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TEMPLARS ThoughtLab

Greenwashing and Climate Litigation: *Key Lessons for Nigeria’s Oil and Gas Industry*

Introduction

Global attention to climate change continues to intensify, with fossil fuels such as coal, oil, and gas remaining major contributors to greenhouse gas emissions.¹ In response, many jurisdictions have adopted regulatory frameworks designed to reduce emissions, manage climate risks, improve disclosures, and support the transition to lower-carbon operations.

Following Nigeria's pledge at the 26th Conference of the Parties (COP 26) to achieve net-zero emissions by 2060,² the Climate Change Act 2021 (the “CCA”) was enacted, demonstrating targeted steps towards this goal. The CCA establishes a structured framework for climate governance and places growing expectations on corporate actors, including those in the oil and gas sector.

As oil and gas companies adapt to these changing requirements, many have introduced climate-related disclosures, sustainability reports, and energy transition narratives. However, recent international developments highlight that such communications could face regulatory and judicial scrutiny if not supported by reliable evidence or aligned with operational realities. Globally, regulators and courts are increasingly willing to test climate-related claims against verifiable evidence as illustrated by various enforcement actions taken by the UK's Advertising Standards Authority and Competition and Markets Authority.

A notable example of judicial enforcement is the decision of a French civil court involving a major international oil company (the “IOC”),³ (the “**Greenpeace Decision**”). In this case, the French court found that certain climate-related communications issued by the IOC were misleading and

¹ United Nations website, available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change>, accessed 5 May 2026.

² Notwithstanding this timeline pledged by Nigeria, the CCA provides a timeframe of 2050 to 2070, Section 1(f) of the CCA.

³ *Greenpeace France Association & Ors vs. TotalEnergies SE and TotalEnergies Electricité et Gaz France*

constituted unfair commercial practices, as they lacked verifiable supporting evidence. This marks the first time a major IOC has been held liable for misleading climate-related statements.⁴ Although the judgment originates in France, its impact may extend globally, including to Nigeria, where similar climate and consumer protection laws exist.

Against this backdrop, this publication examines the lessons that can be drawn from the Greenpeace Decision for oil and gas companies operating in Nigeria, and outlines practical steps that industry participants should adopt when making climate-related communications.

Review of the Greenpeace Decision

On 23 October 2025, the French civil court delivered its judgment in the Greenpeace case. The proceedings focused on environmental and climate-related communications published on the IOC's affiliate website, which claimants contended amounted to "misleading commercial practices" under the French Consumer Code.⁵ In 2021, the IOC had published statements asserting it would promote cleaner energy sources over other fossil fuels due to their lower emission footprint.⁶ Greenpeace France Association and others initiated legal action, contending that the IOC's communications were irreconcilable with its production activities and had the potential to mislead consumers.⁷ The claimants further argued that this undermined the credibility of the IOC's climate narrative.

The Tribunal upheld the claimants' case, holding that the deceptive information on the IOC's website was capable of misleading consumers under the French Consumer Code and that climate claims of the kind made by the IOC must be substantiated by transparent, verifiable, and science-based evidence. Aspirational or forward-looking statements, as published by the IOC, were deemed deceptive. Consequently, the Tribunal ordered the IOC to remove the communications from its website within one month, publish the court ruling on its homepage for 180 days, and pay a fine of €10,000 for non-compliance. Additionally, the Tribunal directed payment of €8,000 to each claimant organisation for non-financial harm and €15,000 in legal costs.

Beyond the financial penalties, a decision of this kind may result in significant reputational damage undermining investor confidence, eroding stakeholder trust, and inviting further regulatory scrutiny. This serves as a clear signal to oil and gas companies in Nigeria that climate-related communications must be consistent, substantiated, and capable of withstanding legal challenge.

Relevance for the Nigerian Market

Although the Greenpeace Decision originates in a French court, it reflects a wider global trend towards greater scrutiny of climate-related representations. This is particularly relevant to Nigerian operators, as oil and gas companies in the country routinely publish comparable communications in their environmental, social, and governance (ESG) reports.⁸

While Nigeria's legal framework, including the CCA, the Petroleum Industry Act 2021 (the "PIA"), and the Federal Competition and Consumer Protection Act 2018 (the "FCCPA"), does not expressly address greenwashing as a distinct legal concept,⁹ the FCCPA contains provisions targeting misleading or

⁴ Available at https://www.climatecasechart.com/document/greenpeace-france-and-others-v-totalenergies-se-and-totalenergies-electricite-et-gaz-france_3e1f accessed 5 May 2026

⁵ Articles L. 121-1 et seq. of the French Consumer Code. Under Nigerian law, Section 125 of the FCCPA has similar provisions. Thus, it may be possible for claims of this nature to be brought against Nigerian operators

⁶ After its rebranding in 2021, the IOC presented itself as a major player in the energy transition with the stated ambition of achieving carbon neutrality by 2050.

⁷ The claimants argued that fossil fuels accounted for a large proportion of its production activities, which contradicted its commercial communications to its customers.

⁸ This day website. Available at <https://www.thisdaylive.com/2024/09/19/esg-in-oil-and-gas-balancing-energy-demands-and-environmental-responsibility/>, accessed 5 May 2026.

⁹ Greenwashing is a deceptive practice where organisations misrepresent their environmental effects to create a false impression of ecological responsibility. Available at <https://virtusinterpress.org/Greenwashing%20fostering%20genuine%20environmental%20practices>, accessed 5 May 2026.

deceptive commercial practices,¹⁰ which are capable of application to environmental or climate sustainability-related claims.¹¹

As Nigerian oil and gas companies continue to issue sustainability reports, set emission targets, and develop transition strategies, it is advisable that such disclosures are consistent with operational realities and supported by reliable data.

Practical Strategies for Risk Mitigation

In light of these developments, oil and gas companies in Nigeria should adopt a proactive and risk-aware approach to climate-related communications. Practical measures include:

- a. Ensuring that sustainability claims and environmental disclosures are supported by verifiable, data-driven evidence capable of withstanding regulatory or judicial scrutiny.
- b. Aligning public commitments with operational realities, supported by clear implementation pathways and measurable milestones.
- c. Maintaining robust internal governance for climate reporting, including comprehensive documentation and audit trails for all disclosed information.
- d. Reviewing marketing materials, investor communications, and public statements to ensure consistency with operational performance and compliance with consumer protection standards.
- e. Strengthening compliance with statutory obligations under the CCA and the PIA, particularly in respect of emissions reporting, environmental management, and transition planning.
- f. Integrating climate litigation risk into enterprise risk management frameworks, including through scenario analysis and periodic legal risk assessments.

Adopting these practices can help reduce exposure to regulatory action, litigation risk, and reputational challenges associated with unverified climate publications or communications. Companies should also consider the full scope of their value-chain exposure from upstream operations to downstream consumer-facing representations when assessing climate communication risk.

For companies operating across multiple jurisdictions, the alignment of climate communications with both local and international standards is not merely a compliance exercise. It is a strategic imperative.

¹⁰ Section 125 of the FCCPA.

¹¹ It should be noted that the Federal Competition and Consumer Protection Commission has generally demonstrated willingness to regulate consumer claims in Nigeria. In 2025 alone, the FCCPC was reported to have taken enforcement action against major airlines, telecommunications providers, market cartels, and digital platforms for diverse breaches of the FCCPA, available at <https://independent.ng/2025-in-review-the-battles-fccpc-fought-to-protect-nigerian-consumers/2/#:~:text=In%20the%20area%20of%20online,and%20influencer%20marketing%20without%20disclosure> accessed 5 May 2026.

Conclusion

The Greenpeace Decision represents a significant moment in the development of climate litigation globally. For Nigerian oil and gas companies, its central lesson is clear: climate-related communications must be accurate, substantiated, and consistent with operational realities. Companies that fail to meet this standard face not only legal liability but also material reputational and commercial consequences.

As the regulatory and litigation landscape continues to evolve, companies that invest in rigorous, evidence-based climate governance will be better positioned to maintain their licence to operate, attract sustainable capital, and preserve long-term enterprise value. The credibility of a company's climate narrative is no longer a matter of corporate communications alone. It is a strategic imperative.

If you require any further clarification, do not hesitate to contact us.