



ENERGY TRANSITION WATCH: COMPLIANCE OBLIGATIONS UNDER THE NIGERIA CLIMATE ACT, 2021

Introduction

The Climate Change Act 2021 (the “Act”) was signed into law by former President Muhammad Buhari on November 18, 2021. The Act is aimed at establishing a framework for Nigeria to achieve low Greenhouse Gas (GHG) emissions through inclusive green growth and sustainable economic development. In furtherance to the foregoing, the Act provides for some deliverables which serve as a footprint for achieving the objectives of the Act. We have highlighted in the table below some of the key compliance obligations under the Act.

S/N	Section	Provision	Timeline/Comment	Deadline
1.	3 – Establishment of the National Council on Climate Change	This section provides for the establishment of the National Council on Climate Change (the “Council”) with the power to make policies and decisions on all matters concerning climate in Nigeria	This deliverable has been executed. The Director-General was appointed in July 2022, the Council was inaugurated on September 28, 2022, and its work plan was approved in February 2023.	Not Applicable

2.	11 – Principal Officers of the Council	This section speaks to the appointment of the principal officers of the Council who shall consist of the six zonal coordinators from the six geo-political zones, state directors for each state, and such other persons required to achieve the objective of the Act.	<p>The Council is yet to appoint the principal officers of the Council as provided by the Act.</p> <p>We suggest that the principal officers of the Council be appointed quickly in order to drive the seamless implementation of the Act in each state and geo-political zone.</p>	Not Applicable
3.	19 – Carbon Budget	This section provides that the Federal Ministry of Environment in consultation with the Federal Ministry responsible set a carbon budget for the country. The carbon budget is to be presented through the Council to the Federal Executive Council (“FEC”) for approval not later than 12 months from the date the Act is assented to by the President of the Federal Republic of Nigeria.	It is our understanding that the carbon budget is yet to be set up for the country. Based on this provision, the country is two years behind the timeline to publish the carbon budget.	November 17, 2022
4.	20 – National Climate Change Action Plan	This section provides that the Secretariat, in consultation with the Federal Ministries responsible for Environment, and Budget and National Planning, respectively, shall	The Action Plan is meant to ensure national emissions are consistent with the carbon budget. However, the Action Plan is yet to be published by the Council.	November 17, 2022

		<p>formulate an Action Plan in every five-year cycle.</p> <p>The pilot Action Plan shall be produced not later than 12 months from the commencement of the Act. However, prior to the publication of the pilot Action Plan, it must 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.</p>		
5.	22 – Climate Change Obligations on Ministries Departments and Agencies (MDAs)	<p>This section provides that MDAs shall establish a climate change desk to be supervised by an officer, not below the directorate cadre, who shall be responsible for ensuring the integration of climate change activities into their core mandate.</p> <p>The Desk Officer referred to above shall ensure adequate planning and budgeting for all climate change programmes, projects and activities.</p>	Compliance by MDA has been low.	Not Applicable

6.	24 – Climate Change Obligations of Private Entities	<p>This section provides for private entities with employees numbering 50 and above to put in place measures to achieve the annual carbon emission reduction targets in line with the Action Plan and 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.</p> <p>Also, this section provides that the Council may by notice in the Federal Government Gazette, require a private entity under this Act –</p> <p>(a) To prepare reports on the status of its performance of its climate change obligations, and prescribe the period for reporting; or</p>	<p>Considering that the Action Plan is yet to be published, private entities putting measures to achieve the annual carbon emission reduction targets in line with the Action Plan may be impracticable in the short term.</p> <p>With respect to appointing a Climate Change Officer, the level of compliance by private entities have remained low.</p>	Not Applicable
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		(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		
7.	28 (1) – Establishing of the REDD+ Registry	<p>This section provides that the Federal Ministry responsible for Environment is required to set up a registry with sub-national nodes for capturing REDD+ activities in Nigeria, including updates on Forest Reference Emission Level (FREL).</p> <p>“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.</p>	The ministry responsible for Environment is yet to set up a registry with the sub-national nodes for capturing REDD+ activities in Nigeria.	Not Applicable

8.	30 (1) – Public Engagement Strategy	This section provides that 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.	The Secretariat is yet to publish its public engagement strategy for the year 2024.	No later than July 1 of every year
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Conclusion

The foregoing out our thoughts on the compliance obligations with respect to the Act. Do not hesitate to contact us if you require further clarification on any of the points addressed above.

Please the above serves as a public commentary of the views of the authors and is not intended to serve as legal advice. For further enquiries and consultations please reach out to any of the authors

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