

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN OFFICE FOR TRADE NEGOTIATIONS TO COORDINATE, UPDATE AND MANAGE THE TRADE POLICY OF NIGERIA, LEAD TRADE AND TRADE-RELATED NEGOTIATIONS, IMPLEMENT A RULES-BASED TRADE REMEDY INFRASTRUCTURE FOR THE SAFEGUARD AND ADVANCEMENT OF THE NIGERIAN ECONOMY AND FOR RELATED MATTERS

Sponsored by Senator Fadahunsi Francis

[] Commencement

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

- 1 PART I - OBJECTIVES, APPLICATION AND SCOPE
- 2 1. The objectives of this Act include, to: Objectives
- 3 (a) coordinate and lead Nigeria's trade and trade - related
- 4 negotiations;
- 5 (b) ensure that negotiated trade and trade-related agreements
- 6 entered into by Nigeria:
- 7 (i) connect investments in the Nigerian economy to integrated
- 8 regional and global supply chains, and
- 9 (ii) expand market access for Nigerian exporters of goods and
- 10 providers of services;
- 11 (c) coordinate, update and manage Nigeria's trade policy;
- 12 (d) resolve coordination deficits in Nigeria's trade policy and stop
- 13 associated costs to economic growth;
- 14 (e) identify and eliminate impediments in the implementation of
- 15 the trade and trade-related policies priorities of Nigeria;
- 16 (f) establish and implement a rules-based trade remedy
- 17 infrastructure;

- 1 (g) seek coherence in trade, fiscal, monetary and foreign policies of
2 Nigeria;
- 3 (h) correct and reverse the failures from Nigeria's trade policy and
4 negotiations;
- 5 (i) use trade policy and negotiations to promote economic growth and
6 provide a modernized and effective platform for the structural transformation,
7 industrialization and diversification of the Nigerian economy;
- 8 (j) expand Nigeria's market access to regional and global markets
9 through negotiated Free Trade Agreements (FTAs);
- 10 (k) re-negotiate Nigeria's strategic trade and trade-related agreements
11 to regions of economic growth and development;
- 12 (l) modernize Nigeria's infrastructure for trade policy and
13 negotiations and associated negotiations to function as an instrument for
14 growth and job creation; and
- 15 (m) monitor the economic and trade behavior of Nigeria's trading
16 partners and report on the gains and mutual benefits from Nigeria's trade
17 relationships, in the Nigerian Annual Trade Policy Reports (NATPOR).
- Application 18 2. This Act applies to all trade, trade- related matters and activities
19 associated with trade- related agreements, Memoranda of Understanding
20 (MOUs) concerning:
- 21 (a) The Protocol of the Economic Community of West African States
22 (ECOWAS);
- 23 (b) the Continental Free Trade Area for Africa (CFTA) and trade
24 negotiations in the CFTA;
- 25 (c) trade negotiations in The Commonwealth in accordance with the
26 decisions of the Commonwealth Trade Ministers;
- 27 (d) The World Trade Organization (WTO) and covered agreements;
- 28 (e) negotiations for Free Trade Agreements (FTAs);
- 29 (f) negotiations and MOUs for trade and investments;
- 30 (g) negotiations for agreements, MOUs, declarations and cooperation

1 for trade and investments; and

2 (h) such other trade and trade-related activities in any location as
3 Nigeria may be involved, from time to time.

4 3.-(1) This Act shall apply to the negotiations for:

Scope

5 (a) trade in goods including tariffs and non-tariff barriers;

6 (b) trade in services including Digital-Led Strategies for Growth;

7 (c) trade in Intellectual Property Rights (IPRs);

8 (d) trade and investment policies;

9 (e) trade and competition policies;

10 (f) Trade Policy Reviews (TPRs);

11 (g) negotiate, schedule and update Nigeria's tariff concessions in
12 conjunction with the Tariff Technical Committee (TTC);

13 (h) the settlement of trade disputes such as the ECOWAS, CFIA
14 and WTO trade disputes in liaison with the Office of the Attorney-General of
15 the Federation; and

16 (i) such other trade-related areas and investment in which Nigeria
17 may wish to be involved from time to time.

18 (2) In the conduct of negotiations referred to in subsection (1) of
19 this section, the NOTN shall:

20 (a) obtain specific mandate from the President on the
21 recommendation of the Economic Management Team;

22 (b) receive and consider the inputs from the Industrial Policy and
23 Competitiveness Advisory Council's Sub-Committee on Trade and Market
24 Access;

25 (c) receive and consider inputs from any other technical committee
26 on specific trade negotiations as may be established from time to time by the
27 Government;

28 (d) receive and consider inputs, in an advisory capacity, from
29 Enlarged National Focal Point for Trade (ENFP);

30 (e) receive and consider inputs from any other stakeholder, in an

1 advisory capacity, whose interest may be affected by the outcome of such
2 negotiations; and

3 (f) liaise, collaborate and work with the Office of the Attorney
4 General of the Federation and any other relevant MDA to achieve favourable
5 negotiated terms for Nigeria.

6 PART II - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE NIGERIAN
7 OFFICE FOR TRADE NEGOTIATIONS

Establishment
of the Nigeria
Office for the
Trade Negotiations

8 4.-(1) There is established a body known as the Nigerian Office for
9 Trade Negotiations (in this Act referred to as "the NOTN").

10 (2) The NOTN:

11 (a) shall be a body corporate with perpetual succession and a common
12 seal;

13 (b) may sue and be sued in its corporate name;

14 (c) may acquire, hold or dispose of property whether moveable or
15 immovable; and

16 (d) may enter into contracts and incur obligations

Functions of
the NOTN

17 5.-(1) The NOTN shall:

18 (a) be the trade negotiating body for Nigeria and undertake, manage
19 and coordinate all Nigeria's external trade and trade related negotiations;

20 (b) negotiate the integration of the Nigerian economy into regional
21 and global value chains so as to expand job opportunities;

22 (c) disseminate to local manufacturers and exporters information on
23 market access created through trade negotiations;

24 (d) undertake regular consultation with all relevant stakeholders,
25 including Federal Government Ministries, Departments and Agencies
26 (MDAs), private sector and civil society on Nigeria's external trade
27 negotiations, rights and obligations;

28 (e) conduct or commission research for the purpose of formulating
29 negotiating positions and strategies;

30 (f) recommend appropriate measures and policies necessary for the

- 1 effective implementation of trade agreements entered into by Nigeria;
- 2 (g) administer trade remedies for the purpose of protecting
3 Nigerian economy from unfair trade practices, unfair import competition
4 and injurious dumping;
- 5 (h) produce annual trade and associated policy reports on the status
6 of Nigeria's external trade engagements and performance;
- 7 (i) establish and maintain trade databases as may be required for its
8 activities;
- 9 (j) undertake and publish studies and information for the use of the
10 public on trade, trade-related and investment issues;
- 11 (k) prepare and update, periodically, Nigeria's trade policy;
- 12 (l) lead the consultations on the nullification and impairment of
13 benefits, pursuant to Nigeria's trade and trade-related Agreements in formal
14 and informal trade dispute settlement mechanisms, in consultation with the
15 Federal Ministry of Justice;
- 16 (m) gather trade and economic intelligence for the growth of the
17 Nigerian economy; and
- 18 (n) such other functions as may be considered necessary for the
19 attainment of its objectives under this Act.
- 20 6. In carrying out its functions under this Act, the NOTN shall have Powers
21 powers to:
- 22 (a) negotiate trade agreements for Nigeria in accordance with the
23 specific mandate as provided under section 3(2)(a) of this Act;
- 24 (b) collaborate with relevant MDAs in carrying out its functions
25 under this Act;
- 26 (c) subject to the Land Use Act, acquire, purchase or lease, any
27 landed property required for its operations;
- 28 (d) retain the services of consultants and advisers as it may deem fit
29 for the purpose of carrying out its functions under this Act;
- 30 (e) liaise, with relevant establishments within and outside Nigeria

- 1 in pursuance of its functions under this Act;
- 2 (f) receive gifts by way of grants or testamentary dispositions,
- 3 provided that such gifts are not inconsistent with the functions of the NOTN;
- 4 (g) exercise disciplinary control, including dismissal, over its
- 5 employees;
- 6 (h) provide training for its staff and assist with the capacity building of
- 7 trade related MDAs; and
- 8 (i) carry out such other activities as are necessary and expedient for
- 9 the performance of its functions under this Act.

10 PART III - ESTABLISHMENT AND FUNCTIONS OF THE ADVISORY

11 COUNCIL OF THE NOTN

12 7.-(1) There is established for the NOTN an Advisory Council (in this

13 Act referred to as "the Council").

14 (2) The Council shall consist of:

15 (a) a Chairman who shall be a person with requisite cognate

16 knowledge and practical experience in matters relating to trade and investment

17 and international economic relations to be appointed by the President;

18 (b) Nigeria's Chief Trade Negotiator and Director General of NOTN;

19 (c) one representative from each of the following Federal Ministries

20 and institutions who, being their staff, shall not be below the directorate cadre:

21 (i) Industry, Trade and Investment,

22 (ii) Foreign Affairs,

23 (iii) Finance,

24 (iv) Justice;

25 (v) Budget and National Planning,

26 (vi) Nigeria Customs Service (NCS),

27 (vii) Nigeria Immigration Service (NIS),

28 (viii) Nigeria Investment Promotion Commission (NIPC), and

29 (ix) National Bureau of Statistics;

30 (d) one representative from each of the following organizations:

Establishment
and composition
of the Advisory
Council of the
NOTN

1 (i) the Nigerian Association of Chambers of Commerce,
2 Industries, Mines and Agriculture,

3 (ii) the Manufacturers' Association of Nigeria,

4 (iii) Nigerian Coalition of Services Industry,

5 (iv) Nigerian Economic Summit Group,

6 (v) National Association of Small and Medium Scale Enterprises,

7 and

8 (vi) National Association of Nigerian Traders.

9 (e) a person not employed in the public service and who shall have
10 at least 15 years practical experience in the field of trade, industry, and
11 investment or such other related fields, to be appointed by Mr. President on
12 the recommendation of the Minister.

13 (4) The members of the Council other than the ex-officio members
14 shall be-

15 (a) appointed by the President on the recommendation of the
16 Minister; and

17 (b) persons of proven integrity with cognate experience in
18 disciplines relevant to the objectives of the NOTN, provided that in respect
19 of appointments made pursuant to subsection (2) (d) (i) to (vi), the Minister
20 shall make his recommendations from the nominations received from the
21 appropriate associations.

22 (5) The supplementary provisions set out in the First Schedule to
23 this Act shall have effect with respect to the proceedings of the Council and
24 other matters contained therein.

25 8.-(1) Members of the Council:

26 (a) other than the Chief Trade Negotiator and Director General
27 shall hold office on part-time basis; and

28 (b) who are not ex-officio members shall hold office for a term of
29 four years in the first instance and may be eligible for re-appointment on
30 satisfactory performance for another term of four years and no more.

Tenure of Office
of the Advisory
Council

1 (2) Subject to any other provisions of this Act, a member of the
2 Council shall hold office on the terms and conditions specified in his letter of
3 appointment.

4 (3) Notwithstanding the provisions of sub-section (1) of this section,
5 the Chairman or any member of the Council may at any time be removed from
6 office by the President for inability to discharge the functions of his office,
7 whether arising from infirmity of mind or body or any other cause or
8 misconduct.

Emolument,
allowances and
benefits

9 9. The Chairman and members of the Council shall be paid such
10 emoluments, allowances and benefits as the Federal Government may from
11 time to time approve.

Cessation of
membership

12 10. A person shall cease to hold office as a member of the Council
13 where:

14 (a) the term of office expires;

15 (b) the person resigns from office by a notice in writing hand
16 addressed to the President;

17 (c) in case of an ex officio member, such person ceases to hold the
18 office on the basis of which such person became a member or is withdrawn by
19 the association that nominated such person;

20 (d) such person is removed from office; or

21 (e) the person dies.

Removal from
the Council

22 11. A person shall be removed as a member of the Council where:

23 (a) he becomes bankrupt;

24 (b) he is convicted of a felony or any offence involving dishonesty or
25 fraud;

26 (c) he becomes of unsound mind or is incapable of carrying out his
27 duties;

28 (d) he is guilty of a serious misconduct in relation to his duties;

29 (e) he possesses professional qualification and he is disqualified or
30 suspended from practicing his profession in Nigeria by an order of a competent

1 authority; or

2 (f) the President is satisfied that it is not in the interest of the NOTN
3 or of the public for the person to continue in office.

4 12.-(1) Where a vacancy occurs in the Council pursuant to the
5 provisions of section 10 or 11 or any other provision of this Act, the
6 President shall appoint a person to fill the vacancy.

Filling of
vacancies

7 (2) A person appointed to fill a vacancy pursuant to subsection (1)
8 of this section to replace a member who is not an ex-officio member, shall
9 hold office for the unexpired term of office of his predecessor whose exit
10 created the vacancy.

11 (3) Notwithstanding the provisions of subsection (2) of this
12 section, a member filling a vacancy created by the exit of a member of a
13 body, group, association or organization shall:

14 (a) hold office for the unexpired term of office of his predecessor in
15 office;

16 (b) be nominated by the same body, group, association or
17 organization as his predecessor where his predecessor has not completed his
18 term of office; and

19 (c) shall represent the same interest in the Council as that of his
20 predecessor.

21 13.-(1) The Council shall have powers to:

22 (a) approve rules and regulations relating to the appointment,
23 promotion and disciplinary measures of staff of the NOTN;

24 (b) fix the remuneration, allowances and benefits of staff of the
25 NOTN subject to the approval of the National Salaries, Incomes and Wages
26 Commission; and

27 (c) regulate its proceedings and make standing orders with respect
28 to its meetings, notices to be given, the keeping of minutes of its proceedings
29 and such other matters as the Council may, from time to time, determine.

30 (2) The Council shall:

Powers and
functions of the
Council

- 1 (a) formulate and provide policy guidelines and support for
2 developing a roadmap for discharging the functions of the NOTN;
- 3 (b) provide oversight functions on the affairs of the NOTN and ensure
4 the implementation of policies and programs of the NOTN;
- 5 (c) review and approve the strategic plan of the NOTN relevant to the
6 attainment of the objectives including capacity building and research in areas
7 connected with trade and investment;
- 8 (d) encourage and supervise the strategic repositioning of the
9 Nigeria's trade and investment sector to enable it respond to its existing trade
10 imbalance and emerging global trends in trade and investment;
- 11 (e) advise the NOTN with regard to financial, operational and
12 administrative matters;
- 13 (f) establish committees, as may be expedient, which shall be charged
14 with specific functions;
- 15 (g) encourage and promote activities relating to the functions of the
16 NOTN; and
- 17 (h) carry out such other functions as may be expedient for the
18 attainment of the objectives of NOTN under this Act.

19 PART IV - STRUCTURE OF THE NIGERIAN OFFICE FOR TRADE
20 NEGOTIATIONS

Operational
structure of the
NOTN

- 21 14.-(1) The NOTN shall:
- 22 (a) have its Corporate office situate at Abuja, the Federal Capital
23 Territory; and
- 24 (b) lead Nigeria's trade negotiations and be responsible for the
25 conduct and management of Nigeria's trade policy;
- 26 (2) The operational structure of the NOTN shall comprise:
- 27 (a) office of the Chief Trade Negotiator and Director General; and
28 (b) such other offices, departments, units and sections as may be
29 required for the proper performance of the functions of the NOTN.

1 PART V - MANAGEMENT AND STAFF OF THE NIGERIAN OFFICE FOR

2 TRADE NEGOTIATIONS

3 15.-(1) There shall be appointed for the NOTN by the President on
4 the recommendation of the Minister, a Chief Trade Negotiator for Nigeria,
5 who shall be:

Appointment of
the Chief Trade
Negotiator for
Nigeria and
Director-General

6 (a) the Director General of the NOTN;

7 (b) a person with expertise in trade, investment and associated
8 negotiations, at global, multilateral and regional levels;

9 (c) a person with not less than 15 years of practical experience in
10 trade and investment matters; and

11 (d) the lead representative of Nigeria in all trade and trade related
12 negotiations as may be mandated by the President.

13 (2) The Chief Trade Negotiator for Nigeria shall, on appointment,
14 be designated concurrently as an Ambassador of the Federal Republic of
15 Nigeria.

16 (3) The Chief Trade Negotiator for Nigeria and Director General
17 shall be:

18 (a) the Chief Executive and Accounting Officer of the NOTN and
19 shall be responsible for the day to day administration of the NOTN; and

20 (b) subject to the supervision of the Council and the Minister.

21 (4) The Chief Trade Negotiator for Nigeria and Director General
22 shall hold office:

23 (a) for an initial term of four years and may be re-appointed for a
24 further term of four years and no more; and

25 (b) on such terms and conditions as may be determined by the
26 President on the recommendation of the Minister.

27 16.-(1) There shall be appointed by the Council for the NOTN, a
28 Secretary who shall:

Appointment of
the Secretary and
Legal Adviser to
the NOTN

29 (a) be a legal practitioner with not less than 10 years post call
30 experience; and

1 (b) possess relevant cognate experience in trade and investment
2 matters.

3 (2) The Secretary appointed under this section shall also act as the
4 secretary to the Council but shall not be a member of the Council.

5 (3) The Secretary shall keep the corporate records of the NOTN and
6 perform such other functions and duties as the Chief Trade Negotiator and
7 Director General may, from time to time, direct.

Other Staff of
the NOTN

8 17.-(1) The NOTN may, subject to the approval of the Council,
9 appoint directly or request for the deployment from the Public Service of the
10 Federation, such other staff as it may deem necessary:

11 (a) for the efficient performance of the functions of the NOTN; and

12 (b) on such terms and conditions as may be determined by the Council
13 after consultation with the National Salaries, Incomes and Wages Commission.

14 (2) The provisions set out in the Second Schedule to this Act shall
15 apply to staff regulations, removal and disciplinary measures of staff of the
16 NOTN.

Remuneration
of staff of the
Nigerian Office
for Trade
Negotiations

17 18. The salaries, allowances and benefits of the staff of the NOTN
18 shall be in accordance with the conditions of service of the NOTN as may be
19 approved by the Council in consultation with the National Salaries, Incomes
20 and Wages Commission.

Conditions of
service

21 19.-(1) The NOTN shall in consideration of the specialized nature of
22 its functions, develop and implement appropriate staff condition of service for
23 its staff with regard to the issues of remuneration, pension scheme and other
24 fringe service benefits, sufficient for the NOTN to attract and retain quality and
25 high caliber manpower.

26 (2) Services in the NOTN shall be approved service for the purpose of
27 the Pensions Reform Act and accordingly staff shall in respect of their services
28 be entitled to pensions and other retirement benefits as are prescribed therein.

29 (3) Notwithstanding subsection (2) of this section, nothing in this Act
30 shall prevent the appointment of a person to any office on terms which

1 precludes the grant of a pension or other retirement benefits.

2 (4) For the purpose of the application of the Pensions Reform Act, a
3 power exercisable therein by the Minister or other authority of the
4 Government of the Federation, other than the power to make Regulations is
5 vested and shall be exercisable by the Council.

6 (5) Nothing in the foregoing provision shall preclude the NOTN
7 from appointing persons to serve in the NOTN on a contract basis, provided
8 that the terms and conditions of service of such appointee (including
9 remuneration, allowances and benefits) are approved by the Council in
10 accordance with existing laws and the Public Service Rules.

11 PART VI - FINANCIAL PROVISIONS

12 20.-(1) The NOTN shall establish and maintain a fund (in this Act Fund of the Office
13 referred to as "the Fund") into which shall be paid:

14 (a) such money as may be appropriated to it by the National
15 Assembly;

16 (b) the initial take-off grant as may be provided by the Federal
17 Government;

18 (c) fees charged for services rendered by NOTN;

19 (d) any special grants from the Federal or State or Local
20 Government; and

21 (e) gifts, grants-in-aid and income from investments

22 21. The NOTN shall apply the proceeds of the fund established Expenditure of the Office
23 pursuant to section 20 of this Act to:

24 (a) meet the cost of day-to-day administration of the NOTN;

25 (b) meet the cost of travelling, hosting and participation in
26 negotiations;

27 (c) provide training for the staff of the NOTN;

28 (d) pay salaries, wages, fees, allowances, retirement benefits
29 including pensions and any other remuneration payable to the members of
30 the staff of the NOTN;

1 (e) pay the seating allowances and out of pocket expenses to the
2 Council members in connection with their functions under this Act;

3 (e) pay the fees and out of pocket expenditures of consultants and
4 such persons appointed into any committee as the Council may set up from
5 time to time;

6 (f) publicize and promote the activities of the NOTN;

7 (g) meet the investment needs of the NOTN and the profit generated
8 shall be paid to the Federal Government;

9 (h) purchase or acquire property and make other approved capital
10 expenditure and to maintain any property acquired or purchased;

11 (i) undertake any other activity in connection with all or any of its
12 functions under this Act.

Annual budget

13 22.-(1) The NOTN shall not later than 31st October in each financial
14 year or any such time as may be required under the Financial Regulations of
15 Nigeria, prepare and submit to the National Assembly, through the Minister, an
16 estimate of its income and expenditure for the next financial year.

17 (2) Notwithstanding the provisions of subsection (1) of this section,
18 the NOTN may also, in any financial year, submit supplementary or adjusted
19 statements of estimated income and expenditure through the Minister to the
20 National Assembly.

Disposal of
surplus funds

21 23.-(1) The NOTN may, subject to the approval of the Ministry of
22 Finance Incorporated(MOFI) and the Financial Regulations of Nigeria, invest
23 any surplus funds in profit -yielding ventures.

24 (2) The Council may subject to subsection (1) of this section, issue to
25 the NOTN, directives as may be deemed necessary as to the disposal of any
26 such funds.

Exemption from
Income tax

27 24. Incomes derived by the NOTN from the sources specified under
28 section 23 of this Act shall be exempted from income tax.

Accounts and
Audit

29 25. The NOTN shall:

30 (a) keep proper accounts and records of its receipts, payments, assets

1 and liabilities and prepare in respect of each financial year a statement of
 2 accounts in such forms as may be directed by the Auditor- General for the
 3 Federation; and

4 (b) cause its accounts to be audited within six months from the end
 5 of each financial year by auditors whose appointment shall be approved by
 6 the Council provided that such auditors are on the list of auditors approved
 7 from time to time by the Auditor-General for the Federation.

8 26. The NOTN shall, not later than six months after the expiration
 9 of each financial year, prepare and submit to the Minister through the
 10 Council an annual report on its activities and operations during the previous
 11 year and shall include in such report, a copy of its audited accounts and the
 12 auditor's report for the year. Annual Report

13 27. The NOTN may accept gifts of land, money or other property
 14 upon such terms and conditions, if any, as may be specified by the donor of
 15 the gift, provided that the terms and conditions are not contrary to the
 16 objectives and functions of the NOTN. Power to accept
gifts

17 28. A gift intended by the donor of the gift to the NOTN shall be
 18 made directly to the NOTN which shall utilize the gift for its objects under
 19 this Act subject to any expressed wishes of the donor. Utilization of
gifts

20 29. The financial year of the NOTN shall commence from 1st
 21 January of each year and end on 31st December of the same year. Financial year

22 PART VII - LEGAL ACTIONS AGAINST THE NIGERIAN OFFICE FOR
 23 TRADE NEGOTIATION

24 30.-(1) Subject to the provisions of this Act, the provisions of the
 25 Public Officers Protection Act shall apply in relation to any suit instituted
 26 against any officer or staff of the NOTN. Limitations of
suit against the
NOTN

27 (2) Notwithstanding anything contained in any other enactment or
 28 law, no suit shall lie or be instituted in any court against any member of the
 29 Council, the Chief Trade Negotiator for Nigeria and Director-General, the
 30 Secretary or any other officer or staff of the NOTN for any act done in

1 pursuance or execution of this Act or any enactment or law, public duty or
2 authority in respect of any alleged neglect, duty or authority or be instituted in
3 any court unless it is commenced:

4 (a) within three months next after the act, neglect or default
5 complained of; or

6 (b) in the case of continuation of damage or injury, within six months
7 next after the cessation thereof.

8 (3) No suit shall be commenced against any member of the Council,
9 the Chief Trade Negotiator for Nigeria and Director General, Secretary, any
10 officer or staff of the NOTN before the expiration of a period of one month after
11 written notice of the intention to commence the suit shall have been served on
12 the NOTN by the intending plaintiff or his agent.

13 (4) The notice referred to in subsection (3) of this section shall clearly
14 and explicitly state the:

15 (a) cause of action;

16 (b) particulars of the claim;

17 (c) name and place of abode of the intending plaintiff; and

18 (d) relief sought.

Service of court
process

19 31. A notice, summons or other documents required or authorized to
20 be served on the NOTN under the provisions of this Act or any other law or
21 enactment, may be served by delivering it to the NOTN by registered post
22 addressed to the Chief Trade Negotiator for Nigeria and Director General of the
23 NOTN at the principal office of the NOTN.

Indemnity of the
officials of the
NOTN

24 32. A member of the Council, the Chief Trade Negotiator for Nigeria
25 and Director General, Secretary, officer or staff of the NOTN shall be
26 indemnified out of the assets of the NOTN against any liability incurred by him
27 in defending any proceedings, whether civil or criminal, where the proceeding
28 is brought against him in his capacity as member of the Council, the Chief
29 Trade Negotiator for Nigeria and Director General, Secretary, officer or staff of
30 the NOTN.

1 PART VIII - THE DEPOSITORY OF NIGERIA'S TRADE AGREEMENTS

2 33.-(1) The Federal Ministry of Justice shall be the depository of all The depository
3 trade and investment agreements entered into by Nigeria and accordingly: of Nigeria's trade
4 agreement

5 (a) establish and manage a comprehensive database in shared
6 portals which shall have a read-only accessibility by MDAs of the Federal
7 Government;

8 (b) the Attorney- General of the Federation and Minister of Justice
9 shall be responsible for safe custody and production of any agreement or a
10 copy; and

11 (c) a copy of any trade or investment agreement under this Act shall be
12 authenticated by the Attorney General of the Federation.

13 PART IX - MISCELLANEOUS

14 34.-(1) The Minister may, from time to time, give general policy Power to give
15 guidelines to the NOTN. directive

16 (2) Notwithstanding the provisions of subsection (1) of this
17 section, the Minister may give to the NOTN directives of a general or
18 specific nature relating generally to a particular matter or case, as the case
19 may be.

20 (3) The NOTN shall comply with any policy guidelines or directive
21 given to it by the Minister pursuant to subsection (1) or (2) of this section or
22 cause them to be complied with.

23 35.-(1) The NOTN may, with the approval of the Minister, make Power to make
24 Regulations as it deems expedient for the purpose of giving full effect to the Regulations
25 provisions of this Act.

26 (2) The contravention of any regulation issued pursuant to any of
27 the provisions of this Act shall constitute an offence and shall be punishable
28 as prescribed in the particular regulation.

29 36.-(1) Without prejudice to the provisions of the interpretation Savings provision
Act, nothing in this Act shall invalidate or otherwise prejudicially affect

1 anything done or purported to be done by NOTN before the commencement of
2 this Act.

3 (2) As from the commencement of this Act all assets, rights, liabilities
4 and obligations of the NOTN shall continue to vest in the NOTN established
5 under this Act.

6 (3) Notwithstanding the provisions of this Act and subject to such
7 directions as may be issued by the NOTN, any person who was staff of the
8 NOTN which was established by executive directive shall continue to be staff
9 of the NOTN established under this Act.

Interpretation

10 37. In this Act:

11 "chairman" means the Chairman of the Council;

12 "Council" means the Advisory Council of the Office established by section 2
13 (1) of this Act;

14 "member" means any member of the Advisory Council and includes the
15 chairperson;

16 "Minister" means the Minister In charge of Industry, trade and investment;

17 "NOTN" means the Nigerian Office of Trade Negotiations established under
18 section 1 of this Act; and

19 "President" means the President of the Federal Republic of Nigeria;

20 "Tariff Technical Committee".

Short title

21 38. This Bill may be cited as the Nigerian Office of Trade
22 Negotiations Bill, 2020.

23 SCHEDULE

24 [Section 7 (5)]

25 *Proceedings of the Advisory Council*

26 1. -(1) Subject to this Act and section 27 of the interpretation Act, the
27 Council may make standing orders regulating its proceedings or those of any of
28 its committees.

29 (2) The quorum of the Council shall be the Chairman or person
30 presiding at the meeting and five other members of the Council and the quorum

1 of any committee of the Council shall be as determined by the Council.

2 (3) The Council shall meet not more than four times in each year
3 and subject thereto, the Council shall meet whenever it is summoned by the
4 Chairman or where the Chairman is required to do so by notice given to him
5 by not less than four other members, he shall summon a meeting of the
6 Council to be held within twenty-eight days from the date the notice was
7 given.

8 (4) The particulars of the business to be transacted at any meeting
9 shall be circulated to the members with the notice of the meeting of the
10 Council.

11 (5) At any meeting of the Council, the Chairman shall preside but if
12 he is absent, the members present at the meeting shall appoint one of their
13 members to preside at the meeting.

14 (6) Every question put before the Council at a meeting shall be
15 decided by a majority of votes of the members present and voting.

16 (7) Where the Council desires to obtain the advice of any person on
17 a particular matter, the Council may co-opt such person for such period as it
18 deems fit, but a person who is in attendance by virtue of this sub-paragraph
19 shall not be entitled to vote at any meeting of the Council and shall not count
20 towards a quorum.

21 (8) Subject to the provisions of this Act, the Council may make
22 Standing Orders with respect to the holding of its meetings, the nature of
23 notice to be given, the proceedings thereat, the keeping of minutes of such
24 proceedings and the custody and production for inspection of such minutes.

25 *Committees*

26 2.-(1) The Council may appoint one or more committee to carry
27 out, on behalf of the Council, such functions as the Council may determine.

28 (2) A committee appointed under this paragraph shall consist of
29 such number of persons (not necessarily members of the Council) as may be
30 determined by the Council and a person other than a member of the Council.

1 shall hold office on the committee in accordance with the terms of his
2 appointment.

3 (3) A decision of a committee shall be of no effect until it is confirmed
4 by the Council.

5 *Miscellaneous*

6 3.-(1) The validity of any proceedings of the Councilor of a
7 committee thereof shall not be affected by any vacancy in the membership of
8 the Councilor a committee.

9 (2) Any member of the Councilor any person holding an office on a
10 committee of the Council, who has personal interest in any contract or
11 arrangement made or proposed to be made shall disclose his interest to the
12 Council and shall not:

13 (a) take part in any deliberation or vote after such disclosure in any
14 matter relating to the contract or arrangement; or

15 (b) be counted for the purpose of constituting a quorum under this
16 paragraph, and the minutes of the disclosure made under this paragraph shall be
17 recorded in the minutes of the meeting of the Council or such committee.

18 (3) The fixing of the seal of the Council shall be authenticated by the
19 signature of the Chairman and Secretary or any person generally or specifically
20 authorized by the Council to act for that purpose.

21 (4) Any contract or instrument which, if made or executed by a person
22 not being a body corporate, would not be required to be under seal, may be
23 made or executed on behalf of the Council by the Chief Trade Negotiator for
24 Nigeria and Director-General or any person generally or specifically
25 authorized by the Council to act for that purpose.

26 (5) Any document purporting to be a document duly executed under
27 the seal of the NOTN shall be received in evidence and shall, unless and until
28 the contrary is proved, be presumed to be so executed.

29 (6) The validity of any proceeding of the Councilor of a committee
30 shall not be affected by:

- 1 (a) a vacancy in the membership of the Councilor committee;
- 2 (b) a defect in the appointment of a member of the Councilor
- 3 committee; or
- 4 (c) reason that a person not entitled to do so took part in the
- 5 proceedings of the Councilor committee.

6 SECOND SCHEDULE

7 [Section 17 (2)]

8 SUPPLEMENTARY PROVISIONS RELATING TO STAFF REGULATIONS.

9 REMOVAL AND DISCIPLINARY MEASURES

10 *Staff Regulations*

11 1.-(1) The NOTN may make staff regulations relating generally to

12 the conditions of service of the staff of the NOTN and without prejudice to

13 the generality of the foregoing provisions, such regulations may provide for:

14 (a) the appointment, promotion and disciplinary control of all staff

15 of the NOTN;

16 (b) remuneration, allowances and fringe benefits of staff of the

17 NOTN;

18 (c) appeal by such staff against dismissal or other disciplinary

19 measures; and

20 (d) such other matters to ensure efficient performance of the

21 functions of the NOTN, and until the required regulations are made, the

22 regulations relating to the conditions of service of the officers in the Civil

23 Service of the Federation and the provisions of the Pensions Act shall be

24 applicable with such modifications as may be necessary to the staff of the

25 NOTN.

26 (2) Staff regulations and conditions of service made under sub-

27 paragraph (1) of this paragraph shall not have effect until it is approved by

28 the Council.

EXPLANATORY MEMORANDUM

(This memorandum does not form part of the above Act but is intended to explain its purport)

This Act seeks to establish the Nigerian Office for Trade Negotiations to manage Nigeria's trade policy and lead all trade and trade-related negotiations to ensure that trade and trade-related agreements entered into by Nigeria contributes to the structural transformation of the Nigerian Economy for modernization, industrialization, investment and employment creation.