

Leave of Absence

Friday, September 27, 1991

HOUSE OF REPRESENTATIVES

Friday, September 27, 1991

The House met at 1.55 p.m.

PRAYERS

[MR. SPEAKER in *the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have granted leave of absence to the following Members: The hon. Member for Nariva (Dr. Brinsley Samaroo); the hon. Member for St. Augustine (Mr. John Humphrey), and the hon. Member for Pointe-a-Pierre (Mr. Oswald Hem Lee).

PAPERS LAID

1. Annual Report of the Tobago House of Assembly for the year ended December 31, 1990. [*The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie)*]
2. Loan Agreement (Education and Training for Youth Employment Project) between Republic of Trinidad and Tobago and International Bank for Reconstruction and Development. [*The Minister of Sport, Culture and Youth Affairs (Hon. Jennifer Johnson)*]

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Mr. Trevor Sudama (Oropouche):

**Oropouche Constituency
(Visits)**

67. Could the Minister of Works, Infrastructure and Decentralization state:
 - (a) Why he refuses to respond to my letter to him of June 3, 1991, requesting him to have on-site visit with me of certain critical highways, drainage and bridges problems in my constituency?
 - (b) What is the policy of his Government with respect to requests from duly elected representatives of the people in the House of Representatives for the addressing of problems brought to the attention of the Government?

- (c) Why he visits the constituency of Oropouche at the instance of those who are not duly elected representatives but chooses to ignore the duly elected representative when such requests are made by the latter?

**Foreign Debt
(Re-scheduling)**

68. Could the Minister of Finance state:

- (1) When the debt rescheduling arrangements with foreign governments and commercial institutions will expire and, after that date, what will be the annual foreign debt that this country will be required to pay in the ensuing five years?
- (2) Whether his Government intends to negotiate any further rescheduling agreement with foreign governments and international commercial institutions?
- (3) Whether his Government intends to incur any additional foreign indebtedness before the expiry of its term of office?

Mr. Basdeo Panday (Couva North): Mr. Speaker, I seek the leave of this House to have the questions standing in the name of the Member for Oropouche deferred on the ground that he is away on Government business.

Questions, by leave, deferred.

SHIVA DHARAM SABHA (INC'N) BILL

Question put and agreed to, That a bill to provide for the incorporation of the Shiva Dharam Sabha and for matters incidental thereto, be now read the first time.

Bill accordingly read the first time.

ORDER OF BUSINESS

The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie): Mr. Speaker, with your permission, if the hon. Member for Diego Martin Central is ready, we wish to proceed with the bill for the incorporation of the Lions Club of Diego Martin West and for matters incidental thereto, under "Bills Second Reading" and afterwards, by agreement with the hon. Leader of the Opposition, continuation of the debate on the Caricom Enterprises Bill.

Assent indicated.

Lions Club (Inc'n) Bill

Friday, September 27, 1991

LIONS CLUB OF DIEGO MARTIN WEST (INC'N) BILL

Mr. Kenneth Valley (*Diego Martin West*): Mr. Speaker, I beg to move,

That a bill for the incorporation of the Lions Club of Diego Martin West and for matters incidental thereto, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clauses 1 to 9 ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

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

House resumed.

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

ORDER OF BUSINESS

Mr. Speaker: The relevant Standing Order says that the fourth Friday in every month shall be Private Members' day. Since there is agreement between both sides that we shall continue with Government Business—and I want this to be understood—I take it there would be compensation by agreement.

Assent indicated.

CARICOM ENTERPRISES BILL

[FOURTH DAY]

Order read for resuming adjourned debate on question [September 6, 1991]:

That the bill be now read a second time.

Question again proposed.

Mrs. Muriel Donawa-Mc Davidson (*Laventille*): Mr. Speaker, I would like to state from the outset my support for this Caricom Enterprises Bill and simply, for the sake of the records, to indicate that this bill is coming on the tenth anniversary of the death of Dr. Eric Eustace Williams, one whose life and work had been to operate in the service of the Caribbean.

Caricom Enterprises Bill
[MRS. DONAWA-MCDAVIDSON]

Friday, September 27, 1991

2.05 p.m.

Further, I think that it is historic. I recall a statement that the late Eric Williams made—I believe it was the very year of his death—that the situation that is developing in the world today, will force the Caribbean to come together, if they do not do so voluntarily.

You would recall that from the very outset of the People's National Movement's presence as a Government of Trinidad and Tobago, their thrust had been to develop the entire Caribbean. In 1958, the PNM Government sought, at that time, to have the federation of the entire Caribbean. It is now history, what the result of that federation was. In the People's National Movement Major Party Documents, at page 46, under the "Federation" states:

"The PNM's policy in respect of the British Caribbean Federation, will be based on—

Full support of all constructive proposals designed to establish an economically sound Federation, with Dominion Status within a period of not more than five years after its establishment.

Expansion of trade and diplomatic representation abroad for the promotion and protection of British Caribbean interests with special reference to USA, Venezuela, Australia, India..."

and the West Indies, generally.

I just want to put these perspectives into the records of Parliament, to indicate the growth which has now made it possible to bring this particular Caricom Bill, at what we would consider a necessary time, in the development of the entire Caribbean.

I want again to quote from page 70, "Relations between Federal Government and Territorial Governments and whole British Caribbean area." Making the point, again, of the importance of economic and cultural development.

Within recent times, the People's National Movement, in the "Perspectives for the New Society" made it very clear that the task of reconstruction is a most important one. I am always very delighted when I hear the name "National Alliance for Reconstruction." All I ever want is that historically it be noted that reconstruction of this society has been the vision of one of the greatest leaders—I

do not know whether we would have another great leader, except, of course, I decide to become that great leader.

[Laughter]

Mr. Panday: Not with Manning around.

Mrs. Donawa-McDavidson: Mr. Speaker, it is a strange thing. Many people are of the opinion that a leader is someone who sits in the Parliament of the country. Some of the greatest leaders in this country are not even here. Are you understanding that, Mr. Speaker?

I think I had better put in the records of this Parliament today, that I am going to undertake that role. *[Interruption]* Who is going to determine that? *[Interruption]* Am I understanding that the representative for Naparima is telling me that I am not going to be here? I always got the impression that it is the voters out there who would determine that. I always thought it was the people; but you learn as you go along.

Mr. Palackdharrysingh: Mr. Speaker, I did not mean it that way. When she said some of the greatest leaders are not even in the Parliament, and she was going to undertake that role, I thought she was going to do so from outside the Parliament.

Mrs. Donawa-McDavidson: Mr. Speaker, let time determine that.

The Task of Reconstruction clearly states:

"The Task of Reconstruction can thus be simply stated to allow the West Indian masses:

to acquire economic as well as political power;

to make their own culture;

to participate fully in both the political and economic process;"

To become true men among the citizens of Trinidad and Tobago. There is a Naipaul quote here but I do not like to use those words, in this reconstruction that is to take place now which is beyond Trinidad and Tobago, and that is why I made my earlier statement.

I think you would recall that when I was in Guyana, I made a big declaration; that I have grown beyond only Trinidad politics. I feel very competent to represent the Caribbean politics.

Caricom Enterprises Bill
[MRS. DONAWA-MCDAVIDSON]

Friday, September 27, 1991

This bill—*[Interruption]* Keep quiet, Mr. Panday; when you talk, I listen to you so attentively. Just listen to me, I may even need your services.

In this thrust for Caricom enterprises and reconstruction, we have got to look far beyond Trinidad and Tobago; and the sovereignty of the people, which is going to be most vital. If any form of Caricom development or enterprises bill is to succeed, the active participation of the people of the Caribbean in the decision making, both politically and economically, is vital.

Further, in Trinidad and Tobago, as is the case in so many other Caribbean islands, we have been successful only so far as the political aspect is concerned. To complete the independence of Trinidad and Tobago—and now that we are looking beyond—we have to work very effectively in the areas of economic and cultural development. In saying so, it does not only necessarily mean that the Governments are to take the initiatives. But the system has to so organize itself, that by mass motivation and education, all of us in Trinidad and Tobago have to understand that economic development is also about the individual.

It may be necessary in the school system, to put simple economics—the values of savings; the values of thrift; the values of the credit unions—from very early. If many of us knew how better to handle our finances, many of us who are suffering in Trinidad and Tobago today, may not find ourselves in that position.

I urge the Government that when this bill is passed in the Parliament to find it necessary—and this is something I repeat all the time but I am not seeing it happening; it is very important and very essential in the simplest of forms to have the population understand the significance of the bills that are passed in Parliament. This can only be done through the medium of reaching out to the communities, as far as possible; and it is not going to be easy.

When people have their own little problems; their financial problems; their unemployment problems, it is sometimes extremely difficult for them to grasp what is important but it is essential in this particular area of development and expansion in Trinidad and Tobago and the Caribbean, to make certain that we understand that politics is about the people. I hear all kinds of definition of what the politics is, but I had a master whom I respect and I remember him telling me very early that politics is only about the art of doing everything that is possible, in the interest of the people whom you represent. I hope that you will understand and believe that definition more than any other definition.

2.15 p.m.

It is necessary that in this expansion and development that the leadership implies organizations and organizations spell discipline. The watchwords for Trinidad and Tobago are "Discipline, Tolerance and Production."

When we make these declarations, it will not happen overnight. It is not possible for people to change overnight, but we have an obligation, the media and the television. Sometimes I wish we did not have any television because some of the things which are shown on television are not helping, and if some of the things which we see there are reflected on the front page of the *Express* today, then we are in a very sad state in Trinidad and Tobago. It means that there are many talented young people, old people and people generally in Trinidad and Tobago.

I want to urge those making these things, to think in terms of a toy industry and if they want to make guns then probably toy guns would have an income in it. We will not have to import guns. We do not need real guns; if not they can take the same skill—*[Interruption]* It is sad, the people who manufacture it; the people who are selling it; it is really very sad for humanity at this time. I would hope that we would use those skills and find something more productive and more helpful for us to do with the talents which God has given us. I hope that those talented people would make small motor-cars, lorries, bicycles or things like that and probably set up a good toy factory and allow their skills to be positively used.

In summing up, I want to remind you that the achievement of popular participation in the economy must be first founded under specific circumstances of Trinidad and Tobago and the West Indies through a development strategy consisting of various means. We have noticed some of the strategies which are expounded in the bill; we have seen the intent but as I said before, I get very much concerned that there are so many worthwhile bills within recent times passed in the Parliament of Trinidad and Tobago, and if you go to the constituency which I represent, they do not have a clue as to what is involved in these particular bills; whether it is Domestic Violence Bill, the Children (Amdt.) Bill or some other bill.

Now that we are talking in terms of Caribbean integration, I want to place on record that as a tribute to the late Dr. Eric Eustace Williams, on May 23, 1991, we launched a Chair in Caribbean Studies—all aspects of Caribbean life—at the University of the West Indies. If you would allow it, I would like this particular document to find its way into the Parliament of Trinidad and Tobago. I simply

Caricom Enterprises Bill
[MRS. DONAWA-MCDAVIDSON]

Friday, September 27, 1991

want to quote from the University, how pleased they were with the initiative by the Member for Laventille which has involved quite a number of citizens from Trinidad and Tobago.

The endowment of that Chair is beyond partisan politics and you would note that on this committee there are citizens representing all organizations in Trinidad and Tobago. There is also a legacy from one of my relatives that must go to the university. I have made an appeal to the University that this particular legacy be used for the entire Caribbean Studies at which the Chair of Eric Eustace Williams would be placed, so that there will be Caribbean art, music, dance and all that there is about the Caribbean. I hope that we would seize the opportunity to write about the Caribbean; to develop the Caribbean; to work hard towards the Caribbean before some other group of persons from somewhere else write Caribbean history for us.

It is \$2.5 million that would be required to pay the professor for that Chair. Will you allow me just to indicate how pleased the University is about the idea? I am seeing this in the context of this Caribbean Enterprises Bill making certain that very quickly, activities will be taken to allow it.

"The Faculty of Arts and General Studies of the University of the West Indies is extremely grateful that considerations are now being given to endow an Eric Williams Chair in Caribbean Studies.

For the University, an endowed Chair is one of the most important academic honours which can be given to a university and a Chair which is named after a distinguished scholar is a keenly sought-after appointment by university staff, who are at the peak of their careers and who have proved that they are capable of ground-breaking research.

At the moment there are no chairs at the St. Augustine and Cave Hill Campuses. Mona, however, has already been endowed with some chairs.

The evolution of the University has dictated that our first responsibility was to the undergraduate programme, but our maturing institution must now increase both the level and the quality of its research programme. A Chair of this nature greatly facilitates the thrust towards research.

Dr. Eric Williams, ever mindful of the fact that there were many areas of Caribbean life, (its art and music, its traditions, its language and linguistics, social phenomena of all kinds) which had not received scholarly attention, had

requested that all students of the Faculty should compulsorily do a Caribbean Studies paper, that is, a research paper on any aspect of Caribbean life, so as to add to the body of knowledge which was available for research on the Caribbean.

This requirement still exists and all third year students in the Faculty now produce tightly supervised and structured research papers on topics of their own interest.

It is time for the Institution to stimulate its students to work at a higher research level where their own work can be more formally and widely disseminated.

The Chair which highly trained research specialists could hold as visiting professors for periods of one to three years, would permit us to mount various research projects in areas in which our permanent academic staff are deficient. These projects would enable us to stimulate the production of new Ph.Ds as well as new books on the Caribbean.

This proposal is most appropriate at this time because the University is now attempting to locate on this campus, a centre for Caribbean Studies. The thrust is under the aegis of the Vice Chancellor, by whom funds are actively being sought to construct such a centre, where research on the Caribbean with visiting scholars and specialists would be the main goal.

This Centre would be the research arm of the Faculty of Arts and General Studies and this Chair would fit most appropriately into this Centre.

Centres for Caribbean Studies have become extremely popular in Britain, Germany and the United States of America and research into all aspects of Caribbean life have been proceeding quite rapidly and publications are being issued from these centres. The UWI must act quickly in order to maintain its reputation as the institution which knows the Caribbean best.

The sooner, therefore, we can begin to stimulate research in this area the better. Otherwise we will remain in the position where we must purchase books about our own society from abroad.

An Eric Williams Chair would add great prestige to our research programme and would lend enormous viability to our proposals for the Centre."

Caricom Enterprises Bill
[MRS. DONAWA-MCDAVIDSON]

Friday, September 27, 1991

I would therefore ask the Government of Trinidad and Tobago to be part of this activity and to be certain that we get the governments of all the Caribbean islands to be part of this activity, so that within the shortest possible time, that Chair in Caribbean Studies would be established. The children, the youths and the graduates of the University will utilize the opportunity presented today by the Caricom Enterprises Bill, for us to lift our consciousness in a regional positive level and again, starting at the level of the people of the Caribbean, actually participating and being involve in all aspects of national life.

My first association with Dr. Williams was when he worked with the Caribbean Commission. Therefore, I feel that this development today on the tenth anniversary of his death, is a tribute to his life's work, for doing something positive to draw the Caribbean peoples together. I urge all the governments to do everything that is possible by way of publication, education and motivation, to help us become more aware of ourselves, our values and contributions towards world history.

The Minister of Industry, Enterprise and Tourism (*Dr. The Hon. Bhoendradatt Tewarie*): Thank you very much Mr. Speaker. I want to start by thanking all Members who contributed during the debate on this bill.

I think by and large people took the issue of Caricom seriously. The details of the bill were not gone into much during the debate, but Members did address issues relating to Caricom; Caricom trade, the development of the region and the issue of integration.

Some Members on the Opposition side did raise questions pertaining to the viability of Caricom and what might be the options for Trinidad and Tobago in an evolving hemispheric and global context.

2.25 p.m.

I thank Members for their contributions. I acknowledge their contributions and what they have done to the debate. I apologize for the fact that I was not here during last Friday's debate to listen to the contributions of various Members. I did take the time however to read what they had to say from the *Hansard* and, therefore, I am in a position to respond with a fairly full appreciation of what transpired and the issues that were raised during the course of the debate since I piloted this bill two Fridays ago.

What I could not understand though in some of the responses by Members on the other side, is that, in the face of hard evidence and scientific facts one might

say, quoted from documents generally recognized as authoritative on these matters, Members failed to acknowledge and to show appreciation for these facts and for the information which was provided, first of all, by the hon. Minister of Planning and Mobilization and Member for Chaguanas, and also by the Member for Point Fortin who is also the Minister of Finance. Most of their arguments, because of the nature of their debate prior to the presentation, really advanced the case for Trinidad and Tobago as indeed being at the present time caught up in an economy that is going through a process of recovery and expansion.

In closing this debate, I wish to point to some of the major economic indicators that have all shown positive and economic growth and advancement over the past few years and which support the views of my colleagues, the Minister of Finance and the Minister of Planning and Mobilization. Indeed, not only is growth taking place in the Trinidad and Tobago economy, but we have successfully taken this country, during a period of decline, seen it through and have now piloted it in a new thrust for sustainable growth and development.

Mr. Speaker, what I could not understand also is that hon. Members on the other side were unwilling to even accept the GDP advanced by my two colleagues as a measure of growth in the economy.

Mr. Panday: Tell that to the people who are unemployed. Tell them about GDP.

Dr. Tewarie: Well, they mentioned the unemployment figures too, hon. Leader of the Opposition and, if you would give me the time, I would try to advance the information I feel is pertinent and relevant. If you cannot take—in a debate like this, the Parliament of the country—the statistics provided by the authoritative sources, and if you cannot see the figures provided for GDP as indicating growth in the economy and take them as valid, I do not know what we can use as an indicator of growth and sustainable growth in development in this country.

The GDP is in fact the measurement which all multilateral institutions use to measure growth in an economy and upon which all economists focus and on which all the statistical records advance as a measure of growth in the economy. I vividly remember some years ago, there was much criticism among various developing countries like ourselves about the rationale that was used to determine what the GDP is—that is to say, how you get that measurement of growth. At the present

time what has happened is that it is taken as perhaps the most valid measure of all which can indicate once and for all what is the status of an economy—whether it is in decline, whether it is growth and then you get all the other figures and all the other sub-sectors which feed into the GDP to identify particular things that are happening in any individual economy. Notwithstanding all of this though, Mr. Speaker, an economy which has grown based on statistics provided by the *Review of the Economy 1990*, and which are available to every single Member of this House, when we look at those statistics, we see that the economy has in fact grown from minus 3 per cent in 1986 to the rate of 12.7 per cent in 1990. I do not think you can find, with a gap spanning that short period from 1985/86 to 1989/90, that the economy has been at a standstill as so many Members on the other side claim.

If one were to realize what has taken place in the world economy over the last three years or so—world output slowed down in 1990 and this is the second consecutive year of decreasing economic growth. The world economy is not likely to grow at all, according to the predictions for 1991. The volume of world trade, however, grew by 4 per cent in 1990 and that is down from 7 per cent in 1989. This reflects the slowing down of growth generally in world output. We are looking, therefore, at the situation on a global scale and when you look at what we have been able to achieve in Trinidad and Tobago over the last four to four and a half years, I think it is reasonable to say that Trinidad and Tobago has done fairly well by comparison because one has to see it in some kind of context; one has to see Trinidad and Tobago in relation to the other Caricom countries; one has to see Caricom in relation to the Caribbean and Latin American region; one has to see that region in relation to what is taking place in the hemisphere. One also has to see what is happening in relation to the trends that are developing globally.

I come now to the Caricom region to simply indicate to hon. Members the relatively successful position of Trinidad and Tobago within the Caricom context and for that I want to turn initially to Trinidad and Tobago's trade with Caricom countries.

Trinidad and Tobago has been enjoying a favourable balance of trade with Caricom countries over the past decade and this is seen from the following data. When you look at the statistics and you look, let us say from 1985, you see trade:

1985	\$360.3 million
1986	\$243.0 million
1987	\$360.2 million

1988	\$387.9 million
1989	\$713.6 million
1990	\$800.9 million
1991 (Jan/June)	\$386.1 million

which was more than what it was for the entire year of 1985, 1986 or 1987.

2.35 p.m.

Notwithstanding this, trade in non-petroleum exports has shown unfavourable balances up to 1986. However, this pattern, that is to say, in terms of Caricom trade, in the non-oil sector, has shown significant increases with records of positive trade balances for the successive years in the period after 1986. You are talking about 1985, \$131 million; 1986, \$27 million; 1987, \$80.2 million; 1988, \$156.9 million; 1989, \$343.1 million and 1990, \$387.8 million

The sector's improvement is as a result of the unrestricted free trade regime which has now begun in the Caricom region and which the region has been moving to at an accelerated pace partly, at least, because of the initiatives of the Government of Trinidad and Tobago. Trinidad and Tobago has been a major player in Caricom over the last four and a half years or so.

The hon. Prime Minister has played a major and significant role in reviving interest in Caricom and Caricom matters and in speeding up matters that have, in fact, been "lying low" for a long time in Caricom. This is not to ignore or to be uncharitable to the contribution of the Member for Laventille, because I take her point, Caricom did not start in 1986 or 1987. The whole initiatives started some 17 years ago, if I am correct, and there are initiatives on which we can build. However, it is clear to anyone who is an observer or a student of Caricom and Caricom matters, that something went wrong in Caricom, certainly over the last five years or so prior to 1986 and perhaps, what went wrong became very clear after the breakup of the Federation and the attempt thereafter to try to salvage what was possible. But we have breathed new life into Caricom and part of that new life has been put there because of the major initiative, and because of the commitment of the hon. Prime Minister of Trinidad and Tobago.

Specifically, one of the initiatives taken very early was at the Heads of Government Conference held in St. Lucia, one of the first, in fact, in which the

Caricom Enterprises Bill
[HON. B. TEWARIE]

Friday, September 27, 1991

hon. Prime Minister participated. Also, intraregional imports continued to increase during 1990 at a rate of 6.7 per cent higher than 1989. This rate of growth, even though somewhat lower than the rate of 24.7 per cent recorded for 1988/1989, still signals a continuation of the upward movement in intraregional trade which began in 1987. In 1986/1987, 7.8 per cent. We are talking here about Caricom intraregional imports by percentage: 1987/1988, 14.6 per cent; 1988/1989, 24.7 per cent; 1989/1990, 6.7 per cent. On a country-by-country basis, Trinidad and Tobago has been showing a positive balance of trade with all countries in Caricom, except Belize, over recent years.

I do not want to read all the figures Mr. Speaker, but we are talking about an improved balance of trade over the years 1986 to 1990 in every case, including Guyana, Dominica, Grenada, St. Vincent, St. Lucia, Montserrat, Antigua, St. Christopher/Nevis, Barbados, Jamaica and the Bahamas, and as I said, the one exception is Belize.

Mr. Speaker, the major markets for Trinidad and Tobago's exports in Caricom are Barbados, Jamaica, St. Lucia and Guyana. As we can see from the data that are available to us, in 1989 our exports to Barbados were of the order of \$24.9 million; from January to June of 1991 it was \$26.4 million. In Jamaica, \$24.6 million in 1989; January to June, 1991 it is already more than half of that, \$15.8 million. St. Lucia, \$10.6 million in 1989; at the present time, up to the end of June, \$10.3 million. Guyana, \$9.4 million in 1989; January to June, 1991, \$11.4 million.

Mr. Speaker, notwithstanding the fact that clearly there are problems emerging—for instance we have had difficulty with the transition in Jamaica in terms of the method and approach used in dealing with the issue of foreign exchange and the determination of foreign exchange rates and also the manner in which foreign exchange could be used in Jamaica. That has caused severe problems to our own exporters here who could not, in fact, be assured of payments of goods sold to Jamaica.

We have also had the situation in Barbados where, from time to time, there have been, in our view, unnecessary attempts to protect various markets in Barbados and this had been disadvantageous to the notion of free trade and it has also been, as a consequence, disadvantageous to exporters from Trinidad and Tobago. Notwithstanding all of those things, the objective is that if you are going to strive for a free trade region, if you are going to attempt to work out problems and difficulties with your neighbours, these are things that one has to acknowledge as realities.

There is diplomacy that is available to work out some of these things. There are also opportunities for negotiations through which one can work out these things. There is room for collaboration, not only between governments of two countries in Caricom, but also between the private sector of two countries in which a difficulty might develop, and also for collaboration across boundaries, let us say government and private sector in relation to government and private sector in another country. We have been using all of those mechanisms in pursuit of the idea that what we are seeking to do is to open up trade and to develop regional trade and more than that, to have a situation in which Caricom can, in fact, become a single economy in this part of the world.

Mr. Speaker, Trinidad and Tobago's major import sources are: Jamaica, Barbados and St. Vincent. In 1989 we imported \$44.1 million from Jamaica. January to June this year alone, 1991, we have already imported \$46.1 million. From Barbados we imported \$26.3 million in 1989. From January to June of this year we have already imported almost that—\$25.7 million. From St. Vincent, we imported \$9.8 million in 1989, and this year up to June, we have already imported \$7 million. So the point I am making is that if you are going to argue the case for ignoring Caricom or if you are going to argue a case for saying that Caricom is not important, that it is not viable, that it is not significant and one must look elsewhere, I think one has to take into account the reality that a good deal of trade that takes place in Caricom, is in fact, intra-Caricom trade. Secondly, when you take the case of Trinidad and Tobago, you are dealing with a country which exports and imports heavily to and from its Caricom neighbours.

2.45 p.m.

So I want to establish this point as a fact of life, which indicates that, in fact, the rate of trade among Caricom countries involving Trinidad and Tobago has been growing at a rapid rate, and the volume of trade has also been increasing both in terms of exports from Trinidad and Tobago and imports from other countries to Trinidad and Tobago.

Now, in the context of intraregional imports, Trinidad and Tobago, while it contributed to over one-third of the average for the region, that is, in terms of the whole volume of trade for the region, imports to the region, in 1989, it almost reached the overall level for the region in 1990. I hope hon. Members, Mr. Speaker, through you, would appreciate this point. In the context of imports coming into the region, Trinidad and Tobago, while it contributed to over one-

third of the average of the region in 1989, almost reached the overall level for the region in 1990.

The Member for Oropouche, Mr. Speaker, made an inquiry during his presentation about whether Trinidad and Tobago's trade had grown with the United States. For his information and for the information of this House generally, the balance of trade with the United States has, in fact, increased from \$1.4 billion in 1988, to \$2.7 billion, which is almost twice as much in 1990, in our favour. The United States of America—and I can read the figures, and this is just the balance. The balance in our favour in 1988 was \$1.391 billion; the balance in 1989 was just under that, in our favour again, \$1.061 billion; and, in 1990, \$2.732 billion. So that we are talking about a two-fold increase in exports to the United States.

Now, we also need to take into account that the balance of trade is not in our favour with Canada, nor is it in our favour with the United Kingdom. But we are talking about small figures here. We are talking in 1990, in the case of Canada, about \$194 million in their favour, and in the case of the United Kingdom, \$242 million in their favour. In the case of Caricom, as I indicated before, we are talking about an increase from \$387 million in our favour, in 1988, to \$800 million, in 1990.

Now, this, again, is to emphasize the point that Caricom, as a region, as a trading bloc, as a co-operative arrangement for trade and in terms of our larger objectives of a single market economy for Caricom, is important to Trinidad and Tobago. In fact, what the figures indicate, is that Caricom has been the second largest export market, after the United States, for Trinidad and Tobago. It is the third import market after the United States and the United Kingdom.

So that it is not, in my view, reasonable to simply ignore this fact when talking about alternative arrangements that one can make. One can talk about other options at one's disposal, but one cannot talk about these things without dealing realistically with this fact of life of trade in terms of Trinidad and Tobago and its other Caricom neighbours. I have the figures here, but I do not think it is really necessary to go into that. I have already given some of the statistics.

The Member for St. Augustine, Mr. Speaker, alluded to the fact that Caricom seems to be a stagnant economic entity, with little progress made during its evolution since 1973. While regional trade had been the dominant factor in Caricom's economic relations, other aspects of integration did not significantly

impact on the regional movement until quite recently, when considerations were given to deepening the integration through the introduction of a number of basic instruments, including the CET, the Rules of Origin, Caricom Industrial Programming Scheme, and this bill before you now, which seeks to promote Caricom Enterprises across national boundaries within the region. It is only recently, as I indicated, that we had, you might say, a new kind of momentum in Caricom, focusing on these critical aspects of development of regional deepening and widening of trade, investment, *et cetera*. The deepening aspects of Caricom is really a prerequisite for the achievement of the proposed single market and economy which is to be implemented by 1994.

The point I am making here, Mr. Speaker, is that the hon. Member for St. Augustine was, in fact, to some extent correct when he said that not as much progress as could have been made was made, but one has to locate that in a context in which for a long time little happened. Within the last four years, to be more focussed, much has happened within a very rapid pace of time, and this has been not only because of the initiatives of Trinidad and Tobago and our hon. Prime Minister, but because of the pace of change in the global economy, and because of the pressures that have been brought to bear within Caricom, and again because of the sense of urgency with which prime ministers, generally, and ministers of government throughout the region, have seen the need to respond to what was taking place in the global market-place and in terms of global industrialization. The Caricom secretariat itself has been struck by this sense of urgency with which one needed to respond to what was happening in the world.

Now, 1973 to now, we are talking about 17 years or so, and when you talk about Caricom, you are talking, really, about basically fragile, small developing countries or economies. More than that, you are talking about economies that are island nations or island nation-states with a good deal of economic fragmentation. You are talking about island nation-states in proximity to each other, sharing the Caribbean Sea, but basically, with unco-ordinated strategies for economic development. More than that, you are talking about countries which have a history of evolving as separate economic, social and political entities, and you are talking about their trying to do something much more cohesive about their fragmented approach and situation over the period of the last 17 years. I think that to have gone through that, given where we started, and to have reached the stage now of embarking on a structure of a single market economy, although one is justified in

Caricom Enterprises Bill
[HON. B. TEWARIE]

Friday, September 27, 1991

saying that we have not gone fast enough, I do not think that one can say that we have achieved little, because the achievement is real, notwithstanding the 17 years.

Given the history of fragmentation, look how difficult it is, first of all, in any of these islands, to try to get national cohesion and unity of purpose. Trinidad and Tobago is a prime case as far as this is concerned. Guyana is another case. But all the other smaller economies, have little quarrels and difficulties and problems emerging in all of these economies and all of these countries. To have gone beyond the national debates and national problems, and to have identified structures that one could work towards, to establish in order to achieve the single market, the single economy and, in fact, to achieve the basis of a single economic nation, whatever the political realities of national boundaries among the various countries, I think it is not to be underestimated. We can go faster, it is true, but we must appreciate what we have been able to achieve over this period, and especially what we have been able to achieve over the last four years or so.

I think, Mr. Speaker, that it really is a significant achievement, and when we talk about the European Community, the EEC group, we are talking about countries which have a very long history, which had their own quarrels about nationalism and about their own concept of themselves as nation states. Mr. Speaker, the whole process clearly is far from over, as we see from what is happening in Eastern Europe. This is a difficult time for map-makers anywhere in the world because the boundaries of nation states are changing so rapidly, and are being redefined.

So that when you talk about these countries in Europe, you are talking about countries which have a long history, which have gone through the period of nationalism, which remained as national entities, which built empires all over the world, and then in 1958, through the signing of the Treaty of Rome, they began this process of thinking about bringing Europe together. Mr. Speaker, from 1958 to now is 33 years, and it has taken the European states 33 years to build a single market economy from the time of conception, from 1958, to the present time.

So 17 is almost half of 33. When you think where we will reach in 1994, notwithstanding that it is two years after 1992, but it is 21 years compared to 33 years taken by these large countries, which command tremendous resources, and which have tremendous political as well as economic power in the world and which are economies that are not likely to be devastated in the way that we can be

if we are not careful in the process of managing the economy in its relations with other entities in the globe.

Mr. Speaker, I would say that one should not glibly indicate that Caricom has not done as well as it should. Perhaps it has not. But we have done fairly well in terms of what we have been able to achieve. If we can, in fact, achieve that single market economy, if we can move these economies closer together—

Mrs. Donawa-McDavidson: Mr. Speaker, is the hon. Member for Caroni East agreeing with what was indicated in 1970, when we talked about the importance of the reconstruction of the entire society, the need for economic development? Is he agreeing with that new perspective?

Dr. Tewarie: Well, I know the context within which the perspectives for the new society were developed after 1970, but what I am acknowledging is that the contribution made prior to 1986, is valid, that the process slowed down for the five years or so between, I would say, 1980 and 1986, and that the process was speeded up from 1987, when we brought a number of new initiatives, including the CET and so forth, and tried to speed up the process of deepening and widening, because we had such a sense of urgency of the world going at such a fast pace, and the Caribbean simply remaining behind. We knew that the Trinidad and Tobago economy was a critical element, a pivot, in the whole process of developing the Caribbean region. So I acknowledge the contributions prior to 1986, but that is not to underestimate the significant contributions made after that period. After all, it is a collective contribution of the governments of the region working together with the various sectors to try and achieve something for the people of the region.

Now, what we need to acknowledge, it seems to me, Mr. Speaker, is the political will which now exists in Caricom, and not the least of which, I think, was infused because of initiatives taken by Trinidad and Tobago, and the last such initiative really was the regional conference that was held here. It was not a Heads of Governments Conference, but it was an attempt to bring together several sectors: the NGOs, the trade unions, the private sector, governments—bring them to Trinidad and Tobago from all over the region, to sit and talk about important and pertinent issues. This is what we need to do more and more; more than that, to get action and implementation out of the discussions with a sense of urgency and with the speed that is required.

The Member for St. Augustine also raised an issue that warrants some comment. It is in respect of the Caricom integration movement itself—no, I think I lost my point here.

Mr. Panday: That is when you do not believe in what you are saying.

Dr. Tewarie: I just lost the page, Member for Couva North.

Mr. Panday: That is not true. You see, when you do not believe in anything you can get up and say anything any time.

Dr. Tewarie: The hon. Member for Couva North is the master of that.

Mr. Panday: I do not lose my page at all.

Dr. Tewarie: I move on from the Member for St. Augustine to the Member for Oropouche. He raised the issue that it is necessary that the enterprise regime be complemented by a regime of fiscal incentives in Caricom. I think that the Member for Oropouche has a point. I wish to inform him, however, that this matter of fiscal incentives is currently receiving attention by the Caricom Secretariat, because we also see, collectively, the wisdom of such a point of view and of these incentives.

As a matter of fact, at the 12th meeting of the Heads of Governments Conference held in St. Kitts/Nevis in July, 1991, that meeting urged member states to submit their comments on the harmonization of fiscal incentives to the Secretariat. Clearly, that is the key. You cannot be moving to a single market, a single economy; you cannot be moving to a region that is seeking to deal with tourism jointly, regionally, to deal with investment jointly, to set up foreign policy in which there is collaboration and so forth; you cannot have all of that if there is not harmonization of the fiscal incentives, so that the incentives to invest in any one country approximates, or is equal to, the incentives that are available in another country. Therefore, what will determine the choice of venue is, in fact, the appropriateness of that venue for the particular investment that is taking place.

Trinidad and Tobago has, indeed, finalized its position on this scheme, and we would be submitting to the Caricom Secretariat for finalization, our proposals at a special meeting of the Council to be held in the next few weeks in Guyana. The harmonization of fiscal incentives is yet another instrument which I have mentioned before, along with the CET and the Rules of Origin, and now the Caricom Enterprise Regime which all are part of a general package to take us to 1994, and the single market economy. These four instruments, seek to strengthen and deepen

the integration efforts in the region, so as to accelerate production and trade among member States, and more importantly, to attract foreign investment and to maintain sustainable growth and development in the region.

On the question of the free movement of labour, the free movement of capital and goods, which was raised here by hon. Members, I wish to inform them—and it is important for them to know—that decisions have already been taken by the Heads of Governments Conference at the several meetings, and these have been concretized through the Regional Economic Conference and the West Indian Commission.

The following recommendations are to be pursued:

- (1) that strategies for economic survival and growth be pursued within the framework of a sustainable development model in which human, social, economic and environmental considerations are integrated and reconciled as follows:
 - (a) assignment of the highest priority to human resource development;
 - (b) preservation and enhancement of the democratic traditions and processes, especially through the consultative involvement of all the social partners in policy formulation and implementation;
 - (c) outward-looking development strategies alongside measures to enhance the autonomous sources of growth; and
 - (d) enlargement and deepening of regional co-operative arrangements with strong outreach to the wider Caribbean, to Latin America and to the hemisphere as a whole, building on gains already made in collective endeavours with other regions.

The Heads of Governments, Mr. Speaker, have also accepted the Commission's recommendations for immediate action on the process of implementation within the common market in six areas. These six areas are pertinent to the issues raised, that is to say, the movement of labour, capital and goods. The immediate action on the following:

- (a) travelling in the region;
- (b) free movement of skills;
- (c) steps towards a common currency;

- (d) enlarging investment;
- (e) creating the Caricom single market;
- (f) mobilizing for international negotiations.

Now, clearly, what the West Indian Commission is involved in here, Mr. Speaker, is—and again, this was on the initiative of the Government of Trinidad and Tobago—and on the initiative of our Heads of Governments in Caricom, and the establishment of the West Indian Commission was seen as the creation of an instrument which brought together some highly respected people from the region, such as, for instance, our own Governor of the Central Bank, Mr. Demas, Sir Shridath Ramphal, and a number of other people; were brought together as a means of creating a mechanism for speeding up a process which we saw as proceeding at too slow a rate. Their recommendations in these six areas: the mobilization for international negotiations; the creation of the Caricom single market, enlarging investment; steps towards a common currency; free movement of skills; travel within the region, all of these things have been undertaken by various Heads of Governments as part of their portfolio within Caricom to deal with these particular matters so at the next Heads of Governments Conference we can advance the game and intensify the process towards a single market economy anticipated by 1994.

We have seen the countries of Caricom co-operating on many of these. Co-operation is required, of course, to create the single market in the international negotiations involving Caricom and the United States, for instance, over the enterprise of the Americas. That has been done jointly, rather than by individual countries. The issue of a common currency, which could help to solve problems, as emerged in the case of exports from Trinidad and Tobago to Jamaica; that is being studied by the Government of Trinidad and Tobago on behalf of Caricom. Then the free movement of skills, travelling in the region, obviously, positions are going to be taken, and these things are going to be implemented, probably on a phased basis over a certain period.

Now, with specific reference to the creation of a single market and a single economy, the following decisions have already been taken: The Caricom single market and economy will be based on the free movement of goods, services, capital and labour, with supporting monetary, fiscal and economic policies. Clearly, what Caricom and the heads and the ministers and, in fact, the governments

envisage is a comprehensive package that will make Caricom a viable entity and a viable enterprise in its own right.

For the single economy, there will be additional harmonization of economic policies to provide for a higher degree of production integration.

Thirdly, the common market focussed primarily on trade liberalization. The single market economy will focus on the provision of a supportive base for the integration of production, more efficient allocation of resources and, therefore, more competitive production for all markets. These would be facilitated through the free movement of labour and capital.

With respect to the single economy, the following measures will be applicable:

- (1) monetary policies which are *inter alia* to facilitate the free movement of the capital investment resources necessary to finance development;
- (2) co-ordinated, harmonized fiscal policies to support the monetary instruments, thereby making them more effective;
- (3) mutually consistent macro-economic policies to underpin monetary policies and to provide support for the development process.

Now, clearly, you are dealing here with how to achieve something, and what is the process that one sets in train, that will allow for the achievement of that objective or that goal. If you simply say, "Look, this is what we want to achieve, and we have to achieve it by such and such a date", and you leave it to the countries themselves to achieve that, it will never happen. The role of Caricom, over these last two or three years, has really been to try to identify the means whereby you get to that end objective. Therefore, this is what each country is required to do individually, as countries with their own individual economies. More than that, this is what they are required to do within the region in relation to each other, so that there can be some integration, so that there can be some collaboration, and by working out the arrangement this way, we eventually can achieve our objective. All these things are critical elements; monetary policies, which facilitate the free movement of capital and investment. We are seeing that they have become absolutely necessary.

When you talk about trading stocks and shares across borders, obviously, you have to facilitate the free movement of capital in that way. It is already happening. Some people are complaining that more of the money from one place is going to

Caricom Enterprises Bill
[HON. B. TEWARIE]

Friday, September 27, 1991

one country rather than money from other places going to that country and so forth. These are problems that will inevitably emerge. As you create a system in which capital simply follows, where capital gains are best to be realized, you will find that some economies within the region are going to become stronger than others. That is a reality. But, if that is a reality, that means that there are concerns on the part of certain economies, especially the smaller economies. Then there is the politics, therefore, that is required to put all of these things in place now to achieve the end objective. So it is a very difficult process; it is a thought-provoking process, but it is a process that demands time and energy, a good deal of diplomacy, much negotiation. It also demands the optimum commitment to the end objective if we are to see this thing finally come through.

We deal finally with the mutually consistent macro-economic policies. Again, these are part of our package. If we are going to take the region as a single economy, clearly, there must be some rational approach to what Trinidad and Tobago is doing and how it complements what is happening in Jamaica and what is happening in Barbados and St. Kitts/Nevis, and so forth. Unless there is complementarity the single market economy will remain a concept only. The reality will not reflect what the concept is supposed to achieve. Therefore, this business of a mutually consistent macro-economic policy is something that is critical in the process. That is why many economies now—Barbados being the latest example—have had to strive to achieve this objective of trying to deal with internal difficulties to bring the economy in line, so to speak. So that when you are dealing on an even plane, regardless of which Caricom country you are dealing with within the region—

Mr. Speaker: Your time has expired.

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

Question put and agreed to.

Dr. Tewarie: Thank you, very much, Mr. Speaker, and thank you very much, hon. Member for Chaguanas.

The Leader of the Opposition and Member for Couva North raised, basically, two issues, namely: The question of a new economic model based on widening the integration movement or integrating into a larger economic bloc; and, secondly, the question of the free movement of capital, labour, and goods.

3.15 p.m.

With respect to question one, since the inception of the Caribbean Community and Common Market, various non-Caricom countries in the Caribbean have, at various times, expressed interest in obtaining formal relationship of one kind or another with Caricom. So that is the first thing we need to take into account, which is, from the time you had the notion of the English-speaking Caribbean coming together as an economic entity or for economic purposes, there was always the interest of other non-English-speaking Caribbean countries in what we were doing.

So far the response of the Community has been to grant observer status to a number of ministerial bodies of countries such as the Dominican Republic, Haiti, Suriname and the Netherlands Antilles. In addition, there has been established between Caricom and each of those three countries, a mechanism known as the joint technical group for the purpose of identifying possible programmes of co-operation, particularly in the area of trade. So that what has been done is that they have been brought in but not fully; and secondly, Caricom has acted in concert in setting up what you might call bilateral arrangements—Caricom acting as one entity—with each of these countries.

Within the last four years, however, there has been a marked intensification of interest on the part of non-Caricom Caribbean countries in obtaining or upgrading formal relationship with the Community. In some cases, this interest has been signified by the submission of formal applications to the Community, which officially request membership or some other form of relationship with the Community. Who are some of these countries? They have been Anguilla, British Virgin Islands, the Dominican Republic, Turks and Caicos Islands. Others have been intimating some degree of interest through approaches to the Caricom Secretariat or through various public pronouncements. Altogether, it would seem that the range and the variety of countries interested in joining or establishing some kind of association or arrangement with Caricom means that there is a good deal of interest in Caricom outside of Caricom. When this is happening, clearly one needs to think about what is the meaning and what are the implications of these intentions. Clearly, one has to think these through and determine what is in it for Caricom and how it will enhance the objectives of Caricom.

As I said, countries have been asking for different levels of relationship and that again is another question. Clearly, some countries want to be present to at

least be aware of what is the thinking in Caricom and what is happening in Caricom, what Caricom is thinking about these global matters that most of these countries are involved with of necessity now and, therefore, how Caricom thoughts and Caricom approaches may impact upon their own countries or their own interests.

The range of countries in the Caribbean area which are expressing interest in Caricom, some of them explicitly and formally, others implicitly or informally, or those countries which might be expected to express interest in due course, can be divided into about five categories and each of these categories requires a specific, well-thought out response from Caricom. The first group of countries are the constitutionally independent countries in the region. But these countries are also geographically or geopolitically within the ambit of the Caribbean Basin. This group includes Cuba, the Dominican Republic, Haiti and Suriname.

Among these countries the present position is as follows: the Dominican Republic, Haiti and Suriname have each been granted observer status with a number of ministerial bodies of the Community and a joint technical group established between Caricom and each country. Of these, the country that has been exercising most frequently and fully, the observer status conferred, is Suriname. But there have been from time to time special initiatives on the part of both Haiti and the Dominican Republic.

The Dominican Republic has submitted a formal application now for membership of the Community. Also, the Republic of Cuba, primarily through its Ambassador in Guyana and high-level Cuban officials visiting Guyana, has requested and held several exploratory discussions with the Secretariat over the last six years on the scope for co-operation between Cuba and Caricom. During the last such audience requested by the Cuban Ambassador and granted by the Secretary General, it was intimated that Cuba might submit for Caricom's consideration, a draft of the suggested Cuba/Caricom agreement in the field of education and training. So that Cuba is taking the approach that has been established as a precedent by Caricom with Haiti, with Suriname and with the Dominican Republic.

The second category of countries that have an interest in what is happening with Caricom are the colonial dependencies. These are entities such as Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Netherlands Antilles, Turks and Caicos Islands and so forth. The following are the current indications of

interest in Caricom from among these countries and the general status of the current relations with Caricom.

Anguilla, the British Virgin Islands and the Turks and Caicos Islands have signified their wish for an appropriate form of membership. They want to come in, but they are not fully independent countries so that the nature of their status needs to be determined.

The Netherlands Antilles applied for observer status in certain ministerial bodies and the conference approved the granting to that country, a formal observer status with six such bodies. So now they are in on a collaborative basis with specific interest in mind.

Then the convention has become fairly well-established with the non-Caricom English-speaking dependencies being regularly invited as observers to meetings of those ministerial bodies, specifically health ministers and labour ministers, which functioned with their participation before the establishment of Caricom. These countries also participate from time to time in certain activities organized by Caricom such as training workshops and seminars.

In addition to the constitutionally independent countries and these colonial dependencies, there are the United States territories such as Puerto Rico and the United States Virgin Islands. The present position with respect to this group is that urgent requests for exploratory discussions and possibilities for formal discussions with Caricom have been directed to the Secretariat from senior levels in the Puerto Rican government.

The Puerto Rican government is in fact intensifying its interests and activities in Caricom or in relation to Caricom. One of the major initiatives had to do with finance, investment and economics; it had to do with the 936 Funds that were made available through an arrangement between the United States government, the Puerto Rican government and which, in fact, has financed a number of projects throughout the region and certainly in Trinidad and Tobago. But, there have been other major initiatives. What is happening is that any country whatsoever with a beachhead located anywhere within the Caribbean region is now taking the position that it wants a place within the Caricom Community and wants to be part of the decision-making in Caricom affairs. That should tell us something about the geopolitics and about the value and the significance of the Caribbean in the geopolitics of the Western hemisphere and in the geopolitics of the global order.

3.25 p.m.

In the enterprise of the Americas, it is not the United States alone that is involved; it is the United States, the European Community and Japan. If they are, as they indicate, willing to pump \$300 million into that initiative, you are talking about \$100 million from the United States; \$100 million from the European Community and \$100 million from Japan. If they are coming here to pump that money into Latin America and the Caribbean; if at all, they are willing to make that commitment, they are not doing that unless they understand the value of the Caribbean and the region and regional economic and political development to their own economies and their own politics across the globe.

It is very instructive to see the world from a Caribbean standpoint, rather than to see the world simply from a world moving into a certain global order and you have to fit yourself in place. I think that is where the Leader of the Opposition and myself differ in terms of perspective. It is one thing to see the global order evolving and worry about the fact that you are going to be left back in the process; and that Caricom is moving too slow that the economies are not strong enough; and that you have to tie yourself into something larger, and more significant, in order to assure yourself security in the future. I have no doubt that is his intention.

It is another thing, however, to see the geopolitical significance of your location in the Western hemisphere, in a situation, in which you have the economies of Canada, the United States and Mexico coming together in a certain way; in which you have arrangements with Latin American countries of a certain kind; in which you have arrangements between these countries and the United States, or larger blocs, or in terms of the enterprise of the Americas, as the case might be, and in which all of the Western hemisphere is looking to see how they can enter Europe, beyond the Western hemisphere and elsewhere, but in which also, Japan and Europe are seeking to enter—not Europe and the Far East, but the Western hemisphere, because that is the beachhead they wish to enter.

Mr. Palackdharrysingh: Would the Member agree, though that in our approach to the geopolitical system in the Caribbean, the terms of trade will continue to worsen; and that the longer the Caribbean takes for integration, in terms of a single economy, the terms of trade would have worsened so much that our social conditions would have deteriorated to the point where we will never catch up at all?

Dr. Tewarie: No. I share his concerns, that is to say again, that the world is moving so fast; we are taking so long; we are not organizing our business and we would simply be left with many poor people looking after tourists who come here to spend a few dollars and so forth. That is my concern too, and that is the concern of this Government. But how do you deal with that? You can only deal with that, first of all, by developing your own national economy as, in fact, we are doing; with the base of resource that is strongest for you.

Secondly, you can only do that, within any individual economy, by freeing up national enterprise, which we are seeking to do; and by transferring that throughout the region into a single market economy, such as Caricom, and hope that the process will be speeded up. In the world of the global economy that you are talking about, it can only be done if you mobilize savings at home; increase investment at home; win loans from abroad, but also bring investment from abroad. With that interactive process, you also bring technology and markets with you, which would speed up the development process, not only in Trinidad and Tobago, but in the entire Caricom region.

That is what we are moving towards. It is the only way that you can save this part of the world. There is no solution to the problem other than a quick pace of development that allows enough flexibility to a changing order—because technology is changing all the time—and to develop the capability to deal with that technology and to get enough of a slice of the market to feed 5.5 million people. That is the job that is required.

Mrs. Donawa-McDavidson: Would the Minister not say that parallel to all this, that the approach by Cuba of training, workshops and seminars, where the people are concerned, can assist? If you run ahead of the people, then the problem is only going to be difficult.

Dr. Tewarie: I have no problem with any collaborative arrangement with Cuba. As far as I am concerned, Cuba is a Caribbean country and is a Caribbean problem, and is going to become a hemispheric problem and the Caribbean might as well be involved in it.

Mrs. Donawa-McDavidson: What I am saying is that alongside with whatever the Government does, even at this time, there should be the workshops, the training programmes, the seminars, so that the people themselves would be prepared.

Dr. Tewarie: I agree with you. We have done a good deal, but I think much more has to be focussed on training and the upgrading of skills in all of these Caricom economies; and Trinidad and Tobago is not exempt from that. We have many skills here but we need to upgrade the skills. In my own constituency people come to me, they want jobs; I ask them what is their skill; they tell me that they are labourers. I say, "Boy, a labourer is not a skill." That is a problem throughout the region.

Mrs. Donawa-McDavidson: I do not think the Minister is following my point, Mr. Speaker. I am following all that. I am talking about the people; just the average person.

Dr. Tewarie: It is average people I am talking about, labourers.

Mrs. Donawa-McDavidson: No. You are missing the point. I am not talking about the preparedness or participation. I am talking about getting the people's awareness; educating. I recall that when—

Dr. Tewarie: Sensitizing, you mean.

Mrs. Donawa-McDavidson: That is what I am saying. You have to do this otherwise we would be running at one pace and then the people would be behind and that would make it extremely difficult.

Dr. Tewarie: The point is well taken and I agree with you. Yes, you need to sensitize your population and carry them with you, as you go.

Besides the United States' territories, you have the French departments comprising, Cayenne, Martinique and Guadeloupe. I would not deal with their status because I will exceed the 10 minutes or so that I have. Then the fifth category is the major mainland territories of Latin America. This, of course, includes Mexico, which already has a formal co-operation agreement with Caricom under which a Mexico/Caricom Joint Commission meets from time to time to explore and identify possibilities for co-operation between the two areas.

A second country, Venezuela, has already proposed to Caricom, a free-trade arrangement, one way; that is, they receive the exports of Caricom. In recent discussions between our technicians from Trinidad and Tobago and technicians from Venezuela, it has come out that it is in the interest of the Venezuelan Government to make this a model agreement among developing countries, so that it will set the pattern, in terms of global arrangements and global trade in the new

order. No doubt, and from our point of view, we hope that such an agreement will have some influence on the kinds of things that we can determine in relation to the enterprise of the Americas initiatives. Because one of the things we want with the enterprise of the Americas initiative is one-way free trade for a significant period of time because we cannot compete with the United States and Caricom functioning as if they were equal entities with equal enterprises. That cannot work. Our position is that we want one-way free trade for a significant period of time and as we develop ourselves, we can deal with the other matters and adjust to suit.

Besides this free-trade arrangement initiated by Venezuela, as an offer to Caricom, and now in its discussion stages, I want to say that Venezuela has expressed interest in joining Caricom, full scale. I have no doubt that one of these days, Mexico is going to send in an application. So that the Caribbean region is a vital life source to Western hemisphere interest.

Now, on the question of integration and trading arrangements with industrialized countries—the hon. Member for Couva North raised that point—that is to say, in terms of taking Trinidad and Tobago elsewhere—that one must in the first instance, recognize what causes integration among those countries. The question of Canada, and now Mexico, joining the US, was a manifestation based obviously on an initiative by the United States. Only time and an evolving trading relationship is going to make this a reality.

When one considers that Canada and the US generate the largest volume of bilateral trades which amounted to \$123.5 billion between them in 1985; and that the US trades more with the province of Ontario alone, than she does with Japan, it is not just because of proximity, it has to do with realities. You cannot throw Trinidad and Tobago in that just so. In any case, who told you they want us?

Now, the other thing is that 78 per cent of Canada's exports go to the US and 71 per cent of Canada's imports are from the US. This alone is evidence of the trade agreement already in place. They already have a trade agreement; they are only making it firmer. They are organizing it a little better; they are integrating it a little better and the situation between Canada and the United States is just like the situation between Trinidad and Tobago and Barbados or Jamaica or anywhere else in the Caribbean, because these are our neighbours and Canada and the United States are neighbours.

Caricom Enterprises Bill
[HON. B. TEWARIE]

Friday, September 27, 1991

Additionally, population alone—250 million for the US; 26 million for Canada—has increased the market share between themselves. Obviously, Canada has gotten an automatically larger market than it could ever have in Canada. In the case of Mexico, with a population of 86 million—the US longstanding interest with Mexico, coupled with the recent changes in the Mexican economy through liberalization and political stability, have created an avenue for trade agreements. The US is Mexico's largest trading partner. One other important factor is reflected in US pragmatism because it is responding to profound changes in the global economy by the increasing dominance of Japan and economic integration in Europe and the presence of Japan and Europe in Mexico.

3.35 p.m.

One of the issues here which is relevant is proximity. They share borders; more than that, there are many US firms. In Mexico, there is cheap labour; a big export market in the United States; half of the United States is going to speak Spanish just now. That is the reality. They are going to get skills as the technology is applied. Things do not happen overnight. You have to determine whether you are going to learn your technology in school, in a book, or whether you are going to learn your technology in the factory and earn a living in the process.

The world is not pure as you all think. You are making a terrible mistake about the condition of the world. You have to determine how you are going to apply technology to your own individual advancement and to the collective advancement of your country. There is no escaping that; you have to deal with it. Do you know that in the United States, by the year 2050, there will be more non-white people than white people? The whole demography of the United States is going to change; the whole power structure is going to change.

Hon. Member: Why is that so?

Dr. Tewarie: The facts of life; the rate of growth; the pace of change; the advancement of technology; the shifting of population; immigration policies; all of those things; we have to deal with that because when we are not here, our children will have to deal with that reality. This is a serious matter. More than half the population is going to be non-Caucasian. It is as simple as that. The main language may not be English, because you have all of Latin America down the road. Have you ever tried to speak English in Miami?

To wind up, the point I am making is that it is reasonable for Trinidad and Tobago and the Caricom region to explore all of its options. Nothing is wrong with that and it is important to generate debate; but when we generate debate, I think we need to locate ourselves, first of all, in terms of our own context here in the Caricom and the developments we have had over the years and secondly, the context of other entities with which we wish to engage. More than that, we have to locate this within the regional context; the wider hemispherical context and the global context. We have to make a very clinical and pragmatic assessment about where our best opportunities lie for development, and for purposeful activity which we must build here in Trinidad and Tobago for a number of generations of people.

It is my considered opinion that if Trinidad and Tobago is to face the world as an equal partner—in my view we have the capacity to be a First World country in a short period of time, if we commit our people to the task of development; we have the resources; the people; the size; the skills and the location for it. In this Government, we have the political will and commitment to achieve that. As a consequence, I believe that our best hope lies in playing a major, co-operative, collaborative and unifying role in Caricom and using Caricom as the basis for widening and deepening our relationship with the rest of the region, including Latin America, Central and North America. I believe the faster we can take ourselves to the point where we can become a First World country, capable of competing, contributing and pulling along the rest of Caricom, the better would be the chances of the Caribbean people living in dignity and of having food, clothing and shelter and being able, as well, to share in the opportunities which are going to be available in the 21st century.

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.

Clauses 1 to 8 ordered to stand part of the bill.

Schedule ordered to stand part of the bill.

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

House resumed.

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

TELECOMMUNICATIONS AUTHORITY BILL

Order for second reading read.

The Minister in the Office of the Prime Minister (Sen. The Hon. Horace Broomes): Mr. Speaker, I beg to move:

That a bill to provide for the establishment and incorporation of the Trinidad and Tobago Telecommunications Authority and for the regulation of telecommunications services operating in Trinidad and Tobago or on any ship, aircraft, vessel or other contrivance registered in Trinidad and Tobago and for the regulation of the use of apparatus in telecommunications service and for related purposes, be read a second time.

Mr. Speaker, I am very grateful for this opportunity to address this honourable House for the first time. I am especially pleased, since I am here to pilot a bill which stands in the name of the honourable and distinguished Prime Minister.

Seventy-four years ago, when the convulsions of that era occurred in what came to be known as the Soviet Union, it took hours before the events, in what later became Red Square, came to the attention of the people of what we might call today, that erstwhile and massive country. It took days before the world learnt of the carnage in Moscow. Weeks went by before pictures reached the press outside, first appearing, I think, in the illustrative *London News*.

By contrast, we sat in our homes yesterday and saw unfolding before our very eyes, this era's turmoil in Moscow, Leningrad, Estonia and Latvia. This symbolizes, graphically, the impressive power of television which itself is but one manifestation of the awesome power of telecommunications.

3.45

There is arguably no better way to invite the attention of this honourable House to the importance of this bill than by calling in aid the immediacy of the communication of the drama of recent events in what used to be communism's mecca.

The level of sophistication of telecommunications technology today inspires the scientists themselves with awe. Yet, each dawn seems to herald even higher levels of such sophistication. Such is the reality of the world in which we live today. It is a reality in the face of which we must, perforce, work with the rest of the modern world constantly to design and redesign the rules by which we live. Yet, as I pointed out in the other place when I had the honour to introduce this bill there, the only remotely relevant legislation at present on the statute books of

Trinidad and Tobago is the Wireless Telegraphy Ordinance, Chap. 36:02, which was enacted in 1936, a year belonging to another epoch altogether.

But Trinidad and Tobago became a member of the International Telecommunications Union in 1967 and as a member, has an obligation under Article 27 of the Union's constitution and elsewhere to "regulate the use of its airwaves" so as to ensure and safeguard "the rapid and uninterrupted exchange of international telecommunications", and also to establish an appropriate body with responsibility to exercise this function.

In keeping with this responsibility, this Government, in June 1987 appointed a task force to study the matter of the use of the airwaves, having particular regard to the constantly advancing technology. The work of this body resulted in the publication in August, 1987 of a White Paper which recommended the establishment of a Telecommunications Authority. Our citizens, including hon. Members, who have taken the trouble to read this White Paper, will recall that it contains the outlines of a Telecommunications Authority Bill and the outlines of a Broadcast Code.

In undertaking in this way its obligation under the international convention, this forward-looking Government of Trinidad and Tobago was fulfilling also a precise commitment made in the manifesto of our party, the National Alliance for Reconstruction, when it successfully offered itself to the people of the Republic of Trinidad and Tobago as the only political party equipped to lead the country out of the era of darkness into the 21st century.

This manifesto, as all hon. Members are well aware, is a widely known and widely quoted document. It suffices, therefore, merely to refer hon. Members to the relevant part of this document. Our commitment is clearly outlined at page 47 and the pages following. There, it is said in part:

"The NAR will consider the establishment of a National Communications Authority to—

- a. Issue and monitor broadcast frequencies.
- b. Ensure the improvement in broadcast content.
- c. Encourage to the maximum localisation of transmitted material subject to the required standards.
- d. Support the industry to expand into an operation of high technology.

- e. Inform the public about advances made worldwide in the field of telecommunications.
- f. Make recommendations to update related laws."

The National Alliance for Reconstruction was touched by the plight of the people in the face of the indifference, and you might even say, the hostility, which at that time greeted the pleas of the people who were crying out for a more liberal attitude to broadcasting, for a freeing-up of the airwaves to bring an end to the oppressive situation then existing—a situation in which, since television had come to Trinidad and Tobago, no other station but the state-owned station had been granted a licence to operate.

But there is no point in paying lip-service to the idea of freedom of speech, if, with bewildering determination, you refuse to give licences for communication.

Fundamentally, the bill before this honourable House today provides for, as it is put in the preface to the White Paper itself, and I quote:

"Optimizing the telecommunications resources of Trinidad and Tobago in order to ensure maximum benefits to the citizens of the country, bearing in mind that communication infrastructures are of fundamental importance to the economic and social development of our people.

The establishment of a fully-staffed Authority, with technical expertise to supervise and regulate the use of the airwaves, with particular emphasis on the development and the use of new technology.

The Authority, with the cooperation of international Agencies to adopt a strategy for the communications industry, to move it into a high technology operation, with opportunities for local invention and experimentation."

As I indicated at the commencement of this presentation, our existing laws governing the use of the airwaves, such as they are, were enacted long ago and far away in 1936. At least since 1967 it has been the manifest obligation of the Government of Trinidad and Tobago to introduce our country to the modern era and provide it with streamlined legislation evincing sensitivity to the need for modernity in the type of attitude and the type of laws which govern the transmission of messages which themselves move at the speed of light. It has taken a modern forward-looking administration to understand these imperatives.

The worldwide telecommunications system is a highly regulated one complying with the International Telecommunications Union's standards and regulations. It is not without cause that the ITU is one of the oldest international institutions. Today,

with a membership of 166 states, it convenes regularly to develop new regulations to meet the rapidly changing requirements of the industry worldwide. It is in the interest of each country, therefore, to ensure the evolution of its telecommunications infrastructure in a manner such that it can co-exist and can be interfaced with this worldwide system at all times. For such a purpose, each Member state must, under the ITU Convention, establish, what the convention calls an "Administration" to implement the international agreements and regulations relative to telecommunications.

3.55 p.m.

Mr. Speaker, some member states of the ITU, (International Telecommunications Union) especially among the developing ones, have chosen the route of establishing as the administration, as the convention calls it, departments or divisions in government ministries responsible for telecommunications. However, in the more developed member states, the telecommunication infrastructure is not exclusively stated-owned and the administration is usually in its term a semi-independent or autonomous body with, of course, ultimate accountability to the state.

The present position in Trinidad and Tobago is that the telecommunications industry is governed, as I said before, by the Wireless Telegraphy Ordinance of 1936 and the administration, for purposes of implementation of the ITU Convention and regulations as well as for applying the national legislation, is the Telecommunications Division of the Prime Minister's Office. Mr. Speaker, this bill sets out to alter that position. Today, our national laws and regulations are entirely outdated and cannot adequately respond to the new technological advances and the modern telecommunication services that have been made available by these new advances. The expansion of the industry, especially in the area of the use of frequency spectrum resource, calls for adequate and updated laws and regulations.

The complete commitment of this modern forward-looking Government of Trinidad and Tobago to freedom of communication dictates that the regulatory body should, while obviously being ultimately answerable to the state, be semi-autonomous. This bill provides for a semi-autonomous administration geared to rapid response to the international as well as to the national developments in the field of telecommunications. Expansion and liberation of the industry have as a concomitant, an urgent need to examine and determine issues of policy, of regulations, of enhanced frequency management facilitated by updated legislation responsive to the modern challenges of this industry. The establishment of the

Trinidad and Tobago Telecommunications Authority as a semi-autonomous entity will help to meet this need. Nor are we, Mr. Speaker, heedless of the need for collaboration with our Caricom partners.

When the Heads of Governments of the Caribbean Community met in St. Lucia in July 1987, they considered and agreed upon the importance of telecommunications to the community as a whole. They recognized that international telecommunications decisions and trends in policy-making had direct bearing upon member states and upon the community as a whole. The heads therefore, mandated Ministers of Telecommunications to discuss these issues and to examine proposals for the establishment of a Caribbean Telecommunications Union to mirror in the region, the international body known as the International Telecommunications Union. But North American interest, at that time, had already, three years earlier, seen to the parturition of a Club, National Telecommunications Companies in the region, the purpose, I am told, being to assist the club to source its equipment through these interests to which I have referred.

Mr. Speaker, the epic poem, of the late great Chilean poet, Pablo Neruda, shows that this is not at all what Neruda might have liked, but the name of the club, nonetheless evokes the name of Neruda's epic.

Following a meeting of Caricom Transportation Ministers in September, 1987, in Barbados, when the issue of telecommunications next appeared on the regional agenda, Caricom telecommunications administrators met six times at the level of officials and three times at the ministerial level, underlining thereby, their recognition of the importance of telecommunications issues for our region.

In September, 1987, at the ministerial level, the community came to specific conclusions on a range of procedures for bringing the CTU, that is to say the Caricom Telecommunications Union, into being and for approaching international telecommunications on a regional basis.

A Caricom Telecommunications Seminar held in St. Kitts in March, 1988 advanced work in relation to the CTU by laying the groundwork for increasing the interchange of telecommunications information among decision-makers in member states, with regard to policy, strategy, international conferences and the implications of rapid technological change.

Through its effective leadership role, this Government was able to persuade regional decision-makers to site the headquarters of the Caribbean Telecommunications Union in Port of Spain and it is now functioning here.

Mr. Speaker, the International Telecommunications Community has widely applauded this move, and the CTU, will in time undoubtedly prove to be a formidable Caricom organization, having as it does at present, a citizen of this country at its helm as its first Secretary-General, "Mr. Good friend", Secretary-General, Deoraj Ramnarine.

Mr. Speaker, this is a convenient juncture at which to make specific reference to telephones. In 1990 Government completed its restructuring programme of the external and internal telecommunications entities which entailed the location of an international partner, Cable and Wireless, and the merging of Telco and Textel into one company, Telecommunications Services of Trinidad and Tobago Limited, now popularly known as TSTT.

4.05 p.m.

The purpose of the merger, Mr. Speaker, was to establish a modern, viable telecommunications company that would take the development of this important industry into the next century. The structure of ownership, both in terms of the local/foreign and the public sector/private sector content, has been altered with the sale of 49 per cent of the shares in the state-owned Telco. As a result of the divestment of shares, there is now a greater foreign private-sector participation in the industry.

From this development, Mr. Speaker, TSTT has already begun to produce tangible benefits for this country. The company has been able to make a substantial investment in new technology, for example, in the cellular telephone, the fruits of which will be there to behold in the very near future.

Perhaps of some immediate importance, as well, Mr. Speaker, is the fact that the company has been able to reduce its rates on certain services, as I think hon. Members are all aware.

The company has completed work on its teleport facility at Point Lisas, which will provide enhanced services to our population.

Mr. Speaker, some remarks on the broadcasting sector would now be appropriate. As I have already recalled, the NAR in its manifesto gave a

commitment to the nation to open up the broadcast industry. Obviously, "opening up" does not imply a free for all, or a *laissez-faire* approach to the very important business of telecommunications development.

The broadcast spectrum, Mr. Speaker, is not infinite, and international protocols must be observed, as I have stressed before. Taking these factors into account, Government appointed a committee to consider applications for radio, television and cable licences, and this committee chaired by Edward Beckles, who is also chairman of the Public Utilities Commission, after establishing its terms of reference, did a commendable job in assessing the applications received. Although it might be slightly tedious, I believe that it is important that I should read into the records a statement of the manner in which the applications were treated.

The methodology used included a precise form of invitation to all applicants, and the greatest care was taken in evaluating these applications. Any information communicated to an applicant by the committee in whatever circumstances, was soon thereafter communicated to all other applicants, whether by meeting with all applicants together, or by mailing the information to each applicant. Detailed technical evaluation of the information submitted in the applications was undertaken by the staff of the Telecommunications Division of the Prime Minister's Office. No applicant could alter his application after it had been submitted to the committee. The technical viability of the applications was evaluated on the basis of an assessment of the ability of the proposed equipment to provide the specified signal strength over the coverage area defined in the application. The completeness of the list of equipment required to fully equip the system described in the application was also taken into account in the evaluation.

Financial viability was evaluated on the basis of the reasonableness of the applicant's estimate of the local market size, the percentage of the market which he needed to capture to cover his costs and his estimates of his operating costs based on their manpower, material and financial components.

It was found that the material input prices for similar systems submitted in the majority of applications compared closely with one another, whether provided by local or foreign suppliers. Material input prices, which were either substantially above or substantially below these median prices, stood to be regarded as probably unrealistic. Subsequently, Government, in 1990, granted some 23 broadcast licences to individuals and companies for the establishment of new broadcasting stations, including radio, conventional television and cable television.

Mr. Speaker, it is common knowledge now that since then, two new radio stations have come onto the air, while a further two are expected to go onto the air later this year. One new TV station commenced operation in recent weeks, and another is now in an advanced stage of preparation, and should be on the air in a matter of weeks. Further, two cable TV operators are expected to be in business by year's end.

From the development of the telecommunications industry, Mr. Speaker, many visible benefits would be derived. These include:

- (a) increased employment;
- (b) enhancement of opportunities for outstanding native talents and creativity;
- (c) the realization of prospects for converting the industry into an export-oriented one.

Perhaps, Mr. Speaker, I should tarry a while on the matter of job creation. This is obviously one of the most important immediate spin-offs of issuing these new broadcast licences.

As part of its commitment to generating new, productive employment, Government had looked at all areas of the economy, and as it became clear that the opportunities were there in the enhanced broadcast sector, Government was pleased to take the action that had been envisaged in the manifesto of the NAR.

I am reliably informed that more than 60 new jobs have been created in the broadcast sector in the last three or four months, and as more new broadcast entities go on the air, this number will obviously grow—I am advised to, perhaps, as high as 300 by the end of the year. The employment prospects are even brighter when we consider the potential for new jobs in the video production industry, the advertising industry, the graphic art supplies industry, the music industry. I could go on and on, making reference to the possibilities in spin-off and related industries.

Central to all of this is the obvious role of our own creative people, creating our own programming material, creating home-grown advertisements of class, creating all sorts of imaginative new programmes. The scope for the enormous talents so often and so constantly displayed by our people is, indeed, very impressive.

Mr. Speaker, the foregoing represents the background against which this bill is being brought to this honourable House today. I am advised that over the past 15 years, or so, various draft bills were prepared in recognition of the need for modern telecommunications legislation, prepared, no doubt, in moments of relative lucidity. However, for one reason or another, it appears, these attempts to take action to meet this fundamental need proved barren, and bore no fruit. The present Government, through the NAR manifesto, had given the undertaking to deal with this issue.

Mrs. Donawa-McDavidson: Mr. Speaker, may I ask the hon. Senator a question? Would he indicate to us whether the research over the last 15 years did in any way assist in the conclusion of this bit of legislation here today?

Sen. Broomes: Mr. Speaker, I am happy to advise the hon. Member that my information is that they did assist us in some small way.

The present Government, Mr. Speaker, through the NAR manifesto, had given the undertaking to deal with this issue, and in particular with releasing the telecommunications industry from bondage.

Having carried out the organization of the telephone industry, and more recently the opening up of the broadcast media, we have come now to the opportune moment to introduce this bill, to meet the needs for modern telecommunications legislation, and for an authority to implement updated regulations and to pursue the development of policy, guided always by the medium-term macro-economic framework and the White Paper on telecommunications.

The bill, Mr. Speaker, consists of the following parts dealing with the areas that I shall indicate as I go along:

Part I is preliminary and deals largely with descriptions on definitions;

Part II deals with the establishment and the functions and management provisions in respect of the Authority;

Part III deals with the grant of concessions, because stations will be operated on the basis of a grant of concessions;

Part IV deals with the licensing of telecommunications entities, equipment and systems;

Part V deals with the designation of telecommunications inspectors, because the bill will also make provision for the appointment of inspectors, in order to ensure that licences are being operated in accordance with their terms;

Part VI deals with the creation of offences and penalties in respect of contravention of the Act;

Part VII tackles the financial provisions for the Authority;

Part VIII deals with the staffing; and,

Part IX deals with general provisions for the functioning of the Authority.

Mr. Speaker, as hon. Members are no doubt aware, this bill comes from the other place, and hon. Members, I think, have printed copies incorporating the amendments that were made there. With your leave, Mr. Speaker, I should like to make a few comments on its provisions as they now stand.

Mr. Speaker, Part II provides for the establishment of a managerial board for the proposed Authority, to be appointed by the President after consultation with the Prime Minister and Leader of the Opposition. By amendment that went through in the other place, the proposed membership of the board was increased from seven to nine. In addition to those nine, Mr. Speaker, the director—because the bill also makes provision for the appointment of a director—will be an *ex officio* member of the board. Part II provides, also, for the terms of reference and functions of the board, which include policy formulation and implementation, promotion of telecommunications industry development, establishing standards and regulations, licensing of various services and equipment, advising Government at international and regional fora on telecommunications matters and the management of the frequency spectrum.

Part III provides for the granting of concessions for broadcasting, and what is known as public correspondence. It deals with the conditions to be laid down in respect of the grant of a concession, and establishes procedures to be followed in implementation of a concession. It provides that the concessionaire must submit to the Authority audited financial statements each year, so that the Authority can determine the fees payable, because the fees payable by concessionaires for their licences would be based on their turnover.

Provisions previously made in this part for the safeguard of telecommunications systems and of the security of the state against abuse arising

out of the grant of the concessions, were, by amendment, transferred to Part IX. These provisions, Mr. Speaker, attracted and survived considerable attention during the debate in the other place. They are essential to the successful implementation of the provisions of this bill.

Part IV provides for the granting of licences by the Authority for operating telecommunications equipment for the various services envisaged. It would also regulate the use of telecommunications and in particular radio communications equipment in the territorial waters of Trinidad and Tobago. It provides, too, for the licensing of manufacturers and dealers in telecommunications equipment. This part also gives the Authority power to deal with the matter of licence fees. It deals also with the conditions to be laid down for licences, including the penalties in cases of breach of the licensed conditions.

Part V, Mr. Speaker, provides for the designation of officers of the Authority to be inspectors. The role of these inspectors would be to ensure that concessions and licences issued by the Authority are implemented and maintained in accordance with the conditions and regulations of the concession or of the licence. It provides for inspectors to enter premises at all reasonable times in carrying out their duties, obtaining first a warrant issued by a magistrate.

Part VI provides for penalties for the contravention of the Act. It establishes offences such as the use of unauthorized frequencies which can cause harmful interference, transmitting false and deceptive messages and signals, and the damaging of telecommunications services.

Part VII, Mr. Speaker, provides for the sources of funding of the Authority. These include appropriation by Parliament, fees for services rendered, concession and licence fees, and sums borrowed with the approval of the Government. It treats, also, the purposes to which funds are to be applied.

In keeping with this Government's dedication to the principles of integrity and accountability, the Authority is required to submit to the Minister, annual audited financial statements, as well as annual reports which shall all be laid in Parliament.

Part VIII provides for the hiring by the Authority of staff that it deems necessary for the efficient performance of its functions. The staff of the present Telecommunications Division will go, at their option, on secondment to the Authority, with provision being made for them to return to the general public service within two years if they so desire.

Part IX, Mr. Speaker, makes certain general provisions and empowers the Authority to operate a monitoring station to verify whether a telecommunications service is operated in accordance with the Act. It empowers the director to take necessary steps to ensure that a service is operated in accordance with the licence or concession, and does not cause harmful interference. Apprehensions concerning monitoring led, in the other place, to an amendment proposed and accepted by the Minister which sought to clarify the monitoring function, the absence of which function would reduce the usefulness of regulations to next to nothing. Part IX, also authorizes the board to propose regulations for the purpose of giving effect to the provisions of this bill. It requires the Authority to produce, within a year, for parliamentary approval, a broadcasting code to regulate the operations of concessionaires of broadcasting services.

Now, let me emphasize, Mr. Speaker, that the nature of the code, is expected to be gleaned from a reading of the draft code which appears in the White Paper. That is the nature of the code. So that apprehensions about the nature of the code ought really to be quieted by an examination of the draft code, appearing in the White Paper.

Provision is made for the continuation of services granted under the present Wireless Telegraphy Ordinance and the licences granted to concessionaires for public correspondence and broadcasting services, until such time as their renewal becomes necessary.

Before I close, Mr. Speaker, may I indicate that I propose one or two very minor amendments at the committee stage and these will be circulated in good time.

Mr. Speaker, the bill before this honourable House, let it be noted, has received the near unanimous approbation of the other place where it underwent the most rigorous, the sternest examination by some of the better legal minds—and I say "better" in deference to my friend, the Leader of the Opposition—where there was only one abstention and not a single vote against. So I feel that, logically, only four Members of this honourable House may feel free not to vote.

Mr. Panday: Point of order, Mr. Speaker. I believe the rule is—and I forgive the hon. Senator, he is not accustomed to this House—that he must not make reference to the other House with a view to influencing this House. That is my understanding of the rules of the Standing Orders. He may make reference, but not with a view to influencing this House.

Mr. Toney: He is stating a fact, not trying to influence.

Sen. Broomes: Mr. Speaker, I merely stated how the vote went in the other place, and it did not occur to me that Members of this honourable House would not be aware of how the vote went in the other place. If any offence has been caused, I apologize, Mr. Speaker.

It is a bill which is clearly forward-looking in every respect. The Government of Trinidad and Tobago has been paid the highest compliment by some of our Caribbean neighbours, in that the governments of Jamaica, Grenada and Guyana have used it as a guide for the modernization of their own legislation. I hope this bit of information, Mr. Speaker, will not be seen as serving to influence the way in which hon. Members vote. I expect that the history of this bill, and its pedigree will render prolonged debate unnecessary. I commend it to this honourable House. Mr. Speaker, I beg to move.

Question proposed.

Mr. Speaker: The sitting is suspended for half an hour.

4.30 p.m.: *Sitting suspended.*

5.17 p.m.: *Sitting resumed.*

Mr. Basdeo Panday (Couva North): Mr. Speaker, first of all, let me congratulate the hon. Senator on his maiden speech in this House. Let me also congratulate him on his tremendous capacity for absorption both in a passive and in an active sense. Active in the sense that he has been able, in this short period he has been in the NAR, to absorb the contents of the manifesto to which he made reference.

Sen. Broomes: Mr. Speaker, I want to draw to the attention of the hon. Member that I was a contributor, in the background, to the writing of the manifesto and he does not know everything as he seems to think.

Mr. Panday: That is rather strange because I cannot remember seeing him either on the public platform or even in the audience when we were campaigning to put that party into power. The background may have been very far back in the room. I am congratulating him on his tremendous capacity for absorbing the manifesto and his capacity to be absorbed so readily into the NAR. I congratulate him for that capacity because I cannot recall seeing him either on the platform—
[Interruption]

Sen. Broomes: Mr. Speaker, I feel sure that if the hon. Member were to look at my party card, he might find that the number is lower than his because while he was still dithering and wondering whether he should become a member of the NAR or remain a member of some other party, I was already a member. The hon. Member would remember that if I had not been an active member for a long time, I would not have been down to the sugar factory in March, 1988, spending a whole day trying to persuade Club 88 and trying to put some sense in the head of the hon. Member without success. I chaired that meeting. How can he forget? How can he believe that if I was able to do that in March, 1988—

Mr. Speaker: Order please. I was pinching myself and trying to figure out whether the Member is an elected Member the way he is conducting himself. Will you proceed please. Let us talk about telecommunications.

Mr. Panday: Yes, but I must remind him that this party was formed in 1986. So when he talks about 1988, it was two years later. That is just my way of correction. I have never seen anyone resist congratulations like this.

I agree with him entirely with his reference to the fact that 74 years ago in Red Square, certain events took place and it took years before we knew about it, while the present crisis in Moscow is being seen in one's drawing room as it occurs.

I want to tell him that I agree with him also when he says that this is awesome power, the awesome power of telecommunication. It is precisely because that power is awesome that we must be careful into whose hands we put the exercise of that power. He has made exactly the right point, that this is awesome power. You do not put awesome power in the hands of people who are suspect; you do not put awesome power in the hands of people who have demonstrated an incapacity to use power; you do not put awesome power in the hands of people who are paranoid about power; people who see ghosts around every corner, and it is in that light that I would like to examine, very briefly, this bill.

I suggest that it is because of the awesome power—to use his own words—telecommunications, television and the body which will supervise the operations and the exercise of power being conferred by this bill should be established in a different way from the manner in which we have established powers previously.

The first thing to note is that the bill seeks to set up an Authority; it seeks to provide for the establishment and incorporation of a body to be known as the

Telecommunications Authority Bill
[MR. PANDAY]

Friday, September 27, 1991

Trinidad and Tobago Telecommunications Authority. That is the Authority—with the exception of one place where I see the Minister is involved—that is going to exercise the power under this bill. By clause 4 of the bill, it says that the Authority shall be managed by a management board comprising the chairman and eight members appointed by the President—that has been increased to nine I understand; numbers do not matter—after consultation with the Prime Minister and the Leader of the Opposition.

The first point to note is, this is a matter of such tremendous importance that it is not a matter merely for the Prime Minister and the Leader of the Opposition. As a matter of fact, our politics is evolving in a particular way that negates the pre-suppositions of clauses like this when it says that a body is to be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. It gives the impression that there is and always will be a two-party system in the House—*[Interruption]*—you better not pray for that to happen because you would not be the other party—where there is one party that controls the Government and another party that controls the Opposition. That is a pre-supposition and it is for that reason that you put into bills like this that they are to be appointed after consultation with the Prime Minister and the Leader of the Opposition. But in this House, as we have right now, there are people who are neither of the Government nor of the official Opposition. Their views are not heard and are not represented when the President consults the Prime Minister and the Leader of the Opposition. We have four Members who sit in the back and they are folks too. They were elected by the people, and they have a voice and they must have a say in these matters.

5.25 p.m.

The point I am making is that this is a matter which is too serious for us to appoint in the old method. You see how generous and kind I am? I am in this position and I consider every Member of this House to be equal, and have equal rights; but my friends in the back live in a syndrome like somebody left power for them in a will, and nobody else must exercise power. So long as they are in power, nobody else matters. I care about them. I want their voices to be heard. It will always remain three or four—it would not be more than that. Therefore, it is important that we fashion our institutions to take into consideration the fact that there are other people in the House. The Prime Minister and the Leader of the Opposition are not sufficient in these circumstances.

The point I wish to make is that the time has come for us to reform this Parliament, in order to make governments truly accountable. We, in this Parliament, ought to establish committees similar to those that obtain under the American constitution, whereby appointments to bodies that are going to exercise such tremendous power should be subject to an investigating committee—similar to what happened to Bork; similar to what happened to Justice Clarence Thomas, where a judge, before he is appointed is subject to scrutiny, so that one is sure that the persons who are going to exercise power have passed a crucial test. The time has come, in my view, for us to introduce that kind of reform in the Parliament to ensure that Governments are more responsible to the people.

So, what I suggest is that this whole bill be revamped in such a way that the Prime Minister himself, if he wants, may make suggestions as to who is to be appointed. That is not a problem. He may make suggestions as, in fact, is done under the constitution of the United States. He may make suggestions as to appointments but they will face a joint select committee of both Houses, in which their credentials would be examined and if after we know who they are, exactly, and they are appointed, one can then feel a little safer, that power is going to be exercised by people who have been examined; people whom we know.

What is going to be the position here? As the present system obtains, we are passing legislation and we are giving power to people whom we do not know. That is exactly what is happening. I am not making any allegations against anyone. I want this to be absolutely clear. Whether it is the Prime Minister, the Leader of the Opposition, the President, that is not the issue here. I am not saying that the President will not consult—I am assuming that he will consult; and I am assuming that he will do his best and so forth. I am saying that in this modern age, this nation must advance and begin to fashion institutions to meet the needs of its people, not beat its people to fit into outmoded institutions that have existed for centuries.

I make this point because, as I said, of the eight members to be appointed by the President, and

"a Director who shall be an *ex officio* member..."

and so forth. It also states that these nine members:

"...shall have qualifications in fields relating to telecommunications or experience in the industry, or be members of organizations connected with the maintenance or promotion of telecommunications...and one member shall be an attorney-at-law."

The point I am making is that I have been in this House for a very long time and my experience has shown that even where there are clauses like this, it is really in the discretion of the persons appointing to say whether they are satisfied that these people have the qualifications. Once you set down the criteria for appointing people, then they should be examined on those criteria by independent persons; or, as I am suggesting, by a select committee of both Houses.

As I go through this bill, I see more and more, the need for the kind of proposal I am making. In clause 4(6):

"The President, acting on his own discretion, may terminate the appointment of any member of the Board."

Look at the nonsense that can be made of the bill, that can negate the whole purpose of it. So the President will, in consultation with the Prime Minister and the Leader of the Opposition, make the appointments. Then, acting in his own discretion, he may terminate that appointment. He has to appoint on the advice of the Opposition and the Prime Minister, but he may terminate on his own discretion.

Again, I want it to be understood quite clearly, that I am not thinking or speaking of personalities. I am talking about offices. My mind is not on the incumbent—for whom I have the greatest respect. This is not the issue here. The issue here is that we are creating the law, which is going to be law for some time, until it is repealed, and the present incumbents in office may no longer be there, while this Act will still be in force.

It seems to me not to make sense, that if you are giving the President power to appoint, after consultation but you give him power to remove without consultation, in my view, this is an indication that the system of appointments to offices in the public sector is in need of urgent reform. The need for reform is emphasized by the power and responsibility, or absence of responsibility, of members of that board.

5.35 p.m.

Members of the Board having been appointed, clause 16(1) says:

“No personal liability shall attach to any member for—

- (a) any act or omission of the Board; or
- (b) anything done or permitted in good faith in the course of the operations of the Authority under this Act.”

You must remember that under this bill we are giving the Authority the power of seizure of goods and entering people's premises with and without warrants. This is the kind of power contained in this bill and yet we come and say that these people shall not be responsible in any way, if they cause injury to members of the public.

It may be a necessary clause since without such a clause people may be reluctant to serve because they will say, "If I make a mistake I will be personally liable". If that is the case and you need such a clause, then you need to ensure that the correct persons are appointed to this office, hence my proposal for a new system of appointment of people to offices who exercise enormous power; as my friend puts it, "awesome power" such as this.

Clause 16(2) says:

"Any sums of money, damages or costs recovered against the Authority or any member of the Board for anything done, omitted or permitted as referred to above shall be paid out of the funds of the Authority."

People will go on this Board and are going to be tempted to say, "I can hurt anybody; I could discriminate against anybody; I can do what I like." If perchance there is court action which says that they have to pay damages, then the authority will pay the damages, not the wrongdoer.

To add to it clause 17 says:

"Subject to this Part, the Board may regulate its own proceedings."

Now, a board is going to regulate its own proceedings for taking judicial and *quasi* judicial, as well as administrative acts. As a matter of fact, I think we are delegating the power of collecting taxes to this authority. So we are delegating tremendous powers; we are delegating the powers to make subsidiary legislation which are penal in nature, and while we are doing that we are saying that they are not to be liable, and they may regulate their own procedures in dealing with their functions which are awesome indeed.

Clause 18 says:

"The functions of the Authority are:

- "(a) to formulate policies governing the development of telecommunications subject to the approval of the Minister and ensure compliance with those policies;

- (b) to formulate, on consultation with producers, broadcasters and the general public, policies governing all broadcast material and to ensure compliance by broadcasters and producers;
- (c) to determine and implement national telecommunications standards and regulations and ensure compatibility with standards of the International Telecommunications Union and other international and national standards;
- (d) to advise Government..."

There is a whole list: to advise the Minister; to review policy; to decide issues on involving—I thought this was strange—settlements of disputes among entities. That is a judicial function on telecommunication matters. We are giving to this body the power to act as judges.

I do not think the Members read the bill and I am not surprised. If I may read it to assist them, clause 18(g) says:

"to decide on issues involving settlements of disputes among entities, on telecommunications matters;"

It is not to advise the Minister or to assist the Minister in solving disputes, but to solve them themselves. This is how I read it; if I am wrong, I would gladly stand corrected, but this is how I understand it. My point is that we are bestowing upon this body, *quasi* judicial functions.

It issues licences for any purpose specified in clause 37. We live in Trinidad and Tobago. We know what happens with the issue of licences in government departments. There is enormous corruption. The issue of licences for example, in the Ministry of Industry, Enterprise and Tourism, of the Member for Caroni East, is tremendous. I have documents which I can show where licences were granted after the apples landed here, not before. That is people who know they are getting licences; they bought the apples and when the apples landed then they got the licence.

Dr. Tewarie: What I would like to say to the hon. Member, is that if he has any evidence of corruption, and he draws it to my attention, I would do something about it. As far as I am aware, there is nothing which is going on in the Ministry of Industry, Enterprise and Tourism that has anything to do with corruption.

Mr. Panday: I will not pass that to the Minister, since my information is that the Minister knows about it.

Dr. Tewarie: The Minister does not know and the Member is misleading the House. I have passed matters to the police on which they have not acted.

Mr. Panday: My friend is blaming the police now. Poor police, now the police is to be blamed. I want to tell the hon. Minister that what I am talking about was printed in the newspapers. If he does not know, he does not read the newspapers.

Dr. Tewarie: I do not read the newspapers.

Mr. Panday: He has just confessed that he does not read the newspapers. Maybe he should read the newspapers and if he does so he would not blame the police. What does he expect from the policeman, to read the newspapers? Must the policeman who reads the newspapers take up the case?

I want to ask the hon. Member, if he reported matters which he believed to be of a criminal nature to the police, and the police has not acted, what happens to the Minister of National Security? Has he spoken to him? Did he tell him, "I am reporting to your Ministry matters which are of a criminal nature and you are not dealing with it?" Is that how this Government intends to deal with corruption, where one Minister says, "I report it to the police and if they do not do anything about it, I cannot do anything about it," and that is the end of that?

Is that how this Government is running the country? That is the level to which they have degenerated? I cannot believe this. Open confession is good for the soul, I guess.

The point I was making though, is that it is well-known in this country—and if the Minister does not know, he is the only person who does not know—that there is tremendous corruption taking place with the granting of licences for the import of goods which are on the negative list. People send me documents all the time and I look at them. I am going to use them on the public platform, not here, because if I report it to him he will tell the police and they will not do anything about it. That will be the end of it. It is out of his hands, that is all right.

Why should I ever speak to a Minister like that? A Minister totally powerless to end crime in his own ministry because he says he has reported matters in his own ministry to the police and nothing happens and he leaves them there. That is the Minister. I will not put the grant of licences into the hands of any body or

Telecommunications Authority Bill
[MR. PANDAY]

Friday, September 27, 1991

group of people without having them subjected to the most stringent kind of scrutiny.

It is not only that. I am suggesting that we have a parliamentary committee which will examine people before they are appointed to positions in which they exercise awesome power, but having exercised the awesome power they must then be subject to scrutiny. This House must set up standing committees to call such members in front of television, not privately, and question them. I have in my possession documents for licences—I may have them here; I usually walk with them—which were granted for apples, smoked herring and so forth, after they had landed. We have those documents and we are going to use them.

Dr. Tewarie: Where is the evidence? Send them.

Mr. Panday: Why? So you could say you sent them to the police and you do not know what happened to them? Not at all! Not at all!

5.45 p.m.

Mr. Speaker, they grant concessions for any purposes specified in section 21 and the concessions that they are going to grant are to establish and operate telecommunication services for public correspondence; to operate broadcasting services on land and sea and ship and aircraft and vessels and so forth; to establish and operate telecommunication services; they may grant concessions, charge fees in granting those concessions. These are the powers which, according to clause 18 of this bill, this body is going to exercise. They also determine tariffs for internal and external telecommunication services for public correspondents; they can determine and collect fees, including licences and concession fees to be charged in respect of radio communication apparatus.

They will have the job of training personnel. Now, suppose they discriminate in their choice of candidates for training, what are people's remedies? What they should be doing in this Parliament is not creating more and more areas of preserves which are excluded from public scrutiny, but we should be opening them up. Every area that we create in this House and in this Parliament should be open areas. I thought that was what we meant when we spoke about open government, when we were campaigning—and I am sure the Senator will remember that we spoke of open government—although I cannot remember him having anything to do with this manifesto, I have to go back in my notes. But I remember when the

Prime Minister had left the country and said that he wanted the manifesto completed before he was back. I have the records of all of this but where was he?

Sen. Broomes: I understand that the hon. Member does have a little problem with his memory so it is really not my fault if he does not remember.

Mr. Panday: I assure the hon. Member that my memory is perfect—particularly when it applies to him. I am sure I did not see him around when we were campaigning.

The Members of this Board are to investigate complaints received from the public in respect of problems of harmful interference and so forth. The point I am making is that this body has these powers that they are going to exercise and they will not be subject to scrutiny. I think this may be the first authority that I can recall being given such awesome powers. Even the Racing Authority, which does not have the kind of power that is being given here, has become a problem for this country. The Racing Authority is charging people wrongly, closing down their businesses and raiding them and all sorts of things and they do not have this kind of power and they are not subject to scrutiny.

I want to make reference to clause 33, which I think is a very important clause. I congratulate the Government for thinking of putting it in, yet I do not think it is going to have the effect that they intended it should have. I am sure that we are all quite aware of the problem we have with the telephone company and WASA and so forth, who dig up the roads and having dug up the roads, WASA will lay down pipes; then two weeks later the telephone company will do the same thing with a tremendous lack of co-ordination and then suddenly nobody is responsible for the condition in which the roads are left.

Not far from where I live, WASA has dug a trench across the road, thrown some mud across it, and that is the end of it, and this road is creating havoc. Nobody has the power to tell WASA that they cannot dig up the road and leave it—

Miss Nicholson: Which road is that?

Mr. Panday: The Siparia/Erin Road.

Miss Nicholson: There is somebody who has the power and that is being dealt with. From the time I know that it is the Siparia/Erin Road, it will be dealt with because if he goes to the Moruga Road, he will see that it is paved; if he goes to Santa Cruz, he will see that the road is paved; if he goes to Coalmine, he will see

that work is going on there and on several other roads, that they are digging up. We are dealing with those issues. I am very pleased that you have identified somewhere to me and we are addressing it, hon. Leader of the Opposition.

Mr. Panday: I did not mean to criticize the Member: that is not my point. Everybody knows she is confused and she does not know what is going on in her ministry. My point is that she cannot deny that WASA digs up the road and throws gravel or dirt and leaves them for months. She cannot deny that. I am talking about a principle and the only reason I named the road—I do not know what happens in Santa Cruz and San Juan and so forth—is that I pass there to go home everyday. That is all, and I am sure that it happens all over the place. For example, the Member for Fyzabad caused the side of the road to be dug up and they paved half the road and left the other half unpaved. This is the principle I am talking about. I do not want to get specific; I just want the principle, and the principle is that the utilities dig up the roads and leave them in a mess. I think the Government is aware of it so the Government has put in a clause to deal with it. My argument is that the clause will not deal with it. That is all. I am referring to clause 33(1) which states:

"Where a concessionaire or a public utility breaks open a street or public ground for the purpose of executing any works he shall, on completion of the works with all convenient speed and to the satisfaction of the relevant highway authority or local authority as the case may be, fill in and consolidate the ground, reinstate and make good the street, and remove all debris resulting from the execution of the works."

That is beautiful and that is put there because what I am saying is right. The Government recognizes that roads are dug up and left, but subclause (2) states:

"Where a concessionaire omits to restore the street or public ground in accordance with the provisions of subsection (1), he shall be held liable for any expenditure incurred by the relevant highway authority or local authority for the purpose of such restoration and for any loss suffered by any persons caused thereby."

Now, what is our experience in this matter? Our experience in this matter is that the Local Government Authority will be the authority that is going to have the responsibility for forcing this concessionaire to fix back the road. When they do not, nobody else can, and what happens is that the local authority is generally afraid to deal with the concessionaire—usually he is a "big boy"—and if some of

the information I have here is correct, then they are going to deal with some very “big boys”: some “big boys” who own *Express*, some “big boys” who own Radio 106; very “big boys” indeed; some “big boys” who are Ministers in this Government; “big boys” who are becoming media monopolists now. I wonder if my friend who had absorbed the manifesto, absorbed the portion on monopoly. But let me not be sidetracked. Let me deal with what I must deal with right away.

My argument is that the local authority is generally loathe to deal with the wrongdoer. I have that experience in Caroni. The Caroni County Council knows that Caroni Limited. will damage the drains at the side of the road and so cause flooding and decay on the road and that no matter how you argue and fight, they will not sue Caroni. They can sue Caroni, but they will not sue Caroni because of the whole ethos in this country—Caroni is Government and they are Government and they do not want to get the Minister vex, and they do not want to get the Government vex and all that sort of thing.

5.55 p.m.

It is a whole ethos in this country and when we are passing legislation in this country we must have regard to the ethos, the culture, the mores and the way people behave. As I always say, you must pass legislation to suit the people. You do not beat the people to get into the legislation. So this is a problem, and I am saying that this will not solve the problem, which the Government says it recognizes. It says that the liability of the concessionaire under subsection (2):

"Shall continue for a period of four years or until the relevant highway authority expresses in writing that it is satisfied..."

My experience is that this will not work. I would have preferred to see the Government introduce into this piece of legislation here, the right of individuals to take the concessionaire to court to get a mandatory injunction compelling it to fix the roads, under the law. I should have preferred to see it that way, so that you do not have to rely on the county council. As I say, we live in a world of men, we do not live in a world of angels. Sometimes the party in control of the central government is also the party in control of the local government and when that happens, the local government does not want to annoy the central government, obviously. So the local government is unlikely, in those circumstances, to take the kind of remedial action. This is my humble suggestion. They may take it, reject it; they may throw it away. For whatever it is worth, I am only doing my duty.

Telecommunications Authority Bill
[MR. PANDAY]

Friday, September 27, 1991

Mr. Speaker, that is corrected in a way in clause 36, which says that this concessionaire, when he is putting up his lines for his telecommunications works, may cut trees and, in doing so, he may cut trees of a private individual. This is a good clause here, and I am asking that this clause apply on the other side. I like the way it is done.

Clause 39(3) says:

"Where any tree or part of a tree so cut or removed was not growing on or projecting over any street or highway, the public utility shall make adequate compensation for the loss, if any, occasioned by the cutting or removing."

It is the next one, 39 (4):

"Where trees on private lands overhang or interfere with any line or works, a concessionaire shall, before cutting down, pruning or trimming the trees obtain the consent of the owner or of the person in possession of the land."

Here is an attempt being made to protect a right. A man may have his garden; he has his plum tree, pommerac tree, whatever the tree, and if the concessionaire is going to cut it down he must talk to him and, of course, there is room for compensation. But in this case, he has the right to do it. In the other case where they dig up the road, that right, it seems to me, does not belong to the individual, but belongs to the public authority which, I humbly submit, is reluctant to act.

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

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

Mr. Panday: Thank you, Mr. Speaker. I would not take up all that time, I assure you. Clause 47, Part V deals with the power of an inspector, and remember these inspectors are people who are going to be in the employ of the very authority I was talking about. Subclause (1) states:

"An inspector may, at all reasonable times, enter any place, vehicle, ship, aircraft, vessel or other contrivance from which any telecommunication service is carried on, or in which any telecommunication apparatus is located..."

He may do all sorts of things: examine books, search, seize, carry away apparatus, articles and so forth. Those are some of the powers which I

thought awesome and should be controlled. It may be necessary. I am not saying that there should not be legislation in which if someone is carrying on a clandestine radio and broadcasting revolution or pornographic material, certainly, police inspectors must be able to go in and do their work. I have no problem with that, Mr. Speaker.

My problem is, when people are innocent and the inspectors go and abuse their rights. As innocent people, what control do we have over them? That is my concern.

There is a clause that bothered me a little and I thought I would bring it to the attention of this House and that is clause 71. Now, Mr. Speaker, clause 71 frightens me more than any other and it reads:

"Where the director has reasonable grounds for believing that any person is using a radiocommunication service or a broadcasting service for purposes that—

- (a) are dangerous to the security of the state;
- (b) disrupt a telecommunication service on land or on board any ship, aircraft or vessel, floating airborne contrivance;
- (c) causes interference...

the director shall immediately notify the Minister who may direct that person to cease using such means of radiocommunication or broadcasting."

Now, does that include a telephone? We are going to have cellular telephones just now, I heard. The experts will correct me if I am wrong. Would that not fall within the ambit of a telecommunications instrument? If it is, then, do you mean I cannot telephone my friends and tell them that this is a lousy Government? I cannot do that? I cannot telephone my friends and tell them that this is a terrible Government, that this Government should be removed? Suppose they tap my telephone? Is that going to be regarded as dangerous to the security of the state? Well, what is regarded as dangerous to the security of the state? That is exactly what I was hoping the Minister would answer and every time I try to trap this Minister, I never fail. That is exactly the point. Do you know what is "security of the state"? If the Minister sends a certificate to the court and says that he believes the security of the state is threatened, that ends the matter. Do you know that? Let me read clause 73 for you. It is a pity that these Ministers do not read these bills before they come to Parliament.

As I say, clause 71 says where the director has reasonable grounds to believe—I am a Member of the Opposition. I am always fighting the Government. I want to see them go. I am trying my best to get rid of them. I am doing everything in my power to get rid of this Government and I intend to use the telephone to get rid of them.

6.05 p.m.

Miss Nicholson: I just want some clarity from the Member for Couva North. What about if you are using the instrument, let us say, from a drug baron's perspective, which will affect the young people of the country, destroy the nation, and that kind of thing; if, when I tap it, I hear you say you are going to kill the Member for Tobago West or the Prime Minister, the Member for Tobago East, is that not threatening security of state?

Mr. Panday: No, that is conspiracy to murder, conspiracy to commit a felony, and so forth. Security of the state? If the Prime Minister of this country is dead—you mean the security of the state is affected? I do not think so. Suppose they want to kill the Leader of the Opposition; suppose the telephone conversation is the other way around, that they are coming to kill the Leader of the Opposition, is that security of the state? I do not think so. That is conspiracy to murder, and conspiracy to murder is an offence in law, and if you go to the judge and say, "I have evidence that Mr. X used the telephone and on the telephone he is conspiring to murder a human being," that is illegal. Or, "I am making a drop of drugs at so and so place", I say, "Sure, let the law prevail." I have no problem with that at all.

That is not the point I am making. I say the way the Bill is framed—and tell me if I am wrong; I am willing to say I am wrong and withdraw everything I say. But I am saying that I consider it my sacred duty, I have devoted my life to the removal of this Government and I intend to use the telephone to do so. Am I therefore breaking the law? Am I engaging in purposes that are dangerous to the security of the state? If it is, can the Minister or the Director—

"...immediately shall notify the Minister, who may direct the person to cease using such means of telecommunications or broadcasting, and where a person is directed by the Minister under (1), he shall immediately comply with such direction.... It is a condition of each concession that the concessionaire shall comply with the direction of the Minister given under this section."

which means, that if I do not, they can take away the telephone. A person aggrieved by the Minister can go to the judge, the Court of Appeal and so forth.

That is a good clause and it does help to protect, but my argument has always been that every time somebody tells you, "Well, if somebody does you something wrong, go to the courts." I have always argued that the courts, like the Ritz Hotel, is open to everyone, but very few get in. Although everybody has access to the courts, everybody has access to the Ritz Hotel, but very few people get into the Ritz Hotel because the cost of getting into the Ritz Hotel is very exorbitant. So in the same way it is not sufficient to say, "Oh, if the Minister abuses the powers, go to the courts." First of all, there is a tremendous backlog in the courts and you will not get your case heard for 10 years. That is the present position in the country. The second is, you have got to have money to go to the courts. It is like the Ritz Hotel.

Clause 73, I do not think the Minister read that—

"Where on an appeal..."

They say you may go to the judge, you see. So they give it to you with one hand and they take it away with the other.

"Where on an appeal against a direction made by the Minister under section 71, the Minister certifies that in his opinion it is contrary to public order, public safety or national defence to disclose the grounds for believing that the appellant was using the means of telecommunications of which he was deprived for purposes dangerous to the security of the State then, unless the High Court or Court of Appeal, as the case may be, thinks fit to order otherwise, the Minister is presumed to have had reasonable grounds for believing."

That is always is a dangerous clause. It is always a dangerous clause when they say that once the Minister says, you are using it for purposes which are dangerous to the security of the state. You go to the judge; the Minister signs a certificate that, "As Minister, I say, in my opinion, it is contrary to public order or public safety for me to tell you why." That is the end of the matter. The Minister is presumed to have had grounds for so believing.

Now, I do not wish to be unfair. I want to say that I recognize that the Government needs to take measures for national security and safety. The Government who is in charge of the state ought to take measures for the security of the state. I am clear about that and I have no problems with that. But always against that need, must be measured the need of innocent people not to be abused by the very Government. That is the issue that we must always have in mind.

Telecommunications Authority Bill
[MR. PANDAY]

Friday, September 27, 1991

The Government needs power to protect the state, but the power that you give the Government must be subject to such scrutiny that they cannot use that power against innocent citizens; they cannot use that power to perpetuate themselves in power, otherwise it becomes a dictatorship. This is my humble argument against these clauses which are contained in the bill.

There has been talk about a broadcasting code, and I think maybe the amendment that was done in the Senate might cure it, because, as I say, to have a code would have been to delegate power, to legislate in violation of the Constitution without the protection of the entrenched majority. But it seems as though that has been corrected by clause 79.

While I am at it, Mr. Speaker, let me say that I think it is a pity that people like the *Express* should continue to focus on peripheral matters, the unimportant things as far as legislation in this House is concerned. I notice they said that look, some bill, the one with children, did not have in it—and Sen. Alexander raised the point that you have to have an entrenched clause. Oh, what a great tragedy that nobody in the House picked this up. That is not what is important. It is not whether you have that clause in there. The fact that you are breaching constitutional rights, that is what is important. That is what we argued in this House. Those who wish to engage in peripheral matters so that they may escape from the realities which are facing this country, that is their business. But then one must not be surprised, because in this bill, although my friend has this enormous absorptive capacity, he can absorb tremendously, rather quickly, too, he absorbs, it seems to me, only what suits him. There is also in this manifesto—which, if he were around, he would see that during the election, my job was to sell it to the public, and apparently I did an excellent job—the fact that we shall deal with monopolies. I refer the hon. Minister to page 36.

Before I forget, Mr. Speaker, I noticed that this ministry is now under the Prime Minister. He seems to have embraced everything like an octopus. You have a Minister in the office of the Prime Minister responsible for Foreign Affairs. Minister in the Ministry responsible for National Security. You have a Minister responsible for everything.

Mr. Wilson: Mr. Speaker, I just wanted to know if the hon. Member for Couva North still subscribes to the principles of the manifesto which he is reading, and whether it had anything about abortion clinics.

Mr. Panday: I will not be sidetracked, not even by you.

Let us talk about what is before the House. We in this manifesto talked about a monopolies commission.

We had spoken on page 36, about establishing several independent institutions, and one was a monopolies commission. It says,

"The NAR will introduce a monopolies commission charged with the responsibility given to monitor the rise of monopolies, cartels, price-fixing..."

Now, Mr. Speaker, I mention that because it seems to me that a monopoly is being developed with respect to the media and licence has been given, I believe, to CCN—it is my information—Channels 6 and 18. On the board of CCN, are Tommy Gatcliffe, Carlton Jack, Ken Gordon, Neil Lau, Alfred Rajkumar, Owen Baptiste, the man who published "Indianization of the Government", "ULF Grab for Power." An unmitigated racist, publishing articles in the newspaper to drive this country into racism. He is in control of the media.

Ameer Edoe, Tajmool Hosein, and Elton Richardson—these are, if I am right, also members of the board of the *Express* and of Radio 106. So here you have an institution now, which has a newspaper, radio and television station. Is that getting near to the violation of the principles for which we stood when we said that we were going to try to avoid monopolies in the country as far as we were concerned? If it is, then, Mr. Speaker, who is there to question this Authority when they grant licences?

I am saying if we had such a system as the one of which I speak, where they would come to this House, from time to time, and answer for their performance, then such things would never happen.

Mr. Speaker, these comments I have offered in the best of spirits and hope that the Government will take cognizance of them, and do something about them. Thank you, very much.

Motion made and question proposed, That the House do now adjourn to Friday, October 4, 1991, at 1:30 p.m. [Hon. B. Tewarie]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6:20 p.m.