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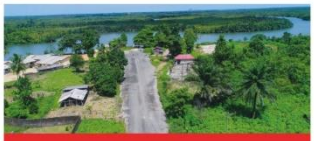
REDD+ Nigeria



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FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY



REDD+
Nigeria

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Legal and Institutional Readiness for REDD+ Implementation in Nigeria

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Lots of support and sacrifices have been provided and made by so many persons and organizations to ensure that the GLOBE-UNEP-GEF project "*GLOBE Legislators Advancing REDD+ and Natural Capital Governance Towards the Delivery of the 2030 Agenda*" is a success. This research work, which seeks to provide a guide on actions to be taken to address legal and institutional gaps in the effective and efficient implementation of REDD+ in Nigeria, is of course one of the key deliverables of the project.

I would like to first thank the Speaker of the House of Representatives, His Excellency Rt. Hon. Femi Gbajabiamila, for launching the project on November 20, 2019. The Honourable Speaker has further gone ahead to provide support for efforts at strengthening our environmental laws. My special gratitude also goes to the Senators and Honourable Members who are part of the GLOBE family, and who have continued to champion the drive for sustainable development and the protection and preservation of our environment.

I commend and appreciate the Minister of State for Budget and National Planning, Prince Clem Agba for providing leadership for the Project's National Steering Committee; the Global Environment Facility (GEF) Focal Point at the Ministry of Environment for his support; the REDD+ National Secretariat in Nigeria ably led by Dr. Moses Ama for opening their offices and availing us of relevant information; the many stakeholders who provided support during the process of getting this document ready, especially our international partners such as UN-REDD, UNEP, and the GLOBE International Secretariat led by Mr. Rafael Aybar-Jimenez. My commendation and gratitude also go to the GLOBE Nigeria Secretariat led by Mr. Nnaemeka Oruh, for working relentlessly to achieve the objectives of this project.

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What we have here is a document clearly providing a direction that we must take to be able to strengthen Nigeria's legal and institutional structures for the implementation of REDD+ in the country. I encourage all of us to look through the recommendations and do our part to realise these noble objectives.



Rep. Sam Onuigbo FCIS, FNIM
Member, House of Representatives
Vice President (Africa) GLOBE International &
President, GLOBE Nigeria. Abuja, July 2021

Foreword I

by House of Representatives Spokesperson Rep. Benjamin Okezie Kalu

In developing and implementing sustainable development policies, decision-makers are confronted with incomplete indicators for measuring economic wealth and performance, particularly concerning the interactions between economic activities and the environment. Indeed, traditional tools for economic analysis do not allow policymakers to reliably assess the effectiveness of environmental policies implemented, nor the impact of economic policies on the environment. With the frightening impact of Climate Change in our world today, and with experts projecting that we must take ambitious steps to prevent what is a catastrophe-in-waiting, it has also become imperative to pay attention to the nexus between economic activities, and the protection and preservation of our environment. This is the only sustainable way to plan for the future. Recognising that economic and environmental accounting data are indispensable tools for parliamentarians in exercising their legislative, oversight, and budgeting powers for sustainable development, GLOBE International has since called for the implementation of economic and environmental accounting since 2014. This also echoes the calls by the United Nations over the years.

It is this understanding that prompted the United Nations Statistics Division to adopt the inclusion of nature in the framework for measuring economic prosperity and sustainable development. This framework (System of Environmental-Economic Accounting—Ecosystem Accounting --SEEA EA) looks beyond GDP and insists that in measuring actual wealth, attention must be paid to our natural capitals and the ecosystem services they provide.

For years now, human activities (e.g., agricultural expansion and intensification, the burning of fossil fuels, increased urbanization, etc.) have been undermining both climate and ecological systems upon which human well-being and economies depend. And the scary fact is that this path is no longer sustainable, hence the need to pay attention to natural capital and the ecosystem services they provide for us.

But to be able to pay attention to natural capital and ensure that we first preserve them and include them in our calculation of economic growth, demands that sustained and specific efforts are made to ensure the preservation of these natural capitals, ensure that they are equated with financial measurements, and eventually provide appropriate payments for efforts made at preserving them (results-based payments for ecosystem services).

With this mind, in 2007 at the United Nations Framework Convention on Climate Change's (UNFCCC) 13th Conference of the Parties, discussions for Reducing Emissions from Deforestation and Forest Degradation began, and by COP14 in Poznan, the "+" aspect of it was added to cover the "role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries." REDD+, in recognition of the fact that a sizeable percentage of Greenhouse Gases emission come from emissions from deforestation and forest degradation, seek to encourage forested countries to reduce emission from deforestation and forest degradation by creating a financial value for the carbon stored in forests and encouraging investments in low-carbon paths to sustainable development. REDD+ countries can achieve this by reducing emissions from deforestation; reducing emissions from forest degradation; conservation of forest carbon stocks; sustainable management of forests; and the enhancement of forest carbon stocks.

Committed to playing her part in combating Climate Change, Nigeria has been a part of the REDD+ Programme since 2010 starting from the Pilot State of Cross River State, to now being

active in seven states viz--Cross River, Nasarawa, Ondo, Edo, Ogun, Plateau, and Kaduna. In April of this year, stakeholders validated Nigeria's REDD+ Strategy document.

It is also this need to ensure that attention is paid to the preservation of our natural capital that motivated the African Union to launch, in 2007, the Great Green Wall Initiative which seeks to recover degraded lands in Africa's Sahel region and turn the now arid region into flourishing grassland. It is expected that by 2030 one hundred million hectares of degraded land would have been recovered through this initiative, with 250million tons of carbon sequestered[1]. Nigeria, again, keyed into this noble and ambitious initiative and showed commitment by establishing the National Agency for the Great Green Wall in 2015, to oversee the country's Great Green Wall Initiative activities.

One thing is clear, these two initiatives-- REDD+ and Great Green Wall Initiative-- both seek to restore and preserve our natural capital while paving the way for attention to be paid to mainstreaming Natural Capital Accounting into our country's sustainable development plans. This is the only path that will lead to sustainable planning and implementation, and we should all be committed to it.

Aware of the importance of these initiatives, the Global Legislators Organization for a Balanced Environment (GLOBE)—a global organization of national Legislators committed to championing the protection and preservation of our environment and sustainable planning by making laws and supporting relevant policies-- is implementing the Global Environment Facility (GEF6) project "*GLOBE Legislators Advancing REDD+ and Natural Capital Governance Towards the Delivery of the 2030 Agenda*", with support from the United Nations Environment Programme (UNEP). This project, in addition to creating awareness among legislators on the role they must play in ensuring that Nigeria pays attention to the preservation of her natural capital, also seeks to identify legal and policy gaps that have militated against the implementation of REDD+, the Great Green Wall Initiative, and Natural Capital Accounting. This study was initiated to address the second objective of the project while interrogating the necessity of the former.

This study, which is a result of painstaking research and consultations, done on behalf of GLOBE, is an important policy document. It is important because it identifies gaps in policies, regulations, and laws that are relevant to the implementation of Nigeria's REDD+ Programme, and in clear terms makes recommendations on what to do in the short and long term to plug these gaps.

I am aware that actions are already being taken by GLOBE Nigeria to bring these gaps to the attention of the National Assembly and to ensure that actions are taken. As a people-centered arm of Government, the National Assembly will always be committed to addressing these gaps. This is especially so because the future of our people is of paramount importance to us.

I charge all stakeholders to take these recommendations seriously and play their roles so that the recommendations in this very important document are fully implemented. As the Secretary-General of the United Nations, Antonio Guterres warned, "Time is fast running out for us to avert the worst impacts of climate disruption and protect our societies from the inevitable impacts to come." I dare say that we are out of time. So, let us get to work!



Rep. Benjamin Okezie Kalu
Spokesperson
House of Representatives
Abuja, June 20, 2021.

[1] https://www.unccd.int/actions/great-green-wall-initiative

Foreword II

by Nigeria REDD+ Programme Coordinator Dr. Moses Ama

Nigeria is already living with the effects of climate change, driven, in part, by deforestation and forest degradation. The consequences are increasingly evident. Climate change is negatively impacting on the nation's forest resources, her biodiversity, with attendant implications for food security, ecosystem goods and services, as well as the well-being of the indigenous peoples and local communities whose livelihoods are threatened.

As the country with the largest population in sub-Saharan Africa, Nigeria is aware of the impacts of climate change on the citizenry especially those who live in and depend on forests hence the importance of sustainable forest conservation and management for addressing the challenge of climate change is ever increasing.

Reducing Emissions from Deforestation and forest Degradation (REDD+) connects international support to local actions by presenting a window of opportunity to plan for measures to stop deforestation and enhance carbon sinks. There is no one-size-fits all solution to implementing REDD+ and no nation or sector can implement it alone. This means that all international organizations, countries, sectors, civil society organizations and communities must intensify their commitment to take concrete steps, so that together we can respond to the urgent call to action in implementing REDD+ and by implication address the challenge of climate change while advancing the well-being of forest-dependent rural communities.

Nigeria has been a part of the UNREDD+ Programme since 2010 starting from the Pilot State of Cross River State, to now being active in seven states viz; Cross River, Nasarawa, Ondo, Edo, Ogun, Plateau, and Kaduna. Committed to playing her role in addressing the challenge of climate change, the Nigeria REDD+ Programme has during the past one decade registered impressive achievements, resulting in it being considered as one of the REDD+ countries in the world with the two-track approach, which combines efforts at both national (Federal) and subnational (State) levels, that allows an integrated, multifaceted process for REDD+ implementation.

Despite these achievements, there are still issues related to REDD+ legal preparedness, clear understanding of policies, laws and regulations (PLRs), legal and governance frameworks, environmental and social safeguards, and clear understanding of the role of legislators in implementing REDD+. The Global Legislators Organization for a Balanced Environment (GLOBE)—a global organization of national Legislators committed to championing the protection and preservation of our environment and sustainable planning by making laws and supporting relevant policies—has taken the challenge by undertaking this Global Environment Facility (GEF6) project *"GLOBE Legislators Advancing REDD+ and Natural Capital Governance Towards the Delivery of the 2030 Agenda*", with support from the United Nations Environment Programme (UNEP).

This report entitled Legal and Institutional Readiness for REDD+ Implementation in Nigeria is therefore a key deliverable of the project. It gives an overview of REDD+ activities in Nigeria; provides the nexus between REDD+ and Nigeria's Nationally Determined Contributions (NDC); and identifies gaps in extant legal and institutional structures. It went further to recommend actions to be taken to address legal and institutional gaps in the effective and efficient implementation of REDD+ in Nigeria. In a nutshell, the report sets the direction Nigeria must take to strengthen its legal and institutional structures for the implementation of REDD+.

However, the report only serves as the first step in the effort towards strategic engagement with

the legislators in Nigeria in our collective understanding of the legal and institutional readiness for REDD+ implementation. I commend GLOBE Nigeria and Natural Eco-Capital for the effort in putting this report together. It is my hope that anyone reading this report will find it worth their attention as we work together in implementing REDD+ in Nigeria and as we work towards an effective global solution to the challenge of climate change.



Dr Moses Ama
National Coordinator
Nigeria REDD+ Programme
Abuja, July 2021

Executive Summary

The National Assembly (NASS) in Nigeria, comprising the Senate and the House of Representatives, is the legislative arm of government in the country. This study was carried out to highlight the legislative gaps in existing relevant Policies, Laws and Regulations (PLRs) and to provide a background for strengthening the capacity of legislators so that they can effectively do their part in ensuring the smooth implementation of the Reducing Emissions from Deforestation and forest Degradation (REDD+) programme in Nigeria.

The study was initiated and overseen by Global Legislators Organization for a Balanced Environment (GLOBE) International a.i.s.b.l. and facilitated by GLOBE Nigeria under the GEF 6 project *'GLOBE Legislators Advancing REDD+ and Natural Capital Governance towards the Delivery of the 2030 Agenda'* implemented through the United Nations Environment Program (UNEP).

The legal framework assessment revealed that Nigeria has an extensive PLR system in place. However, the assessment showed that none of the existing pieces of legislation has provisions that support strongly the UNFCCC established process, rules, and modalities to access Results-Based Payments (RBPs) for REDD+ Policies and Measures (PAMs).

Overall, the assessment revealed that:

The Federal Ministry of Environment is the national focal ministry for all international treaties and conventions on the environment, including the Convention on Biological Diversity (CBD) and the protocols essential for an effective management of the environment. The REDD+ Secretariat is a unit under the Department of Forestry in the Ministry.

There are relevant national policies and strategic action plans related to CBD and UNFCCC commitments on forests, but no national legislation to back their implementation.

There is no specific legislation on REDD+ but there are several environmental and forest provisions in policies and piecies of legislations to address climate co-benefits.

A draft National Forest Bill is undergoing processing by the executive before its submission to the National Assembly. This Bill will address most forestry and biodiversity issues. It also has provisions for REDD+ activities in the country.

A draft Climate Change Bill is currenty being updated at the House of Representatives arising from the one that did not get the assent of Nigeria's President during the 8th Assembly. This Bill, championed by the President of GLOBE Nigeria, makes provisions for REDD+ especially in advocating for funding and support from the Government.

Nigeria has an Environmental Impact Assessment (EIA) legislation with sectoral guidelines, although these do not explicitly require projects to account for GHG impacts from local REDD+ programmes.

It should be noted that while the available legal framework appears to provide holistic and multi-sectoral response to REDD+ implementation, there is no specific enabling law that stand to enhance carbon sinks, reduce GHG emissions as well as exploit the potential to receive results-based payments and payment for ecosystem services. Thus, it could be concluded that the REDD+ programme in Nigeria stands to benefit from legal reforms that will support the enhancement of its implementation while increasing environmental, economic, and social resilience generally.

Two avenues are available to do this, namely, reforming relevant existing forest and related

laws, and regulations to include climate mitigation measures, and/or creating a new REDD+ law. However, creating a new REDD+ law would be a long process. It is also noted that regulatory reform and improving the implementation of PLRs could be a long-term process as well. Thus, the critical question is; where is the most appropriate entry point for making the needed reforms? In most countries, required reforms take place in a piecemeal fashion.

With this understanding, for Nigeria, it is suggested that rather than creating a specialised law for the REDD+ programme at present, the identified Bills in the making, namely the National Forest Bill and the Climate Change Bill could be leveraged. The EIA Law, which is under revision by the Ministry, also provides an opportunity for Nigeria to protect her remaining forest resources from deforestation and degradation and enhance forest carbon stock in ways that help improve local livelihood while also providing for the potential for receiving results-based payments and payment for ecosystem services.

On the issue of the level of awareness among Nigerian legislators of REDD+ activities, engagement with them revealed that their levels of awareness of forestry issues and indeed the REDD+ programme are low. It is therefore recommended that programmes that provide support in building their capacity on these subjects should be designed and implemented. Incidentally, GLOBE, through the GEF6 project "GLOBE Legislators Advancing REDD+ and Natural Capital Governance Towards the Delivery of the 2030 Agenda" is taking preliminary steps on this.

Recommendations

Nigeria's commitment to tackle climate change is reflected in her intention to develop a Climate Change Law. As anticipated, the Climate Change Law is expected to be coherent and comprehensive, as it hopes to address climate change by regulating sources of GHG emissions in different sectors of the economy and building resilience and ensuring adaptation measures. Though the Bill is proposed to fight climate change, it is also anticipated to establish a framework for protecting, conserving, and enhancing ecosystems and their services thus, affecting and benefiting the implementation of REDD+ in Nigeria.

In essence then, the Climate Change Bill will provide a leeway for reform, alignment, and clarification even for the existing related pieces of legislation concerning forests. The proposed Forestry Bill will also do this by addressing direct and indirect drivers of deforestation and forest degradation.

On the other hand, the EIA legislation currently being revised by the Federal Ministry of Environment with the associated sectoral guidelines could be made more robust to explicitly require projects to account for GHG impacts and mitigate GHG impacts from local REDD+ programmes with adaptation measures proffered. Environmental offset requirements can also be incorporated to focus on specific objectives such as biodiversity or GHG mitigation or carbon credits to offset a wide range of negative impacts. The mitigation obligations could be connected to other policy options such as Emissions Trading Markets or Green Bonds, or they could be tied directly to funding one or more Strategic Priority Actions. It could also be used to reduce the GHG impact of projects directly tied to Nigeria's Strategic Priority Actions - such as additional scrutiny of any commercial agriculture or logging projects that require EIAs.

It is also recommended that the capacities of the legislators to develop appropriate legislative responses to contemporary environmental and sustainable development issues be scaled up to include the ability to legislate on REDD+ issues. This will also enable them to play their role in creating the needed legislative frameworks and using their oversight roles to ensure not only that enough resources are mobilised for effective implementation, but also ensure that verifiable and accountable implementation is carried out. Below are the major legislative gaps identified, and recommendations on what to do.

Identified legislative gaps hindering effective implementation of REDD+ in Nigeria, and recommendations

S/N	Law/Instrument	Status	Remarks
1	REDD+Law	None	None is feasible in this current political dispensation. Explanatory Notes: There are REDD+ provisions in the Draft Executive Bill for a National Forestry Act. The Bill is now before the Federal Ministry of Justice following the approval by the stakeholders and the National Council on Environment. Some of the provisions of the bill on REDD+ include the Powers of the Minister to prescribe the National Guidelines for REDD+ Programme in line with the global best practices; to oversee the development and implementation of a national REDD+ programme: and through regulations provide guidelines on: i. forest carbon as a tradable commodity; ii. forest carbon tenure and rights of various communities and inter-sectoral linkages; and iii. Incentivizing private sector investment in REDD+ projects. GLOBE Nigeria should urge the Federal Ministry of Environment to submit the bill to the National Assembly early enough for its consideration during the current 9th National Assembly whose tenure ends in June 2023. Thereafter any bill not passed will start de novo in the 10th National Assembly.
2	Climate Change Act	There is no Climate Change Act in Nigeria at the moment	A climate Change Bill, sponsored by the President of GLOBE Nigeria, with technical input from the GLOBE Secretariat has been developed and has passed Second Reading at the House of Representatives. The Bill seeks to protect, conserve, and enhance ecosystems and their services thus affecting and driving the implementation of REDD+ in Nigeria. The inclusion of REDD+ in the "Nature Based Solution Section" of the bill is appropriate
3	Environmental Impact Assessment Act. Cp. E12, LFN, 2004	Nigeria has an Environmental Impact Assessment Act	The Environmental Impact Assessment Act of Nigeria is currently undergoing amendment. The amendment should be done in such a way as to ensure that: a. projects account for GHG impacts and mitigate GHG impacts through local REDD+ programmes. b. mitigation obligations are connected to policy options such as Emissions Trading Markets or tied directly to funding one or more REDD+ Strategic Priority Actions. It is important to point out that GLOBE has also approached the House Committee on Environment proposing the amendment of Section 5, paragraphs (g), (h), and (l) of the Act to read as follows:

			(g) An assessment of the likely or potential environmental health, social, cultural, economic, physical and biological impacts of the proposed activity and the alternatives, capturing the value loss of the natural capital and ecosystem services affected, and including the direct and indirect cumulative short-term and long-term effects. (h) An identification and description of measures available to mitigate or remediate adverse environmental impacts of the proposed activity, or to rehabilitate the impacted ecosystem, and assessment of those measures, including their cost, as well as the cost of environmental management and compensation measures that may be required. (I) a brief and non-technical summary of the information provided under paragraphs (a) to (k) of this section including an environmental economic account of the data so derived to be transmitted to the National Bureau of Statistics and other relevant Government Agencies to help advance the implementation of environmental economic accounting, which shall inform government policy.
4	National Forestry Bill	None	The National Forest Bill is currently being processed. This Bill will address most forestry and biodiversity issues. It also has provisions for REDD+ activities in the country. It is important that this Bill is given attention and support as it has the potentials to address key REDD+ challenges.
5	Land Use Act, Cap L5 LFN 2004	There is one, but largely flawed	Nigeria has a Land Use Act. However, the provisions of this Act, especially as it concerns land tenure, and titling rights is completely anti-REDD+. An amendment is necessary if the Act is to aid in the implementation of REDD+. We therefore suggest the amendment of Sections 5, 6, 7, 21, 22 and 28 to address the issues of land titling, tenure, and security of ownership of land and trees.



1 Stakeholders develop and adopt the National Forest Monitoring System (NFMS) for Nigeria during a Workshop at Akwanga, Nasarawa. Credit: REDD+ Nigeria

Introduction

1. Background

To reduce emissions from deforestation and forest degradation, Parties to the United Nations Framework Convention on Climate Change (UNFCCC) developed the Reducing Emissions from Deforestation and forest Degradation (REDD+) mechanism. The mechanism, which entails the development and implementation of Policies and Measures (PAMs) that would contribute to climate change mitigation through forestry activities, is a global programme. Essentially, it is implemented to mitigate climate change caused by forest loss or by degradation and to create financial value for the carbon stored in forests by offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development.

Thus REDD+ goes beyond simply deforestation and forest degradation as it includes conservation, sustainable management of forests and enhancement of forest carbon stocks. It seeks to achieve its overall goal by effecting five main outcomes, namely:

- Reducing forest degradation
- Reducing emissions that contribute to climate change
- Enhancing carbon stock
- Conserving carbon stock, and;
- Achieving sustainable forest management (thus the +).

The negotiations and decisions of the 2007 and 2010 Conference of the Parties (COP) sessions at Bali and Cancun enabled participants to develop pilot projects leading into a national strategy on Reducing Emissions from Deforestation and Forest Degradation (REDD+) 'Readiness'. Part of the incentives to ensure its success is to create opportunities for countries to receive payments for restraining greenhouse gas emissions through forest conservation, sustainable forest management and enhancement of forest carbon stocks. The overarching Warsaw Framework on REDD+ set at COP19 in 2013 provided guidelines for how countries can work towards eligibility for results-based payments for carbon savings from REDD+. It includes seven points covering governance issues, approaches to reference emissions level estimation, forest inventory and reporting obligations[2].

The Federal Government of Nigeria embarked upon REDD+ with support of the UN-REDD Programme from 2012 to 2016, followed by the World Bank-supported Forest Carbon Partnership Facility (FCPF). Nigeria saw the need to embrace this mechanism in the determination to deal with the challenge of deforestation (the rate, which was estimated at 3.5%, was one of the highest in the world in2015[3]) through protecting and sustainably managing its remaining forest resources.

Overall, the country has been making steady progress since 2010, paving way for the implementation of REDD+, by taking advantage of available open-source data and tools, increasing visibility, and understanding of its rich forest resources.

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2 Udeme Olayinka Olaniyan, Paul Dargusch, David Wadley. Requirements and Realities of REDD+ Implementation in Nigeria. Journal of Environmental Science and Public Health 5 (2021): 99-113.

3 Global Forest Resources Assessment, www.fao.org/3/i4808e/i4808e.pdf

For an effective and efficient implementation of REDD+, a robust legal and institutional framework is required as this underpins land/tree tenure, benefit sharing, carbon rights, emissions monitoring and reporting, environmental and social safeguards, and the role of relevant stakeholders. Also, for the country to fully benefit from the REDD+ programme, every sector of Nigeria's governance structure including the legislators need to be involved in this programme. However, to be able to effectively participate in this programme the legislature needs to understand the basis and how this programme ties into the national economic agenda of the country.

It is against this background that the International Secretariat of Global Legislators Organization for a Balanced Environment (GLOBE),working with the GLOBE Nigeria Secretariat, decided to support Nigeria in the review of policies and laws relevant to REDD+ with a view to understanding the legislative gaps and thus creating opportunities to enhance national legislators' awareness on REDD+ Governance and Legislation and engendering the need for them to, where necessary, take legislative action. This is needed at this time that Nigeria is moving from the Readiness phase of REDD+ programme to the Implementation phase.

In Nigeria the legislative arm of government at the federal level is the National Assembly (NASS)-- comprising of the Senate and the House of Representatives. Members of the Global Legislators Organization for a Balanced Environment (GLOBE) are drawn from the National Assembly. Established in 1989, GLOBE's mission is to empower national legislators with the tools to develop appropriate legislative response to contemporary environmental and sustainable development issues. The GLOBE network facilitates the dissemination and replication of best legislative practices at national levels. It provides access to a platform for international exchange among legislative peers, of practical examples of legislating for forests, REDD+ and natural capital governance. Engagement with the platform is meant to enhance knowledge and capacity for the political re-engineering of national issues within the global context subject to national peculiarities.

Leveraging on this platform and opportunity, GLOBE commissioned Natural Eco Capital for this study on the Legal and Institutional Readiness for REDD+ Implementation in Nigeria. This is part of the GEF6 project 'GLOBE Legislators Advancing REDD+ and Natural Capital Governance Towards the Delivery of the 2030 Agenda', implemented through the United Nations Environment Program (UNEP). Overall, the project focuses on mainstreaming/integrating biodiversity management into national development processes through the Natural Capital Accounting (NCA) approach. This includes supporting the process of strengthening REDD+ legal frameworks, REDD+ governance structures, policies that ensure progressive environmental governance of the forestry sector, in alignment with the 2030 Sustainable Development Goals (SDGs).

2. Objectives of the Study

Legislators have a significant role to play in creating the needed legal frameworks for REDD+ implementation, and using their oversight roles to ensure enough resources are mobilised for

effective implementation.[4] In recognition of these important roles, and towards enhancing legislative capacities in support of REDD+ governance and legislation, this study seeks to assess the legal and institutional readiness for REDD+ implementation in Nigeria in order to identify key legislative, governance, and policy gaps requiring reforms by national legislators.

The specific objectives are:

- Set out the legal requirements of REDD+ based on the UNFCCC and other relevant COP decisions and international instruments.
- Provide an overview of the processes involved in translating international instruments and obligations into law at the national level and what that process looks like for REDD+ in Nigeria.
- Provide information on the status of REDD+ in Nigeria and note areas of improvement.
- Outline the key role of Nigeria's Parliament in REDD+ implementation.
- Provide recommendations for effective implementation of REDD+ in Nigeria.

3. Study methodology

The study was undertaken using a combination of desk study and field survey. The desk study focused on extensive literature review on forest and environmental governance regimes, REDD+ implementation, natural resources, property rights regimes, and mainstreaming of biodiversity conservation into national policy in Nigeria.

A rapid field survey, interview of key informants and focal group discussions were undertaken with the Department of Forestry of Nigeria's Federal Ministry of Environment, REDD+ Secretariat, some relevant NGOs, the Nigeria Erosion and Watershed Management Project (NEWMAP), Nigeria's National REDD+ Secretariat, members of GLOBE, and staff of GLOBE Secretariat.

4. Structure of the report

The report is primarily targeted at the Members of Parliament in Nigeria who are charged with the responsibility to enact and reform of legislations. It also aims at serving as a policy document for other REDD+ implementation stakeholders as Bills (either new ones or suggestions for amendment) can also come from the Executive arm of Government, in the form of Executive Bills.

The report begins by describing the REDD+ Programme and its requirements, followed by the overview of REDD+ activities (processes) in Nigeria. It then presents a scoping review of legal and institutional (organizational) frameworks for REDD+ implementation in Nigeria. The report concludes with recommendations on how to strengthen the legal and institutional frameworks of REDD+ in Nigeria, and the role legislators have to play.[5]

4 https://forestsnews.cifor.org/12297/legal-frameworks-for-redd-a-qa-with-british-mp-barry-gardiner?fnl=

5 The methodological approach of the study is presented in Annex 1 of the report

REDD+ Programme: Global context and requirements

1. REDD+ Global context

The Reducing Emissions from Deforestation and forest Degradation (REDD+) programme is an essential part of global efforts to mitigate climate change6 that the United Nations Framework Convention on Climate Change (UNFCCC) has developed. It is a mechanism which provides an economic incentive to encourage developing countries to reduce carbon emissions through sustainable forest management.

Climate change is a huge threat to the wellbeing of mankind, and it is driven by the ever-increasing quantity of Greenhouse Gases (GHG) being emitted into the atmosphere from anthropogenic sources. Amongst concerted efforts to reducing global emissions is the reduction of emissions from deforestation and forest degradation. Deforestation and forest degradation account for 17-29% of the global GHG emissions, a significant part of which comes from tropical countries. Slowing down the rates of deforestation and forest degradation was therefore perceived as a critical option to reducing GHG emissions.

This led to the development of an international mechanism for reducing deforestation-related GHG emissions, forest degradation-related GHG emissions, including the role of conservation and sustainable management of forests (REDD+). It is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development. It goes beyond deforestation and forest degradation and includes conservation, sustainable management of forests and enhancement of forest carbon stocks.7

REDD+ is a voluntary initiative established under the UNFCCC with several operationally significant but non-legally binding decisions adopted by the Conference of the Parties. Initiatives to support countries to achieve REDD+ readiness and implementation include the UN-REDD Programme, the Forest Carbon Partnership Facility (FCPF) of the World Bank, the REDD+ Early Movers Programme, and the Forest Investment Program (FIP), among others. These initiatives also provide support to enable developing countries to access REDD+ finance to address the challenges of deforestation and forest degradation in their respective countries.

In 2013, the Warsaw Framework for REDD+ mechanism (WFR) was formulated to provide an overarching guidance for REDD+ implementation. The WFR sets out the requirements for countries intending to implement REDD+. These include key legal and institutional framework necessary to address the drivers of deforestation and forest degradation, institutional coordination, process management of REDD+ activities, modalities for national forest monitoring systems, stakeholder participation in REDD+ decision making and benefit sharing, social and environmental safeguards, and a national REDD+ strategy.

REDD+ market and non-market-based incentives are built on the principle that, with more sustainable management of forests, GHG emissions produced by deforestation, forest

6 www.fao.org/redd/en/

7www.fao.org/fileadmin/user_upload/legal/docs/lpo_92.pdf

degradation, and other land-use change can be reduced.[7]

In December 2010 at COP16 in Cancun, one of the most important decisions in relation to REDD+ was adopted. 8 Decision 1/CP.16 (also known as the "Cancun Agreements") was adopted which sets out the scope of REDD+. Paragraph 70 of Decision 1/CP.16 *"Encourages developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances:*

- Reducing emissions from deforestation;
- Reducing emissions from forest degradation;
- Conservation of forest carbon stocks;
- Sustainable management of forests;
- Enhancement of forest carbon stocks."

The Cancun Agreements include the most comprehensive package ever agreed by Governments to help developing nations with climate change and are often considered as the largest collective effort the world has ever seen to reduce emissions in a mutually accountable way-- Cancun countries decided to make their emission reduction pledges official.9

The conference in 2010 at Cancun requested developing countries interested in REDD+ to put in place four key requirements essential to access result-based payments for every ton of GHG emission reduction/removal. They include:

- National Strategy (NS) or Action Plan (AP), (1/CP.16, 15/CP. [13])
- National Forest Monitoring System (NFMS), including Measurement, Reporting, and Verification (MRV), (4/CP.15, 11/CP. [13])
- Forest Reference Emission Level (FREL) or Forest Reference Levels (FRL) (4/CP.15, 12/CP.17, 13/CP. [13]), and
- Safeguard Information System, that provides information on how safeguards for REDD+ are addressed and respected, (12/CP.17, 12/CP. [13]) [9]

Each element has unique cross-cutting issues ranging from stakeholders' engagement, gender considerations, multi-sectoral and multi-stakeholder processes, forest definition, scope and scale of action, and data methodologies.10

Thus, developing country Parties were requested, when developing and implementing their national strategies or action plans, to address the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I of this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities.

The roadmap for the REDD+ mechanism was developed in Bali (Indonesia) in 2007 (COP13), and since then several countries have initiated national REDD+ programmes focusing on readiness activities. The global REDD+ mechanism seeks to support and reward developing countries for reducing their emissions from deforestation and forest degradation and for enhancing their carbon sequestration potentials. It involves a new way of curbing land use-based emissions. The REDD+ policy framework primarily targets to reduce forest emissions through addressing drivers of deforestation, aiming to

[7]Udeme Olayinka Olaniyan, Paul Dargusch, David Wadley. *Requirements and Realities of REDD+ Implementation in Nigeria. Journal of Environmental Science and Public Health* 5 (2021): 99-113.

[8]www.fao.org/fileadmin/user_upload/legal/docs/lpo_92.pdf

9http://cancun.unfccc.int/cancun-agreements/significance-of-the-key-agreements-reached-at-cancun/#c45 .

10UN-REDD. REDD+ Readiness: An Introduction.

conserve forest carbon stocks and to enhance carbon sequestration through implementation of REDD+ activities[11]

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2. Phases of the implementing REDD+ Programme

Countries implementing the REDD+ programme are required to progress through three phases, which are intricately linked with one another,[12] namely:

- Phase 1- Readiness: This involves the development of national strategies or action plans, REDD+ mitigation actions, and capacity building.
- Phase 2- Implementation of national strategies and results-based demonstration activities: At this phase, the focus is on enacting REDD+ actions and national strategies or plans that could involve further capacity building, technology development and transfer, and results-based demonstration activities.
- Phase 3- Results-based actions: Here, emission reductions actions must be fully measured, reported, and verified.

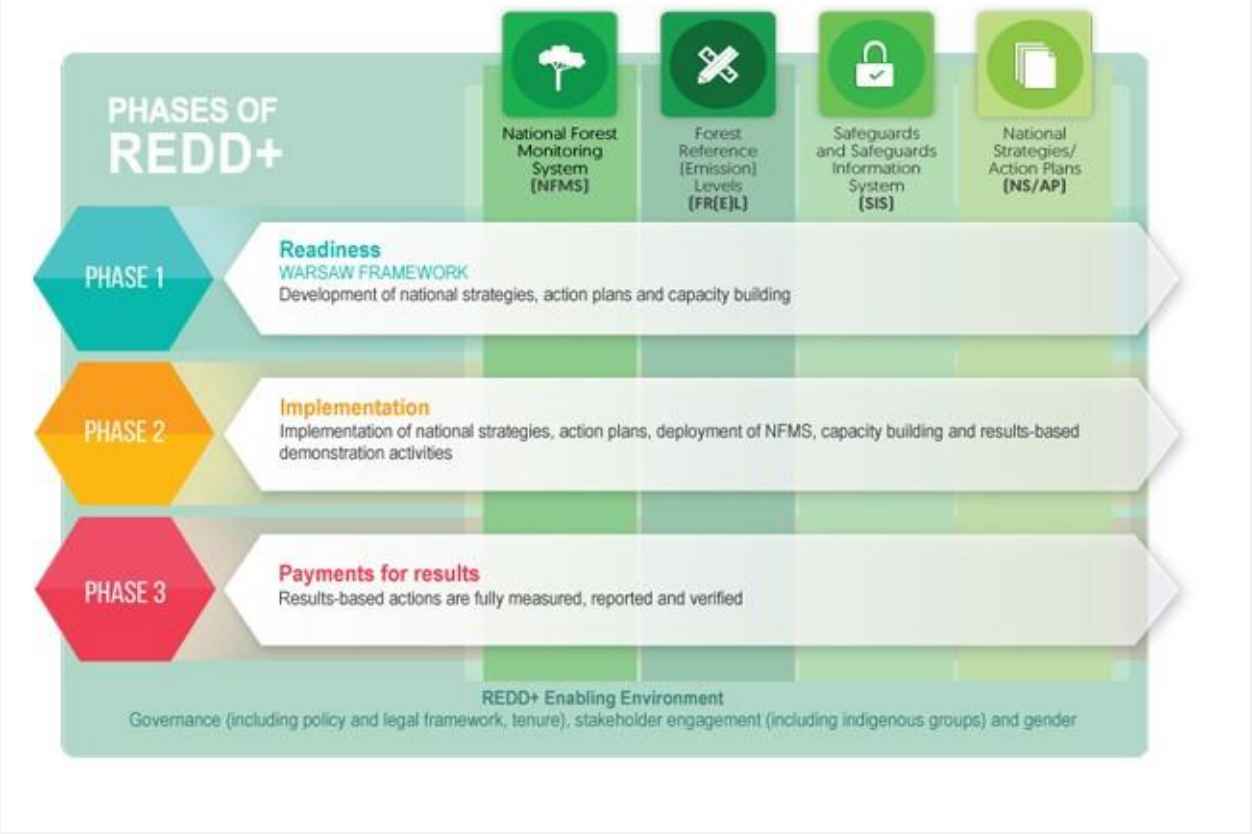


Figure 2. Phases of REDD+ Implementation and Some Elements in the Actualisation[13].

11 https://ethiopiareddplus.gov.et/about-redd/the-global-redd-background/

12 UNFCCC Decision 1/CP.16, paragraph 73

13 www.fao.org/redd/news/detail/en/c/1183510/

3. How REDD+ works

REDD+ seeks to provide financial incentives for the reduction of emissions from deforestation, forest degradation, and carbon sequestration, by creating financial value for carbon and the ecosystem services which forests provide. Three essential things are done to achieve this, as outlined in Figure 2, namely: reduction of deforestation (when forests are converted to other uses, such as agriculture); reduction of degradation (ensuring that forests' loss of their ability to provide ecosystems services is reduced or checked); and promotion of sustainable management (ensuring social, ecological and economic benefits for future generations).
. The fact that these two nature-based solutions focused bodies are in the FMEnv creates the best opportunities for synergy and coordination in the implementation of the GGWI and the introduction of REDD+ activities in the GGW States.

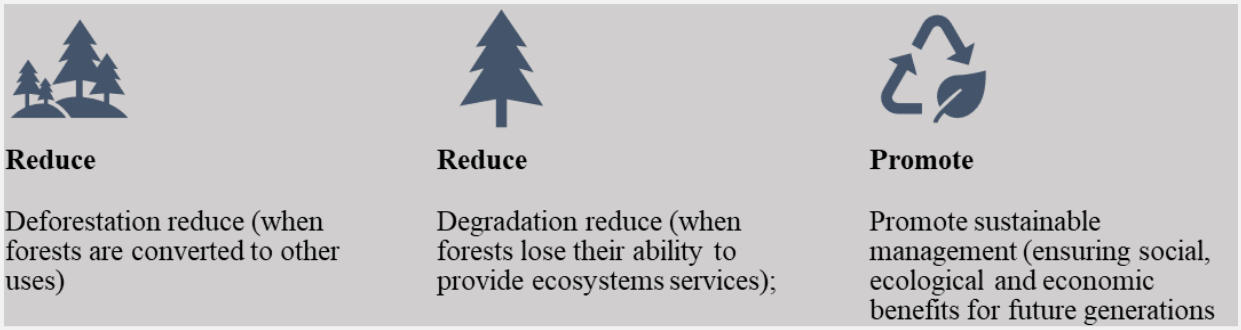


Figure 3. How REDD+ Works

Through the REDD+ framework, the private sector, multilateral funds, and others can pay countries to *not* cut down their forests. This can take the form of direct payments or can be in exchange for "carbon credits" which represent reductions in greenhouse gas emissions to compensate for emissions made somewhere else. As countries are trying to meet their Paris Agreement targets, or Nationally Determined Contributions, REDD+ can help countries get there.[13].

[13] www.conservation.org/blog/what-on-earth-is-redd,

Overview of the deforestation and REDD+ Programme in Nigeria

1. Drivers of deforestation

The proximate (direct) and underlying (indirect) drivers of deforestation in Nigeria are depicted in

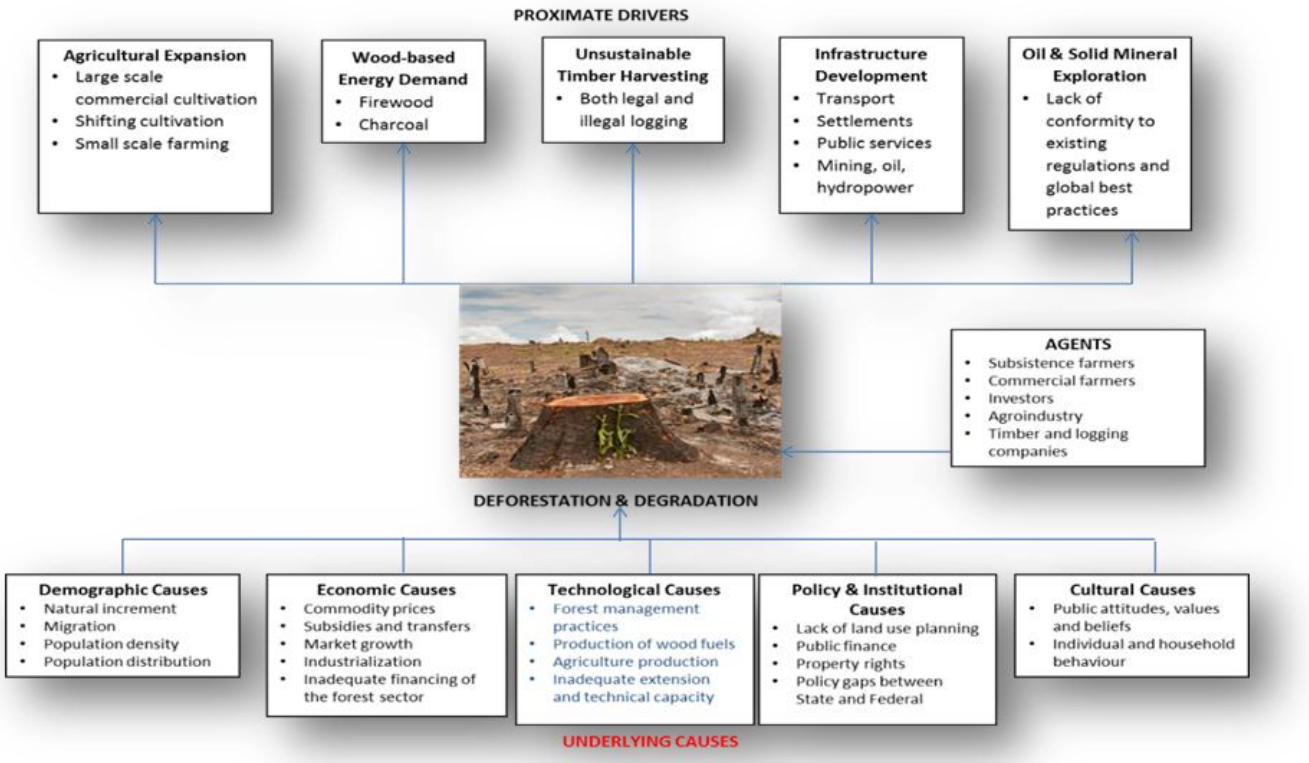


Figure 3.

Figure 4. Deforestation and Degradation of Forest – Causes[14].

2. National context

Nigeria is a party to the United Nations Framework Convention on Climate Change (UNFCCC) and a signatory to the UNFCCC Paris Agreement on Climate Change (2015). Recognizing the significance of the forest and land sector as a source of Nigeria's GHG emissions, and the need for international support to help develop and implement solutions, Nigeria established a National REDD+ Programme under the Federal Ministry of Environment.

[14] Government of Nigeria Federal Ministry of Environment (2021) *Validated National Strategy for Nigeria's REDD+ Programme.*

Nigeria has a well-articulated REDD + Readiness plan developed through a consultative stakeholder meeting for verification and submitted to the UN – REDD+ Policy Board in February 2011. It was approved in 2012 with a financial allocation to commence implementation in 2013. Several other studies have been undertaken in recent times including the validation of the National Strategy for Nigeria's REDD + Programme in April 2021.

Nigeria's REDD+ Programme is national in scope, but the REDD+ activities are being implemented on a state-by-state basis. Cross River State has been the pilot state for the national programme. The REDD+ Programme started through the UN-REDD Programme which provided intensive policy, technical and planning support from 2010-2012. This resulted in a National Programme Document (NPD) for REDD+, which drew from the Nigeria REDD+ Readiness Preparation Proposal.

Recall that being a vast country with a federal structure and complex challenges in addressing deforestation, Nigeria had submitted in 2009 a request for membership of the Forest Carbon Partnership Facility (FCPF) of the World Bank in order to broaden the international partnership and support for REDD+ Nigeria as well as consolidate federal-level REDD+ readiness and to expand the lessons from Cross River State to other interested states in the federation.

To further address the ecological nature and diversity of the ecosystems coupled with the complex challenges of deforestation and forest degradation, the Federal Government of Nigeria in 2015 expanded the implementation of the REDD+ programme to two other states (namely Nasarawa and Ondo) as part of its long-term strategic plan for climate change mitigation nationwide. Nigeria then applied for and obtained an additional grant of USD$3.8 million from the FCPF in February 2015 to provide further support to national level REDD+ Readiness, state-level REDD+ Readiness in Nasarawa and Ondo states and the completion of REDD+ Readiness in Cross River State. This additional support made it possible for Nigeria to implement its Readiness Preparation Proposal (R-PP) planned outputs. Over time and with additional funds from FCPF, Nigeria is ready with its National REDD+ Strategy, and 6 more states including Nasarawa, Ondo, Edo, Ogun, Plateau and Kaduna have joined the full-fledged REDD+ readiness process as at 2020.[15]

3. Vision and mission of Nigeria REDD+ Programme

The vision and mission of Nigeria REDD+ Programme are outlined in Figure 4



Figure 5. Nigeria REDD+ Vision and Mission

[15]www.fao.org/redd/news/detail/en/c/1183510/

4. Objectives of the REDD+ Programme in Nigeria

The primary objective of the National REDD+ Programme in Nigeria is to implement the forest sector plan for achieving Nigeria's Nationally Determined Contributions (NDC) aimed at reducing GHG emission. The specific objectives are to:

- Implement sustainable forest management programmes, focusing on reduction of major drivers of deforestation and degradation across the ecological regions of Nigeria.
- Build capacity of local communities in improving forest management by introducing sustainable livelihood programmes.
- Promote good governance at all levels for the sustainable management of the country's forestry resources.
- Ensure equitable access and distribution of REDD+ co-benefits to all affected parties, including women, youths, and other vulnerable groups
- Facilitate access to global and national resources and partnership for the sustainable management of the country's forest resources.

5. Scope of REDD+ in Nigeria

The Cancun Agreement lists five REDD+ activities which contribute to mitigation actions in the forest sector. These include reduction of emissions from deforestation; reduction of emissions from forest degradation; sustainable management of forests; enhancement of forest carbon stocks; and conservation of forest carbon stocks.

They set the framework to determine which activities to prioritise based on identified drivers of deforestation. It should be noted that the five activities can best be implemented – collectively or separately – through a package of coordinated REDD+ actions and included in national strategies and action plans. These activities also provide important climate change adaptation co-benefits. Adaptation, as used here, refers to the resilience of ecosystems, as well as resilience of societies.[16]

Nigeria included all five REDD+ activities in the scope of its REDD+ Strategy, based on their mitigation and adaptation potential and contribution to sustainable development. However, due to current data gaps and resource constraints, limited confidence in implementation and monitoring of effectiveness of some activities, Nigeria is taking a stepwise approach to bring in more REDD+ activities over time, after resolving these constraints and gaining experience and expertise.[17] Meanwhile, it should be noted however, that the country is currently conducting a nationwide inventory to fill the 'black hole' in the database of the forestry sector. It is hoped that this exercise will generate broad and sufficient information on forest and forest-related activities from which to prioritise the next set of REDD+ activities.

16www.fao.org/redd/overview/en/

17Federal Ministry of Environment (2021): National Strategy for Nigeria REDD+ Programme (Validated)

Therefore, deforestation, without degradation, is currently the only REDD+ activity that Nigeria included in the national Forest Reference Emission Level (FREL) submitted to the United Nations Framework Convention on Climate Change (UNFCCC) early in 2019 with financial support from the Forest Carbon Partnership Facility (FCPF) and consequent technical support from the Food and Agriculture Organization of the United Nations (FAO) . As one of the four pillars of the Warsaw Framework for REDD+, the FREL will serve Nigeria as a benchmark for assessing performance in implementing its REDD+ activities.[18]





National Forest Inventory at the Montane mountain in Taraba State. Credit: REDD+ Nigeria



National Validation Workshop with Stakeholders on the preparation of Nigeria's REDD+ Strategy. Credit: REDD+ Nigeria

18www.fao.org/redd/news/detail/en/c/1183510/

REDD+ in Nigeria: strategy and climate change actions

1. REDD+ and Nigeria's nationality determined contributions (NDCS)

The National Strategy for Nigeria's REDD+ Programme has the objective of ensuring that Nigeria's climate actions are consistent with UNFCCC rules and guidance and will serve as a national response to global efforts aimed at reducing emissions from the forest sector, enhancing the value of Nigeria's forest resources and incentivizing sustainable forest management through a multi-sectoral and inclusive approach.

The key focus of Nigeria's first and current NDCs 19 is to pursue economic and social development that would minimize future GHG emissions by 20% unconditionally and 45% conditionally (i.e. conditional on international financial support) by 2030. Particularly, it aims to reduce carbon dioxide equivalent (CO2e) per US$ real GDP – from 0.873 kg CO2e in 2015 to 0.491 kg CO2e by 2030. The government of Nigeria is updating the NDCs to be submitted to the UNFCCC in 2021 at COP26. The current NDCs identified the following adaptation strategies for Nigeria's forest sector as outlined in Figure 5:



Figure 6. Adaptation Strategies for Nigeria's Forest Sector

19https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Nigeria%20First/Approved%20Nigeria's%20INDC_271115.pdf

2. Key operational requirements for Nigeria's REDD+ Programme

To receive Results-Based Payments (RBPs), the Warsaw Framework for REDD+ had pointed out that developing countries must have in place the four elements of REDD+ readiness: National REDD+ Strategy (Action Plan), the National Forest Monitoring Systems (including the REDD+ MRV system), the Forest Reference Level (FRL), and Safeguards Information System (SIS). Further informaton on these are provided below:

REDD+ strategy in Nigeria

Over a thirty-year period from 2021 to 2050 through short, medium, and long-term goals, Nigeria will implement its REDD+ Strategy in phases (See Figure 6 based on the *National Strategy for Nigeria's REDD+ Programme,* which was validated in April 2021)[20]. In this vein, Nigeria's commitment to reduce greenhouse gas emissions while maintaining economic growth will be supported by the REDD+ programme.

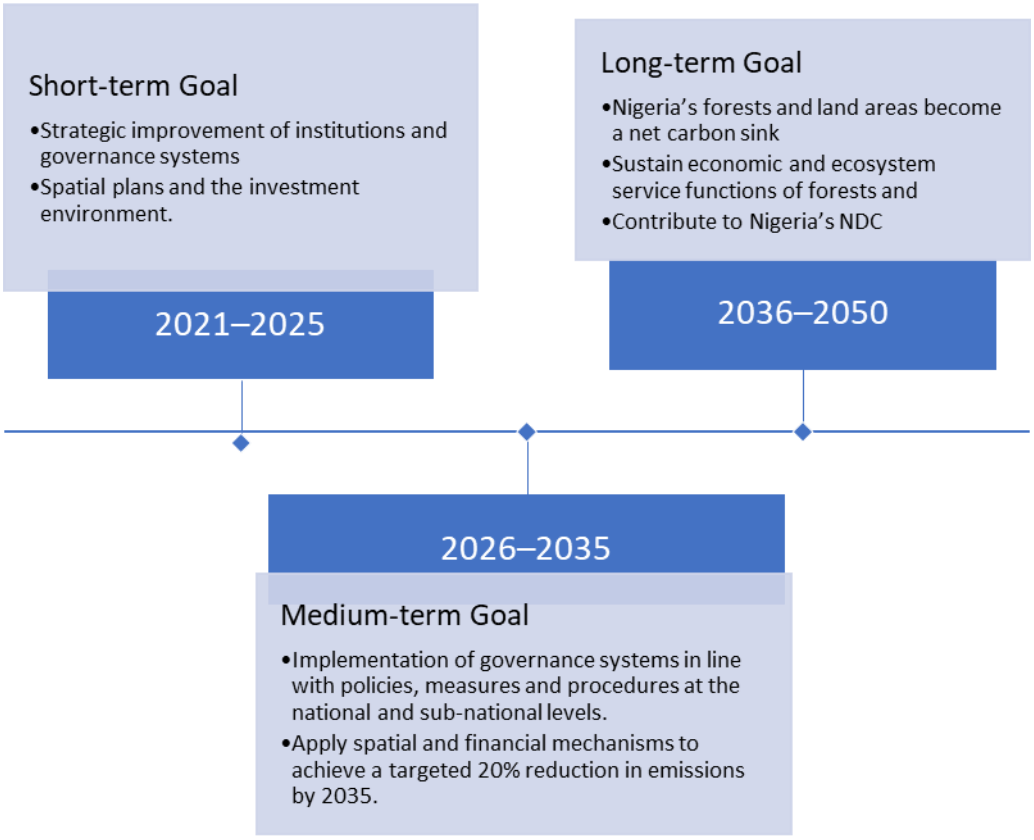


Figure 6. Phases of Nigeria's REDD Strategy

The strategy hopes to achieve the vision of establishing a climate-resilient economy through sustainable management of forests to enhance carbon sink and reduce GHG emissions by at least 20% by year 2050 during the three phases from 2021 to 2050.

20 Government of Nigeria Federal Ministry of Environment (2021) Validated *National Strategy for Nigeria's REDD+ Programme,* prepared by Gotosearch.Com Ltd and the University of the West England, Bristol, UK

The strategy also set clear goals for each phase. From building institutional and spatial plans, to implementing spatial plans and policies so that forests and land areas in Nigeria become a net carbon sink. In this regard, the Strategy prioritizes actions (Figure 7 and Figure 8) which define institutional arrangements, recommends policy (re)alignments, identifies partnerships, and financial mechanisms that will assist the country to act, monitor, verify and report progress on emissions reduction and enhancing carbon removals from the forest sector.

The strategy will also create benefits for resilience building and green economic development, so that Nigeria can meet its national and international commitments to emissions reduction.



Figure 7. Nigeria's REDD+ Six Strategic Priorities



Figure 8. Eight Strategic Priority Actions

National Forest Monitoring System (NFMS) for REDD+

The National Forest Monitoring System (NFMS) is a key element of the REDD+. It is a mechanism through which reliable information on the forest GHG emissions and removals are provided and reported to the UNFCCC. In addition, the NFMS can go beyond the measurement of forest carbon and provide information on other parameters such as forest health, biodiversity, socio-economic and environmental functions of forests and legal frameworks related to forests.

Following UNFCCC recommendation, UNFCCC Decision 4/CP.15 entitled "Methodological Guidance for activities relating to Reducing Emissions from Deforestation and forest Degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stock in developing countries", the NFMS should have two functions: a Monitoring function, and the

function of Measurement, Reporting and Verification (MRV) for REDD+ activities.

One of the decisions at the 15th Climate Change Conference - December 2009 in Copenhagen in 2009 is for parties to use the most recent IPCC guidance and guidelines for estimating anthropogenic forest-related GHG emissions by sources and removals by sinks, forest carbon stock and forest area changes.

The major decision however was on the modalities for a country to develop monitoring and MRV functions that include, a national strategy or action plan, a national Forest Reference Emission Level/Forest Reference Level (FREL /FRL) or sub-national RELs/RLs as interim level, a robust and transparent NFMS or sub-national FMS as an interim measure, and a system for providing information on how safeguards are to be addressed and respected throughout the implementation of REDD+ activities.

The NFMS action plan was published in 2012 towards the development of its NFMS for REDD+. It serves as a guide to implementation of technical elements of REDD+ required in Monitoring, Measuring, Reporting and Verification (MMRV) of the outcomes of REDD+ activities and their performances in mitigating climate change.

Nigeria has prepared an NFMS for monitoring and reporting on REDD+ activities and goals including international targets such as carbon and biomass in forests.[21]

Forest Reference Level (FRL)

Nigeria has an updated FREL based on the results of national forest inventory activities as well as spatial data on deforestation and forest degradation collected under Nigeria's improved National Forest Monitoring System (NFMS).

National-level Safeguards Information System (SIS)

At present Nigeria does not have a specific REDD+ National-level Safeguards Information System (SIS). Rather, the country is in the process of developing one to harmonise existing reporting systems at the national, sub-national and local government levels as well as measure up to best global practices and principles.

Once developed, the SIS will provide information that will be accessible to all relevant stakeholders to demonstrate that the seven Cancun safeguards are being addressed and respected throughout REDD+ implementation which will be reliable and in consideration of a broader sustainable development and other national policy goals that meet other international reporting obligations.

Specifically, the design of Nigeria's Safeguards Information System (SIS) will include institutional arrangements, information content and structure that include the implementation framework, and technological dissemination solutions as identified and documented through a consultative, multi-stakeholder process.

It would also meet the objective of being a spatial tool that can be used to plan REDD+ actions and enhance multiple benefits, analysis (include mapping) of multiple benefits in other parts of Nigeria

21www.nigeriaredd.org.ng/Nigeria-National-Forest-Monitoring-System

Benefit sharing

Equitable benefit sharing is critical to a successful implementation of REDD+, since this incentivizes relevant stakeholders to play their respective roles and undertake activities that reduce emission from deforestation and forest degradation. Equitable Benefit Sharing Mechanisms (BSM) specify the beneficiaries, the benefits to be distributed, modalities for distribution, the quantum of the benefits and the basis for assigning the benefits, and safeguards. Sharing of benefits from natural resources in many tropical countries has been problematic and perceived as inequitable, leading to illegal and unsustainable exploitation and the furthering of resource degradation. A clear legislative framework needs to be developed to guide the design and implementation of an equitable BSM for REDD+ in implementing countries.

It is ideally recommended that countries reform or strengthen existing legal frameworks for existing or potential BSM to support REDD+ implementation. Such strengthened legal provisions have the potentials to provide secure access to REDD+ benefits (carbon or non-carbon) for local communities, and marginalized groups whose roles are critical in reducing emissions from deforestation and forest degradation.

Participation

Effective implementation of REDD+ requires multi-stakeholder engagement and the participation of all relevant stakeholders in decision making. Participation that is inclusive and representative gives legitimacy to REDD+ processes and eventual implementation. That notwithstanding, certain cultural and prevailing social context restrict the participation of some actors (e.g., women, tenant farmers, etc.) from inclusive and participatory decision making. In Nigeria where these phenomena exist, appropriate legislations are required to guarantee the inclusive participation and transparent consultation of all relevant stakeholders in REDD+ processes and decision making particularly in obtaining the free prior and informed consent of relevant actors. In addition, legislations that support participatory arrangements may need to be strengthened and explicitly provided for to secure the continuous support of stakeholders for REDD+ activities.

3. REDD+ funding

A Finance Strategy for Nigeria: Options Analysis (2020)[22] which is still in draft is being developed. It focuses on the development and implementation of an enabling policy for Nigeria's REDD+ Programme through identifying and assessing options for a financing strategy. The report identifies a list of possible sources of finance. It also identifies key components of a national financial strategy and outlines financing options that Nigeria could consider in order to implement her six Strategic Priorities. The finance options include recommendations for decision-makers on which options to pursue, and a next phase of detailed analysis, design, and costing, to constitute an implementable finance strategy.

Among the options assessed, a national forest carbon crediting system designed to supply domestic and international markets was

[22]Nigeria REDD+ Finance Strategy for Nigeria: Options Analysis-Review Draft, June 2020 prepared by Climate Advisers prepared this report under contract to Nigeria's Forest Carbon Partnership Facility

identified as a priority for development. The growth in private and public sector demand for high-quality forest carbon credits, for both voluntary and regulated markets, has been strong and is expected to grow significantly. Recognizing that there can be revenue streams in payment for results of REDD+ activities with and without the creation of a tradable asset (e.g., a transferable emission reduction credit), the National REDD+ Secretariat (NRS) is considering two components within its REDD+ finance framework: Forest Carbon Offsets (FCO) and Forest Conservation Certificates (FCC). If properly designed and effectively implemented, the revenue generated through the operation of these systems will contribute to a sustainable (lower carbon) development pathway in Nigeria and would offer not only the global benefits of reducing contributions to climate change, but also domestic long-term economic benefits of improving management of forest reserves and enforce low impact logging practice. Currently, recognizing the real demand for nature-based carbon credits, the NRS is accelerating the development of an FCO system to further incentivize REDD+ activities within Nigeria. At the same time, the NRS is interested in better understanding the potential and characteristics of demand for FCCs in Nigeria and internationally.

Meanwhile, it should be noted that Nigeria intends to build a National REDD+ Registry that will systematically and consistently capture REDD+ progress at both national and sub-national levels, and use the information that it generates from all the data gathering activities to update subsequent FREL. There is none at present.





National forest inventory exercise in Ondo State. Credit: REDD+ Nigeria

Institutional (organizational) and legal frameworks

1. Country approach to safeguards

The UN-REDD Programme adopts a country approach to safeguards, which builds on a country's existing governance arrangements to meet UNFCCC requirements. These governance arrangements can be broken down into three components: the institutional, legal, and compliance frameworks as outlined in Figure 9

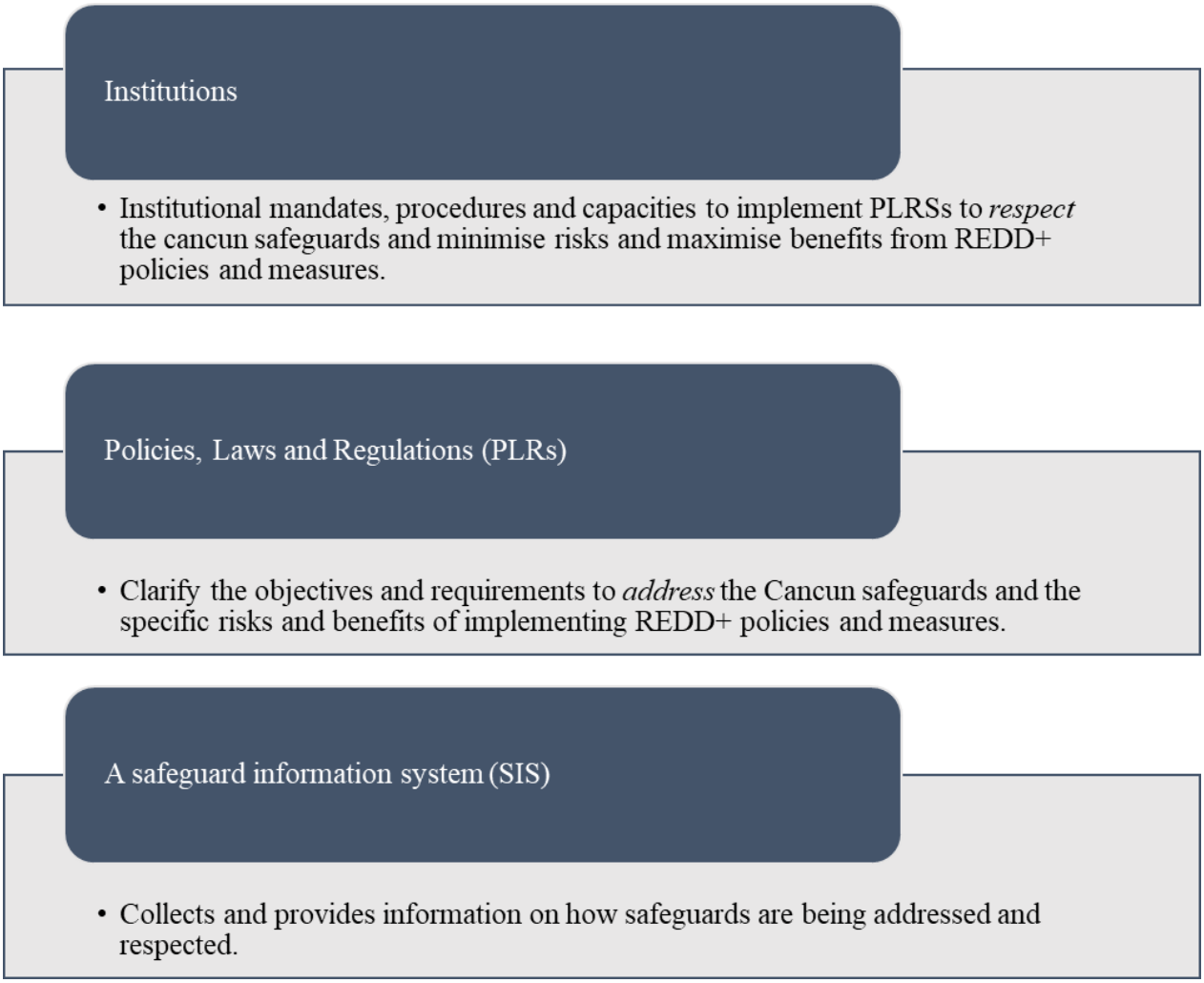


Figure 9. Contry Approach to Safewards

In addition to responding to UNFCCC requirements, a country approach to safeguards allows countries to consider further objectives, such as their own domestic sustainable development and green growth policy goals, other international policy commitments, as well as responding to the requirements of organizations providing results-based payments for REDD+ activities.

2. Institutional arrangements for REDD+ in Nigeria

Nigeria has an elaborate institutional and governance framework for REDD+ implementation at the national and state levels as is visible in the 2021 validated National Strategy for Nigeria's REDD+ Programme.

The governance/ institutional arrangement for REDD+ in Nigeria is depicted in Figure-10. It shows a structure that includes stakeholders at the national and state levels:

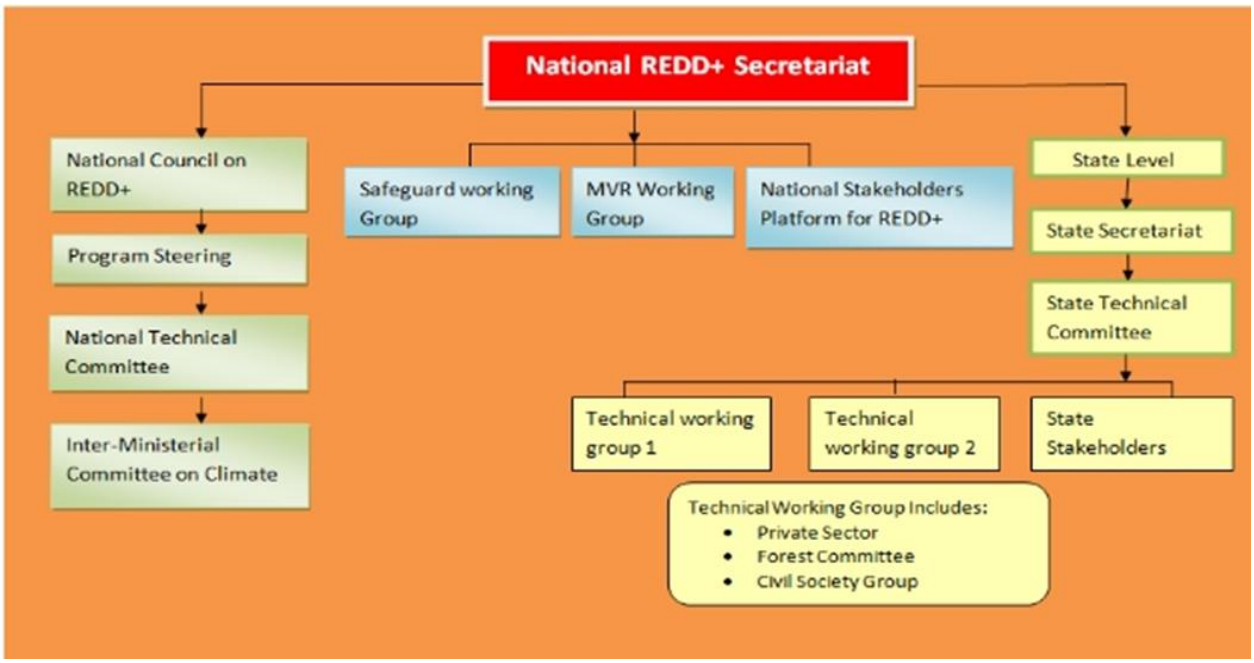


Figure 9. Institutional Arrangements for the Management of the REDD+ in Nigeria

At the national level, there is a National REDD+ Secretariat at the Federal Department of Forestry of the Federal Ministry of Environment. The activity of the Secretariat is implemented by the following organs: National Council on REDD+, Programme Steering Committee; National Technical Committee; and Inter-Ministerial Committee on Climate Change and Working Groups.

The functions of the secretariat and the implementation organs are outlined below:

National REDD+ Secretariat

The National REDD+ Secretariat is domiciled at the Federal Department of Forestry (FDF) of the Federal Ministry of Environment (FMEnv). The Secretariat is responsible for the overall coordination of REDD+ activities in Nigeria and the activities of the various implementation organs.

National Council on REDD+

This is responsible for providing the overall policy direction and oversight for the programme at both national and sub-national levels, including:

- providing policy advice and guidance on all National REDD+ processes
- supervising activities of the National Technical REDD+ Committee
- maintaining oversight role over consultancies on National REDD+ issues
- reviewing, approving, and providing continuous guidance and support to REDD+ plans of operations, annual work plans, annual budgets, monitoring and evaluation process and implementation

Programme Steering Committee (PSC)

The PSC:

- provides technical support and oversight for the implementation the REDD+ Readiness Programme at all levels.
- ensures that effective corrective actions required for better realization of programme outputs and achievement of objectives are implemented.

National Technical Committees (NTCs)

The NTCs is headed by the Permanent Secretary of the FMEnv and has national and state-specific mandates. Some of the NTCs functions are to

- strengthen the knowledge and expertise available for implementing, monitoring and disseminating programme achievements to various project stakeholders and concerned communities.
- oversee efforts on REDD+ initiatives

Inter-Ministerial Committee on Climate Change

This is primarily responsible for all relevant climate change issues relating to the various MDAs and domiciled with the Climate Change Department of the Federal Ministry of Environment.

Working Groups

The Working Groups, set up and made operational at national and state levels, provide good and effective technical backstopping to the R-PP implementation in the country as they serve as platforms for specialists or experts to provide input to the respective work of the consultants and technical agencies.

The following Working Groups are operational in Nigeria: Monitoring, Reporting and Verification Group, Safeguard Working Group, Forest Management Committees, and Stakeholders' Forum.

State Level Office

According to the REDD+ Strategy, in each of the REDD+ States in the country, the main organs are state replicas of the Technical Committee and state-specific Working Groups. There are also State level or sub-national Stakeholder Platforms for consistent dialogues among various local agencies for implementing the REDD+ Programme and the sub-national level.

Other Stakeholders

(i) Local Agencies for Implementing REDD+ Programme

Toward an effective implementation of community-based REDD+ (CBR), local entities that will provide data and information to feed into the process at State and National levels are also established at the community or local level. These local entities comprise representatives of local governments, NGOs, civil society, academia, the private sector, representatives of local communities, and traditional authorities working in the field of environment and forestry or other natural resource management bodies.

(ii) NGOs and Civil Society Organizations

With the support of NGOs/CSOs, the REDD+ Secretariat in Nigeria engage with forest communities to promote sustainable forest management through a number of activities and initiatives, including: (i) undertaking studies (ii) creating awareness (iii) building capacity of communities for alternative livelihood systems (iv) liaison between REDD+ implementing agencies and other stakeholders (v) providing oversight monitoring and reporting, and (vi) addressing human rights issues in relation to resettlement and displacement of people and their economic activities, plus health and other social and environmental safeguard issues.

(iii) Forest Dependent Communities

Government recognises the roles of forest-dependent communities as the traditional custodians of the forest and its resources, and the need for them to create a conducive environment at the site level for REDD+ activities. Forest Management Committees, Forest User Groups and Women Organizations of the forest-dependent communities are established at these levels to facilitate sustainable community forest management through the creation of conservation awareness, and monitoring of forest activities, especially in logging and deforestation.

(iv) Academia

Government recognises the roles of the academia and their involvement in training and conducting research, collating/managing data to support the REDD+ process and collaborating with other agencies to undertake REDD+ related research and the dissemination of the research results. The academia will also be involved in training and capacity development of relevant stakeholders for REDD+ programmes

3. Policies, laws and regularions (PLRs) framework for Nigeria's REDD+ Programme

Upfront, it is worthy to note that there are no specific national or state laws on REDD+. However, there are provisions in some legislations relevant to the governance and institutional arrangement for the implementation of REDD+ at the national and state levels. There are also, several key cross-sectoral national policies and development strategy action plans and reports that stand to support mitigation activities under REDD+. These tend therefore to support the objectives and requirements to address the Cancun safeguards and the specific risks and benefits of implementing REDD+.

The identified Policies, Laws and Regulations (PLRs) that support the REDD+ Programme in Nigeria are outlined in Table 1 and described briefly below:

Table 1: Policies, Laws and Regulations (PLRs) for Nigeria's REDD+ Programme

REDD+ Documents

- The 2021 validated National Strategy for Nigeria's REDD+ Programme
- The 2011/2012 Nigeria's REDD+ Readiness Programme: Participatory Governance Assessment (PGA) for REDD +
- Nigeria's REDD+ Readiness Programme 2012 – 2015

REDD+ Safeguard Instruments

- Draft Final Report: Strategic Environmental and Social Assessment
- Strategic Environmental and Social Management Framework (ESMF)
- Resettlement and Policy Framework (RPF)

Relevant National Policies

- Nigeria's Climate Change Policy, revised 2021
- Vision 20:2020
- National Biodiversity Strategy and Action Plan (NBSAP) 2016 -2020
- National Forestry Policy 2020
- National Environment Policy -revised 2016
- Agricultural Promotion Policy 2016 – 2020
- National Policy on Drought and Desertification 2007
- National Renewable Energy and Efficiency Policy (NREEEP)
- National Forestry Policy 2020
- Agenda 2050 (in the making)

Relevant National Laws

- The Land Use Act Cap L5 L.F.N. 2004 (LUA)*
- Oil Pipeline Act
- National Parks Service Act Cap N65 LFN, 2004
- Environmental Impact Assessment Act Cap E12 LFN 2014
- The various State Forestry Laws

Relevant National Regulation

- National Environmental (Control of Bush/Forest Fire and Open Burning) Regulations, S. I. No. 15, 2011.
- National Environmental (Desertification Control and Drought Mitigation) Regulations, S. I. No. 13, 2011.
- National Environmental (Access to Genetic Resources and Benefit Sharing) Regulations, S. I. No. 30, 2009
- National Environmental (Wetlands, River Banks and Lake Shores) Regulations, S. I. No. 26, 2009.

Relevant National Strategic Plans

- National Climate Change Strategy and Action Plan (2018-2022)
- Medium Term Expenditure Framework 2012 – 2023
- Economic Recovery and Growth Plan 2017-2020
- National Strategic Action Plan, 2012
- National Climate Change Strategy and Action Plan (2018-2022)
- National Biodiversity Strategy and Action Plan (NBSAP) 2016 -2020
- National Strategic Action Plan for the Great Green Wall Initiative

Constitutional Provisions

The overarching constitutional provision that underpins Nigeria's REDD+ Programme is the country's 1999 Constitution (as amended), which specifies the roles and duties of the three tiers of government (the federal, state, and local governments) in development. It specifies the roles of the Federal Government in implementing treaties and other international instruments entered by it concerning forest products and resources while also stating the powers conferred on the States and Local Governments.

Section 20 of the 1999 Constitution stipulates, *"the State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria".* Section 36 of the 1999 Constitution guarantees access to justice to seek redress and the right to a fair hearing. These are constitutional provisions that aid the implementation of the REDD+ project in Nigeria in line with the stipulations of the Cancun agreement. Furthermore, in the case of local governments, the Constitution provides for their participation in the development of agriculture and natural resources, of which the forestry sector is a major one.

4. Other Relevant Laws

The Land Use Act Cap L5 L.F.N. 2004 (LUA)

Sections 28(2)(b) and (3)(a) of the Land Use Act vests in the State Governors the power to revoke interest in land. This power appears, however, to be broad and wide. Checks and balances need to be provided in the LUA to regulate the exercise of this power by the Governors or else the essence of the REDD+ programme will be defeated. There is also the need to address issues of land titling and land tenure as these are key to the effective implementation of REDD+.

Environmental Impact Assessment Act Cap E12 LFN 2014

The EIA Act provides strategic approach for Nigeria to combat forest degradation and climate change.

Forestry Laws

Several of the 36 states in Nigeria and the Federal Capital Territory (FCT) have their own forest laws and policies for regulating forestry practices in their domain. Many of the State laws are based on the 1938 Forestry Law of Nigeria which recognizes only timber exploitation concessions.

However, a few states such as Cross River, Ondo and Lagos states have revised their forestry laws in the recent past, to set up a Forestry Commission and give them specific mandates to undertake sustainable forest management and to set up forest management committees involving the local people.
Specifically, the forestry law in Cross River State empowers the state government to award carbon concessions (as well as watershed protection concessions and eco-tourism concessions).

Despite existing regulations, States and the Federal Government of Nigeria need to introduce new clauses to address a wide range of REDD+ issues including carbon tenure, benefit sharing, financial arrangements, private sector participation, etc

5. Relevant National Policies

National Forest Policy (2020)

Nigeria' new National Forest Policy, approved in 2020 includes a National Forest Investment Plan (2019 -2023) and provides strategic approach for Nigeria to combat forest degradation and climate change.

Nigeria National Climate Change Policy (NCCP)

On Wednesday, June 2, 2021, at the Federal Executive Council (FEC) Meeting, President Muhammadu Buhari approved the revised National Climate Change Policy (NCCP) and the National Climate Change Programmes for Nigeria. The new Policy document captures updates of emerging issues in the sectors not reflected in the previous policy. Such updates include the Paris Agreement on Climate Change and gender mainstreaming. The new National Policy on Climate Change with its programmatic plan of action is expected to run through 2021-2030. The objective of the new policy is to implement mitigation measures and promote low-carbon, high-growth economic development and also strengthen adaptation towards a sustainable climate resilient development pathway.

National Climate Change Programmes

The National Climate Change Programmes' document complements the revised National Policy on Climate Change. It identifies measures and actions that will be implemented in a programmatic manner to address most of the

challenges posed by climate change and climate vulnerability in the country.[23]

6. Relevant Regulations for REDD+

Nigeria has so many other regulations which by their applications strengthen the attainment of REDD+ objectives in the country. Below are some of them:

National Environmental (Control of Bush/Forest Fire and Open Burning) Regulations S. I. No. 15, 2011: The principal thrust of this regulation is to prevent and minimize the destruction of ecosystem through bush burning, or the burning of any material that may affect the health of the ecosystem through the emission of hazardous air pollutants.

National Environmental (Desertification Control and Drought Mitigation) Regulations S. I. No. 13, 2011: This seeks to provide an effective and pragmatic regulatory framework for the sustainable use of all areas already affected by desertification and the protection of vulnerable lands.

National Environmental (Access to Genetic Resources and Benefit Sharing) Regulations S. I. No. 30, 2009: This regulation is designed to regulate access to and use of generic resources to ensure the regeneration and sustainability of threatened species.

National Environmental (Wetlands, River Banks and Lake Shores) Regulations S. I. No. 26, 2009: This provides for the conservation and wise use of wetlands and their resources in Nigeria. It also focuses on sustainable use of wetlands for ecological and tourism purposes and to protect wetland habitats for species of fauna and flora.

7. Nigeria's REDD+ Programme Safeguards Framework

At the 16th Conference of the Parties to the United Nations Framework Convention on Climate (COP16) in 2010), the Cancun Agreements (Decision 1/CP. 16) of the United Nations Framework Convention on Climate Change (UNFCCC) was reached. The agreement called on countries that will implement REDD+ to address and respect seven broad safeguards (called "Cancun safeguards") related to governance, social and environmental risks, and benefits, as well as emission reductions risks.

Nigeria REDD+ Strategy

The Nigeria REDD+ Strategy serves as the principal tool to enable the country to achieve its REDD+ Programme objectives. It is this Strategy that prioritizes actions, defines institutional arrangements, recommends policy (re)alignments, and identifies partnerships and financial mechanisms that will assist the country to reduce the rate of carbon emissions and enhance removals from the forest sector while creating benefits for resilience building and green economic development so that Nigeria can meet its National REDD+ Programme objectives.

23https: ww.environewsnigeria.com/buhari-approves-revised-national-climate-change-policy/?utm_source=newsletter&utm_medium=email&utm_campaign=buhari_approves_nigeria_s_revised_national_climate_change_policy&utm_term=2021-06-03

Environmental and Social Safeguards

To address and respect safeguards throughout REDD+ programme and activities as required, a Strategic Environmental and Social Assessment (SESA) to mitigate risks and enhance benefits has been developed. Also developed are an Environmental and Social Management Framework (ESMF) and a Resettlement and Policy Framework (RPF) to ensure that the REDD+ process screens, assesses, addresses, and manages environmental, social and climate change issues for site-specific project activities and subprojects that will be identified during project preparation.

To respect and ensure the governance arrangements are working in practice, together with the resultant outcomes of their implementation during project implementation, these safeguard instruments specify roles and responsibilities of the implementing agencies and relevant stakeholders. The necessary reporting procedures for managing and monitoring environmental and social concerns in REDD+ implementation shall be linked to the Safeguard Information System when developed.

These safeguard instruments shall ensure compliance with Country Systems such as the Environmental Impact Assessment Law, *Act No. 86 of 1992* and the Cancun safeguards of the UNFCCC thus fulfilling a key prerequisite for obtaining results-based payments under the REDD+ mechanism. It is anticipated that as might be required by other international partners these Safeguard instruments would meet their requirements for applicable financing, including results-based payments under the Green Climate Fund (GCF).

Meeting these requirements has been considered across the three REDD+ phases of readiness, implementation, and results-based payments. These shall be updated in the life of REDD+ programme in Nigeria.

Where identified, Nigeria REDD+ programme will put in place policies and measures that will contribute to securing forest rights and livelihoods of local communities, improving biodiversity conservation and ecosystem services, and providing greater economic opportunities. This will ensure that REDD+ implementation presents opportunities to enhance social and environmental benefits, rather than risks.

Gender Mainstreaming in Nigeria's REDD+ Programme

Nigeria's REDD+ Programme considers the different roles that men and women play in forest resource management. By incorporating gender considerations in its REDD+ Programme, Nigeria deliberately ensures the integration of the wealth of unique knowledge, skills and experience of women, youths, and men which is vital to sustaining REDD+ outcomes in the long term.

REDD+ activities in Nigeria seek to improve commodity value chains and create opportunities for equal participation between men and women (including youths and other marginalised groups). This type of gendered approach is central to addressing drivers of deforestation and forest degradation through REDD+ and securing the wellbeing of every citizen. The country recognises that failure to integrate gender considerations can give rise to long-term political and ecological dynamics that will have profound implications for the involvement of marginalised groups like women and youths in environmental management, jeopardize the success of efforts to reduce emissions from deforestation and forest degradation, and hinder efforts to conserve and sustainably manage forest stocks. Institutional and policy reforms as well as REDD+ communication activities will mainstream gender.

To set a standard that will guide and measure gender compliance as the REDD+ programme progresses, Nigeria is finalising a gender mainstreaming strategy to ensure that the programme recognises and respects the interests of women, youth, and other marginalised groups, and guarantees their participation in decision making regarding forest and natural resource management.

Feedback and Grievance Redress Mechanism (FGRM)

Nigeria has designed a Feedback and Grievance Redress Mechanism (FGRM) which is one of the cardinal requirements for the REDD+ Programme in the country. The mechanism ensures effective engagement of communities and other stakeholders and serves to improve the planning and implementation of REDD+ towards preventing potentially adverse conflicts/impacts on project-affected communities. Thus, the FGRM addresses the grievances that may ensue in the implementation of REDD+ activities. The adopted FGRM Report and the policy based on it will be an integral part of Nigeria's strategy for implementing REDD+

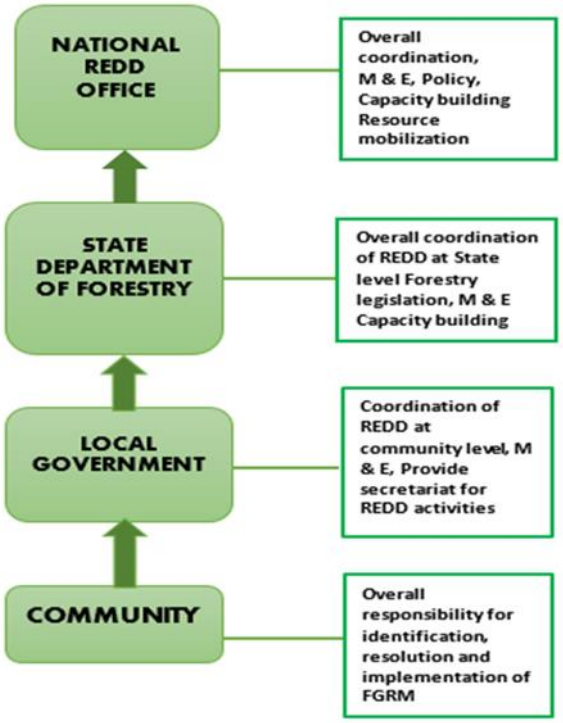


Figure 10. Structure of Grievance Redress Mechanism For Nigeria's REDD+
Source: FMoE (2017) *Report for National FGRM*.

The FGRM will have a six-stage process for resolving grievances, comprising:

- grievance reporting and acknowledgment
- review of reported case for uptake
- assignment of reported case to committee
- the deliberation/decision on the reported case
- the communication of decision of the committee to an aggrieved person, and
- decided cases are closed and entered the database.

For cases in which an aggrieved person is not satisfied with the decision reached, such cases can go through one or two more stages depending on the complexity of the appeal. Cases of appeal will first be considered at a first stage (vii) and decided there, with feedback given to the aggrieved person. If the aggrieved person is still not satisfied, the case will go to stage (viii) for final trial. Finally, if the aggrieved person is still not satisfied after this stage, he/she can only go to the courts for settlement.

Stakeholder Participation

Nigeria has combined awareness creation, information sharing, trainings, and dialogue in decision making to ensure effective stakeholder participation in the REDD+ process. To consolidate the gains that the country has made and to implement this strategy, the National REDD+ Secretariat will strengthen a national multi-stakeholder engagement platform[24]. This will help to synthesize the issues of REDD+, with focus on SESA; rights and tenure, benefit sharing, REDD+ structures, grievance mechanism, gender roles, and any other issue that may be identified. The different sub-nationals will establish similar structures. The stakeholder platforms will also be established at the state level.

As REDD+ expands and transits from readiness to investment in the country, the National REDD+ Secretariat is poised to, together with strengthening stakeholder platforms, finalise and operate a stakeholder engagement and management plan to ensure effective, equitable, and transparent stakeholder participation in the REDD+ process.

National-Level Safeguards Information System (SIS)

The Durban Outcome (Decision 12/CP.17) states that a Safeguard Information System (SIS) should provide information on how the Cancun safeguards are addressed and respected.[25] This was reiterated by the Warsaw Framework for REDD+ (Decision 9/CP.19) requiring countries to submit, among other things, a Summary of Information (SoI) on how all of the safeguards have been addressed and respected before they can access result-based payments.

As mentioned earlier, there is no SIS in place in Nigeria at present. However, it should be noted that the SIS is not a novel system *per se*, but an articulation of existing systems and information sources to perform the UNFCCC-required function of providing information on how the Cancun safeguards are being addressed and respected.

The most tangible and novel aspect of an SIS may be the technological dissemination platform (e.g., database, web portal), behind which lies the interconnected existing institutional arrangements to bring the relevant information to the identified audiences. Spatial analysis relating to potential co-benefits to carbon stocks can support planning and decision making on REDD+. Simple mapping tools can be used to help identify areas where high carbon, high biodiversity priority and ecosystem services values overlap, and show how these are related to pressure and management options.

Once the National-level Safeguards Information System (SIS) is put in place, it will also support in providing periodic summaries of safeguards' information, reporting on how safeguards are addressed and respected.

[24] The REDD Secretariat is in the process of actualizing this action at the time of drafting this report.

[25] https://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf

Gaps in the legal and governance framework for REDD+ implementation in Nigeria

There are a plethora of policies, strategy action plans and reports that tend to speak positively to meeting the objectives of the REDD+ programme in Nigeria.

However, an analysis of laws, policies and institutions in those sectors suggests that there are several challenges that may hinder Nigeria's implementation of REDD+. The key challenges are, inter alia, arising from the fact that all these cross-sectoral national policies, development strategy action plans and reports relevant to the implementation of REDD+, do not have the legal teeth for enforcement with a view to meeting the goals and objectives of the REDD+ Programme in the country.

Some of the existing laws in Nigeria, relevant for the governance and institutional arrangement for the implementation of REDD+ include the Land Use Act; Environmental Impact Assessment Act 2014. However, these are insufficient in themselves to contribute to climate change mitigation efforts by:

reducing greenhouse gas emissions (GHG) through slowing, halting, and reversing forest loss and degradation; and
increasing the removal of GHGs from the earth's atmosphere through the conservation, management, and expansion of forests.[26]

Indeed, none of the existing legislations have provisions that support strongly the UNFCCC established process, rules, and modalities to access results-based payments (RBPs) for REDD+ policies and measures (PAMs). Under the Cancun Agreements of the UNFCCC (Decision 1/CP. 16), developing countries are encouraged to contribute to climate change mitigation actions in the forest sector by undertaking the following activities (as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances to reducing emissions from deforestation): reversal of forest degradation, conservation of forest carbon stocks, sustainable management of forests, and enhancement of forest carbon stocks.[27]

None of the existing pieces of legislation completely support the REDD+ mechanism, nor encourage the maximation of co-benefits from forestry activities such as biodiversity conservation, enhanced hydrological functions and improved livelihoods.

The Environmental Impact Assessment Act 2014, for instance, defines environmental impacts and mitigation obligations broadly. However, it does not specifically mention climate change. Mitigation is defined to include "restitution for any damage to the environment". While the current EIA legislation and guidelines could be interpreted to include climate change and mitigation obligations based on this definition, this does not appear to occur in practice to support robustly the objectives of REDD+. To buttress this point, for example, *REDD+ Finance Strategy for Nigeria: Options Analysis* gave the example of Shell's EIAs for oil and gas projects in Nigeria, which do not include GHGs, climate impacts, or any climate mitigation measures. However, Shell has separate corporate commitments on climate mitigation that are not tied to domestic mitigation in countries where they extract oil and gas.

[26] www.fao.org/redd/overview/en//

[27] https://ethiopiareddplus.gov.et/about-redd/the-global-redd-background/

Table 2. Some Gaps in the PLRs

S/No	Issue	Observed Gap
1	Institutional coordination and capacity	The validated Strategic Plan contains the organizational architecture that outlines the relevant national and sub-national institutions but does not specify their roles and responsibilities for implementing REDD+. There is also no legislation to define the roles and responsibilities, linkages, and the coordination framework to allow for information sharing, decision-making, monitoring, review, and accountability
2	Policy and institutional challenges	As noted in the validated 2021 National Strategy for Nigeria's REDD+ Programme Policy, distortions and lack of clear institutional mandates exacerbate other drivers of deforestation and forest degradation. There is a challenge of inadequate policy articulation and differences between policy and the complex reality of implementation. Forest management in Nigeria across the different forest regimes is generally weak, with inadequate allocation of human and financial resources to the Forestry Departments at both Federal and State levels for carrying out their mandates of forest management and monitoring. The other prominent manifestation of policy inconsistencies is the issuing of oil exploration licenses in the mangrove forest ecosystem of the Niger Delta, which requires protection. Overlapping jurisdictions or roles and responsibilities among different players in forest management both at the national and sub-national levels ought to be clear to avoid apathy, conflicts, confusion, and de-motivation towards sustainable management of forests and REDD+ implementation.
3	Land, forest, and carbon ownership	At present there are no legislations that clearly specify forest ownership, access, and use rights including carbon rights. Clarity, codification, and formalization serve as the basis to participate in REDD+ activities and accessing the benefits generated. In many cases in the tropics, it involves formalizing or assigning or enforcing local communities' rights to forests and carbon. In other cases, existing laws governing land, forests and trees need to be reformed to support the objectives of REDD+.
4	Emission Trading	No policy or law at present for emissions trading which can be an economically efficient policy tool to support all of Nigeria's Strategic Priorities.

5	Benefit sharing	There is no clear legislative framework to guide the design and implementation of an equitable BSM for REDD+. No legal provisions for secure access to REDD+ benefits (carbon or non-carbon) for local communities, and marginalized groups whose roles are critical in reducing emissions from deforestation and forest degradation.
6	Effective implementation of REDD+ requires multi-stakeholder engagement and participation of all relevant stakeholders in decision making. Participation that is inclusive and representative gives legitimacy to the REDD+ processes	No legislation that guarantees the inclusive participation and transparent consultation of all relevant stakeholders in REDD+ processes and decision making particularly in obtaining the free, prior, and informed consent of relevant actors. Legislations that have the potentials to support participatory arrangements may need to be strengthened and explicitly provided for to secure the continuous support of stakeholders for REDD+ activities.
7	EIA legislation	The current EIA legislation and guidelines could be interpreted to include climate change and mitigation obligations, but this does not appear to occur in practice. For example, Shell's EIAs for oil and gas projects in Nigeria do not include GHGs, climate impacts, or any climate mitigation measures.[28] Shell has separate corporate commitments on climate mitigation, but these are not tied to domestic mitigation from countries where they extract oil and gas.[29] See the Executive Summary for further steps on how the EIA Act can be strengthened.
8	NESREA Regulations	• National Environmental (Control of Bush/Forest Fire and Open Burning) Regulations, S. I. No. 15, 2011's • National Environmental (Desertification Control and Drought Mitigation) Regulations, S. I. No. 13, 2011 • National Environmental (Access to Genetic Resources and Benefit Sharing) Regulations, S. I. No. 30, 2009 • National Environmental (Wetlands, River Banks and Lake Shores) Regulations, S. I. No. 26, 2009 None of these specifically speak to the UNFCCC established process, rules, and modalities to access results-based payments (RBPs) for REDD+ policies and measures (PAMs).

[28] https://www.shell.com.ng/sustainability/environment/environment-impact-assessments.html

[29] https://www.shell.com/energy-and-innovation/the-energy-future/shells-ambition-to-be-a-net-zero-emissions-energy-business.html

Reform and next steps

Nigeria has lessons to learn from other countries when it comes to reforming or making new legislations that will help her effectively and efficiently realize the objectives of the REDD+ Programme in the country. One of these lessons is how other countries have started to align their national legislations with international agreements.

For REDD+ to be effectively incorporated into national legislation, examples exist of how coherence and consistency have been achieved by other countries. FAO (2015) provides examples of Asia-Pacific, Latin America and African countries that have taken legislative action in line with the objectives of REDD+ to combat the effects of climate change. It further highlights the ways legislation reflects countries' commitments to REDD+ and examines the linkages between REDD+, forest, and climate change laws. The selected legislations analysed in the FAO report revealed that the following subjects were common:

- forest and wildlife resources management, planning, administration, decentralization processes, as well as use and conservation aspects that impact the implementation of REDD+.
- Other elements considered related to cross-sectoral coordination, the effective participation of relevant stakeholders in REDD+ decision-making processes, legal arrangements required for National Forest Monitoring Systems (NFMS) or Measurement, Reporting and Verification (MRV), the equitable distribution of benefits from REDD+ activities, definitions of REDD+ terms, and the formalization and protection of forest tenure rights.
- In relation to the general issue of climate change mitigation, several countries have enacted forest legislations that recognize the use of forests as greenhouse gas sinks, or otherwise sets out a policy of forest-based mitigation.

The legal framework assessment has shown that Nigeria has an extensive PLR system in place, but that gaps exist in the regulatory system that would need to be addressed before REDD+ could be adequately safeguarded. In summary, it revealed that:

- The Federal Ministry of Environment is the national focal ministry for all international treaties and conventions on the environment including the Convention on Biological Diversity (CBD) and the protocols essential for effective management of the environment. The REDD+ Secretariat is a unit under the Department of Forestry in the Ministry.
- There are relevant national policies and strategic action plans on the CBD and UNFCC but no national legislation to back their implementation.
- There is no specific legislation on REDD+.
- A draft National Forest Bill is undergoing processing by the executive before its submission to the National Assembly. This Bill will address most forestry and biodiversity issues. It also has provisions for REDD+ activities in the country.
- A draft Climate Change Bill is currenty being updated at the House of Representatives.
- Nigeria has EIA legislation with sectoral guidelines though these do not explicitly capture projects that account for GHG impacts from local REDD+ projects.

Without doubt REDD+ in Nigeria will benefit from extensive legal reform. However, it is noted that regulatory reform and improving the implementation of PLRs could be a long-term process.
Thus, the critical question is: what is the most appropriate "entry point" for enacting these recommended reforms? In most countries, required reforms will need to take place in a piecemeal fashion, in line with when specific laws and regulations are amended.

Rather than creating an ad hoc law for the REDD+ programme, the identified Bills, namely

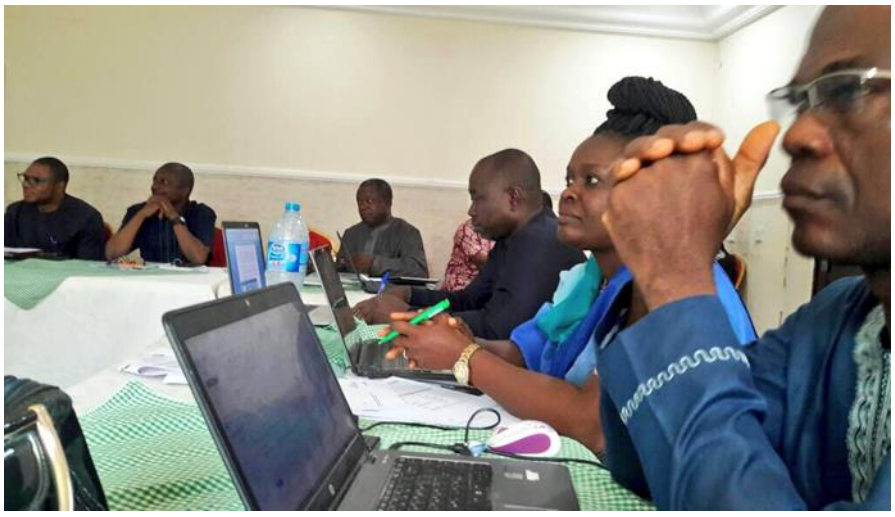
the National Forest Bill and the Climate Change Bill could be leveraged, as well as the EIA Law which is under revision. These could become the enabling laws to protect Nigeria's remaining forest resources from deforestation and degradation and enhance forest carbon stock in ways that help improve local livelihood.

As emphasis, fortuitously, Nigeria's commitment to tackle climate change is reflected in her intention to develop a Climate Change law. This provides a veritable platform and opportunity for relevant PLRs as identified in this assessment to be made coherent with other relevant issues. The Climate Change law is expected to be coherent and comprehensive, as it is hoped to address climate change by regulating sources of GHG emissions from different sectors of the economy. Although the bill is proposed to fight climate change, it is also anticipated to protect, conserve, and enhance ecosystems and their services thus affecting and driving the implementation of REDD+ in Nigeria.

The Climate Change Bill stands to provide a leeway for reform, alignment, and clarification even for the existing legislations while the proposed National Forestry Bill would focus on direct and indirect drivers of deforestation and forest degradation.

Also, the Federal Ministry of Environment is currently revising Nigeria's environmental guidelines,[30] and the current EIA legislation[31] could be interpreted to cover climate impacts and require local mitigation. The EIA legislation or sector guidelines could be revised to explicitly require projects to account for GHG impacts and mitigate GHG impacts through local REDD+ programmes.

For the EIA Act which is currently undergoing amendment, environmental offset requirements can be incorporated to mitigate domestic impacts locally.[32] The scope of these requirements can focus on specific objectives such as biodiversity or GHG mitigation or can be broadly defined. For example, Gabon's EIA legislation creates "Sustainable Development Credits" to offset a wide range of negative impacts.[33] The mitigation obligations could be connected to other policy options such as Emissions Trading Markets or Green Bonds, or they could be tied directly to funding one or more Strategic Priority Actions. It could also be used to reduce the GHG impact of projects directly tied to Nigeria's Strategic Priority Actions such as additional scrutiny of any commercial agriculture or logging projects that require EIAs.



REDD+ National Steering Committee meeting. Credit: REDD+ Nigeria

30 https://ead.gov.ng/environmental-guidelines-revision/

31 *Environmental Impact Assessment Decree* 1992

32 Linacre, N.; O'Sullivan R.; Rocha M., Greenhalgh S., and D. Ross. (2015). *Supporting REDD+ in Developing Countries: A Review of Policy Options*. United States Agency for International Development Forest Carbon, Markets and Communities Program: Washington, D.C., USA.

33 See Gabon's *Sustainable Development Law No. 002/2014.*

1. Nigerian Legislators and Their Understanding of the REDD+ Programme

The National Assembly (NASS), comprising the Senate and the House of Representatives, is the legislative arm of government in Nigeria. Their capacity to develop appropriate legislative response to contemporary environmental and sustainable development issues needs to be scaled up to include the ability to legislate on REDD+. This is imperative because a rapid assessment survey of members of the National Assembly revealed a low level of awareness of REDD + and its relevance to national development.

Provided below is an analysis of the outcome of our engagement with them:

(i) Gender of Legislators

In relation to the interactive session held with the legislators, 75% were male while the remainder were females as depicted in Figure 12 below.

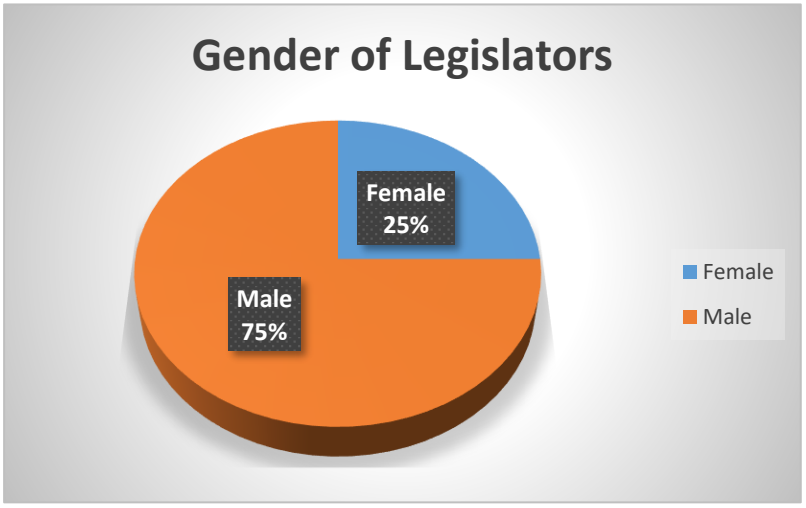


Figure 11. Gender of Legislators

(ii) Destruction of Forests Leading to Negative Environmental Challenges

The study revealed that 75% of the Lawmakers agreed that destruction of the forest will lead to negative environmental effects, while 25% did not respond at all.

(iii) Knowledge of any Legislation that Promotes Forest Protection or Regeneration

All the respondents revealed that there are pieces of legislations in Nigeria that promote forest protection, conservation, and regeneration.

(iv) Response on whether a legal framework relating directly to REDD+ exists

As to the awareness of whether a REDD+ legal framework exists, a larger percentage (70%) do not seem to be aware

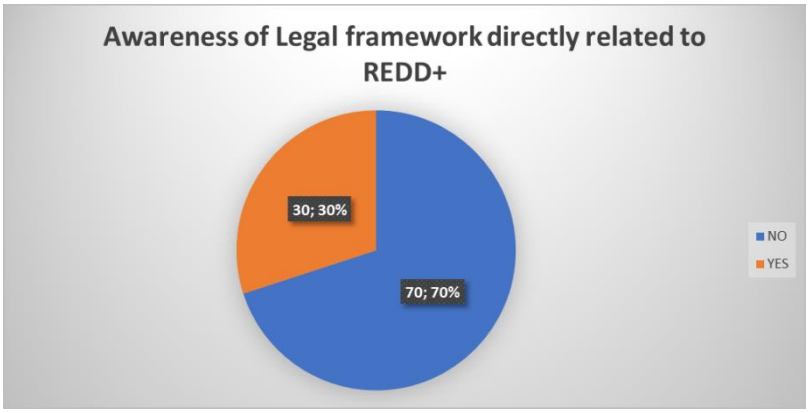


Figure 12. Awareness of the existence of a REDD+ legal framework

(v) Respondents' view on whether the National Assembly can assist the Federal Government or State Government in managing the country's forest resources with legislation

The study unveils respondents' view on whether the National Assembly can assist the Federal Government or State Government in managing the country's forest resources with legislation and found that all agree that the National Assembly has an important role to play

.

(vi) Response on whether legislators have a significant role to play in creating these legal frameworks

The study unveils the agreement of respondents' on whether legislators have a significant role to play in creating these legal frameworks. 100% agreement.

(vii) Empowering Communities in Natural Resource Management

As revealed in the Figure 14 as to whether Nigeria's laws should give communities more roles in Natural Resource Management, majority (89%) of the respondents answered in the affirmative and 9% were not sure and the remaining 2% disagreed

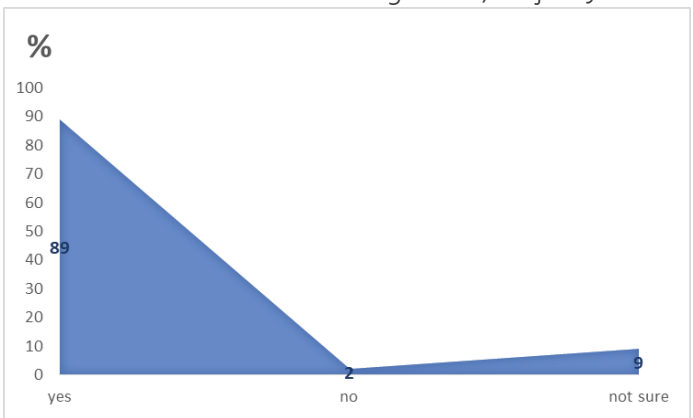


Figure 13 : Nigeria's laws and communities' roles in Natural Resource Management

(viii) Roles of the Parliament in national REDD+ Processes

On the specific roles of Parliaments in national REED+ processes, the following were obtained from the interactions with the legislators:

- Legislators should play key roles in overcoming the financial inhibitions to successfully implementing REDD+ in Nigeria including creating a separate line budget for REDD+ activities and approving the National REDD+ policy.
- Get involved in projects and activities related to building credible, inclusive national governance systems for REDD+ implementation.
- Develop laws and legal frameworks that will govern the way forest is managed.
- Legislators must use their oversight responsibilities to ensure that laws on forestry are being properly enforced.
- Ensure that anti-corruption measures are built into national REDD+ systems.
- Legislators must ensure that proper budgetary allocations are made in the annual budget to address issues related to climate change, forestry, and REDD+.

(ix) Awareness of Convention on Biological Diversity (CBD)

It can be seen from Figure 15 that 50.0% of the respondents agreed that they have heard about CBD before, while 25% have not, with another 25% unsure.

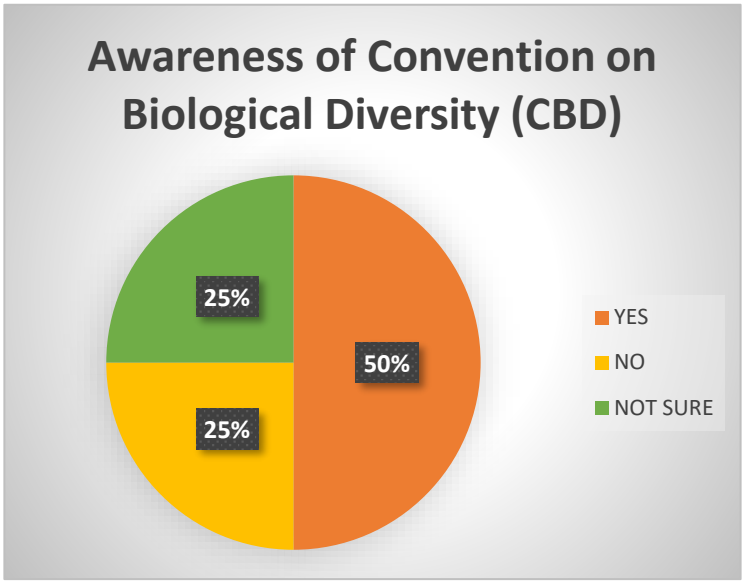


Figure 14. Awareness of Convention on Biological Diversity (CBD)

(x) Importance of REDD+ in Nigerian legislators' agenda

According to the figure below, REDD+ being of importance was agreed to by 35% of the respondents, while 31% thought it is very important. 9% of respondents were unsure and feel it is not talked about.

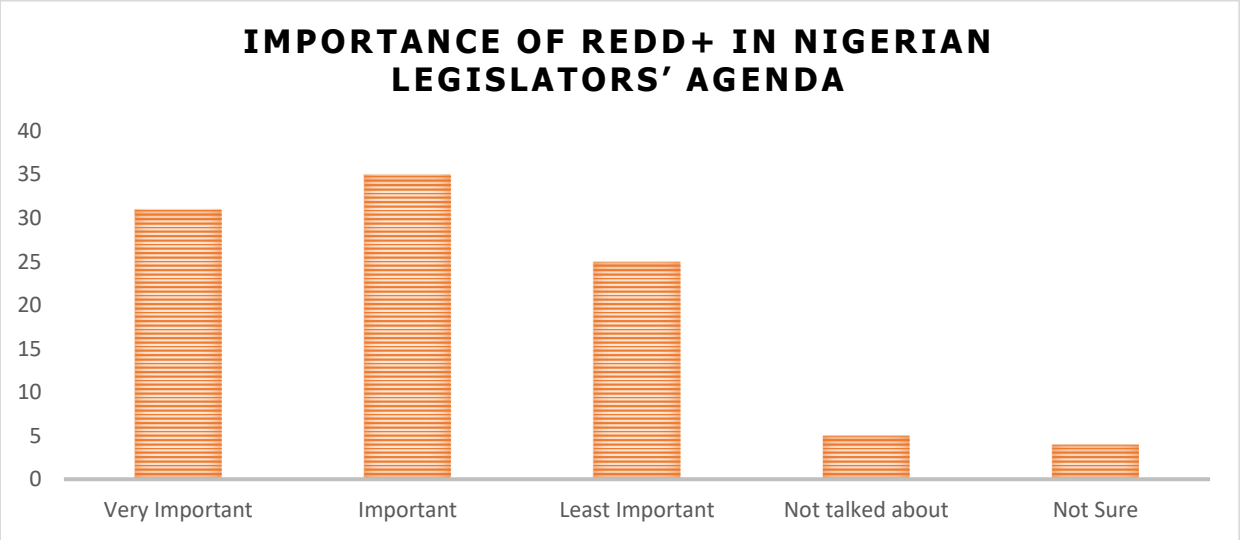


Figure 15. Importance of REDD+ on Legislators' Agenda

(xi) Oversight roles to ensure enough resources are directed towards REDD+

On how the oversight roles of the legislators can ensure enough resources are directed towards REDD+ implementation, the respondents agreed to the following:

Ensure transparency and openness of Executive Arm of Government activities

Scrutinize whether government policies on REDD+ have been implemented and whether they are having the desired impact

Ensure there are budgetary provisions and accountability.

Approval of funding for REDD+ related activities and monitor to see that they are fully implemented.

(xii) Awareness of Carbon Trading

The question on awareness of carbon trading by the legislators revealed that out of the 72 respondents just 17 is aware, 30 are slightly informed, and 25 respondents are not aware at all. Showing just under 50% are knowledgeable about Carbon Trading.

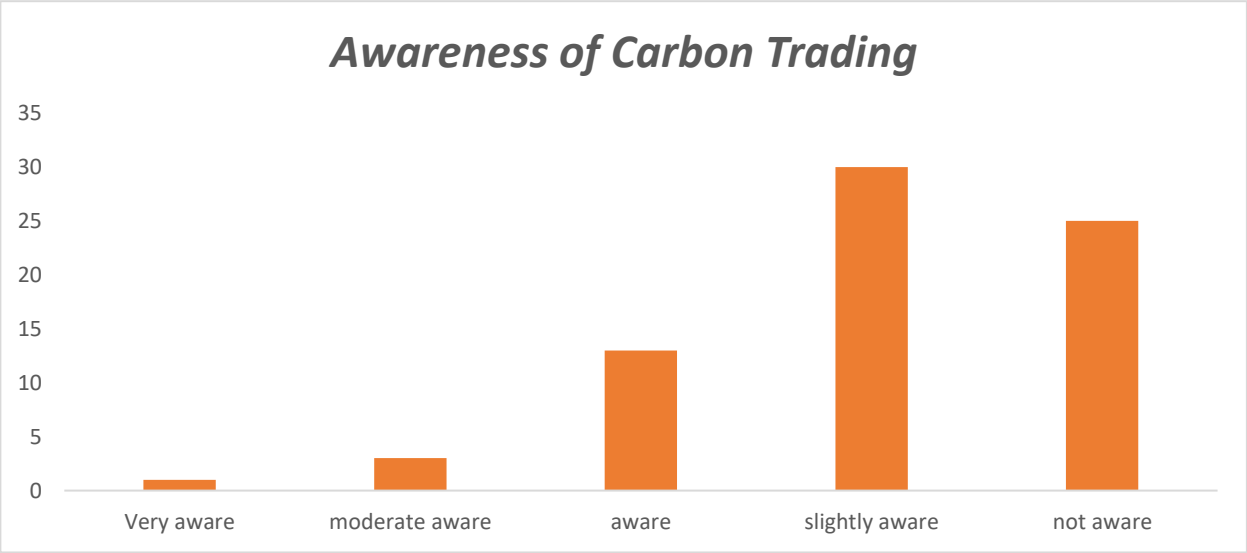


Figure 16. Awareness of Carbon Trading

(xii) Ways in which REDD+ can add momentum to legislators' efforts

The investigation revealed ways in which REDD+ can add important momentum to legislators' efforts in complementing pro-poor strategies. 50.0% suggested that well-managed REDD+ and the green economy process will make for a more sustainable economy that will impact positively on Nigerians of all status. While 18% said it will increase long-term returns on investments for business.

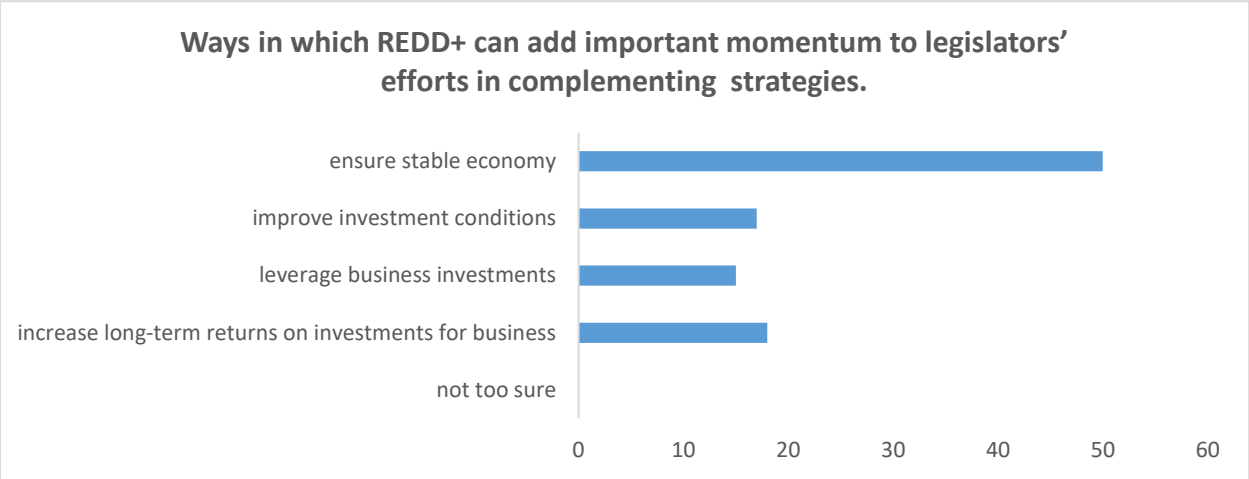


Figure 17. Ways in which REDD+ can add momentum to legislators' efforts and strategies



REDD+ Stakeholders' Validation Workshop on Benefit Sharing. Credit: REDD+ Nigeria

Recommendations

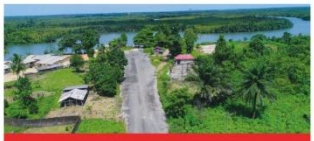
Nigeria's commitment to tackle climate change is reflected in her intention to develop a Climate Change Law. As anticipated, the Climate Change Law is expected to be coherent and comprehensive, as it is hoped to address climate change by regulating sources of GHG emissions in different sectors of the economy and building resilience and ensuring adaptation measures. Although the Bill specifically seeks to mainstream climate change actions into Nigeria's policy formulation and implementation, it also makes legal provisions that will support the implementation of REDD+ in the country. The Bill stands to provide a leeway for reform, alignment, and clarification especially by addressing direct and indirect drivers of deforestation and forest degradation.

On the other hand, the EIA legislation currently being revised by the Federal Ministry of Environment with the associated sectoral guidelines could be made more robust to explicitly require projects to account for GHG impacts and mitigate GHG impacts from local REDD+ programmes while also providing adaptation measures. Environmental offset requirements can be incorporated to also focus on specific objectives such as biodiversity or GHG mitigation or carbon credits" to offset a wide range of negative impacts. The mitigation obligations could be connected to other policy options such as Emissions Trading Markets or Green Bonds, or they could be tied directly to funding one or more Strategic Priority Actions. It could also be used to reduce the GHG impact of projects directly tied to Nigeria's Strategic Priority Actions - such as additional scrutiny of any commercial agriculture or logging projects that require EIAs.

It is also recommended that the capacities of the legislators to develop appropriate legislative responses to contemporary environmental and sustainable development issues be scaled up to include the ability to legislate on REDD+ issues. This will also enable them to play their role in creating the needed legislative frameworks and using their oversight roles to ensure enough resources are mobilised for effective implementation.



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