

Examining Nigeria's Institutional Response to Climate Change

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Abstract

Climate change impacts has not many options for nations of the world. The need to brace up to the daunting challenges posed by climate change: floods, drought, fires and more, require enduring institutions to address the menace and ameliorate the multidimensional impacts. Nigeria is particularly vulnerable to the impacts of changing climate which are already disrupting established norms. In the light of the realities, the need to set up enduring institutions that will drive efforts towards mitigation and adaptation and fulfill obligations under the Paris Agreement is cogent. The article examined the role of the federal, state and local government vis a vis: the institutions that were saddled with the responsibilities on climate change before enactment of the Climate Change Act 2021. It was discovered that the multiple institutions pre national climate change council were not optimum in discharge of their mandates due to overlapping functions, interagency rivalry, inability to effectively coordinate the multifarious sectors for mitigation and adaptation, but with the new Council as the highest body on climate change in Nigeria, it is a watershed in the history of the country's effort at addressing climate change.

Keywords: Challenges, Climate change, Institutions, Mitigation, Adaptation

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I. Introduction

According to the United Nations Framework Convention on Climate Change (UNFCCC), climate change is a change in the average weather condition of a place over an extended time period. It 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.¹ The Intergovernmental Panel on Climate Change (IPCC) defined climate change as any modification in the environmental condition over time, whether due to natural variability or as a result of human activity.

More precisely, climate change can be described as a prolonged shift in weather conditions characterised by fluctuation in temperature, precipitation, winds, and other indicators. Climate change phenomena can involve both changes in average conditions and changes in variability, including, for example, extreme and slow onset events.² The incidents of climate change happen because of natural occurrences and human intervention in the climate system. The human interference is of a higher propensity compared to natural occurrences like volcanoes, earth orbital change, solar variation and ocean currents.³ Man's tinkering with the climate system is traceable to the unsustainable development pattern that evolved from the 17th century, when man discovered and pursued better and higher standards of living through industrialisation and natural resource exploitation. To rescue the planet, it should not be development at all cost or at the cost of this only life sustaining planet earth.⁴

Climate change as a result of global warming has come to stay and its effects reverberates all over the world. From the impacts recorded all over the globe, it is evident that no nation or entity is immune from its devastating consequences. From unprecedented fires, to catastrophic hurricanes, typhoons, monsoons, devastating droughts and floods on different nations and people, reducing emissions to 1.5°C pre-industrial levels is sacrosanct. Africa generally and Nigeria particularly are highly vulnerable to climate change impacts even though it has been established that their contribution to the problem is minimal compared to the impacts they are faced with. Africa generally are natural resource- based economies that are already being impacted by climate change.

Already, agricultural yields are dwindling, poverty, hunger, malnutrition, diseases are on the rise, eroding the modest gains of the Millennium Development Goals (MDGs) and threatening the attainment of the Sustainable Development Goals (SDGs).⁵ As nations wind down on fossil fuel dependence, Nigeria needs to

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¹Article 1(2) United Nations Framework Convention on Climate Change 1992, https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf accessed 17 November 2022. Hunter D., Salzman J. and Zaelke D., *International Environmental Law and Policy*, Foundation Press, New York, 2002, 119

² <https://climateknowledgeportal.worldbank.org/overview> accessed 17 November 2022

³ L.D Guruswamy and B.R Hendricks, *International Environmental Law in a Nutshell*, West Group, 1997, p. 124

⁴ M.T. Okorodudu-Fubara, *Climate Change: Issues in Law and Governance*, Memorial Lecture in Honour of Honourable Justice Kayode Eso, Nigeria Network for Awareness and Action, 2013, 3

⁵ A.J Echendu, *Flooding, Food Security and the Sustainable Development Goals in Nigeria: An Assemblage and Systems Thinking Approach*. *Social Sciences*. (2022) 11(2):59. <https://doi.org/10.3390/socsci11020059> accessed 15 November 2022

seek alternatives for economic prosperity, reduce impact on her population. Mitigation and adaptation are the strategies aimed at reducing impacts, however, this can only be achieved through viable institutions that will increase adaptive capacities, reduce vulnerabilities and mitigate as required.

Thus, the country needs viable institutions to deal with the challenges and ameliorate the impacts through mitigation and adaptation. Therefore, the need for enduring institutions cannot be overemphasised as the challenges thrown up by climate change transcend the environment, but has in its kitty issues bordering on economy, social, cultural and political dimensions. In order to arrive at optimum solutions that will reduce vulnerability of the country and build resilience, the institutions concerned must be ready to synergise to combat a challenge common to all, howbeit varied in intensity and impacts. Due to the multi-dimensional nature of the problem and responses, it is an imperative to have a robust coordinating framework among the different sectors and stakeholders that will accommodate the different perspectives.¹

Strong institutions are required, but presently the institutional coordination is low especially in the developing and least developed nations, and are yet to grasp the realities of their mandate. Policy coherence and institutional coordination capacities is crucial for supporting Nigeria's efforts to successfully drive her climate policy² and implement them accordingly. The multi-dimensional nature of climate change makes it difficult for existing institutional structures to adapt to the climate realities.³

Before the enactment of the climate change Act in 2021, institutions related to the environment were at the center of coordinating climate change activities in the country, which made it difficult to adequately address the issues at stake. Even with the establishment of the National Council on climate change, there is need to build capacity among relevant stakeholders. Institutional capacity building is the long-term, continuing process that enhances the operating environment, knowledge, skills, and access to information required of an institution to perform its functions. It is a requirement that institutional stakeholders engaged in climate change adaptation equip their personnel to be able to develop and implement policies, programmes, projects and other measures related to climate change adaptation, all within a context of good governance.⁴

The National Council on Climate Change (NCCC), the Federal Ministry of Environment, National Environmental Standards and Regulation Enforcement Agency (NESREA), Nigeria Meteorological Agency (NIMET), National Emergency Management Agency, (NEMA) are frontline institutions on climate change issues in the country.

II. Role of Government in Addressing Climate Change in Nigeria

1. Federal Government of Nigeria (FGN)

Climate change issues have assumed top priority on the agenda of countries worldwide. The Federal Government, States and local government are the major actors whose roles in mitigation and adaptation to climate change cannot be underestimated. After much efforts, the FGN has assumed the leadership role of championing the cause of combating climate change and charting the path for other tiers of government by the enactment of the Climate Change Act (CCA) 2021. This will spur activities to achieve the goals of mitigation and adaptation especially as set out in the Nationally Determined Contribution (NDCs).⁵ The FGN is to ensure effective and coordinated approach to climate change adaptation by providing leadership, guidance, laws and regulations, information, and financial resources. It has overall responsibility for drawing up and implementing comprehensive, clear, and dynamic policy, legislative, and regulatory frameworks for climate change adaptation in the country.⁶

It is the responsibility of the FG to mainstream climate change mitigation and adaptation into all existing and new National Development Plans and official Vision statements (such as Nigeria Economic Growth and Recovery Plans and the Sustainable Development Goals (SDGS)), and into all existing and new sector specific policies and programmes. Response to global especially the Paris Agreement and regional initiatives on climate change mitigation and adaptation should be undertaken by the FGN. This will help the country to adopt policies and mechanisms that will aid compliance with international obligations and to align with regional positions.⁷

The federal government has shown leadership by assenting to the Climate Change Bill now Act 2021 and inauguration of the National Climate Change Council in order to have a coordinated approach to addressing issues of climate change within the country.

¹ P. Koblowsky and C.I Speranza, Institutional Challenges to Developing a Nigerian Climate Change Policy, 2010 Berlin Conference on the human dimensions of global environmental change: Social dimensions of environmental change and governance, 2010, 3. edocs. du-berlin.de https://boris.unibe.ch/69303/1/KoblowskyInstitutional_challenges_to_developing_a_nigerian climate policy accessed 30 September 2022

² Ibid.

³ Ibid

⁴ P. Koblowsky and C.I Speranza (n) 6

⁵ NDCs are the determined contributions pledged by each nation signatory to the Paris Convention to reduce their emissions according to their capacity.

⁶National strategic plan of action on climate change in Nigeria, NASPA-CCN, Federal Ministry of Environment, 2011, 53

⁷ Ibid.

2. Roles of States in Addressing Climate Change

States are pivotal to building resilience to climate change in the states, and local government areas look up to the states for necessary directions to actualise the goals of the state government in combating climate change. The states in Nigeria are divided along geopolitical zones and effects of climate change are evident on how the states are located. This implies that states within a geo-political zone have different climate change impacts peculiar to them, even though some are general to the country as a whole. The northern states of Nigeria are faced with the challenge of drought and encroaching deserts, while those in the south east are battling with gully and sheet erosion, states along the coastal line of the country are contending with the problem of sea level rise and coastal erosion, while the southwest and middle belt states are faced with challenges of flooding, though in recent years flooding has become an occurrence in almost all states of the federation as impacts of climate change intensify.¹ The diversity of impacts and challenges makes it difficult to have a blanket approach to the issues of climate change in Nigeria. State governments are to provide leadership to the local government. It is their responsibility to establish a focal Ministry or Agency with a mandate to lead and provide strong coordination for climate change adaptation activities across the State. States should be able to mainstream the climate agenda in their development programmes and projects which must necessarily align with FG policies and programmes on climate change. They should strengthen implementation of current policies and programmes that could reduce vulnerability to climate change by strengthening inter-ministerial and inter-agency coordination and cooperation in climate change mitigation and adaptation.

There is the obligation to undertake and support research and information collection related to climate change impacts and adaptation by encouraging climate research in the universities, data gathering and ready access to available information for strategic planning in all sectors. The state government is to protect and safeguard existing infrastructure and build new ones to reduce impacts of climate change. Also, they are to assist local governments in actualising their climate related goals and programmes. There has been a relatively rapid growth in the response and development of climate policies by local, regional and state governments throughout the world, especially within the OECD.² This is visible among major metropolitan centres, such as New York, London, Paris, Tokyo, and Seoul, and to a lesser extent among medium and smaller-sized cities and towns taking issues of climate change seriously. The range of actions includes savings in energy use, renewable energy resources, public transportation, infrastructure design, land use planning and zoning, and waste and green procurement programmes.³ In Nigeria the only state that has taken the issues of climate change with the seriousness it deserves is the Lagos state government.

The case of Lagos state is exemplary in the analysis of state's role and response in climate change mitigation and adaptation. Experts have estimated that 3.2 million Nigerians could be displaced from their homes by sea level rise, with over two million of these people living in Greater Lagos and other urban areas.⁴ Unique features of Lagos such as a high and rapidly increasing population, the flat topography, extensive coastal areas and a high water table, which in some areas of Lagos Island is less than 0.15m from the surface, are predisposing factors that further increase the state's vulnerability to climate change impacts.⁵ Other potential climate change impacts on Lagos State include salt-water intrusion into aquifers and other fresh water sources, destruction of infrastructure by floods and storm surges, and increase in the incidences of water-borne diseases, among others.⁶ The state is a rapidly growing city with population in the region of 16 million launched its first Lagos State Climate Change Summit in 2009. Lagos State is one of the C40 Large cities of climate leadership group comprising of forty cities under the Clinton Climate Initiative (CCI) launched in year 2006 by President Bill Clinton to implement and support programmes that can directly result in substantial GHGs emission reduction. The C40 initiatives has been able to liaise with the Lagos state government to develop her Climate Action Plan (CAP). The CAP is in tandem with the goals of the Paris Agreement on climate change and in most importantly to achieve emission reduction target for mitigation and limit global temperature rise to 1.5°C.⁷ The CAP also aims to enhance the resilience of Lagos's population, economy and infrastructure to the impacts of climate

¹ A.J. Echendu, 'Flooding in Nigeria and Ghana: Opportunities for partnerships in disaster-risk reduction.' *Sustainability: Science, Practice and Policy* 18: 1–15 accessed 13 November 2022. The flooding that occurred in Nigeria in 2012 in comparison with the flooding ten years after in 2022, is obviously child's play: 33 of 36 states affected with severe flooding, loss of over 600 lives https://www.acaps.org/sites/acaps/files/products/files/20222110_acaps_rapid_analysis_team_nigeria_flooding.pdf accessed 13 November 2022, compared to 363 lives lost in 2012, O. Agbonkhese, O.E. Agbonkhese, E. Aka, Joseph Abaya, Mamudu Ocholi and Adebayo Adekunle, 'Flood Menace in Nigeria, Impacts, Remedial and Management Strategies' https://www.researchgate.net/publication/312458086_Flood_menace_in_Nigeria_impacts_remedial_and_management_strategies accessed 13 November 2022

² J. Corfee-Morlot, Jan, L. Kamal-Chaoui, Michael, G. Donovan, I. Cochran, A. Robert and T. Pierre-Jonathan, "Cities, Climate Change and Multilevel Governance", *OECD Environmental Working Papers N° 14*, 2009, OECD publishing, © OECD, 30

³ Ibid

⁴ M. Simire, Climate Change Policy for Lagos, <http://dailyindependentnig.com/2014/01/climate-change-policy-lagos/> accessed 4 March 2017

⁵ Ibid

⁶ Ibid

⁷ Ministry of Environment and Water Resources, Lagos Climate Action Plan, Second Action Plan 2020-2025

change.¹

3. Roles of Local Government in Addressing Climate Change

Given its scope and speed, climate change can now only be addressed effectively at high level, through national or international policy-making and large-scale financial investments in implementation and enforcement. While global commitment and co-operation are paramount, sustained local actions initiated and co-ordinated by local governments are necessary for successfully addressing climate issues.² Local government lessens the burden of responsibilities and functions performed by the higher levels of government in such a way that the needs of each locality within the federating units are given special attention.³ In addition, the need for social change, taking care of diversity and to pay adequate attention to functions and services that are local in nature constitute an effective means of addressing mitigation and adaptation issues at the grass root level. The need to involve communities is paramount in the mitigation and adaptation process. The bottom-up approach of community participation in developing and implementing policies and strategies to combat climate change remains a viable tool to the success of whatever options the government is going to adopt. This is an imperative which will largely be achieved through the local governments which are closest to the communities. They are supposed to be the first in line for emergency situations and provide adequate information to the locals.

Local Governments are in the best position to provide local leadership in support of community-based climate change adaptation, including communications and outreach to build stakeholder understanding and participation in adaptation. They are to provide leadership for communities in their jurisdiction in actualising their climate goals and implementing federal and state government goals on integrated water management, land use plans, forest and forest resource management, solid waste and sewage disposal, surface and groundwater protection from contamination, and many more.

It is however alarming that local government administration in Nigeria is only existing on paper (Constitution) it has almost gone comatose. Of course, there were debates at some point either to abolish the local government authorities or to keep them.⁴ LG in Nigeria have their functions listed out in the fourth schedule to the 1999 CFRN, these constitutional roles can best be termed inadequate to meet with the present realities on ground. Although listed in their roles are functions that need to be expanded as a reason of climate change and the need to adapt to the emerging threats. Such relevant functions include construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State.⁵ The development of agriculture and natural resources, other than the exploitation of minerals, the provision and maintenance of health services;⁶ and such other functions as may be conferred on a local government council by the House of Assembly of the State.⁷ The States Houses of Assembly will need to get their acts together and expand the scope of local government through legislation in order to be able to prepare for the multi sectoral impacts and response to climate change exigencies. However, this can only be achieved when states wake up to address climate change in an encompassing manner.

Local government despite its perceived inefficiencies has crucial roles to play in the sustainable development efforts, mitigation and adaptation efforts of the FGN on climate change and the actualisation of the NDCs. Climate change impacts are felt locally, thus adapting to climate change will also require a wide variety of local responses. As with climate mitigation, adaptation may be guided through nationally led mandates, but its implementation will be inevitably local in character.⁸ They have the potential to undertake urban planning and settlement design, regulate activities with environmental effects, manage local roads and fund passenger transport services, collect and dispose waste, and promote waste management, administer building regulations facilitate economic development. They can manage natural hazards, add to biomass by promoting biodiversity conservation, manage reserves and open spaces, and promote soil conservation.⁹

Moreover, LG can act as catalyst to fast track the agricultural agenda and reduce rural urban migration.

¹ Ibid.

²A. Deri and M. Alam, 'Local Governments and Climate Change' (Ed.) Frankson, J.R. In Commonwealth Secretariat Discussion Paper, No. 2, United Kingdom, 2008 p. 1

³ D.A. Alao, K.O. Osakede and T.Y. Owolabi, 'Challenges of Local Government Administration in Nigeria: Lessons from Comparative Analysis,' *International Journal of Development and Economic Sustainability*, (2015) 3(4) 61-79, August 2015, 64

⁴ Since the return to democratic rule in Nigeria in 1999, local government administration has not fared well. Many states fail to conduct election into local council, but rather appoint their stooges as caretaker committees to steer the affairs of the council. This anomaly has gone on for too long and should be addressed; in order for the grassroot to have a quick response system that will fast track climate actions.

⁵ 1F, fourth schedule 1999 CFRN

⁶2b-c, ibid

⁷ 2d, ibid

⁸J. Corfee-Morlot, L. Kamal-Chaoui, M. G. Donovan, I. Cochran, A. Robert and Pierre-Jonathan Teasdale (2009), 'Cities, Climate Change and Multilevel Governance', *OECD Environmental Working Papers N° 14*, 2009, OECD publishing, 25

⁹ P. Hodgson, 'Role of Local Government', Ministerial Group on Climate Change, Climate Change III <https://environment.govt.nz/assets/Publications/pol-02-73.pdf> accessed 15 October 2022

Since it has been established that agriculture will play a key role in Nigeria's economic diversification policy, it will be catastrophic not to fully engage the local government that are closest to the people and the farmlands. Some of the challenges facing LG councils that needed to be addressed in order to be repositioned for greater responsibilities in the area of climate change mitigation and adaptation include corruption, lack of autonomy, inadequate and poor budgetary allocation, leadership problems, lack of basic amenities and largely unskilled personnel.¹

Largely, LG areas in Nigeria have been performing below expectations of their constitutional functions, due to overbearing posture of the state governments.² Yet, there will be added responsibilities to accommodate climate change. In a LG system with endemic corruption, how will climate funds fare in the hands of unaccountable political office holders and members of staff? Fighting corruption in all tiers of government of the Nigerian state is a herculean task, all the same, the pursuit of mitigation and adaptation strategies to climate change calls for accountable and transparent institutions.

III. PRE -NATIONAL CLIMATE CHANGE COUNCIL ERA

1. National Council on the Environment

The National Council on Environment (NCE) was the highest level of policy making body on the environment. It was established to provide forum for interaction and harmonization of environmental management across the nation.³ The NCE meets annually to review the state of the environment; exchange ideas, harmonize and adopt appropriate policies to address specific environmental challenges in Nigeria. The Council comprised environmental stakeholders such as Ministries/ Departments/ Agencies (MDAs), Civil Society Organisations (CSOs), private sector, development partners, academia and individuals interested in environmental issues.

The Council dealt with environmental concerns such as: securing a quality environment conducive for good health and well-being of fauna and flora, restoring and maintaining the ecosystem, ecological process and preserve biodiversity. Raising public awareness and promoting understanding of linkages of the environment, cooperating with relevant Ministries/ Departments/ Agencies, the private sector, civil society organisations, and international organizations on environmental matters bordering on: Forestry, Drought and Desertification Control; Pollution Control and Environmental Health; Flood, Erosion and Coastal Zone Management; Environmental Impact Assessment and Compliance Issues, Climate Change and Renewable Energy.

2. Federal Ministry of Environment

The federal ministry of environment was the key ministry with the overarching responsibilities on climate change through the department of climate change.

A. Department of Climate Change

The Department of climate change was established under the Federal Ministry of Environment. The department was set up towards the co-ordination of activities for national implementation of the UNFCCC and the KP. The unit works in collaboration with other relevant government organisations, academia and private sector. The department was saddled with the responsibility of articulating the country's annual national inventory of GHG emissions and assessment of mitigation options. Assessment of the country's vulnerability and adaptation to the impacts of climate change, undertake studies and research in the science of climate change. The unit also coordinate management of data base for inventory, vulnerability and adaptation assessment, education and public awareness programme, development of information sharing systems through the establishment of a national climate change website. The unit serves as Designated National Authority for implementation of Clean Development Mechanism (CDM). The country is represented by the unit in UNFCCC and Kyoto Protocol processes especially in further negotiations towards elaborating issues of implementation within the UNFCCC and KP. It also collaborates with National Linkage Centre on Climate change and Freshwater Resources at Federal University of Technology, Minna, Niger State in areas of training, research and data gathering on climate change.⁴ The unit also acted as the country's focal point for bilateral and multilateral collaborations on climate matters and provides leadership by establishing the right environment for the citizens to adapt, support quality research, education and awareness efforts, enforcing industry regulations that will guide businesses and communities in adapting and mitigating climate change, while providing national policy direction in combating Climate Change.⁵

The department under the CCA 2021 continues to be in charge of preparing the national policy and strategies on climate change subject to approval of the Federal Executive Council.

¹S. Bolatito and I. Siddig Balal, 'Challenges of Local Government Administration in Nigeria: An Appraisal of the Nigerian Experience', *International Journal of Science and Research (IJSR)*, (2014) 3(7) Jul ISSN (Online): 2319-7064, 565-566

² Alao et.al, supra n. 22

³Federal Government of Nigeria: Transforming the Nigerian Environment, 8th National Council on Environment Report, 2011

⁴ <http://www.climatechange.gov.ng/index.php/component/content/article/92-all-articles/98-what-we-do>

⁵ <http://climatechange.gov.ng/accessed> 13/10/2022

B. The Special Climate Change Unit

Nigeria created a Special Climate Change Unit (SCCU) within the Federal Ministry of Environment with the Secretariat in Abuja, Nigeria. The Unit is created to implement the Convention and the protocol activities.¹ The SCC Unit also has responsibility of coordinating the activities of the Inter-ministerial Committee on Climate Change.

3. Inter-Ministerial Coordinating Committee on Climate Change

The Inter-ministerial Committee on Climate Change served as the policy advisory organ for government under the chairmanship of the Federal Ministry of Environment. The Committee met on quarterly basis and when need arises on ad- hoc basis to review policies on climate change and advice government on appropriate action and to advance Nigeria's position at meetings where climate change issues are being discussed or negotiated. The committee had representation from the ministries of finance, agriculture, water resources, energy commission, Nigeria National Petroleum Corporation (NNPC), Foreign Affairs, Nigerian Meteorological Agency (NIMET), industry, NGOs, Nigerian Environmental Study/Action Team (NEST), and Academic (Centre for Climate Change and Fresh Water Resources, Federal University of Technology Minna; Centre for Energy, Research and Development, Obafemi Awolowo University Ile-Ife; Abubakar Tafawa Balewa University, Bauchi. There is also a Presidential Implementation Committee on CDM in the Presidency.²

4. National Environmental Standards Regulation and Enforcement Agency (NESREA)³

NESREA is the agency saddled with the responsibility of regulating the environment at the federal level. Section seven of the Act provided for functions of the Agency which include to enforce compliance with laws, guidelines, policies and standards on environmental matters, coordinate⁴ and liaise with stakeholders, within and outside Nigeria, on matters of environmental standards, regulations and enforcement. The Agency will enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment, including climate change, biodiversity, conservation, desertification, forestry, oil and gas, chemicals, hazardous wastes, ozone depletion, marine and wild life, pollution, sanitation and such other environmental agreements as may from time to time come into force⁵

It will also enforce compliance with policies, standards, legislation and guidelines on water quality, environmental health and sanitation, including pollution abatement;⁶ enforce compliance with guidelines and legislations on sustainable management of the ecosystem, biodiversity conservation and the development of Nigeria's natural resources.⁷ Some of the other functions of the Agency include enforcing compliance with any legislation on sound chemical management, safe use of pesticides and disposal of spent packages,⁸ enforce compliance with regulations on the importation, exportation, production, distribution, storage, sale, use, handling and disposal of hazardous chemicals and waste other than in the oil and gas sector⁹ and to enforce through compliance monitoring, the environmental regulations and standards on noise, air, land, seas, oceans and other water bodies other than in the oil and gas sector.¹⁰

The Agency may make regulations setting specifications and standards to protect and enhance the quality of Nigeria's air. This to promote the public health or welfare, and the natural development and productive capacity of the nations' human, animal, marine or plant life¹¹ In particular to promote minimum essential air quality standards for human, animal, marine or plant health; the control of concentration of substances in the air which separately or in combination are likely to result in damage or deterioration of property or of human, animal, marine or plant health. The most appropriate means to prevent and combat various atmospheric pollution; control of atmospheric pollution originating from energy sources, including that produced by aircraft and other self-propelled vehicles, industries, factories and power generating situations or facilities; standards applicable to emissions from any new mobile or stationary source which in the Agency's judgment causes or contributes to air pollution which may reasonably be anticipated to endanger public health or welfare; and the use of appropriate means to reduce emission to permissible levels.¹² The Agency may establish monitoring stations or network to

¹E. Oladipo, 'Towards Enhancing the Adaptive Capacity of Nigeria: A Review of the Country's State of Preparedness for Climate Change Adaptation', Report submitted to Heinrich Boll Foundation Nigeria, 2010, p.29

² Ibid

³ Cap N27, LFN 2007

⁴ Section 7(a)

⁵ Section 7(c)

⁶ Section 7(d)

⁷ Section 7(e)

⁸ Section 7(f)

⁹ Section 7(g)

¹⁰ Section 7(h)

¹¹ Section 20

¹² NESREA Act, Section 20 (a-f)

locate sources of atmospheric pollution and determine their actual or potential danger.

The Agency may make regulations, guidelines and standards for the protection and enhancement of the quality of land resources, natural watershed, coastal zone, dams and reservoirs including prevention of flood and erosion, to serve the purpose of this Act.¹In order to safeguard and enhance the quality of the nation's land resources and watershed quality, coastal zones, dams and reservoirs including prevention of flood and erosion, to serve the purpose of this Act the Minister of the environment made regulations for the regulation of the watershed, mountainous, hilly and catchment areas. Regulations made pursuant to the section include: National Environmental (Watershed, Mountainous, Hilly and Catchment Areas) Regulation 2009, soil erosion and flood control, coastal and marine protection, National Environmental (Coastal and marine Area Protection) Regulation 2010 No18. These regulations are capable of reducing exposure to climate change impacts if adhered to.

Submission is also made to the minister for approval of proposals for the evolution and review of existing guidelines, regulations and standards on environment in the different sectors spanning atmospheric protection, air quality, ozone depleting substances, noise control, effluent limitations, water quality, waste management and environmental sanitation, erosion and flood control, coastal zone management, dams and reservoirs, watershed, deforestation and bush burning, other forms of pollution and sanitation, and control of hazardous substances and removal control.²

5. Nigeria Meteorological Agency (NIMET)

NIMET was established by the Nigeria Meteorological Agency (Establishment ETC) Act.³ The functions of the Agency as outlined in part III, section seven of the Act. The provisions NIMET Act relevant to climate mitigation and adaptation strategies include section 7(d) promotion of services of meteorology in agricultural, drought and desertification activities⁴ and provide meteorological services in operational hydrology and water resources activities.⁵ It is also to provide weather services in marine, environmental pollution and bio-meteorology for climatic and human health activities.⁶

The mandate to train, conduct and undertake research particularly in the field of tropical, agricultural, hydro and marine meteorology and other related areas of meteorology⁷ rests on the agency. It also requires the Agency to prescribe the climatic requirements for all sectoral activities including aviation, defence, finance, agriculture, construction works, environment, industries, marine, natural disaster and relief management, water resources, power and steel, transport, science and technology.⁸ With the functions bestowed on NIMET, it is apt to recognize its pivotal role in mitigation, but much more significantly for adaptation to challenges of climate change.

The core sectors of the country that will be impacted have been identified and the Agency has unquantifiable roles to play in ensuring accurate data collection and dissemination for the stability of the nation as it faces the daunting social, economic, cultural and political challenges posed by climate change. It is however saddening that despite forecasts and warnings of floods by NIMET, not many states took preventive or precautionary actions to reduce the impacts as it has played out in more than twenty states of the federation including the federal capital territory.⁹

6. National Emergency Management Agency (NEMA)

NEMA was established by National Emergency Management Agency Establishment Etc Act¹⁰ Disaster response has become a highly critical area of need for the country, not because there is no emergency management system on ground, but the need for a more proactive, adequately funded, well structured, widespread with grassroot presence cannot be over-emphasised. Reasons are not farfetched, emerging climate change impacts are multipliers of the traditional roles of NEMA due to increased frequency, magnitude and intensity of natural disasters embroiled with the fury of climate change. The daunting tasks ahead of NEMA has been exemplified by the recent floods that ravaged the country.¹¹

¹ Ibid, Section 26 (1)

² Section 8 (k) (i-xiv)

³ Nigeria Meteorological (Establishment ETC) Agency Act, CAP N152, 2003

⁴ NIMET Act 7(d)

⁵ Ibid, 7(e)

⁶ Ibid, 7(f)

⁷ Ibid, 7(m)

⁸ Ibid, 7(2)

⁹ Tunde Oguntola, 2022 Flood: 603 dead, 1.3 million Displaced- Federal Government, <https://leadership.ng/2022-flood-603-dead-1.3m-displaced-across-nigeria-federal-govt> accessed 16 November 2022, Timothy Obiezu, Nigerian floods kill more than 600 hundred slows shipment of essentials, <https://www.voanews.com/a/nigerian-floods-kill-over-600-slows-shipments-of-essentials-6795838.html> accessed 16 November 2022

¹⁰ National Emergency Management Agency Establishment Etc Act, 1999

¹¹ NEMA, <https://nema.gov.ng/nema-commences-airlifting-of-relief-materials-for-flood-victims-in-bayelsa-in-collaboration-with-nigerian-air-force-naf/> accessed 16 November 2022. NEMA had to collaborate with the Airforce in order to access hard hit areas of Bayelsa state in

NEMA is tasked with the responsibility of formulating policy on all activities relating to disaster management in Nigeria and co-ordination of the plans and programmes for efficient and effective response to disasters at national level;¹ monitor the state of preparedness of all organisation or agencies which may contribute to disaster management in Nigeria;² co-ordinate and facilitate the provision of necessary resources for search and rescue and other types of disaster curtailment activities in response to distress call;³ collate data from relevant agencies so as to enhance forecasting, planning and field operation of disaster management;⁴ educate and inform the public on disaster prevention and control measures.⁵

It is also saddled with the responsibility of distributing emergency relief materials to victims of natural or other disasters and assist in the rehabilitation of the victims where necessary and liaise with State Emergency Management Committees established under section 8 of this Act. This will help them to assess and monitor, where necessary, the distribution of relief materials to disaster victims.⁶ The need for the states to organize the local government emergency agencies as first responders at the most critical and disaster prone rural areas are also important. The need for the LG counterpart is now sought to be incorporated into the NEMA Act amendment that has scaled second reading in the House of Representatives.⁷ The incorporation of the LG in disaster management is a projection of the concept of cooperative federalism in environmental management and will go a long way to aid the nation's activities on climate change,⁸ since its closest to disaster areas as first responders.

Section 6(m) mandates the Agency to liaise with the United Nations Disaster Reduction Organisation or such other international bodies for the reduction of natural and other disaster. "Natural or other disasters" include any disaster arising from any crisis, epidemic, drought, flood, earthquake, storm, train, roads, aircraft, oil spillage or other accidents and mass deportation or repatriation of Nigerians from any other country. The NEMA Act did not mention climate change impact response activities as part of its functions, however, manifestation of climate change in form of natural disaster resulting from extreme weather events that have been itemized in the general clause "natural or other disasters" and will be deemed to have covered the impacts of climate change by necessary implication.

Furthermore, section 8 made provision for the establishment of a State Emergency Management Committee for each State of the Federation, and spelt out the functions of the State Committee to include to notify the Agency of any natural or other disasters occurring in the State.⁹ Functions include response to any disaster within the State and may seek assistance from the Agency if it deems fit in each circumstance;¹⁰ and carry out disaster management activities in the State as may, from time to time, be recommended by the Agency.¹¹ The climate change dimension to NEMA functions will require an Agency that is ever ready and climate change compliant. In this wise, the interdependence and need for collaborative efforts for the common good of all comes to play. The NIMET, NEMA, SEMA at the state level and LEMA at the local government level is paramount for response especially in disaster times like flooding, are critical agencies that must work assiduously together to ensure minimal loss of lives and properties in the face of emerging climate challenges in the country.

IV. The National Council on Climate Change

The National Climate Change Council (The Council)¹² is now the highest decision-making body on climate change in Nigeria, established by the. Section 3 of the Act vests on the Council all powers to make policies and decisions on climate change in Nigeria, thereby divesting the federal ministry of environment the powers of making policies and decisions on climate change which was formerly resident in the ministry. The Council membership consists of the president as the chairman, the vice president as vice chairman, the ministers responsible for: environment, petroleum resources, budget and national planning, justice, mines and steel development, finance, agriculture and rural development, power, women affairs, transportation, security, water

order to distribute needed relief materials by aircrafts. Funding is critical for NEMA to be able to actualise their mandate of speedy and effective response to disaster as climate impacts intensify.

¹ NEMA Act, Section 6 (a)

² Ibid, 6 (c)

³ Ibid., 6 (f)

⁴ Ibid.

⁵ Ibid. 6 (e)

⁶ Ibid. 6 (k)

⁷ Bill to Amend NEMA Act Passes Second Reading, <https://www.vanguardngr.com/2017/07/bill-amend-nema-act-passes-second-reading/posted> 5 July 2017 accessed 12 October 2022. It is however evident that the amendment bill has not been passed to law

⁸ O.G Amokaye, Environmental Pollution and Challenges of Environmental Governance in Nigeria. British Journal of Arts and Social Sciences, ISSN: 2046-9578, Vol.10 No 1 (2012). Cooperative federalism refers to cooperation among all the tiers of government in the implementation of environmental laws and policies affecting the citizens.

⁹ Section 9a

¹⁰ Section 9b

¹¹ Section 9c

¹² National Climate Change Act 2021

resources, governor of the central bank of Nigeria, national security adviser, chairman of Nigeria's governors forum, president association of local government, representative of private sector on climate change or environment related matters, of women, youth and people with disabilities, members of environment related civil society organisations to be appointed by the president on the recommendation of the minister of environment and the Director General of the national council on climate change who shall be the secretary.¹ The membership is all encompassing and functions of the Council spelt out in section four of the Act.

The Council will coordinate the implementation of sectoral targets and guidelines for the regulation of GHG emissions and other anthropogenic causes of climate change; approve and oversee the implementation of the Action Plan; administer the Climate Change Fund established under Act; ensure the mainstreaming of climate change into the national development plans and programmes; formulate policies and programmes on climate change to serve as the basis for climate change planning, research, monitoring, and development; formulate guidelines for determining vulnerability to climate change impact and adaptation assessment, and facilitate the provision of technical assistance for their implementation and monitoring; recommend legislative, policy, appropriation, and other measures for climate change adaptation, mitigation, and other related activities; mobilise financial resources to support climate change actions; collaborate with the Federal Inland Revenue Service to develop a mechanism for carbon tax in Nigeria; 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; review international agreements related to climate change and make the necessary recommendation for ratification and compliance by the government on matters pertaining thereto.

It is required to disseminate information on climate change, local vulnerabilities and risk, relevant laws and protocols, and adaptation and mitigation measures; advice and recommend on technical, scientific, and legal matters relating to climate change, in accordance with the provisions of this Act; acquire, hold, or dispose of any property, whether movable or immovable, for the purposes of performing its functions; 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 Act; collaborate with the Nigeria Sovereign Green Bond in meeting Nigeria's Nationally Determined Contributions (NDCs); and perform such other functions necessary for the fulfilment of the objectives of the Act.²

VI. CONCLUSION

Climate change is no child's play; sea level rise, floods, drought, the multiplier effects on lives and livelihoods and the dangers it portends for development and actualisation of the SDGs are critical to addressing the challenges through mitigation and adaptation. From the foregoing, it is clear that climate change has come to stay, and will continue to affect every sphere of human existence. It is apparent that to adequately deal with the issues of climate change, it requires a multi-level government approach galvanised by enduring, transparent and accountable institutions.

The institutions charged with the responsibilities of implementing the climate change policies before the Climate Change Act were not able to adequately address the challenges in an encompassing manner due to interagency rivalries and absence of clear-cut mandate for the different agencies due to overlapping functions. With the establishment of the National Climate Change Council as the highest body on climate change in Nigeria, it will help to actualise the overall goal of reducing the country's exposure to climate change multidimensional impacts. Therefore, the government from the national, states and local, and relevant stakeholders must collaborate and build alliances in order to mitigate and adapt to climate change and reduce vulnerabilities. The local government must essentially be enabled under the Constitution to address the issues of climate change in order to give leadership at the grassroots.

Also, in order for the country to actualise her Paris Agreement commitments, it must ardently pursue the implementation of her NDCs through enduring institutions that are well grounded and continue to increase her NDC targets as stipulated under the Agreement.

The Nigerian government has towed the path achieving by enacting the CCA 2021 and the inauguration of the NCCC by the President on 28 September 2022. It marks a watershed in the history of climate change governance in Nigeria. It remains to be seen how Nigeria will fare under the Council in mitigating and adapting to climate change and fulfilling obligations under international and regional agreements.

¹ Section 5(1) (a-u), *ibid*

² Section 4(a)-(q)