



Just Transitioning Without Inclusion? Nigeria's Energy Transition and the ILO Just Transition Framework

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Abstract

Climate change has prompted several nations, including Nigeria, to enact renewable energy laws to facilitate the transition from fossil fuels. In Nigeria, however, this transition presents significant socio-economic challenges, particularly the potential displacement of workers in the fossil fuel industry. The International Labour Organization (ILO) Guidelines on Just Transition emphasise the protection of workers through measures that promote job security, social dialogue, and the rights to organise and bargain collectively, thereby mitigating the adverse effects of the energy transition. Against this backdrop, questions arise regarding Nigeria's capacity to simultaneously achieve its net-zero emissions target by 2060 and safeguard the interests of fossil-fuel workers. This paper undertakes a comparative doctrinal analysis of Nigeria's energy transition legal framework in light of the ILO's just transition imperatives to assess its regulatory preparedness. The analysis reveals a framework that demonstrates only partial alignment with the ILO Guidelines, exposing gaps in worker protection and transition governance. The paper concludes by offering recommendations to strengthen Nigeria's regulatory framework and enhance its capacity to deliver a just and equitable energy transition.

Key words: Energy Transition, Fossil-fuel Workers, ILO Guidelines, Nigeria, Regulatory Framework



Introduction: Energy Transition and Labour Dilemma

The race towards global decarbonisation has generated an increasing body of academic literature on energy transition law, climate governance and labour protection.¹ In the Global South, scholarship has focused on the distributive effects of net-zero, including elite state capture of green energy investments, low youth engagement in developing green economies, and the marginalisation of vulnerable groups from decision-making and benefit-sharing agreements.² The ILO established a framework, known as the Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All (ILO Guidelines), in 2015. This framework has subsequently been endorsed by governments, employers, and workers' institutions,³ and it signals a normative reinforcement of the 'just transition' principle, a theory that unifies labour standards, social dialogue, and social protection in environmental reform.⁴ However, implementing this framework is not always straightforward. For instance, Nigeria is committed to achieving net-zero greenhouse gas emissions by 2060, which it announced at the UNFCCC's COP26 in Glasgow, Scotland, in November 2021.⁵ This is expected to take place within a transition framework anchored on the Constitution of the Federal Republic of Nigeria (CFRN) 1999, which serves as the foundation for environmental rights protection,⁶ the Petroleum Industry Act (PIA), which administers the decarbonisation of the oil and gas industry,⁷ and the Climate Change Act (CCA), which prescribes standards towards achieving net-zero emissions.⁸

¹ Darya Gribkova and Yulia Milshina, 'Energy Transition as a Response to Energy Challenges in Post Pandemic Reality' (2022) 15(3) 1-26 *Energies* MDPI <<https://www.mdpi.com/1996-1073/15/3/812>> accessed 24 April 2026; Theophilus Acheampong and Matthew Tyce, 'Navigating the Energy Transition and Industrial Decarbonisation: Ghana's Latest Bid to Develop an Integrated Bauxite to Aluminium Industry' (2024) *Energy Res. Soc. Sci.* 107, 103337

<<https://www.sciencedirect.com/science/article/pii/S2214629623003973?cfchl=TRvT6eup9FPqV2Kwsh778sdqNA5IQikDUIvd6Y5DyE-1778068743-1.0.1.1-ijfegNwD03x6dOy76N4uSHuGSPHwWPDsOqLNe81oymo>> accessed 24 April 2026; Ademola Oluborode Jegede, 'Should They 'Just' Leave? Global Energy Transition, Climate Change and the Protection of Workers' Rights in South Africa' (2021) 19 (1) *Oil, Gas and Energy Law Journal*, 1-19. <<https://www.ogel.org/article.asp?key=3948>> accessed 21 May 2026.

² Kawsara Wanyiwonara Mohammed, Emelia Sefah and Sebastian Angzoorokuu Paalo, 'Africa's Just Energy Transition: Political Economy, Marginalisation, and Human Security' (2026) *Energy Policy*, vol 214, 115257 <<https://www.sciencedirect.com/science/article/abs/pii/S0301421526001916>> accessed 21 May 2026.

³ ILO, 'The MNE Declaration and a Just Transition to Environmentally Sustainable Economies and Societies' (12 December, 2024) <<https://www.ilo.org/mne-declaration-and-just-transition-environmentally-sustainable-economies>> accessed 21 May 2026.

⁴ ILO, 'Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All' (2015) <https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_emp/%40emp_ent/documents/publication/wcms_432859.pdf> accessed 24 April 2026.

⁵ Department of Climate Change, Federal Ministry of Environment, Nigeria, '2050 Long-Term Vision for Nigeria (LTV 2050) - Towards the Development of Nigeria's Long-Term Low Emissions Development Strategy (LT LED)' (2021) <https://unfccc.int/sites/default/files/resource/Nigeria_LTS1.pdf#:~:text=At%20COP26%20in%20Glasgow%2C%20Nigerian%20President%20Muhammadu,Nigeria%20can%20achieve%20its%20new%20climate%20ambition> accessed 24 April 2026; Energy Transition Plan, 'Reducing Emissions and Powering Development.' <<https://energytransition.gov.ng/>> accessed 24 April 2026.

⁶ Constitution of the Federal Republic of Nigeria (1999) (as amended up to 2023) (Act No 24).

⁷ Petroleum Industry Act (2021) (Act No 6).

⁸ Climate Change Act (2021) (Act No 11).



Still, Nigeria's economy remains excessively reliant on oil and gas exports, which account for 80–90% of export income and more than half of government income.⁹ Also, as shall soon be manifest in the next section of this paper, the oil sector in Nigeria is an employer of labour in Nigeria. Hence, deploying doctrinal research methodology and a comparative approach,¹⁰ this paper interrogates the fundamental question of whether key laws in Nigeria are normatively and institutionally consistent with the ILO Guidelines and can successfully deliver a labour-friendly transition. It argues that although Nigeria has established an emerging legal framework for decarbonisation, that framework remains climate-oriented rather than worker-oriented, providing limited protection for workers who are likely to bear the social and economic costs of the transition. The paper further contends that tensions between Nigeria's climate commitments and its continued dependence on hydrocarbon development undermine the coherence of its transition strategy.

Workers in Nigeria's Fossil-Fuel Sector

As of 2022, reports indicated that Nigeria's oil and gas sector employed approximately 65,000 workers directly and 250,000 indirectly.¹¹ Nigerian workers are vulnerable to high rates of poverty, unemployment, and sub-employment as a result of employers' refusal to provide contracts to their workers to avoid financial and contractual obligations.¹² In the Ogoni area of Nigeria's Niger Delta,¹³ reports indicate poor wages and toxic work environment, with incidences of workers earning less than USD100 monthly and the non-confirmation of appointments. This leaves them without terms of service, social protection coverage, or formal procedures for engagement,¹⁴ creating extreme worker precarity. This casualisation compels workers to accept dangerous conditions without hazard pay, healthcare, or pensions, and the absence of complaint mechanisms

⁹ EITI, 'Nigeria' (2015) <<https://eiti.org/countries/nigeria>> accessed 24 April 2026.

¹⁰ Mark Saunders, Phillip Lewis and Adrian Thornhill, *Research Methods for Business Students* (Financial Times Prentice Hall, Edinburgh Gate, 4th edn, Harlow 2007); Mullekyl Devadasan Pradeep, 'Legal Research: Descriptive Analysis on Doctrinal Methodology' (2019) IJMTS 95-103 <https://www.researchgate.net/publication/347224540_Legal_Research_-_Descriptive_Analysis_on_Doctrinal_Methodology> accessed 25 April 2026.

¹¹ Peter Tarfa, Bala Bappa, James Ogunleye and others 'Oil and Gas Sector Impact Assessment Report. Review Report, MRV System' (2024) Initiative for Climate Action Transparency and Federal Ministry of Labour and Employment <<https://climateactiontransparency.org/wp-content/uploads/2024/06/Deliverable-3a-Final-Oil-and-Gas-Sector-Impact-Assessment-Report-210524.docx.pdf>> accessed 25 April 2026.

¹² Thomson Reuters Foundation and Trust Law, 'A Guide to Workers' Rights in Nigeria' (2023) <<http://lowenstein.com/media/xesf324b/a-guide-to-workers-rights-in-nigeria.pdf>> accessed 25 April 2026.

¹³ The Niger Delta, being home to some of the largest, and highest quality, oil deposits in the world, is the nucleus of Nigeria's oil production. See Michael Watts, Ike Okonta and Dimiari Von Kemedi, 'Economies of Violence: Petroleum, Politics and Community Conflict in the Niger Delta, Nigeria' (2004) Economics of Violence Working Paper 1 <<https://geography.berkeley.edu/sites/default/files/1-wattsokantavon.pdf>> accessed 21 May 2026.

¹⁴ Godwin Uyi Ojo and Hauwa Mustapha, 'Just Transition in Nigeria: Case of Agricultural and Oil Sectors' (2019) Nigeria Labour Congress and Environment Rights Action/Friends of the Earth Nigeria. <https://www.ituc-csi.org/IMG/pdf/210429_-_just_transition_in_nigeria.pdf> accessed 25 April 2026.



incites bloody communal clashes.¹⁵ The poor working conditions have also exposed them to pollution hazards.¹⁶ These structural vulnerabilities heighten the importance of incorporating just transition safeguards into Nigeria's energy transition framework. Workers entering the transition process from positions of economic precarity are likely to bear disproportionate costs unless legal mechanisms for social protection, retraining, and meaningful participation are embedded within transition governance structures. Without incorporating just transition protections such as social dialogue, job creation initiatives, upskilling, and reskilling, the transition in Nigeria may neglect and exacerbate existing workforce challenges in the fossil fuel sector. It is to uncover and/or address the possibility of transitioning without inclusion that the ILO Guidelines matter as a framework of assessment.

The Normative Framework of the ILO Guidelines

The ILO Guidelines generally refer to an inclusive policy framework developed to facilitate countries' transition to low-carbon, environmentally sustainable economies. Its purpose is to protect jobs, reduce inequality, and position social justice as the centre of climate action.¹⁷ They articulate nine policy areas, including social protection and social dialogue.¹⁸ These policy areas are founded on binding ILO conventions, such as collective bargaining (No. 98),¹⁹ and social security (No 102).²⁰ Although the ILO Guidelines are soft law,²¹ they assume normative weight from their consolidation with binding conventions. They are also recognised in climate dialogues under the Paris Agreement, whose preamble advocates 'the imperatives of a just transition of the workforce.'²² As a result, the ILO Guidelines serve as necessary evaluative standards to inform

¹⁵ Baba Aye, 'NUPENGASSAN': Combatting Precarious Work in the Nigerian Oil Industry' (2017) GLU and ILO <https://global-labour-university.org/wp-content/uploads/2022/03/GLU_WP_No.50.pdf> accessed 21 May 2026.

¹⁶ Ojo and Mustapha (n 14).

¹⁷ ILO, 'Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All' <<https://www.ilo.org/publications/guidelines-just-transition-towards-environmentally-sustainable-economies>> accessed 21 May 2026.

¹⁸ Lene Olsen and Claire La Hovary, 'User's Manual to the ILO's Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All' (2021) ILO <https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_dialogue/@actrav/documents/publication/wcms_826060.pdf> accessed 27 April 2026.

¹⁹ ILO, 'C98 Right to Organise and Collective Bargaining Convention' (1949) <[file:///C:/Users/user/Downloads/wcms_168332%20\(1\).pdf](file:///C:/Users/user/Downloads/wcms_168332%20(1).pdf)> accessed 27 April 2026.

²⁰ ILO, 'Social Security Convention No 102' (2011) <<https://www.ilo.org/resource/ilo-social-security-convention-no102>> accessed 27 April 2026; Olsen and La Hovary (n 18).

²¹ Ludovic Hennebel and Helene Tigroudja 'The Place of Soft Law Standards in International Human Rights Law' in *International Human Rights Law: A Treatise* (Cambridge University Press, 92-110 2025).

²² Paris Agreement to the United Nations Framework Convention on Climate Change [2015] T.I.A.S. No. 16-1104.



local climate law and policy tools.²³ Alignment with the ILO Guidelines requires institutionalised dialogue in transition policy, legal protection of workers' rights during structural adjustment, social protection and retraining schemes, and a coherent industrial policy that connects decarbonisation to job creation.

Nigeria Energy Transition Legal Framework and ILO Guidelines

This section addresses the extent to which key energy-related instruments in Nigeria are compatible with the ILO Guidelines. These instruments are the Constitution, the Climate Change Act, and the Petroleum Industry Act.

Constitutional Foundations

In determining the regulatory readiness of Nigeria's just transition frameworks to deliver net-zero emissions while protecting workers' rights, the Constitution of the Federal Republic of Nigeria (CFRN) 1999, a fundamental document that captures the highest aspirations of the State, is of importance. Chapter II of the CFRN, particularly sections 17 and 20 outlines socio-economic objectives, including social justice and environmental protection respectively. These provisions, however, cannot be enforced under section 6(6)(c).²⁴ Although section 40 guarantees the right of workers to form or belong to any political party, trade union, or any other association for the purpose of protecting their interests, the right to bargain collectively for better working conditions remain uncertain.²⁵ Yet, these are an important component of the ILO Guidelines. Furthermore, the complexity of Nigeria's constitutional framework poses challenges to the domestication of transition standards in the ILO Guidelines. This is because Nigeria adopts a dualist approach, as stipulated in section 12, which mandates legislative assimilation before international instruments, including soft law such as the ILO Guidelines, can apply.

Climate Change Act 2021

²³ ILO, 'ILO Guidance Note - Integrating Skills for Just Transition in Nationally Determined Contributions (NDCs) 3.0.' (2025) <https://www.ilo.org/sites/default/files/2025-03/ILO%20Internal%20Guide_Integrating%20skills%20for%20just%20transition%20in%20NDCs_Final%20Version_27032025%20%282%29.pdf> accessed 1 May 2026.

²⁴ CFRN (n 6).

²⁵ CFRN (n 6).



The CCA establishes a 2050-2070 net-zero target window for establishing a carbon budget to reach net-zero greenhouse gas (GHG) emissions,²⁶ and creates the National Council on Climate Change (NCCC) in section 3(1).²⁷ The CCA, however, fails to provide explicit just transition or labour protection clauses.²⁸ Section 3 further sets out functions of the NCCC, including coordinating climate policy, yet it lacks statutory provisions for labour union representation, making the CCA climate-centred rather than labour-centred. This is inconsistent with the ILO Guidelines, which uphold ‘effective social dialogue’ as the bedrock of a just transition.²⁹ Nigeria’s social protection framework remains disjointed, depending on ad hoc, small-scale programs rather than an integrated legal framework.³⁰

Petroleum Industry Act 2021

Section 53 of Nigeria’s PIA restructures Nigeria’s oil sector by incorporating Nigeria’s national oil company, the Nigerian National Petroleum Company Limited (NNPC Ltd), as a commercial entity, creating Host Community Development Trusts (HCDDT) in section 235 for local development, alongside new licensing and tax regulations from sections 71 to 73.³¹ Section 4 provides a comprehensive legal and fiscal framework for Nigeria’s oil sector, creating new regulatory bodies such as the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) and the Nigerian Midstream and Downstream Petroleum Regulatory Authority (NMDPRA) in section 29.³² While it focuses on communal benefits, the PIA is predominantly silent on workforce transition, redundancy protections, or retraining responsibilities. Nigeria’s heavy reliance on fossil fuel income creates political resistance to rapid decarbonisation. Before, and after the removal of fuel subsidies for instance, a prerequisite for transitioning to renewables, there was strong social and political resistance because fuel prices directly impacted livelihoods and transportation costs,³³ and

²⁶ Department of Climate Change (n 5a).

²⁷ CCA (n 8).

²⁸ *ibid.*

²⁹ ILO, ‘Just Transition Policy Brief - The Role of Social Dialogue and Tripartism in a Just Transition Towards Environmentally Sustainable Economies and Societies for All’ (2022)

<https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_emp/%40emp_ent/documents/publication/wcms_858810.pdf> accessed 2 May 2026; Olsen and La Hovary (n 19).

³⁰ Jessica Hagen-Zanker and Rebecca Holmes, ‘Social Protection in Nigeria – Synthesis Report’ (2012) Overseas Development Institute <<https://media.odi.org/documents/7583.pdf>> accessed 2 May 2026.

³¹ PIA (n 7).

³² *ibid.*

³³ Ibrahim A Adekunle and Isiaq O Oseni, ‘Fuel Subsidies and Carbon Emission: Evidence from Asymmetric Modelling’ (2021) 28 22729–22741 *Environ Sci Pollut Res Int* <<file:///C:/Users/user/Downloads/Fuelsubsidiesandcarbonemissionevidencefromasymmetricmodelling.pdf>> accessed 2 May 2026; Boluwatife Solomon Ajibola, ‘From Covid-19 to Fuel Subsidy Removal in Nigeria: Assessing the Political Opportunities for Local



there was a deficit of safety nets as a result of insufficient public funds.³⁴ To further complicate Nigeria's regulatory landscape, the PIA's fiscal reforms incentivise uninterrupted hydrocarbon development,³⁵ and may perhaps conflict with carbon budgets under section 19 of the CCA.³⁶ This internal normative friction questions the state's genuine direction in the energy transition.

Conclusion and Recommendations

The paper assesses whether Nigeria's energy transition framework is normatively and institutionally aligned with the ILO Guidelines and capable of supporting a labour-friendly transition from the fossil-fuel sector. The analysis demonstrates that the framework exhibits only partial compatibility with the ILO Guidelines and remains principally focused on climate governance rather than worker protection. Three findings emerge. First, the dualist nature of the Nigerian Constitution prevents the automatic assimilation of the ILO Guidelines into domestic law. Second, both the Climate Change Act and the Petroleum Industry Act lack enforceable provisions relating to worker participation, retraining, reskilling, social protection, and transition planning. Third, a fundamental tension exists between Nigeria's commitment to decarbonisation and the continued legal and fiscal encouragement of hydrocarbon development, creating uncertainty regarding the overall direction of the transition process.

However, these challenges are not insurmountable. Integrating the ILO Guidelines will help ensure a just transition, enabling retraining/reskilling/upskilling and general respect for workers' rights amid the transition from the fossil sector. Civil society may utilise the ILO Guidelines in their activism on the rights and welfare of workers in the Nigerian fossil sector. Also, in deserving cases, the Court may treat the ILO Guidelines as persuasive authority to fill policy and legal gaps regarding just transition. Barring such an approach, Nigeria's energy transition risks replicating inequities under a 'green' veil, thus transitioning without the needed inclusion of those whose rights and voices matter.

Grievance' (2024) 4(4) 351-361 Urban Governance. <<https://www.sciencedirect.com/science/article/pii/S2664328624000597>> accessed 2 May 2026.

³⁴ Jonathan Lain and Tara Vishwanath, 'The Covid-19 Crisis in Nigeria: What's Happening to Welfare? New Data Call for Expanded Social Protection in Africa's Most Populous Country' (2021) <<https://blogs.worldbank.org/en/african/covid-19-crisis-nigeria-whats-happening-welfare-new-data-call-expanded-social-protection>> accessed 2 May 2026.

³⁵ ENR Advisory, 'The Petroleum Industry Act, 2021. What Next for Upstream Players?' (2021) <https://enradvisory.com/wp-content/uploads/2021/08/PIA_Whats-Next-for-Upstream-Players_Final2.pdf> accessed 2 May 2026.

³⁶ CCA (n 8).



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