

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

SESSION 1997—1998

VOLUME 8

HOUSE OF REPRESENTATIVES

Monday, November 24, 1997

10.00 A.M.

The House having assembled, and it being the first meeting of the Third Session of the Fifth Parliament of the Republic of Trinidad and Tobago, the Clerk of the House read the following Proclamation:

REPUBLIC OF TRINIDAD AND TOBAGO
No. 14

By His Excellency ARTHUR N. R. ROBINSON
President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

ARTHUR N. R. ROBINSON
President

A PROCLAMATION

Whereas it is provided by subsection (1) of section 67 of the Constitution of the Republic of Trinidad and Tobago that each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the President may by Proclamation appoint:

Now, therefore, I, ARTHUR N. R. ROBINSON, President as aforesaid, do hereby appoint the Red House, Port of Spain, as the place at which the Third Session of the Fifth Parliament of the Republic of Trinidad and Tobago shall be held at 10.00 a.m. on Monday the 24th day of November, 1997, as the time at which the said Session shall commence.

Given under my hand and the Seal of
the President of the Republic of
Trinidad and Tobago, at the
Office of the President, St. Ann's,
this 24th day November, 1997.

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PRAYERS

[MR. SPEAKER *in the Chair*]

Mr. Speaker: Hon. Members, the President desires to address both Houses of Parliament.

10.02 a.m.: *Sitting suspended.*

10. 05 a.m.: *Members of the Senate arrived and took their places in the Chamber.*

10. 21 a.m.: *His Excellency the President, accompanied by the President of the Senate and the Speaker of the House of Representatives, arrived in the Chamber.*

[INVOCATIONS]

PRESIDENT'S ADDRESS

His Excellency, The President of the Republic of Trinidad and Tobago, Mr. Arthur N. R. Robinson, addressed both Houses of Parliament as follows:

Mr. President, Mr. Speaker and Members of Parliament, I feel signally honoured to be with you again in this hallowed Chamber where I spent so many arduous and sometimes exciting years. Of course, I see you now from a new perspective. From this perspective and against this background, I am able to have a deeper understanding of your roles and greater sympathy for you, as you seek to discharge the enormous and exacting responsibilities that rest upon your shoulders. Far removed from acrimonious exchanges and momentary bitterness and anger, I can the more readily discern the purposes that you serve and appreciate the wisdom enshrined in our Constitution which was framed after much study and examination of foreign constitutions, and much consultation with our community leaders.

While not a perfect instrument, and subject to continuous scrutiny and review in the light of knowledge, experience and changing circumstances, our Constitution remains the most important document by which our public policy and conduct of public affairs are guided. It provides for a free people with free institutions. You, Members of Parliament, are the makers of our laws, and one philosopher has described freedom as obedience to laws. There is a great deal of truth in this dictum, for where there is no law there is disorder and confusion. The rule of law both facilitates and defines space for freedom of everyone.

But the fallacy in this definition of freedom is immediately apparent. If freedom is indeed obedience to law, then one can argue that the freest states are totalitarian. Freedom can only be obedience to law if the law is itself made with the consent of free men and women. And even so, a society of free men and women can entangle itself in a multiplicity of rules and regulations. The concept of freedom therefore is not restricted to law, but goes to the very foundation of philosophical thought, religious beliefs and the very core of human society. Our notion of freedom, though not defined, is enshrined in our Constitution by necessary implication. This makes it not only a legal, but also a philosophical document.

Our Constitution, moreover, recognizes the supremacy of God and declares that our freedom is founded on respect for moral and spiritual values and the rule of law. The foundations of our Republic therefore rest, not only on law, but also on moral and spiritual values. Members of Parliament, I am sure you will agree that it is sometimes much easier to interpret the law than to apply moral and spiritual values. Hence, the view is sometimes expressed that it is okay, provided I do not break the law, or I may break the law provided I am not found out. This is the reason why most civilized societies have found it necessary to formulate ethical codes within the law itself.

In all nations, large and small, ethical values do have a place and often, a special appeal. This is more so in the case of small nations that can hardly glorify might or force of arms. Instead, the accomplishments they proclaim are more intangible, in matters such as literature, the arts and heroic deeds in every field of endeavour. Rallying the British people to war in 1914, Llyod George, the British statesman said:

“The world owes much to little nations. The greatest art in the world is the art of little nations, the most enduring literature in the world came from little nations; ... The heroic deeds that thrill humanity through generations were the deeds of little nations fighting for their freedoms ... and the salvation of mankind came through a little nation.”

More specific, the Dean of St. Paul's Cathedral, Dean Inge, sermonized:

“The nations which have put mankind most
in their debt have been small states—
Israel, Athens, Florence, Elizabethan England.”

One may discern a degree of hyperbole in these assertions. It is a fact that small nations have made outstanding contributions to the evolution of civilization and to

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the welfare and happiness of mankind. Historically, small size has not been a barrier to great achievements. On the contrary, large size has most often led to over-centralization and suppression of human development. In the latter half of the 20th Century, we have been witnessing the pull of contrary forces of disintegration and re-integration. The largest states have either disintegrated into many independent states or are in the process of restructuring giving rise to a greater diffusion of power and authority. At the same time, independent states are coming together in economic associations amounting almost to union.

The western world has moved from Greek city state to Roman Empire, then Holy Roman Empire, described as neither holy, Roman, nor Empire, to feudalism, the nation-state and Empire, to dissolution of Empire and now to economic unions and trading blocs based upon the consent of participating countries. The idea of government by consent now prevails over most of the West as well as the East and is gaining ground in all the regions of Africa. That governments are instituted among men deriving their just powers from the consent of the governed is no longer a declaration of American Independence, it is the growing proclamation of peoples everywhere.

More and more voices are demanding to be heard in the shaping of individual lives and societies and ultimately in directing the world's future. It is in this context that the notion of human rights and humanitarian law have acquired a prominent status. Sovereignty is no longer an impenetrable barrier screening from view anything that all powerful rulers wish to hide. Individuals are no longer the property of governments to be arbitrarily abused and disposed of at the convenience of rulers. Might is no longer always right requiring obedience as duty.

There are now universal rules by which governments and lawmakers must themselves be governed. The most egregious violations of these rules can lead to prosecution and penal sanctions by multinational institutions such as the *ad hoc* criminal tribunals for the territories of the former Yugoslavia and Rwanda.

In his preface to Volume I of his *Treatise on Freedom*, Orlando Patterson, Professor of Sociology at Harvard University, made this comment:

“The extraordinary developments in Eastern Europe herald only the latest and most dramatic phase of the commitment of peoples all over the world to freedom. Since the Second World War, scores of countries all over the Third World and the Far East have embraced the value and sometimes lived by it. There is now hardly a country whose leaders however dubiously, do not claim

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that they are pursuing the ideal. People may sin against freedom, but no one dares deny its virtue.”

But Patterson later comments that “Freedom, like love and beauty, is one of those values better experienced than defined”.

Patterson sought to explore the origins and evolution of the concept from a socio-historical perspective. Philosophers have sought to apply reason and empirical knowledge to arrive at such a definition. Precise definition has eluded them all.

However, with the evolution of the concept of fundamental human rights, and government by consent or democratic government, these have come to be the established criteria by which a society is considered to be a free society of free individuals. The conclusion is that countries which are democratic are more likely to be free than countries which are not.

According to the research institution, Freedom House, in 1986, of 167 countries, only 69 were considered to be democratic. By December of 1996, of 191 countries, 118 were categorized as democracies. Of a total of 180 countries surveyed by Freedom House, 79 were regarded as free, 59 partly free, and 52 as not free. The statistics demonstrate the growing importance of the concept of freedom as a human value. It is, however, an immensely disturbing fact that alongside the enlargement of freedom in the latter half of the 20th Century and the dramatic decline in international conflicts, there has been a dramatic increase in conflicts of a non-international character and of purely internal or domestic conflicts.

Apart from enormous increases in the number of these conflicts, there has been a dramatic increase in their ferocity and violence, and the extent of victimization. Genocide, crimes against humanity, extra-judicial executions, torture, arbitrary arrest and detention, have had their toll as never before. It is estimated that during this century, while 33 million deaths were caused by war of an international nature, internal conflicts and victimization by tyrannical regimes have caused 170 million or more than five times as many deaths. Since the Second World War, there have been an estimated 86 million such casualties.

It appears then that while there has been a definite curb on the incidence of international conflicts, there has been an explosion of killings within national jurisdictions. Some of the worst situations arose from the inflaming of ethnic and religious passions and the incitement to ethnic and religious hatred. The sheer

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brutality and hideousness of the deeds actually committed are unmentionable. Most startling is the fact that the most tragic victims in these situations of internal conflict have been the most innocent and vulnerable women and children.

10.45 a.m.

It is not surprising, therefore, that men and women of conscience should be concerned not only about the situation in their respective countries but in other countries as well. This will be increasingly so as the world environment progressively becomes, through ease of communication, a global village.

This growing interest and increasing interrelationship would enable others, more and more, to benefit from our own experience. It would enable us also increasingly to benefit from the experience of others. Though a small country, there are areas in which we can be, and in fact are, an example to the world.

Permit me to mention one such area: religious tolerance and harmony, made possible mainly through the institution of the Inter-Religious Organization. The I.R.O., by its very nature will not blow its own trumpet. But may I say, in all humility, that what it seeks to do is in harmony with the noblest teachings of all the major religions of the world.

From King Asoka's edicts as early as the 3rd century BC, there comes to us this injunction:

"Never think or say that your own religion is the best. Never denounce the religion of others."

Our cultural mix and relative ethnic harmony make us to the outside world an outstanding example.

Considering that these are the areas which have in the past decade given rise in countries around the world to the severest conflicts, the most extreme antagonisms and the most inhuman atrocities, our achievements must be regarded as invaluable treasures to be preserved, not only for generations that follow but as an inspiration and example to all.

This admittedly, is no easy task. Ours is a society in transition, subject not only to internal stresses but also to stresses generated from outside. We may never achieve perfection, however, you as legislators can hardly do better if in the course of your very arduous duties you are constantly motivated by the ideal of peace through truth and justice.

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With the growing subordination of force as a primary instrument in human relations, and the higher profile of peace as a major objective of both international and national policy, more attention is now being paid to the values of truth and justice. It is now generally accepted that "truth is essential to justice and justice is essential to peace".

But it is in conditions of freedom that truth, justice and peace are likely to prevail and the human personality flourish at its highest potential. Yet it is freedom that poses the greatest challenges; for freedom offers the widest choices and opportunities for good or for ill, for constructive or destructive action.

In conditions of freedom therefore, there is no substitute for a sense of responsibility. Translated into societal terms, the surest guarantee of freedom is a sense of responsibility imbued with moral and spiritual values, and buttressed by mechanisms for strict accountability under the rule of law.

Mr. President, Mr. Speaker, Members of Parliament, I thank you most sincerely for the honour and pleasure of addressing you and wish you a most enjoyable and successful parliamentary session.

May God in his infinite goodness and mercy shower his richest blessings on all of us.

10.50 a.m.: *His Excellency The President, accompanied by the President of the Senate and the Speaker of the House of Representatives, left the Chamber.*

10.52 a.m.: *Sitting resumed.*

CONDOLENCE

Mr. Speaker: Hon. Members, it is with sadness that I advise you of the passing, this morning, of a former Member of the House of Representatives, Mr. Victor Campbell, who represented the constituency of Ortoire/Mayaro for several years. He was a Parliamentary Secretary and Minister in the Government of Trinidad and Tobago.

I know that Members on both sides would like to express condolences on his passing, this will be done at the next sitting, but in the meantime, let us stand and observe one minute of silence.

The House stood.

Paper Laid

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PAPER LAID

Address by His Excellency the President on the occasion of the opening of the Third Session of the Fifth Parliament of the Republic of Trinidad and Tobago. [*The Attorney General*] (*Hon. Ramesh Lawrence Maharaj*)

To be printed as a House Paper.

CANE FARMERS INCORPORATION AND CESS (AMDT.) BILL

Bill to amend the Cane-Farmers Incorporation and Cess Ordinance, 1961, [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

SUPREME COURT OF JUDICATURE (AMDT.) BILL

Bill to amend the Supreme Court of Judicature Act, Chap. 4:01, [*The Attorney General*]; read the first time.

PETTY CIVIL COURTS (AMDT.) BILL

Bill to amend the Petty Civil Courts Act, Chap. 4:21, [*The Attorney General*]; read the first time.

SUMMARY OFFENCES (AMDT.) BILL

Bill to amend the Summary Offences Act, Chap. 11:02, to update the law dealing with the holding of public meetings and public marches and other related matters, [*The Minister of National Security*]; read the first time.

NEGOTIABLE INSTRUMENTS (DISHONOURED CHEQUES) BILL

Bill to reform the law relating to dishonoured cheques and similar negotiable instruments, [*The Attorney General*]; read the first time.

COMMUNITY MEDIATION BILL

Bill to provide for community mediation as an alternative to litigation for certain summary offences, [*The Attorney General*]; read the first time.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House now adjourn to Friday, November 28, 1997 at 1.30 p.m.

We would deal with the Cane Farmers Incorporation and Cess (Amdt.) Bill; the Supreme Court of Judicature (Amdt.) Bill; the Petty Civil Courts (Amdt.) Bill; the Summary Offences (Amdt.) Bill; the Negotiable Instruments (Dishonoured Cheques) Bill; and the Community Mediation Bill.

Adjournment

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Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.04 a.m.