

HOUSE OF REPRESENTATIVES*Friday, May 7, 1993*

The House met at 1.40 p.m.

PRAYERS[MADAM SPEAKER *in the Chair*]**PAPERS LAID**

1. Report of the Auditor General on the Accounts of Point Lisas Terminals Limited for the year ended December 31, 1992. [*The Minister of Finance (Hon. W. Mottley)*]
2. Report of the Auditor General on the Accounts of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 1992. [*Hon. W. Mottley*]

Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.

ORAL ANSWERS TO QUESTIONS**Sale of Natural Gas****(NUCOR)**

140. Mr. Subhas Panday (*Naparima*) asked the Minister of Energy and Energy Industries:

- (a) Could the Minister state the price per cubic metre the National Gas Company will be selling natural gas to NUCOR, up and until it embarks upon commercial production of the product 'steel carbide'?
- (b) The amount of natural gas the National Gas Company expects to supply to NUCOR during research and development of the product mentioned in paragraph (a)?
- (c) Will the 'steel carbide' product developed be patented?
- (d) If the answer to (c) is in the affirmative, could the Minister state who will be the holder of such a patent?
- (e) What returns, if any, do the National Gas Company expect to receive from the proceeds of the sale of the 'steel carbide' by NUCOR for the period of one year after it embarks upon commercial production?

The Minister of Energy and Energy Industries (Sen. The Hon. Barry Barnes): Madam Speaker, the Company in question is the NUCOR Corporation, a US company which was ranked as the No. 1 steel manufacturing company in the USA for 1992, by both Forbes 500 and Business Week 1,000 ranking of US Companies.

NUCOR is one of the largest steel manufacturing companies in the United States of America, with annual sales of the order of US \$1.5 billion.

NUCOR's project in Trinidad is to build a 320,000 ton per annum plant for the commercial scale production of iron carbide, not steel carbide. And this will be the first such commercial scale facility employing a patented process for converting iron fines to iron carbide using natural gas. The project will be the first NUCOR plant outside the USA.

The contract specifies a maximum delivery rate of some 15,000 MCF per day. In the very nature of a research and development phase of the project, actual natural gas off-take can be expected to be erratic and unpredictable and it would be impossible to accurately forecast actual total off-take of natural gas. Clearly, however, the average natural gas off-take over the research and development period will not exceed the contract maximum of 15,000 MCF per day.

The owner of the iron carbide process is Mr. Frank Stephens who formed Iron Carbide Holdings Limited (ICH) to hold the patent and to commercialize the process. NUCOR has secured a licence for the process from ICH and Mr. Stephens who attended the signing ceremony in Trinidad will be closely associated with NUCOR in the construction of the commercial plant.

The National Gas Company anticipates that their average earning participation fee during the life of the project will be more than TT \$8 million per annum.

Madam Speaker, it would be noted that the information requested on the commercial pricing between the National Gas Company and NUCOR is confidential and sensitive, since it can impact on other similar commercial arrangements that are being negotiated at present.

However, the information can be made available to the Parliament through the mechanism of the Public Accounts (Enterprises) Committee.

The following question stood on the Order Paper in the name of Mr. Subhas Panday (Naparima):

Unemployment Symposium

141. Would the Minister of Labour and Co-operatives state:

- (a) What was the cost of the symposium on unemployment held in April, 1992, at the Chaguaramas Convention Centre?
- (b) As a consequence of the said symposium, how many permanent jobs were created?
- (c) In what areas were these jobs created?

Mr. Subhas Panday (Naparima): Madam Speaker, the hon. Minister had spoken to me earlier and had indicated that he required a further two weeks to answer this question.

Question, by leave, deferred.

**Papourie Road, Naparima
(Landslips)**

144. Mr. Subhas Panday (Naparima) asked the Minister of Works and Transport:

Could the Minister state whether any of the twelve landslips along the Papourie Road in the constituency of Naparima will be repaired in 1993?

The Minister of Local Government (Hon. Kenneth Valley): Madam Speaker, the Minister wishes to advise the honourable House that there are two landslips listed for repair under the 1993 Special Projects programme. They are the Papourie Road 8 1/2 to 9 mile post and the Papourie Road 0—5 mile post. The Ministry is awaiting the release of funds to commence work.

**Civilian Conservation Corps
(Recruitment)**

180. Miss Hulsie Bhaggan (Chaguanas) asked the hon. Minister of National Security:

Would the Minister indicate the procedure and the criteria for recruitment of persons who will be or are involved in the Civilian Conservation Corps?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, it will be recalled that in the 1993 Budget Speech presented by the hon. Minister of Finance in the House of Representatives on Friday, November 20, 1992, it was stressed that the unemployment problem which the nation faces is a matter of public concern to the Government of Trinidad and Tobago in that it remains one of the most serious impediments to our economic and social development.

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In this regard, Government is committed to generating employment opportunities. Among the measures is the introduction of a Civilian Conservation Corps to undertake a programme of reforestation throughout Trinidad and Tobago. The programme will not only impart important skills to participants, but will also contribute immeasurably to the conservation of our environment which has been afflicted by fires during the dry season.

Applicants for the programme would qualify on the basis of the following criteria:

- (a) they must be nationals of Trinidad and Tobago between the ages of 18 and 25;
- (b) they must be unemployed at the time of application;
- (c) the occupational status of the household.

The procedure being followed in the recruitment process is as follows:

Advertisement

The advertisement for entry into the Civilian Conservation Corps was carried in the print and electronic media on March 22, 1993.

Processing of Applicants

The processing of applicants has commenced. Applicants were required to apply on prescribed application forms which were available at all Departments of the Ministry of National Security i.e. police stations, fire stations, military camps.

1.50 p.m.

Selection of suitable applicants

Application forms are being grouped according to the established regions of the programme. The approved list of selected participants will be published in the daily newspapers.

Registration

Registration will take place on the morning immediately preceding the commencement date. Selected participants will be required to register at the Regional Centre closest to their given address. Applicants who fail to register on the date indicated will be replaced by the next most suitable applicant.

Thank you, Madam Speaker.

Mr. Mohammed: Madam Speaker, a supplementary question, please. Could I elicit from the hon. Minister, what employment practice will be deployed in this programme, whether the jobs will be rotational, or permanent?

Sen. Huggins: Madam Speaker, this programme is not intended to create permanent employment. This is a training programme which will be done on a rotational basis.

WRITTEN ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Miss Hulsie Bhaggan (Chaguanas):

Caribbean Seasonal Programme (Application for Employment)

- 191.** (a) Would the Minister of Labour and Co-operatives indicate the number of persons who applied to the Caribbean Seasonal Programme in 1992?
- (b) Would the Minister provide a listing of the names and addresses of the applicants indicating those who were successful in obtaining employment under this programme in 1992?

Miss Bhaggan: Madam Speaker, the hon. Minister indicated he wanted a deferral of one week.

Question, by leave, deferred.

The following question stood on the Order Paper in the name of Mr. Krish Jurai (Nariva):

Central Government (Employment of Pensioners)

- 194.** Would the Prime Minister state:
- (a) The names of persons above retirement age or who are in receipt of pension and who are presently employed with the central government, the public service, state enterprises and state agencies in Trinidad and Tobago?
- (b) The position each such person holds and the remuneration paid to each person?
- (c) The contractual period for which they hold office?

- (d) The reasons why each of these positions in question cannot be filled by persons who are under retirement age or by persons who are not in receipt of a pension?

Hon. K. Valley: Madam Speaker, research is still continuing on this question. As you will see, it involves quite a lot of work. We are asking for a deferral of two weeks.

Question, by leave, deferred.

ORAL ANSWERS TO QUESTIONS

Central Police Division (Crime)

196. Miss Hulsie Bhaggan (*Chaguanas*) asked the Minister of National Security:

Would the Minister indicate the number and categories of crimes which have been handled by the Central Police Division for 1992?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, crime statistics from the Central Division for the year 1992 indicate that a total of 3,838 crimes were committed in that year, with a detection rate of 37 per cent, or 1,437 cases solved. The crimes were classified as follows:

- (a) serious crimes totalling 1,537 with a detection rate of 43 per cent, or 654 cases solved;
- (b) minor crimes with a detection rate of 34 per cent, or 783 cases solved.

The serious crimes were broken down into the following categories:

1. Murder
2. Manslaughter (other than Traffic Accidents)
3. Attempts to Murder (except Suicide)
4. Suicide and Attempted Suicide
5. Letter Threatening to Murder
6. Other acts causing or tending to cause danger to life or bodily harm; shooting with intent
7. Rape, etc., Unlawful Carnal Knowledge
8. Child Stealing
9. Unnatural Offences—Buggery

10. Breaking and Breaking with Intent
11. Robbery
12. Embezzlement (\$2,000 and over)
13. Falsification of Accounts (\$2,000 and over)
14. False Pretences (\$2,000 and over)
15. Fraud, Fraudulent Conversion (\$2,000 and over)
16. Larceny (\$2,000 and over)
17. Praedial Larceny (\$2,000 and over)
18. Larceny from a dwelling house of property valued \$2,000 or more
19. Arson
20. Other Malicious Damage valued \$1,000 and over (and not private dispute)
21. Forgery
22. Counterfeit Currency
23. Trafficking and Possession of Dangerous Drugs
24. Corruption
25. Firearm Offences—Possession to endanger life.

The minor crimes include:

1. Indecent Assault
2. Assault with intent to commit a Felony on Peace Officers
3. Possessing of Housebreaking Implements
4. Embezzlement (under \$2,000)
5. False Pretences (under \$2,000)
6. Fraudulent Conversion, Fraud (under \$2,000)
7. Larceny, Receiving (under \$2,000)
8. Praedial Larceny (under \$2,000)
9. Unlawful Possession
10. Larceny Dwelling House

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11. Being in enclosed and other premises for an unlawful purpose
12. Malicious Wounding
13. Assault Occasioning Actual Bodily Harm
14. Escaping Lawful Custody
15. Firearm Offences
16. Possession of Dangerous Drugs

Thank you, Madam Speaker.

The following questions stood on the Order Paper in the name of Mr. Mohammed Haniff (Princes Town):

**Ministry of Works
(Vehicles)**

- 200.** (i) Would the Minister of Works and Transport state:
- (a) How many vehicles are attached to the Ministry of Works, Victoria East Division?
 - (b) How many of these vehicles passed inspection for the years 1992 and 1993?
 - (c) How many of these vehicles were licensed for the years 1992 and 1993?
- (ii) Would the Minister provide similar information concerning each of the other Divisions of the Ministry of Works?

**Guaracara/Tabaquite Road
(Repairs)**

- 201.** Would the Minister of Works and Transport state:
- (a) What steps are being taken to repair the Guaracara/Tabaquite Road, the area in front of the Williamsville Junior Secondary school where the roadway was dug up as a result of a change of water lines by WASA approximately one year ago?
 - (b) When would the Lothians Road in Princes Town which was dug up by WASA approximately two and one half years ago be repaired?

Hon. K. Valley: Madam Speaker, questions 200 and 201—we have to ask for a deferral for two weeks.

Mr. Haniff: Madam Speaker, can I please inform you that Question No. 200 was due for answer since April 2, and has been deferred ever since.

Hon. K. Valley: Madam Speaker, I am sure Members know that the Government attempts to answer all questions in a timely fashion. In some cases the research required just does not allow for the answers to be ready on the due day, and it is in these circumstances that we have to request deferrals.

Questions, by leave, deferred.

The following question stood on the Order paper in the name of Mr. R. Palackdharrysingh (Caroni Central):

**Mormon Church
(Work Permit Applications)**

206. Would the Minister of National Security state:

- (a) The number of applications by missionaries of the Mormon Church for work permits and the number granted for the years 1990, 1991, 1992 and 1993?
- (b) Its policy towards granting work permits to overseas missionaries?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, I respectfully request that the answer to this question be deferred for a further period of two weeks. The answer is not ready.

Question, by leave, deferred.

**Chickland Road
(Deplorable Conditions)**

207. Mr. R. Palackdharrysingh (Caroni Central) asked the Minister of Works and Transport:

- (a) Is the Minister aware of the deplorable conditions of the Chickland Road from the 2 1/4 mm. to 5 mm.?
- (b) Would the Minister state when last any maintenance work was carried out on this road?
- (c) What plans he has for its restoration?
- (d) When would such plans be implemented?

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the Minister is aware of the condition of the Chickland Road, which can be classified as an agricultural access road. Routine maintenance work was carried out on the road during the first quarter of 1993. Some large depressions between the 2.25 mm. and the 3.00 mm. were filled with crushed yellow limestone. The pavement between 3.00 mm. and 5.00 mm. is stable and comprises pitrun gravel and crushed yellow limestone. It is proposed to upgrade the Chickland Road by placing and sealing an estimated 400 cubic metres of pitrun gravel and 700 cubic metres of crushed yellow limestone as soon as the necessary funds are made available this year.

2.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

**Acquisition of Properties
(Outstanding Compensation)**

The following question stood on the Order Paper in the name of Mr. Krish Jurai (Nariva):

208. Would the Minister of Planning and Development state:

- (a) The names of persons from whom the Government compulsorily acquired properties and for which compensation is outstanding?
- (b) The expected date on which the outstanding payments would be made to the persons so affected?

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Madam Speaker, the ministry is still collating and verifying the information. I move that this question be deferred for two weeks.

Question, by leave, deferred.

The following question was asked by Mr. Krish Jurai (Nariva):

**Prisoners on Remand
(State Prisons)**

- 209.** (a) Would the Minister of National Security give the names of prisoners on remand at the State Prisons and the dates on which they were remanded?
- (b) Would the Minister also state the nature of the alleged offences and the expected dates of trial for the offences?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, the answer to question No. 209 was required to be in writing. It was so done and was submitted to the Clerk of the House some time earlier today, I believe.

Copy of answer lodged in Parliament library.

**ADJOURNMENT MOTION
(LEAVE)**

Mr. Chandresh Sharma (Fyzabad): Madam Speaker, I seek your leave to raise a definite matter of, urgent, public importance. The matter relates to the serious delays and problems affecting post mortem examinations and examinations of tissues of live patients in Trinidad and Tobago.

It is definite because it involves dead bodies which ought to be cremated or buried quickly. It also involves the examination of tissues from live patients so they may receive the necessary medical treatment.

It is urgent because of the hardships and trauma experienced by bereaved families and others, and a delay in the treatment of living patients could worsen their illness.

It is of public importance because of the very large numbers of people involved directly and indirectly throughout Trinidad and Tobago. The delays also result in offence to the religious beliefs of our multi-religious society. The causes of these delays include lack of facilities, pathological and forensic experts and other personnel, and even the lack of water.

It is urgent because every day two things happen in Trinidad and Tobago. Firstly, people die all across the country and they require post mortem examinations. Secondly, and perhaps most importantly, every day hospitals admit patients to help them to recover from their illness. Because tissues are taken from these patients and the examinations are not done, the patients cannot receive the correct medication and other medical requirements, which would eventually lead to their death.

It is in this regard that I seek your leave to raise it as a matter of urgent, public importance.

Madam Speaker: I wish to advise the hon. Member that this matter does not qualify as a matter of urgent, public importance under Standing Order 12. The Member may be well advised to choose another method of bringing it to the attention of this House.

LAND ACQUISITION

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Madam Speaker, I beg to move,

That the House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

The first parcel of land comprising 645.5 square metres situate on the eastern side of Culloden Road approximately 100 metres north of the 2 1/2 mile mark along the said road in the Parish of St. David in the island ward of Tobago and said to belong now or formerly to Francis E. H. St. Louis.

This parcel of land was acquired for siting of a radio and repeater station for the Telephone Company. Proceedings for acquisition initiated under section 3 were on July 27, 1979 and authority to commence work under section 4 was done on August 28, 1979.

The second is a parcel of land containing 2,0437 hectares situate at Sam Boucaud Road, Santa Cruz, in the ward of St. Ann's, in the county of St. George, opposite the Church of the Nazarene and about 46 metres from Stollmeyer Street and said to belong now or formerly to David Lue.

This parcel of land was acquired for a recreation ground. The section 3 notice was published on September 16, 1976 and the authority to commence work under section 4, on October 13, 1976. The ground has been in use since 1980.

The third parcel of land comprising 0.5236 of an hectare situate immediately West of the existing police station in the ward of Cedros, county of St. Patrick and said to belong now or formerly to Perseverance Estate.

This land was acquired for the construction of a police station. The notice of proceedings for acquisition under section 3 was published on April 6, 1990 and the authority to commence work under section 4, on May 7, 1990.

A fourth parcel of land comprising 11581.59 square metres situate at the southern end of Bedessie Trace, 0.5 km south of the Churchill Roosevelt Highway, in the ward of Tacarigua, in the county of St. George, and said to belong now or formerly to Crescent Motors Supplies Limited.

The site was acquired for the construction of a primary school. The notice of proceedings for acquisition under section 3 was published on April, 1990 and the authority to commence work under section 4, on June 02, 1990.

A fifth parcel of land comprising 0.3220 of an hectare situate at the south-eastern junction of Store Bay Local Road and Crown Point Airport in the parish of St. Patrick, in the ward of Tobago, bounded on the north by Store Bay Local Road, on the south partly by state lands and lands of Glenora Trim, on the east partly by lands of Crooks and Carrington and on the west partly by the Crown Point Airport Road and state lands and said to belong now or formerly to Knowslon Gift.

Madam Speaker, no section 3 or section 4 notice was published in respect of this parcel, although the acquisition was requested by the Clerk of the Tobago House of Assembly in January 1990 and recommended by the Permanent Secretary in the then Ministry of Works, Infrastructure and Decentralization on June 11, 1990.

Entry onto the parcel of land was made on June 26, 1991.

A sixth parcel of land comprising 3146.3 square metres, situate on the eastern side of Dowrah Trace and immediately west of the Charlieville Recreation Ground in the borough of Chaguanas in the county of Caroni and said to belong now or formerly to Ameeran Ali.

This parcel was acquired to extend the Charlieville Recreation Ground. Notice of proceedings for acquisition under section 3 was on January 17, 1991, and authority to commence work under section 4, on February 12, 1991.

A seventh parcel of land comprising 5,114 square feet/475.1 square metres situate on the eastern side of La Canoa Road, Lower Santa Cruz, in the ward of St. Ann's, in the county of St. George said to belong to Selwyn Wilson and bounded on the north, south and east by lands of B.G. Singh and on the west by La Canoa Road.

This piece of land was acquired for recreational facilities by the St. George West County Council. The section 3 and section 4 notices were published at the end of 1991.

An eighth parcel of land comprising 989.0 square metres situate in the ward of St. Ann's, in the county of St. George and bounded on the north by Real Street, on the south by lands of the Roman Catholic Archbishop of Port of Spain, on the east by Queen Street and on the west by Cemetery Street and said to belong now or formerly to the Roman Catholic Archbishop of Port of Spain.

This parcel was acquired for the construction of a health centre. Notice of proceedings for acquisition was initiated under section 3 on July 1, 1977, and authority to commence work under section 4 on the same date, July 1, 1977.

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Finally, Madam Speaker, the ninth is a parcel of land containing 78.859 square metres, situate at the north eastern corner of Shirvan Road and Cocorico Avenue, approximately 200 metres south of the junction of Shirvan and Auchenskeoch Buccoo Road in the parish of St. Patrick, in the ward of Tobago and said to belong now or formerly to Marlon Allan Gremli and Bedia Patricia Gremli.

These parcels were acquired for road construction improvement to the Shirvan, Grafton and Golden Grove roads. Proceedings for acquisition under section 3 were initiated on October 1, 1983, and authority to commence work under section 4 on June 15, 1984.

Madam Speaker, I also take this opportunity to bring the House up-to-date on the progress of the new Land Acquisition Bill. The Draft Bill was published for public comment on September 12, 1991, and the deadline for comments was October 1, 1991. Comments received were evaluated by a technical team at the ministry during the period November 12, 1991 to May 8, 1992, and a first draft of the report was submitted to the Minister on May 8.

After meeting with the team on June 26, 1992, the Minister of Planning and Development requested the team to further examine some of the points raised in their report. As a result of that, the team met again and submitted their final report to the Minister of Planning and Development on November 5, 1992.

On December 3, 1992, the Government approved the recommendations of the review team for the amendments and the matter was then forwarded to the Chief Parliamentary Council for action. I am advised that the Bill is now in its final stages of preparation by the CPC.

Thank you.

Question proposed.

Miss Hulsie Bhaggan (*Chaguanas*): Madam Speaker, I observe that the Member for Ortoire/Mayaro is smiling; I suspect he knew I would rise once more to speak on this vexed question of land acquisition; and I suspect that the hon. Minister's last comment that the Bill would soon be here is, perhaps, in anticipation of what we are about to say.

We ought not to let the opportunity pass, because the hon. Minister did promise that the Bill would come to this House, I believe it was on May 15, 1992,

in about one year's time. Well, the year is drawing close by—in one week's time—let us see whether he can meet that one-year deadline.

Perhaps it is useful to understand why, once more, it is important for us to examine this whole question of land acquisition. I want, for the sake of this House, to explain that this particular Act continues to be an aberration with respect to human rights in our country. This is an Act which was drawn up during the colonial period and, in fact, the sections the Minister referred to a while ago, sections 3 and 4 really give the Government the power—I would not say of God—of the devil.

What, in effect, it does is to give the Government the right to say it is going to acquire a parcel of land; publish it somewhere in the *Gazette*—and most citizens in this country do not read the *Gazette*, so their lands may be acquired and they may not even know. The Government then has the power under section 4 to just move onto the land and develop it. As a matter of fact, that is what happened with respect to the various parcels of land which have been acquired and are before this House today.

The Member for Nariva asked a question earlier as to the number of persons whose lands have been acquired, their names, the amount outstanding and so on. I was very surprised that the Minister of Planning and Development still needed time for that. I would have suspected that if the Government has been acquiring lands over all these years, there would have been some record in some ministry somewhere which would have stated, quite clearly, the persons to whom these moneys are owed.

I find it very strange that we would have been asked for a two-week deferral because this information is not available or is now being prepared. I suggest that that is unacceptable, and, perhaps, one of the reasons why so many people had to wait for years to get their matters resolved. As I mentioned in this House once before, I had many problems, personally, with respect to that whole situation and I know what it can do to a person.

On the last occasion, too, I reiterated the fact that many persons whose lands have been acquired have either passed away or they simply did not know that their lands had been acquired, and as a result, they have met with many difficulties. I am happy, therefore, to hear that the Government is finally going to bring that piece of legislation to the House and we are definitely going to hold them to that.

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I wish to make an appeal to the Government. Although the particular Bill may come to the House, the question is whether it will have any retroactive clause where those persons whose lands have been acquired in the past can benefit from it. I do not know. We have to see it. The point right now is that there are many people who are awaiting moneys and because of the state of the economy and the cost of living today, they have to continue to wait and are in a state of abeyance.

In my own case there are many persons who have had lands acquired along the Uriah Butler Highway and who come to me almost only on a weekly basis seeking my assistance in the matter. The Minister of Planning and Development would also recall, within recent times, that I have been in communication with him in connection with another matter.

Therefore, Madam Speaker, we are not going to be very long on this matter, except to say that we would like the Government to continue to work on that Bill and bring it very quickly to the House.

The Minister of Agriculture, Land and Marine Resources has been saying recently that other laws would come to this House after the Financial Regulations have been brought. While that might be so, I believe something should be done about land acquisition, especially where we have millions of dollars outstanding to citizens; the state of the economy today, and the fact that the procedure for those kinds of acquisitions and payments is extremely long; I hope that the Government will do something about it very quickly.

Therefore, I should like the Minister when he is winding up, to inform this House as to exactly what kind of moneys are allocated to pay those persons whose lands have been acquired. It is not a question of only the Bill being brought to this House. We should like to know, in 1993 for instance, how many persons whose lands have been acquired for more than 20 and 30 years would have their matters settled. That is one question I should like to have answered. Secondly, in terms of the pay-off of this debt, is the Government going to have a plan where on an annual basis specific allocations are going to be made—not some minimal allocation—to be able to settle all outstanding debts from the past?

I am aware that the Government has had a windfall with respect to the recent devaluation of the dollar; and last night we had a big announcement about packages being brought for social relief. I hope that within that windfall we would have some moneys going towards land acquisition. The only problem with the announcement, last night, is that the relief that is being proposed is between \$0.30 and \$1.06 per day for old age pensioners. I hope that settlement in the case of

persons who have moneys outstanding in respect of land acquisition would be far in excess of what was to be paid because these moneys, if they had been paid were deposited in a bank, would have been accumulating over and much interest. When one looks at the Act itself, one would see that the interest tagged on is six per cent or even less. Therefore, it is important that the Government pay off this debt.

Madam Speaker, my final point is with respect to the question of settlements. I am hoping that the Minister of Planning and Development will tell us how he plans to regularize the various settlements where many persons are faced with problems with respect to regularizing their leases; renewing their leases. The bureaucracy once more is very heavy and I hope that we can have some kind of reform in that ministry with respect to residents and citizens who occupy lands in our country.

Madam Speaker, given that the Minister has said he is bringing the Bill, I am going to shorten my address today, but I can promise this House that if the Bill does not come up and we have more acquisition taking place, then we ought to open this House to a full-fledged debate on the whole question of land acquisition.

Thank you, Madam Speaker.

2.20 p.m.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, perhaps, these matters could have been dealt with earlier. But, unfortunately, the hon. Minister of Planning and Development is not very often in the country; he spends much of his time outside it. Maybe he is the real Foreign Minister of Trinidad and Tobago or, maybe most of his affairs are foreign. The hon. Member for San Fernando West, really is the Foreign Minister of Venezuela, from what we have been reading in the press.

Many of these matters could have been dealt with and many questions could have been answered but, unfortunately, the hon. Minister is just not in the country. I raise a question: Firstly, why do we have to go through this procedure of passing resolutions in this honourable House for the Acquisition of a small parcel of land and consuming the time of this House when these matters could be dealt with, perhaps, in committee and a report made to this House, in order to save time?

Here we have major decisions being announced to the nation over the television and radio—relief of income tax, increase of old age pension, and all

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these matters which normally form part of the appropriation and budgetary provisions—in some kind of clear disdain for the authority of this Parliament. That is being done outside the Parliament. But we have these matters of land acquisition, justifiable as they may be, engaging our time here. In the instance where queries are required this could be done in a committee of this Parliament. What is the point in bringing it here if we cannot go into detail? Is it the assumption that you bring it as an act of formality, and we must rubber stamp whatever is presented, as you press for requisition, and that we ought not to go into the details of what is presented to us in this Parliament?

I do not know whether the new Land Acquisition Bill which is in the process of being formulated will look at this procedure with the intention of compressing the time from the publication of the section 3 notice up to the point when we actually come to this House and the matter is approved by Parliament. As we go through these you will see that in some instances the acquisition procedure can be very long and drawn out.

With the case of Tobago, in the first request, the section 3 notice was published on July 27, 1979. Today is May, 1993. Almost 14 years has elapsed from the time of the first publication of this notice when the process actually began. In that 14 years I would like to know what transpired. What was the ministry doing? What were the people who were involved in this procedure doing that you have to come here 14 years later for approval of Parliament for this acquisition? And this happens in many cases.

In the meantime, the person who owns the land may have died, there might be great confusion with respect to the estate, and in most cases, no payment is actually made. You have a situation where the Government may stand to benefit by making this process long and drawn out so that they cannot identify a beneficiary and, therefore, they do not pay. I am wondering if this is one of the reasons why these delays have been incurred.

There is another notice for the establishment of a recreation ground. Section 3 notice was published since September 16, 1976, seventeen years ago in the regime of a former PNM Government, and it is only today, in May 1993, we could come here to this Parliament to get statutory approval for this.

As I proceed and I look at all of these requests, I see that the procedure can be expedited depending, perhaps, on what is perceived as the urgency and objective of the situation by the Government and by the public servants concerned.

In the third request we have had that section 3 notice published only on April 6, 1990 for a police station and national security complex at Cedros. Obviously, the previous Government had given some kind of importance to the establishment of these facilities at Cedros. My question really is—not that the establishment of the police station and the national security complex has done much for us in terms of security in the Cedros area with respect to our problems with the fishermen in Venezuela, because the drug situation in Cedros continues unabated.

Madam Speaker: I think the hon. Member is beginning to meander. We are dealing with the Land Acquisition Motion.

Mr. T. Sudama: Madam Speaker, the land acquisition is for a police station and for a national security complex in Cedros. The point I am making is that while in comparative terms this acquisition has been dealt with rather expeditiously, I am not sure whether the money was spent properly in improving the security situation in Cedros. It could have been that this acquisition, although it was done expeditiously, perhaps is not meeting the objectives of the expenditure involved.

I was there myself. I visited the police station and the national security complex and there is not much going on there as far as I can see. When you hear the complaints of the people of Cedros with respect to security and to the drug crisis, you will understand that all that has happened is that we have spent money and there are two elaborate facilities sitting there in Cedros which have made no positive or effective contribution to the safety of the citizens in that area or to the improvement of the security situation nationally and internationally.

I see again in the case of a primary school, our fourth request, the matter was dealt with expeditiously under the previous regime; section 3 notice being published on April 18, 1990, and authority to commence work on April 22, 1990. Presumably, the school has been completed. I do not know whether the people who are involved got their moneys. We are not sure about that but apparently the school has been completed.

I clearly make that distinction that under the previous regime there seemed to have been some way that these matters were dealt with expeditiously. Maybe the bureaucracy was made to work under the previous regime, and it has lapsed into its normal rigor mortis under the present regime, I do not know.

2.30 p.m.

I ask the question: Why do some acquisitions take a long time, while others are expeditiously dealt with? It is something that we have to answer, otherwise, it

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would appear that in some cases the Government of the day do not care, and in other cases they care, and it could be based on acts of discrimination as to where this land acquisition is taking place, and the facilities which are to be established. I think the Minister should make some kind of investigation in his ministry to find out why there are these large differences in the procedure for acquisition, and why some procedures can be handled quite speedily.

I come to our fifth request—that is with respect to land for the building of the Crown Point Airport. As you know, this is a parcel of land containing 0.3220 of an hectare, more or less, situate at Store Bay, Local Road, in the parish of St. Patrick, in the ward of Tobago, described in the schedule hereto and coloured raw sienna on a plan of survey—I do not know why all these details go here. We do not see the plan. I do not know what raw sienna looks like—signed by the Director of Surveys, dated August 21, 1992, executed under Survey Order No. 119/90 and filed in his office.

If we are ready to probe these matters, this should be the work of a committee of Parliament. The Minister said that the usual section 3 notice was not published with respect to this acquisition. I want to find out from him, if that is outside the law or within it. Is there a provision for the waiver of the publication of section 3 notice? If there is such a provision, then why is that provision not applied more regularly so we could have speedier acquisitions? Why is it only in the case of the acquisition of land for the development of the Crown Point Airport that we could invoke this provision for the waiver of the publication of section 3 notice.

Again, I believe that that is something that ought to be looked into because, I think on very many occasions the Minister has spoken about his competence and other such things.

Dr. Rowley: You have observed his competence.

Mr. T. Sudama: As a Minister of Government, his alleged competence. Let me put it that way. Therefore, as one aspiring to competence, he should be looking at ways and means of speeding up the process of governmental activity, whether it is with respect to land acquisition, bringing a Bill to Parliament or with respect to other state affairs.

As I go along, I see that some of these notices, in fact, have been very recent. Extension of Charlieville Recreation Ground section 3 notice, published on March 17, 1991, authority to commence work on April 12, 1991.

Again, for our fifth request, section 3 notice published in December 1991. Then we move back again to Tobago and see a section 3 notice published only in

1983, 10 years ago and now coming for approval to this House. What I also observed, is that there are many outstanding land acquisition matters which are in the pipeline. I believe it is possible to say that, because I see many requests for acquisition in Tobago. Maybe, the Tobago House of Assembly is doing its work in a very commendable fashion and pushing for acquisition, or, for some other reason, acquisition for lands in Tobago seems to be coming up fairly regularly.

I ask the Government: Why is it that when requests for acquisition come from the county of St. Patrick, which is now under a different jurisdiction, but which was formerly the county of St. Patrick, or the county of Victoria—because my constituency straddles both these counties, and I have had all sorts of complaints coming to me, requests for recreational facilities; requests to purchase land to extend a piece of roadway—why are these not being dealt with expeditiously at all and seem to get bogged down in that Town and Country Planning Department.

I have had the experience of numerous requests being made through the various local government bodies for recreational facilities in my constituency, and when it reaches that step of approval by the Town and Country Planning Department, you get a definitive 'No.' There is no question of looking into the proposal to see the merit of the location. It is as if the Town and Country Planning officials come down beforehand, or have already made up their minds that if that request for acquisition falls in the constituency of Oropouche, there is going to be a complete denial. That has been my experience and the experience of the local government bodies in those two counties with respect to these requests.

I believe that the time has come for an investigation into the operations of the Town and Country Planning Department to find out what exactly it does; how it does it; whether it serves as an obstruction to development in Trinidad and Tobago; or whether it serves as a facilitator. We have heard much about how the Government is a facilitator. If it looks into the operations of some of these key departments of government and tries to streamline their operations in the interest of our citizens, I think it would have done well. The Government would have then given this country some kind of proof that it is serious about its role and work as the facilitator of the developmental process in our country.

I come to another question, and that is undertakings given in the House by Ministers. In other parliamentary jurisdictions, there is a committee of undertakings. A committee of the House sits and examines the undertakings given by Ministers in Parliament to see whether those undertakings are redeemed or not, and within what time span this happens. When they are not redeemed, then the

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committee reports to the House and the ministers are the subject of parliamentary censure.

You will get no such reform coming from this Government; no hope for any minimal reform of the parliamentary system, to expand the role of the committee system. That is like trying to go through a solid brick wall, unaided. That is the task we face in this Parliament.

Last year the Minister gave the undertaking to this House that there are numerous recreation grounds, cemeteries and roads on lands owned by Caroni Limited and the ownership will be transferred to the respective local government bodies. It is important and he said work was proceeding to have this done. We made that request from time to time.

Since I was here in 1981, I have been making that request year in year out to have these transfers made, because if these transfers are not made, then the local government bodies cannot do any kind of developmental work on these recreational facilities.

This is a long standing matter. The Minister, in a response to a contribution I made last year said, "Yes work is proceeding." I do not know what is the delay. If the problem is the availability of surveyors, that has been a matter which I have listened to since I am in this House. It is always no surveyors; so much so, that a former Minister of Agriculture decided that his government would establish a department of surveying at the University of the West Indies to increase the supply of surveyors. I believe that that was done in the early '80s; 10 years has elapsed and today we are still told there is a shortage of surveyors.

If that is the case, tell us. If that is not the case, then why are you unable to transfer the lands on which about 60 recreation grounds stand to the various local government authorities, when you are dealing with a state enterprise? You are not dealing with private owners. You are dealing with a state enterprise which owes the Government money. Therefore, it is a problem of a set of a book entry in order for this acquisition to take place. I really cannot understand it.

2.40 p.m.

I have been a Member of this Parliament for 12 years and every year I have been raising that issue of the transfer of recreation grounds and other recreational facilities to the control of the local government authorities. As destiny would have it, I might be here for an additional number of years and I hope that I do not have to get up year after year to plead with the Government to have this simple thing

done. If they cannot arrange for a transfer from Caroni Limited to a local government authority, what can they do? What is their competence and capacity?

I would like the Minister to give me a response today. The Minister must not give me an undertaking because he never keeps his undertakings. No Member on the other side keeps the undertakings that they give to this House and there are no sanctions. Of course, the sanctions would come later when we go out to the public. I have no doubt in my mind about that. There will be retribution for the false promises you allow the people to believe. We will deal with that when the time comes.

Another matter which I raised previously has to do with the infrastructure for development. I have long given up on the idea that this Government is serious about development. Particularly, I have raised a question which concerns my own constituency of Oropouche, which is an agricultural one, and where drainage is a critical one as it affects the farming community.

What has happened there is that there are a number of natural watercourses which have been blocked. In some instances, people have encroached on what is considered to be the reserves of these natural watercourses and, therefore, they cannot be improved and maintained. When the rainy season comes, we are subject to widespread flooding and damage to crops, so that the efforts of the farmers of this country, who have been badly neglected by this regime for 30 years, come to nought.

I understand they are saying now that the floating of the dollar gives an incentive to farmers. They probably do not understand the meaning of the word "incentive" or they do not understand the physical constraints under which the farming community in Trinidad and Tobago operates.

When a farmer has put in all his effort and expenditure—he has bought seed, insecticide, fertilizer—and as a result of the negligence of the Government and the Drainage Division of Trinidad and Tobago there is a flood and the man loses everything, the Government is totally insensitive to his plight. I have been suggesting that there ought to be established on each natural watercourse a land reserve so that equipment can use that reserve in order to maintain the respective watercourses, particularly in the course of the dry season, so that when the rains come down, there is a free flow of water.

The Ministry of Works and Transport, the Ministry of Planning and Development, nobody seems to know whether natural watercourses do have a reserve or not, and if they do have a reserve, how much it is. If you do an

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investigation and you find no reserve, those lands should be acquired to provide a reserve so that we could have in place this critical infrastructure for agricultural development.

I make this plea in the Parliament on behalf of my constituents. This is my duty. Whether it will have any effect on a totally uncaring Government when it comes to people in the agricultural community, I already know. But, as I said, it is my duty to make these pleas from time to time, carrying out my responsibility on behalf of the people who have elected me to this Parliament.

I hope that in the few remaining years, perhaps months, which the Government has at its disposal, it will come a little better with respect to land acquisition.

Mr. Mohammed Haniff (*Princes Town*): Madam Speaker, I, too, as a relatively new Member of this House, always wondered, when I was in the local government system, why attention was not being paid to the many applications outstanding, especially since it is so very crucial and important.

Last week I listened to what I will describe as meaningful contributions from the Member for Tunapuna. The hon. Minister of Sport and Youth Affairs went on to make some points which are very useful. I am referring to the usefulness of making playing fields and facilities available to the youth of this nation, in particular.

It is in this context that I could not understand why for over 20, 25 years, applications for acquisition coming from the local government bodies have not been attended to. A number of questions arise as we examine the proposals of Government to acquire certain parcels of land which are intended for particular uses. Of course, questions arise as to how many transactions are still outstanding; the issue of payments; whether of these that are being recommended, arrangements have been made so that payments could be made to those whose lands will be acquired; and that issue of local government and the grounds and cemeteries.

My reason for wanting to raise this is to give an idea of what happens at the Princes Town Regional Corporation, formerly the Victoria County Council, where I have been pursuing certain acquisitions and all I get is an excuse each time. I am understanding now why this is so. The whole thing is that there is no interest, as far as acquiring lands in the rural areas is concerned, so that the citizens, especially the youths, can have some recreational facilities where they

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can spend their spare time, taking them away from the things that we wish to eradicate.

2.50 p.m.

I have in my possession a report from the Princes Town Regional Corporation dated November 9, 1992. In this document there are about 21 outstanding applications, for as long as 25 years in some cases. In addition to that, there is not even a section 3 or 4 notice; in certain cases section 3 but no further progress, and time continues to pass.

What I want to point out is that these lands, in some cases, are state lands or agencies but in many cases these are lands which have been given to particular clubs and sporting organizations. The importance of acquiring these—in many cases, there is a negotiated condition, but you do not get that sense of co-operation and assistance from central government to the local government body, so that acquisition could be finalized.

It is common knowledge that local government bodies would not want to put their equipment on lands which are not vested in the local government. They may do some brush-cutting here and there, but in terms of equipment for the purposes of development, they will not want to do it, and quite rightly so.

We behave today and continue to behave as though this situation developed yesterday; not at all. I am emphasizing that these applications have been outstanding for a very long time. If that process were to be completed, what would happen? The local government bodies, where they can use their equipment, if they have any, would go in and assist and, much more than that, the sporting clubs would be in a position to go in for themselves and raise funds and pay private people for the use of equipment and what have you to develop those facilities.

These days if anything is happening at all in the rural parts of the country, it is happening mostly through the principle of self-help. I am involved in about 25 different projects under self-help because there is no other way. If you go to the local government body they will tell you that there are no funds and we also know that there is no equipment.

But if that land were to be acquired and handed over to the local government bodies, the communities—I fail to understand that principle that they spoke about, when they mentioned “communities in partnership”. There is no partnership. When you go to the local government bodies, the communities are totally

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separated because there is no assistance, no arrangement. I am trying to emphasize the importance of acquiring these lands so that the people in the communities themselves could go in and do some of the work which is so urgently required.

The listing incidentally does not only have requests for sporting facilities; there is one, the Cedar Hill area, for a regional park in the constituency of Naparima. It is pending. It is so crucial because every Member here would know that in the south there are no facilities, regional parks, to go to and relax.

What is even more painful is that apart from the importance of the recreation grounds, there are cemeteries which we have been trying to get Government to acquire so that we could have put certain things in place at that time in the local government bodies. Those applications remain there and very little at all can be done by these bodies. So that even though you have a situation where the very cemeteries are not acquired, you have to go out of the county in many cases and these continue to be pending.

I also wish to raise another principle. Having come into Parliament, I was approached by many sporting clubs, but in particular by one known as the STX Sports Club of St. Croix Road in Princes Town. This is a situation where the land was owned by a private person, but was occupied for sporting purposes for over 20 years. The document in my hand will reveal that.

I do not wish to really read out the contents but I shall do it in the sense that I took their letter in which they continue to plead for assistance. Their letter was dated March 20, 1992. As a result of my involvement in trying to offer assistance, I wrote to the hon. Minister of Planning and Development on May 19, 1992.

In that letter I pointed out how long these people have been occupying this recreation ground. Do you know what is the situation that developed? The man went and ploughed up the recreation ground, because it is his land, and as a result that community reacted. There could have been bloodshed and that kind of thing. I am not exaggerating, I am telling you what happened. There was negotiation; he wanted in exchange a parcel of land from Caroni Ltd. But there does not seem to be that feeling of understanding and caring on the part of those in authority when it comes to the rural areas. So I wrote to the hon. Minister of Planning and Development, May 19, 1992, with the closing sentence: "Thanking you for your kind and early attention," I did not receive even the courtesy of an acknowledgement of receipt. That matter remains outstanding.

Madam Speaker, we come here today and we realize that Government is asking us to approve the acquisition of certain parcels of land. I have noted that four of these acquisitions are in the county of St. George. Also included in it, on page 2, the third proposal, is for a police station. I could not help being reminded last night when there was a public meeting in Princes Town, when the policemen were out in their numbers, about the bad situation in Princes Town concerning the lack of accommodation.

The question I raise here, very humbly, is—because information is hard to come by, communication is not there; it is non-existent in most cases—have arrangements been put in place for the acquisition of a parcel of land? The hon. Minister of National Security stood up in this Parliament and said that he had money to build a police station in Princes Town, but he has not been able to find a piece of land. I cannot help laughing at such a statement. It does not make sense in any way. In that context, therefore, I ask where is the principle of dialogue and consultation? In that context, ask: Have arrangements been made to acquire a parcel of land so that police station in Princes Town could be built? They are no longer occupying the caravans which had been placed there. But as soon as it rains, it will return to what it was during the rainy season.

Madam Speaker, I am very concerned about the criteria used by the Government to decide on which parcel of land will be acquired, when it will be acquired. There is suspicion here. What do we have? We have Ministers coming here and saying these are urgent, we wish to do them now. We know that many are outstanding, but we are hoping to come to the Parliament with the principle of making arrangements to deal with them.

Madam Speaker, you know what happened was as a result of government's lack of action in cases dealing with lands that are available in this country? A delegation came to me about a situation where over 200 persons have gone and built shacks on a parcel of land owned by the National Housing Authority. They stated that the government has not acted and I enquired from the NHA and they said that they are acting. Incidentally, that situation is happening in the constituency of San Fernando East.

People in this country need to know what is happening concerning the use of land, be it NHA, be it for sports be it for a cemetery, what have you. In that situation, what is worse is that the NHA has done nothing and it is rumored that it is being allowed by those in authority—the Member for San Fernando East—people are being allowed to go and squat on that land, which is intended for

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housing. We have not heard a statement as to whether that is, in fact, so or not. What we know is that houses continue to go up there every single day and night. Naturally, these people ought to be considered in Government's policy of accommodation, providing land.

Every general or local government election we hear about handing over of lands, either for housing or for agricultural purposes. I am therefore saying that while we come here to give approval for Government to acquire certain parcels for certain purposes, the issue ought to be dealt with comprehensively. We are not seeing any meaningful signs of genuine concern and as a result people continue to wonder what is next.

In the circumstances, Madam Speaker, I wish to join with my colleagues in calling on Government to bring the proposals that they have before the Parliament. Let us understand the suffering of the masses in this country as it exists today. Let us step down. I am calling on Government to start walking on the ground and understanding what is happening. Let us go into the rural parts, together with the urban areas, and see what is happening and try to make it meaningful as far as all the other issues are concerned and make facilities so that the youths in their respective communities, in their leisure time, can use them.

Madam Speaker, that is all I will say on this situation for now, but I genuinely look forward to a meaningful input from the Government that says they care.

Thank you.

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Madam Speaker, it has been drawn to my attention that in reciting the schedules, I left one out, which is on the back of the page, and, for the record, I should like to include it. It is the one at Steele River on the Claude Noel Highway. So, for the record, Madam Speaker:

“Two parcels of land together comprising 2.83.8m square metres situate on either side of the Steele River between the Claude Noel Highway on the North and Milford Road on the south, in the parish of St. Andrew, in the ward of Tobago and said to belong now or formerly to Jeremiah Prescod.”

The Member for Chaguanas reminded me of my promise to have the new Land Acquisition Bill here, I think she said this month. I have learnt a lot in the year and three months in Government about how fast you can get things done. But, as I indicated, the Bill is with the Chief Parliamentary Counsel and I am told that they are completing the legislative work and it should be with me shortly. I

hope, if I am a couple of months late in its presentation the hon. Member would understand the situation.

As regards payments, I am in sympathy with the points raised by the Member for Chaguanas. The budget this year allocated \$3 million for payment for acquisition and I have been seeking to get out of my ministry the information in respect of the amount of money required for acquisition payments. It seems that we have to break it down into three categories. There are acquisitions which have gone through the process of sections 3, 4 and 5, as we are doing today, and negotiations have been completed with the land owners as to the quantum of compensation. There we have a firm handle on the amounts which are owing and the number of people.

There is another category where we have gone through sections 3, 4 and 5, as we are doing today, and where there are still negotiations going on between the landowner and the Government as to the quantum and, therefore, it is very difficult to have a firm figure.

What is becoming more and more apparent is that some of these negotiations are taking a long time because the parties are so far apart and there just does not seem to be a mechanism by which one can speed this along. Where you have, for instance, the Valuation Division of the Ministry saying that this land is worth \$1 per square foot and the landowner is saying it is worth \$10 and there seems to be no give on either side, it becomes a long, drawn-out process and we are seeking to address that. I say that for what it is worth.

So there are a number of acquisitions for which all the legal work has been done in terms of the Parliament, but we still have not been able to come to an agreement; so that even if we had money, we could not pay. You have people saying the land has been acquired, it was passed in Parliament but they are not getting my money. The point is that the final stage has not taken place.

Then, of course, there are the ones which have been entered upon under either section 3 or 4 notices but still have not gone through this process which, by the way, requires the Director of Surveys, on the part of the Surveys Department, to do an actual survey of boundaries. This therefore depends on the availability or the capacity to do the survey, and in many cases, I am told, the section 3 and 4 notices are published but we do not really get in touch with the landowner. If you do not know the landowner or you have not been able to locate him, you are allowed to proceed, but in order to do the survey you have to get hold of the landowner and agree on that matter.

Mr. Palackdharrysingh: Set up the proper mechanism. That is what you have to do.

Dr. The Hon. L. Saith: So this is the situation, Madam Speaker. It is not a situation I am happy or comfortable with, but it is the situation which exists. We are in discussion with the Ministry of Finance in case we are able to utilize \$3 million, for a supplemental allocation as we develop more matters where the compensation is known and we can pay it.

The Member for Oropouche, in his usual fashion, raised a number of matters which I guess have strong political content, but which I am really unable to answer. In respect of the technical side of his argument, I did say that I gave him an undertaking to have some land transferred. I believe he referred to Caroni.

As far as I recall, I had, in response to some questions raised, indicated that the Director of Surveys had a number of surveys which were undertaken in order to have these transfers effected, that they had done some and some still had to be done and that I would seek to have them done as quickly as possible. Madam Speaker, that I am trying to do. I am having it done as quickly as possible. Senators will recognize, of course, that there are a number of calls on the Surveys Department; not only that, there is the question of acquisition surveys and I can only work as fast as they are able to produce the information.

The Member for Oropouche raised the matter of the functioning of the Lands and Surveys Department and the Town and Country Planning Division. I note his comments and I will seek, again, to try to get some answers to the issues which he has raised and see whether they merit any attention.

In respect of the contribution of the Member for Princes Town, I wish, sincerely, that he would let me have a copy of the letter of May 19. There is a practice which I have instituted in the ministry where once a letter comes in, it is acknowledged, even before it is sent to the particular department for a report. If this one slipped through, I should like to be able to check on it. The procedure is there to acknowledge the letter, send it to the relevant department for a report so that I can reply later on. As I say, if he would give me a copy of the letter, I would give him the assurance that I would look into it and make a special effort to see that he gets an acknowledgment in time.

Madam Speaker, I sympathize with some of the sentiments which have been raised in respect of the time it takes to get some of these things done. I want to assure hon. Members that it is not that there is any malice in what is taking place. It takes some time. We are seeking, even as part of public service reform, to

Description of Land	Public purposes for which to be acquired
<p>of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated July 17, 1978, executed under Survey Order No. 60/77 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land containing 2.0437 hectares situate at Sam Boucaud Road, Santa Cruz, in the ward of St. Ann's, in the county of St. George, opposite the Church of the Nazarene and about 46 metres from Stollmeyer Street and said to belong now or formerly to David Lue.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in Book 1066 at Folio 124 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>3. The following parcel of land containing 0.5236 of an hectare, more or less, situate at Perseverance Estate in the ward of Cedros, in the county of St. Patrick, described in the Schedule hereto and coloured raw sienna on a plan of survey filed with the Director of Surveys and executed under Survey Order No. 150/890 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land comprising 0.5236 of an hectare situate immediately west of the existing Police Station in the ward of Cedros, county of St. Patrick and said to belong now or formerly to Perseverance Estate.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Police Station and National Security Complex</p>

Description of Land	Public purposes for which to be acquired
<p>4. The following parcel of land containing 11581.59 square metres, more or less, situate at Bidessie Trace, St. Augustine, in the ward of Tacarigua, in the county of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey filed with the Director of Surveys and executed under Survey Order No. 5/83 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land comprising 11581.59 square metres situate at the southern end of Bideasie Trace 0.5 kilometres south of the Churchhill Roosevelt Highway, in the ward of Tacarigue, in the county of St. George, and said to belong now or formerly to Crescent Motors Supplies Limited.</p> <p>This parcel is more particularly shown coloured pink and raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	A Primary School
<p>5. The following parcel of land containing 0.3220 of an hectare more or less, situate at Store Bay Local Road, in the parish of St. Patrick, in the ward of Tobago, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 21, 1992, executed under Survey Order No. 119/90 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land comprising 0.3220 of an hectare situate at the south-eastern junction of Store Bay Local Road and Crown Point Airport in the parish of St. Patrick, in the ward</p>	Crown Point Airport Development

Description of Land	Purposes for which to be acquired
<p>of Tobago, bounded on the North by Store Bay Local Road, on the South partly by State Lands and lands of Glenora Trim, on the East partly by lands of Crooks and Carrington and on the West partly by the Crown Point Airport Road and state lands and said to belong now or formerly to Knowslon Gift.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in Book 1140, Folio 118 in the vault of Lands and Surveys Department, Red House, Port of Spain.</p> <p>6. The following parcel of land containing 3146.3 square metres, more or less, situate at Dowrah Trace, Charlieville in the borough of Chaguanas, in the county of Caroni, described in the Schedule hereto and coloured raw sienna on a plan of survey executed under Survey Order No. 58/91 and filed the office of the Director of Surveys.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land comprising 3146.3 square metres, situate on the eastern side of Dowrah Trace and immediately west of the Charlieville Recreation Ground in the borough of Chaguanas and county of Caroni and said to belong now or formerly to Ameeran Ali.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>7. The following parcel of land containing 5,114 square feet/4751 square metres, more or less, situate at La Canoa, Lower Santa Cruz, in the ward of St. Ann's, in the county of St. George, described</p>	<p>Extension of Charlieville Recreation Ground</p> <p>Recreational Facilities</p>

Description of Land	Public purposes for which to be acquired
<p>in the Schedule hereto and coloured pink on a plan of survey filed in the office of the Director of Surveys.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land comprising 5,114 square feet/475.1 square metres situate on the eastern side of La Canoa Road, Lower Santa Cruz, in the ward of St. Ann's, in the county of St. George said to belong to Selwyn Wilson and bounded on the North, South and East by lands of B.G. Singh and on the West by La Canoa Road.</p> <p>This parcel is more particularly shown coloured pink on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>8. The following parcel of land containing 989.0 square metres, more or less, situate at Real Street, San Juan, in the ward of St. Ann's, in the county of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated October 10, 1986, executed under Survey Order No. 56/84 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>One parcel of land comprising 989.0 square metres situate in the ward of St. Ann's, in the county of St. George and bounded on the North by Real Street, on the South by lands of the Roman Catholic Archbishop of Port of Spain, on the East by Queen Street and on the West by Cemetery Street and said to belong now or formerly to the Roman Catholic Archbishop of Port of Spain.</p>	<p>Health Centre</p>

Description of Land	Public purposes for which to be acquired
<p>This parcel is more particularly shown coloured raw sienna on a Survey Plan filed in Book 1140, Folio 34 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>9. The following parcel of land containing 78.859 square metres, more or less, situate at Shirvan Road in the Parish of St. Patrick, in the ward of Tobago, described in the Schedule hereto and coloured raw sienna on a plan of survey filed in the office of the Director of Surveys.</p> <p style="text-align: center;">THE SCHEDULE</p> <p style="text-align: center;">A parcel of land containing 78.859 squares metres, situate at the north/eastern corner of Shirvan Road and Cocorico Avenue, approximately 200 metres south of the junction of Shirvan/Auchenskeoch Buccoo Road in the Parish of St. Patrick, in the ward of Tobago and said to belong now or formerly to Marlon Allan Gremlı and Bedia Patricia Gremlı.</p>	<p>Road Construction</p>
<p>This parcel is more particularly show coloured raw sienna on a survey plan filed in the Lands and Surveys Department, Red House, Port of Spain.</p> <p>10. The following parcels of land containing 283.8 square metres, more or less, situate between Milford Road and the Claude Noel Highway, in the parish of St. Andrew, in the ward of Tobago, described in the Schedule hereto and coloured raw sienna on a plan of survey filed with the Director of Surveys and executed under Survey Order No. 48/91 and filed in his office.</p>	<p>Drainage Improvement</p>

Description of Land	Public purposes for which to be acquired
<p style="text-align: center;">THE SCHEDULE</p> <p>Two (2) parcels of land together comprising 283.8 square metres situate on either side of the Steele River between the Claude Noel Highway on the North and the Milford Road on the South, in the parish of St. Andrew, in the ward of Tobago and said to belong now or formerly to Jeremiah Prescod.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

BUSINESS OF THE HOUSE

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that the House now proceed to the second reading of the "Transfer of Prisoners Bill", No. 1 on the Order Paper at page 7.

Question put and agreed to.

TRANSFER OF PRISONERS BILL

Order for second reading read.

The Minister of Foreign Affairs (Hon. Ralph Maraj): Madam Speaker, I beg to move,

That a Bill to provide for the transfer between Trinidad and Tobago and other countries of persons convicted of criminal offences and for the enforcement of sentences passed upon them, and for purposes incidental thereto and in connection therewith, be now read a second time.

Madam Speaker, this Bill which I am privileged to bring to this honourable House is, in my view, a very straightforward Bill which seeks, essentially, to do three things within the context of achieving this possibility for the transfer of prisoners. It seeks to allow Trinidad and Tobago to have access to two

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international arrangements for this particular purpose. One such arrangement is the Commonwealth Scheme for the Transfer of Prisoners, which was enacted, as the Bill says, in Harare, in 1986. Another such international arrangement is the European convention for the transfer of sentenced persons adopted in Strasburg, France, on March 23, 1993. The Bill, also seeks to allow Trinidad and Tobago to enter into bilateral arrangements with any country which is not a party to either the Convention or the Scheme.

At present, Trinidad and Tobago is party to no such arrangement and this matter is, indeed, becoming an increasingly important one in diplomatic relations because, as you know, with the facility with which people travel, ease of communication and so on, crime can be considered to be an internationalized affair.

Indeed, our country has been approached in the past by at least three countries seeking to have some kind of arrangement whereby we can effect the transfer of prisoners—the United Kingdom, the United States of America and Canada. In addition to that, because of the fact that there is no such legislation in place, we in this country are not in a position to do much if we wish to ensure that any of our own nationals, serving prison sentences in a foreign country, can be brought back here.

We do have an outstanding case which really caught my attention and which really activated me to a large extent in ensuring that this Bill did indeed, come to this honourable House. It has to do with a Trinidad and Tobago national by the name of Sohoba Benjuda who is in a Tanzanian jail. He is serving a prison sentence there of 20 years. The Tanzanian Government is willing to have him come back to Trinidad and Tobago and his parents are so willing. He is willing, as well, but we cannot effect that transfer because the legislation is not in place.

Indeed, when this honourable House does pass the legislation, and I expect full support, we would then have to get into a bilateral arrangement with the Tanzanian Government to have this prisoner transferred to Trinidad and Tobago.

By way of background to both the Scheme and the Convention, in terms of the language, purpose and content, they resemble each other very closely. I am convinced, indeed, that the Convention influenced the Commonwealth Scheme to a very large extent, because when the Commonwealth Law Ministers met in Colombo, in 1983 to discuss the Commonwealth Scheme, the Convention was, indeed, open for signature and they were exposed to it.

The result is, as I said, we do have the Scheme and the Convention resembling each other very closely, except, of course, in terms of the Scheme having the kind of wording which is necessary for application to the Commonwealth and to conform with Commonwealth terminology and precedent.

So that in accessing both the Scheme and the Convention, we have similar arrangements. Indeed, through the enactment of this legislation, we would join countries like the United Kingdom, Zimbabwe, Nigeria and others that are already part of the Commonwealth Scheme. In terms of the European Convention, there are 22 European states which are already signatories to the Convention and there are non-European states, as well, like the United States, Canada and the Bahamas.

What is the objective of this Bill? What is the objective of these Schemes and these international arrangements for the transfer of prisoners? Very simple, it is based on humanitarian concerns where it has been recognized through research in penology and so on that people who are serving sentences in foreign countries and lands undergo great trauma because, of course, they are in an alien culture, if you want to put it that way.

3.20 p.m.

There are sometimes, language barriers; they are exposed to customs, very often that they are not habituated to and more than anything else they are removed from familiar surroundings, from family and friends who cannot visit. It must be a very lonely life, for anybody who is serving a prison sentence in a foreign land.

This really is the major philosophical underpinning of this particular legislation, these particular schemes, seeking really to join the whole effort and new awareness towards the rehabilitation of prisoners.

Madam Speaker, a major principle of this Bill, of the scheme and the convention, is that it is not something that is going to be imposed on any person, and it is not something that any one country is going to be forced to do; there is no obligation on the part of any country to adhere to any request, for example. The fact of the matter is, a prisoner, according to the scheme and the convention, according to the Bill, can only be transferred from one jurisdiction to another with his or her consent and with the consent of both the sentencing country and administering country. That is a principle that is common to both the Scheme and the Convention which really forms the basis of this particular piece of legislation.

However, one important feature, distinguishes the Scheme from the Convention, and that is, in the case of the Convention. Article 12 provides that

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each party, that is either the sentencing party or the administering party, may grant pardon, amnesty or commutation of the sentence in accordance with its constitution or other laws. The scheme on the other hand provides, that unless the sentencing and the administering country otherwise agree, the sentencing country alone, may grant pardon, amnesty or commutation of the sentence in accordance with its constitutional laws.

It is clear then, that both the scheme and the convention can only really set out the broad principles for the transfer of prisoners. In many cases it would have to be effected when consideration is given to the application in relations between governments. That will require some kind of consideration with respect to their own laws and relevant procedures.

As far as the cost of transfer of the prisoners is concerned, under the Convention the administering country alone will bear the cost, and under the Scheme, it can be borne by both the administering country and sentencing country. They can come to such an agreement in a general sense and in what proportion it is to be borne or so, or it can also be done with respect to individual cases. So again, here you have a measure of flexibility.

Our research, into the information with respect to the number of Trinidad and Tobago citizens who are abroad in foreign prisons as well as the number of foreigners who are in our own prisons, reveals the following: That there are now five nationals imprisoned in the United Kingdom; two in Italy; with respect to Canada, 12 nationals are imprisoned in Federal prisons; and our latest information relating to Trinidad and Tobago nationals imprisoned in the United States of America, reveals that some 91 Trinidad and Tobago nationals are currently serving custodial sentences in Federal prisons there.

It has also been established that 85 prisoners of foreign nationality are in Trinidad and Tobago prisons, and out of this total of 85, Madam Speaker, 56 of them have been incarcerated on drug related offences. The breakdown for the benefit of hon. Members is as follows:

- Convicted—48
- Unconvicted—8
- No. of convicted females—22
- No. of unconvicted males—5
- No. of convicted males—26
- No. of unconvicted males—3

These inmates are citizens of the United States of America, the United Kingdom, Canada, Venezuela, Jamaica, Guyana, Barbados, St. Vincent and the Grenadines, Dominica and St. Lucia.

Even though the Convention has come into force and you do have countries having this arrangement for the transfer of prisoners, there are problems that still do abound. They are plagued with unnecessary delays, there are problems as well that are related in particular—and I point this out deliberately—to drug related offences. I should like to state that in this regard, neither the convention nor the scheme provides the procedural framework for transfers, and they do not contain an obligation on states to comply with the request for transfer. That is very important because in the other place this point was brought up and I just want to re-emphasize it, that they do not contain an obligation to comply with any request for transfer.

Madam Speaker, having said all that, I should like to go through rapidly some of the provisions of that Bill. Clause 1 and 2 are self-explanatory, dealing with the persons who can be transferred to Trinidad and Tobago—they have to be citizens and persons considered as belonging to this country.

Clause 3 provides that the provisions of the Act shall apply to a country which is declared by Ministerial Order to be a country to which the Act applies, when an agreement which is defined to include a treaty, has been entered into between that country and the Government of Trinidad and Tobago.

Upon enacting this legislation and acceding to the Strasbourg Convention, our country would be able to effect prisoner transfer with the United Kingdom, Nigeria, Zimbabwe, Malawi and Grenada under the Commonwealth Scheme, and under the Convention, with Austria, Bahamas, Belgium, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, Norway, Spain, Sweden, Switzerland, Turkey and the United States of America. With regard to Tanzania, we would need to enter into a bilateral treaty arrangement.

3.30 p.m.

May I say that with respect to clause 4(4) there will be certain amendments in the committee stage to allow that part of the clause to be in accordance with clause 4(1) whereby the prisoner may not be the applicant, but may have consented to an application made by the government of the holding state. At the committee level there will be another amendment where there will be a deletion of clause 12(1) to accord with treaty obligations. There will also be an amendment

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with respect to clause 4(2), but the hon. Attorney General will be dealing with these matters in more detail when he makes his contribution to this Bill.

Clause 5, provides for the revocation of a warrant and the issuance of a superseding warrant in appropriate circumstances.

Clause 6 provides for the continuation of the sentence where a prisoner is transferred to Trinidad and Tobago, as though it were a sentence passed by a court of competent jurisdiction, save that the conviction and sentence shall not be subject to review by the courts of Trinidad and Tobago. What it really means is that it is expected that a foreign transferred prisoner would serve out his Trinidad and Tobago imposed sentence in his own home country. In fact, the clause also enables the prisoner to apply to the High Court by way of a petition, for variation of his sentence to accord with the laws of Trinidad and Tobago if, in his view, he has been treated unnecessarily harshly.

Clause 7, provides that any document required under this Act to be certified or signed by the responsible authority of the declared country from which an offender is transferred shall, if that document purports to be certified or signed by a judicial officer or authority or by the person in charge of any penal institution in the country in which the offender was detained, be accepted as evidence of the fact that it has been signed officially and legally unless there is any evidence to the contrary. This clause merely enables Trinidad and Tobago authorities to accept these documents as having been signed legally and constitutionally.

Clause 8, provides for the detention of a transferred prisoner. Clause 9 provides for a transferred prisoner "who is a young offender", and this is important, according to the laws of Trinidad and Tobago, to be brought before the courts, pursuant to a warrant of the Minister and dealt with as his age dictates, and in our own case he will be detained at the Youth Training Centre at Golden Grove.

Clause 10, provides for a transferred prisoner to be credited with any remission of sentence to which he would have been entitled prior to his transfer and for him to earn remission in accordance with the laws of Trinidad and Tobago after his transfer. In the case of a young offender if he/she is eligible for reduced detention this will be done in accordance with the grade system in the Young Offenders Detention Regulations.

Clause 11, as it says, provides for the compulsory supervision of a prisoner upon his release and, as I said, there will be an amendment to clause 12.

Clause 13 deals with any prisoner who has been found insane and unfit to stand trial. It provides for the transfer to Trinidad and Tobago, with the consent of the Minister, of such a person.

Clause 14 deems a person who is being transferred to be in lawful custody and makes it an offence punishable by a fine if he escapes or if anyone assists in such a person escaping the clutches of the law.

Clause 15 deals with the transfer of a prisoner who has been convicted of an offence in Trinidad and Tobago to the country of which he is a national and for the procedure to be followed in connection therewith. Clauses 16, 17, 18 and 19 are self-explanatory.

As I said before, Madam Speaker, in summing up this part of the debate and my contribution at this point, we in Trinidad and Tobago have no such legislation by which we can effect or participate in what is a matter of some importance in diplomatic and international relations. The Bill seems to give us access to these two international schemes and also to allow us to effect bilateral agreements with countries that are not part of the schemes.

As I said, and I just want to repeat it, it is based on humanitarian concerns. Allowing prisoners the opportunity, if they so wish—if they so wish and that is important—to serve their sentences, or the remaining part of their sentences in surroundings with which they are familiar, which will also help in the whole rehabilitation process—and this really is one of the philosophical underpinnings of the Bill.

As I said, the way it is arranged, there must be consent of the prisoner as well as consent of both the sentencing and administering countries. As I said before, it is a straightforward piece of legislation and I feel certain that we shall have no trouble at all in having the support of all the Members of this honourable House.

I thank you, Madam Speaker.

Mr. R. Maharaj: I wonder if the hon. Minister would, before we start, say what amendment is being proposed to clause 12?

Hon. R. Maraj: The draft of the amendment will be circulated before we come to committee stage.

Madam Speaker: Is that the one you said the Attorney General will be dealing with?

Hon. R. Maraj: Yes.

Question proposed.

Mr. Ramesh Lawrence Maharaj (*Couva South*): Madam Speaker, when the hon. Minister rose to speak and he mentioned humanitarian causes, I thought he was going to talk about the Government's measure to alleviate the human suffering of the fishermen of Trinidad and Tobago, but I was disappointed. Although this Bill has been circulated for some time now, I thought that when it was going to be presented in this Parliament, it was not going to be another *ad hoc* measure taken out of a Commonwealth plan and just put into our set-up without considering the framework that we have in Trinidad and Tobago.

I do not think it can be doubted that any concept to provide citizens from Trinidad and Tobago who are serving sentences in foreign prisons and who can have the option of applying to serve those sentences in their home country—I do not think it can be disputed that that concept is a humanitarian one. I do not think there can be any dispute about that. What is important for us in this House is that whether this measure, on the present facts and circumstances that exist in Trinidad and Tobago, will really benefit persons who are citizens of Trinidad and Tobago; or whether it would really be to benefit foreign prisoners who are serving prison terms here.

Another issue which arises from the Bill, and my hon. friend the Minister has not told us—but we would have liked to know—is whether the Government has some idea as to how many prisoners of Trinidad and Tobago citizenship are serving prison terms and are eligible to apply for transfer to Trinidad and Tobago.

Yet another issue which arises from this Bill, is that when this scheme was discussed internationally, it was not discussed as something in isolation, it was discussed in order to reform the administration of criminal justice in the respective Commonwealth countries.

It was discussed in order to take steps which would make measures which are in the respective countries, more humanitarian, if I may use that expression, in respect of persons who are in the position of having to serve sentences and who have to be subjected to the administration of criminal justice.

3.40 p.m.

Later on in my contribution I would show to some extent what developments occurred from the time this Scheme was made and throughout 1990-91; in what context the discussions abroad took place, and whether we are really trying to implement the rationale of those discussions and what were agreed upon. But is it that we are really only trying to pick out something put into place, because for

some reason or the other there is some international pressure to have this particular aspect implemented?

One of the first things that one would have to do in a Bill like this, if it is being said that the measure would result in prisoners of Trinidad and Tobago citizenship applying to serve their prison terms in Trinidad and Tobago, is to look to see whether the conditions here would be attractive for Trinidad and Tobago prisoners to apply, and secondly, whether the Government has the infrastructure in place, both human resource and support machinery, in order to make this a reality.

The Opposition office has had some communication with the Prison Officers Association. These are some of the figures we have got recently about the accommodation in the prison:

"There is accommodation in the prisons in Trinidad and Tobago for about 1,200 prisoners and the current prison population is over 3,200. This has risen from 1,282 in 1986...

when this Scheme was obviously devised, which is the origin of this Bill—

"to a peak of 3,500 in 1991."

If I may mention this also:

"The overcrowding is so acute that men are forced to share with 10 or 11 others in a cell designed for three men in the Remand Section. In the Convicted Prisoners Section, they are 7-9 to a cell. This constitutes a grave health hazard."

One sees that the Government has come here with a serious measure in which they are asking the people of Trinidad and Tobago to say that on humanitarian grounds they want to pass measures to allow prisoners of Trinidad and Tobago citizenship to apply to serve their prison terms here. If one has that kind of problem, one would ask the question, whether a prisoner in a country in which there are better conditions than these, would consider applying to come to Trinidad and Tobago to serve any prison term.

What we are sure about is that foreign prisoners serving their terms of imprisonment here, would apply to leave these conditions. That is why this is in conformity with the policy of the Government, not to please the ordinary people of our country, but to please the foreign agents, the persons who dictate the policy. If this Government were interested in humanitarian reasons and

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humanitarian grounds, do you think in this day and age, when there is so much suffering and poverty outside, it would come to discuss this as a matter of priority?

People cannot go to school, they are starving, dying, and the Government come to discuss something like this as a matter of priority. We are "kicksin" in this Parliament!

Mr. Valley: Madam Speaker, the Member opened and mentioned the fact that this matter was on the Order Paper for quite some time, but now he is contradicting himself, stating that we are debating it as a matter of priority. This has been on the Order Paper since the beginning of the year.

Mr. R. L. Maharaj: Madam Speaker, while this was on the Order Paper and it was not being debated, I was convinced that the Government were learning. But here it is, they come today, when the current crisis in the country is a crisis of confidence and suffering—they are supposed to care. That is the point I am making.

It is not only overcrowding, because that is not the only problem. From the information we have got and, perhaps, the Government would respond—I know they are very good at responding. One of the very effective ways they consider they have of responding is to behave in a very emotional way when they have no solutions to the problem, they, in effect, try to attack the Members who speak on this side. But we are accustomed to that.

According to the Prison Officers' Association, there is a problem in providing enough food for prisoners under the present vote which is, in theory, for 1,200 and not the actual 3,200. The prisons on most occasions run out of foodstuffs; the prisoners do not get food. The prisoners are bordering on undernourishment.

So do you think prisoners in foreign prisons who are citizens of Trinidad and Tobago would apply to come here to get overcrowding where they are liable to get AIDS? Obviously, that is a problem which the Government has to consider. I will come to that. They will probably die of hunger.

But who is going to benefit? I want the Government to tell us today, who is putting pressure upon them to pass this Bill, and why. Who are the prisoners in the prison who have to get out of this country, and they cannot just exchange them, they have to get Parliament's approval to send them out? We want to know. I feel very sorry for my Friend, the hon. Minister of Foreign Affairs, in that it was well-recognized that they have tried to put him to open this debate, as if this involved so much of foreign policy.

The Fourteenth Annual Report of the Ombudsman, documents at page 23 issues pertaining to remand prisoners, and also documents complaints that prisoners have. The Ombudsman talked about 156 complaints from prisoners—the lack of medical attention, the inhumane prison conditions, victimization for one reason or the other.

So one sees that it is not a case where the authorities do not know that there are grave problems. I would have thought that any government, if it were serious in trying to benefit prisoners who were of Trinidad and Tobago citizenship or descent, serving terms abroad, would try to have some element of prison reform in order to make it attractive, not only for the prisoners abroad, but also in order to serve the humanitarian ends which they profess they want to serve by introducing this Bill.

3.50 p.m.

If the Government is correct that this would attract citizens of Trinidad and Tobago who are serving prison terms abroad to apply to serve their prison terms in Trinidad and Tobago, one would expect, therefore, that there would have to be additional room and additional financial and human resources to provide the necessary support machinery to cope with this.

The funding to the Ministry of National Security has been reduced, from \$537 million in the 1992 allocation to \$524 million in 1993; a reduction of \$13 million. So one has a very bad situation where the Government is reducing the financial allocation, yet, it is telling us that it expects to have an increase in the prison population. In effect, what is the Government inviting? It is inviting human suffering. The Government is not going to be acting on humanitarian grounds.

One other issue which arises from this Bill—I just got the proposed amendment; I just wanted to make sure; I see it is clauses 2 and 3(v) not clause 12. I would not want, for many reasons, to deal with the issue of pardon and amnesty in this contribution; what I want to deal with is clause 12(3) which states:

"A transferred offender who is, at the date of his transfer, on parole in the declared country..."

The "declared country" will be the sentencing country—

"...in which he was convicted and sentenced, shall upon his transfer to Trinidad and Tobago be treated as a person on parole, notwithstanding that such an offender might not be eligible for parole under the laws of Trinidad and Tobago."

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I would read clause 4 which states:

"A breach of any condition of parole or of a conditional pardon shall render the offender liable to the same consequences as if he had been granted a respite or had been conditionally pardoned in accordance with the laws of Trinidad and Tobago."

We do not have a parole system in Trinidad and Tobago. In countries which have a parole system, there is a parole administering authority, whether one calls it a board, a commission or whatever it is—and prisoners serving terms, after a while are allowed to go and serve the community; do things; be at large, and they are monitored; and if there is a breach of that parole, one would be able to get that person back into the prison. It is a very sophisticated system. We do not have that system as it exists in England, America etc.; but we have a clause in this Bill saying that if a prisoner who is on parole abroad comes to Trinidad and Tobago, he would, in effect, be a prisoner.

I want the Government to tell us, if the prisoner is on parole—that means he is out of the prison walls—and he applies, succeeds and comes to Trinidad and Tobago, what is it going to do? Is the Government going to put him in the prison? Or, is the Government going to create a machinery to have him on parole?

The Bill also states, that:

"A breach of any condition of parole or of a conditional pardon shall render the offender liable to the same consequences as if he had been granted a respite or had been conditionally pardoned..."

So if there is no parole system as there is abroad and he is in breach of a condition of parole, he would be liable to the same consequences. It seems to me that this was merely copied. As a matter of fact, if one looks at the model legislation in connection with these matters, this has been copied and I do not think it has been recognized that this clause cannot work in Trinidad and Tobago.

One of the other aspects which I see would be a great obstruction to the achievement of the object as stated in this Bill—as a matter of fact, it may be very counter-productive and can produce more human suffering, not only to prisoners, but probably, also ultimately to the people of Trinidad and Tobago unless there are proper reforms of the prison system. Madam Speaker, it is well known that in prisons, there can be a high incidence of AIDS. If there is overcrowding in the prisons and because the authorities must know that these are conditions which exist in the prisons—I should have thought that some machinery would have been

put in place to ensure that prison inmates are not exposed to having this infection—if I may use that expression—as a result of the lack of facilities which exist in the prisons.

What has happened in other countries is that prisoners are compelled to have blood tests so that the prison authorities would know whether they are infected or not; and there is machinery employed whereby prisoners who are coming in, in effect, are controlled.

I think that what this Government is doing is implementing a measure which has been discussed and agreed upon without considering the implications and effects of implementing it, without providing the necessary safety nets or measures to protect prisoners and the population of Trinidad and Tobago.

Apart from forced testing, are the prison officers—and one knows that in the foreign prisons, one sees from the statistics, there is a high incidence of AIDS—trained to deal with situations if they become aware that prisoners have AIDS. There has to be training for this. There has to be training of prison officers as to the attitude to adopt when they become aware that a prisoner has AIDS. Therefore, this is a very complex matter and the Government ought to consider that if they are going to implement these measures and expose the prisoners and the prison officers to these risks, they should have the proper mechanisms put in place to ensure that there is no unusual harm to prisoners and the population of Trinidad and Tobago.

Madam Speaker, it would seem to me that if the Government had merely read some of the reports on our prisons, they would have seen that in truth and in fact not only inside the prison, but outside it where one has to depend upon the Probation Officers Department to administer some of the affairs of sentencing, that even that Department is not geared to deal with this situation.

4.00 p.m.

Madam Speaker, if it is that we are going to have a system whereby prisoners would be on parole and will be out of the prison, and if we are going to have systems whereby you are going to try to get these prisoners to be able to face life outside then, obviously, the Government should have announced what measures they would put in place to make this work. If I may refer to the 1980 Report of the Commission of Enquiry into the Prisons, at item 1/15 page 7 it states:

"In this country the physical and social environment within our prisons do not lend themselves either to the humane treatment of the offender, or to the kind

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of climate where his growth and improvement might take place with a fair chance of success. Further, when we consider the supports necessary in the community to which the offender must one day return, we find those supports to be sadly lacking. We refer particularly to the lack of a real family, the dearth of social welfare facilities, counselling services, coupled with inadequate housing, and lack of employment facilities and marketable skills of the vast majority of the offenders."

Madam Speaker, one sees that a report as far back as 1980 stated that the physical and social environment, of the prison does not really meet the test. It is, therefore, curious that this Government can say that it is really having these measures for the benefit of Trinidadians and Tobagonians, for humanitarian reasons. As a matter of fact, I think that if the government proceeds with these measures and citizens of Trinidad and Tobago, not knowing the conditions, apply and come here, they may probably want to apply to go back. I do not think they will be able to do that. It is because of matters like these, it seems to me that we should really have a different system in Trinidad and Tobago.

I think that we should consider that a Government should not be in office for five years. A Government should be in office for three years. In another country, this would be considered a joke! This is a national joke. In another country, a government would know if it comes with a measure like this, in the context of everything, it would be voted out of office in a few months' time.

One of the issues that I find strange is that in one breath the government are saying that they want to deal with the question of international Conventions and Schemes, but in the other breath, it would appear that they are not interested in following some of the international norms. As a matter of fact, if one picks up the United Nation's document, which this Government has acceded to, "*Standard Minimum Rules for the Treatment of Prisoners*," under the different categories—accommodation—one sees that the present conditions in the prisons violate all principles contained in this document.

The present conditions at the prisons are contrary to international norms which the Government have agreed to. It is ironical that although they have a situation in which the conditions are violative of international norms they are saying, on humanitarian grounds, that they want to introduce a measure to comply with international norms, because it is humanitarian and involves foreign policy.

Another aspect which I find very laughable in this matter—as a matter of fact, I was reading this Bill in one of the courts this morning and I could not help but

laugh. I did not know whether I would have been charged for contempt for my laughing. It is laughable! Clause 13 states:

"If a person who is a citizen of Trinidad and Tobago, having been charged with an offence in a declared country, has been ordered by a court of that country to be detained because he has been found to be insane and unfit to stand his trial, or has been found guilty of the offence but was insane at the time of the commission of the offence, that person may be transferred to Trinidad and Tobago at the request of the Government of that country, upon notification by the responsible authority of that country and with the consent of the Minister, whereupon section 4 (4) shall not apply to such person."

Madam Speaker, one knows that the St. Ann's Hospital is the hospital that Trinidad and Tobago would have to use to house these people. The whole purpose of introducing this measure, to be humane, is that in order to fulfil the requirement that prisoners should not be subjected to cruel and unusual treatment, the Government considers that by introducing these measures would be promoting the humanitarian causes of the prisoners.

Can this government, if it is really serious, say that a prisoner, with the facilities that they have in most of these countries abroad—England and the United States—that those prisoners can be put in St. Ann's? Egg-nog or no egg-nog, that they are safe? Is this not a joke? I want the Government to tell us how many persons who qualify under clause 13, they think would want to come to St. Ann's to serve any period, even a week?

Another issue arises in this matter—and that is why the government has to be brave and bold enough to take decisions. On the question of crime and criminal justice, it is not an easy task for a Government to take measures to sincerely and truly improve the rights of prisoners especially in an era in which you have a shortage of money. It is not easy because one can be criticized by the public. That is why a government has to decide whether it is truly committed to the cause and to the concepts. Since you have prisoners and they are very vulnerable, as a Government, you cannot show an example that you are ill-treating prisoners. Because that kind of ill-treatment reflects the societal norms and standards and it can have an effect ultimately on the kind of life you have in Trinidad and Tobago. Therefore it is not easy if a government genuinely wants to promote humanitarian causes for prisoners.

On many occasions the shock of the criminal activity, to the brutal murders and the kind of violence leave the society benumbed and can have the effect of a

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government or persons in authority reacting in a way in which vengeance against people can be detected. It would need a strong government, a government that is truly committed to human and fundamental rights. The Government must recognize that the legal system is much more important than emotionalism.

We have seen it in many ways, even in this House that the emotionalism of crime has even produced attacks on lawyers or Members who have been involved in participating in the system of criminal justice. That is another story but we see that the violence of criminal elements sometimes blinds our vision.

The point I am making is that the Government make decisions regardless of how unpopular they may be with the general population. It is recognized in dealing with the administration of criminal justice a government cannot make those decisions on the basis of what is popular or emotionalism. They have to deal with it in the interest of humanitarianism, human and fundamental rights. That is why months ago, on November 13, 1992, when the Minister of National Security was asked questions about Government's policy on corporal punishment, the Government's response to that was merely that is what the law says.

4.10 p.m.

The hon. Minister has mentioned about the European Convention and that is one of the conventions and areas. Corporal punishment has been declared by the European Court of Human Rights to be barbaric, cruel, unusual and not in accordance with the promotion of humanitarianism. The courts of several Commonwealth countries, and the court of Zimbabwe have declared it to be unconstitutional, violative, cruel and of unusual treatment. If the Government had made decisions as to their policy—and one has to make up one's mind. Are you going to promote humanitarianism in one context, but you are not going to promote it in other contexts?

In a book called, *The Treatment of Prisoners Under International Law*, by Nigel Rodley, a publication of Oxford Press, at page 242, the whole question of corporal punishment is dealt with. At page 255 of the book, there is the historical survey that corporal punishment was regarded as something that was necessary. Then you had the concept of human rights developing, and in several countries in the United Nations Human Rights Sessions, there had been directions that it is barbaric et cetera.

I should have thought that if the Government were coming today with a piece of legislation in which it is relying upon international conventions, it would have stated what is its policy in respect of some of the international principles of law

which apply to matters dealing with imprisonment, like what sentence can be carried out when a prisoner is transferred.

I ask the question: What is the position of a prisoner of Trinidad and Tobago who is sentenced in a country in which there is corporal punishment and it has been imposed, but it was not carried out in that country, and that prisoner is transferred to Trinidad and Tobago? We want to know whether the authorities of Trinidad and Tobago would inflict corporal punishment, because the sentence of imprisonment would be carried out in Trinidad and Tobago and whether the sentence is only the imprisonment or any other aspect that goes with the sentence.

The important thing for the Government is to just ram something through Parliament. We have an Order Paper; it is a matter of course. Ram it through. Then tell you to pass it and pass it. [*Interruption*] I do not want to get to Bosnia. If the Government—

Madam Speaker: Stay away from Bosnia. I ask the Leader of Government Business also not to.

Mr. R. L. Maharaj: We would really not reach Bosnia today.

As the hon. Minister mentioned, there is the Convention of 1983 and the Commonwealth Scheme. In 1990, at the meeting of the Commonwealth Law Ministers held in New Zealand, the whole question of this Scheme of 1983 was discussed with law ministers. If I may read from the Commonwealth Law Bulletin, and as you know, Madam Speaker, what is called a law bulletin gives you an account of the political activities of the Commonwealth, dealing with respect to measures, not only on law, but also measures which can result in legislation with the promotion of human rights internationally.

Volume 16 (3) page 1030, refers to the 1990 meeting of Law Ministers of the Commonwealth, and then it stated that the meeting's agenda covered a wide range of matters which included the transfer of prisoners concept. The Ministers expressed the view that public confidence in the judiciary could be undermined if the public perceived the marked lack of consistency on the part of sentencing tribunals. Consistency of sentencing was discussed and the whole question of sentencing and judicial training with respect to sentencing and training of prison officers. The whole question of extradition of offenders was linked with respect to the Scheme in which there had been mutual assistance in the solving of crime and the promotion of the administration of criminal justice. In my respectful view, one sees that this measure is only part of the package; one of the problems that countries have not only with respect to transfer of prisoners, but also with the

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extradition of persons charged with crime. I should have thought that if the Government were interested in implementing these decisions and matters which were discussed, it would have told the country today why it is that there are so many loopholes in the Extradition Act, No. 36 of 1985. People cannot get extradited from Trinidad and Tobago if there are requests from Government.

As a matter of fact, I do not want to go into details, but there are loopholes. One of the loopholes is that legislation ought to be passed, both here and in some of the countries in which you have to get persons from Trinidad and Tobago so that there could be a guarantee that if the person is extradited to a particular country, that person would not be sent to another country to be tried for an offence committed before his return.

In Trinidad and Tobago, we have had instances where foreign governments have been frustrated because of the fact that the law has not been updated. As a matter of fact, I would like to thank the hon. Minister of Foreign Affairs for supplying to the Opposition late week, a list of the countries with which there have been treaties with the Government of Trinidad and Tobago.

If we are really concerned with mutual and international assistance in fighting crime and promoting criminal justice, I think that the Government ought to do something in order to ensure that not only this country brings its laws up-to-date to permit extradition in respect of offences committed in other countries. The Government should also ensure that in its dealings with other countries that they also, as a condition, update their laws so that persons who have committed offences in this country, and who are in other countries can be extradited.

As a matter of fact, quite recently there has been a matter in Trinidad and Tobago in which a top officer was prosecuted. He was indicted in the High Court. The matter was called up. He is a public official and he is in Venezuela.

The courts are frustrated because the law has not been updated in order to get this person extradited. One can debate this as a special matter, but I raise it because I think that it has to do with the administration of criminal justice, and the Government ought to consider not bringing to this Parliament these *ad hoc* measures, but a proper plan.

4.20 p.m.

One would have thought that when this Government got into power in December 1991, in an important area of criminal justice and justice generally, and in an important area of law, there would have been some plan introduced to this

Parliament as to the Government's vision for updating laws or bringing them in conformity with the society in which we live. So that there would have been some plan with which the Government would be working.

Instead, we come here week after week and we see the absence of a plan. There is no direction or vision. We see the population being disappointed by what this Government is doing. We have made the point over and over again. Two weeks ago, they came with the Young Offenders Detention (Amdt.) Bill. This week, we have the Transfer of Prisoners Bill. The Government is trying to hoodwink the population. The Government knows that it does not have the available resources at this time to deal with this and it does not have the vision to get the resources.

Over 120 prisoners in this country have filed a constitutional motion that they cannot get transport from the prisons to the courts. The Government, in an affidavit, through one of its officials, has itemized that it does not have the money to provide this transport and it is telling the court to deny the people their fundamental rights because it does not have money. How is it logical that the Government can come with a measure where they have to put more money into the system, if they want humanitarianism to be enjoyed? It knows that it has reduced the resources. It knows that it does not have the human resources necessary. The Probation Officers' Department, as it is, cannot function. They do not have the support system. Whom are they trying to fool?

I feel sorry for the people of Trinidad and Tobago because they are, in effect, prisoners for five years. After 1991, they are prisoners until 1996 and they do not have any kind of measure like this to change the Government. They have to wait until 1996. What this Government, which has failed the population and has no plan for this country, should do, is resign or have a referendum so that the people would decide that the PNM is unfit to govern Trinidad and Tobago.

Thank you very much, Madam Speaker. *[Noise]*

Madam Speaker: May I again advise members of the public gallery that this is a debate in progress and to observe the rules of silence and proper conduct. I am not going to repeat this.

The Minister of Housing and Settlement (Dr. The Hon. Vincent Lasse): Madam Speaker, before I delve into the substance of the Bill before us, I think it is necessary for me to touch briefly on a few points raised by the Member for Couva South. I was rather disappointed because I have always regarded him as a luminary and I was expecting to get some food for thought to enhance my

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contribution. However, some of the points raised really threw me off a bit because he dwelt on such matters as whether it would be beneficial for a national of Trinidad and Tobago or more beneficial for a foreigner to spend the remainder of his sentence here.

One of the main tenets of the Bill is that the prisoner has to decide whether he wishes to return to his country or remain where he is. The Member for Couva South quoted extensively and sometimes one gets the impression that quoting could be a very good thing. However, sometimes 100 quotes may not be worth the salt of practical experience. In this case, I would be dealing in my contribution with the practical experience I have had, not as a prisoner—

Mr. Maharaj: May I just say that I have the advantage over the hon. Member because I have been a prisoner. I have had the best of both worlds.

Dr. The Hon. V. Lasse: I would be speaking basically on my practical experience when I represented Trinidad and Tobago as a foreign service officer in the United States, from 1971 to 1976, and also from 1982 to 1988 when I represented the country in the United Kingdom. In both instances, I dealt with nationals who were imprisoned.

I would also wish to deal basically with the general principles of the Scheme for the Transfer of Convicted Offenders. I quote:

"(1) A person convicted and sentenced to a term of imprisonment in one country, the sentencing country, for an offence, may be transferred in accordance with the provisions of this Scheme to another country, the administering country, in order that he may serve the remainder of that sentence in that other country."

My experience in the United States dealt with a situation whereby a teenaged national of Trinidad and Tobago was convicted for Murder II. Whilst serving his sentence, I had occasion to visit him several times. His desire was always to return to Trinidad and Tobago. It happened that at the time he was about to be granted parole, there were situations created—whether fights or mock fights—and it was said that he was always involved. This prolonged his stay by another four years. Had a Bill of this nature been in existence, clearly it would have been a matter of fact, once he had consented to return home and both countries had agreed, that he would have returned.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Dr. The Hon. V. Lasse: Mr. Deputy Speaker, I was stating, prior to the break for tea, that I would use my personal experience in my intervention on this Bill. I started by relating an incident where a national of Trinidad and Tobago, a teenager, was incarcerated in the United States and he experienced much difficulty. Whenever the time came for him to be paroled, there were incidents where he was alleged to have been engaged in fights, and his stay in prison was prolonged.

This situation prevailed for some four years beyond the time he should have been released. I said then that had such a Bill or measure been in place, the prisoner would have first requested that he should return to his country to serve the remainder of his sentence, and both the sending and receiving countries may have agreed.

I would wish now to relate the second incident, and this took place while I was serving in the United Kingdom between 1982 and 1988. There was a celebrated case involving nationals of Trinidad and Tobago. One of the persons who had been convicted was then a teenager. He served more than 20 years in prison. But there may have been a measure of political interference in that case because the persons who had been murdered was an influential persons in the United Kingdom, and several attempts had been made by the Trinidad and Tobago High Commission in the United Kingdom to secure his release. I visited him for some four years. He was a model prisoner.

Further to that, he was the barber in the prison, and he walked around from cottage to cottage with his scissors in his pocket. He was considered by all to be the type of person who should be released. But, again, as I mentioned, there may have been a measure of political interference and he served another four years beyond the time he should have been released. His brother, however, who was much older than he, deteriorated to the point of being a vegetable, and that was the last I saw of that individual. The younger brother was released eventually and returned to Trinidad and Tobago.

These two incidents show very clearly that if a Bill of this nature were in place, the persons involved would not have spent those agonizing years beyond the time when they were supposed to be released. That is why I support the Bill. I want to emphasize the humanitarian aspect of it, because in the quest for rehabilitation, it is always better for a person to return to his country, where he

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can be visited by his friends and his family which will facilitate his return to society as a normal person.

In the United States of America, we have incidents of racial discrimination and this was brought out quite recently in the celebrated case of Rodney King where, had it not been for a video taping of an incident, the facts would not have been known.

Now, imagine that a foreigner is being discriminated against behind bars. How could that evidence be brought forward? There are several countries with which Trinidad and Tobago, at this time, does not have diplomatic representation and it becomes very difficult for persons who run afoul of the law to be represented, and in some instances, it may be the case of a first offender. I have had the experience in the United Kingdom of visiting in prison several young women from Trinidad and Tobago who had been used as drug mules. A conviction of this nature normally results in a long sentence. It would have assisted in their rehabilitation if they were able to spend their imprisonment at home.

I wish at this point to refer to a contribution made by Sen. Rev. Daniel Teelucksingh in the other place. His contribution was rather instructive. He suggested that persons who are convicted for drug offences should be considered *persona non grata*. I agree with him. He also mentioned that a Bill of this nature could contribute to international co-operation in our attempt to arrest drug trafficking. It would also create a situation of regional co-operation which, I believe, is of paramount importance in our quest to deal with the drug situation.

Last week in our debate on the Young Offenders Bill, the Member for Naparima made a very touching contribution, and I give him credit for that. It may be due to the fact that he had a little rest and he returned well prepared. But he quoted from Sweet and Maxwell and he touched on the question of rehabilitation. He went on to state that the entire society should be involved in rehabilitation, and I believe that an important ingredient of this Bill is the question of rehabilitation.

That is why I am confident that the champions of human rights on the other side, locally and even internationally, will realize that the time has come for them to declare where they stand on a matter like this. I am fairly confident that good sense will prevail and they will come along and support this Bill.

I think I should touch a bit on the question of the granting of pardon and amnesty, because there seems to be some misunderstanding that probably a

prisoner, having returned to his country, may be pardoned. But, pursuant to the Commonwealth Scheme, Appendix II, "Scheme for the transfer of convicted offenders", paragraph 13(1), which relates to pardon, amnesty, commutation and review, states:

"Unless the sentencing and the administering countries otherwise agree, the sentencing country alone may grant pardon, amnesty or commutation of the sentence in accordance with its Constitution or other laws."

Subclause (2) states:

"The sentencing country alone may decide on any application for a review of judgment."

So I think that those who believe that a floodgate will be opened—the Bill provides the necessary checks and balances.

Before I concluded, I think I should refer to five points in the Commonwealth Scheme, because, as I said at the beginning, I am confining my contribution to the Commonwealth Scheme because we have, more or less, the same legal system. The Scheme was adopted at the 1986 meeting of Commonwealth Law Ministers, in Zimbabwe.

Point 1: The Scheme provides for an offender convicted of an offence in a Commonwealth country other than his own, to be transferred, with the consent of both countries concerned, to serve his sentence in his own country. That is a very clear provision.

Point 2: The cost of the transfer of a prisoner is to be defrayed by the sentencing country and the administering country in such proportion as they may agree in regard to any particular transfer.

Point 3: The Scheme, and I mentioned this earlier, is based on humanitarian considerations and also the desirability of permitting a prisoner to return to his country where he has links to serve the remainder of his sentence, where he would be visited by his friends and his family and, of course, would be prepared to return to society.

Point 4: It should be noted that there are sufficient safeguards to prevent an opening of the floodgates, because each country must agree to every request for repatriation.

The fifth point is of paramount importance. The scheme is not in operation at this point so that the government of Trinidad and Tobago is unable to accede to

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requests by other countries for the repatriation of nationals who would wish to return to their respective countries.

Having made these five points, I believe the case is well put and, as such, any reasonable and prudent person would support this Bill. I count on the good judgment of the Members on the other side. I thank you, Mr. Deputy Speaker.

Mr. Trevor Sudama (*Oropouche*): Mr. Deputy Speaker, first of all, I would plead to a little handicap in dealing with this Bill before us, because I cannot speak with authority; I have never been a prisoner, nor do I have much dealings with prisoners. So I shall rely on the judgment of others who have been through that experience as to the conditions under which prisoners have to spend their time in our prisons.

However, Sir, while it has been said that this is a simple, straightforward measure which seeks to do something which is quite desirable, this measure cannot really be divorced from the whole question of penal reform, the whole question of crime prevention and the crisis which is affecting this country, the illegal drug trade. Because I believe it is as a result of its emergence in Trinidad and Tobago that you do have a large number of nationals of one country being incarcerated in other countries. But we have not had much said about that in this debate.

What we are doing is trying to deal with the situation at the end of it, in terms of corrective and rehabilitative measures when we should have really been putting our attention to the preventive aspects, of people engaging in these acts and, indeed, getting convicted and becoming prisoners.

Our prisons are grossly overcrowded. The answer does not lie in increasing the accommodation. While that might be a temporary measure, the answer cannot lie there. The answer has to lie with decreasing the prison population, decreasing the propensity in society which leads people to commit crime, and if they are apprehended and convicted, find themselves in prison. Therefore, while we are really speaking about this measure, what we are speaking about is the concerns of individuals.

We had the concern of a Trinidadian in a jail in Tanzania, and another concern mentioned by the Member for Point Fortin. Individual concerns are important. But when you look at the broader picture, you see that this measure, really, is insubstantial, might prove to be not worth our time and effort in this House, in passing it, for the simple reason that we have not heard much about the costs.

There was the mention about the costs involved in transferring prisoners from one country to another country, but there is a whole area of uncertainty there as to who will bear the costs, how much they will bear, the terms of negotiations and so on. You might have these negotiations going on, and you might not be able to come to any conclusion about the costs of transfer, and then the provisions of this Bill cannot be implemented. But given the size of the prisoner population, these costs would amount to much and we see, for example, that there has been a reduction in the allocation to the Ministry of National Security in 1993 for the various things that these departments will have to do, including provisions for the prison service.

We are in stringent financial and economic times and the Government is putting in place a measure which it is not sure it has the resources to implement, whether in respect of the funding involved in the transfer for prisoners, or whether, with respect to the increased population of our prisons.

So I do not see great importance in this measure which is being attached here. With regard to the Member for Point Fortin, I merely wish to make a brief comment with respect to the jail of Venezuela. Now, I am aware that many of his constituents from time to time find themselves in the jails to investigate the conditions there.

Maybe it is with respect to Venezuela and Trinidad and Tobago that we can expect a greater inflow into Trinidad, given the jail conditions in Venezuela.

Perhaps, if you can imagine the conditions in jails in other countries being worse than jail in Trinidad and Tobago—I am told that jails like that do exist in Venezuela.

But I do not know how seriously he takes his representative responsibility. That is another question we have to address. How very serious—and since he is a man versed in international relations, I think he should have been at the forefront of these negotiations with the Venezuelan authorities in order to see how our citizens are treated in their jails and to have agreements in negotiations so that we can have an easy transfer back to Trinidad and Tobago. But when I go down to Cedros, I do not get the impression that the people there and surrounding areas think very much of the representation accorded them by the Member for Point Fortin.

This is merely an impression I have, Mr. Deputy Speaker, and particularly with regard to his representation of those people who have been incarcerated in jails in Venezuela. So I merely made that point.

Dr. Lasse: On a point of clarification, I pass through Oropouche every day and I believe they have the same opinion of their representative.

Mr. T. Sudama: I do not know what he does in Oropouche every day, whether he wants to make up mileage claims or something, I do not know why he has to pass through Oropouche every day; but that is another issue. I made that point merely as some advice, from one representative to the other, that maybe he should be taking seriously the interest of his constituents, especially in Cedros and the difficulties they face with the Venezuelan authorities.

The Venezuelans imprison our citizens, and I am told with impunity. We have not, to date, imprisoned, as far as I am aware, a Venezuela citizen for infringement of our territorial waters or other things dealing with the illegal drug trade in those waters.

So I am just wondering whether the Venezuelans are more vigilant in that regard than we are, or whether our own Government does not really have that measure of concern for our citizens and territorial rights as the Venezuelans seem to have for their nationals. It is a very crucial question, and that is why our nationals find themselves in Venezuelan jails more often than Venezuelan nationals find themselves in our jails.

However, as I said, maybe this Bill, when it becomes law, will facilitate those people who are thrown into Venezuelan jails on a weekly basis, temporarily or permanently, as the case may be. Maybe then the Member for Point Fortin would go down to Cedros and take credit for having supported this measure and for being able to have Trinidadian nationals repatriated from Venezuela.

We have addressed the question of humanitarian concern, and in my view everyone, including a prisoner, is entitled to respect for his human and fundamental rights and, quite apart from that, we should have concern for the conditions under which fellow human beings have to pass their time whether as prisoners or otherwise.

I would urge the Government, also, to extend that humanitarian concern to people who are outside the prison, people who are suffering, people who are deprived and destitute and who are the victims of crimes and violence. Not forgetting those who are living in fear, anxiety and under siege in this “free, democratic and loving society” of Trinidad and Tobago.

5.35 p.m.

Mr. Deputy Speaker, when we come to the question of prison reform which is one of the objectives of this Bill—I heard talk about rehabilitation, but I did not

hear much said about prison reform and you cannot have rehabilitation without prison reform. The Member for Point Fortin said that that was one of the objectives of this Bill. And Again, it is a question of just talking without having the plan, the resources, the structures to put in place to give reality to that objective.

Mr. Deputy Speaker, let me quote from a book by L. Bloom Cooper, called, *Progress in Penal Reform*. I go straight to his conclusion:

"No amount of resources, however great, can enhance a convicted citizen's chances of productive re-entry to a democratic society when that citizen has been confined to an institution too large to provide individual services, too geographically remote to provide vital life contacts and too regimented to foster self-esteem. In short, current institutions cannot rehabilitate."

And he is looking at a broad spectrum of conditions in a number of countries. I do not know why Members on the other side feel Trinidad and Tobago is so different, so advanced, so progressive that in our jails you have the conditions for rehabilitation.

Then, of course, there is the report from the commission of inquiry into our own prisons. The final report was presented in 1980—and I do not know between 1980 and 1993 whether things have changed in the jails of Trinidad and Tobago. It says:

"In this country, the physical and social environment within our prisons do not lend themselves either to the humane treatment of the offender..."

"'humane' having to do with humanitarianism.

"or to the kind of climate where his growth and improvement might take place with a fair chance of success. Further, when we consider the supports necessary in the community to which the offender must one day return, we find those supports to be sadly lacking."

Our own conclusions from investigations done here.

Where are these rehabilitation measures and conditions that we are talking about so that people who are imprisoned overseas and who wish to be transferred to Trinidad and Tobago would rush to avail themselves of that opportunity for the chance of being rehabilitated in our own conditions here.

We heard talk about people suffering in an alien culture; they are imprisoned overseas and they are suffering. As I have said earlier, I am not an expert on this,

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but 'prison culture' seems to be 'pretty standard' in a lot of countries. In some countries you have, perhaps, better physical conditions, but I would imagine that the same basic attitudes which prevail in one country, which lead people to become convicts and criminals, prevail in other countries, and, in fact, at the level of the mind the same attitudes persist. So this talk about alien culture in one country, and people not feeling at home—as far as I am aware, a prison is a prison, whether you are in Tanzania or in Golden Grove. As I have said, I have not been there to know what the exact conditions are.

We have had arguments from the other side, but I must say, arguments made without conviction. And when you look at the reality of the conditions which face us, you will see that they were merely talking for talk sake, in order to have something to say to promote this Bill.

As have been mentioned before, the pressures for the passing of this Bill certainly have not come from inside Trinidad and Tobago; in other words, from the families of Trinidad and Tobago nationals who are imprisoned overseas. The pressures have really come from outside Trinidad and Tobago.

I warn the Government of one possibility: That the majority of people who are languishing in our prisons have been convicted of drug offences and when this measure becomes law—if it becomes law—then those foreigners will avail themselves of this opportunity and will have themselves transferred to their countries.

This will give an incentive to potential drug pushers and illegal drug traders who would say, “look here, if you go to a Third World country which is a signatory to these conventions and agreement and you get convicted, that is no big thing because you would not spend too long a time in jail there as there is a law which says you can be transferred out of that Third World country, come back to your country and spend your time in relatively better conditions, and face the possibility of an earlier release from prison”.

I am arguing that this Bill might provide an incentive, rather than a deterrent, to foreign nationals to engage more and more in drug trafficking in Trinidad and Tobago, in the knowledge that if they are caught and imprisoned here, they can get a quick and easy release to the prisons of their home country where conditions are much easier. I have my doubts, I am very skeptical about the consequences of passing this measure here and what it will hold for illegal drug trafficking in Trinidad and Tobago.

We already have a crises on our hand, with this question of illegal drug trafficking here. I am concerned that with the passage of this Bill, we shall be exacerbating that crises and giving a lot of potential drug traffickers who would like to come to Trinidad and Tobago to engage in their activities, some little form of incentive to come here with the prospect of an early release back to their home countries.

That is an issue the Government should have given some thought to in its heady rush to pass this Bill here this afternoon, and to brow-beat the Opposition into acceptance of a measure without giving the matter full and due consideration as to its likely consequences.

Another point before I wind up, and that is—

Mr. K. Valley: Promises, promises—

Mr. T. Sudama: It seems that the Member for Diego Martin is judging me by his own standards and the standards of his Government, that I make promises that I do not keep.

5.45 p.m.

There is a clause in this Bill which cannot be implemented. I do now know why it was put in. There is no structure, there are no resources for its implementation. That is clause II.

"Aftercare" appears in the margin. It is just like going to a hospital and being released and you have "aftercare" treatment. It says that—

"A transferred offender shall, on release from prison, be subject to the like compulsory supervision, if any, as if he had been sentenced to a term of imprisonment of the same length by a court in Trinidad and Tobago as a person sentenced to such a term by that court would have been so subject".

So we have aftercare treatment.

I want to quote Prison Rules 111 to 118 which state that you should have, first of all, aftercare officers. I do not know if we have such an animal in Trinidad and Tobago. Do we have aftercare officers in the prisons? Do we have those people? The Attorney General is at a loss, he does not seem to know whether we do have them. These prison rules provide that—

"an After-Care Officer shall interview prisoners to ascertain their needs for clothing—"

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I understand there is a shortage of clothing at the prisons, Mr. Deputy Speaker—

Hon. Member: Shortage of food.

Mr. T. Sudama: I proceed.

"to ascertain their needs for clothing, tools and equipment; provide them with these necessities and 'small money grants'".

In addition to providing them with clothing, tools and equipment in order to allegedly rehabilitate them, you also have to give them "small money grants." The question I ask is: Where are the financial resources to give effect to this? Have these things been done? If they have been done, maybe the Minister, if he is aware of this, could tell us in his winding-up. Or is it just a matter of formality, putting these things down in the Bill here, talking about aftercare when you do not have the slightest minimum provision to give effect to this question of aftercare and rehabilitation that is involved.

So as I say, Sir, I cannot be very sanguine about the Bill and its provisions and what it is going to do, like the Members on the other side. It makes no difference, in my own view, whether this Bill is passed or not, because in terms of the larger issue of international drug trafficking, crime prevention, the question of prison reform in Trinidad and Tobago, this measure is of limited use, if any.

We have spent an afternoon in this House of Representatives debating something which, to me is of the most minimal priority, given the conditions we face in Trinidad and Tobago today and the economic, political and social crisis on which we sit and the chance for very, very serious anti-social behaviour coming about in our country.

As I said, we have a Bill here which, instead of creating conditions which may be of benefit to nationals of Trinidad and Tobago who have been convicted of crimes in other countries, we might very well be putting in place a measure which will induce foreigners to come to Trinidad and Tobago particularly to engage in the illegal drug trade and so compound our problems with respect to the abatement of the drug crisis in Trinidad and Tobago.

Thank you very much.

The Minister of Foreign Affairs (Hon. Ralph Maraj): Thank you very much, Mr. Deputy Speaker.

I welcome the opportunity to respond to some of the comments made and I would really like to start with the last speaker, who started off by saying that he is

not an expert in the matter. I really feel that he ought not to have spoken at all because, really, he has degenerated, as it were, into a kind of silliness.

The last point the Member made, for example, was that this Bill is of limited use, as far as the whole question of international crime is concerned. How can the Member interpret it that way when, really, the Bill seeks to place your country and your penal and legal enforcement system within an international framework?

He talked about drug trafficking which is an international problem. If you are seeking to have the co-operation of other countries with respect to drug trafficking, which is an international problem, how would you expect their fullest co-operation in such a matter—investigation of these crimes and so on—if on a matter which is of increasing importance to all of us, you are not in a position to co-operate? So that you have to see things in an integrated whole.

He also suggested, that the Bill will act as an incentive to drug traffickers and criminals from other countries—and this is where the silliness really comes in—who would then see Trinidad and Tobago as a place where you can go and conduct illegal business and then you will spread the word to all your friends, "Hey, leh we go down in Trinidad and do we business because they have a Bill there saying that you can get free". Really, most unbecoming, that kind of logic and reasoning, Mr. Deputy Speaker. But for the benefit of the hon. Member I would state that in the United States enabling legislation—the United States has passed legislation, in respect of accessing the Strasbourg Convention—it states explicitly in section 4105 that—

"an offender serving a sentence of imprisonment in a foreign country transferred to the custody of the United States Attorney General shall remain in the custody of the United States Attorney General under the same conditions and for the same period of time as an offender who had been committed to the custody of the Attorney General by a Court of the United States for the period of time imposed by the sentencing Court."

So in other words, there is in the United States, for example, that kind of legislation which would prevent the perception—this kind of legislation being passed in this country—that it is an act of leniency, an opportunity, as the Member said, to exploit the situation. Therefore, United States citizens or nationals returned to the United States who have been convicted of drug offences in this country will be required to serve out their sentences in United States prisons, but may be released on parole as the conditions of the legislation allow.

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There has been much talk as well, about external pressure on the Government. It is reflective of Third World thinking. Some people really reveal themselves very easily without knowing it. Any time you seek to do something in a country like ours, and if it is in keeping with that of other countries of the world, people tell you that you are under pressure to do it, and that you have no independence, as though being independent is synonymous with being different from everybody else. That is the limited perspective that some people have.

5.55 p.m.

Let me say this and make it clear as I have said in the Upper House. When I became the Foreign Minister of this country, I looked at the legislation that was before me and I saw, pending on the books, this particular piece of legislation. Even before that, I had come to know the story of this Trinidadian who was in this Tanzanian jail. I was really moved by humanitarian concerns. In the world of politicians and in the Parliament, people feel that you cannot be human. They become cynical about that. You are expected to be Machiavellian instead.

Mr. Maharaj: I wonder if the hon. Minister would give way. Is he saying that what motivated him to have this Bill before this House is this poor Trinidadian in the jail? We want to know that.

Hon. R. Maraj: That was not the only thing, but I was moved by that and I thought of the whole situation, and we were dealing with the legislation and that was a catalyst and an energizer in the whole thing. So that there was no pressure from outside. We are part of a world that is becoming increasingly internationalized and we have to keep our country in tune with the rest of the world. When other countries ask you to co-operate in certain matters, that does not constitute pressure. Let me make that point very, very clear. There has been absolutely no pressure on this Government to enact this piece of legislation. *[Interruption]* You see the kind of silliness—I am really disappointed in the Member for Oropouche. *[Interruption]* He just revealed himself. The more he talks, the more he reveals himself. My Leader wants me to hasten, but I want to deal with certain things.

He talked about prison culture and he said a prison is a prison is a prison anywhere in the world. That is what he said anywhere in the world. The most elementary mind, the youngest person, would see the fraudulence of that statement. How can a prison be a prison, be a prison, anywhere in the world? You have problems of cultural differences; you have language difference; you are away from your family and your friends. How can a prison be a prison anywhere in the world? People come here and talk a lot of nonsense.

In fact, in an article entitled "The Problems of Prisoner Transfer" in the *Commonwealth Law Bulletin*, quoted by our Friend as an authoritative source, Keith Best, Director of Prisoners Abroad has stated that persons imprisoned abroad feel isolated, and apart from the occasional consular visits, are alone and surrounded by a foreign culture and language which they may not understand.

Mr. Deputy Speaker, the person who wasted the time of this House was really the hon. Member for Oropouche. I think he reached the height of silliness, as it were, when he was dealing with the Venezuelan situation and tried to make a point that had absolutely no connection with the problem. It is reflective of a kind of "hop and drop" mentality that one cannot understand.

Mention was made of the need for prison reform, and we are very much aware of that. In fact, our entire social services sector is going to be, I am sure, embarking on the programmes to deal with the aftercare that he was talking about. We do have some measure of rehabilitation taking place. If I were to quote from the *TnT Mirror* of May 7, 1993—

Mr. Maharaj: I wonder if the Member could quote from last week's *TnT Mirror* instead of this week's.

Mr. R. Maraj: The title of the article: "Prisoners Graduate.":

"These prison inmates can afford to smile. They had just graduated on Wednesday in a literacy course conducted by Caribbean Union College and sponsored by the Royal Bank. The 28 inmates are detained at Golden Grove..."

So you have evidence of prison reform on the way. Indeed, only recently on television, Mr. Hercules, Director of Prisons was saying that 20 graduates were from the prison. These were people who came in with absolutely no qualifications but ended up with CXC passes and are now going on to the John Donaldson Technical Institute to do trade. So that we are aware of the need for prison reform. We are not satisfied with what is happening. We need to do more. We need to improve the conditions of our prisons, and that is also on the way.

The question of AIDS was brought up by the hon. Member for Couva South. I think if he were to refer to the Bill, clause 4(5)(f), he would see a provision there for medical information to be provided on the prisoner. That kind of medical information will give you an awareness of whether any foreign prisoner does have such a disease, and I am sure action can be taken in this regard.

In spite of the superficiality of the contributions, especially from the Member for Oropouche, I think that this measure is one, as I said, that would place us in a

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position to do things which are important. As I said before, it also gives us an opportunity to co-operate internationally in yet another way. I think that we are on the way.

6.05 p.m.

Reference was made to the conditions at St. Ann's Hospital. I assure Members that extensive repair is being effected at that institution and we are sure that it would come up to the kind of standards that we need at this institution.

Mr. Deputy Speaker, I thank hon. Members for contributing and, in spite of the Member for Oropouche who really disappointed me on this occasion, I ask Members to support the Bill.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

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

Mr. Sobion: I beg to move that clause 2 be amended as follows:

- (a) Remove the definition of "declared country" from its present position and insert it after the definition of "convicted".
- (b) Delete the definition of "offender" and substitute the following: "offender" means a person, irrespective of age who being either—
 - (i) a citizen of Trinidad and Tobago; or
 - (ii) a person whose transfer appears to the Minister to be appropriate having regard to any close ties that person may have with Trinidad and Tobago,

has been convicted of an offence by a court of competent jurisdiction in a declared country and upon whom a sentence has been imposed as a consequence thereof;

(c) Delete the definition of "transfer" and substitute the following:

"transfer" means transfer from a declared country to Trinidad and Tobago or from Trinidad and Tobago to a declared country.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Sobion: Mr. Chairman, I beg to move that clause 3 be amended as follows:

In subclause (5) delete the words "under subsection (1) in relation to a non-Commonwealth country" in lines 1 and 2 and substitute the words "other than by virtue of the Convention or the Scheme".

Subclause (5), as drafted, does not really achieve the objective which is to have the orders where they are other than orders made under the Convention or the Scheme to have the agreement attached to those orders.

It will now read:

"Any Order made other than by virtue of the Convention or the Scheme shall contain the text of the agreement..."

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Sobion: Mr. Chairman, I beg to move that clause 4 be amended as follows:

(a) In subclause (2) delete the words "or the sentence is indeterminate" in line 3.

The reason is that the treaty provisions provide that where the sentence is indeterminate, that is one of the circumstances under which without showing exceptional cause a party can request a transfer. It is merely to keep it in terms of the existing treaty obligations which the Government has subscribed to.

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- (b) In subclause (4)(a) insert after the word "applied" in line 1 the words "for or consented to".
- (c) In subclause (4)(b) delete the word "act" in line 6 and substitute the words "apply or consent"; and insert after the word "for" in line 7 the words "or consented to".

A person can be transferred either on his own application or the application of the holding state with his consent. So, it is to make it clear that the form which the Government must receive is either an application form or a consent form. That is the effect of the emends to subclauses (a) and (b).

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 9 ordered to stand part of the Bill.

6.15 p.m.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Sobion: Mr. Chairman, the printed Bill has a clause 10 (1) only and a clause 10 (2) printed on it. There was an amendment in the Senate which introduced a clause 10 (32). On a review of that amendment, it appears that that provision is not really necessary as the provision for remission, even in the case of young offenders can be dealt with by the provisions of the existing 10 (1). We are proposing to amend by deleting 10 (3), which was approved in the Senate.

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

Clause 12.

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

Mr. Sobion: Mr. Chairman, there is an amendment to delete clause 12 (1) which, on further review, seems to impinge on the sovereignty of the state by suggesting that legislation would only apply to a person if there is consent of a third country. We think that this section ought to be deleted and it would in no way interfere with the obligations which we have undertaken under the Treaty. For that reason, we move the deletion of subclause 12 (1).

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Question put and agreed to.

Clause 12 , as amended, ordered to stand part of the Bill.

Clauses 13 to 19 ordered to stand part of the Bill.

Long title:

Mr. Robinson: Mr. Chairman, I should like to move an amendment to the long title of the Bill; it reads:

"An Act to provide for the transfer between Trinidad and Tobago and other countries of persons convicted..."

This is ambiguous; it suggests that one is transferring prisoners between Trinidad and Tobago. I recommend that it reads:

"An Act to provide for the transfer between the Republic of Trinidad and Tobago and other countries..."

Long title amended.

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

House resumed.

Bill reported, with amendment; read the third time and passed.

BUSINESS OF THE HOUSE

The Minister of Local Government and Minister in the Office of the Prime Minister (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that this House now consider Private Member's Motion, No. 10, on the Order Paper in the name of the Member for Tobago East.

Question put and agreed to.

INTERNATIONAL CRIMINAL COURT

Mr. A.N.R. Robinson (Tobago East): Mr. Deputy Speaker, I beg to move the motion standing in my name which reads as follows:

Be it resolved that this honourable House take note and approve of progress made towards the establishment of an International Criminal Court and other trial mechanisms for bringing to justice, persons who may have committed war crimes or crimes against humanity, or other acts in gross violation of international criminal law:

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And be it further resolved that this honourable House fully support the international effort to establish a tribunal for the trial of persons who may have committed war crimes, genocide or other flagrant violations of international criminal law in the countries that constituted the former Republic of Yugoslavia;

And be it further resolved that this honourable House fully support the efforts of the United Nations through the International Law Commission to expedite the process towards the establishment of an international criminal court and, in particular, the effort to expedite the drafting of a statute for such a court;

And be it further resolved that a copy of this resolution be sent to the Secretary-General of the United Nations, His Excellency Boutros Boutros-Ghali, and that the resolution be given the widest publicity in the media.

Mr. Deputy Speaker, before I speak on the Motion, I express my very deep gratitude to this honourable House, bot sides of it, for agreeing to advance the Motion on the Order Paper. Were it not for this agreement the Motion could well have stayed and languished on the Order Paper and eventually become a nullity. It is in recognition of the importance of the subject matter that both sides of the House have agreed to advance the Motion.

In fact, what we are dealing with is a central issue of concern in the international community today. What we are talking about as we address this motion, is a vision, one made possible of realization by the end of the Cold War and of the division of the world into two mutually hostile exclusive camps. The vision is one of a New World Order, one of co-operation among peoples and nations to promote peace, security and the welfare of mankind.

Characteristic of this New World Order must be the acceptance of minimum standards of conduct; conduct falling below which will incur the opprobrium and condemnation of the vast majority of mankind. Consequently, an essential pillar of this New World Order must not be the rule of the privileged or of the powerful, but the rule of law. Without such a vision the people of the world will surely perish.

The end of the Cold War has brought the conviction that this vision is capable of realization. It was a dream held since the end of the Second World War only to be shattered by the emergence of mutually hostile and exclusive camps. Suddenly, the dark threatening clouds of nuclear war have lifted and mankind is presented with a resplendent vista of hope and opportunity but what is the current situation?

6.25 p.m.

Not far from the sites of Belsen and Buchenwald, Auschwitz, Dachau and Mauthausen, where the most barbarous acts were perpetrated during World War II, we witness on our television screens conduct which has aroused sentiments of horror and revulsion in all of us; mass killings, mass rapes, genocide, ethnic cleansing and wholesale defiance of decisions of the Security Council of the United Nations.

It is my contention that the situation in former Yugoslavia demands the strongest possible response from civilized mankind. Let it continue unabated, and no country will be immune to the virus it would have unleashed, while the United Nations would be viewed with cynicism and contempt. Let me say at once that I agree with President Clinton that the United States must not act alone and that Europe must collectively be alongside America, at the forefront of any action to be taken in former Yugoslavia.

Let me say also that I share Mrs. Thatcher's indignation at the apparent lack of resolution in Europe in what is first and foremost a European problem. But let me say also that we must not underrate the role that we in Trinidad and Tobago and Caricom can play in this situation. Let me emphasize, the situation in former Yugoslavia is one of concern for all of us in this region, diversely peopled as we are. We must not say, "It cannot happen here". We say, "It must not happen here."

Focusing on Yugoslavia does not in any way mean that we are unaware of or unconcerned with the deplorable events in Somalia, Angola, Mozambique, Cambodia, Azerbaijan or South Africa. It is precisely because of our concern over all these situations that we focus on the countries of former Yugoslavia. The forces that have given rise to the situation in that region are very much alive in the Caribbean.

The motion seeks to have this honourable House do two things: Firstly, to place on record its unequivocal support of current efforts at the United Nations to create an International Criminal Jurisdiction and in particular, an International Criminal Court. Secondly, to give full support to the effort to create an *ad hoc* tribunal for the trial of persons who may have committed war crimes, or crimes against humanity in the countries that constitute the former Republic of Yugoslavia.

It should be appreciated that although the issue of an International Criminal Jurisdiction had long previously been mooted, it was the Trinidad and Tobago initiative of 1988—89 that has been the catalyst for current efforts in that

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direction in the United Nations. The importance of this initiative by Trinidad and Tobago has been emphasized in many quarters.

President of the organization called Parliamentarians for Global Action with a membership of 860 parliamentarians around the world, Congressman James Leach of the United States, recently said in a publication entitled *International Criminal Court*:

"The efforts of several states—starting with Trinidad and Tobago and more recently, including Germany and Canada—have succeeded in bringing the idea of an international Criminal Court back to life at the United Nations."

Professor Benjamin B. Ferencz, who was the youngest United States prosecutor at Nuremberg, in an article in the *Columbia Journal of Transnational Law* Vol. 30, 1992, No. 2 at page 395, refers to the impassioned plea of Mr. Arria, Venezuela's delegate to the Security Council, who praised the Trinidad and Tobago initiative and asked:

"How much longer will we have to wait for the creation of a judicial organ to try those who are guilty of crimes against mankind?"

Professor Cherif Bassiouni, who has emerged as the leading academic, technician and practitioner in the field of international criminal law, makes several highly commendatory references to the Trinidad and Tobago initiative in his speeches and recent publications, in particular, his publication entitled, *Draft Statute International Criminal Tribunal 1992* published by the Association Internationale De Droit Penal.

Professor Robert K. Woetzel, a man of remarkable vision and humanitarian concern, now deceased, former President of the Foundation for the establishment of an International Criminal Court, published just before he died in August 1991, his final offering entitled *Code of Talloires* containing the conclusions of an expert seminar on an International Criminal Court, as a tribute to the work done by Trinidad and Tobago in the field.

Many other tributes have been paid to work done by this country, and this is only a sample of the appreciation that has been, and continues to be, expressed in juridical and governmental circles. A prodigious amount of work has been done by many jurists and eminent scholars over the years on the subject of an International Criminal Jurisdiction.

One must also mention the more recent, but invaluable work of Parliamentarians for Global Action under its President Congressman James

Leach, a long-standing champion of the idea, and its indefatigable Secretary-General, Dr. Kennedy Graham. Sen. Arlen Specter of the United States has over the years also been a strong and persistent advocate in the field.

Tribute must also be paid to the small mission staff of Trinidad and Tobago at the United Nations, led at the time by Dr. Marjorie Thorpe. Dr. Thorpe, whose expertise is not in the field of law, was ably assisted by a formidable team of advisors who constituted a support group to the United Nations Mission of Trinidad and Tobago.

Mention must be made of members of this group which comprised Professor Robert K. Woetzel, then President of the Foundation for the Establishment of an International Criminal Court, Professor Cherif Bassiouni, President of the International Association of Penal Law, and President of the International Institute of Higher Criminal Sciences, Professor Benjamin Ferencz, the youngest prosecutor for the United States at the Nuremberg trials, Professor Teleford Taylor, another prosecutor at the Nuremberg Trials, Professor Gerhard Mueller, a former Head of the Crime Prevention and Criminal Justice Branch of the United Nations, Professor Oscar Schachter and Mr. Walter Hoffman of the World Federalist Movement.

With the assistance of this group, the Trinidad and Tobago Mission, under the direction of the Ministry of External Affairs of Trinidad and Tobago, was able to plan strategy, draft resolutions and make crucial contact with persons in strategic positions in the United States Secretariat and elsewhere.

Through their efforts, and with the full support of Caricom, and the assistance of many other persons too numerous to mention, the motion initiating the process was piloted through the General Assembly into the Sixth Committee from where the issue was referred to the International Law Commission. At that time the initiative proceeded amidst much pessimism and outright resistance.

The International Law Commission reported positively on the issue in 1991 and by the time the second report of the commission came up for discussion in the Sixth Committee of the United Nations in October 1992, the dramatic changes that had occurred on the global landscape, with the collapse of the Soviet bloc, were reflected in a dramatic swing in world opinion in favour of the idea of the court. Countries which had previously been sceptical of or hostile towards the idea, now warmed towards it, did not oppose, or were enthusiastically in favour. France, Italy, Germany, Japan, Australia, Canada, the United Kingdom on behalf of the European Community, the Nordic countries were now expressing support for the court.

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The Sixth Committee approved the recommendation of the International Law Commission that it should be mandated to prepare a draft statute for the court. By the United Nations General Assembly Resolution 47/33 dated November 25, 1992, Governments have been requested to submit, no later than the end of this month, their written comments to the International Law Commission. I sincerely hope that Trinidad and Tobago along with other Caricom countries will submit its recommendations on this subject to the International Law Commission.

6.35 p.m.

Based on these submissions on the work of the Commission and the work of jurists, such as Prof. Cherif Bassiouni, it is hoped that a draft statute can be prepared for consideration by the next sitting of the United Nations General Assembly in October.

The task of reconciling differences between the major legal systems of the world is a formidable one, and while numerous obstacles have been overcome, there are many problems still to be resolved. However, it is the prevailing view among experts in the field that what is required now is not so much the technical work, much of which has already been accomplished, but the necessary political will.

Bolstered by events in several parts of the world such as Cambodia, Somalia, Azerbaijan and former Yugoslavia, and by the threat of more such situations in the countries of the former Soviet Union, there seems to be emerging the necessary political will.

Critical to the success of the venture has always been the attitude of the United States which, under the previous administration, cold-shouldered the idea. Fortunately, the new Clinton administration has already demonstrated a positive attitude towards the idea of a court.

While efforts towards a permanent court have been proceeding, the atrocities now being committed in former Yugoslavia have shocked the civilized world and have evoked feelings of revulsion reminiscent of those aroused by the Nazi atrocities during the Second World War in concentration camps such as Belsen, Buchenwald, Dachau, and Mauthausen. Fired by the need to act more swiftly than preparations for the permanent court would allow, the Security Council, by Resolution 780 of 1992, decided to set up a commission of experts to investigate allegations and to examine and collate evidence of violations of international humanitarian law in the former Yugoslavia.

On February 22, this year, the Security Council, by Resolution 808, decided to establish an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia. The resolution directed the Secretary General to prepare a detailed report on the matter, if possible within 60 days from February 22, and that would have been up to April 22 this year. The time limit was subsequently extended to May 6, which was yesterday. So, yesterday was the final day for the submission of responses to the resolution of the Security Council of February 22. I hope that the Minister of Foreign Affairs will be able to assure us that Trinidad and Tobago is one of the countries that submitted their responses before the termination of the deadline.

Time does not permit me to go into detail regarding the issues involved in establishing the court. Let me say that some of these issues are as follows:

Where will the court be located?

What will be its composition and how will judges be appointed?

How will it acquire jurisdiction?

Will it have a detention centre or prison?

Who will prosecute and how will the rights of innocent persons be safeguarded?

How will investigations be conducted?

Will it have a police force?

How will it secure the custody of accused persons?

For example, if an accused person is a head of Government of a country, how will the court secure the custody of that person while the person is being tried? What law will the court apply? Will it be the common law, Napoleonic law or Muslim law? How will the decisions and penal sanctions be enforced? If an accused is imprisoned, where will he be incarcerated?

These and many other issues have been intensively addressed by eminent scholars over the years, and there are options available for choice by the political decision makers when the time for negotiation and final decision making comes.

Permit me to quote from the article of Prof. Benjamin Ferencz in the *Columbia Journal of Transnational Law*, Volume 30, 1992, page 399:

"It is now generally recognized that an effective international criminal code and court are essential components of a civilized world order. Despite

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disingenuous or hypocritical efforts to prevent the creation of such a court, the records of recent progress is clear. The persistent efforts to attain these noble goals must one day bear fruit. There is no reason for despair by those who hope and strive for the rule of international law to protect the peace and dignity of human-kind."

Let me emphasize that there is no intention on the part of advocates of an international criminal court either to substitute such a court for national jurisdictions or national courts or to undermine national jurisdictions or national courts. On the contrary, an international court, if established with all the necessary ancillary legal, administrative and institutional arrangements, would have the following benefits. It will:

- (1) make national criminal jurisdictions more effective through such provisions as exchange of information, facilities for extradition, arrangements for transfer of proceedings and for transfer of prisoners—as we have decided today—recognition of judgments of foreign courts, seizure and forfeiture of assets—which will be useful in combatting the drug trade—and other such matters;
- (2) establish individual responsibility for violations of international criminal law;

The difference between such a court and the International Court of Justice at the Hague will be that the international criminal court will operate on individuals, emphasizing individual responsibility. The International Court of Justice arbitrates between states. The principle of individual responsibility was established by the Nuremberg Judgments thus adopting such doctrines as superior orders, that is: "I was ordered to do it by my superior officer", is not valid in international criminal law.

- (3) provide punishment for violations of international criminal law;

Most of the violators who commit the most serious crimes in international law go scot-free because they are either state authorities or persons operating with the support of state authorities, or they belong to international criminal gangs which are able to give some degree of protection to members who commit these atrocious crimes.

- (4) deter commission of international crimes;
- (5) promote ethical standards worldwide;

minimum standards of behaviour will be encouraged—

- (6) facilitate cross-fertilization between the principal legal systems of the world—common law, Napoleonic law, Muslim law, as the case may be;
- (7) strengthen notions of accountability;

hold to account the most powerful who today escape the systems of criminal jurisdiction that exist at a national level—

- (8) foster the Rule of Law and, by all these means;
- (9) help to promote an environment more conducive to world peace.

6.45 p.m.

Let me conclude, Mr. Deputy Speaker, by quoting from the conclusions of an International Meeting of Experts on the Establishment of an International Criminal tribunal held in Vancouver, Canada from March 22-26 this year. The Report concludes:

“The meeting recognized that justice is a very real human need. Injustice ignored breeds continuing injustice. Only through a determination to bring to justice those individuals who commit or order the atrocities can the world community hope to break the cycles of war, death and misery in which one generation’s atrocities become the genesis of those of the future.”

Hitler is reported to have exclaimed, when he began his atrocities in Germany, “Who remembers what happened to the Armenians now?” It is reported that over 500,000 Armenians were liquidated in Turkey just about the time of World War I and the Allies decided to take action for those responsible for this crime against humanity but eventually this whole idea was dropped. So Hitler afterwards was able to say: “Who remembers them? They were exterminated, therefore, I can proceed to do what I want in Germany.”

I continue with another quotation:

“The meeting ended as it began with an appreciation of a fundamental moral vision in which the world community is being called upon to establish institutions and the mechanisms to allow, if not oblige us, to comfort those aspects of human behaviour which would fundamentally deny the value and meaning of human life and dignity.”

That was how the report of the experts who met at Vancouver this year concluded.

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Mr. Deputy Speaker, Trinidad and Tobago can be justifiably proud of its role in giving life and substance to this moral vision of which the experts spoke and I ask hon. Members unanimously and enthusiastically to support the Motion.

I thank you.

Seconded by Mr. R. Maharaj.

Question proposed.

Mr. Ramesh Lawrence Maharaj (*Couva South*): Mr. Deputy Speaker, in seconding the motion, I merely want to say a few words.

In the former Yugoslavia, the genocide known as “ethnic cleansing” has brought to the forefront the need for a Motion like this to be debated in this House. The Government and our party agreed that we should have this debate today.

As the hon. Member has stated, justice is an important human need. We would hope that the Government would obviously show its concern and wish to have the Member for Couva South’s motion dealing with an attempt to do something about justice in Trinidad and Tobago debated early.

I think that with regard to what has happened in Bosnia, it is important for us to recognize that there is the need for some international machinery to deal with international crime. The Member for Tobago East has stated and he has given a history of the matters—I think that implementation of the idea proposed by him would in some way assist in promoting those objects.

I think that this House owes the Member for Tobago East the recognition for being in the forefront of this struggle for as he mentioned, in 1989 Trinidad and Tobago sponsored such a resolution and since then there has been some activity towards the bringing into effect of the concept that he has advocated.

What has happened in the former Yugoslavia shows that there is obviously the need for a sort of second Nuremberg trial and I think that if we had such machinery we would not have had the situation which has developed in those parts.

Mr. Deputy Speaker, what has occurred demonstrates, also, that the Government of Trinidad and Tobago, in matters of gross violations of human rights of peoples has not made a statement in this House on this issue. More importantly, it is an indictment against the Caribbean governments in that one would have thought that the Caribbean governments would have taken the

initiative and that the Prime Minister of Trinidad and Tobago, as head of Caricom, in an important issue like this, where there are serious violations of human rights against a section of the community on the grounds of ethnic cleansing and something which one cannot condone, would have got the Caribbean governments together and there would have been a stand taken by them on this matter.

Be that as it may, it is never too late for matters like these, and I think that this is one issue which both sides of the House can agree upon—that it is a travesty of justice; it is human suffering and we must show our indignation. And one of the ways of showing our indignation is to support machinery which has been advocated and which would assist in preventing such abuses in the future.

Thank you very much.

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. Deputy Speaker, I am pleased to respond to this Motion brought by the hon. Member for Tobago East and to bring the support of this side to it.

The idea of an International Criminal Court is a noble one and it is an old idea which has been around for some time. Indeed, some sources say that the first International Criminal Court, really, was established in 1474, in Germany, where 27 judges of the Holy Roman Empire got together to try Peter von Hagenbach for violations of the laws of God and man.

So the fact is that this idea has been burning in the mind and heart of man, and the fact that it has survived and continues to flourish to this very day, indeed, gives us cause for some optimism that in spite of all the cynicism and the disillusionment about human civilization, we may one day, indeed, establish a world where justice reigns, where there is peace, stability and security for all.

Indeed, the fact that this matter has been kept alive, is reflective, to my mind, of humanity's striving, despite its imperfection, towards that ideal. So we have absolutely no problem in supporting this Motion.

During the course of this century, efforts continued after World War I, but, of course, they never really came to fruition and I think the hon. Member for Tobago East alluded to the fact that—and I share the view myself—humanity really lost a very golden opportunity to set up some system and to make some kind of statement against genocide, atrocities, the unspeakable brutality which we experienced in World War II and which we are experiencing today.

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As I said, the idea remained alive even after World War I—and I think the idea, in remaining alive, manifested itself in the convention, when the League of Nations adopted a convention against terrorism in 1937. Unfortunately, only one country, I think it was India, ratified that convention and, again, another opportunity was lost.

World War II came and I think that marked a significant development in the consciousness and in the idea and with the international tribunals of Nuremberg and Tokyo, there was some hope and I think it helped to keep the idea alive. But it has also been said by historians that the international trials of Nuremberg and Tokyo would have been more effective, more legally strong, had a precedent been set when the opportunity presented itself after the end of World War I.

After Nuremberg and Tokyo, the Allies ensured or instituted tribunals in Germany and other countries of Europe and closer down the road, in more recent times, we had this process taking place in countries like Israel, the former Yugoslavia, France, Canada and, indeed, the United States of America. It is as a result of the post World War II prosecutions that the United Nations established a committee to codify offences against the peace and security of mankind and also to develop this statute of an international criminal court.

So you can trace the progress of the idea. It seems that as we went through the course of history and the recognition of the repetition of atrocities man was inflicting on himself and his own civilization, the idea grew stronger, but, again, the opportunity was lost after World War II, because the Cold War that followed the division of the world into ideologically different blocs prevented the fruition of this particular idea.

So the draft substitute submitted to the United Nations General Assembly in 1951 and 1953 draft was suspended in 1957.

Even though the Cold War era prevented any really progress towards the establishment of this international criminal court, the idea never really died. This idea of international justice found expression various ways, like the Fifth United National Congress on the Prevention of Crime and the Treatment of Offenders, as well as in debates in the General Assembly and the Sixth Committee on Terrorism, as well as, for example, the Apartheid Convention of 1976.

The Cold War is thankfully behind us. It has brought promise, opportunity, coalescence. On the other hand, it has brought disastrous splintering and all kinds of strife. But the fact remains that now civilization and mankind have a golden opportunity to really strive towards establishing those institutions which represent

the common aspirations, of all humanity. We feel that the establishment of this international criminal court is really possible, especially now, as the United Nations is better positioned than ever to play the role for which it was originally intended.

We have seen the results of some of these possibilities coming into fruition and, indeed, from about 1987 onwards, it was felt that the time for this idea had really come, which is our era; and, indeed, if we do make that kind of progress, we would contribute significantly to the future.

By 1989, interest had grown among several world leaders and at a special session of a general assembly which was called to deal with the growing problems of drug, the idea came up. Let us on this side of the House record our recognition of the contribution made in this direction by the then Prime Minister of Trinidad and Tobago, the hon. Member for Tobago East, towards the idea of an international criminal court.

Indeed, in 1990, at the urgings of Trinidad and Tobago, the General Assembly invited the International Law Commission to include among its many other considerations, the possibility of, in fact, establishing that international court and that Commission had been working assiduously on the matter since then. Some progress has been made but not sufficient and in time to deal with the deteriorating crisis in the territory of what was once Yugoslavia.

We on this side of the House have absolutely no problem in taking note, as the Motion asks us to do, and approving the progress made towards the establishment of this international court and we do, indeed, support the efforts of the United Nations through the International Law Commission towards the establishment of this court as well as for the statute of such a court and, indeed, we do have an idea that some versions of a statute are indeed coming forward from different sources.

I would like to just focus on the other aspect of the Motion and it has to deal with a very painful situation in the former Yugoslavia. It is, indeed, horrendous. When I think of it, I really cannot find the words to describe it, I think of "horrendous" and "horrific". It is an unspeakable brutality, terrifying atrocity and genocide. Mankind has a new blot in the form of ethnic cleansing which has been perpetrated against the Muslim population.

In addition to that, there has been rape and sexual abuse as an act of war, humiliating a whole people and we on this side of the House join with the rest of the international community in condemning totally the situation which is taking place in former Yugoslavia.

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Last year, at the non-aligned movement in Indonesia, on behalf of our country, I condemned the practice of ethnic cleansing. I joined our country's voice with so many others who were then calling for United Nations involvement in this situation. At the United Nations we voted as a country against the attempt of Serbia Montenegro to occupy the seat of what was once the former Yugoslavia.

We have supported the decisions of the United Nations Security Council to establish the "No-fly Zone" over Bosnia Herzegovina and, more recently, to impose the comprehensive sanctions against Serbia and Montenegro. We have, as I said, condemned the practice of ethnic cleansing and we have sought to give support at the level of the United Nations to motions which have attempted to ensure the rearming of the Bosnian Muslims against attacks by Serbian forces.

We take the opportunity as we have said before and we will say again, of now reiterating our fullest support of the United Nations Security Council in its momentous decision to establish an international tribunal for the prosecution of persons responsible for serious violations of humanitarian law committed in the territory of former Yugoslavia.

All the evidence is there before you. You have had many arms of the United Nations, through its Security Council, its Interim Report of the Commission of Experts, the European Community Investigative Mission, the Report of the Special Rapporteur—all confirming that there have been violations of the Geneva Convention—atrocities, genocide—and that there have been no attempts by the leaders to actually stop these atrocities and brutality and that there has been, in a very real sense, a deliberate and programmed effort at the mass destruction of the Muslim population of Bosnia Herzegovina.

I just wanted to repeat our position on this side, Mr. Deputy Speaker. I hope I have made my point clear. I hope I have outlined what our Government has done in this regard and I take the opportunity of supporting the Motion brought by the hon. Member for Tobago East.

Thank you very much.

Mr. A.N. R. Robinson (*Tobago East*): Mr. Deputy Speaker, this is, indeed, a very important and significant occasion when this honourable House, on behalf of the country, can speak to the world with one voice, demonstrating the heart and soul and sentiment of the people of Trinidad and Tobago and I should think, the people of the Caribbean as well, because I do not think that there is anybody in this region who has seen on the television screens or heard in the news reports or

read the reports of the commissions of inquiry, who has not been shocked and horrified by the reports of these atrocities in the former Yugoslavia.

I had indicated that I hoped that we, as a country—our Government—would be making the necessary contributions in this matter, since Trinidad and Tobago is recognized as having played a leading role since 1989 in this issue.

When I visited the United Nations on the last occasion, there seemed to be some degree of concern that there has not been that degree of energy and interest that appeared before. But I am sure that the Minister of External Affairs, having heard of this, will look into the matter and that Trinidad and Tobago, with our Caricom colleagues, will endeavour to do our best in order to move the process forward in a matter which is of fundamental interest to all the countries in the world, particularly in countries of ethnic and religious diversity and geographical and cultural differences as exist in the Caribbean region.

We are in a strong position, as has been said time and again, to make a very positive contribution in the world community. The example of Malta shows on the Law of the Sea that a small country can make a very significant contribution and impact on the world community. Now it is being said that the example of Trinidad and Tobago shows also, along with Malta, that small countries can make a very positive and significant contribution to mankind. I hope that we keep that flag flying and keep that tradition going and so I express my very deep appreciation of the support for this Motion which has been given by the Government through the Minister of External Affairs and by the Opposition through the Chief Whip. I thank them heartily and I once more commend the Motion to the House.

Question put and agreed to.

Resolved:

- (i) That this honourable House take note and approve of progress made towards the establishment of an International Criminal Court and other trial mechanisms for bringing to justice, persons who may have committed war crimes or crimes against humanity, or other acts in gross violation of International Criminal Law:
- (ii) That this honourable House fully support the international effort to establish a tribunal for the trial of persons who may have committed war crimes, genocide or other flagrant violations of international criminal law in the countries that constituted the former Republic of Yugoslavia:

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- (iii) That this honourable House fully support the efforts of the United Nations through the International Law Commission to expedite the process towards the establishment of an International Criminal Court and, in particular, the effort to expedite the drafting of a statute for such a court:
- (iv) That a copy of this resolution be sent to the Secretary-General of the United Nations, His Excellency Boutros Boutros-Ghali, and that the resolution be given the widest publicity in the media.

ADJOURNMENT

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, May 14, 1993 at 1.30 p.m.

I should like to inform hon. Members that on May 14 we will be doing Bill No. 3 on this Order Paper, a Bill to provide for the regulation of banks and other financial institutions which engage in the business of banking. I should also like to inform Members that we might be going late because we want to complete the Bill on that day.

I just want to wish all mothers in our country a happy Mother's Day on Sunday.

Mr. Deputy Speaker: I share that sentiment.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.13 p.m.