

Constitution (Amdt.) Bill

Monday, November 25, 1996

HOUSE OF REPRESENTATIVES

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The House met at 10.01 a.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

CONSTITUTION (AMDT.) BILL

Order for second reading read.

The Minister Extraordinaire and Minister of Tobago Affairs (Hon. A.N.R. Robinson): Mr. Speaker, I beg to move

That a Bill to amend the Constitution of the Republic of Trinidad and Tobago be now read a second time.

Mr. Speaker, the Bill under reference has been circulated to hon. Members and has been under consideration for some time in one form or another, but substantially in the form in which it now appears.

The purpose of the Bill is well known and is also agreed to if not wholly, certainly substantially. The purpose of it is to entrench into the Constitution the existence of a Tobago House of Assembly with powers and functions to be prescribed by law, and in the process of doing so, to entrench an Executive Council which shall form part of the Assembly, a Tobago House of Assembly Fund and the power of the Assembly to make notes.

There is also provision for the presence of Tobago, by right, in the Upper House, in the Senate. The principle of this has been agreed to and there has been absolutely no contention or dispute concerning the right of the people of Tobago to have a voice in the Senate. The only question has been the form in which this voice should be made apparent and real.

A Joint Select Committee, which was appointed by this honourable House, considered the matter of the Tobago House of Assembly Bill. The matter was debated at length and a formula was agreed upon by which this presence would be expressed. It is this formula which now exists, and now appears in the Bill before this House. According to this formula, the number of the Senators would be increased from 31 to 37, that is to say, six Senators. Two of these Senators will be appointed by the President, acting in accordance with the advice of the Chief

Secretary of the Tobago House of Assembly. One would be appointed by the President acting on the advice of the leader of the minority in the Tobago House of Assembly, and three will be appointed by the President on the advice of the Prime Minister, making a total of 37.

By means of this formula, Mr. Speaker, while the voting pattern may change the Government will, as at the present time, always retain a majority of at least one Member. So that the stability of the country intended to be preserved by the pattern now existing in the Constitution would be preserved in this Bill.

The Bill will require the support of three-fourths of the Members of this House and two-thirds of the Members of the Senate; and Mr. Speaker, clearly, if the Bill does not receive the vote of the hon. Members opposite, it could not be passed in this form.

Miss Nicholson: And it cannot return to Tobago! Sorry, Sir.

Hon. A.N.R. Robinson: But it is of the utmost importance may I say, Mr. Speaker, that the people of Tobago be assured that submissions which are made to them are agreed on. It is important that the sense of insecurity which has developed over the years after Independence, by reason of the precarious nature of their representation at national level, where it can be that Tobago is represented only by two Members in the House of Representatives and by no other form of representation either at Cabinet level or in the Senate, and consequently the interests of the small island, which constitutes a vulnerable majority, can be overlooked or over-ridden. By reason of the experience of the precarious nature of that situation the demand has grown in Tobago for a change in the constitutional arrangements which would afford the residents in that island, whether Trinidadians or Tobagonians—and in this regard Trinidadians and Tobagonians are referred to as residents of the island—a voice in matters of critical importance to the country as a whole, and of particular importance to the residents of that island when those matters are being discussed and debated in the Senate.

10.10 a.m.

I do not think and it is generally agreed, Mr. Speaker, and I can understand how insecure the people of a small isolated island can feel when, not only have they no control over the affairs of that isle, not only are they isolated by sea from the rest of the world and all the instruments of access and departure are controlled from outside; how insecure they can feel that at any moment in time, not only their very livelihood but their lives can be in jeopardy in situations where they have not

only no control but no voice whatever. One only has to look around, not only at the rest of the world, but the rest of the region to see and to understand that there is no island in the world the size of Tobago or anything near it which is in a similar situation, or which indeed will accept the situation in which Tobago exists in relation to these constitutional and legislative arrangements.

It was in the confidence of independence that these matters would be attended to by persons of their own nationality, my brothers and sisters, so to speak, of their own national community, that they would be sympathetically looked at and addressed and realistically corrected, that the people of Tobago united wholeheartedly in that hope with the expectation, after the British had left, that citizens of this country get together and between us, amongst ourselves, recognizing our situations, arrive at remedies to redress obvious grievances and maladies requiring correction.

It is in that spirit that this Bill is brought to this House in the confidence, or in the belief of the people of Tobago, that this national Parliament address the problem and address it in a way that will allay the fears which have grown over the years and which will bring to them a measure of security, a measure of a sense of belonging, a sense of participation, in the context of what the Constitution prescribes in section 1:

"The Republic of Trinidad and Tobago shall be a sovereign democratic State."

It is with that belief and conviction that this measure is brought before the House in the full confidence that Trinidad and Tobago, as the sovereign democratic state, would address a matter which it agrees needs to be redressed, in respect of which this is a positive, practical proposal in respect of the principle underlying which there is no dispute. All that is required is that the proposal be accepted or some alternative proposal which is considered to be better be put forward. I can assure hon. Members of this House that this Government, as always, is sensitive to the views, not only of Members opposite but of the national community, and is prepared, so long as what is proposed furthers the purpose and the action that is required at this particular time, where the people of Tobago are waiting with great expectancy, to consider and possibly accept any reasonable alternative proposal.

I thank you, Mr. Speaker.

Question proposed.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I congratulate the hon. Member for Tobago East on the conciliatory approach that he has taken to this debate this morning. Let me assure hon. Members opposite that we on this side have come to this Parliament this morning with exactly the same approach, one of conciliation.

Mr. Speaker, we know of the difficult position in which the Government has placed itself, in that the Tobago House of Assembly election has been called, nomination day has passed and the election will be held on December 9, 1996. In the main political party, there is more than a small amount of confusion. In the Parliament itself, one Senator who has resigned over the question of consultation, now finds herself as an independent candidate in the election and former members of the Assembly have taken a position that is antagonistically held by the political party of which they were once a party. In terms of the election results of 1995, Mr. Speaker, a certain amount of apathy is evident by the views of a repressed poll in Tobago and it demonstrates that there is dissatisfaction which is fairly widespread and the political fortunes of the PNM of Tobago seems to be on the rise. [*Desk thumping from the PNM Benches.*] That is the atmosphere and the situation that prevails in Tobago today.

It is in that context that the Government introduced this piece of legislation with which the Opposition has difficulties and the Opposition has stated its difficulties. If we come to the Parliament today and we vote against the legislation, which is what the hon. Member for Tobago East is hoping for, they then go to Tobago and put it to the people of Tobago that the PNM does not want them to have this and by doing that, the PNM scuttles. The Government has put us between a rock and a hard place. That is what the Government has done.

Miss Nicholson: You had the opportunity to deal with it.

Mr. P. Manning: On two occasions within the recent past, we have had an opportunity to speak on the issues involved in the legislation before us. The approach of the Opposition is that we want to co-operate with the Government on that matter.

Miss Nicholson: I will be so pleased.

Mr. P. Manning: The hon. Member for Tobago East speaks about the insecurity that a smaller island feels about the unity with a larger island. I want to assure him and citizens of Trinidad and Tobago that it was an appreciation of that that caused the then prime minister in 1992, in addressing the House of Assembly,

to make constitutional guarantees for the Tobago House of Assembly with which they had absolutely no difficulties. We have no difficulty with that.

10.20 a.m.

I have no difficulty with the principle of greater autonomy for the people of Tobago. If they force us to vote for it, we might just do that. You see, all we are asking is to let good sense prevail; let us not engage in the political cut and thrust on this matter which is normal in debates in this Parliament. What we are asking is that we proceed to committee on this Bill as expeditiously as possible and let us, as rational Members of Parliament, sit in committee and see whether we could not hammer out some kind of agreement that is acceptable to both sides, which is what the electorate expect us to do, in the interest of Trinidad and Tobago.

I am not going into the details of the Bill. There are others on our side who are in a position to do so, but I thought that I should merely set the tone and let this Government know of the attitude of the Opposition on this critical issue and to urge that they meet us half-way and that we meet in committee and we try to hammer out some kind of arrangement that is acceptable to both sides.

Thank you very much, Mr. Speaker.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I rise to join in this debate on a Bill to amend the Constitution of the Republic of Trinidad and Tobago.

I listened very carefully to the presentation of the Member for Tobago East who introduced the second reading of the Bill and his presentation, although short, was to the point. He once again pleaded to this entire House with respect to the objective political reality that exists in Tobago and the peculiar relationship that Tobago has with Trinidad and the different circumstances that exist in that part of the unitary state that is separated by water and all the attendant difficulties that are associated with this separation.

He went on to advise us that this Bill has been around in some form or another for a long time and that the need to address the whole constitutional relationship between Trinidad and Tobago is long overdue.

Without going into all the details of the Bill, the hon. Member for San Fernando East started on a very conciliatory note. For this I must congratulate him, as Leader of his party and as Leader of the Opposition, for taking this very noble and magnanimous stance. Although he wanted us to go immediately into the

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committee stage to deal with the various provisions of the Bill, he did not give any indication as to how he wanted to meet with us half-way. It is very difficult to put a proposition—

Mr. Manning: Mr. Speaker, I thank my hon. Friend, the Member for St. Joseph, for giving way. What I was suggesting was that we go quickly to committee, but I also said that my other colleagues who would speak would indicate exactly what our position is on the matter. So have no fear about that.

Hon. M. Assam: Thank you very much for the clarification. I had misconstrued his position. I thought he wanted us to go immediately into the committee stage after he had spoken. But it is okay. If they come this morning, as their Leader said, to be conciliatory, but have started their rabble-rousing immediately after he tended to hand out the olive branch, I have no difficulty, because I could become equally combative, and you know that I have a great capacity to do so. I, myself, wanted to be conciliatory, but if they proceed to interrupt me, I shall bring into full force the verbal command that I am wont to regale this House with.

To come back after the interruption, the Member for San Fernando East did say that the Opposition came here in a conciliatory mood and wanted to meet the Government half-way. As I pointed out before the interruption, he did not indicate exactly what he meant by meeting us half-way. He went on to be rather plaintive, saying that the Government had placed the Opposition in a very difficult position due to the impending election; that the Government had put the Opposition between a rock and a hard place. Of course, that is not difficult for that Opposition. They always seem to be between a rock and a hard place. They put themselves in that position in 1995 when, knowing full well that a 1995 general election would have been called, he went to Tobago and negotiated some pact between his then government and the Tobago House of Assembly. So I do not understand why he has come here today to say that he is being put in a difficult position and is between a rock and a hard place.

What did he do to the Opposition in 1995? Was that a rock and a hard place? Did he put them at a serious disadvantage? Did he not negotiate in a clandestine fashion, a document which, after it was revealed, indicated that he was handing out all kinds of gifts to the proposed Chief Secretary and so forth? To come today and to criticize this side by saying that there is no small amount of confusion in the party that holds the majority in Tobago, is to suggest that he is looking into the

mirror of his own party and seeing all the confusion that is emanating from his side.

I often wonder, as he sits between the Member for Diego Martin East and the Member for Diego Martin West, if he remembers the great tragedy of Julius Caesar when Mark Anthony, upon the assassination of Julius Caesar, saw all his enemies around with bloodied knives, said, "Oh pardon me thou bleeding piece of earth that I am meek and humble with these murderers." I would say in this case, "but I am meek and humble with these traitors." These are the two people he has at his side, and these are the two people who would speak on his behalf, as he said, on this very important and historic occasion.

Mr. Speaker, of course, the court jester that he is talking about, he does not understand and appreciate that kind of thing. I could well understand that.

This morning we have come here on a very serious mission and this mission is to ensure that this Bill is debated seriously, meaningfully and passed into law at this level.

10.30 a.m.

Mr. Speaker, I need not repeat that this Bill is intended as the prelude to set the stage for the next bill in respect of Tobago that will be debated afterwards. Therefore, it is vital and important that we look at this Bill, and all of its various clauses, to ensure that we give effect to this particular Bill.

This particular Bill is not a question of just law and constitution. It is much more far-reaching and fundamental than the question of law and constitution-making and constitution amendments. This Bill has far-reaching consequences for the unitary state of Trinidad and Tobago, for the peace, tranquillity and harmony between Trinidad and Tobago and to establish a lasting peace and mechanism whereby all the people of Trinidad and Tobago can pursue and achieve their hopes, aspirations and goals—cultural, social, political and economic—without the fear, anguish and continued uncertainty that have prevailed in the past 20 to 25 years. That is what is fundamental about this Bill. It is not a question of merely stating that we want to increase the number of Senators on the Government side or that we want to increase the number of Senators that the President would have the power to appoint—two from Tobago on the recommendation of the Chief Secretary and one from Tobago on the recommendation of the leader of the minority party. It is not just that. Although it has to be part of the constitutional arrangement, it is much more than that.

This is what I want to impress upon all Members of this House, and more particularly, the Members of the opposite side; people who have roots in Tobago, particularly, the Member for Arouca South, the Member for Diego Martin West and others, perhaps, like the Member for Toco/Manzanilla who claims all the time that his sisters, tanties and nennens are living in Tobago so close to his residence in Toco. I want them to understand that. I want them to understand the emotions that have filled the hearts, minds and souls of the people of Tobago for many years. This is very important and I want to emphasize it is not only constitution-making, this is the context in which this Constitution (Amdt.) Bill, and the Bill to follow, must be looked at.

Mr. Speaker, we do not want this debate to degenerate into a purely legal constitutional argument, or one which says we are arguing about increasing the non-elected House to 37 as opposed to the elected House of 36 and we start to get involved in a numbers game. That is not the kind of argument we should be using today. That is not the kind of argument that will satisfy the ambitions and aspirations of the people of Trinidad and Tobago and it will not satisfy the relationship that should be forged on a permanent basis between Trinidad and Tobago. It is not the numbers, it is the intent. It is the kind of thinking which has been absent from the political directorate for such a long time that has caused this matter to fester and take so long before resolution.

We are always looking at the constitutional niceties, at the legal implications and at the numbers game and not taking into account that politics is about people. That is what politics is all about; people and peoples' beliefs, hopes and aspirations. Constitution-making is important in order to enshrine mechanisms and relationships and must be done within the legal framework. Of course, it must be, but pre-eminent in all this argumentation and debate, must be people: how do the people of Tobago feel? Do they feel they are in a position of domination? Do they feel that they are in a position of subservience? Do they feel they are in a position of being disadvantaged? Do they feel that they should have to pay more for flour, rice, oil, sugar and for services? Do they feel they cannot get a reliable supply of water, electricity and telecommunication services? Do they feel that their unemployment rate is higher than in Trinidad simply because they are cut off?

Do they feel that because they are separated by sea everything has to be transhipped into Tobago costing not only more in terms of money, but in terms of time and delay?

Do they feel that they are cut off from the University of the West Indies and that we here can send our children there at less cost and greater convenience than people in Tobago who, at greater cost and inconvenience, have to send their children to the University of the West Indies? Are they satisfied that they cannot enjoy Mount Hope Medical Complex and we can? Are they satisfied that they cannot enjoy the Hasely Crawford National Stadium—hear the name, Hasely Crawford National Stadium

Mr. Manning: You are too loud.

Hon. M. Assam: I know they are jealous of my larynx, but that is okay.

The point is that these are the objective facts surrounding the relationship between Trinidad and Tobago. This is what I want Members opposite to focus on, not solely on the legal niceties and all the constitutional ramifications. This is what we have to resolve today, all of these factors. All of these factors one would not find in constitutions, these are factors that are outside constitutional arrangements but impact adversely on the daily lives of the people of Tobago.

Mr. Speaker, I have visited Tobago a number of times since assuming the portfolio of Minister of Trade and Industry and the number of niggling administrative problems that the business people of Tobago have to face: coming to Trinidad to get a licence in order to export their fish and other produce to other parts of the world; stifling and stymieing their ambitions and the realization of the people and the entrepreneurship of the people of Tobago. They have to come here to get a licence and go back.

There are the problems of cargo in taking their goods to the airport. Their goods perish because they cannot get sufficient cargo space from Tobago to Trinidad to be transshipped to other points in North America and so forth, in terms of their produce—fish, flowers, provisions and so forth. This is what is important in terms of giving greater autonomy.

That is where the autonomy comes in. I hope Members opposite will not concentrate on merely the legalistic framework. The autonomy that we are talking about is by giving them that extra ability within the Constitution to deal with and to address all these inequities; all the inequalities; all these disadvantages; and all of the various problems that the ordinary man and woman face on a day-to-day basis in the island of Tobago which is part of the democratic, sovereign unitary state of Trinidad and Tobago. It is that kind of thinking that I want to impress upon

Members opposite when they come to look at the Bill clause by clause, and bear in mind all of these things.

I have mentioned before that many communities, either of a federal or unitary nature, have devolved more power and authority on the smaller communities that they govern, particularly, island communities or larger communities with essentially one kind of ethnic origin.

10.40 a.m.

This is no different simply because Tobago is an island separated from Trinidad by water. We must take into consideration that there is need to give Tobago what is necessary to arrange Tobago's affairs in such a way as to bring about the least inconvenience, the greatest prosperity and the realization of its hopes and aspirations in every form; whether it is law, health, finance, travel, in shipping, in entrepreneurial activity, whatever it is—culture, sport, education.

They must be given that flexibility and that must be written and enshrined in our Constitution so that it cannot be flippantly interfered with, as the arrangement has been so flippantly interfered with over time by appointing a permanent secretary and removing a permanent secretary; having an administrative service that is almost impotent; having a Minister of Tobago Affairs as the Member for San Fernando East was at one time, in constant conflict with the then Chairman of the Tobago House of Assembly because he interprets Act No. 37 of 1980 in a manner that is totally incomprehensible and that was not the intent of the framers of Act No. 37 of 1980.

These were some of the insurmountable difficulties associated with the relationship between Trinidad and Tobago. What we are hoping to achieve today, so that we can write into the constitutional and political history of this country, is that we have once and for all settled these nagging problems that have existed in the past. It is these matters I want the Members opposite to address, not the pure constitutional legal matters. I want them to take into account and on board everything associated with Tobago, in Tobago, for Tobago and its relationship with Trinidad. I am reasonably sure that if Members opposite were to adopt this attitude and to take on board what I have just said in terms of Tobago's constitution and this Bill, they will come to no other conclusion. It will be an inescapable conclusion that this Bill before us deserves merit and their support.

I am reasonably sure that Members opposite are interested in the continuation of the unitary state as we are. When the Member for San Fernando East was Prime

Minister he visited Tobago in 1992 and addressed the Tobago House of Assembly and he extended to them the olive branch. I hope that branch is not dried. I hope it is as green as when it was handed to them and today, as leader on the other side, that he will guide the deliberations of his side when it comes to the committee stage, that he would also temper the comments of the Members who intend to speak in terms of focusing on the realities and on the essentials that govern the particular clauses of this Bill. If we do that, I am absolutely sure that we will leave here knowing fully well that we have done our duty to God, to man and to our country and to the everlasting memory of the people who forged this unitary state between Trinidad and Tobago.

I thank you very much.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, the privilege is mine to make what I pray to my God is a usually sensible, solid, PNM-typical intervention in this rather important debate. I propose, as has been indicated by my political leader, the Member for San Fernando East, to make an unemotional contribution. The Member for San Fernando East, my political leader indicated to this honourable House [*Interruption*]

Mr. Assam: You were one of the traitors.

Mr. F. Hinds: We have tried desperately to maintain the dignity of this House. I personally have tried and it pains me when I come here, continuing in that noble effort to uphold the dignity of this House, to be subjected to the brawlish conduct of the Member for St. Joseph. Though he dresses his brawlish conduct with beautiful words, it reminds me of some of the constituents of my neighbour and good Friend, the Member for Port of Spain South, those who are engaged in nocturnal meanderings, beautiful to look at, but their conduct deplorable.

Before this honourable House is a Bill to make entrenched constitutional provisions for the existence of the Tobago House of Assembly and for establishing in relation thereto an executive council, a Tobago House of Assembly fund and to provide for the representation of the interests of Tobago in the Senate. This, I shall apply my mind to. When we speak, however, of constitutional amendments, it is a matter that must be treated rather seriously. We must be reminded at all times that the Constitution of Trinidad and Tobago, like the Constitution of any state is the fundamental law. It is the highest law in the context of Trinidad and Tobago. It is the supreme law. It is that which guides all of our conduct. It is that which regulates the relationship between the Executive, the Parliament and the Judiciary.

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It defines duties and functions. It is an altogether rather important document and in true PNM tradition, whenever we come to the issue of constitutional amendments we treat with it rather seriously.

A constitution, I must remind Members of this House, is a form that organizes the behaviour of all the elements of the state. A constitution, as has been quite rightly indicated, concerns people. It is also largely political. It is not only a matter of words, legal interpretation or constitutional interpretation, but we are fully aware and we need no reminder from the Member for St. Joseph that it is in fact about people.

This is why when we sought to put in place our Republican Constitution, there were two years of consultation up and down Trinidad and Tobago, taking the views of all persons—even those who had a remote interest. We took those views and they were all considered and we came up with the Republican Constitution of Trinidad and Tobago. It was done on the basis of very wide consultation and if anything, we thought that would have been the model that the other side would have utilized as they sought to make what we considered to be radical rearrangements.

10.50 a.m.

We are fully aware that in this modern era and age of info technology, one cannot expect or attempt to fool people anywhere any more. The people of the world, Trinidad and Tobago, or Trinbago if I might say so, demand to know what we are dealing with and how we are proceeding with any arrangements or rearrangements, for the constitutional relationship between the islands of Trinidad and Tobago. They demand to know that when we have, as exists today, the unitary state of Trinidad and Tobago, if we are going to interfere or appear to be interfering with that, or reaffirm any discussions or transactions which bear in on that, what the people who represent them in Parliament are about.

It is not our business to proceed hastily and whimsically with fundamental constitutional change, when as we accept and concede, though unsolicited from the Member for St. Joseph, that it is all about people. Let me say at the outset, as I reiterate the sentiments expressed by the Member for San Fernando East, that we on this side have absolutely no difficulty with the question of more autonomy for the people of Tobago. I make the point with such verve and fervour because in my short time in this Parliament, I have come to learn rather quickly, that one says one thing and it is taken otherwise. Let me say again, that we of the People's National

Movement hold absolutely no objection or have any problems with the question of autonomy for the people of Tobago. We are in agreement with the principle of this legislation.

In fact, the records will show patently that a long time ago we had considered that it would be unhelpful, even sinful to object to that kind of position. We understand that Tobago cannot be treated as any other region, district or municipality. We are aware of the fact that Tobago is separated from Trinidad by water. When someone from Arouca South or San Fernando East can quite easily get into a taxi or his own vehicle to go to Jean Pierre Complex, that is not so for the people of Tobago. *[Interruption]* That is trite, Member for St. Joseph. We are long past that. Notwithstanding the criticisms directed at us, we demonstrated our sincerity by the proposals we had put forward for Trinidad and Tobago at the end of 1995.

Before the House this morning, we see a Bill which is designed to entrench the Tobago House of Assembly as a concept into the Constitution to provide for an executive council and establish an Assembly fund. That is old and well-known terrain. We had catered for those provisions in the legislation, but the Bill is so severely criticized. Every single student in primary, junior and secondary school or college needs to get a copy of that Bill. It will satisfy them that we did exactly that.

We are not claiming that this Bill is ours. We have long past that. As simple as it may appear, the government of the time made certain arrangements for the remuneration of the Chairman of the Assembly. A part of that package was the use of a state financed motor vehicle. As simple as it might be to us, to many it was one of the more tangible efforts at making good all the promises we made in those proposals in our settled negotiations with the Tobago House of Assembly. In any event, that vehicle, though purchased, was never sent to Tobago. I am told that it was later involved in an accident. The Member for Tobago East was occupying it at the time of the accident. That may sound rather trite.

Mr. Robinson: Lest there be any—

Mr. F. Hinds: I do not propose to give way. I thought the Speaker was on his feet. *[Interruption]* I wish to explain my apparent discourtesy to the Member for Tobago East. I recall on previous occasions while standing here in this Parliament and making my contributions, on at least three occasions the Member asked me to give way. Courteously, in respect to him as an elder and a senior parliamentarian, I did it. On one or two occasions when I asked him politely to give way for

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clarification, he did not. I feel entirely justified. I put that on record because I do not want anyone to accuse me of wanton discourtesy. There are good reasons taken by the Member for Laventille East/Morvant.

Mr. Assam: Bad mind!

Mr. F. Hinds: That is not bad mind! The point must be properly made. I can assure the Member that any time in the future he asks me to give way, I shall take the obvious and usual course and do so. I thank you Member.

When, as we have said that we support entirely the question of more autonomy for the people of Tobago, we do so within the ambit of our responsibility, short of the say-so from the national community for the maintenance of the unitary state of Trinidad and Tobago. I recall in a previous debate dealing with a motion on the Tobago question which was put earlier in the last session, I highlighted in great detail the elements of the proposed Bill. I had asked the Member for Tobago East and other Members to tell us short of an out and out independence and a federal arrangement, what improvements they would have made or suggested to our proposals of 1995.

11.00 a.m.

I waited and waited and, as Bob Marley said, "I waited in vain. No answer."

Today we have before us a bill which will create some fundamental changes to the Constitution of Trinidad and Tobago, and as the Member for San Fernando East, my political leader explained, we have concerns with these and it is our duty to express them. We do so in the spirit of fellowship; we do so in the spirit of co-operation and we hope that at the end of the deliberations we will come up with the best position for the people of Trinidad and Tobago.

Mr. Speaker, I will say a bit more about our 1995 proposals. Those proposals had the full agreement and blessings of the Tobago House of Assembly. A technical committee, which looked at all the arrangements, was appointed. We had the support of all those technical committees. There were political committees. They, too, found favour with our proposals. There was agreement across the board in respect of those which established the fund, the executive council and sought to entrench the bill itself.

The proposals that are before the House on this occasion cannot claim to have that wide-ranging support. I speak advisedly from reports received from persons directly concerned and involved. It is interesting as well that people are waiting

with bated breath to hear the UNC's position on these matters *[Interruption]* I am hearing the Member for Tobago West saying that this is the UNC/NAR Government. It is that on paper. At any rate, the question has to be asked: Is it necessary, in order to achieve more autonomy for the people of Tobago, that our Constitution be rearranged in such radical ways? *[Interruption]* I know by their standards it is not, and the nation is expecting anything.

This brings me to a rather interesting point. As I read and study and learn more and more—one can never claim to be an expert on the Constitution of Trinidad and Tobago easily; it is a constant evolutionary process of learning—I am discovering more things. I discovered that our Constitution—I suspect like many—is silent on very important issues that arise from time to time. When the Constitution of 1962 and, indeed, the Republican Constitution, were drafted, like any other law, it certainly could not contemplate all eventualities and as such are likely to be silent on matters which would arise in a society from time to time. This is why Members of this House, I suspect, are given the title “honourable”. We expect people to be honourable as they work with and deliberate on matters of the Constitution. However, I have discovered that when the Constitution is silent and when one is dealing with dishonourable people—I am not suggesting that anyone on the other side is—logic tells me that one has a serious problem because wherever the Constitution is silent people are capable of doing anything. That is what causes me great fear and trepidation when it comes to the question of constitutional amendments, and in particular, where the Constitution is silent.

Since we are speaking the language of constitutions, I was in company of a parliamentarian from one of the provinces of South Africa and I pleaded with him to share with me a copy of the constitution which was settled and agreed to by the Republic of South Africa earlier this year. I wish to put on the record, just by way of information, what is said about the supremacy of their constitution. Trinidad and Tobago's Constitution is supreme. That constitution says:

“This constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the duties imposed by it must be performed.”

What is interesting is the introduction of the word “conduct”. We treat with them as convention and we expect that honourable gentlemen in government or otherwise will act in a certain manner in dealing with the situation, but I have already seen that Members on the other side cannot be trusted in this way. I particularly like the introduction of the word “conduct”. God knows that one day

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we in Trinidad and Tobago may have to consider that kind of rearrangement to keep a bridle on mavericks who would appear in this House from time to time.

The people of Trinidad and Tobago demand to be informed and therefore when we talk about constitutional amendment *[Interruption]* Mr. Speaker, I am hearing utterings from the other side. *[Interruption]* I am sure that in this and in any other debate in which I have taken part in this House, I have not suggested or expressed objection to any question of anyone breaking away. We, as anyone else, understand the principle of self-determination. *[Interruption]* Mr. Speaker, I crave your assistance. All we are saying is that whatever is done must be done properly and after widespread consultation with the people of Trinidad and Tobago.

Mr. Speaker, this Constitutional (Amdt.) Bill is a rather short one of five clauses. We have difficulty with clauses 1, 2 and 4.

11.10 a.m.

Mr. Speaker, we have some concerns with clause 3 of this Bill as explained in part by the Member for Tobago East. It seeks to amend the Constitution in particular, the Senate, and the Parliament in general. It seeks to increase the number of Senators from 31 to 37. The Government Senators are to be increased from 16 to 19, an increase of three. One of the nine Senators appointed by the President would be a resident of Tobago and the President would be empowered to appoint two Senators on the Chief Secretary's advice. The minority Leader of the House of Assembly will advise the President on the appointment of one other Senator. It is now quite clear to the national community that there is no increase of the Opposition and if this were a purely partisan issue, that will be good and fair, but it is not a partisan affair, it is a matter for all of us in Trinidad and Tobago and therefore, it raises the question about the shift in the balance of power in the Senate, a question that has attracted writings and expressions from people outside the PNM.

I read a few weeks ago in the *Newsday* where Dr. Ghany wrote expressing concerns about this and he made a suggestion that is worthy of consideration and I am sure all Members would have been familiar with those proposals. I will not detain the House with that, but more particularly, we ask the question: If one wants to entrench as it were, representation for Tobago in the Senate, is that kind of move necessary? We are very open on that, if it is, then fine; if it is workable we will go along with it in the relationship of the people of Trinidad and Tobago but I am expressing the views that we do not think it is necessary.

Mr. Speaker, the former Sen. London expressed a view that if there were a Chief Secretary coming to the Senate as any other Minister of Government does, and he could answer questions and participate as a Member who goes to the Senate does, then it would be rather helpful and it will give much more in terms of accountability and representation to the people of Trinidad and Tobago. We need not accept that, but it is a possibility that the Member for Tobago East said this is the formula which came out of the Joint Select Committee, and it is recorded in the *Hansard* that the deliberations of the Joint Select Committee are put into question and at any rate there were two minority reports coming out of the reports of the Joint Select Committee which could or should not be ignored.

We knew that there was a Cabinet-appointed committee which was headed by Justice Guya Persaud and he, too, submitted a minority report but we are advised that all of them were ignored, treated scantily and here we are with a formula that came after much renowned deliberation. In keeping with the sentiments expressed by the Member for San Fernando East, I say we are open to discussions and we are quite prepared—because we are founded on the principle that there should be more autonomy for the people of Tobago—to listen to the issues so I put again the question: Is the formula suggested by the Member for Tobago East, and the one proposed in this Bill entirely necessary?

Then we come now to clause 4 of the Bill. I gather from the contribution by the Member for Tobago East earlier today that it is quite clear that an attempt to amend in the way clause 4 suggests, requires special attention and not ordinary attention. In light of that clear indication from the Member for Tobago East, we need not detain ourselves further on that.

Clause 5 of the Bill, seeks to put in place a new Chapter 11(A) and attempts to entrench the Tobago House of Assembly legislation into the Constitution. We on this side have no difficulty with that and I remind this House that this is something we subscribed to and proposed at the end of 1995. What is markedly different, is that now the Tobago House of Assembly will not be so authorized to make bye-laws but what is described herein in this Bill as Assembly Laws. I am sure that this House is familiar with what a bye-law is and what an Assembly Law is likely to be. I am speaking in an instructive manner to the people across the country who deserve to know what we are speaking about.

Mr. Assam: What is an educated manner?

Mr. F. Hinds: For the benefit of the people, a bye-law is an authority given by a subordinate body to the central government of a state to make bye-laws or

regulations on particular issues as ascribed and prescribed to it by a statute. That is to say there is legislation which gives authority to persons, or a body, to make laws, bye-laws or regulations in a particular area and that is quite different from the parent Act which the Assembly or Parliament would make.

11.20 p.m.

What we create here in our deliberations are Acts of Parliament; statute laws, and we may give to some group of individuals an authority to do certain things and that is obviously quite different from the parent Act itself. The Parliament of Trinidad and Tobago is the only institution, the only element of our Constitution that is authorized to make laws. That is the present position for the governance of Trinidad and Tobago as dictated in section 53 of the Constitution. It has happened many times in the past where Parliament gave authority—as I have described—to other bodies to make bye-laws.

This Bill proposes that the Tobago House of Assembly now has an opportunity to make Assembly laws, and we ask in the spirit of conciliation: What do you mean? It goes further, I will read clause 141B of the Bill:

- “(1) Subject to this Constitution, the Assembly shall have such powers and functions as may be prescribed and, in particular, shall have the power to make laws to be called “Assembly Laws” to provide for such matters as may be prescribed.
- (2) Assembly Laws shall apply only to the island of Tobago and to such territorial waters of the Republic of Trinidad and Tobago as may be prescribed.”

Mr. Speaker, from the reading of these proposals, these laws are designed to affect only Tobago. Is Tobago to have the supremacy, the might and the power of laws that we make in this Parliament? This question is for the benefit of the people who are listening to this important debate and we want an answer. We on this side are fully aware of what the answer is, but we speak for the benefit of the national community. Are those laws—when made to have force—akin to those which we have here? Why is the Assembly not given power to make bye-laws as is customary and usual? How will that affect autonomy for the people of Tobago? Granted, there are clearly some matters over which the Tobago House of Assembly deserves—and we support it all the time—to have exclusive jurisdiction. However, we are asking whether it is necessary to move from the realm of bye-laws to those being described as Assembly Laws.

The point must be made that some persons across this country are of the view that the Member for Tobago East speaks for all the people of Tobago. That is not the case.

Miss Nicholson: We have given him that power.

Mr. F. Hinds: If he speaks for all the people of Tobago, for whom does the Member for Tobago West speak? *[Interruption]* Sister Pam, you have just described yourself and your function in Tobago as otiose.

Mr. Speaker, the facts are that at the last general election the voter turnout in that part of Trinidad and Tobago was—if I am wrong I am sure I would be corrected—in the region of 49 per cent, perhaps even less, I am reminded from Members on this side. The voter share that went to the NAR was about 30 per cent. Therefore, if we want to be misled into thinking that the Member for Tobago East speaks for all the people of Tobago, we are utterly wrong and we would not be so misled. This is why we owe it to those people for whom the Member for Tobago East does not speak, to ask these questions. The people of Tobago depend on us to ask these questions and to demand answers and we will not flinch from our responsibility as parliamentarians, and more specifically as proud PNM parliamentarians with a long history of bringing stability and good governance to this country. *[Interruption]* We welcome all our brothers and sisters.

Mr. Speaker, as we have indicated earlier, autonomy for Tobago, yes; more power for Tobago, yes; more opportunity for Tobago to define and to chart its own affairs, yes. There are no buts. We have asked for the Members on the other side—I like to say the other side but I am aware of the behind-the-scenes implications. We have asked for the Member for Tobago East to give us answers to these questions and we do that recognizing that whatever we do, we have a duty to maintain the unitary state of Trinidad and Tobago. We are prepared to give that up, I might say, if that is the democratic will of the people of Trinidad and Tobago, we will not stand in the way of democracy. However, we do not want anyone to pretend that they speak for all Tobagonians. They certainly cannot claim to speak for Trinidadians, because there is no NAR Trinidad. We want to know that when we take that course of action—if it ever comes for deliberations in this House—it is done with full consultation with the people of Trinidad and Tobago. I am sure that we would not probably get answers to these questions.

On the last occasion I stood here in a similar debate and discussed these issues I got a long exegesis about international law, self-determination, the Charter of

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Human Rights from the United Nations and all manner of explanations but the questions we asked were not answered. However, Mr. Speaker, I recognize it for what it is. It is a technique in avoidance, it is a technique in escapism and I hope that in the interest of the people of Trinidad and Tobago that we would be more forthright, sincere and honest. We must tell the people like it is.

We have expressed our concerns about the question of the Assembly having the right to put in place the Assembly laws. We have expressed our sincere concerns at the question of whether there must be—in order to entrench the interest for the voice of Tobago in the Senate—those radical proposals that are being considered. We have indicated upfront that we are quite prepared to listen with open hearts and open minds to the deliberations. We are not taking any party positions in this, we mean well, as we have always done, for the people of Tobago and we do so with them firmly in mind.

In conclusion, the point must be made that as we deliberate this Constitutional (Amdt.) Bill, if and when it is put on the books and into our Constitution, it would require tremendous effort to remove it, that is to say that if later on, having gone ahead hastily with these proposals today without consulting widely with people of this country, without giving them their just due, respect, hearing of what they have to say, and problems arise as a consequence—and questions are later asked—it would be rather difficult. Once this Bill goes through it would require a three-fourths majority.

11.30 a.m.

I appreciate that there is an effort to entrench the Tobago House of Assembly provisions and we agree with that. All we are saying is that we must be careful with what we entrench and ensure that it is done well for the benefit of Trinidad and Tobago, because once it goes in it would be rather difficult to rearrange at a later date. I commend these few simple thoughts to the Members on the other side.

Thank you, Mr. Speaker.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I believe that today represents a very historic day in the history of this Parliament and of this nation when we sit in this Parliament to debate the Constitution (Amdt.) Bill which seeks to give Tobago some measure of self-government. It is historic because when we look back on the history of the union between Trinidad and Tobago, we see that in the early colonial days Tobago had

more self-government than Trinidad had, under the 1962 and the 1976 Constitutions.

Under the colonial period there was a time when Tobago had a bi-cameral legislature, when they had the power to make laws for Tobago. All of that was taken away later by an Imperial Act, then we had the 1962 and 1976 Constitutions which, in effect, took away any law-making power from Tobago. So there is no question that Tobago never had in its history, the power to make laws that would affect people living in Tobago. That has been a part of Tobago's history.

Mr. Speaker, the Member for Laventille East/Morvant spent much time teaching us about the Constitution being the fundamental law; the Constitution being the highest law; the Constitution being the supreme law; and he was regaling us with the amount of widespread consultations that were done in 1976, to put in place a 1976 Republican Constitution. Mr. Speaker, I do not know how old he was in 1976 but he was very clear that 'we'—that is to say, himself and others—put in place and consulted to put the 1976 Republican Constitution in place. Mr. Speaker, he does not remember or he neglects to tell this House that there was a Wooding Commission of Enquiry that was set up and reported before that 1976 Republican Constitution was put in place, and it was the same PNM who rejected the recommendations that came out of the consultations that were represented in the Wooding Constitution Commission Report. So they sit and say they consulted widely but yet they failed to take into account the report of the Wooding Commission.

Mr. Speaker, in this Parliament—and the *Hansard* would show it—the Member for St. Augustine remembers it very well and drew it to my attention—there was a very lengthy speech made in the Parliament by the then leader of the PNM, rejecting those recommendations of the Wooding Constitution Commission. So if the Member for Laventille East/Morvant wants to take the credit for putting into place, after widespread consultations, the 1976 Republican Constitution, he should also tell us that the submissions that came out of the consultations within the Wooding Commission Report were rejected by the PNM.

Mr. Speaker, he told us then that whenever the Constitution is silent, dishonourable people could do anything. Mr. Speaker, I say to you and those on the other side that it is very clear that for the 34 years that the PNM failed to entrench the Tobago House of Assembly or any kind of government for Tobago within the Constitution, the Constitution was silent. We have to ask whether they

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were then dishonourable because the people of Tobago will tell you that they suffered all those years when the Constitution was silent. So the Member wants to talk about dishonourable people doing anything, when the Constitution is silent, but for all those years when the PNM was in power the Constitution was silent on what was to happen to Tobago.

The Bill that is before this House seeks to entrench the Tobago House of Assembly within the Constitution. No longer will the Constitution be silent as to what is to be done in Tobago; the Constitution would have expressed provisions so that whatever dishonourable intentions the Members spoke about, those cannot be manifested because the Constitution will reflect what would be the position of Tobago and would entrench that position within it.

The hon. Member also made reference to a 1994 PNM Bill that is not before this House. He spoke about an article by Hamid Ghany which, I believe, none of us on this side have read and yet he talked about all of that and he did not tell us what are the proposals that his side will accept. He said, in principle, that they accept that Tobago must be given self-government; that Tobago must be given some kind of autonomy; he said that they have no difficulty with that. Mr. Speaker, if they say that they support autonomy; if they say that they support the principle, then it is our respectful view that they are saying that they support the policy of the Bill; yet they are not telling us what proposals the PNM have; what do they want us to agree to. *[Interruption]*

Mr. Speaker, we listened very well on this side and the Member said that he was concerned about the Senators; he was concerned about the Tobagonians in the Senate; he was concerned about entrenching the Tobago House of Assembly with the three-quarters majority, but he did not tell us what alternative provisions or proposals he could come up with that we could put into the Bill. He talked about fundamental law; supreme law and the highest law of the land in the Constitution.

Mr. Speaker, the Member for St. Joseph reminded us—I know there are many of us in this House who would remember that; I was a Member in the Senate and I have spoken about it before—it was their side who changed the Constitution to fire the Speaker. The PNM Government amended the Constitution to fire a Speaker and place her under house arrest but now talk about when the Constitution is silent, dishonourable people would do anything about supreme law and fundamental law.

Mr. Speaker, 1976 is not 1996—this was 20 years ago—we have talked about it several times in the Parliament. A constitution is not cast in stone; a constitution is not something that remains good for all times—that is what the hon. Member said—it must change as the needs of people arise. So that what was good in 1976 surely cannot be what is necessary and what is needed in 1996.

So that when we look at the Constitution (Amdt.) Bill we need to recognize that there comes a time in the history of every nation when it must make a decision. If this is what the people of Tobago want, then this is what they must have.

11.40 a.m.

Mr. Speaker, the principles and policies contained in the Constitution (Amdt.) Bill are not new. They are principles and policies that have been around, talked about and promised for over 20 years. The Member for San Fernando East said very clearly that they want to co-operate with the Government, that they have no difficulty with the principle of autonomy for Tobago. Mr. Speaker, we feel very sure, then, that the Member for San Fernando East and, therefore, the Members on the other side who consider him to be their Leader, will vote and support this Bill when the time for voting comes, because the principles and policies within the Bill have been with us for a very long time.

The PNM 1994 Bill recognized that Tobago must be given some kind of power to make laws. So, in principle, they have agreed with us. They have agreed that they must be given law-making power. They have stood in the Parliament today and said that Tobago should be given autonomy. If they are true to their words, and if those words are not merely hypocritical, when we come to vote on this Bill, the Members on the other side will surely put their vote, as they say, “where their mouths are.”

Mr. Speaker, the Member for Laventille East/Morvant told us, when he was getting up to make a typical PNM solid intervention—

Mr. Imbert: He is always solid.

Miss Nicholson: He was very apologetic.

Hon. K. Persad-Bissessar: Mr. Speaker, throughout his contribution it was about 10 times—I think the Member for St. Joseph would be able to tell us—but the only thing I found that was PNM typical and solid in that intervention was the number of times he apologized to his political leader, the Member for San Fernando East. *[Interruption]* He repeated his apology on numerous occasions.

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Mr. Speaker, this is a short Bill. I believe that all Members of this House will recognize that Tobago has suffered for far too long. The people of Tobago have continued to suffer and will continue to suffer, unless Members of this Parliament are willing to put their vote, as I say, “where their mouths are;” are willing to make a firm decision to give Tobago the strength, courage and power to self-govern, which it deserves.

I thank you very much.

Dr. Vincent Lasse (*Pt. Fortin*): Mr. Speaker, while addressing the Bill, “An Act to amend the Constitution of the Republic of Trinidad and Tobago”, I shall deal extensively with the concept and denial of the right of a people to self-determination. I shall speak about the attitude of the Member for Tobago East, Chairman of the Joint Select Committee and, of course, the consequences that would logically follow from his actions, whether covert or overt.

Mr. Speaker, I must speak briefly on the comments made by the Member for Siparia. I listened to the Member very attentively, and when she mentioned that this is an historic day in Parliament, I wondered why the Prime Minister of Trinidad and Tobago—

Mr. Manning: Is not here.

Dr. V. Lasse: —is not here.

Miss Nicholson: I gave him permission.

Dr. V. Lasse: She also mentioned, Mr. Speaker, that the Tobago House of Assembly had been in existence some 34 years, which I cannot recall, and nothing had been done—

Mrs. Persad-Bissessar: I thank the hon. Member for giving way. I am sure the record will reflect I did not say that the Tobago House of Assembly was in existence for 34 years. I talked about Tobago and the people of Tobago over the 34 years.

Mr. Manning: They were in existence for 34 years, you say? Longer than that.

Dr. V. Lasse: She spoke about the existence of the people of Tobago for 34 years, Mr. Speaker, and went on to state that the PNM in government did nothing concerning the arrangements between Trinidad and Tobago. I ask her: What

took place between 1986 and 1991? At that time I can recall that the Member for Tobago East was the Prime Minister of Trinidad and Tobago, and one wonders why he did not take the necessary steps.

I also want to allude to another point made by the Member for Siparia when she mentioned that the Constitution was amended concerning the issue of the former Speaker of this House. All I can say to her, Mr. Speaker, is that probably she should bring to this House the number of that Act.

Finally, in her very short contribution she mentioned apologies by my colleague, the Member for Laventille East/Morvant, and I can only say to her that, probably, she should get involved in making apologies. She may one day find herself back in the position she once held.

Mr. Manning: She should apologize to Ramesh.

Dr. V. Lasse: As I said in my opening remarks, Mr. Speaker, my intervention in this debate will be centred around the sacred and enshrined principle of self-determination. I stress self-determination because the principle of independence does not arise here.

There are some people who use the principles of international law to suit their own selfish desires, whims and fancies, as was mentioned earlier by my colleague. One only has to listen to the Member for Tobago East in the very pious and sanctimonious way in which he puts over some of the points. But, Mr. Speaker, I submit there are some people who may have a desire to fulfil some dream, and as such, their judgment may be clouded and one may say at times, they allow their emotions to run away with their wills.

Mr. Speaker, Trinidad and Tobago as a unitary state has always been a major player in the struggle for self-determination and independence of a people. Trinidad and Tobago has held high office in the United Nations, on the "Committee of 24", a committee on decolonization; and we have also served for many years as the rapporteur of that committee.

11.50 a.m.

Our Ambassadors to the United Nations have held high offices and have played pivotal roles in this whole question of self-determination. I say this to establish the fact that Trinidad and Tobago is no stranger to the concept of self-determination.

Mr. Speaker, when I see that this principle is about to be violated by one of our so-called elder statesmen, an international figure, an individual who has been in the

forefront for the establishment of an international criminal court, we on this side wonder what the international community would think of him if he seems to be a person who is trying to deny persons their right to self-determination.

Miss Nicholson: You are not clear. Go over that again because we have to reply.

Dr. V. Lasse: The stance of the Member for Tobago East, Mr. Speaker, on the question of self-determination as I see it, leaves much to be desired. I wonder: Is there a hidden agenda? What is the motive? I can recall and I wonder—why did the Member for Tobago East not see it possible to hold extensive consultation with the Chairman of the Tobago House of Assembly on this very important issue? I repeat, it is not for the politician, however clever he may be, to determine the future relationship of the people of Trinidad and Tobago. I must state that it is for the people of Tobago and the people of Trinidad to determine their future relationship. This is what I call the sacred principle or concept of self-determination of a people.

I want to concretize this point before I delve into the substance of the debate. Further on the question of self-determination, I have had occasion as a young diplomat, to be on several visiting missions to dependent territories to determine the wishes of a people to self-determination and independence. I say here that the Member for Tobago East alluded to this in his contribution when he spoke about persons requiring to live in secured situations, but I would allude to two of those visiting missions. One was to the Cocos Keeling Islands administered by Australia and the other was closer home, to Montserrat. In both instances, the people, by utilizing this concept of self-determination, decided to remain under the administration of Australia on the one hand as far as the Cocos Keeling Islands were concerned and Montserrat in the other instance under the administration of the United Kingdom. But what was important here was the fact that the persons were consulted and they exercised that right to self-determination.

Mr. Speaker, the Member for Tobago East spoke about security in his presentation, and for any relationship to be secure, the persons on both sides must, of course, decide. Let us now examine the case of Tobago and I repeat, Mr. Speaker, it is the people of Tobago and not a politician, who must decide the future relationship of the people of Tobago and Trinidad.

Mr. Robinson: You want to have a referendum!

Miss Nicholson: Referendum. We will eat you all.

Dr. V. Lasse: What are we being asked to determine for the people of Tobago? Mr. Speaker, there seems to be an unusual haste in this matter. This

question was asked in an article appearing in the *Trinidad Guardian* dated November 7, 1996, at page 25. I quote:

"Why is our Minister of Tobago Affairs, who is also the Chairman of the Joint Select Committee,..."

—of Parliament on the review of the constitutional arrangements for Tobago—

"...not being open about this and honestly giving the reason? His glaring silence, which these days is sadly the norm, reeks of subterfuge."

The article went on to state:

"For the first time in one hundred years, the Central Government is seriously prepared to give Tobagonians the autonomy within the Unitary State which it has sought for so long. A small circle of intellectuals has recognised that the governance of this island is thus 'up for grabs' and has moved accordingly. Public comments have been suffocated and legislation is being rushed to beat an unnecessary deadline."

Mr. Speaker, this UNC/NAR administration, by its haste, is trying to muzzle the people of Tobago. The people of Tobago, and by extension, the legitimate representative of all the people of Tobago, the Tobago House of Assembly, has not been given an opportunity to meet with the Joint Select Committee. What we have before us today, is a Bill to amend the Constitution of the Republic of Trinidad and Tobago, but the people of Tobago have not been adequately consulted.

12.00 noon.

Mr. Speaker, based on facts, we, on this side, will never stand in the way of progress for Tobago because we will always do our best to foster good relationships between the people of Trinidad and Tobago. But this Parliament is being set up and pressured into a deadline situation. How could an election day be set before the legislation governing the relationship of the people is approved by Parliament? It is a simple question.

As I said in my opening remarks, my intervention in this debate would be centred around the sacred and enshrined principle of self-determination—I stress here, the principle of self-determination of a people, in this case, the people of Tobago.

I believe that we are trying to destroy common ground. This was the title of the opinion column of the *Daily Express*, of November 20, 1996, on page 8. This

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opinion, in my view, spoke volumes with regard to the constitutional and legislative arrangements for Tobago, the role of Minister Extraordinaire, the Member for Tobago East and the question of self-determination of the people of Tobago. I have repeated on many occasions, it is not what the Member for Tobago East wants for the people of Tobago, it is what the people of Tobago want for themselves.

Based on the results of the last general election, the Member for Tobago East received only 30 per cent of the votes—

Hon. Member: But he is the Member. So what?

Dr. V. Lasse: The point I am trying to make—I am hearing an aside—is the fact that a person who represents 30 per cent of a population cannot adequately speak for all the people of Tobago. This is the issue. For this reason, permit me to quote from the opinion column of the *Daily Express* dated November 20, 1996. Page 8 states:

"Mr. Robinson is now a key member of the UNC-NAR coalition Government. In fact, if he were to withdraw his support from the coalition, it would collapse. It is understandable, therefore, that he should seek to use his position of clout to advance his goals for Tobago."

The operative words here are "his goals" and not the goals of the people of Tobago. It is lamentable for an individual to utilize his position of clout to decide for a people, thereby depriving them of the right of self-determination. It may well be that the Member for Tobago East could be brought—and I repeat—it may well be that the Member for Tobago East could be brought before the Human Rights Commission for this action.

Minister Extraordinaire holds the trump card, so to speak, over the people of Tobago and over the UNC/NAR Coalition Government. The opinion column went on to state that, and I quote:

"It is equally understandable that the Government would be moved to accommodate him, Minister Extraordinaire and Member for Tobago East as far as possible."

I ask the question: How far would they go? The article went on to state again, and this is very instructive:

"This is not meant to impugn nobody. It is simply a statement of the real politics of the situation."

The relationship between Trinidad and Tobago cannot be determined simply by political trade-offs without thought to the territorial integrity of Trinidad and Tobago. After all, the thrust of these arrangements has to lead, as far as arrangements in themselves make this possible, to the strengthening rather than the weakening of the historic relationship that exists between these two islands whose people have lived relatively free of rancour, who have inter-married and whose children find common ground in both Trinidad and Tobago.

Can we quantify the number of persons born in Tobago now living in Trinidad and vice versa? For them, Trinidad and Tobago is indivisible, but politicians and some politicians, in particular, think differently—power to control.

12.10 p.m.

Mr. Speaker, we on this side of the House are concerned about the hidden agenda. Is the hidden agenda secession? If so, an individual, or a few like-minded individuals, should not be allowed to decide the future of the people of Trinidad and Tobago. That is why the Constitution (Amdt.) Bill, 1996, which we are now debating, and the Tobago House of Assembly Bill, 1996 needed the widest possible consultation. We on this side are convinced that the people of Tobago, and the people of Trinidad, did not have the opportunity for the widest possible consultation. The Tobago House of Assembly argued this case through the Chairman of the Tobago House of Assembly. Do we need a better example than the voice of all the people of Tobago? I say no more, Mr. Speaker.

Mr. Speaker, I am very concerned about the role of the Minister Extraordinaire, Member for Tobago East, who is now sitting in the seat of the Member for Couva North, which causes me to remember something.

Mr. Robinson: Jealousy.

Mr. Maharaj: Envy! Envy would get the Member nowhere.

Dr. V. Lasse: Mr. Speaker, as I said, I am concerned about the role of the Minister Extraordinaire in this matter. It seems to me, on the one hand, that he is calling all the shots in this matter, but we must also remember that this hon. Member for Tobago East once said in 1974 that political change was more certain to come about by a military coup and violence rather than the peaceful and democratic process. The Member for Tobago East in 1974 said that.

Mr. Speaker, in the first instance, I would like to know whether the hon. Member for Tobago East still harbours this view. In the second instance, if he does

not achieve his personal goals for Tobago, would he revert to his thinking in 1974?
[Desk thumping] This is what I would like to know.

Mr. Speaker, by the way, this information was obtained from the *Daily Express* dated Monday, October 21, 1994 headlined "Robinson rules out peaceful change".

Mrs. Persad-Bissessar: Again, the Member is misquoting that story.

Dr. V. Lasse: Mr. Speaker, I agree that some Members on the Government side would not agree with this line that I am taking now, but I am sure that the Member for Tobago West would not associate herself with them because she would wish to see that the people of Tobago and the people of Trinidad enjoy the best relationship.

Mr. Speaker: Hon. Members, the sitting of the House is suspended until 1.30 p.m.

12.16 p.m.: *Sitting suspended.*

1.31 p.m.: *Sitting resumed.*

Mr. Speaker: The Member for Point Fortin.

Dr. V. Lasse: Mr. Speaker, before we went for lunch I was making the point that I was convinced that some Members on the other side may not appreciate the line of self-determination which I was taking. I am convinced that the Member for Tobago West would not associate herself with them because she would wish to see the people of Tobago and Trinidad enjoying the best of relationships. For this to be possible I reiterate that the voices of the people of Tobago must be heard through the duly elected representatives of the people of the entire Tobago community.

I speak here of the Chairman of the Tobago House of Assembly. The hon. Prime Minister on one hand, and the hon. Minister Extraordinaire and Minister of Tobago Affairs on the other hand, both have turned deaf ears to the supplications of Mr. Denoon, the Chairman of the Tobago House of Assembly. I wish to pose a very simple question. If a minister of government fails in his duty or uses his position to spite an individual, should that individual not take his case to the hon. Prime Minister? This is the question: If the Prime Minister fails to act, what would the national community think of him in this instance? Would they view it as a sort of political trade-off, or would they conclude that probably in this instance, the tail is wagging the dog?

The actions of the Minister Extraordinaire and the Minister of Tobago Affairs and the Prime Minister over the constitutional and legislative arrangements for Tobago may well be solid grounds for a *prima facie* case pursuant to international law. The Member for Tobago East should be aware of this. I speak of the denial of a people to a fundamental right of self-determination. The Member for Tobago East may wish to laugh at this, but we are aware that he is pushing the head for the establishment of an international criminal court.

Self-determination of the people is the issue. For this reason permit me to quote from the *Manual of Public International Law* edited by Max Sorensen. Page 509 states:

“The United Nations designates the principle of self-determination of peoples as one of the bases of the development of friendly relations among nations. Overcoming arguments that self-determination should be no more than a political principle, the General Assembly of the United Nations recognized in 1952 that the violation of the right of peoples and nations of self-determination had resulted in war in the past and was considered a continuous threat to peace; and decided to include in the Draft Covenants on Human Rights, a provision to the effect that all peoples have a right to self-determination.

Two such International Covenants on Human Rights, adopted by the General Assembly in 1966 contain similar articles concerning the right of all peoples to self-determination, that is to say, freely to determine their political status and to pursue their economic, social and cultural development.”

This Government, the UNC/NAR coalition could be called before the Human Rights Commission.

1.40 p.m.

In 1978 the Government of Trinidad and Tobago was accused of not advancing the cultural development of the Carib Community. As the foreign service officer responsible at that time, I went before the Human Rights Commission in Geneva to answer the charges. The Government of Trinidad and Tobago was able to prove beyond any reasonable doubt, that it permitted the parallel cultural developments of ethnic groups and all social and cultural groups in Trinidad and Tobago. Based on what I had said before concerning the denial of the right to self-determination of the people of Tobago, I am not sure that this UNC/NAR Government would be able to prevail if it is called before the Human Rights Commission to answer such charges.

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I now come to the instant case. I read in the *Trinidad Guardian* of November 7, 1996 at page 1, and I quote:

“Deborah Moore-Miggins one of the rising stars of Tobago politics, resigned as a Government Senator yesterday.

Moore-Miggins resignation came only one day after she abstained in a Senate vote to reconvene the Joint Select Committee of Parliament looking at reforms to the constitutional arrangements for Tobago.”

The article went on to state that there had not been adequate consultation on the report of the committee which was headed by Minister Extraordinaire and Minister for Tobago Affairs, Member for Tobago East, Hon. A.N.R. Robinson. In this article Mrs. Moore-Miggins was quoted as saying that Tobago is “too small for the kind of petty politics we are practising here. The politics of hate and divisiveness is for those who are not secure with themselves.” This seems to be the case because in recent times, the PNM has been making very good grounds in Tobago. I wonder of whom the former Government Member was speaking? The article to which I would now refer may well be the basis for yet another case at international law.

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

Motion made, That the speaking time of the hon. Member be extended by 30 minutes. [*Hon. P. Nicholson*]

Question put and agreed to.

Mr. Speaker: Without in any way wishing to limit matters, I respectfully ask Members to look occasionally at the Bill and the clauses that are before the House. I understand there is another Bill which is before us. I think that I need to remind Members to try to deal with the five clauses of this Bill.

Dr. V. Lasse: I thank the Member for Tobago West for being generous and also other Members. In my opening remarks I made it very clear the line of argument that I would be adopting on this Bill throughout my contribution and, I am trying to keep that line.

I was speaking of certain articles which related to the question of the denial of the fundamental right which I spoke of—the right to self-determination, and I wish to refer to an article which may well be the basis for another case at international law on this matter.

The *Daily Express* dated November 9, 1996 carried an article entitled “THA wants elections put off,” and I quote:

“The Tobago House of Assembly yesterday wrote Prime Minister Basdeo Panday asking for a postponement of the December 9, Tobago Elections.”

The letter which was signed by the Chairman Mr. Lennox Denoon requested a 90-day extension to allow time for consultation between the Tobago House of Assembly and the Government on the proposed new constitutional and legislative arrangements for Tobago. This, in my view, was a reasonable request. Mr. Panday told the *Express* and I quote:

“The elections will proceed as planned—even if the new arrangements for Tobago were not approved by Parliament in time for the December 9th date.”

It is interesting to note however, that the Government of which Mr. Panday is the Prime Minister had previously indicated that he wanted the new arrangements to be in place in time for the Tobago House of Assembly Elections.

One can see the contradiction here; the Member speaking from both sides of his mouth. From the comments of Mr. Denoon, the Prime Minister and Minister Extraordinaire must explain to this honourable House what is the haste. Is there some hidden agenda? Has someone promised not to speak to somebody? Parliament and the national community should get the facts surrounding this most important issue. If not, the seeds of discourse would be sown and speculation of course, would become the order of the day.

Mr. Denoon said in his letter that the Tobago House of Assembly was never formally invited to contribute to the deliberations of the parliamentary committee which was set up to review the arrangements.

1.50 p.m.

I believe that this is a very serious statement.

Mr. Denoon reminded the Prime Minister that he had promised to consult the Assembly about the draft legislation before taking it to Parliament. In my humble view, this shows a lack of respect by the hon. Prime Minister for the Chairman of the Tobago House of Assembly and, by extension, the people of Tobago. However, I trust that good sense will prevail and the Prime Minister will, at the appropriate time, find it possible to make an apology to the Tobago House of Assembly and the people of Tobago. The Prime Minister should be reminded that he is the Prime Minister of Trinidad and Tobago for the time being.

Mr. Denoon also noted that the committee, which was chaired by the Minister Extraordinaire, Hon. A.N.R. Robinson, had submitted its report to Parliament

and there appeared to be no intention to consult with the Tobago House of Assembly, and by extension, the people of Tobago. If this is so, this is also a serious lapse by the Member for Tobago East.

The Member for Tobago East has always boasted of his 40-odd years in public life. I wonder how he could make a mistake of this nature and ignore the duly elected representatives of the people of Tobago. It is one thing for the Member for Tobago East to call Members on this side, as he did, polluters of Tobago, but I am sure that he would not be able to call Mr. Denoon, Chairman of the Tobago House of Assembly, a polluter. While I would forgive him for calling Members on this side polluters—at certain ages in life we all have mental lapses—he should be careful in his dealing with the Chairman of the Tobago House of Assembly. If he cannot respect the person, he should respect the office he himself once held.

Bearing in mind the points I have made, my political leader, the Member for San Fernando East, indicated that we will support the concept of this Bill. This being the case, I look forward to the Bill moving on to the committee stage.

I thank you very much.

The Minister of Sport and Youth Affairs (Hon. Pamela Nicholson): Mr. Speaker, I am very pleased to rise in this honourable House another time in the interest of the people of Tobago, for whom the Member for Tobago East, Minister Extraordinaire, Leader of the National Alliance for Reconstruction and leader of the people of Tobago and I are the representatives.

When we rise here to speak, we are not only talking for a part of Tobago, we are talking for every individual living in Tobago. What we are dealing with here is a bill to amend the Constitution of the Republic of Trinidad and Tobago and we are at the 20-year stage. When we hear absurd arguments; when representatives of the people speak and they do not understand what Tobago is; when they get up and make certain statements, as a representative myself, I just cannot sit here and allow a bill like this to be dealt with in such a fashion. In fact, in all the discourse which we have heard here today, everyone strayed from the Bill, except the Minister Extraordinaire who presented the Bill. It is a constitutional Bill and they have strayed from it. Instead, there was a devious, contemptuous, rude attack on the Minister Extraordinaire, which we, the people of Tobago will not entertain.

Before getting into the Bill, I must reply to their statements. *[Interruption]* I will deal with that later. They understand that I forgot. I have a little lapse now and again.

I would like to focus my attention firstly on the contribution of the Member for Point Fortin. I was clearly disappointed with the weak contribution I heard today from an individual who was supposed to be a foreign affairs officer for Trinidad and Tobago. He spoke about the clout of the Member for Tobago East. He said that the people of Tobago did not want him. My argument is that—I am not talking about 1958, I am using the period of this battle for the people, which has been taking place since 1976—if the people did not want the Member for Tobago as their leader in this struggle, they would have removed him. So, Mr. Speaker, that is not a point. We walked the streets of Tobago; we consulted. From 1976, I was there with the Minister Extraordinaire and others.

2.00 p.m.

I was one of the leaders who went through all the communities of Tobago from Scarborough into Charlotteville, L'Anse Fourmi, Parlatuvier, up and down for several years in the debate for self-determination and devolution of power for the people of Tobago and they have consistently responded. Mr. Speaker, we have the clout and on Monday, December 9, 1996, again the people will be responding and returning the 12 representatives of the National Alliance for Reconstruction to represent us in the Tobago House of Assembly. If people are saying that they want other ways of dealing with it, we welcome them; just come to the people of Tobago.

Mr. Speaker, I am of the view that one of the failings in the PNM and even now, is that there are several representatives who do not understand what is self-determination, and one of the major Members who should be teaching self-determination to his fellow parliamentarians seems to be worse off than all the others whom I have heard in this House. The Member quoted a section from a document where he was talking about continual violation, but the people have been supportive, and the area of Trinidad and Tobago that has been violating is Trinidad, led by the People's National Movement. I was wondering if he understood what he was really saying that we were violating. He has a case to take us to the human rights division of the United Nations and he is well equipped as a Foreign Service Officer. I felt so sad to see that he did not understand even the statement which he was reading. *[Laughter]*

I am calling on the Member for Diego Martin West to open a school for the representatives of the People's National Movement because he seems to be the only individual across the floor who understands the Tobago struggle because he is

from Tobago and knows its problems. One could sit with the Member for Diego Martin West and we might invite the Member for Diego Martin East to be a party to the discourse because they seem to have an understanding.

Mr. Speaker, what is the fear? That there is a hidden agenda on the part of the representative for Tobago East? If there were a hidden agenda, we would not have remained for 20 years, we would have moved away from Trinidad because of the anger in the people. We, as their leaders are able to control that anger. It is because of good representation, there is no hidden agenda. The people of Tobago understand that the majority of the territorial waters of Trinidad and Tobago belong to them, and if they want to move away they could do so, but because we believe in harmonious relationships between Trinidad and Tobago we are here.

Mr. Narine: Sugar cake, benay balls and flying fish.

Mr. Assam: You all are wicked people. You all have them in that position and boasting about it.

Hon. P. Nicholson: We believe in an integrated Trinidad and Tobago, but we are saying—

Mr. Assam: You people are really wicked—

Hon. P. Nicholson: Cool it nah man, you are disturbing me. *[Laughter]*

Hon. Member: Keep quiet!

Hon. P. Nicholson: Mr. Speaker, we believe in an integrated Trinidad and Tobago, but we are saying that there must be justice for the people of Tobago. There must be democracy, the system must be totally democratic so that there must be equity of justice, economics and political equity and that is why we are here.

Mr. Speaker, when one looks at the minority report of the People's National Movement, one of the main areas that we are dealing with today is nowhere in that report. When we even had the discourse through the Joint Select Committee, the People's National Movement could not understand what we were saying when we said that if there is a bi-cameral system and there are two parliamentary representatives in the Lower House, there must be constitutional representation in the Upper House. We are saying that we must have at least three Senators, because we have been deprived of our rights from Independence to now, and there are two islands making up the sovereign state of Trinidad and Tobago, the smaller island cannot

function from a constitutional level without Senators. We are not, and cannot be seen as a geographical region of Trinidad. The state is a sovereign state according to the *Constitution* under Preliminary 1. Page 11 states:

“The Republic of Trinidad and Tobago shall be a sovereign democratic State.”

It is not the Republic of Trinidad and Mayaro; the Republic of Trinidad and San Fernando; nor the Republic of Trinidad and Laventille; it is the Republic of Trinidad and Tobago. Whether Tobago is two square miles wide, it must be given its representation.

Mr. Speaker, it is very sad that in this country today, and even in the other place, there are representatives who are coming to talk Tobago’s business and make decisions on Tobago who do not understand that the two islands make up the sovereign democratic state. People who talk about Tobago must see it as what I have just explained, as if it is a region of Trinidad, but we are divided by water.

I have to give the Member for Laventille East/Morvant a little credit for he conceded that one could not see Tobago as being a part of Trinidad where one can jump into a car and so forth; that was the argument. Some of the other Members do not understand and persons who are to take a serious decision on Trinidad and Tobago do not understand. We understand and are crying out for that. There are persons in the other place who are saying that they do not agree if it asks for self-determination it shall be given, because the Bahamas has “x” number of islands. If the people of the Bahamas are satisfied with the system that they have and they are getting justice, if democracy is practised, they would not cry out for anything. But when one is dissatisfied and not getting justice and is functioning in an undemocratic system the people will cry out. When there is no equity, the people will cry out.

2.10 p.m.

I want to deal with that immediately. We would like all our parliamentarians to understand what the struggle is about. We do not want separation nor secession; that has always been thrust upon us by the People’s National Movement. Our leaders have never said that.

Mr. Speaker, I have one point to make because there are some people who say “A” and “B”. However, if as time goes along—we might not be alive—and as the people develop and grow, they want to go in a certain direction, one cannot interfere with that. The people will rise up and deal with that. Only a few days ago

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the people in Nevis said that they were breaking away from St. Kitts. *[Interruption]* Probably 20 square miles and they have 10,000 people.

There is no other island in the Caribbean—the Leeward Islands, the Windward Islands—with the size and population of Tobago, linked with a bigger island that is functional. All those islands are functioning independently: Grenada, St. Vincent, Barbados and so forth; and that is the reason Tobago is in that state of neglect. The lack of development in Tobago is because of poor representation—*[Laughter]* Not representation—you cannot have stronger representation—but it is the poor response from the Government which has always been in charge of Trinidad and Tobago.

I want to make the point very clear that it must be recognized that the sovereign state is made up of two islands. What are the islands? They are Trinidad and Tobago. If there is a Parliament, there must be constitutional space, not only for Trinidad, but for the people of Trinidad and Tobago. We must not just be dependent on whether a party decides to give two or three Senators, that must be constitutionally enshrined. We are therefore saying that we want our Senators to be constitutionally enshrined.

The Member for Point Fortin and other Members of the PNM spoke about their fear of a hidden agenda; that they were afraid that people of Tobago wanted secession. If we wanted secession or separation we would have done so long ago. The people of Tobago are not afraid to say so. If the people say they want that, we, as their representatives, are not afraid to do that. However, we are not promoting that. We are promoting integration but we are saying we want autonomy. The PNM government had not been able to do a number of things for Tobago and although it had all the powers and functions, there was still backwardness and neglect. The previous government did not do it, probably because of the separation of water, probably because the planners who advised the PNM government did not understand that Tobago is a special case and must be seen in a particular way.

With respect to sports, one cannot see the Hasely Crawford Stadium playing the same role for Tobago that it would play throughout Trinidad, and that is because of the separation by water. People just cannot jump in a car and go there. One has to buy a plane or boat ticket and then do the rest. Sometimes one does not even get the transport.

There is also the case of the University of the West Indies based in Trinidad. We are not saying that a stadium should be built in Tobago, but one must have a

multi-purpose complex there to serve the sporting wishes of the people of Tobago. However, the planners of the previous government who planned from year to year for the budget never said that and they did not see that. The politicians have not seen that, even though we have been campaigning and arguing for it.

We are always strongly supportive of a harmonious relationship between Trinidad and Tobago and if persons functioning as Ministers of Foreign Affairs do not even understand their role and what is self-determination, we would have a problem.

I was very disappointed with my hon. Friend, the Member for Laventille East/Morvant, this afternoon, in the sense that when he rose, the first thing that he did was to attack the women of Trinidad and Tobago, through firstly attacking the women of Port of Spain South. If I belonged to the People's National Movement I would have asked him to immediately rise and apologize to the women. When he spoke about nocturnal meandering of the women in the constituency of his hon. Friend from Port of Spain South, he should have been asked to withdraw that statement immediately, and if he did not withdraw it, he could not be a Member of the People's National Movement. The women of Trinidad and Tobago should rise against that. *[Interruption]* He said that! I took my notes.

Mr. Speaker, I was very disappointed to hear my hon. Friend make that statement. He knows that he said it and he looks very humble across there. However, he must get up and apologise to the women. Without an advanced women's group in one's country, the country would never develop. Even if the Member for Laventille East/Morvant made the statement about a hidden agenda—and throughout, that was the discourse—*[Interruption]* I have dealt with that already and I do not think I have to go back to that.

What the Member was doing when he spoke about certain constitutional changes that we are arguing must take place, like giving Tobago its Senators in the Upper House—Mr. Speaker, when we say, whereas it is enacted by subsection (1) of section 54 of the Constitution that Parliament may alter any of the provisions thereof, and we are asking for the Senators, and we say we want the parliamentary Act to be constitutionalized and so forth, Mr. Speaker, he is saying that it has been silent for many years and it is something that one should be afraid to touch. Constitutions all over the world have been amended to meet the needs and aspirations of the people. A constitution addresses the business of the people in the country. *[Desk thumping]*

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The minority report of the PNM does not tell us anything about Tobago getting Senators. One of their Senators who spent a few days and departed did not even know; he was wondering whether there should have been one or two Senators. I am going even higher and saying that we should get one third. *[Interruption]* I do not know how it would be done, but I am prepared to sit and negotiate how we would do that. However, I would go with the wishes of my Government. Whatever the wishes of my Government are today, I will go with them. *[Desk thumping]* *[Interruption]* No, there are two countries. These changes are taking place all over the world.

2.20 p.m.

Mr. Speaker, it was only recently that there was a case in India where 35 women in Parliament, marched in the streets of India saying, “we must get one-third of the people in the Parliament”—the people who served the country. Tobago is one of the islands which comprise the state so there is nothing alarming if the people eventually say, “give us one-third and you must keep two-thirds.” As I said, Mr. Speaker, I am going with the wishes of my Government.

With regard to the statement made by the Member for Laventille East/Morvant, that we must not touch it because when something is silent it is dangerous to touch, Mr. Speaker, that is a very ignorant and backward statement. I was very surprised that a lawyer would get up in the House and make a statement like that and use something about conduct in some South African document. I am saying that there are developments all over the world and that some countries are more developed than others and as they go along in South Africa they would change that. When the people reach a certain level and they want some other needs and they see that that is meaningless, the people will say, “we want that to be removed from our preamble.”

Mr. Speaker, I am very, very disappointed in what I heard here this morning—wasting time—when what their question should be is: “What do you want us to do?” Then we would tell them, “Well, we want to do A, B and C.” For example, like the question of Senators, we can sit and discuss how we are going to do it, but Tobago must be given its representation in the Senate. We can sit with them and negotiate that; that is not problematic. I do not feel that my side is against sitting and talking about that. If they feel we should not have 37 but we must get our three or our five or our six in whatever way; it should be.

Mr. Speaker, the other area was that section 54 of the Constitution should be amended by inserting after “139” sections 141A and 141E and we should just put in that:

“The Assembly shall consist of a Presiding Officer and such other members qualified and appointed in such manner and holding office upon such terms and conditions as may be prescribed.”

Nothing is problematic about that. It continues:

“Subject to this Constitution, the Assembly shall have such powers and functions as may be prescribed and, in particular, shall have the power to make laws to be called ‘Assembly Laws’...”

I see nothing wrong with that. Perhaps we might want to discuss how we will approach it. To have laws to deal with special problems in Tobago, there is nothing wrong with that, but the approach and the procedure might be something that we might want to discuss and resolve here today. That is all that I can see there. That is no big problem. To have Assembly Laws to deal with special issues in Tobago, this is one of the issues that the people are crying out for. The quote continues:

“There shall be an Executive Council of the Assembly consisting of a Chief Secretary and such number of Secretaries as may be prescribed...”

There is nothing wrong with that. We need that. I discussed that the last day when I said that we must have secretaries. We are just calling them secretaries as the Government will say ministers. We want an Executive Council to plan the business of Tobago and we are saying that if it must be handled at a particular level, we must give salaries and perks to these people so that we would attract the people of the right quality to function in the Tobago House of Assembly.

We also spoke about dividing them into secretarial areas, that is, there would be a batch of areas and I pointed out the last day that there can be the social development areas such as education, culture, sports, youths and so forth together as a batch, and a secretary to run that. Then there must be somebody at the permanent secretary level who can be advised to ensure that Tobago is run at the level that it should be run. When dealing with tourism for the development of Tobago, people would want information and they must have the advice; they must have the planners to do that. What is wrong with that? It is developing the other island to bring funds into the country and to develop economically which

would be advantageous to Trinidad and Tobago, to the sovereign state. What is wrong with that? What is wrong with giving them technical officers to advise and to guide?

Mr. Speaker, I strongly support the Constitution (Amdt.) Bill that was laid by the Member for Tobago East, Minister Extraordinaire. I feel that it has addressed the problems which confront Tobago in a meaningful way. I hope that my hon. Friends on the other side will give support to the advancement and the development of Tobago. I do not feel that we must waste more time today discussing. What we should do now is to go straight into—of course, Minister Extraordinaire will have to clean up everything here before we go into that. I feel that is the stage where we ought to address this problem.

Mr. Speaker, this is a very critical period in the lives of the people of Tobago in particular, and Trinidad and Tobago in general. No one could argue that. Anybody who gets up in this House and says that we have not consulted, we have not debated; we have consulted and debated for 20 years. The worst period that we had in our struggle was the 1980—1981 period when the Member for San Fernando East was sent to Tobago by the PNM government of Trinidad and Tobago. I think the Prime Minister at that time was Prime Minister Chambers. If ever there was a time when Trinidad and Tobago could have been separated, it would have been then. It was because of the strong leadership in Tobago why we did not go in that direction. The matter was finally resolved by the quality of leadership of Minister Extraordinaire who was the Chairman of the Tobago House of Assembly at the time and, with the good leadership also of Prime Minister Chambers. Two other Ministers were sent to Tobago and the Member for San Fernando East was withdrawn from the whole business and then things improved and that harmonious relationship was developed and strengthened, Mr. Speaker.

2.30 p.m.

So I believe that this is a very critical time, when we know what Tobago wants and what is the meaning of the Tobago House of Assembly for Tobago. We also understand the importance of the two parliamentarians in the Lower House of the Parliament, and why we must have representation in the Senate; and this is what the struggle is about.*[Interruption]*

Mr. Speaker, I urge Members on the other side to give all the support that they can to this Bill, and if they want to be able to come to Tobago—I will not say the rest, Mr. Speaker—I would not like the press to say that I made certain kinds of

statements, as other people did with another programme. I am not saying that. *[Interruption]* But the Leader of Business in Tobago said they must not come there. He said they have set up a structure in which he is the leader and so forth, and that we cannot do that. I wish to inform him that our leader is the same person who is the leader of the National Alliance for Reconstruction, but he comes from Tobago.

So, obviously, the running of the THA election will be led by him, because he is from Tobago. When one considers the insinuations about this, Mr. Speaker, they are saying that the Opposition Leader must not come to Tobago. Ex-Senator London is even telling the Member for Diego Martin West that he cannot go there to do anything. But the Member for Diego Martin West is my hon. Friend, and if they do not want him, Sir, I invite him to join the very progressive party, the very progressive institution—I know he is understanding right now, he is just trying to hang on by a string—I know soon he will come to Sister Pam and say, “Sister Pam, I want to join.” So I want to urge him—

Dr. Rowley: UNC or NAR? Which one?

Hon. P. Nicholson: —to give us all the support and let us not get into the—

Mr. Assam: Nomenclatures.

Hon. P. Nicholson: Yes, I think that is the word; and waste time. Irrelevancies, we had here this afternoon from the Member for Pt. Fortin. Let us not waste time with that. Let us be relevant and deal with the Constitution (Amdt.) Bill 1996.

I thank you, Mr. Speaker.

Mr. Narine: Ralph, you could come back now!

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. Speaker, it is always indeed a profound pleasure and honour to speak here after my dear aunt. Thank you, Pam. *[Laughter]*

Miss Nicholson: He should call me “Sister”, Sir.

Mr. R. Boynes: Thank you very much, Mr. Speaker, for recognizing me as I join this debate on such an important and sensitive matter, which affects relationships between Trinidadians, Tobagonians and people of Trinidad and Tobago, as one people.

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One has to understand that we are here to deal with what, to my mind, is one of the most important issues with which this country has ever dealt; and I ask hon. Members to deal with this in such a manner. This is not a game; it is no joke, Mr. Speaker, it is the business of the people of Trinidad and Tobago and the relationship that would exist between the people of Trinidad and Tobago. I have cousins from Tobago and what affects us today, Mr. Speaker, will affect us for the rest of our lives.

Much water has flowed under the bridge and it has been poisoned by mistrust, resentment and insecurity. In order to adequately understand the approach that should be used, one has to be truthful and frank with the people of Trinidad and Tobago. We on this side understand the struggle of the people of Tobago, a struggle which did not start 20 years ago. Since the 1700s the struggle began, and I will go into that in a short while. If I may say so, we on this side feel the struggle. That is why we have put things in place, from a proactive perspective, whereas the Member for Tobago East, while he was Prime Minister of this honourable country in 1986 was sleeping, or busy firing the Member for Couva North, Mr. Speaker.
[Interruption]

Mr. Speaker, in order to adequately understand how to deal with this particular matter, one has to appreciate the whole doctrine of self-determination, and what is in the best interest of the people of Tobago is most critical. In understanding what is in the best interest of the people of Tobago, one has to look at it from an historical perspective. But before I get back on this history, may I just simply refer to what was said a short while ago by the Member for Tobago West because, in my opening statement, I mentioned that the struggle of the people of Tobago is our struggle. That is how we see it on this side; and that is how we have always seen it on this side, Mr. Speaker.

The Member for Tobago West mentioned that her approach is that she wants to preserve the unitary state of Trinidad and Tobago. She even mentioned that this whole creation, this whole atmosphere that they want succession, that she wants succession, that Tobago East—

Mr. Assam: Succession?

Mr. R. Boynes: Secession, sorry.

Mr. Hinds: She said 'succession'. He is correcting her.

Mr. R. Boynes: That aspect, Mr. Speaker, I wish to deal with because it was not the PNM Government in 1982 that laid this resolution before the Tobago

House of Assembly. It was the Member for Tobago East; and I quote his resolution:

“Be It Resolved that this House of Assembly take all proper and necessary steps to terminate the present unjust union of Tobago with Trinidad and to secure either its replacement with a union based on terms and conditions acceptable to the authorised representative of the people of Tobago, or the full independence of Tobago with secure territorial boundaries.”

Now is that really the approach to adopt? It is not. The approach is for us all to come here, as we are doing today, and ensure we sit and thrash out, after consultation with the people of Tobago, and deal with what is in the best interest of development for the people of Tobago. This is not the answer.

Mr. Speaker, I just wish to delve briefly into history as it relates to the struggle of the people of Tobago, so that we will understand why we are here and why there is a need for the amendment that is before us. There is no doubt that we on this side support the idea that there should be constitutional guarantees for the Tobago House of Assembly. We agree.

Mr. Speaker, Tobago has had a violent past, because it was a strategic outpost of colonial imperialism in its history. European powers fought many a battle over the island, causing it to change hands on numerous occasions. It changed hands among the Spanish, French, English and Dutch. This continuous conflict stagnated economic development.

Hon. Member: What year was that?

Mr. Hinds: Teach him!

Mr. R. Boynes: There were constitutional arrangements even then, Mr. Speaker. Might I just inform the Member for Caroni East that in 1764, under British rule, a foetal government constitution for the Colony of Tobago had been put in place, similar to that of Barbados, St. Kitts and Jamaica.

Mr. Assam: Lasse followed by Boynes reading speeches?

Dr. Lasse: Copious notes.

Mr. R. Boynes: Mr. Speaker, this was interrupted by military conquests by several European nations. In 1814 things settled down and the 1764 self-governing constitution was then reactivated. Tobago was a self-governing territory, but within the confines of the British Colony system, with its own Legislative Council,

Code of Laws, and Governor. This lasted until 1876 when Crown Colony government was instituted by the British Government.

2.40 p.m.

Mr. Speaker, economic decline brought on by pestilence in the sugar fields of Tobago led the British government to seek to annex the colony of Tobago to some other British West Indian colony which could support it and have a relationship with it. I want to emphasize this. Even at that time, it was the British government that recognized the need for Tobago to be given that type of support and for there to be established a link, a relationship, with another British West Indian colony.

The Secretary of State for the colonies decided on Trinidad because of close proximity, among other things. After much debate—and I may indicate to you, Mr. Speaker, that at that time, the debate of the past 20 years was absolutely nothing compared to the debate that took place and that raged over that period of time—the result was that by Order-in-Council of April 6, 1888 Tobago was made an associate colony with effect from January 1, 1889 under a resident commissioner appointed by the Governor of Trinidad who was to be an ex-officio member of the Legislative Council of Trinidad.

Mr. Hinds: Many of them would have heard that for the first time.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. R. Boynes: The status of the associate colony, Mr. Deputy Speaker, did not last for long, four years in fact, and after the historic 1888 Order-in-Council, Tobago's separate treasury began to feel the pinch of the customs union between the two islands as direct trade was diverted from Tobago to Trinidad with the consequent loss of customs duties.

Now it is important to understand that the problem of Tobago did not start with the PNM as they on that side would like one to believe. Tobago wanted the abolition of this customs union. The British government appointed a royal commission to look into the matter and the recommendations were:

1. The complete amalgamation of Tobago and Trinidad;
2. The abolition of separate accounts of revenue and expenditure for both colonies;
3. That Tobago should become a ward or a district of Trinidad; and
4. That the two islands should have a common treasury.

These recommendations were adopted by the British Government which, by Order-in-Council of October 20, 1894, the two colonies were united.

History, therefore, shows that there was a reversal of fortunes in the status of Tobago brought on by its economic decline in the immediate post-emancipation era and the expediency of British imperialism. From self-governing colony 1855—1875, to Crown Colony 1876—1888, to associate colony of Trinidad 1889—1898, to ward of the colony of Trinidad and Tobago, which it may be argued it still is in certain quarters, Mr. Deputy Speaker.

The people of Tobago have representation at the national level. However, when one considers the self-determination of the island of Tobago and the control of its own affairs, the uneasiness of the present situation is apparent. We on this side appreciate that peculiar circumstances of Tobago due to its geographical and other situation and the history of the island warrants special treatment. In 1974, as my dear Friend pointed out, the Wooding Commission observed that the Tobago question must be addressed. In 1977, on February 25, the House of Representatives agreed to a resolution as contained in House Paper No. 6 of 1978. The result was the Tobago House of Assembly Act, No. 37 of 1980.

The provisions seem to me and to us to only give half a loaf. One can however understand the trepidation with which the legislature approached this enactment since at that time there was a fear that the country was approaching the slippery slope to break up the unitary state of Trinidad and Tobago. This was also a very diluted version of the general recommendation made by the Joint Select Committee in House Paper No. 6 of 1978. The relationship had been so complex, one had to understand what type of formula to adopt, so the then Government enacted a formula that could be revisited to ensure that what is in the interest of the people of Tobago would be dealt with.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, one would understand that the Manning administration looked at that particular scenario and immediately decided to deal with the situation of Tobago head on. The Manning administration consulted with the people of Tobago and one must understand that technical teams were set up with the Tobago House of Assembly; the administration met with the people of Tobago via the Tobago House of Assembly; the Tobago House of Assembly invited the Member for Tobago West; it invited the Member for Tobago East. The Member for Tobago West attended one of the meetings; the Member for Tobago East did not.

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I am simply suggesting to this honourable House that the matter on the issues of Tobago and the people of Tobago are so important, it matters not who has invited whom, the most important thing is that the issue of the business of the people of Tobago must be dealt with. That is our major concern. [*Desk thumping*] We have to stop playing games in this honourable Chamber and in this country. We have to get our feet wet, get our hands into it and get down to the people's work.

Mr. Speaker, on perusing Act No. 37 of 1980, it was felt that there were certain shortcomings—lack of constitutional guarantees and so forth.

2.50 p.m.

One has to understand and give credit where credit is due. Make no mistake about it, it was the Manning administration which began travelling down this road. It is because of the initiatives of this administration that we are here. In his wisdom, he decided to take the bull by the horn and that is why we are at this point today.

**VISITING DIGNITARY
(COMMONWEALTH SECRETARY GENERAL)**

Mr. Speaker: Hon. Members, I hate to interrupt the hon. Member for Toco/Manzanilla, but I do want to crave your indulgence and ask that we recognize in the Chamber this afternoon, His Excellency, the very distinguished Secretary General of the Commonwealth, Chief Anyaoku. He is here with us for a conference of Commonwealth Ministers with responsibility for Women's Affairs, taking place in Trinidad, and he has found the time in his busy schedule to come to the House today to have a meeting with the Prime Minister and has deigned to enter our Chamber and be recognized. [*Desk thumping*]

On your behalf, I certainly wish to welcome him and I would ask two of the senior parliamentarians on both sides, who may wish to express some words of welcome, to do so. I would, first of all, ask the Minister Extraordinaire to speak. [*Desk thumping*]

The Minister Extraordinaire and Minister of Tobago Affairs (Hon. A.N.R. Robinson): Thank you, Mr. Speaker. On behalf of hon. Members, I would like to say how delighted we are in having in our presence the very distinguished Commonwealth Secretary General, Chief Anyaoku.

I have had the great pleasure of working with him on several occasions when I happened to be head of government and he was Commonwealth Secretary General.

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He has proven to be a very visionary, efficient and effective Commonwealth Secretary General. All the countries of the Commonwealth have benefited during his tenure of office in that capacity and we are very honoured indeed in having him present here with us. I feel personally very gratified that he has been able to visit this Parliament and see the manner in which we conduct our business.

Mr. Speaker, I would like to support you in everything that you have said and to join with you in extending to him our warmest greetings and our heartiest felicitations. [*Desk thumping*]

Mr. Speaker: I call upon the leader of the Opposition.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker. I, too, would like to join your good self and the distinguished Member for Tobago East and Minister Extraordinaire in welcoming to the Parliament of Trinidad and Tobago the very distinguished Secretary General of the Commonwealth, Chief Anyaoku.

I, too, have pleasant memories of our association. In 1993, Mr. Speaker, we met at the Commonwealth Heads of Government Conference in Cyprus and the records of that Conference will show that it was on that occasion that the Heads of Government, not only recognized his sterling contribution to the Commonwealth during his first term of office, but so satisfied were we with that performance that there was no difficulty at all in according to him another term of office. We were part of that in 1993.

This Parliament has seen the presence of many distinguished people from all over the world, but I do believe that the presence of the Secretary General of the Commonwealth today, Chief Anyaoku, marks an occasion in which one of the more distinguished persons ever to have visited us, is present with us today.

Formally, I want to join my colleagues from the Government and the hon. Speaker in welcoming him once again to Trinidad and Tobago and to this Parliament and I hope, of course, that he is impressed by some of the things that he sees as we debate, in this Parliament, two historic pieces of legislation.

I welcome him. [*Desk thumping*]

Mr. Speaker: Thank you, hon. Members. I would indicate that His Excellency is not in a position to remain in the Chamber with us for any length of time to hear and witness the high standard of debate that we have in this House from time to time, but I am sure that, for the record, hon. Members would be delighted to have

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His Excellency address one or two words to the House. I invite him to do so. Although it is quite unscheduled, I do propose to ask him to address some words to the House. [*Desk thumping*]

Secretary General to the Commonwealth, (Chief Emeka Anyaoku): Hon. Speaker, distinguished Members of Parliament, I must start by admitting that this is a most unexpected honour and pleasure. I had come to pay my respects to the Prime Minister and at the end of my discussions with him it was suggested that I might come and witness the proceedings of this House, a suggestion which I instantly welcomed because I have nothing but the highest opinion of this House and its reported debates. I must say that since coming in and listening to a little of what was being said at the time that I came in and the reaction to what was being said, I was confirmed in the view that the standard of debates in this House is truly excellent.

I feel humbled by the great and gracious words of welcome that have been expressed to me by the hon. Speaker himself, and then by the Minister Extraordinaire and by the Leader of Opposition. I must say that it is not often that I am in a Parliament where I have had such pleasant and unforgettable personal associations with the two former leaders of this country, leaders who distinguished themselves in the way that Trinidad and Tobago has distinguished itself in the annals of Commonwealth history.

I had, on occasion this morning at the opening of the conference, to say what an important place in the Commonwealth that Trinidad and Tobago occupies and to be able to come here and witness your debates and have the great privilege and the great honour of being asked to say a few words to you is another piece of history in my personal career which I will long treasure.

May I, again, in conclusion, say to you, hon. Speaker and to you, distinguished Members of Parliament, thank you all very much for this great honour and may I wish you continued success in your very high-level debate.

Thank you. [*Desk thumping*]

Mr. Speaker: Hon. Members, I thank you for agreeing to the slight diversion from the debate which we just had. I now invite the Member for Toco/Manzanilla to continue.

3.00 p.m.

CONSTITUTION (AMDT.) BILL

Mr. R. Boynes: A worthy diversion, indeed, Mr. Speaker. We are all honoured to have in our presence such a worthy and honourable man.

Mr. Speaker, one has to understand that what we have before us, in essence, is the Constitution (Amdt.) Bill which proposes, *inter alia*, that Tobago should have representation in the Senate as of right. We on this side have absolutely no difficulty with that. As a matter of fact, we agree that Tobago should have some sort of support and representation, and because of the geographical location and uniqueness of Tobago, we believe that it should be given the necessary support to ensure that the people of Tobago have the type of services and infrastructure that is befitting to any citizen of the sovereign state of Trinidad and Tobago.

We would look at the manner in which this representation is achieved, when we reach the committee stage and deal with it. One has to consider that if there is a situation where the President is empowered, upon the advice of the Chief Secretary, then the way in which it is worded may lend one to believe that the Chief Secretary may be empowering the President in nominating one, two or three Senators as the case may be. When we reach committee stage we would decide and hammer that out. One would have the opinion that the President is empowered upon the Chief Secretary's advice, whereas it should be structured in such a way that the President upon the advice, or in consultation with the Chief Secretary, may appoint one, two or three Senators as the case may be. We do agree, make no mistake about that, that Tobago should have representation at all levels as of right.

Mr. Speaker, the Bill further proposes the creation of a new Tobago House of Assembly by adding another chapter to the Republican Constitution. Let me categorically state that we on this side agree and we support that there should be a new Tobago House of Assembly and that it should be protected and guaranteed in our Constitution because Tobagonians are our people. If a man in Scarborough feels pain, we on this side feel pain. If a boy in Charlotteville has dreams of grandeur, or of becoming anything, we share those dreams.

Mr. Assam: You are feeling the feeling.

Mr. R. Boynes: Make no mistake about it. The struggles of the people of Tobago are our struggles. The struggle is not just of 20 years ago, it is further than that. We share and understand that and the reason we are at this point is because

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the PNM government, in its wisdom, decided to take us along this road. [*Desk thumping*]

Mr. Speaker, the Bill proposes, among other things, that the new Tobago House of Assembly would have power to make laws called the Assembly Laws. The amendment also proposes the creation of an Executive Council of the Assembly, consisting of the Chief Secretary and other secretaries. We on this side will do everything to ensure that we engage in upholding the doctrine of self-determination for the people of Tobago. When we take into consideration the historical backdrop as outlined earlier, we understand that even the British government saw the need to find a big brother for Tobago to lend his support and caring hands. That is why the PNM administration decided to lead us along this road so that we would arrive at the point where we are today.

Mr. Speaker, the people of Toco who are inextricably—I hear the Member for Caroni East clearing his throat—linked by their culture, religion and relationships with the people of Tobago are saying that they want what is in the best interest of the people of Tobago. That is what they want, the right to self-determination.

The people of Tobago are saying that they will support any legislation once it is in the best interest of the development of the people of Tobago. They have given me a mandate—and we on this side are going to ensure that we carry the mandate for the people of Trinidad and Tobago—to ensure that there is one love, one unitary state and one people. We are saying that we stand before the nation here today and we agree—

Miss Nicholson: With Sister Pam.

Mr. R. Boynes: Yes, that there should be certain constitutional amendments and that we are here as the watchdogs of the people of Trinidad and Tobago. We are here to help Tobago because Tobagonians are our brothers, sisters, cousins and tanties. We are here to help them and will do all that is necessary when we put our heads together in committee to ensure that the sovereign, unitary state of Trinidad and Tobago is maintained for the good relations of the people of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, in closing, I urge all Members, particularly, Members on the other side, to let good sense prevail and try to understand the importance of ensuring that there is good relationship between Trinidad and Tobago—the need for this unitary state—and that we are our brothers' keepers. We are going to

ensure that Tobago is given the type of support so that it can even be developed as an off-shore island.

3.10 p.m.

We can look at the tourism aspect. We are all here to seek what is in the best interest for the development of the people of Tobago.

In closing, I hope that the Lord can touch each and every Member on the other side to ensure that Members do what is correct and in the best interest of the people of Tobago. Please, I pray, stop playing games with people's lives in Tobago and understand that they are our brothers. Their struggle is our struggle and it will always be our struggle.

I thank you very much, Mr. Speaker.

The Minister Extraordinaire and Minister of Tobago Affairs (Hon. A.N.R. Robinson): Mr. Speaker, I must congratulate the hon. Member for Toco/Manzanilla for departing from the course which was adopted by his predecessors in this debate. I thought at one stage that the Member for Tobago East had been selected, as he had been when this entire matter was initiated as far back as 1977, as a target of invectiveness. The extraordinary matter is that at the end of the exercise of invectiveness those who were performing in that fashion confessed that they agreed with the Member for Tobago East. Does one have to be so hostile and so antagonistic if one agrees? It only demonstrates what one could be like when one disagrees. This is not a personal matter by any means. It never has been except attempts to make it so by some persons engaged in the debate and certainly to this Government, it has never been a personal matter. The Government has proceeded from the very beginning in a very impartial, dispassionate and methodical manner. As early as January 1996 Cabinet appointed an impartial committee headed by the Chairman of the Law Commission, Mr. Guya Persaud. It was not the Member for Tobago East. The Member had nothing to do with it. That Commission contained three public servants and one Senator. The Member for Tobago East, Minister Extraordinaire and Minister for Tobago Affairs had no communication whatever with that committee and did not seek to influence it in any way. That committee produced its report in September, 1996. It produced two Bills based upon an examination of all the documents which had gone before and based upon consultations on the basis of written submissions.

May I refer to the written submissions received by the Joint Select Committee which subsequently considered the report. There were submissions to the Joint

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Select Committee and consultations by that committee. The committee submitted its report and there was a Joint Select Committee of the Parliament. The Cabinet published the report. The Joint Select Committee of the Parliament sat on the report and invited public comments.

In the course of this discussion on the matter, there has been much misinformation, deliberate and innocent, which has pervaded through the press and other media. Let it be clear in the records. Written comments were received from the following: Pamela and David Phillips, Mr. Reginald Dumas, Miss Merle Solomon, Mr. Andre Phillips, Mr. Trevor L. Creg, Mr. Fitzherbert Phillips, Dr. Winston Murray, Dr. Jefferson G. Davidson, Mr. Winford James, The Clerk, Tobago House of Assembly, the Secretary Tobago House of Assembly, Miss Carla Herbert, Mr. Cristo Gift, Mr. Anthony Moore, Mr. McDonald L. Green, Mrs. Murelda Samuel Moore.

Those comments were considered by the Joint Select Committee. It has been alleged that the Joint Select Committee disregarded the Tobago House of Assembly and did not take into account its views or did not consult with the Tobago House of Assembly.

Mr. Speaker, I have in my possession a memorandum dated October 23, 1996 from the Secretary of the Tobago House of Assembly. I shall read the memorandum:

The Clerk of the House
Parliament,
Red House,
St. Vincent Street
Port of Spain.
Dear Sir/Madam,

Amendments to review of the Constitutional and Legislative Arrangements for Tobago.

At the Finance and General Purposes Committee of the Tobago House of Assembly 1992—1996 held on Thursday October 17, 1996 a review of the draft Constitutional and Legislative Arrangements for Tobago was undertaken by the committee.

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Attached as appendix 1 is a list of the recommended amended amendments that should be made to the draft Bill.

Submitted for your necessary action, please.

Yours respectfully,

Secretary,

Tobago House of Assembly.”

Appended were no fewer than 204 proposed amendments to the draft Bill in writing.

The Joint Select Committee considered every single one of these proposed amendments, adopted most of them and did not adopt some of them. Yet, it is being promulgated throughout the length and breadth of the land that the Tobago House of Assembly was not consulted. It has even been suggested that the Finance and General Purposes Committee is not the Tobago House of Assembly.

Mr. Speaker, as a former Chairman of the Tobago House of Assembly, I know how the Assembly functions. The Finance and General Purposes Committee is the entire committee which sits to consider matters in detail so that one can address matters thoroughly. Every single member of the Assembly sits on the Finance and General Purposes Committee of the Tobago House of Assembly. Do you see what happens? Unfortunately, there are many persons in Trinidad who do not know what happens in Tobago. There are others who know and mischievously spread false reports about what happens in Tobago. There are some who are innocent and just do not understand and seek no information and so Tobago suffers. There are persons planning for Tobago and they do not know where Parliament is. They have never heard of Bloody Bay. They think Canaan is somewhere in the Middle East, and yet they are planning to guide people's lives and this is what creates the problems. The feeling that the people of Tobago are remote; they are not thought of, they are not understood, they are neglected as the case may be. So many different factors joined together to convince the people of Tobago that there are many persons who either do not care or are just out for mischief.

Take the Member for Point Fortin. Would you believe he was my protocol officer? He showed no protocol whatever in this House this afternoon. When I looked at him I always thought he was a square peg in a round hole.

3.20 p.m.

When I heard him this afternoon, I know he would remain a square peg in a round hole and wherever he is in the future, he would be a square peg in a round hole. *[Interruption]* Why are you so aggressive? Why are you rearing up like a steed? *[Interruption]* You can be offensive as you want and you cannot take it. I am talking about the Member for Point Fortin who was most offensive in this House—he spoke about all the misrepresentations which have taken place—and the concerted, persistent, prolonged and personal attacks on the Member for Tobago East. Now it is my time to reply and you want me to take it lying down. I can give as good as I can take!

I want to make this clear. If that is going to be their attitude to the business of the people of Tobago, then it proves what they are saying all along, that they cannot trust them. They are justified in their apprehension. How they can change! Look at the language we have just had from the Member for Toco/Manzanilla a few seconds ago. *[Interruption]* Look how mercurial you can be! From moment to moment look how you change! Look how vicious they can become in a short space of time. That frightens the people of Tobago and they want protection. A minority isolated on an island controlled by people like them, mercurial in nature and character, and possibly vicious on occasions, would make them apprehensive. They have to understand that.

There is a constitutional amendment of five clauses and it takes up the whole afternoon with attacks on the Member for Tobago East. If he thinks he would have his revenge on the people of Tobago because he wants to get at the Member for Tobago East—. The whole country must see that is precisely their fear; that they can change from day to day and moment to moment. In order to get at an individual they would seek to punish an entire society and community of people. Let the country see of what Tobago is afraid. Get up and rear up like horses on their hind legs. *[Interruption]* My problem is you.

I do not think it is necessary to deal any more with the matters which have been raised and to answer any further. If hon. Members are prepared to approach the matter in the spirit with which the Member for Toco/Manzanilla spoke, then I think it is excellent. We can all do that. If they are prepared to engage in the kind of vicious behaviour like the Member for Point Fortin, then I am afraid it would create problems.

I ask this House to proceed with consideration of the matter. I have the honour to move that the Bill be read a second time.

Thank you.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

[Pause]

Mr. Chairman: Hon. Members the sitting is suspended for 10 minutes.

3.37 p.m.: *Sitting suspended.*

3.53 p.m.: *Sitting resumed.*

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

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

Mr. Hinds: Mr. Chairman, I wish to withdraw the following amendment standing in my name:

Delete and substitute the following:

“Section 40 of the constitution is amended in subsection 2(c) by inserting after “endeavour” the words “one of whom shall be resident in Tobago.”

Amendment withdrawn.

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

Delete clause 3 and substitute the following clause:

“Act alters the Constitution 3. This Act shall be construed as altering the Constitution Constitution.”

Question put and agreed to.

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

Clause 4.

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

Mr. Hinds: Mr. Chairman, I wish to withdraw the following amendment standing in my name:

In line 2 delete the words “(3)(b)”, the words “139” and the words “141A to 141E” and substitute the following “(2)(a)”, “137” and “141A to 141C”, respectively.

Amendment withdrawn.

Mr. Robinson: Mr. Chairman, I beg to move that clause 4 be deleted.

Question put and agreed to.

Clause 4 deleted.

Clause 5.

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

Mr. Hinds: Mr. Chairman, I wish to withdraw the following amendment standing in my name:

“Delete clauses 141B and 141E and renumber remaining clauses accordingly.”

Amendment withdrawn.

Mr. Robinson: Mr. Chairman, I beg to move that clause 5 be amended as follows:

A. Delete the new section 141B and substitute the following:

“Powers of the Assembly	141B. Subject to this Constitution, the Assembly shall have such powers and functions as may be prescribed.”
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B. Delete the new section 141E.

Mr. Imbert: Mr. Chairman, I beg to move that the words “in relation to Tobago” be added after the word “functions”, so that the above amendment would read:

“... functions in relation to Tobago as may be prescribed.”

Question put and agreed to.

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

Mr. Assam: Since we have deleted clause 4, should clause 5 not become clause 4?

Mr. Chairman: Indeed, that would be consequential.

Preamble:

Mr. Robinson: Mr. Chairman, I beg to move that the Preamble be deleted.

Question put and agreed to.

Preamble deleted.

4.00 p.m.

Mr. Chairman: The Leader of the Opposition had asked earlier for a clean copy of the Bill, for which we had a short delay.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

The House voted: AYES 34

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Robinson, Hon. A. N. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Khan, Dr. F.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

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Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

Manning, P.

Rowley, Dr. K.

Imbert, C.

Lasse, Dr. V.

Robinson-Regis, Mrs. C.

Narine, J.

Hart, E.

James, Mrs. E.

Griffith, Dr. R.

Bereaux, H.

Joseph, M.

Sinanan, B.

Boynes, R.

Hinds, F.

Williams, E.

Question agreed to.

Bill accordingly read the third time and passed.

Motion made and question proposed, That the House do now adjourn to Tuesday, November 26, 1996 at 10.00 a.m. [Hon. R. L. Maharaj]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.08 p.m.