



## National Association of Nigerian Traders (NANTS)

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Office of NANTS President

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# PRESS STATEMENT

## The Nigeria Office for Trade Negotiations (NOTN) and the Tasks Ahead

The Federal Executive Council had in May 2017 approved the establishment of the Nigerian Office for Trade Negotiations (NOTN) as the standing negotiating body for Nigeria. The office is legally domiciled in the Ministry of Industry, Trade and Investment. The mandate provides that all reports and recommendations from the NOTN on trade policy are reviewed by the National Economic Management Team (NEMT) based on memoranda submitted by the Minister of Industry, Trade and Investment, for decision making by the FEC as appropriate. A Director General has been appointed with effect from June 6, 2017 with a four year tenure.

The creation of the Nigeria Office for Trade Negotiations has been greeted and seen by many as a step in the right direction. The commendation is premised on the fact that there are many benefits and cross-cutting influence that the office will bring on Nigeria's trade policy and economic diplomacy. Again, it is obvious that at last, Nigeria can now have a coordinating point for harvesting interests and concerns of the various stakeholders and actors on trade and turn them into technical positions and national agenda at the negotiation tables. These thumbs-up are also based on the expectations that negotiations and trade agreements would no longer be shrouded in secrecy and/or undertaken in a staccato manner by every Ministry, Department and Agency (MDAs) of government. Two, NOTN will bring to an end the era where every Minister or Ministry can go out and negotiate and/or sign trade agreements on behalf of Nigeria. It is on record that Nigeria has several existing trade agreements signed by past Ministers or their representatives, yet many of these have not yielded the needed economic dividend for Nigeria and Nigerians.

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*The Union Makes For Us: Small Scale Business and Enterprises, Domestic Trade and Economic Development through Social Economic Rights*

Most of the Bilateral Investment Treaties (BITs) and Double Taxation Agreements (DTAs) signed by Nigeria are nothing but investment protection agreements which favour foreign investors with investments in our country, enjoying tax holidays and other incentives, whereas Nigeria and Nigerians on the other hand have little or no corresponding investment or market access in such countries. Thus we continually do everything possible to provide market access opportunities and protect foreign investments without much reciprocal benefits to the Nigeria or the private sector. Three, the NOTN will provide a rallying point for public and private sector engagement for sharing ideas and knowledge on cutting-edge business practices and possible trade-offs/interests by turning such inputs into technical ‘bullets’ and negotiation options. Four, NOTN will provide the platform for a thorough examination of thematic issues for negotiations and evaluation benchmarked on Nigeria’s extant laws and policies. The overarching indication is that negotiation options and strategies will be clearly and carefully weighed and balanced with existing policy drives so that commitments and obligations made through trade negotiation do not conflict with domestic laws and overall national development agenda. Five, the NOTN will enhance and build the technical capacity of Nigerian Trade Negotiators, Trade Lawyers and experts to be skilled in the various thematic areas of trade negotiations and policy development.

We are convinced that the foregoing and perhaps more are the strategic reasons behind the setting up of the NOTN. However, in order to achieve these noble goals and objectives, and for Nigerians to benefit from the resourcefulness thereof, the office must be very conscious of her mandate and take into account certain critical issues that would help in driving its mandate and at the same time support the realization of the cardinal purpose of its creation.

1. It is important that the jurisdiction and mandate be made abundantly clear to all stakeholders so as to avoid conflicts between the NOTN and other MDAs. Such openness of the mandate would build goodwill and facilitate stakeholders buy-in, confidence and ownership of the roles and functions of the NOTN.
2. Beyond the political support, it is advocated that the NOTN should operate in liaison with the Federal Ministry of Industry, Trade and Investment (FMITI). This opinion is informed by the reality that the effectiveness of the NOTN will be determined and sustained by its umbilical cord relationship with FMITI as envisaged by the policy makers. Organizationally, it would reduce and perhaps completely eliminate tensions, bickering and backstabbing among the officers and ranks whose roles and duties could be affected by this new creation. Besides, the present location of the NOTN at the Nigerian Export Promotion Council (NEPC) even though it is a parastatal under the (FMITI) should not be seen as a platform of elevation to superiority and ego-boosting. The NOTN should therefore continue to maximize the benefits and full potentials of the existing technical staff of FMITI and not create a class struggle within the workforce. Again, the NOTN will

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need to leverage on the existing staff of FMITI to provide institutional memory on trade policy and other trade negotiations in Nigeria, with the full understanding that they had participated and contributed immensely to the various processes and should not be treated with ignominy or contempt in any way. It is strongly suggested that the staff of FMITI who were relevant Desk Officers (who have also attended and benefited from many trainings and capacity building) on the various thematic issues on trade must not be made redundant. In fact, their capacity should be deployed maximally into the NOTN structures.

3. The NOTN must recognise the importance of Private Sector engagement in development cooperation and Negotiations. Indeed, in many of the developed climes, decisions on trade are majorly taken under Public Private Dialogue (PPD) and interests. The role of the NOTN should be to provide the platform for the private and public sectors to constructively debate or dialogue on common agenda for the collective good of the citizens. At such PPD, the position of relevance and impacts of domestic and international laws on contemporary issues in relation to national interests will be well guided and mainstreamed. In addition, the NOTN should undertake the responsibility of agenda setting and technical outlays for bilateral and multilateral negotiations. This way, stakeholder participation and consultation will be the bedrock of our country's position at any given fora. It is important at this juncture to sound it very loud and clear that, it would be wrong and a national disservice for the NOTN or her representatives to take decisions or roll out programs or plan of actions without engaging the private sector who are the eventual beneficiaries or brunt bearers of such programs or interventions. The importance of the Private sector cannot be overemphasized thus in developed countries trade negotiators can stop in the middle of negotiations and demand for more time to communicate and consult with their private sector at critical stages of the negotiation process.
4. The NOTN or her representative should be guided by an ethical and integrity governance framework that prohibit careless press release or media popularity at all times especially outside the negotiation platforms, as such information are deemed as official even when the subject matters are pending or awaiting stakeholders inputs. The NOTN must be discreet, if possible inconspicuous and diplomatic in utterances and must not be given to reveal strategies or give out plan of action especially in unguarded manners.
5. The NOTN should be supported with qualified and professional technical staff, particularly trade lawyers who are verse in the interpretation of trade rules, skilled in negotiations, trade data analysis and evaluation and monitoring of the economic implications of every negotiation without losing sight of the political economy and dynamics of globalization.
6. The NOTN should promote interagency coordination especially with the Ministry of Foreign Affairs to ensure that Nigeria's diplomatic offices are on the same page with

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ongoing work and programs of the government at home. To this end, regular training or briefing of Economic and political Diplomats is necessary because they are the eyes of Nigeria in their Countries of assignment and must not be seen to be incoherent with Nigeria's national trade and economic aspirations and focus.

7. While it is not in doubt that the aspiration of Nigeria (and perhaps many African countries) to remain at the 'infant industry protection' level and forever seek or dwell on the application of 'feeding bottle' to the industrial sector, it is however important that the NOTN should resist and must not make Nigeria swallow hook, line and sinker the gospel of trade liberalization. Our trade liberalization agenda must be evaluated and based on the scale of Nigeria's economic status and level of development, otherwise the NOTN would be accused of selling the nation's economy to ready buyers among the developed economies, who are at the moment already knocking at the door with every issue on the negotiation table including those that are way beyond the confines of trade and our areas of comparative advantage. The NOTN should equally take issues of regional integration, structural transformation and industrial policy seriously.
8. The NOTN should constantly liaise with Nigeria's representatives/negotiators at the multilateral level (especially at the World Trade Organization - WTO) to always negotiate with agreed positions from home. We cannot afford implementing one policy at home on a matter and be taking contrary positions at the bilateral or multilateral level. In fact, whatever our WTO representatives should be saying must emanate from home no matter their 'Professorial' level of understanding of the issues in Geneva, Brussels, New York, Addis Ababa or elsewhere.
9. It is also important that the NOTN engages in regular interface with lawmakers at the National Assembly. This is necessary so that when they attend their international parliamentary meetings, everyone would be singing from the same hymn book on Nigeria's Position. Besides, this would result in the acknowledgement of and compliance with Section 12 (1) of the 1999 Constitution (as amended) on the domestication of treaties in Nigeria, that: *"No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly"*. The further essence is that legislative support will be needed by NOTN all the way even after negotiations have been concluded so as to give it the force of law and legitimacy. Again, there may be some limits to the powers and functions of the NOTN based on existing legal and legislative frameworks; and the only way to surmount it is to get the lawmakers involved through legislative review in order to accommodate this new executive assignment, which is quite innovative and novel in our socio-political engagements.

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*Thinking Within Trade: Small Scale Business Enterprises, Domestic Trade and Economic Development through Socio-Economic Rights*

10. Finally, now that Nigeria has strategically undertaken the leadership role on the Continental Free Trade Agreement (CFTA) negotiations, it is important that the Country remains tactful, technically focused and detailed with a view to accommodate the position of other African countries involved so as to gain their respect and further utilize the opportunities therein at the regional, continental and global levels. NOTN should also seek to learn Lessons from previous negotiators especially on the EPAs, particularly on how Nigeria was able to withstand the heat and pressure of the negotiations from all sides without bulging to what could have amounted to a death warrant for the future of Nigeria and Nigerian Businesses. The NOTN could also benefit from the technical competence of trade professionals and the academia that had a pedigree of analytical prowess and capacity in different areas of trade, international relations and political economy. Although, on memory lane, it would suffice to say that except for the Economic Partnership Agreement (EPA) where Nigeria was able to gently decipher issues (perhaps owing to the existence of a Technical Committee responsible for that negotiation), Nigeria could be said to have been losing out in trade deals for long.

It is therefore hoped that the NOTN would consider all the above issues, by coordinating the formulation of a cohesive negotiating strategy for Nigeria and facilitating the production of sound, import substitution oriented trade policy for Nigeria. This would leapfrog the nation’s socio-economic status and set Nigeria on the path of industrialization and diversification into the global value chains.

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