

A BILL

FOR

AN ACT TO REPEAL TREATIES (MAKING PROCEDURE, ETC.) ACT, CAP, T20, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND TO RE-ENACT TREATIES (MAKING PROCEDURE) ACT, 2020 AND FOR RELATED MATTERS

Sponsored by Hon. Ossai Nicholas Ossai

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. The treaty making procedure specified in this Act shall be
2 binding and applicable for the making of any treaty between the Federation
3 and any other country.

Treaty making
procedure

4 2. All treaties and agreements to be negotiated and entered into for
5 and on behalf of the Federation by any Ministry, government agency or
6 department, body or person, shall be made in accordance with the
7 Constitution and with the procedure specified in this Act or as may be
8 modified, varied or amended by an Act of the National Assembly.

9 3. Without prejudice to the generality of the provisions of the
10 Constitution of the Federal Republic of Nigeria, 1999 (as amended), all
11 treaties and agreements to be made between the Government of the
12 Federation and any other country shall not have the force of law except to the
13 extent to which any such treaty has been enacted into law by the National
14 Assembly.

15 4. The National Assembly may make laws for the Federation or
16 any part thereof with respect to matters not included in the Exclusive
17 Legislative List for the purpose of making or implementing a treaty.

18 5. A bill for an Act of the National Assembly passed pursuant to
19 the provisions of sub-section s (3) and (4) of this section shall not be

1 presented to the President for assent, and shall not be enacted, unless it is
2 ratified by a majority of all the Houses of Assembly in the Federation.

Classification
of procedure

3 6. Treaties and Agreements which deal with mutual exchange of
4 culture, education and any other facilities shall be ratified by simple majority
5 of the National Assembly.

6 7. Treaties and agreements constituting rules which govern inter-
7 state relationship and co-operation in any area of endeavour and which have
8 the effect of altering or modifying existing legislation or which affects the
9 legislative powers of the National Assembly shall be enacted into law.

10 8. Agreements which impose financial, political and social obligation
11 on Nigeria or which are of scientific or technical import shall be enacted into
12 law.

Approval of the
National Assembly

13 9. Approval must first be sought and obtained from the two Houses of
14 the National Assembly before any Ministry, government agency or
15 department, body or person signs any Treaty or Agreement for and on behalf of
16 the Federation of Nigeria with any other country or foreign based company or
17 foreign body.

Transmission of
signed Treaty
and Agreement

18 10. Upon the signing of any treaty or Agreement, the Ministry,
19 government agency or department, body or person, who is a party in the Treaty
20 or Agreement, shall within the period of one month transmit such Treaty or
21 Agreement to the Federal Ministry of Justice and to the two Houses of the
22 National Assembly.

Depository of
Treaties

23 11.-(1) The Federal Ministry of Justice shall be the depository of all
24 treaties or agreements entered into between the Federation and any other
25 country or a foreign based company or individual.

26 (2) Accordingly, all treaties entered into between the Government of
27 the Federation and any other country or foreign based company or foreign body
28 by any Ministry, government agency or department, body or person, shall be
29 deposited with the Federal Ministry of Justice for record purposes.

1 12.-(1) It shall be the duty of the Federal Ministry of Justice to
2 prepare and maintain a register of treaties and agreements (in this Act
3 referred to as "the register") for the purpose of this Act.

Register of
Treaties

4 (2) The register maintained under sub-section (1) of this section
5 shall be open at all reasonable times for inspection by members of the public
6 on the payment of a token fee as may be determined from time to time by the
7 Federal Ministry of Justice.

8 13. The Federal Ministry of Justice shall, to the exclusion of any
9 other Ministry or authority, have power to give notification on the
10 conclusion of any new treaty or agreement to the Federal Government
11 Printer for purposes of publication.

Notification to
Federal Government
Printer

12 14. This Bill may be cited as the *Treaties (Making Procedure) Bill,*
13 2020.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the *Treaties (Making Procedure, ETC.) Act, 1993*, published in Cap, T20, *Laws of the Federation of Nigeria, 2004* and to re-enact *Treaties (Making Procedure) Act, 2020* to ensure that the *Treaty Making Procedure Act* is in tandem with the *Constitution of the Federal Republic of Nigeria, 1999 (as amended)*.

