

Leave of Absence

Friday, March 06, 1998

HOUSE OF REPRESENTATIVES

Friday, March 06, 1998

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from four Members of the House who have asked to be excused from today's sitting. They have been granted leave of absence. They are the Member for Port of Spain North/St. Ann's East (Mr. Gordon Draper), the Member for Diego Martin West (Dr. Keith Rowley), the Member for Arima (Dr. The Hon. Rupert Griffith) and the Member for St. Joseph (Hon. Mervyn Assam).

MESSAGE THERAPY ASSOCIATION OF TRINIDAD AND TOBAGO (INC'N.) BILL

Bill for the incorporation of the Massage Therapy Association of Trinidad and Tobago and for matters incidental thereto, brought from the Senate [*The Parliamentary Secretary, Ministry of Works and Transport*]; read the first time.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Legal Aid and Advisory Authority for the year ended December 31, 1996. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Chaguaramas Development Authority for the year ended December 31, 1994. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Chaguaramas Development Authority for the year ended December 31, 1995. [*Hon. R. L. Maharaj*]

Papers 1 to 3 to be referred to the Public Accounts Committee.

4. The Petroleum Wholesale Marketing (Competitive Bidding) (Amendment) Regulations, 1998. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the accounts of the National Housing Authority for the year ended December 31, 1983. [*Hon. R. L. Maharaj*]

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6. Report of the Auditor General on the accounts of the Interim National Carnival Commission for the period January 01, 1991 to July 31, 1991. [*Hon. R. L. Maharaj*]
7. Report of the Auditor General on the accounts of the Interim National Carnival Commission for the period August 01, 1991 to July 31, 1992. [*Hon. R. L. Maharaj*]
8. Report of the Auditor General on the San Fernando Carnival Committee for the period January 01, 1996 to December 31, 1996. [*Hon. R. L. Maharaj*]
9. Report of the Auditor General on the accounts of the Agricultural Development Bank of Trinidad and Tobago for the year ended December 31, 1996. [*Hon. R. L. Maharaj*]

Papers 5 to 9 to be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

Commonwealth Heads of Government Conference

- 21. Mr. Patrick Manning** (*San Fernando East*) asked the hon. Prime Minister:
- (a) Could the Prime Minister give a complete and detailed breakdown on a daily basis of his official itinerary from October 21, 1997 to November 10, 1997, when he attended the Commonwealth Heads of Government Conference in Glasgow?
 - (b) Could the Prime Minister indicate whether he made official visits to any other countries but the United Kingdom during the period October 21, 1997 to November 10, 1997?
 - (c) Could the Prime Minister indicate the names of the persons who accompanied him officially during this absence from Trinidad and Tobago?

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. Speaker, the Prime Minister's itinerary of commitments as approved by the Cabinet over the period October 21, 1997 to November 10, 1997 was as follows:

- (i) Commonwealth Heads of Government Meeting, Edinburgh, Scotland, 24—27 October, 1997.
- (ii) Official visit to France to press the special case of the Caribbean in the upcoming negotiations on developmental co-operation between the

African, Caribbean and Pacific states and the European Union, October 29 to November 4, 1997; and

- (iii) First Summit of the ACP Heads of State and Government and related matters—Libreville, Gabon, November 4—7, 1997.

Mr. Speaker, with respect to the Commonwealth Heads of Government Conference, the details of the Prime Minister's official itinerary read as follows:

- Wednesday, October 22 - Hon. Prime Minister and delegation arrived in London intransit Edinburgh for Commonwealth Heads of Government Meeting (CHOGM).
- Thursday, October 23 a.m. - Meeting of Caricom Heads of Government with regard to the ACP Summit in Gabon.
- Thursday, October 23 p.m. - Opening ceremony of (CHOGM).
- Friday, October 24 - Executive Session of the Commonwealth Heads of Government Conference.
- Saturday, October 25 - Executive Session of the Commonwealth Heads of Government Conference.
- Sunday, October 26 - Retreat for Heads of Government to St. Andrews.
- Meeting between the hon. Prime Minister of Trinidad and Tobago and the Prime Minister of Singapore.
- Meeting with the Prime Minister of Malaysia.
- Monday, October 27 - Final Executive Session and the Closing Session of the Commonwealth Heads of Government Conference.
- Tuesday, October 28 - Gala opening of the Art Exhibition "Trinidad and Tobago through the Eyes of the Artist" at the Commonwealth Institute organized by the Trinidad and Tobago High Commission in London.

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- Wednesday, October 29 - Dinner hosted by CJW International Ltd. for the Hon. Prime Minister to meet senior executives of United Kingdom companies operating in Trinidad and Tobago.
- Thursday, October 30 - A rest day which, incidentally, was Divali in Trinidad and Tobago and a public holiday for Trinidad and Tobago.
- Friday, October 31 - Hon. Prime Minister visited the High Commission of Trinidad and Tobago and met with the staff.

Following the weekend, the Prime Minister's itinerary continued as indicated as follows:

- Tuesday, November 4 - Hon. Prime Minister and delegation departed for Gabon via Paris for the ACP Summit.
- Wednesday, November 5 - Prime Minister arrived in Gabon.
- Thursday, November 6 - Opening ceremony of the ACP Conference and an Executive Session of the ACP Conference.
- Friday, November 7 - Working session of the ACP Conference.
- Saturday, November 8 - Hon. Prime Minister and delegation returned to London from Gabon.
- Sunday, November 9 - Rest day in London.
- Monday, November 10 - Hon. Prime Minister and delegation returned to Trinidad and Tobago.

With respect to the official visit of the Prime Minister to France, this proposal arose out of a decision of the Eighth Inter-sessional meeting of Caricom Heads of Government to visit various European capitals with a view to advancing the Caribbean position for a successor agreement to the Lomé Convention.

At the request of the Chairman of Caricom, the Prime Minister of Trinidad and Tobago agreed to undertake the proposed Mission to France, subject to all arrangements being satisfactorily concluded. However, the visit was postponed to a date to be mutually agreed by both governments and it is anticipated that the visit

will now take place in the second quarter of 1998. Mr. Speaker, indeed, a date has already been set for that visit.

The Prime Minister departed London for Gabon on November 4, 1997 to attend the ACP Heads of State and Government Conference. As I said before, the delegation returned to London on November 8 and departed for Port of Spain on November 10, 1997. I also indicate that whilst in Gabon, the Prime Minister met separately with the following dignitaries:

- (a) the Vice-President of South Africa
- (b) the President of Mozambique
- (c) the President of Botswana.

Also, at the request of the President of the Palestinian Liberation Organization and the Vice-President of Uganda, the Prime Minister held meetings with Mr. Yasser Arafat and the Vice-President of Uganda.

Mr. Speaker, with respect to part (b) of the question, the Prime Minister visited Gabon from November 4—7, 1998 for the purpose of attending the first meeting of the ACP Heads of State and Government.

In answer to question 21(c), the Prime Minister's delegation to the Commonwealth Heads of Government Conference was as follows:

The Hon. Basdeo Panday	-	Prime Minister and leader of the delegation
Mrs. Oma Panday	-	Wife of the Prime Minister
Hon. Mervyn Assam	-	Minister of Trade, Industry and Consumer Affairs
Mrs. Marcia Assam	-	Wife of the Minister of Trade, Industry and Consumer Affairs
Her Excellency, Mrs. Sheelagh de Osuna	-	High Commissioner, London
Mr. Carlos John	-	Chairman, TIDCO
Mr. Vishnu Ramlogan	-	President and Chief Executive Officer, TIDCO
Mr. Clive Pegus	-	Foreign Service Officer attached to the High Commission, London

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Mr. Basdeo Maharaj - Executive Assistant to the Prime Minister.

The Prime Minister's delegation to the First Summit of ACP Heads of State and Government was as follows:

The Hon. B. Panday - Prime Minister and Leader
 Mrs. Oma Panday - Wife of the Prime Minister
 Hon. Ralph Maraj - Minister of Foreign Affairs
 His Excellency,
 Lingston Cumberbatch - Ambassador, Brussels
 Mrs. Annette Gonzales - Director, International Economic Relations
 Division, Ministry of Foreign Affairs
 Miss Susan Gordon - Minister Counsellor, Brussels
 Mr. Basdeo Maharaj - Executive Assistant to the Prime Minister
 Security Officers (2) - Ministry of National Security
 Representative (1) - Ministry of Information

Mr. Speaker, I thank you.

Additional Electricity Capacity

22. Mr. Patrick Manning (*San Fernando East*) asked the hon. Minister of Energy and Energy Industries:

What policy does the Government propose to pursue in the provision of additional electricity capacity to satisfy incremental increases in domestic demand and for possible aluminium smelting operations?

The Minister of Public Utilities (Hon. Ganga Singh): Mr. Speaker, for reasons of increasing competition and reducing dependence on one generator of electricity, the Government's overall objective is to allow other generators to provide additional capacity. In fact, Government's policy on the provision of additional electricity capacity has been clearly enunciated in the *Medium Term Policy Framework, 1998—2000*, and I quote:

“...New generation expansion of the system would be done utilising the Co-generation/Independent Power Producers (IPP) Approach. These measures will relieve T&TEC of the financial responsibility of generation expansion while at the same time deepen the involvement of the private sector at the generation level.”

Implementation of this policy. In furtherance of this policy, T&TEC had discussions with the following three co-generators, who had expressed a desire to supply additional power:

- (i) Norsk Hydro Aluminum
- (ii) The Aluminum Company of Trinidad and Tobago (ALCOTT); and
- (iii) Inncob Industries (Trinidad) Limited.

Mr. Speaker, T&TEC conducted a due diligence exercise and after lengthy negotiations an agreement was reached with InnCogen (Inncob's electricity generator) for a power purchase agreement. The board of T&TEC approved this agreement on February 4, 1998 and on February 5, 1998, Cabinet authorized T&TEC to sign a negotiated power purchase agreement with Inncogen.

In accordance with this power purchase agreement, InnCogen has proposed the insulation of two 73-megawatt generating units, with the possibility of a third plant being added at a later date. This capacity would be sufficient to meet the country's requirement up to the year 2000. The commercial operations for the generation of electricity by InnCogen would commence on September 9, 1999.

1.45 p.m.

Inncogen's proposed conversion price is competitively superior to the contracted price with Powergen. It is, therefore, anticipated that the country will be paying almost US \$12 million, approximately TT \$76 million less for electricity per year. This honourable House was previously apprised of Inncob's Industries Trinidad Limited of the proposals for the establishment of a glass manufacturing plant and a paper manufacturing plant in Trinidad and Tobago.

With respect to the provision of T&TEC Phase II generation capacity requirements in the year 2001, T&TEC had been holding discussions with Norsk Hydro and ALCOTT. In fact, apart from Norsk Hydro and ALCOTT, there are two additional aluminum smelting firms that have recently shown interest in establishing businesses in Trinidad and Tobago. Consequently T&TEC's Phase II generation capacity requirements needed by the year 2001 are likely to be met through cogeneration from aluminum smelting operations.

Thank you.

Mr. Manning: Mr. Speaker, a supplemental question, please. At what price would InnCogen be purchasing gas for the National Gas Company?

Hon. G. Singh: Mr. Speaker, the hon. Member for San Fernando East was intimately involved in the negotiations with Powergen and he would know that it is the conversion of gas, and it is T&TEC who is the purchaser of the gas from the National Gas Company.

Mr. Manning: In other words, is the hon. Minister saying that T&TEC is purchasing gas and the gas is being converted by both Powergen and InnCogen. Is that correct?

Hon. G. Singh: Mr. Speaker, that is so.

Mr. Manning: In light of the fact that Norsk Hydro has just announced an aluminum smelter in Katar, how optimistic is the Government of Trinidad and Tobago that Norsk Hydro will construct an aluminum smelter plant in Trinidad and Tobago since this has happened?

Hon. G. Singh: The hon. Member for San Fernando East is always interested in yesterday's news. With respect to the issue of the announcement by Norsk Hydro, as I indicated, there are four proposals for aluminum smelting and, therefore, it is a competitive environment and the fact that ALCOTT is available and Alumet and Transcontinental Energy, we have until the end of 1999 to make the necessary arrangements for power requirements for 2001 and beyond.

Mr. Manning: In light of the fact that other aluminum producers have announced the construction of aluminum plants elsewhere in the world, is there the possibility that there will be an aluminum smelter plant constructed in Trinidad and Tobago in that time against the possibility that happens?

Mr. Speaker: It is sounding too much like a statement.

Mr. Manning: What plans does the Government have for the provision of electricity generation against the possibility that no aluminum smelter plant is constructed in time in Trinidad and Tobago?

Hon. G. Singh: It appears that the hon. Member for San Fernando East is a prophet of doom and gloom. With respect to plans for further capacity requirements in the year 2001, as I indicated to this honourable House, we have until the year 1999 to make the necessary adjustments in our timetable for additional requirements. As indicated in the macroeconomics policy requirement it is through cogeneration. That is the approach we are going to take.

Mr. Valley: Would the Minister inform the House of the level of inventory or gas supply that InnCogen will be required to keep as stock, as in the case of Powergen?

Hon. G. Singh: Perhaps the Member could file that as a further question as I do not have that technical information available to me.

**Heavily Indebted Poor Countries Initiative
(Guyana)**

23. Mr. Patrick Manning (*San Fernando East*) asked the Minister of Finance and Minister of Tourism:

- (a) Has the Government as part of the Heavily Indebted Poor Countries Initiative (HIPC) forgiven any of Guyana's outstanding liabilities to Trinidad and Tobago?
- (b) Is it the intention of the Government to forgive any more of Guyana's existing liabilities to Trinidad and Tobago?

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): The Heavily Indebted Poor Countries Initiative (HIPC) is a programme developed within the World Bank and the International Monetary Fund for providing debt relief to heavily indebted poor countries. It is a comprehensive and integrated approach to external debts that requires the participation of all creditors.

In the discussions with the multilateral institutions and other bilateral creditors to Guyana, Trinidad and Tobago articulated its support of the initiative to help the heavily indebted poor countries, but indicated that Trinidad and Tobago is not now in a position to participate at the level required, given the present economic circumstances of the country and the efforts already made to assist Guyana. The Guyana Government has made a strong plea for Trinidad and Tobago to reconsider its position as this would mean that Guyana would lose the benefits under the HIPC initiative which would then accrue to another country. Cabinet has since agreed to the following terms:

1. The present stock of nominal debt of US \$177 million will remain unchanged.
2. The majority of 23 years as established under the Paris Club meeting of May 1996 will remain unchanged.
3. The grace period will remain at six years.
4. The interest rate will be reduced from 6.6 per cent to around 3 per cent; the precise level of which would be determined at the finalisation of the initiative.

Mr. Speaker, it is important to note that in spite of the response from the Paris Club and the multilateral institutions requiring that the initiative can go forward

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and succeed only if all creditors participated in accordance with the guidelines laid out within the programme, Trinidad and Tobago's position though different, seems acceptable. Furthermore, to minimize the effects of this option, the World Bank has agreed to assist Trinidad and Tobago to fund a Poverty Reduction Programme which would be funded by grants from the European Development Fund and a policy base loan at concessionary terms from the World Bank.

Mr. Manning: I wonder if the Minister would give us the date of that Cabinet decision please?

Sen. The Hon. B. Kuei Tung: I am sorry, I do not have the precise date, but I think it was around December 1997.

Mr. Manning: The hon. Minister said that the stock of \$171 million remains unchanged. Has the Government agreed to any adjustment in the interest that accrues on that capital stock to Trinidad and Tobago and if so, what has been the decision in respect of interest?

Sen. The Hon. B. Kuei Tung: I just gave that as part of the answer. The interest rate will be reduced from 6.6 per cent to around 3 per cent, the precise level of which will be determined at the finalisation of the initiative.

Mr. Manning: Has there been an agreement to reduce the quantum of the agreement separate and distinct from the rate of interest?

Sen. The Hon. B. Kuei Tung: Mr. Speaker, I am unable to answer that question.

WRITTEN ANSWER TO QUESTION

MF Panorama (Dry Docking)

The following question stood on the Order Paper in the name of Dr. Keith Rowley (Diego Martin West):

- 31.** With respect to the recent dry docking of the MF Panorama in Curaçao, could the Minister or Works and Transport provide:
- (a) the time-frame for completion as well as the comprehensive scope of works to be carried out as listed and costed at the time when the tender was awarded?
 - (b) the list of charges for all items of work actually carried out as well as details of costs for support services, including Port Authority staff costs incurred during the dry docking?

- (c) copies of certificates for all works done and certified by Curaçao Dry Dock and the Lloyds Classification as at January 31, 1998?

Vide end of sitting for reply.

ORAL ANSWER TO QUESTION

MF Panorama

32. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Works and Transport :

- (a) Is the Minister satisfied that the MF Panorama is now safe for use by the travelling public between Trinidad and Tobago?
- (b) Could the Minister confirm that as at January 31, 1998, the automatic sprinkler system, which was installed in Curacao is fully operational and certified by the final competent authority?

The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma): Mr. Speaker, I would like to emphasize that the MF Panorama has always been and continues to be safe since it has always complied with the requirements of the International Convention on the Safety of Lives at Sea commonly known as SOLAS and other international maritime conventions. In addition, the vehicle has maintained its class re: hull and machinery which is a prerequisite for the insurance coverage of the vessel.

The recent upgrade of the MF Panorama at the dry docks in Curacao which was to ensure conformity with the most recent requirements of the International Convention on the Safety of Lives at Sea '74 and '78 and related protocols, is further testimony of my Government's commitment to ensure safety of its inter-island vessels.

I would also like to inform this honourable House that a comparative pricing for the scope of works to be undertaken for the upgrade of the MF Panorama by Caridoc and Curacao dock yard was US \$1,693,342.00 and US \$989,530 respectively.

1.55 p.m.

The automatic sprinkler system was fully installed and operative as at January 31, 1998. While this system was approved by Llyod's Registrar, final certification has not yet been provided since a minor outstanding item, including additional spare sprinkler heads have to be acquired. This has been placed on an order by the Port Authority of Trinidad and Tobago.

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Mr. Speaker, I also point out that the stock piling of this item is a requirement under the SOLAS Agreement, as at October 1, 1997. However, it does not affect the stability of the sprinkler system.

Thank you.

**MEMBER OF PARLIAMENT
(LICENSED FIREARM)**

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, I consider it my obligation to make a statement to this honourable House on the widely reported incident in which a Member of Parliament and Minister of Government, while carrying a licensed firearm on his person, was involved in verbal exchanges with a group of people at the Tunapuna/Piarco Regional Corporation, two days ago.

In sifting through the information available to me on this matter, the fact which emerges is that while he was indeed carrying a licensed firearm on his person at the time of the verbal exchanges, the Minister of Local Government did not brandish it, nor did he use it to menace or threaten the people who were involved in those exchanges. Had there been evidence that the Minister had indeed brandished a firearm in threatening any one during the incident, that Minister would not now be a Member of my Government. Nonetheless, I now confirm to this honourable House that while he is a Member of the Government of Trinidad and Tobago, which I lead, the incumbent Minister of Local Government will no longer be a gun-toting minister. That practice will simply not be tolerated.

Mr. Speaker, whatever perils we face as Members of the Government of a country in which there have been attempts of armed overthrow of previous administrations; whatever perils we face as Members of a Parliament which has been invaded by armed insurrectionists who brutally tortured and shot a Prime Minister of this country in this very Chamber; whatever perils we face as Members of a Parliament in which armed insurrectionists shot to death a Member of this Parliament in this very Chamber—*[Interruption]*

Mr. Speaker: Member for Diego Martin Central and others, I appeal to you. I do not know whether you have heard the statement before. I have not and I think that many people in this august Chamber have not. Please continue.

Hon. B. Panday: Mr. Speaker, whatever perils we face as Members of a Parliament in which armed insurrectionists shot officers of the security service to death in this very Chamber and its environs; whatever perils we face from such insurrectionists and other extremists, who may be emboldened by the unrelenting

incitement of certain politicians' performance at others, we and all other citizens can take great comfort in the knowledge that this country and all our citizens have the good fortune to be served by dedicated and courageous men and women in our security and protective services who are officers of sterling character and exceptional competence. We can feel safe in their hands. They saved our country in 1970 and 1990. They daily grow more capable. We continue to make every effort to ensure that they are better equipped to protect our citizens.

As representatives of the people and Members of this honourable House, it is our obligation to be vigilant that our actions, as we go about the people's business, should never in any way encourage or legitimate undesirable attitudes and behaviour in the society. We run that risk when Members carry firearms and when Members issue threats for the violent resolution of matters on the debate, during sittings of this august Chamber.

I am pleased to say that only a few minutes ago, I received a document which appears to be a receipt from the Deputy Commissioner of Police, Mr. Hilton Guy, in which he indicates that the hon. Minister at 1.10 p.m. delivered to the police his revolver for safekeeping by the police. It was easy to ban my Minister from carrying a firearm. How good it would be, if we could as easily banish all guns from this blessed land. How very good it would be, if we could as readily banish from the national political discourse and from the media menu, all incitements to violence, particularly incitements stated and subliminal to violence against women. How providential it would be, if we could banish from this land and from the planet on which we dwell, all incitements to racism in any form.

Thank you.

**FALL IN OIL PRICES
(GOVERNMENT'S RESPONSE)**

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Mr. Speaker, in keeping with this Government's policy of accountability, I wish to address this honourable House on the Government's response to the fall in oil prices. I begin by assuring the population that we do not intend to divert from our stated goals and objectives for 1998. These goals were formulated on bases which have proven to be very successful.

In reviewing our performance we note that 1997 marked yet another year of economic growth for the domestic economy. This growth has been driven primarily by the strong performance of the petro-chemical sub-sector and the

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construction, manufacturing, distribution and financial services sub-sectors. The unemployment rate has been decreasing steadily. Inflation has been kept to manageable levels, averaging 3.8 per cent. Government has succeeded in generating a surplus on its fiscal account. At the end of December, the country's gross foreign reserves stood at US \$708 million, which is the equivalent of 3.5 months of import cover. The balance of payments recorded a surplus of US \$224 million by the end of 1997.

Mr. Speaker, despite the drop in oil prices, 1998 can be an equally successful year. We expect to match or surpass last year's growth rate. Inflation will be kept down and we hope to lower the rate even further. We will continue to generate even new employment opportunities and to bring down the rate of unemployment. The 1998 budget is targeted to generate a fiscal surplus of \$445 million, equivalent to approximately 1.2 per cent of gross domestic product. This surplus is based on an oil price of US\$19.00 per barrel and an oil production level of 124,210 barrels per day. This surplus is also consistent with the *Government's Medium Term Policy Framework, 1998-2000*. The budgeted fiscal surplus is based on total revenue collections of \$11,140 million and total expenditure of \$10,695 million.

2.05 p.m.

Mr. Speaker, since the formulation of the 1998 budget estimates, a number of developments have necessitated a preliminary review of the fiscal estimates, thereby varying some of the basic assumptions underlying these estimates. Oil, ammonia and methanol are trading at prices below the budgeted level. Additionally, indications are that the projected revenue losses resulting from lower than budgeted oil prices will require reductions in budgeted recurrent expenditure if the fiscal surplus is to be maintained.

Based on a reviewed oil price of US \$15 per barrel and on reduced ammonia and methanol prices, the revised revenue collections show a possible reduction of approximately \$550 million, from \$11,140 million to \$10,590 million.

It is to be understood, Mr. Speaker, that because of its premium quality, this country's Galeota crude oil consistently trades at a price approaching one dollar above that of the benchmark Brent Crude.

Mr. Speaker, containment of the revenue loss in 1998 to \$550 million is critically dependent on a concerted revenue collection effort during the year, particularly in the areas which have the potential to generate significant revenue.

This would include such areas as corporation tax, individual income tax, land and building taxes, excise duties, motor vehicle taxes and duties, VAT and taxes on international trade.

Furthermore, state enterprises will be required to ensure that budgeted dividend payments by state enterprises are realized in the amounts programmed, and that they are on schedule. All revenue-earning state agencies have also been instructed to ensure that revenue is collected on a timely basis.

Given the structure of the economy, any fall in oil prices would impact the non-oil sectors and could also result in lower than projected economic growth. Within this context, the Ministry of Finance will continue to monitor expenditure closely with a view to making any necessary adjustments for shortfalls arising from the fall in oil prices.

Faced with the current situation, Government has a number of options. We can:

- (1) reduce the projected fiscal surplus;
- (2) run a fiscal deficit;
- (3) reduce the budgeted recurrent expenditure; or
- (4) reduce the budgeted Development Programme of the Public Sector Investment Programme.

We can, of course, choose an appropriate mix of these policy options.

In order to ensure that the economy continues to grow, Government's preferred option is to maintain the 1998 budgeted fiscal surplus as far as practicable. It is also necessary that we maintain our targeted fiscal surplus since any deficit on the fiscal balance is inconsistent with our economic programme for the medium term and we need to increase borrowings on the domestic and international markets. Increased borrowing requirements on the domestic market financed either by borrowings from the Central Bank or from the non-financial market, will have a number of serious consequences.

Increased borrowings from the Central Bank will fuel inflation. Such borrowings will increase the level of liquidity in the domestic market, push deposit rates downwards with consequences for the national savings effort, and will as well, reduce the level of foreign reserves. Borrowing from the domestic market would also tighten liquidity conditions, unnecessarily pushing lending rates

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upwards and inhibiting investment activity; all of this is of particular relevance since economic growth is expected to be primarily investment driven.

Mr. Speaker, given prevailing interest rates, borrowing on the international commercial markets would not be feasible at this time. Additionally, such borrowings would only serve to increase the country's foreign debt service burden in the future. Fortunately, the budget is so structured as to allow discretionary cutbacks in the recurrent expenditure programme in response to changing circumstances.

For example, the Government is intensifying its revenue collection programmes. Parallel with this, we are moving aggressively to eliminate waste in all areas of government. I wish to assure this honourable House that I do not contemplate any deferral of our social initiatives outlined in the budget.

This approach enables the Government to maintain the PSIP as defined in the budget. This is critical to ensuring continued growth in the economy, the creation of employment and the enhancement of government revenues in the medium term.

Ministries and Government agencies have been informed that transfer of funds from the capital programme to the recurrent programme will not be entertained. In addition, no new expenditure demands will be considered in 1998.

Ministries have also been sensitized to the critical need to keep expenditure within budgeted allocations at a minimum, and possibly reduce expenditure levels to compensate for the fall in revenue collections.

In summary, if the 1998 budgeted fiscal target is to be maintained the following strategies must be adopted:

- (1) Curtailment of discretionary spending—and I would like to emphasize discretionary—in the 1998 Recurrent Programme already approved by Parliament;
- (2) No consideration is to be given for supplementary funds;
- (3) Ministries and Government agencies, including the Tobago House of Assembly is to re-prioritize its recurrent activities and projects; and
- (4) No requests for transfer of funds from the PSIP to the recurrent programme would be entertained.

Mr. Speaker, the fall of oil, which contributes 15 per cent of our revenues, is unwelcome. However, there is absolutely no justification for anyone to push the

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panic button now. The Panday Administration has been demonstrably capable of managing the affairs of a nation that is moving forward into the 21st Century.

We are confident that the Republic of Trinidad and Tobago will continue to surge ahead in the region, in the hemisphere, and in the global arena.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I ask that the Government move a motion to have the statement of the Minister of Finance debated at the earliest opportunity.

STATE LAND (REGULARISATION OF TENURE) BILL

Order for second reading read.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, I beg to move,

That a Bill to secure certain squatters from ejection from state land; to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas, be now read a second time.

When, in 1996, I was privileged to represent the Government of Trinidad and Tobago at the United Nations Habitat II Conference, I was proud to stand at the plenary session to state before witnesses of the United Nations member states that Trinidad and Tobago has accepted that shelter is a fundamental human right.

At that conference there was a hot debate on that issue. Not all the member states of the United Nations subscribed to that position. Through caucus prior to the conference, certainly every single Caricom State indicated that it subscribed to that position, so I was not only speaking for Trinidad and Tobago, but for our neighbouring states. I believe I was also speaking for all Third World and developing societies.

I think it was Abraham Lincoln who said that God must have loved the poor tremendously because he created so many of them in this world. It was a recognition that in human society there was tremendous poverty. I have always recognized that poverty was, perhaps, the greatest sin man has committed upon himself and would never attribute the sin of poverty to our Creator. In observing the planet in which all of mankind lives, I have noticed that the Creator has provided for the wherewithal of all creatures in an environment that seems to sustain itself. Man, surely, is one of God's creatures.

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2.15 p.m.

My religion has always taught me—and I am a Christian—that man is the preferred of God's creation, in fact, I have been taught that man is created in the image and likeness of his Creator. I have also been taught that the human being is a family, that God is the Father and we are all brothers and sisters of a divine family.

I had no difficulty in accepting those teachings as being fundamentally true, however, in growing up in society, I had great difficulty in accepting the way we organize ourselves because it seemed to me that we did not recognize these things which I have been taught and I know that all Christians are taught. I have subsequently learnt that all Muslims and Hindus are taught the same thing and everyone of the great religions of man teaches the same thing, that God is the parent, the humans are the children, and we are a family.

Mr. Speaker, we did not organize ourselves in recognition of these facts and I had great difficulty in accepting the way our society was organized. The Creator blessed me with some natural talents and my natural aptitude was to design things. Not only to design buildings to shelter people, to design boats that I could race with my friends, to design carnival costumes and to produce carnival bands, but God gave me a talent to look at systems and the way things work and to be able to analyse those and come up with ideas and how to reform them to achieve improvements.

When I chose politics, I had reached the crossroads in my life because I had discovered more than 30 years ago, that the real purpose of our living here on earth is, in fact, to attain oneness in consciousness with infinite mind with the Creator. Having discovered that, I found myself inclined to actually seek that oneness with God. I was written off as a lunatic, you would recall. In fact, I was deeply condemned for the efforts which I made then to achieve a society that I believe would be more closely in harmony with God's idea of human society. So I spent most of my time in investigating the things that relate to society and the things that relate to the world in which I live. I could not reconcile that the mere birds of the air were provided for by the Almighty to enable them to continue their kind. Materials were provided for them to build their nests; trees and branches were provided for those nests to be built on; food was provided to nurture the young birds. Everywhere you look, all the varieties of birds were provided for, all the beasts of the fields were provided for. I spent many years diving into the waters around Trinidad and Tobago and I observed that there was a system of continuity. Enough is provided for all to exist.

The sacrifice of one, maintained the life of another, and I could not reconcile that here in this magnificent world in which we live, the human being who is supposed to be the superior intellect could not, in fact, organize himself and achieve the kind of perfection which I notice was enjoyed by all other creatures. I was at the thresholds and I believe that if I had continued very selfishly seeking to improve myself to get closer and closer to the Creator, that I may have succeeded, but I stopped and asked myself: Could this possibly be what the Creator intends for any of us, that we should live selfishly?

I understand the goal which is for all of us. Whether it would be attained in a single lifetime or whether it would take many lifetimes, it is still the goal. The example set by all the exemplars of the societies from the beginning of time demonstrates that is in fact the ultimate goal of our time.

One could talk of Jesus Christ who, in fact, suffered mortal death and then conquered death and rekindled his life force and then transformed to God. Or we could talk of Siddhattha Gotama an indian prince who did the same thing but did not go through the pangs of mortal death.

History has recorded great exemplars, great philosophical thinkers of great men who in their lifetime demonstrated the greatest achievement of the human being, which is to attain oneness with his Creator. I could have gone that route, but I paused and said, the Almighty has given me certain talents, surely, the Almighty intends that I should use those talents to do something about the world in which I live, the society in which I find myself, the little country where I found myself born, and I chose to try to do that. That is what brought me into the realm of politics. When I tell people I do not like politics, they laugh at me. I do not like politics, Mr. Speaker, it is not a noble thing, it is a struggle for selfish individuals to get more and more for themselves. *[Interruption]* That is how I observe it.

Mr. Speaker: Order please! I wish to say that everybody will have an opportunity to speak.

Hon. J. Humphrey: Mr. Speaker, that is how I observe it and those who are most vocal are most guilty. I see a political leader today—and instead of using his time and God-given talent to solve the problems of the country—creating unnecessary problems. Why? So I chose the rank of politics, but how did I do it? I did not join a political party and seek to get into power. I went into Woodford Square and I started to preach a philosophy. The philosophy which I preached there was a philosophy that we are all one family, one race, we are all different colours and different shades but that is what makes the world beautiful. Because if

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all the butterflies were one colour, or if all the birds were of one colour, the world would be very boring indeed. The result of the magnificent shades which one finds among the human species, that variety is indeed, the spice of life.

I concluded these things and talked about the scientific knowledge which I had obtained about the human skin and why it appears to be of different hues. Scientifically they are identical regardless of what shade we are and I explained that. I drew cross sections of the skin showing how the large cells were dark in pigment and the small cells were light in pigment. More and more people would come and participate in these lectures. I explained what sun tanning is about. In sun tanning, the small cells recede, the large cells come to the surface, the skin gets darker to protect the body from the destructive elements of the sun. Then I looked scientifically at the human hair and I found—*[Interruption]*. These are the things that are used in arguments to divide us. The hair is identical in cellular structure, the only difference between human hair which is very curly, and straight hair is the orifice from which they grow, but in terms of its structure, cellularly, they are identical.

Mr. Speaker, I then questioned: Why do some have orifices that let the hair grow straight and others that make the hair grow curly? Nature tells us the hair which grows curly is, in fact, to protect the brain from the sun. So that people who live in the tropical parts of the world and are exposed to bright sunlight and heat have a means of protecting the brain which is the most important part of the human body, a fact which very few persons on that side seem to appreciate.

Mr. Manning: What about bald head men?.

Hon. J. Humphrey: I chose the path of giving what I could in my lifetime to improving the country in which I live and hopefully, to improving conditions beyond little Trinidad and Tobago.

It was very early that I recognized that apart from food and clothing, shelter is fundamentally required for survival. That is why I directed my efforts and energy at shelter. I designed houses for the rich, the fees from those projects enabled me to feed and shelter my own family, but I spent more of my time struggling to shelter the poor and looking for ways to enable the poor to enjoy what is fundamentally required. Starting on that position, led me to look at the legal system.

I became a Member of this House by being appointed in 1977 to the Senate. In 1981, I fought the election and the people of St. Augustine returned me to this House of Representatives, this again occurred in 1986, in 1991 and again in 1995.

Mr. Speaker, my interest has always been in solving problems, in alleviating poverty and achieving social justice; and the principle is that we are one family and we should, therefore, pool our resources and work together to ensure that every single member of our family is provided for. That is what I have worked for. So becoming a Member of Parliament, I had to understand the Constitution and certain laws because we are here to represent our people by making the laws which govern their lives. So I examined the Constitution with a philosophical eye.

2.30 p.m.

Mr. Speaker, in reading and understanding the first part of the Constitution, which is the statement of social objectives—in fact, it is even more than a statement of social objectives, it is a social contract between those who govern and those who are governed—I realized that the system under which this country operates is not in harmony with the provisions of the Constitution.

Section 2 of the Constitution of Trinidad and Tobago says:

“This Constitution is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency.”

Mr. Speaker, I realize that even in this forum, we cannot wilfully pass laws. The laws which we pass must be consistent with the Constitution.

What does the Constitution say about the rights of the citizens of Trinidad and Tobago? The Constitution says that the material resources of Trinidad and Tobago belong to the community of citizens of Trinidad and Tobago. It says that those resources should be managed so as to subserve the common good and to provide adequate means of livelihood for all. Mr. Speaker, I want to give credit to the framers of our independent Constitution and for those who had the wisdom to retain that section of the Constitution which is sometimes called, the spirit of the Constitution. They had adopted a formulation of words which really expresses an ideal for society.

I know other countries share that same formulation of words, and one must now ask: Is the economic system, in fact, giving the guarantees, rewards and returns to the citizens of this country as promised in the Constitution? The answer is no.

The material resources belong to the people. They should be so distributed as to subserve the common good, and they should provide adequate means of

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livelihood for all. Mr. Speaker, “means of livelihood” does not only include food and clothing, it also includes shelter. That is why at the United Nations Conference in Turkey in 1996, I could have stood and quoted that section of the Constitution and, in fact, boast that Trinidad and Tobago is not only committed in spirit to providing shelter—recognizing it as a fundamental right—but it is in our supreme law. *[Interruption]*

Mr. Speaker, they do not even understand that, because I am getting whisperings from so-called intelligent persons on that side, that that is not how they interpret the Constitution and that I am interpreting it in my own way. Mr. Speaker, that is the basis on which I struggled—at times by myself, until more joined me to ensure that the poor of this country would enjoy shelter—against a government which operated, at the time, without the slightest knowledge of what God intended for mankind, or of what the Constitution which governed their political lives instructed that they should do. Mr. Speaker, those persons, in a brutal way, were demolishing the homes of the poor. They deliberately chose to go at 2.00 or 3.00 a.m.—when persons were asleep, their soundest sleep is at that time of the night—into an area with police, dressed in battle fatigues, fully armed with SLRs and SMGs; accompanied by dogs and a wrecker squad of criminals armed with pickaxes and sledge hammers to deliberately demolish houses; and they scattered the people’s belongings and threw them out to the elements.

While they were demolishing the houses they were not replacing them. Therefore, I stood up to them, a movement was started and many right-thinking persons joined that movement. Not only did we stop them from demolishing the houses, we started a means of distributing lands to the landless, at prices which they could afford, and that was opposed by Members on that side. Mr. Speaker, that was many years of struggle, and where are we? We are now the Government of Trinidad and Tobago mandated to do the things which the population is fully aware that we are committed to do; which is to achieve adequate shelter for all our families.

When I was first a Member of Parliament the late Dr. Eric Williams announced a policy on housing which had many planks of a platform. It was an extremely good policy. That was the first time that a government had alluded to regularizing squatters, I think it was in 1977 or 1978. The late Prime Minister recognized that if one wanted to prevent squatting—which the society saw as breaking the law—one would have to provide adequate land at an affordable price for the poor and there would then be no need for squatters. If the land is provided and persons could

access the land to build their homes on land which is provided in the context of proper planning, with proper infrastructural support and so forth, who would want to squat? That is obviously the preferred thing to do.

I recall in 1977 or 1978, that the late Dr. Williams had estimated the need to provide 6,000 developed lots of land per year to meet the need of the landless and to satisfy the demand for land for housing. In that context he said they would regularise all squatters found on state lands up to a particular cut-off date. But, thereafter, 6,000 lots were supposed to be provided to satisfy their needs. Mr. Speaker, very few lots were provided. The need, therefore, became more intense and the citizens who had to have shelter for their families were forced by the economic system to help themselves to land to build their houses. They helped themselves to state land and to private land.

I have never advocated that any citizen of Trinidad and Tobago who needs land to provide a home for his family should take someone else's land. I repeat, I have never advocated that. *[Interruption]* Mr. Speaker, I do not want to get off course to deal with them, because there is a fact of nature; "that the higher you are ascend is the further you can descend." That is a fact. I could get to their level at a moment's notice with just a decision on my part, but I want to stay on high ground, Mr. Speaker.

Mr. Speaker: I would like to inform the Member for Laventille East/Morvant that it is all right to interject now and then, but to keep it up as you are doing, I do not think it is right.

Mr. Hinds: Mr. Speaker, I am deeply obliged.

2.40 p.m.

Hon. J. Humphrey: Mr. Speaker, there was squatting. While others were saying that squatting was a problem, I was arguing that the problem was a shortage of land for houses and a critical shortage of houses. That is the problem. What we should address our minds to is solving that problem. Squatting, in fact, was the people's way of responding to the problem. If the then government was not so managing the resources of the country between 1973—1983 when billions and billions of dollars went through their hands—if they could not when they had that amount of money to satisfy the basic requirement of sheltering the population—what were the people to do? So the people squatted.

As a Member of Parliament, I told them in this House, not to go into St. Augustine and break a house of a single one of the constituents. I warned them.

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Stay away! I told them if they go to break a house in St. Augustine, they have got to break the representative's first. They went and broke a house in St. Augustine. They did not even check to see if the people in that house had any kind of legal right. Just for their viciousness and badmindedness, they went and demolished a house. I went and mobilized the constituents, we rebuilt the house, and I established my constituency office in that house. I went every single day and operated as the parliamentary representative from there.

But I did not stop there! I filed a constitutional motion against the then government. I rallied the top legal minds of the country to fight that, and I did it deliberately to mobilize the forces in opposition to them. Even though the action was filed and the matter was in the court, they came and broke the house again. In total disregard of even the law of the land. Mr. Speaker, that is the action of a criminal gang. I do not care what people want to call it. I say the people who broke the law and who had the power of the state are criminals. That side has to bear the burden of guilt for that era of our history. We fought the matter in the court and we won a milestone judgment, and the judgment, in fact, recognized that squatters on state land have rights. I am not saying they have the right to the land, it is not their land, but they have rights that are acquired by virtue of their being on that land and the state acquiescing in enabling them to build the house. They have rights.

I did a little more investigating and I discovered that the common law right to shelter of the citizens of Trinidad and Tobago went way back to the days of the emancipation of the slaves. The lawyers on that side should open their ears and listen for a change. When the slaves were emancipated, the plantation owners needed labour, but they had so alienated and dehumanized the slaves on their plantations, that they could not get those slaves, having been emancipated, to willingly return to the plantations. So, of course, they offered inducements, but many of those slaves, even with the inducements, refused to stay in that status, and they went onto the Crown lands. Some came into the city and found menial jobs, but many went into the lands of the Crown with their families and they eked out an existence on the land. They chopped down the trees of the forest and built their little houses, they knew the crops that they could eat. The Crown acquiesced. The Crown had its marines, it had its constabulary, and could easily have gone and removed them, but the Crown accepted them in those conditions. That established in the common law a certain right.

Mr. Speaker, I have been arguing for a very, very, long time, that the squatters who squat on state land, who can do no better for themselves and their families

are, in fact, not in breach of the laws of Trinidad and Tobago. There is a law governing state lands in the statute books, the State Lands Act, which lays out the procedure by which, if there is a squatter on state land, the state can remove that squatter. That procedure required that a complaint be laid before a magistrate and only the judiciary has the power to instruct the removal, the forceful removal, and the demolition. But they did not recognize that. You see, they were the Government, and were big and powerful, and they were going to use this big power that they had to do just as they pleased, so-called attorneys-at-law, who do not even understand basic law—yes, on that side. I have experienced them for a long time.

I have argued for many years that squatters on state lands who could do no better for themselves, in fact, did have rights. Justice Deyalsingh, in his judgment on that particular matter—and the matter is Prakash Singh and constituents of St. Augustine—supported that in his ruling. But I did not stop at that. Because if the state, even when it had the wherewithal, did nothing to assist the poor in acquiring shelter for their families, something more had to be done. So, a few people and myself started a movement that is called the Sou Sou Land Movement.

That movement was strictly in accord with two principles which are the foundation of the culture of this society; the principle of the gayap and the principle of the sou sou. For those who do not understand these principles because they are young and perhaps they no longer exist in the community in which they live; the gayap is a community rallying its resources to help individuals and each other; the sou sou is a form of banking which does not charge interest on the credit. Many poor people have reaped the benefits of these two principles of society, which the modern organizers of society seem to have forgotten. But, those principles remain valid.

What we were able to achieve for the poor—even though the then government opposed us and threatened my life and the life of my wife and daughter, and they even sought to execute that threat on one occasion, you see you have to go through it to know it—we collected the little meagre savings of the poor, but there were so many of them, that the fund grew into quite substantial proportions and on their behalf we negotiated with the very historical plantation owners, who by now no longer had viable plantations, they were large tracts of land where the agricultural components had been so long abandoned, that they were no longer productive. We were able to buy those estates—there were 13 in all—in the few years that we ran this programme.

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Mr. Speaker, let me give you the range of prices which we paid for the land that was purchased. It is interesting. I had put this away hoping that one day it would have been useful, it has become useful. The highest price we paid in our Sou Sou Land Programme, was the Grange Estate in Tobago, we paid 30 cents a square foot for the raw land. Now, in the Grange Estate, let me explain what you had, and my figures might be a little cloudy, but one had two tracts of land that comprised the Grange Estate in Tobago, divided by what was originally a state road, but had become a public thoroughfare. On the eastern end of the estate was 20 acres, and on the western end of that road there were 157 acres. The owners were asking \$1.3 million for the 20 acres and \$1.7 million for the 157 acres. What was the difference? The difference was—because it was the same estate—the 20 acres had Town and Country Planning approval for development into housing. The rest of it did not have planning approval.

What we did, my colleague from Tobago West and myself, we had several meetings with villagers in the vicinity of that estate. We put to those villagers the situation, and we pointed out to the villagers that under the law one should have planning approval for developing land, but they could afford to access land for their families in that method. If they mandate us to go ahead, and on their behalf, buy the 157 acres, we will do it. We will stick our necks out, we will defy the law and we will do it. We were mandated by those villagers and I believe it was unanimous, I do not recall any dissenting votes. The communities rallied with us, and mandated us to go and negotiate to purchase 157 acres which we did on their behalf, and we paid 30 cents a square foot.

Now, what have they got? They each have large allotments for their homes. We laid it out so that the drainage would be in green belts, natural drainage belts in the estate, reducing the cost of development. We actually designed those green belts so that the stream that would develop in the gullies and so forth, rocks were put to retain some of that water. That would help in alleviating flooding in lower areas adjacent to the estate. But we encouraged the people. We told them these green belts are community property, grow fruit trees and make them productive, organize a system of disposal of sillage and sewerage, to, in fact, keep those green belts green. We used natural means of disposing of the waste, designed that way. But the communities of about 17 acres, that was ideal for a tourism resort, and we mapped that out and we vested that 17 acres in the community, which we formed as a co-operative. In addition to that, they got a five acre parcel for a community facility for social and cultural activities, and an additional five acre parcel within the estate for their own enjoyment.

We even went a step further. There was a church being built on the border of this estate and we offered those who were building it part of the land on a strategic, beautiful knoll, so that they could build a church of which they could be proud. Thirty cents a square foot!

2.55 p.m.

Today, I believe those people who live in Grange are happy indeed that they could access land at an affordable price and they have built beautiful homes.

One of the very earliest projects that we purchased was in Coryal. We paid 17 cents a square foot for that land. We also purchased an estate in Penal, and my colleague, the Member for Oropouche, is the one who managed that project. He was a director of Sou Sou Lands Limited. He and his other colleague, the representative for that area, Ravendra Roopnarine, managed that nature project. We purchased that land for 10.3 cents a square foot. We purchased an estate in Morvant for 8.7 cents a square foot—a very difficult tract of land owned by the Stollmeyer family. It was very mountainous and extremely difficult to develop. We purchased an estate in Toco for 4.6 cents a square foot; Carlsen Field, 17 cents a square foot; and Moruga, 11.5 cents a square foot. Therefore, when you look at the value of raw land, the existing legislation passed in 1986 that has put a 25 cents a square foot value on the raw land, is reasonable. We have not decided as a Cabinet what price we would place, but it seems to me that given these facts, 25 cents a square foot for the raw land for regularizing squatters is reasonable.

Mr. Manning: Whose idea was that?

Hon. J. Humphrey: Mr. Speaker, I want to admit here and now, that an evolutionary process has, in fact, been taking place. Efforts have been made, though misguided, to regularise squatters. There is a piece of legislation that has to be repealed because it is totally unworkable. It was hurriedly brought by the PNM on the eve of the 1986 elections with the hope that they could persuade a few people to vote for them; but you know what happened; with two more weeks of campaigning they would not have won a single seat. The Member for San Fernando East lost his seat but we let him have it; with the recount, he would not have had it. *[Laughter]* That piece of legislation was totally unworkable.

I will explain how it was supposed to work. Each individual squatter, probably one of 30,000 people, would have to get a survey plan done of his allotment, he would have to get a lawyer to draw up the legal papers for transfer of title, and would then have to satisfy a commission that, in fact, he is a squatter and was,

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prior to the date that the legislation stated. The commission could not be put in place and if every one of 30,000 families had to go through that routine, it would be in the year 3,000 or 5,000 before the ones found could be regularised. Those of us who were in the new government in 1986 recognized very early that that was unworkable. We also recognized that what was needed to be done was to regularise those communities, as communities. Thus, that is what we sought to do.

I was not in office for very long—

Mr. Valley: Why?

Hon. J. Humphrey: —and that process did not make very much progress. Then in 1991 there was a change of government and the new government looked at the situation again. I must give credit to my predecessors, because when I was no longer Minister, my friend from Tobago West became Minister, and she did a very good job. When she was no longer Minister, my friend from Point Fortin became Minister. [*Laughter*] I have the benefit of having started, seeing my predecessors carry on, and now come to the point when we can at last achieve what all of us were trying to do.

I have a report from the Ministry of Housing and Settlements from a very high-powered committee, on the whole question of the regularisation of tenure on state land. I will share with you the recommendation made by the committee. The date is 1992, the committee is Mr. Timothy Moolleedhar, Chairman, Mr. Winston Agard, Mr. Clive Alexander, Miss Shireen Ali-Khan and Mr. A. Gellineau, February 1992. I will quote what the committee recommended. I do not know if you need me to identify the page and so forth?

"6.1 The Committee concludes that Act 20 of 1986 in its present form does not provide the legal and technical framework for the comprehensive and systemic regularization of squatters in a timely fashion. While conceding that eligible persons under the Act can obtain security of tenure on favourable terms after a lengthy process, the Committee has identified certain prerequisites which must be put in place if a regularization programme of the type suggested in the Manifesto is to become a reality..."

That was the PNM Manifesto of the 1991 election. I will enumerate the six proposals.

"1. A methodology based on comprehensive regularization of settlement sites should be adopted"—

Based on actually settling the whole community, this is what we have been arguing was needed.

- "2. The legal framework should set out a workable procedure of regularization.
3. The law must deal effectively with existing encumbrances and interests in State Lands which hinder regularization.
4. Simplified procedures for the grant of leases should be adopted.
5. An authority to resolve and arbitrate on factual and legal problems which may arise.
6. A technical capability to implement squatter regularization programmes."

Mr. Speaker, that is exactly what we have been able to do with the legislation that is now before us. The only change from then to now is that the department is no longer going to be under the NHA but will be under a Minister. That is the only real change. In fact, that is exactly what we have responded to, in principle.

I think it is appropriate at this stage to give credit to those people who responded to our request to draft legislation that would enable the regularisation of tenure on state land. Justice Richard Crane, who had retired from the Bench, was employed as a consultant by the Attorney General and loaned to my Ministry to assist in the exercise of drafting the legislation. He worked with two young attorneys-at-law who were already in the Ministry, in fact, one that I just named, Shireen Ali-Khan was on that committee and the other was Savitri Balkaran, another young attorney-at-law. Those three are the ones who sat with me and my senior advisors and members of the ministry and worked out the format that the legislation represents.

3.05 p.m.

What were we trying to do? We were trying to ensure that every single Trinidad and Tobago family would enjoy security of tenure with a piece of land adequately designed and developed for housing and a home to shelter their members. That is what we were after. We recognize, Mr. Speaker, that the squatting community had, in fact, assisted in the process of delivering shelter to people because there were 30,000. We do not know the accurate figure but there were about 30,000 families squatting on state lands and I hear that there are as many squatting on private lands. Therefore, we were going to target the 30,000 on state lands because we could not deny the rights of private owners and put in the legislation the regularizing of tenure of squatters on private land.

Hon. Member: Why could you not do that?

Hon. J. Humphrey: Because that would not be democratic. There are other ways that we can achieve the same objective.

Mr. Speaker, we decided to target all squatters on state lands and state enterprises lands because the state enterprises are owned by the people of Trinidad and Tobago and the Government is mandated to manage those resources on their behalf. We targeted, therefore, the squatters on state lands and we included squatters on state enterprises land but we could not include, at this stage, state enterprises lands because you do still have that principle that the corporate citizen is a private owner. But we have taken a decision to regularize the squatters on state enterprises lands, Caroni (1975) Limited, Petrotrin, on the same terms as the legislation will enable the regularizing of squatters on state lands. There is provision in the Bill to enable that. We are actively seeking to achieve, in the quickest possible time, a situation where we can implement this provision and regularize squatters on state enterprises lands.

Let me quote the relevant section for any of those who might feel this Bill does not cover—and I know many constituents, even of Members opposite, have their little squatters homes on state enterprises lands. It is to be found in clause 3(c). It says:

“a squatter or tenant in respect of has actual occupation of land owned by a State Agency, on which there is a dwelling house before the appointed day, so however that no occupant therein may obtain a Statutory Lease or Deed of Lease until such time as the land is designated and legally transferred to the State.”

Therefore, provision has been made to enable it.

The first thing is to secure all the people with their little homes on state lands. How could we do that? We felt that in the past squatters had been treated like less than citizens of this country as if, in fact, they were not legitimate shareholders of the wealth of this country. They had been treated as lawbreakers and that is why the terror campaign was aimed at that. Therefore, any squatter on state lands will go to sleep at night with the fear that possibly, tonight I might lose my home. We decided to avoid that in future and we adopted something we called comfort which is really an assurance; a policy decision of the Government to assure the little people on state lands that they will not be dealt with inhumanely. Those on state lands can get a certificate of comfort that will recognize they have joined the

programme and they will be regularized, either where they are or on some other location of state lands.

We recognize that we were dealing with the poor and we therefore decided to make the terms of acquiring the long-term tender in a very soft way. We took 30 years and decided that when this law is passed a lease would be granted under the Act itself for a period of 30 years during which time if one does three simple things: meet the raw cost of the land, pay the cost of the land survey that is required for establishing the title and pay the cost of the conveyance. One will then be in a position to acquire a 199 year leasehold title from the state and you become as good as owner of that land. The communities themselves will be called upon to upgrade their own infrastructure until the resources of the state can, in fact, assist them in so doing.

We all know, as Ministers of Government that we are constrained by the limits of the budget. If we had more money we could do so much more. We know the money does not come from trees, it comes from the revenues collected by the Ministry of Finance so we did not promise to build the infrastructure for these communities. However, there are agencies of the state that can help communities to achieve the improvement of their infrastructure and we would rally and mobilize all those agencies. These agencies include the Self Help Commission, Local Government, Ministries, Parliamentary Representatives. If they take the interest they can rally communities, they can get commercial establishments to assist because we started a programme like that. Big companies will adopt poor communities: there are many ways.

Of course, when the Ministry of Works and Transport has the vote it can come in with its experts and upgrade infrastructure. But what the people really need is security. That is what they need. Once they have that, it has been recognized that people, in fact, rise to the occasion of satisfying their own needs. In approaching it as communities you have the opportunity now to go in and rally the resources of a community. You build societies by that means. Mr. Speaker, that is the approach that this legislation has offered. A three-stage status: comfort, a guarantee that we will not break you in the dead of night, 30 years statutory lease of all those areas listed in the schedule.

Mr. Speaker, it is interesting to go through this schedule. This schedule has been prepared on the basis of those squatter areas in the country on state lands that the experts have assessed can be upgraded and therefore regularized so that eventually all these communities can become middle class communities enjoying a

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good living standard. There is adequate space provided to build roads. The squatters themselves have laid out their homes so that they leave space between them and their neighbours.

The other thing we have done is adopted, as a standard of land area for all of our families, a minimum of 5,000 square feet. Where possible, in those areas that are to be regularized we will seek to give every single family at least 5,000 square feet of land. This enables the house to grow and expand. It also provides sufficient land so that one can have a backyard garden, grow trees that are highly productive with fruit, shade and bird life. This is why we adopted that standard.

The vast majority of the areas that will get the benefit of the 30-year statutory lease when this Bill becomes an Act and is promulgated by His Excellency are, in fact, to be found in the constituencies of Members opposite. However, we will achieve an equitable balance when we include the lands of state enterprises. With the passage of this legislation we are going to give the people of Trinidad and Tobago the hope, if not actually deliver the goods immediately, that everyone of them will have ownership of a piece of land and a house that is secured and that is theirs.

This does not stop at merely regularizing those squatters who are on state lands. It recognizes that if you want to prevent further squatting, there is only one way you can do it. You have got to provide land to those who need it for their homes at an affordable price. It is the only way you can do it. Therefore, what this Bill does is make provision for doing just that on the very same terms that areas that are developed to accommodate the poor, properly planned, in future will reap the benefits of the provisions of this Bill. That is what it provides.

Mr. Speaker, I noticed a number of Members on that side wanted an opportunity to ask questions but I was not prepared to break my trend of thought because you will notice I am not relying on any notes for making my contribution. Before I sit, if there is any elucidation that is needed, at this point I would be very happy to accommodate them.

Mr. Valley: I just want to know, Mr. Minister, in upgrading the infrastructure are you saying that before an area is regularized the people of the area have got to see about the infrastructure cost?

Hon. J. Humphrey: No, Mr. Speaker, with the passage of this legislation all those communities that are listed in the schedule will automatically get a 30-year statutory lease; communities as they are. I have been recommending to the poor

that they go back to the old way of using the Rhio plant to mark their boundaries because a boundary between neighbours is really an agreement between the neighbours; that is what it is. A surveyor will come in and put a permanent mark and they will take the measurement and bearings and put in a plan and then you have a legal claim. But really the boundary is what the neighbours agree is the line that divides them. In the past—and you still find it all over the country—you saw a Rhio plant and you knew that is the boundary. It is going to take a long time before we can get the surveyors to go and put the permanent marks and get the bearings and the measurements so that we would have the basis for the legal documentation. We are persuading our poor people to mark their own boundaries, then we will come and regularize on that basis. But immediately this legislation is passed into law there is a 30-year lease under the law itself.

Mr. Manning: To whom?

Hon. J. Humphrey: The lease to the individual occupier of the house.

Mr. Manning: On what land?

Hon. J. Humphrey: On the land on which the house stands. Yes, it has to be state lands under the Act and eventually state enterprises lands. The question was whether we have to put in the infrastructure before we regularize. The answer is no.

Mr. Valley: It seems to me all one can give at that stage is statutory lease for the designated area as a whole. I do not know how one can give a lease for 30 years to the householder when one is not sure of the area of land that is involved. I am saying that if we were to do it that way it may be that we would be causing more problems because the area is not set out properly.

3.20 p.m.

Hon. J. Humphrey: Mr. Speaker, recognizing that it is poor people we are dealing with, is the reason that we gave them 30 years. Within a 30-year period, the people are required to get the survey done and pay the cost of the legal conveyance. And that is where they get the 199-year leasehold title, but, meantime, they get the protection of the Bill for that 30 years so that nobody can come and claim the land; it is theirs.

Now, Mr. Speaker, it is going to take a little time, in fact, to be able to mark and measure. It is going to take a lot of time to do that, because you are dealing with so many people, but people know where their land is. In fact, a lot of squatters have built fences. I am recommending to the squatters of communities,

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and recommending to Members of Parliament to assist them in reconciling the differences that might exist, because those differences will be reconciled under the Bill. There will be a *quasi judicial* committee that will have the power under the Bill, to reconcile those conflicts. But, Mr. Speaker, it is far better if we could help our poor in this programme of enabling them to enjoy security of tenure. We will be well on the way, in Trinidad and Tobago, to solving the poverty question for all time.

Today, a poor family who has nothing; no title on the land, has built a little shack; the shack belongs to them; whatever is in it is theirs. When they get ownership of the land, they have already leapt from disposition to a status of possession. We have made a move to improving the conditions of the people and, in this regard, I think it is incumbent on all of us who represent our various constituencies, to assist in this process and we will hear the contributions of the Members opposite when their time comes for making those contributions.

So Mr. Speaker, if there are no other questions to be asked at this stage, I will take notes of their contributions and in winding up, I will be very happy to deal with every single query.

I have not spent time dealing with the Bill clause by clause. I thought it was important that the philosophical premise on which this whole struggle has been waged, should be clarified.

Mr. Speaker, at this stage, I beg to move. [*Desk thumping*]

Question proposed.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I wish to thank the hon. Member for St. Augustine for his presentation. I must say within the first 30 minutes, which I think he described as the philosophical outpouring of his presentation, I was a bit lost. Although it was interesting, I think it did not have too much to do with the meat of the Bill and I do recall one statement he made in that 30 minutes, to the effect that while he was a youngster, he dived into the waters of the surrounding seas to observe the fish and it occurred to me, Mr. Speaker, that perhaps in doing that, he surfaced too quickly. [*Laughter*]

Mr. Humphrey: Even though I am 65 years of age, today I still do it.

Mr. B. Sinanan: I do recognize, Mr. Speaker, that he is still surfacing too quickly. [*Laughter*]

Let me go straight into the Bill and in this regard I would like to read the preamble in its entirety. It says:

“WHEREAS the Government of the Republic of Trinidad and Tobago (hereinafter called ‘the Government’) is committed to the goal of improving living conditions on an equitable and sustainable basis, so that everyone in the society will have adequate shelter,...”

And here “shelter”, in my opinion, connotes some sort of housing.

“...which is accessible and affordable:

And whereas the Government is further committed to the objectives of promoting security of tenure and equal access to land, bearing in mind the need of the population for serviced land, but at the same time recognising the inability of the poor and underprivileged to afford serviced land:

And whereas the proliferation of squatting on State Land is recognised as a manifestation of inadequate access to affordable shelter:

And whereas, in furtherance of its said commitment to improving living standards and fostering healthy development, the Government is undertaking a programme to prevent further squatting by providing an alternative solution in the form of land for the landless, with the intention of developing sustainable human settlements:”

This is the preamble of the Bill before us.

The preamble of this Bill identifies the difficulty the Government has in dealing with the issue of squatting on state lands. The preamble, taken together with the rest of the Bill, clearly indicates an ambivalence in identifying a clear and precise policy with respect to housing and the difficulty of dealing with squatters on a final and permanent basis. It does not bring to an end the issue of squatting on state lands, but, rather, when you read this Bill in its entirety, it gives a *carte blanche* licence to encourage and promote squatting on a sustainable basis.

At the moment, the Ministry of Housing and Settlements, aided by international lending agencies, has developed a plan whereby there is a programme to provide for serviced lots and there are serviced lots in Valencia, in Buen Venue, in Gasparillo. There is also a programme for developing low-cost housing, which is done by private contractors.

Before I go on, I want to touch on one point about these private contractors. It is a point I think I have raised before in this House. When private contractors

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undertake work for the Government, it is the obligation of the relevant ministries and Ministers to ensure that the work produced and delivered to the state is not substandard. It is incumbent upon the Government to ensure that when homes are built by private contractors, they are built to specifications and to the high standards set by the ministry.

We have had a history in this country—and here I am not blaming governments; it is a fact of life; it happens; whether it was the PNM, the NAR or even the UNC Government. What contractors tend to do, is to build substandard homes. They look good when they are painted and new, and the people who are responsible for testing the quality do not do it. There is inadequate housing which deteriorates and within the space of two to three years, the defects become more than evident.

There are cases where private contractors tamper with building completion certificates. I am just urging the Minister to have his people look very carefully at this situation.

Mr. Speaker, the Government says in the preamble, that the Bill:

“...is committed to the goal of improving living conditions on an equitable and sustainable basis, so that everyone in the society will have adequate shelter, which is accessible and affordable.”

What does that mean? It cannot mean regularising squatters because that does not improve living conditions; it does not even provide adequate shelter.

Mr. Speaker, if you have been into a squatter settlement, as I am sure you may have in the course of your previous position before attaining the Chair, you would see the pitiful and really hopeless conditions that squatters live in. It is something that any government would wish to cure. Some squatting developments are havens for criminals.

There is the proverbial—in those days, it was called “Shanty Town”, now it is called the Beetham Estate. There is down in my own constituency, a squatting development on the train line. Every time there is an incident of some criminal activity, the first place that the police head, to look for the alleged criminal or perpetrators of crime, is in those said squatting developments.

The shacks which the squatters occupy, in most cases, are really unfit for human habitation. There is no water, no electricity, no paved roads, nothing in those developments, which the Minister would like to facilitate and provide for

squatters. In most cases, they are one-room shacks and, very often, there are families of upwards of four people living there. As I said, there is no water, no electricity and even if they exist, it is more than likely that the connection is an illegal one.

Mr. Speaker, I do not wish to offend anybody or any religion, but perhaps as a nation, as a government, the time has come in this country, when the Government ought to consider some incentive to those people in our society who are unable to afford more than one or two children in a family. A system can be introduced to pay either a monthly or yearly sum, or some form of tax credit if the person is a taxpayer, to some person or to the person, whether it be a husband or a wife, to undertake some procedure at an approved health institution, in order to facilitate birth control. This population, in a small country like this, cannot continue to grow at the rate it is growing, because we would then have a proliferation of squatters.

We all know that it is those members of our society who can least afford to have children who are the ones that have the most children. It will be cheaper for the state to introduce some form of national system of birth control, than to have to foot the recurrent bill that is incurred in looking after the consequences of an overlarge, overburdened population. It is a strain on the health system; it is a strain on the judicial system; it is a strain on the Treasury.

Mr. Speaker, if the Government is committed to providing adequate shelter, as I am sure the Minister is committed, then it behoves the Government to immediately do just that. Adequate shelter cannot be provided by regularising or seemingly encouraging squatting on state lands. Adequate and affordable shelter can be provided by building low-cost houses in a serviced development. I think it is incumbent on a government to do that. This idea of regularising squatting—yes, a stop has to be put to it by regularising it, but regularising it is one thing, making sure that the structures on these regularised lands are adequate and habitable, is something else.

I very well recall the Minister in a previous statement—I think it was to this Parliament—indicating that his desire was to build low-cost housing. I think on that occasion, I distinctly recall him saying that he wanted to put some form of water receptacle alongside a septic tank, and that was the only difficulty I had with him on that occasion when he spoke about building affordable homes, core houses.

3.35 p.m.

That is what I would suggest to the Minister; develop a programme of building core houses. It is all a question of cost. The question we have to ask ourselves as a

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Parliament and as a nation is this: Would it be cheaper in the long run to build such core houses for the less fortunate in the society than it would be to encourage squatting? Build these core houses where you could provide schools, library facilities, community centres and a police station. This is what I suggest is needed. You need to encourage a healthy environment which will improve a healthy attitude and the desire of those who live in such circumstances to be as good as, and better than, the man whom he always envies.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, I submit to you that it is infinitely wiser to adopt this approach than to perpetuate and incur the high recurrent costs which result from the consequences of the existing situation.

The Minister recognizes this point, because he admits in the preamble that the proliferation of squatting on state land is as a result of his inability to provide adequate access to affordable shelter. If the Government is committed and serious about improving living standards and fostering a healthy environment, then regularising squatting on state land or encouraging the proliferation of squatting, as this Bill definitely will do, is not the way to go. I submit to the Minister that low-cost core housing with a proper developmental framework is the method by which the Government can lift those members of our society who are literally in the gutter, at the moment, out of the gutter.

I now propose to go through this Bill clause by clause. I start with clause 2, the Interpretation Clause. In this clause, a “dwelling house” is defined as “a building or part of a building used mainly as a dwelling or residence and includes land occupied therewith, not exceeding 5,000 square feet more or less.”

The operative words in this definition are, “used mainly as a dwelling or residence.” It therefore connotes that some other use could be had in this dwelling house; some form of commercial enterprise. I do not know if that is the intention of the Minister, so I am suggesting to him that the word, “solely” be used. The point about it is, you do not want to encourage that type of enterprise in an unstructured manner or in a residential area which the Minister is attempting to promote here. Therefore, if the word, “solely” were to replace the word, “mainly”, I think it would achieve the objective.

Again, in the definition clause, “landless” refers to “a person who has no legal or equitable interest or any other interest or claim to such an interest, in a dwelling house, residential land...” Again, there is a need to have another definition because

you cannot be landless in relation to a residential house or housing unit in the context of this Bill. I think there is need for a definition of “homeless”.

The Minister alluded to “State Agency”. This means, “any Ministry or department of Government, the National Housing Authority, a State enterprise wholly owned or controlled by the State and any other agency or authority of the State.” The Minister did say that “state agency” here would include companies like Petrotrin and Caroni. It would also include local government bodies.

Clause 3(1)(c) which the Minister alluded to, says:

“This Act applies to—

- (c) a squatter or tenant in respect of his actual occupation of land owned by a State Agency, on which there is a dwelling house before the appointed day, so however that no occupant therein may obtain a Statutory Lease or a Deed of Lease until such time as the land is designated and legally transferred to the State.”

In this process, I would wish the Minister to elaborate in his winding up to indicate whether, in such circumstances, the state will be acquiring these lands and paying for them. We have had a situation in the past where the state, Plipdeco, acquired a fair amount of land from Caroni (1975) Limited and did not pay for those lands until several years later. The same thing could happen with, I would imagine, Petrotrin.

What would happen if a state agency which is partly owned by the state—for example, the National Flour Mills, which is a public company with majority ownership by the state—has land and on that land there are squatters and the state were to move to acquire those lands, can the state do that against the wishes of the minority owners? Would a special majority be required in such circumstances? Would it breach the Constitution?

Mr. Humphrey: Mr. Deputy Speaker, the Member got the answer already when he read the meaning of “State agency”: “a State enterprise wholly owned or controlled by the State.” Not partially; wholly owned or controlled by the state.

Mr. B. Sinanan: Let me continue. Let us take an example of, say, the Port of Spain City Corporation. The definition of “State agency” here would apply to the city corporation.

Mr. Humphrey: Yes, it would.

Mr. B. Sinanan: Now bearing in mind there is a limit in terms of 5,000 square feet, the question I would ask is this: In terms of the lands occupied at Mucurapo

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by the Jamaat Al Muslimeen, if they can prove that they have a spot there that is used mainly for residence but it also accommodates a school or a mosque on land that does not exceed 5,000 square feet, is the Government saying by this Bill that the Jamaat is entitled to a lease?

Mr. Humphrey: If it is designated.

Mr. B. Sinanan: I take that point; if it is designated.

Let me read clause 3:

“This Act applies to—

- (a) a squatter in respect of his actual occupation of State Land on which there is a dwelling house before the appointed day;”

That is clause 3(1)(a).

3.45 p.m.

Clause 3(1)(c) talks about a squatter who is occupying a dwelling house before the appointed date who may be entitled to a Statutory Lease or a Deed of Lease. Mr. Deputy Speaker, I am not sure whether there is any procedure at the moment or any plan by the ministry to determine whether there are squatters, in whatever designated areas in the schedule here, who are occupying a dwelling house or who are in the course of building a dwelling house. I ask the Minister to indicate in his winding up, whether such an exercise has been completed or whether such an exercise is being undertaken at the moment.

Clause 3(2) says:

“...the Minister may, by Order, declare a day to be the appointed day and such day may precede the coming into operation of this Act.”

The question I want to ask the Minister again is: is it the intention of the Minister to make an order and have that order predate the coming into force of this Act? In other words, has the Minister already determined a date past in which he is going to say that is the cut off point? If not, if it is a date subsequent, what the Minister is doing is really giving an opportunity to all and sundry to go and squat on state land. The Minister is permitting everybody who so desires, to go and occupy state lands or lands belonging to a state agency. Mr. Deputy Speaker, if you look at the section you will see that is what it does.

Clause 4(2)(a) talks about one dwelling house. It says:

“A squatter to whom subsection (1) applies is entitled—

- (a) to the issue of a Certificate of Comfort in accordance with Part III in respect of one dwelling house only and such certificate may be issued in the squatter's own name or jointly with another;"

Mr. Deputy Speaker, again, are there procedures and machinery in place to determine whether a squatter is only occupying one dwelling house? How does the Minister know whether a squatter who is occupying a place in Blitz Village is not also occupying a place in St. Mary's Village, Moruga? I am not sure whether the ministry has that capability to determine whether you have that one individual squatter, because you can only get a certificate of comfort or a deed of lease with respect to one squatter. In other words, one individual squatter could only get one lease but that same squatter may be occupying other areas. Mr. Deputy Speaker, it is not uncommon that a squatter may have a common-law wife or common-law wives in several places. This is Trinidad and Tobago; it happens.

Mr. Deputy speaker, clause 4(4) contemplates a situation where a squatter is not living in the dwelling house. Someone else is living in the dwelling house and it contemplates giving the owner of the house the lease. What this section is doing is promoting a situation of landlord and tenant among squatters. This is what clause 4(4)—

Mr. Humphrey: [*Inaudible*]

Mr. B. Sinanan: But it is there; it is legal interpretation. This is what clause 4(4) does. It creates a situation of landlord and tenant in a squatter development.

Mr. Deputy Speaker, Part II deals with the administration of this process. Knowing the Minister, I am sure—I do not even have to hope—that he would use his best judgment in appointing non-partisan people to be the co-ordinator and members of the committee.

Clause 10(a) talks about the general powers of the division. When you speak here of title investigations, what title are you investigating? The squatter has no title to investigate; he is a squatter. I think what the Minister means here, is really investigating the possession of the dwelling house.

[MR. SPEAKER *in the Chair*]

Mr. Humphrey: The status of the land.

Mr. B. Sinanan: But the land belongs to the state. You do not search titles that belong to the state; you search titles that belong, perhaps, to a state agency. The state does not lease its own lands. You may have lands owned by Caroni (1975) Limited on which there is a debenture, or Petrotrin. In that situation, yes, but the state does not lease its own land or mortgage its own land to secure anything.

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Mr. Speaker, clause 10(f) says:

“establishment of Community Councils for the purpose of—

- (i) fostering community spirit and development;
- (ii) settling of disputes.”

Again, Mr. Speaker, all this can lead to some form of confusion. Is it that a squatter would be entitled to some form of legal representation at that level? The Bill provides for access to the courts in the event that you cannot settle it on the ground, as it were. Is it that a squatter in dispute with another squatter, can then proceed with legal representation before one of these community councils? How would that be implemented? All these things need to be spelt out in this Bill.

Clause 11(1)(b) says:

“A Certificate of Comfort—

is not an interest in land but is a personal right which is not transferable by sale, assignment, devolution or otherwise.”

What happens where you have a situation where a certificate of comfort is issued and for one reason or the other—bureaucracy or whatever it is—the squatter does not obtain a statutory lease but he has a fairly big and substantial house on that parcel of land? What this clause is saying is that that interest in the land is a personal right; it is not transferable. He cannot sell it, he cannot assign it by devolution or otherwise. If that squatter wants to migrate, what does he do with the house? He has nobody to inherit it. Does it go back to the state? Are you depriving this man of his labour where he worked hard, built a house, wants to migrate, nobody to leave the house to, and only has a certificate of comfort? Section 11(1)(b) says he cannot sell it.

Mr. Humphrey: He can demolish it and sell the parts.

Mr. B. Sinanan: Mr. Speaker, perhaps it is worth reading this. Clause 11(2) says:

“Within one year after the appointed day (hereinafter referred to as the ‘prescribed period’) a squatter to whom section 4(1) applies, whose dwelling house is outside a designated area, may apply to the Land Settlement Division for the issue of a Certificate of Comfort in respect thereof.”

Mr. Speaker, I submit to you that clause 11(1)(2) would create a stampede of persons in this country to become squatters. This is what clause 11(2) offers the

homeless and all those who seek to squat on state lands or lands owned by a state agency. Mr. Speaker, there would be more squatters. This is what it is.

Mr. Maharaj: No, there is a prescribed procedure.

Mr. B. Sinanan: But the Minister can prescribe areas. Anybody can settle on an area and can go to the Minister. It is here in the Bill. You can write to the Minister to have him designate that area. What is preventing 1,000 people from going up in Glencoe right now, and decide to form a squatting community? They can petition the Minister.

Mr. Humphrey: [*Inaudible*]

Mr. B. Sinanan: This is what it says. Mr. Speaker, clause 12 says:

“A late application made after the prescribed period...”

The prescribed period is one year after the appointed date.

“...shall be entertained by the Division for a period of one year only and it shall be supported by the declarations of two independent deponents who attest to the fact that the squatter was in actual occupation of the dwelling house, to which the application refers, before the appointed day.”

In other words, Mr. Speaker, this section, again, is creating a licence for squatting. It now extends the period to two years from the appointed date. One year from the prescribed date and two years from the appointed date. So citizens and squatters of this country have a period of two years in which to go on state land or land belonging to a state agency and squat and then appeal to the Minister, because it is right here. You can go to the Minister and ask for that area to be made a designated area. It is right in the Bill. Mr. Speaker, if my interpretation of this is correct, we would have more squatters than rice in this country.

Clause 14(2)(a)(II) says:

“A Statutory Lease may be acquired only—

(a) by a squatter, to whom this Act applies, who—

(ii) does not own or occupy any other dwelling house or residential land...”

Again, Mr. Speaker, I am not sure whether the machinery exists in the ministry to determine that.

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Clause 14(3)(b) says:

“Subject to section 24 a Statutory Lease—

- (b) may not be assigned or otherwise transferred except to the State but is transferable for the remainder of its term in the estate of a deceased person according to law...”

I earlier referred to the situation where you have a squatter who wants to sell. Why prohibit the squatter from selling his home? I do not believe and I am sure the Minister does not believe that the Government is going to buy houses where squatters have a lease. They are not going to do that. This is what that implies, that the state will buy that property. The state can best use its money for providing medicine to the health institutions, not to buy homes of squatters. Why restrict squatters from dealing with their property?

Clause 15(4) talks about a deed of lease where you have a lease for 199 years. It is prohibiting the lessee from dealing with his property because at that stage he has a deed of lease; he is the legitimate owner, he has paid his legal fees, a survey fee, a proportion of the development cost, he has paid a premium, he has a deed of lease. Clause 15(4) says that the state must have the first option to buy this property.

4.00 p.m.

Why is the state limiting and prohibiting a citizen from dealing with his property? He now has a lease for 199 years. It talks about after five years it can be done. He can sell it after five years with the consent of the Land Settlement Co-ordinator. It is my experience when one goes for this consent that it is a very tiresome and bureaucratic exercise. However, I must commend the National Housing Authority under the legal personnel to whom the Minister referred, Miss Balkaran. It is my experience that things have improved in terms of getting consent. When lands are leased by the National Housing Authority, it cannot be assigned by way of sale or mortgage unless there is consent. It has been a tremendous burden and problems for leasees to obtain consent.

However, within the last year the situation at the National Housing Authority has improved. The situation at the sub-intendent’s office is a total disaster. There are leases by the state for 30 and in some cases 25 years and one must get the consent of the Sub-intendent of State Lands. People become frustrated when they have to sell their land and they cannot obtain this consent. My experience is that in that office all the older employees have retired and gone and the new employees

there are not trained and do not know what they are about. To get this consent they have to visit the property to see that there is no breach of covenant. The employee would not use his car to go there. It does not happen, but that is what one is told.

I am not saying that it is not a good thing to ensure there is no breach of covenant. If a lease is for residential purpose and the leasee has a garage, surely, that would be a breach of the lease and it can be determined. There should be some procedure whereby the warden in the particular locality can undertake such an exercise. Waiting for an officer from the sub-intendent's office to undertake that exercise is causing leasees untold hardship.

Clause 17 refers to designated areas approved by the Minister for the purposes of regularisation. The definition of regularisation is the physical upgrading of, and provision of services to, designated areas and land settlement areas and the provision of leasehold title thereto. Is the Minister telling this House that the Government would pave roads, supply electricity, water and sewer facilities within these areas, before they become designated areas? I do not believe that.

Clause 17(2) says that from the commencement of the Act the areas described in the Schedule would be deemed designated areas. This conflicts with clause 17(1) especially when one looks at the definition of regularisation. In the definition clause, regularisation talks about the physical upgrading of, and provision of services to, designated areas and land settlement areas. What does that mean? That could only mean paving the roads and supplying electricity and water.

Clauses 17(3) and 18 can be abused. These two clauses in the hands of a partisan minister confer on him powers to influence population shifts in constituencies. I am very careful with what I am saying. I bring this to the attention of the House.

Clause 18 says that the Minister on his own motion or on application of an individual or a group of individuals can amend the Schedule. This is what I referred to earlier when I said that now people can squat. This is an open licence to people to squat all over the country. I do not think it is the Government's intention to permit that. The intention of this Bill is to regularise squatters who now exist. I challenge the Minister to have that appointed date predate the commencement of this Bill, otherwise we would have a nation of squatters and vagrants in this country.

I alluded to clause 21 which talks about the investigating title. Clause 22 refers to the notice of a claim by a squatter and having that notice published in the local

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newspapers, for four times over a four-week period in at least two daily newspapers. I am not sure to what extent squatters read newspapers. It would be better if that notice is placed in a shop, community centre or post office in the locality. People do not read the newspapers. Sometimes these ads for mortgagee sales are about 1" by 3" and the print is small. Who is going to read that? One would need a magnifying glass to read it. People are bringing land under the Real Property Ordinance and it is advertised in the newspapers to prospective claimants.

This Bill talks about communities and there would be a community centre or a postal agency. I suggest that perhaps, in addition to the newspapers, such notices of claim be placed there. The hon. Member for Couva South would know that in London when planning permission is being sought by a houseowner to effect some alteration or change of use, the notice issued by the council is stuck on a lamp post. I am sure the Member would have seen that.

4.10 p.m.

I do not know if the hon. Member has a house in London or he wants to change a use. He has to go through that process. He has to apply to the council and—it is on a lamp post. I am not suggesting that the hon. Member should do such in Trinidad and Tobago because the mentality of some of our citizens is to just tear the thing down, and it is against the law. Therefore, the hon. Member for Caroni East would be breaking the law by having his picture on the lamp posts.

Mr. Speaker: The speaking time of the hon. Member for San Fernando West has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes [*Mr. C. Imbert*]

Question put and agreed to.

Mr. B. Sinanan: I thank hon. Members. Let me go to clauses 19 and 20. Whilst clauses 19 and 20 prescribed a certain criteria for the Minister—and I am happy that this is in the Bill—it outlines the broad parameters within which the Minister must operate before he can identify a designated area within the Act. The Bill talks about obtaining an order pursuant to section 9 of the Town and County Planning Act. That section relates to outlining permission for development. Clause 19(b) talks about prohibition in terms of designated areas:

“that an area is not—

- (i) allocated for industrial, agricultural or mining purposes.

(ii) a green belt area, such as a forestry conservation area.”

Can the hon. Minister assure this honourable House that the areas stated in the schedule to this Bill do not fall within a green belt area or are not zoned for industrial or agricultural purposes, or are required for the protection of the water resources?

“(v) occupied by communities that inhibit rational upgrading of infrastructure.”

This is a very good criterion because in my own constituency of San Fernando West, there was a situation recently where there were squatters who were occupying an area of land that prohibited the development of the South Trunk Road.

“(vi) designated under section 4(1) of the Environmental Management Act as an environmentally sensitive area.”

Mr. Speaker, there is an Environmental Act in this country which is observed more in the breach than in the performance of the rules and regulations of that Act. I am sure that those areas are what one would call environmental hazards. There are no drains, no system of sewer disposal and so forth. There is a prohibition here. This area is not designated under the section as an environmentally sensitive area. One of the things that this Bill does not address really, is the fact that in regularising squatters and in giving them certificates of comfort, deeds of lease and statutory leases is the environmental impact. There is an opportunity here for us to do something about the environment in those areas. People who live in these squatting areas suffer all sorts of diseases because of the living conditions: no water, mosquitoes, whatever it is they suffer because of the conditions in which they live. So before these areas are designated settlement areas the ministry ought to, at minimum, provide some form of improvement as the definition of regularisation implies:

“...upgrading of and provision of services to designated areas and land settlement areas...”

The Bill and the definition of regularisation recognize the need to have the designated areas and the land settlement areas upgraded by the provision of services. Obviously, when one talks about upgrading, one is talking about some semblance of a proper road, about drainage, about the provision of water. It may be an expensive proposition unless there is a close connection to the public sewer system. I know that at this time to construct sewer systems is an expensive thing

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but, perhaps, proper septic tank arrangements can work. It is one thing to say one would be providing proper septic tank arrangements and leave it up to the squatter to do it. One needs to monitor the thing because here you are talking about prohibiting the squatter from doing certain things like selling this land he occupies back to the state.

I am sure if the state wants to buy back this land it would not want to buy back the land in the condition in which the land is. It might be totally undeveloped with sewer and water settling all over the place. That is something that we can look at.

Clause 22(b) deals with a person who is the tenant of the state. This section says a tenant of the state can have more than one house but a squatter must only have one house. If one looks at clause 22(2)(b), it talks about a tenant with respect to more than one house. Clause 4(2)(a) talks about the squatter with only one house. Why is there a differentiation between a tenant and a squatter in terms of houses? A tenant can have more than one house and the squatter one. There seems to be a bit of conflict in the philosophy of this Bill as to the differentiation between a squatter and a tenant relative to the number of houses involved.

Why a lease? What is the rationale for 199 years? Security of tenure? I heard the Minister alluded to that. There is a situation here where, in the Woodbrook Estate for example, where you have city council leases for 25 years. There are NHA sub-intendent leases in certain parts of the country for 30 years. What really is the rationale for 199 years? Is it only because of security of tenure? There is an option to renew a lease for 30 years under the legislation that deals with tenants on private land holdings. The Security of Tenure Act talks about a lease for 30 years. In other words, a tenant occupying private lands for building purposes is entitled to a lease for 30 years with an option to renew for 30 more years.

I am suggesting, if the Government wants to have some form of control, certainly with respect to the infrastructure perhaps, a renewable lease for a shorter period may be the way to go initially. But to give a fellow who is a squatter a lease for 199 years—because a squatter could end up with a lease for 199 years—a fellow who is occupying state lands for 30 years may somehow feel aggrieved. Here is a law abiding citizen, he is not squatting, he is earning a living and paying his taxes, he has a lease for 25 or 30 years and here this Bill affords a squatter who becomes a tenant, a lease for 199 years. You are to some extent creating a division in the society by differentiating a lease for 25 or 30 years as against 199 years where you have a legitimate law-abiding citizen and you have a squatter. Perhaps, in that light, the hon. Minister may wish to look at that 199 years.

Mr. Humphrey: What do you recommend?

Mr. B. Sinanan: I recommend 30 years renewable.

Mr. Humphrey: It is already 30 years.

Mr. B. Sinanan: I am talking about the deed of lease.

4.20 p.m.

Certainly if, in the short-run, the state can have the infrastructure in place—and I am talking about the roads, water and proper sewerage facilities—the deed of lease can be for a longer period. Until such time as that happens, perhaps a lease for a shorter period is more appropriate.

Clause 23 sets out the procedure by which disputes may be settled. It states:

“(1) Subject always to the right of parties to redress in the ordinary courts...”

In other words, this Bill does not prohibit a squatter from seeking redress in the courts. Even after he goes to a dispute tribunal, he can still go to the courts, which is a good thing.

“(2) Where a person makes objection to any matter or has a dispute as to encumbrances or other matters relating to the State lands that the Minister proposes to designate, the Committee shall determine any such matter in accordance with subsections (3) to (5).”

Even though subsection (3) talks of settling disputes initially at the community level, I think that the Minister needs to expand just how this will work. Where will this committee meet? Will this committee meet in Port of Spain? It really should meet in the designated area, but the Minister did not explain that. In the same way the National Insurance Board tribunal meets in different localities, I am suggesting that when the Minister makes his rules, as is provided here, this committee should be mandated to meet within the designated areas and not be ensconced in some air-conditioned office in Port of Spain. The committee should really go to the people.

I hear the hon. Member for Oropouche. I do not know if he knows, but he has two more years to go in his constituency.

Clause 25(3) states:

“A Land Settlement Area is an area of State Land so identified and declared by the Minister for the purpose of—

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- (a) facilitating the provision of shelter for citizens and residents who are landless and unable to access land on the open market; and
- (b) relocating squatters..."

Again, clause 25(3)(a) recognizes the point made in the Preamble—to provide shelter. This does not mean regularising squatters on state land. “To provide shelter” must mean to provide a roof over one’s head. This is not what this Bill is about. This Bill, to some extent, is about regularising squatters, but more than that, it is about encouraging squatters. The Bill goes so far as to give those so inclined an opportunity for two years to do that.

I dare anyone on the Government side to tell me that I am wrong in my interpretation. This gives squatters two years in which to go all over this country. If the area is not a designated area, the Bill provides for them to appeal to the committee or to the Minister to have the area declared such.

What are we doing? We are only proliferating squatting. As I said, it gives the Minister tremendous power to influence population shifts in constituencies. This, to me, is the most dangerous part of this whole Bill. This Bill gives the Minister power to have people in Oropouche come into San Fernando West and squat and have it declared a designated area. I know that in the next five years, the Member for Oropouche will not be here. I will be here.

Clause 28 states:

- “(1) Notwithstanding anything herein to the contrary, the Minister may, in his discretion, direct that a squatter outside a Designated Area before the appointed day be relocated to a Designated Area or Land Settlement Area other than that in which the squatter’s dwelling house was constructed or is in the course of being constructed before the appointed day and any such direction may specify a time within which the squatter shall relocate.”

Literally, this means that the Minister may, in his discretion, decide that a squatter in constituency “A” should not be there for some reason—maybe it is a water resource area—and direct that squatter to a designated area. What is to prevent the Minister from designating areas in constituencies not held by the Government? This Bill provides for this. This, to me, is the danger in this whole Bill. This is the sting in the tail. This Bill is carefully drafted to achieve that objective. This is a bill designed to give the Government power to manipulate constituencies and to

influence population shifts. This Bill will facilitate the coming into being of a total quality nation of squatters.

Before I take my seat, I urge the Government and the Minister to rethink this legislation. The Minister, for 30-odd minutes in his opening remarks told us about Habitat II. He said that legislation was now being introduced to regularise squatting, though misguided. I stand corrected if I am taking it out of context, but I recall him saying that. He himself recognized that the legislation is misguided.

He talked about going to the Habitat Conference and stating to all and sundry that he was proud because shelter was a fundamental human right enshrined in the Constitution of Trinidad and Tobago.

4.30 p.m.

The Minister now has an opportunity presumably for two and a half more years. He had an opportunity for two years in a previous government and he did not do it. He now has an opportunity in this period, God willing, and I know that the one thing I can say with certainty, is that the hon. Minister is genuine in his concern for the homeless and I challenge him to do something about all these people for whom he claims he feels so much .

For 30 minutes we heard the Minister's appeal. He gave a story—sad as it was—he now has an opportunity. Earlier on, the Minister spoke about core houses and shelter at the Habitat Conference. I am suggesting to the Minister, that is the way to go—develop a programme which would deal with the establishment of core houses. This is where the expertise of the Minister as an architect comes into play. He can do it.

Mr. Speaker, I am suggesting, and I hope that this Government and the Minister does not unleash on this country the burden that would be created on citizens by having persons squat all over the country.

Thank you.

Mr. Speaker: Hon. Members, the sitting is suspended for 30 minutes.

4.32 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

The Minister in the Office of the Prime Minister (Dr. The Hon. Vincent Lasse): Mr. Speaker, I rise to make my contribution to this debate, and, of course, to support the Minister of Housing and Settlements, the hon. Member for St.

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Augustine, who I believe had the good fortune to have tabled this piece of legislation which had been in the pipeline for many, many years. This is a fact.

Mr. Speaker from the outset I should make some clarifications concerning the Bill. First I want to make it clear that the Bill has made it clear that squatting is an illegal act and, as such, squatters have no rights under the law. What the Bill is trying to do is to regularise squatters who find themselves in certain areas, and we trust with the regularisation of squatters, the proper mechanism would be put in place to deal with the containment of squatters. I must say that squatting—and the Bill has made it very clear—is not a legal act.

I shall dwell briefly on what was mentioned by the Member for San Fernando West. He is well-intentioned and he was trying to make certain points on the Bill, but, apparently, the way he went about it showed that he did not really understand the proper scenario in which this whole question of squatting has been taking place. For example, he said that in the preamble, the Bill gave a *carte blanche* licence to promote and encourage squatting and this is not true. Squatting has been going on since the emancipation, but we have reached a certain stage in squatting where, for example, around 1986 or thereabouts, there may have been some 8,000 squatting families but, today, we have in the vicinity of some 50,000 squatting families. If one should indicate that there are five persons per family, we would have approximately 250,000, roughly a quarter million persons squatting. When we are dealing with this Bill, persons must understand the scenario in which we are dealing and for the benefit of those who choose to be here and listen, the question is that squatting and the regularisation of squatters are at various stages.

For example, we have on the one hand squatting and infrastructural works under the IADB programme. Various areas have been set aside and land is being developed for squatting and to accommodate those who are there. On the other hand, there is a situation whereby squatters who find themselves in certain areas are doing their incremental development like roads and so forth.

5.10 p.m.

Mr. Speaker, unless one looks at this in a holistic way, it would not be proper to take the Bill and go through it clause by clause. I hope the Member for San Fernando West would have a better appreciation of the fact that we are dealing with 50,000 squatting families and there are squatters at various stages of development. There are squatters who are being regularised pursuant to the IDB Assisted Programme and squatters who are being regularised incrementally.

I will now move on to certain issues on which the Member for San Fernando West touched. He spoke about the designated areas. Now those areas are free from encumbrances and, I think, they could meet the criteria for the Town and Country Planning regulations. He also touched on the question of the 199-year lease. Mr. Speaker, we have been experiencing difficulty with persons who have a 30-year lease because those persons cannot utilize it for collateral. The 199-year lease would, therefore, put the squatter or a tenant in that area in a better position. Having said this, I would now deal, specifically, with the Bill before us.

It is clear that two previous administrations had been dealing with the question of squatting and, of course, they may have had the intent but probably they did not demonstrate, if I may say so, the political will to repeal the Regularisation of Tenure (State Lands) Act, 1986. However, it is said, Mr. Speaker, that procrastination is the thief of time, and so be it.

I can recall that in my capacity as Minister of Housing and Settlements a Bill entitled the Regularisation of Tenure (State Lands) Act, 1995 was drafted, but again, procrastination and other events made this not possible. That Bill was very similar to the Bill now before this honourable House, although I must admit that the Minister of Housing and Settlements had carried this Bill a little further, where he introduced the concept of comfort to those who are squatting. However, I think it would be important for me to dwell, briefly, on that draft bill in order to make it easier for all Members, on both sides of the House, to understand that there had been, more or less, a kind of meeting of minds, or that this Bill before us is one which has elements of previous administrations.

The drafted bill in 1995 would have done the following:

- (1) Provided security of tenure for squatters, and this Bill is doing that.
- (2) Regularised existing squatter settlements through proper demarcation of lot boundaries, and this Bill is doing that.
- (3) Provided technical and legal assistance to squatters wishing to negotiate their settlements, and I speak here of squatters who are on private lands.

As I said, Mr. Speaker, this was not to be then, and the rest is history.

These points were made, as I said in the beginning, to establish that this legislation is not new or novel, and it has been in progress for some 12 years. What is significant, Mr. Speaker, is that the Minister of Housing and Settlements, the hon. Member for St. Augustine, has introduced a Bill entitled, "State Land

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(Regularisation of Tenure) Bill, 1998.” The purpose of the Bill is to grant security from ejection. Now it has gone further, as I said. Instead of security of tenure, it is to grant security of ejection and eventually, security of tenure to certain squatters and tenants who occupy designated areas on state land. The Bill would also provide for the establishment of land settlement areas. This is a very important element of the Bill.

As I see it, the Bill will make some fundamental changes to the existing laws of land title and succession. This being the case, the Minister is correct in advancing the position that legislation of this nature can only be effective if we are dealing with squatting in a holistic way, and we are dealing with the regularising of squatters on a community basis.

In this regard the Minister wrote to Members of Parliament requesting the squatting areas in their respective constituency and I did reply to the Minister. Permit me, Mr. Speaker, to read the letter I wrote to the hon. Minister then:

“July 09, 1997.

The Honourable John Humphrey
Minister of Housing and Settlements
44-46 South Quay
Port of Spain

Honourable Minister,

Re: Regularization of Squatters - Point Fortin

I write with reference to the above subject matter. Please find attached a list concerning the areas of Point Fortin and the approximate number of households to be included in the Schedule for Regularization.

I wish to support the inclusion of the areas and the number of households mentioned therein.

I avail myself of this opportunity, as the Member of Parliament for Point Fortin, to thank you for your kind consideration.

Sincerely

/s/ Dr. Vincent D. Lasse
Member of Parliament for Point Fortin”

This had been a letter sent out from the Minister requesting the areas, and as a Member of Parliament, I pointed out the areas in Point Fortin which are:

Guapo	100
Red Road, Cap-de-ville	80
La Fortune Ext., New Village	105
Fortune Street, New Village	25

And so forth. We saw a concerted effort by the Minister to get from all Members of Parliament, information concerning the regularisation process on a community basis.

As stated in the Explanatory Note, the purpose of the Bill is to grant security from ejection, and eventually security of tenure to certain squatters and tenants who occupy designated areas upon state lands. I have always contended—and I will continue to do this—that government is continuous. One government has to honour international, bilateral and regional agreements. So too, Mr. Speaker, one government should honour agreements which preceded it, concerning the regularisation of squatters, and here I must give credit to the Minister of Housing and Settlements for continuing the process. [*Desk thumping*]

5.20 p.m.

I also submit that parliamentarians have been elected to administer to the needs of the people and, as such, should not play cheap politics. I repeat, we should not play cheap politics with food, clothing and shelter, and here I must emphasize shelter. Having said this, I submit that only cheap politics—[*Interruption*] Mr. Speaker, I hear a grunting sound—could prevent all Members from fully supporting this Bill.

Permit me to go back to the genesis of this legislation and to establish the fact that some 12 years ago, there had been a meeting of the minds of Government and Opposition on the need to address, once and for all, the problem of squatting in Trinidad and Tobago. Here, I refer to an article dated February 7, 1986, from the *Express*. The bold heading, **Humphrey, Francis stall ‘the hammer’** I quote:

“Hugh Francis, Parliamentary representative for Diego Martin, and John Humphrey, Opposition Senator, will make a joint effort to obtain relocation for squatters in Bagatelle Road, Diego Martin.

Twelve families of Savannah Trace, off Bagatelle Road, were in danger of having their dwellings demolished yesterday. The area has been earmarked by

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the Ministry of Local Government for the development of additional recreational facilities.

Humphrey told the *EXPRESS* yesterday that Francis said he would see whether there were other state lands in the area where the squatters could be relocated and that he (Humphrey) would explore the possibility of the squatters' relocation on private lands which they might buy through his Sou-Sou Lands project.

Humphrey told the *EXPRESS* that Francis informed the community that the plans for the recreational facilities were ready but that nothing would be done until adequate relocation had been obtained."

So you see, Mr. Speaker, I am going back 12 years to establish the point that in both Opposition and Government there had been a meeting of the minds.

While I am on this point, I think it instructive for me to also indicate, that the quest on behalf of the Minister of Housing and Settlements is not a new one. I want to quote from an article which appeared also in the *Express*, dated February 18, 1986, again 12 years ago. This article showed that the Minister of Housing and Settlements had been consistent in his quest to regularise squatters. Some may say that he was too enthusiastic or that he was fighting too hard to protect persons whom others saw as law breakers, but, in a democracy as ours we could agree to disagree at times. I repeat, in a democracy, we can agree to disagree at times. The Minister of Housing and Settlements, as I mentioned, had been consistent. In the article dated February 18, 1986 and I quote:

"Humphrey calls on President Clarke to save squatters.

John Humphrey, Parliamentary Representative for St. Augustine, has called on President Ellis Clarke to use his 'discretionary powers' to help the squatters.

...Humphrey 'recalled' that in discussions held with the President in 1982 on the matter, there were areas of harmony between the President and himself."

So, Mr. Speaker, a very clear and convincing case is being made out so that Members on both sides of this honourable House can agree on this piece of legislation.

Mr. Speaker, it is very sad to say that I observed on February 6, 1998 something which I consider rather disgraceful, tactless and a move orchestrated to create confusion and bacchanal. This was done by the hon. Member for San

Fernando East, the Leader of the Opposition. This is the same person who has been described by his most loyal and trusted Deputy Political Leader as being wicked and vindictive. The actions that took place on that day did lend support to that allegation. In his typical confrontational, wicked and vindictive style, the Leader of the Opposition was trying to incite persons who were being regularised at Blitz Village, Pleasantville. The Member for San Fernando East was fully aware of the modalities of the regularisation process. Because, in this village, we both turned the sod and, therefore, we all knew that, one, lots had been allocated to the squatters who were settled at that point in time and, two, the Member for San Fernando East participated in the sod turning exercise.

Mr. Speaker: Member for Laventille East/Morvant, to keep up that constant *sotto voce* which I can hear, which the *Hansard* reporters are hearing, and which obviously, the Member is hearing, is not really the right thing. I ask you please.

Mr. Hinds: I am obliged, Mr. Speaker.

Dr. The Hon. V. Lasse: Thank you very much, Mr. Speaker, for your protection. Although I believe the one who should be protected from the Member for Laventille East/Morvant is now sitting in the Senate.

Mr. Speaker, I go back to the points I made. I spoke about Blitz Village, Pleasantville and, firstly, the Member knew that the lots had been allocated to squatters who were settled there prior to the sod turning exercise and, secondly, he was aware of the sod turning exercise because he participated in it. Thirdly, he was also aware of how the excess lots would have been allocated. For example, the first preference went to persons who lived in an extended family situation, in a household where there is a grown up or married person, the next of kin would have first preference. Fourthly, second preference would have been given to persons who applied through the IDB regularisation programme and, fifthly, all the lots, I believe 259 in the areas, had been already allocated but they were waiting on the green light from the Project Execution Unit of the Ministry of Housing and Settlements.

Mr. Speaker, it was a sad occasion for someone who knew, to have gone there. For this, I would simply read into the record a reply that was given by the Minister of Housing and Settlements to the accusation and, of course, actions by the Member for San Fernando East. This appeared in the *Express* of February 10, 1998 and I quote:

“Humfrey: Govt not counting on squatters

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Housing and Settlements Minister John Humphrey on Monday described as ‘total rubbish’ the charge by Opposition Leader Patrick Manning that the Government was attempting to relocate squatters to urban districts to increase its political support.

‘That is absolute nonsense, we are regularising squatters where they are...’

Manning had accused government of attempting to relocate squatters to urban districts to increase its political support...

However, Humphrey pointed out that the Schedule to the State Land (Regularisation of Tenure) Bill 1998, to be debated in Parliament this month, named 42 areas in Trinidad of which 36 were in PNM-controlled constituencies.

‘We have nothing to hide, the Schedule to the Act gives the areas and they are there for everybody to see,’ he stressed.”

Again, I saw this as a clear indication of the Leader of the Opposition in an attempt to create confusion over a district with which he is well familiar.

Mr. Speaker, I move on. Let me turn to clause 3 of the Bill, which applies to:

- “(a) a squatter in respect of his actual occupation of State Land on which there is a dwelling house before the appointed date.
- (b) a squatter or tenant within a Designated Area and to a person within a Land Settlement Area.”

Earlier, the Member for San Fernando West had some problem with this dwelling house concept. It is simply a structure which is already up during the appointed date, and that is very clear for anyone to understand.

This Bill, as I said earlier, would make some fundamental changes. What was very interesting to me, was the fact that the Bill will not deal only with areas or land under state jurisdiction, it also deals with land under the jurisdiction of the state enterprises. Here, paramount importance would go to certain constituencies. For example, Point Fortin, La Brea, Siparia, Couva, Caroni, where lands are under the jurisdiction of agencies. In the constituency of Point Fortin and La Brea, there exist many squatting communities on lands under the jurisdiction of Petrotrin. Members of Parliament for these constituencies have had to intercede on behalf of these squatters.

5.35 p.m.

Mr. Speaker, it is my hope that with the passing of this piece of legislation, the Letters of Comfort would be issued to residents of these areas and they would, of course, be eventually regularised.

There have been many schools of thought on this whole question of the regularisation of squatters, and they are valid. Some would wonder why should squatters be regularised—that is one school of thought; others may wish to state who is responsible for the regularisation process. I submit, that the concept of regularisation was born, not only out of humanitarian grounds but also out of the obligation of governments, past and present, to assist the less fortunate in our society with housing, and also to treat realistically with this question, and, of course, with the sad state of affairs.

While some may dispute the exact figures of the squatting population of Trinidad and Tobago—which are not clear—we know for a fact that there are approximately 50,000 squatting families, and try as we may, we cannot wish away the whole question of squatting. It is very sad, because it was only on Friday, February 6, 1998, I read an article in the *Newsday* which stated that a family of eight was living in a bamboo patch. This bamboo patch is either on state land, land owned by some state enterprise or it could be land owned by an individual. As I said, it is not easy to wish away this question of squatting.

Mr. Speaker, there is also a direct relationship between squatting and the provision of affordable shelter. I want to go back to a study which was done between 1992 and 1995, the "*Planning and Development, Collaborative International Incorporated and Laughlin and Associates Limited Report*" (PADCO). It was an interim synthesis report. I will quote briefly from it. In chapter 2 concerning the shelter sector it went on to say:

"If low and moderate income households are unable to access land on the formal market due to limited availability and/or high cost standards they would be left with only two basic options, either to find land in unauthorized developments or to overcrowd their existing housing."

Therefore, we see the nexus between squatting on the one hand and the question of the provision of affordable housing. This report went on to talk about squatting areas. It stated:

"A major present day land market concern is the proliferation of squatting in several areas of the country. Although squatting is not a new phenomenon and was already widespread at the time of Emancipation, the recent growth in squatting began during the 1970s and has provoked considerable discussion and debate.

Squatting has continued under conditions of both economic prosperity and depression. It increased during the period of prosperity because real estate

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speculation pushed land and housing prices much too high for low and moderate income households.

The essential problem throughout both of these periods was an inadequate supply of serviced residential land on the formal market that was affordable to low and moderate income households.”

Thus, the nexus I have tried to establish is very clear.

The said PADCO report of which I made mention is also in the *Hansard* Report of Monday January 15, 1996 on page 398. It states in the report:

"We observe that 100,000 housing units were necessary, we also observed that because units were not provided the squatting population in Trinidad and Tobago increased from 8,000 squatters in 1986 to some 50,000 squatting families by 1991."

I turn now to Part III of the Bill which treats with the question of the "Certificate of Comfort". Clause 11 would provide for the issue of a Certificate of Comfort to which a squatter under the Act would be entitled. A certificate is not an interest in the land itself; it is only a personal right not to be ejected, once the necessary requirements are fulfilled. It is not assignable nor may it be devised or demised, although the status of comfort, that is, security from ejection may be acquired by many squatters to whom the Act applies.

I take notice of the Certificate of Comfort because, in my view, it puts at ease, for the time being, squatters who may otherwise wish to move on to other areas. I believe it is important to note that state lands have been subjected to unregistered tenancy interest. As a result, there may be persons in actual occupation of state land who may have a right to the tenancy of the land but who are not recorded as such. This is the situation especially with agricultural tenancies.

I now turn to Part V which speaks of "Designated Areas". Clause 17 defines a designated area as an area occupied by squatters and tenants, which has been approved by the Minister for the purposes of regularisation and in which a squatter or tenant is entitled to a statutory lease and to apply for a Deed of Lease.

5.45 p.m.

In my view, this "Designated Area" approach is a pragmatic one. Any departure from such an approach could only end up in chaos and confusion. I say this because we are not dealing with regularising 200, 300 or even 500 persons, we

are dealing with the regularisation of at least 50,000 families and as such I believe the only constructive approach would be to regularise squatters on a community basis.

In the constituency of Point Fortin we have designated areas such as Warden Road, Dam Road, Egypt, Southern Gardens to mention a few. It is very interesting and it is my intent, as the Member of Parliament for that area, to ensure that the squatters in Point Fortin are not left behind.

Mr. Speaker, I believe that I basically dealt with areas where there ought to have been a meeting of the minds and I think, in a very simple way, it was made clear that this legislation is not new, it is not novel, it is legislation which started some 12 years ago by three successive administrations and today we are seeing the culmination of work done so far.

To sum up, this piece of legislation should be fully supported for the following reasons which I will now give. One, the Bill is a combination or a pragmatic update of previous legislation and as far back as February 7, 1986 there had been a meeting of the minds between Government on the one hand, and Opposition on the other for dealing effectively with squatting. Two, statistics have shown that squatting has grown from some 8,000 squatting families in 1986 to some 50,000 squatting families at the present time and, as I have said before, we cannot wish away this question of squatting. Three, the Bill will be dealing with squatters on a community basis and in designated areas. This is a pragmatic approach and Members of Parliament were given the opportunity to submit lists of areas to be regularised. Four, the Bill deals, not only with state lands, but also with lands under the jurisdiction of state enterprises and state agencies. Finally, the Bill recognizes that squatting should be addressed, not only on humanitarian grounds, but also as a policy of good and astute governance. Having said this, Mr. Speaker, I trust that this piece of legislation would receive the full support of all the Members of this honourable House.

I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, there is very little that I can say in response to the last speaker, except that I am quite disturbed at the political acrobatics of someone who came into this House and called the Member for St. Augustine insane and said he was affected by the full moon. He said this on many occasions so it is very, very difficult to respond to the contribution of the last speaker because of a credibility problem and a lack of sincerity. Totally insincere. It is amazing what a little enrichment can do to one's ethics and principles.

State Land Bill
[MR. IMBERT]

Friday, March 06, 1998

Mr. Speaker, there are a number of issues in this Bill which, regrettably, were not touched upon by the political acrobat who preceded me, which need proper attention. The Member for San Fernando West has adverted to a number of them but I would like to expand on some of these issues and add more. If we go to the interpretation section, under the definition of dwelling house the point that was made on this side is that when one refers to a building used mainly as a dwelling or residence, one is opening a door to persons who may be in occupation of state land and carrying out activities which are not related in any way to residential activity. We need to look at this and tighten this up. What is the meaning of "used mainly as a dwelling house"? Suppose someone has a brothel at the ground floor of their home in a squatting settlement? Does that fall within this definition? I use that as a graphic example because the Members on the other side do not read the newspapers, they do not listen so I thought I would get straight to the point by using an example which they might understand. But we need to tighten up the definition of dwelling house to prevent abuse of this provision.

In addition, Mr. Speaker, as the Member for San Fernando West correctly pointed out, and the Attorney General is well aware, the definition of state agency, where it defines a state agency is: "...any Ministry or department of Government, the National Housing Authority, a State enterprise wholly owned or controlled by the State and any other agency or authority of the State;" We need to get confirmation from the Attorney General as he mutters *sotto voce* across the floor, that that means wholly controlled by the state and not controlled. The point that the Member for San Fernando West made was that you can have a government controlling a state agency by holding 51 per cent of the shares but you have the problem of minority rights as we recently saw with the National Flour Mills fiasco. We need confirmation from the Attorney General that the word "controlled" there means wholly controlled. If it does not, we need a proper definition or explanation of what this means and how do we deal with minority rights of state enterprises that are not—

Mr. Maharaj: [*Inaudible*]

Mr. C. Imbert: I am just asking. Mr. Speaker, wholly owned or controlled does not mean wholly controlled.

Let us also look at clause 3. This is where the Bill is deficient and where we need to have some proper introspection on this legislation. I would ask the Minister of Housing and Settlements to listen for a change, instead of adopting his usual hardened approach when sound arguments are being made on this side. How

does one determine whether a person is in occupation of state lands? How does one determine that the person was in occupation of state lands before the appointed date? What is the mechanism? No mechanism is spelt out in this Bill, there is no mention whatsoever and this is going to lead to argument and dispute. We really need to have a mechanism referred to in the legislation for establishing whether a person was, in fact, in occupation or a house was under construction or whatever. That is a very simple technical matter which needs to be inserted in the Bill—some form of words which will allow a mechanism to be put into effect.

In addition, Mr. Speaker, what mechanism—because I can find none—is provided in the Bill for the removal of squatters who pose a danger to other occupants of the designated area through the construction of an unsafe structure? For example, someone who constructs a dwelling above another person and so poses a danger to that person because the structure is unstable; or there is a retaining wall that is not properly constructed; or the sewage from one property is flowing into another property; or the property is located within a designated area for a drainage canal, a water supply line, or an electricity line and so forth. What mechanism is contained in this Bill for the removal of a squatter who is in the way of necessary infrastructure in a designated area? I submit there is none. I do not see any. I do not accept that we have to go to other legislation to deal with these issues. This should be comprehensive legislation. One wants to deal with squatters once and for all.

We were treated to a rambling discourse from the Member for St. Augustine about his 30, 40 or 50 years—I do not know how long—of his achievement of his dream that he would give the people of this country their legitimate right to property. A rambling discourse for 30 minutes about the struggle for this great dream to give people their legitimate right to property and yet he comes here, in this Parliament, with defective legislation. [*Desk thumping*]

As the Minister himself has pointed out [*Interruption*] I told you to listen. Do not be harden. I am asking the Member for St. Augustine to listen, stop being so harden. As the hon. Member himself rightly pointed out, successive or preceding administrations have made efforts towards the regularisation of persons in illegal occupation of state lands. We had Act 20 of 1986, then efforts by the administration that followed the PNM administration in 1986 towards improving on Act 20 of 1986. In our time, as the Minister himself pointed out, a committee was appointed in 1992 and following that committee it was sent to a committee of the Cabinet—the Minister did not say that—where a group of Ministers considered the

State Land Bill
[MR. IMBERT]

Friday, March 06, 1998

report of the committee of experts and came up with draft legislation which was submitted in this Parliament, unless my memory fails me, in 1995 I believe. The fact is that each one of these pieces of legislation was an attempt to deal with this vexed question of squatting on state lands.

I would not expect the Minister to come to us today to tell us this is the culmination of his efforts and all the other efforts to bring legislation into this Parliament which is defective and I am asking him to listen. If you are bringing a Bill to deal with squatting, let it deal with all aspects of squatting. In our legislation we had clauses and measures which would have taken care of persons who are in the way of the orderly development of squatting communities.

6.00 p.m.

The Minister himself pointed out that he hopes that these regularised areas would become middle-class communities eventually. That cannot happen if everybody is cheek by jowl, a house leaning on another house, drains passing through a man's yard, sewage in another one's yard, a wall falling down on another, and there are no mechanisms.

Mr. Sudama: What did you all do?

Mr. C. Imbert: We, as a Parliament, would be irresponsible to support legislation that does not deal comprehensively with this matter and I am asking the Minister—I will ask him again and again—to listen and stop being so harden. It should be clear to the Member for St. Augustine that because of the fact that PNM administrations brought legislation to this House in 1986 and 1995 to address this matter, that the general principle of regularisation of squatting finds no problem on this side. That should be clear. We brought Act No. 20 of 1986 and we brought legislation in 1995, which was an evolution.

Mr. Sudama: You never implemented it!

Dr. Mohammed: Was it proclaimed?

Mr. C. Imbert: That is not the point, Mr. Speaker. The fact of the matter is that a signal should be clear and obvious to Members on the other side that we on this side are willing and desirous to regularise squatters on state lands, but in an orderly fashion.

The other point that has to be made, with regard to this issue is: What about areas within designated areas—and I would ask the Member for St. Augustine to

pay attention—which are earmarked for community centres, for schools, for health facilities, for recreation grounds? These are within designated areas.

If you look at the Schedule, Mr. Speaker, and I will give you an example from my own constituency, River Estate, Diego Martin. That is a squatting community which has been developing for 20 years or so in the Diego Martin area and it has now reached the stage where it is necessary to put community facilities in place. Under our tenure, we commenced the construction of a primary school which was recently completed and we upgraded the community centre. There were plans to put in health facilities.

This is a typical example of what is required in a piece of legislation like this. You want to create a community; you do not want to create a ghetto situation where all that is in this area is housing, as I say, cheek by jowl, and no provision for those facilities such as recreational facilities, community centre, *et cetera*, which would result in the upliftment of people.

Where is the mechanism in this Bill that allows the state to move in and say this area is designated for a playground for the children of this squatting community; that for a school; this is for a health centre and we would like you to relocate yourself from that area in the overall interest of the community? This is what we need to do, Mr. Speaker.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): I must thank the hon. Member for giving way in his contribution for me to move the adjournment of the House.

I beg to move that the House do now adjourn to next Friday, March 13, 1998 at 1:30 p.m., when we would complete this measure and hope to embark upon and complete items numbers 2 and 3 on the Order Paper, which are not very long items. May I also indicate, so that Members on the other side will have notice, we will then want on the next day's sitting, after next Friday, to debate an Act to amend the Waterworks and Water Conservation Act, Chap. 54:41.

Mr. Imbert: Mr. Speaker, I just wish to indicate that I am not finished.

Hon. R. L. Maharaj: Yes, I think that I interrupted your contribution.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.06 p.m.

Written Answer to Question

Friday, March 06, 1998

WRITTEN ANSWER TO QUESTION

The following reply to question No. 31 was supplied to Dr. Keith Rowley (Diego Martin West) by the Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma).

**Dry Docking
(MF Panorama)**

- (i) The time frame for completion of work to be undertaken by the Curaçao Drydock Company Inc. on the MF Panorama was five (5) weeks. The original scope of works and prices at the time of the award of contract is listed at *Appendix I*.
- (ii) The list of charges for all items of work actually carried out at the dockyard at Curaçao is itemised at *Appendix II*. The approximate cost of support services including Port Authority staff amounted to US \$0.2 million. (This is subject to final verification by the Port Authority.) A list of these items is attached at *Appendix III*.
- (iii) Not all items of work undertaken on the MF Panorama required certification from Lloyd's Register of Shipping. Those items of work which needed certification were completed by Curaçao dry dock and were approved by the local Lloyd's Register of Shipping Surveyor in Curaçao. These certificates are attached at *Appendix IV*.

APPENDIX I

SCOPE OF WORK

SUPPLY AND INSTALL

1. Utility Services	\$40,000.00
2. GMDSS Installation	\$72,400.00
3. Sprinkler System	\$370,000.00
4. Watertight doors and car deck	\$65,650.00
5. Magnetic release system on gallery door	\$6,450.00
6. Three (3) stairway casing doors - central indication	\$9,225.00
7. Accommodation ceiling	\$54,000.00
8. Smoke detection system	\$95,900.00

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9.	New emergency generator	\$101,885.00
10.	12 elephant feet as additional securing points	\$1,320.00
11.	Collision bulkhead	\$172,700.00
		USD \$989,530.00

APPENDIX II**Dockyard Costs**

1.	General ship services (utilities)	US \$174,069.00
2.	SOLAS UPGRADE	
	(a) sprinkler system	\$370,000.00
	Additional cost for extra equipment and services	\$152,623.00
	(b) GMDSS installation	\$72,400.00
	(c) watertight doors	\$69,850.00
	(d) gallery door	\$6,450.00
	(e) stairway casing doors	\$71,575.00
	(f) accommodation ceiling	\$54,000.00
	(g) smoke detection system	\$109,740.00
	(h) emergency generator	\$108,740.00
	(i) elephant feet	\$1,320.00
	(j) collision door	\$201,925.00
	(k) corridor handrails	\$17,500.00
	(l) transport of materials	\$52,000.00
	(m) additional navigational supplies	\$14,150.00
	Sub Total	\$1,302,273.00

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3. PROPULSION RE-ALIGNMENT

(a) engine alignment	\$254,514.00	
(b) repairs to gear boxes	\$55,290.00	
(c) alignment and repairs to propeller shaft bearings	\$50,325.00	
(d) additional jobs associated with propulsion alignment	\$23,730.00	
Sub Total		\$383,859.00

4. ADDITIONAL JOBS

\$380,174.00

All jobs which were required to be completed to ensure the smooth and efficient running of the vessel when it was reintroduced to service. These jobs included strengthening arrangements to bow visor, additional Atlantic Locks repairs to the toilet system, repairs to the winches and windlasses, passenger lift repairs, main engine parts cleaned and repaired, valves overhauled, removal and reinstallation of old emergency generation and associated wiring and assorted ceiling site.

Total US \$2,240,375.00

APPENDIX III

ACCOUNTS OF DISBURSEMENTS

TO MESSRS:

PORT AUTHORITY OF TRINIDAD AND TOBAGO
1D DOCK ROAD PORT OF SPAIN
TRINIDAD AND TOBAGO

ATTN: MR. A.Mc MILLAN
M/S: PANORAMA
ARRIVAL: 27.10.97
DEPARTURE: 22.01.98

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DAYS:	<u>88</u>	
INVOICE DATE:	<u>24.02.98</u>	
INVOICE NO:	<u>9.8033</u>	
<u>PORT EXPENSES</u>		US\$
PILOTAGE/IN/OUT SHIFTINGS		<u>337.08</u>
TOWAGE IN/OUT SHIFTINGS		<u>1195.00</u>
(UN)MOORING WHARFAGE		<u>-</u>
CUSTOMS CHARGES		<u>12613.00</u>
TAXES/AUTHORITIES DUES		<u>6294.24</u>
CONSULAR FEES		<u>-</u>
AGENCY FEES		<u>20289.75</u>
 <u>OWNER EXPENSES</u>		
CASH TO MASTER		<u>75800.00</u>
REPAIRS		<u>1542.86</u>
SPARES CLEARANCES/DELIVERY		<u>85.00</u>
STORES/PROVISIONS		<u>30549.55</u>
FRESHWATER DELIVERY		<u>-</u>
LAUNDRY		<u>584.12</u>
TRANSPORTATION		<u>2648.02</u>
LAUNCH HIRE		<u>-</u>
MEDICAL EXPENSES		<u>679.28</u>
COMMUNICATIONS		<u>4046.49</u>
POSTAGE/BANK CHARGES		<u>1257.54</u>
SURVEY EXPENSES		<u>-</u>
CREW EXPENSES (HOTEL-AIR TICKETS)		<u>19649.67</u>
ATTENDANCE FEES		<u>510.00</u>
CASH ADVANCE		<u>-</u>

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BUNKERING	-
MISCELLANEOUS	<u>22254.53</u>
BALANCE IN OUR FAVOUR	<u>20033.13</u>

APPENDIX IV

Lloyd's Register of Shipping
Curaçao N.A.

FAX MESSAGE

To: PORT AUTHORITY OF
TRINIDAD AND TOBAGO.

Fax No. 00 809 627 2666 4 Mar 98

Reply to Fax No. 0171-488-4796

Attn.: Capt. Mc Millan

HD
PANORAMA LR 860 6044

Reference is made to our conversation of today.

Pls. find attached copy of Interim Certificate of Class which cover all Surveys carried out at our port between 28.10.97 and 22.01.98

Remaining documentation will follow by courier.

Best Regards
H. Diaz
LR CURAÇAO

INTERIM CERTIFICATE

Ship's Name: PANORAMA

LR Number: 8606044

Certificate Number: CCO-700151

M06 Port and Starboard Engine room intake fire dampers to be made operational. 03.98

Written Answer to Question

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- M07 Position indication of remote operated bilge valves being reinstated and tested. 03.98
- M08 Indicator system for shell openings on bridge being shown in good working order. Operational position Indicator being shown in good working order at local operational position. Leakage detector alarms and stern and side shell doors (p & s) and between bow visor/inner door being shown in good working order. 03.98
- M09 Steering gear audible alarms on bridge, and starboard steering gear low hydraulic oil level audible and visual alarm on bridge being shown in good working order. 03.98
- M10 Remote operation of quick closing valves for waste oil tank and auxiliary and main engine lub oil filling tanks being made shown in good working order. 03.98

CONDITIONS OF CLASS NOW DELETED

- M027 Starboard Generator gearbox flexible coupling "Rubbers" to be renewed not to be used meanwhile.
- M028 Flexible coupling for Port Gearbox generator, port inner Main Engine, Port Outer Main Engine and Starboard outer Main Engine to be verified for "Permanent Set" against manufacturers recommendations and to be dealt with accordingly.
- M029 Starboard outboard Main Engine Oil Mist detector to repair and test to attending surveyor's satisfaction.
- M030 Exhaust gas leak from outlet side of turbocharger for No. 1 Auxiliary Generator engine to be repaired to attending surveyor satisfaction. Engine not to be used meantime.
- H024 Bow door arrangement to be verified as complying with IACS unified requirements S-16 (1995).
- H025 192.5 m of cable on port anchor and 55 m of starboard anchor to be renewed with cable of rule size and DA7, correctly certified to attending surveyor's satisfaction.

*Written Answer to Question**Friday, March 06, 1998*

STATUTORY

PLR	Periodical Load Line Renewal	Complete	S.T.Certificate Expires 21.06.98
PASM	Progress 1992 & 1995 SOLAS Amendments	Complete	N.A.
PASS	Passenger Ship Safety	P/Held	28.01.98 On completion

MACHINERY DETAILS

Items now credited for CSM

0343	No. 1 cyl, cover, piston, conn rod and bearing, valves and gears
0350	No. 2 cyl, cover, piston, conn rod and bearing, valves and gears
0367	No. 3 cyl, cover, piston, conn rod and bearing, valves and gears
0374	No. 4 cyl, cover, piston, conn rod and bearing, valves and gears
0381	No. 5 cyl, cover, piston, conn rod and bearing, valves and gears

NOTICE - This certificate is subject to the terms and conditions overleaf, which form part of this certificate.

Ship's Name: PANORAMA

L.P. Number: 8606044 Certificate Number: CCO-700151

4819	Means of escape
4857	Communication-bridge to engine room
4864	Communication-bridge to alternative steering position
4871	Helm indicator
4888	W.T. doors
4895	Hatchways and closing appliances
4907	Ventilators and air pipes and closing appliances
4914	Casing and their closing appliances
4921	Deckhouses, companionways and closing appliances
4938	Superstructure and closing appliances

Written Answer to Question

Friday, March 06, 1998

- 4945 Windows side scuttles, deadlights and closing appliances
- 4952 Scuppers sanitary discharges and valves
- 4969 Guard rails and bulwarks
- 4976 Freeing ports
- 4983 Gangways, walkways and lifelines
- 4990 Bow door and closing appliances
- 5003 Side doors and closing appliances
- 5012 Stern door/s and closing appliances

STATUTORY DETAILS

Items outstanding to complete "PASS"

- A.2 Training manual to be provided in crew mess.
- B.1 1992 SOLAS amendments reg. 42.2.1.1. fire control plans to be updated to reflect the present arrangements on board and submitted for approval, additional information required as of 1.10.94 to be included.
- B.2 Two officers with valid GMDSS general operators certificates to be verified on board whilst vessel is at sea.
- B.5 Log book entries to be recorded as per SOLAS requirements.
- C.1 For continue compliance with SOLAS 1974 re., 7(b)(f) an inspection of the outside of the ship's bottom is to be held not later than 11.7.98.
- E.2 Position indication of remote operated bilge valves to be reinstated.
- F.1 Wtd's 1,2, & 3-close/open/close operation on hydraulic accumulator pressure to be demonstrated, wtd 2 overload faulty to rectify.
- F.3 Wtd bridge panel indicators to be reinstated as necessary.
- F.4 Remote operation of wtd 4 from above car deck inoperative to reinstate.
- 11.1 Port and starboard side shell doors lower toggles securing arrangements to make good and doors to be proven weathertight.
- H.6 Indicators on bridge showing all shell openings are closed. To be demonstrated operational position indication of bow door. Visor/inner door at door control position to be demonstrated operational.

Written Answer to Question

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H. 7 Leakage detector alarms for stern door, port and starboard shell doors and between.

NOTICE: This certificate is subject to the terms and conditions overleaf, which form part of this certificate.

Ship's Name: PANORAMA

LR Number: 8606044

Certificate Number: CCO-700151

bow visor/inner door inoperative to be reinstated.

O.15 -Audible alarm on bridge for indicating power failure of any one steering gear power unit inoperative to be reinstate.

0.20 -Audible alarm on bridge for indicating power failure of any one steering gear power unit inoperative to be reinstated.

0.25 -Audible alarm on bridge for indicating low level alarms for hydraulic steering gear inoperative to reinstate and audible and visual low level alarm for stbd. Hydraulic steering gear inoperative to reinstate.

P.3 -Emergnecy transitional battery power source inoperative to be reinstate, discharge test to be conducted and dealt with as necessary.

P.6 -Supplementary emergency lights to reinstate as follows: by Captain's cabin, boat deck aft (2) M.E. room Stbd side, Stbd side Main engine room escape route.

Q.2 -Following missing fire hoses to be provided: Boat deck port and starboard, Fwd and Aft 1st deck Cafeteria Stbd aft galley aft, port and Stbd Pilot boarding stations and car deck port fwd.

Q.3 -All fire hoses in interior locations to be verified as being connected to their respective hydrants at all times.

R.5 -Spare Charges (10%) for D.P. Foam and water portable/non portable fire extinguishers to be provided.

R.6 -Spare charges (10%) for CO2 portable/non portable fire extinguishers to be provided.

U.3 -CO2 system for galley exhaust duct to be serviced and CO2 container contents to be gauged by a LR recognised company.

X.4 -Following port side doors to be placed in good working order. Nos. 353/336/331/330/327/139/140/; port and starboard. E.R. entrances,

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- crew mess Port side doors 342, Galley fwd. lower section wasted to be repaired as necessary, Port side doors No. 168 two latches missing to replace.
- Y.4 -Port and Starboard E.R. Intake fire dampers and Port funnel, Middle damper inoperative to be dealt with as necessary.
- Y.6 -Following weatherdeck dampers to be repaired: Bridge deck port aft, fan room AC 1/4, Emergency generator room, main mast side.
- Z.1 -Remote quick closing valves for waste oil tank and Aux. & Main Engine L.O. filling tanks inoperative to repair.
- A.A.1 -Automatic starting of sprinkler pump on loss of system pressure to be demonstrated operational.
- A.A.4 -Means to be provided to prevent sprinkler section isolating valves being inadvertently closed.
- A.A.6 -Spare heads to be provided (6) at each sprinkler station.
- A.A.8 -Zone plan to be provided at each sprinkler section station indicating the areas covered by the section.
- B.B.1 -Fireman's outfit to be provided in accordance with SOLAS requirements (CH II 2)

**LLOYD'S
REGISTER**

INTERIM CERTIFICATE

Ship's Name: PANORAMA

LR Number: 8606044

Certificate Number: CCO-700151

- Reg. 17) (Eight complete outfits with 3 additional sets of personal equipment, 2 spare air bottles required for each SCBA, at least 2 complete sets of fireman's outfits to be provided in each main vertical fire zone.
- CC.1 -A-60 Fire insulation on car deck underside Frs. 66-114 dislodged/missing to be refitted.
- DD.3 -Machinery spaces and associated bilges in a poor state of cleanliness to be cleaned as necessary.
- EE.1 -1992 SOLAS amendments, CH 11-2 Reg. 41-2.2.4- Direct access into store rooms, Frs. 79-85 (P and S) and Frs. 74-79 (Starboard)

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at tank top level are not acceptable stores to be used as designated safety equipment lockers otherwise arrangements are to be modified such that the access to these stores are not from the stairways.

- GG.3 -1992 SOLAS amendments CH 11-2 Reg. 41-2.2. Fire detection system as built plans to be submitted for approval & verified.
- H.1 -1992 SOLAS amendments CH 11 Reg. 41.2.8. Acoustic sound levels of general alarm system to be verified on board for compliance with the requirements of IMO. Resolution A 636 (17) (Code on alarms and indicators).
- LL2 -1992 SOLAS amendments CH 11-2 Reg. 41-2.7- (low indication lighting system to be fitted in accordance with IMO Resolution A. 752(18) and LR Guidance notes, General arrangement and Electrical Schematics to be submitted for approval.
- MM.2 -All lifeboat to be lowered to the water and manoeuvred.
- MM. 8 -All lifeboat recovery winches inoperative to be demonstrated in good working order. Davit limit switch stops to be proven together with safety interlocks for winch hand winding gear.
- MM.11.2 -Lifeboat No. 1 two oars missing to replace, Lifeboats Nos. 1 and 4 steering our blades to be painted white.
- MM.11.14 -Parachute signals missing as follows to be provided. Lifeboat Nos. 1 (2 pieces); No. 3 (4 pieces): and No. 4 (4 pieces).
- MM.11.15 -Red hand flares missing as follows to be provided. Lifeboat No. 1 (6 pieces): No. 3(6 pieces): and No. 4 (6 pieces).
- MM.11.16 -Buoyant smoke signals (2) missing, lifeboat Nos. 1 and 3 to be provided.
- MM.11.21 -Sea anchors to be renewed in lifeboat Nos. 3 and 4.
- MM.13.3 -Fire extinguishers in all lifeboats discharged to be recharged as necessary.
- MM.13.7 -Lifeboat batteries charge capacity and charging arrangements to be verified.
- MM.14.6 -Oil lamps to be provided for all lifeboats.

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- MM.16 -Dimensions to be permanently marked on all lifeboats.
- NN.1 -Following emergency lights to be reinstated:
 Passenger cabins 1,3,4,9,10,11,13, and 22.
 Port and Starboard tank top forward.
 Emergency lights in way of embarkation stations for lifeboats Nos. 1 and 2 to be connected to emergency power source.

NOTICE -This certificate is subject to the terms and conditions overleaf, which form part of this certificate.

Ship's Name: PANORAMA

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- NN.5 -Embarkation ladders for lifeboats Nos. 3 and 4 and port and starboard lifecraft stations missing to be provide.
- NN.9 -IMO Photoluminiscent symbols for survival craft to be provided as necessary (CH III. Reg.9)
- RR.1.1 -Ship's full compliment of lifebuoys to be provided. Buoyant apparatus to be fitted with retro-reflective tape.
- UU.4 Indicators for propeller revolutions to be provided.
- UU.10 Compass repeater in steering, gear flat missing to be refitted.
- UU.12 Radio direction finder to be repaired & calibrated or flag state exemption from the provision of same to be provided.
- VV.2 Forecastle bell clanger to be provided.
- XX.1 Four line throwing rockets to be provided in wheelhouse.
- XX.3 Twelve red parachute signals to be provided in the wheel house.

IBMS PREVIOUSLY OUTSTANDING TO COMPLETE "PASS" NOW DEALT WITH.

A.1/ A.2/ A.6/ A.7/ B.1/ B.2/ B.3.1/ B.3.2/ B.3.5/ E.2/ E.3/ H.1/ H.5/ H.6/ J.3/ K.3/ O.3/ O.4/ O.35/ O.38/ O.40/ P.1/ P.2/ Q.2/ Q.4/ R.5/ R.8/ S.2/ S.3/ T.8/ U.1/ U.2/ U.3/ U.4/ U.5/ V.2/ V.3/ V.4/ V.5/ X.2/ X.4/ Y.7/ Y.8/ Z.1/ BB.1/ BB.2/ BB.5/ CC.1/ FF.5/ GG.1/ JJ.1/ JJ.2/ LL.1/ MM.3/ MM.11.10/ MM.11.18/ MM.11.21/ MM.11.25/ MM.11.31/ MM.14.15/ MM.17/ MM.21/ MM.22/

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NN.1/ NN.6/ NN.7/ NN.8/ OO.1/ SS.1/ SS.3/ TT.3/ UU.4/ UU.5/
 UU.11/ UU.13/ ZZ.1/ ZZ.2/ ZZ.3/ ZZ.4/ ZZ.5/.....

Ship's Name: PANORAMA

LR Number: 8606044

Certificate Number: CCO-700151

0398	No. 6 cyl, cover, piston, conn rod and bearing, valves and gears
0400	No. 1 crankpin, bearing and webs
0417	No. 2 crankpin, bearing and webs
0424	No. 3 crankpin, bearing and webs
0431	No. 4 crankpin, bearing and webs
0448	No. 5 crankpin, bearing and webs
0455	No. 6 crankpin, bearing and webs
0462	No. 1 main journal and bearing
0479	No. 2 main journal and bearing
0486	No. 3 main journal and bearing
0493	No. 4 main journal and bearing
0505	No. 5 main journal and bearing
0512	No. 6 main journal and bearing
0529	No. 7 main journal and bearing
0536	No. 8 main journal and bearing
0624	Camshaft/s drive
0631	Holding down bolts and chocks
0600	Crankcase doors and relief devices
1403	Thrust
1441	Thrust
1577	Port windlass machinery
1584	Starboard windlass machinery
1591	Hydraulic associated equipment of windlass machinery

HULL DETAILS

Items now credited for SS

3932	Forward section 1st deck superstructure
2949	Aft section 1st deck superstructure
2956	1st deck plating
2970	Bow door space
2987	Forward section vehicle tween deck space
2994	Aft section vehicle tween deck

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3009 Vehicle tween deck port forward pump room space
 3016 Vehicle tween deck starboard forward store room
 3023 Vehicle tween deck port aft store space
 3030 Vehicle tween deck starboard aft pump room space
 3261 Forward tween deck store space
 3278 Midship fwd tween deck accommodation space
 3285 Bow thrust room
 3292 Midship port workshop room
 3304 Midship starboard separator room

Ship's Name: PANORAMA

LR Number: 8606044

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3311 Main engine room
 3328 Fort auxillary engine room
 3335 Starboard control room
 3342 Midship port store room
 3359 Midship starboard store room
 3366 Midship aft port store room
 3373 Midship aft starboard store room
 3380 Port aft store room
 3397 Centre aft store room
 3409 Starboard aft store room
 3461 No. 1 forward f.w. tank
 3492 Port daily h.o. tank
 3528 Port aft d.o. tank
 3678 No. 2 port f.w. double bottom tank
 3704 No. 2 starboard f.w. double bottom tank
 3823 No. 4 starboard w.b. double bottom tank
 3911 No. 1 midship port h.o. double bottom tank
 3942 No. 1 midship starboard h.o. double bottom tank
 3973 No. 2 midship port h.o. double bottom tank
 4002 No. 2 midship starboard h.o. double bottom tank
 4033 Workshop port forward d.o. settling double bottom tank
 4064 Workshop starboard forward sludge double bottom tank
 4095 Workshop port h.o. settling double bottom tank
 4121 Workshop starboard h.o. settling tank double bottom tank

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4152	Workshop port aft outer dirty oil double bottom tank
4183	Workshop starboard aft outer dirty oil double bottom tank
4426	Engine room centre cooling water double bottom tank
4602	Aux engine room no. 1 centre d.o. double bottom tank
4633	Aux. engine room no. 2 centre aft d.o. double bottom tank
4693	Under engines
4707	Steering gear compartment
4714	Port windlass
4738	Anchors
4745	Cables
4752	Steering gear
4769	Auxilliary steering gear
4776	Hand pump/s
4783	Sounding pipes and doubling under
4790	Air pipe/s
4802	Fire equipment

Ship's Name: PANORAMA

L. R. Number:8606044

Port of Survey: CURACAO

Date of Build:	1987.10	Certificate Number: CCO 700151
Port of Registry:	PORT OF SPAIN	First Visit: 28.10.97
Gross Tons:	5330	Last Visit: 22.01.98

I have carried out the surveys detailed below. All recommendations made by me have been dealt with my satisfaction. I am recommending to the committee of Lloyd's Register of Shipping that class be maintained with new records as follows:

<u>SURVEYS HELD</u>	<u>STATUS</u>	<u>NEW RECORD</u>
MACHINERY		
CMS	Continuous Machinery	Date on completion
MALT	Installation of new	Complete
		N.A.

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	Emergency Diesel Generator set		
MDAM 1	Main Engines flexible coupling	Complete	N.A.
MDAM 2	Starboard Outer Main Engine damage	Complete	N.A.
MRPS	Repairs to Main Engines Flexible coupling and shafting Alignment	Complete	N.A.
HULL			
HALT 55	Hull Alterations Special	Complete Completion	N.A. 22.01.98 as previously recommended now
CONDITIONS OF CLASS NOW IMPOSED			Due by
M01	Flexible couplings for Main Engines Port (Inner and Outer), and Starboard specially examined and dealt with as necessary		04.98
M02	Machinery space, including bilges being cleaned as necessary		03.98
M03	Emergency transitional battery power source being, reinstated, discharge test being conducted, and further being dealt with as necessary		03.98
M04	Starboard outer Main Engine damaged crankshaft crankpin No.6 and bearing being specially examined and dealt with as necessary. Engine not to be used meanwhile		03.98
M05	WTD's 1, 2, & 3 Close/Open/Close operation on hydraulic accumulator pressure being demonstrated. WTD 2 Overload fault to rectify and Open indication on car deck being reinstated,		

Written Answer to Question

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hand operation WTD 4 from above car deck
being reinstated. Bridge panel indications
being reinstated as necessary 03.98

The above recommendation is made subject to any outstanding conditions of class being dealt with as previously recommended

Signed: A.C. Dean for R. Zwart D. Jenkins and H. Diaz
Surveyor (s) to Lloyd's Register of Shipping Date: 20.02.98

NOTICE - This certificate is subject to the terms and conditions overleaf, which form part of this certificate.

Form 1124 INI (97/94) Lloyd's Register of Shipping registered office 71 Fenchurch Street, London ECM dB6