

SHAPING AFRICA'S ECONOMIC FUTURE THROUGH EFFECTIVE ENERGY TRANSITION: THE ROLE OF LEGISLATIVE INTERVENTIONS

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Abstract

This paper explores the role of legislation in driving Africa's energy transition, which in turn provides the needed impetus for enhancing economic growth across Africa, a continent rich in renewable resources yet facing energy poverty. Utilizing the doctrinal research approach, the authors highlight key provisions of both international, African regional, and Nigerian legislation on renewable energy while pointing out the strengths and weaknesses in the laws. The research reveals significant gaps in policy frameworks, which hinder sustainable economic growth. Notably, the study identifies a lack of cohesive regional policies that can facilitate a unified approach to energy transition across borders. To address some of these gaps, the authors among others recommend the adoption of an African treaty which will establish a Pan-African Renewable Energy Fund to provide financial resources and incentives for renewable projects across Africa; also, the authors recommend the implementation of a Regional Energy Transition Policy Framework to harmonize regulations and encourage cross-border energy trade. This research underscores the dire need for harmonized efforts to leverage energy transition as a catalyst for economic development in Africa.

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1.0 INTRODUCTION

Africa stands at a pivotal crossroads in its energy transition, characterized by a shift from traditional fossil fuels towards renewable energy sources. This transition is not merely a technical or environmental challenge; it is deeply intertwined with legislative frameworks that govern energy production, distribution, and consumption. The role of legislation in this context is multifaceted, encompassing regulatory policies, investment incentives, and frameworks for international cooperation. As African nations strive to achieve energy security, mitigate climate change, and foster sustainable development, the legislative landscape becomes a critical player in shaping the trajectory of the continent's energy future.

Legislation serves as a foundational pillar for promoting renewable energy initiatives across Africa. Governments are increasingly recognizing the importance of creating conducive regulatory environments to attract investments in renewable technologies such as solar, wind, and hydroelectric power. Policies that provide tax incentives, subsidies, and grants can stimulate private sector participation and innovation. By establishing regulations that support community-based energy projects and encourage local entrepreneurship, governments can empower marginalized communities and stimulate economic growth at the grassroots level.

The economic impact of Africa's energy transition, guided by robust legislation, extends beyond the energy sector. As countries diversify their energy sources and reduce their reliance on fossil fuels, they can enhance their resilience to global energy price fluctuations. Furthermore, the transition presents opportunities for innovation and the development of new industries, such as energy storage and smart grid technologies. The potential for job creation in the renewable

energy sector is significant, with estimates suggesting that millions of jobs could be generated across various skill levels.

2.0 ANALYSIS OF SOME INTERNATIONAL LEGAL FRAMEWORKS FOR ENERGY TRANSITION

2.1 The Paris Agreement 2015¹

The Paris Agreement was adopted in December 2015 at the 21st Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) 1992. The Agreement represents a remarkable global decision aimed at fighting climate change and accelerating the transition to sustainable energy systems². The Agreement has enjoyed and almost universal ratification³, and marks an important milestone for international climate with its key goal being to limit global warming to well below 2 degrees Celsius, with an aspirational target of 1.5 degrees Celsius above pre-industrial levels⁴.

2.2 The Role of the Paris Agreement in Energy Transition

The Paris Agreement set the pace for global energy transition by instituting a framework which ensures accountability on the part of countries for their climate commitments⁵. Here are several ways the Agreement has influenced the energy sector:

¹ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015 T.I.A.S. No. 16-1104, 3156 U.N.T.S 54113.

² S.T. Zaman, 'The Energy Transition under the Paris Agreement: Assessing the Existing Normative Directions' <https://papers.ssrn.com/sol3/papers.cfm?abstract_id4573288> Accessed 20 March, 2025.

³ *ibid.*

⁴ Articles 2.1(a) and 4.1 of the Agreement

⁵ L. Rajamani & J. Werksman, 'The Legal Character and the Operational Relevance of the Paris Agreement's Temperature Goal' 376 PHIL. TRANSACTIONS OF THE ROYAL SOCIETY (May 13, 2018) 1-4.

i. Promoting Renewable Energy Adoption

The drive for drastic emissions reductions has given impetus to the global tilt towards renewable energy sources. Governments and private sectors are increasingly investing in solar, wind, and other forms of renewable energy as a crucial strategy for achieving their National Determined Contributions (NDCs)⁶. According to the International Renewable Energy Agency (IRENA), the share of renewables in global electricity production reached approximately 29% in 2021, driven by policies aligning with the Paris Agreement⁷.

ii. Encouraging Energy Efficiency

Enhancing energy efficiency is one the key components of the Paris Agreement. Various commitments under the Paris Agreement encourage nations to focus on reducing energy consumption while maintaining economic growth⁸. The global push to increase energy efficiency measures has seen significant advancements in technology, leading to reduced costs of renewable energy installations⁹.

iii. Mobilizing Investment

The Paris Agreement has mobilized trillions of dollars in investment towards sustainable energy projects. By creating a clear framework for

⁶ Articles 3 and 4 of the Agreement link the NDCs to Article 13's transparency framework to strengthen individual state's mitigation pledges and actions with review mechanisms.

⁷ IRENA, 'Renewable Capacity Statistics' <<https://www.irena.org>> Accessed 20 March, 2025

⁸ Article 4.3

⁹ P. Schwartz, 'Climate Change, the Right to Development and the 2030 Agenda for Sustainable Development- Operationalizing the Right to Development in Implementing Sustainable Development Goals' <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/SR/AddisAbaba/ClimateChange_2030AgendaSustainable.pdf> TheParisAgreement> Accessed 20 March, 2025.

climate action¹⁰, it has attracted funding from both public and private sectors. In particular, the financial provisions of the Agreement¹¹ provide confidence to investors in funding low-carbon technologies that drive the energy transition¹².

2.1.2a. Shortcomings of the Convention

The temperature goals of the Agreement are located in the operational part, specifically Articles 2.1(a) and Article 4.1. An agreement's operational portions are different from the preamble as they can create rights and duties or set operational standards for state parties¹³. However, the fact that the Agreement incorporates its temperature goals in the operational parts does not necessarily create legally binding obligations. Article 2.1 of the Agreement states that it sets the "aim" of the Agreement while Article 4.1 refer to the contents of Article 2 as "long term temperature goals". The Articles fail to use words such as "shall" or "must" or "required" which have given the provisions a compulsory and binding effect. The wordings of Article 2 and 4.1 are largely aspirational and insufficient in to determine the obligations of State Parties. According to Zaman¹⁴ the acknowledgment in Article 4.1 of the limitations of developing countries to reach global peaking of Greenhous House Gas (GHG) emissions by 2050 indicates flexibility and discretion instead of a precise binding norm.

¹⁰ Article 6.2 permits State Parties to trade emission reductions carbon removals with one another through bilateral or multilateral agreements.

¹¹ Article 2.1.

¹² Climate Policy Initiative, 'Global Landscape for Climate Finance 2024' <<https://www.climatepolicyinitiative.org>> Accessed 20 March, 2025.

¹³ L. Rajamani & J. Werksman, op cit. n5.

¹⁴ S.T. Zaman, op cit. n2.

2.2. United Nations 2030 Agenda for Sustainable Development

The United Nations 2030 Agenda for Sustainable Development was unanimously adopted in 2015. It is a global framework consisting of 17 Sustainable Development Goals (SDGs) aimed at addressing various social, economic, and environmental challenges by 2030¹⁵. The agenda is hinged on human rights and has its roots in the Universal Declaration on Human Rights.¹⁶ Central to this agenda is the transition to sustainable energy systems, which is crucial for fostering inclusive growth, reducing poverty, and mitigating climate change. The 2030 Agenda emphasizes the importance of energy access and sustainability through SDG 7, which aims to ensure access to affordable, reliable, sustainable, and modern energy for all.

2.2.1. Key Components of the 2030 Agenda Related to Energy Transition

i. Sustainable Development Goal (SDG) 7¹⁷

SDG 7 is the most direct link within the 2030 Agenda to energy transition. Its targets include:

- a. Ensure universal access to affordable and modern energy services by 2030¹⁸;
- b. Increase the share of renewable energy substantially in the global energy mix by 2030¹⁹; and
- c. Double the global rate of improvement in energy efficiency by 2030²⁰.

¹⁵ United Nations Office of the High Commission on Human Rights (OHCHR), 'About the 2030 Agenda on Sustainable Development' <<https://www.ohchr.org>> Accessed 28 March 2025.

¹⁶ Ibid.

¹⁷ SDG 7.

¹⁸ Target 7.1.

¹⁹ Target 7.2.

²⁰ Target 7.3.

These targets are a pointer to the importance of gravitating towards clean and renewable energy sources, as well as enhancing energy efficiency across all sectors.

ii. Climate Action (SDG 13)

SDG 13, which focuses on taking urgent action to combat climate change and its impacts, is intrinsically linked to energy transitions. The burning of fossil fuels is one of the primary contributors to greenhouse gas emissions. Thus, achieving SDG 7 will significantly support the objectives of SDG 13. The interrelationship between these goals is reinforced by the Paris Agreement 2015, which aims to limit global warming to well below 2 degrees Celsius, necessitating significant reductions in carbon emissions through a transition to clean energy.

iii. Sustainable Cities and Communities (SDG 11)

SDG 11 aims to make cities and human settlements inclusive, safe, resilient, and sustainable. Energy transition plays a vital role in urban sustainability, as cities are responsible for a significant proportion of global energy consumption and greenhouse gas emissions. By promoting renewable energy solutions such as solar and wind, cities can reduce their carbon footprints while also improving air quality and the overall well-being of their residents²¹.

For the Agenda to be realized, there must be collaboration between governments, the private sector, civil society, and international organizations. The UN, being a universal body, will also be instrumental in realizing the agenda.

²¹ United Nations Environment Programme (UNEP), 'Global Trends in Renewable Energy Investment 2019' <<https://www.unep.org/resources/report/global-trends-in-renewable-energy-investment-2019>> Accessed 29 March, 2025.

3.1. BRIEF ANALYSIS OF SELECT AFRICAN REGIONAL FRAMEWORKS FOR ENERGY TRANSITION

3.1.1 The Nairobi Declaration on Climate Change 2023

The Nairobi Declaration on Climate Change, adopted in 2023 during the inaugural Africa Climate Summit (ACS) in Nairobi, Kenya²². As African nations continue to grapple with the dual challenges of climate change and sustainable development, the declaration positions itself as a critical instrument to guide countries toward energy transition²³. The Declaration reaffirms the principles set out in the United Nations Framework Convention on Climate Change and the Paris Agreement²⁴.

3.1.1a. Impact on Energy Transition in Africa

The Nairobi Declaration has significantly influenced energy transition dynamics within Africa, catalyzing several initiatives and policies at both national and regional levels.

i. Renewable Energy Policies

Many African countries have developed policies that align with the goals delineated in the declaration. For instance, countries like Kenya and South Africa have set ambitious renewable energy targets and established regulatory frameworks to attract private investments in clean energy projects²⁵. The Kenyan Vision 2030, which aims to expand the country's renewable energy generation, is one such

²² S. Munyati, 'The Nairobi Declaration: How African Nations want to Fight Climate Change' (2023) <<https://weforum.org>> Accessed 30 March, 2025.

²³ *ibid.*

²⁴ Paragraph 9

²⁵ This is in line with Paragraph 23 of the Nairobi Declaration which enjoins African countries to commit to developing and implementing policies, regulations and incentives aimed at attracting local, regional and global investments in green growth, inclusive of green and circular economies.

initiative that can be traced back to commitments reflected in the Nairobi Declaration²⁶.

ii. Regional Cooperation

The declaration also aims to foster regional dialogues on energy access and climate resilience²⁷. By serving as a rallying point for African nations, the declaration encourages collaborative projects that transcend national boundaries.

iii. Financial Mechanisms

The emphasis on technology transfer and foreign investment has contributed to the establishment of financial mechanisms aimed at promoting renewable energy technologies. Funds from international sources—including the Green Climate Fund also as donations from the international community—have been mobilized to support projects that align with the revenue and investment strategies espoused in the declaration²⁸.

3.1.1b. Challenges and Opportunities

Despite the optimism surrounding the Nairobi Declaration's contributions to energy transition, various challenges remain. Issues of inadequate financing, political instability, and governance hinder the swift implementation of energy policies. The Declaration also recognizes the fact that as at 2023 when it was adopted, 'only seven years remain to achieve the Sustainable Development Goals in the 2030 Agenda, and note with concern that 600 million people in Africa still lack access to electricity while about 970 million lack access to

²⁶ S. Munyati, n75.

²⁷ Paragraphs 28 and 40.

²⁸ Paragraph 63.

clean cooking²⁹'. This still pose a serious risk to the actualization of the goals of the Declaration as well as the SDG 2030 Agenda.

However, the Nairobi Declaration on Climate Change 2023 has essential repercussions for energy transition in Africa. It establishes a strategic framework that embodies Africa's ambitions to overcome climate challenges through the lens of sustainable development and renewable energy.

3.1.2 Economic Community of West African States Renewable Energy Policy (EREP) 2013

The Economic Community of West African States (ECOWAS), established in 1975, serves as a regional political and economic union comprised of 15 West African countries. Amid increasing demands for sustainable energy sources due to rising energy consumption and existential threats posed by climate change, ECOWAS has recognized the urgency of transitioning to renewable energy. In 2013, ECOWAS adopted ECOWAS Renewable Energy Policy (EREP), with a shared vision to enhance energy access, sustainability, and regional integration³⁰.

3.1.2a. Provisions and Framework

a. Regulatory and Institutional Framework

The EREP provides a framework for member states to develop national renewable energy laws and policies which align with regional targets. Specifically, it emphasizes the establishment of favorable regulatory frameworks that promote private sector investment in renewable energy. The policy encourages nations to develop feed-in tariffs, tax incentives, and other financial mechanisms to attract

²⁹ Paragraph 11.

³⁰ Portal for Parliamentary Development, 'ECOWAS: Renewable Energy Policy' <<https://agora-parl.org>> Accessed 31 March 2025.

investments³¹. The ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) coordinates and harmonizes renewable energy initiatives across member states. ECREEE acts as a hub for knowledge sharing, a platform for regional collaboration, and an interface for bringing together stakeholders including governments, private sector actors, and civil society³².

b. Promotion of Renewable Energy Technologies

Another critical aspect of the EREP is the promotion of various renewable energy technologies such as solar, wind, biomass, and hydropower. The policy outlines strategies for technology assessment, capacity building, and local manufacturing of renewable technologies, thus fostering job creation while ensuring long-term sustainability³³. The Policy also makes it the mandate of the ECOWAS Commission to mobilize necessary financial resources for implementation of the Action Plan of the Renewable Energy Policy³⁴. Particularly, given the abundance of sunlight across West Africa, the EREP prioritizes solar energy solutions and encourages member states to engage in solar mini-grids and stand-alone photovoltaic systems. This emphasis on decentralized energy solutions is pivotal in providing electricity access to rural and underserved populations, thus contributing to economic development and poverty alleviation³⁵.

3.1.2b. Challenges to full Implementation of EREP

Despite the promising framework of the EREP, several challenges remain. These include inadequate infrastructure, lack of financing for

³¹ Article 2.

³² ECREEE, op cit. n84. See Article 5.

³³ Article 3.

³⁴ Article 4.

³⁵ International Renewable Energy Agency (IRENA), 'Investment Forums in Africa' <www.irena.org/Energy-Transition/Partnerships/CIP/West-Africa> Accessed 29 March, 2025.

renewable projects, and limited technological expertise in some member states. Corruption, political instability, and inconsistent regulatory environments further complicate effective implementation³⁶.

3.1.3 The East Africa Energy Security Policy Framework 2018

The East African Community (EAC) is a regional intergovernmental organization comprised of six partner states: Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda. Central to the EAC's agenda is the commitment to energy transition, which involves shifting from fossil fuels to renewable energy sources to ensure sustainable development, reduce greenhouse gas emissions, and enhance energy security³⁷.

i. Framework for Renewable Energy Development

The Framework emphasizes the need for promoting renewable energy sources, such as solar, wind, hydro, and biomass³⁸. It emphasizes the importance of adopting technologies and practices that support renewable energy development. This provision not only encourages member states to invest in renewables but also facilitates technology sharing and transfer among them, leading to diversified energy portfolios that can mitigate the impacts of climate change³⁹.

ii. Energy Access and Rural Electrification

The protocol addresses the critical issue of energy access, especially for rural communities that remain off the grid. It mandates the partner states to not only promote rural electrification projects, which is essential for transforming the energy landscape in East Africa, but also

³⁶ Ibid.

³⁷ V.N. Nalula, 'Energy in the East African Community: The Role of the Energy Charter Treaty' <www.energycharter.org> Accessed 30 March, 2025.

³⁸ The Preamble to the Policy.

³⁹ *ibid.*

demands appropriate management of electricity supply risks⁴⁰. Enhanced access to energy contributes significantly to economic growth, social equity, and improved living standards.

iii. Regional Energy Infrastructure Development

The Institutional Framework for Energy Security Policy Management as contained in the Policy emphasizes the need to develop cross-border energy infrastructure; the protocol supports the establishment of interconnection projects that allow for energy trading among member states⁴¹. This provision is essential for creating a unified energy market, ensuring energy security, and optimizing the use of renewable resources across the region.

3.2. Some Nigerian National Framework on Energy Transition

3.2.1 The Petroleum Industry Act 2021

The Petroleum Industry Act (PIA) 2021 represents a significant reform in Nigeria's oil and gas sector, aiming to address various challenges facing the industry, while also positioning Nigeria towards a more sustainable energy future. Given the increasing global emphasis on energy transition, the PIA plays a vital role in guiding Nigeria's shift from fossil fuels towards more sustainable and cleaner energy sources.

3.2.1a. Key Provisions of the PIA Related to Energy Transition

a. Establishment of the Nigerian Upstream Regulatory Commission (NURC)⁴²

The NURC is tasked with promoting sustainable development in the industry, as established in Section 4 of the PIA. The commission is responsible for ensuring compliance with regulations that protect the environment and promote sustainable practices in oil exploration and

⁴⁰ Chapter 4 of the.

⁴¹ See Chapter 6 of the Policy.

⁴² Section 4 PIA.

production. This regulatory oversight is crucial for managing the environmental impacts of petroleum activities, ultimately facilitating Nigeria's transition to greener energy sources⁴³.

b. Recognition of Gas as a Transition Fuel

The PIA recognizes natural gas as a vital transition fuel in achieving energy security and sustainability. The Act emphasizes the promotion of gas utilization and infrastructure development⁴⁴. By encouraging investments in gas infrastructure, Nigeria can leverage its significant natural gas reserves while reducing reliance on oil. This strategic pivot towards gas aligns with global energy transition strategies that advocate for a gradual shift from oil to cleaner energy sources⁴⁵.

c. Promotion of Renewable Energy

A pivotal aspect of the PIA is its provision for renewable energy development. The Act encourages diversification of the energy mix and the inclusion of alternative energy sources⁴⁶. This legal acknowledgment of renewable energy as part of the national energy policy encourages investments in solar, wind, and other renewable projects, aiding Nigeria's commitment to achieving a sustainable energy landscape⁴⁷.

d. Environmental Stewardship and Social Responsibility

The PIA places considerable emphasis on environmental, health, and safety standards mandating operators to develop Environmental

⁴³ J. Akinyemi & Y. Ogbe, 'Navigating Regulatory Challenges in the Nigerian Oil and Gas Sector' (2022) (8)4 *Energy Regulatory Review* 78-95.

⁴⁴ Section 33(q).

⁴⁵ G. Ezeah, 'Natural Gas and the Future of Nigeria's Energy Policy' (2021) 32(3) *Global Energy Journal**, 230-245.

⁴⁶ Section 64(h).

⁴⁷ A. Ojatunji, 'Renewable Energy Policy in Nigeria: The Role of the Petroleum Industry Act' (2021) (15)2 *Energy Sustainability Journal* 50-70.

Management Plans⁴⁸. The Act also makes provisions for penalty for gas flaring⁴⁹. These regulatory frameworks ensure that the operations in the petroleum sector adhere to sustainable practices that mitigate environmental degradation and enhance corporate social responsibility, thus supporting the energy transition narrative⁵⁰.

3.2.1b. Implications of the PIA on Nigeria's Energy Transition

i. Investment Attraction: The PIA aims at regulatory and fiscal incentives to attract both domestic and foreign investments into the oil and gas sector, while ensuring that the investments are aligned with sustainable practices. By creating a conducive regulatory environment, the PIA is anticipated to facilitate the influx of capital necessary for technological advancement in renewable energy⁵¹.

ii. Diversification of Energy Sources: By acknowledging gas and renewable energy, the PIA helps lay the groundwork for a diversified energy sector. This diversification will ultimately enhance energy security and reduce the volatility associated with oil prices, as well as contributing to environmental sustainability goals⁵².

iii. Strengthening Regulatory Frameworks

The establishment of the NURC and other regulatory bodies⁵³ under the PIA will play a crucial role in ensuring compliance with safety and environmental standards. This regulatory framework not only

⁴⁸ Sections 102-104.

⁴⁹ Section 108

⁵⁰ A. Adewale, A., & B. Ogunnowo, 'The Role of Environmental Regulations in Nigeria's Energy Sector' (2022) (15)1 *Journal of Nigerian Energy Studies* 45-59.

⁵¹ R. Adesina, 'Attracting Investments in Nigeria's Energy Sector: The Role of Policy Reform' (2022) 10(2) *Nigerian Journal of Policy Analysis* 12-30.

⁵² Ibid.

⁵³ Section 29 establishes the Nigerian Midstream and Downstream Petroleum Regulatory Authority while the Nigerian National Petroleum Company Limited is established under section 53.

promotes sustainability but also builds trust among stakeholders, including local communities⁵⁴.

3.2.1c. Shortcomings of the PIA on Energy Transition

The PIA though contains provisions that are relevant to energy transition, still has some shortcomings regarding the subject. Firstly, the Act does not contain very specific and precise provisions for transitioning to low-carbon economy. This may constitute a clog in Nigeria's drive towards energy transition. Secondly, the primary focus of the Act is on oil and gas exploration and exploitation with very little emphasis given to renewable energy sources. Lastly, inadequate implementation of the provisions of the PIA may constitute a setback to the overall objectives of the Act.

While these challenges persist, the framework laid out by the PIA provides a tool for navigating the complexities of energy transition and ensuring that Nigeria meets its environmental commitments while achieving economic growth.

3.2.2. The Electricity Act 2023

The Nigerian Electricity Act 2023 is a crucial enactment aimed at reforming the electricity sector in Nigeria. It comes at a crucial time when the country is seeking to enhance its energy transition, particularly in response to global shifts towards sustainable energy sources. The Act seeks to address infrastructural challenges, diversify energy sources, promote renewable energy, and ensure that electricity generation and distribution are efficient and sustainable⁵⁵.

⁵⁴ T. Ojo, 'Enhancing Corporate Social Responsibility in the Nigerian Petroleum Sector' (2021) (17)1 *Social Responsibility Journal* 104-117.

⁵⁵ See section 1(l) of the Act. A. Okosun, 'Towards a Sustainable Electricity Sector in Nigeria: The Implications of the Electricity Act 2020' (2021) (16)1 *Energy Law Journal* 5-26.

a Relevant Provisions of the Act Related to Energy Transition

i. Promotion of Renewable Energy

The Act mandates the Nigerian Electricity Regulatory Commission (NERC)⁵⁶ to encourage the development of renewable energy sources⁵⁷. The provision serves as a critical driver for energy transition by emphasizing the need to diversify the energy mix beyond fossil fuels. By facilitating investments in solar, wind, and other renewable sources, the Act positions Nigeria to reduce its reliance on gas and oil for electricity generation⁵⁸.

ii. Establishment of a Framework for Off-Grid Solutions

The Act also promotes off-grid electricity solutions, as outlined in Section 36. This provision encourages private sector investment in electricity generation and distribution away from the traditional grid system. Such initiatives are particularly significant in rural and underserved areas where electricity access is limited. By supporting off-grid solutions, the Electricity Act aims to enhance energy access and introduce cleaner energy technologies, thus facilitating a more inclusive energy transition⁵⁹.

iii. Establishment of the National Electricity Policy

Section 3 creates a framework for the formulation of a National Electricity Policy, which will guide the development of the electricity sector aligned with national energy transition goals. The policy aims to integrate renewable energy sources and improve energy efficiency. This provision not only supports the development of a diverse energy

⁵⁶ Established under section 33.

⁵⁷ Section 1(l).

⁵⁸ G. Alimi, 'Navigating the Energy Transition Landscape: The Role of the Nigerian Electricity Act 2020' (2021) 15(1) *Nigerian Journal of Environmental Law* 20-40.

⁵⁹ *ibid.*

mix but also sets a long-term vision for sustainable energy in Nigeria⁶⁰.

By promoting renewable energy development, facilitating private sector participation, and improving regulatory oversight, the Act provides a robust framework for a sustainable energy future. While challenges remain in implementing these provisions, the Act sets a strong base for transforming Nigeria's energy landscape, aligning it with global sustainability goals.

3.2.3. The Environmental Impact Assessment Act 1992

The Environmental Impact Assessment Act 1992 is one of the legislative frameworks instrumentally involved in the process of energy transition and protection of the environment. The legislation was enacted in response to issues environmental degradation caused by various activities involving land use.

a. a. Highlight of some key Provisions pf the Act

The EIA Act mandates that certain projects, including those related to energy production and infrastructure, undergo a thorough assessment to evaluate their potential impacts on the environment. The Act outlines the types of projects that require an EIA, including large-scale energy projects. By specifying the threshold for assessments, the Act ensures that significant potential impacts undergo rigorous review⁶¹. Also, the Act ensures public participation by ensuring that stakeholders, including local communities and environmental NGOs, are involved in the assessment process. This engagement fosters transparency, allowing diverse perspectives to be considered in decision-making⁶². Furthermore, The Act requires developers to

⁶⁰ *ibid.*

⁶¹ Section 3.

⁶² Section 7.

propose measures to mitigate identified environmental impacts. This ensures that energy projects are designed with sustainability in mind, minimizing negative consequences for ecosystems and communities⁶³.

3.2.3a. Role of the EIA Act in Energy Transition

i. Facilitating Sustainable Energy Practices

The EIA Act fosters the transition to renewable energy sources by mandating that energy developers assess the ecological ramifications of their projects⁶⁴. As energy systems shift from fossil fuels to renewables, such as wind, solar, and hydropower, the EIA process ensures that these alternatives are responsibly sited and constructed. For example, by requiring assessments for wind farm installations, the Act helps to identify and mitigate impacts on bird migration patterns and local ecosystems.

ii. Promoting Public Engagement and Transparency

Through its provisions for public participation, the EIA Act democratizes the energy transition process. Local communities often have valuable insights into the environmental and social dimensions of proposed energy projects⁶⁵. Engaging with the public allows for the identification of local issues that may not be immediately apparent to project developers or regulators. Moreover, public scrutiny can lead to greater accountability, ensuring that companies adhere to best practices in sustainability.

iii. Encouraging Adaptive Management

The requirement for mitigation measures and ongoing monitoring promotes adaptive management in energy projects. During the transition to renewable energy, it is essential to learn from both

⁶³ Section 5.

⁶⁴ Section 3.

⁶⁵ Section 7.

successes and failures. The EIA process allows for the modification of projects based on environmental monitoring outcomes, thereby minimizing adverse effects and promoting continuous improvement⁶⁶. This adaptability is vital as new technologies and practices are adopted in the energy sector.

4.0 RECOMMENDATIONS

i. The authors recommend the adoption of an African treaty which will establish a Pan-African Renewable Energy Fund to provide financial resources and incentives for renewable projects across Africa. This will mandate African member countries to make specific contributions to the Fund, which will be utilized to finance the transition to renewable energy across the continent.

ii. Also, the authors recommend the adoption and implementation of a harmonized energy transition framework in Africa, which will serve as the bedrock for energy transition policies across the continent. The policy can be styled the African Regional Energy Transition Policy Framework, and the aim will be to harmonize regulations and encourage cross-border energy trade.

iii. Finally, the legislation so enacted should contain enforcement mechanisms as well as stiff sanctions for countries that fail to comply with its provisions as lack of enforcement mechanisms has often been the bane of realizing the objectives of most international treaties.

5.0 CONCLUSION

The adoption of renewable energy sources is key to energy transition in Africa and this will provide a new dimension for economic growth of the continent. Key to energy transition is the role of legislation

⁶⁶ Sections 10.

which provide the bedrock for a move towards any meaningful change. Renewable energy sources are healthy for the environment and this in turn impacts positively on the wellbeing of people. Through adoption of harmonized treaties and conventions on energy transition, Africa can be the new frontier and the pivot for global adoption of renewable energy sources which in turn will have positive implications for economic advancement of the continent.