

*Leave of Absence**Friday, April 8, 1994***HOUSE OF REPRESENTATIVES***Friday, April 8, 1994*

The House met at 1.38 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have granted leave of absence from today's sitting of the House to the Member for Barataria/San Juan (*Dr. The Hon. Linda Baboolal*) and the Member for Port of Spain North/St. Ann's West (*Mr. Desmond Allum*).

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE****(New Members)**

**Madam Speaker:** I wish to report to the House that I have received from the Hon. President of the Senate, the following communication:

"Hon. Speaker,

I wish to inform you that at a sitting of the Senate held on Wednesday 23rd March, 1994, the Senate agreed to the following resolution:

"*Whereas* there exist two vacancies on the Public Accounts (Enterprises) Committee occasioned by the resignation of Sen. M. Mansoor and the death of Sen. H. Kuarsingh:

*Be it Resolved* that the Senate appoint and nominate Senators Everard Dean and Jaigobin Nanga to serve as Members of the Public Accounts (Enterprises) Committee in place of Sen. M. Mansoor and the late Sen. H. Kuarsingh."

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker,

*Whereas* there exist two vacancies on the Public Accounts (Enterprises) Committee occasioned by the resignation of Sen. M. Mansoor and the death of Sen. H. Kuarsingh:

*And Whereas* the Senate has appointed and nominated Senators Everard Dean and Jaigobin Nanga to serve as Members of the Public Accounts (Enterprises) Committee in place of Sen. M. Mansoor and the late Sen. H. Kuarsingh:

*Be it Resolved* that in accordance with the provision of section 119(6) of the Constitution, this House agree that Senators Everard Dean and Jaigobin Nanga be Members of the Public Accounts (Enterprises) Committee.

*Seconded by Mr. Ramesh Maharaj.*

*Question put and agreed to.*

#### **PAPER LAID**

The Engineering Profession (Registration) Regulations, 1994. [*The Minister of Works and Transport (Hon. C. Imbert)*]

#### **ST. ANN'S SPIRITUAL BAPTIST CHURCH**

#### **Special Select Committee Report Presentation**

**Mr. Cyril Rajaram** (*Pointe-a-Pierre*): Madam Speaker, I beg to present the report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill for the incorporation of the St. Ann's Spiritual Baptist Church and matters incidental thereto.

#### **ORAL ANSWERS TO QUESTIONS**

#### **Justice of the Peace**

**55. Mr. Trevor Sudama** (*Oropouche*) asked the hon. Attorney General and Minister of Legal Affairs to state:

- (a) Whether in the past two years any person purported to carry out the functions of a Justice of the Peace and/or Commissioner of Affidavits, such person not having the legal authority so to do.
- (b) If the answer is in the affirmative, to state in what circumstances this situation came to the notice of his office.
- (c) For what period of time the functions of Justice of the Peace and/or Commissioner of Affidavits were exercised illegally.
- (d) The status of those matters in which the above-mentioned person purported to act as a Justice of the Peace and/or Commissioner of Affidavits.
- (e) Whether his office intends to take any action in the matter.

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Madam Speaker, the office of the Attorney General and Ministry of Legal Affairs is aware of one instance during the past two years where a person purported to carry out the functions of either Justice of the Peace or Commissioner of Affidavits without authority so to do.

The office of the Attorney General carried out a national survey of Justices of the Peace and Commissioners of Affidavits between June 23 and August 3, 1992, in order to determine the number of functioning Justices of the Peace and Commissioners of Affidavits in the several districts of Trinidad and Tobago. As part of this exercise, these officers were required to produce their warrants of appointment. It was then discovered that one person was unable to produce his Warrant of Appointment as a Justice of the Peace.

The records in the office of the Attorney General, however, showed that the individual had been appointed an *ex officio* Justice of the Peace during the period he held office as a public servant in the Ministry of Legal Affairs.

That person subsequently retired from the public service in July, 1985. He thereafter continued to function as a Justice of the Peace on the mistaken assumption that the warrant which was issued to him permitted him to do so. By letter dated October 7, 1993, he was advised that he should not continue to function in the office of Justice of the Peace.

**1.45 p.m.**

The office of the Attorney General is awaiting the completion of its research in order to determine what, if any, action should be taken in this regard.

**Mr. Sudama:** Madam Speaker, could the Attorney General tell this House whether the defaulting person was a former Permanent Secretary in the Ministry of National Security? If so, should he not have known the status and extent of his powers?

**Hon. K. Sobion:** The officer in question did hold a senior post in the public service. I cannot speculate as to what he should or should not have known.

### National Trust

**57. Mr. Trevor Sudama (Oropouche)** asked the hon. Attorney General:

Would the hon. Minister state:

- (a) Why the rules and regulations provided for in the First and Second Schedules of Act No. 11 of 1991 establishing the National Trust of Trinidad and Tobago have not yet been promulgated.
- (b) When these rules and regulations are expected to be put into effect to make the Trust a functional body?

**Hon. K. Sobion:** Madam Speaker, the rules and regulations relating to the National Trust of Trinidad and Tobago have not yet been promulgated as the Government of Trinidad and Tobago is reviewing the provisions of the Act.

As part of this process several consultations have been held on the Act and it is now proposed that a team be appointed to consider recommendations for review. On completion of this exercise and the enactment of such amendments as may be necessary, the Trust would be made operational.

*The following questions stood on the Order Paper:*

**National Gas Company Chairman  
(Foreign Visits)**

- 58.** Could the hon. Minister of Finance:
- (a) Inform this honourable House of the number of foreign trips made by Dr. Kenneth Julien, the Chairman of the National Gas Company, for and on behalf of the Government of Trinidad and Tobago and/or for any state-owned company, statutory authority or any agency of the Government of Trinidad and Tobago since his appointment to the National Gas Company after the 1991 general election?
  - (b) Give the particulars of these trips stating, *inter alia*, the dates of these trips, the countries visited, the companies or individuals or firms seen, the purpose of the visits and the cost incurred by the Government of Trinidad and Tobago and/or the respective state authority for the visits? [*Mr. R. L. Maharaj*].

**Prime Minister's Trips**

- 63.** (a) Could the Prime Minister state to this honourable House the cost to the public of Trinidad and Tobago of his recent trip to Cyprus, the United Kingdom and the United States of America?
- (b) Could the Prime Minister give the names of the persons who formed part of the official party at each of the destinations and could he

inform this honourable House of the expenses incurred by the Government of Trinidad and Tobago for having those persons as part of the trip? [*Mr. R. L. Maharaj*]

**Domestic Route  
(Air Fares)**

- 82.** (a) Is the Minister of Works and Transport aware that there was an increase in airfare after the new domestic travel arrangements were established from August 8, 1993?
- (b) Were there any identified concessions that the two airlines serving the domestic route should meet and if there were any, would the Minister identify these concessions?
- (c) Since the increased air fares, did the Government or its agent, ATLA, confirm these changes? If the answer is in the affirmative, would the Minister say why there is a difference in the fare structure between British West Indian Airways and Air Caribbean?
- (d) Would the Minister please inform the House what were the conditions outlined in the agreement reached after an attempt was made to keep or limit British West Indian Airways' operation on the domestic route? [*Miss P. Nicholson*]

**Trinidad and Tobago Methanol Company  
(Equity Sold)**

- 84.** Would the Prime Minister state:
- (a) What percentage of the equity in the Trinidad and Tobago Methanol Company was sold to Ferrostaal and Helm AC respectively?
- (b) Whether domestic and other foreign investors were given equal opportunity to bid for the available shares in the Trinidad and Tobago Methanol Company? If so, was the opportunity provided through advertisement in the local and international media including industry magazines? Would the Prime Minister indicate the dates and publications used?
- (c) (i) Did the advertisements information memorandum state the date by which bids should be submitted in the number of shares being offered for sale and the criteria by which the bids would be evaluated?

(ii) Indicate the names of bidders and the amounts offered?

- (d) If such bids were received, would the Prime Minister indicate by whom the evaluation was done and who negotiated the final terms of sale? [*Miss P. Nicholson*]

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I seek leave to have questions Nos. 58, 63, 82 and 84 deferred for one week. Of the 11 questions on the Order Paper today we are answering seven.

**Mr. Maharaj:** Madam Speaker, to my recollection, this is the second time question No. 58 is being deferred and it is a simple question. I do not see any difficulty in it.

**Mr. Mottley:** Madam Speaker, with respect to this matter I recently got the information and I will deliver the answer in one week.

**Mr. Maharaj:** Madam Speaker, with respect to question No. 63 a similar request was made; this again, is a question to which the Government should give some explanations.

Having regard to the rules, every Friday Opposition Members have three questions that they can put on the Order Paper and when the answers are postponed it causes some detriment and prejudice to the Opposition. If the Government wants a postponement of a question, at least it should satisfy the House in some way with an explanation as to why the question cannot be answered.

**Hon. K. Valley:** The simple explanation is that the answer is not yet ready.

**Miss Nicholson:** Madam Speaker, with respect to questions Nos. 82 and 84, this is also the second time that these questions are not answered. Questions Nos. 82 and 83 have a tremendous impact on the socio-economic development of Tobago and we would like to know what is happening with respect to the air services between Trinidad and Tobago.

With this delay, everything is falling apart. I should like to know something from the Government.

**Hon. K. Valley:** Madam Speaker, the Government will be answering question No. 83 today; we are requesting a deferral of question No. 82.

*Questions, by leave, deferred.*

**Sahadave Boodram**

**65. Mr. Trevor Sudama** (*Oropouche*, asked the hon. Minister of Health:

Could the Minister state:

- (a) Whether an inquiry was conducted by the Ministry of Health into the death of Sahadave Boodram of Church Street, Diamond Village, who died at the San Fernando General Hospital on October 5, 1993?
- (b) If such an inquiry was conducted, could the report be laid before this House?
- (c) If such an inquiry was not conducted, could the ministry give the reasons why this investigation was not carried out?

**The Minister of Health (Hon. John Eckstein):** Madam Speaker, inquiries have been conducted by the competent authorities, namely the San Fernando General Hospital, the Trinidad Public Health Laboratory and the Pathology Division of the Port of Spain General Hospital into the death of Sahadave Boodram at the San Fernando General Hospital on October 5, 1993.

The Ministry of Health, on examination of the several reports received from the agencies mentioned at (a), has recommended further investigations into certain aspects of the management of the case. A final report will be prepared on completion of those investigations.

In the light of (a) and (b), (c) is not applicable.

**Mr. Sudama:** Madam Speaker, would the Minister of Health give an undertaking to this House that on completion of this report that it would be laid in this House for the information of Members?

**Hon. J. Eckstein:** No.

**Mr. Sudama:** How would we know what is the content of the report?

**Hon. J. Eckstein:** That can be had from the Service Commissions Department.

**Mr. Sudama:** Go to the Service Commissions Department? Madam Speaker, you understand the difficulty we are facing in this House.

**Madam Speaker:** Fortunately we are creatures of the Constitution. What can we do?

**Mr. Sudama:** I have to go to the Service Commissions Department to find out what is taking place in the Ministry of Health. We have to revamp this whole thing; we have to do something drastic.

### National Service Training Programme

**71. Mr. Raymond Palackdharrysingh** (*Caroni Central*) asked the Minister of Community Development, Culture and Women's Affairs:

Would the Minister state:

- (a) Whether the National Service Training Programme for caring of the elderly has begun?
- (b) Whether there was any public advertisement for the recruitment of tutors and trainees?
  - (i) If the answer is in the affirmative, would the Minister state the dates and the media used for such advertisement?
  - (ii) If the answer is in the negative, would the Minister state what methods of recruitment were used?
- (c) The number of tutors, teachers' assistants and trainees recruited from each region?
- (d) What were the criteria and method for selection?
- (e) The venues for conducting the programmes?
- (f) The remuneration of tutors, teaching assistants and trainees?
- (g) When would this programme come to an end?

**Hon. K. Valley:** Madam Speaker, yes, the programme started in December, 1993.

Recruitment was done through voluntary organizations, village/community councils, religious organizations, the Community Development Division and other community groups.

There were:

Region	Tutors	Teaching Assistants	Trainees
Central	4	8	144
South	4	8	120
North	4	4	108



Region	Tutors	Teaching Assistants	Trainees
East	4	5	<u>70</u>
Total			<u>442</u>

Unemployed young persons between the ages of 17 and 25 were selected as trainees. Tutors and teaching assistants were selected on the basis of qualification and availability.

The programmes were conducted at California Civic Centre (Central), Corinth Senior Comprehensive School (South), the Community Education Centre, St. Ann's (North) and the Tunapuna Cottage (East). The Tunapuna Centre was merged with the St. Ann's Centre with effect from February 7, 1994, to facilitate Phase II of the programme.

Remuneration was as follows:

Teaching Assistants	-	\$75.00 per day
Tutors	-	\$25.00 per hour
Trainees	-	\$33.00 per day

This Pilot Programme will come to an end on April 8, 1994.

**Mr. Palackdharrysingh:** Madam Speaker, would the hon. Minister state why advertisements were not placed in the daily press?

**Hon. K. Valley:** Madam Speaker, the information suggests that the tutors and trainees were selected via voluntary organizations, and the Community Development Division obviously depends on community organizations to feed it this type of information.

**1.55 p.m.**

#### **Tableland Health Office (Rebuilding of)**

**81. Mr. Mohammed Haniff** (*Princes Town*) asked the Minister of Health:

Would the Minister state:

Whether he is aware that the health office in Tableland needs rebuilding?

- (i) If the answer is in the affirmative, would the Minister state whether his Ministry has any plans to construct a new health office in Tableland?

- (ii) If the answer to (i) is in the affirmative, would the Minister state when construction will begin?

**Hon. John Eckstein:** Madam Speaker, the Government has no immediate plans for the construction of a new health centre at Tableland.

Part (ii) of the question does not arise given the answer to Part (i). However, the Member must be aware that Government has embarked on a comprehensive reform of the health sector. To this end, extensive studies are being undertaken to rationalize the existing facilities based on the health needs of the entire population and the respective regions. This rationalization exercise will be completed at the end of 1994, when decisions will be made on the complex nature of primary health care facilities needed to supply the health needs of the country.

The Ministry of Health will then be in a position to state categorically its intentions re the Tableland Health Centre.

**Domestic Route  
(BWIA's Removal)**

**83. Miss Pamela Nicholson** (*Tobago West*) asked the Minister of Works and Transport and Minister of Local Government:

- (a) Can the Minister tell the House whether he or his Government was informed by ATLA about the removal of BWIA's Friday service on the domestic route from March 4, 1994?
- (b) Is the Minister aware of the serious negative impact that this discriminatory position would have on the travelling public, especially Tobagonians, and on Tobago's only industry—tourism?
- (c) Is the Minister aware that British West Indian Airways is the only airline on the domestic service that has an International Computer Reservation System in place and this is a critical ingredient in the tourism thrust?
- (d) Can the Minister inform this House why Air Caribbean is not linked to any International Computer Reservation System that makes connection to Tobago?

**The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert):** Madam Speaker, the Air Transport Licensing Authority took the decision to remove BWIA's Friday service on the domestic route on February 10, 1994, and informed the Ministry of Works and Transport by letter dated February 25, 1994.

The Government's policy position at this time is that there should be an 80/20 per cent split on passenger traffic on the domestic route between Air Caribbean and BWIA. Available data indicate that this would satisfy the need for seats on the domestic route at this time.

The Minister of Works and Transport is aware that BWIA operates under the Ibis International Computer Reservation System. Mindful of the need to continue facilitating the tourism industry in Tobago, arrangements were made to undertake a partial hosting of Air Caribbean Limited in BWIA's reservation system. This is now in operation. In addition, Air Caribbean Limited operates under a computerized domestic reservation system.

Further to the partial hosting arrangement being undertaken in BWIA's Ibis International Reservation System, discussions are now ongoing regarding the implementation by Air Caribbean Limited of one of the currently available international computer reservation systems such as Saber, Ibis or Babs.

**Miss Nicholson:** Is the Minister aware that people who do bookings many times go to the airport and cannot get onto Air Caribbean, while anybody who just goes up to the airport can step onto the planes? I would like the Minister to tell the country if he knows about that and what he is doing to correct that situation.

**Hon. C. Imbert:** Madam Speaker, that is a different question, but since the Member has raised it I will look into it and forward the information to the Member.

#### **American Government Gift (25 Motor Jeeps)**

**85. Mr. Ramesh Maharaj** (*Couva South*) asked the Minister of National Security:

- (a) Would the Minister state whether the Government of the United States of America recently gave to the Government of Trinidad and Tobago 25 motor jeeps for the Government to make available to the Police Service for its use to combat crime?
- (b) If these vehicles were given, would the Minister give particulars of this gift and the uses, if any, to which they were put and are being put, and would the Minister state the number of these vehicles which are now operational?

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Madam Speaker, on April 2, 1991, the then Minister of National Security, on

*Oral Answers to Questions*  
[SEN. THE HON. R. HUGGINS]

*Friday, April 8, 1994*

behalf of the Government of Trinidad and Tobago, signed a Letter of Offer and Acceptance of a grant of 25 Chrysler Rangler jeeps donated by the United States Government to the Government of Trinidad and Tobago for use by the Trinidad and Tobago Defence Force. This grant falls under the United States International Narcotics Matters (INM) Project.

INM projects are covered by Letters of Agreement between the Government of Trinidad and Tobago and the United States Government. The goal of the INM project in Trinidad and Tobago is to increase the operational capabilities of the receiving agency to suppress all aspects of the illicit drug trade.

The Minister of National Security wishes to advise, therefore, that there was no gift of 25 vehicles made to the Trinidad and Tobago Police Service by the United States Government to combat crime, as has so often been alleged. Indeed, in July 1991, the Trinidad and Tobago Defence Force took delivery of 25 Chrysler Rangler jeeps for use in increasing its operational capability. Since that time these jeeps have been employed in operational duties, that is joint patrols with the Trinidad and Tobago Police Service, and in day-to-day military duties.

At present, seven are awaiting repairs, having been involved in vehicular accidents; eight are currently under repair; while the remaining ten are being used in operational duties.

Some delay is experienced in repairing these vehicles because parts are not available locally; and whenever repairs are necessary the parts first have to be identified and then ordered from abroad. This results in considerable delay, especially when parts are to be sent by sea.

**ADJOURNMENT (LEAVE REQUESTS)**  
**(Asbestos Dust)**

**Dr. Carl Singh** (*Tabaquite*): Madam Speaker, earlier today I handed in a letter at your Chamber requesting leave on the adjournment under “definite matters of urgent public importance.”

The matter is definite in that there exists asbestos dust, a known carcinogenic agent, in the ducts of the central air conditioning system of the Hall of Justice of the Republic of Trinidad and Tobago, as documented by a Canadian consultant.

The matter is urgent in that should this exposure not be stopped now and steps taken to halt the use of such material in buildings being constructed or buildings planned for construction, both in the private and public sectors, further grave errors will be made by exposing our citizens to this known agent, for the latent

*Adjournment Leave (Request)*

*Friday, April 8, 1994*

period from the time of exposure to the full development of the disease is between 15 and 20 years.

The matter is of public importance in that permanent personnel employed in such buildings, and others who are involved from time to time in legal matters in the case in point, the Hall of Justice, for example judges, witnesses, lawyers and other interested parties, would be exposed to this known carcinogenic agent leaving room for litigation long after the initial exposure, bearing in mind the long latent period for the full grown disease to develop.

Madam Speaker, I am of the view that this matter is of great national importance, that it should be debated as a matter of urgent, public importance, and not be relegated to section 11(3) of the Standing Orders. Thank you.

**2.05 p.m.**

**Madam Speaker:** I advise the hon. Member that I am not satisfied that this matter qualifies as a definite matter of urgent public importance, since investigations are still being pursued. The Member could await the results of those investigations.

### **Vendors (San Juan)**

**Mr. Mohammed Haniff** (*Princes Town*): Madam Speaker, I seek leave to move the adjournment of the House to discuss a definite matter of urgent public importance. The matter relates to the proposed removal of roadside vendors in the San Juan area.

The matter is definite because the livelihood of over 50 families in the San Juan area is likely to be affected.

The matter is urgent because the vendors have been served with notices stating that they must have their stalls removed within 14 days although negotiations are in progress with senior officials of the Ministry of Works and Transport concerning the construction of lay-bys to accommodate their trade, as was outlined in a statement by the hon. Minister of Works and Transport and Minister of Local Government when he met with the vendors on January 31, 1994 at the Aranguez Hindu School.

The matter is of public importance since vending is a national issue and a form of self-employment practised all over the world, which must be given full consideration in the light of rising unemployment in this country.

*Adjournment Leave (Request)*  
[MR. HANIFF]

*Friday, April 8, 1994*

Madam Speaker, I am satisfied that this matter cannot await a motion on the adjournment because the 14 days' notice has already expired and the vendors fear that the authorities may come at any time and destroy their stalls and their means of livelihood.

I am compelled to raise this matter today since I feel sure that an amicable solution can, and will be found, if only the Government agree to continue the negotiations. The alternative Government—which is, of course, the United National Congress—and the vendors affected, are willing and prepared to offer the necessary help and co-operation in this crucial and important matter.

Madam Speaker, we call on the authorities to have a heart. Let us put our hearts and hands together to provide that accommodation because vending and unemployment are two crucial issues in this nation today.

Thank you.

**Madam Speaker:** I note that the hon. Member has the answer in the last paragraph of his Motion. Unfortunately, I am not satisfied that it qualifies as a matter of definite urgent public importance.

**NORTH AMERICAN FREE TRADE AGREEMENT  
(Interest in Accession)**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I am authorized by Cabinet to make the following statement.

**Mr. Sudama:** Is the Member going to announce his resignation?

**Hon. K. Valley:** On Thursday March 31, 1994, Cabinet took a decision to declare this country's interest to the Government of the United States of America with respect to accession to the North American Free Trade Agreement (NAFTA).

At the same time, the Government of Trinidad and Tobago agreed that efforts should be made to have this country included on the list of potential NAFTA countries which will be submitted to Congress on May 1, 1994 by the President of the United States of America as having met the proposed eligibility criterion for accession.

Subsequently, the President is required to submit to Congress by July 1, 1994 a report recommending those countries with which the United States of America should negotiate a free trade agreement and to begin relevant negotiations.

At the same time, Government informed Mexico and Canada, co-signatories to NAFTA, of Trinidad and Tobago's interest in accessing NAFTA. The Caricom Secretariat was also informed.

Hon. Members would be aware that NAFTA was proposed by former President George Bush on June 20, 1990 and came into effect on January 1, 1994.

The agreement as it now stands has created a market of 363 million consumers under a free trade arrangement between the countries of Canada, the United States and Mexico.

Moreover, provision is made for the elimination of tariffs and other trade barriers on nearly 10,000 products in either five or ten annual phases and over a maximum period of 15 years.

The arrangement also has supplementary objectives such as—

- the promotion of fair competition;
- increased investment opportunities for member countries;
- protection of intellectual property rights;
- protection of the environment;
- establishment of effective procedures for the implementation and application of the agreement; and
- further regional co-operation.

NAFTA, I may add, exemplifies the worldwide trend towards the formation of mega-trading blocs based on the principle of free trade in an effort to revitalize the world economy.

**Mr. Sudama:** The Member himself said there is no such thing.

**Hon. K. Valley:** The formation of such free trade areas has several implications for Trinidad and Tobago. The most important of these derives from the fact that there will be a consequential reduction in the volume of trade between the members of the bloc and third countries and even between blocs.

There is also the risk that trade may be directed away from Trinidad and Tobago as a result of the elimination of tariffs among member states. This elimination will reduce the price of imports from one member state to another, thereby creating a preference for products originating from the grouping vis-a-vis, third countries. This development could have the effect, for example, that multinational companies, operating in Trinidad and Tobago might find it attractive to relocate their operations, say, to Mexico, in light of the projected market access provisions which that country enjoys as a member of NAFTA.

*North American Free Trade Agreement*  
[HON. K. VALLEY]

*Friday, April 8, 1994*

Accession to the agreement is predicated on applying countries adopting specific measures relating to programmes of economic reform, environmental safeguards, the enactment of fair rules for Government procurement, standards and certification, competition and intellectual property rights. Each member country will be required to provide reciprocal preferential duty treatment for goods and services originating from member countries of NAFTA.

It should be observed that Trinidad and Tobago has already satisfied some of the conditions for entry into NAFTA, having already implemented wide-ranging economic reforms. In addition, Government is at present reviewing the drafts of a Bilateral Investment Agreement and an Intellectual Property Rights Agreement, negotiations for which are expected to be completed shortly with the United States of America.

The Government of Trinidad and Tobago is of the view that there are numerous benefits to be achieved should this country become a member of NAFTA. Let me highlight some of these:

- (1) Products from Trinidad and Tobago will have duty free access to a market of some 363 million people.

**Mr. Sudama:** What exactly do you have to sell?

**Hon. K. Valley:** Madam Speaker:

- (2) It will facilitate increased investment flows, particularly from the United States;
- (3) It will provide an environment conducive to the relocation of the operations of some European firms and firms from other non-member countries into Trinidad and Tobago as they seek to benefit from this country's membership in NAFTA. This will assist in our quest to be positioned as the major export platform in the region.

**2.15 p.m.**

An added advantage is the extension of duty-free status to certain domestic exports which have been excluded under the provisions of the Caribbean Basin Initiative and Caribbean. Some of the products involved are textiles, footwear, luggage and handbags, which are now subject to customs duty on their entry into the United States.

With the expansion of both investment and trade flows, the environment will be created for increased employment and foreign exchange earnings. Certainly,



membership in NAFTA will put products from Trinidad and Tobago on an equal footing with products from Mexico in terms of access into the community market.

It should be noted also that at the Fifth Inter-Sessional Meeting of the Conference of Heads of Government held in St. Vincent and the Grenadines on March 11 and 12, 1994, the Conference re-affirmed the commitment of Caricom member states to seek access to NAFTA, while recognizing that individual member states may need different provisions and timetables to accommodate their particular interests.

As a consequence, assuming that Trinidad and Tobago is accepted on the List of Accession into NAFTA, such an action cannot by itself be interpreted as an infringement of Trinidad and Tobago's obligations under the Caricom Agreement. On the contrary, Trinidad and Tobago will continue as a member of Caricom to seek NAFTA parity which will provide preferential tariff and quota treatment on imports from Caribbean Basin Initiative member states similar to that accorded to Mexico. This is projected to cover a period of three years, after which beneficiaries are expected to accede to NAFTA.

It is against this background that the Government of Trinidad and Tobago has declared officially its interest in seeking membership in the North American Free Trade Agreement.

Finally, because of the importance of this decision to the economic future of Trinidad and Tobago, Government intends to move that this honourable House take note of the decision of Cabinet to declare formally Trinidad and Tobago's interest with respect to accession to NAFTA at the next sitting of Parliament.

I thank you, Madam Speaker.

**Mr. Jurai:** On a point of clarification, Madam Speaker, now that the Government has indicated that it has applied for membership in NAFTA, would the Minister state whether we are beginning to see the death of Caricom?

**Hon. K. Valley:** Madam Speaker, I indicated that the Government is moving a Motion to take note of its declaration of interest. I am sure the Member would want to participate in that debate when they can talk about things such as free trade.

**Mr. Humphrey:** Would the hon. Minister lay in this House, as well, the terms of entry into NAFTA, so that we can have those for the debate?

**Hon. K. Valley:** Madam Speaker, the North American Free Trade Agreement between Canada, the United States and Mexico is a document, I understand, of

*North American Free Trade Agreement*  
[HON. K. VALLEY]

*Friday, April 8, 1994*

600-700 pages. If the hon. Member wishes, I have a summary which I can lay on the Table so that it can be at the disposal of Members.

**Mr. Humphrey:** We agree.

**Mr. Sudama:** We will know what free trade really is.

**CONSTITUTIONAL AMENDMENTS  
(TOBAGO HOUSE OF ASSEMBLY)**

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Madam Speaker, permit me to report to this honourable House on the present state of affairs regarding proposed constitutional and other legislative changes in respect of the administration of Tobago.

In July, 1992, a Cabinet-appointed technical team under the chairmanship of Sir Ellis Clarke, was mandated to work out details and to negotiate an agreement within the context of the unitary state, for a more acceptable relationship between Trinidad and its sister isle Tobago, in respect of the functioning of the Tobago House of Assembly in the administration of the affairs of Tobago.

This technical team had several meetings with a counterpart team appointed by the Tobago House of Assembly. The end product of deliberations between those two teams was consensus on the insertion of a new Chapter 12 in the Constitution of Trinidad and Tobago which would accord constitutional status to the Tobago House of Assembly and provide for an Executive Council headed by a Chief Secretary and comprising such other Secretaries as may be required to manage specific areas of activity in respect of Tobago.

In the proposed revised arrangements, the Tobago House of Assembly would not only have a defined subsidiary legislative making capability, but would also manage a specially created Tobago Fund which would comprise moneys raised and received in Tobago and supplemented by funds appropriated to it by Parliament.

By July, 1993 both the Central Government and members of the Tobago House of Assembly had considered the work of the technical teams and agreed on the terms of the proposed constitutional amendments. Additionally, it was agreed that the Constitution would be further amended to provide for the appointment by the President, acting in his own discretion, of at least one Senator to represent the special interest of Tobago.

As a consequence of these proposed constitutional changes, it became necessary to make amendments to the Tobago House of Assembly Act to provide

for the enhanced role of the Assembly in the management of the affairs of Tobago.

The teams subsequently agreed to a timetable whereby it was intended that consensus on these further legislative amendments would have been reached by the end of April, 1994 and thereafter both the proposed constitutional amendments and the revised Tobago House of Assembly Act would be made available for public consultation, discussion and comment.

Madam Speaker, the proposed timetable has not been met. The Government has received substantial comments from the Tobago House of Assembly on key areas of the revised Act, but there remain decisions on certain policy positions before the drafting could be finalized. Additionally, we have had to divert some of our already overburdened drafting personnel to deal with legislation designed to strengthen the state's ability to deal with the existing crime problem.

Based on the time factor contemplated in the original schedule, it is now anticipated that public consultation on this significant development in our constitutional history could commence by mid-July, 1994.

In closing, may I place on record the Government's appreciation for the mature and reasoned approach adopted by all participants in this exercise. It augurs well for this country when one could approach matters of fundamental importance with the beacon of the national interest as the sole guiding factor.

I thank you, Madam Speaker.

#### **NRITYANJALI THEATRE INSTITUTE (INC'N) BILL**

*Question put and agreed to,* That a Bill for the incorporation of the Nrityanjali Theatre Institute of Indo-Caribbean Arts and Culture and for matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

#### **ORDER OF BUSINESS**

**The Minister in the Ministry of Finance and Minister of Local Government (Hon. Kenneth Valley):** Madam Speaker, I beg to move that this House do now consider Private Members' Motions 8 and 9 on page 13 of the Order Paper; followed by Motion No. 2 under "Public Business" and then "Bills Second Reading."

*Assent indicated.*

*Companies Bill*

*Friday, April 8, 1994*

**2.25 p.m.**

**COMPANIES BILL**

**Joint Select Committee Special Report**

**Adoption**

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Madam Speaker, I beg to move the following motion:

*Be it resolved* that this House adopt the Special Report of the Joint Select Committee of the Parliament appointed to consider and report on the Companies Bill, 1993, which was presented to this House on Friday, March 18, 1994.

*Seconded by Mr. R. L. Maharaj.*

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

**Hon. K. Sobion:** Madam Speaker, may I therefore move the following further resolution:

*Whereas* this House has adopted the Special Report of the Joint Select Committee of the Parliament appointed to consider and report on the Companies Bill, 1993;

*And whereas* that report recommended that the Committee be permitted to discuss general merits and principles of the Companies Bill, 1993;

*Be it resolved* that the provision of the House of Representatives Standing Order No. 55 be suspended to permit the Joint Select Committee appointed to consider and report on the Companies Bill, to discuss the general merits and principles of the Bill, in addition to its details.

*Question put and agreed to.*

**ST. ANN'S SPIRITUAL BAPTIST CHURCH (INC'N) BILL**

**Special Select Committee Report**

**Adoption**

**Mr. Cyril Rajaram** (*Pointe-a-Pierre*): Madam Speaker, I beg to move,

That this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill

for the incorporation of the St. Ann's Spiritual Baptist Church and matters incidental thereto.

*Seconded by Mr. Subhas Panday.*

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the Bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**PRIVILEGES AND IMMUNITIES (CARIBBEAN FINANCIAL  
ACTION TASK FORCE) ORDER**

**The Minister of National Security (Sen. The Hon. Russell Huggins):**  
Madam Speaker, I beg to move the following Motion:

*Whereas* it is provided by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01 (hereinafter referred to as "the Act") that the President may by Order declare that any international or regional organization or agency named or described in such Order shall, to such extent as specified in the Order, be accorded the privileges and immunities set out in the Fifth Schedule therein;

*And whereas* it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament;

*And whereas* it is expedient that the Order now be affirmed:

*Be it resolved* that the Privileges and Immunities (Caribbean Financial Action Task Force) Order, 1994 be approved.

Madam Speaker, the Privileges and Immunities (Caribbean Financial Action Task Force) Order, 1994, is intended to provide the legal basis for the operation of the secretariat and staff of the Caribbean Financial Action Task Force in Trinidad and Tobago. Before addressing the provisions of the Order, it is relevant that the Caribbean Financial Action Task Force be placed in its proper perspective.

The Financial Action Task Force (FATF) was founded by the group of seven—Canada, Germany, France, Japan, Italy, the United Kingdom and the United States of America—at the 1989 Paris Summit. Membership of the FATF comprises 24 members of the Organization for Economic Co-operation and Development, Hong Kong, Singapore, the European Community Commission and the Gulf

*Privileges and Immunities Order*  
[SEN. THE HON. R. HUGGINS]

Friday, April 8, 1994

Corporation Council Organization, with observer status, include *inter alia* Interpol and the United Nations International Drug Control Programme.

The primary objective of the FATF is to address the escalating international problem of money laundering. To this end, in 1990 the FATF proposed 40 recommendations to combat this pandemic. These recommendations constitute an action formula geared towards the improvement of national legal systems, enhancement of the role of financial systems and the strengthening of international co-operation against money laundering.

In an attempt to encourage non-member countries to adopt the recommendations, an outreach programme has been developed. This led to the establishment of the Caribbean Financial Action Task Force in Aruba in 1990. The CFATF represents the Caribbean's initiative to the international exhortation to effect urgent and immediate action for denying the drug trafficker the means by which he can retain and enjoy the proceeds of drug trafficking.

Its major objective is the implementation of and compliance with its recommendations by a programme of regular reporting, international self-evaluation of the laws and regulations by respective member states and, ultimately, by a continuing system of mutual evaluation amongst themselves at the regional level. Participation in the CFATF includes some 26 separate states in the Caribbean and its periphery, including 10 independent Commonwealth countries and six British dependent territories.

The first CFATF meeting was held in Aruba in 1990. This was followed by a conference of Ministers and other representatives of Caribbean and Latin American Governments held in Kingston in 1992. The Kingston Declaration on money laundering was adopted at this conference. In that declaration, the participants recognized the need for a mechanism to monitor and encourage progress over three years to ensure full implementation of the declaration. It was agreed that the secretariat would report to, and act under the direction of a steering group of representative CFATF members and the donor countries.

According to the Kingston Declaration, the FATF donor countries will support this country in ensuring that the proposal materializes. An offer from Trinidad and Tobago to provide the facilities for a small secretariat for the initial three-year period to assist participating countries with the implementation process was accepted.

The major functions of the secretariat are:

1. to co-ordinate and make technical recommendations on the self-assessment process of CFATF members;
2. to make arrangements for and participate in evaluations of CFATF members;
3. identify and act as a clearing house for facilitating the training and technical assistance needs of CFATF members, including dealing with requests for training and technical assistance from CFATF members, and advising on sources of assistance;
4. act as the liaison point between CFATF and Third World countries and international regional organizations involved in countering money laundering and related matters; and
5. draft annual CFATF reports.

Madam Speaker, the secretariat has temporarily sourced accommodation in Port of Spain with the Office of Strategic Services. It is expected that there will be mutual support between both agencies. Some degree of funding for the secretariat will be provided by the five sponsoring members of the parent organization, FATF. The United Kingdom has agreed to fund the position of Executive Director, and the United States, Canada, France and the Netherlands have agreed to provide an operational budget. An interim executive director has already commenced duties in Port of Spain.

In order to facilitate the effective and efficient functioning of the secretariat, it is imperative that the Caribbean Financial Action Task Force be accorded a regional agency within the meaning of Part V of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01, and to that end, the privileges and immunities facilities and exemptions which are customarily granted to such organizations, and which are set out in the Fifth Schedule to that Act, should be extended on a unilateral basis to the secretariat and its staff.

**2.35 p.m.**

The Privileges and Immunities (Caribbean Financial Action Task Force) Order, 1994 made under section 9(2) of the Privileges and Immunities

*Privileges and Immunities Order*  
[SEN. THE HON. R. HUGGINS]

*Friday, April 8, 1994*

(Diplomatic, Consular and International Organisations) Act therefore will serve to:

1. Declare the Caribbean Financial Action Task Force and its secretariat to be a regional agency to which the privileges and immunities set out in Part I of the Fifth Schedule of that Act are to be accorded.
2. Confer on the head of the Caribbean Financial Action Task Force secretariat in Trinidad and Tobago and the members of his family, as well as on persons employed on missions on behalf of the CFATF, the same continuing privileges and immunities as are granted to the heads of international organizations in Trinidad and Tobago, that is, the customary privileges and immunities set out in Parts II and IV(2) of the Fifth Schedule of that Act.
3. Confer on the other officers and the servants of the Caribbean Financial Action Task Force Secretariat, the privileges and immunities set out in Part III of the Fifth Schedule. Where such persons are nationals or residents of Trinidad and Tobago, they shall be entitled only to the immunities provided for in paragraph one of Part III.
4. Confer on persons who are representatives of any organ of the Caribbean Financial Action Task Force, for example, its steering committee or members of any committee of the organization, or an organ thereof, the privileges and immunities referred to in Parts II and IV(1) of the Fifth Schedule of that Act.

Madam Speaker, the Government of Trinidad and Tobago recognizes the absolute need to participate in multilateral initiatives in the growing attendant problem of money laundering, and that the 40 Financial Action Task Force and the 19 Caribbean Financial Action Task Force recommendations are key to the global and regional effort against money laundering.

To this end, the Government of Trinidad and Tobago is committed to facilitating the establishment of the secretariat in Trinidad and Tobago for the purpose of overseeing the implementation of the recommendations in an effort to eliminate the money laundering scourge. I therefore urge all Members of this House to support the Motion.

I thank you, Madam Speaker.

*Question proposed.*



**Mr. Ramesh Lawrence Maharaj** (*Couva South*): Madam Speaker, this Motion is to give to this organization immunity and diplomatic status as are contained in the relevant Schedules of the Act, the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01. In giving these immunities, one has to understand that the ordinary law, in certain respects, would be suspended in favour of persons or organizations having these benefits.

Therefore, I should have thought that the issue here is not simply whether this organization should be given these privileges and immunities, but other incidental questions as to organizations which have been given these immunities and privileges, what checks and balances exist to ensure that these benefits are not being abused, and the benefits themselves are not being used for the promotion of the drug trade.

We also do not seem to know from what was presented, what protection, if any, would be given to persons who enter into contracts with this organization, whether they be ordinary contracts or they be employment contracts. Is it that these persons are going to share the same fate that has occurred in our history with a similar organization, CARDI, where there was litigation and the workers were met with the plea of diplomatic immunity? If this organization employs local individuals and there are contracts of employment, there are workers and after a while there will be retrenchment and severance benefits, what machinery has been put in place in order to protect these people?

You see, under the Schedule referred to, we are talking in terms of, not only the head of the mission, but we are talking also in terms of immunity being given to the head of the mission and his staff, and in certain grades, different types of immunities. But in the Fifth Schedule, when one looks at the different Parts, one sees:

"Part I

Immunity from suit and legal process;

Part II:

The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power.

Part III:

Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties."

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

I do not think that this matter should be treated so simplistically, because there can be no doubt that if an organization is world recognized, it is fighting the drug trade, and it is felt that it should be given this status, and that would assist it, then no one can dispute that. But up to now we have not heard how it is that by giving this organization diplomatic status, by giving it all the benefits of this piece of legislation, those things would assist it in combating money laundering and in fighting the drug trade.

What we heard here today was a disappointment, with the greatest respect to the Minister. I want to quote for him what his Leader said, the hon. Member for San Fernando East, when a similar Motion was before the House in 1989. I should have thought that his Government—because I assume he speaks on behalf of his Government, unless it is otherwise; he can tell us. I should have expected him to come and tell us some of the things that the Member for San Fernando East, whilst in Opposition on that occasion, had to say about a similar Motion in respect of the Caribbean Agricultural Research and Development Institute Order, 1989. The Government was moving a Motion to give a similar status to that organization.

At 2.00 p.m. on December 1, 1989, the Member for San Fernando East got up and said:

"I listened to the contribution of the hon. Minister of External Affairs and International Trade, and I must confess that I do not believe that his contribution..."

Then he went on to say:

"Countries around the world are very careful, very cautious about this question of privileges and immunities. I for one, whenever I travel, I no longer travel on a diplomatic passport, and one of the reasons for that is the fact that the immigration authorities in many airports in the world have begun to view with suspicion diplomatic passports..."

We will come back to that, Madam Speaker. When we come to deal with what is money laundering, we would see that it is important for us to be assured that diplomatic bags are not being used for the purpose of promoting the drug trade. That was one of the points that the Member for San Fernando East made in his contribution. He stated:

"I have read of instances abroad where a particular embassy wanted to hold a party and imported in the diplomatic bag 100 cases of wine..."

He is talking about wine. Then he went on to state:

"Diplomatic bag'. Please do not liken me to the Member for Ortoire/Mayaro....

Those are the kinds of problems that now arise with this whole question of immunities and privileges.

This country is experiencing a significant increase in the instances of trafficking of drugs. The transshipment of drugs from South American countries to the market areas in North America through several countries...

Mr. Speaker, when I visited the United States last year, I was advised by the Drug Enforcement Agency that the instances of transshipment of drugs will peak in Trinidad and Tobago in two years' time. When I visited the United Kingdom this year, I was told by the Foreign Office that it will be about a year and a half."

**2.45 p.m.**

Then, hear what the Member for San Fernando East had to say:

"What I am saying is that in the light of all this, in the light of the acknowledged concern of Members on both sides; in the light of the acknowledged concern of the population of Trinidad and Tobago about drugs, the abuse of diplomatic privileges and immunities for the trafficking of drugs and situations such as these that were alluded to before this honourable House at its last sitting, how do the Minister and his government propose to deal with these issues?"

Well, the hon. Member for San Fernando East was attacking the then administration for bringing a Motion like this without telling the country how it was going to deal with the issues such as the abuse of diplomatic privileges and immunities for the purposes of trafficking in drugs. I am asking the same question today: Why is it that this Government, in coming to extend the facility for diplomatic privileges and immunities, has not decided to tell this country whether the system is being abused? And, if it is being abused, what steps are being taken to curtail that abuse?

For example, I should have expected this Government to say how many official and diplomatic passports it issued since it got into office; and did any members of the PNM get any of those passports? When members travel on unofficial business, do they travel on those passports? I expect the Government to tell us that. I would expect the Government to tell us because history would tell us

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

that the chairman of the governing party had a diplomatic passport. Under the NAR administration this chairman of the party did not come to Trinidad and Tobago, but when the new administration came into government, he came. Was he given a diplomatic passport? Is he immune? We ought to know.

I do not think the hon. Member for San Fernando East—and I am sorry he is not here—

**Mr. B. Panday:** No, no; he is hiding in the back there.

**Mr. Sudama:** He is discussing matters of state.

**Mr. R. L. Maharaj:** The hon. Member for San Fernando East continued:

"I would have thought that the Government would have been far more cautious in coming with a matter of this nature at this time. More than that, that the Minister would have been at least courteous enough to say to this honourable Parliament how the Government proposes to prevent abuse, to the extent that it could be prevented, of the diplomatic privileges and immunities that it now seeks to accord to yet another agency and institution."

He continued:

"Really, I am disappointed with the contribution of the hon. Minister, and I hope that somewhere in this debate either the Minister himself or one of his colleagues will do this House the courtesy of answering a question that is of concern not only to us but of concern certainly to the national community, recognizing the danger particularly of drugs and the extent to which the extension of privileges and immunities can be abused to facilitate trafficking in that most dangerous product."

**Mr. B. Panday:** That Prime Minister should know more than anybody else.

**Mr. R. L. Maharaj:** Madam Speaker, it is not too late. I hope that with his hypnotic ability of persuasion he would be able to get one of his members to respond to this issue for us to be told, since it was his view in 1989 that the system was being abused for the promotion of drugs, what the Government is going to do about it.

It is not such a simple matter. We have seen here—and I must confess that before the Minister made his presentation in the Senate, I did not know what the Caribbean Financial Action Task Force was; the first time I heard about it was then, and, therefore, I tried to find out. From about two years ago the Government has been committing the people of Trinidad and Tobago in a certain direction.

Now, two years later, it has come to the people, through Parliament, to get approval. This brings in the whole question of important and vital information which affects the people, and which is being kept in the breast of Government and only comes to the people when it is absolutely necessary.

I should have thought that if it was the intention and the proposal of Government to suspend the law in respect of an organization, bearing in mind—I am subject to correction; the Minister can correct me while I am on my feet—that this is not a governmental organization; it is a non-governmental organization: persons from various countries who are financial experts have decided to get together in order to monitor money laundering and decide what they can do to attack the drug trade; and they have been able to persuade governments to give certain privileges.

Therefore, I should have thought that the people of Trinidad and Tobago would have been told about this. This shows that there is absolute need, under our form of government, for Government to be obliged and mandated to disclose this kind of information at an early stage and mechanisms put in place so that the people can participate; there can be proper inquiries and information obtained in order to properly assess situations like these. That is why freedom of information legislation is vital to our democracy.

It raises another issue, the issue of the relevance at this time of this kind of machinery without having other supporting machinery to deal with the problem. Money laundering can take many forms: there can be money laundering in fraud, extortion, corruption, narcotic trafficking, and there are many vehicles through which money can be laundered.

I should have thought that if the Government is going to give status to a non-governmental organization so that it would be exempt from the law on the basis that it is part of its commitment to fight the drug trade, it would show from its policy and infrastructure that it is putting in place, that it is really serious, and committed to fighting money laundering.

I would read, during my contribution, from a book on money laundering which I managed to secure, that it is recognized that not only can one get this directly from the drug trafficker—to probably find out from his bank account whether he is laundering money—but one also sees that foreign exchange transactions must be properly scrutinized, and there must be machinery to ensure that these things can be detected.

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

I ask the Government: What mechanism, law or machinery is in place to ensure that foreign exchange transactions are not being used for money laundering and drug trafficking? I also want to know, because it is recognized that big conglomerates which own about 15 or 16 companies with interlocking directorates—in an economy which is supposed to have a level playing field, since there are no barriers to the movement of money in that kind of set up—can use the appearance of trade to launder money.

**2.55 p.m.**

You must not come to fool the population that you are doing something about money laundering. We want to know what you have put in place, what exists, what scrutiny, what machinery is there in order to ensure that not only the companies which exist in Trinidad and Tobago, but also the ones which are coming into Trinidad and Tobago, and the ones which are anxious to buy into Trinidad and Tobago are not involved in these matters. It is not so simple.

As a matter of fact, it has been recognized from this Financial Action Task Force, since it started, in its several reports, which I will read in a short while to the House, that insurance companies—and I notice that the hon. Member for Diego Martin East has been very vocal. I could understand his anxiety for me to talk about him or not to talk about him, but I am talking about insurance companies, and I know he is an expert on insurance companies.

I am not making any accusation against any particular insurance company. I am saying generally insurance companies are vehicles for money laundering. What system has been put in place by this Government to ensure that these insurance companies—big ones, small ones even when they lend large amounts of money, whether it is Algico or any other company—what exists to ensure that not only is the money not used for political purposes but it is not used for money laundering and drugs? What machinery exists? We do not have any.

The recent report which has been released by the American Embassy shows how incompetent our machinery is in dealing with the drug situation. Not only insurance companies, but also real estate agents, both local and foreign, are people who can be used by politicians, lawyers, bankers, Members of Parliament, Prime Ministers, with their property transactions. What machinery exists that we would ensure that real estate agents who operate in Trinidad and Tobago, and the ones we retain from abroad—all these consultants—what machinery exists to ensure that they are not involved?

And, if I may use the expression of the Member for San Fernando East when he was in the Opposition, "What is the Government saying about these abuses to facilitate the drug trade?" Are we going to leave it like this, and try to hoodwink the population that by giving this task force diplomatic status the Government is fighting the drug trade and money laundering? This is a joke.

Let us see, and I should first like to say that this brings into focus the whole commitment of this Government to deal with money laundering because it is saying that this would assist. As a matter of fact, according to the hon. Minister, this is part of its attack on money laundering with respect to the drug trade.

The Minister can correct me if I am wrong. From my research on the role of the Financial Action Task Force, they do not only try to find out with the limited facilities they have whether there is money laundering only as a result of narcotic trafficking but also whether there is money laundering with respect to organized crime generally. That would involve many other matters. As my Leader has reminded me, it seems as if real estate agents are used as shams and they are protected in order for deals to be done, for properties to be bought, and for sham companies to be appointed, nominees to be put in place.

It is the first time in the history of Trinidad and Tobago that we have had such a bad record in dealing with drugs. The American Government, in effect, has supported what we have been saying all the time: that there does not appear to be a commitment by the Government to deal with the problem.

Quite recently there was much publicity about this report. I was able to get a copy of the report of the International Narcotics Bureau. There are several matters to show that this Government, in giving diplomatic status to this organization, is only doing it because it is pressured to do it, but it has no commitment to doing it. That it has not told us what it would achieve and what it intends to do is indicative of that fact.

Would you believe that a report is released by the US Embassy attacking this Government with respect to its drug policy, and the Government remains silent? We have heard statements from the hon. Attorney General. We have heard the opening of a debate but with no response from the Government. There is an inference sometimes, when an allegation is made and the person says nothing, that is an admission of guilt. I do not know. This report says:

"Co-ordination is lacking, and neither the Police Service nor the Coast Guard has had much success in interdiction efforts. Drug-related corruption is a continuing problem."

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

It goes further:

"In 1993, the Government introduced money laundering legislation and trained three money laundering investigators. Their duties, however, have not been fully established."

Is this Government serious about getting at money laundering? There is a piece of legislation which was passed in 1991 which gives the power to deal with moneys which are obtained as a result of drug transactions; powers of seizure and tracing, and we have not had a prosecution that I know of from my research in relation to those matters since 1991.

**3.05 p.m.**

We do not really need legislation. The fact of the matter is that there appears to be the absence of commitment to deal with the problem, and this Motion is to try to give us that impression. Listen to this, Madam Speaker. The coast guard and the police service, the two most important agencies in the Government of Trinidad and Tobago's counter narcotic efforts, have arrested several low level drug offenders, but have been ineffective against our major traffickers.

**Mr. B. Panday:** Obviously!

**Mr. R. L. Maharaj:** I have been trying to find the quotation. I have read the hon. Minister of Finance as published in the newspapers. He can correct me, if I am wrong. In the *Express* dated October 13, 1992, he said that the Government had no choice but to move hard against the effect of the drug, cocaine. They were confident they could gain control of the drug problem because they knew who everyone was.

Today, I read in the newspapers that somebody in Miami stated that he knows who the people are in Trinidad and Tobago. We have a Minister who says that he knows who they are, but nobody could do anything about it. Are we serious?

**Mr. B. Panday:** You could sell them motor car and you do not know how to hold them.

**Mr. R. L. Maharaj:** In another jurisdiction like America, there is a piece of legislation called—

**Dr. Rowley:** You know that you are talking foolishness. Do not come with that. You did not make any inquiry. You want to spread rumour.

**Mr. R. L. Maharaj:** There is a piece of legislation called the Ethics in Government Act. What does that do? It was recognized that since the Watergate



Scandal in America—I make no attack personally on the Attorney General—the office of Attorney General under the system can be such that it can give the impression that there can be a political consideration in favour of a government. Therefore, in America, it was decided that there would be times when top government and public officials—there would be the perception or appearance—may have used their offices for some improper motives and it may be for drug purposes, corrupt purposes or organized crime.

In America, this Act allows the US Attorney General to request an independent counsel to be appointed by a special three-judge panel of the US Appeal Court. This independent counsel would have the power to investigate alleged criminal activity of high ranking executives, including the President of the United States of America.

I am saying this in order to show that if it is that we want to have confidence in our system, whichever government is dealing with the drug problem, money laundering problem or organized crime problem, we must have the machinery to breathe confidence in the population.

In the International Narcotics Control Report, 1994—I have a copy of the executive summary, Policy and Programme Overview for 1993. Page 5 states:

"At the heart of the drug problem lie the issues of government corruption and political will. Of the many threats which the international drug trade poses, the greatest is its almost unlimited capacity to corrupt legitimate political institutions. Illicit drugs generate revenues on a scale for which there is no historical precedent. On the streets of the US, a metric tonne of cocaine is worth between US\$100 million and US\$200 million. By that measure, the nearly 108 metric tonnes seized by US authorities in the fiscal year 1993 would have pumped between \$10 and \$20 billion, more than the gross domestic product of many countries in the hemisphere, into international underworld channels. The drug trade thus gives criminal and terrorist organizations access to money on a scale not available to most national governments.

The best defence against drug corruption is a strong sense of national integrity expressed as political will."

How should the political leadership be encouraged to fulfil that purpose?

I am saying this and mentioning the American legislation because we have to recognize that with the drug trade, there can be the perception that public

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

officials—wrong, and right at some time—are involved in the drug trade and their offices are used for the promotion of that purpose. If it is that we are committed to really having a strong sense of national integrity expressed in political will, then I think that the Government ought to provide the machinery whereby this perception may exist.

Quite recently, there was a sad incident in our history in which there were allegations against the hon. Prime Minister.

**Dr. Rowley:** Sad? I thought you enjoyed it!

**Mr. B. Panday:** Sad for the Prime Minister, but okay for me.

**Mr. R. L. Maharaj:** If it is that this Government had machinery like that, then the people of the country would have been satisfied, if they could have satisfied the people that there was no improper conduct. We cannot run a country when public officials are smeared.

**Mr. Valley:** Nobody was smeared!

**Mr. R. L. Maharaj:** There are allegations and you decide not to do anything about these matters, not to have them investigated.

**Mr. B. Panday:** They have to remain smeared; they do not want to hold any inquiry. That is the point.

**Mr. R. L. Maharaj:** It is a serious matter if a Prime Minister as a Minister of Government was involved with the importation of a car in circumstances in which there were pointers that he may have used his office for a personal purpose. That kind of situation needs an Ethics in Government Act, whereby an independent counsel could be appointed to deal with the matter.

Coming back to this report which has been laid in the United States Congress and which investors in Trinidad and Tobago would have to see. The report states:

"Funds received by the GOTT from an asset-sharing case was originally earmarked for the refurbishment of a former police station as the OCNH headquarters. The GOTT later reversed that decision and has instead used a portion of the funds to purchase new vehicles for the unit. Most of the funds have still not been used."

There is a situation where moneys which were given for a particular purpose, in order to arrest the drug situation, are not being used. The report talks about Scotland Yard. It continues":

"Although the team found no evidence of a single cartel, it did uncover evidence of widespread corruption among police officers, including the involvement of several officers with local and international drug rings. Although the team recommended the dismissal of over 100 officers, to date the GOTT has taken no action."

I am not talking about trying to go against the Commissioner of Police; I am talking about if there is evidence, what action has been taken? What is the Government waiting for? I hope the hon. Member for Diego Martin East knows that if he gets into difficulties tomorrow, it does not matter what he says here, he would come to look for me.

**Mr. B. Panday:** That seems sooner than later.

**Mr. R. L. Maharaj:** I cannot say the same thing about me, if I get into trouble I cannot go to look for him.

Page 2 states:

"The GOTT has decided it cannot ratify the 1988 UN Convention until it passes enabling legislation, which has been introduced in the Senate but not yet in the politically more important Lower House."

I am trying to show the sort of commitment of this Government to the drug trade.

### **3.15 p.m.**

The Vienna Convention, 1988 is regarded as the international blueprint of how governments should deal with the drug trade. When one looks at the Vienna Convention, one sees that not only does it specify what offences should be created, the mutual assistance and sharing of information, confiscation and extradition—and I will come to extradition in a short while—but in Article 18, it talks about free trade zones and free ports. Paragraph 1 describes the general obligation each party has to enforce stringent interdiction measures to suppress illicit trafficking in free trade zones.

Paragraph 2 specifies measures that the party shall endeavour to implement in order to carry out the general obligation, such as monitoring the movement of goods and persons in such zones and ports; establishing and maintaining systems for detecting suspect cargo passing into and out of these areas; and establishing and maintaining surveillance systems at these areas.

What have we put in place to comply with this convention in order to ensure that there is no drug trafficking, money laundering through these outlets? We are

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

giving to certain foreign companies certain benefits with respect to the Free Zone Act. What prevented this Government from ratifying this convention? The fact that it has not ratified it after two years in office shows that it is really not serious.

The report continues:

"Additional efforts are still needed to curb corruption, strengthen enforcement efforts against major traffickers, improve cooperation and performance on extraditions, and accelerate the legislative process."

It then talks about extradition. In the Vienna Convention, under which money laundering is to be attacked by governments, extradition is important. If persons who are involved in organized crime are not extradited, then it can hamper the battle against the drug trade. It says there:

"Extradition with the United States is governed by 1931 US-UK agreement. The Government of Trinidad and Tobago has been largely unresponsive on most USG extradition requests. One fugitive wanted in the US on narcotics charges escaped from Trinidadian custody during 1993. Extradition proceedings are continuing against another suspected drug trafficker; a procedural error by the prosecutor's office and numerous appeals by the defendants have contributed to the delay in this case."

Madam Speaker, the information on outstanding cases of extradition will probably surprise you and Members of this House.

When Trinidad and Tobago achieved independence in 1962, the Government undertook to meet all international obligations incurred prior to independence. Among those was the 1931 Extradition Treaty between the United States and the United Kingdom. Four extradition requests from the United States Government are pending, one of which dates all the way back to 1986. Two others were resolved by the arrest of the fugitives in American territory. Trinidad and Tobago has yet to extradite a single fugitive to the United States. Both Barbados and Guyana have done so under the authority of the same 1931 US-UK Treaty.

In 1991, the Trinidad and Tobago Police Service asked the FBI, through the US Legal Attaché, to locate two Trinidadians who had fled Trinidad and Tobago and were residing in the United States. The FBI located them and informed the Trinidad and Tobago Police Service that they would be willing to extradite them once a formal extradition request was received. No such request was received. Of the four outstanding cases, two of the individuals are wanted for narcotic offences, one for murder and the fourth for bribery.

In one case the original request was sent to the Ministry of Foreign Affairs in August, 1985 and repeated in June, 1988. No reply has been received by the US authorities. In the other cases, interim responses were received but no action taken.

Should this Government treat a very serious matter like this as a joke? They are talking about implementing the Vienna Convention, going along with this task force business—if I may use that expression—and wanting to arrest money launderers. Extradition, in cases which arise, is a pivotal part of trying to do that. We have a situation where the Government is sleeping on these matters, and the United States Government has to make public releases about it. That is a very serious state of affairs. This was the same Member for San Fernando East, who when on this side of the House in 1989, said that we have to look at the drug trade which was escalating.

Before I go to my book on money laundering to give you some instances of how it can be done, I go back to this report.

**Madam Speaker:** The hon. Member's speaking time has expired.

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

*Question put and agreed to.*

**Mr. R. L. Maharaj:** Madam Speaker, imagine, a government which is interested in curbing the drug trade does not give vehicles to the Police Service and does not have a Coast Guard which is operational.

On page 2 of this report:

"Though cocaine seizures remain low, drug enforcement personnel believe Trinidad and Tobago is an increasingly significant transshipment point. Recent seizures of relatively large amounts of cocaine on vessels after they have left Trinidad confirm its role as a staging ground but do not clearly indicate the magnitude of the traffic. DEA estimates that one trafficking organization operating in Trinidad ships several hundred kilos of cocaine each month."

Can the people of Trinidad and Tobago get some response on this from this Government which says it is interested in eradicating the drug trade, arresting money laundering and organized crime?

The final page states:

"The lack of cooperation and information sharing among the GOTT law enforcement agencies has been the least effective. The lack of cooperation is

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

responsible, in part, for the poor results in interdicting drugs and arresting mid- and upper-level traffickers. The GOTT's failure to date to ratify the 1988 Convention is disappointing.

In 1993, the USG transferred to the GOTT, under an asset sharing agreement, approximately \$40,000, a portion of funds seized and forfeited to the USG in a money laundering case. GOTT authorities provided information to the US customs leading to the seizure of the funds, which were related to a drug trafficking operation in Trinidad. Although all of the funds were initially earmarked to provide a refurbished headquarters for the Organized Crime and Narcotics Unit, some of the money had been used to purchase new vehicles..."

Listen to what has happened as a result of the inefficiency, incompetence and lack of commitment of this Government to deal with the drug trade.

"Road Ahead. Any future USG support will focus on improving the JICC, the new Police Narcotics Squad, and providing patrol boats to the Coast Guard. Future assistance will be tied to good-faith efforts of the GOTT in the following areas: passage of meaningful money-laundering and assets forfeiture legislation, ratification of the 1988 UN Convention, and more vigorous action on extradition requests. The continued budgetary problems of the coast guard and police and the lack of inter-agency coordination can be expected to continue to hamper interdiction efforts in 1994."

I support the United States Government in this respect. It is bad faith on the part of the Government of Trinidad and Tobago so the US are not going to provide any assistance unless there are good-faith efforts. In effect, all that they are saying is that because of the bad-faith efforts, they are not going to provide any assistance.

### **3.25 p.m.**

The Government can make a lot of noise, but where is the machinery to trace, seize and forfeit the funds of organized crime? The United States report has stated, and we have been talking about it in this House, that we are "spinning top-in mud", unless there is a system of accountability. We ask for freedom of information, you do not want to give that. We ask for parliamentary committees; we told you that for the legal affairs, for the prosecution's office, you must have a committee to monitor whether people are doing their jobs, not to exercise their discretion for them but to monitor, to scrutinize. You do not want that.

**Mr. Valley:** Madam Speaker, just for the record let me repeat (1) Freedom of Information, we advanced the case that the Member should file a Private Member's Motion, such a Motion is down on the Order Paper for debate. *[Interruption]*. We have been talking to the Opposition with respect to parliamentary committees. The House is aware that the Constitutional Amendments Bill proposed a parliamentary committee.

**Mr. R. L. Maharaj:** Madam Speaker, a matter of record also. If the Government is serious and had good faith in wanting to give freedom of information, it would not wait for a Motion; it would introduce a Motion for freedom of information.

If the Government had good faith and wanted to have parliamentary accountability it would have done that long ago. There are so many things that it could have done, but has not done. But it is always getting up and trying to hoodwink the population. We could talk from now until 1996 and nothing would happen.

There was a money laundering seminar sponsored by the David Hume Institute, and there was an article presented by Mr. Tom Sherman, entitled *International Efforts to Combat Money Laundering: The Role of the Financial Action Task Force*. At page 13 it talks about what money laundering is: "Money laundering is the process of converting or "cleansing" property knowing that such property is derived from serious crime for the purpose of disguising its origin..."

"Organized crime covers a very wide area of activity..."

"Money laundering is also associated with major fraud, extortion and, in the case of developing countries, offences relating to capital flight. A more recent phenomenon of considerable concern is the extent to which criminal organizations are now penetrating and taking over legitimate business. It is said that the Mafia, for example, probably now derives more income from its legal investments than it does from its illegal investments."

Where you have a situation like you do in Trinidad and Tobago, you can have apparent legitimate business, both local and foreign, trying to take over other businesses, but in effect is a vehicle to be used for money laundering. You have a level playing field but you are destroying the country in the process. No checks and balances.

"Some people would argue that the penetration by organised crime into legitimate business activity should not be a cause of major concern because it

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

creates wealth and employment and confers benefits on a wide range of people. The proponents of this view forget that organised criminals are unlikely to change their habits when engaging in legitimate business activity. There are clear signs that when organised crime invests in legitimate business activity it will attempt to dominate that market and engage in predatory pricing, extortion and corruption."

So where you have a climate, in an environment where the rich can take over the market, and where if you have money and wealth, you can take over the market, you have a level playing field without proper institution and machinery, you can have these big companies with their several individual companies and interlocking directorates, able to control the market, and as it says here—with predatory prices, with extortion and corruption. And I would add "influence peddling."

The Commissioner of Police recently stated that some of these people with their jackets and ties go to cocktail parties; those are the people who should really be looked at in the drug trade. We did not have any denial of that from the Government.

Madam Speaker, on page 14 there is reference to the banking system, with the very point I am making. If you want to have anti-money laundering, you have to start with your banking system. What anti-money laundering legislation do we have in place? Or what machinery do we have in place so that the people could be satisfied of anti-money laundering with the banking system?

"But experience shows that money launderers will utilise almost any form of corporate and trust activity to launder their profits."

I am not talking about blind trust here now—any kind of corporate and trust activity. What it says, is that corporate activity and trust activity can be used to launder. Do we have anything to detect those things? No, we do not!

"The mainstream and underground financial systems in all their varieties are susceptible. Accordingly, anti-money laundering measures have to be directed, in addition to the banking system, to currency exchange houses, insurance companies, building societies and other lending institutions as well as betting agencies."

What are we doing about money laundering? Are we doing anything about it? When we look at this, is it not clear that the Government is not doing anything about money laundering?



Madam Speaker, I read from page 15:

"With such vast sums of money to launder, the criminals involved—whether they be drug traffickers or groups engaged in organised crime generally—have grown increasingly sophisticated. Money laundering now is not just a case of depositing suitcases of money in bank accounts but making use of the whole range of the modern international financial system and both its formal and informal sectors: international electronic fund transfers; the establishment of front companies or shell corporations; and the purchase of existing businesses and property with laundered money. Indeed, there is increasing evidence of the use of "professional money launderers" who specialise in ways to disguise the illicit origin of funds.

There is also evidence that professionals such as lawyers are being used (both wittingly and unwittingly) by money launderers. For example, my own organisation in Australia, the National Crime Authority, found lawyers had been used to assist in the purchase of property in a way that disguised the source of the funds/or identity of the owner; to establish "nominee companies" and trusts for use by money launderers; to place cash proceeds in trust accounts, and to arrange false "loans" with other parties on behalf of criminals."

What law do we have in Trinidad and Tobago, in order to get at lawyers to see whether they are doing these things, whether they are involved in facilitating the drug trade? What law?

"What this means is that virtually no type of financial institution is immune from money laundering—the more so as anti-laundering measures are brought into effect in the banking sector. Insurance, commodities, securities and real estate dealers are all used for laundering purposes.

Madam Speaker, I would say that this Motion is really a joke, and if this Government were serious, it would have come with more information to the population in order to tell us what it is doing about money laundering.

"No country which is integrated into the international financial system is going to escape the attention of launderers. With the dismantling of exchange controls and the growing interpenetration of financial markets, access to a financial institution in one country allows worldwide access and mobility of payments and capital. Money launderers are always on the look-out for new routes and methods of concealing their funds. As the more advanced financial centre countries tighten up their controls, those states with developing

*Privileges and Immunities Order*  
[MR. MAHARAJ]

*Friday, April 8, 1994*

financial sectors are potentially attractive targets, particularly as their domestic currencies become convertible and old regulations and controls are lifted."

**3.35 p.m.**

So you see, we have a fertile ground in Trinidad and Tobago: with the economic policy, wanting to make Trinidad and Tobago the financial hub of the Caribbean and wanting to dismantle all the barriers of exchange control—*[Interruption]* I would endorse what my leader the Member for Couva North has said, that we are probably the financial laundering centre of the Caribbean. There are no checks and balances; probably that is the aim.

Then there is the point that I mentioned about the protection of people involved with contracts with these agencies. For example, we are going to give diplomatic immunity and status to this organization. Madam Speaker, you would remember in my opening I talked about what happens to persons who would enter into contracts with this organization, workers who would be employed; what happens to their rights.

It seems to me that under the present law, if this agency employs persons and there is a union for the workers, even if they enter into contracts with individuals in our society, if there are breaches by this agency, the workers and the persons who are involved in those contracts would not be protected, because the agency would have total immunity. I think that this is a serious matter, and therefore, I should have thought that any such Motion would ensure the protection of the workers and the population of Trinidad and Tobago.

That situation arose with respect to Cardi, and I have here the news clippings—I would not read all the clippings—but, basically what happened was that Cardi dismissed workers and the workers took action; Cardi pleaded diplomatic immunity. That plea prevented the workers and other persons affected from getting their benefits.

It seems to me that we should really decide, in respect of not only this organization but also other organizations which have diplomatic status and immunity which employ workers and which enter into contracts, that we should know the exact extent of the immunity. Apart from that, there should be some machinery whereby if these persons are aggrieved there could be some form of redress.

The North Atlantic Treaty Organization (NATO) which has similar diplomatic immunity and privileges, introduced a concept whereby there is a special tribunal

established to deal with such complaints, and there is a procedure for redress for workers or citizens who are affected. In other words, the principle of these organizations, which are supposed to be promoting the Universal Declaration of Human Rights, is that for every wrong there should be a remedy and there should be a right to get redress. NATO decided that there should be such a tribunal so that persons can get redress and have their claims fairly determined.

It seems to me that this measure is really incomplete. I should have expected the Government to come with much more than just a bare Motion. This measure is incomplete unless there is a similar tribunal or some machinery set up whereby persons who have claims against this organization and other similar organizations—whether they be workers, or a breach of contract, whatever they are—can have some form of redress and compensation.

It is a grave injustice when the system allows a person who suffers an injustice not to have the machinery to have that determined or not to have some form of compensation for that injustice. It is an indictment against society; an injustice to one is an injustice to all.

When we therefore look at this measure, we see that it really is very bare and it is very pathetic. And I have to apologize for the Government and the Minister for coming to this House with such a bare Motion. It is an insult to the people of Trinidad and Tobago, but it shows the contempt which the Government has for the people of Trinidad and Tobago; its arrogance; it shows its callousness, its uncaring attitude towards the people of Trinidad and Tobago.

I have a document dated March 29, 1994, from the Embassy of the United States entitled *Counter Narcotics Assistance Fact Sheet*, and it shows that for a period of six years US \$920,000 in assistance, almost US \$1 billion—they have particularized all the assistance—has been given to the Government of Trinidad and Tobago to deal with drugs.

**Hon. Member:** US \$1 billion.

**Mr. R. L. Maharaj:** US \$9,020,000—I apologize. It shows that the Member for San Fernando East is an expert in billions, so he would be able to detect that—US \$920,000.

**Mr. Manning:** In fees.

**Mr. R. L. Maharaj:** I want to get some of yours. Madam Speaker, correction, US \$920,000 that has been given to the Government of Trinidad and Tobago over—to answer the hon. Attorney General—six years. That is plenty money, and that has been given to counter narcotics.

**Mr. Manning:** Divide it by six.

**Mr. R. L. Maharaj:** Divide it? You have to multiply that, that is US dollars.

I looked to see what this organization would do in Trinidad and Tobago, and I wish to say that I sympathize with this organization, because I do not know what they will have to co-ordinate. According to the hon. Minister: "To co-ordinate and make technical recommendations on the self-assessment process of members." If Trinidad and Tobago is a member, what will they have to coordinate? They will have nothing to co-ordinate, because based on its history and record, there is nothing to co-ordinate—there is no progress; no commitment; there will be nothing. Therefore, it seems to me that this organization would be in a precarious position trying to co-ordinate, since the Government would be doing nothing for it to co-ordinate; all it would have to report is "inaction."

We do not know what the powers of this organization will be. Is it that it is only going to co-ordinate and have recommendations; make evaluations; sponsor lectures; prepare draft annual reports? Is it simply that? What powers will it have? Would this organization, since it is going to be involved in money, be able to coordinate, would it have investigatory powers? We should be told that simply and straightforwardly, "yes" or "no." Would it have a branch? Would it be able to investigate? Would it be able to investigate in collaboration with the police, or would it be usurping the functions of the police service? We do not know.

That is why in some of the countries where the Financial Action Task Force has operated they seem to have some coercive powers. Therefore, we want to know whether it is the intention of this Government, to give this organization—as it attempted to give to the Scotland Yard team—some coercive powers. Is it just a gentlemen's organization which would have status, and it would sit down there, it would get reports, it would co-ordinate, it would print reports? If that is what it is going to be, with the greatest respect to this organization and to the Government, the organization is probably—I am sure it is well intentioned—but it will have nothing to report on the Government of Trinidad and Tobago, because this Government is not genuinely committed to dealing with the drug trade in Trinidad and Tobago.

Thank you very much, Madam Speaker.

**3.45 p.m.**

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, today I could not permit this opportunity to pass by without giving my views on what is one of the

most critical issues which face the Government. This has to do with the overwhelming incidence of drug trafficking in Trinidad and Tobago, the escalation of the drug problem. Side by side with this escalation of the drug problem and its association with crime is the gross inaction, indifference and inactivity of this Government. It gives the impression—and it is a valid impression—that the reason this Government refuses to act with respect to apprehending those people engaged in illegal drug trafficking is that this Government is compromised at the highest levels.

**Mr. Valley:** Madam Speaker—

**Madam Speaker:** We are debating the Privileges and Immunities (Caribbean Financial Action Task Force) Order.

**Mr. T. Sudama:** Yes, Madam Speaker. That has to do with the laundering of money that has been obtained from illegal drug trafficking. If there is a supervisory authority—a Government—which turns a blind eye to the incidence of investing the proceeds of drug money, then there will be an escalation of that problem.

**Mr. Valley:** Madam Speaker, on a point of order. I wanted to ask the hon. Member either to withdraw the statement "that this Government is compromised at the highest levels" or to provide the evidence.

**Mr. T. Sudama:** Madam Speaker, the Member was not hearing what I said. I said, "Side by side with this escalation of the drug problem"; do you want evidence that the drug problem is escalating in Trinidad and Tobago? You do not want evidence of that; that is established. Side by side with that, side by side with the enormous resources available to drug dealers—and a quotation from the book read by the Member for Couva South, stating that these resources are able to reach the highest levels in a country—side by side with the accusations made by the Drug Enforcement Agency of the United States and by the Embassy of the United States about the inaction of this Government, and the obvious inactivity and indifference of the Government, the impression is created—and validly so—that this Government is compromised at the highest levels when it comes to dealing with the drug problem in Trinidad and Tobago. There is nothing which I have to withdraw.

**Mr. Valley:** I wish to draw the attention of the House to Standing Order 36(5) which states:

"No Member shall impute improper motives to any other Member of either Chamber."

**Madam Speaker:** The Member is not really imputing any improper motives. He says that the impression is created and he refers to the Government as an entity; he has not really impugned any particular Member.

**Mr. Valley:** Madam Speaker, with the greatest respect and with all—

**Madam Speaker:** I am not of the view that he has impugned any particular Member of the Government. Proceed please!

**Mr. T. Sudama:** Madam Speaker, as I said, this is a very serious problem; in fact, one of the most serious problems affecting this country and its future.

**Mr. B. Panday:** The country is at stake.

**Mr. T. Sudama:** As I go along in my contribution I will try to give this House an idea of the extent of the problem, how those who are involved in drug trafficking—and the tentacles of the drug trafficking trade have reached far and wide in this society. In fact, what we may have in the very near future—

**Madam Speaker:** I advise the hon. Member to try to link what he is saying to the Motion. I am trying to follow the argument. We are debating the Privileges and Immunities (Caribbean Financial Action Task Force) Order, and I wish you would relate that.

**Mr. T. Sudama:** Madam Speaker, let us get back to what this Order is supposed to do. What is it supposed to do? It is supposed to give certain privileges and immunities to an organization called the Caribbean Financial Action Task Force.

**Madam Speaker:** Base your arguments on that.

**Mr. B. Panday:** Why are you afraid to talk about drugs so? I am saying they are involved, that is why.

**Mr. Valley:** There is a whole debate on drugs.

**Mr. T. Sudama:** If I cannot talk about what this Caribbean Financial Action Task Force is supposed to do, then there is no point debating this Motion.

**Mr. B. Panday:** In this House, everybody who is connected with the PNM is afraid.

**Mr. Breaux:** Who is afraid?

**Mr. B. Panday:** You!

**Mr. Breaux:** Not me!

**Mr. B. Panday:** Starting with you. You are a pipsqueak.

**Madam Speaker:** Order, order, please!

**Mr. Beraux:** Why do you not shut up! I will not sit here and allow you to tell me that.

**Mr. B. Panday:** You are afraid to talk about drugs. You know the Prime Minister—

**Mr. Beraux:** Do not be stupid!

**Madam Speaker:** If Members continue like this I would have to repair to my Chambers. *[Interruption]*

**Madam Speaker:** The Member for Oropouche may now proceed with his contribution.

**Mr. B. Panday:** The most perilous thing in this country today is drugs.

**Mr. Beraux:** You are a drug taker.

**Madam Speaker:** Member for La Brea, please desist from the comments and let us continue with the debate.

**Mr. Beraux:** Madam Speaker, I was making a statement of fact.

**Madam Speaker:** I am sure the Member for La Brea will have the opportunity to make a contribution.

**Mr. T. Sudama:** Madam Speaker, coming back to the point about what this task force is supposed to do. This task force has been brought together and financed by a number of countries for the purpose of trying to investigate and monitor the incidence of money laundering; money laundering having to do with the proceeds from illegal drug trafficking being passed through certain processes to be made legitimate or clean money, as is sometimes said. That is the whole idea behind laundering.

Laundering is the process of trying to clean something which is dirty. Not all laundering processes achieve that process of cleansing. What is attempted here is that the proceeds of illegal drug trafficking are utilized in a way so as to be acceptable as investment in the country, to be used in normal processes of commerce and trade. What this task force is attempting to do is to identify that process, to identify the people involved in it, to have ways and means of circumscribing and curtailing the incidence of money laundering.

*Privileges and Immunities Order*  
[MR. SUDAMA]

*Friday, April 8, 1994*

If I cannot speak about money laundering and its relationship to the situation in Trinidad and Tobago—because we are being proposed as the headquarters for this task force—then there is no point in my making a contribution on this Motion, because that is central to the whole issue. If there was no incidence of money laundering there would be no need for this task force. Therefore, whether this task force will be able to achieve the objective in the environment in which it is operating is the crucial issue that we must address.

**3.55 p.m.**

We have been informed—and from the contribution of the Member who read extensively from the report of the United States Narcotics Control Agency—that Trinidad and Tobago is one of the primary transshipment centres for drugs in the Western Hemisphere, if not in the world. So we understand there is a problem; and if this is a transshipment centre, those who are utilizing it for this purpose will also understand that in order to have free passage in Trinidad and Tobago certain things must be done—certain authorities must be subverted, certain people must be made to turn a blind eye to the incidence of drug trafficking.

We ask the question: Why is it that in a country like Trinidad and Tobago there is no attempt to establish a coast guard patrol to monitor the coastline? If there is a serious attempt to do so, it is possible to get resources from outside Trinidad and Tobago to do it, but the Government appears not to be interested at all!

The question of the supply side of the equation: How is it that drugs come into the country, whether through the legal channels, that is, hidden, but through the customs channels, or through the illegal channels? What, in fact, has this Government done to deal with the problem at the supply side? And, of course, secondly, to deal with the problem at the demand side? That has not been mentioned, and again, one sees the indifference on the part of the Government. This report states that as far as demand reduction is concerned:

"The National Alcohol and Drug Abuse Prevention Programme (NADAPP) funded mainly by a grant from the UNDCP is largely ineffective,..."

This Government programme to contain demands for illegal drugs is ineffective.

"...and the second phase of the grant is still being negotiated."

Yet there is "ole talk" about problems of resources. Some of the resources are there if there is the will, if there is the commitment to try to get them, that is, if the



Government is serious about dealing with the drug trade. But, as has been mentioned before, that will, that commitment is not there.

"NADAPP spent almost \$500,000 in Phase I of a two-part UNDCP grant, but little was accomplished. UNDCP is now looking carefully at NADAPP's Phase 2 design before releasing any further funds. In contrast, local non governmental organizations which receive United States Government support appear to deliver drug awareness education, counselling and rehabilitation more efficiently with much fewer resources, although on a relatively smaller scale."

Non-governmental organizations are interested in dealing with this problem on the demand side, but not the Government of Trinidad and Tobago! Why?

There is far more in the mortar than the pestle. On every front this Government is being accused of inertia and inaction and in certain instances, downright suppression of activity to handle the drug problem effectively. I want to establish that as a fact which cannot be challenged, despite what the Member for Diego Martin Central may wish to state.

I do not want to go into the effects of the drug trade on this country. We have been told repeatedly about the consequences of crime. We have been told repeatedly that the high incidence of crime is related to the drug problem. So if they want to deal to a large extent with the incidence of crime, first of all, they have to deal with the incidence of illegal drug trafficking. If they cannot deal with that, then they are telling the whole world that they cannot deal with the crime situation. They cannot deal with the crime situation if they are not serious. For example, they know this; they have been informed—

"Drug Flow/Transit. Though cocaine seizures remain low, drug enforcement personnel believe Trinidad and Tobago is an increasingly significant transshipment point because it is a natural staging site, a conclusion supported by recent seizures of large amounts of cocaine after they left Trinidad."

Illegal drugs could be seized after you leave Trinidad. Trinidad is a small country, and these drugs are passing through the normal channels. Why is it that they cannot seize—I am not saying they will be able to seize 100 per cent of the drugs passing through, but they are below one per cent. Why? Is it because of corruption in the police service at the highest levels?

We all know that Scotland Yard came here to investigate an allegation that there is a drug cartel operating in the police service. A report was laid in the Parliament, but the most crucial report was not laid. It stated that while there is no

*Privileges and Immunities Order*  
[MR. SUDAMA]

*Friday, April 8, 1994*

evidence of a drug cartel a lot of people at the very senior levels in the police service are involved in protecting drug lords. They are involved in the drug trade and reap the rewards of that involvement. This Government which is in charge of governing Trinidad and Tobago sits there and has taken no further action with respect to that very, very serious allegation in the Scotland Yard report. Why? One has to ask this question. Not only the people of Trinidad and Tobago, but foreigners are looking at this issue and asking the question, Why? And there is a deafening silence from the Government.

No action with respect to the police; no action with respect to patrol boats around the coastline. There is a case, Madam Speaker, and I am not imputing any improper motives. There is a case where a Minister of Government as he then was, today—Prime Minister—had on the record a motor car which was owned by him and was sold without any intermediary, according to the official records, to a known drug dealer. Now, there may not be anything in that; it may be a matter of coincidence. But I will tell you that, in a functioning democracy, that coincidence would be investigated!

**4.05 p.m.**

The report of that investigation would determine one way or the other the issue of whether in fact, that very entry in the records had any further implication with respect to association of people in public life with known drug dealers. When, today, that Member becomes the Prime Minister of Trinidad and Tobago, the highest office in the land—

**Dr. Rowley:** Is that so?

**Mr. T. Sudama:** The highest power in the land.

**Dr. Rowley:** Is that so?

**Mr. T. Sudama:** We are not talking about formalities and so forth. The highest office of power in the land. Is that better? He occupies that office.

He has given an explanation to this House and to the country which—I have spoken to people throughout Trinidad and Tobago—hardly anyone believes. His credibility is at stake. In a situation where no action is being taken against those people who are involved at the very highest levels in the drug business, he offers an explanation to this House which very, very few people believe, and one gets the impression, internally and internationally, that perhaps at the highest level, all is not too well with the Government with respect to tackling the drug trade in this country.

This report has made it very clear that while one or two people at the lower levels, one or two people at the street level, have been charged with drug trafficking, the people involved at the very highest levels, the financiers, have not been interdicted, charged or apprehended. This is a small country, and according to the words of my good friend the Minister of Finance, they know who they are. They know who the drug lords are, if I were to quote him. Do you wish to be quoted?

**Mr. Mottley:** Quote me! Quote me!

**Mr. T. Sudama:** *Express* article, October 13, 1992—the Minister of Finance:

"The Government has no choice but to move hard against the effect of this drug (cocaine). We are confident that we can gain control of the drug problem because we know who everyone is."

What does that mean? Do they know who the drug lords are? If they know who the drug lords are, why is it since October 13, 1992, the Government, including the Minister of Finance, has not done anything about apprehending a big drug lord in Trinidad and Tobago, dealing with the problem at the very source? Why has the Government not done so? Therefore, as I said, there is a lot of explanation to be given.

I want to inform the House of methods of drug laundering. I have mentioned one before. That is, if by depositing large amounts of money in a bank suspicion is aroused, what the drug lords do—this is one aspect of money laundering; I do not know how this task force will approach that problem—is take the money and invest it in assets. One instance of this is a drug lord investing in a vehicle which formerly belonged to the Member for San Fernando East. That is one instance of money laundering—investing in assets which seem to be legitimate investments. That is one.

Many businesses today are being bought with drug money. Talk about conglomerates! Soon in Trinidad and Tobago there will be only a few conglomerates—we know of only two. But added to those two, will be a number of drug barons who will be pulling the strings on very many businesses in Trinidad and Tobago because they are the financiers of those businesses. They provide the money.

One would have thought that we were dealing with this issue of white collar crime—this is an aspect of white collar crime which has its genesis, of course, in the drug trade—which is, where do they get money for investment? One would

*Privileges and Immunities Order*  
[MR. SUDAMA]

Friday, April 8, 1994

have thought that if we had a keen Inland Revenue Department, not one that runs down a fellow who is owing \$100 or \$200—apparently that is what they spend most of their time doing—but when people are investigated and a man is found going into a multi-million dollar investment and has borrowed very little or no money, one wants to find out from him where he got that money. He has not borrowed from any official source. Where did he get his money?

When one goes through the books and makes inquiries—Do we have any agency in Trinidad and Tobago, apart from the Inland Revenue Department, which looks into these problems and therefore gets a clue as to how money is being laundered in Trinidad and Tobago?

With a situation where over the years they had billions and billions of dollars to invest in this way, what we will have in this country is that we will become the tenants of the drug lords, all of us—small and large business, citizens of Trinidad and Tobago, public and private sector. We shall be the tenants and the employees of drug lords, directly or indirectly. This is the kind of society we are heading for.

We hear talk about Colombia and the drug problem in there. The drug problem in Trinidad and Tobago is probably just as bad or even worse than that of Colombia. We hear, as a result, that partly responsible for this is the inaction and the indifference of the Government of the Member for San Fernando East. As I said, when one looks at the scenario and all that is happening, one cannot but get the impression that for some reason or the other, this Government refuses to take action. It cannot be just a question of resources. That has been very plain.

What amazes me is the propaganda associated with this. When it comes to crime, they try to blame the Opposition for preventing the solution of crime. I want to ask them here today: Is the Opposition in the way of their taking effective action to deal with the illegal drug trade? Is the Opposition the obstacle? What is the obstacle?

This newspaper called the "Gardyan" is a propaganda sheet.

**Dr. Rowley:** Not the "Gardyan", the *Guardian*. [Laughter]

**Mr. T. Sudama:** Look who is talking. Where did you come from?

**Dr. Rowley:** The *Guardian*!

**Madam Speaker:** I will advise the Member for Oropouche to—

**Mr. T. Sudama:** Why do you not advise the Member for Diego Martin West, this misfit—

**Dr. Rowley:** I am only trying to help you. It is not the "Gardyan"; it is the *Guardian*!

**Mr. T. Sudama:** I do not need your assistance!

**Hon. Member:** You read it; you write it!

**Mr. T. Sudama:** I pronounce how I pronounce!

**Madam Speaker:** Hon. Members for Diego Martin West and Oropouche, please.

**Mr. T. Sudama:** This is the same "fella", who while he was Manager of National "Quarries" went and took a job—

**Dr. Rowley:** Quarries, not "Quarries"!

**Mr. T. Sudama:** —at the Seismic Unit of the University of the West Indies—

**Madam Speaker:** Please, hon. Member! Please continue with the debate!

**Mr. T. Sudama:** —without having regard for the position. Getting two jobs, two salaries.

**Madam Speaker:** Will the Member continue with the debate!

**Mr. T. Sudama:** You know, he is a Minister of Government, and he comes here to talk about integrity. He—I would not say "crook", Madam Speaker.

**Madam Speaker:** No, no. The hon. Member is a very seasoned politician. I am sure he knows how to deal with these matters.

**Mr. T. Sudama:** Madam Speaker, let me proceed and if I choose to say "Gardyan" I will say "Gardyan" and nobody, in this House or outside, will tell me what to say.

**Dr. Rowley:** You see! You are learning.

**Mr. T. Sudama:** Nobody! And especially this ignorant, misguided misfit.

**4.15 p.m.**

First they are blaming the Opposition as being an obstacle to dealing with crime. Now the *Trinidad Guardian* is blaming the United States for the drug problem in Trinidad and Tobago. Listen to what was said in the *Trinidad Guardian* of Thursday, April 7, 1994 at page 9. Notice they are not blaming the Government for its inaction; not at all; and we know who owns the *Trinidad*

*Privileges and Immunities Order*  
[MR. SUDAMA]

Friday, April 8, 1994

*Guardian* and we know what kind of financial backing it gave to the PNM Government. We are all aware of that. It states:

"From that point of view, Trinidad and Tobago can be considered more as a hapless victim than as a generator or purveyor in this ugly business."

We are hapless victims now. There is no Government responsibility in this very ugly business. It goes on:

"TT has been reeling under an unprecedented wave of violent crime spawned by a growing drug underworld."

We are the hapless victims of drug trafficking, and since drug trafficking has spawned crime, we are the hapless victims of crime. Nobody is to blame in this scenario. Then the deputy chief at the US Embassy goes on to say:

"What we are saying is that the results in 1993 are disappointing. There would be no additional assistance in 1994. It is not that you are not trying hard, working hard, 18 hours a day. The question is what are the results. That's the issue."

The *Trinidad Guardian* goes on to apologize:

"This is a most unfortunate and short-sighted approach."

Coming to the defence of the Prime Minister and his Government, and we know why. Because there is a certain section of the business community in this country that has been widely accused of deep involvement in the drug trade and of being the backers of the PNM Government, in and out of office. So do you understand why no action will be taken on effectively dealing with the drug problem of Trinidad and Tobago? I am just trying to emphasize the point that if the Government were serious, it would do something about it, provided that its supporters and their backers were not restraining them from doing something.

I want to relate to this House an incident in 1992 when we were campaigning for the local government election. We went to Rio Claro a few days before the election and we held a meeting there, but before we held the meeting, we were informed by people who were in the crowd that the previous day a meeting was held by the PNM in there. That crowd that came the previous day was feted by a known drug lord from Mayaro. I understand that over 200 cases of beer and over 2,000 rotis were distributed on that day, at that PNM meeting at the Rio Claro junction. If that is untrue, let us hear a denial. So they went there for a PNM-backed meeting with roti supplied by a known drug lord who boasted that he was financing the campaign of the local government election of the PNM in that region.

If a known drug lord finances your local government campaign in a certain region, are you going to do anything to deal with the business of that known drug lord? So I am saying that the PNM Government is implicated by virtue of its involvement with this known drug lord from Mayaro, who has since died. Does it deny that? That is a fact of life. This is why we will talk in this House however long; this is why the United States Embassy will say what it will, but this problem will continue until we have a government which is serious about dealing with the drug problem. The present Government is not serious. In fact, the impression, as I said, is given that the Government is compromised in dealing with this drug problem.

We are talking about extradition. The Attorney General in response to the report that the situation regarding extradition was very disappointing, and which report further said that the United States was alarmed "that there are people indicted for crimes and they cannot be tried because your system cannot extradite them, or has been unable to do so to date," states very grandly on page 1 of the same *Trinidad Guardian*:

"Trinidad and Tobago was operating an extradition system that pre-dated Independence by many years and which contained several loopholes."

Now he knew this even before he came. He is a practising lawyer. He knew that the extradition procedures and law have very many loopholes; that it pre-dated independence. But, you know, he has been there two and a half years as Attorney General and has done very little to deal with the problem of the loopholes in the law relating to extradition. Why has he been so inactive in this matter? Everything points in a certain direction.

The Attorney General continues at page 7:

"What we feel, and my officers in the Ministry and I have discussed it at length, is that we need to enter into a new extradition treaty with the United States to make it quite clear what the arrangement is."

We have an extradition treaty right now. Apparently this treaty is not clear, and he wants to go into a new one but he gives us no indication. In the meantime, people who are wanted in the United States and elsewhere cannot be extradited from Trinidad and Tobago. Therefore, the impression given is that the Government of Trinidad and Tobago is one large security and protection agency for those involved in the illegal drug trade. Nobody can escape that impression.

So that today, we are talking about this issue of money laundering, money in its billions, the proceeds of illegal drug trafficking then utilized in so-called

*Privileges and Immunities Order*  
[MR. SUDAMA]

*Friday, April 8, 1994*

legitimate ways in Trinidad and Tobago, that may be regarded as investment. They are so desperate for investment, that it does not matter where this investment comes from. Once the investment is made in Trinidad and Tobago. Whether it comes from illegal sources or otherwise, they do not seem to care.

**4.25 p.m.**

I am saying that the amount of this money is such, as well as the facility with which it is invested in this country—and with the Government turning a blind eye to this—that we shall get up one morning and find that Trinidad and Tobago, lock, stock and barrel has become the full property of the drug lords of this country. It is frightening at the moment; it will become even more frightening to live in that kind of society. If we reach that stage where there is no turning back, then we can thank this Government for having propelled us into reaching that point of no return.

Today, I want to really plead on behalf of the large number of citizens of Trinidad and Tobago, and of those unborn but who would have to inherit this land of Trinidad and Tobago. What will they inherit? A drug haven? Is this what this Government is preparing for our future generations? A drug haven where drug addiction will become the norm; and the drug barons will rule like so many war lords of history?

And, when we see the implications of transactions into which the Member for San Fernando East has entered, then one can understand how I despair—and we all despair—for the future of our country. Regardless of whether or not we get into NAFTA; whether we have free trade; or whether we have billions of dollars of investments in the energy sector, what is happening is that the heart and soul of Trinidad and Tobago is being destroyed by the nefarious drug trade and by the inaction and inertia of this Government in permitting the escalation of that crime.

The Government always hides behind the Constitution; the Constitution does not give the power. I do not have the time before the tea break to go into the whole question of how the Government has made it an art of hiding behind the Constitution. One journalist, who certainly is not a UNC, has said "Manning hiding behind constitutional skirts." Madam Speaker, in common language, do you know what a fellow who hides behind a skirt is called?

**Madam Speaker:** That I do not know.

**Mr. Mottley:** What is he called?

**Mr. T. Sudama:** I will tell the Member privately. The Government are hiding behind constitutional niceties; they do not have the power; they are



obeying the Constitution, and the Constitution says it is not supposed to do anything about drug trafficking, so the Government is not doing anything. Does the Constitution say so?

Do you know what happened earlier today? I asked whether a report of the Ministry of Health could be laid before this House and I was told that I have to go to the Public Service Commission. What is this House? Then, I am reminded that the Government has to observe constitutional niceties. We are creatures of the Constitution. So, the Constitution says that this House is a joke, because that is what it is. If the Constitution says so, then sitting in this House makes us all what? This House is a joke if as the highest law-making institution in the land I cannot have a report laid in this House to find out whether it is negligence on the part of the Ministry of Health which has been responsible for the death of a person. We cannot have that report laid. I really want to know what we do in this House.

**Mr. B. Panday:** The Minister has no power under the Constitution.

**Mr. T. Sudama:** Madam Speaker, I want to disabuse this House and the country; this Government is only advancing that as a pretext; it has power but it cannot utilize it because its hands are tied because of what happens behind the scenes. The bankers, financiers are very important in determining the Government's refusal to act in certain instances.

This issue about the drug trade and drug trafficking is not to be taken lightly. The Government Members may laugh; but do you know why they laugh? They enjoy the benefits of laughing. *[Laughter]* And we know what that laughter is based upon; they laugh all the way to the bank; laundered or unlaundered.

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

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

*Question put and agreed to.*

**4.30 p.m.:** *Sitting suspended.*

**5.10 p.m.:** *Sitting resumed.*

**Mr. T. Sudama:** Madam Speaker, I want to assure this House that I would not take up my full 30 minutes. I am sure that is much to the relief of the Member for Diego Martin West, who I understand voted for my extension.

*Privileges and Immunities Order*  
[MR. SUDAMA]

*Friday, April 8, 1994*

In presenting this Motion to the House, I thought the Minister of National Security might have been a little more forthcoming, because here we are debating this Motion to give privileges and immunities to this Caribbean Financial Action Task Force.

We have a general idea what this task force is supposed to do, but we do not know the details of the recommendations on which it will operate. I understand that the member states of the task force endorsed 40 recommendations together with 19 other recommendations which were assented to at a previous conference in Aruba. These recommendations formed the basis of the work of the task force.

One would have thought when the Minister comes to this House, and is talking about giving privileges and immunities to a task force—we are none the wiser what this task force is supposed to do in any specific way—he would have elaborated on these recommendations which form the basis of the work of this task force.

We in this House are buying “cat in bag,” in the sense that we are asked to grant immunities and privileges to an organization, the full scope of whose powers and responsibilities we are not aware, coupled with total inadequacy on the part of the Minister of National Security. But that is to be expected. He is not even here to listen to what is being said. It shows you the casual, and perhaps, contemptuous manner in which this House is treated with respect to debate and legislation.

If we had knowledge of these recommendations it would have made this debate a little more focussed in terms of what we are trying to achieve by the establishment and granting immunities to this task force. I make this point very early.

The other issue I wish to raise is that we on this side are not unaware of the enormity of the drug and money laundering problems that we are dealing with. It is an international problem. Because of the volume of resources available to the drug barons, they can corrupt people at the highest level. This has been shown in many countries, for example, the President of Panama, who I understand was at the very bosom of the drug trade; we are not unmindful of that.

I have a note which gives an indication of the extent of the problem we are trying to deal with. In the US Department of State’s *International Narcotics Control Strategy Report* of April, 1993, it states that there was one Rodriguez Gacha, a single person who laundered an estimated US \$130 million using 82 companies and other accounts in 16 countries including the United States and the United Kingdom.

There are hundreds, I imagine, of Rodriguez Gachas around the world. So we understand the nature and extent of the problem, so we are aware of the magnitude of the problem we are facing, we are aware that this issue cannot be dealt with except through measures of international co-operation. The task force to which we are invited to grant privileges and immunities is, in fact, one of those elements and institutions in this system of international co-operation that we must put into place, that we must make effective if we are to come to grips with this very serious problem of the drug trade.

I have said before that while avenues for international co-operation have been opened up to us in this country, particularly co-operation with the United States with its Department of the Drug Enforcement Agency, our Government has been very lackadaisical and has not treated requests with these offers with any kind of seriousness at all. I am afraid that its track record on international co-operation, particularly co-operation with the United States, has been severely wanting and has led to all sorts of speculation as to the motives for its inaction.

So that we have to come to grips with this problem, and we have to become more serious with getting involved in systems, mechanisms and processes of international co-operation. It is very important that we do this if we are looking for a relatively secure future for this country, free from the negative and corrupting influences of this insidious drug trade.

Another critical issue that we have to address in order to deal with this problem is that we cannot deal with a national problem without a national consensus, without inviting the co-operation of all segments and sectors of the population. Because the drug problem affects all, regardless of class or stratum of society, regardless of gender, religion, and ethnicity; the drug problem is a national menace. Therefore, if you are dealing with a national menace you need to have a national solution, and a national solution cannot come about by the Government treating other sectors of the population as if they do not matter, as if they do not count, and as if they have no role to play in this whole issue of dealing effectively with the drug problem in this country.

It is a style of Government we have become accustomed to where they talk down to people. They let it be known that this is what they have decided; they have some sort of communication with God, I imagine, and they are God's gift to the political world of Trinidad and Tobago. They have this attitude about them which we on this side have protested.

*Privileges and Immunities Order*  
[MR. SUDAMA]

Friday, April 8, 1994

**5.20 p.m.**

In an economic crisis I think everybody has ideas and solutions—the Opposition is willing to offer its views and proposals on this issue of dealing with the drug trade. We recognize the scale of the problem and that we need international co-operation, and effective participation in the institutions and mechanisms of the international fight against the drug trade. We realize that we need national participation and consensus in attempting to tackle this problem seriously. However, this does not, by any means, exclude the Government from its responsibilities, nor does this imply that the Government is powerless to deal with the situation. At least, it can start somewhere to tackle the matter.

My concern is the manner in which the Government has dealt with problems in the police service, trying to give the country the impression that it is powerless in addressing the situation and is trying to shift the blame onto other people, whether it is the Opposition, the Police Service Commission the Public Service Commission, or wherever.

I quote from the *Trinidad Guardian*, dated February 8, 1994 from an article by a commentator on the Government's gross inability and delinquency in exercising the powers that are at its disposal. This gentleman is not and has never been a UNC. If anything, he has been a sympathizer of the People's National Movement. The Government is trying to give the country the impression that the reason it cannot deal with the drug problem is that it has difficulty in revamping and cleaning up the police service.

The article states:

"When the Government gives the impression that unless certain constitutional changes occur it is powerless to deal effectively with institutions like the Police Service, it should be taken with a grain of salt. It is nothing but a 'nancy' story."

All this propaganda coming from the other side, at least in the view of this commentator is nothing but a 'nancy' story.

"Simple investigation would reveal the sovereign power of the Trinidad and Tobago Government and its concentration in the hands of the Prime Minister."

It is the Prime Minister who refuses to act as the *primus inter pares*. In the Constitution of Trinidad and Tobago, and the political culture of this country, he is more than *primus inter pares*. He is the Chief and the rest, of course, are Indians.

"He is the Member of Parliament who commands the majority of members in the House, a majority which defers to him through party discipline,"

That is why every time a Motion or a Bill comes here, the "Ayes" have it, except of course when you require a constitutional majority. The "Ayes" always have it; so he is the man who dictates to those on the other side.

"...favours and preferred treatment. In other words Parliament is at his beck and call or, to put it differently, 'in his pocket'."

The way this Parliament operates one can understand.

"He can decide who will be Head of Defence Force or Commissioner of Police."

I told you how he decides that. He decides that because if he objects such a person cannot be appointed.

"Yes, Commissioner of Police and, irrespective of constitutional provisions, if seriously determined to do so, can arrange to have them fired. Ask Burroughs, Serrette, or Tony May."

It is the same Constitution that is being operated. He cannot hide behind constitutional skirts.

"This centre of Government power is also reflected in the structure of the PNM, the Prime Minister's party, where as political leader he is all powerful."

If he wanted to get Mr. Nello Mitchell out, he got him out, by the hook or the crook. He is all powerful. That is to disabuse the notion that he has no power and therefore, he cannot do anything about illegal drug trafficking. I want to disabuse that notion; not that he has all the power, but he is certainly not without power. The fact that he is not acting tells a story.

"In tandem with the chairman or alone, patronage as an instrument keeps party and the possibility of any opposition in line."

I want him to listen carefully—

"In addition, the subversion and manipulation of national institutions have been regarded as acceptable political behaviour. It would therefore be interesting to know exactly how any police or other national institution is capable of withstanding serious concentrated pressure exerted by this monolith.

*Privileges and Immunities Order*  
[MR. SUDAMA]

*Friday, April 8, 1994*

If Trinidad and Tobago's political history since independence is any guide, the police and the rest of the public service derived its present sorry state from the very nature and distorted use of this power for political purposes."

The chickens have come home to roost and we are now the beneficiaries of the way power was used in a distorted manner for political purposes.

"Mr. Manning's predecessors, in some cases to the detriment of the country, got exactly what they wanted when and how. Therefore, differences may lie in clues to style, personality, abdication of responsibility,..."

This is the point I want to emphasize. He is abdicating his responsibility as head of Government to deal with this problem of the drug trafficking.

"...lack of courage or leadership, or maybe Mr. Manning prefers his teflon coating to absorb accusations of trepidation, indecisiveness and insecurity."

**Sen. Huggins:** Madam Speaker, on a point of order. Could you enlighten me as to the relevance of all this to the Motion before the House?

**Mr. T. Sudama:** Madam Speaker, what I am trying to say is that when we speak about the Government's lack of action in dealing with the drug problem, they complain that they do not have the power, they are denuded of power, the Constitution is against them, the Opposition is blocking them. Everything is against them.

I am trying to make a case that the Prime Minister as head of Government has power. He does not have all the power that he would like to have, but he certainly has power and he should start somewhere to use it in the interest and for the benefit of the people of this country in dealing with the drug trade and drug barons of this country.

"Why then is the Government hiding publicly behind constitutional skirts?

The Government has available to it all of the country's expertise and advice to provide critical answers if required in a crisis."

It also has foreign expertise and advice at its disposal if it is really serious.

"The extent of negative performance now existing at the highest levels of the public service, due primarily to past inaction on the part of those whose duty it was to act, should not deter a Prime Minister willing to use the power of his office to at least know where to begin."

**5.30 p.m.**

I do not know that this Prime Minister knows anything at all—where to begin or where to end. That is a reflection of the state of affairs in Trinidad and Tobago at this juncture in our history. There is a total lack of leadership; total abdication of responsibility, and the question of whether he or any other member of that Government is compromised is a matter of speculation.

**Madam Speaker:** You have stated that about 1,000 times.

**Mr. T. Sudama:** Yes, and that is most critical. I cannot overemphasize that point, simply because this is the impression throughout Trinidad and Tobago and overseas. That is the chief reason we cannot get any action on the money-laundering problem, and that is why I have to emphasize it time and time again.

**Madam Speaker:** I know that the Member knows how to link his points.

**Mr. T. Sudama:** Madam Speaker, I have been linking very well so far.

I rose to speak in this debate because of the nature of the problem we are addressing. When I got up to speak here—

**Madam Speaker:** The Member is usually a good debater, but I do not know what is happening in this matter. I am afraid he has fallen short in this debate.

**Mr. T. Sudama:** The bowling is not up to mark. I am merely responding to the bowling.

We wish to hear other voices in this debate, but I want to say that we on this side are very keenly and acutely aware of the gravity of this problem. We on this side would lend our assistance if we are sure that the Government is serious and committed to dealing with this problem. We will do so because we recognize it as a national problem.

Today, I stand here as a member of the alternative government of Trinidad and Tobago to say that we as a party are committed to doing everything in our power to save Trinidad and Tobago from the clutches of the drug traffickers.

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Madam Speaker, I hope to get this debate back on track after the mindless meanderings of the Member for Oropouche.

What is before this House is the question of whether the Parliament would approve the grant of certain privileges and immunities to an organization called CFATF. The Act from which this resolution springs is entitled the Privileges and

*Privileges and Immunities Order*  
[HON. K. SOBION]

*Friday, April 8, 1994*

Immunities (Diplomatic Consular and International Organizations) Act. What it does: I would read the long title:

"An Act to confer certain privileges and immunities on members of the diplomatic services, the consular services and on the Specialized Agencies of the United Nations by giving the force of law to certain articles of the Vienna Convention on Diplomatic Relations, on Consular Relations, the Convention on the Privileges and Immunities of the United Nations and the Conventions of Specialized Agencies thereunder."

Section 9 of the Act, to which the resolution refers is a section which deals with organizations other than the specialized agencies of the United Nations. Quite apart from situations where one may have arrangements under the umbrella of the United Nations and the conventions which this country has signed, it is meant to deal with other informal arrangements where there is an international or regional flavour. CFATF, therefore, eminently qualifies for the privileges, and under the provisions, privileges and immunities set out in section 9 of the Act.

Quite simply, what we have is the situation where a regional agency which was formed in 1990 now seeks to establish a secretariat in Trinidad and Tobago and, as a consequence, is going to be a functioning entity within the domestic borders of Trinidad and Tobago, and in keeping with the usual kinds of arrangements for those kinds of bodies, we are extending the privileges and immunities which are normal in the international community.

What we are doing is ensuring that we maintain our commitment to the norms which have been established in the international arena. That is all that we are seeking to do. Instead, we have come here to find many irrelevancies introduced into this debate. I wonder whether this Parliament is really merely becoming a place for rampant rumour-mongering and rumour-creation under the protection of the Parliament.

Whilst the issue before us is quite simple, it would seem that because of the contributions made, one would have to deal with some aspects of the irrelevancies which have been raised.

Before doing so, I want to touch on a point raised by the Member for Couva South. It had to do with a report which he says was laid in the Congress of the United States. There is a certain attitude and approach that is becoming very current, and that is one looks at all the negatives which have been raised without judging the reasons why those kinds of criticisms arise in the first place, and highlighting that as being the be-all and end-all of the report.



I have seen Members on the other side refer to newspapers and it tells me that they read the newspapers on a regular basis. No one, however, referred to a report which appeared in today's *Express* containing certain quotations coming from an agent of the DEA, a person who is actually on the field in terms of drug operations. He has made certain clear observations to which I should like to refer. I will read the report—not in its entirety. He says:

"The United States Drug Enforcement Administration (DEA) and the Trinidad and Tobago Police Service have a list of this country's drug traffickers and are actively involved in investigations to bring them to justice.

This was stated yesterday by James Shed, Public Relations Officer at DEA's Field Office in Miami, which oversees the Caribbean and the State of Florida."

**5.40 p.m.**

**Mr. Maharaj:** Could the hon. Attorney General state whether what he is reading from the article is true? Because we are hearing it for the first time from someone from the United States of America. Is that true?

**Hon. K. Sobion:** Madam Speaker, I am referring to a report and I will continue doing so.

"According to Shed, 'The Trinidad and Tobago Police Service is effectively working on a list of suspects with the DEA. Certainly we don't have every organisation and every trafficker identified but we definitely know who the major organisations are and what they're doing. Investigations are proceeding. I can guarantee you that they can run but they can't hide. We will get them.'"

Again, he said that:

"The DEA's personnel in Barbados were 'working closely' with the local police."

The point I am trying to make, is that in a very serious situation in dealing with drug interdiction, we find the tendency coming from the other side—and one would be left to speculate as to why—is a pulling-down of the efforts being made. No attempts are being made to deal with the reality of the situation, but merely to leave suggestions that the Government is somehow not acting, because of links with the drug trade.

The nature of these operations is, for good reasons, dealt with in a certain way. But when you have an officer in the field making statements of that kind,

*Privileges and Immunities Order*  
[HON. K. SOBION]

*Friday, April 8, 1994*

one has to silently wonder why Members on the Opposition benches are dealing with this matter with some degree of triviality, using it to suggest and create all kinds of innuendos which have no basis whatsoever.

To deal with a specific issue, we are looking at the question of extradition. At the moment there are, as I understand it, four pending applications for extradition. There were two others, one of which was subsequently withdrawn and in the other case the wanted person was eventually captured somewhere else. In one of those cases, having obtained an extradition order, there is now pending before the court an application for judicial review.

I do not propose to deal with the merits or the demerits of the particular application; all I want to say is that here it is, an order for extradition has been made but the processes of the courts are being used in a way which has delayed the actual extradition.

**Hon. Member:** Blame the lawyers.

**Hon. K. Sobion:** Let me be very careful about this: I am not blaming anyone; I am merely indicating a state of affairs as it exists.

An application for extradition has reached the stage where an order has been made for the person to be extradited, but the actual extradition is pending a judicial review application before the courts.

**Mr. Maharaj:** That is one matter; there are other matters. Of the four outstanding cases, can the Attorney General tell us what he is doing about them?

**Hon. K. Sobion:** I was getting to that; I did say that there were four matters. I am being pulled back into an area which I was very careful to deal with in a particular way. In the case of the other three, you will find a scenario where requests have been made by the country wishing to have the persons extradited, warrants have been issued and those persons have not yet been located in Trinidad and Tobago.

You will recall I mentioned that there were two other matters. The extraditing state sometimes acts on information which may not be wholly accurate. In one instance I referred to, the suspect was found somewhere outside Trinidad and Tobago, but you will find that the conclusion is usually drawn that if it is a citizen of Trinidad and Tobago, a request would be made of this country. So that we have three other matters, two for which warrants have been issued and not served, and

on the exact status of the other matter, I have not been able to get the information, but I suspect it is at the stage where the request has not yet been perfected.

**Mr. Maharaj:** Can the hon. Attorney General state whether over the last two years a requesting government has been continuously making requests of the Government to pursue the matter, and even offered to retain lawyers in order to get the matter done? Can he also say whether the office of the Director of Public Prosecutions has contributed in any way to the delay?

**Hon. K. Sobion:** Madam Speaker, in answer to the first question, yes, there have been several requests from a requesting state. There have been promises that, if necessary, legal assistance would be given. Again, I want to be very careful about how I say this. When the first matter in the extradition line went to the courts and legal assistance had to be retained, it was retained by the state of Trinidad and Tobago. There was no assistance coming from the requesting government. In that matter, as you probably know, we have retained the services of a senior counsel of the Trinidad and Tobago Bar.

I add, for purposes of the record, that we are operating under the 1870 Act of the United Kingdom which has been incorporated into the laws of Trinidad and Tobago and there have been three subsequent amendments to the extradition arrangement done in 1924, 1931 and, I believe, 1935.

**5.50 p.m.**

We have discovered that part of the problem lies in the archaic procedure which we have inherited from that 1870 UK Act. Because those matters came under those procedures, we have decided that we would test those procedures through the courts, and based on the results and the observations which would come out of any court ruling, we would be able then to sit with other countries to work out a proper updated treaty arrangement which would solve the problems we have been experiencing by managing a machinery which is more than 124 years old.

So, Madam Speaker, the efforts we have been making in respect of extradition, have been very significant thus far.

Some comment was made about the dangerous drugs legislation; and also an adverse comment was again highlighted by the Member for Couva South in reading the report. The Member knows full well that we have taken steps to update the present dangerous drugs legislation in order to accord with the obligations which this country has undertaken under the Vienna Convention.

*Privileges and Immunities Order*  
[HON. K. SOBION]

*Friday, April 8, 1994*

Once that legislation is taken through all its stages in Parliament, we would then be in a position to ratify the Vienna Convention.

As we are aware, that Bill is now before this House, and we hope to deal with it in the course of the next few weeks. I need not add, that I am certain that I would get the support of Members on the other side to satisfy our international obligations to deal with the pernicious drug trade.

**Mr. Maharaj:** Madam Speaker, I am sorry to interrupt. Can the hon. Attorney General say why the Government, like several other governments—I cannot remember how many, but over 30 governments—has not ratified the convention and then worked towards implementing it?

**Hon. K. Sobion:** Madam Speaker, I do not know where the Member for Couva South got his information, but it is necessary to enact domestic legislation before one can deal with ratification. One has undertaken certain obligations under that convention, and one of the undertakings is to enact legislation to deal with the matters contained in the convention. So we are proceeding in a most proper fashion in dealing with this matter.

**Mr. Maharaj:** Madam Speaker, I have in my possession a document prepared by the United States Department of Justice, a Manual for Compliance with United Nations Conventions against illicit trafficking in narcotic drugs and psychotropic substances. I understand a copy of this was also given to the Government of Trinidad and Tobago. I cannot find the page offhand, but I wish to assure the Attorney General that I stand by it, that governments have ratified the convention and then implemented it. So that is a matter of record.

**Mr. Valley:** Find the page first.

**Hon. K. Sobion:** Madam Speaker, I do not want to dwell on that aspect of the matter. I can assure this House that we are proceeding in a most proper manner in relation to getting the Vienna Convention ratified.

Again, we are hearing from the other side suggestions that we on this side are deliberately suggesting to the national community that we are being impeded by the Opposition in dealing with the problem of crime in general and the drug trade in particular. The Member for Oropouche went out of his way to quote an unnamed source, who, apparently is of the view that legislation and constitutional change are not necessary. *[Interruption]*

Madam Speaker, I am not interested in knowing who the gentleman is; what I can say in relation to that, is that quite apart from the operational tasks which the

protective services have to accomplish, quite apart from the requirement that they be provided with equipment and vehicles; quite apart from all those things, we have to look at our systems which are set up by law, look at the deficiencies, and where necessary cure those defects and deficiencies.

In many instances, as I pointed out on a previous occasion, it may require a special majority. Only today in this House I had the good fortune of having an opportunity to put on the record of this House the kind of approach which one found in dealing with Members of the Tobago House of Assembly on a very serious and fundamental matter dealing with constitutional change in relation to Tobago.

I make that point because there are issues which, as I have said before, should or ought not to be politicized in the narrow kind of way that they are being politicized; and that there are serious threats to this country, some of which require constitutional change and amendment. If the public perception out there is that Members opposite are impeding the necessary changes which the Government thinks [*Interruption*] I said if there is that perception out there—and one gauges by the protest that is coming from the other side that perhaps they are aware of why public perception is that way.

Fundamental issues have to be tackled in a fundamental way, and we have sought, in dealing with the question of crime in general and drugs in particular, to go about it in a methodical fashion. We are not going to be pushed and prodded by whoever writes reports or what government; we have a programme of activity to undertake which we will do in keeping with our Constitution and our laws.

We are taking a responsible approach to the problems of the country, and if the Member for Couva South was not aware of CFATF until he saw the Order Paper, well,—

**Hon. Member:** Were you aware?

**Hon. K. Sobion:** CFATF was formed in 1990; its first meeting was held in Aruba. A follow-up meeting was held in 1992 because—

**Mr. Maharaj:** Did your Government inform the country about that, the population, the Parliament?

**Hon. K. Sobion:** Madam Speaker, CFATF was formed in 1990, its inaugural meeting was held in Aruba in 1990; this administration came into power at the end of 1991. Thereafter, in keeping with our thrust in this area, we have moved to

*Privileges and Immunities Order*  
[HON. K. SOBION]

*Friday, April 8, 1994*

have participation at the second meeting. CFATF now comprises 26 countries in the region and we have sought to take the process forward to the point where the next secretariat for CFATF has been chosen as Port of Spain, Trinidad and Tobago. That is part of our commitment to the international approach to dealing with crime.

**6.00 p.m.**

We are poised—once we get the support of other agencies—to effectively deal with the problem of drug trafficking. The report itself, to which the Member for Couva South referred, recognizes that the problem really originates from the demand side of things. If one really understands that report properly, what one would see is that there has been a shift in approach in dealing with the problem of drug trafficking. The report recognizes that interdiction at the supply stage is becoming less and less successful and really recognizes that there is need to have a different approach and to look at the demand side in dealing with it.

If whatever government that provided, at any stage, aid to Trinidad and Tobago is of the view that their international efforts need to be redirected, then that is a determination for them to make. We have our perspective of the problem and, whether it requires a special majority or not, we would continue to bring to Parliament the legislative and constitutional changes which we think are in the best interests of the country. It is for the Parliament to debate any issue, to look at the issue in the context of the national good and to make a determination. That is what we are here for.

**Mr. Sudama:** That is what we try to do.

**Hon. K. Sobion:** If anyone is accused of being an obstructionist, it certainly does not come from this side; it may come from public perception of what takes place during debates here.

We came here on a simple issue, to deal with the grant of certain privileges and immunities in accordance with international law, and what we heard is a tirade of accusations, rumours—unfounded. That is the approach that we see coming from the other side. There has been no discussion as to whether CFATF—

**Mr. Maharaj:** Madam Speaker, I do not know if the Member was here when in a similar debate the hon. Member for San Fernando East had stated that it is important for the Government to say what checks and balances are put in place, with the financial set-up. Can he answer that?

**Hon. K. Sobion:** Madam Speaker, I will deal with that point. There was only one area of substance when reference was made to another international

organization. I am not dealing with that at the moment. What I am dealing with is the approach to the business of the country that one sees here Friday after Friday. In a debate as to whether privileges and immunities should be granted in keeping with international law, there were contributions which suggest, without any foundation whatsoever, that Members on this side are protecting drug dealers.

Madam Speaker, are we serious about the business of this country?

**Hon. Member:** They are not.

**Hon. K. Sobion:** We are dealing here with a simple issue as to whether a country which has signed certain international conventions and obligations should extend those privileges which are recognized in international law to other regional agencies; and regional agencies which are dealing with money laundering in the context of the drug trade. What we get are questions of whether some deceased person bought 200 cases of beer and 2,000 rotis. Where are we going?

**Mr. Sudama:** Where did he get this money from?

**Hon. K. Sobion:** The point I am making is that the approach that this Government is taking is a reasoned and mature one and, having regard to the constraints under which we operate, it is meant to deal effectively with the problems. We do not depend on any unfounded rumour to deal with the problems of this country. That is our approach—simple, dignified and straightforward. That is what the business of Government is. If Members opposite feel that the Parliament is here for another purpose, that is a matter for them.

The question of one of those privileges or immunities arose some time ago in relation to another international organization. One of the recognized immunities is immunity from suit and legal process, which means, in effect, that an international agency that has been accorded these special privileges is protected from actions in the court unless it submits voluntarily to the jurisdiction of the court.

It has surfaced in relation to another organization in relation to its right to resist the jurisdiction of the Industrial Court. Quite simply, the court ruled that because of the immunity they could not be forced to negotiate with the recognized union for the workers. That matter is one of some concern. May I say that that occurred, I believe, in 1987/1988. Since this administration came into being, I have held discussions with members of the particular union involved; I have had discussions with other members of the trade union movement with a view to seeing how we can deal with what is really a serious impediment to the rights of workers to form themselves into bargaining units.

*Privileges and Immunities Order*  
[HON. K. SOBION]

*Friday, April 8, 1994*

When one is dealing with multi-lateral arrangements, one cannot, on one's own, determine—well, look, we no longer like this particular privilege or immunity, let us change it. That is not the approach; it cannot be done like that. This is a recognized international privilege and if one has to change or modify it in any way one has to set up machinery to deal with other independent countries with which there are reciprocal arrangements as well.

In relation to the particular issue that I was dealing with, I have since recommended to some of the trade union personnel involved that they should seek to have the Caribbean Labour Movement bring it also to the attention of the Heads of Government. That is the approach. It will take time; let us not fool ourselves. One has to deal with 12 independent Caribbean countries. In the case of CFATF there are 26 countries. If one has to modify any such privilege one has to deal with all those countries and get some kind of consensus. Having said that, I do not think, however, that we are going to run into a problem with CFATF because by reason of the nature of this particular organization it would not be engaging the services of any significant number of persons as employees.

Insofar as there was one real issue raised in the near three hours of debate coming from the other side, I do not think it is a problem in this particular instance. So that really there is no need to modify the privileges which we are suggesting.

**Mr. Humphrey:** Madam Speaker, would the hon. Attorney General indicate to this House whether there are other legislative steps required prior to ratifying the convention?

**6.10 p.m.**

**Hon. K. Sobion:** No, Madam Speaker, and the Dangerous Drugs Bill once it is passed in this Parliament will permit us to ratify the Vienna Convention.

So, Madam Speaker, I want to merely support the hon. Minister of National Security and to recognize for the record, the approach that he has taken in dealing with what is, undoubtedly, a very difficult area of national life. He has not taken hysterical approach to it, but has gone about it in a reasoned and sober fashion. I therefore commend this Motion to the House.

I thank you, Madam Speaker.

**The Minister of National Security (Sen. The Hon. Russell Huggins):**  
Madam Speaker [*Pause*]

**Mr. Maharaj:** The Attorney General was reading the Minister's notes?



**Sen. The Hon. R. Huggins:** Madam Speaker, first of all let me express my thanks to the hon. Attorney General who has taken away much of the work that I would have had to do this evening.

There are just a few minor matters I should like to expand upon, which were raised by the Attorney General. The first has to do with the ratification of the Vienna Convention. This country signed that convention in 1989; and although in 1990, the former government brought legislation before this Parliament to enact the Dangerous Drugs Bill, the Parliament did not go as far as it was required, in enacting that legislation, to put this country in a position whereby it could then ratify the convention.

There were two matters, in particular, which the legislation did not address; one had to deal with the enforcement of foreign confiscation orders, which the drafters of the convention felt was absolutely necessary so as to prevent a situation whereby a drug trafficker, let us say, arrested in Trinidad and jailed, and it is found that he had assets in the United States or the United Kingdom—there was no provision which allowed the confiscation of those assets in a foreign country and, therefore, simply incarcerating him did not really strike a blow at the fortunes which he was able to amass before being arrested.

In addition, there was the provision dealing with money laundering whereby the 1990 legislation did not make it an offence where a drug trafficker laundered his own proceeds. But if someone had assisted him in laundering his proceeds, that person could have been charged for money laundering, not the trafficker himself.

When we were faced with that situation, rather than simply come to the Parliament with a view to putting those two provisions in the legislation, the Government took the position that there were other countries that had incorporated similar legislation and those countries had experienced certain difficulties in the operation of some of the provisions of their legislation which was passed in order to give effect to the Vienna Convention. This Government, therefore, decided to learn from the mistakes of the others, so to speak, and so we did a comprehensive review of the legislation, not only with a view to putting in place those provisions which were omitted in the 1990 legislation, but also strengthening provisions where loopholes had developed ...by virtue of the implementation of legislation in their jurisdictions.

So that when we enacted the necessary amendments, we would have a very comprehensive piece of legislation which can work effectively. That was the

*Privileges and Immunities Order*  
[SEN. THE HON. R. HUGGINS]

Friday, April 8, 1994

reason for the delay in ratifying the convention. In addition, as the hon. Attorney General has explained, one does not really ratify a convention and then put domestic legislation in place.

There are some domestic laws in some countries which allow ratification and which provide, for example, that upon ratification the terms of a convention are incorporated into the domestic laws of a particular country. There are some countries that operate on that basis. This country is not one. The United Kingdom, for example—and our legislation is patterned after theirs—signed the convention in 1989 and on December 13, 1991 ratified the convention, after having put in place the necessary legislation to facilitate their ratification of the same.

Madam Speaker, in response to the Member for Couva North—South, sorry, let me give him the assurance that—I know he is aspiring somewhere—let me give him the assurance—

**Mr. Humphrey:** It is that side, not this side.

**Sen. The Hon. R. Huggins:**—that CFATF has no investigating powers; it has no coercive powers. I do not know where he got his information that FATF, which is the parent organization, has coercive or investigative powers. This organization, the Caribbean Financial Action Task Force was simply put together to provide Caribbean and certain Latin American countries with the technical expertise necessary to put systems in place to deal with money laundering.

**Mr. Maharaj:** I wonder if the hon. Minister could help us, because we do not know and would like to be enlightened. Is it a non-governmental organization, that is to say, a group of financial experts abroad who decided to get together and form this group? Or is it a governmental organization?

**Sen. The Hon. R. Huggins:** It is a non-governmental organization. At the first meeting of the Caribbean Action Task Force, this document was prepared. The document is entitled *Narcotics Money Laundering in the Caribbean Region: A Vulnerability Assessment*. It is unfortunate, that I cannot disclose *in toto* the contents of this document, because there is some information pertaining to certain countries in the Caribbean; and it was requested by those countries that the contents be kept confidential. As a matter of fact, the document, as far as I know, has not been published. It has only been given to the representatives of the countries at that meeting.

The purpose of the document, was to identify country by country the peculiar problems of each insofar as they related to money laundering. For example, the

British dependent territories, which depend heavily on off-shore banking for the maintenance of their whole financial system have peculiar problems in enacting certain provisions of the convention, because to enact those provisions, according to them, would destroy their whole financial system. One of the purposes of this body is to work with those countries in finding ways and means of achieving the effect that is required by the various countries, but at the same time allowing those countries to maintain their financial systems.

**6.20 p.m.**

The secretariat, as I said, is simply to do that and to co-ordinate all the information flowing into the organization for the purpose of upgrading the money laundering provisions in the Caribbean and Latin American countries. This organization will have no investigative powers. As a matter of fact, it will comprise a staff of about four persons, headed by an executive director—

**Mr. Maharaj:** Who is he?

**Sen. The Hon. R. Huggins:** The executive director is a gentleman whose name I cannot remember now, but who has been provided by the United Kingdom Government, two computer operators and—

**Mr. Maharaj:** I think it is Mr. Christopher Wren.

**Sen. The Hon. R. Huggins:** Well, you know the name. And a financial investigator.

Madam Speaker, I had intended addressing most of the matters raised on the United States report, but I think my friend the Attorney General did a good job on it. There are just one or two particular matters left for me to address.

The first relates to a statement that although the Scotland Yard team recommended the dismissal of over 100 officers, to date, the Government of Trinidad and Tobago has taken no action. Nobody, no team, nobody whatsoever, ever made any recommendation to the Government to dismiss 100 officers. This is a story I have heard being perpetuated all over the place by certain people and I see it has now ended up here. I want to make it quite clear that neither the Scotland Yard team, nor any individual involved with the Scotland Yard team, made any recommendation as to the dismissal of 100 officers. What I had said before—

**Mr. Maharaj:** If that is not correct and the Minister says so, we have to accept it. Would his Government then protest to the American Government about the inaccuracy of the report?

**Dr. Rowley:** Protest to you for rumour!

**Sen. The Hon. R. Huggins:** Yes, Madam Speaker, as I said before—and I think I specifically answered a question here at a sitting of the House—yes, the names of 100 officers were mentioned in the course of investigations and these investigations are continuing. I want to set the record straight. Nobody ever made any recommendation to this Government—I do not know about past governments—to dismiss 100 officers.

**Mr. Humphrey:** Would the hon. Minister indicate whether in the *Scotland Yard Report* it was suggested that 100 specified officers, if removed from the service, would go a long way in cleaning up the corruption in the service?

**Sen. The Hon. R. Huggins:** Madam Speaker, I cannot remember the exact wording, but the *Scotland Yard Report* said many things about cleaning up the police service.

**Mr. Humphrey:** That is what is being referred to!

**Sen. The Hon. R. Huggins:** The other matter relates to this question of the seized assets fund, of which, again, I have heard a lot of exaggerated comments. I have heard statements about this fund being a gift to the Government of Trinidad and Tobago for its use in narcotic interdiction and that the Government is not using it.

I want to make it clear. This \$40,000 is not a gift; we worked hard for this \$40,000. This \$40,000 came to us by right. It came to the Government of Trinidad and Tobago by right, because of the excellent investigative work done by the police service which led to the submission of information to the US Customs, which subsequently led to the arrest of a Trinidadian in the United States. As the investigations proceeded, it was found that he had assets worth US \$40,000 in the United States, and by virtue of an agreement which is in existence between the Government of Trinidad and Tobago and the United States Government, that money came to us. The money has been put to use in the purchasing of vehicles for the Organized Crime and Narcotics Unit, as well as providing training for officers of that unit.

**Dr. Rowley:** And it is for us to decide what to do with the money.

**Sen. The Hon. R. Huggins:** It is not a situation where we are just going to take up all the money and pelt it after something like that. In addition, whilst there are guidelines in the mutual assistance agreement as to how this money should be spent, it is really the decision of the Government of Trinidad and Tobago as to when it is spent, how it is spent and on what it is spent. There was never any

decision to spend this money on refurbishing any headquarters for the Organized Crime and Narcotics Unit.

**Dr. Rowley:** He was spreading rumour again!

**Mr. Sudama:** You are like a recurring decimal!

**Sen. The Hon. R. Huggins:** The last matter I really want to touch on has to do with money laundering. I have heard many comments from the Member for Couva South on this matter—what the Government is doing about money laundering, what it is doing to prevent money laundering.

This Government is not one for fooling people.

**Mr. Sudama:** Really! You could have fooled me!

**Sen. The Hon. R. Huggins:** We would leave that to the Opposition. I want to make it quite clear that dealing with money laundering is not an easy matter, and every country which has attempted to deal with it has run into problems; even the United States has run into problems in trying to deal with this matter, because of the simplicity with which a money laundering transaction can take place.

For example, when I was in the practice of law, it was very common for persons to come in to me to purchase property and bring \$50,000/\$60,000 in cash. Some of these people, I found out were vendors—market vendors. One was a coconut vender. These people do not accept cheques; they deal in cash. It may be that they had no confidence in banks so they banked under the mattress. If they were buying a piece of land, they would come into the office with cash. It is very simple for, let us say a vender, to be overtaken by a drug trafficker and be given money to deal with in the same way.

The way it is done is, I would give him \$50,000; he would go to his bank—which is accustomed to him coming in with that type of money because he has been doing that over the years; the bank would be none the wiser—he deposits this money in the bank; he then withdraws the money, gives it back to the drug trafficker and he is paid \$5,000 or \$10,000 for his work. That is how simple it is to clean money.

Any reasonable person would see the difficulty in trying to legislate or deal with a matter like that. It is not that I am oversimplifying the situation; that is the way it can be done. The simple purchasing of a motor car.

**Mr. Sudama:** Ask Manning!

**Sen. The Hon. R. Huggins:** The simple purchasing of a house. The simple purchasing of one lot of land, 3,000 square feet or 5,000 square feet. It can be

*Privileges and Immunities Order*  
[SEN. THE HON. R. HUGGINS]

*Friday, April 8, 1994*

Done by way of the purchase of annuities. It can be done by way of purchase of—I think the insurance people put it as insurance policies where it is fully paid up and one lump sum payment is made. How does one really legislate to deal with these things?

Madam Speaker, yes, there are certain things that can be done and there are certain things that we are seeking to do. For example, I have been advised by the hon. Minister of Finance that there will be provisions in the regulations to the banking legislation to provide for mandatory reporting of certain cash transactions.

**6.30 p.m.**

That is a measure that has been tried in other countries. But all it simply does is create a paper trail. So that in the course of investigations, if, for example, someone is being investigated and the investigators found that this person may have had a bank account with "X" bank, the investigator can then go to the Central Bank and ask whether they have received from this particular bank, any reporting forms dealing with a particular account. It is in that way one can then build up evidence. If they have found that reporting forms went to the Central Bank relating to a particular account, and let us assume, for example, that over a period of two years \$10 million passed through an account to a man who, to all intents and purposes, seemed not to be employed, then it raises a suspicion that this person, in fact, could be involved in money laundering.

By virtue of what I have just explained, it should then be quite clear the difficulty that is involved in dealing with matters relating to money laundering. Towards this end, the banks have set up a voluntary system whereby they report certain transactions, in addition to which a financial intelligence unit has been set up in the OSS, the purpose of which is to develop certain guidelines to advise the enforcement agencies as to what one looks for in terms of detecting a money laundering exercise.

In addition, a financial investigations unit has also been developed within the Organized Crime and Narcotics Unit. The intention is that some time in the near future there would be a computer link-up with the Customs Department, so that there would be an on-line system to deal with the whole problem.

I have said all that simply to show that the Government is not lying idly and allowing this situation to get out of hand. Some people may have their own views how the matter is being proceeded with, but one thing I have come to recognize in this world is that you will never be able to please everyone. The Government's

position, however, is to do what it can to ensure that this country is not destroyed by the drug trade. I want to give you the assurance that we will do everything within our power to ensure that that does not happen.

The matter before us this evening is one small way in achieving our goal, and I ask this House, as I have done before, to support the motion wholeheartedly.

*Question put and agreed to.*

*Resolved.*

That the Privileges and Immunities (Caribbean Financial Action Task Force) Order, 1994, be approved.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that this House do now adjourn to Friday, April 15, at 1.30 p.m.

**Madam Speaker:** There are five Motions on the adjournment. We shall deal with the Member for Couva South's first.

#### **Water Supply (Indian Trail)**

**Mr. Ramesh Lawrence Maharaj (Couva South):** Madam Speaker, this Motion, unfortunately, has to deal with the need for the Government to take immediate steps to address the hardships which continue to be caused to the residents of Indian Trail in Central Trinidad by the lack of water in some areas and in others, in not providing an adequate supply.

Indian Trail is a village in Central Trinidad which is mainly agricultural. People depend upon water, not only for themselves, but in some cases for their animals. When there is no water, it is not only a question of not being able to satisfy the sanitation needs of human beings, but also it can affect their livelihood, because they are dependent upon the rearing of those animals.

Indian Trail has had this problem for a long time, and in fairness, I would like to say that the problem—I would not say started, but existed at least since March, 1990. I do not want to burden this House with all this correspondence, but since I became the Member of Parliament in 1991, it has been a problem which I have been communicating to—I have seen the previous Minister of Public Utilities; we have had delegations to him—and it is an area in which some parts of the village do not get water at all, and other parts get a very limited supply.

*Water Supply (Indian Trail)*  
[SEN. THE HON. R. HUGGINS]

*Friday, April 8, 1994*

It would seem to us that this problem has reached the stage where the villagers have decided that they can take it no longer. As a matter of fact, I do not know how much you pay attention to what happens outside this Parliament, but these villagers were outside today, marching around the Red House, joining other marchers, children and parents.

If it has been forgotten, there are certain legitimate ways of protest in a democratic country. One is protest action. These villagers, quite rightly, decided that enough is enough, and as a first stage they have asked for the matter to be raised in Parliament. They have marched around the Red House; they have requested, through me, to see the hon. Minister of Public Utilities.

If I may say, today and over the last week, I never missed Mr. Marshall as much as I miss him now. I do not think I would have had cause to bring this Motion if he were alive. I mean no disrespect to the existing Minister. But within his ministry there was a feeling, a set-up, that he would try to deal with the problem and respond to it.

I do not want to go into all the letters but there has been communication to the Ministry of Public Utilities; there have been telephone calls; I have been speaking to the officials, and there seems to be no response. The only response that came forth and at a very late stage is that we were told there are leaks in the line. We have investigated it, and whatever leaks exist in the line, do not at all prevent parts of the village from getting water.

I understand, from what the villagers have told me, that there has been a poor supply for 15 years in the part of the village which has been getting water. That has not improved but there has been a situation where they would get sometimes and then they would not get at all. The lower part of Indian Trail—and I do not know if you or any of the Members would know it—there is a community centre there, and from the Indian Trail flyover which is across the Solomon Hochoy Highway, to the community centre, that area has not been receiving any water supply at all. From the community centre to past the area where there is this landslide that my colleague the Member for Caroni Central spoke about a few weeks ago, there has been some water supply, but very, very sparse.

Despite the fact that there is no water in the line, or very little supply of water, the villagers have to pay water rates. To add to that, there is no truck-borne supply of water. So that it is not a case where the Government is saying that "We cannot supply you with pipe-borne water; there is a problem, but we are going to give you a truck-borne supply."



*Water Supply (Indian Trail)*

*Friday, April 8, 1994*

It is not a case where the Government is saying, "Well, we are not supplying you with water, or the supply is not what it should be, but we are going to waive the payment of water rates. So we will ask you not to pay the water rates for a while so that you could pay for truck-borne water." Sometimes when you go to pay for truck-borne water, the price that is charged—then it is said that to bring the water is illegal, so some of them do not even want to take the chance to bring the water.

So you have a situation where a village, in effect, is being held hostage. It does not have water. The residents are being told that, "You do not matter." This is a very serious matter! I ask any one Member of this House to just imagine having to live without a supply of water for, let us say, a week, how difficult it would be; what he would do; how he would feel, and what would happen if he knew that he had to pay water rates and he knew that other people in the country were getting water.

**6.40 p.m.**

Therefore, it seems to me that this is a matter which ought to be responded to in a way whereby the people would feel assured that water will be delivered to them. I do not want to sound prophetic, but when one looks at history, whenever people are denied basic economic and social justice, there is a reaction, and the Government must realize that it cannot simply say that it has no money or resources. It is privatizing this and that; it is a real estate agent selling out the country. Whatever it is doing, the fact of the matter is that the people are entitled to have a water supply, and the Government must provide that for them; that is their duty.

Thank you, Madam Speaker.

**The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes):** Madam Speaker, in addition to the Motion by the Member for Couva South on Indian Trail, there is also another Motion on the subject of water by the Member for Siparia.

**Mr. Sudama:** I am coming next week!

**Hon. B. Barnes:** And, indeed, let me add that it is my understanding that the Member for Oropouche has had a very interesting meeting directly with WASA and has gone through a number of these areas, and at this point he probably knows as much as I do about the general situation.

**Mr. Sudama:** I do not want to be the Minister of Public Utilities, thank you.

*Water Supply (Indian Trail)*

*Friday, April 8, 1994*

**Madam Speaker:** Is the Minister dealing with the Member for Siparia also?

**Hon. B. Barnes:** It would help if he comes in so that I could—

**Madam Speaker:** Is the Member willing to deal with the matter in this way? It is really the need for water supply in that constituency.

**Mr. Hosein:** Yes, Madam Speaker.

**Madam Speaker:** The Member has agreed so the hon. Minister can deal with them both.

**Hon. B. Barnes:** Madam Speaker, as you know, we are in the middle of the dry season—

**Mr. Sudama:** We always had a dry season.

**Mr. Hosein:** Madam Speaker, I would like to present my case so that the Minister can respond. Obviously, my situation is slightly different to that of the Member for Couva South, and I hope to hear—

**Madam Speaker:** [*Inaudible*] So that everybody can get a bite of the cherry. Would the Member like to present his case now and then let the Minister answer both?

**Mr. Hosein:** Yes.

**Madam Speaker:** All right, go ahead, present your case.

### **Water Supply (Siparia)**

**Mr. Sahid Hosein (Siparia):** Madam Speaker, that was my understanding.

The subject matter reads as follows:

The refusal and/or inability of WASA and the Ministry of Local Government to supply the residents of the Siparia constituency with a reasonable supply of water.

It would have been inconceivable to believe that the water supply in the Siparia constituency could have worsened since I last raised this matter in this House, but, indeed, it has, and the sudden death of the then Minister of Public Utilities has cast a further pall of gloom on residents, in that he alone stood between the Government and its intention to run down WASA and its operations to the point where privatization would become a desirable option.

Indeed, I have been advised that this is now a mere formality. So, the situation now is that people are resorting to ponds and rivers that are heavily polluted by

*Water Supply (Siparia)*

*Friday, April 8, 1994*

effluents from the nearby oil operations. Sores and rashes on children's skin are the order of the day as a result of that.

Then, there is a situation, wherever there is a tap, scores of people can be found in a long queue, daily and nightly. This might be strange to my colleagues from the North, but we in the South are accustomed to this. Daily, 24 hours a day, people are lined up waiting to access some water from a standpipe.

I wonder, because my colleague the Member for Couva South made the point, whether people really understand what effect the lack of water has on the psyche, and having to go through the trauma and trouble to access water. Also, what are the implications for productivity? Are we quantifying that?

I made the point, and I must make it again, that one would think that the first responsibility of any government is the provision of an adequate supply of water to its citizens; I will not go into details why it should be so. There are many people on the outside, especially in my constituency, which the technical people at WASA have admitted is the worst hit constituency in the entire country in that regard.

**Mr. Sudama:** After Oropouche!

**Mr. S. Hosein:** After Oropouche. It is the worst hit constituency, and I wonder whether people understand the effect it is having. We were forced to go on a demonstration to WASA and people were saying, "Let us burn down the place; let us burn down WASA".

**Mr. Sudama:** I agree with that!

**Mr. S. Hosein:** It puts one in a frame of mind where one is prepared to take the law into one's own hands and do whatever one will.

Let me give a slight background of the situation. I made the point that the Siparia constituency is the worst, in that it is at the end of three supply systems: the Penal Water Works; the Caroni/Arena System and the Navet System. Obviously, being at the end of the system, you would get whatever is left in it.

In Penal there are 16 wells that are slated to produce two million gallons of water; at this time there are two wells operating producing 200,000 gallons of water. The Penal Water Works supplies the Siparia, Fyzabad and Oropouche constituencies; so one can immediately understand the implication of what is happening.

While that might be so, it seems to me that there is a culture in the agency in that for the past 10 weeks—I have written to Petrotrin and, thank God, they

*Water Supply (Siparia)*  
[MR. HOSEIN]

*Friday, April 8, 1994*

provided one pump; the Government purchased one recently—despite the problem in the area, WASA has been unable to bring two more wells into production despite having the pumps, and one gets the impression that there is no sense of urgency. Because, one would read in the newspapers—and today I want to lay a charge of bias against WASA—bias against the people of South and Central Trinidad. As I go along, I want to develop that point of bias.

**Madam Speaker:** You do not have much longer.

**Mr. S. Hosein:** Madam Speaker, I would not be much longer.

Then, there is the Coora Water Works in Siparia comprising of 12 wells with two operational. The Caroni/Arena system—and this is the most interesting one—supplies SS Erin Road, but for the past two months the San Fernando booster has not been able to operate for more than seven hours at any given time, and that is because the flow of water from North is not sufficient to operate the San Fernando booster. If the Siparia, Oropouche or Fyzabad constituencies are to get water, then that booster has to operate on a 24 hour basis.

We have a difficulty in understanding why sufficient water is not being supplied to the South so the booster can operate and these constituencies can have an adequate supply. The Prime Minister went to Siparia and told the people that very shortly the Government would have the system in place.

**Dr. Rowley:** You were not there!

**Mr. S. Hosein:** I chose not to be there, if the Member is interested, because I knew it was strictly "mamaguy" and propoganda; just like the oil boom that never was.

**6.50 p.m.**

I enquired at that meeting on Wednesday at WASA and I said, "Listen, if you cannot provide sufficient water now, when that system comes into operation where are you going to get additional water?" They said, "Yes, we know it is a problem but we asked the officers at St. Joseph and they said they would send more water." It begs the question therefore that if you are going to send more water, why are you punishing people today? Why do you not send the additional water now instead of waiting until the Siparia system comes on stream? The answer is that they do not have the additional water to send.

We are hearing stories that when the North Oropouche system comes on stream they are going to link it to the Caroni-Arena Water supply. The Member

for Tobago West said that to me since 1987 in response to my concerns at that time. Since then we have been hearing about the North Oropouche system coming on stream; it will not. I make the charge of bias that whenever there is a disruption in the North it is in all the media—print and electronic—that they would get water in the next two hours, tomorrow or whatever.

In the South, sometimes we do not get water; and when it goes not a single word. Even when there are breakdowns in the North, for example, the El Socorro Water Works, the moment a pump goes out of service, pronto, works are executed to have it back in service. The final area is the Navet system which supplies more than two-thirds of the Siparia constituency, and that is where the major problem lies.

For the Christmas and New Year holidays the booster was out of service for three weeks, and do you know what they did? They took off the booster and they shut off the water. For three weeks at a time when people needed water most there was no water, absolutely none. Then they brought the booster back into service, and in February it went for three weeks again. In fact, the situation was so bad that the late Morris Marshall consented to go there on a Sunday. He went back two weeks after—on Carnival Sunday—paid one of his last official visits to the constituency. On that occasion too, the booster was out for three weeks, and they simply did not do anything about it.

Today, as I am speaking in this House, the Clarke Road booster is out. They have put in a very small pump which hardly does anything, and so the whole constituency is in a state of total chaos. People are fed up. While the former Minister was here I was very confident to the point where I was telling people that something is going to happen shortly. From the Barrackpore Police Station to the Clarke Road booster a new transmission main has to be put in place. All there is at this point is a distribution main which feeds everybody coming down the road.

I will talk for two minutes about the people of Penal Rock Road which borders the constituency of my Friend the Member for Ortorie/Mayaro. What pained me most was to hear a retired person on that delegation on Wednesday telling the engineer, "Well listen, things are so bad, I bought two barrels of water on trust, and when I get my pension the next day I will pay." They have not received water for the past three years and nobody seems to be concerned.

I want to hear what is going to happen to the Clarke Road booster, because it definitely has to be replaced. It is more out of service than in. I am not exaggerating. The people from WASA would tell you it is more than two-thirds of

*Water Supply (Siparia)*  
[MR. HOSEIN]

*Friday, April 8, 1994*

the constituency that goes without water—I am talking about 25,000 to 30,000 people—whenever that booster goes bad.

I am hoping to hear something from my Friend. The last thing I want to do is to go on another protest. I feel strongly about taking protest action in that it sends the wrong signal to a civilized society. I feel that this matter could still be handled in an amicable manner where we can sit down and talk and come to an agreement on what we could do.

Thank you.

**The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes):** Madam Speaker, we heard both Motions, we heard the Member for Oropouche saying he also has a Motion to bring. Let me say to this House that I believe every representative here, including my colleagues, the Member for Diego Martin West and Arima, all have concerns about areas and pockets in their constituencies that have either a very inadequate water supply or no supply at all. Therefore, I think we need to reflect for a moment on WASA and its charges.

WASA's responsibility is to provide potable water, drinkable water of an acceptable quality, and preferably, a regular 24-hour supply to every household, school, hospital, industry and business. It seems to me that we very often, in talking about WASA, do not really appreciate the size of what they are trying to do. At the present time WASA has a production capability of 170,000 gallons of water a day; that is 5 million barrels a day.

**Mr. Sudama:** And I cannot get any.

**Sen. The Hon. B. Barnes:** That is the point, and we will come to that. Let me go back to an area with which I am familiar. Crude oil production in Trinidad and Tobago is 130,000 barrels per day—Amoco, Trinmar, Petrotrin—and they have to move crude from one point to three locations in Trinidad and Tobago—two refineries, one loading terminal. That takes the total involvement of Amoco, Petrotrin, Trinmar and Texaco; NP, 9,000 barrels per day—212 gasoline stations. That is what they have to do. WASA has to move five million barrels of water per day to every point in Trinidad and Tobago, to every household, every constituency. That is the point.

When you look at the development of WASA, and you look at the studies which inform that development, you will see a very logical thing starting from 1967/1968. The Member for St. Augustine will know these things.

**7.00 p.m.**

**Mr. Maharaj:** Instead of our studying water, can you tell us whether we are going to get water?

**Sen. The Hon. B. Barnes:** I would most certainly come to that, but for the better understanding of the problem, if the Member for Oropouche would let me talk a little—

**Mr. Sudama:** I am interested in the history. I can stay here all night.

**Sen. The Hon. B. Barnes:** Sorry, the Member for Couva.

The logic was that, if you have to move water, you must first produce it. We had Hollis, Navet, Caroni Arena and North Oropouche. We got that part right. The logic of the business was that after you had the capability to make the water available, you had to turn to the transmission to take it across the country. After you got that right, you turned to the distribution, Indian Trail and Katwaroo Trace.

There was a difference between engineering physical logic and the social requirement—new housing development; the high rise building; the spontaneous settlement—so that in effect you responded to that by adding a distribution line to an existing transmission system and you sought to make up for that by putting booster stations along the way. You were expanding the facilities with more widespread equipment across the entire country.

The Member for Siparia is quite right. What it requires is a new transmission main. The transmission system is old—a transmission and distribution system in which you have among other things 4,000 visible leaks, a system that is largely underground, a system in which there is now 50 per cent of the water that is being transmitted unaccounted for.

**Mr. Hosein:** I keep hearing this statement about 50 per cent. As far as I am aware, WASA does not meter its flows or is incapable of doing so. On what basis then is the Minister saying that 50 per cent of the water is being lost. I strongly dispute that.

**Sen. The Hon. B. Barnes:** There is known social data; the measurement of water that is leaving and the water that is being received in booster stations, as well as a study with consultants who have come in and studied the system and who have given that as an indication of the likely quantum of loss.

Let me make the point again that in fact there is one distribution system which means that all the water that is produced has to be brought up to potable standard—alum and chlorine.

*Water Supply (Siparia)*

*Friday, April 8, 1994*

**Mr. Humphrey:** Would the hon. Minister indicate whether it is necessary—

**Mr. Valley:** Madam Speaker, this is water. You do not have to answer that question.

**Madam Speaker:** Member for St. Augustine, I do not think that you are entitled at this point.

**Mr. Humphrey:** Madam Speaker, I am trying to help the hon. Minister. Is it necessary to treat water in an expensive way to deliver to certain industries that do not require treated water?

Secondly, can those industries not win their own water?

**Sen. The Hon. B. Barnes:** In response to the Member for St. Augustine—

**Mr. Humphrey:** If you want to go home, why do you not go? Go! This is a Minister who takes his job seriously.

**Madam Speaker:** The Minister is trying to respond to the Motion from these two Members.

**Mr. Humphrey:** But the Leader of Government Business is signalling to the Minister that he wants to go home, so cut it short.

**Mr. Valley:** Madam Speaker, it is the Chief Whip who asked me to have him cut it short. [*Laughter!*]

**Sen. The Hon. B. Barnes:** The answer to the Member's question is precisely the point I am making. If in fact there is just one transmission—distribution system, you really are stuck. The answer to the second part of the question is, there are a number of areas in which treated water is not needed to that extent.

I am saying that they are absolutely correct. There is a developmental process.

**Mr. Maharaj:** I want to know whether or not my village would get water.

**Sen. The Hon. B. Barnes:** We can answer that very quickly. I think we know there is the need—and the Member touched on it—for WASA to proceed with a mains replacement project (100 kilometres) to replace the old encrusted mains as the long-term relief programme.

In terms of the short-term relief, the Member for Siparia is fully aware that the St. Patrick water project is coming closer to an end. In the case of Indian Trail, a 10 inch diameter main is leaking; a two inch cast iron delivery line that is encrusted also needs to be replaced.



**Mr. Hosein:** Madam Speaker, I must! I must! I am of the view that the Minister is misleading the House, probably based on the advice he got. There is a situation where sufficient water cannot be provided. Where would the water come from to go into the Siparia/Erin, St. Patrick project? That is my concern.

**Madam Speaker:** I am not going to allow any further interruption of the hon. Minister. I think he is trying to give a response to the two Motions. I am not allowing any further clarifications. This is a Motion on the Adjournment of the House. Allow the hon. Minister to respond.

**Sen. The Hon. B. Barnes:** The test of where the water would come from, would be with us very shortly. As the Member knows, the project should have been completed by the end of April. It slipped a little. It would be more or less in May. The Member is also correct in terms of the situation in respect of wells that are off in Penal and on which some remedial work is being undertaken at this precise time.

What I really want to leave with this House is that in fact there is a situation in WASA where the capability of producing the water is there; where at the present time there is not the same capability for transmitting the water from the reservoirs, from the project, down into the—

**Mr. Maharaj:** Are we going to get water?

**Sen. The Hon. B. Barnes:** You are going to get water when a 10-inch main can be replaced.

**7.10 p.m.**

**Mr. Maharaj:** When is that?

**Sen. The Hon. B. Barnes:** When a ten-inch main can be replaced. I was almost going to say that will be within his lifetime, but I will say in my lifetime. This is a real situation which faces us and, different from what the Members opposite are seeking to portray; it is in fact a serious country-wide situation which is being addressed.

There are two other things which I would say before I close. One: let me suggest to the Member for Couva South that he should consult with the Member for Diego Martin East on how readily he would get water. WASA, over these years of development, is now in the position where its revenue—\$12 million per month; its expenditure, even to maintain the existing system, is \$24 million. WASA has clients on its system that are not on its records. All of us were there; we all know

*Water Supply (Siparia)*  
[SEN. THE HON. B. BARNES]

*Friday, April 8, 1994*

how the situation developed. There is a very clear need for us as a country to have a close, hard look at how this situation is to be properly resolved in the shortest possible time.

Madam Speaker, I thank you.

**Farmers (Seebblack Trace)  
(Protection of)**

**Mr. Sahid Hosein** (*Siparia*): Madam Speaker, the subject matter reads as follows:

"The inability of the state and/or its agencies to protect farmers of Seebalack Trace and Ragoonanan Trace, which is off Rochard Road from damages to their crops by bands of roving animals."

It might sound like a very trivial matter to raise in this House, but it is not so when I look at how the matter was handled.

This issue has been a very, very long-standing one and I want to say at the onset that it was brought to the attention of the Minister. What is happening in that place is that there is a gentleman who has what purports to be a pasture in which he has 50 or 60 animals. There was a fence, but it has since been broken down. At least 100 residents of that area whose sole livelihood depends on farming, be it watermelon or rice, are in a state of serious distress, in that all their crops have been decimated.

In addition when these animals come out, people have to run into their homes. There are children in the area who are not able to go to school because we are talking about a large number of animals.

I have visited over and over. I have written the police. I brought the matter to the attention of the Minister and his initial advice, if I recall correctly, was that the people should take the owner to court. That is all well and good, but one understands how the court functions in this country. Every day people are losing their crops and they have to wait until some future time for the court to attend to their matter. The position of the police has been the same. "Listen, we wash our hands of this matter. Take the man to court."

A ministry which is supposed to be encouraging agriculture has adopted the very same attitude. "Listen, we want no part of that." In fact, as far as that ministry is concerned, those people could have been from Mars. "We want no part of that. You take them to court." Well, going to court, Madam Speaker, as you

know, involves money, especially if they have to go to these big-time lawyers and we are talking about poor people whose only sustenance is agriculture.

**Mr. Bereaux:** Madam Speaker, I do not want to interrupt the Member, but if they had killed somebody, they would get a lawyer free.

**Madam Speaker:** I do not understand what that comment was about.

**Mr. S. Hosein:** Maybe the Member is quite correct. When one of these farmers decides to kill somebody in the area, the police will intervene. Then and only then will the police intervene.

I feel that the ministry with responsibility for agriculture should ensure—not the Minister, he has technical people under him; there is an agricultural extension office in the area—that some direction be given to the people. It is not a simple case of taking the man to court. That takes five years. What would happen to the livelihood of these people in the meantime? *[Interruption]* Who is impounding? We are talking about 50 or 60 wild animals which people have to run from for their lives.

I remember a similar case during a previous administration, in Nariva, where farmers were having the identical problem and the then Minister intervened to have the matter resolved. Saying to go to court simply is not the answer especially if you are serious about agriculture.

I thank you.

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley):** Madam Speaker, unlike other Members of this House, I do treasure my Friday evenings after a hard week's work, and I really have great difficulty at 7.20 on a Friday night listening to accusations that are so baseless.

The Member said that he had spoken to the Minister, and the Minister did nothing. When I became a Minister of Government I swore in this House to uphold the Constitution and the law. I was listening to the Member to figure out what exactly he was expecting from the Minister or the ministry. I have not heard that. What I have heard is that cattle belonging to an individual strayed from his premises onto other persons' premises. The Ministry of Agriculture, Land and Marine Resources, like other ministries, is governed by the laws of this country; those circumstances were anticipated and the law took cognizance of the fact that cattle can and will stray. I wish to direct the Member for Siparia to the Summary Offences Act, Chap. 11:02: Confinement of Animals, which takes that into account.

**Madam Speaker:** The Member has left, you need not answer.

**Dr. The Hon. K. Rowley:** I know, Madam Speaker, but this is for the record.

I also wish to direct him to the Pounds Act, Chap. 67:03, which spells out exactly what should happen with respect to stray animals. To come to this House and talk about the animals being wild and therefore the Minister should hold them, Madam Speaker, on a Friday night that is too much to take. The Ministry cannot take it upon itself to go outside the law.

If the problem is that animals are straying onto premises, the law provides for dealing with that, and that is that those animals should be taken from where they have strayed, to a pound. Provision is made for that. If the animals are other than cattle, they do not want to hear. They want to tell their constituents that something else can be done and the Government is not doing it—misleading the constituents.

**7.20 p.m.**

The law provides that if the animals are other than cattle, they can be killed on the premises on which they have strayed! I do not know what they want me to do! I did not make those laws, Madam Speaker, the laws are there and if persons are inconvenienced—as they have been—the matter came to the Ministry of Agriculture, Land and Marine Resources, which in turn reported the matter as a pressing problem to the relevant authority, which is the police department, and insofar as taking hold of animals that stray onto one's premises, is concerned, the prerogative is there for the person who is inconvenienced.

If the animals are not cattle, if it is a problem for you and you choose to even kill them, the law provides for that. I do not know why Members on the other side keep misleading the people of this country day after day. They have come here this evening to move this Motion in Parliament, to give the impression that there is something else that the Minister can do.

**Hon. Member:** Yes, you are responsible for agriculture.

**Dr. The Hon. K. Rowley:** Madam Speaker, I am not responsible, as Minister, for holding wild animals! *[Laughter]* Nor is my Ministry of Agriculture, Land and Marine Resources. No officer in my Ministry is authorized to take the kind of action the hon. Members are asking for! On that score, Madam Speaker, I am saying, if there is such a problem, I advise eminent counsel, the Member for Couva South, to assist his colleague, the Member for Siparia, in directing the members of the community as to what should and can be done. And

I am sure that persons would understand the limitations of the Minister, the ministry and the Law.

I thank you.

### **Indian Trail Road (Repairs)**

**Mr. Ramesh. Lawrence Maharaj** (*Couva South*): Madam Speaker, I want to get through this Motion very quickly because the one for the Minister of Planning and Development is very important. It has to do with the pollution of the atmosphere. There is need for the Government to repair immediately, the Indian Trail Road from the vicinity of Milton to Indian Trail and to repair the Indian Trail Flyover over the Sir Solomon Hochoy Highway.

There road connecting Milton Village and Indian Trail Village is the responsibility of the Ministry of Works and Transport and the Ministry of Local Government. If one travels along that road it is like navigating around the Bocas. To say “rough” is an understatement; there are holes. It is affecting transportation of people going to work and children going to school; the taxis do not want to use the road and therefore it is affecting life generally.

The Minister of Works and Transport and Minister in the Ministry of Local Government was written to on March 22, 1994—we have not had a reply—asking for some answers as to what the ministry is going to do in respect of the road. I know that the Minister would tell us that we have this levy and hopefully we will come to that. But one of the points that we are making is that this is a very deserving case and it must be considered as a matter of urgency. Therefore, the resources of the country should be directed to Indian Trail in having this road fixed. We are asking the Minister to tell us in this House whether the ministry is aware of the problem. If it is, what is it going to do about it? And when is the Government going to repair this road?

**The Minister of Works and Transport and Minister in the Ministry of Local Government (Hon. Colm Imbert)**: Madam Speaker, as I have said on previous occasions, I have the misfortune to respond to Motions of this nature on a weekly basis. It is with great sorrow. I notice that on a weekly basis Members on the other side demonstrate a complete lack of knowledge of the historical development of roads of this type. *[Interruption]* No, it is necessary.

The Indian Trail Road was formerly purely an agricultural access road.

**Mr. Sudama**: So were all the roads in this land.

**Hon. C. Imbert:** That is not true. It was used by Caroni for the transportation of sugar cane to Brechin Castle. The Member has been representing this area for a short while and does not live in the district, so he may not be familiar with the road and its development: The road evolved from an earthen track, like many agricultural access roads in that part of the country. As time passed, it was upgraded by being paved with a very thin layer of asphalt.

The problem with the Indian Trail Road in the vicinity of Milton and the surrounding areas, is the fact that the road has no proper foundation. It is typical of roads that were used for the transport of agricultural produce by Caroni Limited. *[Interruption]* In answer to that aside, the road was initially developed by Caroni Limited. So if you wish to know who was responsible for developing the road without any foundation, I suggest you direct that question to the persons who constructed the road.

The road is subjected to very heavy traffic. It is typical of roads in this part of the country. For the heavy tasker vehicles, the heavy cane trucks, some of which exceed ten tonnes, under normal circumstances you would need a sub-base and a base of at least 12 inches (300 mm) thick of crushed aggregate. In this particular instance there is no base whatsoever; it is simply an earthen track with a very thin layer of asphalt.

As time went by and spontaneous settlements developed in this area—similar to some of the spontaneous settlements that the Member is familiar with—the characteristics of traffic on the road changed it from being purely an agricultural access road, which was used by agricultural traffic for the transport of sugar cane and other produce, to a road where there is now a mix of vehicular traffic. There are motor vehicles transporting people to their workplace, children to school. There are other industrial vehicles transporting equipment and materials. The demands on the roads have changed.

The Ministry of Works and Transport from time to time carries out maintenance activity on the Indian Trail Road which connects with the main Rivulet Road, which is used as a main arterial to the Point Lisas Estate. Rivulet Road, which is the modern name for the Indian Trail Road, is in a similar condition; it is a road without any proper foundation, with a very thin paving of asphalt and subject to very heavy traffic.

The Ministry of Works and Transport in the first quarter of 1994 has carried out drainage improvement work on some 2 km of the Indian Trail Road in the vicinity of Milton. It has also carried out 11 km of edging and surface drainage

work; 96 square metres of patching and routine maintenance of the verges. We intend to continue to carry out routine maintenance work on this road in an effort to maintain the road in a condition that will allow the continuation of vehicular traffic.

**7.30 p.m.**

The Motion on the Adjournment also referred to the Indian Trail Flyover. The Member did not mention any problem with the Indian Trail Flyover [*Interruption*] No, you did not.

**Mr. Maharaj:** Madam Speaker, does the Minister know that there is a problem? If he does not know well there is a problem. I thought the Minister knew that.

**Hon. C. Imbert:** Madam Speaker, in the Member's contribution he did not go into any details on the nature of the problem. I am not aware of what facet of the problem the Member is referring to; however, my information is that the overpass at Indian Trail is structurally sound, and that minor repairs are required to the riding surface, to the footpath on the side, and also to the verges on the approaches and the exits from the overpass. My understanding is that these defects will be repaired by the Bridges Branch later this year. But the overpass itself is structurally sound and it is in an adequate condition for vehicular traffic.

Since the Member did not raise any of the defects but mentioned the overpass in the Motion, I thought that I would place on record that there was nothing basically wrong with the overpass.

Because we are diligent, when this Motion came to my attention I asked my engineers to do a thorough investigation of the Indian Trail Road, and also of all the infrastructure that is under the control of the Ministry of Works in that area. It has been determined that there is a landslip 30 metres long on the northwestern approach of the Indian Trail Overpass. This was caused—and it is typical of the soil type in the area—by run-off infiltrating large cracks in the soil embankment. The soil in this area is very unstable; it is very susceptible to movement when it is affected by run-off. The Highways Division is monitoring the landslip and we are programming to do major repairs to it in 1995 under the national road improvement programme.

Therefore, we will continue in 1994 with routine maintenance on this piece of road. In addition, we expect that in other areas of the Indian Trail Road, as it goes towards Point Lisas, there will be a major upgrading of that section of it.

*Indian Trail Road (Repairs)*  
[HON. C. IMBERT]

*Monday, April 8, 1994*

*[Interruption]* Madam Speaker, I think I indicated to the Member that the correct name of this road is Rivulet Road. *[Interruption]* The Member is misinformed, the correct name of the road is Rivulet Road, and the Ministry has a variety of plans for different aspects of the road.

On the section of Rivulet Road where there is light traffic, we will continue to do routine maintenance and it will be part of our major road improvement programme in 1995. In 1994, the section where there is heavy industrial traffic will be completely reconstructed, putting in a proper foundation and base course and a proper asphaltic wearing surface.

It is necessary to place on the record that this road—like many of the roads in that part of the country that the Members on the other side bring to my attention from time to time—evolved from an earthen track. No proper construction was done on the road, and a thin asphaltic surface was merely placed on an earthen surface. Therefore, the road requires periodic and routine maintenance because it cannot withstand modern traffic demands.

The ministry is aware of the problem. We are working on the road—as we are working on all roads in Trinidad and Tobago. We will continue to do routine maintenance on the road; we will continue to ensure that the road is accessible to traffic and that people are not unduly inconvenienced in the area.

I sincerely hope that at the next sitting of Parliament I will not be subjected to a similar Motion on some other Caroni road that was an earthen road that has been paved with a thin layer of asphalt, and which Members know cannot withstand the traffic, and will require substantial funds for complete reconstruction. That they will not come here to give the impression that the ministry is not doing any work, and that it has no interest in the area. All these allegations which they make from time to time are self-serving and self-seeking: they are simply not true. I am satisfied that the ministry is doing all it can on this road and all roads in Trinidad and Tobago, irrespective of geography, location, demography and the condition of the road.

I thank you, Madam Speaker.

**Closure of Project Road  
(Carlsen Field)**

**Mr. Raymond Palackdharrysingh** (*Caroni Central*): Madam Speaker, when I communicated to you I stated that the matter which I wanted to pursue was the illegal closure of a road called Project Road leading to farms Nos. 44, 45, 46 and



*Closure of Project Road (Carlsen Field)*

*Monday, April 8, 1994*

47 in Carlsen Field. I stated also that this matter was brought to the attention of the Ministry of Agriculture, Land and Marine Resources and the police, and nothing has been done about the reopening of the road.

Just to indicate to you, Madam Speaker, by *Legal Supplement Part B, Vol. 25 No. 182* dated July 4, 1986, the description of the lands with regard to that area states—and I want to read this into the record:

"Located at Dairy Farm No. 45, State Lands Development Project, lamp post No. 56 Carlsen Field in the Ward of Chaguanas, in the county of Caroni, bounded on the north by dairy farm No. 44 J. Lezama, on the south by Project Road, on the east by WASA pipeline reserve, on the west by Project Road.

Dated this the 3rd day of June, 1986.

/s/ K. Mohammed

Minister of Agriculture, Lands  
and Food Production"

In other words, that road is recognized as a project road for agricultural purpose.

There is a peculiar history to this road. In February, 1992, the residents of the area wrote to the Minister of Agriculture, Land and Marine Resources indicating that the road was closed by an iron gate—and I had to verify that because I too was shut out by one of the residents called Valentine, who took the road and said it was his.

Then, on December 21, 1992, I consulted with the residents and an attorney at law, Mrs. Beena Maharaj, who indicated to Mr. Valentine that he had to reopen the road. However, I contacted the police, and under the watchful eyes of the police, the residents, with my supervision, repaired the road so that there would be access.

On December 21, 1993, again, the residents complained to me that the same person, Mr. Valentine, had blocked the road. They petitioned me on the matter, and at the same time they also wrote the Ministry of Agriculture, Land and Marine Resources in the Caroni district indicating the position and requesting that the matter be investigated.

Having reached that stage, I also brought the matter, again to the attention of the police, first to the Freeport Police Station, and after no response, I wrote Mr. Earl Warner, the Superintendent of Police, Central Division, and copied that letter to the Commissioner of Police; the Minister of National Security, the Minister of

*Closure of Project Road (Carlsen Field)*  
[MR. PALACKDHARRYSINGH]

*Monday, April 8, 1994*

Agriculture, Land and Marine Resources; the Acting Superintendent, Couva; the Sergeant, Freeport Police Station; and the Chairman of the Regional Corporation of Tabaquite/Talparo, indicating the position. I have been informed that up to today no more has been done to reopen the road so as to facilitate those people who live in that area.

I wonder what sorts of things are happening in Carlsen Field; whether there are protected people there, with immunity, so to speak, to behave and act as they want, and nobody would do anything whatsoever?

**7.40 p.m.**

I am grieved. Even if the matter is said to be trivial, it seems to indicate to me that when the ordinary, small citizens of this country complain, nobody takes them on. That is fundamental behaviour in this society today—that there is no justice whatsoever, no mechanism, nobody responds. While I did not write the Minister of Agriculture, Land and Marine Resources personally on this, he is aware of it because his ministry has been written to, and I have copied the letter to him that I sent to the police. Still there has been no action.

I know that law takes precedence in this society but there is a higher law when one cannot get justice—"I am reasonable and not treasonable."

I am so involved in this matter that I want to know why this Government refuses to take action in that matter.

Thank you very much.

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley):** Madam Speaker, now that we have disposed of the roaming animals, we would deal with the road.

Madam Speaker, this matter, as you would have gathered from the presentation of my friend the Member for Caroni Central, is a contentious issue which has been attracting the attention of the authorities.

The information that I have is that farms Nos. 43, 44, 45, 46, 47 and 48 are affected by this situation. According to the development plan for the area, these farms all have separate entrances other than those referred to in the Motion. The problem apparently derives from the fact that in 1975 when the development was taking place, one farm was described in the *Gazette* as having the particular road as its boundary. In the *Gazette*, Legal Notice No. 164 indicated that lot No. 45 was bounded by this road and so forth. The individual who owns that lot is

operating under the concept that the road leading to the farm is a road of which he alone has usage, and he has been maintaining this road over the years.

About five years ago, a problem arose with respect to the condition of the road when residents of a Sou Sou Land Development Project in the area began using the road as the main roadway. The individual has taken the position that the road was being damaged by these, in his view, unauthorized users, and set about to take action by closing the road and digging a trench across it. This has been going on sporadically.

Yes, the ministry has been made aware of the matter, and as you would understand, Madam Speaker, although it has supervisory responsibility for agricultural lands that are developed and distributed, the authority with respect to the tenancy lies with the Director of Surveys. The ministry acts on behalf of the Director of Surveys. So that when a problem of rights and privileges arises, the ministry has to refer the matter to the Director of Surveys.

I know that it is quite common that spokespersons like the Member for Caroni Central will call on the ministry to do certain things, but the ministry has done what the ministry ought to do.

**Mr. Palackdharrysingh:** From Caesar to Caesar; why not resign?

**Dr. The Hon. K. Rowley:** Madam Speaker, I cannot deal with that comment.

**Mr. Palackdharrysingh:** You know about it, deal with it!

**Dr. The Hon. K. Rowley:** The fact is that if a problem arises, the government agency has to act properly, and if it does not, there would be a Motion in this House about improper conduct on the part of the ministry. I will not be influenced by any emotional comment on the other side about acting improperly.

This matter was re-opened again recently, and just to give you an idea that the ministry has not sat on the matter and it views the action of the individual seriously. The Regional Director (North) who is the officer responsible for the area, wrote to the Director of Lands and Surveys, who is in the Ministry of Planning and Development, on February 23, 1994. Just to allay the fears of my colleagues on the other side:

"Request for adjudication in matter involving blocking of roadway—  
Claude Valentine, Carlsen Field.

The attached letter from the Lands Officer, County Caroni is self-explanatory.

*Closure of Project Road (Carlsen Field)*  
[DR. THE HON. K. ROWLEY]

*Monday, April 8, 1994*

The blocking of a public access road is a serious offence. I note that this is not the first time that the gentleman has allegedly committed the offence.

I wish to request your intervention in determining the status of the roadway whether private or public."

The sketch is appended.

"If public, please take the necessary action in having same reopened.

Also, ensure that this gentleman is appropriately warned that his action can qualify him for regard as an undesirable tenant."

Clearly, Madam Speaker, the officials in the Ministry of Agriculture, Land and Marine Resources who are charged with the responsibility of monitoring the estate, have recognized that there is a dispute over right of way on this particular roadway.

They have referred the problem to the competent authority, which is the Director of Lands and Surveys, who will intervene and establish the bona fides with respect to who has the right to use that road, and if it is a public road, then, clearly, this gentleman has committed an offence which now falls within the purview of the other arm of the state that deals with that. If, on the other hand, it is deemed that the access way is specific to the holding, as claimed by the individual, then different action is required.

When a dispute arises in any matter in this country there are ways of approaching a solution, and this particular matter is being approached from the point of view of having the Director of Lands and Surveys establish, once and for all, whether this particular roadway is assigned only to this particular holding or whether it is a public access open to the other partners.

Insofar as this ministry is concerned in responding to this Motion, there is nothing else that this ministry can do. The matter is now in the hands of the competent authority—the Director of Lands and Surveys—who is, in fact, the landlord. Clearly, you would have gathered from what I am saying—and from what my colleague the Member for Caroni Central has said—that there is a dispute over access to a parcel of land owned by the state which falls under the jurisdiction of the Director of Lands and Surveys.

I expect that the Director of Lands and Surveys would continue the work that he is doing and would establish, once and for all, what the status is and would take the appropriate action to ensure that the individual/individuals do not block a

public access road, if it is a public access way, and if it is not, ensure that people are not inconvenienced as the case might be.

**Mr. Palackdharrysingh:** Is there a time frame for that?

**Dr. The Hon. K. Rowley:** Madam Speaker, I cannot speak for the Director of Lands and Surveys. The Director of Lands and Surveys does not fall within my portfolio. The letter to the Director of Surveys is dated February 23, 1994, so, clearly, the matter is very current. The Member for Caroni Central knows that the matter is current, that we are not ignoring it; it is being dealt with, and I have no doubt that an amicable solution can be found. If not, then the force of law would have to apply. I am not a lawless person. If action has to be taken, it has to be taken within the confines of the law.

Thank you, Madam Speaker.

#### BUSINESS OF THE HOUSE

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, the last Motion is directed to the Minister of Planning and Development, who is out of the country. There is a Minister acting for him, of course, but we would prefer that matter to be dealt with by the substantive Minister.

**7.50 p.m.**

**Mr. Maharaj:** This is an important matter and if the Minister wishes, he can say, well, he will investigate it. Apart from the matter of the lead poisoning in Claxton Bay, the people are in the Parliament; they have come along and I am entitled to raise the Motion. The acting Minister can say he is investigating it, or whatever—the need for Government to arrest the environmental injustices including lead poisoning at Demerara Road, asphalt dust pollution at Springvale, Claxton Bay.

**Madam Speaker:** You are willing to raise the matter, subject to a reply from the Minister of Public Utilities?

**Mr. Maharaj:** Yes, I can wait.

**Madam Speaker:** Well, no, you see we have to get clearly whether it can be debated today, or not.

**Mr. Maharaj:** Madam Speaker, as long as it is before the time.

**Madam Speaker:** Who is the Minister acting?

**Dr. Rowley:** I am the substantive Minister, and I will reply. There is no issue, Madam Speaker.

**Madam Speaker:** All right.

**Hon. Member:** We have ten minutes.

**Mr. Maharaj:** Yes, we are going to be very brief and you have a discretion of 15 minutes, Madam Speaker.

**Hon. K. Valley:** The Speaker does not have to exercise any discretion; you have five minutes.

**Mr. Maharaj:** You cannot speak for the Speaker.

**Madam Speaker:** Proceed, please—12 minutes each.

### **Environmental Pollution**

**Mr. Ramesh Lawrence Maharaj** (*Couva South*): Madam Speaker, the need for Government to arrest environmental injustices including lead poisoning at Demerara Road; asphalt dust pollution at Springvale, Claxton Bay, and air and water pollution in Couva. These have been at great cost to our people.

At Claxton Bay there is a situation where the ministry is aware, through correspondence, that asphalt dust from a nearby plant has been polluting the drinking water and the air in that area. It has been proved by medical experts that people have got certain skin diseases which can be related to what is happening at Claxton Bay.

This is a village in which people have to store water in barrels; and if one goes into the houses one would see that in the barrels where drinking water is stored, asphalt dust is actually in the water. So the asphalt dust comes into the homes, into the water and people have to keep their homes closed all the time. But no matter what they do, this is causing great damage to the enjoyment of their homes and poses potential damage to their health.

This plant is erected near to a residential area. Our investigations have shown that there was no permission from the Town and Country Planning Division for this plant to be there. There have been meetings and discussions with the villagers and the owners and there has been some undertaking by the owners to do some work to arrest the situation, which still remains very serious. Children's health is affected and the people's enjoyment of the land is affected as well.

The Motion also deals with the lead poisoning at Demerara Road. One sees how important it is that these matters are arrested. I have visited the area and I

have information that Cabinet did a study of this matter; a task force was appointed and there was a report. In the newspapers over the last few weeks and in particular one of the weekly newspapers, the *TNT Mirror*, on April 1, 1994, the hon. Member for Arima allegedly gave an interview in which he supported me, I think, in what I am saying, in that the report shows that there was a serious situation of lead poisoning at Demerara Road.

What happened is that there were deposits of material on a road from a private company resulting in lead poisoning of the inhabitants. I do not want to read the entire report, but on Friday, April 1, 1994, the *TNT Mirror* stated that the task force explained how dangerous it was for these people to remain there. Therefore, it is important for the Government to level with the country to say exactly what are the contents of this report, how dangerous the situation is, and what it is going to do. That is a matter where the task force report should have been laid in Parliament.

The environmental injustice does not involve only the people of Springvale or Demerara Road in my Motion; it involves the entire constituency of Couva South because we have air pollution from Caroni Limited with the dust; in the Point Lisas area the water is being polluted. But the main thrust of this Motion is for the Government to say quite clearly what it is going to do about the plight of the people in Claxton Bay and Demerara Road. These are two serious situations where life and health are affected and the country and people are entitled to know what the Government is going to do.

Thank you very much, Madam Speaker.

**The Minister of Agriculture Land and Marine Resources (Dr. The Hon. Keith Rowley):** Madam Speaker, it is not very often that I can find common ground with the Member for Couva South, but I am not in disagreement with anything that he has raised. The whole environmental matter is something of national importance. In my own constituency I have the same problem, with respect to environmental pollution with alumina dust in the village of Carenage, which arises through the unloading of alumina at the shipping terminal.

**Mr. Maharaj:** Hon. Member, I am assisting his constituents. I have a case against them for that.

**Dr. The Hon. K. Rowley:** I am very grateful for your assistance; I hope it is positive. But the problem is that there are several industrial activities in Trinidad and Tobago which have side effects and discharge into the atmosphere and water by-products of these things. It is in recognition of this situation that the

*Environmental Pollution*  
[DR. THE HON. K. ROWLEY]

*Monday, April 8, 1994*

Government has given high priority to the establishment of an Environmental Management Agency, which would be a legal entity with the legal teeth to enforce environmental standards so as to ensure that these matters, as outlined by the Member for Couva South, do not become day-to-day occurrences in our environment.

I can tell you, Madam speaker, that the draft legislation for the Environmental Management Agency is virtually complete and in the very near future a document of that nature, seeking specifically to address the root causes, as mentioned by the Member for Couva South, will be brought to Parliament.

We can deal with problems only in the context of reality. With respect to the Demerara Road situation where lead poisoning has taken place, we had a squatting community there where persons, especially young children, had been exposed to lead poisoning. The Government intervened, investigated the situation and the report has been attracting the attention of the Cabinet which has given it highest priority.

The Cabinet has provided the resources and instructed the National Housing Authority to take steps to relocate the persons who have been living in the Demerara Road area and who were exposed to the lead poisoning. I am advised that the National Housing Authority is virtually at the point where the physical preparation has been made to receive those persons from that area into a new area, because those persons have to be put somewhere. The land was identified, infrastructure has been put in place and I am advised that in a matter of a few weeks—very, very soon—persons who have been living at Demerara Road and have been exposed to the lead dumps, will be relocated to safe sites, one of the recommendations of the task force that looked at the problem.

That recommendation was that persons be relocated since the area, apparently, was so contaminated that it was easier to relocate the persons than to try to clean up the area which would then be the subject of further cleaning up, but the first priority is to remove persons from there. We can expect in the very near future that that action will take place.

**8.00 p.m.**

With respect to the asphalt dust, as my colleague pleaded earlier on, I am holding for the Minister of Planning and Development. I do not have specific information on the Claxton Bay situation, but as Minister with some responsibility for land, what has come my way is an indication that the contractor who owns the plant—as part of the discussion taking place, one of the considerations is relocation.



I am saying to the extent that we can assist in relocation, that is an option we would want to pursue if relocation is the preferred option. That would certainly bring relief to the people of Claxton Bay but it would not be tonight or tomorrow morning. On the other hand, as the Member maintained, there are discussions taking place within the community and the owners to see what short-term abatement processes can be put in place, and, unfortunately, I cannot say anything more specific on that particular issue.

**Mr. Maharaj:** I wonder if the Minister will undertake—since he is probably not fully briefed on it—to investigate the matter.

**Dr. The Hon. K. Rowley:** Madam Speaker, since I am not the substantive Minister, I could not give that undertaking but I am sure that my colleague would follow up the matter as one of great urgency.

With respect to water pollution in Couva, the whole question of water pollution—not only in Couva—is something which ought to attract attention, because, again, speaking for the Ministry of Agriculture, Land and Marine Resources, one of the concerns we have which is now attracting our attention as a matter of highest priority, is what goes into our aquifers. I am talking specifically about the use of herbicides, pesticides and other chemicals that we are using willy-nilly all over the country. A lot of these things are not biodegradable; they last a very long time and they end up in the water, surface and ground water systems, and in fact, we are now talking with competent individuals and organizations to seek to identify the nature of the problem and to come up with solutions to ensure that we protect our surface and ground water supplies.

**Mr. Maharaj:** And the dust pollution at Caroni.

**Dr. The Hon. K. Rowley:** Madam Speaker, I do not want to expand on any specific matters of this nature except to say that all these problems, whether water pollution or atmospheric pollution, the whole question of pollution of the environment and protection of the environment, would fall within the ambit of preservation of a satisfactory quality environment, and that is specifically what the environmental management agencies like to do.

**Mr. Sudama:** In the meantime, I am suffering.

**Mr. Maharaj:** In the meantime, people dying.

**Dr. The Hon. K. Rowley:** Madam Speaker, I would be misleading the House if I said that tomorrow morning these matters would go away. However, suffice it to say at this time that what is happening is that the Government is as concerned

*Environmental Pollution*  
[DR. THE HON. K. ROWLEY]

*Monday, April 8, 1994*

as my colleagues on the other side, giving this matter the highest priority. The corrective action will take place in a reasonable time frame, and it is the expectation that in the not too distant future this country will come to grips with its environmental protection and preservation problems.

Thank you, Madam Speaker.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.04 p.m.*