

LOBBYIST (REGULATION) BILL, 2016

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A BILL

FOR

AN BILL TO PROVIDE FOR THE REGISTRATION AND REGULATION OF LOBBYIST IN THE NATIONAL ASSEMBLY TO, AMONG OTHER THINGS, LEGITIMIZE LOBBYING, ENCOURAGE PUBLIC PARTICIPATION IN LAW MAKING PROCESS AND FACILITATE TRANSPARENCY AND ACCOUNTABILITY IN LAW MAKING PROCESS AND FOR RELATED MATTERS

Sponsored by Senator Dino Melaye

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 **1. The purpose of this bill is to regulate manner of lobbying of Bill** Purpose
2 or any other legislative document, that are before the National Assembly, or
3 about to be presented to the National Assembly, for the purpose of
4 convincing the law makers to vote for or against the bill.

5 **2. This Bill shall apply to all persons with the objectives of** Application
6 lobbying of bills or any other legislative document that require Billion of the
7 members of the National Assembly.

8 **3. The objectives of this Bill include to-** Objective

9 (a) legitimize lobbying and make it a regulated profession in the
10 National Assembly;

11 (b) create more awareness of the working of the National
12 Assembly;

13 (c) promote mobilization of support for different policy choices;

14 (d) encourage extensive research relating to law making process
15 and policy development in the National Assembly;

16 (e) facilitate greater understanding of the workings of government;

17 (f) encourage public participation in the law making process in the
18 National Assembly;

1 (g) link Government with clients thereby enhancing communication
2 between Government and public interests;

3 (h) facilitate the development of a more competitive policy
4 environment;

5 (i) track government Activities; and

6 (j) facilitate transparency and accountability in the law making
7 process.

Registrar of
lobbyist

8 4.-(1) The Clerk to the National Assembly shall be responsible for
9 registration of lobbyist and related matters under this Bill.

10 (2) In carrying out the responsibilities under sub-clause (1) of this
11 clause, the Clerk to the National Assembly may delegate his functions to staff
12 under the National Assembly service.

Functions of the
Registrar

13 5.-(1) The functions of the Registrar include-

14 (a) general administration of Lobbyist;

15 (b) issuing Certificate of Registration as Lobbyist to individual or
16 body corporate;

17 (c) retaining a copy of the Lobbying instruction from his client;

18 (d) receiving reports from the lobbyists and making them available
19 for public inspection at reasonable times and upon payment of a prescribed
20 fees, the reports filed under this Bill;

21 (e) preparing annual report of all the Activities of Lobbyists;

22 (f) maintaining a Register containing the names of Lobbyist and
23 Lobbyist firms indicating date of registration, date of termination of
24 registration and other particulars;

25 (g) making relevant documents available and accessible to the
26 Lobbyist and maintaining a website to post all information relating to Lobbyist
27 for public access; and

28 (h) providing other related services.

29 (2) The Certificate of Registration issued under sub-clause (1) of this
30 clause, is renewable every year upon the payment of a certain sum of money to

1 the Registrar.

2 6.-(1) An individual who wants to undertake the services of a
3 lobbyist in the National Assembly shall take steps to register with the
4 Registrar of Lobbyist in a manner provided by the Registrar.

Registration of
lobbyist

5 (2) A body corporate that intends to undertake the services of a
6 lobbyist in the National Assembly, shall submit, to the Registrar, documents
7 of incorporation containing objective of carrying out lobbying services, for
8 examination and registration in a manner provided by the Registrar of
9 Lobbyist.

10 7.-(1) Each Lobbyist shall file annual reports of his lobbying
11 Activities, of the preceding year, with the Registrar on or after 30th of
12 December every year.

Reports by
lobbyist

13 (2) The report shall contain-

14 (a) the name of the Lobbyist, the name of the client, the date of
15 engagement to carry out lobbying Activities and any changes or updates to
16 the information provided in the initial registration;

17 (b) a list of specific issues upon which the Lobbyist engaged in
18 lobbying Activities on behalf of the client during the annual reports
19 including the list of the Bills and summary of Billions taken on the Bill by
20 any Chamber of the National Assembly;

21 (c) a description of the interest, if any, of any foreign entity
22 involved in the Lobbying Activities; and

23 (d) If the Lobbyist is a firm or company, a list of employees who
24 Billed on behalf of the client.

25 8. Upon registration with the Registrar of Lobbying, each
26 Lobbyist shall subscribe to the Code of Lobbying Ethics as provided in a
27 schedule to this Bill.

Code of Lobbying

28 9. The certificate of lobbying can be cancelled by the Registrar
29 where-

Cancellation of
registration

30 (a) the lobbyist violates any of the provisions of this Bill;

1 'Foreign entity' means a company not incorporated in Nigeria or in the case
2 of an individual, a person who is not a Nigerian citizen;

3 "Lobbying Activities" means lobbying contacts and efforts in support of
4 such, contacts, including preparation and planning Activities, research and
5 other background work that is intended, at the time it is performed, for use in
6 contacts, and coordination with the aim of soliciting support of the National
7 Assembly to vote for or against a particular legislative document.

8 14. This Bill is cited as Lobbying (Regulation) Bill, 2016.

Citation

9 SCHEDULE CLAUSE 8

10 CODE OF LOBBYING ETHICS

11 Preamble:

12 0.1. Lobbying is an integral part of our nation's democratic process.
13 Government officials are continuously making public policy decisions that
14 affect the vital interests of individuals, corporations, labor organizations,
15 religious groups, charitable institutions and other entities.

16 0.2. Public officials need to receive fBillual information from
17 affected interests and to know such parties' views in order to make informed
18 policy judgments.

19 0.3. In exercising their rights to try to influence public policy,
20 interests often choose to employ professional representatives to monitor
21 developments and advocate their positions, or to use lobbyists through their
22 membership in trade associations and other membership organizations.
23 Tens of thousands of men and women now are professional lobbyists and
24 represent virtually every type of interest.

25 0.4 To help preserve and advance public trust and confidence in
26 our democratic institutions and the public policy advocacy process,
27 professional lobbyists have a strong obligation to Bill always in the highest
28 ethical and moral manner in their dealings with all parties.

29 0.5. Lobbyists also have a duty to advance public understanding of
30 the lobbying profession.

1 0.6. The following "Code of Lobbying Ethics" shall provide basic
2 guidelines and standards for lobbyists' conduct. In general, this Code is
3 intended to apply to independent lobbyists who are retained to represent third
4 party clients' interests and to lobbyists employed on the staff of corporations,
5 labor organizations, associations and other entities where their employer is in
6 effect their "client."

7 0.7. Lobbyists are strongly urged to comply with this Code and to seek
8 always to practice the highest ethical conduct in their lobbying endeavors.

9 0.8. Any person registered as a Lobbyist and found guilty by a court of
10 a crime of moral turpitude or of violating a law directly related to any
11 professional lobbying or political campaign Activity shall forfeit his
12 registration under this Bill.

13 ARTICLE I - HONESTY & INTEGRITY

14 A lobbyist should conduct lobbying Activities with honesty and integrity.

15 1.1. A lobbyist should be truthful in communicating with public
16 officials and with other interested persons and should seek to provide factually
17 correct, current and accurate information.

18 1.2. If a lobbyist observes that he has provided a public official or
19 other interested person with factually inaccurate information of a significant,
20 relevant, and material nature, the lobbyist should promptly provide the
21 factually accurate information to the interested person.

22 1.3. If a material change in factual information that the lobbyist
23 provided previously to a public official causes the information to become
24 inaccurate and the lobbyist knows the public official may still be relying upon
25 the information, the lobbyist should provide accurate and updated information
26 to the public official.

27 ARTICLE II - COMPLIANCE WITH APPLICABLE LAWS,

28 REGULATIONS & RULES

29 A lobbyist should comply fully with all laws, regulations and rules applicable
30 to the lobbyist.

1 2.1. A lobbyist should be familiar with laws, regulations and rules
2 applicable to the lobbying profession and should not engage in any violation
3 of such laws, regulations and rules.

4 2.2. A Legislator or government official who has vacated his
5 position shall wait for 1 year, from date of such retirement, before engaging
6 in lobbying Activities.

7 2.3. Provide full disclosure on lobbying Activities clients and
8 sources of lobbying funds.

9 2.4 Report connections to public officials or legislators.

10 2.5 Report income periodically as stated in the Bill.

11 2.6 Prohibit Commissions upon favourable lobbying effort.

12 2.7 Prohibit gifts in cash or kind above N50, 000 to public officials
13 or legislators being lobbied.

14 ARTICLE III - PROFESSIONALISM

15 A lobbyist should conduct lobbying Activities in a fair and professional
16 manner.

17 3.1. A lobbyist should have a basic understanding of the legislative
18 and governmental process and such specialized knowledge as is necessary
19 to represent clients or an employer in a competent, professional manner.

20 3.2. A lobbyist should maintain the lobbyist's understanding of
21 governmental processes and specialized knowledge through appropriate
22 methods such as continuing study, seminars and similar sessions in order to
23 represent clients or an employer in a competent, professional manner.

24 3.3. A lobbyist should treat others - both allies and adversaries -
25 with respect and civility. 3.4. A lobbyist should participate in continuing
26 education and training programs, including those addressing compliance
27 with laws, rules, and ethical standards applicable to the profession, on an
28 annual basis.

29 ARTICLE IV - CONFLICTS OF INTEREST

30 A lobbyist should not continue or undertake representations that may create

1 conflicts of interest without the informed consent of the client or potential
2 client involved.

3 4.1. A lobbyist should avoid advocating a position on an issue if the
4 lobbyist is also representing another client on the same issue with a conflicting
5 position.

6 4.2. If a lobbyist's work for one client on an issue may have a
7 significant adverse impact on another client's interests, the lobbyist should
8 inform and obtain consent from the other client whose interests may be affected
9 of this of Bill even if the lobbyist is not representing the other client on the same
10 issue.

11 4.3. A lobbyist should disclose all known conflicts to the client or
12 prospective client and discuss and resolve the conflict issues promptly.

13 4.4. A lobbyist should inform the client if any other person is
14 receiving a direct or indirect referral or consulting fee from the lobbyist due to
15 or in connection with the client's work and the amount of such fee or payment.

16 ARTICLE V - DUE DILIGENCE & BEST EFFORTS

17 A lobbyist should vigorously and diligently advance and advocate the client's
18 or employer's interests.

19 5.1. A lobbyist should devote time, attention, and resources to the
20 client's or employer's interests that are commensurate with client expectations,
21 agreements, and compensation.

22 5.2. A lobbyist should exercise loyalty to the client's or employer's
23 interests.

24 5.3. A lobbyist should keep the client or employer informed regarding
25 the work that the lobbyist is undertaking and, to the extent possible, should give
26 the client the opportunity to choose between various options and strategies.

27 ARTICLE VI - COMPENSATION AND ENGAGEMENT TERMS

28 6.1. A lobbyist who is retained by a client should have a written
29 agreement with the client regarding the terms and conditions for the lobbyist's
30 services, including the amount of and basis for compensation. The agreement

1 should include the subject of expenses, and the lobbyists should charge only
2 those expenditures made on behalf of the client and in furtherance of the
3 objective pursued on the client's behalf.

4 6.2. The fees charged by a lobbyist should be reasonable, taking
5 into account the of Bills and circumstances of the engagement.

6 6.3. A lobbyist shall disclose to other clients and, if requested, to
7 government officials the existence of any agreement for the receipt of
8 contingent fees or bonuses for obtaining or preventing the enBillment of
9 legislation.

10 6.4. Upon termination of representation, a lobbyist should take
11 steps to the extent reasonably prBilllicable to protect an employer's or client's
12 interests. such as giving reasonable notice to the employer or client,
13 allowing time for employment of another lobbyist, and surrendering papers
14 and property to which the employer or client is entitled.

15 ARTICLE VII - CONFIDENTIALITY

16 A lobbyist should maintain appropriate confidentiality of client or employer
17 information.

18 7.1. A lobbyist should not disclose confidential information
19 without the client's or employer's written consent.

20 7.2 A lobbyist should not use confidential client information
21 against the interests of a client or employer or for any purpose not
22 contemplated by the engagement or terms of employment.

23 ARTICLE VIII -PUBLIC EDUCATION

24 8.1. A lobbyist should seek to ensure better public understanding
25 and appreciation of the nature, legitimacy and necessity of lobbying in our
26 democratic governmental process pursuant to the provisions of 1999
27 Constitution as amended.

28 8.2 A lobbyist is encouraged to devote a not insubstantial amount
29 of time each year to providing lobbying or related services to persons or
30 organizations that are pursuing objectives that advance the public good, but

1 who do not have the resources to compensate lobbyists to represent them in that
2 endeavor.

3 ARTICLE IX - DUTY TO GOVERNMENTAL INSTITUTIONS

4 In addition to fulfilling duties and responsibilities to the client or employer, a
5 lobbyist should exhibit proper respect for the governmental institutions before
6 which the lobbyist represents and advocates clients' interests.

7 9.1. A lobbyist should not Bill in any manner that will undermine
8 public confidence and trust in the democratic governmental process.

9 9.2. A lobbyist should not Bill in a manner that shows disrespect for
10 government institutions.

ATTESTATION

I, the undersigned Lobbyist, understand the contents of the above Code of
Lobbying Ethics and undertake to comply and abide with the contents thereof:

Name of Lobbyist:

Company name (if a Lobbying firm).....

Address:.....

Signature:.....

Date:.....

Before Me

Commissioner for Oath/Notary Public

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Registration and Regulation of Lobbyist in
the National Assembly to, among other things, legitimize lobbying, encourage
public participation in law making process and facilitate transparency and
accountability in law making process.