

Leave of Absence

Friday, March 8, 1991

HOUSE OF REPRESENTATIVES

Friday, March 8, 1991

The House met at 1.40 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: The following Members have been granted leave of absence from today's sitting: Member for Point Fortin (Hon. Selby Wilson), Member for St. Ann's East (Hon. Lincoln Myers), and Member for Couva South (Mr. Kelvin Ramnath).

PAPERS LAID

1. Report of the Auditor General on the accounts of the St. Patrick County Council for the year ended December 31, 1981. [*Minister of Industry, Enterprise and Tourism [Hon. Bhoendradatt Tewarie]*]
2. Report of the Auditor General on the accounts of the St. Patrick County Council for the year ended December 21, 1982. [*Hon. B. Tewarie*]
3. Report of the Auditor General on the accounts of the St. Patrick County Council for the year ended December 31, 1983. [*Hon. B. Tewarie*]

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

NATIONAL CARNIVAL COMMISSION BILL

[THIRD DAY]

Order read for resuming adjourned debate on question [February 8, 1991]

That the bill be now read a second time.

Question again proposed.

The Attorney General (Hon. Anthony Smart): Mr. Speaker, I am happy to have the opportunity here this afternoon to support my colleague, the Member for Princes Town, on the presentation of a bill to establish the National Carnival Commission of Trinidad and Tobago.

I have taken the time to read the contributions of most of the Members of this House on this bill. I must admit that I have not had the opportunity to look at the

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contribution of the Member for St. Ann's West but I am sure that my colleague, the Member for Princes Town, will deal with whatever the Member for St. Ann's West has said, if there is need to do so.

I thought that I would have had a tremendous task here this afternoon dealing with the contributions that were made by the other side—you get confused, you do not know if you are talking to the Opposition of one ilk or the Opposition of another ilk; you know, it goes up and down—but after some two or three days of debate on this bill there really is very precious little that one needs to respond to. I see that my friends on the other side have developed to a fine art, the ability to talk and talk and say nothing.

What are the issues that have been raised? A number of Members opposite have objected to the establishment of a body corporate incorporated by statute to deal with carnival. They have said that carnival should develop spontaneously and, with respect, I think that is an attempt on their part to obfuscate, as usual, to mislead, to go after shadows where there is none.

I have had the opportunity to be part of carnival even before I was born because my mother—God bless her soul and even though my daughter said of her yesterday that she reminded her of the Virgin Mary—was an avid carnival enthusiast. So that I have seen carnival develop. You had a situation where different entities all over Trinidad and Tobago would be involved in presenting carnival.

In Belmont, for instance, there was a man by the name of Mr. Holder who was responsible for carnival in Belmont. And who was Mr. Holder? He was a harberdasher who did not have much money but who was very much involved in the culture and who extended himself to build a stage at the corner of Norfolk Street and Erthig Road in Belmont. I was five years old at the time, and I think the road march then was "Trouble in Arima", and you would see the loud speakers hooked up on Mr. Holder's shop, blasting Lord Kitchener's calypso, "Trouble in Arima". I remember that very clearly. That was the kind of carnival that we used to have, individuals and to some extent, I believe, the Port-of-Spain City Council developing on their own to present carnival, building stages to present carnival all over the country.

But there came a time when that simply was not enough. Mr. Holder and his counterparts all over the country, and in Port-of-Spain, in particular, could not afford to continue to expend the moneys involved in developing carnival. So that

you had a Government's involvement in the form of the CDC in the later 1950s or early 1960s.

Some people may argue that the CDC and its successor, the NCC, have not perfected the art of carnival. Sure, there are a number of imperfections in carnival today but that is not an argument for saying that you should not have a CDC or a NCC to facilitate and promote carnival. Because if you go back to the old days when there was no Government's involvement, you would find that carnival would have dissipated, it would not have continued to grow.

1.50 p.m.

Mr. Speaker, it is clear to me that there is need for a Government entity to promote carnival. What have we had? We have had the National Carnival Commission which is an amorphous body of the Ministry of Youth, Sport, Culture and Creative Arts which has no life of its own, and has been running the carnival. As a result of that arrangement, you find that the NCC, as carnival comes around, has to liaise and have rapport with the Ministry of Youth, Sport, Culture and Creative Arts and has to await, in very many cases, decisions of that Ministry. The whole system is cumbersome. What we are simply seeking to do by this bill is to set up a body corporate, set up a legal entity that will be able to enter into contracts and discuss with various persons, particularly, as we are seeking to develop the marketing aspect of carnival. That is all we are seeking to do and it has been done time and time again by this Government and by governments all over the world. You set up corporate bodies to deal with certain areas that require decisions to be taken, that require various areas of the country to be promoted. You have the IDC, BWIA, Port Authority and National Petroleum. That is all this bill is seeking to do. I do not understand the reason for all this objection. I know the purpose of the Opposition is mainly to oppose, but then one opposes with some constructive thought in mind, offering suggestions. One does not oppose for opposition sake. The point is, we must have some organization to ensure that the carnival develops.

Mr. Speaker, I was interested in the presentation of the hon. Member for St. Augustine who has been a carnival enthusiast, participator and designer for many years. He has put forward a number of arguments. In my view, all his arguments point to the need for the establishment of a body to organize carnival in Trinidad and Tobago. He talked, for instance, about the need to video tape the pre-carnival shows and to sell those video tapes abroad. How is that going to happen? Are we

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going to leave it to Trinidad and Tobago Television or some French television company to come in and do the video taping of the pre-carnival shows, calypso shows and the King and Queen of carnival and so on and sell the product abroad? Of course not, Mr. Speaker. We need an entity here to do that. The Member for St. Augustine is thinking in the right direction when he says that we could probably video tape the pre-carnival shows and sell those shows.

Mr. Humphrey: Mr. Speaker, my contribution proposed that the pre-carnival shows be produced for the medium of television, and the people who are experts in television production should have a part to play in the planning of those shows. That is what it is based on, not on NCC.

Mr. Smart: It amounts to the same thing. He is saying that we put persons who know what they are doing. This bill suggests that you have people with carnival experience, skilled in finance, marketing and so on. So, you will have those people on the board of the commission.

He says, for instance, that a small committee of people with a few employees is able, every year to produce costumes on time for those carnival bands with 2,500 people. Again, you have an organization. It is not a question, as we used to have in the old days, of a design being placed on a board and then the masquerader making his own costume, as indeed, when I first played mas—I remember again that one just did not play mas where I came from, you had to earn the right to play mas.

After one did one's senior Cambridge, one was allowed to play mas. *[Interruption]* I did pass with flying colours. My first experience was with a band called "Sunland" from Belmont. That would have been in 1963. If you fail you could not play, that is right, so we did not fail—none of us failed. Mr. Speaker, when I first played mas, I remember clearly, it was a steelband from Belmont called "Sunland", and the presentation was "Chain-gang." That band played "Flour Bag Sailors" every year. You had to pay your band fee but you had to buy your flour bag, you had to have your costume made and then you had to buy paint and paint it. We were playing "Prisoners", Chain-gang, as it was called.

Mr. Speaker, in those days we did not have the organization that you now have. As I said, in the old days you had to make your own costume, but now you have an organization in place, where people, like a factory, produced these costumes for the better development of carnival. Again, that is an argument for putting in place an entity that will facilitate and promote the carnival.

Mr. Speaker, the hon. Member for St. Augustine said that he has been proposing, for the last 20 years, that the masqueraders go around the Savannah, I see no problem with that. Possibly, that is something that may be realized. Once you put this commission into place, once you have the people with the relevant expertise who are serious and well trained, it maybe, that such an idea may be a good one to put into practice. That remains to be seen.

There has been a number of suggestions that the Minister should not have the right to appoint the members of the commission. I really do not understand what the Members on the other side really want. The Government has been put in place by the people of this country under a democratic process; the Government has the responsibility to govern; the Government, at the end of the day, will be judged by the people of this country. Once the Government is in place, this Government will govern. Do they want this Government to have the Opposition appoint the members of the commission? Is that what they want? I can assure you, Mr. Speaker, that they will not see that. It is the practice, not only in Trinidad and Tobago, but all over the world, for the Government to make the appointment of the directors of statutory boards and state enterprises. They talk about letting the commission appoint the Chairman and the Deputy Chairman, but wherever you go, it is the Government that does this. As I said, at the end of the day the Government is going to be judged by the people of this country. Some of us may be very surprised at what judgment the people of this country are going to come down with when the time comes. Some of us are going to be very, very surprised.

There are a number of them going around the place saying they are the government already and a number of them are saying, "When I become the government again, you, on the National Flour Mills Board, I am going to get rid of you, I am going back on the board. You see you, I am going to deal with you severely." That is what one is hearing. Mr. Speaker, you see what happens when you speak the truth, when you say what is happening?

Mr. Manning: Mr. Speaker—

Mr. Speaker: Are you on a point of order?

Mr. Manning: No, but the hon. Minister has been kind enough to give way. Mr. Speaker, I just want to assure this honourable House, and the national community that the PNM is not associated with any threats such as has been identified by the hon. Minister. That is not the PNM's way and we do not propose to proceed in that direction. He need not worry, Mr. Speaker, because as I said,

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some of them would be very surprised at the result of this election. So we need not worry. I am telling you what I have heard from persons who are openly members of the PNM party.

2.00 p.m.

Mr. Speaker, I am a little concerned also about the presentation made by the Member for Oropouche, but he is going to jump up and say that he never said this and he never said that and so on. He made important points. He suggested that possibly, carnival may not be, or may be, a net exporter of foreign exchange. He raised that issue. *[Interruption]* No, not earner, exporter. He suggested that, in fact, this whole carnival festival when you boil it down, we might be losing money.

He also made the point that one has to watch the display of persons—how people behave at carnival time—because carnival may cause the youth to be depraved. Those are the two points which he made and he made them very subtly. I venture to suggest, maybe if he had the authority, he might look at carnival and say, "we probably do not need carnival". So we have to be very careful about that. So, one wonders.

Mr. Sudama: On a point of order, I cannot permit the Member to mislead the House. My position on the carnival has been stated and whoever wants to participate in carnival, they are free to do so, but those people in the society who do not care for carnival, should also have the opportunity of not being forced to participate in the national festival. Mr. Speaker, I have made my point very forcefully, but I never made any suggestion—what he is trying to say is that I want to ban carnival. That is what he is implying. I cannot stand here and allow him to mislead this House in this manner.

Mr. Smart: He has said it quite clearly in his presentation. So we have to watch that very carefully.

The Member for Couva North, did raise a question about the regulation, co-ordination or conduct of all carnival activities throughout the country and that was one of the functions as stipulated in the bill. We have looked at that and we take the point that, in fact, the sub-section should be amended to remove the word "public" so that it would be activities that the government is responsible for, in the carnival. What I want to suggest, is that when reasonable and plausible suggestions are made to this Government, we listen and we seek to incorporate them into the law of the land.

There is absolute need for this corporate body to be established. There is absolutely no question about it. If it is that Members on the other side want to suggest that there are one or two points in the bill which need to be clarified, in terms of drafting and so on, for instance there is the question about the "Commissioners not being surcharged", that was a good point. It is a point which the Government has taken and one will see from the amendments which have been circulated, that the Government has taken the point. So, I hope that the Members on the other side will have the good sense to support this bill for the further development of the carnival.

As I indicated, I have been involved in the carnival even before birth and have taken an active part in it. Permit me the indulgence to talk about my own experiences. I heard that the Member for St. Augustine talked about his and his wife's experiences, in his presentation. I was away for three years and came back to Trinidad at the end of December, 1968, and immediately threw myself once more into the carnival, playing with a band, again from Belmont, called Burrokeets from 1969 and continuously every year. The presentation then was called "Warriors of the Elephant". We used to have fun in those days. When I first played with that band there were no more than 198 to 200 people in the band and of that number, maybe 190 were men and the balance were women. That is how the band started. The theme of that band "Warriors of the Elephant" had to do with an elephant which was used in a conventional band the year before—a huge elephant which was discarded by that conventional band, I think it was Show Case that used that elephant and carried it all around Port of Spain. The Members of Burrokeets created their theme for 1969 around that elephant and called the band "Warriors of the Elephant". We dragged that elephant all over Port of Spain, having a tremendous time.

If one did not see me this year, it was because of the unfortunate events of July 27, which some of us have not found the courage in our breast, even today to condemn. Even today, Mr. Speaker, they have not found the courage, as yet, to condemn these heinous acts of July 27, 1990. If I was not there this year, it is because I was advised by the security forces that one should play with a certain amount of security. As far as I am concerned, carnival is about freeing up, about walking all over the place and doing everything one wants. One does not want to fly in the face of the advice given by certain persons, and that is the reason some people may not have seen me on carnival Monday. Although the pull was so

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strong, I did find myself in a band on J'ouvert morning, following the music like the children and the rodents, followed the pied piper.

As a matter of fact, the Member for San Fernando East, conveniently forgets that the band which I played with continuously from 1969, publicly, within recent times, condemned the acts of July 27, 1990—something which some of us in this House have not, as yet, found the courage to do. Burrokeets, publicly condemned the acts of July 27, 1990, and disassociated themselves from SOPO—something which some of us in this House have not had the courage to do—and sympathized with all of those who suffered. I have absolutely no doubt, at least, I hope at any rate *[Interruption]* If he wants an opportunity to speak, I will give him, Mr. Speaker.

2.10 p.m.

Mr. Speaker: Please proceed.

Mr. Smart: As I said, there is really very little in the presentation of Members of the Opposition.

There is one other point which is the question of the rights of the commission to set up branches abroad which seemed to cause the Member for Couva North some concern. He interpreted that to mean that the commission would run carnival outside of this country. Clearly, that is not the case. It is a question of setting up branches abroad if the commission feels it is necessary, to promote and market our carnival abroad, not to run carnival in different countries of the world. I think the Member for Baratavia/San Juan would be interested in that point.

I commend the Member for Princes Town for bringing this bill to the House and I suggest to the Members that they support this bill with the amendments which have been circulated. Thank you very much.

The Minister of Youth, Sport, Culture and Creative Arts (Hon. Jennifer Johnson): Mr. Speaker, first of all, I thank those Members of this House who contributed to this debate. Even those who were critical of the bill, I congratulate and thank them also.

There were several matters raised in the contributions and there are about four or five of them that really merit response. The question of accountability is one; the question related to the prioritization of such legislation; the question of extending the scope of the legislation; and of course the question of economic viability. There

were few other things and I would deal with those but I would like to stick to those five points which I just mentioned.

On the question of accountability, a great deal was made about this by the Member for San Fernando East. I was very, very disappointed in the contribution of my honourable friend from San Fernando East. The Member for Couva North also raised the question of accountability and they related this to clause 12 of the bill. I wish to point out that there is no technical or illegal inconsistency in the provisions of clauses 12 and 25. I state very clearly that clause 25 makes full provisions for the proper accounting by the commission and for auditing of the commission's accounts by the Auditor General. In addition, clause 25 ensures that the commission is fully accountable to the Government and also to the Parliament.

What clause 12 simply sought to do was to exempt commissioners and the staff of the commission from personal liability in the *bona fide* execution of their duties. This is standard in the case of corporations and I point out that there are several bills in which this has been done. The Queen's Hall Act is one; the Management Development Centre, however because we have considered your contributions and because we are the kind of Government who believe that discussion, consultation and advice are always necessary and always needed; and because many of these bills which I alluded to, were passed many, many years and the thinking on legislation has been updated somewhat, we have agreed to an amendment to clause 12 which is listed in your sheet of amendments.

In clause 12 of the bill, subclauses (1) and (3) will be omitted because indeed, the whole question of accountability has been properly dealt with in clause 25.

The hon. Member for Barataria/San Juan raised the question of accountability in the context of some other matters and I want to let this House know that there is no member of the National Carnival Commission now, who is a member of the Trinidad and Tobago Football Association. So the connection and the link is quite unfortunate and I would like the House to note that. It was erroneous to make that connection and that suggestion.

Mr. Butcher: On a point of order, Mr. Speaker. In my contribution, I indicated that when I went to the Panorama celebrations, I saw members of the football association wearing NCC badges. That is what I said and I stand firmly by that.

Mrs. Johnson: Mr. Speaker, what I am trying to do, is to deal with facts and the facts are, that whatever connection anybody would like to make, the facts are

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that there are no members of the executive of the TTFA who are members of the executive of the National Carnival Commission. Whatever insinuation the hon. Member made, that is up to him but, it is my duty to make that point to this honourable House and to the general public.

On the question of accountability, because of the amendment we have made, I think I need to say very little more on that.

Before I get into the substance of my reply, I want to relate to something which the Member for St. Augustine said. He made a big hullabaloo about it and brought in his spouse and all that kind of thing. He made it very clear that if he were in charge of carnival he would put carnival around the Savannah. He tried to make this House believe that is something new. That is something as old as I am. That is nothing new. What he said has been said by scores of people, in writing, all over the place. But what are the facts?

2.20 p.m.

When this Government came into office in 1987, we set up an advisory body which came out of a two-day workshop with all the various aspects of carnival; Impact groups, the Peter Minshall and everybody. We had two days of heavy working sessions as to how carnival should proceed. All the ideas came and we set up an advisory group. This very bill which is before this House came out of that advisory group. One of the main things that came out of that was the question of altering carnival in such a way as to make it beneficial, more interesting, marketable and to free it up in a way.

One of the suggestions was to go around the Savannah and also to use other facilities. I have with me some of the clippings and the reactions of the very bandleaders—and the Member for St. Augustine was a bandleader at that time; and may I ask him what was his reaction? Did he support the move going around the Savannah? Please do not answer me now, answer me some other time. This is an editorial—

"Leave Carnival in the Savannah"

Only one person said, and I must give him credit—

"There is wisdom in taking carnival around the Savannah but let us not do it now."

There is another editorial—

"Keep it in the Savannah."

I can go on and on. There are scores of editorials here, clippings, all sorts of things. As a matter of fact, I do not know if you want to call it immortalized, but I am in calypso for being somebody who wants to take the mas out of the Savannah. I think it was Singing Francine who sang a calypso on me and everybody jumped and danced to it—Leave it in the Savannah. We did not hear the very people who had agreed on that, they did not come forward.

Now, what we could have done, was proceeded without the consent of the impact groups but although they come to this House and say everyday, the same story: that this Government does not listen, this Government does not consult and all sorts of things. Dictatorial, yes, that is one of the words that they use. We felt that because there was no consensus on a thing as carnival—because, you see, whether there is any state control or organization; whether the NCC goes to sleep now or not, carnival will go on—and it is our view that there must be a high degree of consensus on any related matter to change carnival.

So, because of this outcry and this outburst and—we did not even get the support of the very people who complain now and say that "You know we should not be going around the Savannah"—we felt that at that time it was not wise to proceed with the suggestion. Over the last year or so, I have found that many of the bandleaders and impact groups are coming around and I feel with this new body corporate they will be able to work with them and perhaps we will see that change, which I agree should have been done many moons ago.

The third matter I want to deal with was put forward by the Member for Laventille. As a matter of a fact, perhaps apart from the Members of this side, the Member for Laventille is the only Member who displayed a sense of knowledge of carnival. She is the only Member, and I must congratulate her. Today is the day we honour women and in this Parliament, we women stick together—when we are campaigning it is another thing—we never say anything bad about each other in this Parliament and I want the men to understand that.

So, I commend the hon. Member for Laventille on her contribution but her argument was for the expansion of the scope of the bill to bring in other festivals. Let me point out that these are some of the arguments for separate organizations for carnival. Because no matter what the Members on the other side say, it is the largest, single, cultural event in Trinidad and Tobago. It is national in scope, interest and in participation by all sections of the society. Its administrative and

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operational problems are peculiar to itself and quite distinct and separate from any of the other festivals and events in Trinidad and Tobago.

I want to say to the hon. Member for Oropouche, it is the oldest cultural event in the country with over 200 years of tradition and with a sociological and economic significance that dwarfs all other cultural happenings. It is embedded in the national psyche and carries with it a sense of pride—I want to use the word for the people who are involved in it—a kind of vicious pride and a sensitivity that transcends in time and place and all other issues. Any one of its major components—and its major components are pan, mas, calypso—is itself a formidable cultural activity and together they make carnival whatever they may think, larger than life in this country.

I think—and it is the view of those people who work in carnival—that for these major reasons, it would seem to be pure folly to even contemplate a denial of a separate, distinct—and I emphasize, distinct—and autonomous organization for the management of carnival. Indeed, it would be among other things, in my opinion, taking away from the carnival. It is important that the running of carnival must be put on the frontline and must be done by a separate body.

In this country, there are 25 religious and non-religious festivals of varying stages of development. Of course, all of them have varied and diverse histories and, also, in the light of the ethnicity that quite correctly informs many of them, it would seem to be a wise decision to allow that freedom. What I am trying to say because of the difference—and not only difference in the type of festival—it would be wise to allow people to do their own thing. I have found that the Ministry of Culture or the Government must be a facilitator of all these agencies—and other agencies, not only the Ministry of Culture—but other agencies must be able to facilitate these groups as they seek to run their other religious and non-religious festivals.

I want to point out some of the festivals, some of the things that go on.

2.30 p.m.

Mr. Palackdharrysingh: Would the hon. Minister please tell the House whether she is contemplating that Carnival be treated specially by the Government and that other festivals do not matter; or whether they contemplate introducing legislation to give some measure of status to other festivals and cultural practices in the country?

Mrs. Johnson: How could you introduce legislation to deal with religious festivals such as Divali, and Ram Leela? It is my view, as I have indicated, that it is better for all of these festivals, in the context of this bill and in the context of the contributions that were put forward, that these organizations be allowed to run their festivals, religious and non-religious. Of course, there should be greater assistance and facilitation by the state for all of these festivals.

There was an article, I did not remember to clip it and the name of the person who wrote it, but it started by saying that the most profound statement that was made on culture by the National Alliance for Reconstruction Government during its term of office, is bringing forth this bill to Parliament. I deny that. The greatest and the most profound statement that this Government has made for culture is the setting up of a Sport and Culture Fund which has been autonomous, and which has, over the last three years, been able to give to all cultural organizations the sum of over \$2.1 million in assistance. That, in my opinion, is the greatest statement that this Government has made for culture.

Quite apart from funds coming from the Ministry of Culture for the support of these festivals, some of them are deemed to be religious and coming from the Cabinet, there have always been decisions to assist and facilitate these organizations. I am not saying that we have done everything that ought to be done. Certainly, there should be greater assistance and facilitation not only in terms of financial contribution to some of these organizations. I want to read out some of them: They are: the Steelband Festival, (for the schools and the adults); Divali, Phagwa, Ram Leela, Hosay, the Schools Drama Festival, the Dance Festivals, Music Festivals, Arts Festivals, Best Village, Pan Jazz and we can go right down. All of these organizations have been facilitated by the Ministry of Sport and Culture.

Indeed, I too, would like to be able to have the kind of budget in our department that would be able to assist these organizations, not only in terms of finance, but in technical assistance, because in many instances these groups are floundering, in my opinion, without the necessary technical assistance to bring out the best in them.

So, it is my view, that carnival, as I have pointed out, demands I insist, a separate body that would be able to administer the carnival. Other agencies and bodies, as time goes on, who feel that they have a case for the state's involvement

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in their festivals or activities, need to make it very clear, that in future the state must act in that manner.

The other point that was made had to do with the economic viability. This point was made by the Member for Oropouche. In other words, he dismissed, he turned up his nose, he pooh-poohed the idea that carnival be subsidized. He said, "if you are saying that there is a necessity to subsidize carnival what is the extent of this objective" and he stated:

"The objects of the Commission are to make carnival a viable, national cultural and commercial enterprise. What is commercial? Does commercial mean to loose money? This is foolishness by the Minister. You come here and you talk about commercially viable enterprise and they do not have a clue of what they must do in order to make the activity commercially viable. Not a clue!"

He went on to say:

"May I preface what I want to say here by saying that the society is free to choose its levels of consumption."

Hear the theory! He went on to talk about his view of carnival, and he showed that he did not understand, he had no idea of what carnival is.

In my opening statement, I said that one of the things that must happen is that the entire population must be sensitized towards carnival so that they would be able to make their contribution. I want to point out the kind of economic activity that is generated by carnival. Again, I want to say since the origins of carnival it has been an economic generator and it has developed and progressed through the years, the economic activity surrounding it has increased.

Today, this cultural phenomenon of ours could be regarded without fear of contradiction as a significant economic stimulant locally and of course a very striving export industry which includes our invisible export of tourism. Within the past eight years or so, a number of papers have been written or presented on the economic significance of carnival, but none of them attempted to qualify the benefits until recently when the NCC adopted some preliminary findings in this regard. These findings itemized the areas of economic activities as follows: designing; advertizing and production of carnival bands including designing and production of costumes for carnival kings, queens and individuals; then we turn to carnival fetes; musicians, DJs, steelbands, sound systems, nightclubs, calypso tents, *et cetera*.

Then we come to the area of transportation by taxis, maxi-taxis, mini-buses, trucks, vans, pick-ups. Then we have the temporary bars, pubs, lounges, restaurants and, of course, we know the side-walk take-away snack bars, road-side vendors, bottle collectors, private clubs. Then we have the fruit and vegetable production; indeed, the production of pigeon peas which would be almost meaningless without carnival; the increased purchase of the many basic food items such as rice, meat, sugar, *et cetera*; the increase in the manufacturing sectors with very high productivity and production in the factories manufacturing garments of all kinds. We have the fabrics, head gear, foot gear, plastic mouldings, aluminum, fibreglass rods. Mr. Speaker, if the hon Member wants to take—

Mr. Sudama: I merely want to ask the Minister a question. Since all these economically generating activities are in place and have been actuated by carnival, how is it we are still in a state of negative growth? This economy is still in a state of negative slump. Why is it that carnival has not been able to put us on the path of positive economic growth? Perhaps my friend from Chaguanas ought to tell us something. Enlighten us on this issue.

Mrs. Johnson: If the hon Member for Oropouche does not intend to be more intelligent in the future, I would not give way again.

Then we have increased activity in the retail and distributive sectors as a result of the factory production and of course the importation of decorative items, material for costumes, fabric and all the accessories which go with carnival.

Then we have the construction of temporary structures of all kinds including stands and bleachers, the carnival venues all around, not only in Port of Spain. You have booths; rentals of all kinds, chairs and tables, vehicles and buildings. Then we have the expenditure of the National Carnival Commission of prizes, appearance fees, and grants.

2.40 p.m.

Mr. Speaker: Can you reduce the cross-talk, please.

Mrs. Johnson: We have the expenditures by the state through the National Carnival Commission of prizes, appearance fees, grants, services and utilities, concessionaires—people who look forward to carnival, particularly the caterers, people in security for all of the 29 shows, which is a major part of the NCC's work. Employment of all of the above economic activities would run into thousands nation wide.

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Mr. Speaker, the NCC alone employs over 1,000 workers at carnival time. A conservative estimate—from the research that was done by the NCC—of \$50 million has been put forward as money circulated within the domestic economy in 1990 carnival, by way of example.

Mr. Speaker, I want to repeat that from the research that was done, it is estimated that \$50 million has been put forward as the amount of money circulated within the domestic economy during 1990 carnival. This domestic base can be expanded significantly by a strong statutory NCC by turning the NCC activity into year-round activities. That is one of the things that the NCC has not been able to do because of its structure. Because of the very nature of its structure, it has not been able to function all year round. All of these year-round activities would extend and result in more employment involving the by-products of carnival.

I can remember in 1989, the National Carnival Commission went into carnival craft. There was this very, very impressive exhibition of carnival craft which could be adapted for sale all during the year and also at carnival time, but of course the NCC did not have the administrative capacity to be able to follow through. So that is the kind of activity one would expect, and we know that the NCC as a statutory body would be involved in.

Within the carnival scenario itself, a statutory NCC could achieve even more economic benefit for the people by scheduling more related activities, as I said, particularly during the course of the season which begins in January.

At the export level, the first consideration is the role which the new NCC of necessity must play with the Tourism Development Authority. I agree with my friend, the Member for Barataria/San Juan, that there is a close link that must be developed and that relationship has not been exploited. Indeed, the NCC as a statutory body would be freer to exploit those opportunities with the Industrial Development Corporation, the Export Development Corporation, the Management Development Centre in developing the tourism infrastructure and increasing the level of carnival visitors. The level of carnival visitors was 36,000 in 1990, and the foreign exchange earned on the one hand and on the other to further stimulate increased earnings for the exports of carnival goods and services to some of the approximately 44 carnivals which have been spawned all through North America and, of course, England and the Caribbean was favourable.

Visitors to carnival in 1990 were estimated, as I said before, to be about 36,000 and, from the research we have done, they spent \$68.5 million on meals

and accommodation, a further \$43.2 million in the purchase of a wide variety of goods, services, entertainment, of course including airfares to the national airline. Total visitor expenditure for 1990 carnival was therefore estimated at \$109 million. Mr. Speaker, is this an economic activity that we can afford to ignore and to treat with disdain, as the Member for Oropouche has done?

The goods supplied to the overseas carnivals by bandleaders and others include, of course, costumes, parts and other materials, bearing in mind that the overseas carnivals are stretched out through any given year, with the exception thus far of the month of November. So what we are saying is that all through the year you have carnivals: North America, London, the Caribbean, and that is something that is there. It is not imagined. It is not something that we are trying to develop. It is there. That has been put together by some of our citizens who now live abroad, and it plays a major part in not only the social activities that take place among our Caribbean diaspora abroad, but it plays a major role. It is important that we recognize that that is there and it is a resource that we can build on, a resource that we can develop, a source that we can exploit to our advantage.

When you talk of carnival, you do not only talk about people dancing lewdly, and all that. That is by the way. I want to say that too much is made of our art form. It is my view that the dance is an expression of the spirit and the joy and the soul of the people of Trinidad and Tobago. When the citizens express that joy on Carnival Day, I think too much is made of it. I think it is because of that expression that we in a society could be considered to be very stable and we are tolerant of each other, and we have a society that is an example to other citizens abroad. *[Interruption]* I frankly believe—I am not a psychologist—that it is because of that ability to express ourselves in dance and what have you—call it wining if you want—of course, whatever you do at anytime there are those people who—

Mr. Sudama: Would you give way to a question?

Mrs. Johnson: No, I am not giving way to any question.

Mr. Speaker, the dance is an expression of joy, and it is an expression of the people of this country, how they feel. During those two days, they enjoy themselves.

I have often wondered when I hear some of the severe criticisms—

Mr. Sudama: The whole NAR is a shallow institution. Carnival is there and carnival creates the—

Mrs. Johnson: I was making the point that the whole question of carnival is not just simply what the Member for Oropouche has been trying to expouse here; that the question of carnival is nothing and it is just people dancing and wining and behaving lewd. It is far more than that. I think that in many instances, as I said, there are times when much is over-done, but the fact is that the dance is an expression of the vitality of the people of Trinidad and Tobago. I think in many cases we can be very proud of the things that we do in the creative sense.

I want to continue on the economic line. Some of the services, expertise and the very high level of performance provided to these 44 carnivals I spoke about are in the following areas: our bandleaders—as most of you know, and I do not think some of the people who talked on the bill understand or know what is happening in the carnival—metal workers, our craftsmen, our seamstresses, our conventional orchestras, our MCs and entertainers, our mas players. The calypso, mas and pan judges are now being exported abroad. Our wire benders for many years have been exporting their talents abroad; our decorators. No matter what you do, people want the authentic carnival, and it is the people who do it here who can provide that kind of direct involvement which enhances the carnivals abroad.

The total of goods and services provided to overseas carnivals in 1990 is therefore estimated at \$2 million. Added to the visitor expenditure mentioned previously, this makes the total export value of carnival, taken as an industry, to about just over \$111 million, with the domestic economy generating a further \$50 million, as also mentioned previously.

It should perhaps be added that these overseas carnivals are being successfully serviced, as I said, by Trinidad and Tobago expertise without the loss of our carnival to anybody, as has been claimed by unthinking persons who tend to put emotion before reason. If anything, Mr. Speaker, Trinidad and Tobago's carnival has been considerably enhanced as a consequence and regarded and recognized as the authentic source of all the innovativeness of carnival, costumery, mas presentation, calypso and pan initiatives and, of course, the whole carnival organization formats which apply abroad.

Mr. Speaker, this is why the bill gives importance to the monitoring of these carnivals and the establishment over time of its own overseas contact branches. I want to say here that the structure of these branches could be—the Member for Barataria/San Juan spoke about setting up new branches. There is nothing in the bill that says you are going to set up new branches. There is nothing in the bill that

says you are going to expend funds in setting up branches. Indeed, it is my view, that in the execution of the bill you will of necessity use those services and those facilities that are already in place. Of course those facilities are your embassies abroad, your other facilities, such as the Tourist Board that we have, and other facilities that have been put in place by those persons who organize these carnivals abroad. So there is nothing that says that money would be expended in this direction.

In any case, in order to market properly, one would have to be able to budget properly and be able to work out the kind of moneys that can be spent on marketing to make it effective. Of course, if marketing is going to be effective, a proper strategy has to be mapped out so that you could gain the maximum benefits from the money you spend.

So, Mr. Speaker, the establishment of a statutory National Carnival Committee would more readily facilitate the kind of action that would have to be taken to bring about all that we have been talking about; the depth of research that has to be done so that we will be able, to make the right decisions. We will have to be able not only to deal with the putting on of shows, so to speak, but we have to be able to deal with carnival as a day-to-day activity that can generate income at all levels.

Further research, as I said, will have to be done, but we must set the ground rules. We cannot continue to ignore an activity with such potential, potential that has been alluded to by several people who have done studies on the carnival. We cannot afford to have this kind of activity and continue to ignore it, continue to have it subjected to the bureaucracy that it is subjected to in the Ministry.

One of the very basic problems you have with carnival is that you have a budget; your budget comes to Parliament, and it is usually in December, and your financial year is from January to December, and carnival is usually held the very early part of the year. You have enormous problems in dealing with that financial constraint. Then you have the constraint of staffing. Your staff must of necessity, except those persons you take on contract, come from within the Public Service. It is not always easy to find the kind of staff with the expertise and the willingness to work with the NCC and to be able to do what is necessary to make carnival and its ancillary activities successful.

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2.55 p.m.

Mr. Speaker, I want to close by raising a matter that was made much of and I do not think that it applied at all. It has to do with our prioritization. It was raised by the Member for Barataria/San Juan and the idea espoused was that the National Commission on Culture should have preceded this bill. The setting up of an organization for the efficient management of an activity which has been going on for 200 years has nothing to do with the setting up of a commission for culture and I want to read what is stated in our manifesto. I quote:

"The NAR will appoint a National Commission on Culture to provide direction and to advise on matters related to cultural presentation and development."

The presentation of this bill does not preclude that and that National Commission on Culture, as set out here in this manifesto, was to advise.

Notwithstanding that, Mr. Speaker, I should like to say that a lot of work has been going on, on the setting up of a commission, but it is the kind of document that is comprehensive and must not be allowed to come through without the necessary consultation. Several committees have met. Indeed, the matter has gone to the National Planning Commission, and they have come up with their ideas and it is for us now to consult with the country. You see, they are contradictory. One minute they say that we do not consult; one minute they say that we are so dictatorial, and the other minute they want us to bring something to this House without the proper consultation. The matter of the Commission on Culture has to be decided. We have said that it should be a commission to advise but there are other people who may have different ideas as to how a commission on culture should operate. Not because we have said in the manifesto that it would be an advisory body, there are several views on the setting up of a commission on culture.

We are committed to our manifesto, and after proper consultation with the people who are involved in culture, if it is necessary to bring legislation to this House, we will do it. On this bill and all the other bills we have brought before this House we have kept our faith with the people, we have kept our word, and we are going to be judged; not by all those people who talk—

Mr. Smart: Manning.

Mrs. Johnson: Every bill that you bring to this House it is the same argument. We are going to be judged by those persons who voted for us in 1986 and we have

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no doubt that the people in carnival understand what we are doing and they are going to support us. Now that I have cleared some of the questionable things, I hope that hon. Members are going to support this bill.

Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clause 1 ordered to stand part of the bill.

Clause 2.

Question proposed, That clause 2 stand part of the bill.

Mrs. Johnson: Mr. Chairman, I beg to move that clause 2 be amended by substituting for the word "carnival" occurring in line 2, the word, "culture".

Clause 2, as amended, ordered to stand part of the bill.

Clauses 3 and 4 ordered to stand part of the bill.

Clause 5.

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

Mr. Chairman: We have two sets of amendments—a single page and a double page—to which one are you referring?

Mrs. Johnson: Mr. Chairman, the double page of amendments. I beg to move that clause 5 (1) be amended by substituting for the word, "preferably" occurring in line 3, the words, "who have demonstrated an interest for the cultural or commercial aspect of carnival"; and for the words, "from among the following" occurring in line 7 substitute the words, "and which shall include".

On the single page of amendments, substitute for paragraphs (a), (b) and (c) the following:

"(a) One nominee from the organization that is most representative of the steelband movement.

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- (b) One nominee from the organization that is most representative of carnival bands.
- (c) One nominee from the organization that is most representative of calypsonians."

Question, on amendment, put and agreed to.

Mrs. Johnson: Mr. Chairman, in subclause (2) renumber paragraphs "(a)" and "(b)" as "(b)" and "(c)" respectively and insert the following new paragraph to read:

"(a) When he is unable to perform his duty, performed his duty in a negligent manner or in the dereliction of duty."

Mr. Smart: Mr. Chairman, just before that. Subclause (2) (b), that was (2) (a) on the original bill, which reads:

"Where the Association nominated him . . ."

There would be a consequential amendment. Rather than the word, "Association", it should read "Organization", because of the amendment to clause 5 (1). It is not printed on the list of amendments.

Question, on amendment, put and agreed to.

Mrs. Johnson: Mr. Chairman, I beg to move that subclause (8) be amended by deleting and renumbering subsections accordingly.

Clause 5, as amended, ordered to stand part of the bill.

Clause 6 ordered to stand part of the bill.

3.05 p.m.

Clause 7.

Question proposed, That clause 7 stand part of the bill.

Mrs. Johnson: Mr. Chairman, I beg to move that clause 7 be amended by deleting the words "on a recommendation from the Commission" appearing in lines 3 and 4 and line 8.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the bill.

Clause 8 ordered to stand part of the bill

Clause 9.

Question proposed, That clause 9 stand part of the bill.

Mrs. Johnson: Mr. Chairman, I beg to propose the following amendments to clause 9:

(1) (a) delete the word "public" occurring in line 2 and insert immediately after the word "country" also occurring in line 2 the words "held under the aegis of the Government."

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the bill.

Clauses 10 and 11 ordered to stand part of the bill.

Clause 12.

Question proposed, That clause 12 stand part of the bill.

Mrs. Johnson: Mr. Chairman, I beg to move that clause 12 be amended by deleting subclauses (1) to (3) and re-numbering subclauses (2), (4) and (5) as subclauses (1), (2) and (3) respectively.

Question, on amendment, put and agreed to.

Mrs. Johnson: On the single page 12(4) substitute the word "Commissioner" appearing in line 2 for the word "Commission".

Question, on amendment, put and agreed to.

Clause 12 ordered to stand part of the bill.

Clauses 13 to 23 ordered to stand part of the bill.

Clause 24.

Question proposed, That clause 24 stand part of the bill.

Mrs. Johnson: Mr. Chairman, I beg to move that clause 24 be deleted and clauses 25 to 27 be renumbered as clauses 24 to 26 respectively.

Question put and agreed to.

Clause 24, as amended, ordered to stand part of the bill.

Clause 25 ordered to stand part of the bill.

Clause 26.

Question proposed, That clause 26 stand part of the bill.

Mrs. Johnson: Mr. Chairman, I beg to move the following amendment. Substitute for clause 26 the following:

"The Commission may, with the approval of the Minister, make regulations for—

- (a) the operation and qualification of a Pension Scheme established under Section 14;
- (b) the Constitution, powers and functions of committees appointed under Section 8;
- (c) controlling its financial operations; and
- (d) the better administration of the Act."

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the bill.

Question put and agreed to, That the bill, as amended, be reported to the House.

Senate resumed.

Bill reported, with amendments, read the third time and passed.

Dr. Tewarie: Mr. Speaker, I seek the leave of this honourable House to deal with bill No. 3 at this stage of the proceedings.

NATIONAL TRUST BILL

Order for second reading read.

The Minister of Youth, Sport, Culture and Creative Arts (Hon. Jennifer Johnson): Mr. Speaker, I have the honour to move,

That a bill for the establishment and incorporation of a National Trust of Trinidad and Tobago and for matters incidental thereto be read a second time.

Mr. Speaker, the need for legislation to protect this country's national heritage has exercised the concern of citizens for over two decades.

In my research I have found that the first draft of a bill was introduced in 1969—and although these matters were brought to the attention of the previous administration we have found no action was taken.

This country, as you know, Mr. Speaker, has an immensely rich and varied heritage. That, of course, is well known, and we boast about it. What is not well known and very well appreciated is that many aspects of this heritage are fragile and otherwise very, very vulnerable to destruction.

The heritage of which we speak may include any work of man or nature which illustrates the nation's development or character, or which is of significant and intrinsic value. Trinidad and Tobago with all its natural and aesthetic beauty has, for many years, taken this very supreme gift for granted, and we as citizens and the previous administration, have done nothing to preserve, what very many of our Caribbean, regional and international neighbours have looked upon with ever-increasing envy.

It may come as no surprise to hon. Members of this House that we in Trinidad and Tobago are perhaps, the only Caribbean nation which has not passed an Act specifically for the purpose of protecting and preserving our natural heritage. Very many individuals and well-known groups in the past had pleaded with the previous administrations to formulate policy for the preserving of our swamps, wet-lands, forests, rivers and streams, exotic trees and over-abundance of flowering trees. Today, it has been left for this administration to introduce, in the other place, a bill for the protection of the environment. Indeed, I think this bill has also been passed in this House.

Today, even some of the known, very rare insects that are indigenous to Trinidad and Tobago are only to be found by those persons who refuse to openly share the knowledge of the secret locations of these very precious creatures. It is now common knowledge that Tobago's coral reefs are in imminent danger of disappearing altogether, with its hundreds and perhaps thousands of species of marine life going down the drain.

Mr. Speaker, we the people of Trinidad and Tobago have never had the protection of an Act to adequately prevent destruction of our towns' parks, play-fields or built heritage of which some of us have spoken so many times. Some of the finest examples of tropical architecture in the Western hemisphere are to be

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found here, and I have no doubt that the hon. Member for St. Augustine would agree with me. All of these have been reduced with less than half of what is left proudly standing over the last 30 years. Mr. Speaker, it is sad that we have lost untold quantities of our pre-historic past.

Knowledgeable or curiosity seeking visitors would rummage around known sites of Trinidad and Tobago and move back to their homelands, precious pieces of our pottery and stone that otherwise, accurately reveal our Amerindian ancestry. It is a fact, most of you would remember a very recent happening about six months ago, where on the construction site of the new police headquarters, a discovery was made that could have assisted in analyzing that period of our history. We believe that several persons carted off some of the finds which has made it even more difficult for our experts to analyze and to assess that period very carefully.

3.15 p.m.

Even today in 1991, we have no way of adequately preventing a treasure seeker from removing anything from an ancient vessel that may be lying in our territorial waters, if such should be found. Indeed, at the Tobago harbour, there has been some talk about finding such remains or even simply removing anything that is found on our shores. This find in Tobago, it is felt that because of the lack of any cohesive organization or structure to deal with that, many things are not going right in that find. I say it is an absolute disgrace and it is a situation that must be corrected immediately. That is why in 1987 by Cabinet Minute 2080, we recorded the decision that the National Trust of Trinidad and Tobago Bill should be introduced in the Parliament at the very earliest opportunity. However, the bill was delayed on three occasions in 1987 and 1988. The bill was passed unanimously in 1990 in the other place but because of some unfortunate circumstances, which all of us know of, the bill lapsed and must be introduced at this time.

I say this because it was suggested by some of the people commenting on the bill because of the all-embracing nature of the bill, that it should be put out for public comment. I make the point that this bill has been around for quite some time and even now having discussed it with several interested persons, we would be quite willing to make amendments that we feel are necessary.

Again, in 1987 Cabinet had decided that the bill in its original form should be reintroduced in the Parliament at the earliest opportunity. The fact that the bill was delayed for the reason which I have given is evidence, that Parliament acted in

observance of the convention that hasty legislation must be disallowed even when the subject of such legislation is urgent. On the other hand, the decision by the Cabinet that the bill be introduced in Parliament at the earliest opportunity, indicates that the Cabinet recognized that legislation dealing with the National Trust for Trinidad and Tobago was long overdue and must be put in place. The decision to introduce this legislation really took place in 1987 and I think that this legislation must be given the necessary support because this Government is firm in its resolve that we must not only conserve but preserve what is left of all the forms of our national heritage. As I said before, many of the smaller islands have passed such legislation: Dominica, St. Lucia and others. They have national trusts and those national trusts are many, many years old.

I now come to the bill. There are two questions which may arise as we go into this exercise today. Why is the National Trust necessary and to what extent is it feasible, having regard to certain provisions of our national Constitution? Mr. Speaker, if we answer these questions reasonably and logically, we would find little difficulty in passing the bill before the honourable House today. The answers to these questions are crucial to the fortunes of the bill, especially in light of the recommendations, I said before, of the Legislature Review Committee that Cabinet consider whether it should be put out for public comment.

The justification for a national trust lies in the evolution of our society into a political, independent state. Central to this political status is the national identity which makes the republic of Trinidad and Tobago a sovereign state among nations of the world. I believe it is the sacred responsibility of the state to ensure that the wide variety of cultural objects which form part of the cultural patrimony of our country are preserved, protected and, most importantly, kept in trust, not as the property of any single individual but for the enjoyment and the upliftment of the general public, indeed, for the entire nation.

It is with extreme difficulty that any one individual or group, would be capable of maintaining in good condition, this type of property as a private concern. In any given state, only a minority of citizens have this kind of capability. The only reasonable arrangement, therefore, is to place such property in public trust to protect them at public expense and to maintain them with public funds. The bill before this honourable House is intended to protect and to preserve from loss, deterioration, wilful or even accidental destruction, the natural and scenic beauty of the country; the monuments of historical antiquity; the outstanding architectural creations in the country by the natives or by past inhabitants: the sites of the

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military history of the country; ancient structures which have played a part in our national development, both secular and religious. The bill is intended to protect the archaeological heritage and the pre-historical civilizations of the ancient Aborigines from illegal and careless destruction through land development on sites of ancient settlements.

In order to empower the council to act effectively, the bill, in the preamble, requires a measure of constitutional accommodation, enabling the council to act extraordinarily in respect of private property which has potential for national heritage status. The owners of such property have an option to appeal against acquisition or to request the council to act as a guardian of the property. This is a reasonable safeguard against any attempt on the part of the council to abuse its powers of acquisition.

The question of the council's alleged, unlimited power is hereby answered in this provision of the bill. Questions have been raised as to that aspect of the bill and I hope that the points I have pointed out before would be able to allay those fears.

There are certain questions that were raised about the type of items over which the bill proposes to give the council authority. In clause 5 the "General purposes of the Trust", the functions are spelt out in subclauses (a), (b), (c), (d), (e), (f), and (g). These functions constitute power over: land retaining natural features, property other than land and buildings thereon; access to land for public enjoyment; research into animal and plant life; compiling of photographic and other records and acquiring, repairing and maintaining all of the listed properties; power to make the public aware of the beauty of the national cultural heritage and power to conserve and to preserve properties of artistic and historical interest.

The granting of these powers to the council which the bill seeks to effect does not, in any logical sense, depart from the customary jurisdiction of national trust. The items on the list are all the normal categories of property which qualify for protection, preservation for the use and enjoyment of the public. In the absence of a national trust, some items such as these, run the risk of deterioration, destruction by natural means, not necessarily by any kind of wilful destruction, but by natural means even or just simply a lack of knowledge, so therefore human neglect.

Another point which I would like to raise and which I think hon. Members would raise here, and indeed was raised outside for consideration, is the question of access to such property. It is important because the right to own property is a

fundamental right. The bill quite correctly seeks power of entry for the Trust, since without such power, the care and attention necessary would be impossible. In other words, any legislation that does not include power would be useless and we could as well forget it. The matter of conflict between the Trust as proposed and other existing agencies was also raised by agencies such as the National Museum and so on. Unfortunately, in this country the only legislation that we have which could be comparable to this legislation is the Act which controls the National Museum. At present that Act is being revised and it is going to be known as the Museum Act, therefore in that context, any overlapping would be taken care of in that legislation.

3.25 p.m.

As much as such interest shown by certain lay bodies is admirable in national trust matters—I think it is important that the public and organizations which are interested in preservation, make their point—it must be noted that the responsibility for preservation and conservation of the cultural and historical heritage against destruction and loss, cannot be abdicated by the state. To leave such a service and obligation only to private enterprise, or to personal inclination or ambition, is to take the risk of getting substandard, as we have been getting and indifferent service in the crucial area of national significance.

Mr. Speaker, one of the areas in the bill on which there has been question and which no doubt hon. Members are likely to raise, is the question of the members of the trust. I believe that the decision or the intention to leave the membership of the trust open to individuals and groups interested in heritage preservation, is a very wise move, since we have seen in this society that any institution which has been totally state owned, has been subject to a lot of controversy and, in many cases, a lack of motivation, a lack of innovation and a lack of creativity. I do not think that anybody or any Member in this House would doubt that. We have seen, when there is collaboration between state and citizens and parameters are clearly spelt out, extremely successful operations and results could be achieved for the benefit of the country.

Mr. Speaker, I therefore feel that while Trinidad and Tobago could have entered into a trust arrangement, perhaps such as the Jamaicans have entered into, where a commission has been set up and where the entire institution is state owned and operated, I believe that in our circumstances and in the light of the number of organizations, which over the years have been involved in the preservation without

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any remuneration, without having any state jurisdiction to do so, I feel it is only right that these persons should be brought into the picture. I believe that by doing so, we would only allow for a more comprehensive development programme in the blossoming of our heritage.

As I conclude, there was one other argument which I encountered in my discussion concerning the trust. The argument was, "could you have done it any other way? Could you have eliminated the question of entering of lands?"—the clause which makes it necessary to have a three-fifths majority. The only answer we could come up with, was that to allow citizens or people on their own, who own such property or artifacts to voluntarily decide to give such heritage to the state, or to ask the state to be appointed guardian or whatever, would be difficult. But I know that we are practical people here in this House. As Members, you are practical people and you know the citizens of this country are practical. I believe that in that context, it would never work, since every citizen would say, "this is mine, this is my property, nobody must enjoy it but me." No matter how much you talk about national significance, it belongs to the entire country, it should be shared, and all the arguments you may put forward, you can talk as we say, "until you are blue in your face", that would not come to pass.

So because of this stage of development of the society, I do not believe that you will get many people voluntarily coming forward and offering to have their properties listed and offering to have their properties under the guardianship of the trust. Therefore, at this point, there is no other way that the draftsman could have gone about their work. I believe that in order to make this worthwhile, in order to come to Parliament with something that would really work, something meaningful, it is necessary to include that clause in the bill.

Mr. Valley: Before the hon. Minister concludes, I wonder whether she could inform us of the date in which this bill was passed in the House, please.

Mrs. Johnson: Mr. Speaker, I do not remember, but if we check the records we will be able to find out the date in which the bill was passed in the House.

Mr. Speaker, the point I was making, is that after so many years and after so many reservations, we believe that it was necessary to bring to this hon. House, a bill that could be implemented in such a way, that it would accomplish the purposes for which it was intended; we believe that given all the circumstances today, given the pride that our citizens are beginning to feel in their country, and indeed, I believe that it is a fact that many of our citizens are beginning to feel confident

about their society, about their history and about themselves, many of our citizens are becoming patriotic, many of them have travelled abroad and they have seen that we have perhaps the best country in the region, if not in the world, and they are more or less beginning to understand the value of preserving what we have.

We, therefore, as legislators can do no less than to provide our citizens and our organizations who have been labouring in the vineyard in the preservation of our heritage, for so many decades—as I said previously, without the necessary support—with this support by bringing this legislation.

At this point I want to pay special tribute to the citizens for conservation who took it on themselves without any sort of blessings from the state, to undertake restoration. I want to point out here that in the international community there are several fundings for restoration.

I was in Cuba last year and Cuba has been doing a tremendous amount of work in the restoration of their buildings. I asked, "where did you get the funding?", because it is extremely expensive to undertake restoration work. I was told that all of the funding for their restoration work came from international funding agencies like UNESCO and so on. One of the reasons we could not assess funding, particularly for the Citizens for Conservation, was because we did not have this trust in place. So the coming into being of this trust will immediately facilitate funding from some of these international agencies.

I want to take this opportunity on behalf of the Government and on behalf of the nation, to pay special tribute, not only to the citizens for conservation but other citizens who over the years, have done a tremendous amount of work, without the necessary legislative back up and without any financial compensation for their courage. Organizations such as the Archaeological Committee, the Wild Fowl Trust and many others, I want to say that we understand a bill of this nature is all-embracing. Hon Members will, of course, be free to make suggestions. We would be open to any suggestion that would make the bill work. We would be open, as I said when I started, to any amendments that are reasonable and amendments that would still allow the bill to be strong; that would still give the kind of legislative backing that is needed to preserve our environment and to preserve our national patrimony.

With these words, I encourage Hon. Members on both sides of the Opposition, after due care and thought, to support this bill. Mr. Speaker, I beg to move.

Question proposed .

Mr. Basdeo Panday (*Couva North*): No one should argue against the establishment of a National Trust of Trinidad and Tobago, if indeed, its objectives include as it states in the explanatory notice—

- “(a) permanently preserving lands of beauty or historic interest...conserving their animal and plant life;
- (b) ...preservation of monuments of national, architectural, historic, artistic and aesthetic interest and places of national interest...
- (c) ...artifacts, furniture and other chattels....”

and so on and so forth.

3.35 p.m.

I want, first of all, to say that I am in entire agreement with the Minister, that the former regime, the PNM, has had a plebeian, an almost Philistine approach to the preservation of our historical antecedents, and it is strange, that a regime like that could have ignored so callously and so cruelly, our historical artifacts and our whole history when, in fact, the country was led by a historian. That is indeed a tragedy because I believe after all these years, there is nothing in the nature of a museum of which we can be proud; there is nothing in the nature of a national archives of which we can be proud; nothing in the nature of a national library with ancient documents of which we can be proud. I want to agree that the previous regime must stand condemned for its failure to preserve our history. As I said, no one can seriously argue against the introduction of mechanisms for the preservation of that history.

However, wherever I have been, I have raised this issue about the national trust, and always the response has been, "It is a good idea" but no sooner they add a very large "but". I think the Government will do well not to gloss over concerns that people feel in this society. The "but" includes, where people agree that there is need for a national trust, they ask, who will determine what is of historical interest? Will there be an equal treatment—as the Minister rightly said in this plural society of ours? She recognizes that there is a need for legislation to protect our heritage that is immensely rich and varied. It is fragile and vulnerable, and I agree with her, that is fair.

It is because of this fragile and vulnerable nature of our history and our society that people say, "Yes, but". That stems from the fact, of course, that there is a history of alienation and discrimination against large sections of the different

cultures of our country. People said, “Yes, we will love to have a national trust, but do you think there will be equity?”. Will there be cultural or historical discrimination of one sort or another? Surely, that has been our history, will it continue? I do not know the answer to these questions but I fear that it maybe because if you look at the bill you will see that it lays the foundation for that kind of accusation.

It is amazing how whenever the Government tries to introduce any measure in the country its proposal evokes a response tainted with enormous suspicion. I am sure the Members on the other side will not ignore this fact. They know that—the question about the National Service—whatever it is, whatever the Government tries to introduce into the country, immediately, there is a reaction of suspicion. It is unfortunate of course, but it cannot be ignored. Ought we not to deal with it as opposed to seeking to gloss over it at every opportunity that it raises its head?

There is always that fear and that recollection of an antagonism just below the veneer. People talk about a rainbow society but that is so hypocritical in the society when you go just below the skin and you see that there are so many acts of discrimination and alienation which are accepted by all. All Members of this House know that and as a matter of fact, I was looking at some cut-outs by my learned colleague today and was reading—I hope he has them here in case anybody challenges me—where Members of this House have complained about alienation due to discrimination and so on. There is always that just below the veneer. I think the time has come for us to be mature people, to face that fact and to deal with it. We can no longer hide it.

If this suspicion, this underlying fear and antagonism is indeed a fact—as I suggest it is—if it is a constraint to our progress, it is better we deal with it openly. We must ask: Why is there this perpetual suspicion in the society? Is it the result of hundreds of years of alienation caused by discrimination, in one form or another? If it is, let us not hide it. Let us deal with it. Is it real, even if it is perceived, let us deal with it.

In the past—I have been referring to the past—and it may very well be that the former regime was under this very constraint that prevented it from moving forward because it did not want to face the reality of this issue. I recall that in the first year that I was in this House, 1976, I think it was, I moved a motion that—*[Interruption]*—I was saying, the first year that I was in this House, I moved a motion calling upon the Government to acquire what was known then as the

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"Bennet Pasture" which is lands in Phillipine which used to be the pasture of an old estate. Upon that land there are trees which are over 100 years old. Most of those trees are dying now and we are, of course, losing an enormous heritage.

This House unanimously agreed that the state must acquire that pasture and convert it into a park so that we may preserve part of our national heritage. It may very well be that those trees were planted by slaves and indentured labourers because it used to be a sugar plantation. Those trees are dying because of the callous approach of the PNM to the preservation of our culture. It had money at the time, it had everything at its disposal. The House had agreed but after having passed that motion, it sat and ignored what this House had agreed upon and would not acquire the lands. Today, I imagine, if we should once more move that motion in the House, the present regime would claim that there is a lack of funds and we cannot do anything about that. That is a pity because we shall lose a great part of our history.

There is a very quaint place, it is broken down now—a windmill that was used to pump water from a pond into what is called the “home of the white planter”. All of that, decaying and rotting loosing because the former regime had a Philistine approach to the preservation of our national heritage.

Not only did the former regime fail to do anything positive to preserve the national heritage, it participated in its destruction. Many people will recall the boast of a former Member of this House, the former Member for San Juan/Barataria I think it was, who used to boast of going down to the Caroni Swamp and shooting birds, the Scarlet Ibis. That was his pastime. He was a Minister. So, you see, their approach to preservation of what we have.

I am afraid the attitude to the national archives which store documents relating to our past, the past that is the guts and the birth of this nation, a past which records our slavery and our indentureship, which records were in the national archives have been allowed to decay and deteriorate. Much of it has been lost. There was a time when water was dripping on it and it was rotting and decaying. I went there and saw that and almost wept.

3.45 p.m.

We raised it several times in this House. We had no response from the Government and it could not be that it had no money, but it was a strange attitude from a Government that was led by a man who was so steeped in our history, who wrote about it with such passion and compassion. But you see there is always a

difference between rhetoric and reality. Talk is cheap as we hear so often from the other side. Talk is cheap but when it comes to doing something about it I am afraid, they are not prepared to put action where their tongues are.

Well, as I said, there is not much we can say about a national museum, but although the previous regime has to be condemned for allowing the archives to degenerate and deteriorate, I want to ask the present Government, "what have they done?" They have been here for five years. Have they done anything to retrieve it? As a matter of fact, if I recall probably the hon. Member for St. Augustine had brought to the Cabinet in the early days of the present Government when he had the misfortune of being a member thereof, a proposal with respect to the Citizens for Conservation and they pooh-poohed it. They themselves, this present Government has followed in the footsteps of the previous Government and has acted equally callously, equally without concern, and that is why legislation like this, in their dying days, when they are about to sing their swan song, makes one suspicious that they really mean to preserve our national heritage.

Ours is a history of oil and sugar. There is no where I know that I can find artifacts with respect to our oil production in the early days. I understand that we were among the first countries in the world to drill oil around 1904. Surely, the methods of oil production in those days would have been something we would want to preserve. Sugar has been probably the most important historical fact of our country. It has been the reason why large sections of our population are here today, yet I do not know that either the former Government, or the present Government has done anything to preserve the artifact systems that obtained in the sugar industry.

As a matter of fact, I recall that when the Orange Grove Sugar Company was about to be closed down by the former regime, that was a peculiar, very ancient and old company. It produced something called golden brown sugar, a very unique kind of sugar. The grains were actually the colour of gold. When the Government was closing down Orange Grove, we begged them; we said, "Why do you not preserve Orange Grove as a historical monument whereby our children and generations to come will be proud of the heritage from which they sprung, would be proud of their past, would see, feel and understand what their parents had gone through and would feel the sense of nationalism and pride, that they have survived all these difficulties and have risen above them?" The old mule cart and bull cart have been thrown away, discarded.

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We shall have a tremendous task in recreating our history. I do not know that there is anywhere to be found, artifacts of the days of slavery and indenture. Those things which the slaves brought and which they created in order to survive in those days of brutality and hardships; and the artifacts brought by the Indians from India when they came here in the early days of existence. There is no place that I know where you can find any of that.

I get the impression that what this bill is intending is to preserve the mansions and castles of the plantation owners: Stollmeyer Castle and which other castle, but that is not the guts of our history. Our history is deeper than that.

I recall when I was Minister of External Affairs, I tried to resuscitate the Bird of Paradise Island in Tobago. There was this storm that killed those birds and I think I had gone to Canada for the meeting of the Heads of Commonwealth. There I met the delegates from New Guinea and I discovered that New Guinea is probably the only other place where you can find the Bird of Paradise. I began to speak to the Minister of Foreign Affairs and his colleagues from that country and I was telling them that we too used to have an island in Trinidad and Tobago that had these birds, but they had all died and we were trying to resuscitate the birds on this island. They are very concerned about their heritage and they said that at a Government to Government level—otherwise they would not think of it—that we were able to have an exchange that they would consider the possibility of letting us have some Birds of Paradise so that we could re-populate the Bird of Paradise Island in Tobago.

Of course, I did not last long enough to pursue that honourable venture. Instead, I was pursued. That is a pity because that is a project I would have really liked to accomplish. I disqualified myself, you see. But you know they use, abuse and dump you. Do you not? So they had used and abused and my time had come to be dumped, so that I was of no use to them. They had taken their ride and they had reached to power and, therefore, I could be dumped. But I will show them that the stone that the builder rejected, my brother—

Asphalt forms a great part of our history and many of the history books contain stories about the use of asphalt. I am not aware that there has been any preservation of activities connected with the asphalt industry.

As I said a National Trust is a good idea, but I am concerned, as I always seem to be concerned when the Government introduces legislation in this country. As a matter of fact, the tendency always seems to be to reduce everything to political

“footballism”. The motivation always seems to be legislation being designed to win political mileage. There never seems to be any sincerity, and I will come to the reasons I make these observations.

3.55 p.m.

If I were the hon. Member for St. Ann's West commenting on this—I may repeat his words, because I do also feel here the heavy hand of the state—I would have said that the bill reeks of authoritarianism and dictatorship. Those are words I take from him. This bill is not unlike the bill that he was commenting upon. I am sure that if he were here this afternoon, these are some of the things he would talk about: the heavy hand of ministerial control.

Mr. Speaker, when I look at the bill I wonder why the state believes that it has to control everything. There is legislation about National Trust in other countries. They do not fill it with the heavy hand of ministerial control that you do. When you go through the bill, you begin to see the thing that the hon. Member for St. Ann's West has spoken about in this House. For example, wherever you turn, the Minister has to have a finger in it. That is so different from the acts in other countries that seek to do same thing.

I read clause 4(3):

"The Rules of the Trust may be amended from time to time by special resolution passed by the Members of the Trust and approved in writing by the Minister."

The Minister has to approve that.

Clause 5:

"The Trust is established for the purpose of carrying out the functions . . ."

and it states the functions.

Clause 7(3) states:

"The Trust shall not, without the prior approval of the Minister, exercise a power given by subsection (1) (c) in respect of a listed monument."

Again then again, Mr. Speaker, clause 8(2):

"On approval by the Minister of any list or any revocation of any listing prepared under subsection (1), such list, revocation, or revision shall be published in the *Gazette*. . . ."

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Subclause 4 states:

"The Minister shall maintain a Register of all lists prepared in accordance with this section. . . ."

Clause 9:

"A person aggrieved by the listing of any property, may:

(1) appeal to the Minister in writing . . ."

Mr. Speaker, clause 12 states:

"(2) The Council shall consist of four elected and three appointed members except that the first Council shall consist of seven appointed members."

So the Minister is, of course, going to appoint the first council. It says here:

"(4) The Minister shall appoint the appointed members of the Council, one at least of whom shall be a member of an association having special interest in the purposes of the Trust."

That, I think, is what my friend means when he speaks of the "heavy hand of the state" and "ministerial control" in everything that they touch. This Government has not escaped its colonial past. Maybe that is the only thing that we have preserved in our history. That is to say, a government that cannot break out of the chains of its colonial past, the mind set. Do they not realize that this pattern of legislation which they copy from time to time was legislation introduced to keep colonial peoples in check? We are now a free people and we have been so for a very long time. Why can we not trust the people? Why can we not devolve real power to them?

Mr. Valley: Mr. Speaker, please, just for my information since I want to participate in this debate, could the hon. Leader inform us if he is objecting to the Minister making these appointments? If so, would he make a suggestion as to whom he thinks ought to be the appropriate person or persons to make the appointments or to approve the rules?

Mr. Panday: That is why they always get into political trouble, they try to run the Government from the Opposition. That is their job. I am saying that my job is to point out the shortcomings of the bill. When I was in the Government, you did not want my opinion. Why do you want it now? If you feel that you have an

opportunity to tell them, you tell them. As a matter of fact, you were there. Why did you not tell them then or do it yourself?

Mr. Speaker, that statement is indicative of the mind sets of both the last regime and the present regime. That is the point I have been trying to make, that there is no difference in mind set.

I go to the bill again, and clause 14 states:

"(1) Subject to this section the Council may with the approval of the Minister, make rules for the following purposes:

(a) the custody, management, alteration and disposal of property..."

Clause 16:

"(1) The Trust may, with the approval of the Minister, borrow sums required for meeting any of its obligations. . .

(2) The Trust may, with the approval of the Minister, given either generally or in a particular case—

(a) invest monies. . ."

Clause 19(3) states:

"As soon as the audited accounts have been supplied to the Trust the Secretary shall forward to the Minister a copy thereof. . ."

Clause 22 states:

"A person shall not export any listed property without a licence issued by the Minister. . ."

Clause 25(2) states:

"A person if aggrieved by an order under subsection (1) may appeal in writing to the Minister. . ."

And clause 29:

"The Council may with the approval of the Minister. . ."

Dr. Tewarie: Would the hon Member give way? Mr. Speaker, through you, all this power that the Minister is to have is for what purpose?

Mr. Panday: I imagine that the Member read the bill, and if he read the bill, he would know. This debate has just begun, and I am sure he would contribute and he would reply, absolutely sure. Therefore, I assure him that is a question he would want to direct to the Minister.

My duty is to point out what this bill is all about, and that is what I am doing. If he disagrees that those clauses that I have read are not here, let him get up in this House and say, "Those clauses are not in the bill: The Member is misleading the House. This bill does not say that the council with the approval of the Minister, and subject to affirmative resolution, may do so." He must say that all these things are false.

Hon. Member: He is asking why you want to give the Minister all that power.

Mr. Panday: If he is asking me why I want to give the Minister all that power, I want to tell him that I do not wish to give the Minister all that power. I would have preferred to see a bill in which there was a greater people's contribution and a greater people's control. As I said, all the bills that have come before this House so far have reeked of this element which we find quite detestable.

Thank you, Mr. Speaker.

Mr. Kenneth Valley (Diego Martin Central): Mr. Speaker, it was about a month or a month-and-a-half ago that I first prepared to participate in this debate but, as you know, for the last six weeks, for whatever reason, we have been going home about 4:00 or 4:30 or 3:30 rather than conducting the business of the House, so that I may be a bit stale today.

Let me say first of all that very early in my life, I learnt, coming from the country, that one must say thanks when thanks are due. I know from time to time I get myself in trouble for saying thanks. I remember sometime ago I said thanks to a reporter, and he was so surprised that he spoke about it the following Sunday in the newspaper. But thanks is important. So that I thought the Minister, in presenting this bill before us today, would have said thanks to the PNM, because this bill came up in the other place about a year ago as Bill No. 1 of 1990, and my colleague at that time, Sen. Montano, represented us in that debate.

Mr. Sudama: It he still your colleague?

Mr. Valley: He is still my colleague, very much my colleague. He made a contribution on that debate, and not only that, the bill was sent to a select committee.

Mrs. Johnson: I do not think the hon. Member can refer to a debate in the other House.

Mr. Speaker: Just go ahead.

Mr. Valley: I am not referring to anything coming out of the debate. I am merely stating that in fact, it was sent to a select committee, and Mr. Montano was a Member of that select committee, and the objections that the PNM had with respect to the bill are now reflected in the new bill. So that we do not have any fundamental problem with the bill before us.

Dr. Tewarie: I do want to interrupt the hon. Member, and I thank you for giving way. If the hon. Member claims that there is some credit due to the PNM for its contribution in making the bill a better bill, would you say that there is any credit due to the Government for receiving those contributions in such a fashion as to incorporate them in the bill?

Mr. Valley: We are always happy, Mr. Speaker, because you know whenever they do not listen to the PNM, they get themselves into so much trouble. We are about the people's business. So that we are happy when they listen to us and save themselves some trouble.

4.10 p.m.

Mr. Speaker, very simply, the bill before us concerns the balancing of two rights. First of all, I think perhaps, with permission, I would quote from a contribution made in another place. May I, Mr. Speaker? I would really like to put on record what a former colleague, Sen. Wilson, said when he made his contribution on this bill in the other place because I think it most aptly sets out the problem with which we are dealing. In that debate we were making the point that the bill which was presented, Bill No.1 of 1990, interfered in a fundamental manner with the fundamental rights of the citizen.

Mr. Speaker: I think it is now becoming very clear what the Minister was saying. Go ahead.

Mr. Valley: I am making the point, Mr. Speaker, that we can support this bill in its present form for certain reasons and I merely wish to outline some of them. When the bill was presented in its original form—*[Interruption]*

The bill before the House reflects the thinking of the PNM with respect to the balance that ought to be had in a country that has a fundamental respect for the human rights of citizens.

Hon. Member: Talk about this bill.

Mr. Valley: I am speaking about this bill. As it stands, the bill is a balancing of the rights of the individual against the rights of posterity to know the past, and I want to read from *Hansard* a statement made by Sen. Wilson in a debate on the bill which took place last year, where he said that:

"A lot has been said . . ."

Mr. Sudama: Mr. Speaker, if I may assist the Member, I think he wants to go back to the other place and this is why—

Mr. Speaker: Order please! Order please! Order please! I think that the Member is being distracted purposely. What I would suggest to the hon. Member is that he can deal with general policy matters concerning what is reflected in the bill without making any reference to anywhere else, and he can be as effective. I think that is the point that the Minister was making.

Mr. Manning: Is it acceptable for the hon. Member to make reference to statements that may have been made outside of this House in relation to the bill that is before us?

Mr. Speaker: Just proceed and you will be guided.

Mr. Valley: Mr. Speaker, I can assure you that I would learn very quickly.

Let me say, Mr. Speaker, that this bill represents the thinking or a compromised position of the PNM, and we do not have any fundamental problems with it.

I want to comment on one or two points made by the last speaker and merely to explain my interjection while he was making his contribution.

Mr. Speaker, I think if we believe in the concept of ministerial responsibility we must ensure that the Minister is given the responsibility to approve certain things otherwise we would not be able to hold that Minister responsible and/or

accountable in the House. So that we do not have any problems whatsoever with the various places where the Minister's approval is required.

With respect to the listing of properties, the bill before us sets out the schedule outlining the conditions under which properties may be listed, the Second Schedule outlines the regulations. I think the hon. Leader of the Opposition may have missed that, and, of course, that is changed from a draft I saw before.

The other issue is the repeated claim about what the PNM did and what the PNM failed to do. We must admit that over the 30-year period that the PNM was in power the PNM has, in fact, made certain mistakes. The PNM may very well have been like a mother and, as you know, a mother's work is never done. So that, as a fact, we should have had National Trust legislation long ago. I think if we want to go forward, however, it is more important that we have it now; that it is there for posterity and that we have it in a form with which we are happy, that we strike the right balance between the rights of citizens today and the right of posterity to know of the past.

We on this side would provide the critical support that the Government requests of us from time to time on this piece of legislation. Just as an aside, I suggest to those who have not done so as yet to read Sen. Wilson's contribution in the previous debate.

I thank you, Mr. Speaker.

Mr. Trevor Sudama (*Oropouche*): Mr. Speaker, I see that we are trying to get very expeditious with matters in the House, which has not been practised for the last few sittings when we were adjourning sometimes well before three o'clock.

I have a basic problem with this bill. From what the Minister has said, I think she is concentrating primarily on the physical expression of our historical legacy and our natural environment, and she is very concerned about the fact that we have no laws in Trinidad and Tobago which could deter a treasure seeker from going into an ancient vessel sunk somewhere and taking away part of the treasures.

4.20 p.m.

I am concerned that this is, in fact, the perspective behind this bill. We have to find out what is the Government's notion of the history of Trinidad and Tobago; what are the important factors of the history of Trinidad and Tobago; what are the important facets of that history. Therefore, if we are going to preserve that history or facets of that history, then it must be informed by that kind of perspective; an

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understanding and a consensus of what constitutes our historical and cultural legacy in Trinidad and Tobago. *[Interruption]* I am prepared to stand corrected, but not from a man who does not know his place—whether he belongs to here or elsewhere. There is nothing wrong with saying “legacy”. Is there a law against that?

Mr. Valley: No, it is just bad English.

Mr. Sudama: Bad English, as determined by an accountant.

Mr. Speaker, the background to this bill is very important. The thinking behind this bill is far more important than the bill itself. What is regarded as our cultural heritage? I am amazed that the goodly Minister has just discovered that this country has an immensely rich and varied heritage. If you were to listen to her in previous debates in this House you would never get the impression that she was appreciative of this immensely, to pilot this bill before this House.

The question of our history and the perspective which informs it depends on who writes history. Who decides what is our historical legacy? Is it the hon. Member for Nariva/Mayaro? If he were to decide that by himself all we would have today is the specifics of crown-colony government and all that pertains in the documentation that passed between the colonial governor and the colonial office. That, in fact, would be the limits of our historical perspectives in this country. Mr. Speaker, except you decide what is significant in our history, to talk about preserving and arranging for the preservation of monuments, of national architectural, historic, artistic or aesthetic interests and places of national interest or beauty cannot be properly assessed and evaluated. What are we really trying to preserve? Are we trying to preserve things which come readily to hand? Or are we trying to preserve a true idea or our history and evolution as a society?

She did state that the National Trust was necessary because it was necessary to register or record the evolution of this society. This society has many strands in its evolution and, therefore, we should try to appreciate what those strands are and therefore, you try to preserve, in this process of evolution, those very differentiated elements of our society. By setting up a National Trust we would be forging a sense of national identity.

This question of national identity and how it is perceived and who determines our national identity is a matter of long-standing debate. I would have loved to hear, for example, my good friend, the hon. Member for Nariva, expound on this

question of national identity on which he had a lot to say before he became a Minister of Government. He was very vocal on this question of national identity; and what constitutes the national identity of Trinidad and Tobago. Whether in determining that national identity we have a monolithic view and a monolithic perspective as determined by those who have had political power, political hegemony in Trinidad and Tobago, therefore, if from that consciousness springs an identification of the physical attributes of that national identity, you will understand that will be a very selective process, depending on whose perception is dominant. We must get that very, very clear because this is a very important bill. It is very important for issues of national integration, for issues of national consensus and issues pertaining to the cultural identity of Trinidad and Tobago. It is not merely the identification of just physical objects to proclaim that we have a National Trust and we have a concern for our history and our evolution. You have to determine and answer that question in the first place, and then this bill and what it proposes will have some meaning for the society.

Mr. Speaker, I would have preferred to hear the Minister's perception and certain elaboration of that perception of what she considers to be the national identity of Trinidad and Tobago and the significant elements in the evolution of the society. Therefore, we would have had certain matrix from which to determine whether, in fact, what will be identified and preserved under this bill, will truly reflect our history and historical evolution. I would have loved to hear an elaboration from her or from some other Member on the other side, more qualified in that regard. You can set up a National Trust and a council and the council may have a certain view and as a result of that view certain very significant things in our history will be ignored, marginalized, neglected and omitted, simply because you are thinking in a certain way.

Mr. Speaker: Sitting is suspended for half an hour.

4:30 p.m.: *Sitting suspended.*

5:07 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Sudama: When we took the tea adjournment, I was on the question of trying to get clarification from the other side as to what, for them, constituted the national history of Trinidad and Tobago; how they perceived our historical legacy in Trinidad and Tobago which had to be preserved, given the history of previous Governments in relation to matters of their environment, in relation to matters of

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protecting historical monuments and artefacts and places of beauty, places of aesthetic interest and so on, given the gross neglect which has characterized the functioning of the past Governments and which has continued into the tenure of the present Government. How do they conceive of this bill before us making a fundamental difference?

They might wish to argue that this is a new beginning but I want to inform the Minister that except you inculcate in a society the sense of history, except you inculcate in the society a sense of our heritage: cultural, political, economic and otherwise, then merely by bringing a bill to Parliament whereby you wish to preserve things of national interest, may not prove very feasible. The past and present Governments have been noted for their failure in utilizing the education system and, indeed, in trying to influence the media in this country to give citizens of Trinidad and Tobago that very appreciation of our historical background and our sense of history. If the citizens are not so fortified by that sense of history, by an appreciation for the need to conserve our environment in Trinidad and Tobago, then merely establishing a national trust may not at all be very effective in trying to bring about a state of affairs where we are proud of who we are; that we appreciate our history and that we intend as a people to build upon it and to go forward into the future as a self-confident nation, a self-confident plural society which gives due recognition to all the elements which came together by historical accident to form Trinidad and Tobago.

Here I see that one of the functions of the Trust is to make the public aware of the value and beauty of the heritage of Trinidad and Tobago. I ask the honourable Minister, would the heritage of Trinidad and Tobago only acquire value and beauty when this bill is passed? This country never had value and beauty before and if it had, how did you utilize the education system to inculcate in the young people in our society, that sense of the value and beauty of our country so that they would appreciate, conserve, and preserve it? How have you attempted to utilize and influence the media to let the citizenry at large know that this is their country and they all have a responsibility in preserving and appreciating it?

As I said, neither the past Governments nor the present Government have done anything of the sort. They have not tried to give a proper appreciation of the cultural heritage of this country in our educational system. It is a pity I have to speak on this bill today because I was not aware that it would in fact have come up today. Another bill was skipped to debate this one. There are things that I would have liked to refer to concerning what Members had said in the past about our

cultural heritage. Today, having become Ministers they completely forget what they said, prior to December 1986. There is one Minister in particular, the Minister for External Affairs who, in January, 1988, a few short days before he was appointed Minister of External Affairs, told a seminar at the University of the West Indies, that Hindu culture in this country is not given its due recognition; it is marginalized in Trinidad and Tobago and that when he goes to the external missions, he sees that what is expressed in the external missions as our national culture is steelband, calypso and that was the end of the story. He was inveigling against that portrayal of our cultural heritage. That was Senator the honourable Dr. Sahadeo Basdeo. That article appeared in the *Trinidad Guardian* on January 9, 1988.

I referred to this in the House before. My honourable friend, the Member for Naparima also referred to that. But once they got ministerial positions, all the problems of Trinidad and Tobago are solved. There are no problems any more to be confronted and to be dealt with because they acquired ministerial positions.

5.15 p.m.

The Member for Nariva has written extensively on this matter. He wrote it on a little monogram called *From Calcutta to Caroni*. He expressed his views about the marginalization of the Indian community in Trinidad and Tobago. He has spoken of the lack of historical recognition to the role which the Indians in Trinidad and Tobago who came from India, have played in this country. Because if you are going to have a National Trust Bill, then you must of necessity, recognize the history of Trinidad and Tobago.

First of all, in this country you had the indigenous people who lived here and I do not know if anything is remaining of the artefacts and the way of life which, as a civilized people, we ought to preserve in Trinidad and Tobago. We ought to preserve the history of people who have been decimated through European involvement in this country.

Do you have a programme for that in your promulgation of this bill? The Europeans came here by way of conquest—part of our history, our historical heritage. However unseemly that heritage may be, but it is really part of our heritage which we must come to terms with and which we must appreciate. You see, now surely, the coming of the Europeans here and whatever is left of that conquest of Trinidad and Tobago, ought to be preserved. It should be.

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I recall Mr. Deputy Speaker, I went to the Bahamas about 10 years ago and there I was taken to a torture chamber—which is a tourist attraction—where they used to torture slaves and prisoners and so on, who misbehaved. Then you saw these artefacts which they used a couple centuries ago. The Bahamians feel that as unsavory as that may be, it was a question of great historical interest and they preserved it and they even show it to tourists when they go there.

Now the Europeans came here, and we were colonized. There must be something remaining of that history of colonization. The Spaniards came, for example—and I understand they built a fort somewhere near the South Quay there. I do not know if any attempt is being made to preserve that in a way which gives us again, that sense of history. Then the English came. *[Interruption]* Yes Fort St. Andre, but it looks like a modern day cottage. You are not trying to preserve what was Fort St. Andre, you are trying to build a modern day cottage there. I do not know if you feel it is a place of relaxation. Maybe you would go there from time to time to relax.

The Spaniards came and they were conquered and the English came. It was then the economy of this country really began to take a certain shape, where the sugar industry became the main-stay of the economy of Trinidad and Tobago. This is how many people who are the decendants of those who came in those early years have come to be here today. I am just reminded by my friend that the French came from the other islands to settle in Trinidad and Tobago, and they brought certain facets of their life, architectural artefacts and so on and so forth.

The sugar industry in this country which really caused the immigrant population to be introduced in Trinidad and Tobago was the essential fact of our history. First the people of African descent were brought here as slaves to work on the sugar estate. Is there anything of that history still left for us to go back and look at it and look at the problems, the dispossession, the poverty, the hardship which was part of that historical experience? I am happy that today we are celebrating Emancipation Day—which celebrates the emancipation of people of African descent from the horrors of slavery in this country. Yes, we should celebrate Emancipation Day, but we should also have an idea of what people were emancipated from. Even if it is as a history lesson to people today.

Dr. Tewarie: Will the hon. Member ever address the bill before the House?

Mr. Sudama: I cannot understand this ignorance. I am talking about the historical and cultural heritage of this country which encapsulates, in time, certain

aspects of our history, but he gets up to ask whether that is relevant to the bill. I do not want to say more about the Member for Caroni East, Mr. Deputy Speaker.

As I said, yes, Emancipation Day ought to be celebrated, but we also have to have an idea what people were emancipated from if we are going to have a proper appreciation of our history and our culture, that is, artefacts—other things which give an idea of how people lived in those times under the conditions of oppression and bondage. Therefore, emancipation came and there was an evolution. The same evolution which the Minister spoke about, there is an evolution of the society. How do you capture that evolution in time and by what physical expression or physical aspects of evolution do you capture? This is what this bill is all about. I thought the Member for Caroni East understood that, but apparently he did not.

5.25 p.m.

After a series of experimentations, then came the other large ethnic group in Trinidad and Tobago, the indentured immigrants from India in 1845, and that is not so long ago. Less than 150 years ago. That historical event is very well documented and ought to be more retrievable in terms of identifying monuments, artefacts and so on. Much more retrievable.

Therefore we should attempt to preserve aspects of the life of the indentured immigrants who came here and who are part and parcel of the history of this country. This is why I prefaced what I was saying about the conceptualization of the history of Trinidad. What is the concept in the minds of the Government of the constituent parts of that history? You have to take all these things into consideration.

This is why I have said before that Indian Arrival Day in Trinidad and Tobago should be celebrated as a national holiday and it is a matter of historical significance whether it has significance more for one ethnic group than another is really not the point. Had not the Indians from India come to this country as indentured immigrants to work on the sugar estates, Trinidad and Tobago would not have been the country it is today. What we are in Trinidad and Tobago would not have been the Trinidad and Tobago had it not been either for the coming here of the slaves or the coming here of the indentured immigrants or indeed the coming here of the Europeans.

We must regard that as part of our national history and from the time you raise these questions, they are quick to say, "You know he only looking for things to promote the appreciation of his own race. It is a racial question." I am trying to

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convey to the country that it is not a racial question, it is a question of historical significance and, therefore, aspects of that which are still retrievable of that period of indentureship from arrival here to the present day should be preserved for the appreciation of posterity in Trinidad and Tobago. It is in this way that once you recognize various facets of our history, whether it pertains to one ethnic grouping or another, and you have a due recognition and appreciation, that is the way you build true national integration in Trinidad and Tobago. That is one of the means by which you will cultivate national unity and not try to ignore and suppress, as has been the practice under the past regime, and has now continued to be the practice under the current regime.

The fact, as the Minister said, carnival has a 200-year history, perhaps the historical development of carnival and its preservation of the various things that are now possible to retrieve—and if we had that and we were able to set up a museum to show that development—that too would have contributed in a significant way to this appreciation of our cultural heritage which we are talking about. But the point I want to labour is that it is not a singular monolithic perception that we are dealing with and what is conceived to be the national culture by those who have held political power over the years—from colonial times to now—that conception of national culture has been pushed down the throats of everybody in Trinidad and Tobago in the interest of national integration. But national integration from whose perspective?

Now, if this bill will promote that great objective, about which I am speaking, then it will be a laudable measure and we on this side, of course, will have no hesitation in supporting this bill in principle. The mechanics of the implementation of this bill—what is identified and not identified; what is preserved and not preserved; what is ignored and not ignored—are what we have to come to terms with and about which we have the greatest suspicion—as the Member for Couva North has intimated with the greatest scepticism, given the experience of the operation of government in the past and up to the present time.

Now, I would have loved to hear the Minister of Education, for example, tell us, as part of Government's policy, how she is going to make the young people of this country aware of the value and beauty of the total heritage of this country. I think the only initiative we have had so far is that carnival has been introduced in schools. But should there be an item in the curricula of both the primary and secondary schools in Trinidad and Tobago which focuses on the diversity of creeds and cultures and appreciation of the various creeds and cultures in Trinidad and

Tobago? Should there be a specific identifiable item in those curricula which focuses in that direction for the purpose of making people aware of how we are what we are today? I do not know if there is any such policy at all let alone if there is any programme to implement it throughout the schools of this country.

Then, I would have loved to hear the Minister of Environment—and all they have done really, is created a Ministry of the Environment, a paper organization because that ministry, to date, apart from pursuing one or two pet projects—where the Minister himself has a personal interest, like the San Fernando Hill. I understand he was born not too far from the San Fernando Hill, so he has a particular interest in it. Apart from that, the deterioration of this environment has proceeded apace—both under the past regime and under the present—a continued deterioration.

You look at the way people treat the environment, the strewing of garbage all over the place, and whether people here are made aware of preservation of the environment, both in a health and sanitation sense; and in a broader sense, the preservation of the ecology of Trinidad and Tobago, and this bill states as one of its objectives—

"(a) permanently preserving lands of beauty or historic interest as far as practicable retaining their national features."

That should be “natural features” not “national features”—

"...and conserving their animal and plant life;"

You have only to look at some of the rivers—the Caroni River in particular—and the greatest culprit in terms of polluting that Caroni River is none other than state enterprises run by this Government. State enterprises and public utilities, like WASA are the greatest violators of the ecological system in this country. I have a problem down where I live in South. I am sure it is a problem that affects you, Mr. Deputy Speaker and since you cannot make representations, perhaps I may choose that opportunity to make representation on your behalf to this House.

5.35 p.m.

The Member for San Fernando East is against many things but in future we will see how much of that he arrogates himself to be maximum leader. I understand he is now called "Dictator of Sorts". He wants to follow in the footsteps of his predecessor, the first Prime Minister of Trinidad and Tobago.

Mr. Humphrey: That is preserving heritage.

Mr. Sudama: So yes, I agree we have had a dictatorial heritage in Trinidad and Tobago. Maybe there is merit in preserving dictatorial heritage.

The Usine Ste. Madeleine Sugar Factory is one of the greatest polluters in Trinidad and Tobago, for which the Member for Chaguanas, the Minister of Planning and Mobilization is responsible. I live not too far from that factory on a hill and for five months of the year my whole house is blackened with soot.

Mrs. Johnson: Trevor, where are you really living, boy?

Mr. Sudama: If the Minister wants to be invited to my home, I want to tell her that I live alone, if she is soliciting an invitation to my home I will oblige her. I will definitely oblige her.

Mr. Manning: Mr. Deputy Speaker, I understand the anxiety of the hon. Member for Oropouche to invite the hon. Member for Princes Town into his home, but I urge caution that he does not invite trouble into his home.

Mr. Sudama: I will never refer to the Member for Princes Town in those terms. Never! I am a man of some chivalry unlike the Member for San Fernando East.

That problem affects thousands of homes in the Southern area including, I am sure, Mr. Deputy Speaker, your own home. Caroni Limited has done nothing to try to eliminate that nuisance. Here we are talking about preserving the environment. Then they pollute the Ciperio River. This does not pass too far from your own home Mr. Deputy Speaker. I am sure that it cannot be said that your home cannot be identified because at least you have one single home and you do not have a plethora of places of abode.

But the Ciperio River is polluted. For five months of the year plant and animal life cannot survive in that river. There is also a stench nuisance. A state enterprise is responsible for this and yet we come with a bill, as if these problems do not exist at all.

I have been told that in terms of preserving our cultural heritage, the annual festival of Divali Nagar is very important in this aspect of trying to preserve elements of the way of life of the indentured immigrants over the years; the kind of houses they used to build in the old days; the kind of artefacts they used and the kind of cultural forms through which they expressed themselves. It was a brilliant

effort on the part of private organizations to try to preserve that for annual display to thousands of citizens of Trinidad and Tobago. Yet by the Minister's own admission, the fact that this festival was in a way attempting to preserve our cultural heritage, the Government could not see it fit to support it.

Mr. Deputy Speaker: The speaking time of the hon. Member has expired.

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

Question put and agreed to.

Mr. Sudama: This is why I raised the question in the first place. What do you perceive to be our cultural heritage? If you do not perceive Divali Nagar to be the cultural heritage of Trinidad and Tobago, you are not going to give any subvention to that organization. So it is at the level of conception and perception. What do you perceive to be the historical legacy of this country and its cultural heritage?

Mrs. Johnson: While I would have a chance to reply, I never said that, the Member is misquoting me.

Mr. Sudama: Let me clarify what she said. She said that no application was made to the Ministry for assistance to the propagation of Divali Nagar. Of course, you will realize that for two years this organization has not been able to hold that festival. I am informed that one of the reasons it has not been able do so is because it was not able to acquire sufficient financial resources. The Government has not been forthcoming in giving it financial assistance to do so.

Here in this House, I can only report what I have been told by Mr. Hans Hanoomansingh, the Chairman of the National Council for Indian Culture, under whose authority Divali Nagar was being held. That is all I can report here.

Dr. Tewarie: The hon. Member is seeking to suggest that the Government does not care about and, therefore, will not support something like Divali Nagar. I wonder if the hon. Member is aware that under this Government, Divali Nagar has secured a permanent site.

Mr. Sudama: Be that as it may and we know about propaganda and politics. You have been in the business, Mr. Deputy Speaker, we know about propaganda and politics. This being an election year all sorts of promises would be made about what and where sites are allocated and the commitments of this Government to cultural differentiation in Trinidad and Tobago. The presence of the propagation of

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different cultures in this country, we know about this. I want to tell the Member for Caroni East that this society is not naive. You will find out in due course.

My contention is that the Chairman of the National Council for Indian Culture has told me that despite requests to the Government, it did not support Divali Nagar for the last two years. Therefore, if the question of preserving our cultural heritage is now being proposed under this bill, I again want to re-emphasize and reiterate my skepticism about how this Government will approach that objective; how it will conceive it. Again what will be incorporated in its purview and what will be ignored? That is the point I am trying to make. That is merely one illustration of the concerns that we on this side have. Not, as I said, with the principles incorporated in this bill but how this bill will be implemented in practice is what we are concerned with and whether it will, in its practical implementation, reflect the true heritage of Trinidad and Tobago and not what some people would like to portray that heritage to be. That is one of my very basic concerns.

5.45 p.m.

I agree with the Member that many of our nationals who go abroad, do in fact think that this is a very great and lovely country, a land of exquisite beauty, this twin island state of Trinidad and Tobago. It is probably one of the best countries in the world. But by the same token, they admit that they do not have one of the best Governments in the world. This is why they migrate and seek refugee status elsewhere. It takes the kind of government with that perspective to preserve the beauty of Trinidad and Tobago, the natural beauty of this country for the benefit of ourselves and others who may wish to come here and enjoy it. It is sad to say, however, but I do not think we will make much headway in that respect under the present regime, I hasten to add. *[Interruption]*

But they did go, they did run away from this country. You have to ask yourself why they did so. Whether they are successful or not in seeking refugee status, you have to admit to the fact that thousands of people—we do not know the exact figure, maybe 20,000, 25,000 people—left in this country. Why do they want to leave a land of beauty, the best country in the world to run away to a foreign land to face physical hardship? Why would they want to do that? *[Interruption]* You did it under very different circumstances. I do not know if you were given a scholarship to go away. I do not know whether he studied law under the sweat of his brow. *[Interruption]* They must be some very heavy books you were lifting in those days.

Mr. Deputy Speaker, I would really love to hear the Member for Ortoire/Mayaro in this debate because apparently he seems to have a lot to say. However, I do not really like the interruptions in my own time, when he has the opportunity to get up in this debate and make a contribution. He does not speak very often here. When I go down to Ortoire/Mayaro, his constituents say that they cannot hear or see their representative. But he wants to disrupt me in my contribution in this debate. I go to districts in his constituency from time to time to hold meetings, and they tell me they do not hear him at all and they rarely see him. But he comes here to disrupt my contribution.

Mr. Deputy Speaker: Let us continue, please.

Mr. Sudama: Anyway, I do not want to say too much about the Member for Ortoire/Mayaro.

I want to give another illustration of what they conceive to be preservation of the natural beauty of Trinidad and Tobago. I have raised in this House from time to time, Mr. Deputy Speaker, the natural beauty of the Oropouche Lagoon, part of which I represent as a constituency. There you have wetlands, rivers, streams; a natural environment for aqua sports. That needs to be developed, of course, to be made into a tourist attraction, if only an internal tourist attraction.

I remember in the days when we were colleagues, I took the Member for St. Ann's East who was then Minister of Food Production to the Oropouche Lagoon. I took him to the top of a hill, and I asked him to look at the scenic panorama which unfolded before him, and he was impressed. Mr. Deputy Speaker, the Member for St. Ann's East is not easily impressed, but on that occasion, he was impressed with the scenic beauty of that lagoon. I indicated to him that if a minimal expenditure was provided for the development of that area, we would have a beautiful place in South Trinidad where people can go and enjoy themselves. You will preserve the environment. You will preserve the wetlands. You will have a marine environment for people to enjoy themselves; a marine environment for children, adults, and so on, to enjoy themselves.

You have such an environment, for example, in Toronto, Mr. Deputy Speaker. I am sure you have been there from time to time. There is a place called Centre Island in the middle of the metropolis, part of the metropolis, and they developed a marine environment for the benefit of their citizens. Why can we not do that here in Trinidad?

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When I, raised this matter in the House, the former Minister of Industry, Enterprise and Tourism, showed the contempt which they have for certain regions of Trinidad and Tobago. He asked me who I think I could get to come to the Oropouche Lagoon, as if it was one of the remote backwaters of this country of no significance, of no natural, historic or other significance in Trinidad and Tobago.

But you see, he lives in Port-of-Spain, and his perspective is an urban one. For him, tourism only means Tobago. Tourism could never encompass any other part of Trinidad. That cannot be tourism for him. He lives somewhere on the heights of Glenco Hill there. He lives not very far from my honourable friend from St. Augustine. But these two gentlemen have two vastly different perspectives. My friend from St. Augustine is a man of the people and is committed to the development of all areas of Trinidad and Tobago, including Tobago. But the former Minister of Industry, Enterprise and Tourism, the back-door representative of big business which slipped into this Government and was brought in by the Member for Tobago East to create enormous havoc in the Government, has shown the uttermost contempt with respect to any representation for the development of the Oropouche Lagoon. That is the kind of government which I had the sad experience to be a Member of for a very limited time. *[Interruption]*

Perhaps the Member for Arouca South has not read this bill. I do not know what she reads and what she does not read. Let me tell you what the bill is about. The bill is about permanently preserving lands of beauty or historic interest as far as practicable, retaining their natural features and conserving their animal and plant life.

I have made representations in this House about the devastation caused by the intrusion of salt water into the Oropouche Lagoon which is completely destroying plant and animal life in that part of the country. You see, that is a rural area in which primarily one ethnic group lives. How can that be a concern of this Government and its representatives? That cannot be a concern, whether there is devastation of plant and animal life in that part of the country because, as far as they are concerned, that part of the country really does not exist, except at election time. At election time, they have one of their ubiquitous Ministers going down there from time to time to make wild promises to a people who have known wild promises before. We will see how that works this time around.

Anyway, they are trying their best to fool people into believing that they are interested in the Oropouche constituency and in the Oropouche environment; the

natural environment of that part of the country. Their actions over 30 years of PNM rule and four-and-a-quarter years thereabouts of NAR rule belie their protestations.

Mrs. Johnson: Would the Minister give way to a question, please? I was travelling on my way to Point Fortin two days ago, and on the Mosquito Creek which is in the Oropouche constituency, I saw massive work going on at the side of the swamp area there. Is nothing happening there?

Mr. Sudama: She is wrong on two counts. The Mosquito Creek is not part of the Oropouche constituency, to start with. The development that is going on there is laying a large water-main to service the residents of La Brea and Point Fortin, and so on. It has nothing to do with the Oropouche constituency, because as far as they are concerned, that is a forgotten constituency. I am not saying that they should not lay pipe lines, but I am saying that they should also lay pipe lines for the people of Oropouche. That has nothing to do with the preservation of the environment of the Oropouche Lagoon. Laying water-mains along the roadway has nothing to do with preserving the environment.

So, Mr. Deputy Speaker the Member for Princes Town really does not know her facts. Her facts are very, very ill-conceived. I want to put her right. It is very nice to know that she ventures outside into these areas. It is very nice to know. It must be one of her very irregular visits to that part of the country.

Now, finally, Mr. Deputy Speaker, let me say a few things about the Palmiste Estate in south Trinidad. Again, this comes under the purview of the functions of the trust which is to permanently preserve lands of beauty and, insofar as practicable, retaining their natural features. Now, the Member for Couva North mentioned that—and in those days that was called the Bennett Pasture, of which I am sure you are very familiar. Now it is called the Palmiste Estate. It is less than a mile outside San Fernando. It is near to a large centre of population. It had some of the oldest trees in Trinidad and Tobago. It had one of the oldest man-made ponds in this country; very nice, very beautiful undulating lands there which could have made one of the most beautiful parks in Trinidad and Tobago for the enjoyment of our people, particularly of the south.

Approaches were made to the last Government and also the present Government for spending a little money to preserve that area and to make it useful to the people in the surrounding areas. It can be a place where you can go for recreation, where you can have cultural activities taking place, much like the

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Hollows in Port-of-Spain, in the Queen's Park Savannah. It is a place where even some sport can be played and it is a natural environment which can be appreciated by people.

6.00 p.m.

When they come with a bill of this sort to talk about preservation of the heritage and the natural environment of Trinidad and Tobago and after they were so remiss in their actions over the years, one can only conclude that what is presented here is merely a bill of hypocrisy. That is the conclusion I can come to, given the actions in the past. In terms of the objectives of this bill, one wonders whether this is not a hypocritical approach to preserving the environment and enhancing the natural beauty of Trinidad and Tobago.

Mr. Deputy Speaker, I have one or two questions with respect to the provisions of the bill. I have been talking about the objectives of the bill, the functions of the trust and so on, and that is the main area of my concern. According to clause 4:

"(3) The Rules of the Trust may be amended from time to time by special resolution passed by the Members of the Trust and approved in writing by the Minister."

If the trust in its wisdom sees the need to amend the rules of the trust, why does the Minister have to approve that? Why cannot the Minister acknowledge that?

Clause 5 states:

"The Trust is established for the purpose of carrying out the functions given to it by this Act, which include—

(a) listing and acquiring such property of interest as the Trust considers appropriate;"

The trust is given a fair measure of discretion. We would have liked to be apprised of the criteria and guidelines the trust will use in the listing and acquiring of such property of interest.

There is another query I have to make under clause 6 which states:

"6. Subject to this Act the Trust may—

- (d) employ upon a temporary or permanent basis professional, technical, clerical and other officers and servants and make provision for pensions and other incentives;"

Would these people be under the control of the trust, or would they fall under the control of the Government? Would they be regarded as public servants, in which case different criteria will apply as to their terms of office, or will they be employed under conditions determined by the trust itself?

Clause 7 states:

"(1) Subject to this section the Trust may—

- (a) acquire by purchase, transfer, donation, exchange, demise, bequest, grant, gift, conveyance or otherwise any real or personal property or any estate or interest therein;"

I presume that it includes in its purview compulsory purchase. Therefore, what discretionary guidelines will apply in a compulsory purchase where you have, for example, people feeling that whatever is considered the national patrimony ought not to be taken away from their control?

Mr. Deputy Speaker under Part III, Financial, it states:

"15. The funds of the Trust shall consist of—

- (c) sums borrowed by the Trust for the purpose of meeting any of its obligations or discharging its functions;"

Since the Minister has assumed a great deal of control over the operations of this trust, my question is: If the trust is empowered to borrow money, will the guarantee be given by the Government, that whatever moneys are borrowed by the trust will be repaid, and in that case the Government stands behind the trust in the form of a guarantor? If that is not the case, and if the Trust is not seen to be a viable organization, then it might find it very difficult to borrow money and, therefore, this provision that the trust could borrow funds may really be of academic interest as far as the funding of the Trust is concerned.

Then this whole question that has been raised as to whether there is an alternative to the appointment of members of the trust by the Minister. There is an alternative which the Government may wish to consider. Why cannot the members of the trust be appointed by the President after consultation with other interested parties, including Members of the Opposition? So that when you have a National

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Trust in place its membership would have had national consensus. Granted that it might take a longer time but, of course, if you are working towards the objectives of national consensus then a small delay in time is acceptable.

The Minister can be accountable and responsible to this House to report what is going on in the trust but that does not necessarily mean that she has to dictate to the trust as to how it should conduct its operations. If the argument is that you have to dictate to the trust because you are responsible to this House, I am saying that is not necessarily so; that you report on the activities of the Trust to this House and that you are accountable only for those areas of your direct responsibility. This provision has to be looked at in the kind of legislation that is coming before this House in which the Minister is being given more and more direct powers of intervention, interference and control, and this is why we raise the point.

Having expressed all these concerns about the antecedents of this bill, having expressed the concern about how this bill is likely to be implemented, the question of selectivity in identifying objects of historical importance and objects for the preservation of our cultural heritage and so on, I would hope that if the Government is serious about this whole question of integration to which this bill is very intimately related, although people seem to think it is all about monuments and places of historical interest and merely physical things, those physical things and their identification would reflect the thinking of the Government on this larger question of what constitutes our historical legacy and our cultural heritage.

Thank you very much.

6.10 p.m.

ADJOURNMENT

The Minister of Industry, Enterprise and Tourism (Dr. the Hon. Bhoendradatt Tewarie): Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, March 15, 1991 at 1.30 p.m.

Mr. Deputy Speaker: Hon. Members, the hon. Member for San Fernando East has a motion on the adjournment.

Mr. Palackdharrysingh: Mr. Deputy Speaker, there are two motions. I have not had any word that there is one.

Adjournment

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Mr. Deputy Speaker: Hon. Member for Naparima, the Speaker did not approve your motion.

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Mr. Patrick Manning (*San Fernando East*): Mr. Deputy Speaker, I have the honour to move a motion on the adjournment, which concerns the plight of the Special Reserve Police with emphasis on representation and benefits. I wish to straightaway make the point that I am not raising this motion in an attempt to score political points or to gain political advantage over my colleagues opposite. What I am seeking to do is to raise a matter with the objective of having something done in the interest of those who have been adversely affected.

The Special Reserve Police was established in 1942. It was intended that those officers would be employed mainly on a part-time basis. One of the basic requirements for membership of the Special Reserve Police was that the applicant must be employed otherwise. The reality of today is that there are three categories of Special Reserve Policemen: part-time special reserve police officers, full-time special reserve police officers and officers who work on a temporary basis.

Hon. Members, I am sure, are familiar with the provisions of the Special Reserve Police Act, Chap. 15:03 which at section 18 states as follows:

"(1) Every member of the Special Reserve Police while on duty in the capacity of a member shall have, exercise and enjoy all the powers, authorities, privileges and immunities, and shall perform all the duties and have all the responsibilities of a member of the Police Service constituted under the Police Service Act.

(2) A member of the Special Reserve Police shall be deemed to be on duty in the capacity of a member when he is called out for service under Section 4 (1) or (2)."

There was a time when the regular police had extreme difficulty in dealing with the rising incidence of crime. Therefore, to be able to supplement officers available for crime detection and for the maintenance of law and order, a previous Commissioner of Police invoked section 4(2) of the Act which states as follows:

"(2) The Commissioner may, whenever additional police may be required for the preservation of good order, the protection of persons or property or the performance of any other duty exercisable by members of the

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Police Service, call out members of the Special Reserve Police on full-time, part-time or temporary service."

Mr. Deputy Speaker, that Commissioner of Police, acting under this section of the Act, employed part-time Special Reserve Police on full-time duty in order to ease the burden on the Police Service and henceforth that became a fact. The subsequent Commissioners of Police continued that practice.

Indeed, the demand for manpower in the Police Service was so great, that Special Reserve Police applicants were recruited and trained, specifically for full-time duties at the post-offices, at the time when we were experiencing a spate of armed robberies.

I am sure hon. Members might well be aware that Special Reserve Police, especially those who are on full-time duty, perform all the duties and have all the responsibilities of a member of the Police Service constituted under the Police Service Act. Indeed, members of the Special Reserve Police perform duties in almost every area of the Police Service: CID, Special Branch, Court and Process, Administration Branch, General Duties and Station, Operations Branch, Post Offices, Parliament, Ministries, Powder Magazine and President's House.

Members of the Special Reserve Police have been called upon to make precisely the same sacrifices as are being made by members of the Police Service over the last few years: cost of living allowance, removal of increments, salary cuts and subsequent restoration. Therefore, I think it is reasonable to expect that since members of the Special Reserve Police are expected to make the same sacrifices, then perhaps, they should share in the same benefits and privileges that are accorded to members of the regular constabulary.

Mr. Deputy Speaker, a former Minister of National Security wrote a letter to a Commissioner of Police in 1988, informing him that his Ministry was pursuing the question of payment of compensation, pension and gratuity to all retired special reserve policemen—because that is where the problem lies. My information is that the item of correspondence was sent to the Assistant Commissioner of Police. I have no information as to what may have happened since. But subsequent to that, indeed, in December, 1989, at least 13 persons having attained the age of 60, were called upon, at very short notice, to retire. May I remind you, Mr. Deputy Speaker, that unlike the police service there is no retirement age for a Special Reserve Police as stipulated in the Act. Therefore, when these persons were called

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upon to retire it was in circumstances where they had no fore-knowledge. It was done at very short notice.

Some of them had over 20 years' service and no mention was made to them of any arrangement for pension and gratuity. Indeed, my information is that some of them were not even thanked for the service they gave in the national interest. *[Interruption]* That is my information, if it is not true, then you will have an opportunity to say. I am not trying to score points, I am trying to deal with an issue. What I would like to see is a resolution of a problem that faces the Special Reserve Policemen. I am not here to get into any contentious argument with the hon. Member for Ortoire/Mayaro. I am just putting the facts on the table as I understand them to be. Mr. Deputy Speaker, if my information is incorrect, I would be very pleased to be advised by the hon. Minister or anybody else on the other side who is in possession of the facts.

As I understand it, full-time officers are given 30 days' vacation leave annually and 38 days' vacation leave annually if their service is in excess of 10 years—that is in accordance with the Police Service Act. I understand also, that the Special Reserve Policemen receive increments but no pension or gratuity. It is that problem that I would like addressed.

6.20 p.m.

Permit me to raise the other aspect of the operations of the Special Reserve Police service that is a source of concern to Special Reserve Policemen. It is the whole question of representation. It is felt that had proper arrangements been in place for their own representation, they would have been in a position, under the collective bargaining process, to negotiate as other workers in the country, an acceptable package of terms and conditions under which they are graded. Since that is not so, one has to resort to the mechanisms to which we are now resorting to see whether someone could not look a little closer into the plight of these Special Reserve Police.

In July, 1988, the Special Reserve Police appointed a steering committee to form an association and that steering committee sought and obtained legal advice. The legal advice suggests that they have a right to representation. This was transmitted to the authorities and as of now, there has been no formal word to the Special Reserve Policemen as to the status of their desire to constitute themselves into an association for the specific purpose of negotiating the terms and conditions under which they will serve.

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So therein lies the two problems Mr. Deputy Speaker: firstly the question of pensions and gratuity and secondly, the ability to form an association to be able to represent themselves. I hope that the honourable Members of the Government would take this motion in the spirit in which it is raised, not as an issue of contention, but really in an attempt to have some movement on a matter that affects approximately 1,000 persons who today, constitute the Special Reserve Police Service of Trinidad and Tobago.

The Minister of Justice and National Security (Hon. Joseph Toney): Mr. Deputy Speaker, let me commend the hon. Member for San Fernando East, for at long last realizing that there is a body of police officers who work as Special Reserve Police Officers and that these officers are entitled to certain representation and benefits.

My good friend said that he did not set out this evening to score any political points and I will respond in that spirit. Before I go on, let me place on the record, the deepest gratitude from the Ministry of Justice and National Security and from the Government of Trinidad and Tobago for the efforts of Special Reserve Police Officers in assisting and maintaining law and order in our country over the years and in particular, in restoring and maintaining law and order in our country after those unfortunate events of July, 1990.

The information I have is that the purpose of the Special Reserve Police Act, Chap. 15:03 is to allow the Commissioner of Police to appoint reserve police officers whom he can employ as the need arises to assist the regular police in the discharge of their functions. The intention of the Special Reserve Police Act was not one that gave any permanency to the tenure of a Special Reserve Police Officer. In fact, my friend quoted section 4(2) which spells out very clearly that:

"The Commissioner may, whenever additional police may be required for the preservation of good order, the protection of persons or property or the performance of any other duty exercisable by members of the Police Service, call out members of the Special Reserve Police on full-time, part-time or temporary service."

There was no intention to have these officers on a permanent basis.

Mr. Manning: I thank the hon. Minister for giving way. Would the hon. Minister agree that a practice has developed where a number of these people have in fact been working on a full-time basis and, therefore, other considerations would now arise?

Mr. Toney: Yes, I would agree with that.

Mr. Deputy Speaker, from my information, there are two sets of reserve police officers. My friend mentioned three, my information is that there are two: those who have roster duties and those who are employed on a temporary/full-time basis, as it is referred to. Those who are employed on roster duty were paid every three months for duties that they performed. However, in view of the frequency with which they have been called out to duties in the past, they are now being paid every month for the duties they perform for any given month. So we have altered that aspect of their payment where they were paid previously every three months.

Those employed on a temporary/full-time basis are paid monthly. My advice is that their rates of pay are identical to those of the regular police officers. I am also advised that if they work alongside detectives and immigration authorities, they receive what is referred to as "a plain clothes allowance".

There is one exception in that whereas the regular police officers are paid overtime for working extra hours, the SRPs are not, because they are not normally detailed to work overtime. However, if the hours of work allow them to work excessive hours, they are granted compensatory leave.

6.30 p.m.

My friend raised a point about the pension and gratuity. During the tenure of office of the Member for Ortoire/Mayaro as Minister of Justice and National Security, the Cabinet took a decision that there be payment of compassionate gratuity under the Pensions Regulations, Section 14, Chap. 23:52 to 31 SRPs, that is, those who worked temporarily the whole time. I am very pleased to report, that if my friend got a copy of the *Silver Star*—January 1991, page 9, which was circulated to every Member in the House from the Police Service, he would see an article there under the headline "\$\$\$— SRPs happy at last." I will read the article for you:

" 'We are happy to know after a long struggle the Special Reserve Police have been given a moral boost in the form of terminal benefits' " .

So said Special Reserve Police Officer Corporal Nicholson. He explained that on November 29, 1990, Cabinet agreed to the payment of compassionate gratuities totalling \$448,879.98 to 30 former members of the SRPs employed on full-time duties.

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He said the money would go towards their legal personal representatives or estate or to the members themselves.

Corporal Nicholson said the payment was computed on the basis of 12 days' pay for each year of service in accordance with provisions of Legislation 14(1) of the Pensions Regulations, Chapter 23:52.

According to Corporal Nicholson, terminal benefits have always been denied to the SRPs, many of whom have retired after 25 years' service."

You would know all about this—the 25 years' service part.

"However, members are optimistic that their future as SRPs will be much brighter since the granting of compensation to former members, said Nicholson."

Mr. Manning: I thank the hon. Minister for giving way. In fact, I feel very happy for the 31 Special Reserve Police Officers who have been the recipients of pension and gratuity benefits—compassionate, as it has been described. May I ask the hon. Minister, whether this now forms part of Government's policy to pay all Special Reserve Policemen these benefits, or is it that the decision has been taken only to pay these 31 at this stage?

Mr. Toney: Mr. Deputy Speaker, my advice is that those who are employed on a temporary/whole-time basis, once they qualify and meet the conditions of section 14(1) of the Pensions Regulations, Chap. 23:52, they would be allowed their gratuity. This is my information and advice. If they are part-time, their cases would have to be considered otherwise.

Mr. Deputy Speaker, my friend raised the point about representation. Let me say that this is an issue which would have to be approached with tremendous caution. We have to bear in mind that the Special Reserve Police body is a temporary unit and any provision for this group to be represented through an association could well defeat the entire purpose of the Act and could result in us having two organizations responsible for maintaining law and order in the country. Whilst we are saying that as a caring Government, we have to look after those who are assisting the regular police service in maintaining law and order, we also have to be very careful about not giving the impression that we are trying to have in our midst two police forces. *[Interruption]* I thank the hon. Member for Fyzabad for his correction because I know that he once belonged to that organization and he would have a clearer understanding of what is taking place.

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We have to be very careful in how we approach the entire issue of Special Reserve Police Officers. They are a hard-working and industrious group of people and I have been able to observe them first-hand, in view of my recent responsibilities. I have nothing but praise and commendation for the approach that they have made and are making to their responsibilities. So much so, I have recently received from the Commissioner of Police, proposals to allow for the possible recruiting into our regular police service, SRPs. These proposals are being looked at very carefully and I am certain that when they are finalized, those who are to benefit from them will be properly notified.

I thank the hon. Member for San Fernando East for the very sober approach, strange that may be, which he took towards this matter this evening. It is an issue which requires careful thought and a very careful approach and as you know, those are some of the hallmarks of the NAR Government. So you can expect that the SRPs in the near future would be in a position where they can be regarded, as those who are making a contribution to the maintenance of law and order in Trinidad and Tobago. I thank you kindly.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.39 p.m.