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<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
11	Climate Change Act, 2021	A245-268

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CLIMATE CHANGE ACT, 2021

ARRANGEMENT OF SECTIONS

Section :

PART I—OBJECTIVES AND APPLICATION

1. Objectives.
2. Application.

PART II—ESTABLISHMENT OF THE NATIONAL COUNCIL ON CLIMATE CHANGE

3. Establishment of the National Council on Climate Change.
4. Functions and powers of the Council.
5. Membership of the Council.
6. Cessation of membership.

PART III—ADMINISTRATION AND CONTROL OF THE NATIONAL
COUNCIL ON CLIMATE CHANGE

7. Establishment of the Secretariat of the Council.
8. Functions of the Secretariat.
9. Powers of the Secretariat.
10. Appointment, qualifications, and tenure of the Director-General.
11. Principal officers of the Council.
12. Remuneration of the Director-General and principal officers.
13. Staff of the Council.
14. Retirement from the service.

PART IV—FINANCIAL PROVISIONS

15. Climate Change Fund.
16. Accounts, audit and estimate.
17. Power to borrow.
18. Power to accept gifts.

PART V—CARBON BUDGET AND NATIONAL CLIMATE CHANGE ACTION PLAN

19. Carbon budget.
20. National Climate Change Action Plan.
21. Report to the National Assembly.

PART VI—OBLIGATIONS RELATING TO CLIMATE CHANGE

22. Climate Change obligations of MDAs.
23. Climate change obligations of public entities.
24. Climate change obligations of private entities.
25. Partnership with CSOs.
26. Climate change education.

PART VII—NATURE-BASED SOLUTIONS

27. Nature-based solutions.
28. Establishment of the REDD+ Registry.
29. Natural Capital Accounts and National Development Plans.

PART VIII—MISCELLANEOUS PROVISIONS

30. Public engagement strategy.
31. Conflicts of interest.
32. Regulations.
33. Limitation of suits.
34. Offences.
35. Interpretation.
36. Citation.

SCHEDULE •

CLIMATE CHANGE ACT, 2021

ACT No. 11

AN ACT TO PROVIDE FOR THE MAINSTREAMING OF CLIMATE CHANGE ACTIONS,
ESTABLISH THE NATIONAL COUNCIL ON CLIMATE CHANGE ; AND FOR RELATED MATTERS

[17th Day of November, 2021]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—OBJECTIVES AND APPLICATION

1. This Act provides a framework for achieving low greenhouse gas emission (GHG), inclusive green growth and sustainable economic development by—

Objectives.

(a) ensuring that Nigeria formulates programmes for achieving its long-term goals on climate change mitigation and adaptation ;

(b) facilitating the coordination of climate change action needed to achieve long-term climate objectives ;

(c) mainstreaming climate change actions in line with national development priorities ;

(d) facilitating the mobilisation of finance, and other resources necessary to ensure effective action on climate change ;

(e) ensuring that climate change policies and actions are integrated with other related policies for promoting socio-economic development and environmental integrity ;

(f) setting a target for year 2050-2070 for the attainment of a net-zero GHG emission, in line with Nigeria's international climate change obligations ;

(g) identifying risks and vulnerabilities, building resilience and strengthening existing adaptive capacities to the impacts of climate change ;

(h) implementing mitigation measures that promote low carbon economy and sustainable livelihood ; and

(i) ensuring that private and public entities comply with stated climate change strategies, targets and National Climate Change Action Plan, (in this Act referred to as "Action Plan").

2. This Act applies to the Ministries, Departments and Agencies (MDAs) of the Federal Government of Nigeria, and to public and private entities within the territorial boundaries of Nigeria for the development and implementation of mechanisms geared towards fostering low carbon emission, environmentally sustainable and climate resilient society.

Application.

PART II—ESTABLISHMENT OF THE NATIONAL COUNCIL ON CLIMATE CHANGE

Establishment
of the
National
Council on
Climate
Change.

3.—(1) There is established the National Council on Climate Change (in this Act referred to as “The Council”), which shall be vested with powers to make policies and decisions on all matters concerning climate change in Nigeria.

(2) The Council—

(a) shall be a body corporate with perpetual succession and a common seal ; and

(b) may sue and be sued in its corporate name.

(3) The affixing of the seal of the Council shall be authenticated by the Chairman of the Council.

(4) The Council shall pay to its members such allowances, as may be determined by the Salaries and Wages Commission.

Functions
and powers
of the
Council.

4. The Council shall—

(a) coordinate the implementation of sectoral targets and guidelines for the regulation of GHG emissions and other anthropogenic causes of climate change ;

(b) approve and oversee the implementation of the Action Plan ;

(c) administer the Climate Change Fund established under this Act ;

(d) ensure the mainstreaming of climate change into the national development plans and programmes ;

(e) formulate policies and programmes on climate change to serve as the basis for climate change planning, research, monitoring, and development ;

(f) formulate guidelines for determining vulnerability to climate change impact and adaptation assessment, and facilitate the provision of technical assistance for their implementation and monitoring ;

(g) recommend legislative, policy, appropriation, and other measures for climate change adaptation, mitigation, and other related activities ;

(h) mobilise financial resources to support climate change actions;

(i) collaborate with the Federal Inland Revenue Service to develop a mechanism for carbon tax in Nigeria ;

(j) collaborate with the Federal Ministry responsible for Environment and the Federal Ministry responsible for Trade to develop and implement a mechanism for carbon emission trading ;

(k) review international agreements related to climate change and make the necessary recommendation for ratification and compliance by the government on matters pertaining thereto ;

(l) disseminate information on climate change, local vulnerabilities and risk, relevant laws and protocols, and adaptation and mitigation measures ;

(m) advice and recommend on technical, scientific, and legal matters relating to climate change, in accordance with the provisions of this Act ;

(n) acquire, hold, or dispose of any property, whether movable or immovable, for the purposes of performing its functions ;

(o) supervise the activities of and recommendations by the Secretariat of the National Council on Climate Change with the aim of attaining the objectives of this Act ;

(p) collaborate with the Nigeria Sovereign Green Bond in meeting Nigeria's Nationally Determined Contributions (NDCs) ; and

(q) perform such other functions necessary for the fulfilment of the objectives of this Act.

5.—(1) The Council shall consist of —

(a) the President of the Federal Republic of Nigeria, who shall Head the Council, as Chairman ;

(b) the Vice-President of the Federal Republic of Nigeria, who shall be the Vice Chairman ;

(c) the Minister responsible for Environment ;

(d) the Minister responsible for Petroleum Resources ;

(e) the Minister responsible for Budget and National Planning ;

(f) the Minister of Justice ;

(g) the Minister responsible for Mines and Steel Development ;

(h) the Minister of Finance ;

(i) the Minister responsible for Agriculture and Rural Development ;

(j) the Minister responsible for Power ;

(k) the Minister responsible for Women Affairs ;

(l) the Minister responsible for Transportation ;

(m) the Minister responsible for Water Resources ;

(n) the Governor of the Central Bank of Nigeria ;

(o) the National Security Adviser ;

(p) the Chairman of Nigerian Governors' Forum ;

(q) the President of Association of Local Governments of Nigeria ;

(r) a representative of the private sector on climate change or environment related matters, nominated by the most representative registered national umbrella association ;

Membership
of the
Council.

(s) a representative of —

- (i) women,
- (ii) youths, and
- (iii) persons with disabilities,

to each be nominated by the most representative registered national umbrella association ;

(t) a representative of environment related Civil Society Organisations (CSOs), appointed by the President, on the recommendation of the Minister responsible for Environment ; and

(u) the Director-General of the National Council on Climate Change, who shall be the Secretary.

Schedule.

(2) The Council shall meet, as and when necessary, for the performance of its functions under this Act, and the proceedings of the Council shall be set out in the Schedule to this Act.

(3) Members of the Council, except the Director-General, shall serve on part time basis.

(4) Members of the Council, referred to in section 5 (r) - (t) other than ex-officio members, shall hold office—

- (a) for a term of four years, and shall not be eligible for reappointment ; and
- (b) on such terms and conditions, as may be specified in the letter of appointment.

Cessation of membership.

6.—(1) A member may cease to hold office, where the Member—

- (a) resigns the appointment by giving a one-month notice, addressed to the Council ;
- (b) is of unsound mind ;
- (c) becomes bankrupt ;
- (d) is convicted of a criminal offence or found guilty of sabotaging Nigeria's efforts to meet her climate change mitigation and adaptation obligations ; or
- (e) dies.

(2) Where a vacancy occurs in the membership of the Council, in respect of a member referred to under section 5 (r)-(t) of this Act, it shall be filled with the appointment of a successive representative to complete the remainder of the term of office of the predecessor.

PART III—ADMINISTRATION AND CONTROL OF THE NATIONAL
COUNCIL ON CLIMATE CHANGE

7.—(1) There is established for the Council, a Secretariat, which shall be the administrative (including secretarial and clerical) scientific and technical arm of the Council and perform the functions and discharge the duties assigned to it under this Act.

Establishment
of the
Secretariat of
the Council.

(2) The Council shall have powers to establish for the Secretariat, offices, including zonal and state offices, committees, and such other administrative apparatus, as it may deem necessary to facilitate the proper implementation of this Act.

8. The Secretariat shall—

Functions
of the
Secretariat.

(a) advise and assist the Council in the performance of the Council's functions and discharge of its duties in accordance with the objectives set under this Act ;

(b) be responsible for the monitoring, verification and reporting on the extent to which the national emission profile is consistent with the carbon budget ;

(c) be responsible for the monitoring, verification and reporting on the progress of the implementation of the Action Plan ;

(d) periodically review the Action Plan ;

(e) provide analytical and technical support for the drafting of climate change policies and action plans, and monitoring their implementation ;

(f) collect data and projections, and disseminate information on climate risks, climate impact, and carbon budget ;

(g) prepare and serve on MDAs, and private and public entities, guidelines necessary for the actualisation of climate change targets, set out in the Action Plan ;

(h) provide copies of all climate change reports and related documents to enable a transparent assessment of the extent to which MDAs, and private and public entities operating within the territory of Nigeria are in compliance with this Act, and such other subsidiary legislation and guidelines made under this Act ;

(i) collaborate with the Federal Ministry responsible for Environment to provide copies of all climate change reports and related documents to meet the nation's international climate obligations on climate change ;

(j) provide analytical, scientific and technical advice to the Council on climate science, including sources of emissions, climate risks and options for mitigation and adaptation; and

(k) perform such other functions, as may be assigned to it by the Council.

Powers
of the
Secretariat.

9. In performing its functions under this Act, the Secretariat shall have powers, subject to the approval of the Council, to—

- (a) request reports, data, document or any information necessary for the performance of its functions under this Act ;
- (b) establish and manage a national registry for capturing mitigation and adaptation actions by public and private entities ;
- (c) mobilise financial resources to support climate change actions ;
- (d) visit the premises of MDAs, and private and public entities for the purposes of monitoring, verifying and reporting of emission profile or the collection of any other data necessary to undertake the functions and duties prescribed in this Act ; and
- (e) do other things, as may be approved by the Council.

Appointment,
qualifications,
and tenure of
the Director-
General.

10.—(1) There shall be for the Secretariat, a Director-General, who shall be appointed by the President on the recommendation of the Council, to see to the administration of the Council.

(2) The Director-General shall—

- (a) hold a minimum of a Master's Degree in any Environmental related field ;
- (b) have at least 10 years cognate experience in climate change policy development and implementation, and have an understanding of the international climate policy landscape ; and
- (c) have experience in developing, implementing and managing projects on climate change at national and international level.

(3) The Director-General—

(a) shall hold office—

(i) for a term of four years, and may be re-appointed for another term of four years and no more, and

(ii) on such terms and conditions, as may be specified in the letter of appointment ; and

(b) may resign from office by giving a one-month notice, addressed to the President.

(4) The President shall, without notice, terminate the appointment of the Director-General, where the Director-General—

(a) fails to meet the functions stipulated in this Act ; or

(b) on other grounds specified under section 6 (1) (b)-(d) of this Act.

11.—(1) The Council shall appoint—

- (a) six Zonal Coordinators from the six geo-political zones of Nigeria ;
- (b) State Directors for each state of the Federal Republic of Nigeria ; and
- (c) such other persons, as may be required to pursue the objectives of this Act.

(2) A Zonal Coordinator or State Director appointed under this section shall —

- (a) be appointed by the Council on the recommendation of the Minister responsible for Environment ;
- (b) hold a degree in any Environmental related field ;
- (c) have at least five years cognate experience in climate change policy design and implementation ;
- (d) hold office for a term of four years, without any option of renewal ; and
- (e) resign from office by giving a one-month notice, addressed to the Council.

(3) The Council shall, without notice, terminate the appointment of a Zonal Coordinator or State Director, in the event of —

- (a) failure to discharge the duties prescribed by the Council or the provisions of this Act ; or
- (b) on other grounds specified under Section 6 (1) (b)-(d) of this Act.

(4) Where a vacancy occurs under subsections (2) (d) or (3) or in the event of death, the Council shall, in respect of filling the office of —

- (a) a Zonal Coordinator, appoint a qualified person from the same state as the deceased, to complete the remainder of the term ; or
- (b) a State Director, appoint a qualified person from the same senatorial district as the deceased, to complete the remainder of the term.

(5) The Council shall ensure that in respect of appointment made under section 11 (1) of this Act —

- (a) each state of a geographical zone shall produce a Zonal Coordinator, and
 - (b) each senatorial district shall produce a State Director,
- on rotational basis.

12. Notwithstanding the provision of any Act, the Director-General and principal officers referred to in section 11 of this Act shall be paid such remuneration and allowances, as may be determined by the Salaries and Wages Commission.

Principal
officers of
the Council.

Remuneration
of the
Director-
General and
principal
officers.

Staff of the Council.

13.—(1) The Secretariat may, with the approval of the Council, appoint such staff and employees, as it deems necessary and expedient.

Act No 4, 2014.

(2) Subject to the Pension Reform Act, the terms and conditions of service, including the remunerations, allowances, benefits, and pensions of staff and employees, shall be determined by the Secretariat on the approval of the Council.

(3) Without prejudice to the provisions of subsection (2), nothing in this Act shall prevent the appointment of a person to any office on conditions which preclude the grant of pension and other retirement benefits in respect of that office.

(4) The Council shall make staff regulations relating generally to the conditions of service of the staff, and without prejudice to the generality of the foregoing, such regulations may provide for the appointment, promotion, transfer and disciplinary control of staff of the Council.

Retirement from the service.

14. The provisions of the Public Service Rules on retirement from service shall apply to staff of the Council.

PART IV—FINANCIAL PROVISIONS

Climate Change Fund.

15.—(1) There is established a Climate Change Fund (in this Act referred to as “the Fund”), to be maintained by the Council, into which shall be paid—

(a) sums appropriated by the National Assembly for the running of the Council ;

(b) subventions, grants and donations, fees and charges for services rendered or publications made by the Council ;

(c) funding from International Organisations and funds due to Nigeria for meeting her NDCs ;

(d) fines and charges from private and public entities for flouting their Climate Change mitigation and adaptation obligations ;

(e) carbon tax and emissions trading ; and

(f) such other funds, as the Council may prescribe from time to time.

(2) The Fund shall be applied towards—

(a) the cost of administration of the Council and offices established under the Council ;

(b) the payment of emoluments, allowances and benefits of members of the Council, reimbursing members of the Council or any committee set up by it, and for such expenses incurred while implementing activities expressly authorised by the Council ;

- (c) the payment of salaries, other remunerations or allowances, and other retirement benefits payable to the staff of the Council ;
- (d) the development and maintenance of any property vested in or owned by the Council ;
- (e) climate change advocacy and information dissemination ;
- (f) funding innovative climate change mitigation and adaptation projects, subject to the approval of the Council ;
- (g) supporting climate change advocacy and information dissemination ;
- (h) defraying the fees of auditors and other expenses incurred from auditing the Council ;
- (i) conducting assessment of climate change impact on vulnerable communities and population ;
- (j) incentivizing private and public entities for their efforts towards transiting to clean energy and sustaining a reduction in GHG emissions ; and
- (k) any other expenditure in connection with any function of the Council under this Act.

(3) The Council shall, by order, review the source of the Fund and its application.

16. (1) The Secretariat shall—

- (a) keep proper accounts and records of the Council's income and expenditure ;
- (b) prepare and submit to the Council, a comprehensive report of all the activities of the Secretariat ; and
- (c) prepare a statement of account in respect of each financial year.

(2) The Secretariat shall, as soon as directed by the Council or within six months after the end of the financial year to which the accounts relate, cause the accounts to be audited in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) The Secretariat shall, not later than six months to the end of every financial year, prepare and submit through the Council to the National Assembly, the estimates of revenue and expenditure of the Council for the following financial year.

17. The Council may borrow money from financial organisations or other institutions for the purpose of executing its mandate under this Act.

Accounts,
audit and
estimate.

Power to
borrow.

Power to
accept gifts.

18. The Council may accept gifts of land, money, or other property on such terms and conditions, as may be specified by the person or organisation making the gift, provided that these conditions are not inconsistent with the functions of the Council under this Act.

PART V—CARBON BUDGET AND NATIONAL CLIMATE CHANGE ACTION PLAN

Carbon
budget.

19.—(1) The Federal Ministry responsible for Environment shall, in consultation with the Federal Ministry responsible for National Planning—

(a) set carbon budget for Nigeria, to keep average increases in global temperature within 2°C and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels; and

(b) by an order —

(i) set the carbon budget and budgetary period, and

(ii) periodically revise the carbon budget, in line with Nigeria's NDCs and with a view to complying with Nigeria's international obligations.

(2) Prior to setting the pilot carbon budget under this section, the carbon budget shall be presented through the Council to the Federal Executive Council for approval not later than 12 months from the date that this Act is assented to by the President.

(3) Pursuant to subsection (1), the Federal Ministry responsible for Environment shall, not later than 12 months to the end of the carbon budget cycle, set and submit through the Council to the Federal Executive Council for approval, a new carbon budget for the next carbon budget cycle.

(4) Where there is a need to review carbon budget within a carbon budget cycle, the Federal Ministry responsible for Environment shall, within three months of the revision of the carbon budget, submit through the Council to the Federal Executive Council for approval.

(5) Federal Ministry of Environment—

(a) shall publish detailed national, regional and sectoral climate vulnerability and risk assessments that will serve as the basis for the adaptation components of the Action Plan ; and

(b) may by an order publish guidelines for measurement, reporting and verification of national emissions that will serve as the basis for the setting and annual review of the carbon budget.

20.—(1) The Secretariat, in consultation with the Federal Ministries responsible for Environment, and Budget and National Planning, respectively, shall formulate an Action Plan in every five-year cycle.

National
Climate
Change
Action Plan.

(2) The pilot Action Plan shall be produced, not later than 12 months from the commencement of this Act.

(3) Before the presentation of the Action Plan to the Council and Federal Executive Council, respectively for approval, it shall first be published to the general public for consultation for a period not less than eight weeks, ending 14 days before its presentation to the Council.

(4) The Action Plan shall—

(a) serve as a basis for—

(i) identifying the activities aimed at ensuring that the national emissions profile is consistent with the carbon budget goals, and

(ii) establishing national goals, objectives and priorities on climate adaptation ;

(b) prescribe measures and mechanisms—

(i) for identifying and assessing risks, vulnerabilities and extremes of impact of climate change on vulnerable communities and population, and eco-systems,

(ii) for setting out actions for mainstreaming climate change responses into sector functions,

(iii) for identifying actions for adaptation and mitigation against climate change,

(iv) geared towards mainstreaming climate change disaster risk reduction actions in development programmes,

(v) for setting out a structure for public awareness and engagement in climate change actions,

(vi) for identifying strategic areas of national infrastructure requiring climate proofing,

(vii) to enhance energy conservation, efficiency and use of renewable energy in industrial, commercial, transport, domestic and other uses,

(viii) for reviewing levels and trends of greenhouse gas emissions, and

(ix) for achieving Nigeria's climate change goals ;

(c) make provision for research, planning, and action on climate change mitigation and adaptation ; and

(d) contain a projection of fiscal and budgetary needs, for the execution of climate change projects and related activities.

(5) The components of the Action Plan include —

(a) an articulated carbon budget for the five-year cycle, consistent with the carbon budget ;

(b) an articulated annual carbon budget for each of the years that make up the five-year cycle ;

(c) past, current and projected GHG emission profile of GHG emission sectors of the economy ;

(d) details of past, current and proposed climate mitigation and adaptation actions across the sectors of the economy including the rationale, costs, funding source and benefit of such action ;

(e) details on the level of compliance with international climate commitments ; and

(f) proposed incentives for private and public entities, which achieve GHG emission reduction.

Report to
the National
Assembly.

21.—(1) The Director-General shall, within one year of formulating the Action Plan for the first five-year cycle, and for subsequent other cycles, submit to the Council and National Assembly Committees on Climate Change, a detailed report on the state of the nation with regards to climate change.

(2) The report shall include —

(a) progress on the implementation of the Action Plan ;

(b) the extent to which GHG emission profile is consistent with annual carbon budget ;

(c) identification of the vulnerable areas to the impacts of climate change ;

(d) the identification of differential impacts of climate change on men, women and children ;

(e) the assessment and management of risks and vulnerability ;

(f) the identification of GHG mitigation and adaptation potential ;

(g) the identification of options, prioritisation of appropriate mitigation and adaptation measures for joint projects of national, state, local governments and the private sector ;

(h) identification of the efforts being made by public and private entities in attaining the carbon budget ;

(i) incentives granted private and public entities for their efforts towards transiting to clean energy and sustaining a reduction in GHG emissions ; and

(j) fines issued against private and public entities for non-compliance with the provisions of this Act.

(3) The Director-General shall, within three months after the end of every financial year, publish publicly and submit to the National Assembly, an evaluation report on performance of climate change duties by private and public entities.

PART VI—OBLIGATIONS RELATING TO CLIMATE CHANGE

22.—(1) MDAs shall establish a climate change desk to be supervised by an officer not below the Directorate cadre, who shall be responsible for ensuring integration of climate change activities into their core mandate.

Climate
Change
obligations
of MDAs.

(2) The Desk Officer referred to in subsection (1) shall ensure adequate planning and budgeting for all climate change programmes, projects and activities.

(3) The Ministry responsible for Finance, Budget, and National planning shall ensure that all budget proposals submitted by MDAs have been properly vetted and costed for climate change considerations, and that adequate allocation is provided for them under appropriate sub-heads in the annual budget.

(4) MDAs shall adhere to the annual carbon emission reduction targets, in line with the Action Plan and carbon budget made under this Act.

(5) Any MDA that fails to meet its carbon emission reduction target shall be subjected to a review and its principal officers, upon being found liable, sanctioned and where appropriate fined as determined by the Council.

(6) Where an evaluation report from an MDA discloses unsatisfactory performance—

(a) the Secretariat shall undertake investigations and report its findings to the Council ; and

(b) the Council acting on that report may recommend appropriate measures and sanctions.

23. The Council may by regulations —

(a) impose obligations relating to climate change on any public entity ; and

(b) vary or revoke any such obligations, where necessary.

Climate
change
obligations
of public
entities.

24.—(1) Any private entity with employees numbering 50 and above, shall—

(a) put in place measures to achieve the annual carbon emission reduction targets in line with the Action Plan ; and

(b) designate a Climate Change Officer or an Environmental Sustainability Officer, who shall submit to the Secretariat, through the State Director, annual reports on the entity's efforts at meeting its carbon emission reduction and climate adaptation plan.

Climate
change
obligations
of private
entities.

(2) A private entity that fails to meet its target, as specified under subsection (1) shall be liable to a fine to be determined by the Council, relying on a system of Environmental Economic Accounting with attention on the health impacts, impact on climate variation, and total damage to ecosystem services.

(3) Notwithstanding the provisions in this Act, the Council may by notice in the Federal Government Gazette, require a private entity under this Act—

(a) to prepare reports on the status of its performance of its climate change obligations, and prescribe the period for reporting ; or

(b) who fails to comply with its climate change obligations, to prepare a report within a specified time, on its past and current actions, and future actions to be taken to secure future performance with those obligations.

Partnership
with CSOs.

25.—(1) 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.

Act No. 4,
2011.

(2) In pursuance of the partnership referred to under subsection (1), the Secretariat shall, upon request and in line with the Freedom of Information Act, furnish the CSOs, youth, women, and others, data and such other information relevant to Nigeria's drive for climate change mitigation and adaptation.

Climate
change
education.

26.—(1) 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.

(2) The Secretariat, with the approval of the Council may—

(a) partner with MDAs referred to under subsection (1), or

(b) support scientific researches and other similar projects,

relevant to the formulation and development of educational curricula and programmes geared towards adaptation and risk mitigation.

PART VII—NATURE-BASED SOLUTIONS

Nature-
based
solutions.

27. The Council shall promote and adopt nature-based solutions to reducing GHG emissions and mitigating climate change issues in Nigeria.

Establishment
of the
REDD+
Registry.

28.—(1) The Federal Ministry responsible for Environment shall set up a registry with sub-national nodes for capturing REDD+ activities in Nigeria, including updates on Forest Reference Emission Level (FREL).

(2) In this section, “REDD+” means Reducing Emissions from Deforestation and Forest Degradation and the role of conservation, sustainable management of forests and the enhancement of forest carbon stocks.

(3) The Council may, in fulfillment of Nigeria’s climate change obligations, provide fiscal support for REDD+ activities.

29.—(1) The Council shall collaborate with and equip the National Bureau of Statistics for developing Nigeria’s Natural Capital Accounts.

Natural
Capital
Accounts
and National
Development
Plans.

(2) The data from the Natural Capital Accounts shall be made available to MDAs, and used in policy formulation and development of Action Plan, in line with the carbon budget.

(3) The Ministry responsible for Finance, Budget, and National Planning shall ensure that the data referred to in subsection (2) of this section is captured in the National Development Plan and expenditure framework, as a means of measuring the impact of climate change on sustainable development.

PART VIII—MISCELLANEOUS PROVISIONS

30.—(1) The Secretariat shall, not later than six months to the end of every year, prepare and publish its public engagement strategy for the following year.

Public
engagement
strategy.

(2) The public engagement strategy shall set out the modalities to be adopted towards achieving the objectives under this Act, such as—

(a) informing the public about the Action Plan and ;

(b) identifying actions and encouraging the public to contribute to the achievement of the objectives of the Action Plan and this Act.

(3) The Council shall—

(a) when the need arises, review the public engagement strategy ; and

(b) within one month of the review, publish the reviewed public engagement strategy in the Federal Government Gazette.

31.—(1) A member of the Council, staff or employee of the Council, who has interest in any matter before the Council for consideration shall disclose in writing the nature of such interest.

Conflicts of
interest.

(2) The member, staff or employee referred to in subsection (1), shall be disqualified from participating in any deliberation in respect of the matter.

(3) The disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting.

(4) A person, who contravenes subsection (1) commits an offence and is liable on conviction to—

(a) a fine not more than ₦1,000,000 or to imprisonment for a term not more than one year ; and

(b) forfeit any benefit derived from the non-disclosure.

(5) No member, staff or employee of the Council shall transact any business or trade with the Council.

Regulations.

32. The Council may make regulations—

(a) requiring private and public entities, to report annually on GHG reductions and reduction measures, and have corporate climate change responsibilities ;

(b) on sectoral and cross-sectoral GHG emission reductions ;

(c) to supervise market-based mechanisms and instruments relating to climate change ;

(d) to provide fiscal incentives for the—

(i) promotion of GHG emission reduction, and

(ii) encouragement of private sector participation in climate actions ;

(e) creating further offences, derived from non-compliance with the provisions of any regulation made under this Act, and penalties for such offences ; and

(f) as is necessary for the carrying into effect the provisions of this Act.

Limitation
of suits.

33.—(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any staff or employee of the Council.

Cap. P41,
LFN, 2004.

(2) Notwithstanding anything contained in any other law, no suit shall be instituted against the Council, member of the Council, or staff or employee of the Council for any act done in pursuance or execution of this Act or any other law, provided the suit is commenced—

(a) within three months after the act, neglect, or default complained of ; or

(b) in the case of a continuation of damage or injury, within six months after the ceasing of such damage or injury.

Offences.

34.—(1) A person, or private or public entity that acts in a manner that negatively affects efforts towards mitigation and adaptation measures made under this Act commits an offence and is liable to a penalty to be determined by the Council.

(2) A Court, before which a suit regarding climate change or environmental matters is instituted, may make an order—

(a) to prevent, stop or discontinue the performance of any act that is harmful to the environment ;

(b) compelling any public official to act in order to prevent or stop the performance of any act that is harmful to the environment ;

(c) of compensation to the victim directly affected by the acts that are harmful to the environment.

35. In this Act —

“*Action Plan*” means the National Climate Change Action Plan ;

“*adaptation*” means the process of adjustment to actual or expected climate and its effects ;

“*adaptation measure*” means any action taken or intervention to help communities and ecosystems cope with changing climate conditions ;

“*adaptive capacity*” refers to the ability of systems, institutions, humans and other organisms to adjust to the consequences of climate change, taking into cognisance available opportunities ;

“*Carbon Budget*” means the approved quantity of Greenhouse Gases emission that is acceptable over a specified time ;

“*Chairman*” means the Chairman of the Council ;

“*climate*” means the average weather condition, as the statistical description in terms of the mean and variability of relevant quantities over a period of time ;

“*climate change*” means a change of climate, which is attributed directly or indirectly to human activity or natural climate variability that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods ;

“*climate change duties*” means the statutory obligations conferred on public and private entities to implement climate change actions consistent with the national goal of low carbon climate resilient development, including mitigation measures and adaptation measures ;

“*climate change resilience*” means the capability to maintain competent function and return to some normal range of function even when faced with adverse impact of climate change ;

“*climate variability*” means the variability in the average state and in other statistics of the climate on all temporal and spatial scales beyond that of individual weather events ;

“*Council*” means the National Council on Climate Change established under this Act ;

Interpretation.

“*emissions*”, means the production and discharge of greenhouse gases into the atmosphere as a result of human activity ;

“*Fund*” means financial resources established under this Act ;

“*greenhouse effect*” means the natural process by which heat from the sun’s energy is trapped by a layer of gases surrounding the earth to keep it warm ;

“*greenhouse gases*” or “*GHG*” means the constituents of the atmosphere that contribute to the Greenhouse effect and includes—

- (a) carbon dioxide ;
- (b) methane ;
- (c) nitrous oxide ;
- (d) hydro fluorocarbons ;
- (e) per fluorocarbons ;
- (f) sulphur hexafluoride ; and
- (g) indirect greenhouse gases;

“*international climate change obligations*” means those Nigeria’s commitments under international conventions on climate change and other environmental matters ;

“*mainstreaming*” means the integration of climate change actions into the policies and decisions of government ;

“*MDA*” means Ministries, Departments and Agencies of the Federal Government of Nigeria ;

“*mitigation*” or “*mitigation measures*” in the context of climate change, means the efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and improving potential sinks for greenhouse gases ;

“*Nationally Determined Contributions*” or “*NDCs*” means national climate plans highlighting climate actions, including climate related targets, and policies and measures that government aims to implement in response to climate change, and as a contribution to global climate action ;

“*National Policy*” means the National Climate Change Policy and Response Strategy prepared by the Department of Climate Change and approved by the Federal Executive Council ;

“*private entity*” means a person or body with functions of a private nature and includes bodies registered under the Companies and Allied Matters Act, No 3, 2020 ;

“*public entity*” means an organisation or body providing services to the public on behalf of Nigerian government ;

“*Secretariat*” means **administrative**, including secretarial and clerical, scientific and technical **arm of the Council** ;

“*Secretary*” means the **Secretary** of the National Council on Climate Change, who is also the Director-General administering over the secretariat of the Council ;

“*Sustainable Development Goals*” or “*SDGs*” means the national aspirations aimed at meeting the needs of the present without compromising the ability of future generations to meet their own needs, including ending poverty and hunger, improving health and education, making cities more sustainable, combating climate change, and protecting waterways and forests, among others ;

“*State Director*” means a Principal Officer appointed under Section 11 of this Act ; and

“*Zonal Coordinator*” means the six coordinators appointed under section 11 of this Act.

36. This Act may be cited as the Climate Change Act, 2021.

Citation.

SCHEDULE

section 5(2)

MEETINGS OF THE COUNCIL

1.—(1) The Council shall meet at such time and place, as the Chairman may determine, at least, twice in a year.

(2) A special meeting of the Council shall be convened upon written request of the Chairman or by a majority decision of members addressed to the Secretary of the Council.

(3) The Chairman shall preside at any meeting of the Council but in the absence of the Chairman, the Vice-Chairman shall preside.

(4) Decisions shall be determined by a simple majority of members present and voting, and where there is equality of votes, the presiding officer shall have a casting vote.

(5) The quorum at a meeting shall be one-third of the total members including the Chairman but excluding the Secretary.

(6) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt the person to attend its meetings and the person shall not vote on any matter affecting the decision of the Council.

(7) Except otherwise provided by this Act, the Council shall regulate its own proceedings.

Validity of Proceedings

2. The validity of proceedings of the Council shall not be affected by—

(a) any vacancy in the membership of the Council ; or

(b) the reason that any person not entitled to do so took part in the proceedings of the Council.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

OJO O. A., *fnia, fcia*
Clerk to the National Assembly
20th Day of October, 2021.

EXPLANATORY MEMORANDUM

This Act provides a framework for mainstreaming of Climate Change actions, provide for a system of carbon budgeting and the establishment of the National Council on Climate Change.

SCHEDULE TO THE CLIMATE CHANGE BILL, 2021

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Climate Change Bill, 2021.	An Act to provide for the mainstreaming of climate change actions, establish the National Council on Climate Change; and for related matters.	This Act seeks to provide for the mainstreaming of climate change actions and establish the National Council on Climate Change.	8th July, 2021.	13th October, 2021.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO O. A., fnia, fcia
Clerk to the National Assembly
 20th Day of October, 2021.

MUHAMMADU BUIHARI, GCFR
President of the Federal Republic of Nigeria
 17th Day of November, 2021.