KEYNOTE SPEAKER:

HIS EXCELLENCY, SALOU DHBO

FORMER PRESIDENT OF NIGER REPUBLIC & CHAIRMAN – ECOWAS ETLS TASK FORCE



Lammer Head Cox

THE SENATE

FEDERAL REPUBLIC OF NIGERIA

Sen. (Barr) Fatimat O. Raji-Rasaki (Ekiti Central)

Chairman Committee on Trade and Investment

NASS/S/EK/CD/369

7th February, 2017

The Director-General
Nigeria Governors Forum
No.1 Deng Xiaoping Street
Off AIT Juriction
Asokoro Extension, Abuja.

INVITATION TO AN INTERACTIVE SESSION/BRIEFING ON PARLIAMENTARY COOPERATION ON ECOWAS TRADE AND INVESTMENT AGREEMENTS.

This is to invite you to the Interactive Session/Briefing on Parliamentary Cooperation on ECOWAS Trade and Investment Agreements.

The Agenda of this interactive briefing is to understudy and review the status and implications of the ECOWAS Trade Liberalization Scheme (ETLS) and Common External Tariff (CET), its benefits to the economy and the private sector, and ways of improving their benefits to Nigeria.

The forum which is anchored by the Senate Committee on Trade and Investment with the collaboration of the National Association of Nigerian Traders (NANTS) is scheduled as follows:

Date:

Wednesday 15th February, 2017

Venue:

Room 204 Senate President's Briefing Hall, New Senate Wing

Time:

11am prompt

Dinner at the Transcorp Hilton Hotel, Abuja at 7 pm.

Your attendance and participation on these events will be greatly appreciated. Please be punctual.

Best Regards.

Stagalor

Senator Fatimat Raji-Rasaki







"Briefing on Parliamentary Cooperation on ECOWAS Trade & Investment Agreements" - DROGRAMME -

11:00 -11:30	1.	Registration of Participants National Anthem		
11:30 - 11:35				
11.35 - 11.40	2.	Opening Ceremony Opening Speech by Sen. Fatimat .O. Raji - Rasaki Chairman - Senate Committee on Trade & Investment Welcome Address by NANTS Secretariat President		
11.50 - 12.00	3.	Parliamentary Briefing/ Dialogue Declaration by: His Excellency, Sen (Dr) Bukola Saraki, President of the Senate, Federal Republic of Nigeria		
12:00 - 12:15	4.	Key Note Address - His Excellency, Gen. Salou Djibo, Former Head of State, Republic of Niger & Chairman ECOWAS ETLS Taskforce		
11:15 - 12:20	5.	1st Technical Session: Topic: Tariff Formulation & Fiscal Policy Measures in Nigeria: Processes Status & Implications Presenter: Y.M. Ibrahim - Secretary, Tariff Technical Committee, Budget Office of the Federation		
12.20 - 12:25	8.	2 nd Technical Session: Topic: "The Common External Tariff Implementation in Nigeria, Structures & Operations" Presenter: Mr. Anthony Anyalogu Nigeria Customs Services, Abuja		
12.25 - 12.30	9.	3 rd Technical Session: <u>Topic:</u> ETLS & CET: Any Benefits for Nigeria? Presenter: Segun Ajayi - Kadir, DG, MAN		
12:30 -1:30	10.	Discussions		
1:30 - 1:40	11.	Group Photograph		
1:40 - 2:00	12.	Lunch & Departure		

INTERACTIVE SESSION/BRIEFING ON PARLIAMENTARY
COOPERATION ON ECOWAS TRADE AND INVESTMENT
AGREEMENTS

Wednesday 15th February 2016, Abuja, Nigeria

BENEFITS OF THE ECOWAS TRADE LIBERALIZATION SCHEME (ETLS)

Segun Ajayi KARIR DG, MAN

AIMS & OBJECTIVES OF ETLS

Article 3 of the ECOWAS Revised Treaty

- •«The liberalization of trade by the abolition, among Member States, of customs duties levied on imports and exports, and the abolition among Member States, nontariff barriers in order to establish a free trade area at the Community level;
- The adoption of a common external tariff and a common trade policy vis-à-vis third countries;
- *The removal, between Member States, of the obstacles to the free movement of persons, goods, services and capital, and the right of residence and establishment »

EVOLUTION OF ETLS

- ❖1979: Free movement of agricultural products within ECOWAS
- 1990: Extension of the free movement of goods to industrial products
- 1990: A new instrument, the ECOWAS Trade Liberalization Scheme (ETLS), entered into force
- **❖2003:** New ETLS procedure harmonized with UEMOA

DEFINITION OF ETLS

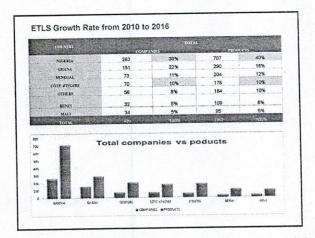
- ❖The ETLS is a tool used to achieve a Free Trade Area
- ❖This tool is composed of Rules of Origin and other elements of the procedure to benefit from the ETLS such as role of ECOWAS Commission, of Member States (through National Approvals Committees), settlement of conflict, proof of origin, etc.

BENEFITS OF ETLS

- The preferential tariff within ECOWAS would result in:
 - ➤ Elimination of customs duties for originating products
 - ➤An expansion of trade between the 15 Member States
 - Stopping trade diversion which consist in the reduction of import from countries not members of ECOWAS and its substitution by import from another ECOWAS Member States
- Strengthening of ECOWAS industrial sector to be more efficient and strong enough to trade at the international level
- Strengthening the ECOWAS economy on the basis of the creation of a strong tax reform within the region

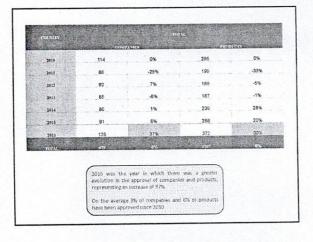
BENEFITS OF ETLS (2/2)

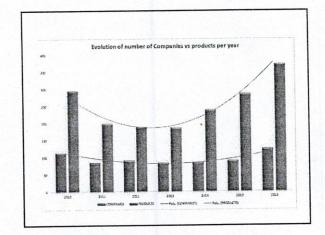
- Increase of our production capacity within the region will affect positively:
 - ➤ The production capacity of the region and development of the value chain leading to increased export (industrial and agricultural product originating from ECOWAS)
 - >The quality and quantity of local production due to the demand
 - >The employment
- The Common External Tariff is one of the major advantage of the ETLS because the higher external tariffs are, the higher the preferential margins and the higher is the incentive for trade deflection

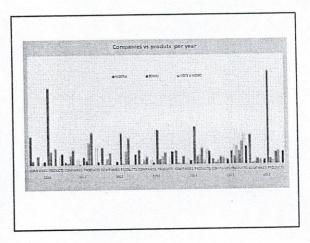


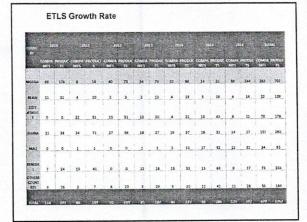
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Nigeria is the country with the highest number of companies and products approved on the ETLS, representing 39%.









CONCLUSION

- Nigeria is the greatest beneficiary of the ETLS, and the private sector is a testimony to this. Therefore all stakeholders must do everything possible to protect its implementation.
- ◆Both in terms of companies and number of goods, Nigeria still stands as the highest beneficiary and the benefits must therefore be fully protected.
- The Nigerian Parliament should seek ways of consolidating Nigeria's benefits of the ETLS.
- The ECOWAS Treaty should be domesticated in order to pave way for seamless implementation of the ETLS and related protocols.
- ◆The National Assembly should take appropriate measures to be fully involved in the negotiations of all regional and multilateral trade
- instruments so as to be able to ensure proper implementation.

 The National Assembly should request for all trade instruments ratified without their express knowledge or involvement with a view to applying legislative powers in line with the provisions of the Constitution of the Federal Republic of Nigeria.

CONCLUSION...

*All trade related Ministries must work more closely with the Parliament in order to strengthen the implementation of the ECOWAS
Trade laws and curb the excesses and corrupt practices of
unscrupulous law enforcement agencies inhibiting trade, particularly

the ETLS implementation along the border routes.

The National Assembly should devote adequate time for the effective monitoring of the implementation of ETLS.

♦ETLS is an important tool for our regional integration, it protects our Economic operators from undue competition and strengthens our intra-regional trade.

Indeed, ETLS is the warranty of our economic union
 A strong ETLS will gather and enable more than 300 million

citizens to stand together

♦Nigeria cannot talk of withdrawing from the ETLS, rather, efforts must be made at strengthening ETLS implementation as well as putting in place viable economic policies that would foster the realization and maximization of ETLS benefits to Nigeria.

Thank you!

Remarks by the President, National Association of Nigerian Traders – NANTS, Ken Ukaoha during the Interactive Session/Briefing on Parliamentary Cooperation on ECOWAS Trade and Investment Agreements (Senate President's Conference Room 301, National Assembly Complex – 15th February 2017)

Protocols

- His Excellency, the President of the Senate of the Federal Republic of Nigeria Distinguished Senator Bukola Saraki
- His Excellency, the former Head of State of the Republic of Niger, Gen Salou Djibo
- The Chairman, Senate Committee on Trade and Investment Distinguished Senator Fatimat Raji Rasaki
- The Chairman, Senate Committee on Customs
- The Honourable Minister, Federal Ministry of Industry, Trade and Investment
- The Honourable Minister, Federal Ministry of Justice
- The Honourable Minister, Federal Ministry of Foreign Affairs
- The Honourable Minister, Federal Ministry of Agriculture
- The ECOWAS Commissioner for Trade, Customs and Free Movement
- The President of MAN
- The President of NACCIMA
- Gentlemen of the Press
- Ladies and Gentlemen

Dear distinguished participants, it is interesting to recall that over 41 years ago, precisely on the 28th day of May 1975, the then leaders of the various West African countries consummated the philosophy of a united region with the establishment of the Economic Community of West African States (ECOWAS), with the intention and vision of a strong economic integration of member states anchored on the benefits of trade within the sub-region.

For this reason, the ECOWAS Trade Liberalization Scheme (ETLS) was formulated in 1979 as one of the first and immediate instruments to galvanise the realization of development objective of the region, and was subsequently reviewed in 1995 as the framework for facilitating free trade among member states. Navigating the compass towards a Customs Union, the Authorities of Heads of States recently adopted the Common External Tariff (CET) as the legal framework that drives tariff for trade between the ECOWAS region and third party countries.

Indeed, Nigeria and other ECOWAS member States have been implementing these trade instruments till date, and there have been testimonies to the effect that these have brought about, among others, (i) increased productivity on the part of the private sector, (ii) improved market access for locally produced goods, (iii) employment generation, (iv) wealth creation, (v) poverty reduction, and (vi) sustainable development.

Distinguished participants, it is important to note that courtesy of the free circulation of goods within the sub-region piloted by the ECOWAS Protocol on Free Movement of Persons, Goods and Services, attached to the Rights of Residence and Establishment, Nigerian companies are

expanding and dominating the sub-regional market. In the financial sector for instance, Nigerian banks have literarily taken over the streets of many countries in West Africa. For the telecommunications sector, Nigeria's local brand, GLO is speedily rolling in to many countries in West Africa. With regard to trading in goods, Nigerian brands such as UAC, PZ, Cadbury, and Dangote, etc are found along the border routes and on the streets of our neighbouring countries while agro products such as grains and tubers form major imports of countries across West Africa, and particularly, the Sahel area. The movement of these goods give rise to increased employment, higher productivity, revenue to the country as well as foreign currency earnings to the country.

Distinguished Senators, Honourable members and colleagues, in spite of the numerous and glaring benefits of the ETLS and the CET to the country, there are however some concerns that must be addressed to ensure that Nigeria continues on the foothold of positive impacts that can trigger the needed escape from the present doldrums called economic recession. Permit me therefore to highlight some of these concerns in the following questions: (i) Does Nigeria really need these instruments? More so, do we really need an ECOWAS? (ii) If yes, what kind of ECOWAS? (iii) Would these instruments stand alone to produce the maximum benefits the country requires or are there efforts that we need to put up? (iv.) What is the role of the Executive arm of government in the implementation of these instruments and where do such roles terminate? (v) Are there roles for the Parliament in the entire process of implementation of these instruments? (vi.) Who even ratifies these agreements?

First; the enumeration of the huge benefits of the ETLS and the CET clearly shows that indeed Nigeria needs the ETLS and CET for further expansion of her market access. Indeed, given the production capacity of Nigeria and her outstanding potentials, Nigeria stands to gain more than any other country in the West African region under the regional free trade arrangements. To this extent and for many other reasons larger than my speech, it is therefore abundantly obvious that Nigeria needs an ECOWAS. In this regard therefore, Nigeria must continue to pursue and preserve the implementation of the regional trade instruments to deepen her economic development. Importantly, given the contemporary economic challenges faced by the country, and particularly the present economic recession, Nigeria requires to expand her trade tentacles and diversify her economy for exports beyond the oil sector.

Secondly, regarding the role of the Parliament, let me state that Section 12 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that no international agreement shall have the force of law except to the extent to which such agreement has been enacted into law by the National Assembly. Within the concept of international jurisprudence, it is my humble opinion that these instruments (ETLS and CET) fall within the confines and conception of international law, particularly given the way they are framed and to the extent that they possess the tendency to be binding, and that they relinquish some elements of national sovereignty to a supra-national entity. Therefore, the place and mandate of the parliament becomes so glaring for appropriate legislative actions to be undertaken. Such parliamentary actions are to empower the supra-national legislations to operate within the nation's jurisdiction. In fact, such legislative actions are key to making them not only enforceable but also respectable and justiciable within the confines of national laws. I beg to note that the absence of

parliamentary actions is the reason these instruments are either haphazardly complied with or rather obeyed in breach, thereby yielding little results to the country and the community.

Has the Nigeria Parliament ever been involved in the negotiations of the frameworks? Perhaps No! Therefore, such sacrosanct responsibility accorded by the Constitution is eroded by the situation where the Executive arm seems to be negotiating and even ratifying the Agreements. For instance, in March 2015, Nigeria was said to have ratified all relevant CET regulations by Circular No. 013/2015, 31 March 2015 of the Federal Ministry of Finance which conveyed the Presidential approval for the implementation of CET and its Supplementary Protection Measures effective from 11th April 2015. While the private sector is supportive of the regional trade instruments, we however wish to note that the Parliament must rise up to take up her due responsibility within the principles of separation of powers so that these instruments would acquire and be conferred with appropriate legal power.

Distinguished Senators and Honourable members, when the Senate raised a motion towards the end of last year expressing Nigeria's possible withdrawal from the ETLS and CET, the Nigerian private sector knew that the Parliament was neither aiming at harming the beneficiaries – the private sector nor retarding/impeding the economic development of the country. We rather knew that such motion was targeted at issuing a strong warning and that it was borne out of a strategic wisdom to bring Nigerians together in this kind of forum to express their frustration over complete exclusion of the Parliament from the processes. Of a truth, what is lacking is the synergy between the executive and legislative arms of government in properly coordinating Nigeria's entry into the ECOWAS trade paradise, and sadly this is also the case in many other trade negotiations and fora. This is an apt reminder to Nigerians that presently, Nigeria is negotiating the Continental Free Trade Agreement (CFTA) at the African level. One is tempted to ask, what is the extent of involvement of the Parliament or collaboration with stakeholders towards getting a national strategy and position for the negotiations? We must avoid crying only when the head is already off.

Let me therefore note that Sections 88 and 89 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) highlights the importance of oversight function by the Parliament over and above all functions of the Executive arm. For these regional trade instruments, whereas the Executive has been at the forefront of the implementation, parliamentary oversight which is meant to beam the searchlight on the operations and implementation of these frameworks appear almost absent. Again, little wonder some government officials and law enforcement agencies are rather making caricature of the implementation by rather creating unnecessary non-tariff barriers and impediments that rather limit the benefits to the country. With this forum, it is believed that the Parliament would therefore begin to devote attention to interrogating the process and providing legal teeth to these instruments.

Apart from the role of the parliament, permit me now to further add that for Nigeria as the largest economy in West Africa and with a huge chunk of the population, it is obvious that the country stands to attract the most benefit of regional trade and integration. However, for these instruments to deliver on the required benefits, Nigeria must have a responsive, predictable and credible trade policy in place. Unfortunately, for several years (in fact since 2002), Nigeria has never had a documented trade policy. The Parliament should also begin to ask and probe into

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reasons for Nigeria operating staccato, undocumented and summersaulting trade policy pronouncements. Secondly, there is need to put in place a conducive domestic trade environment in order to maximize the benefits of regional instruments. Thirdly, Nigeria must also be prepared to also take the lead in respecting the regional instruments that it ratifies or signs on to.

In conclusion, Distinguished Senators and Honourable members, let me thank you for your patience in listening to my succinct presentation which I have stylishly coined as remarks. I did this to reduce the time I would have spent for another round of presentation that could bore and keep us longer than necessary. I must appreciate all the relevant Committees of the Senate and House of Representatives here present despite their tight schedule particularly during the tasking period of work on the 2017 budget. Kindly allow me to particularly thank the Chairman and members of the Senate Committee on Trade and Investment for taking the delight in partnering with NANTS to make this happen.

May I also extend my warm appreciation to the former Head of State of the Republic of Niger (Gen Salou DJIBO) who is also the current Chairman of ECOWAS Task Force on the ETLS, as well as the ECOWAS Commissioner for Trade, Customs and Free Movement and his team for devoting time to be here.

May I also appreciate all my colleagues from the private sector for seeing this as a critical subject that enjoys our collective interest and agreement to propagate. I owe serious gratitude to all our invited guests and speakers for finding this subject interesting and therefore ask that the Almighty would grant us fruitful deliberations.

Thank you and God bles you.

Ken Ukaoha Esq.
NANTS President

COMISSÃO DA CEDEAO

ECOWAS COMMISSION



COMMISSION DE LA CEDEAO

Statement of Mr. Salou Djibo, President of the Task Force on the ECOWAS Trade Liberalization Scheme (ETLS TF) at the interactive session on parliamentary cooperation on ECOWAS Trade and Investment Agreements planned in Abuja on 15th February 2017

Distinguished Chairman, Senate Committee on Trade and Investment, Honourable Chairmen of the trade related Committees of the Senate and House,

ECOWAS Commissioner for Trade, Customs and Free Movement,

Heads of delegations of relevant Ministries, Departments and Agencies of the Federal Government of Nigeria,

Heads of delegations of the Organized Private Sector,

Representatives of ECOWAS Commission,

Ladies and Gentlemen,

At the beginning of my statement, I would like to thank you very much for the invitation granted to the Task Force on the ECOWAS Trade Liberalization Scheme (TF/ETLS) to participate in this important interactive session on parliamentary cooperation on ECOWAS Trade and Investment agreements.

Distinguished Chairman,

The 43rd Ordinary Session of the Authority of the Heads of State and Government of ECOWAS held from 17th - 18th July 2013 in Abuja, Nigeria, entrusted the President of Burkina Faso, the responsibility of monitoring the effective implementation of the ECOWAS Protocols on Free Movement of Persons and Goods. The Authority of Heads of State and Government, at its Extraordinary Session held on 25th October 2013 in Dakar, Senegal, further encouraged the President of Burkina Faso, in this role and mission that was entrusted to him at the 43rd Ordinary Session. The Authority also requested the President of the Commission to set up a Task Force on the ECOWAS Trade Liberalization Scheme.

As part of the implementation of the mandate entrusted to him, the President of Burkina Faso proposed a Road map to the Authority, which was adopted during the 44th Ordinary Session held from 28th - 29th March 2014 in Yamoussoukro, Côte d'Ivoire. This Roadmap comprised many new initiatives, and among others included the setting up of the Task Force on the ECOWAS Trade Liberalization Scheme (TF/ETLS).

In response to the strong political will expressed by the Heads of State and Government of ECOWAS during the extraordinary session of their Authority held on 25th October 2013 in Dakar, Senegal, the President of the Commission has formally set up the Task Force on the ECOWAS Trade Liberalization Scheme (ETLS/TF) by the Enabling Regulation PC/REG 01/11/15 of 25th November 2015.

The Task Force is an ad hoc body under the President of the ECOWAS Commission whose functions include arbitration of litigations, advocacy and mediation on the difficulties hampering the smooth functioning of the ECOWAS Trade Liberalization Scheme (ETLS). It will also play the role of a stand by monitor.

The task Force comprises of seven (7) eminent personalities with varied experiences in the areas of trade facilitation, security of goods and persons, trade laws and regional integration; they should have a network of relationships with the higher authorities of the Community. They will also be persons with proven high commitment to regional integration in West Africa.

After a thorough screening, the seven (7) members of the Task Force have all been identified and all have accepted the offer of the post. They are as follows:

HE, Mr. Salou DJIBO, from Niger Republic. He is the Chairman of the Task Force. He is a Former President of Niger Republic;

Mr. Mamadou CISSOKHO, from Senegal. He is Member of the Task Force. He is the Honorary President of the Network of Organizations of Farmers and Producers of West Africa (ROPPA):

Mr. Félix BAMOUNI, from Burkina Faso. He is Member of the Task Force. He is a Former Inspector General of Police of Burkina Faso (ret);

Mr. Ousseine DIALLO, from Côte d'Ivoire. He is Member of the Task Force. He is the Secretary General of the Federation of Employers' Organizations of West Africa (FOPAO);

Mr. Ed Richard Kumah LANYON, from Ghana. He is Member of the Task Force.

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In this regard, the President of Burkina Faso officially inaugurated on 20th May 2016 the members of the Task Force on ETLS during a ceremony held for that purpose in the presence of the President of the ECOWAS Commission.

Distinguished Chairman and Honourable Members

The Task Force held its 1st meeting on 11th and 12th August 2016 in Accra, Ghana. It adopted its Roadmap and Plan of Action for the period from September 2016 to December 2017. It also adopted an inventory of the free movement of persons and goods by ECOWAS Member State, called "Country Fact Sheet". The Plan of Action envisages, as initial activities, visits to the President of Burkina Faso, appointed by his colleagues to monitor the free movement of persons and goods, and to the President of Liberia, the current Chairperson of the Conference of Heads of State and Government of ECOWAS. The Task Force will use this opportunity to carry out an advocacy mission in these two Member States.

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To this end, the Task Force on the ECOWAS Trade Liberalization Scheme (ETLS TF) in line with its mandate visited Burkina Faso and the Republic of Liberia between November and December 2016 on a fact finding mission aimed at observation and advocacy.

During the first half year of 2017, The Task Force is planning to carry out an advocacy mission to the thirteen (13) remaining Member States.

Distinguished personalities,

To conclude my statement, I would like to take this opportunity to thank the Government and people of the Federal Republic of Nigeria and particularly, the leadership of the Nigerian Parliament for providing this opportunity for interaction on the ETLS. This is indeed a challenge for other parliaments in West Africa to adopt. Let me thank the National Association of Nigerian Traders - NANTS for their proactive action in facilitating dialogues on the subject of regional integration. We solicit the continuous support of the Nigerian Parliament at ensuring that the ECOWAS ETLS increases trade in West Africa and benefits citizens of the community.

I am also grateful to you, Honourable Chairman, for having given the opportunity to me to introduce to you the Task Force on the ECOWAS Trade Liberalization Scheme. I pledge the total commitment of my distinguished members towards the success of the Scheme.

Thank you for your attention.

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Thank you for your attention.