks second only to carbon dioxide in affecting the climate in terms of its warming effect. Know gainsaying the black soot issue has gone unabated for years, it

contributes to climate change issues and the government is aware. If the policy were adequate and enforceable, these issues should have been catered for and enforcement actions taken.

Corporate Social Responsibility (CSR)

Corporate social responsibility (CSR) is when a corporation goes beyond making money and engages in actions that results in social good, beyond the interests of the corporation which is required by law (McWilliams, Siegel, & Wright, 2006). There are two types of corporate social responsibility: a traditional CSR and a contemporary CSR. In a traditional CSR, a company generates its profits and creates value without much consideration for wider societal consideration beyond shareholders and at times customers. In a traditional CSR they will raise funds and make donations. However, it has little to do with how they function as a company. In a Contemporary CSR, they view responsible behavior as a means to generate profits while living up to society's expectations. As such CSR is part of their daily business (Crane, Matten & Spence, 2014).

In 2014, Nigeria's greenhouse gas emissions are totaled at 492.44 million mt of carbon dioxide equivalent; these are projected to continue to rise unless conscious and proactive steps are taken to check it (Climate links, 2019). Interestingly however, business and companies who play a significant role in causing climate change cannot be held accountable due to the poor implementation of corporate social responsibility laws. Elkington in Dans (2018) said that the three main lines of CSR referred to as the three Ps of people, planet and profit—commonly translated as social, environmental and economic feels the severe impact of climate change. Some of the climate change policies drafted in Nigeria but not properly implemented include national policy on climate change, flare gas regulation and the menace of gas flaring and the national forest policy (2006) and the menace of deforestation.

National Policy on Climate Change (NPCC, Revised 2021) and the Black Soot Phenomenon

This policy was drafted in 2013 and revised in 2021 to embrace 2030 climate change issues. It was the dominant national document for climate activities in Nigeria, with the aim of fostering low-carbon, high growth economic development path and to build a climate-resilient society through the attainment of set targets. With how finely tuned the policy is, it was discovered that since 2013 not much have been achieved from the policy. Rather, as reported by Dunne (2020) greenhouse gas emissions from fossil fuel production and use alone have increased by 16% since 2015 till date. The national policy on climate

change though well drafted remains a guidance document and not a law.

The attendance of the Nigeria President in the just concluded conference in Glasgow shows the level of international commitment that Nigeria has for climate change. But it surprises that know sustainable climate change law exist nationally for implementation and enforcement. According to Whyte (2021) on Premium Times, “it is only just now that Nigeria’s Climate change bill is passing second reading on the floor of the National Assembly”. Furthermore, despite how robust the policy appears, it wasn’t clear on financing; as Nigeria is grappling with economic issues and many have tagged Nigeria’s NDCs too ambiguous to attain. Mojeed (2021) further stress the position of Whyte by emplaning the fact that Nigeria has strong NDC pledges towards climate change, but implementing the measures in the new NDC requires significant resources which will be difficult to mobilize.

Flare Gas Regulations 2018 and the Menace of Gas Flaring

The Regulation is to serve as a legal framework to help actualize the government’s plan to reduce greenhouse gas emissions through methane/natural gas flaring and venting which has environmental and social implications. It aims to de-incentivize gas flaring, while opening up a potential market for the commercialization of the flared gas (Etomi and Partners, 2019). However, most sections of the regulation were not innovative in addressing environmental issues with flaring, but rather dwelt on commercialization of the flared gas and generation of revenue. Gas flaring from organizations introduces toxic pollutants capable of environmental problems, as well as generation of GHG which contributes to climate change issues (Obanijesu et al., 2009).

The National Forest Policy (2006) and the Menace of Deforestation

The policy aims to realize a sustainable forest management with positive sustainable improvement in the economic, social and environmental benefits from forests and trees for the present and future generations (FMEnv Abuja, 2006). The policy is not hinged on any updated forest legislation, forest acts in Nigeria are outdated and need revisiting, and hence the policy is not a mandate. The porosity of the Nigerian forests renders the lot of the enforcement strategies ineffective, especially as illegal tree fellers cannot be identified to compel them to nurture seedlings.

The policy allocates the responsibility of forest protection to local governments who are not capable on their own, especially with the insecurity situation

of the country as the forests are now havens for banditry, terrorism and other criminal activities. The policy however, recognized the need for adequate funding, national carbon auditing, and noted tree planting, private sector involvement, seedling for afforestation as part of priority areas to be attended to. According to the World Bank (2016) forests are vital storehouses of carbon, but when forests are cleared for other purposes; they emit large quantities of carbon dioxide and other GHG into the atmosphere.

Corporate Social Responsibility Regulation in Nigeria and CSR Initiatives of Organizations

Corporate social responsibility is the lasting commitment by business to act ethically and contribute to economic development, while improving quality of life of the workforce and their families, the local community and the larger society (Mordi *et al.*, 2012). To this effect, corporations have a degree of responsibility towards economic, social and environmental issues and consequently require adequate direction. There’s been varied practice as to what CSR connotes and this to a greater extent is affected by the insufficiency of the regulations. According to Amodu (2017) the idea that CSR is a philanthropic gesture, or represents something outside the confines of the law is faulty, and this faulty notion constitutes a major factor behind the popular belief that CSR or its regulation should be voluntary in Nigeria.

The Companies and Allied Matters Act (CAMA)1990 is said to be the principal law regulating corporate social responsibility in Nigeria. As noted by Amodu (2017) the Nigerian understanding of corporate social responsibility is being synonymous with philanthropy and voluntariness stems from the unsuitable conception in the CAMA regulation. Other than adequately addressing the three aspects of corporate social responsibility, there seems to be more emphasis on the economic than the social and environment aspects of the construct. Complicating corporate social responsibility issues is what appears to be just a ‘lip service’ by corporations to make standard image of them.

For example, Shell Nigeria proudly remarks of its global standard in oil spills as they claim to clean quickly and remediate environmental issues. However, the infamous Ogoniland oil spill between 1976 and 1991 took the Shell corporation decades to own up to their actions and be compelled internationally to start remediation. Akpobari citing Ezeamalu (2014) accuses Shell of double standards and lies when it comes to the issues of its corporate social responsibility. Shell Nigeria has also reported its initiative in reducing emissions and improving air

quality, but this again is almost a mirage as gas flaring is still actively carried out in many of Shell's host communities' location. The corporation has however done well in philanthropic gestures and employment of locals, but it is only a reactive approach as reported by UKEssays (2018).

Dangote Cement Company is another corporation to look into. The group stated its commitment of a proactive approach towards addressing climate change challenges and opportunities. However, as documented by Adedeji *et al.*, (2020) heavy metal pollution of soils, dust pollution and the release of gases is reported in Obajana, the host community for its cement factory, without concomitant corporate social responsibility attention. According Owolabi (2017) the people have attempted a protest but have been met strictly with police intimidation. Also protested is the depletion of vegetative cover due to the reaction of the factory chemicals on plants and this also has been met with gross irresponsiveness. With further delving, the list goes on with the likes of Stockgap Fuels Limited, Belema Oil, Nigerian Agip Oil Company, etc, with unsustainable and irresponsible approach towards the practice of corporate social responsibility at a time where deeper understanding of corporate social responsibility is growing. All of these anomalies with corporate social responsibility are largely made possible because of the gross dearth and inadequacy of mandating laws and regulations for organizations to meet their obligation.

3. CONCLUSION AND RECOMMENDATIONS

Climate change is real in Nigeria and there is a defect in the policies and regulations. Corporate social responsibility initiatives for corporations which otherwise would have helped through mandate in stemming the tide of climate change is somewhat unsustainable and irresponsible. However some recommendations are given:

- Government should redefine the perception of companies on the issue of corporate social responsibility by passing laws that will spell out the climate change responsibilities to corporate entities. This will make the organizations to check the types of substances the discharge to the environment and to the people.
- Government should develop and work with an enacted framework that is updated and sustainable for climate change and CSR issues, which would mandate with concomitant enforcement actions rather than just advise.

- It is appropriate to refocus climate change regulations to address more of the contributory factors to climate change. hence, emphasis should be more on prevention other than mitigation.
- The bar of enforcement should be raised as actions for non-compliance with climate change and CSR laws for stricter obligations for corporations to discourage habitual 'commit-and-pay' practice.
- Earmark a special intervention fund in the budgets for financing climate change goals rather than solely depending on international donors.
- Update and strengthen already existing regulations supporting the realization of climate change goals.

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