

ACTING PRESIDENT OSINBAJO SIGNS THREE EXECUTIVE ORDERS

On Thursday 18th May 2017, Acting President Yemi Osinbajo signed three executive orders that will significantly reform public institutions in Nigeria. The executive orders will impact the ease of doing business, fast track budget submissions as well as promote made in Nigeria products. In doing this, a citizen focused public service provision approach has also been adopted to ensure implementation of the orders.

The three thematic pillars of the executive orders have been priority areas identified and thoroughly examined by the Nigerian Economic Summit Group (NESG) at its 21st and 22nd annual economic summits respectively. The 21st summit titled “Tough Choices: Achieving Competitiveness, Inclusive Growth and Sustainability”, featured a Roundtable with the Vice President on Reforming Public Institutions in which the Former Prime Minister of Georgia; Nika Gilauri had shared very practical strategies undertaken by his administration that eventually led to Georgia significantly improving its rankings on the Global Competitiveness Index in a decade. Similarly, the 22nd summit titled “***Made-In-Nigeria***” was deployed to embody the imperative to commit to the structural and fiscal changes required to strengthen the Nigerian economy as well as promote Made-in-Nigeria goods and services.

It is expected that through the implementation of the executive orders signed by the Acting President, Nigeria’s economy will become competitive, achieve inclusive growth and sustainability, create jobs, and generally cater to the wellbeing of Nigerians.

The NESG therefore commends the Federal Government for prioritizing these issues as well as creating a framework for implementing far reaching changes. The Group is also calling on Nigeria’s private sector to play the required complementary role to support these changes.

Highlights of the three orders as received are as follows listed in A, B & C:

A. On the Promotion of Transparency and Efficiency in the Business Environment

WHEREAS, it is the policy of the Federal Government of Nigeria (FGN) to create an enabling environment for businesses and entrench measures and strategies aimed at promoting transparency and efficiency;

WHEREAS, the FGN is committed to the promotion of domestic and foreign investments, creation of employment and stimulation of the national economy; and

WHEREAS, His Excellency, Muhammadu Buhari, GCFR, the President, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria constituted the Presidential Enabling Business Environment Council to coordinate the implementation of this policy;

NOW THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AS THE ACTING PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA, I HEREBY ORDER AS FOLLOWS:

Transparency in MDAs

1. Every Ministry, Department and Agency (MDA) of the FGN shall publish a complete list of all requirements or conditions for obtaining products and services within the MDA's scope of responsibility, including permits, licenses, waivers, tax related processes, filings and approvals. The list shall –
 - a. include all fees and timelines required for the processing of applications for the products and services; and
 - b. be conspicuously pasted on the premises of the relevant MDA and published on its website within 21 days from the date of issuance of this Order.
2. It shall be the responsibility of the head of the relevant MDA to ensure that the list is verified and kept up-to-date at all times. If there is any conflict between a published and an unpublished list of requirements, the published list shall prevail.

Default Approvals

3. Where the relevant agency or official fails to communicate approval or rejection of an application within the time stipulated in the published list, all applications for business registrations, certification, waivers, licenses or permits not concluded within the stipulated timeline shall be deemed approved and granted.
4. The mode of communication of official decisions to applicants shall be stated in the published requirements.
5. Where applications are rejected within the stipulated timeline, all rejections shall be given with reasons. Rejections of applications shall be tracked and accurate records kept at all times for each MDA and shall be submitted to the head of the MDA on a weekly basis.
6. There shall be at least two (2) modes of communication of acceptance or rejection of applications to the applicants by the relevant MDAs before the expiration of the stipulated time, including letters, emails and publications on MDA websites.
7. The applicant's acknowledgement copy of the application, including electronic submission acknowledgements, shall serve as proof of the date of submission of the application for purposes of determination of the commencement of the application timeline.
8. An Applicant whose application is deemed granted under this Directive may apply to the Minister for the time being in charge of the application for the issuance of any document or certificate in evidence of the grant within 14 days of lapse of the MDA's stipulated timeline for the application.

9. Failure of the appropriate officer to act on any application within the timeline stipulated, without lawful excuse, shall amount to misconduct and be subject to appropriate disciplinary proceedings in accordance with the law and regulations applicable to the civil or public service.

One Government Directive

10. An MDA that requires input documentation, requirements or conditions from another MDA in order to deliver products and services on applications within the originating MDA's remit or mandate, including permits, licenses, waivers, tax documentation, filings and approvals shall only request a photocopy or other prima facie proof from the applicant. It shall be the responsibility of the originating MDA to seek verification or certification directly from the issuing MDA.

11. Service Level Agreements shall be binding on MDAs and shall be relied upon by MDAs in the issuance of published stipulated timelines for processing of applications for the products and services.

12. It shall be the responsibility of the head of the relevant MDA to ensure that the agreed terms of the Service Level Agreements are adhered to.

13. Failure of the appropriate officer to act within the timeline stipulated in the Service Level Agreement, without lawful excuse, shall amount to misconduct and be subject to appropriate disciplinary proceedings in accordance with the law and regulations applicable to the civil or public service.

Entry Experience of Visitors and Travellers

14. Ordinary tourist and business entry visas to Nigeria shall henceforth be issued or rejected with reason by the Consular Office of Nigerian Embassies and High Commissions within 48 hours of receipt of valid application. The timeline shall be notified to the public by pasting a notice conspicuously at every Consular Office and by publication on every website of Nigerian Embassies and High Commissions.

15. A comprehensive and up to date list of requirements, conditions and procedures for obtaining visa on arrival, including estimated timeframe, shall be published on all immigration-related websites in Nigeria and abroad, including Embassies and High Commissions, and all ports of entry into Nigeria.

16. The processing of issuance of visas on arrival shall be carried out in a transparent manner. Visas on arrival shall be granted at all Nigerian ports of entry once applicants have met all the published requirements.

Port Operations

17. There shall be no touting whatsoever by official or unofficial persons at any port in Nigeria. On duty staff shall be properly identified by uniform and official cards. Off duty staff shall stay away from the ports except with the express approval of the agency

head. The FAAN Aviation Security (AVSEC) and Nigeria Ports Authority (NPA) Security shall enforce this order.

18. All non-official staff shall be removed from the secured areas of airports. No official of FAAN, Immigration, security agency or Ministry of Foreign Affairs (MoFA) or any other agency is to meet any non-designated dignitary at any secure areas of the airport. The official approved list of dignitaries that have been pre-approved to be received by protocol officers shall be made available to AVSEC and other relevant agencies ahead of their arrival at the airport.

19. Any official caught soliciting or receiving bribes from passengers or other port users shall be subject to immediate removal from post and disciplinary as well as criminal proceedings in line with extant laws and regulations.

20. All relevant MDAs at the airports shall within 30 days of the issuance of this Order merge their respective departure and arrival interfaces into a single customer interface, without prejudice to necessary backend procedures.

21. All agencies currently physically present in Nigerian Ports shall within 60 days harmonise their operations into one single interface station domiciled in one location in the port and implemented by a single joint task force at all times, without prejudice to necessary backend procedures.

22. The new single interface station at each Port shall capture, track and record information on all goods arriving and departing from Nigeria and remit captured information to the head of the MDA and the head of the National Bureau of Statistics on a weekly basis.

23. Each Port in Nigeria shall assign an existing export terminal to be dedicated to the exportation of agriculture produce within 30 days of the issuance of this Order.

24. The Apapa Port shall resume 24-hour operations within 30 days of the issuance of this Order.

Registration of Businesses

25. The Registrar-General of the Corporate Affairs Commission (CAC) shall within 14 days of the issuance of this Order ensure that all registration processes at the CAC are fully automated through the CAC website from the start of an application process to completion, including ensuring the availability of an online payment platform where necessary.

B. On support for local contents in public procurement by the Federal Government.

All Ministries, Departments and Agencies (MDAs) of the FGN shall grant preference to local manufacturers of goods and service providers in their procurement of goods and services.

2. Any document issued by any MDA of the FGN for the solicitation of offers, bids, proposals or quotations for the supply or provision of goods and services (Solicitation Document), in accordance with (1) above, shall expressly indicate the preference to be granted to domestic manufacturers, contractors and service providers and the information required to establish the eligibility of a bid for such preference.

3. All Solicitation Documents shall require bidders or potential manufacturers, suppliers, contractors and consultants to provide a verifiable statement on the local content of the goods or services to be provided.

4. Made-in-Nigeria products shall be given preference in the procurement of the following items and at least 40% of the procurement expenditure on these items in all MDAs of the FGN shall be locally manufactured goods or local service providers:

- a. Uniforms and Footwear;
- b. Food and Beverages;
- c. Furniture & Fittings;
- d. Stationery;
- e. Motor Vehicles;
- f. Pharmaceuticals;
- g. Construction Materials; and
- h. Information and Communication Technology;

5. Within 90 days of the date of this Order, the heads of all MDAs of the FGN shall:

a. assess the monitoring, enforcement, implementation, and compliance with this Executive Order and local content stipulations in the Public Procurement Act or any other relevant Act within their agencies;

b. propose policies to ensure that the Federal Government's procurement of goods and services maximises the use of goods manufactured in Nigeria and services provided by Nigerian citizens doing business as sole proprietors, firms, or companies held wholly by them or in the majority; and

c. submit such findings to the Honourable Minister of Industry, Trade & Investment.

6. Within 180 days of the date of this order, the Minister of Industry, Trade & Investment in consultation with the Director-General of the Bureau for Public Procurement shall submit to the President, a report on the Made-in-Nigeria initiative that includes findings from paragraph 4 above. This report shall include specific recommendations to strengthen the implementation of Local Content Laws and local content procurement preference policies and programmes.

7. For the purpose of this Order, “local content” means the amount of Nigerian or locally produced human and material resources utilised in the manufacture of goods or rendering of services.

C. ON BUDGETS

All Agencies, whether or not listed in the Fiscal Responsibility Act, shall, on or before the end May every year, cause to be prepared and submitted to the Minister of Finance and the Minister of Budget and National Planning their schedule of revenue and expenditure estimates for the next three financial years.

2. All Agencies shall, on or before the end of July every year, cause to be prepared and submitted to the Minister of Finance and the Minister of Budget and National Planning their annual budget estimates, which shall be derived from the estimates of revenue and expenditure as projected in their three-year schedule.

3. A joint committee of the Ministries of Finance, and the Budget and National Planning shall review such estimates and ensure their conformity with the national plan and the financial and budgetary regulations before processing them for approval and early transmission to the National Assembly.

4. Supervising Ministers and Heads of Agencies as well as the Chief Executive Officers of Government owned companies shall verify that the process of preparation, harmonisation and collation of budget estimates are as stipulated in relevant laws and guidelines as well as ensure strict compliance with this Executive Order.

5. Except with the express consent of the President, no payment shall be made in respect of any capital or recurrent liability of an Agency, other than payment of due salaries and allowances, unless the Agency has an approved budget and the payment is in conformity with the approval.

6. Heads of Agencies and Chief Executive Officers of Government owned companies shall take personal responsibility and be subject to appropriate sanctions for any failure to comply with this Order.

7. Any revenue or other funds of an Agency in excess of the amounts budgeted and duly expended shall accrue to the consolidated revenue fund of the Federal Government.