

COMMENCEMENT

WHEREAS the Asian-African Legal Consultative Committee had decided on 23rd of January, 1978, during its Nineteenth Session held , in Doha (Qatar), to' establish a Regional Centre for International Commercial Arbitration in Nigeria in co-operation with, and with the assistance of the Federal Government of Nigeria ;

AND WHEREAS the Federal Government had in 1988 approved the establishment of the Regional Centre for International Commercial Arbitration in Nigeria under the auspices of the Asian-African Legal Consultative Committee.

AND WHEREAS it is desirable to make statutory, provisions in Nigeria to give the Regional Centre for International Commercial Arbitration legal status and recognition:

Now, THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :-

PART I-ESTABLISHMENT, ETC. OF THE REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION

ESTABLISHMENT OF THE CENTRE

1.-(1) There is hereby established a body to be known as the Regional Centre for International Commercial Arbitration (in this Decree referred to as "the Centre").

(2) The Centre-

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

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

(c) shall have its principal office in Lagos.

MANAGEMENT OF THE CENTRE

2. The Centre shall be under the management of the Asian-African Legal Consultative Committee (in this Decree referred to ~ "the Consultative Committee") on such terms and conditions as may agreed on between the Consultative Committee and the Federal Government in the headquarters agreement.

PART II-OBJECTIVES AND FUNCTIONS OF THE CENTRE

3. The objectives of the Centre are to -

(a) provide a united legal framework for the fair and efficient settlement, through arbitration and conciliation, of commercial disputes within the region;

(b) promote the growth and effective functioning of national arbitration institutions within the region; and

(c) promote the wider use and application of the United Nations Commission on International Trade Law Arbitration and conciliation Rules (in this Decree referred to as "the Rules") within the region.

FUNCTIONS AND POWER OF THE CENTRE

4. The functions and powers of the Centre are to-

(a) promote international arbitration and conciliation in the region,

(b) provide arbitration under fair, inexpensive and expeditious procedure in the region;

- (c) act as a co-ordinating agency in the Consultative Committee dispute resolution system;
- (d) co-ordinate the activities of and assist existing institutions concerned with arbitration, particularly among those in the region ;
- (e) render assistance in the conduct of *ad hoc* arbitration proceedings, particularly those held under the Rules ;
- (j) assist in the enforcement of arbitral awards;
- (g) maintain registers of:
 - (i) expert witnesses, and
 - (ii) suitably qualified persons to act as arbitrators as when required; and
- (h) carry out such other activities and do other such things as are conducive or incidental to its other functions under this decree.

PART III - STAFF OF THE CENTRE

DIRECTOR OF THE CENTRE

5.-(1) There shall be for the Centre, a Director who shall-

- (a) be a Nigerian citizen; and
 - (b) be appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the appropriate authority in consultation with the Secretary-General of the Consultative Committee.
- (2) The Director shall hold office for such period and on such terms and conditions as may be specified in his letter of appointment.
- (3) The Director shall be the chief executive of the Centre and be responsible for the day-to-day administration of the Centre.

OTHER STAFFS OF THE CENTRE

6. The Centre may, with the approval of the Consultative Committee, from time to time, appoint such persons whether from within or outside 'Nigeria, as he may deem necessary, to assist the Centre in the performance of its functions under this Decree.

PART IV.-FINANCIAL PROVISIONS

FUND OF THE CENTRE

7. There shall be established and maintained for the Centre a fund into which shall be paid and credited-

- (a) all subventions and budgetary allocation from the Federal Government;
- (b) such sums as shall, from time to time, be provided by the Consultative Committee;
- (c) all sums accruing to the Centre by way of gifts, endowments, bequests- grants or other contributions by persons and organisations;
- (d) foreign aid and assistance from bilateral agencies ; and
- (e) all other sums which may, from time to accrue to the Centre.

EXPENDITURE OF THE CENTRE

8. The Centre shall, from time to time, apply the funds at its disposal to-

- (a) establish and maintain the principal and other offices of the Centre ;
- (b) publicise and promote the activities of the Centre;
- (c) pay the salaries, allowances and benefits of employees of the Centre ;
- (d) pay other overhead allowances, benefits and other administrative costs of the Centre; and
- (e) undertake such other activities as are connected with all or any of the functions of the Centre under this Decree.

POWER TO ACCEPT GIFT

9-(1) The Centre may accept gifts of land, money or other property on such terms and

conditions, if any, as may be specified by the person or organisation making the gift.

- (2) The Centre shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Centre under this Decree.

ANNUAL ESTIMATE, ACCOUNT AND AUDIT

10.-(1) The Centre shall prepare and submit to the appropriate authority of the Federal Government, not later than 30th September in each year, an estimate of the expenditure and income of the Centre during the next succeeding year.

(2) The Centre shall keep proper accounts of the Centre and proper records in relation to those accounts.

(3) The accounts of the Centre shall be audited by external auditors appointed by the Centre from the list and in accordance with guidelines supplied by the relevant department of the Federal Government.

ANNUAL REPORT

11. The Centre shall, submit to the Secretary general and to the appropriate authority an annual report on the activities and administration of the Centre during the immediately preceding year and shall include in the report the audited accounts of the Centre and the auditor's report on those-accounts.

POWER TO BORROW

12.-(1) The centre may, from time to time, borrow by overdraft or otherwise such sums as

It may require for the performance of its functions under this decree.

(2) The Centre shall obtain, the consent of the Secretary-General before borrowing any money required under subsection (1) of this section.

EXEMPTION FROM TAX

13.-(1) The Centre shall not pay income tax on any income derived by the Centre under this Decree or accruing to it from any of its investments.

(2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Centre.

EXEPTION FROM CUSTOM DUTIES E.TC.

14: The Centre shall not pay customs duty on or be restricted or prohibited from importing any equipment, materials, supply and any other thing required by the Centre for the purposes of this Decree.

PART V – MISCELLANEOUS PROVISIONS

ENTRY INTO NIGERIA OF EMPLOYEES, ETC. OF THE CENTRE

15. If a person, other than a Nigerian citizen, on seeking to enter Nigeria, satisfies an immigration

Officer in Nigeria that he-

(a) is to be employed by the Centre; or

(b) is engaged by the centre in a professional capacity as an adviser,

he shall be deemed to have accepted employment with the Federal Government for the purposes of section 8 of the Immigration Act and shall not be required to procure a consent to enter Nigeria.

PREMISES AND OFFICES CAP. 202 LFN

16. -(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Centre may, subject to the Land Use Act-

(a) purchase or take on lease any interest in land building or property ; and

(b) build, equip and maintain offices and premises.

(2) the Centre may, subject to the Land Use Act, sell or lease out any office or premise held by it, which is no longer required for the performance of its functions under this Decree.

SEAL OF CENTRE, ETC.

17.-(1) The fixing of the seal of the Centre shall be authenticated by the signature of the Director and such other person as the Centre may specify;

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Centre by the Director.

(3) A document purporting to be a document duly executed under the seat of the Centre shall be received in evidence and shall, unless and until the contrary is proved; be presumed to be so executed.

RULES

18-(1) The Director may, with the approval of the Secretary-General, make rules for the administration of arbitrations conducted under the auspices of the Centre.

(2) The rules made under subsection (1) of this section shall be made available to members of the public.

INTERPRETATION

19. In this Degree, unless the context otherwise requires-

"Appropriate authority" means the Attorney-General of the Federation and Minister of Justice;

"Centre" means the, Regional centre for International Commercial Arbitration established under section 1 this Degree;

"Consultative Committee" means the Asian-African Legal Consultative Committee;

"Headquarters Agreement" means the headquarters agreement between the Federal Government and the Consultative Committee;

"Region" means the Asian-African region;

"Relevant Department" means the office of the Auditor-General of the Federation;

"Secretary-General" means the Secretary-General of the Consultative Committee.

CITATION

20. This Decree may be cited as the Regional Centre for International Commercial Arbitration Decree 1999.

MADE at Abuja this 10th day of May, 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,

Head of State, Commander-in-Chief

of the Armed Forces,

Federal Republic of Nigeria.

EXPLANATORY NOTE

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

The Decree establishes the Regional Centre for International Commercial Arbitration under the auspices of the Asian-African Legal-Consultative Committee to, among other things, provide a unified legal framework for fair and efficient settlement, through arbitration and conciliation, of commercial disputes within the Asian-African region.