

NATIONAL CLIMATE CHANGE POLICY FOR NIGERIA 2021-2030: A VERITABLE TOOL FOR SUSTAINABLE ENVIRONMENT

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Abstract

This paper brings to the fore the issue of climate change that has evolved from being a controversial issue to a widely recognized global threat over time. The inclusion of climate action as one of the 17 United Nations (UN) Sustainable Development Goals, the conclusion of the 2015 Paris Agreement, and the publication in 2018 of the Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5°C have forged an agreement among the international community on the causes and risks of climate change. The obligations from the climate change regime are related to important Sustainable Development Goals and are also linked with Nigeria's Nationally Determined Contribution commitments made under the Paris agreement. It is recommended that the National Climate Change Policy for Nigeria 2021-2030 if accurately followed will act as a mechanism for coordinating development planning, financing and monitoring of climate change initiatives and programmes in the country. It will articulate the goals and objectives for climate change management in Nigeria, as well as principles and strategies to guide implementation of activities aimed at reducing the potential adverse effects of climate change on the country's development.

Keywords: Climate Change, Policy, Sustainability, Environment

1.0 Introduction

Nigeria is a member of the United Nations and a signatory to the UNFCCC, the Kyoto Protocol, the Paris Agreement, including the non-binding SDGs. Nigeria has signed the above agreements and has ratified the climate change agreements in accordance with the Constitution of the Federal Republic of Nigeria 1999 as Amended³. The implication is that Nigeria as a country has several obligations. One of the key obligations imposed on member states by the UNFCCC is to integrate climate change measures into national policies. Article 4 (2) (a) UNFCCC states that '[E]ach of these Parties shall adopt national policies and take corresponding measures on the

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³ CFRN 1999, s.12

mitigation of climate change ...'.⁴ Article 4 (2) of the Paris Agreement clearly states that to achieve the Nationally Determined Contributions (NDCs), Parties are to pursue domestic measures to achieve the objectives of the NDCs.⁵ Also, SDG target 13.2, which instructs member states to integrate climate change measures into national policy and planning. These provisions imply that it is incumbent on the government to make laws, policies, and regulations to incorporate climate change obligations and principles.

The adverse impacts of climate change have been highlighted by the IPCC,⁶ non-government organisations,⁷ national government agencies,⁸ even the United Nations Human Rights Council.⁹ For instance, the 2021 United Nations Human Rights Council's resolution on human rights and climate change states that 'the rights of people in vulnerable situations were disproportionately affected by the negative impact of climate change.'¹⁰ In the same spirit, the African Commission on Human and Peoples' Rights had passed six resolutions of the impacts of climate change on livelihood of the most vulnerable members at the regional level.¹¹

Again, the 2030 Agenda for Sustainable Development have also reiterated the negative impacts of climate change. It clearly states that 'climate change is one of the greatest challenges of our time and its adverse impacts undermine the ability of all countries to achieve sustainable development.'¹² This means the impacts of climate change affect all nations.

Climate change is perhaps the biggest challenge facing humanity. It is complex and dynamic and requires dimensional and multi-sectoral mitigation and adaptation initiatives within a

⁴ UNFCCC, art 4(2)

⁵ UNFCCC, art 4(9)

⁶ IPCC 'Sixth Assessment Report, s 2.1

⁷ Greenpeace <<https://www.greenpeace.org.uk/>> ; Climate Action Network International <<http://www.climateactionnetwork.org/>> ; Climate Central <<http://www.climatecentral.org/>> ; The Climate Group <<https://www.theclimategroup.org/>>; Centre for International Climate Research <<https://www.cicero.oslo.no/en/>>; Climate change Performance Index <<https://germanwatch.org/en/CCPI>> accessed 12th June 2022

⁸ United State Environmental Protection Agency available at <<https://www.epa.gov/>> accessed 12 March 2019

;Department of Energy and Climate Change available at <<https://www.gov.uk/government/organisations/department-of-energy-climate-change>> accessed 12 march 2019

⁹ The Human Rights Council adopted more than 9 resolutions about the adverse impacts of climate change on Human Rights. See United Nations Human Rights Council Office of the High Commissioner available at OCHCHR Resolutions accessed 12th June, 2022

¹⁰ See Resolution 47/24 (July 2021), UN General Assembly, Resolution adopted by the Human Rights Council on 14 July 2021, A/HRC/RES/47/24. Available at < A/HRC/RES/47/24 - E - A/HRC/RES/47/24 -Desktop (undocs.org)> Accessed 17th June 2022.

¹¹ 46th Ordinary Session held in November 2009 see 153: Resolution on Climate Change and Human Rights and the Need to Study its Impact in Africa, ACHPR/Res.153 (XLVI) 09 <http://www.achpr.org/sessions/46th/resolutions/153/> accessed 9th March 2019; the 55th Ordinary Session held in 2014 see 271: Resolution on Climate Change in Africa ACHPR/Res.271 (LV) 14 <http://www.achpr.org/sessions/55th/resolutions/271/> accessed 9th March 2019; the 58th Ordinary Session, held in April 2016 see 342: Resolution on Climate Change and Human Rights in Africa - ACHPR/Res. 342(LVIII) 2016. <http://www.achpr.org/sessions/58th/resolutions/342/> accessed 9th March 2022..

¹² United Nations General Assembly 'Transforming our World: The 2030 Agenda for Sustainable Development' [2015] Paragraph 14 A/RES/70/1, available at: <<http://www.refworld.org/docid/57b6e3e44.html>> [accessed 19 June, 2022.

dynamic and wholistic policy framework to properly tackle it. Since the development of the National Climate Change Policy and Response Strategy (NCCPRS) in 2012, the global discourse on climate change has evolved leading to the adoption of new initiatives that have been domesticated to guide national response to reducing the impact and adapting to the challenge.

Specifically, a major milestone for Nigeria's effective response to the challenges of climate change, is the signing of the 2015 Paris Agreement to which the country ratified in March 2017. This Agreement constitutes a major role in promoting the transition to a low carbon economy. Similarly, this policy was revised and the purpose of this revised National Policy on Climate Change is to define a new holistic framework to guide the country's response to the development challenge of climate change. This policy framework document prescribes sectoral and cross-sectoral strategic policy statements and actions for the management of climate change within the country's pursuit for climate resilient and a sustainable environment and development.

2.0 Definition Of Terms

2.1 Climate Change

Climate change is one of the most debated topics by environmentalists, non-governmental organisations (NGO), politicians, scientists, and all nations in the present time. The reason for the wide debate is the result of the known and unknown dangers climate change poses to the environment of different regions, countries, and the entire continents of the world.¹³ Different descriptions have been given to climate change by the different users of the phrase. Among the different definitions, one of the key definitions of climate change is the one offered by the Intergovernmental Panel on Climate Change (IPCC). The IPCC is an international body made up of the World Meteorological Organisation (WMO) and United Nations Environment Programme (UNEP) to assess the effect of climate change and provide factual information to policymakers that will enable them to develop policies to combat climate change. According to the sixth assessment of the IPCC, 'climate change is a change in the state of the climate...or the variability of its properties, which persists for an extended period, typically decades or longer.'¹⁴ The IPCC description of climate change identified the following factors. First, climate change occurs when there is a variation or change in the earth's climate. Second, this variation or change of the earth's climate continues for a long period.

¹³ O Hoegh-Guldberg and J F Bruno, 'The Impact of Climate Change on the World's Marine Ecosystems' [2010] (328) *Science* 1523-1528.

¹⁴ IPCC, Sixth Assessment Report <<https://unfccc.int/news/ipcc-to-provide-special-report-on-impacts-of-15-%C2%BAC-temperature-rise>> accessed 13th July, 2022.

Another definition of climate change was given by the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC is an international agreement adopted in 1992 to deal with climate change. The UNFCCC is the first primary legal instrument adopted internationally to combat the impacts of climate change. The UNFCCC defines climate change as ‘a change of climate which is attributed directly or indirectly to *human activity* that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.’¹⁵

Climate change is a global issue because all nations contribute to the changing world atmosphere as evidence provides that all nations are carrying out activities like deforestation, urbanization, transportation, burning of fossil fuel.¹⁶ Though, the contribution of developed nations to the warming of the global atmosphere is far more significant than less developed or developing nations.¹⁷ The reason is that developed nations are the major players of the Industrial Revolution and, to date, the contribution of a developed nation to the warming of the global atmosphere continues.¹⁸ Developing nations like Nigeria and other developing countries also contribute to the warming of the global atmosphere.¹⁹

2.2 Environment

The term ‘Environment’ does not have a universally acceptable definition. Thus discovering a workable definition of the term is like the search for truth. The closer you get the more elusive it becomes. Moreso, the term ‘environment’ is not a legal concept, it shares a common feature of legal concepts by not having a definite definition. The exact definition of the environment is not contained in any of the major treaties, declarations and statutes has made it necessary for many scholars to attempt defining the term. According to the Black’s Law Dictionary,²⁰ the environment is “our surroundings, especially material and spiritual influences which affect the growth, development and existence of a living being”. This definition is emphasized in the preamble of the Report of the UN Conference on Human Development and Environment, Stockholm, 1972²¹ which asserts that man is both creature and moulder of his environment which

¹⁵ UNFCCC, art 1(2)

¹⁶ H D Matthews, ‘Quantifying Historical Carbon and Climate Debts Among Nations’ [2016] (6)(1) *Nature climate change* 60.

¹⁷ *Ibid* 60

¹⁸ L H Meyer, ‘Why Historical Emissions Should Count’ [2012] (13) *Chinese Journal of International Law* 597;

¹⁹ D S Ward and NM Mahowald, ‘Contributions of Developed and Developing Countries to Global Climate Forcing and Surface Temperature Change [2014] (6)(7) *Environmental Research Letters* 074008.

²⁰ B.A Garner, *Black’s Law, Dictionary* (West Group, 11th ed. 2019)

²¹ /CONF.48/Rev.1 (New York; 1972) 3.

gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth.

Bell²² however criticizes this definition of the environment as too wide and subjective because it takes into account any object present in a particular surrounding. According to various scientists, the environment is deemed a product of a complex ecological system in which human beings and other living and non-living organisms coexist. John G. Rau and David C. Wooten in their handbook 'Environmental Impact Analysis' (1980) also defined the environment as the whole complex of physical, social, cultural, economic and aesthetic factors which affect individuals and ultimately, determine their form, character, relationship and survival.

Far and wide, in defining the concept 'environment', one cannot turn a blind eye to the interwoven relationship between man and the natural environment, and the quest to secure an harmonious relationship between them.

According to Okorududu Fubara²³ the term environment is new and still in its developmental stage. It is more difficult because of people's perception of nature of the environment which is informed by religion, upbringing, ethnicity, arts literature and profession. She further defines environment as the complex of physical, chemical and biological factors and processes which sustains life. From the definition above, we can see that man is part of this network of natural components which make up the planned eco system. She further exposit that the environment existed before man came into existence. However, the environment has been defined as: 'The totality of physical, economic, cultural aesthetic and social circumstance and factor which surround and affect the desirability and value of property and which also affects the quality of people lives'.²⁴ This above expression finds support in another definition which states that the environment is 'the conditions and influences of the place in which an organism lives'²⁵.

One of the most popular definitions was proffered by the Brunt land Commission²⁶ in its report entitled: OUR COMMON FUTURE. It says that the environment is where we live.²⁷ Similarly the NESREA ACT, 2007 defines environment to include, 'water, air, land and all plants and human beings or animals living therein, and the inter-relationship which exist among these or any

²² S Bell, *Bell and Ball on Environmental Law* (2nd edn, London; Black Stone Press Ltd, 1991) p. 4

²³ M T Okorodudu-Fubara, *Law of Environmental Protection: Materials and Text*, (Ibadan, Nigeria: Caltop Publication Ltd, 1998)

²⁴ G A Bryan and H. Campbell Black, *Black's Law Dictionary* (10th ed. West Publishers, 2009) 456.

²⁵ D Crystal, *Cambridge Encyclopedia* (3rd ed. Cambridge, Cambridge University Press, 2010) 678.

²⁶ This is also known as the World Commission on Environment and Development (WCED), created by the UN General Assembly by Resolution 38/161 [1983].

²⁷ This definition has been accepted by many environmental scholars.

of them²⁸. A scientific approach will define the environment to include the atmosphere, atmospheric deposition, soil and sediments, water quality, biology and humans. Furthermore environment are ecosystems and their constituent parts including people and communities, all natural and physical resources, amenity values.²⁹ The 1999 Constitution defines environment as water, forest and wildlife, all layers of the atmosphere, all organic and inorganic matter and the interacting nature systems that includes all these components.³⁰

From the definition above, the word environment means the totality of air, water, land, forest and wildlife of Nigeria. Overall, the environment is where we all live and includes air, water and land as well as plants and animals and species there in all of which are inter-related.

2.3 Sustainability

The World Commission on Environment (WCED) defines sustainability and Development commonly called the “Brundtland Commission” as “development that meets the needs of the present without compromising the ability of the future generation to meet their needs”. Sustainable Development has also been defined as “a process of social and economic betterment that satisfies the needs and values of all interest groups, while maintaining future options and conserving natural resources and diversity”. Sustainable development is a dynamic process. To continually meet the needs of the present generation means that there must be continued economic growth. Economic growth in turn must ensure that minimum damage must be done to the environment. The major resources that determine the wellbeing and quality of human life are shelter, air, water, energy, food, raw material and the environment.

These basic resources must be exploited in such a manner that the needs of future generation will not be compromised while satisfying the needs of the present generation. To achieve this knowledge and action are required. In the Nigeria context, like most developing nations, there is no adequate information on the location and state of resources, their rate of exploitation and socioeconomic activities and their impact on the environment. In other words, resources are not being exploited in a sustainable manner. The current situation is exacerbated by climate change which is affecting the availability or quality of these resources.

3.0 National Climate Change Policy for Nigeria 2021-2030

The number one policy that deals with climate change in Nigeria is the National Climate Change Policy for Nigeria (NCCPN). It is issued by the Department of Climate Change under the Ministry of Environment.³¹ It was described as the flagship of Nigeria’s approach to climate

²⁸ NESREA ACT, s 39

²⁹ New Zealand Resource Management Act 1991 s.2(1).

³⁰ CFRN 1999, CAP C 20 LFN 2004 s.20.

³¹ Federal Ministry of Environment, Department of Climate Change, National Policy on Climate Change 2013.

change.³² The NCCPN was first adopted by the Federal Executive Council in 2012³³ and came into force in October 2013.³⁴ The NPCC is a multi- sectoral—this means the plan covers about 14 sectors.³⁵One of the issues to note in the NPCC is the key objectives stated on the face of the document. The revised NCCPN came into force in 2020.

The National Climate Change Policy for Nigeria (NCCP) 2021-2030 is subdivided into 7 sections. Section 1 provides a general background on climate change in Nigeria, the rationale for the policy review, approach adopted as well as the link between the NCCP and other related national policies, strategies and plans. Section 2 puts climate change in the national context with emphasis on Nigeria's vulnerability and impact, as well as policy, legal and institutional responses to the challenge. The relevance of the Paris Agreement in influencing the national response to climate change is highlighted in the section. The vision, objectives and guiding principles for the NCCP are given in Section 3. Policy statements that would accelerate the needed process and implementation of climate change mitigation initiatives are made in Section 4, while section 5 elaborates on the key policy directions for adaptation to climate change in the country. Section 6 addresses a number of enabling conditions that are necessary for actualizing the vision of ensuring a climate resilient economy. Section 7 elaborates on the imperative for functional means of implementation that can propel the country in the path of ensuring climate resilient compatible and sustainable development.

The vision of the National Policy on Climate Change is: *A low-carbon, climate-resilient Nigeria*. The NCCP overall goal is to promote a low-carbon, climate-resilient and gender-responsive sustainable socio-economic development.

The goal of NCCP will be achieved through the attainment of the following objectives:

- i. Implementing adaptation and mitigation measures that promote low-carbon development;
- ii. Strengthening capacities and synergies at local, sub-national and national levels and at individual and institutional levels to implement climate change response;
- iii. Promoting scientific research, technology and innovations to address the challenges of climate change;

³² M Nachmany and T Townshend, *Climate Change Legislation in Nigeria an Excerpt from the Global Climate Legislation Study A Review of Climate Change Legislation in 66 Countries* (4th edn, 2014) 421.

³³ Federal Republic of Nigeria First Biennial Update Report (BUR1) of the Federal Republic of Nigeria under the United Nations Framework Convention on Climate Change (UNFCCC)[2018] *First Biennial Update Report (BUR1)*122.

³⁴ *Ibid*, 421

³⁵ They are energy, agriculture, forestry, transportation, fishery, livestock, water, coastal areas, health, culture and tourism, human settlement etc ; See the Federal Ministry of Environment, Department of Climate Change, National Policy on Climate Change 2013 39-59; *Ibid* 421-423.

- iv. Developing and implementing appropriate strategies and actions to reduce the vulnerability of Nigerians to the impacts of climate change across all sectors;
- v. Mainstreaming gender, children and youth, and other vulnerable groups into all climate change interventions;
- vi. Promoting sustainable land-use systems that enhance agricultural production, ensure food security and maintain ecosystem integrity;
- vii. Promoting climate-proofing of construction and infrastructural development;
- viii. Enhancing national capacity to mobilize international and national resources, both technical and financial, for investment in climate change;
- ix. Developing an effective climate change communication and information management system that facilitates access by all stakeholders to climate information;
- x. Strengthening national institutions and mechanisms (policy, legislative and economic) to establish a suitable and functional system for climate change governance.

Institutional Framework and Mechanism under the National Policy 2021-2030.

The Department of Climate Change (DCC) in the Federal Ministry of Environment drives the national response to climate change at the national and international levels. It is the nation's Focal Point to the UNFCCC and also the Designated National Authority (DNA) for the Clean Development Mechanism (CDM) and works with other Ministries through the Inter-Ministerial Committee on Climate Change.

The Department of Climate Change (DCC) was born out of necessity to drive the national effort of climate change.³⁶ This is because Nigeria is a member to the UNFCCC, Kyoto Protocol and there is a need to establish a department to implement the climate change agreements the Nigerian government has signed. This led to the establishment of the DCC. The DCC was formally known as the Special Climate Change Unit established in 2006. It was later upgraded to the Department of Climate Change in 2011 to demonstrate Nigeria's commitment to the climate change regime. As it stands, it is a technical department annexed to the FME which is dedicated specifically to climate change issues in Nigeria. The mandate of the DCC is 'to co-ordinate national implementation of United Nations Framework Convention on Climate Change, its protocol and any other legally binding agreements'³⁷ What this means is that the DCC is the implementation agent of climate change agreements at the national level.

³⁶ Department of Climate Change, Federal Ministry of Environment, < <https://climatechange.gov.ng/welcome-note-director-department-climate-change-3/> > Accessed 8th April 2022.

³⁷ O Adejonwo-Osho, 'Nigeria's commitments under the climate change Paris Agreement: legislative and regulatory imperatives towards ensuring sustainable development' 2019 *Environment Africa* 61-82 at 73; Federal Republic of Nigeria (2018) First Biennial

It is important to note that the DCC receives minimal attention from academics. This is because the DCC is relatively new. The only known document that mentions the DCC is the Nigeria Biennial Report 2018 submitted to the COP.³⁸ All information regarding the DCC in this research is from the Biennial Report 2018 and the website of the DCC.³⁹

The DCC is structured into four divisions namely the Green House Gas division, Vulnerability and Adaptation division, Education, Awareness and Outreach Division and Mitigation division. The mitigation division is further divided into 4 units viz: The GHG Inventory unit, the flexible market mechanism unit, Sustainable Energy Unit and REDD+ Unit. Both the divisions and the mitigation units of the DCC are to carry out the following key functions: undertake an annual national inventory of GHG emission; prepare national communication under the UNFCCC; execute climate change education and public awareness programmes; and develop information sharing systems website and many others. The key functions of the DCC are similar to the climate change obligations imposed on the Nigerian government. For instance, Articles 4 and 12 of UNFCCC and Article (13) 7 of Paris Agreement imposes obligations on national government to report climate change activities,⁴⁰

Article 6 UNFCCC, Article 10 (e) Kyoto Protocol and Article 12 Paris Agreement encourages national government to carry out climate change education and awareness. The achievement of these obligations depends on the DCC's capacity to implement the climate change obligations at the national level. Therefore, the role of the DCC is hereby assessed against the following obligations.

- A. Duty to report climate change activities.⁴¹
- B. Promote climate change education and awareness⁴² and
- C. Access to climate change funds.⁴³

Similarly, the CDM programme practiced by member states under the climate change regime for the past two decades has helped the Nigerian government reduce the flaring of associated gas in the country. This is because the CDM under the Kyoto Protocol allows industrialised (Annex-I) countries to invest in or finance projects in developing countries by reducing emissions of

Update Report (BUR1) of the Federal Republic of Nigeria under the United Nations Framework Convention on Climate Change (UNFCCC) 6.

³⁸ Federal Republic of Nigeria (2018) First Biennial Update Report (BUR1) of the Federal Republic of Nigeria under the United Nations Framework Convention on Climate Change (UNFCCC) 6

³⁹ Department of Climate Change, Federal Ministry of Environment, <<https://climatechange.gov.ng/about-us/>> accessed 15 March 2022.

⁴⁰ s 3.4.4 duty of reporting climate change activities

⁴¹ UNFCCC art 4 and 12, Paris Agreement art 13 (7)

⁴² UNFCCC art 6, Kyoto Protocol art 10 (e) and Paris Agreement art 12.

⁴³ *Ibid* art 4 (3) (4) (5) UNFCCC, Paris Agreement art 10, 11 (1) 3 Goal 1. Target 13. A

GHG.⁴⁴ The CDM is a tool which will help to achieve the goal—that is, reducing flaring of associated gas because the ‘CDM provides additional incentives to cut flaring by providing credits for carbon- reduction that can be sold on the emissions trading market.’⁴⁵ Since 2005 when the Kyoto Protocol was adopted, the CDM has become a veritable tool that helps finance projects and provides sustainable development benefits to members.⁴⁶ A couple of CDM projects in Nigeria are meant to reduce the flaring of associated gas. ⁴⁷The Department of Climate Change, the Designated National Authority for CDM in Nigeria, registered the CDM projects. Some of the registered CDM projects are related to gas flaring.⁴⁸

For instance, the Recovery and Utilization of Associated Gas from the Obodugwa and neighbouring oil fields in Nigeria was registered in December 2012 and will end 2024. This project is meant to reduce about 288 GHG emissions.⁴⁹ Recovery and marketing of gas at the Asuokpu/Umutu Marginal Field is to reduce 257 GHG.⁵⁰ Recovery of associated gas at Kwale oil-gas processing plant was meant to capture and utilize associated gas previously flared. It was registered in November 2006 and was supposed to end in 2015. ⁵¹ It is not clear if the project is completed. The Pan Ocean Gas Utilization Project was registered in February in 2009 and ended in 2020.⁵² These CDM projects initiated under the climate change regime assisted the Nigerian government in reducing associated gas flaring, reducing GHG emissions, and utilizing the associated gas at the domestic level. In 2008, Nigeria was ranked alongside Russia as the top two highest gas flaring countries.⁵³

However, in 2020, there is an improvement due to the programmes and the projects to reduce the flaring of associated gas.⁵⁴ Nigeria has moved from being 2nd highest gas flaring country in

⁴⁴ M Singh and N Naik, ‘Role of the Clean Development Mechanism (CDM) in the Development of National Energy Industries’ [2014 (25) (2) *Energy & Environment* 325-342.

⁴⁵ *Ibid*

⁴⁶ R Spalding-Fecher and P Parks, *Gas Flaring Reduction Projects Framework for Clean Development Mechanism (CDM) Baseline Methodologies* (World Bank: Revised Printing, 2005).

⁴⁷ *Ibid*

⁴⁸ *Ibid*

⁴⁹ Federal Republic of Nigeria, First Biennial Update Report (BUR1) of the Federal Republic of Nigeria under the United Nations Framework Convention on Climate Change (UNFCCC) [2018] 121-125.

⁵⁰ *Ibid*

⁵¹ C Elvidge and M Zhizhin, M., ‘A Fifteen-Year Record of Global Natural Gas Flaring Derived from Satellite Data [2009] (2)(3) *Energies* 595-622

⁵² R U Onolemhemhen and A Adenikinju, ‘An Evaluation of Domestic Gas Utilization on the Nigerian Economy’ [2017] *Journal of Economics, Management and Trade* 1-13.

⁵³ *Ibid* (n19) 598

⁵⁴ The World Bank ‘Global Gas Flaring Reduction Partnership (GGFR)’ available <<http://www.worldbank.org/en/programs/gasflaringreduction#7> > accessed 28th April 2022

2008⁵⁵ to 7th position in 2021.⁵⁶ Nigeria did not just move from 2nd to 7th position in gas flaring; the above mentioned CDM projects have reduced about 6,967 GHG annually.⁵⁷

However, CDM projects are not without criticisms. For instance, one of the major concerns of the CDM projects is that they do not reduce GHG emissions. ‘CDM is an offset mechanism and does not intend to reduce global GHG emissions.’⁵⁸ A CDM project will reduce emissions, but other emissions will increase somewhere, known as carbon leakage.⁵⁹ carbon leakage occurs when there is an increase in GHG emissions in one country as a result of an emissions reduction by a second country with a strict climate policy.⁶⁰ Again, CDM projects are criticized globally because one of the ultimate goals of the UNFCCC, that is, assisting non-Annex 1 Party in achieving sustainable development, is far from becoming a reality. The argument is that the contribution of the CDM projects affecting the growth pattern of developing countries is little.⁶¹

A specific criticism of CDM projects in relation to Nigeria is that the CDM projects in Nigeria are not equally distributed.⁶² For instance, the distribution of CDM projects in Nigeria is geared towards the energy sector (oil and gas) while little attention is given to other sectors.⁶³ This is the reason why Pillay postulates that the ‘distribution of CDM projects by region in Nigeria is also uneven’⁶⁴ and they are ‘are heavily skewed in favour of greenhouse gas reductions.’⁶⁵ The implication is that other sectors such as transportation, waste, and especially the Agriculture Forrest And Other Land Use is given minimal attention. Again, CDM projects in Nigeria are yet to contribute economic and social benefits.⁶⁶ It was contended that the contribution of

⁵⁵ *Ibid* (n17)

⁵⁶ K E Rosendahl and J Strand, ‘Carbon leakage from the clean development mechanism [2011] (3) *The Energy Journal*, 1-33.

⁵⁷ Earth Journalism Network, Clean Development Mechanism < <https://earthjournalism.net/resources/clean-development-mechanism> > accessed 2nd November 2021; J Buen, CDM Criticisms: Don’t Throw the Baby out with the Bathwater [2013] (8) *Fridtjof Nansen Institute Climate Policy Perspectives*, 3 and 4.

⁵⁸ C Andrés, ‘Emissions Loophole Stays Open in EU’ *The New York Times*, 2014 available at <<https://www.nytimes.com/2014/11/19/business/energy-environment/emissions-loophole-stays-open-in-eu.html>> Accessed 12 March 2022.

⁵⁹ C Voigt, ‘Is the Clean Development Mechanism Sustainable? Some Critical Aspects’ [2010] (8) (2) *Sustainable Development Law & Policy*, 615-21 20.

⁶⁰ S Pillay, ‘An Assessment of Clean Development Mechanism Project Contribution to Sustainable Development in Nigeria’ [2016] (15) (6) *International Business & Economics Research Journal (IBER)*, 315-328 at 321.

⁶¹ *Ibid*

⁶² *Ibid*

⁶³ *Ibid*

⁶⁴ *Ibid*

⁶⁵ *Ibid*

⁶⁶ D O Akinyele and W k Seah, ‘Clean Development Mechanism Projects for Developing Countries: Potential for Carbon Emissions Mitigation and Sustainable Development’ in 2014 Eighteenth National Power Systems Conference [2014] 1-6 at 4.

CDM projects in Nigeria has not contributed to economic development as the teeming youths in Nigeria remain unemployed.⁶⁷

3.1.2 Enabling Climate Change Policies.

A number of enabling policies and programmes to climate change mitigation and adaptation have been adopted. Three recent development policies that have clear implications for climate change adaptation include:

- (i) Vision 20:2020;
- (ii) The Transformation Agenda (2011 – 2015); and
- (iii) Economic Recovery and Growth Programme (ERGP) (2017 –2020).

(i) Vision 20:2020: The Nigerian government-initiated Vision 20:2020 (NV20:2020) in 2009, and it came into force in 2010.⁶⁸ NV20:2020 is a blueprint of the economic transformation of Nigeria targeted for eleven years, that is, from 2009-2020.⁶⁹ One of the primary aims of the NV20:2020 is to enhance economic growth from sustainable environmental governance.⁷⁰ But it recognised the potential constraint climate change poses to the Nigerian economy's current and future growth. The NV20:2020 is to the effect that '[d]eveloping effective responses to the threats of climate change will be very critical to her success in achieving the goal of NV20:2020'.⁷¹

The NV20:2020 recognises SD especially, developing renewable energy in the country. For instance, the NV20:2020 plan is to increase hydropower to 25% by 2013, increase wind energy to 10MW by 2013, increase solar energy capacity to 10MW by 2013, increase biomass power generation capacity to 1,000 MW.⁷² The NV20:2020 also intends to increase Nigeria's forest cover from 6% to 10% and reduce losses and impacts due to floods and drought by 10% by 2013.⁷³ This is in line with Article 5 (2) of the Paris Agreement, where Parties are encouraged to reduce emissions of GHG from deforestation and forest degradation.

⁶⁷P Agbonifo, 'The Pursuit of Climate Protection and The Uneven Global Distribution of Clean Development Mechanism (CDM) Projects: Lesson from Least Developed Countries (LDCS) [2017] (6) (1) *European Journal of Sustainable Development*, 139-139 at 149.

⁶⁸Nigeria Vision 20:2020' (Federal Ministry of Budget and National Planning 2009) 83
<http://www.nationalplanningcycles.org/sites/default/files/planning_cycle_repository/nigeria/nigeria-vision-20-20-20.pdf> accessed 26 June 2022.

⁶⁹ *Ibid*

⁷⁰ M Nachmany and T Townshend, *Climate Change Legislation in Nigeria an Excerpt from the Global Climate Legislation Study A Review of Climate Change Legislation in 66 Countries* (4th edn, 2014) 423.

⁷¹Nachmany and Townshend (n14)

⁷² *Ibid*

⁷³ *Ibid*

The NV20:2020 specifically sets out target years and dates for the achievement of its objectives 2009-2020.⁷⁴ However, there are few issues regarding NV20:2020. First, NV20:2020 has expired. All the goals and targets were meant to be achieved between 2009-2020. This is 2022; most of the target dates set out to achieve economic objectives, including climate change related targets, were unsuccessful.⁷⁵ In fact, this document was described as ‘white elephant targets’.⁷⁶ The most crucial point to note is that NV20:2020 has expired and is unlikely to play any vital role in the achievements of Nigeria’s climate change obligations in the future.

(ii) The Transformation Agenda (2011 – 2015);

The transformation agenda emerges from integration of action plans and strategies designed to eliminate the mistakes of successive past administrations in policy formulation and implementation. It seeks ways of maximizing the present administration’s potential for realizing the country’s elusive developmental objectives and establishes the following⁷⁷:

- a) macroeconomic framework for economic direction to be achieved through the National Economic Management Team (NEMT) review of the national revenue allocation formula, passage of a Planning and Project Continuity Bill.
- b) Job creation, to be achieved through the National Action Plan on Employment Creation (NAPEC), implementing a youth empowerment safety net support programme; development of industrial clusters; reviewing of university curricular to align with job requirements in industry.
- c) Better power supply by increased investment in the sector to be achieved through the strategy of creating a deregulated more competitive power sector that will attract foreign and local

⁷⁴ *Ibid*

⁷⁵ K Asaju and A Akume, ‘Vision 20: 2020: Realities and Challenges’ [2012] (10) (2) *Jorind* 275-281, 275 ; Report of the Vision 2020 National Technical Working Group on Environment and Sustainable Development’ (Federal Ministry of Budget and National Planning 2009) 26 < <http://www.nationalplanning.gov.ng/index.php/national-plans/nv20-2020> > accessed 26 October 2021 ; Ebuka Onyeji, Analysis: Why Nigeria’s Vision 20:2020 was bound to fail (Abuja, Premium Times 2020) available at < ANALYSIS: Why Nigeria’s Vision 20:2020 was bound to fail (premiumtimesng.com) > accessed 4th April 2022.

⁷⁶ A Report On The Progress Of Nigeria’s Intended Nationally Determined Contribution (INDC) 2018 Panafric Centre for Climate Policy < <http://paccpolicy.org/wp-content/uploads/2017/04/A-report-of-Nigeria-Progress-on-the-INDC.pdf> > accessed 14th June 2022 ; A O Inegbenebor, and O Onyisi, ‘Nigeria Vision 20: 2020; Review of Current Status Using Re Development and Gross Domestic (2018) IOP at 8.

⁷⁷ P Anyim, ‘Nigeria in Transformation’ [2012]. Paper presented at the Executive Intelligent Management course at the Institute for Security Studies, Lower Usuma Dam 4

investment ensuring a more viable commercial framework for the sector and a tariff regime that promotes transparency, guarantees security of investment, adequate return on investment, transmission capacity and more.

- d) Justice and judiciary sector that eliminates all forms of corruption in the administration of justice in Nigeria through achieving greater independence and enhancing the capacity of the justice ministry to superintend prosecution and improving professionalism in legal practice for better service delivery.
- e) Governance challenges addressed through policies that focus on public service, security, law and order, legislature and anti- corruption measures.
- f) Human Capital Development through rehabilitating of the educational sector by implementing the recommendations of the Presidential Task Team on Education which includes; strengthening the 9-3-4 educational system and implementing the teachers' salary scale, provision of infrastructure such as classrooms across all levels to ease overcrowding; enhancing the efficiency, resourcefulness and competence of teachers and other educational personnel through training, capacity building and motivation. And better health care delivery, through the implementation of the National Strategic Health Development Plan (NSHDP), Provision of information and Communication Technology, through Public-Private Partnership (PPP).
- g) Transportation through evolving a multi modal, integrated sustainable transportation system with more emphasis on rail and inland water ways transportation.

(iii) *Economic Recovery and Growth Plan (ERGP)*: The ERGP is a Medium-Term Plan (2017 – 2020), designed to “restore economic growth while leveraging the ingenuity and resilience of the Nigerian people”. The Plan is an economic blueprint for recovery in the short term and a strategy for sustained growth and development in the long term. It is also consistent with the aspirations of the Sustainable Development Goals (SDGs), as its initiatives address the economic, social and environmental sustainability dimensions of development. Government is currently updating the Plan to address long-term development goal of Nigeria that will include low carbon and climate-resilient development in the period 2020 – 2040.⁷⁸

⁷⁸ A Report On The Progress Of Nigeria’s Intended Nationally Determined Contribution (INDC) 2018 Panafric Centre for Climate Policy< <http://paccpolicy.org/wp-content/uploads/2017/04/A-report-of-Nigeria-Progress-on-the-INDC.pdf>> accessed 14th June 2022 ;

In the ERGP articulation, there is the understanding government in the 21st century ceases to be the omnibus provider of citizens' needs into a force that removes all impediments to the free flow of goods and services. Though the country has formulated different policies as an exit from fossil strategy, the deployment of renewable energy as an exit from carbon, the strategy has no clear-cut vision. Rather, the exit strategies are scattered in different blueprints such as the Agricultural Transformation Agenda, Vision20:202; Vision 30:30:30; Sustainable Energy for all (SE4ALL) Action Agenda National Renewable Energy Action Plan (NREAP); Rural Electrification and Implementation Plan (RESIP) and NEP. Hence, the de-carbonization drive is a broad theme involving diverse sectors working at cross purposes.

5.0 Conclusion And Recommendations

The NCCPN appears to have recognised the principle of Sustainable Development , especially in its objective when it says the goal is to ‘implement mitigation measures that will promote low carbon use for sustainable high economic growth.’ It briefly stated some strategies such as the use of electric vehicles in the transport sector, renewable energy in the energy sector and sustainable agriculture to attain the low carbon economy.

The National Policy on Climate Change is a strategic policy response to climate change that aims to foster low-carbon, high growth economic development path and build a climate-resilient society through the attainment of set targets. The plan explicitly identifies climate change as one of the major threats to economic development goals and food security. To meet these challenges, the plan includes concrete targets in the areas of climate change adaptation, afforestation, and energy supply. The vision of the National Climate Change Policy Response and Strategy (NCCPRS) is a climate change-resilient Nigeria ready for rapid and sustainable socio-economic development. Its mission is to strengthen national initiatives to adapt to and mitigate climate change and involve all sectors of society, including the poor and other vulnerable groups (women, youth etc.) within the overall context of advancing sustainable socio-economic development.

It is recommended that the Policy if accurately followed will act as a mechanism for coordinating development planning, financing and monitoring of climate change initiatives and programmes in the country. It will articulate the goals and objectives for climate change management in Nigeria, as well as principles and strategies to guide implementation of activities aimed at reducing the potential adverse effects of climate change on the country’s development.