SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 24th September, 2014

1. The Senate met at 10:44 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 23rd September, 2014.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**
(i) Invitation:
The Senate President read a letter from Senator Olusola Adeyeye (*Osun Central*) as follows:

Professor Olusola Adeyeye **Ph.D**
Senator
National Assembly Complex

September 24, 2014

Senator David A.B. Mark, GCON
Senate of Nigeria
National Assembly Complex
Three Arms Zone
Abuja

Your Excellency,

INVITATION TO OUR SON'S WEDDING

It is my pleasure to invite you and all Distinguished Senators, on behalf of my family, to the forthcoming wedding of our son, Temilolu Olumuyiwa Adeyeye and his heartthrob Dr. Anthonia Oluwaseyi Ogunji.

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Date: *Saturday, 1st November, 2014*
Time: *3:30 p.m. prompt*
Venue: *United Methodist Church, Fort Worth, Texas, USA*
Reception: *Immediately after the wedding at Fort Worth Omni Hotel*

We will be highly honoured to host your esteemed presence at the wedding.

We covet your prayers for the couple.

Please accept the assurances of my highest regards.

Sincerely,
(Signed)
Prof Olusola Adeyeye

(ii) ***Acknowledgment:***
The Senate President acknowledged the presence of Councilors of Bassa Local Government Area of Plateau State who were in the gallery to observe Senate Proceedings.

4. Petition:
Rising on Rule 41, Senator George T. Sekibo *(Rivers East)* drew the attention of the Senate to a petition from Mr Lawrence G. Omeneki on behalf of Mr Collins O. Iwe and Six Others on the wrongful and unlawful termination of their appointments by the Management of Pipeline and Products Marketing Company (PPMC). He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)].

5. Presentation of Bills:
(*i*) Nigeria Antitrust (Enforcement and Miscellaneous Provisions, etc) Bill 2014 (SB.511) — *Read the First Time.*

(*ii*) Code of Conduct Bureau and Tribunal Act CAP C15 LFN 2011 (Amendment) Bill 2014 (SB.512) — *Read the First Time.*

(*iii*) Nigerian Army Institute of Technology and Environmental Studies (Establishment, etc) Bill 2014 (SB.513)— *Read the First Time.*

6. Joint Committee on Finance; and Local and Foreign Debts:
Report on the External Borrowing of not less than One Billion US Dollars ($1B USD):
Motion made: That the Senate do receive the Report of the Joint Committee on Finance; and Local and Foreign Debts on the request of Mr. President Commander-in-Chief of the Armed Forces of the Federation, for external borrowing of not less than One Billion US Dollars ($1B USD) to tackle the security challenges in the Country(*Senator Ahmed M. Makarfi — Kaduna North*).

Question put and Agreed to.

Report Laid.

7. Committee on Judiciary, Human Rights and Legal Matters:
Report on the screening of nominee:
Motion made: That the Senate do receive the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the screening of Hon. Justice Chima Centus Nweze, JCA for appointment as a Justice of the Supreme Court of Nigeria (*Senator Umaru Dahiru — Sokoto South*).

Question put and Agreed to.

Report Laid.

8. Motion:
Non - Submission of Treaties, Conventions Agreements or Protocols by the Executive to the National Assembly for Ratification:
Motion made: The Senate is aware that a treaty is an Instrument whereby an obligation under International Law is undertaken between the Government of the Federation and any other country;

further aware that Section 12(1) of the 1999 Constitution relating to Treaties provides that no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly;

notes that the purport of the provision of Section 12(1) of the Constitution is that no treaty, convention or protocol is enforceable in Nigeria unless same is domesticated through a legislative instrument;

therefore notes that States in Nigeria are not bound by any Treaty unless such Treaties are passed by the National Assembly;

concerned that though Nigeria is a signatory to several treaties or agreements, very few have been ratified by law as required by the Constitution and only between years 2000 - 2007;

further notes that the Treaties ratified in Nigeria include:

S/N	TITLE OF TREATY	DATE ASSENTED TO
1	Treaty to establish the African Union (ratification and enforcement) Act 2003	24th December, 2003
2	Treaty to Establish African Economic Community Relating to the Pan - African Parliament (Accession and Jurisdiction) Act, 2004	28th February, 2005
3	Extradition Treaty Between the Government of the Federal Republic of Nigeria and the Government of the Republic of South Africa (Ratification and Enforcement) Act, 2004	6th January, 2005
4	Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the Federal Republic of Nigeria and the Government of the Republic of South Africa (Ratification and Enforcement) Act, 2004	28th February, 2005
5	The International Convention for the Safety of Life at Sea (Ratification and Enforcement) Act, 2004	30th June, 2004
6	Treaty to Establish Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Ratification and Enforcement) Act, 2005	22nd June, 2005

7	United Nations Convention on Carriage of Goods by Sea (Ratification and Enforcement) Act, 2005	17th August, 2005
8	Treaty Between the Federal Republic of Nigeria and the Democratic Republic of Sao Tome and Principe on the Joint Development of Petroleum and Other Resources in Areas of the Exclusive Economic Zone of the Two States (Ratification and Enforcement) Act, 2005	28th February, 2005
9	International Convention on Civil Liability for Oil Pollution Damage (Ratification and Enforcement) Act, 2006	22nd December, 2006
10	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 as Amended (Ratification and Enforcement) Act, 2006	22nd December, 2006
11	International Convention for the Prevention of Pollution from Ships, 1973 and 1978 Protocol (Ratification and Enforcement) Act, 2007	11th April, 2007

worried that the Federal Ministry of Justice and infact the Executive, since June 5, 2007 till date, appear reluctant and indeed unwilling to lay before the National Assembly Treaties, Protocols and Conventions to which Nigeria is a State Party or Signatory for Domestication (see annexure); and

further notes that this puts the other signatories in jeopardy as Nigeria is not bound to implement any international agreement which has not been enacted into our municipal laws by domestication, and same are not enforceable even in International Law or arena against Nigeria.

Accordingly resolves to:
That the Senate do urge the Federal Government to cause all Treaties, Conventions, Protocols and other instruments which Nigeria is a signatory to and purportedly ratified from 2008 - 2013 without being laid before the National Assembly to be laid before the National Assembly for ratification (*Senator Ita S. J. Enang — Akwa Ibom North-East*).

ANNEXURE

Treaties, Conventions and Protocols Not Forwarded to the National Assembly for Ratification as at June 2013

S/N	NAME OF INSTRUMENT	DATE SIGNED
1	Instrument of Ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. (Paris, 18th October, 2005)	7th November 2007
2	Instrument of Acceptance of the Agreement of the Privileges and Immunities of the International Atomic Energy Agency. (15th July 1959)	1st March 2007
3	Instrument of Accession to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, (5th September, 1997)	1st March 2007
4	Instrument of Ratification of the Protocol Additional to the Agreement Between the Federal Republic of Nigeria and the International Atomic Energy Agency for the Application of Safeguards (Nigeria, 20th September, 2007)	1st March 2007
5	Instrument of Accession to the Convention on the Physical Protection of Nuclear Materials. (26th October 1979)	1st March 2007
6	Instrument of Adherence to the International Convention for the Conservation of Atlantic Tunas. (Brazil, 14th May, 1966)	24th May 2007
7	Instrument of Adherence to the International Union for Conservation of Nature and Natural Resources WCN (World Conservation Union). Montreal, 13th -23rd October 1996)	8th November 2007

8	Instrument of Accession to the Vienna Convention on Civil Liability for Nuclear Damage. (Vienna, 21st May, 1963)	1st March 2007
9	Instrument of Accession of the 1991 Amendments to the Convention on the International Maritime Organization on the Institutionalization of the Facilitation Committee. (7th November 1991)	24th May 2007
10	Instrument of Accession to the Convention on Nuclear Safety	1st March 2007
11	Instrument of Ratification of the Amendment to the Convention on the Physical Protection Nuclear Material, (Vienna 8th July, 2005)	1st March 2007
12	Instrument of Authorization for the Transmission of Subsequent Declarations Made Pursuant to the Convention on International Interest in Mobile Equipment and the Aircraft Protocol. (South Africa, 16th November, 2001)	23rd March 2007
13	Instrument of Ratification of the Convention of the Protection and Promotion of the Diversity of Cultural Expressions	7th November 2007
14	Instrument of Ratification of the Convention on the Rights of Persons with Disabilities. (South Africa, 16th November, 2001)	28th May 2007
15	Instrument of Ratification of the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials.	27th October, 2008
16	Instrument of Ratification of the Agreement Amending the Partnership Agreement Between the Numbers of the African, Caribbean and Pacific Group of States and the European Community.	29th October 2008
17	Instrument of Ratification of the Agreement Amending the Partnership Agreement Between the Numbers of the African, Caribbean and Pacific Group of States and the European Community	29th October 2008
18	Instrument of Ratification of the Removal of Wrecks. (Nairobi, 18th May, 2007	9th June 2009
19	Instrument of Ratification of the Articles of Agreement of the International Islamic Trade and Finance Cooperation (ITFC). (Kuwait, 30th May 2006)	13th June2009
20	Instrument of Ratification of the Articles of Agreement of the Islamic Cooperation for the Development of the Private Sector (ICD). (Saudi Arabia, 3rd November, 1999)	13th May 2009
21	Instrument of Accession to the Convention on the Prevention and Punishment of the Crime of Genocide. (New York, 9th December, 1948)	19th January 2009
22	Instrument of Accession to the International Convention on the Protection of the Right of All Migrant Workers and Members of the Families. (New York, 18th December, 1990)	19th January 2009
23	Instrument of Ratification of the African Youth Charter. (Banjul, the Gambia, 2nd July 2006)	21st January 2009
24	Instrument of Accession of the Convention on the Protection of All Persons from Enforced Disappearance. (New York, 20th December, 2006)	19th January 2009
25	Instrument of Accession to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment. (New York, 18th December, 2002	19th January 2009
26	Instrument of Ratification of the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials	27th October 2009
27	Instrument of Ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expression.	7th November 2009
28	Instrument of Ratification of the Articles of Agreement of the International Islamic Trade and Finance Cooperation (ITFC). (Kuwait, 30th May 2006)	27th May 2009

29	Instrument of Ratification of the Articles of the Agreement of the Islamic Cooperation for the Development of Their Private Sector (ICD). (Saudi Arabia, 3rd November, 1999)	13th January 2009
30	Instrument of Accession to the Convention on the Prevention and Punishment of the Crime of Genocide. (New York, 9th December, 1948)	19th January 2009
31	Instrument of Accession to the International Convention on the Protection of the All Migrant Workers and Members of the Families. (New York, 18th December, 1990)	19th January 2009
32	Instrument of Ratification of the African Youth Charter. (Banjul, the Gambia, 2nd July 2006)	21st April 2009.
33	Instrument of Accession of the Convention to the Protection of All Persons from Enforced Disappearance. (New York, 20th December, 2006)	19th January 2009
34	Instrument of Accession to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment. (New York, 18th December 2002)	19th January 2009
35	Instrument of Ratification of the ECOWAS Convention on Small Arms and Light Weapon, Their Ammunition and Other Related Materials	27th November 2009
36	Instrument of Ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expression	22nd November 2009
37	Instrument of Ratification of the Second Agreement Amending the Partnership Agreement Between the Member of the African, Caribbean and Pacific Group of States, and the European Community ("The Cotonou Agreement") (Burkina Faso, 22nd June, 2010	22nd November 2010
38	Instrument of Ratification of the Statute of the International Renewable Energy Agency (Irena). (Germany, 26th January, 2009)	25th August 2010
39	Instrument of Ratification of the Niger Basin Authority Water Charter (Niamey, 30th April, 2008)	28th June 2010
40	Instrument of Ratification of the International Labour Organisation Convention Concerning Bocational Rehabilitation and Employment (Disabled Persons) No. 159 of 1983 (Geneva 1st June, 1983)	28th June 2010
41	Instrument of Ratification of the Agreement on Simplification of Visa Procedures for the Businessmen of the Developing 8 (D-8) Member States. (Indonesia, 13th May, 2006)	14th July 2010
42	Instrument of Ratification of the Agreement Between the African Finance Cooperation and the Government Of the Federal Republic of Nigeria Regarding the Headquarters of the Africa Finance Cooperation. (Abuja, 28th May 2007)	17th June 2010
43	Instrument of Ratification of the Multilateral Agreement among the Developing 8 (D-8) Member Countries on Administrative Assistance in Customs Matters (Indonesia, 13th May, 2006)	14th July 2010
44	Instrument of Ratification of the Constitution and Convention of the African Telecommunication Union (ATU) Cape Town, 1999)	23rd July 2010
45	Instrument of Ratification of the Agreement for the Establishment of the African Finance Cooperation (AFC). (Abuja, 28th May 2007)	17th June 2010
46	Instrument of Ratification of the Charter for African Cultural Renaissance (Sudan, 24th January 2006)	18th October 2010
47	Instrument of Accession to the Geneva Convention on Road Traffic of 19th September 1949 and Vienna Convention on Road Signals of 8th November 1968. (Unga, 19th September, 1949)	20th October 2010

48	Instrument of Accession to Convention Relating to Status of Stateless Persons. (New York, 28th September, 1954)	September 2011
49	Instrument of Accession to the Convention Relating to Convention on the Reduction of Statelessness	September 2011
50	Instrument of Accession to the Convention to the Reduction of Statelessness (Adopted in Accordance with Article 18 on 30th August, 1961,	September 2011
51	Instrument of Accession to the Geneva Convention on Road Traffic of 19th September 1949 and Vienna Convention on Road Signals of 8th November 1968. (Unga, 19th September, 1949)	September 2011
52	Instrument of Accession to Convention Relating to the Status of Stateless Person. (New York, 28th September, 1954)	September 2011
53	Instrument of Accession of the Reduction of Statelessness	September 2011
54	Instrument of Accession to the Convention Relating to the Status of Stateless Persons, (Adopted in York on the 28th September, 1954)	September 2011
55	Instrument of Accession to the Convention on the Reduction of Statelessness (Adopted in Accordance with Article 18 on 30th August, 1961	September 2011
56	Instrument of Ratification of the African Charter on Democracy Elections and Good Governance	April 2012
57	Instrument of Ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in African (Kampala Convention) Uganda, 22nd September, 2009	April 2012
58	Instrument of Declaration to Article 3(2) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Adopted in New York on 25th May, 2000)	April 2012
59	Instrument of Accession to the Convention for the Suppression of Acts of Nuclear Terrorism, (Adopted in New York on 13th April, 2005)	April 2012
60	Instrument of Accession to the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agent (Adopted in New York on 14th Dec. 1973)	April 2012
61	Instrument of Ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in African (Kampala Convention) Uganda, 22nd September 2009	2012
62	Instrument of Declaration to Article 3(2) of the Optional Protocol to the Convention the Rights of the Child on the Involvement of Children in Armed Conflict (Adopted in New on 25th May, 2000	2012
63	Instrument of Accession to the Convention for the Suppression of Acts of Nuclear Terrorism, Adopted in New York on 13th, 2005)	2012
64	Instrument of Accession to the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agent (Adopted in New York on 14th December 1973	2012
65	Instrument of Ratification of the Arms Trade Treaty, (Adopted in New York on 2nd April, 2013 Open for Signature in New York on 3rd June, 2013 Signed by Dr. Goodluck Ebele Jonathan Gcfr	2013
66	Instrument of Ratification of the Maritime Labour Convention, 2006 (Adopted in Geneva, Swizerland on 23rd February, 2006 to Enter into Force on 13th Agust, 2013. Signed by Dr. Goodluck Ebele Jonathan	2013
67	Instrument of Ratification of the Arms Trade Treaty, (Adopted in New York on 2nd April, 2013 Opened for Signature in New York on 3rd June, 2013. Signed by Dr. Goodluck Ebele Jonathan GCFR	2013

Debate:

By leave of Senate, Motion stood down.

9. **Institute of Animal Science Act (2007) (Amendment) Bill 2014 (HB. 478):**
Motion made: That a Bill for an Act to amend the Institute of Animal Science Act No. 26 of 2007 and for other matters connected therewith Bill 2014 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Agriculture and Rural Development to report within Two (2) weeks.

10. **Institute of Animal Science Act (2007) (Amendment) Bill 2014 (SB. 504):**
Motion made: That a Bill for an Act to amend the Institute of Animal Science Act No. 26 of 2007 and for other matters connected therewith Bill 2014 be read the Second Time (*Senator Adegbenga S. Kaka — Ogun East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Agriculture and Rural Development to report within Two (2) weeks.

11. **Tobacco Products (Regulation and Control) Bill 2014 (SB. 477):**
Motion made: That a Bill for an Act to Provide for the Regulation and Control of Production, Manufacture, Sale, Advertising, Promotion and Sponsorship of Tobacco or Tobacco Products in Nigeria and for Other Related Matters 2014 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Health, Primary Health Care to report within Four (4) weeks.

12. **Tobacco Products (Regulation and Control) Bill 2014 (SB. 213):**
Motion made: That a Bill for an Act to Provide for the Regulation and Control of Production, Manufacture, Sale, Advertising, Promotion and Sponsorship of Tobacco or Tobacco Products in Nigeria and for Other Related Matters 2014 be read the Second Time (*Senator Ifeanyi A. Okowa — Delta North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Health, Primary Health Care to report within Four (4) weeks.

President,
Senate of the Federal Republic of Nigeria.