



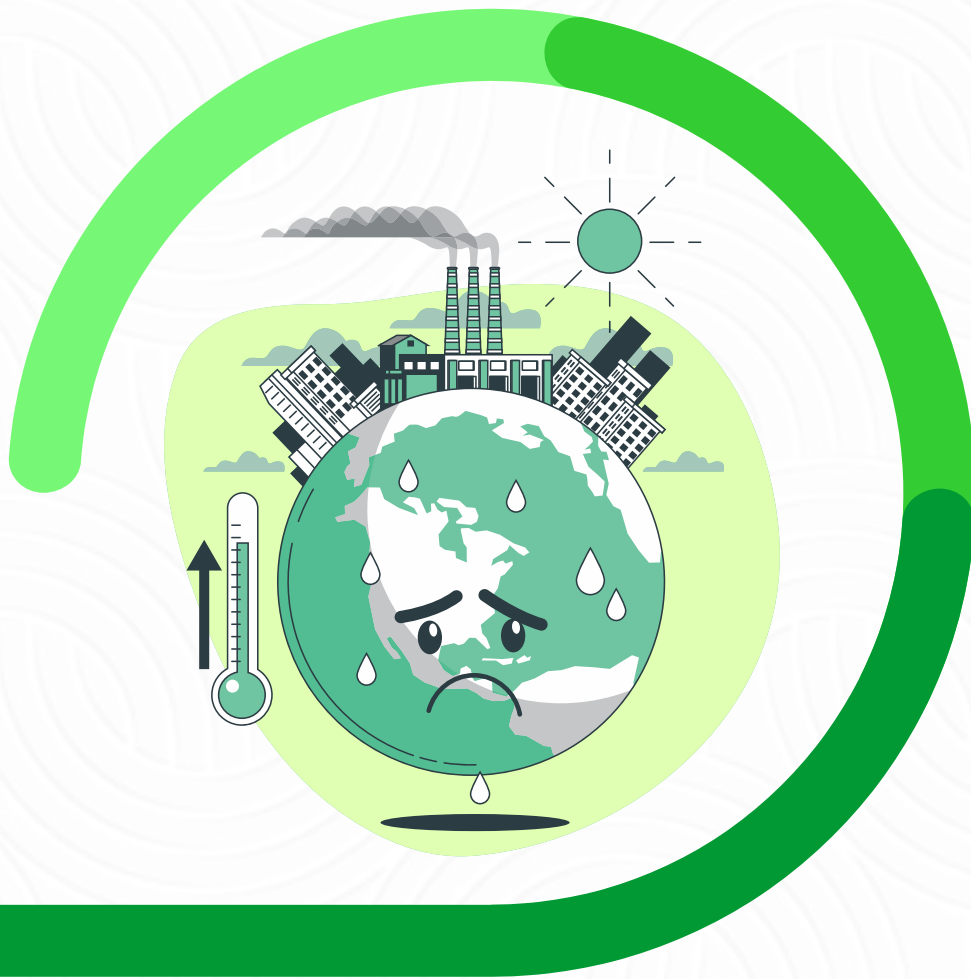
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Community Initiatives to Promote Peace

CiPP

POLICY FACTSHEET



KEY PROVISIONS IN THE CLIMATE CHANGE ACT, 2021



SCDDD
SAVANNAH CENTRE
FOR DIPLOMACY, DEMOCRACY & DEVELOPMENT



INTRODUCTION

Depending on how observant one is and how long one has been on earth, a cursory look around the environment will reveal the fact that the world is not what it used to be. For instance, one will probably notice that states that were ordinarily cooler have gotten warmer now. It is also not in doubt that the months that were usually rain filled, have delayed rainy seasons, and this has affected farming activities and the availability of food in Nigeria.

It is clear that the world and its atmospheric and climatic balance have changed, and it is also obvious that the equilibrium as it was once known has tilted in a manner that is not optimal for the human species and all other life forms as we know them to thrive and regenerate in a self-sustaining way.

Over the years, there have been calls by environmentalists and climatic change experts for the human species, which are more or less custodians of the environment, to be more circumspect and responsible to it. Studies show that activities that were thought to be harmless, e.g. deforestation, use of fossil fuels and emission of carbon dioxide and Greenhouses Gases (GHG) into the atmosphere through mechanical and non-mechanical combustion, are harming the environment and depleting the clean bio-energy that was available and responsible for environmental life regeneration.

Countries, under the auspices of the United Nations (UN), came together to hold conversations about how best to mitigate the activities and actions that have greatly cut down the life potency of our earth. These conventions were convened to ensure that nation-states (miniature of the earth by their own rights) signed up and agreed to play their role and ensure that by the year 2050 and beyond, the agreed upon climatic ideals were actively practiced. One of such meetings held at this global level was the United Nations Framework Convention on Climate Change (UNFCCC), and Nigeria is a signatory to the agreements reached at this convention.

Nigeria showed commitment to maintaining the Greenhouse Gas (GHG) emissions as represented in the Kyoto Protocol and Paris Agreement, and she also actively participated in UN Climate Change Conference held in Glasgow, Scotland, in October and November 2021.

In simple terms, COP26 set out to have nation states recommit to net-zero targets by the middle of the century, and to attain the 1.5 degrees goal; as outlined above, this will keep living species and the general natural ecosystem healthy. It was also important to find ways to generate funding that would make the stated ideals realizable.

The Climate Change Act is intended to provide a legal framework to attaining low GHG emissions and mainstreaming climate change actions into national plans and programmes.

CLIMATE CHANGE ACT (CCA) 2021

The Act is an establishment Act as well as a crystallization of policy ideals that will safeguard the environmental heritage of Nigeria. The CCA established the National Council on Climate Change (NCCC) which is saddled with executing and bringing into effect the policies under the Act.

It provides the legal framework for the NCCC to collaborate with the Federal Inland Revenue Service (FIRS) to develop a mechanism for carbon tax in Nigeria. The proceeds from the carbon tax and other sources will be used to charge the Climate Change Fund (the Fund) set up by the Act.

In order to protect the Nigerian environment and ecosystem from the ravages associated with climate change and to achieve the reduction of Greenhouse Gas (GHG) emissions in Nigeria, President Muhammadu Buhari of Nigeria signed the country's climate change bill into law on 18th November 2021.

S/N	HIGHLIGHTED SECTIONS	KEY PROVISIONS
1.	S.1	<p>CCA Framework:</p> <p>This section outlines the extent and scope of the Act and what specifically it will be looking to deal with regards to the climate and environmental issues.</p>
2.	S.3	<p>National Council on Climate Change:</p> <p>The CCA establishes the National Council of Climate Change (the "Council") which is vested with the powers to develop policies and make decisions on all matters concerning climate change in Nigeria. The subsequent sections (4-6) set forth clearly that the Council is also required to manage the implementation of the provisions of the CCA.</p>
3.	S.8	<p>Functions of the Secretariat:</p> <p>This section empowers the Council's Secretariat to collaborate with the Federal Ministry of Environment to provide copies of all climate change reports and related documents to meet the nation's international climate obligations on climate change.</p>
2.	S.15	<p>Climate Change Fund:</p> <p>The CCA establishes a Climate Change Fund charged by: (a) sums appropriated by the National Assembly; (b) subventions, grants, donations, fees and charges; (c) international funding due to Nigeria for meeting her Nationally Determined Contributions. These funds shall be used for the daily running of the Secretariat including salaries, allowances etc. Climate change advocacy and information dissemination; funding innovative climate change mitigation and adaptation projects; conducting assessments of climate change impact on vulnerable communities and population; incentivising entities for their efforts towards transiting to clean energy and sustaining a reduction in GHG emissions; and any other expenditure in connection with any function of the Council.</p>
4	S.19	<p>Carbon budget:</p> <p>The CCA provides that the Federal Ministries of Environment and National Planning shall have the responsibility to set the carbon budget (i.e., the approved quantity of GHG emission that is acceptable over a specified time) and the budgetary period for Nigeria, and periodically revise the carbon budget in line with Nigeria's Nationally Determined Contributions in order to comply with international obligations.</p>

		<p>The goal of the carbon budget is to keep the average increase in global temperature within 2 degrees Celsius and make a concerted effort to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels.</p>
5.	S.20	<p>National Climate Change Action Plan:</p> <p>Under the CCA, the Secretariat, in consultation with the Federal Ministry of Environment and the Federal Ministry of Budget and National Planning, is required to formulate a National Climate Change Action Plan ("Action Plan") every five years, the first of which is to be produced within 12 (twelve) months from the commencement of the CCA.</p> <p>The CCA also outlines the process through which the Action Plan is to be formulated. The process includes consultation with the public for a period of not less than 8 (eight) weeks ending 14 (fourteen) days before the presentation of the Action Plan to the Council for approval.</p> <p>The Action Plan shall serve as a basis for establishing national goals, objectives and priorities on climate adaptation and for identifying activities to ensure that the national emissions profile is consistent with the carbon budget goals. The Action Plan shall also prescribe measures and mechanisms for, among other things: (a) identifying actions for adaptation and mitigation against climate change; (b) identifying strategic areas of national infrastructure requiring climate proofing; (c) enhancing energy conservation, efficiency and use of renewable energy in industrial, commercial, transport, domestic and other uses; and (d) achieving Nigeria's climate change goals.</p> <p>The CCA also provides some components of the Action Plan. Some of these components include an articulated carbon budget for the five-year cycle and for each of the years in the five-year cycle, details on the level of compliance with international climate commitments, past, current and projected GHG emission profile of GHG emission sectors of the economy, and incentives for private and public entities that achieve GHG emission reduction.</p>
5.	S.22 S.23 S.24	<p>Obligations:</p> <p>The CCA sets out the climate change obligations of the MDAs, public entities, and private entities. MDAs, among other things, must establish a climate change desk for ensuring integration of climate change activities into their core mandate. MDAs shall also adhere to the annual carbon emission reduction targets, in accordance with the Action Plan and carbon budget made under the CCA. Where an MDA fails to meet its carbon emission reduction target, it shall be subjected to a review, and if found liable, its</p>

		<p>principal officers shall be sanctioned and may be fined as determined by the Council.</p> <p>In relation to public entities, the CCA provides that the Council may by regulations impose obligations relating to climate change on such entities and may vary or revoke any such obligations, where necessary.</p> <p>Private entities that have a minimum of 50 employees also have obligations under the CCA. These include the requirement to put in place measures to achieve the annual carbon emission reduction targets in line with the Action Plan and to designate a Climate Change Officer or an Environmental Sustainability Officer with the responsibility of submitting the annual reports on the entity's efforts at meeting its carbon emission reduction and climate adaptation plan. The Council may also require a private entity to prepare reports on the status of its performance of its climate change obligations, and prescribe the period for reporting.</p> <p>Where a private entity fails to meet its target, it shall be liable to a fine determined by the Council, who shall rely on a system of Environmental Economic Accounting with attention on the health impacts, impact on climate variation, and total damage to ecosystem services.</p>
6.	S.25	<p>Partnership with CSOs:</p> <p>The Secretariat, with the approval of the Council, shall work in partnership with the Federal Ministry of Environment, Civil Society Organisations (CSOs), women, youths, and others, to monitor plans, programmes, projects, engage in climate advocacy and related activities. CSOs, youth, women, and others, shall demand and receive data and such other information relevant to Nigeria's drive for climate change mitigation and adaptation.</p>
	S.26	<p>Climate Change education:</p> <p>The Secretariat shall, with the approval of the Council, advise the MDAs responsible for regulating educational curriculum in Nigeria on the integration of climate change into the various disciplines and subjects across all educational levels.</p>
7.	S.34	<p>Offences:</p> <p>The CCA states that any person, private or public entity that acts in a manner that negatively affects efforts towards the mitigation and adaptation measures made under the CCA or contravenes any obligations it has under the CCA commits an offence and is liable to a penalty as will be determined by the Council.</p>

CONCLUSION

For a country like Nigeria, where awareness around climate change and its effects is very low and largely taken for granted, the CCA is a call to join the committee of nations in collectively achieving a reduction of Greenhouse Gas and carbon emissions globally. There is a need to heavily invest in public enlightenment and engagements around how harmful practices affect the earth and our environment. All citizens in public and private spheres need to be educated about their rights and obligations. Timelines have been set in the Act for various milestones to be met, and this is a call for an activity audit under the CCA. Where there has not been a strict adherence to the CCA, it is time to intensify efforts towards achieving all set goals to ensure that Nigeria does not fall short of the signed treaties and conventions that we are party to.

ABOUT CIPP

Community Initiatives to Promote Peace (CIPP) is a five-year peacebuilding program funded by United States Agency for International Development (USAID) that seeks to prevent violent conflict in the most at-risk communities across Katsina, Kaduna, Plateau, Kogi, Kano and Benue states in Nigeria's North West and North Central regions. CIPP works with community leaders, women, government officials and state-level actors to improve their ability to peacefully manage disputes; to strengthen Early Warning and Early Response (EWER) mechanisms for timely response to violent conflict, and facilitate collaboration among communities with government agencies, Civil Society Organizations (CSOs) and local leaders to address root causes of conflict. CIPP is implemented by Mercy Corps, in partnership with Pastoral Resolve (PARE), Interfaith Mediation Centre (IMC), Savannah Centre for Diplomacy, Democracy and Development (SCDDD), the African Radio Drama Association (ARDA) and the Justice, Development and Peace Commission (JDPC).

ABOUT SAVANNAH CENTRE

Savannah Centre for Diplomacy, Democracy and Development (SCDDD) is a non-governmental organization committed to research, advocacy training and policy analysis in the areas of conflict prevention, management, democracy and sustainable development in Nigeria and Africa. The SCDDD is leading strategic discussions on inclusive governance for sustainable development, in order to promote human security, sustainable peace, good governance, rule of law and human rights in Nigeria and Africa, shaping public policy through research and knowledge sharing. We are committed to improving the democratic and governance space through advocacy and the provision of context-specific training and solutions to government, policymakers and some non-state actors.

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