



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**CLIMATE CHANGE BILL, 2021
(HB. 357)**

A BILL

FOR

AN ACT TO PROVIDE FOR THE MAINSTREAMING OF CLIMATE CHANGE ACTIONS,
ESTABLISH THE NATIONAL COUNCIL OF CLIMATE CHANGE; AND FOR RELATED MATTERS,
2021

FIRST READING
SECOND READING
THIRD READING AND PASSAGE

WEDNESDAY, 14TH JULY, 2021
WEDNESDAY 13TH OCTOBER, 2021
WEDNESDAY 13TH OCTOBER, 2021

CLIMATE CHANGE BILL, 2021



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A BILL

FOR

AN ACT TO PROVIDE FOR THE MAINSTREAMING OF CLIMATE CHANGE ACTIONS, ESTABLISH THE NATIONAL COUNCIL OF CLIMATE CHANGE; AND FOR RELATED MATTERS, 2021 (HB. 357)

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Commencement

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

PART I — OBJECTIVES AND APPLICATIONS

Objectives.

1. This Bill seeks to provide a framework for achieving low Green House Gas Emission (GHG), inclusive green growth and sustainable economic development by —

(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 mobilization 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) by setting a target for the 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 livelihoods; and

(i) ensuring that private and public entities comply with stated climate change strategies, targets and National Action Plan.

2. This Bill shall apply to the Ministries, Departments and Agencies of the Federal Government of Nigeria (MDAs), 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

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

Establishment of the National Council on Climate Change.

(2) The Council shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) The affixing of the seal 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.

4. The Council shall —

Functions and powers of the Council.

(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 National Climate Change Action Plan, (in this Bill referred to as "Action Plan");

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

(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) mobilize 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 recommendations on technical, scientific, and legal matters relating to Climate Change, in accordance with the provisions of this Bill;

(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 Bill;

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

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

5. (1) The Council shall consist of —

Membership and
of the Council.

(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) National Security Adviser;

(p) the Chairman of the Nigerian Governors' Forum;

(q) the President of Association of Local Government 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;

(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 Organizations (CSO), 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.

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

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

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

(a) for a term of 4 years, and shall not be eligible for reappointment; and

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

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

Cessation of membership.

(a) resigns 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 vacancy occurs in the membership of the Council, in respect of a member referred to in section 4 (r) - (t) of this Bill, it shall be filled with the appointment of a successive representative to complete the remainder of the term of office of that 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 exercise the functions and duties assigned to it in this Bill.

Establishment of the Secretariat of the National Council on Climate Change.

(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 Bill.

8. The Secretariat shall —

Functions of the Secretariat.

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

(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 actualization 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 the provisions of this Bill, and such other subsidiary legislation and guidelines made pursuant to this Bill;

(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.

9. In carrying out its functions under this Bill, the Secretariat shall have powers, subject to the approval of the Council, to —

Powers of the Secretariat.

(a) request reports, data, document or any information necessary to performing its function under this Bill;

(b) establish and manage a national registry for capturing mitigation and adaptation actions by public and private entities;

(c) mobilize 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 Bill; and

(e) do such other things, as may approved by the Council.

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

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

(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, 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 Bill; or
- (b) on other grounds specified under section 6 (1) (b)-(d) of this Bill.

11. (1) The Council shall appoint —

Principal Officers
of the Council.

- (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 Bill.

(2) Zonal Coordinators and State Directors 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 fours, 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) failing to comply with duties prescribed by the Council or the provisions of this Bill; or
- (b) on other grounds specified under Section 6 (1) (b)-(d) of this Bill.

(4) Where vacancy occurs under subsection (2) (d) or (3) of this section 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 predecessor, to complete the remainder of the term; or
- (b) a State Director, appoint a qualified person from the same senatorial district, as the predecessor, to complete the remainder of the term.

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

- (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 Bill shall be paid such remuneration and allowances, as may be determined by the Salaries and Wages Commission.

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.

(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) of this section, nothing in this Bill 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.

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

Retirement from the service.

PART IV — FINANCIAL PROVISIONS

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

Climate Change Fund.

- (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 Organizations and funds due to Nigeria for meeting her Nationally Determined Contributions (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 the —

- (a) 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 committees set up by the it, and for such expenses incurred while implementing activities expressly authorized by the Council;

(c) the payment of salaries, other remuneration 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 the auditors and other expenses incurred from auditing the Council;

(i) conducting assessment 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 Bill.

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

16. (1) The Secretariat shall —

Accounts, audit
and estimate.

(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 of 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 organizations or other institutions for the purpose of executing its mandate under this Bill.

Power to borrow.

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 organization making the gift; provided that these conditions are not inconsistent with the functions of the Council under this Bill.

Power to accept gifts.

PART V — CARBON BUDGET AND NATIONAL CLIMATE CHANGE ACTION PLAN, ETC.

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

Carbon budget.

(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 pursuant to 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 Bill is assented to by the President.

(3) Pursuant to subsection (1) of this section, 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 Bill.

(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 of 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 for —

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

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

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

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

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

(vi) 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 shall 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.

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.

Report to the
National
Assembly.

(2) The report shall include —

(a) progress on the implementation of the national 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, prioritization of appropriate mitigation and adaptation measures for joint projects of national, State, and Local Governments as well as 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 Bill.

(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
Ministries,
Departments and
Agencies (MDAs).

(2) The Desk Officer referred to in subsection (1) of this section 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 pursuant to this Bill.

(5) Any Ministry, Department, or Agency which 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, from time to time; 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 in Section 25 (1) of this Bill 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 Bill, the Council may by notice in the Gazette, require a private entity under this Bill —

(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.

25. (1) The Secretariat, with the approval of the Council, shall work in partnership with the Federal Ministry of Environment, CSOs, women, youths, and others, to monitor plans, programmes, projects, engage in climate advocacy and any related activities.

Partnership with Civil Society Organizations (CSOs).

(2) In pursuance of the partnership referred to in subsection (1) of this Section, 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.

26. (1) The Secretariat shall, with the approval of the Council, advise the MDAs responsible for regulation of educational curriculum in Nigeria on the integration of climate change into the various disciplines and subjects across all educational levels.

Climate change education.

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

(a) partner with MDAs referred to in subsection (1) of this section; 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

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

Nature-based solutions.

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).

Establishment of the REDD+ Registry.

(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 fulfilment 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 with 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 sets out the modalities to be adopted towards achieving the objectives under this Bill, such as —

(a) informing the public about the National Climate Change Action Plan;

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

(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 Gazette.

31. (1) A member of the Council, or 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, or staff or employee referred to in sub-paragraph (1) of this paragraph, shall be disqualified from participating in any deliberation in respect of the matter.

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

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

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

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

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

32. The Council may make regulations —

Regulations.

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

(b) 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, deriving from non-compliance with the provisions of any Regulation made pursuant to this Bill, and penalties for such offences; and

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

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

Limitation of suits.

(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 Bill 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.

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

Offences.

(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 such acts that are harmful to the environment.

35. In this Bill, unless the context otherwise requires —

Interpretation.

"Action Plan" means to 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 cognizance available opportunities;

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

"Chairman" refers to the Chairman of the Council;

"climate" is defined as 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 Bill;

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

"Fund" means financial resources established pursuant to this Bill;

"greenhouse effect" refers to 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 but is not limited to:

- (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" refers 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" refers to 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;

"public entity" means an organization 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" refers to 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" refers to 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 Bill; and

"Zonal Coordinator" refers to the six coordinators appointed under section 11 of this Bill.

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

Short title.

SCHEDULE

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 at the meeting.
- (4) Decisions shall be determined by a simple majority of members present and voting, 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 Bill, the Council shall regulate its own proceedings.

Validity of Proceedings

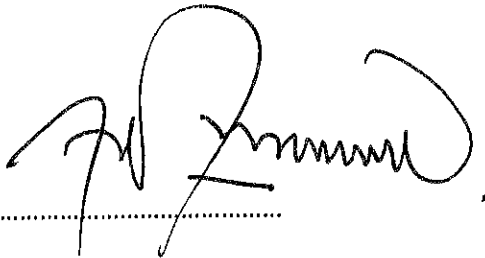
2. The validity of proceedings of the Council shall not be affected by-

- (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.

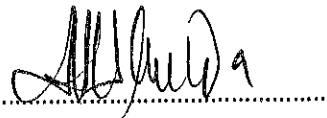
EXPLANATORY MEMORANDUM

This Bill seeks to provide a framework for mainstreaming of Climate Change actions, provide for a system of Carbon Budgeting, the establishment of the National Council on Climate Change; and for other related matters.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 13TH OCTOBER, 2021



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President,
Senate of the Federal Republic of Nigeria



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Clerk,
Senate of the Federal Republic of Nigeria