

# The Legal and Policy Frameworks on Reducing Emissions from Deforestation and Forest Degradation (REDD+) Mechanism in Nigeria

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**Abstract:** - The Nigerian ecosystem and biodiversity are threatened by climate change as a result of anthropogenic factors like lumbering, logging, felling of trees with attendant consequences. Other factors that have deleterious impacts on the ecosystem include: desertification, drought, overgrazing and over exploitation of marginal lands. There are series of international legal instruments on climate change that have been ratified by Nigeria, such as; United Nations Convention on Climate Change (UNFCCC), 1992, the United Nations Convention on Biodiversity (UNCBD), 1992, the Kyoto Protocol, 1997 and the Paris Agreement on Climate Change, 2015 among others. All these instruments recognised the fact that deforestation and environmental degradation have negative impacts on the ecosystem and that Reducing Emission from Deforestation and Forest Degradation *plus* Conservation, Sustainable Management of Forests and Enhancement of Forests Stocks (REDD+) can reduce these impacts of climate change as well as promote adaptation and mitigation in developing countries like Nigeria. Apart from ratifying some of these treaties, Nigeria has participated in climate change negotiations and has submitted its first and second communications in 2003 and 2014 respectively to the UNFCCC and her Intended Nationally Determined Contributions (INDC) to the Paris Agreement on Climate Change in 2014. There are existing laws and policies on forestry and conservation such as the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the National Environmental Standards and Regulations (NESREA) Act, 2007, the National Parks Act, 2004 and the Endangered Species Act, 2004. There are also forestry laws and policies in the thirty six states of the federation and Abuja the Federal Capital Territory aimed at minimising deforestation and desertification in Nigeria.

The effective implementation of these laws and policies at the federal, states and local government levels in Nigeria are hampered by legal and policy hurdles stemming from obsolete laws, land tenure issues, lack of capacity, finance, technology and the political will to implement REDD+ in Nigeria. It is strongly recommended that Nigeria should amend and harmonise her existing laws and policies on REDD+ in line with international reality.

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**KEY WORDS:** Deforestation, Degradation, Afforestation and Reforestation

## I. INTRODUCTION

One of the clean development mechanisms introduced by the United Nations Framework Convention on Climate Change (UNFCCC), 1992, the Kyoto Protocol, 1997 and the Paris Agreement on Climate Change, 2015 is the Reducing Emissions from Deforestation *plus* Conservation, Sustainable Management of Forests and the Enhancement of Forests Carbon Stocks.<sup>1</sup> Under the Paris Agreement, the 'parties are encouraged to take action to implement and support, including through result based payments, the existing framework as set out in related guidance and decisions already agreed under the convention: policy approaches and positive incentives for activities relating to REDD+.'<sup>2</sup> The United Nations Convention on Biodiversity (UNCBD), make provisions for identification and monitoring for the purpose of in-situ and ex-situ conservation as well as rehabilitation and restoration of degraded ecosystems habitats or species.<sup>3</sup>

Deforestation and forest degradation which is linked to human induced land use change and forestry (LULUCF) activities are occurring on a large and alarming proportions especially in developing countries thus, making it imperative for countries like Nigeria to implement the REDD+ mechanism. The implementation of the mechanism is timely in view of the damning report by the intergovernmental Panel on Climate Change (IPCC) that: 'Carbon emission from deforestation represents 18-26% of all emissions and will increase in the next five years than all emissions from aircrafts since the Wright Brothers until 2025'.<sup>4</sup> According to the IPCC Report, 'the world forests, particularly the rain forest are important carbon sinks both because of their uptake of carbon dioxide through photosynthesis and because of the amount of carbon stored in their woody biomass and the soil'.<sup>5</sup>

<sup>1</sup> Article 4 UNFCCC, 1992; Article 3(3) Kyoto Protocol, 1997 and Article 5 Paris Agreement on Climate Change, 2015.

<sup>2</sup> Article 5(2) of the Paris Agreement on Climate Change, 2015

<sup>3</sup> Article 2, 8 UNCBD, 1992

<sup>4</sup> Intergovernmental Panel on Climate Change (IPCC) 4<sup>th</sup> Assessment Report (4AR) (UNEP, Switzerland), 2007 p40

<sup>5</sup> *Ibid*, p42

When these forests are logged or burnt, they lose the capacity to absorb the carbon from the atmosphere together with the ones stored in the biomass and the soil thus, aggravating climate change impacts like deforestation and forest degradation on massive scale with attendant effects on the ecosystem and biodiversity. It is in this perspective that the global community through United Nations Environmental Programme (UNEP) came out with multilateral treaties on REDD+ as a mechanism for reducing deforestation and forest degradation especially in developing countries like Nigeria.

### 1.1 Conceptual Clarifications

There are key concepts/words which need clarification for the reader to fully appreciate the issues raised in this article. Some of which are; sinks, reservoirs, sources, afforestation, deforestation, degradation, carbon dioxide, greenhouse gasses and emission. According to the UNFCCC, 'Sink' 'means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere'.<sup>6</sup> 'Reservoir' 'means a component or components of climate system where a greenhouse gas a precursor of a greenhouse gas is stored'.<sup>7</sup> 'Source' 'means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere'.<sup>8</sup> 'Emission' 'means the release of greenhouse gases or the precursor into the atmosphere over a specified area and period of time'.<sup>9</sup> 'Greenhouse gases' 'means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation'.<sup>10</sup>

## II. LEGAL AND POLICY FRAMEWORKS ON REDD+ IN NIGERIA

Nigeria has ratified a number of treaties on climate change notably, the UNFCCC, the Kyoto Protocol, the UNCBD and recently the Paris Agreement on Climate Change and is implementing the REDD+ mechanism based on its existing policies and measures to address environmental degradation and deforestation in accordance with the Cancun Safeguards and the decision taken at the Copenhagen Conference of Parties (COP15).<sup>11</sup> The legal framework on REDD+ in Nigeria is derived from the Constitution of the Federal Republic of Nigeria, 1999 (as amended) which provides that: 'the state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria'.<sup>12</sup> The National Environmental Standards and Regulations Agency (NESREA) Act, 2007 provides that:

'the agency shall enforce compliance with guidelines and legislations on sustainable management of the ecosystem, biodiversity conservation and the development of Nigeria's natural resources'.<sup>13</sup> Apart from NESREA Act, there are other legislation on conservation in Nigeria like the Endangered Species Act, which regulates the protection of Nigeria's wild life species that are in danger of extinction as a result of over exploitation.<sup>14</sup> The Environmental Impact Assessment Act, regulates activities or projects that are likely to have negative impacts on the environment.<sup>15</sup> The Land Use Act, vests the ownership and control of land within the territory of a state in the state governor,<sup>16</sup> while the National Parks Act, protect areas used for resource conservation and the maintenance of natural ecosystem balance.<sup>17</sup> At the local level, almost all the states of the federation and Abuja the federal capital territory have laws on forestry and environmental management. For instance, the Lagos State Environmental Protection Agency has Annual Tree Planting as part of its sustainable local development for the Attainment of the Millennium Development Goals (MDGs).<sup>18</sup> In Benue State, the Forest Control and Preservation Law prohibit environmental degradation and deforestation.<sup>19</sup> There are series of policies for implementing REDD+ in Nigeria which stemmed from Nigeria's second communication to the UNFCCC, the National Climate Change Policy Response and Strategy (NCC-PRS) and the Nigeria's Intended Nationally Determined Contribution (INDC) to the Paris Agreement on Climate Change.<sup>20</sup> These policies are in accord once with the treaties on climate change, for instance, the Kyoto Protocol states that:

Each party... in achieving their quantified emission limitation and reduction under Article 3 of the Convention in order to promote sustainable development shall (a) implement and or further elaborate policies and measures in accordance with its national circumstances, such as (1) protection and enhancement of sinks and reservoirs of greenhouse gases... taking into account its commitment under relevant international agreements; promotion of

<sup>6</sup> Article 2(8) of UNFCCC, 1992

<sup>7</sup> *Ibid*, Article 2(7)

<sup>8</sup> *Ibid*, Article 2(9)

<sup>9</sup> *Ibid*, Article 2(4)

<sup>10</sup> *Ibid*, Article 2(5)

<sup>11</sup> UNFCCC/COP15/MOP5/Copenhagen, Denmark

<sup>12</sup> Section 20 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

<sup>13</sup> Section 7 NESREA Act, 2007

<sup>14</sup> Section 1, 5 and 7 of the Endangered Species Act, CAP E9 LFN, 2004

<sup>15</sup> Section 1 of the Environmental Impact Assessment (EAI) Act, CAP E12 LFN, 2004

<sup>16</sup> Section 9 of the Land Use Act, CAP 202 LFN, 2004

<sup>17</sup> Section Federal National Parks Act, CAP N65 LFN, 2004

<sup>18</sup> A. Shabi, Lagos State Environmental Protection Agency (LASEPA) Panel Paper on: Climate Change and Sustainable Local Development for the Attainment of the Millennium Development Goals (2011) Alausa, Ikeja, Lagos, p7-8

<sup>19</sup> Section 49 of the Forest Control and Preservation Law, Benue State, 2004

<sup>20</sup> See the Federal Ministry of Environment, Second National Communication under the UNFCCC Federal Republic of Nigeria, February, 2014, National Climate Change Policy Response and Strategy (NCC-PRS), 2004 and Nigeria's Intended Nationally Determined Contributions (INDC) to the Paris Agreement on Climate Change 26<sup>th</sup> November, 2015.

sustainable forest management practices, afforestation and reforestation...<sup>21</sup>

One of the UNFCC main objectives is geared towards the parties' specific and regional priorities, objectives and circumstances towards policies and programmes concerning sectors like forestry.<sup>22</sup> The Paris Agreement on Climate Change on the other urged the parties to incentivize REDD+ and promote conservation and sustainable management of forests, enhanced forest carbon stocks in developing countries.<sup>23</sup> Nigeria has a two-track approach to REDD+ readiness. At the national level, there is capacity building and strategic framework for REDD+ while at the state level, Cross River State is used as demonstration model for intense REDD+ readiness for the country. Cross River State has passed the Forest Commission Law, 1999 which established the Cross River State Forest Commission. At the policy level, the Law on Management and Sustainable Use of the Forest Resources of Cross River State, 2010 has divided the forest into; forest reserves, community forest, private and wildlife sanctuaries. The rationale for implementing REDD+ in Nigeria is because land use change and forestry sector contribute significantly to the net emission of greenhouse gases (GHGs), particularly carbon dioxide (CO<sub>2</sub>) in the atmosphere.

Nigeria is an agrarian country, which interfere with the forest leading to land use change activities like deforestation, and de-vegetation with impacts GHG on carbon storage in the soil and vegetation.<sup>24</sup> Forest protection enables the preservation or conservation of forests by the federal, states, and local government areas of Nigeria. The National Environmental Policy, 1999 was formulated to address environmental these challenges such as deforestation, desertification, among other environmental issues. There are some adaptation strategies in Nigeria such as: afforestation with fast growing species, protecting forests from further encroachment and social re-engineering where communities developed appropriate attitude towards forest plants and sustainable management of forest reserves.

In order to curb deforestation and encourage conservation, Omaka is of the view that energy consumption like switching from wood to renewable energy and discouraging bush burning will address the impacts of climate change as well as conserve Nigeria's forests.<sup>25</sup> Another critical factor for implementing the REDD+ mechanism in Nigeria is to prevent deforestation and desertification, which have become commonplace in the arid and semi-arid parts of the country. According to the Federal Ministry of

Environment, population pressure, overgrazing and over-exploitation of marginal lands are aggravating environmental degradation in the extreme northern parts of Katsina, Sokoto, Jigawa, Borno and Yobe States.<sup>26</sup> There should be adaptation and mitigation policies on re-vegetation of degraded areas, protection of trees in marginal areas. In desert prone areas, tree planting is a very critical adaptation strategy to promote biodiversity and desert encroachment. Nigeria has adapted some strategies such as the 'Great Green Wall Initiative' where 1500km trees are being planted across eleven Northern states bordering the Sahara desert to reduce the spread of desertification.<sup>27</sup>

Environmental preservation and conservation is very important for protecting the environment for present and future generations. Nigerian laws and policies on REDD+ should be tailored towards environmental rights and sustainability by making the environment objectives justifiable as it is the case in other jurisdictions like Portugal<sup>28</sup> and Costa Rica.<sup>29</sup> In the United States of America, there are federal statutes which seek to protect and conserve the environment for future generations.<sup>30</sup> In the Philippines the supreme court *Opase v Factorian*,<sup>31</sup> sought to ensure the rights of future generations for the full benefits and use of the natural resources that is the country's virgin tropical forest. Kenya is a shining example on the African continent where it is expressly provides in her constitution that:

*Every person has a right to a clean and healthy environment which include the right*

- a) *To have the environment protected for the benefit of present and future generations through legislative and other measures particularly those contemplated in Articles 69 and*
- b) *To have obligations relating to the environment fulfilled under Article 70<sup>32</sup>*

The position on environment conservation as enshrined by the Kenyan constitution can be applied in Nigeria by virtue of its ratification and enforcement of African Charter on Human and People's Rights which provide that 'All people shall have the right to a generally satisfactory

<sup>21</sup> Article 2(a)(ii) Kyoto Protocol, 1997

<sup>22</sup> Article 3,4,5 and 7 UNFCCC, 1992

<sup>23</sup> Article 3(2) bis Paris Agreement on Climate Change, 2015.

<sup>24</sup> Op cit, p3

<sup>25</sup> CA Omaka, 'Ozone Layer- the Greenhouse Effects: The Law and Conservation (April-June 2005). Environmental and Planning Law Review Journal Vol 2 No2

<sup>26</sup> Federal Ministry of Environment Second National Communication under the UNFCC, Federal Republic of Nigeria, April, 2014 p106

<sup>27</sup> M. Nachmary et al, Climate Change Legislation in Nigeria an Excerpt from the 2015 Global Climate Legislation Study. A Review of Climate Change Legislation in 99 countries; Grantham Research Institute on Climate Change and environment, London p5

<sup>28</sup> Article 66(1) of the Constitution of Portugal 1982

<sup>29</sup> Article 50 of the Constitution of Costa Rica 1994

<sup>30</sup> The Federal Land Policy and Management Act USA, 196 and the National Forest Management Act USA, 1976.

<sup>31</sup> GR No 101083, July 30 1993

<sup>32</sup> Section 42, of the Constitution of Kenya, 2010

environment favourable to the development'.<sup>33</sup> Furthermore, Nigerian laws and policies on REDD+ should be tailored towards sustainable forest management in line with the Kyoto Protocol and the Paris Agreement on Climate Change. The Kyoto Protocol 'enjoins all parties to implement their specific national forestry programmes taking into account their common but differentiated responsibilities,'<sup>34</sup> while Paris Agreement enjoins parties to conserve and enhance as appropriate, sinks and reservoirs of GHGS as referred to under article 4(1)(d) of the UNFCCC.<sup>35</sup>

The NESREA Act, provide that the agency shall enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment including climate change, biodiversity, conservation, forestry and ozone layer.<sup>36</sup> Pursuant to the powers conferred on NESREA, it shall enforce compliance with guidelines and legislations on sustainable management of the ecosystem, biodiversity, conservation and the development of Nigeria's Natural Resource.<sup>37</sup> There are series of policies initiated by the Federal Ministry of Environment for sustainable environmental management such as: Nigeria Forest Action Programme, Interministerial Committee on Desertification and Deforestation, the National Council on Shelterbelt, Afforestation, Erosion and Coastal Zone Management.

NESREA has regulations on desertification and mitigation regulations, wetlands, river banks and lake shores.<sup>38</sup> The regulations on wet land, river banks and lake shores have the main objectives of keeping inventories of wetlands, the furnishing particulars by state governments, the role of local governments, the declaration of specially protected areas, control of the use of wetlands and the grant of permits.<sup>39</sup> The regulations of water shed, mountainous, hilly and catchment areas have the main objective of prevention of fires, land use mapping, forestation and reforestation.<sup>40</sup> The whole essence of REDD+ is to preserve and enhance sinks and reservoirs of GHGs by protecting natural carbon sinks like forests, rivers and oceans from creating new sink or carbon sequestration.<sup>41</sup> The implementation of the REDD+ mechanism in Nigeria is however hampered by legal, policing and financial constraints.

<sup>33</sup> Section 24, of the African Charter on Human and Peoples Right (Ratification and Enforment) Act CAP A9 LFN, 2010

<sup>34</sup> Article 10(a) and 11 Kyoto Protocol, 1997

<sup>35</sup> Article 3(a) bis of the Paris Agreement on Climate Change, 2015

<sup>36</sup> Section 7(c) NESREA Act, 2007

<sup>37</sup> *Ibid*, section 7(e)

<sup>38</sup> See The National Environmental (Desertification Control and Mitigation) Regulations, 2011; National Environmental (Water shed, Mountains, Hilly and Catchment Areas Regulations, 2009).

<sup>39</sup> Regulations 1,2,3,4 and 33 of the National Environmental (Wetland, River bank and lake shores) Regulations, 2009

<sup>40</sup> Regulations 12 of the National Environmental (Water shed, Mountains, Hilly and Catchment Areas Regulations) 2009

<sup>41</sup> Article 3(3) (4) Kyoto Protocol, 1997

### III. FACTORS HAMPERING THE EFFECTIVE IMPLEMENTATION OF REDD+ IN NIGERIA

The REDD+ is an incentive based mechanism for developing countries to reduce emissions from forest land and invest in low-carbon development while enhancing living standards. The land use, land use change and forestry (LULUCF) is an emission sector under the Kyoto Protocol which cover emissions and removed GHGs resulting from direct human induced land use, land use change and forestry activities in developing countries. For effective implement of REDD+ there must be capacity building, demonstration activities, financing, forest monitoring, forest reference levels and emission levels, sensing and safeguards. On the whole there are several factors hindering the effective implement of REDD+ in Nigeria and other developing countries ranging from legal, policy, capacity building, financing REDD+, technology, the mechanism among others.

Legal and Policy Constraints: The UNFCCC does not explicitly provide for enhancement of carbon stock, one of the five activities within the considered scope of REDD+, thus leaving the activity largely to interpretation by the parties to the Kyoto Protocol. Only afforestation and reforestation are recognised as eligible as CDM projects under the Kyoto Protocol and UNFCCC.<sup>42</sup> The Cancun Agreement requested countries to have the following four elements for REDD+ which include: A National Strategy or Action Plan, A Robust and Transparent National Forest Monitoring System (NFMS), A National Forest Reference Emission Level (FREL) and or Forest Reference Level (FRL) and Safeguard Information System (SIS).<sup>43</sup> The implementation of the REDD+ mechanism in Nigeria is hampered by the non domestication of the UNFCCC, Kyoto Protocol and the Paris Agreement on Climate Change. Nigeria is relying on the principle of *Pacta Sunt Servanda* under the Vienna Convention of the Law of Treaties, which enjoined parties to enforce international treaties on the 'principle of good faith'.<sup>44</sup> For effective implementation of policies and measures (PAM) on REDD+, Nigeria need to introduce policies, laws and regulations that are appropriate to her national circumstances. These laws and policies should be in tandem with international treaties and safeguards by taking into cognisance issues of land registries and database, national census, forest monitoring processes, forest and GHGs inventories. Other variables but important factors to be taken into cognisance are national alternative reports on human rights conventions, suitable forestry, biofuels, forest law governance and trade (FLEGT), voluntary partnership agreement (VPA) and governance redress mechanisms. Another legal hurdle in the non justiciability of the environment objectives under the Nigerian constitution,

<sup>42</sup> Article 12 Kyoto Protocol, 1997

<sup>43</sup> Paragraph 7 Cancun Agreement

<sup>44</sup> Article 26, Vienna Convention in the Law of Treatises, 1969

which is merely a 'directive principle of state policy'.<sup>45</sup> Nigeria is lagging behind states like India where the supreme court recognised the constitutional provision on environment protection in the case of *Rural Litigation and Entitlement Kendra v State of Uttar Pradesh*,<sup>46</sup> and issued an order against mining operations by the state mining cooperation.

Land tenure system in Nigeria is another constraining factor in the effective implementation of REDD+. The Land Use Act, vests the ownership, management and control of land in such a state of the federation in the Governor of the respective state. Before the enactment of the Land Use Act in 1978, there were two separate Laws on land ownership in Nigeria. In North, there as the Land Tenure Law, 1963 which to some extent recognised communal land system in Nigeria. Individuals derived access to the communal land which was held in trust by the elders or traditional rulers of such a community. The Land Use Act radically changed the concept of ownership and management of land by using all lands in the Governor or Chairman of a respective state or local government while issues like control of mineral resources, conservation are outside the purview of Land Use Act.

The NESREA Act, 2007 which is vested with the power to enforce compliance with guidelines and legislations on sustainable management of Nigerians natural resources have been whittled down by the exclusion of the oil and gas sector<sup>47</sup> in NESREA's purview. These conflicts are slowing down the effective implementation of policy and measure (PAM) on REDD+ in Nigeria. Apart from these perceived conflicts, almost all the states of the federation in Nigeria have laws and policies on forestry. These conflicts can undermine Nigerians REDD+ Adaptation strategy. The Congo DRC has taken a multi-layered approach whereby combined reforms and thematic programmes; land use planning, agriculture and land tenure, are taking place at the national level with traversal integrated sub-national interceptive.<sup>48</sup> Nigeria can take a cue from Congo DRC even though it operates a federal system where as Congo DRC operates a unitary system. This holistic approach can be adopted in Nigeria with collaborative efforts between the federal, states and local governments as environmental issues are generally under the concurrent list under the Nigerian Constitution.

Another example is the case of Brazil which reformed its Policies by launching Action Plan on the Prevention and Control of Deforestation in the Legal Amazon, 2004 by focusing on three main areas, the integrated approach cutting across different government institutions introduced innovative procedures for monitoring environment control and territorial management. The policy which targeted

municipalities with critical rates of deforestation became operational viable and rural credits became conditional upon proof of compliance with environmental regulations. These policies recorded astounding decreases in the rate of deforestation and increased the Brazilian Gross Domestic Product (GDP) agricultural production and rural income.<sup>49</sup> This demonstrates that growth can be decoupled from deforestation, even in a country which is the third largest agricultural exporters.<sup>50</sup>

Lastly, other hurdles for the effective implementation of REDD+ in Nigeria are lack of capacity, technology and finance. Capacity building is key to the effective implementation of REDD+ in Nigeria. The UNFCCC, the UNCB, the Kyoto Protocol and the Paris Agreement on Climate Change recognised the fact that capacity building will promote international cooperation, training and building human and national capacities for implementing REDD+.<sup>51</sup> Climate change and mitigation and adaptation in the forestry sector is dependent on technology transfer and finance. Adaptation technology can be used for reforestation and afforestation programmes using improved seedling and plant species. There is the need for Nigeria to embrace strong regulatory policies for the manufacture and importation of environmentally sound technologies and innovations for REDD+.

The lack of finance can hamper the effective implementation of REDD+ in Nigeria. The Kyoto Protocol and UNFCCC have made provision for developing countries like Nigeria to access funding for REDD+ through bilateral regional and multilateral channels<sup>52</sup>. Accredited National and multinational agencies like African Development Bank (AfDB) and World Bank and the Green Climate Fund (GCF) can make funds available to Nigeria.<sup>53</sup> The Paris Agreement on Climate Change also recognised the fact that developed countries can assist developing countries like Nigeria with the finance to aid REDD+.<sup>54</sup> The REDD+ programme in Nigeria is presently administered by the Federal Ministry of Environment with support from international organisations like UNEP, UNDP and FAO. It is hoped that the Nigerian government can formulate the legal and policy frameworks coupled with the political will, for the effective implementation of REDD+ in tandem with international reality.

<sup>49</sup> *Ibid*, p26

<sup>50</sup> *Ibid*, p27

<sup>51</sup> See Articles 10(e) of the Kyoto Protocol, 1997

<sup>52</sup> Article 11 of Kyoto Protocol, 1997

<sup>53</sup> See Advanced ways of Financing REDD+ and the Scope of Activities Under It by Foundation for International Law and Development (FIELD) in Preparation for Mexico Climate Change Conference December 2010. Available at [www.field.org.uk](http://www.field.org.uk) <http://www.thereddesk.org> accessed on 18<sup>th</sup> February, 2018

<sup>54</sup> Article 5,6,7,8 and 9 of the Paris Agreement on Climate Change, 2015.

<sup>45</sup> Section 20 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

<sup>46</sup> AIR 1981 SC 652

<sup>47</sup> Section 7(9)(h) CK and (L) of the NESREA Act, 2007

<sup>48</sup> See 'Policies and measurers for REDD+ Implementation'. REDD+ Academy Learning Journal Vol2 December 2016 p14

#### IV. RECOMMENDATION

- i. There should be very robust legal and Policy frameworks in Nigeria on REDD+ especially on afforestation, reforestation, carbon stock, sequestration and sustainable forest management
- ii. International treaties on REDD+ particularly the UNFCCC, UNCB and the Paris Agreement on Climate should be domesticated by Nigeria. Kenya and Newzealand have passed the Climate Change Act No 11, 2016 and the Climate Change Response Act No 40 2002 respectively.
- iii. The environmental objectives under section 20 of the Constitution of the Federal Republic of Nigeria, 1999 should be made enforceable as it is the position in India and Kenya where the environmental objective is legally enforceable.
- iv. The Land Use Act should be amended to mainstream forestry protection as a justiciable right where issues of resource control, conservations and indigenous

peoples right shall be protected as it is the case in Congo DR and Brazil where the multilayered and the integrated approaches are used for environmental protection with reduced deforestation.

#### V. CONCLUSION

Nigeria has signed series of multilateral treaties on environmental degradation and deforestation. Though there are laws and policies on conservation, afforestation and preservation across the thirty six states of the Federation and Abuja the FCT, there appeared to be legal and policy constraints hampering the effective implementation of REDD+ in Nigeria, stemming from obsolete laws and the lack of political will by policy makers to enforce the laws and policies on REDD+. Nigeria can take a cue from countries like Kenya, Congo DR, Newzealand to mention but a few to update its' laws and policies on REDD+ in accord with international reality in order to preserve her environment for its' present and future generations.