



THE MODEL CLIMATE CHANGE LAW FRAMEWORK FOR AFRICA



FEBRUARY 2025



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ABBREVIATIONS

ADR – Alternative Dispute Resolution

AGNES – African Group of Negotiators Experts Support

ANPCC –Africa Network of Parliamentarians on Climate Change

AR6 – Sixth Assessment Report

CCA – Climate Change Act

COK – Constitution of Kenya

GGA –Global Goal on Adaptation

GHG – Greenhouse Gas

IPCC – Intergovernmental Panel on Climate Change

LT-LEDS –Long-Term Low Emission Development Strategies

MCCL – Model Climate Change Law

MDAs – Ministries, Departments and Agencies

MEL – Monitoring, Evaluation and Learning

MRV+ – Measurement, Reporting, Verification and others

NAP – National Adaptation Plans

NDC –Nationally Determined Contributions

NET – National Environment Tribunal

NILDS –National Institute for Legislative and Democratic Studies

UNDP – United Nations Development Programme

UNEP – United Nations Environment Programme

UNFCCC – United Nations Framework Convention on Climate Change

FOREWORD

First and foremost, on my own behalf and that of the **Africa Network of Parliamentarians on Climate Change (ANPCC/RPACC)**, I wish to congratulate the **African Group of Negotiators Experts Support (AGNES)** for her continued collaboration and support. One of the resolutions of the Abidjan Declaration that established the ANPCC/RPACC was a request to the AGNES to support and facilitate the development of **Model Climate Change Law Framework for Africa (MCCL)**. MCCL is a product of a close collaboration between ANPCC/RPACC and AGNES.

Further, I am deeply inspired by AGNES' unwavering dedication to strengthening the capacity of African Parliaments on climate change. AGNES has played a pivotal role in empowering African Parliamentarians and Parliamentary Staff through targeted exposure to global climate forums, facilitating connections with UNFCCC Focal Points and technical experts, as well as fostering peer learning and networking across jurisdictions and Parliamentary networks. This commitment has been instrumental in ensuring that the African voice is heard loud and clear at all levels through people's representatives.

By synthesizing global best practices from the existing climate change legislation and tailoring them to Africa's unique context, the MCCL provides a robust, adaptable blueprint for the development of a stand-alone national climate change legislation. It is my firm belief that this initiative will accelerate the adoption of transformative, effective, equitable and enforceable climate change laws across the continent and beyond.

As countries prepare their national climate policies, including long term low emission and climate resilient development strategies (LT-LEDS), nationally determined contributions (NDCs) and national adaptation plans (NAPs), the MCCL will inspire African Parliaments to enact a stand-alone climate change legislation that will anchor and provide a framework for implementation of these policies.

Finally, may the MCCL serve as a catalyst for transformative climate governance across Africa.



Hon. Émile Kohou GUIRIEYOULOU, MP
Member of Parliament
The National Assembly of Côte d'Ivoire
&
Chairperson
The Africa Network of Parliamentarians on Climate Change

A WORD FROM THE UNEP DIRECTOR AND REGIONAL REPRESENTATIVE - AFRICA

The impacts of Climate change are scarring Africa's landscapes, depleting the continent's aquatic and terrestrial ecosystems and exacerbating desertification and land degradation. The World Meteorological Organization's (WMO) [State of the Climate in Africa 2024](#) reports that Africa experienced its hottest year on record in 2024. This intensity in climate change is affecting socio-economic development in Africa, disrupting agriculture and energy supplies, increasing food and water insecurity, and threatening health and education for millions of people. The [Adaptation Gap Report 2024: Come hell and high water](#), from the United Nations Environment Programme (UNEP), finds that nations must dramatically increase climate adaptation efforts. The report calls for more legal and regulatory frameworks that support domestic policies for adaptation and resource mobilisation.

This Model Climate Change Law Framework for Africa therefore comes at a pivotal moment to fill the legal and regulatory gap for climate action in Africa to address the rising devastating impacts of climate change.

I therefore congratulate the **African Group of Negotiators Experts Support (AGNES)** for this monumental contribution to Africa's Climate action. I also congratulate the **Africa Network of Parliamentarians on Climate Change (ANPCC/RPACC)** through whose visionary leadership and partnership with AGNES, this model Law has been developed. The Leadership provided by Africa's Parliamentarians in the development of this model Law is highly applauded and speaks to the important role they play in creating and enacting Laws.

As we mark 10 years of the Paris Agreement, this Model Climate Change Law Framework for Africa will play a crucial role in providing African countries with the requisite guidance for developing climate change Laws at national level to act on Climate Change.



Dr. Rose Mwebaza, Ph.D.
Director and Regional Representative – Africa
United Nations Environment Programme (UNEP)

PREFACE

Climate change is no longer a distant threat—it is a present-day reality that continues to shape lives, livelihoods, ecosystems, and economies across the globe. With its disproportionate vulnerability to climate impacts despite contributing the least to global emissions, Africa faces an urgent imperative to advance transformative climate action. Acting on climate change poses complex challenges to legislators. Firstly, climate change is inexorably linked to many issues and development goals. Climate change legislation therefore needs to be part of a wider policy framework that promotes equitable, sustainable and inclusive development in a changing climate. A second challenge is that climate change legislation must be shaped in the face of considerable uncertainty.

Parliament plays a key role in policy making and implementation through its legislative, oversight and representation mandates. Yet, parliaments in Africa are least prepared to effectively participate in and oversight implementation of climate action. Legislation has a crucial role to play by capturing political momentum and establishing strong systems to drive delivery of the desired national and international climate commitments. Less than 15 countries in Africa have enacted stand-alone climate change legislation. However, sound climate legislation and policies require much research and preparation.

The **Model Climate Change Law Framework for Africa (MCCL)** was developed through peer learning and experience with the aim of facilitating those countries in Africa that have not enacted a stand-alone climate change legislation to adapt it to their national constitutional order.

The African Group of Negotiators Experts Support (AGNES) appreciates the support and contributions from Parliamentarians, parliamentary staff, legal drafters, policy experts, researchers, and civil society leaders from across Africa that made it possible to deliver the MCCL.

We are looking forward to working together to support domestication of the across Africa and beyond.



Dr. George Wamukoya, OGW

Team Leader

The African Group of Negotiators Experts Support (AGNES)

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The authors wish to express their sincere appreciation to the **Thomson Reuters Foundation** and the law firms: (1) **Africa Legal Practice – East Africa** (ALP-EA – Kenya, Nigeria and Uganda), (2) **Africa Law Partners** (ALP – Kenya), (3) **Pinsent Masons** (South Africa), (4) **Affi Legal Practice** (Egypt), (5) **Morrison and Foerster LLP** (China and Germany), (6) **Hogan Lovells** (China, United Kingdom and USA), and (7) **Mattos Filho, Veiga Filho, Marrey Jr. e Quiroga Advogados** (Brazil) that undertook review of the existing climate change legislation across Africa and around the world for best practices. The best practice identified from across the world were used to inform the MCCL.

Our thanks go to all the experts who reviewed and made inputs into the MCCL, in particular Dr. Rose Mwebaza (UNEP ROA), Walters Tubua (UNFCCC – RCC, WACA), Dr. Geoffrey Omedo (UNDP Nigeria), Lauretta Ikobi-Anyali (NCCC), Irene Karani, Yamide Dagnet, Michael Nkonu, Hon. Sam Onuigbo, Hannington Amol, Eunice Asinguza, Andrew Ocama, Francis Gimara, Lucy Suky, Isabella Wambutta, Isaac Kwabena and Cynthia Sakami, Asmau Jibril, Bouna Manel Fall, Macharia Kaguru, Sarah Ngachi, Barrister Aderonke Ige, Adekola Thomson, Barrister Miracle Ogba, Dr. Eugene Itua, Barrister Bilkis Lawal-Gambari, Barrister Dr. Mohammed Amali, Dr. David Awolala, Telvin Denje, Shadrack Arum, Lynn Chepcheng, Harriet Wachira, Festus Langat, Grace Kaimburi, Petronila Adhiambo, Fred Kung’u, Meshack Kimanzi, Abigael Njasi, Brian Kisia, Marion Wabala, Angela Ogaba, Abraham Kamuratsi and Christine Maroa.

We would like to thank the leadership of the Africa Network of Parliamentarians on Climate Change (ANPCC/RPACC) Executive Committee under the leadership of **Hon. Emile GUIRIEOULOU** – Cote d’Ivoire (Chairperson), **Hon. MAINZANA Mapoko Nene** – Democratic Republic of Congo (Vice Chairperson), **Hon. Joanah MAMOMBE** – Zimbabwe (Vice Chairperson), **Hon. Jacqueline AMONGIN** – Uganda/EALA (Secretary General), **Hon. Clifford ANDRÉ** – Seychelles (Deputy Secretary General), **Hon. Mayiik DENG Dit** – South Sudan, **Hon. Senator Moses KAJWANG** – Kenya, **Hon. Sello HAKANE** – Lesotho, **Hon. Antoine NGOUALA** – Republic of Congo, **Hon. Issa Mardo DJABIR** – Chad, **Hon. Aïssata CAMARA** – Guinea/Conakry, **Hon. Ahmed Adamu SABA** – Nigeria and **Hon. Abdallah Barkat IBRAHIM** – Pan African Parliament (Observer). Special thanks go to **Carolyne CHEROP** (Kenya Parliament), **Sylvester KAONGA** (National Assembly of Zambia) and **Salisu YUSUF** (House of Representatives Nigeria) for industry perspectives and experience on parliamentary processes.

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EXECUTIVE SUMMARY

Africa faces disproportionate climate change impacts despite contributing minimally to the total global GHG emissions. The Intergovernmental Panel on Climate Change's Sixth Assessment Report (**IPCC AR6**) classified Africa as one of the most vulnerable regions on the globe to climate change and its adverse impacts (IPCC, 2023). To address the threats posed by climate change, many countries in Africa have formulated climate policies to provide a clear framework for climate response. However, very few countries (i.e., **Benin, Gabon, Kenya, Mauritius, Nigeria, South Africa, Uganda, and Zambia**) have enacted stand-alone climate change legislation. Yet climate change legislation is an important instrument in the fight against climate change and ensuring compliance. This legislative gap, coupled with the need to implement coherent climate policies that are in line with the Paris Agreement goals, highlights the urgency for countries to enact stand-alone climate change legislation.

To address this challenge, the African Group of Negotiators Experts Support (AGNES) spearheaded a continental consultations process by organizing regional Parliamentary meetings across the four sub-regions of Africa, namely: Eastern Africa (**Arusha, Tanzania**), West Africa (**Monrovia, Liberia**), Southern Africa (**Windhoek, Namibia**) and Central Africa (**Brazzaville, Congo**). The objectives of these meetings were three-fold:

- sensitize African Parliamentarians and Parliamentary Staff on climate change issues,
- help understand challenges African Parliamentarians encounter in the performance of their constitutional mandates of representation, legislative and oversight including on, budget appropriation in relation to climate change, and
- enhance collaboration between Parliaments, Parliamentarians, Parliamentary staff and the UNFCCC Focal Points.

At the margins of the Twelfth Conference on Climate Change and Development in Africa (CCDA-XII) and the Tenth Special Session of the African Ministerial Conference on Environment (AMCEN) held in September 2024 in Abidjan, Cote d'Ivoire, representatives from across Africa met and adopted the Abidjan Declaration. Among the resolutions in the Abidjan Declaration were: 1) the establishment of the Africa Network of Parliamentarians on Climate Change (ANPCC/RPACC) and election of its officials, and 2) **request to AGNES to support the development of a Model Climate Change Framework Law for Africa (MCCL) to help catalyze enactment of stand-alone climate change legislation.**

In response to the request, the AGNES convened a co-creation session that brought together parliamentarians, parliamentary staff, climate change experts, legal drafters and legal experts with a view to identifying the needs and the salient elements of such Model Climate Change Law. This was followed by commissioning of Partner Law Firms, **through TrustLaw of the Thomson Reuters Foundation**, to identify the best practices from existing climate change legislation across Africa and other jurisdictions. The resultant which, is a comparative analysis of climate change legislation best practices from various jurisdictions, was used to inform drafting of the Draft Model Climate Change Law Framework for Africa (MCCL). The AGNES in collaboration with the National Institute for Legislative & Democratic Studies (NILDS), Nigeria convened a validation session that brought together parliamentarians, legal drafters, legal

practitioners, climate change experts and other practitioners. Thereafter, the MCCL was adopted by the ANPCC/RPACC).

Some of the salient provisions of the MCCL include:

1. Domestication of the international climate change policy instruments, in particular the Paris Agreement and the Conference of the Parties (COP) decisions that relate to implementation and accountability,
2. Provisions on climate policy documents such as LT-LEDS, NDCs, BTRs, NAPs, National Communications (NCs) and National GHG Inventory Reports,
3. Climate Budget Tagging,
4. Streamlined institutional arrangements to enhance coordination and avoid conflict of mandates,
5. Adaptation and mitigation scenarios to inform national and sectoral adaptation and mitigation plans,
6. Provisions on Carbon markets and trading,
7. Independent Climate Change Fund,
8. Provisions on public participation, access to information and access to justice, and
9. Accountability to Parliament through the biennial State of Climate Report.

1.0 INTRODUCTION

Warming of the climate system is unequivocal. Anthropogenic greenhouse gas emissions have increased since the pre-industrial era, driven largely by economic and population growth which are now higher than ever. According to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC, AR6), Africa is one of the most vulnerable regions to the impacts of climate change (IPCC, 2022). It further highlighted the need to review and revise climate change legislation given the instrumental role the law plays in climate change action, response coordination and implementation. It also notes the important role supranational/transnational legislation can play in supporting the capacity of national and sub-national governments to remove barriers to effective implementation of climate change action.

Several African countries have put in place frameworks and measures that enhance the adaptive capacity of their climate response systems. This includes robust climate policy frameworks such as legislation. However, very few African countries have **stand-alone climate change legislation**. These include:

- a) *Kenya*: Kenya's Climate Change Act, 2016 as amended by Act No. 9 of 2023.
- b) *Benin*: Benin's Law No. 2018-18 of 6th August 2018 on Climate Change.
- c) *Mauritius*: Mauritius' Climate Change Act, 2020 (Act No. 11 of 2020).
- d) *Uganda*: Uganda's National Climate Change Act, 2021.
- e) *Nigeria*: Nigeria's Climate Change Act, 2021.
- f) *Gabon*: Gabon's Ordinance No. 019/2021 of 09/13/2021 relating to climate change.
- g) *South Africa*: South Africa's Climate Change Act, 2024 (Act No. 22 of 2024).
- h) *Zambia*: Zambia's Green Economy and Climate Change Act, 2024.

Some countries in Africa rely on their **national green growth strategies** to coordinate climate change response in their jurisdictions. For example, *Ethiopia's Climate-Resilient Green Economy Strategy* and *Rwanda's Green Growth Strategy and Climate Resilience* are climate documents that inform Ethiopia's and Rwanda's climate action, respectively. Other countries such as Ghana, Democratic Republic of Congo and Tanzania have incorporated climate change provisions within their **existing environmental legislation**. The majority of countries **lack a legal framework** on climate change.

The Model Climate Change Law for Africa (MCCL) was developed to assist African countries to customize and enact their own respective climate change legislation based on their national circumstances. It provides guidance on the critical elements that could inform or be adapted to the national constitutional order. It was developed under AGNES' work programme on "**Strengthening Parliaments**" – a work programme aimed at enhancing the capacity of Parliamentarians and Parliamentary staff to champion and advocate for climate change issues. The expected outcomes of the MCCL include to:

- a) increase in the enactment of robust stand-alone climate change legislation across Africa.
- b) catalyse countries to improve on their existing climate change legislation.
- c) domesticate international climate commitments into national legal framework.

2.0 APPROACH AND METHODOLOGY

2.1 Convening of regional Parliamentary meetings

The AGNES convened four (4) subregional meetings bringing together Chairpersons of the Parliamentary Committees responsible for Climate Change, Environment and Natural Resources, and Agriculture; Chairpersons of Parliamentary Climate Change Caucuses; and Parliamentary staff from various countries. The meetings were held in Monrovia, Liberia (West Africa), Arusha, Tanzania (Eastern Africa), Windhoek, Namibia (Southern Africa) and Brazzaville, Republic of Congo (Central Africa). The objective of the sub-regional meetings was to *“sensitize Parliamentarians and Parliamentary Staff on climate change issues, spur knowledge, experience and lessons sharing through peer learning between the Parliamentarians, as well as to identify challenges Parliamentarians and Parliamentary staff face in performing their mandates in relation to climate change.”* One of the resolutions from these meetings was a request for AGNES to support the development of a Model Climate Change Law for Africa that could assist countries in Africa to fast track the formulation and enactment of their respective climate change legislation.

2.2 Co-creation of the Model Climate Change Law

The AGNES convened a co-creation meeting in August 2024 that brought together several Parliamentarians, Parliamentary staff and climate change experts from across Africa to highlight critical elements to be covered by the MCCL. Jointly with the team, an Outline of the MCCL was developed. The Outline provided guidance to the team and partner law firms analysing existing climate change laws to identify best practices.

2.3 Review of climate change legislation from different jurisdiction

Review of the existing climate change legislation across Africa and from other jurisdictions outside Africa was done. The jurisdictions identified for the review, include Benin, Brazil, China, Ghana, Egypt, Ethiopia, European Union, Gabon, Germany, Kenya, Mauritius, Nigeria, South Africa, Rwanda, Uganda, Zambia, United Kingdom, and United States of America.

The AGNES partnered with the Thomson Reuters Foundation to identify partner law firms who assessed, scrutinized and analysed climate change legislation and policies from across Africa and other jurisdictions outside Africa. The partner law firms involved are:

- Africa Legal Practice – East Africa (ALP-EA),
- Africa Law Partners (ALP),
- Pinsent Masons,
- Afifi Legal Practice,
- Morrison and Foerster LLP,
- Hogan Lovells, and
- Mattos Filho, Veiga Filho, Marrey Jr. e Quiroga Advogados

Upon review, best practices were identified from various jurisdictions. The AGNES further organised follow-up meetings with partner law firms to better understand the best practices identified, their feasibility, challenges and conflicts. The identified best practices were consolidated into a “**Best Practice Report**” that informed the drafting of the MCCL.

2.4 Validation and Adoption of the Model Climate Change Law

In January 2025, the AGNES in collaboration with the National Institute for Legislative & Democratic Studies (NILDS) of the National Assembly of Nigeria convened a validation working session in Abuja, Nigeria. The meeting brought together Members of Parliament, Parliamentary staff, legal experts, legislative drafters and representatives from the UN agencies - UNEP, UNFCCC, and UNDP. The session entailed scrutinising each of the proposed provisions of the MCCL and improvements were made, as deemed necessary. The final MCCL document was agreed upon and in February 2025, it was presented to the Executive Committee of the Africa Network of Parliamentarians on Climate Change (ANPCC/RPACC) for consideration and approval. The ANPCC/RPACC considered the final MCCL and adopted it for circulation.

3.0 STRUCTURE OF THE MODEL CLIMATE CHANGE LAW

3.1 Part I: Preliminary

This Part of the Law provides the interpretation of the law on key terminologies and concepts in the climate change space. Most of the definitions are those from the IPCC and UNFCCC decisions.

3.2 Part II: Objects and Guiding Principles

This segment of the law provides the overarching objectives of the MCCL and the guiding principles to be considered when reading, adopting, enacting, implementing or interpreting the law. The overall objective of the MCCL is to provide an institutional and regulatory framework for the coordination and enhanced public policy response to climate change.

The Guiding Principles identified to be critical for inclusion in the MCCL, are:

1. *The principle of sustainable development* – economic development, social development and environmental protection constitute the interdependent and mutually reinforcing pillars of sustainable development.
2. *The precautionary principle* – the underlying idea is that the lack of scientific certainty about the actual or potential effects of an activity must not prevent States from taking appropriate measures when such effects may be serious or irreversible. States should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects.
3. *The prevention principle* – States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or areas beyond the limits of national jurisdiction. The underlying conception is that prevention is particularly important in the context of environmental protection because environmental damage is often irreversible - *pro-active prevention*.
4. *The polluter-pays principle* – endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.
5. *The principle of common but differentiated responsibilities and respective capabilities and national circumstances* – aims to distribute the effort required to manage environmental problems of a global nature on the basis of historical responsibilities and respective capabilities (financial, technical and technological).
6. *The principle of inter and intragenerational equity* – aims to distribute the quality and availability of natural resources and the necessary efforts for their conservation between present and future generations.
7. *The principle of international cooperation* – founded on a State acting in good faith and cooperation in a transboundary context through norms such as the principle of reasonable and equitable use of shared resources, the duty of notification and consultation with States potentially affected by an activity/event having consequences on the environment, or the duty to avoid the relocation of activities harmful to the environment.

8. *The principle of public participation* – the duty of States to provide various channels of participation of all concerned citizens in decision making processes. It also encompasses States facilitating and encouraging public awareness and participation by making information widely available as well as effective access to judicial and administrative proceedings, including redress and remedy.

These principles which are entrenched in the MCCL were drawn from various sources, including the IPCC, UNFCCC, Paris Agreement, COP/CMA decisions, existing national climate change legislation and the principles of international environmental law.

3.3 Part III: Formulation of Low Emission and Climate Resilient Development Strategy

3.3.1 Development of national low emission and climate resilient development strategy

This Part provides a guiding framework for the development and implementation of Low Emission and Climate Resilient Development Strategy, or as they more conventionally known, Long-Term Low Emission Development Strategies (LT-LEDS). LT-LEDS are defined as frameworks that guide countries in aligning their developmental goals with the Paris Agreement’s objective to limit global warming to well below 2°C (UNDP, 2024). They provide a roadmap for transitioning national economies towards sustainable, low-carbon trajectories by mid-century by countries integrating climate action with economic and social planning.

LT-LEDS play a pivotal role in countries by outlining long-term visions for achieving carbon neutrality, aligning national actions with the Paris Agreement goals and contributing to broader sustainable development outcomes (AGNES LT-LEDS Technical Guide, 2024). The key elements of the LT-LEDS include, *inter alia*:

- a) *a timeframe* for the period of time the strategy shall be operational.
- b) *adaptation elements*, with emphasis on integration of long-term adaptation interventions, targets and priority areas, with the prioritization of indigenous peoples, local communities, vulnerability groups and gender considerations.
- c) *mitigation elements*, outlining a long-term quantified outcome for mitigation and low-emission development, modelling details and its co-benefits with the adaptation targets.
- d) *development elements*, which outline the goals for sustained, equitable and inclusive development and just economic transition and transformation.
- e) *environmental integrity goals*, which outline the targets for biodiversity conservation, ecosystem health and natural resource management.

Under this provision, the MCCL requires the Minister to work with stakeholders in formulating and publishing the LT-LEDS at least every ten (10) years with periodic review. It obligates the Minister to submit the LT-LEDS to Parliament for adoption before it being submitted to the UNFCCC Secretariat in accordance with Article 4, paragraph 19 of the Paris Agreement.

3.3.2 Climate budget tagging

This Part introduces a best practice of climate budget tagging, a tool that would aid governments to identify, classify and track climate-related expenditures within their national

budgets enabling better monitoring, transparency and accountability on climate finance. This provision requires the Minister responsible for Finance to:

- collate the national and sectoral budgets,
- identify climate finance appropriated towards climate action, and
- prepare periodic out-turn climate budget reports.

These periodic out-turn climate budget reports will contain data on the amount of finance allocated towards adaptation efforts, mitigation efforts, Loss and Damage and the total amount of finance allocated to climate actions in that fiscal year's national and sectoral budgets. These reports are subsequently tabled before Parliament alongside the **national budget statement**, with Parliament tasked with ensuring at least fifteen percent (15%) of the national budget is progressively allocated to climate change efforts. The Auditor General is required to conduct annual **Climate Public Expenditure and Institutional Reviews** as well as **Climate Performance** to ensure compliance.

3.4 Part IV: Policy, Coordination and Oversight (Institutional Framework)

3.4.1 Multi-sectoral and multi-stakeholder advisory Council

To ensure policy coherence and mainstreaming of climate change into development planning and sectors, the MCCL proposes establishment of a multi-sectoral and multi-stakeholder advisory Council. This is in recognition that climate change is a cross-cutting issue requiring a multi-sectoral approach in policy coordination. The Council is, therefore, established to provide overarching national climate change policy direction, including:-

- cross-sectoral policy directions,
- setting national goals and objectives for combating climate change, and
- promoting cooperation between key stakeholders in climate change across sectors and at all levels.

To avoid conflict of policies and mandates, the MCCL proposes the Chair of the Council to be the Minister responsible for climate change. This is premised on the fact that the Minister is accountable to the appointing authority, the Cabinet and Parliament on all matters related to climate change. In instances where the President is the Chair of the Council as is the case in Kenya and Nigeria, there have been observed challenges.

3.4.2 The Minister

The Minister has the overall responsibility for the ministry in matters of policy and represents the Ministry at the Cabinet. This makes it important for the Minister to play the leadership role in ensuring that the relevant climate policy and strategies, such as LT-LEDS, NAPs and NDCs, are prepared and submitted to relevant authorities for adoption, including the Council, Cabinet and Parliament. To ensure accountability, the Minister is required to prepare and publish the **State of the Climate Report** and lay it before Parliament every two years.

3.4.3 *Climate coordination institution*

To institutionalize coordination of climate change, the MCCL proposes the establishment of a Department on Climate Change under the Ministry responsible for climate change as, *inter alia*:

- lead agency responsible for coordinating all climate change matters,
- provide technical support to relevant stakeholders,
- serve as the custodian and disseminator of climate information,
- promote technologies relevant to adapting and mitigating against climate change,
- establish and maintain the national registry of adaptation and mitigation projects, and
- ensure the mainstreaming of climate change issues into curricula.

The MCCL proposes that the Department be headed by a Director (or above) duly recruited and appointed through a transparent and competitive process and who shall hold at least a post-graduate degree in relevant field such as law, environment, natural resources management, economics or such a relevant social science and with at least ten (10) years of experience in the relevant field.

3.4.4 *Sectoral and sub-national climate coordination*

Cognizant of climate change as a cross-cutting threat that requires a whole-of-government and multi-stakeholder approach, the MCCL proposes the establishment of Sectoral Climate Change Units in each lead agency and entrenches grass root participation through engagement at the sub-national forums on climate change. The Sectoral Climate Change Units are tasked with, *inter alia*:-

- implementing, monitoring and evaluating the integration of climate change within their respective sectoral strategies and targets,
- development of the sectoral climate change action plan for their respective sector,
- contribution to the national climate change action plan within their respective sectors,
- mainstreaming gender and climate change within their respective sector,
- prepare and submit annual reports to the Department on the status and progress of the lead agency's performance in respect to the sectoral climate change action plan and the national climate change action plan.

Sub-national forums on climate change are also proposed at the lowest level of sub-national governance and administration with the function of, *inter alia*:-

- raising public awareness and collating views from the public on the national and sub-national climate change priorities, obligations and commitments,
- educating the public on their roles and responsibilities towards the realization of international, national and sub-national climate change commitments,
- updating the public on on-going climate action projects within their respective sub-national jurisdiction, and
- in conjunction with the Department, organise annually forums on climate change at the sub-national level in a manner that is inclusive with representation from all the stakeholders, including marginalised groups, local communities, indigenous peoples and persons living with disabilities.

3.4.5 *Technical multi-stakeholder committee*

The MCCL proposes the establishment of a multi-stakeholder technical and scientific committee comprising of technical experts from various disciplines and sectors and drawn from lead agencies, universities, research institutions and other non-state actors. The Technical and Scientific Committee is tasked with, *inter alia*:-

- advising the Council, Department, Minister and sub-national authorities on the best available science to inform climate policy, climate change mainstreaming and environmentally sound technologies,
- provide technical support in the development of climate change documents such as the LT-LEDS, NDCs and NAPs, and
- identify, prioritise and recommend areas of climate research, outlining their use in informing policy, planning, implementation and decision-making.

3.5 Part V : National Climate Change Response

3.5.1 Adaptation

3.5.1.1 *Adaptation scenarios*

Adaptation scenarios are an innovative and transformational adaptation strategy which anticipate the likely impacts of climate change in a country, the associated risks and vulnerabilities in the short-, mid-, and long-term. Adaptation scenarios, as contemplated by the MCCL, inform climate change documents such as the NAPs, Sectoral Adaptation Plans (SAPs) and the LT-LEDS. Adaptation scenarios are informed by the best available science, evidence and information as well as the risk and vulnerability assessment reports of the country. Adaptation scenarios outline a description of suitable adaptation responses that may be implemented across target sectors in response to the expected impacts of climate change feeding into the Global Goal on Adaptation (GGA) underpinned under **Article 7** of the Paris Agreement. The MCCL proposes periodic review of adaptation scenarios, by the Minister in close collaboration with relevant lead agencies and the Technical and Scientific Committee.

3.5.1.2 *National Adaptation Plans*

The National Adaptation Plans are climate change policy documents that outline a country's priority areas and actions in relation to adaptation to climate change and its adverse impacts. The NAPs play three (3) key roles which include:-

- a) prescribing measures enhancing the implementation of the GGA,
- b) mainstreaming climate change disaster risk reduction actions into development planning, programmes, projects and initiatives, and
- c) providing strategic policy direction and a coordinated approach to cooperative management of adaptation efforts in the country.

The NAPs are prepared in accordance with the guidance provided by UNFCCC, NAP Principles, and the PA and shall contain, *inter alia*:

- adaptation scenarios, the country's national adaptation goals,
- research and development priorities, and relevant climate data and information,

- country's approach to monitoring, evaluation, reporting, tracking and learning of adaptation progress as contemplated under Article 7.9 of the Paris Agreement.

The NAP planning process is spearheaded by the Department in collaboration with relevant lead agencies and other stakeholders and institutions with periodic reviews made after every five years. While preparing or reviewing the country's NAP, the Department and relevant stakeholders must take into account:

- the latest best available science, evidence and information;
- risk, vulnerability and needs assessment; and
- the prevailing socio-economic circumstances of the country as well as indigenous knowledge related to climate change adaptation.

At the sub-national level, the Department is obligated to support sub-national authorities to develop, update and revise their sub-national adaptation plans ensuring that they conform to the NAP.

3.5.1.3 Sectoral Adaptation Plans (SAPs)

Each lead agency, in consultation with the Department and the Technical and Scientific Committee, is required to develop and regularly update their sectoral adaptation plans (SAPs) for their respective sectors after every two years. The SAPs shall be guided by adaptation scenarios and the NAP, and the content shall, include: -

- a) the sector's adaptation objectives,
- b) an assessment of the respective sector's risks, vulnerabilities and needs, including vulnerable ecosystems and communities,
- c) the sector's public engagement strategy for participation and engagement of stakeholders in the implementation of the sector's adaptation plans,
- d) the sector's approach to research and development of innovative adaptation measures, and
- e) the sector's approach to monitoring, evaluation, reporting and learning of projects and measures prioritised in the SAP.

3.5.1.4 Adaptation information and synthesis adaptation report

Collation and synthesis of adaptation information is critical in informing policy, planning and decision making. The MCCL has provisions relating to collation and synthesis of information relevant to the achievement of the NAP and requires publication of a Synthesis Adaptation Report. The provisions also obligate every person or entity whenever requested by the Department to provide climate data, information, documents or evidence for the purpose of informing the Synthesis Adaptation Report. Any person who fails to comply with the request for information commits an offence.

3.5.2 Mitigation

3.5.2.1 The National Greenhouse Gas Inventory

The MCCL proposes the establishment of a national system responsible for undertaking the National Greenhouse Gas Inventory and the compilation of an annual National Greenhouse Gas Inventory Report. The inputs of the Technical and Scientific Committee is required based on the applicable IPCC guidelines. The content of the National Greenhouse Gas Inventory Report shall include, *inter alia*:-

- a) set out and analyse emission trends, including detailed reports on changes in GHG emissions intensity in the economy,
- b) outline GHG emissions by source and GHG removals by sinks,
- c) define the country's available carbon credits allocated for each fiscal year,
- d) outline the total number of carbon credits sold in each fiscal year, and
- e) compare actual GHG emissions against the national GHG emissions trajectory and mitigation commitments and outcomes.

There are also provisions that empower the Minister to identify a list of activities and the thresholds for measuring and estimating GHG emissions and carbon sequestration from various sectors are to be conducted, accounting for the activities contribution to the total national GHG emissions. The MCCL further proposes the establishment and maintenance of a GHG emission data information system by the Department. The Minister is mandated to make regulations that require lead agencies, sub-national authorities, private entities and researchers to keep and provide such relevant climate data and information to the Department to facilitate and inform the compilation of the annual National GHG Inventory Report. Any person who fails to comply with this requirement commits an offence.

3.5.2.2 The National Emissions Registry

There are provisions relating to the establishment of a National GHG Emissions Registry and which shall be maintained and administered by the Department. The National GHG Emissions Registry shall contain, *inter alia*:-

- a) a list of all GHG emitting activities and any authorisations granted for the carrying out of such GHG emitting activities.
- b) a list of completed (especially recently completed), ongoing and proposed mitigation projects.
- c) the country's climate change mitigation obligations and commitments.
- d) the country's total current and projected amounts of GHG emissions.
- e) a list of all built and natural terrestrial and blue carbon sinks.
- f) a list of all GHG and their CO₂ equivalent metric and warming potential.

3.5.2.3 The National Greenhouse Gas Emissions Trajectory

There is a requirement for the Minister to determine the country's national GHG emissions trajectory in consultation with lead agencies and on advice from the Technical and Scientific Committee. The Trajectory should be informed by the best available science. The National GHG Emissions Trajectory shall:-

- specify the national GHG emissions objectives of the country, accounting for persisting socio-economic factors of communities and the economy.
- outline the country's public engagement strategy to sensitize the public on the trajectory and their role in the realisation of the objectives.

The process of approval and adoption of the National GHG Emissions Trajectory by the various organs such as the Council, the Cabinet and Parliament are clearly outlined. The National GHG Emissions Trajectory shall be reviewed after every five years or when deemed necessary for the realisation of the country's mitigation obligations and commitments.

3.5.2.4 Sectoral Emissions Targets

This provision mandates the Minister, in consultation with all relevant lead agencies and with the advice of the Technical and Scientific Committee, to prepare a list of GHG emitting sectors and sub-sectors subject to sectoral emissions targets. Each sector identified by the Minister shall be required to develop a sectoral GHG emissions target through its sectoral climate change unit. The sectoral GHG emissions targets shall include qualitative and quantitative GHG emissions reduction goals informed by the best available science. These targets are designed to conform to the country's national and international mitigation commitments, while accounting for their socio-economic impacts.

3.5.2.5 Nationally Determined Contributions

This provision is intended to domesticate **Article 4 of the Paris Agreement** that requires all Parties to develop, communicate and maintain their respective Nationally Determined Contributions (NDCs) every five years. The NDCs embody the national commitments/targets towards reducing GHG emissions in line with the Paris Agreement goals. The underpinning principle of NDCs is “no backsliding” – each successive NDCs should progressively increase the ambition of the country in relation to adaptation and GHG emissions reduction while taking into consideration the underlying socio-economic factors and efforts towards achieving sustainable development and poverty eradication.

The NDC development process is guided by the UNFCCC COP decisions and provisions as to how best to undertake the exercise in an inclusive manner. The NDCs should contain, *inter alia*:

- a) an outline of the country's national development priorities aimed at achieving low-emission and climate resilient development.
- b) The country's climate change data and information.
- c) Proposed measures of low-carbon development in sectors identified as high-emitting sectors.
- d) Identify ways of enhancing climate literacy, including education, training and public awareness.
- e) Integration of endogenous technologies and indigenous and local knowledge.
- f) The country's approach to measurement, reporting and verification of mitigation measures, and outcomes.
- g) An outline of the country's financial, technology development and capacity building needs to support implementation of the NDC.

The provision also highlights the steps through which NDCs should go through in its approval process, including the Council, the Cabinet and Parliament. Given that NDCs are national commitments, it is imperative that Parliament approves it before submission to the UNFCCC secretariat.

3.6 Part VI: Carbon Markets and Trading

Carbon markets and trading have gained prominence as an avenue through which private sector funding could be crowded into climate action. Many African countries have already kickstarted conversations or signed agreements with partners to implement **Article 6 of the Paris Agreement** to raise the much-needed climate finance for implementation of the country's NDC and climate change obligations and commitments under the Paris Agreement. This requires a robust framework that should include the following:

- a) **Policy framework:** Sets out clearly the goal of carbon markets and trading as being aimed towards the reduction of GHG emissions for the implementation of Article 6 of the Paris Agreement by ensuring the realisation of the country's mitigation objectives and targets. It encourages the provision of incentives for carbon reduction technologies and measures to mitigate the offset of GHG emissions in the atmosphere and entrenches active participation and benefit sharing especially with the adjacent indigenous peoples and local communities.
- b) **Institutional arrangement:** A strong institutional arrangement to ensure efficient coordination of the carbon trading scheme. Of paramount importance is delineation of roles and responsibilities to be played by the designated national authority (DNA), the advisory Committee and other institutions.
- c) **Carbon Registry:** Carbon registry for all carbon projects is very important.
- d) **Participation in carbon markets:** Deals with the question of eligibility. Who can participate in carbon markets and trading schemes. Both public and private legal entities may participate in the carbon markets and trading scheme through bilateral and multilateral agreements. Application and approval process of carbon projects is clearly set out.
- e) **Development and implementation of a carbon project:** Provides timelines for the implementation of carbon projects ensuring timeliness and efficiency in project activity implementation. Project proponents must prepare the project document within twelve (12) months of receiving the letter of no objection/letter of endorsement.
- f) **Benefits sharing:** Benefits sharing has been a contentious issue in the implementation of carbon projects with carbon markets. Entities participating in carbon markets and trading scheme whether under Article 6 or voluntary carbon markets are required to prepare and submit a benefit sharing agreement outlining its benefit sharing plan.
- g) **Certification, verification and validation:** It requires a project proponent to submit an annual progress report to the DNA on the project's performance during the reporting period independently certified by verification and validation entities. The content of the annual reports is clearly set out.
- h) **Cancellation of carbon trading agreements:** It sets out circumstances under which carbon trading agreements may be suspended, cancelled or revoked.

3.7 Part VII: Enhanced Transparency Framework

The Enhanced Transparency Framework is an accountability embodied in **Article 13 of the Paris Agreement**. All countries are required to prepare and submit the Biennial Transparency Report (BTR), every two years, and the National Communications every four years. Since these are part of the international commitments and obligations, it is important that these requirements are domesticated into the national legislative order.

3.8 Part VIII: Financial Provisions

Sustainable climate financing is core to the sustained implementation of climate change actions. The establishment of a Climate Change Fund has become very popular but very difficult to implement because of the tension between the Ministries of Finance and Environment. For this to function, it is important to find a delegate balance that respects the different mandates and enhances complementarity. It is on that basis that a Fund managed and administered by an independent Board of Trustees is proposed. A good example is the FONERWA in Rwanda.

There are provisions relating to incentives, disincentives and fees which may include:

- a) customs and excise waivers in respect of imported capital goods for investment in climate action,
- b) tax rebates to adaptation and mitigation actions, measures and initiatives that enhance climate resilience and contribute to reduction of GHG emissions,
- c) tax disincentives to deter maladaptation and actions that increase emissions, and
- d) user fees and carbon levies.

3.9 Part IX: Public Participation

The principle of participation has become very prominent as it imposes a duty to a State to provide various channels of participation to the citizenry and all stakeholders in decision making. It stems from Principle 10 of the Rio Declaration which provides:

“[e]nvironmental issues are best handled with participation of all concerned citizens, at the relevant level. ... States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

Principle 10 of the Rio Declaration introduced the three main components of what may be referred to as “environmental democracy”, i.e., the right to access environmental information, the right to participate in the decision-making process on environmental matters, and a right to judicial recourse. In this regard, it is encouraged that African countries adopt internal measures of public participation, including proposing the development of a public engagement strategy outlining the State’s engagement and education of the public on climate change obligations and commitments, and how the public can contribute to the realisation of such targets. Consequently, it has provisions on public participation in its Schedule and the right to access climate information.

3.10 Part X: Licences and Permits

There are provisions requiring every person from undertaking any activity likely to curtail the realisation of the country's climate change obligations, targets and commitments to obtain a valid licence or permit. The requirements make a link to the national commitments through the LT-LEDS, NAPs and NDCs. It sets out conditions under which the licence may be granted or denied. Further, it has provisions that relate to suspension and cancellation of a licence or permit. The Department keeps and maintains a register of all authorised climate activities and initiatives, all licences and permits issued.

3.11 Part XI: Dispute Resolution

Integrating Principle 10 of the Rio Declaration on the right to judicial recourse. It is a good practice to have the court of first instance as the National Environment Tribunal (where they exist) for disputes resulting from decisions, actions or omissions by entities and institutions mandated to participate in climate action. Few African countries have established such Tribunals or Specialized Environment Courts. Where they do not exist, recourse lies in the High Court, or a court of competent jurisdiction based on the national constitutional order. The court has several remedies that could be imposed such as damages; confirming, varying or setting aside the decision appealed against; or maintain the *status quo* of the matter until the dispute is heard and determined. The provision confers jurisdiction to the Tribunal (where it exists), the High Court or a court of competent jurisdiction to hear and determine disputes relating to climate change and as appropriate promotes the use of Alternative Dispute Resolution (ADR) mechanisms to settle disputes.

3.12 Part XII: Offences, Penalties and Enforcement

Several provisions highlight offences that may undermine climate action with an indication of the possible penalties. The listed offences and penalties are to serve as a guide and countries are free to include such offences and penalties based on their respective national constitutional order. There is a proposal that any fines arising from climate-related offences are to be remitted to the Climate Change Fund to support implementation of climate action and environment restoration in the event of damage. To ensure vigilance on climate related matters, there is a provision that enhance the *locus standi* to bring actions related to environmental and climate change violations by conferring any person aggrieved to approach the High Court or a court of competent jurisdiction for remedies.

3.13 Part XIII: Miscellaneous Provisions

The MCCL has provisions that empower the Minister to develop Regulations for effective implementation of the principal provisions. The list is just a guide on the type of regulations.

4.0 PROVISIONS OF THE MODEL CLIMATE CHANGE LAW FRAMEWORK

MODEL CLIMATE CHANGE LAW FOR AFRICA

Date of Assent:

Date of Commencement:

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CLIMATE CHANGE ACT

An Act of Parliament to provide for institutional and regulatory framework for implementation of climate action to address the threat posed by climate change; establishment of a framework for carbon markets and trading; and provide for matters connected therewith or incidental thereto.

BE IT THEREFORE ENACTED by Parliament as follows—

PART I—PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as Climate Change Act.

Interpretation

2. In this Act, unless the context requires otherwise—

“adaptation” refers to adjustments in UNFCCC ecological, social or economic systems in response to actual or expected climatic stimuli and their effects. It refers to changes in processes, practices and structures to moderate potential damages or to benefit from opportunities associated with climate change;

“adaptation measure” means any action taken or intervention to help communities and ecosystems cope with changing climate conditions;

adaptive capacity” means the ability of systems, institutions, humans and other organisms to adjust to potential damage, to take advantage of opportunities, or to respond to consequences;

“adverse effects of climate change” means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience, or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare;

“annual social contribution” means sharing of annual benefits accruing from carbon projects;

“authorized officer” means authorized officers appointed under section 61(1) of this Act;

“baseline scenario” means the scenario that assumes no additional policies beyond those currently in place and the patterns of socio-economic development are consistent with recent trends;

“**blue carbon**” means carbon dioxide that is absorbed from the atmosphere and stored in coastal and marine ecosystems;

“**carbon budget**” means the cumulative amount of carbon dioxide (CO₂) emissions permitted over a period of time to keep within a certain temperature threshold;

“**carbon credit**” means a credit created when the equivalent of one metric tonne of carbon dioxide is prevented from entering the atmosphere or a permit that allows a certain amount of carbon emissions which can be traded if the full allowance is not used;

“**carbon dioxide equivalent or CO₂e**” means the number of metric tons of carbon dioxide emissions with the same global warming potential as one metric ton of another greenhouse gas or a mixture of gases;

“**carbon market**” means mechanism that enables and allows public and private entities to transfer and transact emission reduction units, mitigation outcomes or offsets generated through carbon initiatives, programs and projects;

“**carbon sequestration**” means a process of carbon absorption from the atmosphere and its storage, including in soil, sediments, oceans and vegetation;

“**carbon sink**” means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere;

“**carbon stock**” means the quantity of carbon in a carbon pool;

“**climate**” means the statistical description of average weather conditions over a given area in terms of the mean and variability of relevant quantities over a period of time;

“**climate change**” means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and changes in the state of the climate variability identified by changes in the mean and/or the variability of its properties;

“**climate finance**” means financial resources available for or mobilized by public and private actors, including international, regional and domestic financial flows to finance addressing climate change either through adaptation and mitigation actions;

“climate information” means all information about the past, current or future state of the climate system that is relevant for decision-making in mitigation, adaptation, and risk management;

“climate services” means the information and products that enhance users’ knowledge and understanding about climate, climate change and the impacts of climate change so as to aid decision-making of individuals and organizations and enable preparedness, anticipatory action, and early climate change action;

“co-benefits” means a positive effect that a policy or measure aimed at one objective has on another objective, thereby increasing the total benefit to society or the environment;

“community development agreement” means an agreement which outlines the relationships and obligations between the proponents of a project and the community in public and community land where the project is being developed;

“cost-benefit analysis” means the assessment of all negative and positive impacts associated with a given climate action;

“Council” means the National Climate Change Council established under Section 8 of this Act;

“Department” means the Department on Climate Change established under Section 11(1) of this Act;

“Director” means the Director of Climate Change appointed under Section 11(3) of this Act;

“disaster risk management” means the process of designing, implementing, and evaluating strategies, policies, and measures to improve the understanding of current and future disaster risk, foster disaster risk reduction and promote improvement in disaster preparedness, prevention, response, and recovery practices;

“early warning systems” means a set of technical and institutional capacities to forecast, predict and communicate timely and meaningful warning information to enable individuals, communities, managed ecosystems, and organisations threatened by a hazard, to prepare to act adequately reducing the possibility of harm and loss;

“ecosystem” means a dynamic system of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit;

“ecosystem services” means ecological processes or functions having monetary or non-monetary value to individuals or society at large;

“emissions” means the release of greenhouse gases or their precursors into the atmosphere over a specified area and period of time where the emissions are attributable to human activity.

“emission threshold” means the emission level below which an operator is not subject to the allocation system;

“environment” includes the physical factors of the surroundings of human beings including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment;

“environmental impact assessment” means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;

“greenhouse effect” means the natural process by which heat from the sun’s energy is trapped by a layer of gases surrounding the earth to keep it warm;

“greenhouse gas” means gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit solar radiation at specific wavelengths within the spectrum of radiation emitted by the Earth’s ocean and land surface, by the atmosphere itself and by clouds. They include water vapour (H₂O), carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), ozone (O₃), sulphur hexafluoride (SF₆), hydrofluorocarbons (HFCs), chlorofluorocarbons (CFCs) and perfluorocarbons (PFCs);

“indigenous knowledge or local knowledge” means understandings, skills and philosophies developed by societies with long histories of interaction with their natural surroundings;

“international climate change obligations” means commitments under international conventions on climate change and other environmental matters;

“**Just transition**” means a shift towards a low-carbon, climate resilient economy and society and ecologically sustainable economies and societies which contribute toward the creation of decent work for all, social inclusion, and the eradication of poverty;

“**Kyoto Protocol**” means the international treaty under the United Nations Framework Convention on Climate Change (UNFCCC) adopted in December 1997 in Kyoto, Japan at the Third Session of the Conference of the Parties (COP3) to the United Nations Framework Convention on Climate Change (UNFCCC);

“**land-based carbon project**” means any project that involves activities related to land use, land management and ecosystem conservation or restoration that is aimed at reducing greenhouse gas emissions or enhancing carbon sequestration;

“**lead agency**” means any government ministry, department, parastatal, state corporation or local authority, in which any law vests functions of control or management or any element of the environment or natural resources;

“**loss and damage**” means the negative impacts of climate change that occur despite, or in the absence of, mitigation and adaptation efforts;

“**MDA**” means the Ministries, Departments and Agencies of government;

“**mainstreaming**” means the integration of climate change actions into decision-making and implementation of functions by the sector ministries, state corporations and county governments;

“**Minister**” means the Minister for the time being responsible for matters relating to the Environment or Climate Change;

“**mitigation**” means efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current and/or future emissions and enhancing potential sinks for greenhouse gases;

“**mitigation measures**” means the technologies, processes or practices that contribute to mitigation;

“**mitigation scenario**” means a plausible description of the future that describes how a system responds to the implementation of mitigation policies and measures;

“monitoring and evaluation” means mechanisms put in place to respectively monitor and evaluate efforts to reduce greenhouse gas emissions or adapt to the impacts of climate change with the aim of identifying, characterizing, and assessing progress over time;

“national adaptation plans” means communication on adaptation needs, priorities, plans, and actions prepared, as amended from time to time, and submitted to the secretariat of the United Nations Framework Convention on Climate Change in accordance with Article 7, paragraph 10 of the Paris Agreement periodically;

“nationally Determined Contributions” as amended from time to time, prepared in terms of Article 4, paragraph 2 of the Paris Agreement and submitted to the Secretariat of the United Nations Framework Convention on Climate Change in terms of Article 4, paragraph 12 of the Paris Agreement;

“national greenhouse gas inventory” means a quantified document established on the basis of data collection and calculation of emissions and absorption of greenhouse gases (for a particular country);

“Nature-based Solutions” or **“Ecosystem-based Adaptation”** means actions that protect, sustainably manage, or restore natural ecosystems, which address societal challenges such as climate change, human health, food and water security and disaster risk reduction effectively and adaptively simultaneously providing human well-being and biodiversity benefits;

“non-land based carbon project” means any activity that reduces greenhouse gas emissions or remove carbon dioxide from the atmosphere and employ technologies that do not require land for their execution and include household or institutional green technologies such as hand-held solar lighting devices, energy efficient cookstoves, water purification devices, electric-powered or green transport;

“Paris Agreement” means the Paris Agreement adopted by the Twenty-First Conference of the Parties to the United Nations Framework Convention on Climate Change in Paris, France, on 12 December 2015;

“pathways” means a temporal evolution of natural and/or human systems towards a future state ranging from sets of quantitative and qualitative scenarios or narratives of potential futures to solution-oriented decision-making processes to achieve desirable outcomes;

“**policies and measures**” mean the manner in which a state organ exercises a power or performs a function in response to climate change through implementing planning instruments, policies and programmes to mitigate emissions relating to international climate obligations;

“**Reduced Emissions from Deforestation and Forest Degradation (REDD+)**” means activities in the forest sector that reduces greenhouse gas emissions from deforestation and forest degradation as well as the sustainable management of forests and the conservation and enhancement of forest carbon stocks at national and sub national levels;

“**response measures**” means policies, programmes and actions undertaken, unilaterally or bilaterally, to reduce greenhouse gas emissions as a commitment to the United Nations Framework Convention on Climate Change (UNFCCC), its Kyoto Protocol, and the Paris Agreement;

“**risk assessment**” means the qualitative and/or quantitative scientific estimation of risks;

“**risk**” means the potential for adverse consequences for human or ecological systems, recognising the diversity of values and objectives associated with such systems;

“**scenario**” means a plausible description of how the future may develop based on a coherent and internally consistent set of assumptions about key driving forces and relationships;

“**Scientific Committee**” means the Technical and Scientific Committee established under section 15(1) of this Act;

“**sectoral emission targets**” means quantitative or qualitative goals informed by sectoral policies and measures that may lead to greenhouse gas emission reductions for the sector or sub-sector over a defined time period;

“**sink**” means any process, activity or mechanism which removes a greenhouse gas, aerosol, or a precursor of a greenhouse gas from the atmosphere;

“**stakeholder**” means a person, business, community, or organization that has an interest in or is affected by the activities of carbon projects and the results those actions produce;

“sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs balancing socio-economic and environmental concerns;

“technology” means technologies used to reduce greenhouse gases and to adapt to the adverse impacts of climate change;

“transformational adaptation” means actions aimed at adapting to climate change resulting in significant changes in structure or function that go beyond adjusting existing practices;

“UNFCCC” means the United Nations Framework Convention on Climate Change adopted in May 1992 at the 1992 Earth Summit in Rio de Janeiro, Brazil and came into force in 1994;

“voluntary carbon market” means a market where private investors, governments, non-governmental organizations, and businesses voluntarily buy and sell carbon credits that represent certified emissions removals or reductions of greenhouse gases in the atmosphere; and

“vulnerability” means the degree to which a system is susceptible to or unable to cope with adverse effects of climate change, including climate variability and extremes.

PART II—OBJECTS AND GUIDING PRINCIPLES

Objects of this Act

3. (1) The object of this Act is to provide for institutional and regulatory framework for coordination and enhanced public policy response to climate change in the context of achieving sustainable development and poverty eradication; to provide for mainstreaming of climate change into development planning and implementation of adaptation and mitigation actions that contribute to climate resilient and low emissions development; to provide for climate change finance mechanisms; to domesticate ratified international climate change instruments; to regulate carbon markets and trading and for matters connected therewith and incidental thereto.

(2) Without prejudice to the generality of the foregoing, this Act shall be applied in all sectors of the economy at the national and subnational levels to: —

- (a) provide for the institutional framework to coordinate, regulate and manage all activities and actions related to climate change;
- (b) provide a coordinated and integrated public policy response through a whole-society-approach to climate change and its impacts;
- (c) mainstream climate change and disaster risk reduction into development planning, implementation and decision making;
- (d) safeguard intragenerational and intergenerational as well as gender equity in all aspects of climate change action;
- (e) ensure just transitions towards a climate resilient and low emissions development while taking into account the needs of the most vulnerable groups;
- (f) provide for capitalization, access and utilization of climate finance to support implementation of adaptation and mitigation measures, programmes and initiatives;
- (g) provide for incentives and disincentives to catalyse and promote accelerated development of endogenous technologies and development and transfer of environmentally sound technologies for low-carbon development and climate resilience, including indigenous knowledge and practices;
- (h) facilitate an enabling environment for private sector and local community investments to achieving low-carbon climate resilient development;
- (i) provide a framework for the monitoring, evaluation and learning and measurement, reporting and verification of climate actions as well as the environmental and social safeguards;
- (j) enhance synergies between the three Rio Conventions - the United Nations Framework Convention on Climate Change, United Nations Convention to Combat Desertification and the United Nations Convention on Biological Diversity;
- (k) provide mechanisms for, and facilitate climate research and development, capacity building and training;
- (l) provide systems for collecting, analysing and disseminating climate information;
- (m) promote the domestication of ratified international climate change instruments;
and
- (n) provide for such other matters as are incidental to the implementation of this Act.

Guiding principles.

4. (1) The guiding principles underpinning this Act shall bind all government institutions and all persons when—
 - (a) applying or interpreting any provisions of this Act;
 - (b) making or implementing public policy decisions on climate change; and
 - (c) undertaking projects, programmes and initiatives related to climate change.

- (2) Without prejudice to the generality of the foregoing, all persons shall while performing any function and duty under this Act, respect the following principles—
 - (a) ensure that any adaptation and mitigation measures and actions implemented contribute to the achievement of sustainable development and poverty eradication;
 - (b) take precautionary measures to anticipate, prevent or mitigate the causes of climate change and limit its negative impacts;
 - (c) ensure equity and social inclusion in allocation of climate efforts, costs and benefits to cater for gender, special needs, vulnerable communities, capabilities, disparities and responsibilities;
 - (d) ensure accountability of any acts or omissions likely to cause climate disruption and have negative impacts;
 - (e) increase the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, while striving not to threaten food production;
 - (f) the principle of common but differentiated responsibilities and respective capabilities and national circumstances;
 - (g) ensure integrity and transparency;
 - (h) ensure public participation and consultations, public awareness, access to information, education and training with stakeholders in climate actions;
 - (i) ensure protection and management of greenhouse gases sinks and reservoirs;
 - (j) collaborate effectively with all relevant stakeholders in the performance of climate actions and initiatives;
 - (k) complementarity of adaptation and mitigations actions to avoid maladaptation;

- (l) the principle of subsidiarity;
- (m) the cultural and social principles, taking into account indigenous and local knowledge;
- (n) intragenerational and intergenerational equity; and
- (o) the principle of international co-operation in the management of shared resources by two or more states.

Application of law.

5. This Act binds/applies to all State organs at both levels of government and all non-state actors.

PART III – FORMULATION OF LOW EMISSION AND CLIMATE RESILIENT DEVELOPMENT STRATEGY AND BUDGET TAGGING

National low emission and climate resilient development strategy

6. (1) The Minister shall, in consultation with the Council established under Section 8 of this Act, formulate and publish in the Gazette a national low emission and climate resilient development strategy at least once every ten years, in accordance with which the efforts to combat climate change will be implemented.
- (2) The national low emission and climate resilient development strategy shall prescribe the targets and indicators, adaptation and mitigation action and measures and means of implementation requirements to support its implementation and shall, in particular prescribe—
 - (a) a timeframe;
 - (b) adaptation elements:
 - (i) a long term outcome for climate adaptation and resilience,
 - (ii) global goal on adaptation to enhance adaptive capacity, strengthen resilience and reduce vulnerability,
 - (iii) assessment of the impacts on infrastructure, land use, ecosystem services and society,

- (iv) identification of the risks of inaction for environmental, social, human and economic domains,
 - (v) prioritization of sectors,
 - (vi) prioritization of Indigenous Peoples, local communities, vulnerable groups and gender,
 - (vii) linkages to national adaptation plans,
 - (viii) linkages to the Technological Needs Assessment of the country;
 - (ix) linkages to Loss and Damage;
 - (x) consideration of the synergies between adaptation and mitigation responses,
 - (xi) co-benefits of adaptation actions for mitigation,
 - (xii) explicit treatment of the uncertainty associated with future climate risks, and
 - (xiii) links to a social development agenda and efforts to reduce poverty;
- (c) mitigation elements:
- (i) a long term, quantified outcome for mitigation or low emission development,
 - (ii) base year/period of greenhouse and non-greenhouse gas targets and base year/period emissions,
 - (iii) target year for achieving reductions,
 - (iv) expected national emissions or non-greenhouse gas outcomes by target year,
 - (v) intended peaking year and level of emissions peak,
 - (vi) annual rate of emissions reductions and or expected emissions trajectory,
 - (vii) deviation from business-as-usual emissions trajectory or absolute target or emissions intensity,
 - (viii) coverage of sectors covered and the greenhouse gases,
 - (ix) modelling details that underpin the mitigation vision, including a description of the methodology used to project the baseline scenario,

- (x) co-benefits of mitigation actions for adaptation, and
 - (xi) linkages to the Technological Needs Assessment of the country;
- (d) development elements:
- (i) goals for sustained, equitable and inclusive development and just transitions, and
 - (ii) goals to ensure economic transformation;
- (e) goals for environmental integrity:
- (i) targets for biodiversity conservation,
 - (ii) ecosystem health, and
 - (iii) natural resource management, including Nature-based Solutions / Ecosystem-based Adaptation
- (f) consideration of the interactions between development, mitigation and adaptation responses:
- (i) integration of climate goals with broader social development agendas, aiming to reduce poverty and enhance equity,
 - (ii) integration of climate responses across development sectors for holistic development planning; and
- (g) sectoral strategies:
- (i) sectoral greenhouse gases and non-greenhouse gas targets,
 - (ii) sectoral context such as economic importance, vulnerability, potential trends,
 - (iii) prioritized actions and measures,
 - (iv) just transitions planning for affected sectors and communities, and
 - (v) identification of opportunities for innovation, research and partnerships.
- (3) Without prejudice to provisions of subsection (2), the Minister shall periodically review the national low emission and climate resilient development strategy and may, by notice in the *Official Gazette*, publish a revised national low emission and climate resilient development strategy.

- (4) The Minister shall take into account and give effect to the recommendations made by the Council to the national low emission and climate resilient development strategy.
- (5) The Minister shall, when formulating a national low emission and climate resilient development strategy under subsection (1), consult the public in accordance with the First Schedule.
- (6) The national low emission and climate resilient development strategy shall be binding on all persons and all government departments, agencies, state corporations or other organs of Government upon adoption by the Parliament.
- (7) The Minister shall communicate the national low emission and climate resilient development strategy to the United Nations Framework Convention on Climate Change Secretariat in accordance with Article 4.19 of the Paris Agreement.

Climate Budget Tagging

7. (1) The Minister responsible for finance shall, in conjunction with the Department, collate and assess the national and sectoral budgets annually, identify climate finance to be appropriated towards climate action and develop periodic out-turn climate budget reports.
- (2) The report contemplated under subsection (1) shall include: —
 - (a) amount of finance allocated to adaptation efforts in the national budget,
 - (b) amount of finance allocated to adaptation efforts in sectoral budgets,
 - (c) amount of finance allocated for Loss and Damage in the national budget,
 - (d) amount of finance allocated to mitigation efforts in the national budget,
 - (e) amount of finance allocated to mitigation efforts in sectoral budgets, and
 - (f) the combined total climate finance allocated for adaptation, mitigation and Loss and Damage for that fiscal year.
- (3) The out-turn climate budget reports shall be tabled before Parliament alongside the national budget statement.
- (4) When appropriating the budget, Parliament shall ensure that the total climate finance allocation set out under subsection 2(f) progressively realize the target of at least fifteen percent (15%) of the total national budget.

- (5) The Auditor General shall conduct annual Climate Public Expenditure and Institutional Reviews as well as Climate Performance Audits on the climate finance budgets referred to under subsections (2) and (4) of this Act and present to Parliament for consideration.

PART IV—POLICY, CO-ORDINATION AND OVERSIGHT

A: Policy Direction

Establishment of the National Climate Change Council

8. (1) There is hereby established a National Council on Climate Change¹ (hereinafter referred to as the “Council”) which shall consist of—
- (a) the Minister who shall be the Chairperson;
 - (b) the Permanent Secretary responsible for planning who shall be the Vice Chairperson;
 - (c) the Permanent Secretary responsible for climate change matters;
 - (d) the Permanent Secretary responsible for finance;
 - (e) the Permanent Secretaries of ministries responsible for agriculture; energy; transport, mining, natural resources, education and local government/authorities;
 - (f) five (5) members, appointed by the Minister representing the academia, research, private sector, civil society organizations and indigenous peoples and local communities, taking into gender parity;
 - (g) the Director who shall be an *ex officio* member and serve as the Secretary of the Council; and
 - (h) such number of other members as may, from time, be co-opted by the Minister to be members of the Council.
- (2) The Council, may at the request of any of its members, have key Departmental Heads from the relevant lead agencies to attend any meeting of the Council.

Functions and powers of the Council

9. (1) The Council shall provide the overarching national climate change policy direction and shall: —

¹ Countries to adapt the membership of the Council to the national circumstances.

- (a) be responsible for cross-sectoral policy directions for purposes of this Act;
 - (b) set national goals and objectives for combating climate change;
 - (c) promote co-operation among public departments, local authorities, private sector, non-governmental organizations and such other organizations engaged in climate change; and
 - (d) perform such other functions as may be assigned under this Act.
- (2) The national climate change policy prepared under subsection (1) shall be presented to the Cabinet for approval and subsequently to Parliament for adoption as a Sessional Paper.
- (3) The national climate change policy prepared under subsection (1) shall be reviewed after every five (5) years.

Functions and powers of the Minister

10. (1) Subject to provisions of this Act, the Minister shall exercise his mandate and provide policy guidance over climate change governance and the implementation of this Act.
- (2) Without prejudice to the generality of the foregoing, the Minister shall: —
- (a) develop and regularly update, with the consultation of the relevant lead agencies and the Scientific Committee, and, national climate change policies, in particular: —
 - (i) the national low emission and climate resilient development strategy
 - (ii) the national climate change action plan,
 - (iii) national adaptation plan, and
 - (iv) nationally determined contributions;
 - (b) present the national climate change policies referred to in paragraph (a) to the Council for consideration;
 - (c) ensure the collaboration between the national agencies and sub-national agencies and non-state actors in relation to implementation of climate action;
 - (d) prepare and issue a State of Climate Report and in this regard may direct any person to submit information on the state of climate in the respective sector or stakeholder to inform the State of Climate Report.

- (e) lay a State of Climate Report prepared under paragraph (d) before Parliament as soon as reasonably practicable after its publication for consideration, where the Parliament is in session, or where not in session, within twenty-one (21) days of the day Parliament next sits after the publication, and
 - (f) perform such other functions as are assigned under this Act.
- (3) Subject to the provisions of this Act, the Minister may, either generally or in a specific case, delegate to the Director, the exercise of any of the functions of the Minister under this Act.

B: Coordination

Establishment of a Department on Climate Change

11. (1) There is hereby established a Department on Climate Change under the Ministry responsible for climate change matters.
- (2) The Department shall be the lead agency of the Government responsible for coordination of all climate change matters and shall: —
- (a) provide technical support on climate change to the lead agencies and sub-national authorities;
 - (b) serve as the national knowledge and information management centre for compiling, verifying, refining and disseminating knowledge and information on climate change;
 - (c) establish and maintain the country's national registry for adaptation and mitigation projects;
 - (d) coordinate adherence to climate change obligations by the lead agencies and sub-national authorities;
 - (e) enhance cooperation with the private sector, civil society organisations, non-governmental organisations and other non-state actors;
 - (f) promote low emissions and climate resilient technologies aimed at: —
 - (i) mitigating climate change by reducing anthropogenic emissions by sources and enhancing anthropogenic removals by sinks of greenhouse gases,
 - (ii) reducing vulnerability to the impacts of climate change,
 - (iii) mitigating the residual impacts of climate change (Loss and Damage),

- (g) promote dissemination of information, training and public awareness about climate change;
 - (h) ensure the country meets its international commitments under the ratified international climate change instruments;
 - (i) work with the Ministry of Education and other relevant regulatory agencies of basic levels of education, universities and tertiary institutions to mainstream climate change issues in curricula at all levels.
- (3) The Department shall be headed by a Director of Climate Change duly recruited and appointed through a competitive and transparent process and shall hold at least a post-graduate degree from a recognized university in the field of law, environment, natural resources management, economics or a relevant social science with at least 10 years' experience in the relevant field.

Submission of the State of the Climate Report

12. (1) The Minister shall pursuant to Section 10 (2)(d), prepare and publish a State of the Climate Report every two years and shall contain: —
- (a) all adaptation and mitigation measures undertaken by State and non-state actors across the country in all sectors;
 - (b) a register of the adaptation and mitigation projects and programmes in the country as well as the projects' expected outcomes;
 - (c) a register of greenhouse gases inventory in the country;
 - (d) status of implementation of the State's international and national climate change obligations and commitments;
 - (e) all beneficiaries of carbon projects;
 - (f) the status of climate finance in the country based on the need and finance mobilized from various sources, including from domestic and international sources and the gaps;
 - (g) a list of all climate change related incentives provided;
 - (h) a register of all climate related licences and permits issued; and
 - (i) any other relevant climate related issue contained in the sectoral reports referred to under Section 13(3).

- (2) The State of the Climate Report prepared under subsection (1) shall be presented to the Council within one (1) month from the publication of the report.
- (3) The Minister shall, upon the receipt of comments from the Council and other relevant stakeholders, lay a State of the Climate Report published under subsection (1) before the Cabinet and thereafter to the Parliament for consideration, as soon as reasonably practicable after its publication, where the Parliament is in session, or where not in session, within twenty-one (21) days of the day the Parliament next sits after the publication.

Establishment of sectoral climate change units

13. (1) There is hereby established a Climate Change Unit² (hereinafter referred to as “Unit”) in each lead agency across the whole government tasked with implementing, monitoring and evaluating: —
- (a) the integration of climate change into respective sectoral strategies and budgets,
 - (b) the sectoral climate change action plans,
 - (c) the national climate change action plans within their respective lead agencies,
 - (d) mainstreaming of gender and climate change within their respective sector, and
 - (e) implementation of the provisions of this Act in the respective sector.
- (2) The sectoral climate change action plans referred to in subsection 1(b) shall contain, *inter alia*: —
- (a) the sectoral climate change objectives and targets in line with the national adaptation and mitigation targets set by the Council pursuant to Section 9 (b),
 - (b) the greenhouse gas emissions prevalent in the respective sector,
 - (c) a programme on reducing greenhouse gas emissions within the sector,
 - (d) the sector’s public engagement strategy to ensure public ownership and buy-in of the relevant stakeholders in the attainment of the sectoral climate change targets and objectives, and

² This has to be adapted to the national circumstances as some countries call it a Unit while others call it a Department/Secretariat/Desks

- (e) a plan on how to collaborate with the private sector, civil society organizations and other non-state actors in the implementation of the sectoral climate change objectives and targets.
- (3) The lead agencies shall provide annual reports on the status and progress of performance to the Department by the 30th day of June of each year and which shall contain: —
- (a) the status of the implementation of sectoral targets and objectives by all relevant stakeholders in the sector, including the public sector and non-state actors, and
 - (b) all projects and programmes aimed at achieving the sectoral targets and objectives.
- (4) Each lead agency shall appoint a duly qualified individual who shall be the head of the Unit.
- (5) Each lead agency shall appoint qualified staff to the Unit.

Establishment of Sub-National Forums on Climate Change.

14. (1) There is hereby established sub-national forum on climate change at the lowest subnational governance and administrative level and whose functions shall include, *inter alia*: —
- (a) raise public awareness on the country's international and national climate change obligations and commitments,
 - (b) raise awareness and collate views on the sub-national climate change priorities and obligations applicable at that sub-national administrative level,
 - (c) educate the general public including women, youth, indigenous peoples and local communities on the roles that they can play in the realization of the international, national and sub-national climate change commitments,
 - (d) discuss the adverse impacts of climate change in the sub-national area and possible measures that can mitigate such impacts,
 - (e) update on the on-going climate projects in the sub-national area, and
 - (f) promote low emissions and climate resilient technologies.

- (2) The sub-national forums outlined in subsection (1) shall be organised by the relevant sub-national authorities in conjunction with the Department on an annual basis.
- (3) The sub-national authorities organising the sub-national forum shall ensure the participants are proportionately represented, including persons living with disabilities, women, youth, indigenous peoples and local communities.
- (4) The sub-national forums shall be held in an accessible location and all residents living within the respective administrative boundaries shall not be denied entry into such a forum.

C: National Technical and Scientific Committee

Establishment of a Technical and Scientific Committee.

15. (1) There is hereby established a National Technical and Scientific Committee (hereinafter referred to as “Scientific Committee”) to be appointed by the Minister, and which shall consist of: —
 - (a) the Permanent Secretary responsible for climate change matters who shall be the Chairperson,
 - (b) at least fourteen technical experts from the fields of climate science, economics, agriculture, environmental law, environment and natural resources, transport, energy, planning, carbon markets and trading or such other relevant fields and shall be drawn from lead agencies, universities, research institutions, and non-state actors.
- (2) The Scientific Committee shall: —
 - (a) advise the Council, the Minister and the Department on the best available science to inform climate policy, mainstreaming of climate change into development planning and decision-making, including on: —
 - (i) advising on assessments of climate change impacts across sectors,
 - (ii) analysing climate change impacts and implications on the economy, sectors and communities,
 - (iii) examining the greenhouse gas emissions data and the projection data, trends in the total annual emissions and on the effectiveness of measures to reduce emissions in terms of achieving the set national targets,
 - (iv) options for enhancing adaptive capacity of the economy, ecosystems and communities, and

- (v) environmentally sound technologies and innovations;
 - (b) provide advice, analysis, information or other technical assistance with targets to be set under this Act.
 - (c) provide technical support in the preparation of the national low emission and climate resilient development strategy, the biennial report on climate change, nationally determined contributions and national adaptation plans.
 - (d) identify and prioritize areas of climate research and outline ways of their use in informing policy, planning and decision-making; and
 - (e) without prejudice to the foregoing, recommend review and update of the national low emission and climate resilient development strategy, nationally determined contributions, and national adaptation plans from time to time to incorporate the best available science.
- (3) The Department shall provide secretarial services to the Scientific Committee.
- (4) The Scientific Committee shall regulate its own proceedings and shall meet at least once every three months for the transaction of its business.
- (5) The Scientific Committee may co-opt any person to attend its meetings and a person so co-opted shall participate at the deliberations of the Scientific Committee but shall have no vote.

PART V—NATIONAL CLIMATE CHANGE RESPONSE

A: National adaptation planning and implementation

Adaptation scenarios.

16. (1) The Department shall, in consultation with the relevant lead agencies and advice of the Scientific Committee, shall develop adaptation scenarios which shall anticipate the likely impacts of climate change in the Country and associated risks and vulnerabilities in the short, medium and long term.
- (2) The adaptation scenarios shall inform the development of the National Adaptation Plan, Sectoral Adaptation Plans and the long term national low emission and climate resilient development strategy referred to under Sections 17, 18 and 6 of this Act respectively.
- (3) The adaptation scenarios referred to in subsection (1) shall: —

- (a) be informed by the best available science, evidence and information;
 - (b) be informed by the risk and vulnerability assessment reports of the country;
 - (c) include climate monitoring infrastructure for the climate system and early warning systems;
 - (d) include a consideration of the potential impacts of climate change on the environment of the State and associated vulnerabilities; and
 - (e) contain available adaptation response options to reduce identified vulnerabilities by building adaptive capacity and strengthening climate resilience.
- (4) The Minister shall, in consultation with the relevant lead agencies and with the advice of the Scientific Committee, periodically review and amend the adaptation scenarios prepared pursuant to subsection (1) of this section.

National Adaptation Plans.

17. (1) The Department, in consultation with the relevant lead agencies and advice of the Scientific Committee, shall develop and publish a National Adaptation Plan every five years whose objective shall be to: —
- (a) prescribe measures that enhance implementation of the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;
 - (b) mainstream climate change disaster risk reduction actions into development programmes; and
 - (c) provide a strategic policy direction and an integrated and coordinated approach to the cooperative management of adaptation efforts by state and non-state actors in response to the impacts of climate change.
- (2) The National Adaptation Plan shall include: —
- (a) assessment of the risks for the country of the current and predicted impact of climate change;
 - (b) the national adaptation goals and objectives that take into account adaptation scenarios set out under section 16(1) of this Act and the national development priorities that contribute to achieving sustainable development and poverty eradication efforts;

- (c) Programmes setting out: —
 - (i) national adaptation goals and objectives in relation to adaptation to climate change,
 - (ii) proposals and actions for meeting the national adaptation goals and objectives, and
 - (iii) the time scales for implementing the said proposals and actions, addressing the risks identified based on the best available science;
 - (d) an assessment of the State's and its vulnerable communities' risk, vulnerability and needs;
 - (e) gender and vulnerable communities' responsive measures in relation to their adaptation to the impacts of climate change;
 - (f) climate data and information;
 - (g) research and development priorities, informed by the needs assessments contemplated under section 16 (3)(d);
 - (h) recommendations for the mainstreaming of climate change in education, training and public awareness;
 - (i) the national public engagement strategy; and
 - (j) approaches to monitoring, evaluation and reporting and tracking adaptation progress.
- (3) The Department shall review and update the National Adaptation Plan at five-year intervals, taking into account the NAP Principles established by the United Nations Framework Convention on Climate Change, *inter alia*: —
- (a) the best available science, evidence or information;
 - (b) risk, vulnerability and needs assessments;
 - (c) prevailing socio-economic circumstances of the country;
 - (d) technological advances;
 - (e) adaptation scenarios;
 - (f) indigenous knowledge related to climate change adaptation;
 - (g) monitoring and evaluation results on on-going and completed adaptation actions; and

- (h) the international commitments and obligations under the ratified international climate change instruments.
- (4) The Minister may issue guidance to lead agencies about: —
- (a) assessing the current and predicted impact of climate change in relation to their respective sector,
 - (b) preparing proposals and actions for adapting to climate change in relation to their respective sector, and
 - (c) cooperating with other lead agencies for that purpose.
- (5) The Minister may direct any lead agency to prepare a report containing the following: —
- (a) an assessment of the current and predicted impact of climate change in relation to the respective sector;
 - (b) a statement of the lead agency's proposals and actions for adapting to climate change in the exercise of its functions and the time scales for implementing those proposals and actions;
 - (c) an assessment of the progress made by the lead agency towards implementing the said proposals and actions; and
 - (d) the content and the timeframe within which the report shall be prepared.
- (6) The Department shall support the sub-national authorities to develop, update and revise their sub-national adaptation plans taking into account adherence to the national adaptation plan.

Sectoral adaptation plan.

- 18.(1) The lead agencies, in consultation with the Department and the Scientific Committee, in the particular sector, shall develop and update the sectoral adaptation plans for their respective sectors biennially and shall include, *inter alia*: —
- (a) an assessment of the sector's risks, vulnerabilities and needs, including at risk ecosystems and communities;
 - (b) sectoral adaptation objectives;

- (c) plans and measures aimed at adapting to climate change for the respective sector;
 - (d) the sectors' public engagement strategy for the participation of relevant stakeholders in the sector in the implementation of the National Adaptation Plan and Sectoral Adaptation Plans;
 - (e) approaches to the research and development of innovative adaptation measures in the sector; and
 - (f) approaches to the monitoring, evaluation and reporting of projects and measures outlined in the sectoral adaptation plans.
- (2) The sectoral adaptation plans prepared under subsection (1) shall be consistent with the adaptation scenarios set out under Section 16(1).
- (3) Lead Agencies shall adhere to the national adaptation plan and the sectoral adaptation plans while performing their respective mandate and functions.

Adaptation information and synthesis adaptation report.

19. (1) The Department, in consultation with the relevant lead agencies and on advice of the Scientific Committee, shall collate and synthesise the information relevant to the achievement of the national adaptation objectives, the realisation of the national adaptation plans or the provisions of this Act and publish a Synthesis Adaptation Report that shall form part of the Biennial State of Climate Report set out under Section 12 of this Act.
- (2) The Department may by notice in the *Gazette* or in writing, require any person to provide climate related data, information, documents, or evidence, within a reasonable time or on a regular basis for the purposes of informing the synthesis adaptation report.
- (3) A notice issued under subsection (2) shall indicate the manner and timeframe in which the information will be furnished and verified.
- (4) Any person who fails to provide information to assist in the compilation of the annual Synthesis Adaptation Report shall be committing an offence and if found culpable shall be liable to a fine xxx or imprisonment of xx years or both³.

B: Mitigation and Greenhouse Gas Emissions and Removals

³ Adjustable to the context of the country domesticating the Law

National greenhouse gas inventory

20. (1) The Minister, by notice in the *Gazette* and on the advice of the Scientific Committee, shall establish a national system responsible for undertaking a National Greenhouse Gas Inventory and the compilation of an annual National Greenhouse Gas Inventory Report.
- (2) The National Greenhouse Gas Inventory Report shall: —
- (a) set out and analyse emission trends, including detailed reports on changes in the greenhouse gas emissions intensity in the economy;
 - (b) outline the greenhouse gas emissions by source and removal by sinks in accordance with the Intergovernmental Panel on Climate Change (IPCC) guidelines and may be amended from time to time;
 - (c) be in conformity with international and national climate change mitigation commitments and obligations;
 - (d) define the country's available carbon credits allocated for each fiscal year;
 - (e) compare actual greenhouse gas emissions against the national greenhouse gas emissions trajectory and mitigation commitments and obligations; and
 - (f) the total number of carbon credits sold in each fiscal year.
- (3) The Minister may, in consultation with the relevant lead agencies and the advice of the Scientific Committee, by notice in the *Gazette* identify a list of activities and thresholds for which measurements and estimations of greenhouse gas emissions and carbon sinks from agriculture, forestry and other land use (AFOLU), transport, energy, industry and waste sources are to be carried out, taking into account the activities' contribution to the total national greenhouse gas emissions.
- (4) The Department shall establish a greenhouse gas emission data information system.
- (5) The Minister may make such regulations as may be appropriate to require lead agencies, sub-national authorities, private entities and researchers to keep and provide such relevant climate data and information to the Department to facilitate compilation of an annual National Greenhouse Gas Inventory Report.

- (6) Any person who fails to provide information to assist in the compilation of the annual National Greenhouse Gas Inventory Report shall be committing an offence and if found culpable shall be liable to a fine xxx or imprisonment of x years or both⁴.

Establishment of national emissions registry

21. There is hereby established a National Greenhouse Gas Emissions Registry maintained and administered by the Department which shall include registers on the following: —
- (a) a list of all greenhouse gas emitting activities identified under Section 20(3);
 - (b) authorisations granted for the conduct of activities stipulated under paragraph (a) above;
 - (c) the country's climate change mitigation obligations and commitments;
 - (d) the country's total current and projected amounts of greenhouse gas emissions;
 - (e) a list of all recently completed, ongoing and proposed mitigation projects;
 - (f) a list of all greenhouse gases and their carbon dioxide equivalent metric and warming potential; and
 - (g) a list of all built and natural terrestrial and blue carbon sinks.

National greenhouse gas emissions trajectory

22. (1) The Minister, in consultation with the lead agencies and on the advice of the Scientific Committee, shall determine a national greenhouse gas emissions trajectory for the country and which shall: —
- (a) be in conformity with the objects and principles of this Act;
 - (b) be informed by the best available science, data and information regarding the total current and projected amounts of greenhouse gas emissions in the country;
 - (c) specify the national greenhouse gas emissions objectives of the country, taking into account the socio-economic factors of communities and the economy as well as ratified international and national climate change obligations and commitments; and

⁴Adapted to the national circumstances

- (d) outline the public engagement strategy to sensitize the public on the trajectory and how they can participate in the realisation of the national greenhouse gas emissions objectives.
- (2) The Minister shall submit the national greenhouse gas emissions trajectory prepared under subsection (1) of this Act to the Council for consideration and subsequently to the Cabinet for approval.
- (3) Upon approval by the Cabinet, the Minister shall submit the national greenhouse gas emissions trajectory together with the State of the Climate Report set out under Section 12(1) of this Act to the Parliament for consideration and approval.
- (4) The Minister shall regularly review and update the national greenhouse gas emissions trajectory every five years or when deemed necessary for the realisation of the State's climate change mitigation obligations and commitments.

Sectoral emissions targets

23. (1) The Minister, in consultation with the relevant lead agencies and with the advice of the Scientific Committee, shall prepare a list of greenhouse gas emitting sectors and sub-sectors subject to sectoral emissions targets.
- (2) Each sector, identified under subsection (1) shall, through the sectoral climate change unit established under Section 11, develop the sector's greenhouse gas emissions targets.
- (3) Sectoral emissions targets established under this Section shall: —
- (a) conform with the State's international and national commitments and obligations;
 - (b) be implemented by the relevant lead agencies of the sectors listed under subsection (1);
 - (c) include quantitative and qualitative greenhouse gas emission reduction goals;
 - (d) account for the socio-economic impacts of the sectoral emissions targets; and
 - (e) be informed by the best available science, evidence or information.

Nationally Determined Contributions

24. (1) The Department, in consultation with the relevant lead agencies and with advice of the Scientific Committee, shall every five years prepare and communicate a nationally determined contributions and which shall include: —

- (a) an outline of the State's national development priorities aimed at achieving low-emission and climate resilient development;
 - (b) action plans for the national and sub-national mitigation measures, including on enhancement of terrestrial and blue carbon sinks;
 - (c) approaches to measurement, reporting and verification of mitigation measures, information and data;
 - (d) proposed measures of low-carbon development in the identified sectors;
 - (e) climate data and information;
 - (f) strategies and approaches to research and development of environmentally-friendly and low-carbon technologies;
 - (g) state of compliance with ratified international climate change commitments obligations;
 - (h) recommendations on education, training and public awareness, including indigenous and local communities; and
 - (i) financial needs to support implementation of the nationally determined contributions.
- (2) The nationally determined contributions prepared under subsection (1) shall be reviewed every five years taking into account the best available science.
 - (3) The successive nationally determined contributions shall progressively increase the ambitions of the country in relation to adaptation and greenhouse gas emissions reductions, taking into account the underlying socio-economic factors, the principle of common but differentiated responsibilities and respective capabilities and the efforts towards achieving sustainable development and poverty eradication.
 - (4) The Minister shall submit the nationally determined contributions prepared under this section to the Council for consideration and subsequently thereafter to the Cabinet for approval.
 - (5) Upon receipt of the Cabinet's comments and approval, the Minister shall submit the nationally determined contributions to the Parliament for consideration and approval before being communicated to the United Nations Framework Convention on Climate Change secretariat.

PART VI— CARBON MARKETS AND TRADING

*A: Institutional Framework***Establishment of a Designated National Authority**

25. The Department established under Section 11 of this Act shall serve as the Designated National Authority for carbon markets and trading (“DNA”)⁵.

26. (1) The Scientific Committee established under section 15 (1) of this Act shall serve as the Carbon Markets Advisory Committee and shall: —

- (a) advise the Minister on carbon market policies;
- (b) provide guidance based on the rules, modalities and procedures of Article 6.2, 6.4 and 6.8 of the Paris Agreement and voluntary mechanisms;
- (c) prepare and submit to the Minister an annual report on the State’s participation in carbon market and trading through bilateral, multilateral, private sector and voluntary arrangements;
- (d) advise the Minister on bilateral and multilateral engagements with prospective carbon markets and trading participating Parties;
- (e) review and recommend to the Minister for approval:
 - (i) the list for eligible technologies,
 - (ii) the use of existing methodologies under international crediting standards,
 - (iii) national modalities for approving new baseline and monitoring methodologies,
 - (iv) national modalities for accreditation of independent assessment entities and assessment standards to eligible mitigation activities,
 - (v) issuance of carbon credits such as Internationally Transferred Mitigation Outcomes (ITMOS), 6.4 Emission Reductions and certified emission reductions,
 - (vi) NDC-related baseline parameters to be incorporated into the design of mitigation activities,
 - (vii) individual mitigation activities as a candidate for a programmatic activity,
 - (viii) incentives to catalyse and accelerate carbon market and trading in the country, and

⁵ This may vary from country to country

- (ix) national modalities for reporting and audit impacts as reported through monitoring, transfer and corresponding adjustments, and implementation of a carbon pricing system.
- (f) review and recommend for authorisations in relation to entities' participation in the State's carbon markets and trading scheme in the country;
- (g) advise on the publication of a Roster of Experts made up of local experts recommended to participate in measurement, reporting and verification services;
- (h) maintain a registry of projects and mitigation outcomes, including links with international registries, where applicable;
- (i) review and recommend the modalities and criteria for mitigation activities, especially small-scale mitigation activities;
- (j) recommend on fair valuation of the country's assets (natural capital);
- (k) review and recommend eligible mitigation activities to be undertaken; and
- (l) any other function as may be required to be performed by the Carbon Committee under this Act.

B: Policy Framework

Carbon market

27. (1) Carbon markets policies shall apply to: —

- (a) all State organs participating in carbon markets and trading;
 - (b) all stakeholders engaging in carbon markets and trading;
 - (c) all international, continental, regional, national and local organisations engaging in carbon markets and trading; and
 - (d) all regulatory institutions in carbon markets and trading.
- (2) The Department, in consultation with the lead agencies and on advice of the Carbon Committee, shall organize climate policy symposiums, workshops and seminars to sensitize the public on carbon markets and raise awareness.
- (3) The Minister, in consultation with the Council, shall prepare and regularly review and amend the carbon market policy as may be necessary.

- (4) The Minister shall prepare and provide an update on the carbon projects on public land and the country's offshore to the Parliament, as part of the State of Climate Report to Parliament.
- (5) The Carbon Market Policy shall include: —
- (a) the national greenhouse gas inventory;
 - (b) the State's greenhouse gas emissions reduction strategy, outlined in the State's climate change objectives and targets expressed in carbon dioxide equivalent;
 - (c) the available carbon credits allocated for trading;
 - (d) considerations of the social and environmental impact of emission reductions;
 - (e) consideration of the value of the country's natural assets; and
 - (f) protection and management of terrestrial and blue carbon sinks.

Carbon trading

28. All trade in carbon credits shall be aimed towards the reduction of greenhouse gas emissions for the implementation of Article 6 of the Paris Agreement and voluntary emission reductions and ensure: —
- (a) the realisation of the mitigation objectives and targets established in pursuit of the implementation of this Act;
 - (b) the utilisation of carbon reduction technologies and measures mitigating the offset of greenhouse gas emissions in the atmosphere;
 - (c) proper record keeping and auditing of carbon project activities and their transactions;
 - (d) provision of incentives and capacity building measures to facilitate the participation of greenhouse gas emissions mitigation by authorized public and private entities;
 - (e) the active participation and sharing of the proceeds and benefits of carbon trading with local communities;
 - (f) emissions from carbon offset projects are kept out of the atmosphere for a reasonable length of time; and

- (g) emission reductions are carefully recorded and documented for each carbon offset activity, using appropriate accounting terms, corresponding adjustments and location of the offset.

Participation in carbon markets

29. (1) In pursuit of the realisation of Section 28, the Department shall sensitize the public through the public engagement strategy, climate change forums, publication notices in the *Official Gazette* and in accordance with the First Schedule.

(2) A project proponent shall:—

- (a) be a legal entity;
- (b) possess the financial capacity to undertake a carbon project;
- (c) demonstrate relevant knowledge and expertise in undertaking carbon projects; and
- (d) adhere to all applicable legal requirements necessary for the operation of carbon projects.

(3) Individuals shall not participate in the carbon markets unless through legally recognized incorporated entities.

(4) Any person intending to participate in the bilateral and multilateral agreement in carbon markets and trading shall submit an application to the Minister, who, on the advice of the Carbon Committee, shall consider the application and either approve or reject the application.

(5) The Minister shall communicate the decision to the applicant by notice in writing.

(6) Other entities engaged in carbon markets and trading may do so through:

- (a) private entity agreements; or
- (b) the voluntary carbon market trading agreements with internationally recognized entities, approved by a credible international body for the offset of carbon.

(7) An application made pursuant to subsection (4) shall:—

- (a) be in line with the State's policies, laws and strategies; and
- (b) indicate how the project shall contribute to the conditional Nationally Determined Contributions in respect of the bilateral and multilateral agreements.

(8) The application made pursuant to subsection (6) shall:—

- (a) be in line with the State's policies, laws and strategies;

- (b) outline the involvement of local communities in the project's implementation;
- (c) be accompanied by a letter of endorsement/no objection;
- (d) be accompanied by clearance of ownership of the property involved in the project;
- (e) be accompanied by an environmental and social impact assessment conducted in accordance with existing impact assessment legislation or regulations;
- (f) be accompanied by a REDD+ safeguard standards assessment for projects aimed at reducing emissions from deforestation and forest degradation or the enhancement of forest carbon stocks, where applicable;
- (g) disclose relevant project information including costs incurred, project budget, estimated and verified emission reductions, estimated revenues, and benefit sharing;
- (h) indicate expected employment creation and training to the national experts and local communities;
- (i) indicate commitment to corporate social responsibility;
- (j) apply the precautionary principle where there are uncertainties on the outcomes of the carbon-related mitigation activities; and
- (k) stipulate a compensation mechanism for losses and damages caused by the project's implementation.

Prohibition against double counting

30. (1) The Minister shall ensure that no two different Parties claim the same carbon removal or reduction credit twice.
- (2) Any person who engages in double counting of carbon credits shall be committing an offence under this Act.

Development of the Project Document

31. (1) Every project proponent involved on bilateral or multilateral agreements shall develop a Project Document within twelve (12) months of receiving the letter of no objection/Letter of Endorsement from the Minister.
- (2) In the case of private entity agreements and voluntary carbon market, the project proponent shall develop a Project Document within twelve (12) months of receiving the Letter of Endorsement.

- (3) The Project Document contemplated under subsection (1) and (2) of this section shall provide: —
 - (a) a general description of the project activity;
 - (b) a detailed description of the baseline and monitoring methodology;
 - (c) the implementation mechanism of the precautionary measures proposed for the potential impacts resultant from the implementation of the project;
 - (d) the expected duration of the project's implementation; and
 - (e) the crediting period.
- (4) The Project Document shall be submitted to the Department for review and scrutiny.
- (5) Upon receipt of the Project Document, the Department shall submit the Project Document to the Carbon Committee to review and shall make recommendations to the Department within thirty (30) days.
- (6) Where the Project Document is found to be compliant with the provisions of this Act, the Department shall make recommendation for its approval.
- (7) Where the Project Document is found not to be non-complaint to the requirements set out under this Act, the Carbon Committee may recommend issuance of a letter for the project proponent to improve the Project Document on the specified areas.
- (8) The project proponent shall, within twenty-four (24) months after receiving the letter of endorsement commence implementation of the project's activities.

Benefits sharing

32. (1) Without prejudice to Section 28, all trade in the carbon markets shall include equitable benefits after engagement and consultations with the indigenous peoples and local communities living adjacent to the proposed carbon project area.
- (2) All nature-based terrestrial and blue-carbon based measures shall be made in compliance with existing applicable laws unless expressly waived by a notice in writing in the *Gazette* and in consultation with the relevant lead agencies.
- (3) Any entity participating in carbon trading through private entity and voluntary carbon markets agreements made under this Act shall prepare and submit a benefit sharing agreement to the Minister for review and approval.
- (4) The Minister shall, on the advice of the Carbon Committee, approve or not approve with reasons the benefit sharing agreement within thirty (30) days of receipt of the Carbon Committee's recommendations.

Certification, Verification and Validation

33. (1) A project proponent shall submit an annual progress report to the Department on the project's performance during the reporting period independently reviewed by the verification and validation entities.

(2) The annual progress report shall outline:

(a) Technical information on:

- (i) a description of project activities implemented during the reporting period;
- (ii) any updates on the Project Document or the monitoring and reporting plan from the previous reporting period;
- (iii) the unique identification number;
- (iv) carbon credits generated compared to the expected carbon credits from the Project Document;
- (v) amount of carbon credits generated compared to the carbon credits generated by the project in the previous reporting period, where applicable;
- (vi) amount of carbon credits estimated *ex ante* for the incoming project reporting period;
- (vii) amount of greenhouse gas emissions reductions or removals achieved by the project within the reporting period;
- (viii) amount of greenhouse gas emissions reductions or removals expected from the project in the incoming reporting period;
- (ix) assessment of the project's impact at the sub-national and national level, including the project's contribution to the Nationally Determined Contributions, the project's environmental and socio-economic benefits; and
- (x) the project's planned activities for the next reporting period.

(b) Financial information on:

- (i) the carbon revenue generated by the project and the particulars of the buyer(s);
- (ii) the price and volume of carbon credits sold during the reporting period;
- (iii) the project's operating expenses; and
- (iv) the annual social contribution made by the project proponent to the community in line with the community development agreements.

- (3) The annual progress report contemplated under subsection (1) shall be accompanied by:-
- (a) the project's name and registration number;
 - (b) the project proponent (s) name and address;
 - (c) the reporting period; and
 - (d) the contacts of the certified valuer, verifier or validator who validated the report in the annual progress reports.
- (4) The Minister may suspend, cancel or revoke the project authorization where a proponent fails to comply with the requirements set out under this Act.

Cancellation of carbon trading agreements

34. The Minister may suspend, cancel or revoke carbon trading agreements issued under this Act where: —
- (a) the project proponent fails to commence the implementation of the project's activities within twenty-four (24) months;
 - (b) the project proponent fails to comply with the project requirements outlined under this Act or regulations thereof;
 - (c) the continued implementation of the project's activities is likely to be injurious to the environment or human health;
 - (d) the public's interest overrides the project's expected outcomes;
 - (e) where the project proponent withholds information or provides misleading information; and
 - (f) the project proponent voluntarily cancels the project by official notification in writing to the Minister.

National Carbon Registry

35. (1) There is established a registry known as the National Carbon Registry (hereinafter referred to as "the Carbon Registry").
- (2) The Registry established under subsection (1) shall include registers on: —
- (a) carbon credit projects and programmes implemented to reduce greenhouse gas emissions;
 - (b) a list of all carbon sinks and reservoirs in the country
 - (c) national buffer account;
 - (d) the total number of carbon credits issued, transacted and in stock;

- (e) the total number projects that have corresponding adjustments
 - (f) the and the amounts generated from corresponding adjustments
 - (g) the State's emission balance ;
 - (h) authorisations granted for the participation of entities in carbon projects and initiatives;
 - (i) the amount of carbon credits transferred;
 - (j) the amount/percentage to the buffer account;
 - (k) the cancelled carbon credits authorisations;
 - (l) a list of all carbon projects' beneficiaries; and
 - (m) social and environmental impact assessment reports in relation to carbon projects.
- (3) The Carbon Registry shall be accessible to the public at a prescribed fee which is remitted to the Fund established under Section 40.

PART VII—ENHANCED TRANSPARENCY FRAMEWORK

Monitoring and evaluation

36. (1) The Department, in consultation with the relevant lead agencies and advice of the Scientific Committee, shall establish a monitoring, evaluation and learning framework to facilitate tracking of progress on the implementation of adaptation actions and shall contain: —
- (a) needs assessment,
 - (b) baseline,
 - (c) activities evaluation, and
 - (d) lessons learnt.
- (2) The Minister shall review the Monitoring, Evaluation and Learning Framework prepared under subsection (1) and submit to the Council for consideration and subsequently to Parliament in conjunction with the State of the Climate Report referred to section 12 of this Act.

Measurement, reporting and verification

37. (1) The Department, in consultation with the relevant lead agencies and advice of the Scientific Committee, shall establish a Measurement, Reporting and Verification Framework to facilitate tracking of progress on the implementation of mitigation actions and shall contain: —

- (a) system design considerations⁶,
- (b) Governance,
- (c) Data collection and emission calculations,
- (d) MRV system support tools, and
- (e) Lessons learned.

(2) The Minister shall review the framework prepared under subsection (1) and submit to the Council for consideration and subsequently to Parliament in conjunction with the State of the Climate Report referred to section 12 of this Act.

National communications

38. (1) The Department, in consultation with the relevant lead agencies and on advice of the Scientific Committee, shall every four years prepare national communications and shall contain: —

- (a) Executive summary,
- (b) Introduction,
- (c) National circumstances,
- (d) Description of steps taken or envisaged to implement the Convention,
- (e) National inventory of greenhouse gases,
- (f) Analysis of mitigation options,
- (g) Climate change impacts, vulnerability and adaptation options,
- (h) support research and systematic observation and education and public awareness,
and
- (i) Other information considered relevant for implementation of the Convention.

⁶ Countries without a system may have to develop their own system

- (2) The Minister shall review the report prepared under subsection (1) and submit to the Council for consideration and subsequently to Parliament in conjunction with the State of the Climate Report referred to section 12 of this Act.

Biennial transparency report

39. (1) The Department, in consultation with the relevant lead agencies and on advice of the Scientific Committee, shall prepare every two years a biennial transparency report and shall contain information as set out in decision/CMA3, in particular: —
- (a) national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases,
 - (b) information on climate change impacts and adaptation,
 - (c) information necessary to track progress made in implementing and achieving nationally determined contributions under Article 4 of the Paris Agreement, and
 - (d) information on financial, technology development and transfer and capacity building support under Articles 9-11 of the Paris Agreement.
- (2) The Minister shall review the report prepared under subsection (1) and submit to the Council for consideration and thereafter to the Council for consideration and subsequently to Parliament in conjunction with the State of the Climate Report referred to section 12 of this Act.

PART VIII—FINANCIAL PROVISIONS

Climate change fund

40. (1) There is hereby established a Climate Change Fund (hereinafter referred to as ‘The Fund’) which shall be a financing mechanism for supporting climate change actions, measures and initiatives.
- (2) The Fund shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of:—
- (a) suing and being sued;
 - (b) taking, purchasing and disposing of movable and immovable property;
 - (c) borrowing money;
 - (d) entering into contracts; and

(e) doing such other things necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.

(3) The object of the Fund shall be for the purposes of: —

- (a) financing projects and programmes for the implementation of climate change adaptation and mitigation actions and measures;
- (b) financing research and development and transfer of technologies, innovations and practices necessary for the implementation of climate actions and measures;
- (c) providing technical assistance to sub-national authorities in matters climate finance;
- (d) leveraging of climate finance from various sources;
- (d) financing climate-induced disaster risk reduction actions and measures;
- (e) providing grants and loans to individuals, local community groups, private entities, subnational institutions for climate change research and innovation in, technology, science, industry, transport, energy, universities and academia; and
- (f) providing incentives to individuals, private entities and public entities for innovative climate change actions and practices.

(4) There shall be paid into the Fund: —

- (a) monies appropriated by Parliament;
- (b) monies received by the Fund in the form of donations, endowments, grants, gifts and concessional loans from whatever source and specifically designated for the Fund;
- (c) proceeds from Carbon Trading, biodiversity credits, payment for ecosystem services, green bonds, and other non-conventional sources of climate finance;
- (d) debt swaps for climate or nature;
- (e) fees accrued from licences, permits and levies contemplated in Part X of this Act; and
- (f) mobilised resources by the Fund.

- (5) The Fund, subject to this Act, shall be administered by a Board of Trustees, which shall consist of: —
- (a) a Chairperson appointed by the Minister⁷
 - (b) Permanent Secretary for the time being responsible for finance;
 - (c) Permanent Secretary for the time being responsible for climate change matters;
and
 - (d) four members appointed by the Minister who shall be persons holding at least post-graduate degree from a recognized university in the field of environmental law, finance, commerce, economics, environmental science or natural resource management.
- (6) The members of the Board of Trustees shall be paid allowances determined by the Minister, in consultation with the Minister for the time being responsible for matters relating to finance.
- (7) The Minister shall, in consultation with the Board of Trustees, appoint the Chief Executive Officer to the Fund through a competitive and transparent process and who shall hold at least a post graduate degree from a recognized university in the field of law, environment, natural resources resource management, economics or a relevant social science with at least 10 years' experience in the relevant field.
- (8) The Board of Trustees may appoint such officers and other staff that are necessary for the proper and effective performance of the functions of the Fund.
- (9) The Minister, in consultation with the Minister responsible for finance, shall by notice in the *Official Gazette*, make regulations or rules outlining the procedures on: —
- (a) the strategic directions for the application of the Fund;
 - (b) the eligibility criteria to access the Fund;
 - (c) procedures for disbursement, recovery and repayment of loans including interest to the Fund; and
 - (d) the effective and transparent administration of the Fund, including climate budget tracking and tagging set out under section 7 of this Act.

⁷ The Minister was selected as a stand-in appointing authority. All appointments made by the Minister may be substituted by the relevant appointing authority operating in the specific country.

- (10) The accounts of the Fund shall be audited and reported upon by the Auditor General in accordance with the relevant applicable law.
- (11) The records of the Fund shall be properly kept accessible to the public for inspection, upon payment of the prescribed fee.

Fiscal incentives

41. (1) Despite the provisions of any relevant revenue Act, the Minister responsible for finance may, on the recommendation of the Minister, propose tax and other fiscal incentives, disincentives or fees to induce or promote implementation of adaptation and mitigation actions, measures or initiatives that enhance achievement of low emission and climate resilient development.
- (2) Without prejudice to the generality of subsection (1), the tax and fiscal incentives, disincentives or fees may include—
- (a) customs and excise waiver in respect of imported capital goods for investment in climate action;
 - (b) tax rebates to adaptation and mitigation actions, measures and initiatives that enhance climate resilience and contribute to reduction of greenhouse gas emissions;
 - (c) tax disincentives to deter maladaptation and actions that increase emissions; and
 - (d) user fees or carbon levy.
- (3) Project proponents of carbon projects may be granted incentives, as may be applicable, if their contributions are towards: —
- (a) climate change actions that contribute to poverty eradication, job creation and increasing adaptive capacity;
 - (b) climate change education and awareness;
 - (c) climate-induced disaster response and management; or
 - (d) carbon sinks protection and sustainable management,
- (4) The Minister shall make regulations or rules prescribing the nature of the incentives and the conditions for the grant or withdrawal of incentives.

PART IX— PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**Public participation.**

42. (1) The Minister shall prepare a public engagement strategy which shall: —
- (a) outline steps to be taken when preparing: —
 - (i) the national low emission and climate resilient development strategy,
 - (ii) state of climate report,
 - (iii) nationally determined contributions,
 - (iv) national adaptation plans, and
 - (v) such other climate policies, and
 - (b) how members of public may contribute by reviewing and submitting views on the climate policy documents referred to in paragraph (a) of this section.
- (2) The Minister may from time-to-time review and revise the public engagement strategy and publish the updated version in the *Official Gazette/Journal*.

Access to information.

43. (1) All persons shall have the right to access climate information.
- (2) The Department shall ensure that climate information is collated and synthesized in manner which the public may understand.
- (3) The Minister shall prescribe a fee, payable to the Fund for the access and use of the climate information synthesized under subsection (2).
- (4) Any person or authorized officer who withholds, hinders or restricts access to climate information contrary to the provisions of this Act or relevant data protection laws commits an offence.

PART X— LICENCES AND PERMITS**Requirement for licence.**

44. (1) A person shall not undertake any of the climate change activities⁸, unless that person has a licence issued by the Minister or the relevant lead agency.

⁸ A list of climate activities requiring a licence in a Schedule

- (2) A person seeking a licence or any variation of a licence held by him shall apply to the Minister or the relevant lead agency. in such manner and form as may be prescribed by the Minister.
- (3) An application for a licence or for the variation of licence under subsection (1) shall be accompanied by such fees as may be prescribed by the Minister.
- (4) The Minister may, on receipt of an application under this section, investigate or require the submission of such further information as it may be necessary in order to enable it consider the application.
- (5) The Minister shall, in considering the licence application, have regard to the material considerations which include—
 - (a) the National Low Emission and Climate Resilient Development Strategy prepared under section 6 of this Act;
 - (b) the National Adaptation Plan referred in section 17 of this Act;
 - (c) the Nationally Determined Contributions referred to in section 24 of this Act;
 - (d) an environmental and social impact assessment licence issued under the relevant environmental legislation;
 - (e) any representations received from members of the public; and
 - (f) a recommendation or approval from any other relevant lead agency as may be necessary.
- (6) After considering an application made under this section, the Minister or the relevant lead agency may grant the applicant the licence or variation applied for or may refuse to grant or may attach to the licence granted terms or conditions as the Department or the relevant lead agency may consider necessary.
- (7) A licence issued under this Act shall expire or be for a period of between 5 and 10 years from the date of which it is issued, as applicable.
- (8) An application for the renewal of an existing licence shall be made at least two months before the expiry date of the existing licence.

Transfer of licence.

45. (1) A licence issued under this Act may be transferred by the holder to another person only in respect of the climate activity in relation to which that licence was issued.
- (2) Where a licence is transferred under this section, the person to whom it is transferred and the person transferring it shall jointly notify the Department or the relevant lead agency in writing of the transfer within thirty days after the transfer.
- (3) Where no joint notification of a transfer is given in accordance with subsection (2), the licence shall be deemed not to have been transferred.
- (4) A transfer of a licence under this section shall take effect on the date the Department or the relevant lead agency is notified of that transfer.
- (5) A person who contravenes the provisions of this section commits an offence.

Suspension of licence.

46. The Minister may, subject to Section 44, suspend a licence issued under this Act where—
- (a) a licensee is being investigated in relation to an offence under this Act;
 - (b) an allegation of misconduct has been made against a licensee;
 - (c) the licensee made a false declaration in the application for the licence; or
 - (d) a licensee has contravened a provision of this Act.

Cancellation of licence.

47. The Minister shall, subject to section 44, cancel a licence where a licensee—
- (a) is convicted of an offence under this Act or the regulations made thereunder; or
 - (b) ceases to be qualified for the issue of a licence under this Act.

Representation to the Minister.

- 48.(1) The Minister/Department shall not suspend or cancel a licence unless the Minister/Department has given the licensee at least thirty days' notice of the intention to suspend or cancel the licence and has provided the licensee with an opportunity to make a representation.
- (2) A licensee who is not satisfied with a decision made under subsection (1) may appeal to the Tribunal within twenty-one (21) days from the date of the decision.

Effect of suspension or cancellation.

49. A person whose licence has been suspended or cancelled shall not engage in the climate activities in respect of which the licence was granted during the duration of suspension or after cancellation.

Registers.

50. (1) The Department shall keep and maintain registers of—

- (a) all climate activities and initiatives approved under the provisions of this Act;
- (b) all licences and permits issued under this Act;
- (c) all institutions involved in technology development and transfer under this Act;
- (d) all public and private sector institutions involved in climate change-related capacity building and training.

(2) All registers kept and maintained under this section shall be open for inspection by members of the public during official working hours, at the designated offices on the payment of a prescribed fee.

PART XI— DISPUTE RESOLUTION**National Environment Tribunal**

51. (1) Any dispute that may arise in implementation of this Act shall in the first instance be referred to the National Environment Tribunal for determination, pursuant to which an appeal subsequent thereto shall, where applicable, lie to the High Court or court of competent jurisdiction.

(2) The Tribunal shall consist of the following members—

- (a) a Chairperson nominated by the Judicial Service Commission, who shall be a person qualified for appointment as a judge of the High Court;
- (b) an advocate of the High Court nominated by the relevant Law Society;
- (c) a lawyer with professional qualifications in environmental law appointed by the Minister; and
- (d) three persons with demonstrated competence in environment and climate change matters.

(3) The members of the Tribunal shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(4) The office of a member of the Tribunal shall become vacant—

- (a) at the expiration of three years from the date of his appointment;
 - (b) if he accepts any office the holding of which, if he were not a member of the Tribunal, would make him ineligible for appointment to the office of a member of the Tribunal;
 - (c) if he is removed from membership of the Tribunal by the Minister for failure to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour; or
 - (d) if he resigns the office of member of the Tribunal.
- (5) The members of the Tribunal shall, in their first meeting, elect from amongst themselves the Vice-Chairperson to the Tribunal.
- (6) The Chairperson and Vice-Chairperson shall be of opposite gender.
- (7) In the absence of the Chairperson, the Vice-Chairperson shall serve as the acting Chairperson for the duration of the absence of the Chairperson and the acting Chairperson shall perform such functions and exercise such powers as if that person were the Chairperson.
- (9) In the absence of both the Chairperson and the Vice-Chairperson, the members of the Tribunal present may nominate, from among themselves, a person to act as the Chairperson, which person shall have the training and qualifications in the field of law and such person, while acting as the Chairperson, shall perform such functions and exercise such powers as if that person were the Chairperson.
- (9) The Chairperson may designate the Vice-Chairperson and two other members to constitute a separate sitting of the Tribunal
- (10) The Tribunal shall have original jurisdiction to hear and determine disputes in relation to: —
- (a) decisions from institutions acting pursuant to provisions under this Act;
 - (b) decisions from the Minister relating to climate change;
 - (c) decisions from the Department;
 - (d) measures provided in the nationally determined contributions, national adaptation plans, sectoral action plans and assessment reports; or
 - (e) failure of institutions from communicating to the public in the manner prescribed under this Act.
- (11) The Tribunal shall encourage the use of Alternative Dispute Resolution mechanisms to settle disputes arising from this Act.

Proceedings of the Tribunal.

52. (1) A person may make a complaint or appeal, in writing, within sixty days of the act or omission or decision complained of.
- (2) On the hearing of a complaint or an appeal, the Tribunal shall have all the powers of a subordinate court to—
- (a) summon witnesses, take evidence on oath or affirmation and order the production of documents; or
- (b) summon expert evidence as may be necessary.
- (3) Where the Tribunal considers it desirable for the purposes of minimizing expenses, to avoid delay or for any special reason, it may receive evidence by affidavit and administer interrogatories and require the person to whom the interrogatories have been made to respond.
- (4) All summons, notices or other documents issued under the hand of the Chairperson of the Tribunal shall be deemed to have been issued by the Tribunal.
- (5) An aggrieved person may be represented before the Tribunal by an Advocate.

Awards of the Tribunal.

53. (1) The Tribunal may—
- (a) award damages;
- (b) confirm, vary or set aside the decision appealed against; or
- (c) make an order for the maintenance of the status quo of any matter or activity which is the subject of a complaint or appeal before it until the complaint or appeal is determined.
- (2) The Tribunal shall have power to award the costs of any proceedings before it and to direct that the costs shall be taxed in accordance within such scale as it may prescribe.
- (3) The Tribunal may, on its own motion or upon application by an aggrieved party, review its decisions, awards or orders.
- (4) Judgments of the Tribunal shall be executed and enforced in the same manner as judgments of a subordinate court.

Contempt of the Tribunal.

54. A person who —

- (a) fails to attend the Tribunal after being summoned by the Tribunal;
- (b) refuses to take an oath or affirmation before the Tribunal, or being a public officer, refuses to produce any article or document when lawfully required to do so by the Tribunal;
- (c) gives evidence or information before the Tribunal which he knows to be misleading;
or
- (d) at any sitting of the Tribunal –
 - (i) insults any member or officer of the Tribunal; or
 - (ii) interrupts the proceedings or commits any other act of contempt of the Tribunal;
- (e) fails or neglects to comply with a decision, order, direction or notice confirmed by the Tribunal,
commits an offence.

Quorum for the Tribunal.

55. (1) The quorum for the hearing and determining a cause or a matter referred to the Tribunal shall be the Chairperson and two other members.
- (2) Where, for any reason, the quorum under subsection (1) is not met for part of the hearing, the jurisdiction of the Tribunal may be exercised by the Chairperson, sitting with less the members.
- (3) The Chairperson shall preside at the meetings of the Tribunal and in the absence of the Chairperson, a member elected by members present.

Disclosure of interest.

56. (1) A member of the Tribunal who has an interest in the matter for consideration by the Tribunal shall disclose, in writing, the nature of that interest and shall not participate in the deliberations of the Tribunal in respect of that matter.
- (2) A member who fails to disclose interest in matter in accordance with subsection (1) shall cease to be a member of the Tribunal.

Appeals to the High court.

57. (1) A person aggrieved by a decision or order of the Tribunal may, within thirty days of that decision or order, appeal against the decision or the order to the High Court or court of competent jurisdiction.

(2) Upon the hearing of an appeal under this section, the High Court may —

- (a) confirm, set aside or vary the decision;
- (b) remit the proceedings to the Tribunal with instructions for further consideration, report, proceedings or evidence as the court may consider fit to give;
- (c) exercise any of the powers which could have been exercised by the Tribunal in the proceedings in connection with which the appeal is brought; or
- (d) make any other order as it may consider just, including an order as to costs of the appeal or of earlier proceedings in the matter before the Tribunal.

PART XII— OFFENCES, PENALTIES AND ENFORCEMENT**Offences and penalties**

58. A person commits an offence if the person: —

- (a) fails to provide data, information, documents, samples or materials to the Department as envisaged under Section 20(5);
- (b) provides false and misleading information, data, documents, samples or materials in violation of the provisions of this Act;
- (c) engages in a listed climate change activity without an authorisation so issued in accordance with this Act;
- (d) fails to comply by the express and implied conditions of an authorisation;
- (e) prevents the exercise of authorized officers' powers stipulated under Section 61(3) without reasonable cause; or
- (f) fails to adhere to their activities' mitigation reduction measures,

commits an offence and is liable, upon conviction, to a fine not exceeding xx currency units or imprisonment of not more than xx or both⁹.

Offence by body corporate and partnership

59. (1) When an offence against this Act is committed by a body corporate, the body corporate and every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence.
- (2) Where an offence is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge or who should have had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.
- (3) A person shall be personally liable for an offence against this Act, whether committed by him on his own account or as an agent or servant of another person.
- (4) An employer or principal shall be liable for an offence committed by an employee or agent against this Act, unless the employer or principal proves that the offence was committed against his express or standing directions.
- (5) The Court may further order that any licence, permit or any authorization given under this Act, and to which the offence relates, be cancelled.
- (6) The Court may further issue an order requiring that a convicted person restores at his own cost the environment to as near as it may be to its original state prior to the offence.

General penalty

60. Any person who commits an offence against any provision of this Act or of regulations made thereunder for which no other penalty is specifically provided is liable, upon conviction, to imprisonment for a term of not more than **xxxx** or to a fine of not more than **xxxx** or to both such fine and imprisonment.

Authorized officers.

61. (1) The Minister may, in writing, appoint any person to be an authorized officer for the purposes of the carrying out of the provisions of this Act.
- (2) Notwithstanding subsection (1), the following officers shall be authorized officers for the purposes of this Act—
- (a) officers of the Department; or

⁹ To be adapted to the national circumstances

(b) any other person upon whom any written law vests functions of maintenance of law and order.

(3) An authorised officer shall have the powers to: —

- (a) enter any premises on reasonable grounds; and
- (b) search and seize non-compliant materials, equipment and articles.

Restraint of breaches of this Act.

62. Any person who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the High Court or court of competent jurisdiction for—

- (a) a declaration that the provisions of this Act are being, have been, are about to be contravened;
- (b) an injunction restraining any specified person from carrying out the contravention;
- (c) the writ of mandamus against an officer or a person who has failed to perform a duty imposed by or under this Act; or
- (d) any remedy at law or equity for preventing or enforcing the provisions of this Act.

PART XIII— MISCELLANEOUS PROVISIONS

Protection from personal liability.

63. Any designated authorized officer, employee or agent shall not be liable for an act done by that person or omitted to be done or ordered to be done by that person in discharge of the persons' duties, if the person, at the time, whether or not within the limits of the jurisdiction of that person, in good faith, believed he had jurisdiction to do or order the act complained of to be done.

Liability of damages.

64. There shall be no liability to pay compensation or damages to a person for an injury to him, his property or any of his interests caused by the exercise of the powers under this Act or by any other law or by the failure, whether wholly or partially, or any works.

Supersession.

65. Where any conflict arises between the provisions of this Act and any other Act with respect to climate change, the provisions of this Act shall prevail.

Regulations.

66. (1) The Minister may make regulations prescribing all matters which by this Act are required to be prescribed or which are necessary for the better carrying out of, or giving effect to, the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1), Regulations under subsection (1) may provide for¹⁰—
- (a) the procedure for the formulation and periodic review of:
 - (i) adaptation scenarios,
 - (ii) sub-national adaptation plans, and
 - (iii) sectoral adaptation plans.
 - (b) the format and time of preparing and submission of reports by lead agencies as contemplated under Section 17(5) of this Act;
 - (c) the format and timeframe for lead agencies, sub-national authorities, private entities and researchers to keep and provide relevant climate data and information to the Department as contemplated under Section 20(5) of this Act;
 - (d) the procedures for:
 - (i) the strategic directions for application of the Climate Change Fund,
 - (ii) the eligibility criteria to access the Fund,
 - (iii) the disbursement, recovery and repayment of loans including interests to the Fund,
 - (iv) the transparency and accountability of the Fund, including climate budget tagging, as contemplated under Section 7 and 40(9) of this Act; and
 - (e) the nature of the incentives and the conditions for the grant or withdrawal of incentives as envisioned under Section 41(4) of this Act.
- (3) Regulations made under this section may require acts or things to be performed or done to the satisfaction of the Minister and may empower the Department or lead agencies to issue orders imposing conditions and dates upon, within or before which the acts or things shall be performed or done.

¹⁰ List is not exhaustive, countries may adjust according to their respective context

THE FIRST SCHEDULE

[Section 42 (4)]

PROVISIONS ON PUBLIC PARTICIPATION

[Section 4(2)(h), Section 6(5), Section 9(d), Section 11(3)(h), Section 13(2)(d), Section 14(1)(a), Section 18(1)(d), Section 27(2), Section 29(1), Section 43, Section 44(2), Section 67(2)(c) and (d)]

- 1.(1) Where this Act requires public or stakeholder consultation in matters relating to climate change policy, strategy, programme, plan or action, the Minister, the Department, the relevant lead agency or private entity shall publish a notice:—
- (2) The notice contemplated under paragraph 1(1) shall:—
- (a) set out a summary of the climate change policy, strategy, programme, plan or activity as well as the action's location, where applicable;
 - (b) state the location at which details of the climate change policy, strategy, programme, plan or action may be inspected;
 - (c) invite relevant stakeholders, the public or civil society organisations to give written or oral comments on or objections to the climate change policy, strategy, programme, plan or action;
 - (d) specify the institution, person or organisation to which the comments are to be submitted to;
 - (e) outline which sub-national climate change fora(um) the climate change policy, strategy, programme, plan or action will be discussed; and
 - (f) specify a date by which the comments on or objections to the climate change policy, strategy, programme, plan or action are to be received, not being a date earlier than twenty-one (21) days after the publication of the notice.
- (3) The Minister, Department, the relevant lead agency or private entity, including committees established under this Act, shall make available documents, benefit sharing agreements as well as environmental and social assessments, where applicable, relating to the climate change policy, strategy, programme, plan or action in possession of the respective entities.
- (4) The Department, the relevant lead agency or private entity, shall consider:—
- (a) written comments received on or before the date specified under paragraph 1(2)(f);

- (b) written objections received on or before the date specified under paragraph 1(2)(f); and
 - (c) any oral comments or objections received during a sub-national climate forum pursuant to paragraph 1(2)(e).
- (5) The Minister, Department, the relevant lead agency or private entity shall publish, in accordance with paragraph 1 of this Schedule, notice of their decision and evidence of public consultations in the final decision relating to the climate change policy, strategy, programme, plan or action, and reasons thereof.
- (6) The Minister, Department or the relevant lead agency or private entity shall make available details of the policy, strategy, programme, plan or action for public inspection at the same premises identified under paragraph 1(2)(b).
- (7) Where appropriate, the Department or the relevant subnational lead agency, where the policy, strategy, programme, plan or action shall be implemented, shall cause a public meeting relating to the proposed climate responses in addition to the sub-national climate change forum before making its decision on the proposed climate change policy, strategy, programme, plan or action.

ANNEX

Annex I: Comparative analysis of climate change legislation best practices from various jurisdictions and the Model Climate Change Law

A: Benin

Best practices noted from Benin's climate change legislation that informed the Model Climate Change Law include:

Element	Benin's Law No. 2018-18 of August 06, 2018 on climate change	Model Climate Change Law
Objectives and Applicability of the law	Part II - Art. 2 and 4 of Benin's Law provides the scope of applicability of the law to encompass all actions, activities, measures and initiatives set for the fight against climate change and its consequences. Moreover, the objectives include increasing the resilience of communities, sustainable and economic development as well as effective response to climate change. Disaster risk reduction is another objective highlighted by Benin's Climate Law.	The MCCL's objects include, <i>inter alia</i> , providing an institutional and regulatory framework for the coordination and enhanced public policy response to climate change in the context of achieving sustainable development and poverty eradication; to provide for the mainstreaming of climate change into development planning and implementation of adaptation and mitigation actions that contribute to climate resilient and low emissions development.
Obligations in relation to climate change.	Part III – imposes obligations on the State's national and local authorities to integrate climate change without ignoring environmental sustainability and natural disaster risk reduction with each Ministry mandated to define its activities relating to climate change and presenting its Action Plan to the National Committee on Climate Change.	A key principle underpinning the MCCL is the whole-government and whole-of-society approach that will ensure mainstreaming climate change not only into development planning but across sectors and at subnational level. Through its provisions, the MCCL obligates sectors to prepare sectoral plans containing their responses and measures to climate change while lead agencies are required to establish climate change units responsible for implementing climate change responses and national climate change policies within the respective

		agency's portfolio. Furthermore, the MCCL establishes sub-national climate change forums as mechanisms for public participation and sensitization of climate actions.
Education, Training and Communication	Title IV, Chapter III – Benin prioritises education, information and the mainstreaming of climate change, environment, climate risks and natural disasters in training programs and curricula of all educational and training institutions.	The MCCL proposes the mainstreaming of climate change into education curricula at all levels.
Parliamentarians' role	Art. 81 – Benin's climate change law requires the National Assembly to receive the Biennial Report which contains the status of the National GHG Inventory prior to communication to the UNFCCC Secretariat	The MCCL proposes that all climate policy documents including BTR and National Communication are submitted as part of the State of Climate Report submitted to Parliament for consideration and approval. Moreover, the Parliament receives the country's NDCs, NAPs and LT-LEDS from the Ministry responsible for climate change as Sessional Papers for consideration and approval.

B: Gabon

Gabon's Ordinance No. 019/2021 of 09/13/2021:

Element	The Gabon Ordinance No. 019/2021 relating to climate change	The Model Climate Change Law
Objects of the law	Art. 4 – Gabon's climate change law promotes the economic potential linked to ecosystem services and natural capital, prescribing a framework for combating climate change and a framework for the implementation of adaptation and mitigation strategies, action plans and measure. The Law further	The MCCL sets out the objects and purpose include providing an institutional arrangement for the coordination and enhanced public policy response to climate change in the context of achieving sustainable development and poverty eradication.

	provides for the promotion of sustainable development.	
Fundamental principles	Art. 5 – principles underpinning the Gabon climate change legislation include the principle of adaptation; the principle of mitigation; the principle of information; the prevention principle; the principle of sustainable development and the principle of preserving biodiversity and ecosystems.	The MCCL guiding principles include the prevention principle, the principle of sustainable development, while ensuring that adaptation and mitigation contribute to sustainable development and poverty eradication as well as avoiding maladaptation.
National GHG emissions information system	Art. 19 & 21 – Gabon’s law mandates the establishment of a National GHG emissions information system containing the National GHG emissions Inventory and the National GHG Register.	The MCCL proposes the establishment of a national system responsible for undertaking a national GHG inventory to inform the National GHG Emissions Trajectory and a compilation of an annual National GHG Inventory Report. Moreover, the MCCL proposes the establishment of a National GHG Register.

C: Kenya

Climate Change Act, 2016 (as amended in 2023):

Element	Kenya Climate Change Act, 2016 as amended in 2023	Model Climate Change law
Objects and purpose of the law	Sec. 3(1) and (2) – Kenya’s CCA, 2016 shall be applied for the development, management, implementation and regulation of mechanisms to enhance climate change resilience and low carbon development for the sustainable development of Kenya. Specific objects of the Act include mainstreaming climate change responses into development planning, decision making and implementation; mainstreaming and reinforcing climate change disaster risk reduction into strategies and actions of public and private entities;	The MCCL sets out its objects and purpose. Overall, it’s to provide for establishment of an institutional and regulatory framework for coordination of climate change in the country.

	mainstreaming intergenerational and gender equity in all aspects of climate change responses; providing incentives and obligations for private sector contribution in achieving low carbon climate resilient development; and mobilizing financial resources for climate change response.	
Guiding values and principles and Applicability of the Law's provisions	Sec. 4(1) and (2) – The Act provides the Act shall bind the government and all persons when applying, interpreting or implementing the provisions of the Act, providing principles that guide the Act including the principle of sustainable development; ensuring equity and social inclusion; ensuring integrity and transparency; and ensuring stakeholder participation and consultation.	The MCCL sets out guiding principles underpinning it and important in: <ul style="list-style-type: none"> • applying or interpreting it, • making or implementing public policy decisions on climate change, and • undertaking projects, programmes and initiatives related to climate change.
Multi-sectoral and multi-disciplinary Council on Climate Change	Sec. 5 – The Kenya CCA, 2016 establishes a multisectoral National Climate Change Council chaired by the President and comprising of Cabinet Secretaries/Ministries from various ministries, representatives from civil society, youth, marginalised communities, academia and the private sector. The Chairperson of the Council of Governors is also a member of the Council. The Act further highlights minimum qualifications for one to be a member of the Council.	The MCCL proposes the establishment of a Council as the overarching policy direction and advisory on climate change. The Council is chaired by the Minister (instead of the President) with representation from diverse stakeholders. The PS responsible for planning as the Vice Chair of the Council.
Qualifications of climate officials	Sec 7(3) and 9(4) – The CCA provides minimum qualifications of members of the Council and the Secretary of Climate Change including detailing the recruitment process ensuring the process is competitive	The MCCL provides for the transparent and competitive recruitment and appointment of public officers.

	and the official appointed by the Public Service Commission.	
Mainstreaming of climate change	Sec. 18, 19 and 21 – The CCA, 2016 calls for the mainstreaming of climate change into strategic areas, County Government functions, and various disciplines and subjects of the national education curricula at all levels.	The MCCL proposes the mainstreaming of climate change into development planning, disaster risk responses, and implementation of climate actions, including education curricula. The lead agencies are required to mainstream climate change into their respective sectors.
State of Climate Report	Sec. 8 – The CCA, 2016 mandates the Cabinet Secretary to report annually to the Parliament on the status of implementation of international and national obligations to respond to climate change and progress towards attaining low carbon climate resilient development.	The MCCL continuously proposes the submission of climate change documents such as LT-LEDS, NDCs, NAPs to Parliament for consideration and approval before being submitted to the UNFCCC Secretariat and implementation. Moreover, the MCCL requires the Minister to table a State of Climate Report which outlines the climate change landscape of the country and status of climate change responses implementation after every two years.
Carbon Markets and Trading	Part IVA – The amendment of 2023 introduced regulatory provisions on carbon markets wherein best practices such as the criteria for trading in the carbon markets, the criteria and procedure of participating in the carbon markets scheme, the provision of social and environmental benefits as well as the establishment of a National Carbon Registry.	The MCCL has elaborate provisions on carbon markets and trading. It also has provisions on how to participate in the carbon markets and trading and the benefit sharing of carbon markets proceeds with the adjacent local communities and indigenous peoples through benefit sharing agreements. The MCCL has provision on establishment of a National Carbon Registry.
Public Participation and Access to Information	Part V and Sec. 30 – the Kenyan CCA, 2016 entrenches the principle of public participation and the right to access climate information when developing strategies, laws and policies relating to climate change including undertaking public awareness and conducting public consultations. The Act mandates the	The MCCL requires the Minister to prepare a public engagement strategy which puts strong emphasis on public participation. Moreover, the MCCL proposes the organisation of sub-national forums on climate change to sensitize the public on climate change response measures, policies and actions.

	<p>Council and Directorate are mandated to publish and publicize all important information relating to their mandate while any person may request information from the Council and Directorate. The Schedule of the Act provides provisions on conducting public consultations. The Council is mandated to prepare and publish a public engagement strategy setting out steps to be undertaken to inform the public on climate change action plans and encourage public participation in the achievement of climate change action plans objectives.</p>	
Establishment of the Climate Change Fund and Incentives	<p>Sec. 25 and 26 – Kenya’s CCA, 2016 establishes a Climate Change Fund applied towards providing grants for climate change research and innovation, providing loans for the implementation of climate change actions and providing technical assistance to county governments. Moreover, the Act promotes the use of incentives to promote climate change initiatives to persons who encourage or put in place measures for the elimination of climate change, persons who put in place measures to mitigate against the adverse effects of climate change or are involved in the conducting accredited training in programmes aimed at eliminating climate change.</p>	<p>The MCCL establishes a Climate Change Fund to mobilize finances from various sources to support implementation of climate action.</p>
Enforcement of rights	<p>Sec. 23 & 23H – The dispute resolution mechanism of Kenya’s climate change landscape can be derived from the CCA, 2016 highlighting the importance of dispute resolution mechanism within the community development agreements (for land-based projects),</p>	<p>The MCCL confers <i>locus standi</i> to every person to approach a court of competent jurisdiction or ADR for any perceived violations.</p>

	<p>ADR (for non-terrestrial based projects not subject to community development agreements) and eventually before the National Environmental Tribunal. The EMCA, 1999 highlights the process from appealing from the NET to the Environment and Land Court for determination. The <i>locus standi</i> of climate-related rights in Kenya was enhanced by Article 70 of the COK, 2010 allowing persons who allege that the right to a clean and healthy environment is likely or has been denied, violated, infringed or threatened may apply to a court for redress or any other legal remedy.</p>	
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D: Mauritius

The Mauritius Climate Change Act, 2020:

Element	Mauritius Climate Change Act, 2020	Model Climate Change Law
Establishment of a multi-sectoral Council on Climate Change	Sec. 4 – The Mauritius CCA, 2020 establishes an Inter-Ministerial Council on Climate Change chaired by the Prime Minister and comprising of Ministers from various sectors of Seychelles’ Government with the Director serving as the Secretary to the Council.	The MCCL proposes the establishment of a National Climate Change Council as the overarching policy direction and advisory climate institution. The Council is chaired by the Minister instead of the President.
Establishment of a Department responsible for Climate Change as the lead coordinating institution	Sec. 8 – The Mauritius CCA, 2020 establishes a department within the Ministry responsible for Climate Change headed by Director and tasked with promoting climate change action measures, develop and coordinate climate change action plans, policies, projects, strategies and programmes, establishing a climate change database system and compiling,	The MCCL proposes the establishment of a Department on Climate Change under the Ministry responsible for climate change affairs headed by the Director. The Department serves as the lead government agency responsible for coordination of all climate change matters.

	analysing and disseminating information on climate change.	
Climate Change Response Measures	Part V – Mauritius’ CCA, 2020 mandates the Department, in collaboration with relevant Ministries, Departments and bodies, to formulate the National Climate Change Adaptation Strategy and Action Plan and the National Climate Change Mitigation Strategy and Action Plan while providing the content and criteria for the formulation of these climate change documents. These documents are to be periodically reviewed every five (5) years.	The MCCL elaborate provisions on national climate change response – adaptation and mitigation and proposes preparation of several climate policy documents including LT-LEDS, NDS, NAPs and Sectoral Adaptation Plans.
National Inventory Report	Sec. 15 – The Mauritius CCA, 2020 requires the Department to conduct an annual national inventory of GHG emissions by sources and removals by sinks as well as prepare the National Inventory Report for GHGs. Moreover, the Department is required to keep a record of changes that occur each year in relation to the collection of data and the methodologies and emission factors for the calculation of GHG emissions and sinks. Entities are mandated to furnish the Department such information as may be required for the purpose of preparing the National Inventory Report.	The MCCL proposes establishment of a national system responsible for undertaking a National GHG inventory and the compilation of an annual National GHG Inventory Report. It also has provisions on the content of the National GHG Inventory Report. It gives powers to the Minister to make Regulations to require lead agencies, sub-national authorities, private entities and researchers to keep and provide such climate data and information to facilitate the compilation of the annual National GHG Inventory Report. Any violation of this provision attracts sanctions.
Climate Data and Information	Sec. 17 – The CCA, 2020 empowers the Director to request, in writing, any relevant public or private institution to submit climate change data and information. An institution requested such information is mandated to submit the data and information to the Department.	The MCCL proposes empowering the Minister and the Department to request climate change information and data from entities and stakeholders necessary for the development of crucial documents such the State of the Climate Report (Sec. 12), the Adaptation Information and Synthesis Adaptation Report (Sec. 19), the National GHG

		Inventory Report (Sec. 20), project application documents (Sec. 29), National Communications (Sec. 38), and the Biennial Transparency Report (Sec. 39). Any violation of this provision attracts sanctions.
Duties of Lead Agencies/MDAs	Sec. 16 – the Mauritius CCA, 2020 empowers the Director to issue directives as may be necessary to institutions to carry out vulnerability and risk assessments while implementing adaptation and mitigation measures, account for climate change in its strategies and action plans, implement relevant measures specified in climate policy documents, establish a unit to coordinate the implementation of climate change measures, report on sectoral GHG emissions, and monitor, review and report on the status of implementation of climate change duties and measures.	<p>The MCCL proposes the establishment of climate change units in each lead agency across the whole Government tasked with developing, implementing, monitoring and evaluating the mainstreaming of climate change into respective sectoral strategies and budgets; sectoral climate change action plans, the national climate change documents within their respective sectors and agencies; as well as the mainstreaming of gender and climate change within their respective sector.</p> <p>Lead agencies are required to provide annual reports on the status and progress of their performance to the Department annually containing the status of the implementation of sectoral targets and objectives as well as all projects and programmes aimed at achieving the sectoral targets and objectives.</p>
Public consultation	Sec. 19 – the Mauritius CCA, 2020 mandates all Government departments to undertake public consultations for the purposes of developing strategies and policies in respect to climate change.	The MCCL has provisions that require the Minister to prepare a public engagement strategy outlining the steps to be followed in the development of climate change documents and policies as well as how members of the public may contribute by reviewing and submitting views on climate policy documents. A schedule on public participation is included. Also, the MCCL reinforces the right to access climate information.

*E: Nigeria***The Nigerian Climate Change Act, 2021:**

Element	Nigeria's Climate Change Act, 2021	Model Climate Change Law
Objects and application of the law	Sec. 1 – the objects of the Nigerian CCA, 2021 includes the mobilisation of finance and other resources necessary to ensure effective action on climate change.	The MCCL sets out its objects and purpose. Overall, it's to provide for establishment of an institutional and regulatory framework for coordination of climate change in the country. The MCCL further provides the climate finance mechanisms.
Multi-sectoral and multi-disciplinary Council on Climate Change	<p>Sec. 3, 4 & 5 – The Nigerian Climate Change Act, 2021 establishes the National Council on Climate Change with a multi-level leadership and governance structure. The President serves as Chairperson of the Council while the Vice-President holds the position of the Vice-Chairperson. Membership comprises of relevant Federal Ministers, the Chairman of the Nigerian Governor's Forum, the President of the Association of Local Governments of Nigeria and representatives from the private sector, women groups, youth organizations and persons with disabilities providing an inclusive composition.</p> <p>The Act presents several institutional tensions, however, particularly under Section 3. While establishing the National Council on Climate Change as a body corporate with legal capacity to sue and be sued, borrow funds and receive gifts, this arrangement creates two significant governance challenges: First, it imposes disproportionate responsibility on the</p>	The MCCL establishes a Council to provide high-level policy guidance, with an intentional governance structure designed to ensure efficient climate response coordination. Notably, the Minister, as opposed to the President, chairs the Council proposed by the Model Law, and its membership consists of officials subordinate to the Minister—a deliberate design to prevent potential conflicts and facilitate smoother convening of meetings. Furthermore, the MCCL incorporates mechanisms to maintain Presidential engagement and support in climate governance by mandating key climate policy documents, including NDCs, NAPs, LT-LEDS and the proposed State of the Climate Report, to undergo Cabinet approval before Parliamentary submission. This dual approval process serves to secure both Executive commitment and Legislative support for climate actions.

	<p>Chairperson, who already carries national leadership duties, potentially creating conflicts of interest, especially due to his position as the Chairperson of the Council and Head of the Federal Executive Council, such as when considering the country’s carbon budget which is to be approved by both entities. Secondly, the failure to grant equivalent corporate status to the Council’s Secretariat severely constrains its operational autonomy—specifically impairing its ability to (1) independently mobilize resources, (2) enter into and execute contracts, and (3) hold assets in its own name. Additionally, this status complicates dispute resolution by requiring all actions against the Secretariat to be filed against the Council itself.</p> <p>These structural issues are compounded by constitutional provisions, such as Section 308 of the Nigerian Constitution, which grants executive immunity to the President and Vice President, including in their roles as the Council’s Chairperson and Vice-Chairperson. This creates significant accountability gaps—especially where legal action is taken against the Council for decisions bearing the Chairperson’s seal and Cabinet’s approval, effectively shielding the Council (in instances where the President or Vice-President is most liable) from legal recourse for decisions and actions that lead to aggravation of rights.</p>	
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	<p>It is important to note, however, that the Council’s design reflects a deliberate compromise: prioritising Presidential engagement while avoiding the creation of a “Super Minister”. Historical context reveals that when Ministers chair such high-level bodies, Line Ministries often delegate attendance to subordinates, undermining the forum’s intended purpose. Thus, the Council’s current structure seeks to balance two crucial needs: (1) maintaining top-level executive buy-in for climate governance, and (2) ensuring meaningful, minister-level participation in multi-sectoral decision-making. This tension and balancing of underlying interests in the Council’s membership highlights the complexity of designing effective climate institutions with both political legitimacy and operational efficacy.</p>	
The technical institution for coordination of climate response coordination	<p>Sec. 7 & 8 – The Climate Change Act, 2021 establishes the National Council on Climate Change which serves as the secretariat of the Council. It is headed by a Director-General appointed by the President; the Secretariat serves as the information hub and regulatory agency for climate change actions in Nigeria.</p>	The MCCL establishes the Department to lead the coordination of climate change matters.
Climate Change Fund	<p>Sec. 15 – The Nigerian CCA, 2021 establishes a Climate Change Fund, maintained by the Council, whose resources are applied towards the Council’s administration costs; climate change advocacy and information dissemination; funding climate change action projects; and incentivizing efforts in clean</p>	The MCCL establishes a Climate Change Fund to mobilize finance from various sources to support implementation of climate action.

	energy transition and sustained GHG emission reduction.	
GHG emissions limit	Sec. 19 – Mandates the federal Ministry responsible for Environment, in consultation with the Federal Ministry responsible for National Planning, to set a carbon budget for the country to keep average increase in global temperature within 2 Degrees Celsius, the carbon budgetary period and periodically review the same.	The National carbon registry contains a register on the nation’s buffer account and percentage of the national buffer account utilised during a fiscal year.
National Climate Change Responses	Sec. 20 – The Act mandates the Secretariat to formulate a National Climate Change Action Plan, in consultation with the Federal Ministries responsible for Environment and National Planning, at five(5)-year cycles with detailed elements that must be engrained within the Action Plan. Additionally, the Act promotes partnership with CSOs under Section 25 .	The MCCL elaborate provisions on national climate change response – adaptation and mitigation and proposes preparation of several climate policy documents including LT-LEDS, NDS, NAPs and Sectoral Adaptation Plans.
Reporting to Parliament	Sec. 21 – The Nigerian CCA, 2021 mandates the Director General to submit a detailed report to the Council and the National Assembly’s Committee on Climate Change including providing guidance on the content of the report such as the status of implementation of the Action Plan, vulnerable areas and incentives granted to private and public entities towards clean energy transition and GHG emissions reduction sustainability.	The MCCL continuously proposes the submission of climate change documents such as LT-LEDS, NDCs, NAPs to Parliament for consideration and approval before being submitted to the UNFCCC Secretariat and implementation. Moreover, the MCCL requires the Minister to table a State of Climate Report which outlines the climate change landscape of the country and status of climate change responses implementation after every two years.

*F: Rwanda***Rwanda’s climate finance landscape and institution (The National Fund for Environment also known as “FONERWA”):**

Element	Rwanda’s legal framework on FONERWA	The Model Climate Change Law
Establishment of a Fund	Rwanda’s Law No. 39/2017 establishes the National Fund for Environment (FONERWA), an autonomous organ responsible for the mobilisation and management of resources used in financing activities aimed at protecting and preserving the environment, natural resources as well as fighting against climate change and its impacts. FONERWA supports public and private entities for environmental protection and preservation as well as research and the fight against climate change.	The MCCL establishes the Climate Change Fund as a financing mechanism for supporting climate change actions, measures and initiatives.
Management and Administration of the Fund	Rwanda’s Law No. 39/2017 outlines the management of the FONERWA to include a Board of Directors and an Executive Organ. The Board of Directors is the supreme organ of the FONERWA and constitutes a Chairperson, a Vice-Chairperson and seven (other) members appointed by a Presidential Order. Article 9 mandates adherence to the third-gender rule.	The MCCL proposes that the Fund be administered and managed by independent Board of Trustees. comprising of a Chairperson appointed by the Minister,
Distinction of the roles and responsibilities of the managing organ	Art. 11 – of Rwanda’s Law No. 39/2017 outlines the main responsibilities of the Board of Directors to include overseeing the overall functioning of the Executive Organ of FONERWA, providing strategic guidance to the Executive Organ, approving of the strategic plan and action plan of FONERWA as well as approving and monitoring the execution of projects supported and financed by FONERWA.	The MCCL proposes an independently administered and managed Fund.

Property and sources of the Fund's resources	<p>Art. 30 – Outlines FONERWA's sources to include the state allocated budget, subsidies and grants afforded to the Fund, donations and bequests from friendly partners, 0.1% of the project cost of which an environmental impact assessment has been conducted, loans granted to FONERWA through approval by the Minister responsible for finance, management fees imposed on FONERWA funded projects, interests from loans granted by FONERWA and fees determined by laws. Organic Law No. 4/2005 determining the modalities of protection, conservation and promotion of environment in Rwanda, channels administrative fees imposed of violators of the provisions of the law are channelled towards FONERWA. The Government is empowered to propose and enter into plea deals with persons found liable of committing environment or climate change offences, the resultant fines of which are channelled towards the FONERWA.</p>	<p>The Fund shall receive funds from various sources including carbon trading, green bonds and other non-conventional sources such as debt swaps for nature or climate; biodiversity credits. Other sources of resources for the Fund include fees and fines accrued from the enforcement of the Law.</p>
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G: South Africa

South Africa's Climate Change Act, 2024:

Elements	South Africa's Climate Change Act, 2024	Model Climate Change Law
Sub-national forums on climate change	<p>Sec. 8 & 9 – The South African CCA, 2024 mandates the provincial and municipal forums on Climate Change which coordinate climate change response actions within their respective jurisdictions and provide reports to the President's Coordinating</p>	<p>The MCCL proposes the establishment of sub-national forums on climate change tasked with the education, awareness and sensitization of climate change response measures, actions and policies at the sub-national level. Other functions of the sub-national forum on climate</p>

	Council and Provincial Forum on Climate Change respectively.	change includes the promotion of low-emission and climate resilient technologies as well as sensitization of the public on their role to realise the national and sub-national climate change obligations and commitments. The sub-national forum is to be organised annually and by the Department in collaboration with relevant lead agencies. Representation at the sub-national forum shall be reflective of the region's population and no person shall be denied entry into the forum.
Adaptation Scenarios	Sec. 20 – The Minister is tasked with developing adaptation scenarios which anticipate the likely impacts of climate change in the country and associated vulnerabilities over the long-, medium-, and long-term. Adaptation scenarios are periodically reviewed and informed by the best available science and contain available adaptation response actions. Adaptation scenarios inform the development of the National Adaptation Strategy and Plan as well as the Sectoral Adaptation Strategy and Plan.	The MCCL has an elaborate framework for developing adaptation scenarios which anticipate the likely impacts of climate change in the country and to inform the country's NAP, LT-LEDS and Sectoral Adaptation Plans.
Sectoral climate change documents	Sec. 22 & 25 – The South African CCA, 2024 mandates the development of sectoral climate change documents such as the Sector Adaptation Strategy and Plan by the line minister which is periodically reviewed at five-year intervals outlining the adaptation priorities of the particular Ministry. Moreover, the Act requires the development of sectoral emissions targets which is aligned to the National GHG emissions trajectory. The Act provides contents of these sectoral climate change documents	The MCCL has elaborate provisions on national climate change response – adaptation and mitigation and proposes preparation of several sectoral climate policy documents including Sectoral Adaptation Plans and Sectoral Emissions Targets which are informed and implement national climate documents such as LT-LEDS, NDS, and NAPs within their respective portfolio sectors.

	and factors to be considered when developing such documents.	
List of GHGs and activities	Sec. 25 and 26 – The South African CCA, 2024 requires the Minister to prepare a list of GHG emitting sectors and subsectors subject to sectoral emissions targets. Furthermore, the Act requires the Minister, by notice in the <i>Gazette</i> , to publish a list of GHGs which are likely to exacerbate climate change as well as a list of activities which emit or has potential to emit GHGs listed by the Minister.	The MCCL has provisions that relate to identifying a list of activities and thresholds for measuring and estimating GHG emissions and carbon sinks from various sectors. The National GHG Emissions Registry shall contain a list of GHG emitting activities, and a list of all GHGs and their carbon dioxide equivalent metric and warming potential.

H: Tanzania

Tanzania is one of the few countries that have incorporated climate change provisions within their existing environmental legislation. The Environmental Management (Control and Management of Carbon Trading) Regulations, 2022 which provides regulatory provisions on all types of carbon trading in Tanzania.

Elements	Tanzania's Environmental Management (Control and Management of Carbon Trading) Regulations, 2022	The Model Climate Change Law
Designation of a Designated National Authority	The Tanzanian Regulations impose appoints the Ministry responsible for environment as the Designated National Authority (DNA) responsible for linking the country with international climate change processes and maintenance of a register if carbon trading projects under compliance and voluntary mechanisms.	The MCCL has a provision on designation of a Designated National Authority (DNA).
Designation of multi-disciplinary advisory committee to the DNA on carbon projects assessment	The Tanzanian Regulations appoints the National Carbon Projects Assessment Technical Committee as the advisory Committee to the DNA tasked with scrutinising Project Concept Notes Project Documents and provides recommendations to the DNA.	The MCCL establishes the Technical and Scientific Committee established under Sec. 15 to serve as the Carbon Markets Advisory Committee. This approach was adopted to avoid creating many institutions.

<p>Outlined criteria for participating in carbon markets and trading</p>	<p>Reg. 23 – The Tanzanian Regulations require a project proponent and associated partners to operate in carbon trading projects shall be legal or natural persons with expertise and financial capacities to undertake carbon projects. Another criterion is the adherence to all applicable legal requirements in operating carbon trading projects.</p>	<p>The MCCL has elaborate provisions on carbon markets and trading. It also has provisions on how to participate in the carbon markets and trading and the benefit sharing of carbon markets proceeds with the adjacent local communities and indigenous peoples through benefit sharing agreements. The MCCL also recommends the establishment of a National Carbon Registry.</p>
<p>Project requirements</p>	<p>Reg. 24 – The Tanzanian Regulations prohibit the operation of a carbon trading project without the project’s registration by the Registrar.</p> <p>The Regulations further outline the elements of a carbon project to be registered which include alignment with national policies, laws and strategies; indicate the project’s contribution to the NDCs; obtain a letter of consent and ensure partner participation; involve the local communities in project implementation; and indicate expected employment creation to the national experts and local communities.</p>	<p>The MCCL has elaborate provisions on the project requirements.</p>
<p>Application and operation of carbon trading projects</p>	<p>Reg. 26 – The Regulations outline the process of establishing and operationalising carbon trading projects which include application for approval from the DNA; payment of a non-refundable application fees; timelines and response from the authorising entity; the development of a Project Concept Note (including its contents and timelines); submission of the Project Concept Note to the DNA; Issuance of a letter of no objection on the Project Concept Note; as well as the</p>	

	eventual development, submission and approval of the Project Document. The project further provides for the commencement of the project's activities.	
Impact Assessment	Carbon projects shall undergo environmental and social impacts assessment. Projects aimed at reducing emissions from deforestation, forest degradation and enhancement of forest carbon stocks are required to undergo REDD+ safeguard standards assessment.	The ESIA is a requirement for all carbon projects to ensure environmental integrity.
Cancellation of endorsements/authorisations	Reg. 31 – The Regulations highlight circumstances under which an endorsement for project implementation may be cancelled which include the failure to submit the Project Concept Note or Project Document; failure to commence the project's activities within the prescribed time; non-compliance of project requirements; the project proponent voluntarily cancels the project by notice; where the endorsement was acquired due to a misrepresentation; where the continued implementation of the project's activities is likely to cause harm to human health and the environment; and where there was insufficient information in the application process.	The MCCL has elaborate provisions on authorization/endorsement cancellation, suspension and termination of carbon trading agreements.
Verification and Certification	Reg. 32 – The Regulations require verification of the project to be conducted in compliance with accepted international carbon trading standards.	The MCCL has provisions on MRV.
Benefits Sharing and CSR	Reg. 34 & 35 – The Tanzanian Regulations outline percentages of carbon trading proceedings and the distribution of such benefits to stakeholders which include the project proponent, the Managing Authority, The Regulatory Authority and local	The MCCL has provisions on benefit sharing of the proceeds from carbon trading.

	communities. Moreover, the Regulations require the project proponent to fulfil their corporate social responsibility in the area of operation.	
Capacity building and public participation	Reg. 36 – mandates the project proponent to take necessary measures to facilitate, enhance and promote the strengthening of capacities, awareness and participation of stakeholders on carbon trading projects. Other functions include working with the DNA to develop training and educational programmes on carbon trading projects as well as keep and provide information concerning respective carbon trading projects.	The MCCL requires the Minister to prepare a public engagement strategy outlining the steps to be followed in the development of climate change documents and policies as well as how members of the public may contribute by reviewing and submitting views on climate policy documents. A schedule on public participation is included. Also, the MCCL reinforces the right to access climate information.
Registry	Reg. 38 & 39 – The Tanzanian regulations appoint the DNA as the Registrar of carbon trading projects tasked with keeping and maintaining a register of carbon trading projects.	The MCCL has provisions that relate to the establishment of the National Carbon Registry.

I: Uganda

The Ugandan Climate Change Act, 2021

Element	Uganda Climate Change Act, 2021	Model Climate Change Law
Climate change response measures	Sec. 5, 6, 7 and 8 – The Act mandates the Department to develop a Framework Strategy on Climate Change for Uganda which guides Government’s planning, budgeting and allocation for financing and monitoring of climate change programs and activities. The Act further calls for the Department to develop a National Climate Change Action Plan which indicate actions, measures and responses to be undertaken for the	The MCCL elaborate provisions on national climate change response – adaptation and mitigation and proposes preparation of several climate policy documents including LT-LEDS, NDS, NAPs and Sectoral Adaptation Plans.

	realisation of Uganda’s climate change objectives. Lead Agencies, District authorities and lower local government committees in Uganda are mandated to develop and implement Lead Agency Climate Change Action Plans and District Climate Change Action Plans, respectively.	
Institutional framework	Part V – Establishes the National Climate Change Advisory Committee comprising of a technical team of experts from various disciplines, expertise and knowledge as the advisory institution to the existing Policy Committee in Environment which has been empowered to advise the Department and lead agencies on the implementation of the Climate Change Act and climate change policies of Uganda. The Department is the coordinating institution tasked with ensuring Uganda meets her climate change obligations and objectives. Lead agencies, District Environment and Natural Resources Committees and lower local government climate change committees play key climate change roles within their respective jurisdiction.	The MCCL establishes institutional arrangements with delineated roles and responsibilities. These include the Council, Department, the Scientific Committee and the lead agencies.
Carbon markets and trading	Sec. 9 and Part IV - Recognises the opportunity and promotes the realisation and operationalisation of Article 6 of the Paris Agreement and related voluntary trading schemes. Moreover, the Act, proposes the participation, MRV+ and the development of a national reference level/base year for the reduction of GHG emissions. The Ugandan CCA, 2021 further mandates the development and communication of the National Communication Report in accordance to	The MCCL provides an elaborate framework for the realisation of Article 6 of the Paris Agreement including the development of a Project document, the implementation of a carbon project, MRV+ of such mitigation outcomes and the benefits sharing of carbon markets and trading proceedings with the local communities and indigenous peoples. The MCCL also requires the verification of mitigation outcomes by registered verifiers.

	Article 14 of the Paris Agreement. The Act also requires all information submitted to the Department in relation to climate change mechanisms shall be verified by registered verifiers.	
Climate Finance and incentives	The Act mandates the Minister responsible for Finance and the Minister responsible for climate change issues, to provide for climate change financing for the implementation of climate activities including research, data collection, allocation of grants and incentives, as well as systematic observation. The Act empowers the Minister responsible for Finance to provide incentives to persons engaged in implementing response measures for adaptation and mitigation. The Ugandan CCA, 2021 empowers the Ministers responsible for climate change and finance to provide incentives to persons engaging in implementing response measures for adaptation and mitigation.	The MCCL proposes establishment of a National Climate Change Fund to be administered and managed by independent Board of Trustees.
Climate Budget Tagging	The Ministry of Finance introduced the climate change budget tagging for the Financial Year 2023/2024 allocating budget codes to ease the identification of climate-related current and development expenditure both at the budget planning and execution levels.	The MCCL mandates the Minister and the Minister responsible for Finance to prepare periodic out-turn reports containing information on the amount of finance allocated towards adaptation, mitigation, loss and damage as well as the total climate finance allocated in the national and sectoral budgets.

*J: Zambia***Zambia's Green Economy and Climate Change Act, 2024**

Element	Zambia's Green Economy and Climate Change Act, 2024	The Model Climate Change Law
Institutional Framework	The Zambian Law establishes multi-disciplinary and multi-sectoral climate change institutions responsible for coordinating climate change. The Institutions include a Council (chaired by the Vice-President and comprising of Ministers from across various sectors), a Technical Committee (comprising of representatives from various Ministries appointed by the Minister) and a Department headed by a Director.	The MCCL proposes the establishment of an elaborate multi-sectoral and multi-disciplinary institutional framework which includes a National Climate Change Council, a Department on Climate Change and a Technical and Scientific Committee each with distinct roles and functions.
National Climate Change Responses	The Zambian Act mandates the Minister to cause to be developed a National Adaptation Plan and a National Mitigation Plan reviewed every five years.	The MCCL mandates the preparation of NAPs, NDCs and LT-LEDs while providing the information that should be included in these climate change policy documents.
Sectoral Climate Change Responses	The Zambian Act requires appropriate authorities to develop a sector emission reduction plan which is reviewed every five years.	The MCCL proposes the development of sectoral adaptation plans and sectoral emission targets by all lead agencies in compliance with the national climate change policy documents.
GHG Inventory System	The Zambian Act requires the Department to establish and maintain the GHG Inventory Management System which serves as the central depository for data and information on GHGs.	The MCCL proposes the establishment of a national system responsible for undertaking a national GHG inventory to inform the National GHG Emissions Trajectory and a compilation of an annual National GHG Inventory Report. Moreover, the MCCL proposes the establishment of a National GHG Register.

Project requirements	The Zambian Act provides for the project requirements to be followed by a project developer which include the preparation of a concept note, the preparation of a project proposal and its eventual approval.	The MCCL provides the criteria and project requirements for project proponents intending to participate in carbon projects which include the application process, the development of project documents and authorisation by the relevant authority.
Financing Mechanisms and Incentives	The Zambian Act establishes the Green Economy and Climate Change Fund for the purpose of managing green economy and climate change interventions.	The MCCL proposes the establishment of a Climate Change Fund for the provision of resources to implement climate change actions, research and technology transfer. The MCCL also recommends incentives and disincentives to promote climate action.

K: Other jurisdictions outside Africa

The Federal Republic of Brazil

The Federal Republic of Brazil climate change legal and policy framework:

Elements	Brazil's Climate Change legal and policy landscape	The Model Climate Change Law
Objects	Art. 4 – of the Law No. 12,187/2009, establishing the National Policy on Climate Change (PNMC) outlines its objects which include fostering harmony between socio-economic development and climate protection, implementation of adaptation actions with public engagement, conservation and recovery of natural resources and the incentivisation of the Brazilian Market of Emission Reductions. Moreover, the PNMC are to be integrated with the mission of seeking economic growth, poverty eradication and reduction of social inequality.	The MCCL sets out its objects and purpose. Overall, it's to provide for establishment of an institutional and regulatory framework for coordination of climate change in the country.

Guiding Principles	Guiding principles underpinned in Brazil's PNMC include the precautionary principle, the prevention principle, the principle of sustainable development, the principle underpinning citizen participation and the principle of common but differentiated responsibilities and respective capabilities.	The MCCL sets out guiding principles underpinning it and important in: <ul style="list-style-type: none"> • applying or interpreting it, • making or implementing public policy decisions on climate change, and undertaking projects, programmes and initiatives related to climate change.
Establishment of climate change departments/units in Line Ministries	Line Ministries, through Decrees, establish climate-related bodies and roles within their portfolio to address climate change issues within the competence of each Ministry. Examples include (1) the Secretariat of Climate, Energy and Environment under the Ministry of Internal Affairs, (2) The Department for Climate Justice under the Ministry of Indigenous Peoples, (3) the Department for Climate and Sustainability under the Ministry of Science, Technology and Innovation, (4) the Secretariat of Green Economy, Decarbonization and Bioindustry under the Ministry of Development, Industry, Commerce and Services, (5) the Secretariat of Urban Adaptation to Climate Transition and Digital Transformation under the Ministry of Cities, and (6) the Attorney Office in Defence of the Climate and the Environment under the Attorney General's office.	The MCCL has provisions that propose the establishment of a climate change unit in each lead agency.
Climate Change Information Network	The Ministry of Science and Technology established and maintains the Brazilian Network for Research on Global Climate Change as a platform of scientific knowledge on climate change and carries out research and studies to inform climate policies.	The MCCL has provisions that designate the Department as the national knowledge and information management centre for compiling, verifying, refining and disseminating climate change knowledge and information.

*Germany***The Germany Climate Change legal and policy landscape:**

Elements	Germany's climate change landscape	Model Climate Change Law
Objects and Guiding Principles	<p>One of Germany's climate change law objects is to limit the increase in the global average temperature to well below 2 degrees Celsius and, if possible, to 1.5 degrees Celsius, compared to pre-industrial levels to minimize the effects of global climate change domesticating the goals set out in the Paris Agreement.</p> <p>Another object stipulated under the German Federal Climate Protection Act (KSG) is the protection of life and health, society, the economy and infrastructure as well as nature and ecosystems by avoiding the negative impacts of climate change entrenching the holistic approach to climate change actions.</p>	The MCCL sets out its objects and purpose. Overall, it's to provide for establishment of an institutional and regulatory framework for coordination of climate change in the country.
Clear distinction of roles, functions and powers of climate change institutions	Germany has a number of climate change institutions responsible for coordinating, implementing and monitoring climate change policies, actions and response measures. The Federal Ministry for Economic Affairs and Climate Action, for example, is tasked with the development of climate policies and ensuring public and stakeholder consultation in the development of climate change policies. The Expert Council for Climate Issues, established under the KSG is responsible for the examination of GHG emissions data from the Federal Environment Agency and submits a risk assessment to the Federal Government and the German Parliament.	A clear demarcation of roles, powers and responsibilities of the Minister, Council, Department, Scientific Committee and lead agencies to avoid overlapping and conflicting mandates.

	The Expert Council also validates forecasts and determines whether the total annual GHG emissions level has been exceeded.	
Establishment of climate change units in Line MDAs	Line Ministries and Agencies in Germany establish sub-units dedicated to the implementation of climate policies as well as development of sector-based climate policies.	The MCCL has provisions that relate to the establishment of a climate change unit in each lead agency tasked with developing, implementing, monitoring and evaluating national and sectoral climate change policy documents, mainstreaming climate change and gender within their respective portfolios as well as reporting on progress in climate change action made within their respective sectors.
Climate Finance	Germany has established a Climate and Transformation Fund which is applied towards providing resources for subsidies for electricity-intensive companies and the purchase of climate-friendly vehicles and development of electric driving systems.	The MCCL establishes the Climate Change Fund as a financing mechanism for supporting climate change actions, measures and initiatives. It also proposes use of incentives and disincentives in the form of customs and excise waivers, tax rebates, tax disincentives, user fees and/or carbon levies.
	Proceeds from the EU ETS and Germany's national ETS are channelled towards the Climate and Transformational Fund as sources of the Fund's resources.	The MCCL recognises proceeds from carbon trading and other conventional and non-conventional sources of climate finance as sources of the Climate Change Fund.
Parliamentary Action in Climate Change	Germany's Parliament has established a Committee on Climate Action and Energy responsible for all aspects of the transformation of Germany's energy system, the associated issues raised by climate protection and energy conservation. The Parliamentary Committee monitors government's climate change and energy actions. Moreover, institutions such as the Expert Council and Government submit reports to the German Parliament	The MCCL continuously proposes the submission of climate change documents such as LT-LEDs, NDCs, NAPs to Parliament for consideration and approval before being submitted to the UNFCCC Secretariat and implementation. Moreover, the MCCL requires the Minister to table a State of Climate Report which outlines the climate change landscape of the country

	for consideration such as the country's risk assessment and the climate protection report (which contains data on the country's GHG emissions trend, the status of implementation of climate protection programs and), respectively.	and status of climate change responses implementation after every two years.
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The European Union

The European Union's climate change landscape:

Elements	EU Climate Change Legal Framework	The Model Climate Change Law
Objects and Guiding Principles	One of the EU Climate Change Law's objectives is the protection against disastrous consequences of global warming by limiting the actual degree of global warming through reduction of GHG emissions in a bid to implement the UNFCCC and its subsequent implementing instruments, Kyoto Protocol and the Paris Agreement.	The MCCL's core objects is to promote the domestication of ratified international climate change instruments such as the UNFCCC, and its implementing instruments.
Policy, Coordination and Institutional Arrangements	The EU has established climate change institutions clearly outlining their roles, functions and powers as well as their cooperation channels preventing conflicting and overlapping of mandates which may lead to disputes. Such institutions include the European Council (which sets climate policy agenda), the European Commission (which proposes and implements climate change legislation), the European Parliament (which approves or rejects legislation), the Council of the European Union (which approves or rejects legislation), and the European Environment Agency (which supports policy development, maintains the Unions reporting	The MCCL proposes establishment of several institutions to enhance policy coordination and implementation. Some of the institutions include the Council, Department and Climate Change Units in each lead agency across the whole-Government.

	<p>infrastructure and names members to serve on the European Scientific Advisory Board on Climate Change).</p> <p>The establishment of an independent multi-disciplinary advisory institution (the European Scientific Advisory Board on Climate Change) which provides scientific knowledge, expertise and advice on climate change to the Union.</p>	
Creation of an adaptation information platform	The EU-Commission, in collaboration with the EEA, maintains a climate change and adaptation information platform (also known as Climate-ADAPT) containing data on expected climate change in Europe as well as current and future vulnerabilities of EU's regions, sectors, member states. This platform contains adaptation strategies and options, including tools to support adaptation planning.	The MCCL has provisions that relate to preparation of a Synthesis Adaptation Report and obligates all entities to provide climate information for the purposes of informing the said synthesis adaptation report.
Promotion of Corporate Responsibility and private sector investment	The EU, through Article 22 of Directive (EU) 2014/95, mandates companies within the scope of the Corporate Sustainability Directive to adopt a transition plan for climate change mitigation.	The MCCL has provisions that incentivise private sector to invest in climate action towards achieving low-carbon resilient development.
Proceeds from carbon trading as sources of climate finance	The EU ETS' proceeds are channelled towards member states national budgets to support the development of climate change mitigation technologies. Social impacts of carbon pricing are addressed by funds arising from proceeds in the EU ETS.	The MCCL recognises proceeds from carbon trading and other conventional and non-conventional sources of climate finance as sources of the Climate Change Fund proposed by the MCCL.
Enhanced Transparency Framework	Both public and private entities are required to keep and maintain records of their climate change actions. The CSR Directive mandates large undertakings or groups to disclose non-financial and diversity information as well as their impact on people and the environment. States	The MCCL proposes establishment of the MEL Framework, the MRV Framework and the Biennial Transparency Report.

	submit biennial reports to the EU-Commission with information on their national climate change adaptation plans and strategies containing National Adaptation Actions and Approximated GHG Inventories, in accordance with reporting requirements under the UNFCCC and the Paris Agreement.	
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The United Kingdom of Great Britain and Northern Ireland

Climate change landscape of the United Kingdom of Great Britain and Northern Ireland:

Elements	The UK's Climate Change Act, 2008 and subsequent policies Landscape	The Model Climate Change Law
Public consultations	The UK Climate Change Act, 2008 requires the Secretary of State to seek advice from the Committee on Climate Change and take into account representations from other national authorities before tabling a draft statutory instrument containing an order to amend the 2050 target or the baseline year as well as before laying a statutory instrument containing an order setting the carbon budget.	The MCCL requires the Minister to prepare a public engagement strategy outlining the steps to be followed in the development of climate change documents and policies as well as how members of the public may contribute by reviewing and submitting views on climate policy documents. A schedule on public participation is included. Also, the MCCL reinforces the right to access climate information.
GHG Emissions Inventory and Reporting	The Act, 2008 mandates the Secretary of State to lay a statement before Parliament annually, contain a statement on the amount of UK emissions, UK removals and net UK emissions; methods used to measure or calculate the amount communicated; and a statement as to whether of those amounts represent an increase or decrease when compared to the previous year, in relation to each GHG. Moreover, this statement	The MCCL proposes establishment of a national system responsible for undertaking a National GHG Inventory and informing the annual National GHG Inventory Report which shall form part of the State of Climate Report prepared every two years and submitted to Parliament for consideration and approval.

	<p>includes the total amount of carbon units that have been credited or debited from the net UK carbon account for the year.</p> <p>The statement is laid before Parliament no later than the 31st day of March in the second year following that to which it relates.</p> <p>The Secretary of State must send a copy of the Statement to the other national authorities.</p>	
List of GHGs and GHG activities	<p>Sec. 24 - The Act, 2008 lists targeted GHGs and empowers the Secretary of State to designate a GHG as a targeted greenhouse gas by Order.</p> <p>The Act, 2008 lists activities to which trading schemes may apply which include activities regarded as indirectly causing or contributing to GHG emissions which include the consumption of energy, the use of materials in whose production energy was consumed, the disposal otherwise than for recycling of materials in whose production energy was consumed, and the production or supply of anything whose subsequent use directly causes or contributes to GHG emissions. Activities regarded as indirectly causing or contributing to the reduction of GHG emissions, if they involve reduction of any of the aforementioned, are deemed activities to which trading schemes may apply.</p>	The MCCL has provisions that relate to identifying a list of activities and thresholds for measuring and estimating GHG emissions and carbon sinks from various sectors. The National GHG Emissions Registry shall contain a list of GHG emitting activities, and a list of all GHGs and their carbon dioxide equivalent metric and warming potential.
Baseline year	The Act, 2008 outlines the base years for targeted GHGs other than carbon dioxide of 1990 (for methane and nitrous oxide) and 1995 (for hydrofluorocarbons,	

	perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride)	
Establishment of a multisectoral and multidisciplinary climate change institutions	The Act, 2008 establishes the Committee on Climate Change consisting of a Chairperson and members appointed by the national authorities. The First Schedule of the Act outlines the minimum requirements for the appointed of a qualified person to serve as a member of the Committee and the criteria to be considered by the national authorities when appointing the Committee's members. The Act also provides the tenure of members of the Committee, their criteria for removal and remuneration. The Committee is empowered to establish sub-committees which may comprise of persons who are not members of the Committee.	The MCCL proposes establishment of several institutions to enhance policy coordination and implementation. The institutions include the Council, Department and Scientific Committee. It also proposes the establishment of climate change units in each lead agency across the whole-Government.
	The Committee has a standing sub-committee on Adaptation. The Adaptation Sub-Committees tasked with the mandate of advising national authorities on adaptation to climate change, advice on the report on the impact of climate change, and/or reporting on progress in connection with adaptation. The Committee is granted general ancillary powers necessary for the performance of their functions such as the power to enter into contracts, own property and accept gifts.	
Powers relating to information	The Fourth Schedule of the CCA, 2008 empowers relevant national authorities, for the purposes of enabling a trading scheme, may, by notice, require electricity suppliers, electricity distributor and potential participants to provide relevant climate change information. The Act creates an offence where one fails	The MCCL has provisions that guarantee the right to access to climate information. It also requires public and private entities to keep and submit relevant climate change data and information.

	to comply with a notice to prove relevant information to the national authority. It is also an offence to provide information that one knows or believes to be false or misleading.	
Clarity on crucial terminologies and chain of command	Sec. 47 – the Act specifies “the relevant national authority” for each jurisdiction which include Scottish Ministers (for all matters within the legislative competence of the Scottish Parliament), Welsh Ministers (for all matters within the legislative competence of the Welsh Parliament and related to the limitation of activities in Wales), the Secretary of State (for England and all other matters in climate change) and the relevant Northern Ireland department for matters within the legislative competence of the Northern Ireland Assembly.	The MCCL provides definitions of key climate change terms, concepts and terminologies.

The United States of America

The United States of America’s climate change landscape:

Elements	USA’s climate change landscape best practices	The Model Climate Change Law
Objects and guiding principles	Climate change mitigation is a crucial object to any climate change-related law. The United States of America, through its Energy Policy Act, 2005 and the Bipartisan Infrastructure Law, 2021 promotes the development and uptake of renewable energy sources, less carbon-intensive vehicles and motor fuels, climate change technologies, electric vehicles and provision of funding to improve air quality. The Inflation Reduction	The MCCL sets out its objects and purpose. Overall, it’s to provide for establishment of an institutional and regulatory framework for coordination of climate change in the country.

	Act, 2022 promotes the use of incentives to support clean-energy development.	
Clear distinction of roles, functions and powers of climate change institutions	The United States of America, albeit lacking a federal level stand-alone climate change legislation, has climate change institutions that play critical distinct roles in informing climate change policy. The President, for example, may issue Executive Orders in relation to climate change that influence state-level, institutional and private sector behaviour in relation to climate change actions. Congress on the other hand is responsible for the ratification of climate-related multilateral treaties and agreements. State Governments are empowered to develop local climate-oriented legislation while the Judiciary is responsible for reviewing climate-related legislations and policies, subjecting them to the constitutionality test as well as interpret provisions of climate-oriented legislations and policies. State Attorney Generals may bring actions against private and public entities for their actions and representations in relation to climate change	A clear delineation of roles, powers and responsibilities between the Minister, Department, the Council, the Technical and Scientific Committee and other lead agencies to avoid overlapping and conflicting mandates.

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