



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 16th August, 2005

1. The Senate met at 10. 20 a.m. The Senate President read Prayers.
 2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 10th August, 2005 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.
 3. **Personal Explanation:**
Invoking Rule 43, Senator Abubakar Maikafi, Chairman, Joint Committee on the implementation of the Appropriation Act 2005, informed the Senate that the Joint Committee could not report as ordered in view of the fact that the materials needed by the Joint Committee to execute the assignment were slow in coming. He therefore urged the Senate to grant the Committee an extension of time to enable it conclude the assignment and report as ordered.

Committee, by leave of Senate, granted additional two weeks extension to report.
 4. **Presentation of Bills:**
 - (i) National Inland Waterways Authority Act (Amendment) Bill 2005 (SB. 218) — *Read the First Time.*
 - (it) Public Interest Disclosure Bill 2005 (SB. 208) — *Read the First Time.*
 - (Hi) Environmental Health (Control and Enforcement, etc) Bill 2005 (SB. 217) — *Read the First Time.*
 5. **Committee on Co-operation and Integration in Africa and NEPAD:**
Motion made and Question Proposed: That the Senate do receive the Report of the Committee on Co-operation and Integration in Africa and NEPAD for the Second Session of this Senate (June 2004 - June 2005) (*Senator Robert B. Koleosho*).

Question put and agreed to. Report

Laid.
 6. **Committee on Inter-Parliamentary Affairs:**
Motion made and Question Proposed: That the Senate do receive the Report of the Committee on Inter-Parliamentary Affairs for the Second Session of this Senate (June 2004 — June 2005) (*Senator Uche Chukwumerije*).

Question put and agreed to. Report

Laid.
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7. Committee on Foreign Affairs:
Report on the BUI for the Domestication of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Dangerous Weapons and their Destruction and for Other Purposes Connected Therewith:
Motion made and Question Proposed: That the Senate do receive the Report of the Committee on Foreign Affairs on the BUI for the Domestication of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Dangerous Weapons and their Destruction and for Other Purposes Connected Therewith (**Senator Jibrili. Aminu**).

Question put and agreed to.

Report Laid.

8. Flood Disaster in Jalingo Town and its Environments:
Motion made and Question Proposed: That whereas on Sunday 7th August, 2005 a prolonged heavy downpour in Jalingo town and its environs caused serious over flooding of the river in Jalingo as has never been witnessed before;

WHEREAS the flood destroyed many buildings, farmlands, animals and most importantly human lives and damage to farmlands was enormous extending for 35km down stream into River Benue;

WHEREAS the disaster took a dramatic turn when a major bridge in Jalingo on the trunk "A" road - (the North-South Trans-Africa Road from Calabar through Ikom -Wukari - Jalingo - Numan - Biu to Maiduguri) with many people on it gave way and sadly with it went the Assistant Commissioner of Police, ACP Anthony Ofunne, and many other persons;

WHEREAS the exact number of deaths could not be ascertained though estimated at between 80 and 100 while many are still missing; and

WHEREAS the State Government has taken immediate action to alleviate the suffering of the flood victims and to rehabilitate the 60 year old bridge in order to take smaller vehicles.

Be it resolved: That the Senate do:

- (i) note the unprecedented flood disaster in Jalingo town and its environs which led to loss of lives and untold hardship to the government and people of Taraba State;
- (ii) recognize the efforts of the Nigerian Police at controlling the effects of the disaster and especially the efforts of late Assistant Commissioner of Police, ACP Anthony Ofunne, who died while trying to save lives. We commend his bravery;
- (iii) direct its Committee on Works to investigate the remote and immediate causes of the collapse of the bridge and report to the Senate within two weeks to enable the Senate take an informed position on the matter;
- (iv) urge the Federal Government to direct the National Emergency Relief Agency to immediately send relief materials to the flood victims; and
- (vi) send a delegation to condole the Government and people of Taraba State on the loss of lives and properties worth several millions of naira (**Senator Zik S. Ambuno**):

Debate:

Debate concluded:

Prayer (i):

Question: That the Senate do note the unprecedented flood disaster in Jalingo town and its environs which led to loss of lives and untold hardship to the government and people of Taraba State;

Amendment Proposed:

Immediately after the word "note" in line 1 insert the words "with regret" (**Senator Jonathan S. Zwingina**).

Question that the amendment be made put and agreed to.

Prayer (ii):

Question: That the Senate do recognize the efforts of the Nigerian Police at controlling the effects of the disaster and especially the efforts of late Assistant Commissioner of Police, ACP Anthony Ofunne, who died while trying to save lives. We commend his bravery;

Amendment Proposed:

Leave out all the words after "recognize" in line 1 and *insert* the words "and commend the bravery of the Police Officer and recommend him for post-humous award "(Senator Jonathan S, Zwingina).

Question that the amendment be made put and agreed to.

Prayer (iii):

Question: That the Senate do direct its Committees on Works to investigate the remote and immediate causes of the collapse of the bridge and report to the Senate within two weeks to enable the Senate take an informed position on the matter;

Amendment Proposed

Immediately after the word "on" in line 1 *insert* the words "Environment and Ecology and " instead thereof (Senator !. S. Martyns-Yellowe).

Question that the amendment be made put and agreed to.

Prayer (iv):

Question: That the Senate do urge the Federal Government to direct the National Emergency Relief Agency to immediately send relief materials to the flood victims — *Agreed to.*

Prayer (v):

Question: That the Senate do send a delegation to condole the Government and people of Taraba State on the loss of lives and properties worth several millions of naira

Amendment Proposed

Leave out all the words after "properties" in line 2 (Senator Olatokunbo Ogunbanjo).

Question that the amendment be made put and agreed to.

Another Amendment Proposed

Insert a new prayer (vi) as follows:

"That the Senate do observe one minute in silence in honour of the deceased (Senator Tunde Ogbeha).

Question that the amendment be made put and agreed to.

Resolved: That the Senate do;

- (i) note with regret the unprecedented flood disaster in Jalingo town and its environs which led to loss of lives and untold hardship to the government and people of Taraba State;
- (ii) recognize and commend the bravery of the Police Officer and recommend him for a post-humous award;
- (iii) direct its Committees on Ecology and Environment and Works to investigate the remote and immediate causes of the collapse of the bridge and report to the Senate within two weeks to enable the Senate take an informed position on the matter;
- (iv) urge the Federal Government to direct the National Emergency Relief Agency to immediately send relief materials to the flood victims;
- (v) send a delegation to condole the Government and people of Taraba State on the loss of lives and properties; and
- (vi) observe one minute in silence in honour of the deceased (S. Res/025/05). *One*

minute in silence accordingly observed.

9. Committees on Foreign Affairs, and Judiciary, Human Rights and Legal Matters:
Report on the Resolution of the Senate on Protecting the Integrity of the International Criminal Court (ICQ):

Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committees on Foreign Affairs, and Judiciary, Human Rights and Legal Matters on the Resolution of the Senate on the Protecting the Integrity of International Criminal Court (ICC) (*Senator Jibril M. Aminu*).

Question put and agreed to.

Report presented and Laid.

Debate:

Debate concluded:

Recommendations:

- (i) That the Senate do call on the Executive to refrain from adopting any agreement which undermines the effective implementation of the Rome Statute or any international law.
- (ii) That the Senate do call on the Executive to consider the consequences that signing such an agreement is incompatible with our membership of the ICC.
- (Hi) That the Executive should solemnly renege from the agreement signed with the United States of America by giving the stipulated one year notice of intent to terminate the agreement,
- (iv) That the Senate do advise the Executive to desist from entering into any international agreement which may not support a fair, effective and independent International Criminal Court or will have the effect of nullifying, to whatever extent, any International Convention to which Nigeria is a signatory (*Senator Jibril M. Aminu*).

Amendment Proposed:

Insert a new prayer (i) and renumber consequentially:

"That the Executive should note that Section 12(1) of the Constitution of the Federal Republic of Nigeria 1999 empowers the National Assembly only to domesticate treaties" (*Senator Jonathan S. Zwingina*).

Question that the amendment be made put and agreed to.

Recommendation (ii):

Question: That the Senate do call on the Executive to refrain from adopting any agreement which undermines the effective implementation of the Rome Statute or any international law — *Agreed to.*

Recommendation (Hi):

Question: That the Senate do call on the Executive to consider the consequences that signing such an agreement is incompatible with OUT membership of the ICC — *Agreed to.*

Recommendation (iv):

Question: That the Executive should solemnly renege from the agreement signed with the United States of America by giving the stipulated one year notice of intent to terminate the agreement.

Amendment Proposed:

Leave out the words "solemnly renege from" in line 1 and insert the words "rescind" (Senator Udoma Udo Udoma).

Question that the amendment be made put agreed to.

Recommendation (v):

Question: That the Senate do advise the Executive to desist from entering into any international agreement which may not support a fair, effective and independent International Criminal Court or will have the effect of nullifying, to whatever extent, any International Convention to which Nigeria is a signatory — *Agreed to.*

Resolved:

- (i) That the Executive be informed that provision of Section 12(1) of the 1999 Constitution of the Federal Republic of Nigeria reserves the right to domesticate Treaties to the National Assembly
- (ii) That the Senate do call on the Executive to refrain from adopting any agreement which undermines the effective implementation of the Rome Statute or any international law.
- (Hi) That the Senate do call on the Executive to consider the consequences that signing such an agreement is incompatible with our membership of the ICC.
- (iv) That the Executive should rescind the agreement signed with the United States of America by giving the stipulated one year notice of intent to terminate the agreement.
- (v) That the Senate do advise the Executive to desist from entering into any international agreement which may not support a fair, effective and independent International Criminal Court or will have the effect of nullifying, to whatever extent, any International Convention to which Nigeria is a signatory (S. Res/026/05).

10. Federal Fire Service Commission (Establishment) Bill 2005 {SB. 168} — *Read the Second Time.*
Motion made and Question Proposed: That the Federal Fire Commission (Establishment) Bill 2005 be read the Second Time (*Senator Ibikunle Amosun*).

Debate:

Debate concluded:

Question put and agreed to.

Bill accordingly read the Second Time and referred to Committees on Housing and Urban Development, and Works to report within four weeks.

11. **Adjournment:**

Motion made and Question Proposed: That the Senate do adjourn till Wednesday, 17th August, 2005 at 10.00 a.m.

Adjourned accordingly at 1.50p.m.

Ken Nnamani
President of the Senate