

SENATE

Tuesday, June 24, 2003

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

PAPERS LAID

1. Special Report of the Ombudsman on the Couva/Tabaquite/Talparo Regional Corporation. [*The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams)*]
2. Reports of the Chaguanas Borough Corporation for the financial years 2000/2001 and 2001/2002. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
3. Reports of the Siparia Town Regional Corporation for the financial years 2000 and 2001. [*Sen. The Hon. C. Enill*]
4. Report of the Penal/Debe Regional Corporation for the financial year October 01, 2000 to September 30, 2001. [*Sen. The Hon. C. Enill*]
5. Report of the Diego Martin Regional Corporation for the financial year October 01, 2000 to September 30, 2001. [*Sen. The Hon. C. Enill*]

ORAL ANSWERS TO QUESTIONS

Madam President: Hon. Senators, before we go to the questions, I just want to draw your attention to the fact that we have something like ten questions on the Order Paper today and to be fair to all Senators to get their questions answered, I would ask you to keep your supplementals to the minimum.

LNG Plant

(Details of Negotiations)

- 56. Sen. Wade Mark** asked the Hon. Minister of Energy and Energy Industries:
- A. Could the Minister state whether negotiations have been completed for a fourth LNG plant?
 - B. If the answer is in the affirmative, could the Minister provide this Senate with copies outlining the details of the agreement between the Government and the partners or consortia involved in the fourth LNG plant?
 - C. Could the Minister further state the price of the natural gas per cube metre that the LNG purchaser will be called upon to pay?

The Minister of Energy and Energy Industries (Hon. Eric Williams): Madam President, yes, the negotiations for a fourth LNG plant have been completed. On Thursday June 12, 2003, Cabinet approved the agreement for the establishment of the Atlantic LNG Train 4 project. An announcement to this effect was made by the hon. Prime Minister of the Republic of Trinidad and Tobago in the House of Representatives on June 16, 2003.

It would not be prudent at this point in time to provide this Senate with copies outlining the details of the agreement between the Government and the Atlantic LNG Train 4 partners. This is in the interest of the confidentiality required for us to maintain our competitive edge in the LNG business of the Atlantic basin. I am, however, pleased to present some of the key points of the agreement as follows:

- (i) **Revenue generation:** Starting in the year 2008, the Train 4 plant would earn direct revenue of \$1.5 billion a year for the duration of the contract for the citizens of Trinidad and Tobago.
The total Government take at the well-head is estimated at \$1.02 billion a year at the projected natural gas reference price;
- (ii) **Taxation:** No tax holiday would be granted to the Train 4 plant. The partners would pay all relevant taxes to the national treasury. These taxes involve business levy, green levy, land and building taxes and corporate taxes.
- (iii) **Royalty:** The long outstanding royalty issue with bpTT has been resolved. This would have a direct, positive impact on the ordinary citizenry who would have benefit of a stable price for electricity. It would also allow the Government to provide competitive pricing for electricity intensive industries like the proposed aluminum smelter.
- (iv) **Downstream activity:** The ALNG Train 4 plant would allow for 80 per cent extraction of ethane. When this is combined with the ethane that is available from the first three LNG Trains, the total volume of ethane which becomes available would reach of the order of 52,000 barrels per day which can support a world scale ethylene plant of 800,000 tonnes per year.
- (v) **Employment generation:** During the peak of construction the plant would employ 2,400 persons. In addition, for the first time, the contractor would undertake engineering design work in the country thereby establishing a local entity for this purpose.

- (vi) **Local Value Added:** The agreement includes a detailed strategy to increase local value added.

Natural gas is an international commodity. Netback pricing for the gas as reflected in the question posed by the hon. Senator would be dependent on the prices pertaining at any particular time in the individual international markets where this commodity is sold. There is no specific answer.

Sen. Mark: Madam President, could the hon. Minister indicate whether the agreement between Atlantic LNG and the Government of the Republic of Trinidad and Tobago is a secret document? And why this Parliament cannot be made privy to the contents of this document?

Hon. E. Williams: Madam President, I believe I indicated that there is a certain level of confidentiality required in these documents to the extent that the negotiations which took place with the various partners in the ALNG project were confidential from each other within, so that the shareholders of ALNG conducted negotiations in parallel with each of them, which were held confidential from each of them. So there is a certain element of confidentiality included there.

In addition to which, we are seeking to keep the Trinidad and Tobago model for the establishment of the ALNG plant confidential and to maintain our competitive edge in the ALNG basin, and in a situation where the market in the United States is about to expand considerably that we continue to be the premier supplier of ALNG. So we are trying to stay within the ambit of confidentiality to protect our national interest.

Sen. Mark: Madam President, I asked whether the agreement is secret. This is just a follow up. Is the Minister aware of the plight of hundreds of residents in Point Fortin, whose lives have been threatened by the proposed construction of the Atlantic LNG Train 4? What steps is the Minister taking to address the plight of these persons?

Hon. E. Williams: Madam President, discussions are currently underway with the ALNG and its partners to ameliorate any potential problems in the area, and we expect that the prompt announcements would be made soon—which is in regard to, maybe, the 20 or so families who live in reasonably close proximity to the plant.

We are also in the process of providing a remedy for some other potentially dangerous situations which we discovered upon coming into office, which were allowed under the previous administration and which we have been trying to manage to ensure that there is a certain degree of safety.

Sen. Seepersad-Bachan: Madam President—

Madam President: Hon. Senator, this is the last supplemental on this question.

Sen. Seepersad-Bachan: Okay. In the interest of time, I just have three quick questions for the hon. Minister.

Madam President: You can only ask one question at a time.

Sen. Seepersad-Bachan: Madam President, I am interested in finding out whether there was a negotiated floor price in the event that there are the markets themselves because the netback pricing model could, in some way, adversely impact on the revenue stream to the Government of Trinidad and Tobago?

Secondly—

Madam President: Is that a new question?

Sen. Seepersad-Bachan: Yes.

Madam President: No, one question at a time, please. Hon. Minister, the first question.

Hon. E. Williams: Madam President, again, I indicated that there were some aspects of the negotiations which we held confidential and, in fact, some of these details are actually confidential within the partners.

Sen. Seepersad-Bachan: Madam President, just for the Minister's information, we had made that public the last time around. Could the hon. Minister indicate what is the impact on the reserve to production ratio with LNG Train 4 coming on stream?

Hon. E. Williams: Madam President, I believe that is another question, which has been asked, which you have allowed, and which is being prepared for answer in this honourable Senate.

Madam President: Hon. Senator, I said that was the last question. Let us move to question No. 60, please?

Sen. R. Montano: Madam President, before you move on, and with the greatest of respect, under what Standing Orders are you limiting our right to ask questions? With the greatest of respect, I do not see how you can muzzle us like this!

Madam President: Under Standing Order No. 18(2) supplementals are at the discretion of the President. [*Desk thumping*]

**Inter-Islands Natural Gas Pipeline
(Construction of)**

60. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

- A. Could the Minister inform this Senate of the cost involved in the construction of the proposed inter-islands natural gas pipeline about which the hon. Prime Minister has publicly articulated on many occasions?
- B. Could the Minister provide this Senate with a copy of the proposed plan for the inter-islands natural gas pipeline?

The Minister of Energy and Energy Industries (Hon. Eric Williams): Madam President, the cost of the Caribbean pipeline project would be made available on completion of the feasibility study on the project, which would be commissioned in the near future. The National Gas Company would be embarking on a request for proposals to initiate this study.

A formal detailed plan for the Caribbean pipeline project would also be provided on completion of the feasibility study.

Sen. Mark: Madam President, could the hon. Minister indicate what time frame he has in mind for the feasibility study?

Hon. E. Williams: Madam President, I specifically said “in the near future”, because we do not have a specific time, and I would not like—to the best of my ability—to mislead this honourable Senate.

Sen. Mark: Madam President, could the hon. Minister indicate whether it is a pie in the sky project?

Hon. E. Williams: Madam President, the answer is “No”. Indeed, the Minister of Energy and Energy Industries, officials of the National Gas Company (NGC) and other Government officials have been approached by, and have been in all sorts of formal and informal discussions with international entities which are interested in investing in this project. Included among them, we have in our possession a pre-feasibility study, which was done by the World Bank some years ago, which indicates that it is, indeed, feasible.

Political Unification

61. Sen. Wade Mark asked the hon. Minister of Foreign Affairs:

- A. Could the Minister indicate to this Senate whether the Government of Trinidad and Tobago will be prepared to seek a national referendum on the question of political unification among any or all of the member states of Caricom?
- B. Could the Minister state whether, prior to entering into negotiations for political unification, the Government will debate those plans in Parliament?

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, the Member is advised that Caricom integration has always possessed a political component. On occasions, expressions of interest to this end have come from the broader membership as well as from Trinidad and Tobago itself. The consultations on options for regional governance held in Port of Spain on February 13, 2003, in advance of the 14th Inter-Sessional meeting of the Heads of Government of the Caribbean Community did address the matter.

Among member states, a number of papers were presented at the consultations as basic inputs for approaching this objective. For the information of this honourable Senate, I wish to indicate that it is not the intention of the Government of the Republic of Trinidad and Tobago to plunge headlong into any arrangement for closer political association with any member states of the Caribbean Community which may be of like mind on this issue.

I wish to assure this honourable Senate that the Government of Trinidad and Tobago envisages the widest possible participation by the people of Trinidad and Tobago in the dialogue which will inform the ultimate decision of the Government and people in Trinidad and Tobago, whether to support the proposition for political integration. The matter as to how the people's approval or disapproval of closer political integration in Caricom is to be definitely expressed is a self-procedural matter of some import and therefore a fit subject also for the widest possible consultation.

The second part of the question presupposes an affirmative response to the first part. Although the Government has articulated a position that is supportive of the movement towards closer political integration in Caricom and which is entirely consistent with the philosophy underpinning the regional integration movement, the country, as a whole, must first engage in consultations made to the pursuit of the objective referred to at part (A).

Having not yet completed the consultations that would permit a definitive response to the question at part (A), we are not yet at the point where (B) is relevant.

Thank you, Madam President.

Sen. Mark: Madam President, with your leave, could the hon. Minister indicate what is the time frame for these consultations? Could he also inform this honourable Senate of the Members of Caricom who have expressed an interest in this political union?

Sen. The Hon. K. Gift: Madam President, at the last meeting of the Inter-Sessional, a working group comprising Jamaica, Barbados, St. Vincent and the Grenadines and Trinidad and Tobago was established to review this matter. No time frame was indicated for this exercise, but I wish to report to this honourable Senate that at the twenty-fourth meeting of the Caricom Heads of Government scheduled to take place in Montego Bay next week, the matter would be dealt with by the Heads at that meeting.

Sen. Mark: Madam President, you would recall that some Members had expressed some initial interest in this political union. So I just want to find out from the hon. Minister as to which Caricom Member states have expressed an interest in Trinidad and Tobago's initiative for a political union within the Caribbean?

Sen. The Hon. K. Gift: Madam President, I do not know if it is absolutely correct to state that any particular member country is interested in a particular union as such. What I do know is that the matter is the subject of study by a particular number of countries comprising Caricom. As to the expression of specific interest, regarding political integration, we have not yet gotten to that stage.

Thank you.

Sen. Mark: Madam President, could the hon. Minister state whether St. Vincent and the Grenadines and Grenada, in particular, have expressed an interest in the political union? Further, could you make some of the papers available to this honourable Senate so that we can be enlightened in terms of the Caricom perspectives on the political unification process?

Sen. The Hon. K. Gift: Madam President, I think the hon. Member is speculating. We are not yet even close to that stage and I think the question has been adequately and fully answered.

Thank you. [*Desk thumping*]

**Sir Solomon Hochoy Highway
(Completion Date)**

77. **Sen. Sadiq Baksh** asked the hon. Minister of Works and Transport:
- A. Could the Minister confirm whether the contract for the Sir Solomon Hochoy Highway Extension from Tarouba to Golconda was due for completion on January 03, 2003?
 - B. If the Minister cannot so confirm, could he inform this House:
 - i. The new completion date for this project?
 - ii. Whether the contract for the project is within the budget?
 - C. If the contract is not within the budgetary allocation, could the Minister state what is the estimated cost overrun on the project?

The Minister of Works and Transport (Hon. Franklin Khan): Madam President, the project which entails the extension of the Solomon Hochoy Highway, from Tarouba to Golconda, is officially known as the Southern Roads Development Project Contract One. The contractor, Seereeram Brothers Limited was given notice to commence the works effective January 02, 2001. Since the contract period was specified to be 24 months, the project was due for completion by January 01, 2003.

The new completion date for this project is June 30, 2003. The completion date for this project has varied due to the following reasons:

- (i) the delay in acquiring two properties needed for construction; one in the vicinity of Naparima/Mayaro Road bridge and the other in the vicinity of the new Siparia Road bridge;
- (ii) the delay by utility companies in carrying out works required to relocate and/or protect their pipelines within the construction limits. The utility companies include the National Gas Company of Trinidad and Tobago, (NGC), WASA and T&TEC.

The contract was awarded to Seereeram Brothers Limited at a cost of \$142,778,130 plus Value Added Tax of \$21,416,719.50 making a grand total of \$164,194,849.50. The final cost of the project is estimated to be within the contract sum.

There is not expected to be any cost overruns on the project.

Sen. Baksh: Madam President, could the Minister inform this honourable Senate as to whether street lighting would be part of the construction for safety on the extension of the highway?

Hon. F. Khan: Madam President, I cannot say offhand whether street lighting has been included in the contract sum, but I guarantee you that the safety of the nation's motorists would be well taken care of and the highway would not be open to the public until at least the cat eyes are put in place in the first instance.

Sen. Baksh: We would wait until June 30. Madam President, could the Minister inform this honourable Senate as to whether the repair works on the new bridge of the St. Clement's overpass are completed?

Hon. F. Khan: Madam President, it is another question but I would volunteer. The works have been completed. As a matter of fact, I am five minutes later today only because I passed over that bridge to make sure that it is open and well put together. [*Desk thumping*]

Construction of Highway (San Fernando to Point Fortin)

78. Sen. Sadiq Baksh asked the hon. Minister of Works and Transport:

- A. Could the hon. Minister report to this House on:
 - i. The plans for construction of the highway from San Fernando to Point Fortin, since for over forty years a road link was deemed desirable by the then Government?
 - ii. The start date of this project?
- B. Could the Minister state whether he is aware of the fact that the UNC government began work on the project by taking it forward to the design stage?

The Minister of Works and Transport (Hon. Franklin Khan): Madam President, the Ministry of Works and Transport expects to invite tenders for the procurement of a design consultant for the extension of the Solomon Hochoy Highway to Point Fortin by June 30, 2003.

A feasibility study and design would be carried out within the component of the National Highways Programme known as the Trunk Road Expansion Programme. The National Highways Programme is a US \$3.4 million programme jointly financed by the Government of the Republic of Trinidad and Tobago and the Inter-American Development Bank. The invitation of tender and its associated evaluation process for the selection of a consultant should be completed by the fourth quarter of 2003. It is anticipated that the consultant would be ready to commence work before the end of 2003.

It is also expected that a period of 10 to 12 months would be required to have detailed designs for this project prepared. This includes the feasibility study period, the necessary approvals from the Ministry and the IADB of the feasibility study report and the actual design period. Tenders would then be invited for construction and it is estimated that contractors would be ready to commence physical work on the ground before the end of 2004. Madam President, which means that by 2007—and I know the hon. Senator is afraid of that date—there would be a highway to Point Fortin.

The work done on this project to date was the carrying out of a pre-feasibility study for the extension of the Solomon Hochoy Highway, from San Fernando to Point Fortin, which was done between October 1998 and March 1999. Such a study is usually performed in advance of the feasibility study and design.

In 2002, the IDB was approached and agreed to assist in financing this second stage of the project so that the Ministry of Works and Transport is now in a position to proceed with this long outstanding project.

Sen. Baksh: Madam President, I am sure that the hon. Minister would be aware that this San Fernando/Point Fortin highway, in fact, started over four decades ago and I am pleased to note—and I would remind the hon. Minister in 2004.

Number of Murders (Record of)

79. Sen. Sadiq Baksh asked the hon. Minister of National Security and Rehabilitation:

- A. Could the Minister inform this Senate of the number of murders recorded in Trinidad and Tobago on an annual basis from 1990 to 2002?
- B. Could the Minister further inform this Senate of the number of murders recorded on a monthly basis from January 2003 to May 2003?

The Minister of National Security and Rehabilitation (Sen. The Hon. Howard Chin Lee): Madam President, this honourable Senate is advised that during the period 1990 to 2002, the number of murders recorded in Trinidad and Tobago, on an annual basis, according to records of the Trinidad and Tobago Police Service was as follows:

Year	No. Of Murders Recorded
1990	84
1991	97

*Questions for Oral Answers**Tuesday, June 24, 2003*

1992	109
1993	111
1994	139
1995	121
1996	107
1997	101
1998	97
1999	92
2000	119
2001	150
2002	172

For the period January 01 to May 15, 2003, there were 83 murders recorded in Trinidad and Tobago. This aggregated on a monthly basis as follows:

Month	Number of Murders Recorded January to May 15, 2003
January	17
February	15
March	25
April	13
May	13

Thank you.

**CEPEP Projects
(Money Spent)**

83. Sen. Arnim Smith asked the hon. Minister of Public Utilities and the Environment:

Could the Minister inform this House of the amount of money spent on CEPEP Projects from October 2002 to April 30, 2003?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, during the period October 2002 to April 30,

2003, the Community-based Environmental Protection and Enhancement Programme (CEPEP) contracted 110 contracting companies to undertake a wide variety of works in the 36 environmental work areas throughout Trinidad and Tobago. Each contractor had batches of 40 to 60 employees to facilitate these works. A minimum of 4,880 workers were hired at any one point in time by the contractors. The cost of the CEPEP during the period October 2002 to April 30, 2003, was \$93,033,844.

Sen. Mark: Madam President, could the hon. Minister provide this honourable Senate with a monthly breakdown? Do you have those figures from October to April?

Sen. The Hon. R. Dumas: Madam President, that is certainly the subject of another question.

Sen. Mark: Okay, I would prepare it for you.

**National Gas Company
(Award of Contracts)**

86. Sen. Carolyn Seepersad-Bachan asked the hon. Minister of Energy and Energy Industries:

- A. Would the Minister indicate to this Senate how many contracts the National Gas Company (NGC) awarded to the firm KENESJAY from January 2002 to present?
- B. Would the Minister state:
 - (i) Who are the principals of KENESJAY?
 - (ii) Whether any of the contracts identified in (A) were awarded based on open and public tendering?
- C. If the answer to (A) is in the affirmative would the Minister state the name and value of each of these contracts inclusive of any incidental costs to be borne by the NGC?

The Minister of Energy and Energy Industries (Hon. Eric Williams): There was no contract awarded by the National Gas Company of Trinidad and Tobago Limited specifically to the firm KENESJAY from January 2002 to present.

However, a contract was indeed awarded to a joint venture between KENESJAY Systems Limited and Trintoplan Consultants Limited to provide consultancy services for the conduct of a study to identify and evaluate potential

industrial sites in the Southwest region of Trinidad. Madam President, I took your advice about time but I do have the detailed scope of works if you wish.

Madam President: How long is it?

Hon. Eric Williams: It is quite detailed, but I do have it in the event that others may want it.

Madam President: Maybe, you could make it available to the Clerk of the Senate and then we can get it from there.

Hon. E. Williams: Okay. The principals of KENESJAY are as follows:

Dr. Kenneth Julien	-	Executive Chairman
Mr. Trevor Boopsingh	-	Director & Principal Associate
Mr. Michael Toney	-	Director
Mrs. Patricia Julien	-	Director

Yes, the contract identified in (A) above was awarded based on open and public tendering. An independent audit involving this tendering process was conducted on the basis of a request from a concerned citizen and the report of this investigation I also have, the conclusions of which, said that there was an unsigned letter from a concerned citizen dated May 20, 2002, and addressed to Mr. M. Mohammed, Director of Public Prosecutions.

It did not come from a member or members of NGC's technical tender's evaluation team who recommended the award of contract to KENESJAY Systems Limited/Trintoplan Consultant Limited. The recommendation made by the technical tender's evaluation team was accepted and implemented by NGC's management. There is evidence that management exercised due care and diligence in the award of contract to the joint venture firm of KENESJAY Systems Limited/Trintoplan Consultants Limited. The National Gas Company's tendering process was neither compromised nor breached and the allegations carried in the letter were knowingly and mischievously made with the apparent objective of bringing the reputation of NGC and its officers into disrepute.

It is also my understanding that based on this letter to the then Director of Public Prosecutions, the fraud squad visited NGC and also was privy to this particular information.

Thank you.

Sen. Mark: Madam President, I do not think that the hon. Minister answered part (C) of the question. Could he now do so?

Hon. E. Williams: Oh, yes, sorry. Madam President, the value of the contract mentioned in the reply to (A) above was \$1.584 million, VAT exclusive.

Sen. Seepersad-Bachan: Madam President, I did not quite get from the hon. Minister as to when this was advertised? He said that it was done by an open and public tendering.

Secondly, I did not quite understand something from the letter the hon. Minister read, pertaining to the evaluation process. Who was the preferred bidder?

Hon. E. Williams: Certainly, as I understand it, the NGC's tender rules—particularly in highly technical matters like these—allow for invitation to bid. Indeed, as I understand it, invitations were issued to three firms which are qualified to do this type of work and the recommendation of the technical tender's management team was for the joint venture of KENESJAY Systems Limited/Trintoplan Consultants Limited.

Sen. Seepersad-Bachan: Madam President, if I may, how did the NGC select these three firms? Was there a pre-qualification process?

Hon. E. Williams: Yes, Madam President, as I mentioned before, based on the level of technical competence that is required for a project such as this, the NGC has identified firms that are capable of doing this particular type of work.

Sen. Seepersad-Bachan: Madam President, in the pre-qualification process, was this advertised and the three firms selected from a list of contractors? How did they end up as the three pre-qualified to be invited to tender?

Hon. E. Williams: I am not quite sure how to be clearer than I have been. The NGC maintains a list of contracting firms in the country—and the NGC has had a fairly long history—that is capable of doing this type of work. They are all long-standing, recognized, engineering consulting firms of the country.

Vide end of sitting for written part of answer.

The following questions stood on the Order Paper:

Unemployment Relief Programme (Money Spent)

- 82.** Could the hon. Minister of Local Government state:
- A. The amount of money spent on the Unemployment Relief Programme (URP) for the period October 2002 to April 30, 2003?

- B. The details of work being done on the URP projects during the period October 2002 to April 30, 2003? [*Sen. A. Smith*]

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I am sorry, I should have written that question as well for you, and I am asking that question No. 82 be deferred for a period of one week.

Sen. Smith: Madam President, I agree, but I hope that the question would be answered in one week.

Sen. The Hon. J. Yuille-Williams: Thank you.

**CEPEP Projects
(Details of work carried out)**

- 84.** Could the Minister provide this House with details of the work carried out on the CEPEP projects during the period October 2002 to April 30, 2003? [*Sen. A. Smith*]

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, question No. 84 asked for the details in each of the programme. I am saying to the hon. Senator that to provide the details we need a little more time and I am asking for a deferral of two weeks.

Sen. Smith: Madam President, I would agree to one week. [*Interruption*]

Sen. R. Montano: I hope we do not get it in the press tomorrow.

Sen. R. Dumas: Madam President, I am quite willing to deal with the Senator in the goodly and mannerly way in which he dealt with the matter.

Thank you.

Madam President: Question No. 84 was deferred for one week.

National Petroleum Marketing Company

- 85.** Could the hon. Minister of Energy and Energy Industries indicate:
- A. If there are any ex-employees of the National Petroleum Marketing Company (NPMC) or any of its subsidiaries who have been engaged as consultants with the company from January 2002 to present?
 - B. If the answer to (A) is in the affirmative, could the Minister indicate which of the said ex-employees/consultants (if any) were ever terminated by NPMC or its subsidiaries and the reasons for such terminations?

- C. If the answer to (A) above is in the affirmative would the Minister provide details of the contract between NPMC or any of its subsidiaries with the said consultants inclusive of the scope, cost and duration? [*Sen. Seepersad-Bachan*]

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I had asked on behalf of the hon. Minister of Energy and Energy Industries a little earlier that that question be deferred for a period of one week, and I had written the hon. Senator so too.

Madam President: And that was agreed upon?

Sen. The Hon. J. Yuille-Williams: Yes.

Madam President: All right, that question is deferred for a period of one week. So we have three questions now deferred to next week.

Questions, by leave, deferred

**NATIONAL SETTLEMENTS PROGRAMME
(ELIGIBILITY FOR DISBURSEMENT)**

The Minister of Housing (Sen. The Hon. Martin Joseph): Madam President, I have been authorized by the Cabinet of Trinidad and Tobago to make the following statement.

The Senate is asked to note that on June 16, 2003, the Inter-American Development Bank notified the Government of Trinidad and Tobago that the National Settlements Programme Loan is now eligible for disbursement. Members are asked to note that the National Settlements Programme includes the US \$32 million loan from the IDB, and US \$8 million from the Government of the Republic of Trinidad and Tobago.

It is important to note that the general objective of this loan programme is to establish a more equitable, transparent and sustainable system of affordable housing. The specific objectives are:

- To improve housing conditions for low-income groups;
- To make public expenditure for housing more efficient and equitable, and;
- To provide incentives and assist institutions, both public and private, in their transition to new, more market-driven roles.

The objectives of the loan are to be achieved through the implementation of three components. These components are:

- Squatter upgrading – US \$13.5 million;
- Family subsidies for new housing and housing improvement – US \$20 million; and
- Sector and institutional development – US \$2.1 million.

The squatter upgrade component seeks to improve the living conditions and regularize the security of tenure for families living in squatter settlements. Squatter settlements would be improved through providing basic services, such as water, electricity, drainage, basic road treatment, connections to the public sewerage system or septic tanks, communal facilities, and formal tenure documents, statutory leases—which are for 30 years—and deeds of lease for 199 years. In this programme approximately 540 squatter-families living in squatter settlements are expected to be beneficiaries over the next three years.

The family subsidies for new houses and home improvement component will, in the first instance, provide an opportunity for low-income groups to become home owners; and secondly, assist low-income homeowners with home improvements. The new housing programmes would provide subsidies of TT \$36,000 and TT \$24,000 depending on the household income group and the new housing programme is expected to have some 3,500 beneficiaries of subsidies. The home improvement programme would provide up to TT \$15,000 on a dollar-for-dollar matching programme for homeowners whose income is less than TT \$18,000, and the home improvement programme is expected to have some 1,300 beneficiaries of matching contributions.

The sector and institutional development component is critical to the overall efficiency and effectiveness of the programme. It would support activities that contribute to the modernization of the Ministry of Housing and assist public private institutions to make the transition to a demand-driven housing system and adapt to their new roles.

This component would also provide technical assistance for institutional analysis and change management at the Ministry of Housing, through the procurement of an international consulting consultancy or firm. Additionally, it would provide financing for an accelerated land and housing approval unit representing all the approval agencies, that is, including, but not limited to Town and Country Planning, the Environmental Management Authority, the Lands and Surveys Department and the Water and Sewerage Authority.

Thank you, Madam President.

Manning, Hon. H.
Chin Lee, Hon. H.
Dumas, Hon. R.
Abdul-Hamid, Hon. M.
Titus, Sen. R.
Kangaloo, Hon. C.
Sahadeo, Hon. C.
Ramroop, Sen. S.
Hackshaw-Marshlin, Mrs. J.
Seetahal, Miss D.
Amnolsingh-Mahabir, Mrs. P.
Khan, Bro. N.
Thomas. Amb. C.
James, W.
NOES
Mark, W.
Baksh, S.
Kernahan, Dr. J.
Seepersad-Bachan, Mrs. C.
Smith, A.
Montano, R.
McKenzie, Dr. E.
Deosaran, Prof. R.
Quamina, Dr. D.
Question agreed to.

MEDICAL BOARD (AMDT.) BILL

Bill to amend the Medical Board Act to provide for the establishment of a panel to issue special temporary licences in cases of a shortage of persons available to practise in the public health sector, for the recognition of diplomas

granted by certain institutions and for matters related thereto; [*The Minister of Health*] read the first time.

SUMMARY COURTS (AMDT.) (NO. 2) BILL

Bill to amend the Summary Courts Act, Chap. 4:20 [*The Attorney General*]; read the first time.

ARRANGEMENT OF BUSINESS

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I seek leave of this honourable Senate to deal with “Government Business” instead of “Private Business”.

Sen. Mark: Madam President, may I, before you rule on this matter. I want to draw your attention to Standing Order No. 20(4), and to indicate that we are not prepared, as an Opposition, to cede our rights on this occasion, which is Private Members’ Day.

We have Motions on the Order Paper, Madam President. I spoke to Prof. Kenneth Ramchand and he indicated to me that in the event that Prof. Deosaran is unprepared at this time, to proceed with his Motion, I can proceed with mine on Equal Opportunity, and I am also prepared to concede, if it becomes necessary, to Sen. R. Montano, to deal with his Motion. We did not agree and we do not agree, given the fact, Madam President—and you have to protect the minority rights in this matter.

I appeal to you—because the Government is abusing the Standing Orders, and you—as the Presiding Officer, if I may suggest—have a responsibility to protect the rights of the minority in this democracy. [*Desk thumping*] Madam President, I would like to indicate to you that we on this side are not prepared to cede our rights on Private Members’ Day. You would see, under Standing Order No. 20(4), that this day is reserved for us; Independent Senators and Opposition Senators, and we are not prepared to cede to the Government that right that we enjoy under Standing Order No. 20(4).

Sen. Prof. Deosaran: Madam President, I really beg your indulgence since whatever ruling we arrive at, has serious implications for my position, with respect to Private Members’ Day, on the point that the next Motion is mine legitimately. Two weeks ago we were told that today would have been Private Members’ Day. In fact, I rescheduled a departure overseas in order to be here today, but only to learn last week that today would not be Private Members’ Day and instead a Government Bill would be provided, and I agreed, in principle. Only

to find the discussion today—and if there is a ruling—that this honourable Senate takes away that prerogative from me and it gives me an assurance that the Motion would be presented on July 08 when I return from abroad. If not, I am prepared, as a good scout, to present my Motion today, being Private Members' Day.

Sen. The Hon. J. Yuille-Williams: Madam President, now I am confused. I am quite sure that on the last day the hon. Senator told me—I am sorry I have to say it this way now—that he was going to be out of the country today, and since his Motion was the next Motion on the agenda, whether we could shift Private Members' Day to another day.

I had spoken to Sen. Dr. Eastlyn McKenzie about it and we had agreed. Unfortunately, I did not tell Sen. W. Mark. So when Sen. Mark got up and made his intervention I apologized to him. Quite rightly, I had to apologize to him. It is very surprising to hear that Sen. Prof. Deosaran is now saying that some Government Business was to be done today and we had asked that he shift it. We moved to this today on the request of Sen. Prof. Deosaran. I did not say it in the Chamber the last day because I felt that we had spoken privately, and I did not wish to say why we did it.

Even though the Government looked a little bad on that day in terms of how people saw us, and as a colleague and a Senator in this honourable Senate, I kept quiet. Sen. Mark knew why and he smiled. I agreed with Sen. Dr. McKenzie. So I would like Sen. Prof. Deosaran to recollect what had happened on the last day. I am really sorry this has happened in this way and I apologize for having to make this intervention.

Sen. Prof. Deosaran: Madam President, I would never do something deliberately as that to mislead the Leader of Government Business. If I did misrepresent the situation, I, unreservedly, apologize. You can take my word for it; I would never deliberately as implied, and I apologize unreservedly. In the same context, if it is required that I present my Motion today; or if not today, on July 08, I think that offer still stands.

Sen. R. Montano: Madam President, may I intervene for one moment. The fact of the matter is, when I heard the Leader of Government Business last week had said that we are doing Government Business this week, I was shocked and surprised, and I went to the Leader of the Opposition Business afterwards and I asked him if he had been consulted on this. He then answered "No". In other words, it is almost as if Private Members' Day for the Opposition does not count.

Arrangement of Business
[SEN. R. MONTANO]

Tuesday, June 24, 2003

As far as I am concerned, I have a Motion on terrorism that has been languishing on the Order Paper for the last nine months. I considered it then, and I consider it now to be a most important Motion. The fact of the matter is, I do not wish to get into the cat and dog fight between the Minister and the Independent Senator, but as far as I am concerned, I am ready to go ahead, and if we are going to adjourn, then I have to insist that Private Members' Day has to come up and I am next! I am not going to give way to Sen. Prof. Deosaran if he does not debate his Motion today. *[Interruption]*

Sen. The Hon. J. Yuille-Williams: On a point of order. I cannot recollect Sen. R. Montano being in this honourable Senate at all. He left at tea time the last day.

Madam President: Hon. Senators, I think we are getting now into a very argumentative stage and I need to put this to the honourable Senate and we are going to take a decision. Okay.

Sen. Mark: Madam President, before you put the question, can I have one intervention.

Madam President: All right, one final intervention.

Sen. Mark: Madam President, I understand from reliable sources that the Parliament is to go into recess on July 15. Now, if we give up our Private Members' Day today, we would not have another chance. And if the Acting Leader of Government Business wants to bring the honourable Senate later this week, do it! But, for heaven's sake, it is becoming a practice and a norm, and as I said, Madam President, you need to come to our rescue. You cannot have the Government bulldozing, hijacking and ambushing the Parliament and taking away Private Members' business. *[Interruption]*

Madam President: Excuse me, please! One hon. Senator has not sat down as yet and you jumped up Sen. R. Montano. At least give me the chance to recognize you! Now, go ahead.

Sen. R. Montano: Thank you, Madam President. On a point of order, Madam President. I did not say that I was here; I said when I heard what had happened I went to Sen. Mark and I asked him what had happened. I did not say I was here! So to go and try and hit me a lash and say, "Oh, I did not see him; he left at tea time". Yes, I left at tea time. Unless there is an emergency, I intend to leave every tea time until my leg is better. *[Laughter]*

Madam President: Hon. Senators, I am going to put the question to the Senate. [*Crosstalk*] Do I have to put it to this honourable Senate?

Sen. Mark: Madam President, please, I know that I am testing your patience. [*Laughter*] Madam President, today is Private Members' Day and we do not have to put anything to this honourable Senate.

2.30 p.m.

Question put.

The Senate divided: Ayes 23 Noes 6

AYES

Yuille-Williams, Hon. J.

Morean, Hon. M.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Titus, Sen. R.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Hackshaw-Marslin, Mrs. J.

McKenzie, Dr. E.

Deosaran, Prof. R.

Quamina, Dr. D.

Thomas. Amb. C.

Seetahal, Miss D.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

James, W.

NOES

Mark, W.

Baksh, S.

Kernahan, Dr. J.

Seepersad-Bachan, Mrs. C.

Smith, A.

Montano, R.

Question agreed to.

Madam President: So, hon. Senators, we shall proceed with Government Business instead of Private Business.

**IMMIGRATION (CARIBBEAN COMMUNITY
SKILLED NATIONALS) (AMDT.) BILL**

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, I beg to move,

That a Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act of 1996, be now read a second time.

The intent of the Bill is to amend further the Immigration (Caribbean Community Skilled Nationals) Act, 1996 which was passed in this honourable Senate as Act No. 26 of 1996 and amended in 2001, in order:

- A. To widen beyond university graduates the categories of persons eligible for free movement in member states of the Caribbean Community, Caricom, to include artistes, musicians, sports persons and media workers;
- B. To widen the application of the Act to include persons qualifying as citizens of qualifying Caribbean Community States by descent, registration, naturalization and adoption;

- C. To authorize explicitly, an immigration officer to permit the spouse and dependent members of persons who satisfy the qualification requirement of the Act to enter Trinidad and Tobago and to empower the immigration officer to deny entry to any such person who is the subject of a deportation order issued against him or her, or who is afflicted with any infectious or dangerous infectious disease; and
- D. To include in the list of qualifying Caribbean Community States, Haiti, the latest full member of Caricom.

Madam President, what is the intent of Act No. 26, 1996 as amended? Consistent with the decision of the Conference of Heads of Government of the Caribbean Community, the intent of Act No. 26 of 1996 was to remove the restrictions on entry into Trinidad and Tobago of university graduates of Caribbean Community countries who were seeking employment in the Caricom Single Market and Economy, the CSME.

The effect of the Act is to accord to a citizen of a qualifying Caricom country issued with the appropriate certificate, the right to:

- A. Enter and stay in Trinidad and Tobago for an indefinite length of time; and
- B. To enter and leave Trinidad and Tobago without restrictions as often as he wishes for the duration of that stay.

The Caricom citizen whose qualifications are recognized by the receiving member state is entitled to permission to enter and remain indefinitely in the particular jurisdiction. The right presently is limited to those who are citizens by birth of Caricom states. The basic rights to work or to engage in a trade or profession or to acquire property for residence or business purposes are also conferred.

The Bill seeks to permit the skilled persons of the region to have their skills and abilities employed for the betterment of the region rather than allow them to be lost possibly forever through emigration to North America and possibly Europe.

Madam President, one may ask why is the Bill necessary. The Bill which this honourable Senate is being asked to consider addresses:

- A. The incremental increase in the persons who will benefit from the freedom of movement within the CSME;

- B. The removal of the provision on being born in a qualifying Caribbean Community State which has the effect of discriminating against some of Trinidad and Tobago's citizens who were not born in this country;
- C. The authority of the immigration officer at the port of entry into Trinidad and Tobago to admit or to deny entry to spouses or dependent family members of persons who satisfy the qualification requirements of the Act; and
- D. The recognition that since the passage of the Act in 1996 and its amendment in 2001, Haiti has become a full member of the Caribbean Community.

We may ask what are the main provisions of the Bill. Clause 3 amends section 3 of the Act by repealing section 2 and substituting a new subsection which removes the requirement for a citizen of a qualifying Caribbean Community State to have been born in that state before he could be issued with a certificate of recognition of Caribbean Community skills by the Government of Trinidad and Tobago.

Clause 4 amends section 4 of the Act by repealing subsection (2) and substituting a new subsection which removes the requirement that the person satisfying the qualification requirements of the Act and holding a certificate issued by the Government of another qualifying Caribbean Community State must have been born in that state in order to be permitted entry into Trinidad and Tobago for a period of six months.

Clause 5 amends the Act by inserting a new section 9A to give the Minister the authority to issue a certificate to an applicant who satisfies him that by qualification or experience, or combination of qualification and experience, he is an artiste, a musician, a sports person or a media worker.

Clause 6 amends the Act by inserting after section 10, a new section 10A, which:

- A. In subsection (1), authorizes the immigration officer to permit the spouse and dependent member of the family to enter Trinidad and Tobago for a period of indefinite duration under section 3 and a period of six months under section 4; and
- B. In subsection (2), authorizes the immigration officer to deny entry to a spouse or a dependent family member referred to in subsection (1) above who is the subject of a deportation order against him or who is afflicted with an infectious or a dangerous infectious disease.

Clause 7 amends Schedule I to the Act by inserting Haiti in the list of qualifying Caribbean Community States and renumbering the list accordingly.

We may ask what is the rationale for the changes being proposed to the Act. With respect to the removal of the condition of being born in a qualifying Caribbean Community State in order to be issued with a certificate of recognition of Caribbean Community skills qualification, it is to be noted that although the provisions restricting the grant of certificates of recognition to nationals born in a qualifying Caricom country were included in the model Caricom Bill that gave rise to the Act, not all Caricom member states enacted that provision of the model Bill. In including that provision in the Act, Trinidad and Tobago was in fact discriminating against its nationals by descent, registration, naturalization and adoption.

Indeed, the Minister of Foreign Affairs is painfully aware that this provision means, for example, that any child born to a Trinidad and Tobago diplomat, while that diplomat is posted at an overseas mission would not qualify under the Act for the grant of a certificate of recognition of Caribbean Community States skills qualification.

It is to be noted that section 10 of the Act provides that the spouse and dependent members of the family of the holder of a certificate shall not be subject to any restriction on freedom of movement, including freedom to leave and reenter Trinidad and Tobago without further permission, but it does not expressly empower the immigration officer to allow them entry into Trinidad and Tobago when they first arrive.

In addition, while the principal, the holder of the certificate, can be barred if he is the subject of a deportation order or is afflicted with an infectious or dangerous infectious disease, there is no similar provision relating to spouses and dependent family members of holders' certificates. The opportunity provided by the need to amend the Act to widen the categories of persons entitled to free movement in the community is also being taken to close this lacuna in the law.

We may pause to ask what is the importance of Act No. 26 of 1996 to the regional integration movement and the establishment of the Caricom Single Market and Economy. Madam President, it will be recalled that the Heads of Government of the Caribbean Community (Caricom) at their 16th Meeting of Conference in Guyana in July, 1995 agreed as a first step towards facilitating the free movement of skilled persons among member states to implement with effect from January 01, 1996, the free movement of Caricom nationals who are

university graduates subject to the acceptability of their credentials by the member state concerned.

Heads of Government subsequently agreed in July 1996 to extend this facility to include artistes, sports persons, musicians and media workers. The community has now decided that the legislative and administrative arrangements to give effect to this decision must be in place by June 30th, 2003. To date, all Caricom member states, with the exception of Suriname and Montserrat, have in place legislative or, as in the case of Barbados, administrative arrangements to give effect to the decision to permit the free movement of university graduates.

Suriname is taking the necessary action to give effect to this commitment. Barbados also needs to amend existing legislation to permit the free movement of university graduates who are seeking employment in Barbados. In addition, Belize, Guyana, Jamaica, Antigua and Barbuda and St. Lucia have enacted legislation to give effect to the free movement of artistes, sports persons, musicians and media workers.

The rationale for the decision on the free movement of skilled persons lay in the acceptance of the fact that in order to achieve the objective of the Caricom Single Market and Economy, that is closer integration of the markets of the member states of the community and the eventual fashioning of a single market in the region, those factors of production susceptible of movement must be allowed to move within the community in order to achieve an optimal allocation of scarce resources within the single market. This requirement applies equally as well to labour as it does to capital.

The incremental approach to the free movement of skilled persons represents a balancing on the one hand of the economic imperatives flowing from the creation of the CSME and, on the other, the recognition that economic and social dislocations could arise from unrestricted movement at this stage of development of the economies of the region.

The rationale for the addition of the new categories, Madam President, can be explained as follows: the additional categories of persons provided for in the amendment Bill are those persons who, by virtue of the professions, need to move frequently within the region and who, arguably, have a unique contribution to make to the development of the integration process in this region. Freedom of movement of skilled persons is an essential building block in the creation of the CSME. As a leading proponent of, and a beneficiary from the CSME, Trinidad and Tobago has much to gain from further growth and development of integration

movement. This should suffice to commend this Bill to the favourable consideration of all hon. Members present.

If we were to ask what benefits would flow to Trinidad and Tobago from the freedom of movement of skilled persons, we might respond: as we are all aware, a sizable number of nationals of Trinidad and Tobago are already benefiting from the agreement on free movement of skilled persons through employment in other Caricom countries. Approval of this Bill will allow Trinidad and Tobago as an important member of the community to fulfill obligations freely entered into by both the previous, and I repeat previous, and current administrations in the matter of free movement of skilled persons in the region.

Madam President, policies and programmes that strengthen the CSME will redound to the benefit of Trinidad and Tobago and the community as a whole. Caricom is now second only to the United States of America as the preferred destination for this country's domestic exports.

The statistics on merchandize trade tell only part of the story of the economic activity within the CSME. It does not indicate, for example, that 45 per cent of the tourist arrivals in Barbados come from Trinidad and Tobago. It does not indicate that Trinidad and Tobago, with a population of 1.3 million persons is the fourth largest source of tourists to Barbados, after the United States, the United Kingdom and Europe. It does not indicate how much capital from Trinidad and Tobago has been invested in the rest of the Caribbean Community.

One simply has to consider that the per capita contribution of tourists from Trinidad and Tobago is to the economic activity in Barbados to understand that it is far from accurate for anyone to say or suggest that only Trinidad and Tobago is benefiting from the CSME. This Government recognizes the interdependent nature of our economic relationships in the CSME. Economic development in the region, as a whole, is acknowledged to be of vital importance to the continued health and vitality of this country's economy and the manufacturing sector in particular. The community has agreed that the CSME is the vehicle by which enhanced development in the region will be achieved.

What has been the experience, Madam President, one might ask, in the implementation of this Act? The Ministry of Foreign Affairs began receiving applications for certificates of recognition of Caribbean Community skills qualification in late 2001 following the amendment to Act No. 26 of 1996 earlier in the year. Up to May of this year, the Ministry had received 194 applications for certificates of recognition of Caribbean Community skills qualification from

Immigration Nationals (Amdt.) Bill
[SEN. THE HON. K. GIFT]

Tuesday, June 24, 2003

university graduates. One hundred and sixty-nine applicants have met the qualifications and had certificates issued to them. Over 87 per cent of all applicants have been successful.

We might now turn to other developments in the Caricom Single Market and Economy. The Caricom Single Market and Economy is not only concerned with trade, but impinges on economic, financial, legal administrative issues in the member states and within the community as a whole. All of these issues have a bearing on Trinidad and Tobago's political relations with other member states of the community.

The Heads of Government of the community took a decision at their Intercessional Heads in Barbados in February 2001 that in addition to a lead Prime Minister with quasi-Cabinet responsibility for the CSME, there will be a prime ministerial subcommittee for the CSME modeling along the lines of the prime ministerial subcommittee on external negotiations.

Madam President, members will recall that the agreement established in the Caribbean Court of Justice was signed in Barbados on July 14, 2001 on behalf of the Government of Trinidad and Tobago by the then Prime Minister, the hon. Basdeo Panday. The Caribbean Court of Justice (CCJ) which has been invested with the original jurisdiction in respect of the interpretation and application of the revised Treaty of Chaguaramas that will create the CSME will be headquartered in Trinidad and Tobago. The inauguration of the Caribbean Court of Justice will take place in Trinidad and Tobago in November later this year. I think this paragraph, Madam President, should be of especial importance to Members on the other side.

At the recent 14th Intercessional Meeting of the Heads of Government of the Caribbean Community held in Port of Spain last February, the Prime Minister of Trinidad and Tobago indicated that the Government of Trinidad and Tobago intended to make Trinidad and Tobago CSME ready in one year. Work continues in the Ministry of Foreign Affairs on this project. A CSME unit has been established in the Ministry to work with the other ministries and departments of Government to make the hon. Prime Minister's challenge a reality. Advertisements were recently placed in the press for staff. Interviews are almost complete. Office space had been identified and the unit, under the leadership of Ambassador Jerry Narace, is expected to start work by the end of July.

In conclusion, let me just say that Act No. 26 of 1996, as amended, represents a significant change in the law governing the entry into Trinidad and Tobago of persons who are neither citizens nor residents of this country by enacting a special

regime providing for rights and privileges for nationals of qualifying Caricom states, Trinidad and Tobago, in the context of the regional efforts to establish the Caricom Single Market and Economy is signifying its intention to discharge fully its obligation to the Caribbean Community in this important matter of the movement of skilled persons within the community.

Madam President, the passage and implementation of this amendment Bill are entirely consistent with the ongoing efforts to establish the Caricom Single Market and Economy by the year 2004. Members opposite would no doubt agree that Trinidad and Tobago has benefited and continues to benefit from the membership in the Caribbean Community. Any measure that strengthens the regional integration movement is likely to redound to the advantage of Trinidad and Tobago and is, therefore, worthy of our support.

Madam President, I beg to move.

Question proposed.

Sen. Wade Mark: Madam President, I rise under protest as our Private Members' Day has been kidnapped by the Government, but as the alternative Government, we have a responsibility to intervene and we shall do so.

Madam President, I would like to say to you that if this Government had any legislative agenda or programme, this particular matter that has been rushed today would have been anticipated months ago. The PNM, if it is planning and not engaging in bacchanal, would have been able to anticipate that at the end of this month, going into the month of July, there was going to be a Heads of Caricom Conference in Jamaica.

I am very disappointed that this Parliament, this Senate is being almost bulldozed into debating something where the information for such an important matter that Sen. The Hon. Knowlson Gift had his technicians prepare for him months ago, we have the opportunity to speak, but not with the relevant kind of research that is necessary for such an important matter. But, Madam President, you know I am a trade unionist and I always rise to the occasion. I can speak for a whole hour as I will speak today on this very matter. [*Desk thumping*]

Madam President, this matter that is before this honourable Senate, as you pointed out earlier, deals with the Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill, 2003, and it says in its explanatory note that the main purpose of the Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill is to widen beyond university graduates, the categories of persons eligible for free movement in member states of the Caribbean Community. They want to now

include beyond university graduates and other professionals, artistes and musicians, sports persons and media workers.

Madam President, it would also widen the application of the Act to include persons qualifying as citizens of qualifying Caribbean Community States by descent, registration, naturalization and adoption, and put beyond doubt, the authority of the immigration officers to permit the spouses and dependent members of persons who satisfy the qualification requirements of the Act to enter the Republic of Trinidad and Tobago. And, of course, Haiti is now a member of Caricom and Haiti is being added to Schedule I.

Madam President, you would know this is a matter that deals with the integration process. We live in a world of globalization, liberalization, and in this context, the integration process has to be framed, has to be anchored. You would know that the Caribbean Community or the Caribbean efforts at integration is one of the oldest in the world. Federation was in '58, you will recall, Madam President. After federation, we had CARIFTA between '70 and '73, and then the Caribbean Community between '73/'74, to the present time. So the Caribbean has had a long history of attempting to establish a trade bloc with the aim of deepening, strengthening and expanding the integration process.

But, this question of the Single Caribbean Market and Economy is yet but the latest stage in the integration process in the region. And this single market and economy, I want to remind you, Madam President, this decision was taken at a Heads of Government Conference back in Grenada, the Grand Anse Declaration in 1989.

Heads of Governments were mandated or they mandated themselves to bring into effect by the year 1993, this Caribbean Single Market and Economy. We are now in the year 2003. Nine years, almost 10 years later, and I have the facts, I have done some research on this particular matter, the terms of not now, not over the weekend, but previously.

The facts are very stark in terms of the approach that has been taken by the region in attempting to bring about this single market and economy. What is important about this question, Madam President, when we talk about a single market and economy, what is the single market attempting to achieve? It is attempting to achieve the unrestricted movement of people, of capital, of services, of goods without, as I said, any restrictions.

One has to reduce, remove and suppress tariffs and non-tariff barriers to trade, because, Madam President, if we are talking about the free flow of goods and

capital and services, we have to remove restrictions to trade and all the barriers to trade. But, most importantly, if we are talking about the free movement of people in the region, we have to remove all restrictions on travel. I did not hear the hon. Minister indicate to this House what is taking place in the area of passports or a common Caricom ID card. I did not hear him talk about these things. I did not hear him talk about a register of skills, because if we are going to bring people here, we must be able to have a record of these people, and these things must be put in place before we can talk about a single market and economy.

What we have here, and I listened to Sen. Knowlson Gift, our Prime Minister, always talking out of turn says Trinidad and Tobago is going ahead with the Caribbean Single Market and Economy by the year 2004. Just as how he told us we are getting a natural gas pipeline inter-islandwide. That is a pie that we will have to pick at some point in time in the sky. Dreams.

The single market and economy, Madam President, has to be based on a platform, and when we talk about the movement of people, we are talking about labour's rights, workers' rights. This is where I come in. I want to let them know that labour is not immune to the dynamics of this integration environment. Therefore, if, for instance, they are going to talk about the free movement of people, we will come to the categories later on that have been defined in this Bill that is before us.

What we are about at the end of the day is seeking to create what I would like to describe, and what has been described as a single large economic space. That is what we are trying to achieve in the region, but the region is in trouble. Most of the economies have collapsed in the Caribbean with the exception of Trinidad and Tobago, and the rate that the PNM is going, if it was not for oil and gas, we collapse too, but we will say more about that later on in another debate.

We are about creating this single large economic space, Madam President, but in order to ensure free movement of people, laws have to be harmonized. Labour laws have to be harmonized. I did not hear Sen. Knowlson Gift tell this honourable Senate what efforts are being made by the Government of this Republic to harmonize labour laws.

Madam President, do you know that there are Caricom modeled labour laws that have been enacted in a number of Caricom countries including Guyana and Belize? All that is part and parcel of the preparation as we seek to move towards the creation of a single Caribbean market and economy. I have the facts before me.

So far we have four Caricom model laws which have been completed and which have been implemented and enacted, rather, in a few Caribbean countries. They are the Termination of Employment Law, the Trade Union Recognition Law, the Occupational Safety and Health and Working Environment Law, and the Equality of Opportunity and Treatment Law, and I want the Attorney General, in particular, to listen to this one, because somehow, the Attorney General of our country seemed not to be willing to bring to this Parliament the Equal Opportunity Act of this country. Slight amendments, Madam President, take long.

It reminds me of Bob Lindquist and the Waterfarm corruption scandal of \$50 million. Every Monday morning he has to bring this report to the Attorney General and the Attorney General cannot see Bob Lindquist at all. You should fire him, Madam! You know what it is? Cover up. Election in the air. We will talk about that on the hustings. So, we have four model pieces of legislation. Caricom has brought those things into being.

Do you know, Madam President, Trinidad and Tobago has not enacted a single Caricom model law? Not a single Caribbean model law? But we get this document today, grandstand and gallery in Jamaica over the weekend coming or next weekend. But you know what? The preconditions, the prerequisites for this to succeed are not around. They have not done it. But you know what? We are hearing the hon. Foreign Affairs Minister telling this country through this Parliament that the Prime Minister has said that come 2004 Trinidad and Tobago will be leading, will be taking off in bringing about the Caribbean Single Market and Economy. A pipe dream again. Dreaming!

They do not have the foundation. Madam President, how can one build a house without foundation? And the foundation lies in establishing certain fundamental pillars, and labour laws are critical to this. But, nothing has been done by this present regime.

How is Trinidad and Tobago likely to benefit from this measure that is being peddled in the Parliament? The Minister provides no answer. He brings to this Parliament no concrete information. We do not have data to support the measure that he has tabled in this Parliament. What we hear are sweet words. Old talk. No concrete evidence. As the hon. Winston Dookeran said, "A government in power but without knowledge". A government that equates the national interest with its own party's interest. As if party interest and national interest equates. Not at all! That is why Trinidad and Tobago will continue to go backward under the PNM, until the people of this country are given the opportunity once again to make a judgment call.

I would like, as I said, the hon. Minister to tell us more about passport requirements, work permit issues. I want him to tell us about the development of a skill register. If we are so committed to Caricom and not hypocritically committed, how come when one goes to Barbados and one arrives at the airport, one sees a sign marked Caricom citizens or Caricom nationals? The Government is in power for 18 months now. I am saying that they are there for 18 months. Forget us. We will take them in the year 2007! They are there now. They do not have that. I am talking about the airport. The same one they criticize every day. Up to now they have not incorporated it.

If we are talking about the free movement of people, I am saying that we have to establish dispute settlement mechanisms. I am not referring to the Caribbean Court of Justice. We are being told that the success of the region in terms of its competitiveness, would largely lie on the free movement of people, the passage of appropriate labour laws, as well as the establishment of an appropriate settlement dispute mechanism. This is necessary if the single market and economy is to become a reality.

We have a vague piece of legislation before us. We are told that the new categories to be added under section 5 of this Act—and I want to read this for you. You see, there is a conspiracy in this region, and that is why when it comes to the Caribbean Court of Justice, we will always have very strong reservations about it.

I cannot be part, and the UNC will not be part of any process where politicians appoint judges. No Heads of Government in this Caribbean must have the right to appoint the Chief Justice of the Caribbean Court of Justice, and to appoint ordinary judges. We see the circus that is taking place in a place they call the Caribbean Court of Justice right now. As we speak, there is a circus taking place every day, costing this country and taxpayers millions of dollars. That is the kind of justice we are going to get under the Caribbean Court of Justice? When politicians appoint judges and their friends! We will take no part in that.

I want to tell them, under our Constitution, the framers did not say two-thirds to amend this constitution if they want to abolish the Judicial Committee of the Privy Council; it says three-fourths. It is a larger majority. So, no Caribbean Court of Justice can be established without the United National Congress in this country. They could bring it, as they said, in November. They could put aside \$199 million. They are free to do that. I will say more about that as we proceed.

Let us deal with the categories, and I want to refer you specifically to clause 5 of the current Bill that is before us. It says:

“The Act is amended by inserting after section 9, the following section:

9A. Notwithstanding sections 8 and 9—”

That is of the original Act.

“—an applicant who is a citizen of a qualifying Caribbean Community State and possesses any qualification or experience or combination of qualification and experience that to the satisfaction of the Minister proves that the applicant is—

- (a) an artiste;
- (b) a musician;
- (c) a sports person; or
- (d) a media worker,

is deemed to have satisfied the qualification requirements of this Act.”

Madam President, I want you to listen carefully to what this is saying. The applicant who is a citizen of a qualifying Caribbean Community State and possesses any qualification or experience, or a combination, so we could get, for instance, some low skilled person coming here, somebody coming to take away people’s jobs at a time when Caroni sends home 10,000 workers thanks to the Patrick Manning regime; 617 workers—bullet for them at BWIA—retrenched, and hundreds of workers’ jobs are being threatened on a daily basis because of the backward and reactionary economic policy and direction that this regime is pursuing, and we are being asked in this Parliament to approve a person who is a citizen of Grenada, St. Vincent and the Grenadines, as example.

That person has to possess any qualification or experience or combination of qualification and experience to the satisfaction of the Minister. So the Minister of National Security, who is very famous for other things which I would not go into now, is being given the power under this Act to determine who is an artiste, who is a musician, a sports person and a media worker. And they say any qualification. Not five O’levels, not two A’levels, not a diploma, not a certificate identified. Any qualification. Any experience.

Madam President, this looks like house padding. It looks like a kind of voter padding. It looks like the free birth certificates that I understand are supposed to be issued from tomorrow. Free! I am a Caribbean man. I am a Caribbean person, but you see, there are evil intentions by this Patrick Manning regime, and I do not believe they are moving genuinely in terms of the Caricom movement. That is

why Ralph Gonzales, the Prime Minister of St. Vincent, is so close to our Prime Minister. He wants a bail out in St. Vincent.

Madam President, \$30 million was given to LIAT and not a worker has been retrenched at LIAT. Do you know before that, they gave them \$20 million? So in all, \$50 million to LIAT! I saw today in the newspaper, my heart pained me, my blood went cold when I saw Minister Valley, the Minister of Trade and Industry, demanding from trade unions—which is in violation of the law. When one registers a collective agreement, one can only alter that collective agreement under specific conditions as outlined in the law.

How can Minister Valley demand of workers to cut their salaries by 10 per cent to save BWIA yet still we give \$50 million to LIAT and not a single worker from LIAT went home? What kind of double standard is this? It looks like the PNM believes in the Caribbean first and citizens of Trinidad and Tobago after. Well, Madam President, I have news for you. We must look after our own first. Trinidad and Tobago citizens come first, Caricom after. They cannot be playing hanky panky with the moneys of the population.

You know, we the citizens of this country work hard. We pay our taxes and we get whipped with our taxes by the PNM! They give \$50 million to LIAT and not a worker, no preconditions, Madam President, no management programme or time frame or arrangement to bring them out of the red, but with BWIA, they impounded our planes in different parts of the world. This is integration PNM style. That is why I told them, there is a sting in the tail. They are not really genuine. The Minister of Housing made a statement earlier. We will talk about that in the budget speech that is to be made later.

Madam President, I want to ask you, as an experienced doctor, if you or I have to take a decision as a Minister to allow an artiste to come in here, as an example, what are the criteria going to be established to determine an artiste? Who is an artiste? There is nothing here to tell us. So, it is left to the discretion of the Minister of National Security and Rehabilitation who is going to be in charge of this Immigration Act.

The Minister of National Security and Rehabilitation and the Minister of Foreign Affairs jointly will have a big say in the implementation of this Act. What is going to be your guide, Sen. The Hon. Knowlson Gift? What set of criteria will guide the Minister of National Security and Rehabilitation? We know how the PNM operates. Their friend, their wife, their husband, their family first, and the party supporters. Not all the supporters, because some supporters are crying blood

now. They already told us that they will vote against them for the local election. They are crying blood. [*Interruption*] You are the biggest house padder so far, Sen. Joseph.

Madam President, I ask the Minister of Foreign Affairs what are the criteria for defining these categories that he now wants to give himself and the Minister of National Security and Rehabilitation blanket power to bring into this country. We do not know. We have not been told. We have no problems with bringing in Caricom citizens here. We have no problem, but Trinidad and Tobago citizens must come first.

If there is a vacancy in any area of our society and that vacancy cannot be filled by qualified nationals of our country, we can invite people from Grenada and St. Vincent to come. Not before. Unemployment is now close to about 12 per cent in this country. Close to 12 per cent, the last figure I saw. I do not have the figures before me, but it is about that. When we were there, it was just under 10. So it is climbing.

In every Caricom country we can think about today, Barbados included, unemployment is on the rise. It is on the rise in Jamaica, in Barbados, in Grenada. All the Caricom countries. We are going to allow people to come from Caricom without any set of criteria to do what? Take bread from our mouths? Put nationals out of employment? Is that the purpose of this Bill, when unemployment is rising in this country? When university graduates cannot get jobs in Trinidad? They cannot get in the Caribbean either. Some of these Caribbean countries, as I said, Madam President, like Dominica, are now a basket case. It is bankrupt. And we have to rescue it in terms of a loan.

I want to tell you something, Madam President. Just like the former Prime Minister, the father of the nation, we gave plenty money and we never got it back, we have the second father of the nation, the present Prime Minister, giving away plenty money and never getting it back. We are offering grants to these countries.

So, I would like the hon. Minister to tell us if he is going to introduce through this measure, scab labour. I want to know that. Is this measure going to undermine employment levels in Trinidad and Tobago, and to what extent? Let him tell us that. We make no compromise and no bones about it. Citizens of the Republic of Trinidad and Tobago must come first, Caricom citizens after.

It goes on to six, now. If we look at clause 6 of the Act before us—before I go there, how do we define what is an artiste? What is that? A belly dancer? Tell me. Tell us. We want to know so that the immigration officer would be guided,

because I do not think the Minister of National Security and Rehabilitation is going to be at the airport. He might be elsewhere at another port, but not the airport. [*Interruption*] Put it in your pipe and smoke it.

Clause 6 of the Bill, I continue, deals with entry of spouses and dependents:

“10A. (1) Notwithstanding any other written law but subject to section 4A, 12 and this section, an immigration officer shall permit the spouse and every dependent member of the family of—

- (a) a person to whom section 3 applies, to enter Trinidad and Tobago for a period of indefinite duration; or
- (b) a person to whom section 4 applies, to enter Trinidad and Tobago for a period of six months.”

Madam President, we would like to know from the hon. Minister of Foreign Affairs exactly, in the absence of the harmonized legislation, what will be the rights of those persons who are coming here? What will be the rights of the workers who are going to be displaced? Where workers' employment is terminated, what rights are they going to have? What laws are in place to give them protection?

You may not know, but as we speak today, after the holocaust of the '80s under the PNM, the wave of retrenchment, after they had \$60 billion, they wrecked the economy, and today, over \$77 million are owed to workers who were retrenched in Trinidad and Tobago. Some of them have died while waiting for their retrenchment and severance payments. So I would like to know, Madam President, what provision in the legislation is going to safeguard and/or protect the interest of workers? Be they media worker, whoever. Because eventually, if this thing is to work, it has to go across the board.

3.30 p.m.

Madam President, if this measure is to work, it has to go across the board for people skilled in whatever field: mason, carpenter, cook, janitor, everybody coming down, *toute bagai*, because Trinidad and Tobago is the USA of the Caribbean; we are a powerhouse; everybody coming here. I have no problem with their coming here, but not at the expense of citizens of the Republic of Trinidad and Tobago. Our citizens must come first; that is our slogan. I am a Caricom person, but I am clear about national interest. Our national interest must come first.

We are not happy with the measure before this Senate today. We feel that the measures are very loose, vague and ambiguous. We feel that the Minister in question is going to be given a responsibility that he has no knowledge, basis or data to act on; the legislation gives him no guidance and there are no regulations. How is he going to make a determination? How is he going to make decisions, by his whims and fancies? Is it going to be capricious? How is he going to make these decisions? The Minister of Foreign Affairs, Sen. The Hon. Knowlson Gift, has not told this honourable Senate the criteria that will be utilized in assessing and judging the people in these categories who we are now saying can come here and work.

Madam President, I have a working document entitled “The Social and Labour Dimensions of Globalization and Integration Process”, it is entitled “Institutionalizing the Social Grounds of Integration, the Case of Caricom”. It is published by the International Labour Organization. There are tables after tables in this document. Maybe this is a good point to ask Sen. Gift, through you, Madam President: How many Caricom countries going to Jamaica next Friday 29, have passed this measure? They are supposed to go to Jamaica and have a ball until July 06, talkshop again, no action, plenty money being spent, no results. Could he let us know? I know Jamaica has passed it.

Sen. D. Montano: On a point of order, Madam President, it is a good question, but the Senator should address it to the Minister of Foreign Affairs and not Sen. Gift.

Sen. W. Mark: Well I know Sen. D. Montano is a very meticulous person at school; he does not make mistakes at all.

Madam President: Senator, please be so guided.

Sen. W. Mark: Madam President, no offence was meant. It is as if I say Sen. Baboolal; I cannot say that; it is President Baboolal.

Sen. W. Mark: Sen. The Hon. Knowlson Gift, my good friend, Minister of Foreign Affairs, the man who lasted only for 10 days in the previous administration but, Madam President, let me get back to my point. [*Laughter*]

When I look through the tables, I am not seeing a good record in terms of implementation of the measures that are necessary to bring about the Single Market and Economy. Many of the Caricom States, in question, including Trinidad and Tobago, have not put into effect the harmonized labour laws. When we look at the free movement of people, we see elimination of the need for

passports. We have always said that if we want to be an integrated nation and society, I should be able to leave here and go to Barbados without a passport or someone from Barbados can come here without a passport. These are measures that are critical if we are to create a single market and economy. We have to eliminate the need for passports.

Barbados, today, accepts travel permits; Dominica accepts travel permits; Guyana accepts identification cards, driver's licence; Jamaica accepts birth certificates; Trinidad and Tobago, a passport. Trinidad and Tobago is the leader of Caricom, but these other small countries are leading us in this regard. I would like Sen. Gift to indicate when we are going to eliminate this particular bugbear on Caricom nationals or citizens of Caricom.

In his opening address, the Senator mentioned the Caribbean Court of Justice. He spoke about former Prime Minister, Mr. Panday, when he was there and what he did. Before I deal with that, Madam President, you would know that in an effort to promote harmonious industrial relations within Caricom, there is a Declaration entitled, "Caricom Declaration of Labour and Industrial Relations Principles". If you want to bring about this integration process, to realize the economies and benefits that a united region would bring, you cannot succeed if you do not put the appropriate measures in place to safeguard and protect the workers' rights. If I am moving from Jamaica to Trinidad, I must be able to transfer my security rights to Trinidad and Tobago, in terms of pension. This is what the harmonization process is all about. I must be able to join a trade union of my choice, if I go to another country.

Madam President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. S. Baksh*]

Question put and agreed to.

Sen. W. Mark: You see, Madam President, without being prepared, how far I am able to go. I am not going to allow the Government to ambush me at all; I am always prepared.

Madam President, this Declaration of Labour and Industrial Relations Principles issued by Caricom is a very fundamental manifesto in the context of workers' rights. You cannot have progress or competitiveness or hope to realize productivity in any society or economy, if you do not have stable industrial relations practices; you need that. That would come through, what I call, "the

social harmonization” involving the key stakeholders: the Government, business, trade unions, labour and, of course, civil society. You have to bring all these forces together and map out and fashion a vision and direction, and we will all work towards this ultimate achievement. This is what this document is about; it outlines all the rights that workers would enjoy and would be entitled to. Madam President, I ask the hon. Minister, again: What exactly is the Government doing to ensure that these rights are, in fact, established in this country?

We learnt earlier in the proceedings that the political union between St. Vincent, Grenada and Trinidad and Tobago is in a state of stillbirth. I hope that we have an abortion shortly, completely. We have some concerns, and as Caribbean citizens we want to ensure that when we allow the free movement of citizens or people from one country to another, we do not have the experience of the 1960s. We do not want to have a repeat of the experience of the 1960s and 1970s. This is a small economy, and we must never try to suppress or, in any way, to compromise the rights of others to justice, equality and fair play.

The more I see Caricom and the efforts on the part of the PNM administration to promote Caricom, the more I see house padding and voter padding, and these are issues that are real. Whether the Government wants to dismiss those statements, it can, but the reality is that citizens are concerned about that. [*Crosstalk*] We know that you are an expert, Sen. The Hon. Martin Joseph; you are very, very sharp in that direction. [*Interruption*] He is disturbing me.

Madam President: Senator, address the Chair, please.

Sen. W. Mark: Madam President, I want to raise the question of the Caribbean Court of Justice, because Sen. The Hon. Knowlson Gift, the Minister of Foreign Affairs, did allude to it. I want, with your leave, Madam President, to share a statement dated May 19 issued by a group in Jamaica. The group’s name is “Jamaicans for Justice” and the banner headline reads, “The Caribbean Court of Justice: A Twenty-First Century Trojan Horse”. For citizens of this Republic and for your own edification, Madam President, I think it is important to share with this honourable Parliament the views of many Jamaicans on the question of the Caribbean Court of Justice.

You got the impression that anybody could just come and snatch your rights and say, “You are no longer entitled to go to the Privy Council”, because some politician says so. It is my constitutional right if I want to go to the Privy Council, and no PNM regime will take away that right! I want to read it for you, Madam President, so you could understand the concerns of large sections of the Caribbean people as it relates to this Caribbean Court of Justice.

“The Caribbean Court of Justice is to be imposed upon the people of the Caribbean Community by their respective political directorates wrapped up in the flag of sovereignty and national pride. The Jamaican government has decided that there is no need to consult...”

Like Trinidad and Tobago, same behaviour in Jamaica, same behaviour in Trinidad.

“The Jamaican government has decided that there is no need to consult the opinion of the citizens of Jamaica on the CCJ because they know what is best for Jamaica and what is best for Jamaica is best for the PNP political leadership.”

It reminds me of what is best for the PNM. [*Interruption*] I am reading from a document entitled “Jamaicans for Justice”, dated May 19, 2003. The heading is “The Caribbean Court of Justice: A Twenty-First Century Trojan Horse”. [*Interruption*] Madam President, he was not following me, so I had to face him directly. [*Laughter*] I come back to you, Ma'am.

The document continues:

“This attitude is indeed typical of the post-independence governments of the Commonwealth Caribbean who have shown themselves to be far more concerned with the maintenance of public order and security than the protection of the fundamental rights...”

and Freedoms

“of the citizens of these new nation-states.

The call by Jamaica for Justice...”

And a number of Jamaican organizations like the Bar Association and the Human Rights Council.

“for a referendum...”

Sen. Gift, the Minister of Foreign Affairs.

“to approve the introduction of the Caribbean Court of Justice is not based upon some nostalgic attachment to imperial institutions or the prejudiced belief that black people are incapable of governing themselves. It is a thoughtful and considered response to the visible threat to the fundamental human rights of Jamaicans that the Caribbean Court of Justice, in its present form, poses. Despite partly cosmetic changes introduced by the regional

Heads of Government in response to public criticism, the political independence of the Caribbean Court of Justice remains highly questionable.”

It goes on, Madam President, and this will shock you, because many people do not know what the Caribbean Court of Justice is about:

“The President of the Court, who is also the Chairman of the regional Judicial and Legal Services Commission...”

The proposed Chairman, the President that is.

“the two most important positions in the new regional court system are to be appointed by the Heads of Government on a qualified two-thirds majority.”

So the Heads of Government in the region, two-thirds of them by voting say, “You are the President of the Caribbean Court of Justice; you are now the Chairman of the Caribbean Judicial Legal Services Commission,” and they are going to preside over you, Madam President; politicians appoint judges to preside over you. I prefer judges to be appointed by the Parliament. I prefer judges to come before this Parliament and we appoint them collectively, than any political party, be it the UNC, the PNM or the NAR, having that power to appoint judges to the final Court of Appeal in the Caribbean. Do you know the “bobbol”, the scandal, the corruption or the influence that takes place behind the scenes?

The document continues:

“The Heads of Government through their constitutional control over appointments to the local Public Service Commissions, the local and sub-regional Judicial and Legal Services Commissions and the Caricom Secretary General and the OECS Director General also appoint five of the eleven members of the regional Judicial and Legal Services Commission.”

So apart from appointing the President and the Chairman, they also appoint five out of the 11 members of this regional Judicial and Legal Services Commission. This is the body that will appoint judges to the regional court.

Madam President, the document continues:

“In the appointment of the President and Judges of the regional court, as well as the Chairman and members of the regional Judicial and Legal Services Commission, the qualified two-thirds majority should be not at the level of Heads of Government, but in the individual Parliaments.”

I agree with this; this is the only way to keep, in constitutional check, the unbridled power of the Heads of Government and the simple majority in Parliament.

I would not read everything, Madam President; I will give you a copy. I want to make a copy available to every Member of this honourable Senate. It continues:

“The politics of the region inspires even less faith that a politically controlled regional court will be able or willing to protect fundamental rights of citizens from the intrusion of the State. It is true that we have not descended to the tyrannical excesses of a Sani Abacha of Nigeria or a Mobutu Sese Seko of the former Zaire, the genocidal depths of Cambodia’s Pol Pot, or engaged extensively in the thuggish mass violence of a Robert Mugabe.”

These are things that they are saying here.

I do not want to continue reading; I just want to let you know the essence of it, that the Caribbean people are saying that they do not have confidence in this particular process and the proof of the pudding must be in the eating. A national referendum must be held in Trinidad and Tobago to determine the wishes of the people, before any decision is taken to abolish our rights, both at the criminal and civil levels, to go to a judicial committee of the Privy Council, based in London.

Madam President: You have two minutes more.

Sen. W. Mark: As far as we are concerned, we believe that this measure before us today does not sufficiently satisfy us that the Government is serious about this Single Market and Economy. We feel it is a pie-in-the-sky arrangement. Trinidad and Tobago is going to lead what in 2004? Trinidad and Tobago has only become the first member of this so-called Single Market and Economy. They are going to lead what? They do not have the foundation blocks in place, so that is wishful thinking, gallerying and grandstanding. That is what will be done in Jamaica over that six- or seven-day period.

As far as we are concerned, we are for Caricom. We are for the oneness of the region. We believe in it, in principle, but there are certain fundamental reservations that we have with this particular measure before the Senate. Madam President, we give the Attorney General and the country the commitment that the Caribbean Court of Justice will not find any support from the United National Congress until the PNM agrees with the UNC and we arrive at a consensus to have a national referendum in this country, for the people to decide, generally.

I thank you, Madam President.

Sen. Dana Seetahal: Madam President, I rise to support the amendment of the Immigration (Caribbean Community Skilled Nationals) Act.

When I listened to Sen. Mark I really had to check back to see if the original Act No. 26 of 1996 had not been passed by the government of which he was then part. [*Desk thumping*] As I understand it, the Bill that this Senate seeks to pass is merely an amendment to expand the terms of Act No. 26 of 1996. So instead of limiting the application of that Act to university trained and others under the Act—that would be people from University of Jamaica, University of Suriname and so on, we now expand the Act to include artistes, musicians and the like.

Now, in 1996, the then government ratified, I think, the agreement by which they undertook to later on make or amend this Act to include such persons. I think it was in 1998, when Julian Rogers, as we all know, was refused a work permit, the question then arose as to the obligation of the government to conform to the agreement it had undertaken to put in place legislation. It is some five years later, and it is only one week before the deadline set for us to put legislation in place, that we are so doing. That is not to the credit of the last government. It is kind of late in the term—it has been seven months—for this Government but, in any event, it is time that we pass it. I do not think there should be, really, any question as to the philosophy behind it.

The fact of the matter is, whether or not we agree with eventual Caribbean integration or we think that the Caribbean Single Market and Economy is going to work or not, this whole legislation, as I and many other persons understand it, is really based on the fact that we, members of Caricom, apart from Suriname and Haiti, have a shared history. We have a common language. We have the same system of Government. We travel more to Jamaica, which is the furthest island from Trinidad and Tobago, than we would travel to Martinique or the US Virgin Islands or any of those other islands. We know that we have a lot in common. We go to the University of the West Indies, and we play cricket together; we do all these things. It is in that context that this Act of 1996 was passed, so that graduates of our common universities could work in each other's countries once there was a certificate which allowed that by the respective governments.

As I understand it, and the Minister of Foreign Affairs made it quite clear, this Bill is saying that now we are not restricting it merely to citizens born in the Caricom countries, but citizens of the countries per se, that would be citizens by descent, naturalization and whatnot. That is the first and most important thing that this Bill is doing. It also includes the spouses and dependents of those citizens. If you are coming to Trinidad from somewhere else to work or sing calypso, or whether someone from our country is going somewhere else to do an act, as it were, you would not want your children, wife, girlfriend or common-law wife,

kept at the airport waiting to get some kind of special permit, when you can go to and fro.

The Bill seems to make it much more comfortable for all and includes a list of people, now no longer just the *crème de la crème*, as it were, persons who have degrees, but we are talking about artistes, media workers, sports persons and musicians. These are people who, by virtue of what they do, through the many years that we have been independent, have managed to spread that spirit of “Caribbeanism”, if that is a word, throughout the region. Calypsonians have performed in other countries, and sometimes they have to wait at airport immigration offices to give them a five days or three days or one day. We want to take away that lack of dignity.

We want to have sports commentators who are good, from other regions, coming here when we have cricket and so on. We do not have to pass them money under the table; they can work and move. We want to have people like Julian Rogers—and I repeat his name—working here rather than having to go back and find themselves fighting for freedom of expression in some countries, like Antigua, they can work and develop our media houses. So that is really what this Bill, which is long overdue, seeks to do.

Whether you agree with Caribbean integration or not, that is something for the future. It is a political decision; I do not think any one government can decide that for all of us. That is something that may have to go towards a referendum eventually, but not for now. We are not talking about that now. We are talking about movement of certain types of persons to facilitate Caribbean togetherness, which we already have at one level.

Madam President, all I can say further is that I have had the benefit of that by going to the University of the West Indies Law School and working at the law school. I also have students from all these regions, and I am sure that I would like to work in their countries and they would like to work in ours. People I know many times they come here to do a case; we go there and we have to get a work permit for one week. This is the kind of situation we want to prevent.

We do not want to have calypsonians, when you have a show for a week, having every time to come back for a work permit. That is what I see the Bill as being about. It is not saying that tomorrow or next week we are going to have the Caribbean Court of Justice without discussion; I do not see that anywhere here. I do not think this is the time or place to debate that. Let us deal with what we have now and get on with passing what is so necessary and what we have committed to already.

Thank you, Madam President.

Sen. Dr. Eastlyn McKenzie: Madam President, I would be very short, as usual. I rise to support this Bill, strongly, as someone who has been in the performing arts. Just recently, one of our top choirs from Tobago went to St. Vincent and the Grenadines and I happened to be in their company. While we were coming back, there was another group from Tobago that had gone there to play All Fours. They had won the trophy, so they had this big thing on the plane coming back.

Some of our friends from St. Vincent and the Grenadines were saying to us how easy it was for our choirs to perform; nobody asks us anything. In fact, members of the Ministry of Culture and Tourism were at the airport to greet us, make all the arrangements, put up all the advertisements, and we were going there freely and performing, and so were the members of the All Fours Club. Nobody was asking them anything, whether they had work permits or anything else. Some of the others were saying to us that soon it would be carnival time in St. Vincent and the Grenadines. You saw all the advertisements for our artistes going up there, our calypsonians, like Denise Belfon, and the people are crazy about them coming. They were saying to us, "When we come to your country, we do not get it as easy as you get it when you come to our country."

I think this Bill is timely. Their carnival is coming and, as a Tobagonian, our heritage is coming up. Year after year we have people from these countries coming down and wanting to participate with us, many times for free; they do not charge or anything, they are part of our culture. I think that this Bill is a little too late.

Madam President, this Bill will make people come to Trinidad in their true capacity. I follow cricket sometimes, there is a female commentator, Donna Simmons I think is her name, but she is an attorney-at-law. Probably, she comes in as an attorney-at-law and, therefore, she qualifies under the Act, as it is now, but she comes in and works as a sports commentator, as a journalist. I think that it will make you honest, that she would be able to come in and say, "I come in here today as a sports journalist; I am not using my cap as an attorney-at-law." The Bill will make people honest in their declaration to the authorities.

Sen. Mark queried whether the Minister responsible would have the know-all, if I can call it that, to determine who is an artiste or whatever. These people will have to apply in advance; there will be some sort of certification. I do not think that either Sen. Chin Lee or Sen. Gift would decide on his own whether this person qualifies under artiste, musician, sportsperson or media. We have national bodies that will determine whether these people are reputable and known, and,

therefore, would qualify under the category they are claiming to be. I really do not see that as a problem.

Madam President, under section 10A(2), there is a part which says that wherever it could be denied or a deportation order has been issued and so forth, or “that person is afflicted with a dangerous or infectious disease”. I want to know how they would know if somebody just comes up against somebody or is a dependent person or that person is afflicted? If you have a deportation order, fine, that is knowledge, but if that person is afflicted with an infectious or dangerous infectious disease, who determines that? How are we going to know that? You ask the person and he and she says, “Yes, I have” whatever it is? Do you test persons when they get to the airport? I was a bit puzzled about that.

There is one little request I want to ask of the Government. I was here when the 1996 Bill was passed. We had a query from members of the religious organizations as to why, for some denominations, their priests could come in and are treated differently to religious people from other denominations and this does not happen when our priests or ministers go to the other Caricom countries. We had one of our ministers from the Moravian Church in Tobago who, when his three years had expired, he had to go back, and even though he asked for an extension they denied him. But if you came from the Roman Catholic Church, from Ireland or wherever, you could be in Trinidad and Tobago for 10 or 15 years, and nobody says after three years that you have to go, because they come in under different rules, a different type of Act.

We have to straighten this out or otherwise we have to understand that if a Moravian minister comes here, and his child is six years old, the child goes through the elementary school system and gets into a secondary school through the Secondary Entrance Assessment, and then the three years expires, he has to pack up, root up his child and take him or her back to a system without an option. I know this is true in the case of a Moravian minister. I know that in our Methodist Church we have had to make special requests for our ministers to stay on after three years, if they want to. Whereas, our Tobagonian ministers could be in Barbados for seven years, they could be in Antigua for nine years, and nobody tells them anything. That is why people feel that we are so unfair and we are big bullies, because we feel that we have more power and we could do the little islands whatever we feel, and they cannot reciprocate.

I am asking the hon. ministers to get together and discuss it. If we have to make another amendment and put in another category after they would have investigated and done everything—I am not saying it would be done overnight,

but probably this is the first time it is being aired aloud, so we could discuss it. Talk to the Inter-Religious Organization (IRO). We have Bro. Noble Khan; I know there are different denominations in his organization, they could investigate it and probably come back in a year or two or whatever.

Sen. D. Montano: I would just like to clarify something. Are you suggesting that we include a category here for members of the clergy?

Sen. Dr. E. McKenzie: Yes; I am not talking about people who just get up tomorrow and say, “I am a priest.” I am talking about people ordained in their different religions. [Laughter] Ordained or whatever, you know they do their studies and they qualify as preachers of the religion. This is what I am talking about. After some investigation, discussion and consultation with the IRO and the different bodies, they can, probably, come up in a year or two with another category to be added.

In the meantime, I am suggesting that when requests come to the hon. Minister of National Security for an extension of the work permits of these people who come, not only come to preach, but our people go out to their countries—we have members of the clergy all over the Caribbean; we go there and we meet them and they come here too. When they ask for an extension, let us investigate them, as you would do with any other person, if you think that it is a worthy cause.

Many times it is the congregation that writes to the Ministry of National Security saying, “Here we have someone working with us,” that person might have begun a project that we want to continue, their children might be in a delicate stage where they do not want to uproot them, or whatever may be the case, if a strong enough case is made out, then favourable consideration should be given to it.

Madam President, I support the Bill and thank you.

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I really would take an even shorter time than my colleagues over there.

I was amazed as I sat here. The hon. Senator has left. I do not know if you walk from one side of the Parliament to the other side, if you could forget so very quickly. That is more than amnesia, Alzheimer’s or whatever you call it, because we were here in 1996. The reason we are here with this Bill now, is because they failed to do this in 1996. I have my *Hansard* which shows that we pleaded with them to include these categories, at that time, and they refused.

I remember that in 1996 when we came to this Parliament, as the hon. Senator said, they included the university graduates and the approved categories. We came here on Tuesday June 26, 2001, five years after that Bill was passed. At that time, it was not proclaimed. I hear people telling us about time. With due respect to you, hon. Senator, we had a priority listing. Five years later we sat here. It was June 26 and the intercessional meeting was going to be on the 30, five years later. The Minister, at that time, told us that he had gone to the intercessional meeting in Barbados in February and promised them that the Bill would be passed in the both Houses in time for the Heads meeting in July.

We came here four days before, and by the Friday the Lower House, probably, would have passed it and he would have flown out on the Monday with it. So you do not come here this afternoon to talk about time. Let us be honest. Sometimes it is the dishonesty that bothers us.

People talk about who is serious and not serious about Caricom. The hon. Minister said at that time:

“The Bill was consistent with the decision of the Conference of the Heads of Government of the Caribbean Community.”

The Bill was consistent; we had signed to that and this Bill was consistent with that. So if you are a part of this fraternity, clearly, you need to adhere to what it says. All the discussion this afternoon was absolutely unnecessary. We have signed to it and, therefore, we are supposed to live by the dictates of it, otherwise stay out.

We use them, you know, Madam President. They buy from us; Trinidad and Tobago sells the most goods to other Caricom persons, if we look at it in that way; yet we are afraid to open up. There is something called “reciprocity”; all the other places have already passed this. Sen. Mark asked, “How many others have passed this?” If I refer to the minister on that same afternoon of June 26, he said that the Caricom Heads of Government agreed in July to extend the facility to include artistes, sports persons, media workers. To date, all Caricom members, with the exception of Suriname and Montserrat, had passed it; that was in 1996. They passed it, not only for university graduates; they had already included artistes, sports persons, musicians and media personnel, since 1996. Look at where we are now; yet we are still asking, “How many passed the Bill?”

At that time I remember that we were trying from the other side to see if we could have got this category; “the approved categories” we called it, but we could not, because they were insistent on going with just the university graduates, for

some reason. When I was talking to the minister in the Parliament, with the same haste he was telling us that we would sit in this Parliament until 10 o'clock to get the Bill passed. They threatened, "You will sit here until 10 o'clock, but I have to pass this Bill."

We were part of Caricom; we were sitting on that side. We did not oppose it at all; we supported it, because we knew it was necessary. How could we let Trinidad and Tobago go out there and be embarrassed? I remember that same evening we talked about Julian Rogers. We talked about the media not being included, and we beseeched them to include the media and sports persons.

Somebody talked about what we had in the Caribbean. Everybody viewing television was looking at the West Indies. We do not even see from where they came. We only saw West Indies players. That is all we see, the West Indies. Yet, we are sitting here today and wondering whether or not this one would take away that one's job, but our people were going to other Caricom countries. I remember saying that Julian Rogers could not enter here, but Phil Simmons was working in Barbados, and we were not ashamed. No matter what I or anybody said that afternoon, they were determined to embarrass us and go with just a part of it. If I remember correctly, I do not even think it went up on the Monday, and that was Trinidad's position.

Therefore, this afternoon I really do not think that we need to go any further on into this. I heard the hon. Senator asking, "What about the passports?" Some time, 2.20 that afternoon, I talked about the passports being one of the things that we needed to consider. I do not know if as the Senator walked across to that side he may have taken up the same script.

He talked about the visa requirement and hassle-free travel; all those things were raised. To come and accuse us now of not doing this, after you had all those years—but I agree with Sen. Dr. McKenzie, that there are certain things that we need. Probably, this time when they go to the meeting in Jamaica, the suggestion that you have might come up and they may reopen it at the level of the Caricom Heads and move further to have it amended.

If they read your *Hansard*, I think our colleagues in the Caribbean would feel ashamed of us at this time. All our artistes are going up the islands. As soon as carnival is finished, they are up the islands making money, even our sports persons or media workers; yet we have closed our doors. What is bothering me is that five years ago, that same Opposition was on this side talking about this. [*Crosstalk*] Who is going to judge this at the airport? What about the other islands, why are they not asking all these questions? [*Crosstalk*]

Madam President: Senators, please do not argue with each other across the floor; please, address the Chair.

Sen. The Hon. J. Yuille-Williams: We went through all those things. Madam President, this afternoon I really find that some people are just wasting good time. Sometimes we need to remind people because there might be others out there who do not know that we have come this way before, and the fact that in 2003 we are now including those approved categories, tells us that somebody was resisting what should have been done. Those of us who sat here in 1996 remember it: Sen. D. Montano, Sen. Daly, Sen. Prof. Spence. Those are people who sat here and pleaded to have this changed.

This Prime Minister will not let Trinidad and Tobago down. This Government will not let Trinidad and Tobago be embarrassed. [*Desk thumping*] That is why we are here this afternoon. We will not embarrass Trinidad and Tobago. [*Crosstalk*] We have signed to do it, and we are going to. We are going to take the legislation and say, "This is it." We do not have a choice. We are not doing it because we are bound to, but because we feel that we need to. This is one area.

We are talking about common market and all that kind of thing; we are looking at it from all sides. I think that some people are very selfish or they just like to oppose for opposing sake. There must be some other reason. In fact, I was a little disappointed. I know that the hon. Senator said certain things, but I did not think that he would say exactly the opposite of what the minister, at that time, Minister Assam, said. The only thing that they did not agree to at the time, was opening the categories. We knew that at some time it would be done, therefore, I am happy for those persons who, very easily, this afternoon, lent their support to this Bill. There is nothing anybody else would want to do.

I would hope, Madam President, that we do not just sit in this Parliament, and just because we term ourselves Opposition, we decide that we need to oppose. There are times when you need to agree, or if you are not agreeing, then shut up. It is much better than to embarrass yourself and this country with what you have to say. [*Crosstalk*] And we look for the simplest thing to prevent our support for e.g.: What will guide somebody, when that person reaches the airport, to know whether this person has this skill or that qualification?

We looked at accreditation at the higher level with our university, the University of Guyana and the University of Suriname. We looked at the persons who would be accredited. Imagine a Member of Parliament asking, "Who is a recognized artiste?" Any child could tell you who are the artistes up and down

Immigration Nationals (Amdt.) Bill
[SEN. THE HON. J. YUILLE-WILLIAMS]

Tuesday, June 24, 2003

the Caribbean; they could identify the persons who come under that category. How are you going to recognize an artiste? How are you going to recognize a sportsman? You always put those things in front when you do not want to let something happen.

I am happy this afternoon, Madam President, that there are those of us in this Parliament who have moved away from being very petty; who see the bigger picture; who see where Trinidad and Tobago fits into this whole thing. We said that we are the leaders in the Caribbean, well if you want to lead, you have to do certain things. You cannot lead from behind and let the others move forward. [*Desk thumping*] We benefit from them. Therefore, just as they welcome us, we want to welcome them.

As Sen. Dr. McKenzie said, just this weekend we had a problem with a group travelling to St. Lucia; one of the best choirs we have in the south. They were going to stay in Barbados for two days and then go on to St. Lucia; They did not know about the change in the flight arrangement. Therefore, they decided to cut the St. Lucia trip and go to Barbados. They stayed at the airport. They called Barbados; they called my Director for Best Village and were told that he went out to help them; they called Red Plastic Bag and other artistes in Barbados for assistance.

The National Carnival Commission in Barbados agreed to accommodate them in Barbados. They are young people; they accommodated them. They put on a show there. The group did not have any visas; but they were allowed in. They were back in Trinidad by Sunday. That could not have happened here, because we would have had all the restrictions. We would have broken the hearts of 53 young people. This is the kind of thing that happens. This is what this Bill is all about..

We said thanks to those out there in Barbados, because the 53 children did not have to return to their homes. They were going to St Lucia anyway and passing through for two days. They had a good time. The artistes came out and welcomed them and even organized a show. It was a beautiful time. Sen. Dr. Mc Kenzie said that she was in St. Vincent over the weekend. This is what happens with integration. You cannot talk about integration and yet you want to screen people out.

I suppose that some of us are just bitter, and this goes back to one thing, which I would not want to say at all. All those foolish things I am hearing, simply tells me—It is not that they are not interested in integration, because they could not change their minds so quickly. You are opposing for opposing sake. You have a

mandate to oppose. I suppose you will tell us that if you do not get constitutional reform, you will not vote for this Bill. You will tell us about Caroni (1975) Limited VSEP, and all that nonsense, why you are not going to support this simple amendment, which you, yourself, started since 1996, 2000 to 2001.

As I said before, this Government does not need you to govern. We will govern and do the right thing. [*Desk thumping*] I want to tell you, very proudly, that when the Prime Minister gets to Jamaica for the Heads of Government, Trinidad and Tobago will proudly say, “We have passed the Bill in both Houses,” as you promised to do since 2001.

Thank you.

Sen. Brother Noble S. A. Khan: Madam President, thank you for allowing me these few moments to share my thoughts on this Bill that is before us. I do not know if at the end of it we might have a few more amendments.

It does bring before us an aspect of our being that continues to haunt some of us, particularly those of the older generation, like myself. We think in terms of the hopes and aspirations of a people who, within recent times, say 500 years or so, have arrived, have come or what have you. We, the descendants of those who came, could claim that the Caribbean area was one in which there was a bonding by people, by travelling, by culture and a host of other things.

I speak here about the Taino people or what has been referred to as the Caribs and Arawaks, names that have been assigned to these people who were here, our indigenous people. I claim to be one of those who, when we think in terms of the Caribbean, think in terms of the inheritors and continuers of that heritage that has gone even before the 500 years, with the coming of Columbus and those others. We are the inheritors of that and we continue in that tradition.

Today, as this Bill comes before us, it evokes within me an amount of sadness and bitterness in my mouth. When we think in terms of a Caribbean people, striving to make ourselves—this just flashed through my mind: I think it was Le Gaulle who referred to us as “specks in the dust in the sea”. I do remember a former Prime Minister, one for whom all of us would have had great respect, the deceased Mr. Chambers, who mentioned that we are specks yes, but black specks. He used that word, and it stuck in my mind.

I am not speaking of this Bill, as such, because it seems to advance that, but I am speaking of advancing ourselves. To that end, where have we come from? Some of us from the earlier generations would think of a Caribbean that came out

of Guyana. Today, we are speaking about a gas line. We were thinking in terms of power lines coming from the water power in the back of Guyana and stretching through the Caribbean islands, touching even the French and what have you, because we are the same people, coming back into Jamaica and even extending into Belize, and making that complete circle, with the power that could be generated from there.

Today, that is still in the area of the mind; still in our imagination, so to speak. Today, we are hearing about the gas coming up. When you think in terms of gas and oil in the North Seas, it is about 600 or 700 miles outside, where they get the oil off Scotland. They have big powerful seas and icebergs, and still they bring it. I do remember the technology very well. There was a gentleman I had met just the night before who was in the North Sea and had come down here looking for a part of a drill that was lost off Guayaguayare at the time. He said that if he had found it, it would have saved the owners of the oil well about half a million pounds or something like that. Regarding the question of technology, we have improved from that to what could take place going up, if there is the spirit and will to carry the gas. I think if they were to carry the gas, I do not think it would be for free.

I do remember that in 1961 there was a group of young Caribbean boys and girls. We had our hopes and aspirations then. It was some years afterwards that I met one of those young men. He had served as a permanent secretary to the Minister of Finance in Grenada, at that time, under the late, revered Bishop. Later on, after they had displaced Bishop, he continued to serve as permanent secretary, because he was a professional.

We had spoken about those old days and the gas that we are getting on the north now; we had exchanged ideas about that. [*Interruption*]

Madam President: Hon. Senator, I am sorry to interrupt. I do not think that you would be finished in two or three minutes, so we would suspend for tea, and when we come back you will continue. We shall return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam President: Hon. Senator, you may continue.

Sen. Bro. N. S. A. Khan: Madam President, before we adjourned for the tea break I was making a point on the question of our people having linkages, as young people at that time, and these linkages continue even as we grow older. Some have gone to the great beyond. But though we have grown older, if there is

anything that I think we could have earned over that period of time is a maturity and a deepening of desire for that small group and by extension, those whom they have spawned as Caribbean people.

How far have we gone along those lines? We know we have reached quite a bit but sometimes we feel that, as I guess in people who are involved in trying to make things better, there is always something more that we can do. One could think in terms of some of our great people. Some may accept or not, men like Rodney Weekes, Rosie Douglas, Trevor Munroe—who is still there—Makandal Daaga, all great Caribbean people who have contributed in various areas. But so far, when we think in terms of Caribbean people, we have widened a bit; Haiti is in. I think Suriname and some of the other areas which really did not belong to the, sort of, Anglo-fold bloc, are now coming together, coalescing—even Cuba.

I am sure some of us would remember when Dr. Castro was returning from Punto del Este and he stopped in Trinidad and Tobago. At that time our revered Dr. Williams was here. The aeroplane had to stop over and they visited Mount St. Benedict. He said this had reminded him of the Sierra Maestra where he had started his revolution, so to speak, and words, I think, that would remain indelibly in my mind when the Doctor had said that he was the symbol of the revolution in the West.

Of course, that was many years ago and they were all young people at that time. Castro was definitely younger than Dr. Williams. But this was the hope of our people at that time. Even at that time Cuba was out of it, being, you know, Spanish-oriented, but we were seeing them coming together.

Today the movement, which has been referred to as globalization, is creeping upon us, if not swallowing us. We have practised some form of regionalism in such areas, very often guided by the North Atlantic—the General Agreement on Tariffs and Trade (GATT) and “CAT” and “RAT” and what have you—some of the acronyms that we may attach to some of the organizations that guide us and direct how the world should go: World Trade and free trade, and all these things. Even Europe, which was more divided and with every new generation that came up they were at war, they are all pulling together today.

So where are we today as far as a Caribbean people? We are here with how many—(a), (b), (c), (d). I would like to see that go a little longer. Well of course, I would not attempt to add to that, but there is definitely room for it. Of course, as I have mentioned, what holds us together as a Caribbean people is the much vaunted cricket and the University of the West Indies. These we can definitely

Immigration Nationals (Amdt.) Bill
[SEN. BRO. KHAN]

Tuesday, June 24, 2003

identify with. Of course, we belong to the ACP, together with other great nations of the world, the African Continent and the Pacific, and what have you, coming together. Even we, too, have been making attempts to get together with the Western Hemisphere. When I say, we, I speak of the Caribbean people, particularly Caricom.

What about the deepening of that process amongst ourselves? I remember heading the list, I think it was the Minister of Community Development and Gender Affairs, a person for whom I have great respect and admiration in the area of the arts and what she has done for it and continues to do; making reference to the arts. When we think of Bob Marley, a Caribbean person, born in the Caribbean but really a universal person being part of our loop, as a musician and what he has contributed to the world, not only in the music, but the message he has sent, and this continues to be re-echoed from other musicians, one could understand the musicians being on a list such as this.

Of course, we have sports persons. Some of us could remember very early in Jamaica the 400, 4x4; I think it was in 1948 or 1952, the first Caribbean people who won in that race that took place, where we definitely had established ourselves in the area of sport. When I think in terms of media workers coming from the Caribbean we could think of McDonald, I think is his name, in the United Kingdom, a world-recognized media person, all coming out of the Caribbean.

Yet here we are in this little pool. How far have we gone along that way? I remember I spent some time in Jamaica and—it is not good to put off what you should do—it was always my desire to pay my respects to Mr. Bustamante. At that time he was living in a place called Irish Town, but I never really got on to it; also, too, right here in Trinidad, Mr. Tubal Uriah “Buzz” Butler, when he was in Point Fortin. The people of Jamaica honoured Mr. Bustamante and made him a hero. Some of us wanted to visit the chief servant, as we called him at that time. He had built a house on somebody’s land and they had broken it down and called the police. This just shows how we treat our own heroes. That is part of the bitterness within us when we think in terms of those who have done for us.

I had met Mr. Butler at that time, and when we were debating the Kidnapping Bill my mind reflected on when he had just returned from England and was on St. Joseph Road—the building is still there—and what he had done for us, the Caribbean people. I was reflecting in my mind during that debate on what we have come to and how our own people are looking at our heroes.

These are some of the things we share when we think in terms of what is before us and this Caribbean that we want to form. These stingy Bills that we bring before us just seem to be palliatives for the hopes and aspirations of a people who should be definitely moving forward.

On the question of the economy, the oil and gas, and what have you, we have not changed much as a Caribbean people. It is the same slave economy; the same plantation-type economy. George Beckford is very relevant as now; Mr. Demas is very relevant as now. So where are we really heading? What seems to predominate, though, is the question of all “man-rat stop in front of their hole”, to use a local expression. Here you have the leaders wanting to be a king in their own right and perhaps this, again, is a denial or a betrayal of leadership to the Caribbean people.

If we were to look at that and bring it down to what we have before us, one could hope for the best. We should never really stop hoping. This is very important, because hope has guided us; it has led us through the whole spectrum of time, over the centuries, up to today and definitely would carry us forward and into the hope of the removal from this narrow, parochial and insular chamber that we might be in. I speak here not in the physical, as far as our small islands are concerned, but on the question of the mind which could be so expansive and so wide. Unless we get it right in that area I do not think that we might be able to move to the extent where we could remove those boundaries that continue to keep us within a limit. If we want to do that, maybe, but not for our children or future generations.

I have noted here, Haiti. Of course we know what Haiti has symbolized to us and the depths to which they have been allowed to go, definitely by outside influence and even from inside. So as we widen the scope through this Bill—and let me say at this time, hearing the Minister make his presentation, it was very lucid and very hopeful. I felt very good with the professional way in which he had put it. Though this may be a small Bill we could look forward to greater things to come, because the time is now. We are on top of the wave and unless we catch it and go forward with it, it might just pull us back and leave us in the morass.

I, myself, would support the Bill but hope that in time maybe what would take place in Jamaica—it is a country of great hope and ideas and when they are doing things they like, they do them well. Even if it is not a good thing they really put it over well.

So we look forward to seeing something emerging from that meeting there and also too, let this be just one that would bring us as a Caribbean people

together. I know there might be the whole question of looking inward, looking selfish, but you must think in terms of self, as I have said before. It is a question of selflessness because no matter what you do, if you do good, good would come to you. We all know that, despite the urgings within ourselves. I urge again that we continue our path of trying to build a West Indian nation, a Caribbean people and my support for this Bill before us is in the hope that it would be achieved.

Thank you, Madam President.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, when the hon. Sen. Wade Mark made his intervention, I would say he started very eruditely and, indeed, I was looking for a continuation of the dissertation-style intervention on which he embarked. Unfortunately, he went way off track and, indeed, left this august Chamber in what, in my opinion, was in a bit of a disappointment.

Jumping from side to side, of course, the goodly Senator left us wondering which side of the debate he was coming down on; which side of the argument he was coming down on. Indeed, it would be correct to say that the way he started, I was left with the impression that he was in strong support of the measure we are about to adopt here today. But unfortunately, he went off track, as I said earlier.

In citing the lapse of time that had intervened between when they sat on this side of this Chamber, it seems as though the good Senator forgot completely that there was a time-lapse of some six years when they had the time and the power to do what was necessary. Indeed, it was as a result of an incomplete job on their part that has seen us on this side of the Chamber today completing their incomplete assignment.

I believe that on our side, Sen. Joan Yuille-Williams dealt with a number of those issues which, in fact, put all of the arguments to rest. We were asked, for example, what criteria we would use to determine who is an artiste, who is a musician, who is a sports person or who is a media worker. The question was posed in the context of these people coming in to compete with the workers at Caroni (1975) Limited. I am sure if Ziggy Marley arrives at Piarco Airport, nobody is going to ask him what is the portion of the task he intends to raise at Caroni (1975) Limited. I make this point to show the irrelevance of some of the arguments he was proposing.

In typical style, the goodly Senator uses the term which is so typical of his leader. You always hear the term, scab labour; is it displaced labour? And he went on and on. Of course, those remarks hardly need any clarification on this side.

The goodly Senator raised the question of a Caricom passport. Of course, it is well known that a passport is an instrument of one's nationality and at this point there is really no one Caribbean nation. It is a travel document which merely facilitates the movement of persons from one point to another.

As far as the question goes regarding skills database, naturally there could be some virtue in that, in the sense that we, in Trinidad and Tobago, can only use that as a base in terms of its possible impact on the Trinidad and Tobago labour market. But, again, that is something that arises way, way down the road.

He talked about the passport elimination. Again, I say, what is the business of Trinidad and Tobago talking about a passport elimination in order to travel to Barbados or to St. Lucia? Again these are really non sequiturs which are so typical of the goodly Senator.

I wanted to record from our side the support of the various speakers who spoke: Sen. Seetahal, Sen. Dr. McKenzie, Sen. Bro. Khan and, of course, on our side, our own Sen. Joan Yuille-Williams. I do not think that we need to say anything more on this side, but I believe that all that needs to be done is for me to beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Sen. Dr. McKenzie: Madam Chairman, in some of the presentations we have "artist" and in some we have "artiste".

Madam Chairman: It should be "artiste".

Sen. Dr. McKenzie: For example, this one has "artist", which is different. So I think we need to set it straight. It is just a typographical error.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Sen. Dr. McKenzie: Madam Chairman, I still want to ask—it is not anything to put the Bill off, but to ask about my clause 6(2):

“(1) or that person is afflicted with an infectious or a dangerous infectious disease, the immigration officer shall not permit that person to enter Trinidad and Tobago.”

I could understand the deportation because you would have some sort of documentary evidence somewhere, or some record, that this person was deported, but how are you going to know that you have a person afflicted with an infectious or a dangerous infectious disease?

Sen. Morean: That is defined in the Immigration Act and the immigration officers have the forms that you fill and on the basis of that you determine.

Sen. Dr. McKenzie: All right. Thank you.

Sen. Gift: One minor observation, Madam Chairman. Entry of spouses and dependents under clause 6—the heading on the left—“spouses” is misspelt.

Madam Chairman: All right.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I beg to move that the Senate do now adjourn to Tuesday, July 01, 2003, at 1.30 p.m.

Madam President: Hon. Senators, there are two matters to be raised on the Motion for the Adjournment of the Senate which were deferred from last week.

San Fernando Hill (Degradation of)

Sen. Sadiq Baksh: Madam President, I rise to raise a matter on the Adjournment concerning the degradation of the San Fernando hill.

Quoting from Michael Anthony's *History of San Fernando*, page 58, he states:

“As early as 1853 many of San Fernando's prominent residents grew concerned about the quarrying of the San Fernando Hill.”

As early as that time the first Mayor of San Fernando, Dr. Robert Johnstone, in fact, described the San Fernando Hill as the ornament of San Fernando. Since then, as far back as 1853, it became apparent that the degradation of the San Fernando Hill was, in fact, an issue that needed to come on the national agenda.

For over 150 years people recognized that and quarrying continued to be part of the landscape of the San Fernando Hill. The editor of the *San Fernando Gazette* in 1854, in fact, joined a campaign to preserve the San Fernando Hill, which is part of the emblem of San Fernando. I cannot imagine that although this present administration, after taking office in 1956—in fact as early as 1977—stated as a policy by a Cabinet decision that quarrying on the San Fernando hill would cease. But the PNM is very quick to make a promise and a pledge but very slow to implement any of those activities.

Although it was stated in 1977, quarrying continued and the scarring of the San Fernando Hill is there as the legacy of the present administration. But in 1988 the then administration took the decision to implement the decision of 1977 and, in fact, did everything possible to restore the San Fernando Hill to its original status as a landmark in San Fernando; the most famous landmark in the city.

After all the studies were done, in terms of the Organization of American States (OAS)—and, in fact, plans were drawn up for the establishment of an amphitheatre at the foothills of the San Fernando hill. It was part of the magnificent mile, to promote tourism in San Fernando and to ensure the preservation of the San Fernando Hill, but quarrying continued unabated up to very recently. In fact, on Monday last during the heavy showers, truckloads of material were seen being removed from the foothills of the San Fernando Hill and deposited in areas in San Fernando. At present on Farah Street opposite the Ministry of Works and Transport in San Fernando is a mountain of limestone that came from the San Fernando Hill. At Romain Street in San Fernando, the scarring of the hill with the approval of the authorities took place within the last few weeks. At the WASA reservoir in San Fernando, the removal of material continues to take place, and as though to put a final nail in the destruction of the entire hill and its surroundings, we now have low-cost housing at the foothills of the San Fernando Hill at Circular Road and, in fact, the continuous removal of quarrying material, of

San Fernando Hill
[SEN. BAKSH]

Tuesday, June 24, 2003

limestone won from the San Fernando Hill being removed for people within the area to see. So it is not a question of speaking of something that took place a long time ago; it is going on as we speak.

I call on the administration to implement a reforestation plan for the San Fernando Hill, to immediately cease the unlawful removal of any materials, even a bucketful, and to ensure that they impose severe penalties of a minimum of \$100,000 for the removal of any material from the San Fernando Hill. Yet again we see the PNM only concerned about a few friends and supporters and, in fact, unleashing on the environment of San Fernando a very unsightly and not aesthetically pleasing area which must be maintained as the ornament of San Fernando for all to enjoy.

We call upon the administration to implement all the measures necessary to ensure that the fight that started in 1853, once and for all ends with this administration taking the steps to ensure that no materials are removed from the San Fernando Hill.

Thank you very much, Madam President.

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, the Motion as moved by the hon. Senator is without basis. His argument is that there is an indiscriminate destruction of the San Fernando Hill which is being actively encouraged by the authorities. I want to assure this Senate that no such thing is occurring.

In fact, when the goodly Senator says that there is limestone that has been removed from the hill and is in evidence and is being used, I want to suggest that the goodly Senator needs a lesson in the structure of the area which he seeks to represent. The hill is not made of limestone. It is made of Argillite of the Cretaceous Age. It is largely an outcrop of the main source rock for oil in Trinidad and certainly it does not yield limestone.

The San Fernando Hill is a name that is given to one outcrop of this rock formation on which the whole of San Fernando is built. San Fernando, as we know, is a very mountainous area and this outcrop—

Sen. Mark: Hilly, hilly!

Sen. The Hon. R. Dumas: My lessons tell me that a mountainous area is very much made up of hills. The specific area, therefore, that we call the San Fernando Hill, there is no evidence that any mining is going on there now. That area has been delineated and has been put under the protection of the Forestry Division.

But the adjoining lands that bear similar characteristics to the area that is protected exist and the Senator is right in one respect. There is a piece of land adjoining the San Fernando Hill that was being excavated by the owner over the last three weeks or so. The owner of the land wrote to the Environmental Management Authority (EMA) requesting a Certificate of Environmental Clearance (CEC) to proceed with his house building and excavation. The EMA and the law do not provide coverage for areas that are so small, or as small as the area for which the application was made.

The Ministry of Energy and Energy Industries gave specific permission to remove a specific 10,000 cubic yards of material for the purpose of land preparation for house building. The proposed earthworks were confined to the northern section of the property of the person who applied, to allow for the benching of the cliff to an elevation of 10 feet.

Following complaints from residents that they were being affected by dust as a result of ongoing excavation, personnel from the EMA and the Ministry of Energy and Energy Industries visited the area in question and found that the bulldozing and land preparation that was taking place was not in conformation with the permission granted by the Ministry of Energy and Energy Industries. As a result of this breach by the landowner, the operations were stopped by the EMA and the mining division of the Ministry of Energy and Energy Industries.

The area that was bulldozed is privately owned and does not fall under the protection of prior arrangements. The landowner sought and obtained the necessary permission which he violated and the authorities acted to protect the integrity of the process of permission granted. It is totally irresponsible for the hon. Sen. Baksh or any other person to suggest that this Government is encouraging such activity.

Further, we would take the opportunity to point out that the San Fernando Hill Management Committee is being reinstated under proper regulations, unlike what existed previously and, secondly, this Government does not need the permission or advice of Sen. Baksh as to reafforestation of the San Fernando Hill, a process which is ongoing and would continue.

Thank you, Madam President.

**Petrotrin
(Perceived Security Breach)**

Sen. Wade Mark: Madam President, I wish to refer to an article in the *Sunday Guardian*, June 01, 2003, headed "Petrotrin officials sound: Bakr alert". I

Petrotrin (Perceived Security Breach)
[SEN. MARK]

Tuesday, June 24, 2003

want to read for you extracts—[*Interruption*] Do not disturb me, please! Madam President, I seek your protection.

Madam President: Talk to me, Senator.

Sen. W. Mark: Madam President, I continue to read:

“Attempts by Imam Yasin Abu Bakr, leader of the 1990 attempted coup, to access Petrotrin’s Pointe-a-Pierre plant are causing concern among senior security personnel and managers at the company.

This, in light of Bakr’s alleged involvement with a company which recently received a contract from Petrotrin.

Security personnel and several senior Petrotrin managers are concerned about Bakr’s presence on the State-owned petroleum company’s compound.

Sunday Guardian learnt security officials became alert when Bakr approached Petrotrin’s police department claiming he was financier of an organization contracted to cut pipes for the plant and asking for a permit to enter and leave the plant as he pleases.

He was refused the blank pass. The source said he has vowed not to let the issue rest.

However, because of his involvement with the company, Bakr is entitled to entry when he presents himself at the gate, the source said. Petrotrin’s acting corporate communications manager, George Commissiong, confirmed Bakr was recently engaged as ‘Technical Director’ in a company awarded a contract for a scrap cutting.

The company is owned by one Simon Johnson, a registered contractor with Petrotrin, a statement from Commissiong revealed.

Responding to a *Sunday Guardian* query, Commissiong said Bakr was engaged by Johnson to monitor the material-cutting exercise.

Commissiong stated in a release that Johnson recently purchased a quantity of scrap materials from the company’s Salvage Department.

Johnson, the release said, was allowed to cut up the materials on company premises to facilitate its removal.

The release added: ‘This practice is allowed under company policy when a customer buys scrap material such as condemned tank sheets and old pipes, which are unmanageable to remove via roadway.’

However, sources said the contractor or his agent could recommend that Bakr receive the pass, because of his involvement in the project.

Voicing concern, a senior manager said: ‘Petrotrin is a high-risk security area. It houses highly flammable chemicals and material under high pressure, and security of our oil assets is by itself a national security issue. We cannot feel comfortable with him being so close to this plant.’”

Madam President, this is the individual who was involved, as you know, in a bloody coup in this country and who has shown no remorse and offered no apologies to this country and its people, who is seeking to have a pass to go as he pleases at Petrotrin. The company that this individual is purportedly working for in his capacity as technical director is called Simon Johnson Company Limited. This company, I understand, is operating in the area of the port of the Pointe-a-Pierre refinery where it is purportedly salvaging scraps for removal and subsequent processing.

It is important to note that the salvage area is located within the port of Pointe-a-Pierre where a customs post is located, where international tankers from Ecuador, Saudi Arabia, Kuwait and other Middle Eastern countries traverse. I have been informed that the leader of the Jamaat al Muslimeen’s name was submitted as a technical director of this company. The individual proceeded to demand a pass to enter the compound at will.

As you know, Petrotrin is an extremely sensitive and high-security company. Petrotrin has traditionally allowed companies, once successful in their bids, to organize their own security within the confines of the refinery. This refinery, as you know, is extremely sensitive. The Petrotrin refinery is engaged in international shipping. It provides gas supplies to National Petroleum. Liquid Petroleum Gas (LPG) comes out of that refinery as well as the storage of black oil. It is the base from which supplies of oil and fuel are shipped to the Caribbean. Some 80,000 barrels of oil, I understand, are shipped to the Caribbean on a daily basis, hence it is a high-security area.

In addition, there is stored on the compound and its environs over one million barrels of crude oil. It is my understanding, and Petrotrin’s management strongly advised, that the key decision-makers should halt the sale to the same company since this company was de-registered by Petrotrin sometime ago. However, the advice was ignored.

I wish to repeat. This company was de-registered by Petrotrin. This move was also strongly objected to by Petrotrin’s head of security. It was in the newspapers.

Petrotrin (Perceived Security Breach)
[SEN. MARK]

Tuesday, June 24, 2003

Former Chief of Staff, Brigadier Carl Alfonso, strongly objected on the grounds of national security, at a time of many threats by terrorist groups, particularly after September 11, 2001.

Notwithstanding his strong opposition, Petrotrin's head of security was instructed, we understand, by the Minister of Energy and Energy Industries, to issue the pass to Mr. Abu Bakr. Even the executive chairman refused to issue the pass; even the deputy Commissioner of Police who was informed of the situation, advised that a pass should not be issued on grounds of national security and the individual should not be allowed access to the refinery.

All these inputs by critical personnel were ignored by the PNM regime and the Government proceeded to instruct Petrotrin to issue the pass to their VIP friend who, as you are aware, was given a licence recently: PBP 4, the same number as the Minister of National Security. So there are two Security Ministers in the country: Jumaat, PBP 4—

Hon. Senator: Not 4, 5.

Sen. W. Mark: It is number 4. Do not disturb me. 5 or 4, I hear it is 4. This is what is taking place in this country and it is an extremely serious matter. There is a direct threat to the security of Petrotrin as a result of this development.

The UNC therefore calls on the hon. Minister of Energy and Energy Industries to issue a clear statement on this matter to the national population and to take urgent measures to restore a sense of calm at Petrotrin. No doubt national security has been compromised at Petrotrin and the Patrick Manning administration must take full responsibility for any untoward developments that may take place in the future.

We on this side are concerned that a known insurrectionist and terrorist on our soil has been given access to a high security and sensitive area such as Petrotrin, and I am not too sure that the Minister of Energy and Energy Industries is fully apprised of the implications of what his people done or what he himself would have done. We await a response from the hon. Minister of National Security. We feel this is a very serious matter for our country and we believe with all the incidents and events that are taking place around us, it is something that we need to have some clarity on; some clarification. I hope that the Minister of National Security can provide this honourable Senate with some answers to that particular development that has taken place at Petrotrin.

I thank you very much, Madam President.

The Minister of Energy and Energy Industries (Hon. Eric Williams):
Madam President, I thank this honourable Chamber for an evening of entertainment. I was away from the country on business when the article appeared on the *Sunday Guardian* of June 01, 2003: "Petrotrin officials sound: Bakr alert". Let me just give a synopsis of the key points and then I would give an explanation.

First of all:

"Using due process, a contract for the purchase of 2 lots of ferrous (or iron), scrap material from the West Area Salvage, foreshore at P-A-P was awarded to the selected vendor."

By the way, it is Johnson Simon, not Simon Johnson. The newspaper also got it wrong as did you, and a number of points that you raised, but I would get to them.

"The West Area is bounded by the Guaracara River on the south and the Gulf of Paria on the west and is away from the process units."

So the concern about high pressure and sensitivity and security and all of that, which has to do with the process plant, is a non-issue. This is an area where scrap is stored, away from the general activity of the plant. In fact, it is on the western side and everybody who goes down there knows that the eastern side is where the refinery is and across on the western side to the shore there are storage tanks. Yes, there is the port.

One would then get a pass to enter the western side, not the eastern side, necessarily. Or one may have transit from the highway, but you are sequestered away from the process unit, because there are other gates to go in there. So this is an area away from the high-pressure areas.

"After the award and initial mobilization the scrap vendor (Johnson Simon) requested passes for his employees; also listed as an employee was Mr. Yasin Abu Bakr."

As I mentioned before, passes for the west area were granted for his employees, Mr. Abu Bakr, amongst them.

Let me go into the process. In the *Saturday Express* of December 21, 2002 this rather large advertisement appeared which stated:

"Petroleum Company of Trinidad and Tobago Limited
Refining And Marketing

Petrotrin (Perceived Security Breach)
[HON. E. WILLIAMS]

Tuesday, June 24, 2003

Invitation to tender - purchase of scrap ferrous material from the West Area Salvage [Foresore] Pointe-a-Pierre”

Among other things it gives the process of how you go and you see it and who you see and what the timings are, and so on, but there is a key clause: “Eligibility”. Let me just point out what happens under “Eligibility”:

“Contracting firms, including companies on Petrotrin’s Contractors Register, are eligible to apply. Companies de-listed in Petrotrin are not eligible.”

Therefore, to become eligible one had to be on the list and therefore if in the past, as I am sure Sen. Mark might appreciate, one may have committed sins and may have been de-listed from one thing or the other, one may atone and become listed later on. [*Interruption*] I am just saying the goodly Senator may be able to identify with that person. All the same, the bottom line is, companies that are de-listed were not eligible.

Madam President, I want to read from a memo from the Vice President of Refining and Marketing, one K. Harnanan. It states:

“The Executive Tenders Committee is requested to approve the recommendation for award of ‘The purchase of Ferrous Scrap Material at West Area Salvage (Foresore) Point-a-Pierre’ as follows:

- (i) The preferred contractor Johnson Simon be allowed to purchase Lots #5 and #7. Total revenue to be derived...

Background:

The uncontrolled pile up of scrap poses a threat to the environment, but offers an opportunity for significant revenue generation. The ferrous scrap located at West Area Salvage (Foresore) was divided into seven lots. Persons were invited via Public Tender to bid for the purchase and removal of any or all seven lots of ferrous scrap material from these sites.

Tendering was based on competitive bidding via ‘sealed bids’. The current market price for ferrous metal (Grade ‘A’) is US \$85.00 per ton (TT \$501.00). Given local market conditions and quantity and quality of scrap TT \$120.00...

Summary of Evaluation:

- Eight (8) contractors responded and purchased tender packages at \$200.00 each.
- Contractors were invited for a site visit on 2003 January 03.

Petrotrin (Perceived Security Breach)

Tuesday, June 24, 2003

- Four (4) Contractors attended official site visit.
- Two (2) Contractors requested and were allowed a subsequent visit on 2003 January 06.
- One (1) Contractor requested and was allowed a subsequent visit on 2003 January 20.
- One (1) Contractor who purchased a package did not attend site visit.
- Sealed Bids were received on 2003 January 23 by 2:00 p.m.
- Opening of Sealed Bids was conducted on...January 29...
- Seven (7) sealed envelopes were received, including Company's bid.
- Two Contractors did not submit bids.

Findings:

Five (5) Contractors did not offer bid prices per Lot, as required. Instead bid prices per ton of scrap were submitted. These bids were not considered, since they were not in accordance with Tender Instructions.

Results of Evaluation:

- Two (2) Contractors responded in the requested manner for all seven (7) Lots.
- One (1) Contractor responded in the approved manner for two Lots.
- The proposed bid price in all instances fell below the Company's estimate
- One (1) Contractor submitted the highest bid when comparison of bids was made.

Recommendation:

- Award contract to Johnson Simon for the purchase of Lot #5 and Lot #7. This being the highest bid received for these lots..."

Clearly, Madam President, there is no special favour granted to any particular contractor. People bid based on a public tender. It was opened in public and therefore it was as clear and transparent as possible, as this memorandum goes on to point out.

Madam President [*Interruption*] I am coming to that, because, you see, you accuse me of doing something which I have absolutely no idea about. The

Petrotrin (Perceived Security Breach)
[HON. E. WILLIAMS]

Tuesday, June 24, 2003

contractor was required to give a list of all the people in his employ or associated with him who would be going to that particular site. He complied with this. He listed a whole bunch of people, among them—and I heard reference to, what is it, PBP 5? What was that car number? PBP 4.

6.00 p.m.

Madam President, among them is a letter to the company—to Petrotrin that is—on behalf of Johnson Simon, general contractor, which lists among his several employees—They were asking for the financial advisor and his driver and some prospective buyers to visit the site. Subsequent to that, Madam President—of course, Mr. Abu Bakr was one of those persons. As a result of this, Madam President, passes to any or all employees of this particular contractor or, in fact, any other contractor, are issued for a period of one week and they are renewable.

I had absolutely nothing to do with the issuing of any passes to go into Petrotrin. As a former employee of Petrotrin myself, I understand a little about how it works. Madam President, even as Minister of Energy and Energy Industries, when I arrive at the gate, I seek the permission of the sentries to enter the premises. I had absolutely nothing to do with issuing anybody with any pass.

This job is expected to be completed in October of this year. Madam President, given the nature of the job and the hours to be worked, there has been increased security surveillance put in place for the duration of this contract, as with any other contract that falls under this particular category.

Madam President, I think I have tried to be, again, as clear as is possible. This contract is taking place in, essentially, an area of Petrotrin set aside for scrap material. It is away from the sensitive areas of the refinery that are explosive in nature. There is, as with any project of this nature, a heightened sense of security and activity by the very competent security personnel at Petrotrin. The contract was awarded without any favour, or anything like that, to a company that was eligible to be so awarded. *[Interruption]* One minute. In its normal course the company requested passes for its employees and associates to visit the site. The company is following its normal procedure, as set out, for this type of project and is monitoring the employees, all of them, as they work in and out, in pursuance of this particular contract.

Sen. Mark: Madam President, through you—

Madam President: Sen. Mark, the Minister is still on his feet.

Sen. Mark: Before you take your seat, Minister Williams?

Madam President: Sen. Mark, the Minister still has two minutes to wind up.

[Hon. Eric Williams takes his seat]

Sen. Mark: Minister Williams, this particular company, Johnson Simon Company Limited, could you tell us if it was ever deregistered by Petrotrin?

Hon. E. Williams: Well, Madam President, I have no such information at this time. Clearly, the Senator—well, he has already said to the House that they were deregistered. I have pointed out, however, that they would not have been eligible for this contract if that is, in fact, their current status. Therefore, the best information I have says that they were eligible for the contract. The contract was awarded in a normal and transparent manner. Its employees are accorded the normal privileges of any employee and unlike the allegation or the assertion of the hon. Senator opposite—*[Interruption]*

[Madam President pounds the gavel]

which is similar to some of the assertions in this piece in the press, are somewhat inexact, Madam President. This Minister had absolutely nothing to do with the issuing or non-issuing of any passes to any employee.

Thank you very much, Madam President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.05 p.m.

WRITTEN ANSWER TO QUESTION

National Gas Company

(Award of Contracts)

- 86.** The following question was asked by Sen. Carolyn Seepersad-Bachan earlier in the proceedings:
- A. Would the Minister indicate to this Senate how many contracts the National Gas Company (NGC) awarded to the firm KENESJAY from January 2002 to present?
 - B. Would the Minister state:
 - (i) Who are the principals of KENESJAY?
 - (ii) Whether any of the contracts identified in (A) were awarded based on open and public tendering?

Written Answer to Question)

Tuesday, June 24, 2003

- C. If the answer to (A) is in the affirmative would the Minister state the name and value of each of these contracts inclusive of any incidental costs to be borne by the NGC?

The following reply was circulated to Members of the Senate:

The Minister of Energy and Energy Industry (Hon. Eric Williams):

1. BACKGROUND INFORMATION

The Government of the Republic of Trinidad and Tobago (GORTT) through the National Gas Company of Trinidad and Tobago, Limited (NGC) has embarked on a programme to identify and evaluate potential industrial sites in the Southwest region of Trinidad.

The identified sites each serviced with the requisite utilities could be linked either by conveyor system, roads or product pipeline to a common port facility. The project conceptualizes a number of smaller industrial sites stretching from Point Lisas to Icacos (see Figure.1). These sites would cater for both heavy gas based industries as well as small to medium commercial activities.

The project would be undertaken on a phased basis. The first phase would be the identification and evaluation of potential industrial sites followed by detailed studies on sites identified as preferred sites. Site works would also be undertaken on a phased basis beginning with the development of the most preferred sites.

Sites should be identified to locate the following industries:

2.

Ammonia Plants	Minimum 15 Ha. each
Methanol Plants	Minimum 15 Ha. Each
Aluminium Complex	Minimum 200 Ha
Ethylene Complex	Minimum 200 Ha.
Steel Complex	Minimum 200 Ha.
Gas--To-Liquids Complex	Minimum 100 Ha.

PROJECT CONCEPT

In view of the perceived difficulty in locating very large parcels of contiguous lands close to the west coast it is proposed instead that a number of smaller industrial sites be identified. This concept will allow for the sharing of common services thus enabling a potential reduction in operating costs, thereby increasing the island's international competitiveness.

The concept involves a number of smaller industrial sites served by the requisite utilities (power, water, gas, telephones, etc.) and linked by product pipelines or conveyor systems to either new or an existing deep-water harbour.

The minimum acreage for these industrial sites would be 100 ha. This project would entail sites being developed for the production of methanol, ammonia, aluminium, steel, ethylene, gas-to-liquids etc. Each site will have suitable acreage and will be serviced by the requisite utilities based on the particular types of industry. In addition, any special siting considerations such as ammonia industries being located downwind to existing residential development must be strictly followed.

This concept will also entail the piping of liquid products such as methanol and ammonia up to a maximum of 10km through a common pipeline to either a new harbour or an existing deep-water harbour serviced by appropriate pier facilities. However, industries such as aluminium, ethylene, urea or steel should be located within 3 km and connected to the deep-water harbour by a common conveyor and/or road system. Industrial sites will be designed to handle both gas based industrial plants, associated with light manufacturing industries and common services.

The Consultants should seek to maximize as far as possible the use of the existing deep-water harbours at Point Lisas, Pointe-a-Pierre, La Brea and even at Point Fortin in the choice of the proposed sites. Where no deep-water harbour exists close to the proposed site, then consideration must be given to locating a suitable site for the development of a deep-water harbour. All harbours, whether new or existing must be served by a construction dock, pier or dock facilities (as required) suitable for the import/export of the respective site products.

3. SCOPE OF SERVICES

The Consultancy Services to be provided in the first phase of the project shall include an evaluation of potential industrial sites/locations. Site evaluation criteria shall include, but not be limited to the following:

- i) Suitable area of contiguous land - 100 ha. preferred minimum - for cost effective development.
- ii) Ease of land acquisition (preferably State owned).
- iii) Proximity of site to existing transportation routes.
- iv) Proximity of site to existing port facilities or ease of development of new deep-water port facilities.

Written Answer to Question)

Tuesday, June 24, 2003

- v) Suitable site topography and soil conditions to minimize development cost.
- vi) Cost and ease of site development and requisite infrastructure installation.
- vii) Marginal land use on proposed site - to facilitate ease of change of use and approvals.
- viii) Presence of minimum existing land tenants so as to minimize requirements for location of tenants.
- ix) Minimum adverse environmental impacts from proposed development activity.

4. PROJECT ACTIVITIES

The Consultant would carry out the following activities:

- i. Review of site selection criteria.
- ii. Review of any existing studies/reports and aerial photographs, cadastral maps, bathymetric surveys, etc.
- iii. Acquisition and review of spatial, topographical, soils/geological and hydrographic data for the proposed sites.
- iv. Meet with regulatory and approving agencies for planning approvals.
- v. Meet with respective utility companies for the provision of predetermined volumes of gas, water, power, telephone service, etc. to meet the needs of the proposed plants.
- vi. Conduct site visits to gather site-specific information and undertake preliminary designs and cost estimates.
- vii. Preliminary selection of sites based on the above.
- viii. Determine a ranking of the preferred sites.
- ix. Preparation of a detailed study report.
- x. Make presentation of findings to NGC/Government personnel as and when required.

5. DELIVERABLES

The Consultant will be required to:

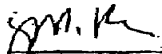
- i. Submit three (3) copies of a detailed report and one (1) CD ROM identifying the list of preferred sites and stating reasons for choice.

Written Answer to Question

Tuesday, June 24, 2003

- ii. Perform detailed engineering studies to determine suitability of the preferred site.
 - iii. Make a presentation of the findings of the report to NGC/Government personnel.
6. PROGRESS MEETINGS:
The Consultant will provide progress reports at liaison meetings with NGC at the end of every two (2) weeks and a draft report for NGC's review and comment at least two (2) weeks prior to the completion of the services.
7. FEE PROPOSAL
Lump sum fees are to be charged for these services including estimates of all reimbursable expenses (exclusive of value added tax). A breakdown detailing items of work and cost should be included.
8. SCHEDULE FOR COMPLETION
The total time frame for completion of this exercise is ten (10) weeks.

THE NATIONAL GAS COMPANY OF TRINIDAD AND TOBAGO LIMITED
INTERNAL AUDIT DIVISION
INVESTIGATION REPORT #S.I. 4102
AWARD OF CONTRACT -
KENESJAYT/RINTOPLAN 2002



CLAIRE GOMEZ-MILLER
Manager Internal Audit
2002 September 17

THE NATIONAL GAS COMPANY OF TRINIDAD AND TOBAGO LIMITED
INVESTIGATION REPORT #S-L-4/02 AWARD OF
CONTRACT-KENESJAYT/RINTOPLAN 2002
INDEX

<u>Ref-#</u>	<u>Section</u>	<u>Page #</u>
1.0	Introduction	1
1.1	Background	1
1.2	Objectives	1

*Written Answer to Question)**Tuesday, June 24, 2003*

1.3	Methodology & Scope	2
2.0	Findings	2
3.0	Conclusion	6
Ref.#	Supporting Documentary Evidence	Report
		Section Reference
1.	Unsigned letter from "Concerned Citizen" dated 20 May 2002	1.1
2.	Award of Contract to Kenesjay/Trintoplan	1.1
3.	Notice to Unsuccessful Bidders	1.1
4.	Technical Tender Evaluation Report dated 10 may, 2002	2.6
5.	Assessment referenced Appendix IV- Technical Tender Evaluation Report Dated 10 May, 2002	2.7
6.	Certified Minutes of Management Tenders Evaluation Committee dated 10 May, 2002	2.11
7.	Recommendation -Revised Tender Evaluation Report dated 21" May, 2002	2.10
8.	Testimonies from Members of Technical Tenders Evaluation Team	2.11
	A-James Trim	
	B-Patrick Bynoe	
	C-John Jones	

NGC Internal Audit Division

Claire Gomez- Miller

Manager Internal Audit (Chief Audit Executive)

2002 September 17

LIMITED INTERNAL AUDIT DIVISION

INVESTIGATION

REPORT #SI 04/42

AWARD OF CONTRACT –
KENESJAY/TRINTOPLAN 2002

1.0 INTRODUCTION:

1.1 Background

The National Gas Company of Trinidad and Tobago Limited (NGC) awarded a contract to the joint venture firm of Kenesjay Systems Limited/Trintoplan Consultant Limited (Kenesjay/Trintoplan) on 15 May 2002 for the Provision of Consultancy Services for the South West Industrial Sites Development Project at a tender sum not to exceed TT\$1,684,000.00. Unsuccessful Bidders, were notified in writing on 2 July 2002.

An unsigned letter from "Concerned citizen" dated 20th May, 2002, and addressed to Mr. M. Mohammed, Director of Public Prosecutions, MATCO Building, 112 Henry Street, Port-of-Spain, laid claims that NGC awarded the contract to "Ken S Jay" without "significant justification on technical or any other imaginable grounds", contrary to the writer's "assessment and recommendations".

1.2 Objectives

- (i) To determine the facts surrounding the Award of Contract to Kenesjay/ Trintoplan.
- (ii) To determine whether in awarding the Contract to Kenesjay/Trintoplan, the Company failed to exercise due care in considering the recommendation made by person/persons, charged with assessing and recommending award of contract.
- (iii) To determine the credibility of statements made in the Letter from "Concerned citizen" as they pertain to NGC.

1.3 Methodology & Scope

The Internal Audit Division (Audit) examined tenders documents, tenders evaluation reports, minutes of the Management Tenders

Written Answer to Question)

Tuesday, June 24, 2003

Evaluation Committee and correspondence to invited bidders. Interviews were conducted with members of the Technical Tenders Evaluation Team, who reviewed the tenders and recommended the award of contract.

The review was conducted in accordance with the *Professional Standards for Internal Auditing*.

2:0 FINDINGS

2.1 On 2002 April 09, the National Gas Company of Trinidad and Tobago Limited (NGC) invited tenders from pre-qualified Consultants to undertake a comprehensive and detailed study for possible industrial sites to service heavy gas based industries. The study was to encompass the southwest region and was titled the 'South West Industrial Sites Development Project'.

2.2 Tenders were publicly opened on the closing date, 2002 Friday April 26th at 4.00 p.m. Lee Young and Partners was the only firm with representative present at the Public Opening. The representative witnessed the names of the Bidders and their Tendered Sums.

2.3 All three invited firms tendered for the Project. Their tendered Fees and Completion Time were;

	<u>Fee</u>	<u>Reimbursables</u>	<u>Tendered Sum</u>	<u>Completion Time</u>
Kenesjay/Trintoplan	\$1,298.00	\$386.000	\$1,684.000	10 Wks.
Alpha Engineering and Design Limited	\$599,250	177,250	\$776,500	10 Wks.
Lee Young and Partners	\$467,200	\$31,000	\$498,200	10 Wks.

2.4 NGC's estimate for the project was TT\$1 M plus reimbursables.

2.5 In accordance with its normal business processes and procedures, NGC appointed a Technical Tenders Evaluation Team, comprising the following senior staff members, to evaluate the Bids and submit their recommendations to NGC's Management Tenders Evaluation Committee.

Written Answer to Question

Tuesday, June 24, 2003

Job Title	Business Unit
Head Environment Safety and Security	NGC Legal Services
Senior Project Engineer .	NGC Technical Operations
Head, Capital Investment Projects	National Energy Corporation

- 2.6 The Technical Tenders Evaluation Team submitted their Tender Evaluation Report, dated 10 May 2002. The Report was signed by each member of the team, and contained the following Recommendation:

"In accordance with the above evaluation, it is recommended that the joint venture firm of Kenesjay/Trintoplan be awarded the contract by The National Gas Company of Trinidad and Tobago Limited for provision of consultancy services for the south west industrial sites development project at a tender sum not to exceed TT \$1,684,000 (VAT exclusive)."

- 2.7 The Technical Tenders Evaluation Team submitted their Assessments as part of their Tender Evaluation Report. The Assessments showed Kenesjay/Trintoplan obtained the highest scores:

	Methodology	Organization Structure & Qualification of Personnel	Total Scores
Kenesjay/Trintoplan	84	89	173
Alpha Engineering	55	77	132
Lee Young & Partners	54	71	125

- 2.8 On 10 May 2002, NGC's Management Tenders Evaluation Committee met at 4:30 p.m. and considered the Tender Evaluation Report of the Technical Tenders Evaluation Team Minutes of Management Tenders Evaluation Committee revealed the following:

- 2.8.1 The Committee Members present were:

Job -Title

President
 General Manager, NEC
 Vice President, Finance and
 Administration Services
 Vice President, Legal/Company Secretary

Written Answer to Question)

Tuesday, June 24, 2003

- 2.8.2 Absent from the Meeting, with apologies, was Vice President Technical Operations. The Minutes of the Meeting indicated that "...despite the absence of the Vice President, Technical Operations, he had indicated his agreement to award the contract to Kenesjay/Trintoplan, the recommended tenderer."
- 2.8.3 It was noted that Kenesiay/Trintoplan obtained the highest points based on a technical evaluation of all the tenders received.
- 2.8.4 The Management Tenders Evaluation Committee accepted the recommendation of the Technical Tenders Evaluation Team and agreed to award a Contract to the joint venture firm of Kenesjay Systems Limited/Trintoplan Consultant Limited for the Provision of Consultancy Services for the South West Industrial Sites Development Project at a tender sum not to exceed TT \$1,684,000:00 (Vat exclusive).
- 2.8.5 Minutes of Management Tenders Evaluation Committee stated "...it was agreed that since the scope of works proposed by the joint venture firm was more extensive than that requested by NGC, NGC should seek to reduce the scope of works to what is required with a resulting reduction in the consultant's price."
- 2.8.6 The Committee requested that the following changes be made to the Tender Evaluation:
1. Amend the third paragraph on page 2 to read "This report evaluates the bids received and recommends an award of contract".
 2. Section 2.0 paragraph 1 - change the word "approve" in line 1 to "prequalified".
 3. Include NGC's estimate for the works.
 4. Section 4.1—Since "Report Preparation" is not a reimbursable, this should be amended to read photocopying, communications, miscellaneous etc. as stated by the tenderer.
 5. Section 5.3—delete the following sentence in paragraph 2—
"However, it is felt that there may be room for reduction of the direct fees and reinbursables."
- 2.9 The Corporate Secretariat Services Officer who was in attendance at the meeting on 10 May 2002, prepared the Minutes of the Management Tenders Evaluation Committee. She certified the

Written Answer to Question

Tuesday, June 24, 2003

Minutes to be her true understanding of what transpired at the Meeting.

- 2.10 The Technical Tenders Evaluation Team submitted a revised Tender Evaluation Report, dated 21 May 2002, with an unaltered Recommendation to award the contract to the joint venture firm of Kenesjay/Trintoplan. Each Team Member signed the revised report with the unaltered Recommendation.
- 2.11 Each member of the Technical Tenders Evaluation Team has certified to the making of the recommendation for the award of contract to the joint venture firm of Kenesjay/Trintoplan free of coercion:
- 2.11.1 Mr. James Trim testified in writing on 10 September 2002: "This is to advise that the evaluation, and the attendant collective recommendation was arrived at after due deliberation and without cajolement or coercion."
- 2.11.2 Mr. Patrick Bynoe testified in writing on 08 September 2002: "I confirm the recommendation made by the evaluation team was arrived at by consensus and without coercion."
- 2.11.3 Mr. John Jones testified in writing on 11 September 2002: "I wish to advise that I was not coerced in arriving at this recommendation. However, the committee felt that the reimbursables could have been renegotiated downwards. We were advised by management that negotiating a contract is contrary to tender rules."
- 2.12 A comparison between the Letter from "Concerned citizen" with the known facts as substantiated by NGC's records and testimonials of members of NGC's Technical Tenders Evaluation Team, revealed the following:
- 2.12.1 The Letter claims to have come from an NGC employee who was a member of NGC's Technical Tenders Evaluation Team, and who reviewed the tenders and recommended the contract. It bears the header: "The National Gas Company of Trinidad & Tobago Ltd. Point Lisas" and states:
- i) "I am writing to bring to your attention an urgent matter that has arisen in the execution of my duties as a State employee."

Written Answer to Question)

Tuesday, June 24, 2003

- ii) Whilst I am not directly responsible for the decision of final award I am personally involved in the tender review and comparison process and report to my superiors with my assessments and recommendations."

Each member of the Technical Tenders Evaluation Team was shown a copy of the Letter, and after reading same, denied knowledge of the Letter and its Contents. These statements in the Letter therefore appear to be false.

- 2.12.2 The Letter claims that the writer's recommendation made to Management was reversed: "Following the review of the received tenders (two of which were priced at a fraction of the third) I was shocked to witness a complete reversal of the recommendations..."

This is contrary to evidence that NGC's Management Tenders Evaluation Committee accepted the Recommendation made by the Technical Tenders Evaluation Team. Management neither made nor recommended changes to the Recommendation. All concerns of the Technical Tenders Evaluation Team were sanctioned by Management.

- 2.12.3 The Letter claims that the award of contract to Kenesjay/Trintoplan was made "with the award going to the highest priced proposal (TT\$1.7m) without significant justification on technical or any other imaginable grounds."

The Assessment made by the Technical Tenders Evaluation Team gave the highest scores to Kenesjay/Trintoplan in the areas of Project Management, Social Impact, Port/Harbour, Environment Safety & Security, Planning and Infrastructure. While there were four instances of tied scores, the total scores showed Kenesjay/Trintoplan with a significant lead of 41 points.

3.0 CONCLUSION

- i. The unsigned letter from "Concerned citizen" dated 20th May, 2002, and addressed to Mr. M. Mohammed, Director of Public Prosecutions, did not come from a member or members of NGC's Technical Tenders Evaluation Team, who recommended the award of contract to Kenesjay Systems Limited/Trintoplan Consultant Limited,

Written Answer to Question

Tuesday, June 24, 2003

- ii. The recommendation made by the Technical Tenders Evaluation Team was accepted and implemented by NGC's Management.
- iii. There is evidence that Management exercised due care and diligence in the award of contract to the joint venture firm of Kenesjay Systems Limited/Trintoplan Consultant Limited.
- iv. NGC's tendering process was neither compromised nor breached.
- v. The allegations carried in the Letter was knowingly and mischievously made with the apparent objective of bringing the reputation of NGC and its officers into disrepute.