



# THE IMPLEMENTATION AND ENFORCEMENT OF LAWS AND POLICIES ON RENEWABLE ENERGY IN NIGERIA

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#### Abstract

There is no contention as to whether or not Nigeria has shown commitment to renewable energy, what remains unsettled is whether the commitment that the country has given to it is sufficient to make it effectively and efficiently enter the existing energy market. This paper aimed at the examination of the implementation and enforcement of laws and policies on renewable energy in Nigeria to explore more efficient policy measures and legal structures on renewable energy in Nigeria. Doctrinal research methodology was employed to carry out this research wherein the researcher waded through various materials for the purpose of achieving the aim. This paper found that there is no primary government agency saddled with the exclusive regulation and development of renewable energy in Nigeria even with large legal support renewable energy through the policy instruments directly addressing its concerns. The paper concluded that notwithstanding the multifarious challenges facing the development of the renewable energy subsector in Nigeria, there is a high tendency that the subsector will continue to develop and expand in the near future and ultimately contribute its part to the National Grid and the entire Energy value Chain in Nigeria. This paper recommended a legal and institutional reforms to cure the intermittent availability problems inherent in renewable energy sources in Nigeria and its operations.

#### Introduction

Nigeria is rich in natural resources such as oil,<sup>1</sup> natural gas, and coal, it also has potential in renewable energy sources such as hydropower, wind and solar.<sup>2</sup> As an alternative energy, renewable energy will be a practical alternative to supplementing electricity supply in Nigeria. It can be cost-effective in areas far-flung from the national grid, and simply put, will impact Nigeria's electricity bottom line.<sup>3</sup> Despite the abundance of natural resources in Nigeria, there was no nationally acceptable renewable energy or energy efficiency policies to drive the renewable energy sector of the economy. Some Ministries, Departments and Agencies (MDAs) before now, have in one way or the other developed documents that enabled them to pursue ventures in renewable energy.<sup>4</sup> But furtherance to the Federal Government's reform act to diversify Nigeria's energy mix and provide practical, affordable and realistic access to

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<sup>&</sup>lt;sup>1</sup> Constitution of the Federal Republic of Nigeria, 1999 (as amended), s 44

<sup>&</sup>lt;sup>2</sup> S U Yamusa and A H Ansari, 'Renewable Energy Development in Two Selected African Countries: An

Overview and Assessment' [2013] (2) RELP 151at 151.

 <sup>&</sup>lt;sup>3</sup> National Renewable Energy and Energy Efficiency Policy (NREEEP), Ministry of Power, Federal Republic of Nigeria, 20 April, 2015.
<sup>4</sup> *Ibid.*





electricity to all Nigerians, an inter-ministerial committee of stakeholder MDAs was constituted and mandated to come up with a national renewable energy and energy efficiency policy that would attract investment into the electricity sector. After several months of stakeholder meetings, workshops, collation of various documents, etc., by the inter-ministerial committee, the first ever National Policy on renewable energy and Energy Efficiency was eventually developed and submitted to the Federal Executive Council. This was developed in line with objectives of the National Energy Policy, Rural Electrification Strategy and Plan, Millennium Development Goals and the National Economic and Development Strategy.<sup>5</sup> The policy marks the initial steps of aligning the Nigerian renewable energy and energy efficiency policy with the Economic Community of West African States (ECOWAS) Renewable Energy (EREP) and ECOWAS energy efficiency policies (EEEP).<sup>6</sup> It therefore mandates the implementation of the National Renewable Energy Action Plan (NREAP) and a National Energy Efficiency Action Plan (NEEAP). The National Policy was established to remove the key barriers that put renewable energy and energy efficiency at economic, regulatory or institutional disadvantages relative to other forms of energy in Nigeria.<sup>7</sup> With the eventual passage of the policy, Nigeria was set to provide a conducive political environment that attracted investment in the renewable energy and energy efficiency arena. A monitoring unit was also set up to oversee the immediate implementations of the recommendations of the policy in the electricity supply industry, which enhanced and leapfrogged power projects across the nation.

The industrial revolution led to the great yearn for energy as against our modest desire in the past energy.<sup>8</sup> All before the revolution rely more on the sun and burnt wood, straw, among others, for the production of heat. The transportation system then was majorly driven by the power of the wind in our sails and the muscle of horses to reach our targeted destination.<sup>9</sup> Animals were the main work force to do even what people could not do with man's labor force. Wind and water were the instrument driving simple machines that could ground our grain and pumped water. Coal in 1880 was a source of energy for the powering of steam engine which was attached to the first electric generator in the world. The first electric light which powered the New York Times was the Thomas Edison's plant and Wall Street. The first hydroelectric plant was invented went in Appleton, Wisconsin which uses fast-flowing rivers to turn wheels for the grinding of corn. Within a few years, Henry Ford then built small hydro plant the powering of his home in Michigan by the assistance of Edison Petroleum which is now the main source of energy in Nigeria was discovered in the late 1800s.<sup>10</sup> It then became the main

<sup>&</sup>lt;sup>5</sup> Energy Commission of Nigeria, 'National Energy Policy'

<sup>&</sup>lt;a>http://www.energy.gov.ng/index.php?option=com\_docman&task=doc\_download&gid=41&Itemid=49> assessed 15 September, 2022.</a>

<sup>&</sup>lt;sup>6</sup> NREEP, Approved by the Federal Executive Council for the Electricity Sector in Nigeria. Ministry of Power, Federal Republic of Nigeria on 20<sup>th</sup> April, 2015.

<sup>&</sup>lt;sup>7</sup> Ibid.

<sup>&</sup>lt;sup>8</sup> B O Oboirien and Others, 'Analysis of Clean Coal Technology in Nigeria for Energy Generation' [2018] Energy Strategy Reviews, 64-70.

<sup>&</sup>lt;sup>10</sup> Frankfurt School-UNEP Centre/BNEF, 'Global Trends in Renewable Energy' [2016] *Energy Strategy Reviews*, 67.





source of valuable commodity for lighting across the continent. The processed oil in form of gasoline became the main source of fuel for firing Internal Combustion Engines (ICE).<sup>11</sup> The rapid spread of electricity and low-cost automobile thus change the society's energy use. The size of power plants, coal plants and hydroelectric dams now became larger with increase in technology. Power lines are extending hundreds of miles between cities, thereby empowering the rural community with electricity. The use of gasoline grows unchecked as a result of the energy demand. The capacity of cars became larger and heavier between 1950s and 1960s. It was recorded that the average mileage of an American car was only 13.5 miles per gallon, and a gallon of gas cost less than a quarter.<sup>12</sup>

According to REN2I's report in 2016, renewable energy was about 19.2% of humans' global consumption of energy and over 23.7% to their electricity generation in 2014 and 2015, respectively.<sup>13</sup> Traditional biomass in 8.9%, 4.2% of heat energy modern geothermal, biomass, and solar heat), hydroelectricity in 3.9% and 2.2% of electricity from solar, geothermal, wind, and biomass were the division of the sum total of energy consumption. The total cost and investment on renewable energy across the globe amounted to above US\$286 billion in the year 2015,<sup>14</sup> with nations like the United States and China heavily investing in wind, hydro, solar and biofuels, hence an estimated value of over 7.7 million estimated number of jobs associated with renewable energy companies and industries, and solar photovoltaic being the recorded largest renewable employer.<sup>15</sup>

#### 2.0 Implementation and Enforcement of Renewable Laws and Policies in Nigeria

The renewable energy and energy efficiency directives of the European Union have shown that regional integration can be an effective tool to catalyze necessary actions at the national level. As a consequence, the ECOWAS Member States created the ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) in 2010. As part of its mandate, the Centre has been leading the process of developing and implementing the ECOWAS Renewable Energy Policy (EREP) and the ECOWAS Energy Efficiency Policy (EEEP). Both policy documents were adopted by the ECOWAS Energy Ministers during the ECOWAS High Level Energy Forum, which held from 29 to 31 October 2012 in Accra, Ghana. In 2013, the ECOWAS Council of Ministers, and the Authority of ECOWAS Heads of State and Government also adopted the regional policy documents. The policy was prepared on the basis of a comprehensive baseline report on renewable energy in the ECOWAS region.

<sup>&</sup>lt;sup>11</sup> Ibid.

P Alamdari and Others, 'Assessment of Wind Energy in Iran: A Review' [2012] (16) (1) *Renewable and Sustainable Energy Reviews*, 836-860.
A T Brimmo and Others, 'Sustainable Energy Development in Nigeria: Wind, Hydropower, Geothermal and Nuclear'' [2017] (1) *Renewable and Sustainable Energy Reviews*, 474-490.

<sup>&</sup>lt;sup>14</sup> Ibid.

<sup>&</sup>lt;sup>15</sup> Ibid.





As the region is endowed with large potentials of renewable energy resources, and as renewable energy technologies are approaching grid parity in certain circumstances, the ECOWAS region stands today at the threshold of a new regional power supply concept based on large bulk power generation provided and distributed by the West African Power Pool (WAPP) and on a substantial contribution provided by renewable energy options financed by the private sector and private banking institutions.

Furthermore, under the coordination of the ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) some ECOWAS Member States have already developed renewable energy policies and strategies and the EREP wishes to take advantage of these front-liners.

Hence, the essence of this chapter of this dissertation is to examine the nature and forms of financial crimes, liability of corporations for crimes, legal elements of a crime, proof of evidence, emerging issues, and challenges of prosecution of corporations for financial crimes in Nigeria.

## 3.0 Assessment of ECOWAS Strategy for Renewable Energy

The Economic Community of West African States (ECOWAS) is a regional group of fifteen countries,<sup>16</sup> founded in 1975 to promote economic co-operation and integration in the West African sub-region.<sup>17</sup> According to the Revised ECOWAS Treaty, the aims of the ECOWAS are to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its people, and contribute to the progress and development of the African Continent. In order to achieve these aims a number of objectives have been set out in the Treaty. One of such objectives is that the ECOWAS shall ensure:

The harmonization and co-operation of national policies and the promotion of integration programmes, project and activities, particularly in food, agriculture and natural resources, industry, transport and communications, energy, trade, money and finance, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism, legal matters.<sup>18</sup>

As could be seen in the ECOWAS Treaty and Protocols, the founders of the ECOWAS placed emphasis on economic integration and development of the West African sub-region.<sup>19</sup> It has

<sup>&</sup>lt;sup>16</sup> Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

J Bassey, 'Assessment of Nigeria's Role in the Development of Economic Laws in ECOWAS' [2015] International Affairs and Global Strategy 35.
ECOWAS Provised Treaty (Abuig: ECOWAS Executive Secretorist 1001) art 3.

ECOWAS Revised Treaty (Abuja: ECOWAS Executive Secretariat, 1991), art. 3.

<sup>&</sup>lt;sup>19</sup> *Ibid.* 





been asserted by some scholars that Nigeria's interest in championing the establishment of a pan West African body (ECOWAS) "was to be sustained through a functional economic cooperation that would not only strengthen national economies but that would also see Nigeria secure a ready market for her manufactures".<sup>20</sup>

Due to growing energy deficit in the ECOWAS region, many member states have expressed the necessity to mainstream renewable energy into their national policies. However, these efforts have been identified to be more successful if developed under a regional framework. The regional Institutional framework of ECOWAS consists of four (4) main institutions:

- a. The ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE), which promotes the establishment of a regional market for renewable energy and energy efficiency.
- b. The West African Power Pool (WAPP), in charge of developing an integrated bulk power supply market for 14 ECOWAS countries (Cape Verde is not connected to the continent).
- c. The ECOWAS Regional Electricity Regulatory Authority (ERERA), the regional regulatory authority for cross- border electricity interconnections in West Africa.
- **d.** WAPCO, a limited liability company that owns and operates the West African Gas Pipeline, connecting the Nigerian gas resources to Benin, Togo and Ghana.

# **4.0** The Challenges of the Implementation and Enforcement of Renewable Energy Laws and Policies in Nigeria

In the course of the examination carried out on the implementation and enforcement of renewable energy laws and policies in Nigeria in chapter three of this dissertation shows the challenges to be stated below:

# 4.1 Non-Binding Nature and Lack of Force of Law

Without the force of law every laws, regulations, guidelines, and policies are fruitless and worthless. They are not implementable and cannot be relied upon by the court of law where there is a dispute requiring judicial pronouncement. Nigerian policies and guidelines or action plans for implementing renewable energy are not binding. They are usually policy directive of government without the force of law. A good example is the NEP. First is that this dissertation evaluated the NEP 2003 and this assessment evidenced that the NEP 2003 lack the force of law and does not impose any binding obligation on the government or investors.<sup>21</sup> This limitation makes parties in default like the investors or the government cannot be compelled by an order of court to implement the core or even periphery of the policy.<sup>22</sup>

<sup>&</sup>lt;sup>20</sup> I Udoka, 'A Critical Appraisal of Nigeria's Role in the ECOWAS' [2002] (10) *Ibom Journal of History and International Studies*, 66.

O V Ojo, 'An Overview of the Legal and Regulatory Framework for Renewable Energy Projects in Nigeria: Challenges and Prospects' [2017] (1) (1) Unilag Law Review 22, 30.
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<sup>&</sup>lt;sup>22</sup> *Ibid*.





However, there are some subsidiary legislations that have been made to implement some of the key priority areas. The FGPWPR 2018 and the Gas Flare Guidelines of the Department of Petroleum Resources published in December 2018 are binding and enforceable. They also have penal provisions for whoever breaches their provisions. The NERC also had the legislative competence to make subsidiary legislations and regulations on electricity generation, distribution and consumption. The policies and agenda of Nigeria on energy use are in medium-and long-term ranges. It will be noted that 2019 was an election year in Nigeria. The change in government would have necessitated a significant change in the policies to suit the manifesto of the party that won. However, since the incumbent president returned to office, we do not envisage any significant change in the policies.

## 4.2 Gaps, Inconsistencies and Proliferation Policies

First, proliferation in this dissertation means the rapid increase, multiple, burgeon, and mushroom.<sup>23</sup> There are multiplicity of policies on renewable energy in Nigeria which affects its implementation. Examining the plethora and proliferation of policies in chapter three of this dissertation, this dissertation observed that it led to confusion. There is diverse approach among nations and international organizations on renewable energy policies which has resulted in numerous ideas and doctrines. They give room for discretion of policies to employ. The application of discretion creates some other problems resulting in the ineffective implementation because there is no culture but there are a multiplicity of views and reasoning on what and how to attain sustainable renewable energy in Nigeria.

Second, is that all the policies of renewable energy are all relevant and important but they are limited by inconsistencies and gap. The NREEP 2015 is still relevant because it makes provision for monitoring of the implementation of the NREAP and NEEAP,<sup>24</sup> but is inconsistent. Also, the NBFPI 2007 which is a very important renewable energy policy and effort to phase out fossil fuels. But it is having been criticized as having several gaps and inconsistencies, suggesting and a need for reform.<sup>25</sup> Since investments require certainty that can come in the form of clarity, a deluge of policies will serve as an impediment rather than an aid. A consequence of this is that the energy mix will remain unexpanded with renewable energy continuing to occupy an insignificant portion.

## 4.3 Lack of Compliance, Implementation and Enforcement

Lack of implementation of these policies by governments is another problem of the renewable energy policies in Nigeria. It limits the chances of attaining the objectives of the policies. An example of this is the provision of the NEP 2003 that non-renewable energy sources are to be

<sup>&</sup>lt;sup>23</sup> J E Johnson and Others, 'Challenges of the Prosecution of Corporate Bodies in Nigeria', [2013] (1) *Eastern Law Journal*, 64.

<sup>&</sup>lt;sup>24</sup> NREEEP <http://www.power.gov.ng/download/NREEE%20POLICY%20 2015-%20FEC%20APPROVED %20COPY.pdf> accessed 26 February 2018.

 <sup>&</sup>lt;sup>25</sup> I Ohimain, A Review of the Nigerian Biofuel Policy and Incentives [2013] *Renewable and Sustainable Energy Reviews* 246.





deployed conservatively in the generation of electricity. In reality, this has not been followed as the present energy mix is dominated by natural gas, a finite natural resource which is the source of the environmental issues that arise because it is the major source of energy in the country. The cases of *SPDC v Edamkue and others*,<sup>26</sup> *SPDC v Chief Joel Anaro*,<sup>27</sup> *SPDC v Ambah*<sup>28</sup> amongst others are just some of the examples of environmental problems that have risen due to dominance of oil and gas as source of energy.

Compliance means the act of agreeing with a code, following or obeying the law and or for the institutions charged for a specific purpose is to make sure that the law is obeyed using the laid down rule of operations.<sup>29</sup> Compliance in this dissertation is connected to the effectiveness in adhering to laws, code of conducts, policies, regulations, and standards of operations.<sup>30</sup> Compliance is of great importance to the essence of the policies of renewable energy examined in chapter three of this dissertation.<sup>31</sup> The reason are numerous laws, regulations, and agencies.<sup>32</sup> They have enhanced non-compliance are prevalent in Nigeria and the effect is true. Without obedience to legal code and the institutions doing what is obtainable when there is disobedience, the essence of the law is not in existence. Adequate legal and institutions will not be successful without strict compliance.

#### 4.4 No Specific Legislation on Renewable Energy

Several complications attend the above policies and soft law on renewable energy in Nigeria. The first is the absence of a specific legislation on renewable energy. The essence of law is to provide clearly defined goals and direction in public affairs and to influence both individual and official actions. The reliance on policies to regulate and promote renewable energy in Nigeria may lead to problems. Although policies may be regarded as soft law, they can be taken to be political aspirations of the government in power. They are like political manifestoes and usually suffer the fate of abandonment by successive governments.

Enacting a law for the development of renewable energy in Nigeria offers Nigeria many benefits in the search for the best utilization of the country's energy resources.<sup>33</sup> Renewable energy is significant in ensuring energy security and access, greenhouse gas reduction and economic development. Through law, these objectives can be achieved.

<sup>&</sup>lt;sup>26</sup> (2003) 11 NWLR (Pt 832) at 533 <sup>27</sup> (2002) EWL P 1654 17

<sup>&</sup>lt;sup>27</sup> (2002) FWLR 1654 17 <sup>28</sup> (1000) CCL PCN 200

 <sup>&</sup>lt;sup>28</sup> (1996) 66 LRCN 390
<sup>29</sup> Johnson (n22) 60

<sup>&</sup>lt;sup>29</sup> Johnson (n23), 60.

 <sup>&</sup>lt;sup>30</sup> Ibid.
<sup>31</sup> Ibid.

<sup>&</sup>lt;sup>32</sup> Ibid.

 <sup>&</sup>lt;sup>33</sup> P K Oniemola, 'Why Should Oil Rich Nigeria Make A Law for the Promotion of Renewable Energy in the Power Sector?' [2016] (1) *Journal of African Law* 29.





#### 4.5 Bespoke Legislation

There is need to enact a bespoke legislation on renewable energy development, promotion and utilization in Nigeria. Such a law could take the form of a framework legislation which could set broad objectives such as measurable and mandatory renewable energy targets and designate a regulatory body to make regulations pursuant to the law. Inspiration for this could be drawn from the 2015 Climate Change and Greenhouse Reduction Bill being debated on the floor of the National Assembly at the time. The Climate Change Bill, if passed into law, will be the first dedicated legislation in Nigeria that seeks to tackle climate change by reducing greenhouse emission. This can inspire the passage of a standalone law on renewable energy. It is further submitted that the proposed legislation should be drafted in such a way that fruitful interaction with other relevant laws can be possible. Regulations made pursuant to the parent Act can cater for these needs. For instance, commercial and industry size turbines require expansive hectares of land.<sup>34</sup> Clauses that ensure a smooth acquisition of such portions of land and transfer of ownership thereof should be incorporated into the relevant regulations, with regard to the Land Use Act.<sup>35</sup>

#### **5.0** Conclusion

Renewable sources of energy such as solar, biomass, wind and hydro can help Nigeria provide electricity to its citizens while addressing environmental concerns such as global warming. For renewable energy to flourish however there has to be adequate legal and regulatory measures in place. This dissertation established that the Nigerian legal framework on renewable energy is not adequate enough to increase the share of renewable energy in the national energy mix, which is currently dominated by conventional energy sources. To address this problem, this dissertation proposed that a tailored legislation on renewable energy be enacted. This will aid the development and utilization of renewable energy in the country.

The Nigerian government has not been able to find permanent solutions that will resolve the problems due to the adaptation of short term, hasty policies and also still undergoing renewable energy projects which are detriment to long term energy policies that will help the nation to achieve sustainable energy and renewable energy efficiency.

A careful examination of the summary of findings of this dissertation reveals that the policy framework for renewable energy in Nigeria needs an adjustment and re-evaluation. This adjustment will necessarily steam from an amalgamation of policies and programs of government which should also give effect to our external relations in order to foster good economic ties and better the chances of a better integration of renewable energy projects

 <sup>&</sup>lt;sup>34</sup> O O Ajayi and O O Ajayi, 'Nigeria's Energy Policy: Inferences, Analysis and Legal Ethics toward RE Development' [2013] *Energy Policy* 61, 63.
<sup>35</sup> Cons 15 Leave of the Exdension of Niceria 2004.

<sup>&</sup>lt;sup>35</sup> Cap L5 Laws of the Federation of Nigeria 2004.





internationally and particularly in the ECOWAS sub-region. In this chapter we shall make certain policy recommendations because going through the various policy statements on renewable energy development and utilization, there are certain issues which must be addressed to further the development and also accelerate the growth of renewable energy utilization in Nigeria. These policy issues when properly implemented may attract investors into Nigeria. Some of the hindrances to the full implementation of existing policy constitute the bane to renewable energy growth in Nigeria.

## 6. Recommendations

In light of the research questions raised and summary of findings, the following recommendations are made:

### a. Standard and Quality Legislation Reforms

In a bid to attract and encourage investment in renewable energy in Nigeria the government must put in place the necessary mechanisms that will aid renewable energy development and production in Nigeria. Some of the mechanisms include a legal framework on renewable energy. Some existing laws may also necessarily need amendment for the purpose of favoring the establishment and adoption of renewable energy especially for electricity production.

More so, to develop a legal framework for renewable energy in Nigeria and especially as it relates to wind energy, there is an array of laws and regulations that are applicable to the actualization of the development of renewable energy potentials in Nigeria. Such laws include the Land Use Act<sup>36</sup> and the Environmental Impact Assessment Act.<sup>37</sup> In attracting investors to realize the renewable energy master plan, the availability of land is of extreme importance. Section 1 of the Land Use Act<sup>38</sup> provide:

Subject to the provision of this act, all land comprised in the territories in each state in the federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.

Section 2(1) of the Land Use Act<sup>39</sup> provides:

As from the commencement of this Act:

(a) All land in urban areas shall be under the control and management of the Governor of each State, and

<sup>&</sup>lt;sup>36</sup> Cap 202, Laws of the Federation of Nigeria 1990

<sup>&</sup>lt;sup>37</sup> No 86, Laws of the Federation 1992.

<sup>&</sup>lt;sup>38</sup> Cap. L5 Laws of the Federation of Nigeria 2004

<sup>&</sup>lt;sup>39</sup> (n<sup>38</sup>)





(b) All other land shall, subject to this Act, be under the control and management of the Local Government, within the area of jurisdiction of which the land is situated.

The provisions of Section 1 and 2 makes it clear that land is held in trust for the citizens by the governor and the local authorities. As desirable as the provisions of this Act are, the problems associated with acquiring land and perfection of title to land is onerous. In any urban land transaction, the governor's consent must first be had and obtained as required in Section 22 of the Act<sup>40</sup> which states that:

It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer of possession, sublease or otherwise howsoever without the consent of the Governor first had and obtained.

This law therefore supposedly refers to the illegality of land transfers from one individual to another or corporate body to another. It also stipulates that the grant of consent to any land transaction is at the governor's prerogative which may take a long time. However, commercial and industry size turbines require large tract of land to accommodate wind farms. Also, when such areas required for renewable energy projects, such as wind farm, are such that are owned by individual, group or community, the process of transfer of ownership becomes long and at times cumbersome. It is suggested that a time frame be stipulated in the Act most especially when such land is to be used for renewable energy projects such as wind farm establishment. The period stipulated will be such as to ensure the governors ratify the title deed within the allotted time frame. Such preference needs to be given because energy generation from renewable sources is critical to the country's economic advancement. It is also crucial to the realization of making Nigeria one of the top twenty economies in the world. It is also imperative considering the fact that the whole world is seeking a way out from the effect of global warming. Therefore, the government must be ready to fast track the process of title perfection so as not to get investors discouraged.

Enforcement of standards and quality is important for economic development. This position is better appreciated with the wave of globalization which has expanded the hitherto existing market structure. It is now possible for renewable energy goods produced in Nigeria to be exported across borders and to compete with goods from other countries; there should be some level of compliance with international best practices. The government therefore has a responsibility to encourage utilization of national and international standards and regulations towards sustainability and global competitiveness especially in the ECOWAS sub-region. The following strategies will be apt in achieving this goal;

<sup>&</sup>lt;sup>40</sup> *Ibid*.





### b. Conduct Awareness Campaign, Encouragement and Promotion

To ensure proper enforcement and implementation of energy laws and policies requires to encourage the use of energy forms that are environmentally safe and sustainable, particularly solar energy.

Promoting and encouraging research for the development and use of various locally available energy sources especially non-conventional resources such as geothermal, solar, wind and other complex forms of hydrocarbons other than oil and coal.

Continuous public awareness and manpower development in the energy services sector. Also, sensitizing renewable energy operators on the existing standards and regulations and the benefits thereof. This will provide incentives that will encourage SMEs towards meeting National and International Standards for Competitiveness.

Ensure approval of appropriate fiscal measures to support the energy policy implementation plans.

Through information resources compile comprehensive, updated and accessible database (directory) on renewable energy in Nigeria and establish network of regularly updated and accessible business information centers to serve as one-stop information shops for renewable energy market.

#### c. Enforcement of Energy Master Plan

Formation and enforcement of an energy master plan from updated national energy portfolio by the respective institutions. This is because implementing a detailed Environmental Impact Assessment (EIA) on all planned energy projects backed by a detailed baseline ecological data against which subsequent environmental changes and/or impacts can be measured.

Developing a rational National Energy Utilization Master Plan that balances the need for conservation with the utilization of premium energy resources for premium socio-economic needs.

#### d. Synchronizing Cooperation's and Decentralization

The synchronizing cooperation and communication between the Energy Commission of Nigeria (ECN) and relevant government bodies/institutions in the energy sector. Decentralize energy planning and implementation to the state government level, while simultaneously ensuring consistency with NEP plans. Establish renewable energy friendly windows at all tiers of government that will facilitate easy access to standards and regulations. While also, aggressively pursue private sector participation in the energy sector.





Establish business support centers (BSCs) to provide training, mentoring, management and technical advisory and counselling on renewable energy and also to provide training for business development service providers (BDSPs) to supply affordable and relevant technical and advisory services.

# e. Tax Administration

Most persons in the private sector who with requisite technology, explore renewable energy sources and development technology for use, prefer to operate as an informal sector in the economy because of the tax system in Nigeria especially as it concerns Small and Medium Sized Enterprises (SMEs). It is therefore suggested that government should consider the following;

- i. Reducing the cost and time taken to process tax payments by operators
- ii. Streamlining the taxes paid by SMEs in order to reduce incidence of multiple taxation
- iii. Simplifying the tax administration system in order to make it more predictable, transparent and less cumbersome.

## f. Human Resource Development

The Policy agenda is to create a critical mass of entrepreneurial, managerial and technological skills for the growth and competitiveness of Nigeria's renewable energy sources. Towards this, government will pursue capacity building for swelling numbers of school leavers, University graduates and existing renewable energy operators. The objective of this is to:

- i. To ensure an effective provision of relevant educational and skills training for renewable energy sources by educational and training institutions;
- ii. To support the creation and expansion of opportunities for in-service and continuing education and training for renewable energy operators, managers and workers; and,
- iii. To create avenues and programmes for the nurturing and dissemination of special skills needed for the improvement of product range and quality, output and productivity of renewable energy.

For the government to effectively carry out this objective, the following strategy should be adopted:

- i. Establish special non-formal education and training courses and programmes for renewable energy operators, managers and workers;
- Promote and establish Business Support Centres (BSCs) in all the States and Local Government Areas (LGAs) in collaboration with State Governments, Business Membership Organisations (BMOs);
- Promote and establish Business information Centres (BICs) in all the Local Government Councils in collaboration with the Local Government (LG) authorities, and business communities and apex cooperatives;





- iv. Establish special Programmes for updating the skills and upgrading the technology and process of renewable energy to meet international standards;
- v. To conduct regular skills audit to identify skill gaps and measures to mitigate them;
- vi. Establish special programmes for updating the skills and upgrading the technology and processes of enterprises;
- vii. Design industry specific technical and management training modules to consider the needs of entrepreneurs in special target areas;
- viii. Set up special science, engineering and technology training centres for practical hands –on training for both existing and aspiring entrepreneurs and their managers on renewable energy sources;
- ix. Partners with Private Sector Organisations to implement cluster-based entrepreneurship training programmes; and,
- x. Strengthen existing vocational centres.