

HB. 22

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL CLIMATE CHANGE COMMISSION
AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by HON. BALA ISN NA'ALLAH

*I*Commence-
ment.

ENACTED BY THE National Assembly of the Federal Republic of Nigeria—

1 1.—(1) There is established a body to be **known** as National Climate
2 Change Commission (**in this** Act referred to as "The Commission") which
3 shall be a body corporate **with** perpetual succession which can sue and be sued
4 **in.** its corporate name and subject to this Act, perform all acts as conferred by
5 this Act.

Establishment
of the
Commission.

6 (2) The Head Office of **the** Commission shall be in Abuja with a Zonal
7 office located in each of the 6 geo-political zones.

Head Office
of the
Commission.

8 2. The Commission shall consist of **the** President of the Federal Republic
9 as chairman, and **in the** absence of the President, such other person as may be
10 designated by him in that behalf to act as chairman and **the** following other
11 members, **that** is —

Membership
of the
Commission

12 (a) the Ministers charged with responsibility for the following matters
13 **that,** is — ■

- 14 (i) energy (power and steel, gas and petroleum),
15 (ii) science and technology,
16 (iii) environment, housing and urban development,
17 (iv) water resources, agriculture and rural development,
18 (v) justice,
19 (vi) foreign affairs,
20 (vii) finance,
21 (viii) health;

22 (b) **the** Executive Secretary of the Commission shall be the administrative
23 and Accounting officer of the Commission. " .

Membership of the Technical Advisory Committee.	1	3.—(1) There shall be established a technical arm of the Commission to
	2	be known as the Technical Advisory Committee which shall consist of the
	3	Executive Secretary of the Commission as Chairman.
Tenure of Office.	4	(2) The other members of the committee who shall be appointed by the
	5	President shall be professionals representing the following Ministries,
	6	Government Agencies or Professional Organisations, that is to say —
		(a) Nigerian Institute of Geological and Mining Research;
		(b) Nigerian Institute of Oceanography;
		(c) Nigerian Metrological Agency (NIMET);
	1	(d) Nigerian Communications Commission;
	0	(e) Nigerian Electricity Regulatory Commission (MERC);
		(f) Nigerian Atomic Energy Commission;
	13	(g) Nigerian Academy of Sciences;
	14	(h) Representative of Civil Society /Non-Governmental Organization (NGO);
	15	(i) National Planning Commission;
		(j) Power Holding Company of Nigeria (PHCN);
	17	(k) Manufacturers Association of Nigeria;
	18	(l) Federal Ministry of Environment Housing and Urban Development;
	39	(m) Energy Commission of Nigeria;
	20	(n) Nigerian Society of Engineers;
	21	
		(p) Nigerian National Petroleum Corporation;
	22	(p) Aviation and Transport;
	23	(q) Federal Ministry of Health ;
	24	(r) Foreign Affairs;
	25	(s) Federal Ministry of Finance;
	26	(o) Federal Ministry of Education;
	27	(a) and two other persons to be appointed the President.
	28	(3) The Committee may co-opt, when necessary, any suitable Nigerian
	29	whose contributions may be needed by the Committee.
	30	4. The Executive Secretary shall hold office for a term of 4 years and
	31	may be re-appointed for a further term of 4 years and no more.

- 1 (d) establish programmes for the prevention, reduction and **elimination** of
2 **greenhouse** gases **in** the nation's air, land and inter-state waters as well as
3 national programmes for restoration and enhancement of the **environment**;
- 4 (e) utilize and promote expansion of research, experiments, surveys and
5 studies by public and private agencies, institutions and organizations
6 concerning causes, effects, extent, prevention, reduction and elimination of
7 green house gases and such other related environmental protection as the
8 **commission** may deem expedient;
- 9 (i) serve as **centre** for gathering and dissemination of **information** relating
10 to national policy on climate change its effects and mitigation;
- 11 (g) serve as centre for solving any inter-related problem that may arise **in**
12 **the** implementation of any policy, strategy or guideline relating to climate
13 change, develop strategy, master plan, programme for combating climate
14 **change**;
- 15 (h) coordinate all institutional and voluntary actions and programmes of
16 reducing green house gases and taking inventory of green house gases;
- 17 **(i)undertake the** implementation and ensuring national compliance with
18 **all commitments** under the United Nations Framework Convention on Climate
19 **Change** (UNFCCC), Kyoto Protocol, Marakesh Accords and all **other** related
20 international agreements on climate change;
- 21 (j) prepare after consultation with such relevant agencies of government
22 and private sector, periodic master plan for balanced and coordinated
23 development of actions to adapt to climate change;
- 24 (k) make recommendation for **the** exploiting of other renewable sources
25 of energy as and when necessary;
- 26 (l) monitor the **performance of the** energy use **in the industrial**, agricultural,
27 land, water, transport and aviation sectors to ensure stabilization of green
28 house gases and reduce emission level; .
- 29 (m) promote training and manpower development in climate change related
30 matters;
- 51 (n) carry out such **other functions** as conducive, necessary and expedient

1 to the discharge of its function under this Act or as may be directed from
2 time to time by the president;

3 (o) act as Designated National Authority (DNA) for the purpose of
4 implementation of **the** Kyoto Protocol financial mechanisms. For the time
5 being, tend any other Post-Kyoto Mechanisms in pursuant to that, it shall
6 have the powers to:

7 (i) make and set out criteria in accordance to national laws for the
8 implementation of the Clean Development Mechanism (CDM),

9 (ii) evaluate and assess applications for CDM projects and grant
10 necessary approvals.

11 (iii) liaise with **the** United Nations Framework Convention on Climate
12 Change UNFCCC Secretariat on verification, validation and registration
13 of CDM projects in Nigeria,

14 (iv) make rules, guidelines and set procedures for the development of
15 a carbon trading mechanism in the country assist in marketing and
15 promoting CDM project and establishing market structures that will
16 encourage the evolvement of a carbon market,

17 (v) public awareness of Clean Development Mechanism (CDM);

18 (p) the powers conferred on the Commission may be exercised by it or
19 through any of its employees or agents authorised in that behalf by the
20 Commission;
21 Commission;

22 (q) the Commission shall not be subject to the direction, control or
23 supervision by any other authority or person in the performance of its functions
94 under this Act other than the President.

25 8.—(1)The Commission shall, from time to time, appoint such other Staff and
26 persons as members of staff of the Commission as it may deem necessary, to Pension
27 assist the agency in the performance of its functions under this act. Matters,

28 (2) Appointment of staff in the junior cadre, i.e. level01-06, shall be
29 made by the Executive-Secretary, while appointment in the senior cadre, i.e.
30 level 07-17 shall be made with the ratification and approval of the Commission.

31 (3) The members of staff of the Commission appointed under subsection (3) of

1 **this** section shall be appointed on such terms and conditions of service (including
2 remuneration, allowances/benefits, pensions) as determined by the President.

3 (4) Promotion of staff in the junior cadre shall be as recommended by the
4 Junior Staff **Committee** to the Executive Secretary for ratification and approval.

5 (5) Promotion of staff in the senior cadre shall be as recommended by **the**
6 Senior Staff Committee to the Commission for ratification and approval.

Pension Act No.
2, of 2004.

7 (6) Service in **the Commission** shall be approved service for the purposes
8 of the Pension Reform Act and, accordingly, officers and other persons **employed**
9 in the Commission shall be entitled to pensions, and other retirement benefits
10 as are prescribed **thereunder**.

11 (7) Notwithstanding the provisions of subsection (1) of this section, the
12 Commission may appoint a person to any office on terms, which preclude the
13 grant of a pension, or other retirement benefits in respect of that office.

14 (8) For the purpose of **the** Pension Reform Act, any power exercisable
15 **thereunder** by a Minister or other authority of the **Government** of the Federation,
16 **other than the** power to make regulations under Section 18 thereof, is hereby
17 vested in and shall be exercised by the Commission and not by any other person

Funds of the
Commission.

18 9.—(1) **The Commission shall** establish and maintain a fund into which all
20 the monies accruable to the Commission shall be paid and from which all the
21 activities of the Commission shall be funded.

22 (2) There shall be paid and credited to the Fund:

23 (a) from the Federal Government, the equivalent of 2 percent of the
Consolidated Revenue Fund:

25

26 **to** the states affected by climate change; (c) Donations, gifts and grants from
governments.

18 or authority.

19

27

28 (3) The funds of the Commission shall be disbursed according to the
29 approved formula.

30 (4) The Commission shall cause the accounts of the Commission to be
31 audited quarterly and shall be externally audited once every year.

- 1 10.—(1)The Auditor-General for the Federation **shall**— Audit.
- 2 **(a)** inspect and audit the accounts and records of financial transaction of
- 3 the Commission;
- 4 **(b)** inspect records relating to assets of the Commission; and
- 5 **(c)** draw the attention of the Executive Secretary to any irregularity
- 6 disclosed by the inspection and audit.
- 7 (2) The Auditor-General may dispense with all or any part of detailed
- 8 inspection and audit of any account or record referred to in Subsection (1).
- 9 (3) The Auditor-General or an officer **authorised** by **him** is entitled at all
- 10 reasonable time to a full and free access to all accounts, records, documents
- 11 and papers of the Commission relating directly or indirectly to the receipt or
- 12 payment of money by the Commission or to the acquisition, receipt, custody or
- 13 disposal of assets by the **Commission**.
- 14 **11.** The Commission shall submit to the President not later than 30th Annual
- 15 June, of each financial year, a report of its activities during the proceeding Report.
- 16 financial year and it shall include a copy of the audited accounts of the
- 17 Commission for that year and a copy of auditors report on it. Power to
- 18 12. The Commission may, subject to the Land Use Act, acquire any land Acquire Land.
- 19 for the purpose of discharging its functions. Cap. 202LFN,
- 20 13.— (1) The provisions of the Public Protection Act shall apply in relation 1990. ■
- 21 to any suit instituted against any officer or employee of the Commission. Limitation of
- 22 (2) No suit shall be commenced against a member of the Commission, Suit against the
- 23 the Executive Secretary, officer or employee of the Commission before the Commission.
- 24 expiration of a period of one **month** after written notice of intention to commence Cap- 380 LFN
- 25 the suit shall have been served upon the Commission by the intending plaintiff 1990.
- 26 or his agent. Service of
- 27 (3) The notice referred to in subsection (2) shall state **the** cause of action, Documents.
- 28 **the** particulars of the claims, the name and place of abode of the intending
- 29 plaintiff and relief which he claims.
- 30 14. A notice, summons or any other document required or authorised to
- 31 be served upon **the** Commission under the provisions of this Act or any other

Restriction on Execution against Property of the Commission.	1 law or enactment may be served by delivering it to the Executive Secretary at 2 the principal office of the Commission. 3 15.—(1) No execution or attachment of process shall be issued against 4 the Commission in any action or suit without the consent of the Attorney- 5 General of the Federation. 6 (2) Any sum of money which may by the judgment of any court be awarded
Indemnity of Officers.	7 against the Commission shall, subject to any direction given, be paid from the 8 general reserve fund of the Commission. 9 16. A member of the Commission, the Executive Secretary, any officer 10 or employee of the Commission shall be indemnified out of the assets of the 11 Commission against any proceeding, whether civil or criminal, in which judgment 12 is given in his favour, or in whic4. he is acquitted, if any such proceeding is 13 brought against him in his capacity as member of the Commission,the Executive 14 Secretary, officer or employee of the Commission.
Engagement of Professionals other than Staff.	15 17. The Executive Secretary may with the approval of the Commission 16 engage persons with knowledge or experience in Climate Change control or in 17 matters relevant to the functions of the Commission to assist otherwise than on 18 the basis of full time employment.
Regulation.	19 18. The Commission may make regulations for the purpose of carrying 20 out or giving full effect to the provisions of this Act.
Interpretation	21 "Commission" means National Climate Change Commission established 22 under section 1 (1) of this Act; 24/5
Citation.	21 19. In this Bill: 22 23 24 25 26 "Function" includes power arid duty; 27 "Member" means a member of the Commission and includes the Chairman; 28 "President" means the President of the Federal Republic of Nigeria. 20. This Act may be cited as the National Climate Change Commission Bill, 2008.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

Proceedings of the Commission

1—(1) Subject to this Act and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of its committees.

(2) The quorum of the Commission shall be the Chairman, or the person presiding at the meeting, and 6 other members of the **Commission**, one of whom shall be ex-officio member, and the quorum of any committee of the Commission shall be as determined by the Commission.

2,—(1) The Commission shall meet **whenever** it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 6 other members, he shall summon a meeting of the Commission to be **held** within 24 days from the date of which the notice is given.

(2) **Where** the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it deems fit, but a person who is in attendance by virtue of **this** sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Committee

3.—(1) The Commission may appoint one or more committees to carry out, on **behalf of the** Commission such functions as the Commission may determine.

(2) The committee appointed under this paragraph shall consider such number of persons as may be determined by the Commission and a person shall hold office **in** the committee **in** accordance with the terms of his appointment.

(3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.

4.—(1) The **fixing of the** seal of the **Commission** shall be **authenticated** by the signature of the **Chairman** or any other member of the Commission generally or specifically authorised by the Commission to act for that purpose and the Executive Secretary.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the Executive Secretary or any person generally or specifically authorised by the Commission to act for that purpose.

(3) A document purporting to be a document duly executed under **the** seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Commission or of a committee shall not be adversely affected by:

- (a) a vacancy in the membership of the Commission or committee; or
 - (b) a defect in the appointment of a member of the Commission or committee;
- or
- (c) reason that a person not entitled to do so took part in the proceedings of the Commission or committee.

EXPLANATORY MEMORANDUM

This Act seeks to establish the Climate Change Commission as a statutory body and to vest it **with** the responsibility to manage and control climate change and other related environmental matters.

This Act also seeks to transfer funds relating to states affected by the climate change problems from the Ecological Funds Office under the Allocation from the Consolidate Account (CA) etc. to the Commission.