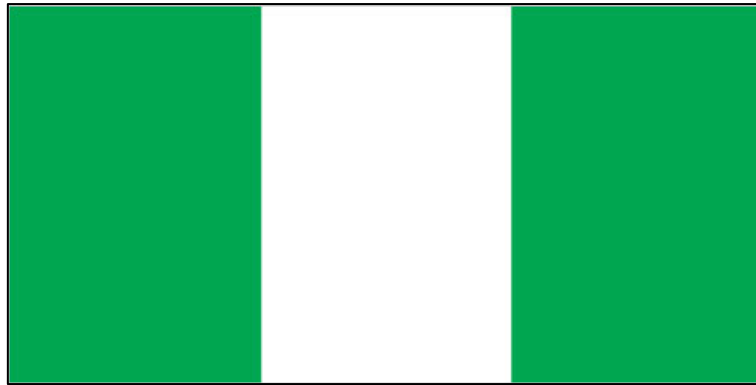


CLIMATE CHANGE LEGISLATION IN

Nigeria

AN EXCERPT FROM

The 2015 Global Climate Legislation Study **A Review of Climate Change Legislation in 99 Countries**



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Nigeria

Legislative Process

Nigeria features a bicameral legislature (the National Assembly), modelled after the political system of the United States. The National Assembly is divided into an upper house (Senate) and a lower house (House of Representatives). The Senate has 109 members, three from each state and one from the capital region of Abuja. Every four years, senators are elected in a popular vote. The House of Representatives has 360 members who are elected for a four-year term, using a simple majority (first-past-the-post) system.

The last general elections (house, senate, and presidential elections) took place in April 2011. The next general elections will be held in February 2015.

Proposed laws are called bills and can be introduced either to the Senate or the House. After its introduction in the legislative process, a bill is reviewed by a relevant committee, then referred to the National Assembly. In a sequence of three readings, the bill is discussed and modifications can be made. A bill is passed by a simple majority of the upper and lower house, which vote independently from one another. In order to formally complete the legislative process, acts have to be signed by the President (Presidential Assent).

Approach to Climate Change

National efforts to address climatic change are guided by a number of principles including the following: (1) Strategic climate change response is consistent with national development priorities; (2) Climate change is addressed within the framework of sustainable development, which ensures that climate change response must be sensitive to issues of equity, gender, youth, children and other vulnerable groups; (3) The use of energy as a key driver for high economic growth is pursued within the broad context of sustainable development; (4) Mitigation and adaptation are integral components of the policy response and strategy to cope with climate change; (5) Climate change policy is integrated with other policies to promote economic and environmental efficiency; (6) Climate change is cross-cutting and demands integration across the work programmes of several government ministries/agencies/parastatals and stakeholders, and across sectors of industry, business and the community; (7) Climate change response provides viable entrepreneurship opportunities.

Since the submission of its first national report to the UNFCCC in 2003, Nigeria has made some progress on climate change governance. In its current national development plan (Vision 2020), the government recognises climate change as threatening its economic prosperity and future development. For improving policy formulation and co-ordination in this area, the Ministry of the Environment created a Special Climate Change Unit which recently has been transformed into the Department of Climate Change. Last year, the Department signed a co-operation agreement with Germany and nine other West African Countries (Benin, Burkina Faso, Cote d'Ivoire, Ghana, Gambia, Mali, Niger, Senegal, and Togo) to collaborate in the review and development of climate change policies. In 2013, the Federal Executive Council (cabinet) approved the agreement for ratification. The collaboration will take place within the framework of the newly created West African Science Service Centre on Climate Change and Adapted Land Use (WASCAL). In 2008, two competing bills were introduced into Parliament with the aim of improving the ability to set, co-ordinate, and implement climate change policies. The first bill proposed the creation of a climate change agency with close ties to the Ministry of the Environment, while the second bill aimed to create an independent National Commission on Climate Change. However, both bills became trapped in the legislative process. In 2010, Parliament passed the so-called Commission Bill, but it

did not receive assent by the President. The current parliament re-introduced the bill and, again, it has been passed by the lower chamber (House of Representatives) and is at the second reading stage at the upper chamber (Senate). The bill, if passed into law by the Senate, would formally establish a robust institution/agency to shoulder the full responsibility of climate change governance, building on the work the climate change department of the Federal Ministry of Environment is doing. The House Committee on Climate Change is also working on a Climate Change law that would address synergy between the various agencies of government in mainstreaming climate change into their development planning.

Besides these efforts to improve the country's institutional capacity to deal with climate change, there have been several policy initiatives with relevance to climate change. For example, since 2007, civil society organisations and international donor organisations have been working together to identify climate change vulnerabilities and develop a comprehensive adaptation strategy. In 2011, these efforts resulted in the publication of the National Adaptation Strategy and Plan of Action on Climate Change for Nigeria (NASPA-CNN). The Strategy outlines responses to climate change in key areas such as agriculture (crops and livestock), freshwater resources, coastal water resources and fisheries, forests, biodiversity, health and sanitation, human settlements and housing, energy, transportation and communications, industry and commerce, disaster, migration and security, livelihoods, vulnerable groups, and education. However, the policy document did not find official support. Instead, in 2012, the Executive Council approved the adoption of a National Climate Change Policy and Response Strategy (NCCP-RS). NCCP-RS aims to provide a framework for responding to climate change-induced challenges such as increased flooding and rising sea levels. There are also plans to create a National Strategic Climate Change Trust Fund and develop a National Appropriate Mitigation Action document. In 2013, a National Policy on Climate Change was finally approved and adopted by the Federal Executive Council. This will form the basis for any new climate change law.

Energy supply

Under its current development plan (Vision 2020), the government has set targets to promote the production and use of renewable energy. These include wind, solar, hydro, and biomass. The Vision 2020 includes plans to construct several solar and hydro power plants. The Ministry of the Environment has announced plans to increase the share of renewable energy to 20% by 2020. Several government documents and sources also mention the development of a Renewable Energy Master Plan for Nigeria. However, the process of realising the above targets is still under way. The government adopted a national biofuel policy in 2007, which aims to create an enabling environment for the country's biofuel sector. A Biofuel Energy Commission and a Biofuel Research Agency have been established, as well as tax exemptions and other incentives for biofuel producers. More recently, the Federal Government announced that it had concluded plans to launch a National Policy on Renewable Energy and Energy Efficiency. Once finalised, the Policy will provide the framework and create an institutional focal point for all national efforts on renewable energy and energy efficiency. As part of a wider effort to promote renewable energy, the President set an aspirational target of 30GW to be reached within the next decade.

Energy demand

In the past, Nigeria has worked with international donors to improve its energy efficiency. In 2011, the government entered a partnership with the United Nations Environment Programme and the Global Environmental Facility to promote energy efficiency in the residential and public sectors. Concrete measures include outreach and training programmes as well as the distribution of 1 million compact fluorescent lamps in residential and public buildings. There has also been assistance to develop national legislation in the area of energy efficiency, including the Clean Technology Fund's (CTF) support of energy efficiency projects. The CTF Investment Plan envisages a total of USD1.3bn to support low-carbon growth objectives.

REDD+ and LULUCF

Nigeria has one of the highest deforestation rates in the world. According to the Food and Agricultural Organisation, the country lost 55.7% of its primary forests between 2000 and 2005. To protect its forests, Nigeria has adopted a number of acts and laws. The legislation that most directly addresses deforestation is the Natural Conservation Act of 1989. Nigeria’s Vision 2020 includes measures to reduce the rate of deforestation such as a target to increase forest cover from currently 6% to 10%. However, no clear timeframe is provided. The 2012 Appropriation Act called for the provision of clean stoves and cooking fuels to discourage tree felling for use in traditional cooking methods. The country also entered into a partnership agreement with the United Nations REDD Programme in 2010.

Adaptation

The constitution states that “the State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria”. However, there is currently no explicit climate change adaptation legislation in place. Recently the Ministry of the Environment has joined forces with civil society actors and international donors for the Building Nigeria’s Response to Climate Change (BNRCC) project. In 2011, the BNRCC produced the NASPA-CCN, which identifies climate change vulnerabilities and contains guidance to develop a comprehensive climate change adaptation strategy. Vision 2020 also includes a number of concrete adaptation targets such as the establishment of a 1,500km “green wall” in 11 states bordering the Sahara to reduce the rate and speed of desertification. A number of policy approaches will provide an organising framework to develop and implement sectoral strategies, measures and initiatives for effective adaptation responses. These include: (1) Generate adequate energy from a mix of sources for rapid socio-economic development without significantly increasing the country’s GHG emissions; (2) Continuously reduce GHG emissions in all sectors, particularly in the oil and gas, and transportation sectors; (3) Enhance food security, reduce poverty and promote healthy living for all Nigerians; (4) Integrate disaster risk management of climate-related hazards into development.

Nigeria: Executive portfolio

Name of Policy	National Policy on Climate Change
Date	October 2013
Summary	<p>The National Policy on Climate Change is a strategic policy response to climate change that aims to foster low-carbon, high growth economic development path and build a climate-resilient society through the attainment of set targets. The plan explicitly identifies climate change as one of the major threats to economic development goals and food security. To meet these challenges, the plan includes concrete targets in the areas of climate change adaptation, afforestation, and energy supply. The vision of the National Climate Change Policy Response and Strategy (NCCPRS) is a climate change-resilient Nigeria ready for rapid and sustainable socio-economic development. Its mission is to strengthen national initiatives to adapt to and mitigate climate change and involve all sectors of society, including the poor and other vulnerable groups (women, youth etc.) within the overall context of advancing sustainable socio-economic development. Its main objectives are:</p> <ul style="list-style-type: none"> • Implement mitigation measures that will promote low carbon as well as sustainable and high economic growth • Strengthen national capacity to adapt to climate change; • Raise climate change-related science, technology and R&D to a new level that will enable the country to better participate in international scientific and technological co-operation on climate change; • Significantly increase public awareness and involve the private sector in addressing the challenges of climate change; • Strengthen national institutions and mechanisms (policy, legislative and economic) to establish a suitable and functional framework for climate change Governance.

Name of Policy	Nigeria Vision 2020
Date	May 2010
Summary	<p>Vision 2020 aims to reduce the impact of climate change on development processes and the environment. It would (i) strengthen environmental governance; (ii) promote environmental education; (iii) optimise economic benefits from sustainable environmental management. Concrete climate policy targets formulated under Vision 2020 are:</p> <ul style="list-style-type: none">• Increase the share of the energy mix of hydro-power to 25% by 2013• Increase wind energy capacity to 10MW by 2013• Increase solar energy capacity to 10MW by 2013• Increase biomass power generation capacity to 1,000 MW• Increase forest cover from 6% to 10%• Reduce losses and impacts due to floods and drought by 10% by 2013

Name of Policy	Nigerian Biofuel and Incentives
Date	24 July 2007
Summary	<p>The policy aims to help develop the biofuel industry in order to gradually reduce the dependence on imported gasoline, reduce GHG emissions while promoting economic development. Concrete measures include the introduction of a biofuel blend (10% ethanol) and various measures aimed at stimulating market demand for biofuels and promoting their production (e.g. tax exemptions). The policy includes the establishment of a Biofuel Energy Commission and Biofuel Research Agency and a target that by 2020 100% of biofuels consumed in the country will come from domestic production.</p>

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