

CLIMATE CHANGE BILL, 2017

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# A BILL

## FOR

AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE MAINSTREAMING OF CLIMATE CHANGE RESPONSES AND ACTIONS INTO GOVERNMENT POLICY FORMULATION AND IMPLEMENTATION, AND THE ESTABLISHMENT OF THE NATIONAL CLIMATE CHANGE COUNCIL AND FOR RELATED MATTERS

*Sponsored by Hon. Sam I. Onuigbo*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

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### PART 1

**1.-(1)** This Bill shall be applied in all sectors of the economy for the sustainable development of Nigeria in accordance with following principles:

Scope and Guiding Principles

(a) ensuring strategic climate change responses are consistent with national development priorities and in conformity with the Constitution of the Federal Republic of Nigeria, the National Climate Change Policy Response, the National Environmental Policy, Nationally Determined Contributions, etc.;

(b) enabling Nigeria to meet international climate change obligations including the sustainable development goals, international treaties and agreements under the United Nations Framework Conventions on Climate Change, including the Paris Agreement, etc.;

(c) the pursuit of sustainable economic development and growth, that foster the availability of clean energy;

(d) ensuring climate change is addressed within the framework of inclusive growth;

(e) ensuring that mitigation and adaptation measures are integral components of the policy response and strategy to cope with the effects of

1 climate change;

2 (f) ensuring that climate change policy is integrated with other  
3 interrelated policies towards promoting socio-economic and environmental  
4 efficiency;

5 (g) ensuring that climate change response provides viable  
6 entrepreneurial opportunities;

7 (h) ensuring integrity and transparency of action by all stakeholders in  
8 climate change matters;

9 (2) The rights and duties conferred under this Bill are in addition to  
10 those conferred by any other law.

11 PART II - ESTABLISHMENT, COMPOSITION, FUNCTIONS AND DUTIES OF  
12 NATIONAL COUNCIL ON CLIMATE CHANGE, NATIONAL CLIMATE CHANGE  
13 AGENCY AND TECHNICAL ADVISORY COMMITTEE, ETC.

Establishment  
and Composition  
of the National  
Council on  
Climate Change

14 2.-(1) There shall be established the National Council on Climate  
15 Change (in this Bill referred to as "The Council"), which shall be a body  
16 corporate with perpetual succession and can sue and be sued in its corporate  
17 name; and shall subject to this Bill, perform all acts conferred on it by law.

18 (2) The Vice-President of the Federal Republic of Nigeria shall be the  
19 Head and Chairman of the Council and may issue orders, instructions and  
20 directions for the achievement of the objectives of this Bill.

21 (3) The Vice-Chairman of the Council shall be the Minister of  
22 Environment.

23 (4) The Council shall consist of the Chairman, Vice-Chairman and the  
24 following 19 other persons, namely:

25 (a) Minister of Petroleum Resources;

26 (b) Minister of Finance;

27 (c) Minister of National Planning & Budget;

28 (d) Minister of Power, Works and Housing;

29 (e) Minister of Transport;

30 (f) Minister of Agriculture and Rural Development;

- 1 (g) Minister of Industry, Trade and Investment;  
2 (h) Minister of Science and Technology;  
3 (i) Minister of Water Resources;  
4 (j) Minister of Education  
5 (k) Minister of Information  
6 (l) Minister of Defense  
7 (m) Minister of Women Affairs  
8 (n) Minister of Health  
9 (o) Director General of National Emergency Management Agency  
10 (NEMA);  
11 (p) National Security Adviser  
12 (q) Chairman of the Governors' Forum;  
13 (r) Chairman of the Association of Local Governments of Nigeria;  
14 (s) one representatives of the leading organizations representing  
15 the private sector, appointed by the President on recommendation of the  
16 Minister of Industry; and  
17 (t) a representative of the Nigerian non-governmental  
18 organizations, appointed by the President on recommendation of the  
19 Minister.

20 (5) Each Council Member is deemed to be qualified for  
21 appointment to the Council by virtue of holding and acting in the position or  
22 office prescribed in relation to him in section 2(4) (a-p) and shall be a  
23 Council Member for so long as he holds and acts in such position or office.  
24 The other Council members referred to in paragraph (s) and (t) of subsection  
25 (4) of this section may be appointed for duration of time or on terms  
26 specified by the appointing authority.

27 3.-(1) The Council shall:

- 28 (a) ensure the performance of the climate change duties by the  
29 public and private sectors of the economy;  
30 (b) ensure the mainstreaming of climate change in synergy with

1 disaster risk management reduction strategy into national, state, sectoral and  
2 local development plans and programmes;

3 (c) ensure public participation and consultation with relevant  
4 stakeholders in accordance with the provisions of this Bill;

5 (d) identify and mobilize financial resources to support climate  
6 change actions including powers for the establishment of appropriate  
7 mechanisms for the administration and management of any such resources  
8 including any climate change funds established under this Bill;

9 (e) set and oversee the implementation of sectoral targets and  
10 guidelines for the regulation of greenhouse gas emissions and other  
11 anthropogenic causes of climate change; and strategy.

12 (2) The Permanent Secretary in the Ministry of Environment having  
13 responsibility for climate change shall be the Secretary of the Council, and the  
14 Agency shall act as the secretariat to the Council and perform the Council's  
15 administrative, clerical and secretarial duties.

16 (3) The Council may take advice and recommendations from the  
17 Technical Advisory Committee on technical, scientific, and legal matters  
18 relating to climate change in accordance with the provisions of this Bill.

19 4.-(1) There is established the National Climate Change Agency (in  
20 this Bill referred to as the "Agency") which shall be the operational arm of the  
21 Council and exercise the functions and duties described in this Bill.

22 (2) The Agency shall:  
23 (a) advise the Council;  
24 (b) be responsible for the development of climate change policies and  
25 regulations in the public and private sectors of the economy;

26 (c) provide guidelines for the implementation of all national policies;  
27 and international climate change agreements to which Nigeria is a signatory;

28 (d) periodically review the National Climate Change Action Plan for  
29 the approval of Council;

30 (e) provide in a timely manner copies of all climate change reports,

1 and related documents to meet the nation's international obligations on  
2 climate change;

3 (f) provide analytical support on climate change to all MDAs  
4 across all government levels;

5 (g) establish and manage a national registry for appropriate  
6 mitigation actions by public and private entities;

7 (h) serve as the national knowledge and information management  
8 center for collating, verifying, refining, and disseminating knowledge and  
9 information on climate change;

10 (i) generally to:

11 (i) identify low carbon development strategies and coordinate  
12 related measurement, reporting and verification;

13 (ii) develop strategies and coordinate actions for building  
14 resilience to climate change and enhancing adaptive capacity;

15 (iii) optimize the country's opportunities to mobilize climate  
16 finance;

17 (j) ensure gender inclusion and education on climate change  
18 issues;

19 (k) provide technical cooperation assistance based on identified  
20 MDAs needs;

21 (l) Measurement, reporting and verification activities on climate  
22 change across all MDAs, and the private sector; and

23 (m) ensure the implementation of nationally appropriate  
24 mitigation actions (NAMA).

25 (3) The Agency shall be headed by a Director-General who shall be  
26 a person not below the rank of a director in the Civil Service, or a person in  
27 the private sector with cognate experience on Climate Change.

28 (4) The Council shall, in consultation with the Public Service  
29 Commission, determine the man power of the Agency based on set criteria.

Technical  
Advisory  
Committee

1                   5.-(1) The Council shall take action to inaugurate the Technical  
2     Advisory Committee, which shall comprise technical experts in the fields  
3     relating to Climate Change with requisite educational qualification and not less  
4     than ten years post-qualification experience. The Technical Advisory  
5     Committee shall comprise not more than 15 member experts.

6                   (2) The Council shall set the qualifications and compensation for the  
7     members of the Technical Advisory Committee and shall provide all the  
8     resources to enable its operation and performance.

9                   (3) The Chairman and Secretary of the Technical Advisory  
10    Committee shall be appointed by the Council from among members of the  
11    Committee.

12                  (4) The functions and duties of the Technical Advisory Committee  
13    shall be:

14                  (a) to assist the Council and Agency in the performance of the  
15    Council's functions and duties in accordance with the objectives under this  
16    Bill;

17                  (b) to provide scientific and technical advice to the Council and  
18    Agency on climate science, technologies and best practices for risk assessment  
19    and enhancement of adaptive capacity of vulnerable human settlements and  
20    the economy to the impacts of climate change;

21                  (c) to assist in scrutinizing projects, plans and programmes submitted  
22    by members of the public and private sectors of the economy and make  
23    appropriate recommendations to the Council and Agency;

24                  (d) to perform such other duties as may be assigned to it by the  
25    Council or the Agency.

Administrative  
Matters

26                  6.-(1) The Council shall perform its functions and hold its meetings  
27    where the Chairman so directs.

28                  (2) Appropriate committees may be established by the Council, from  
29    time to time, for the effective carrying out of its functions and duties.

30                  (3) The Council shall meet as frequently as may be required to



1 perform its functions and duties, and in any event a minimum of four times  
2 yearly.

3 (4) The seal of the Council shall be such device as may be  
4 determined by the Council and shall be kept by the Secretary. The affixing  
5 of the seal shall be authenticated by the Chairman of the Council and the  
6 Minister of Environment.

7 (5) Any document purporting to be under the seal of the Council or  
8 issued on behalf of the Council shall be received in evidence and shall be  
9 deemed to be so executed or issued, as the case may be, without further  
10 proof, unless the contrary is proved.

11 (6) Subject to the provisions of this Bill, the Council may in  
12 specific cases, delegate to a committee of the Council formed in accordance  
13 with this Bill, or to any Council Member or to the Agency, the exercise of  
14 any of the functions or duties of the Council.

15 (7) The Council shall, by Regulations, prescribe a Code of  
16 Conduct, which shall apply to Council Members, staff of the Agency and to  
17 members of the Technical Advisory Committee, notwithstanding, but  
18 without conflicting with, any national Code of Conduct for Public Officials.

19 7.-(1) The source of funds of the Council shall comprise of the  
20 following:

Funding of the  
Council and  
Agency

21 (a) allocation to the Council from the National Annual Budget;

22 (b) allocation of percentage to the Council from the Ecological  
23 Fund; and access to other climate change related funds;

24 (c) funds allocated to the Council by the National Assembly,  
25 pursuant to a request by the Council for additional funds required to meet its  
26 reasonable expenditures;

27 (d) such monies as may from time to time be received as grants or  
28 gifts to the Council by the federal and state Governments, donor agencies or  
29 any other person, body or institution whether local or foreign; and

30 (e) internally generated revenue.

1 (2) The funds of the Council as provided under sub-section (1) shall  
2 be applied to:

3 (a) meet the operating expenses of the Council and Agency;

4 (b) build capacity within the Agency;

5 (c) make payment of allowances for members of the Technical  
6 Advisory Committee;

7 (d) promote technologies, conduct of assessments of vulnerabilities  
8 to climate change impacts, resource inventory, and concrete adaptation actions  
9 and/or adaptation capacity building;

10 (e) climate change advocacy and information dissemination; and

11 (f) funding of innovative projects proposed by public and private  
12 entities and approved by the Council

13 (3) The functions of the Agency shall remain domiciled under the  
14 Ministry of Environment having responsibility for climate change.

15 (4) At least three months before the commencement of each financial  
16 year, the Council shall cause to be prepared estimates of the revenue and  
17 expenditure of the Council for that year.

18 (5) The financial year of the Council shall be the period of twelve (12)  
19 months ending on the thirty-first (31st) December in each year.

20 (6) The Council shall cause to be kept all proper books and records of  
21 account of the income, expenditure and assets of the Council and shall cause  
22 the accounts of the Council to be audited within a period of three months after  
23 the end of each financial year.

24 PART III - FRAMEWORK STRATEGY & PROGRAMME ON

25 CLIMATE CHANGE

Framework  
Strategy on  
Climate Change

26 8.-(1) The Council shall within six (6) months of the commencement  
27 of this Bill, formulate a Framework Strategy on Climate Change. The  
28 Framework Strategy shall:

29 (a) serve as the basis for the programme for climate change planning,  
30 research and development, and monitoring of activities to ensure effective

1 climate change governance in the public and the private sector;

2 (b) be formulated based on climate change vulnerabilities, specific  
3 adaptation needs and mitigation potential as advised by the Technical  
4 Advisory Committee and consistent with national obligations under  
5 international agreements;

6 (c) be reviewed every three (3) years by the Council upon the  
7 advice of the Technical Advisory Committee.

8 (2) The components of the Framework Strategy shall include, but  
9 not be limited to, the following:

10 (a) national priorities;

11 (b) impact, vulnerability, mitigation adaptation assessment and  
12 needs;

13 (c) policy formulation;

14 (d) compliance with international commitments;

15 (e) research and development;

16 (f) database development and management;

17 (g) academic programs, capability building and mainstreaming;

18 (h) advocacy and information dissemination;

19 (i) monitoring and evaluation;

20 (j) gender mainstreaming; and

21 (k) greenhouse gas emission reduction and incentives for  
22 reduction.

23 9.-(1) The Council shall formulate a National Climate Change  
24 Action Plan in accordance with the Framework Strategy within one (1) year  
25 after the formulation of the Framework Strategy, which shall take  
26 cognizance of national circumstances, needs and imperatives for making  
27 Nigeria climate resilient and with capacity to mitigate and adapt to the  
28 impacts of climate change, and include, but not be limited to, the following  
29 components:

30 (a) assessment of the national impact of climate change;

1 (b) the identification of the most vulnerable communities/areas,  
2 including ecosystems to the impacts of climate change, variability and  
3 extremes;

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

6 (d) the assessment and management of risk and vulnerability;

7 (e) the identification of GHG mitigation and adaptation potentials;

8 (f) the identification of options, prioritization of appropriate  
9 mitigation and adaptation measures for joint projects of national and local  
10 governments as well as the private sector.

11 (2) In the development and implementation of the Action Plan, the  
12 Council shall consult and coordinate with all relevant stakeholders including  
13 the non-government organizations, civic organizations, academia, and the  
14 private sector.

15 **10.** All tiers of government shall ensure the planning and  
16 implementation of climate change action plans in their respective areas,  
17 consistent with the provisions of extant laws, the Framework Strategy, and the  
18 Action Plan.

States and Local  
Government  
Climate Change  
Action Plans

19 **11.-(1)** State and local governments shall be responsible to perform  
20 the following:

21 (a) develop and implement their respective climate change action  
22 plans that are consistent with the provisions of the National Climate Change  
23 Action Plan;

24 (b) identify and prioritize climate change issues and best practices and  
25 solutions and seek technical support from the Agency for guidance and  
26 implementation; and

27 (c) make regular updates of their respective action plans to reflect  
28 changing social, economic and environmental conditions and furnish the  
29 Agency with copies of their action plans for advice.

30 (2) State and local governments shall appropriate adequate financial

1 resources for effective implementation of their climate change action plans.

2 12.-(1) Ministries, departments and agencies of government shall  
3 perform the following climate change functions:

Ministries,  
Departments and  
Agencies (MDAs)

4 (a) establish a climate change Desk headed by an officer not below  
5 the Directorate cadre who shall be responsible for ensuring integration of  
6 climate change activities into their core mandate;

7 (b) the Desk Officer shall ensure adequate planning and budgeting  
8 for all climate change programmes, projects and activities and ensure  
9 appropriate reporting to the Agency;

10 (c) subject to the Agency's review and recommendations and  
11 Council's approval, seek international support for projects with significant  
12 potential to reduce greenhouse gases and contribute to low carbon climate  
13 resilient development.

14 (2) The Ministries in charge of National Planning, Budget and  
15 Finance shall be responsible for ensuring that all budget proposals  
16 submitted by MDAs and other government entities at both federal and state  
17 levels have been properly vetted for climate change considerations, and  
18 costed, and that adequate allocation is provided for them under appropriate  
19 sub-heads in the annual budget.

20 PART IV - DUTIES RELATING TO CLIMATE CHANGE

21 13.-(1) The Council may impose duties relating to climate change  
22 on any member of the public at all levels of government.

Council Duties  
imposed on Public  
entities

23 (2) Any public entity on which a climate change duty has been  
24 imposed shall, in exercising functions under this Bill or any other law, act in  
25 a manner best suited to achieve the successful implementation of this Bill.

26 (3) The duties shall be imposed and may be varied or revoked  
27 through regulations made by the Council.

28 (4) Where an evaluation report from an MDA discloses  
29 unsatisfactory performance, the Agency shall undertake investigations and  
30 report its findings to the Council and upon receiving the reports, the Council

1 shall recommend appropriate measures.

2 (5) The Council shall, within three months after the end of every  
3 financial year, publish publicly and submit the evaluation report on  
4 performance of climate change duties by public entities to the National  
5 Assembly for review.

Council Duties  
imposed on  
Private entities

6 14.-(1) The Council may in consultation with the Agency and the  
7 Corporate Affairs Commission and other financial and corporate regulatory  
8 services bodies, impose climate change duties on private entities, including  
9 entities registered under the Companies and Allied Matters Act.

10 (2) The Council, in consultation with the Corporate Affairs  
11 Commission and other financial and corporate regulatory services bodies shall  
12 make regulations governing the nature and procedure for reporting on  
13 performance of climate change duties by private entities, including the  
14 authority to monitor and evaluate compliance.

15 (3) Notwithstanding other provisions in this Bill, the Council may:

16 (a) by notice in the Gazette, require a private entity that is subject to  
17 climate change duties to, at any time, prepare reports on the status of its  
18 performance of the climate change duties and prescribe the period for  
19 reporting; and

20 (b) require any private entity that fails to comply with its climate  
21 change duties to prepare a report within a specified time, on the actions it has  
22 taken, is taking or intends to take to secure future performance with those  
23 duties.

24 15. The Council shall work in partnership with civil society  
25 organisations to monitor plans, programmes, projects and engage in climate  
26 advocacy and any related activities.

State Government  
responsibilities

27 16.-(1) Each state government shall, in performance of its functions,  
28 integrate and mainstream climate change actions, interventions and duties set  
29 out in this Bill, and the National Climate Change Action Plan into various  
30 sectors.

1 (2) A state government shall, in developing, updating and approval  
2 of its development plan, mainstream the implementation of the National  
3 Climate Change Action Plan, taking into account federal and state priorities.

4 (3) The Governor of a state shall designate a member of the state  
5 executive council to coordinate climate change affairs.

6 (4) Subject to this Bill and the Constitution of the Federal Republic  
7 of Nigeria, a state government may enact legislation that further defines  
8 implementation of its obligations under this Bill.

9 (5) A state government shall at the end of every financial year,  
10 through the designated State Executive Council Member, submit a report on  
11 progress of implementation of climate change actions to the State House  
12 Assembly for review.

13 17.-(1) The Council shall integrate climate risk and vulnerability  
14 assessment into all forms of climate change assessment, and for that purpose  
15 liaise, through the Agency for technical advice.

Climate risk  
and vulnerability

16 (2) The Nigerian Education Research and Development Council,  
17 shall integrate climate change into various disciplines and subjects of the  
18 national education curricula at all levels.

19 18.-(1) The Coordinating Minister shall, in concert with the  
20 Council and the Agency, have the power to make regulations to:

Regulations

21 (a) guide the reporting and verification of climate change actions;

22 (b) define and set carbon budgets for significant GHG emission per  
23 sector and/or sub-sectors;

24 (c) set the desired emission reduction outcomes for key sectors, led  
25 by sector regulatory authorities;

26 (d) require organisations to report annually on outcomes of  
27 emission reduction measures, for submission to the Biannual Update  
28 Report;

29 (e) require big companies such as oil and gas companies, multi-  
30 nationals, etc., to report annually on GHG reductions and have corporate

1 climate responsibilities;

2 (f) require sectoral and cross-sectoral emission reductions planning at  
3 national and state levels;

4 (g) govern market based mechanisms and instruments and provide  
5 fiscal incentives to promote emission reduction and encourage private sector  
6 participation in climate actions;

7 (h) ensure certification for private actors in green growth economy;

8 PART V - CLIMATE CHANGE FUNDS AND FINANCIAL PROVISIONS

Council's powers

9 19.-(1) The Council shall have the power to review existing climate  
10 change related funds as to their effectiveness and sufficiency in meeting the  
11 objectives of this Bill.

12 (2) Pursuant to subsection (1) of this section, the Council may make  
13 recommendations to the National Assembly:

14 (a) to amend provisions of the legislation or regulation establishing  
15 such existing funds; and

16 (b) for the establishment of any new or additional statutory-based  
17 climate change fund, which shall include:

18 (i) determining the composition of the fund;

19 (ii) setting strategic directions for applications of the fund;

20 (iii) defining eligibility criteria for the fund to finance climate change  
21 actions and enhance achievement of low carbon climate resilient development;

22 (iv) setting out procedures for disbursement, recovery and repayment  
23 of loans including interest;

24 (v) setting out procedures to ensure gender and inter-, and intra-,  
25 generational equity in access to monies from the fund;

26 (vi) setting out procedures, criteria and eligibility for funding  
27 research institutions, private, public, civil society research, development and  
28 investment ventures that enhance low carbon climate resilient development;  
29 and

30 (vii) setting out other procedures and requirements for effective and



1 transparent administration of the fund, including tracking and accounting  
2 for climate change finance and monitoring and evaluation procedures  
3 through regulations which shall be subjected to public participation and  
4 approval by the National Assembly.

5 (3) (a) It is hereby established a National Climate Change  
6 Contributory Fund which will be compulsorily funded by multinationals  
7 and other relevant private entities to be determined by the council;

8 (b) The ratio of assessing of the fund in the foregoing subsection  
9 (3) (a) between public and private sectors shall be forty percent to the public  
10 sector and sixty percent to the private sector.

#### 11 PART VI - MISCELLANEOUS PROVISIONS

12 20.-(1) The Council shall, every twelve (12) months, prepare and  
13 publish a public engagement strategy setting out the steps that it intends to  
14 take to:

Public engagement  
strategy

15 (a) inform the public about climate change action plans specified  
16 under this Bill; and

17 (b) encourage the public to contribute to the achievement of the  
18 objectives of those action plans.

19 (2) The public engagement strategy shall, in particular, identify  
20 actions, which the public may take to contribute to the achievement of the  
21 objects and purposes set out in Part III.

22 (3) The Council shall, from time to time, review the public  
23 engagement strategy and where the Council varies the strategy, it shall, as  
24 soon as reasonably practicable, publish the strategy as so reviewed.

25 21.-(1) If a person, including a member of the Council, Agency or  
26 Technical Advisory Committee, is present at a meeting of the Council or a  
27 committee of the Council at which a matter that person or that person's  
28 spouse is directly or indirectly interested in a private capacity, that person  
29 shall, as soon as is practicable after the commencement of the meeting,  
30 declare such interest and shall not, unless the Council or committee

Conflicts of  
Interest

1 otherwise directs, take part in any consideration or discussion of, or vote on any  
2 question touching such matter.

3 (2) A disclosure of interest made under subsection (1) shall be  
4 recorded in the minutes of the meeting at which it is made.

5 (3) A person who contravenes subsection (1) commits an offence and  
6 is liable to a fine not exceeding one million naira (N1,000,000) or to  
7 imprisonment for a term not exceeding five years or both such fine and  
8 imprisonment.

9 (4) No member of the Council or staff of the Council shall transact any  
10 business or trade with the Council.

Performance of  
functions Bona  
Fide

11 22.-(1) No matter or thing done, performed or exercised by a Council  
12 Member or by any officer or agent of the Council shall, if the matter or thing is  
13 done, performed or exercised bona fide for executing the functions, powers or  
14 duties of the Council under this Bill, render the member, officer or agent or any  
15 person acting on their directions personally liable to any action, claim or  
16 demand whatsoever.

Offences

17 23.-(1) A person or private organization is guilty of an offence, where  
18 such person or organization has willfully acted in a manner that has or is likely  
19 to adversely affect efforts towards mitigation and adaptation measures to the  
20 effects of climate change under this Bill.

21 (2) A person may, pursuant to any provision of this Bill, apply to the  
22 Federal High Court alleging that a person has committed an offence under  
23 subsection (1) of this section.

24 (3) Where an application is made under sub-section (2) of this section,  
25 the Court may make an order or give directions that it considers appropriate to-

26 (a) prevent, stop or discontinue an act or omission that is harmful to  
27 the environment;

28 (b) compel a public officer to take measures to prevent or discontinue  
29 an act or omission that is harmful to the environment; or

1 (c) provide compensation to a victim of a violation relating to  
2 climate change duties.

3 PART VII - DELEGATED LEGISLATION

4 24.-(1) The Council may make regulations for the better carrying Regulations  
5 into effect of the provisions of this Bill.

6 (2) Without prejudice to the generality of subsection (1),  
7 regulations under this Bill may provide for:

- 8 (a) anything required by this Bill to be prescribed;  
9 (b) the conduct of the business of the Council;  
10 (c) the delegation of the Council's functions or powers; and  
11 (d) any other matter required under the Constitution of the Federal  
12 Republic of Nigeria, this Bill or any other written law.

13 (3) For the purposes of this Bill:

14 (a) the purpose and objective of the delegation under this section is  
15 to enable the Council to make regulations and give directions for the orderly  
16 conduct of business of the Council;

17 (b) the regulations made and directions given under this section  
18 shall be of such nature, scope and within the limits as specified under this  
19 section.

20 25. In this Bill, unless the context otherwise requires-

21 "Action Plan" refers to the National Climate Change Action Plan;

22 "adaptation" refers to the process of adjustment to actual or expected climate  
23 and its effects;

24 "adaptation measure" means any action taken or intervention to help  
25 communities and ecosystems cope with changing climate condition;

26 "adaptive capacity" refers to the ability of systems, institutions, humans and  
27 other organisms to adjust to potential damage, to take advantage of  
28 opportunities, or to respond to consequences;

29 "all levels of government" means the Federal government and all State and  
30 Local governments and includes all ministries, departments, agencies and

Interpretation

1 instrumentality of the federal, state, and local governments;

2 "Chairman" refers to the chairman of the Council or the Chairman of the  
3 Technical Advisory Committee, as the context requires;

4 "Climate" is defined as the average weather, or more rigorously, as the  
5 statistical description in terms of the mean and variability of relevant quantities  
6 over a period of time ranging from months to thousands or millions of years;

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

11 "climate change duties" means the statutory obligations conferred on public  
12 and private entities to implement climate change actions consistent with the  
13 national goal of low carbon climate resilient development, including  
14 mitigation measures and adaptation measures;

15 "climate change resilience" means the capability to maintain competent  
16 function and return to some normal range of function even when faced with  
17 adverse impact of climate change;

18 "climate finance" means all monies mobilized and available to fund climate  
19 change mitigation and adaptation measures through public or private sources;

20 "climate variability" means the variability in the average state and in other  
21 statistics of the climate on all temporal and spatial scales beyond that of  
22 individual weather events;

23 "Council" refers to the National Council on Climate Change established under  
24 this Bill;

25 "Council Members" refers to the members of the Council appointed in  
26 accordance with the provisions of this Bill;

27 "Directorate" refers to the Directorate of Climate Change under the  
28 responsibility of the ministry for the time being responsible for climate change;

29 "Director" refers to the Director of Climate Change appointed in accordance  
30 with the provisions of this Bill;

1 "Emissions", means the production and discharge of greenhouse gases into  
2 the atmosphere as a result of human activity;

3 "Framework Strategy" refers to the Framework Strategy on Climate Change  
4 to be prepared by the Council in accordance with the provisions of this Bill;

5 "Fund" means financial resources available from national or global sources  
6 for use to address climate change [activities] and any fund established  
7 pursuant to this Bill;

8 "greenhouse effect" refers to the natural process by which heat from the  
9 sun's energy is trapped by a layer of gases surrounding the earth to keep it  
10 warm;

11 "greenhouse gases" or "GHG" refers to the constituents of the atmosphere  
12 that contribute to the Greenhouse effect and includes but is not limited to:

- 13 (a) carbon dioxide;
- 14 (b) methane;
- 15 (c) nitrous oxide;
- 16 (d) hydro fluorocarbons;
- 17 (e) per fluorocarbons;
- 18 (f) sulphur hexafluoride; and
- 19 (g) indirect greenhouse gases;

20 "international climate change obligations" means those commitments that  
21 Nigeria has made and that are binding upon Nigeria, by way of agreement,  
22 treaty, pact, accord or other means, including the Kyoto Protocol, Paris  
23 Agreement, UNFCCC, etc.;

24 "Kyoto Protocol" refers to an international agreement linked to the United  
25 Nations Framework Convention on Climate Change, which commits its  
26 Parties by setting internationally binding emission reduction targets;

27 "mainstreaming" refers to the integration of climate change policies and  
28 measures into development planning and sectoral decision-making by  
29 ministries, departments and agencies and at all levels of government;

30 "MDA" refers to a ministry, department, agency or instrumentality of the

- 1 federal government that has a duty, responsibility or power in relation to  
2 climate change;
- 3 "Minister" means the Minister of Environment
- 4 "mitigation measures" in the context of climate change, refers to efforts that  
5 seek to prevent or slow down the increase of atmospheric greenhouse gas  
6 concentrations by limiting current or future emissions and improving potential  
7 sinks for greenhouse gases;
- 8 "Nationally Determined Contributions" or "NDCs" means the contribution of  
9 climate actions that Nigeria may pledge to make under the Paris Agreement in  
10 order to achieve the worldwide goal of stabilization of greenhouse gas  
11 concentrations in the atmosphere at a level that would prevent dangerous  
12 anthropogenic interference with the climate system;
- 13 "National Climate Change Action Plan" refers to the plan to be formulated,  
14 reviewed and revised in accordance with this Bill;
- 15 "National Policy" refers to the National Climate Change Policy and Response  
16 Strategy prepared by the Department of Climate Change and approved by the  
17 Federal Executive Council;
- 18 "Paris Agreement" means the treaty or agreement that went into effect on 4  
19 November 2016 within the United Nations Framework Convention on Climate  
20 Change (UNFCCC) dealing with greenhouse gases emissions mitigation,  
21 adaptation and finance starting in the year 2020, which was adopted by  
22 consensus on 12 December 2015 and to which Nigeria became a signatory on  
23 22 September 2016;
- 24 "public entity" means a body or person with functions of a public nature.
- 25 "private entity" means a body or person with functions of a private nature and  
26 includes bodies registered under the Companies and Allied Matters Act 1990  
27 and not-for-profit organizations and community based organizations;
- 28 "Secretary" refers to the secretary of the Council on Climate Change and  
29 secretary of the Technical Advisory Committee as the context requires;
- 30 "Sustainable Development Goals" or "SDGs" refers to national aspirations

1 aimed at meeting the needs of the present without compromising the ability  
2 of future generations to meet their own needs, including ending poverty and  
3 hunger, improving health and education, making cities more sustainable,  
4 combating climate change, and protecting waterways and forests, among  
5 others;

6 "Technical Advisory Committee" refers to the Technical Advisory  
7 Committee established in accordance with this Bill;

8 "UNFCCC" means the United Nations Framework Convention on Climate  
9 Change;

10 "Vice-Chairman" refers to the vice-chairman of the Council.

11 26. This Bill may be cited as the Climate Change Bill, 2017.

Citation

#### EXPLANATORY MEMORANDUM

This Bill seeks to mainstream climate change response actions into government policy formulation, provide for the establishment of a legal framework for implementation of strategic programmes and create the national climate change council.

