

# EXECUTIVE ORDERS ON THE EASE OF DOING BUSINESS IN NIGERIA

6-12-17

Volume 1

G.O SODIPO & CO  
Tel: 08023198641

E-mail:  
b.sodipo@gosodipo.com  
We're on the Web!  
[www.gosodipo.com](http://www.gosodipo.com)

In this quarter's newsletter we are taking a look at the executive orders in the ease of doing business endorsed and signed by the Federal Government on the 18<sup>th</sup> of May, 2017. The signing was carried out by the then acting President, Prof. Yemi Osinbajo at the Presidential Villa Abuja.

One of the objectives of the executive orders on the ease of doing business is to encourage locally made goods by reducing hinderances to the growth of local businesses via the promotion of transparency and efficiency. The executive orders are three in number, as follows:

1. Executive Order on support for local content in public procurement by the Federal Government which requires that MDAs to utilise made in Nigeria products; The MDA's must communicate with applicants by at least two methods such as via letters, emails or publication on websites. They must also publish on their websites and paste at their premises, a complete list of all requirements for obtaining approvals/permits/licences within their purview, with set timelines and applicable fees. In the event of a conflict between a published and an unpublished list of requirements, the published list shall prevail.<sup>1</sup> Furthermore any approvals for applications not received within the specified period will be assumed to have been granted to the applicant by default. Any rejections must be given with valid reasons. The Applicant whose application is deemed granted after the expiration of the application period can apply to the supervising Minister to issue any document or certificate required.
2. Executive Order on budget which specifies timelines for MDAs to submit their budgets to the Ministry of Finance to facilitate timely submission to the National Assembly; and
3. Executive Order on the promotion of transparency and efficiency in the business environment; Transparency in the Federal Government Ministries, Departments and Agencies (MDA) involves each of the above making available and easily accessible in their premises and on their websites, lists of all

"Speedy resolution of

<sup>1</sup><http://www.mondaq.com/Nigeria/x/599178/Government+Contracts+Procurement+PPP/Highlights+Of+Executive+Orders+On+Budget+Local+Content+And+Ease+Of+Doing+Business+In+Nigeria>

requirements( including fees and durations) for obtaining approvals, licences and permits. Efficiency in the business environment starting with ease of access to entry visa on arrival into Nigeria. Ordinary Tourist and Businessvisasare required to be granted or denied with reasonswithin 48 hours of receipt of the application at any Nigerian embassy.

The above reforms were introduced under anational action plan<sup>2</sup> that included measures which made it easier and faster to register businesses, obtain construction permits, have access to loans, pay taxes, have electric power, have little or no restriction on cross border trading, facilitate entry and exit of people and register title to property. The realisation of the goals of the afore mentioned plan involved leveraging on available technology to speed up business registration process, transparent visa on arrival issuance procedure, and payment of tax, thereby resulting in cost and time reduction<sup>3</sup>.

The Visa-On-Arrival process in particular now includes e-submission of applications to dedicated desk at the Nigeria Immigration Service and manual baggage searches at the airport has ceased.

One of the recent effects of adherence to the exective orders is that Nigeria has moved up by 24 places in the World Bank's ease of doing business index.

Some of the areas where Nigeria improved and which led to its moving up by 24 places, are the areas of commencing a business, obtaining construction permits, property registration and payment of tax.

However one only hopes that the reality for the common man will align with the success seen on the international scene, as Nigeria is yet to improve in its provision of stable power/electricity supply, contract enforcement, cross border trading, minority rights protection and resolution of insolvency/debts.

Infact in the 2018 Doing Business index under the enorcing contracts category, Nigeria scored 1 out of 6 on case management, 8 out of 18 on the quality of judicial process and 0 out of 4 on court automation.

We sincerely hope for better days ahead.

The GOS Newsletter has been prepared for clients and professional colleagues as a general guide to the subject matter.It is not meant to substitute specialist legal advice about your specific circumstances.

<sup>2</sup>Read more at: <https://www.vanguardngr.com/2017/10/fg-begins-review-nigerias-ease-business-initiatives/>

<sup>3</sup><https://nesgroup.org/ease-business-executive-order-e01/>

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E-mail: [b.sodipo@gosodipo.com](mailto:b.sodipo@gosodipo.com)

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How Executive Orders Work

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