



NATIONAL ENVIRONMENTAL (DESERTIFICATION AND DROUGHT MITIGATION) REGULATION 2011

National Environmental Standards and Regulations Enforcement Agency (NESREA)

Simplified Summary

Curated by Clean Technology Hub



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EXECUTIVE SUMMARY

These regulations provide certain principles to be adopted for activities carried out in desert prone areas as well as the responsibilities of NESREA, State and Local Governments in ensuring the sustainability of degraded lands and desert prone areas. This guide provides a simplified summary of the regulation and highlights - the objectives, principles for desertification and drought mitigation, desertification control guidelines, offences and penalties, the role of key stakeholders, and the current implementation status.

CONTEXT

Nigeria is one of the nations vulnerable to desertification and drought, especially the frontline Northern states. Ratified to the United Nations Convention to Combat Desertification (UNCCD) which was adopted in 1994, Nigeria has put in place various policy and regulatory frameworks to address desertification and promote sustainable land management.

LEGAL FOUNDATION

The legal foundation of these regulations is based on the power conferred on the National Environmental Standards and Regulations Enforcement Agency by the NESREA (Establishment) Act 2007 to make regulations to protect the environment of the country.



Desertification	Drought Mitigation
<ul style="list-style-type: none">● Provide an effective and pragmatic regulatory framework for the sustainable use of all areas already being affected by desertification and the protection of vulnerable lands● Sensitize the public on the causes and dangers associated with desertification and the attendant land degradation● Encourage the sustainable use of fuelwood through the use of more efficient and energy-saving devices to encourage their wider use and adoption at all levels● Promote the use of alternative sources of energy i.e wind, solar, briquettes, coal, gas etc.● Encourage reforestation, reseedling, afforestation and conservation of areas under desertification● Attain the 25% national forest cover as prescribed by the United Nations Food and Agricultural Organization (FAO)● Ensure sustainable agricultural and range management practices, improved animal husbandry and management of water resources in the desertification prone areas	<ul style="list-style-type: none">● Ensure that appropriate proactive measures are taken to alleviate the impacts of drought at occurrence● Ensure that proper criteria for declaring drought emergencies are established● Ensure proper definition of the duties and responsibilities of all agencies with respect to drought management● Identify mitigation actions which can be employed to address vulnerabilities● Identify the principal activities, groups or areas mostly at risk during drought and develop mitigation actions



OBJECTIVES

- Promote cooperation with relevant international and non-governmental organizations through partnerships, knowledge sharing and the domestication of international conventions
- Sustain and expand areas under forest and tree cover through conservation, protection, rehabilitation of natural vegetation, tree planting and control of forest exploitation

PRINCIPLES

Desertification

- Prevention First
- Integrating combating desertification with development and sustainable natural resource for utilization
- Adopting measures suitable to local conditions and preventive facilities according to the intensity of desertification

Drought Mitigation

- Resources in drought-prone areas shall be sustainably utilized in view of the inherent fragile nature of the ecosystem.
- Environment Impact Assessment (EIA) as required by law is mandatory for all major activities to ensure that drought prone areas
- Proactive measures, rather than reactive, in terms of accurate prediction of the onset of drought, provision

- Key affected points are used as combating basis to promote works in the entire prone areas
- Appropriate policies, legal and regulatory instruments are critical for desertification control
- Farmers plant trees up to minimum of 25 trees per hectare on their farms in the form of hedge planting or just as scattered trees to promote agro forestry practices
- Environmental Impact Assessment (EIA) is conducted as required by law, on lands threatened with desertification

of relief materials, provision of alternative sources of water for affected people and livestock are essential to mitigate the impact of drought

- Watershed areas where the impact of drought is likely to be severe shall be sustainably managed in compliance with the National Environmental Protection of Watershed, Mountainous, Hilly and Catchment Areas Regulations 2009

KEY PROVISIONS – DESERTIFICATION

Declaration of Specially Protected Areas

The declaration of specially protected areas under desertification or the threat of shall be initiated by the Agency in consultation with relevant MDAs on the recommendations of the State or Local Government or both

Specially Protected Areas

Areas with sand dune build ups

Areas without vegetation cover

Water catchment areas vulnerable to drought and desertification

Areas with less than 10% forest cover and 25% grass cover

Desertification Control Guidelines

Any person desiring to carry out any of the regulated activities or extract any resource from a degraded area shall obtain permit from the relevant MDAs, States or Local Governments

Any person or group of persons that fell trees in the course of carrying out any permitted activity in the desertification prone areas, shall bear the responsibility and duty of replanting fourfold the number of trees felled and ensuring survival of the planted trees

A person shall not be allowed to fell trees in a farm or range land except done for agricultural production in which case logging will be permitted

All forms of mining except those approved by appropriate authorities shall be prohibited in areas either already degraded or threatened by desertification and in areas declared as a specially protected areas

<p>Areas that are highly degraded and thereby showing visible signs of sand dune builds ups shall be priority areas for biological and mechanical protection in order to attain vegetation resuscitation and a balanced ecosystem</p>	<p>Extant laws for the protection and sustainable management of constituted forest, grazing and game reserves shall be jointly enforced between the affected State and Agency</p>	<p>States and Local Governments shall set yearly afforestation targets for the establishment of shelterbelts of not less than 25km/year and woodlots of not less than 10 hectares per year in combination with mechanical protection</p>	<p>Unprescribed fires as well as controlled fires are prohibited especially on free rangelands and the use of fires for cultivation or other purposes shall be in compliance with extant State and Local Government Bye-Laws and the National Environmental Standards and Regulations Enforcement Agency (NESREA) Regulations on Bush Burning</p>
<p>Adequate irrigation systems shall be provided for all plantations in semi-arid and arid lands</p>	<p>The Agency shall, in collaboration with relevant MDAs, NGOs, CBOs, FBOs carry out nationwide public enlightenment especially in desertification prones, in order to discourage overexploitation of the fragile forests for fuel wood and promote the use of alternative sources of cooking energy such as coal, solar cookers, kerosene, liquefied natural gas (LPG) and the use of efficient wood stoves</p>	<p>Land and water, including the inherent forest or vegetation resources shall be utilized in a sustainable manner compatible with the enhancement of the productive and natural potentials of such land to provide goods and services</p>	<p>Best practices shall be applied in the afforestation and conservation practices in the semi-arid and arid areas</p>
<p>On farm soil and water conservation practices shall</p>	<p>Land areas subject to desertification, deforestation</p>	<p>Degraded and desertification prone areas shall be</p>	<p>Rational use of the resources of the semi-arid and arid</p>

<p>be applied to improve soil fertility, increase crop production and food security and control erosion using a combination of agro-silvi-pastoral system of land use</p>	<p>and bush burning shall be rehabilitated by the establishment of community woodlots and shelterbelts, with multi-purpose tree species and sand dune fixation using both mechanical and biological methods</p>	<p>inventoried periodically with a view to producing maps that show changes in vegetation cover over time to guide in rehabilitation decision making</p>	<p>lands shall be incorporated into the national conservation and development programmes to include efficient energy-saving devices and adoption of good forest and soil management and water conservation practices reinforced by the creation of mass publicity campaign and dissemination of information</p>
<p>Subject to sustainable utilization, the following traditional or essential uses shall not be subject to the application of these regulations except in commercial quantities: medicinal plants, edible plants and other non-wood forest produce such as resins, fruits, sponges, nuts etc.</p>		<p>Where the cultivated area is not more than 10% of the total Local Government Area provided cultivation shall be interspersed with fruit trees or economic tree species and extraction of wood fuel for domestic and subsistence uses.</p>	
<p>Permit</p>		<p>Implied Covenant</p>	
<ul style="list-style-type: none"> ● Subject to the provisions of these regulations and notwithstanding any permit issued by State and Local Governments and any other authority, a person shall not carry out any activity in a desertification prone area without a permit issued by the Agency ● The procedure for application for permit including the revocation of such permit is contained under the National Environmental Permitting and Licensing Regulations 2009 ● Any person intending carry out any activity shall apply to the state for a permit 		<ul style="list-style-type: none"> ● Permit holder shall not substantially affect the vegetation, hydrology and ecological characteristics of the area beyond the terms and conditions contained in the permit ● Not assign the permit to any other person without the consent of the issuing Authority ● Within a period of two years after the expiration or revocation of the permit, restore the area to as near the state it was as possible prior to the commencement of the permitted activities 	

KEY PROVISIONS – DROUGHT MITIGATION

Drought Mitigation	Health and Nutrition
<p>The Agency shall ensure through public enlightenment and enforcement that:</p> <ul style="list-style-type: none"> • Communities that are vulnerable to the impacts of drought shall adopt better agricultural practices, water conservation techniques and rainwater harvesting techniques for both farming and domestic uses • For the purposes of farming and livestock production, the following best practices shall be promoted among drought-prone communities: zero tillage or minimum tillage during crop production, cultivation of drought-resistant as well as early maturing crop varieties, the adoption of mixed cropping, the establishment of grain buffer stocks and food subsidy programme shall be encouraged at Local Government levels and semi-intensive livestock production with watering points and supplementary feeds 	<ul style="list-style-type: none"> • The Agency, in collaboration with relevant line MDAs including Non-Governmental Organisations (NGOs) shall encourage the establishment of crisis counseling centers to provide advisory services on health matters associated with drought, nutritional and food security including dissemination of public information on the dangers of drought such as heat stress, fire risk and poor water quality. • The Agency in collaboration with relevant institutions, shall encourage the acquisition and stockpiling of supplementary feeds for drought period
Prevention of Wildfire	Offenses and Penalty
<p>The Agency, shall in collaboration with relevant MDAs, ensure adequate control of bush burning through enforcement of extant laws, regulations and guidelines to protect ecosystems integrity during drought</p>	<ul style="list-style-type: none"> • Any person who violates any of the provisions of these regulations shall on conviction be liable to a fine not exceeding One Million Naira (1,000,000) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and an additional fine of ten thousand nairas (N10,000) for every day that the offence subsists

	<ul style="list-style-type: none"> Any corporate body that violates the provisions of these regulations, shall on conviction, be liable to a fine, not less than Five Million Naira (N5,000,000) and an additional fine of Fifty Thousand Naira (N50,000) for every day that the offence subsists.
DUTIES FOR KEY STAKEHOLDERS	
Agency (Drought Mitigation)	Relevant Line MDAs
<ul style="list-style-type: none"> Monitor and enforce compliance with policies, plans and programs as stated in the National Drought Preparedness and Desertification Policy of the Federal Ministry of Environment (2007) including the enforcement of the regulations In collaboration with the MDAs, States, Local Governments, NGOs, CBOs and FBOs conduct public enlightenment campaigns on deforestation and afforestation and drought mitigation in areas likely to be severely affected by drought 	<ul style="list-style-type: none"> Constitute a Federal Level Enforcement Team in accordance with the National Drought Preparedness Plan (2007) The Federal Level Enforcement or Committee shall provide leadership and coordinate the mitigation activities of the State and Local Government Enforcement Teams
State Enforcement Team	Local Government Enforcement Team
<ul style="list-style-type: none"> The State Government shall constitute a State Level Enforcement Team in accordance to the Drought Preparedness Action Plan (2007) of the Federal Ministry of Environment The State Level Enforcement Team shall coordinate actions, implement mitigation and response programmes and make policy recommendations at State level 	<ul style="list-style-type: none"> All drought affected Local Governments shall constitute a Local Government Level Enforcement in accordance with the Drought Preparedness Action Plan (2007) of the Federal Ministry of Environment The Monitoring Team shall liaise with the affected communities to implement mitigation efforts and policy recommendations at Local Government level.

Land Owners and Users

- Every landowner, occupier or user of property site in a degraded land shall have a duty to prevent the deforestation and degradation of the desertification prone areas
- Any person who neglects or refuses to protect the occupied land from degradation commits an offence

KEY STAKEHOLDERS	List of Desertification Prone States	List of Buffer Zone States	Prohibited Activities in Arid/Semi-Arid Areas
<ul style="list-style-type: none"> • NESREA • Federal Ministry of Environment • Federal Ministry of Agriculture • Federal Ministry of Water Resources • State Governments • Local Governments • Civil Society Organisations • Donor Agencies • Land Owners and Users 	<ul style="list-style-type: none"> • Adamawa • Bauchi • Borno • Gombe • Jigawa • Kano • Katsina • Kebbi • Sokoto • Yobe • Zamfara 	<ul style="list-style-type: none"> • Benue • FCT • Kaduna • Kogi • Kwara • Nasarawa • Niger • Plateau • Taraba 	<ul style="list-style-type: none"> • Felling of trees/cutting branches without permit • Land clearing • Earth disturbing activities • Resource extraction contrary to the Regulations on Access and Benefit Sharing, 2008. • Bush burning • Grazing • Cultivation of marginal land • Agriculture without permit

RELATED REGULATORY AND POLICY DOCUMENTS

- National Agricultural Policy
- United Nations Convention to Combat Desertification (UNCCD)
- National Action Programs to Combat Desertification (NAP)

- National Drought Preparedness Plan (NDPP)
- National Policy on Climate Change
- National Tropical Forestry Action Plan (NTFAP)
- National Strategic Action Plan for Desertification and Drought

IMPLEMENTATION STATUS

- The National Agency for Great Green Wall was established in 2015 to implement provisions of the Convention on the Great Green Wall Programme in the country for the management of drought, desertification, and afforestation control measures and other related matters.
- In 2021, the World Bank approved a \$700 million credit for the “Nigeria Agro-Climatic Resilience in Semi-Arid Landscapes” project aimed at increasing the implementation of sustainable landscape management practices in Northern Nigeria and strengthening the country’s enabling environment for integrated climate-resilient landscape management.