

*Leave of Absence**Friday, August 28, 1998***HOUSE OF REPRESENTATIVES***Friday, August 28, 1998*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Port of Spain North/St. Ann's West and from the Member for Diego Martin West who have asked to be excused from today's sitting. The Member for Port of Spain North/St. Ann's West will be excused up to October 9, 1998 and the Member for Diego Martin West to August 29, 1998. Thank you.

PETITIONS

**Chief State Solicitor
(Request for Hansard)**

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wish to present a petition on behalf of the Chief State Solicitor.

I now ask that the Clerk be permitted to read the petition.

Petition read.

Question put and agreed to, That the petition be granted.

**Chief State Solicitor
(Request for Hansard)**

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wish to present a petition on behalf of the Chief State Solicitor.

I now ask that the Clerk be permitted to read the petition.

Petition read.

Question put and agreed to, That the petition be granted.

PAPER LAID

Report of the Auditor General on the accounts of The Environmental Protection and Rehabilitation Programme—IDB Loan Contract No. 857/SF-

Paper Laid

Friday, August 28, 1998

TT for the year ended December 31, 1996. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]

To be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

NATSTAR

100. Mr. Kenneth Valley (*Diego Martin Central*) asked the hon. Minister of Energy and Energy Industries:

- (a) Could the Minister outline the staff and salary structure of NATSTAR, the National Petroleum (NP) subsidiary?
- (b) Could the Minister state whether any NATSTAR employees were previously in the employ of the parent company, National Petroleum (NP)?

The Ministry of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. Speaker, the staff and salary structure of NATSTAR are as follows:

One general manager, who functions as both the general manager of NATSTAR and NATPET, at a salary of \$17,944 per month; one accountant, who functions as the accountant for both NATSTAR and NATPET, at a salary of \$9,306 per month; one production foreman at a salary of \$2,600 per month; one Clerk/typist/cashier at a salary of \$2,100 per month; one technician (temporary) at a salary of \$1,800 per month; eight plant attendants (temporary) at \$11 per hour each for the drum plant; and four welders (temporary) at a salary of \$12.50 per hour each for the cylinder plant.

The general manager and the accountant are both employees of the National Petroleum Company on secondment to both NATSTAR and NATPET.

1.45 p.m.

Mr. Valley: I want to know, could the hon. Minister inform us, first of all, why is there this large difference in the salary structure between the General Manager and the accountant, and all the other employees?

Sen. The Hon. F. Gangar: Mr. Speaker, the General Manager and the accountant were both full-time employees of the National Petroleum Marketing Company, and they fall under the salary structure of the National Petroleum Marketing Company. With respect to both NATSTAR and NATPET, I have been

advised that both these subsidiaries of NP are marginally profitable companies. In fact, at this point, I have been advised that it is cheaper to import both drums and cylinders into Trinidad and Tobago rather than manufacture them at NATSTAR and NATPET, and that gives some indication as to why the salaries at these two plants are at the level which I have stated.

Mr. Valley: Mr. Speaker, I beg a further supplemental. If what the Minister is saying is correct, is he, therefore, contemplating the closing down of NATSTAR and NATPET?

Sen. The Hon. F. Gangar: The Board of directors of NP has been mandated to look at further options with respect to the viability of both NATSTAR and NATPET.

The following questions stood on the Order Paper in the name of Dr. Keith Rowley (Diego Martin West):

**Forensic pathology
(Scholarships)**

- 101.** (a) Could the Minister of Public Administration indicate whether in the 1990s the Government of Trinidad and Tobago offered any scholarships in the field of forensic pathology?
- (b) If the answer is in the affirmative, could the Minister state:
- i. When any such scholarships were granted;
 - ii. What processes were used to select the scholars;
 - iii. The names of the successful applicants;
 - iv. The institutions of higher learning where the scholars were trained;
 - v. The total cost to the Government of the scholars' training;
 - vi. Whether the scholars successfully completed their training and returned to the service of the Government of Trinidad and Tobago?

**Forensic Pathologists
(Employment in the Public Service)**

- 102.** Could the Minister of Public Administration state:
- (a) whether all government scholars in the field of forensic pathology who have returned to Trinidad and Tobago are employed in the Public Service?

- (b) whether all such scholars are functioning in the areas in which they were specifically trained?
- (c) If the answer to (a) or (b) is in the negative, could the Minister indicate:
 - i. why this is so and what steps are being taken to ensure that the objective in awarding the scholarships is achieved; and
 - ii. how long this is likely to take?
- (d) If the answer is in the affirmative, could the Minister explain whether it is still necessary to retain the services of contracted foreigners in the government service in the area of forensic pathology?

**Forensic Pathologists
(Work Permits to Foreigners)**

- 103.** (a) Is the Minister of Public Administration satisfied that we still need to grant work permits to foreigners in the area of forensic pathology?
- (b) Could the Minister advise when the services of foreign forensic pathologists would be dispensed with in the government service?

Mr. K. Valley (*Diego Martin Central*): Mr. Speaker, the Member for Diego Martin West has requested a deferral of these three questions. I have discussed it with the Leader of Government Business. I know he has certain difficulties but I do not know how he is going to answer questions that are not asked. I know that the Member is just not here to ask the questions, so we are kindly asking for a deferral.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I indicated to the hon. Member, the Opposition Chief Whip, that the Ministers came here prepared to answer the questions. The two Ministers are not Members of this House, but they came here specifically to answer the questions. We had no prior notification of the proposed request. It has put the Ministers in a lot of inconvenience, and they would have to come back to answer the question. It is in that context that I could not accede to his request.

Mr. Speaker: Hon. Members, the position really is this: a question which stands in the name of a Member could be asked by another Member who is deputed by the Member so to ask and, indeed, the Standing Orders also provide that a Member may be deputed by the absent Member to seek an adjournment or that the matter be deferred. It is normal that things like this are handled behind the

Chair, and the Attorney General has explained that you could not come to an agreement. In the circumstances, I will put the question to the House whether the House is agreed that these questions be deferred.

Question put

House divided: Ayes 7 Noes 17

AYES

Valley, K.

Manning, P.

Robinson-Regis, C.

Narine, J.

Hart, E.

Joseph, M.

Sinanan, B.

NOES

Maharaj, Hon. R. L.

Panday, Hon. B.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Job, Dr. The Hon. M.

Khan, Dr. F.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, Mr. C.

Question negatived.

Mr. Speaker: Hon. Members, there is provision in the Standing Orders for a question standing in the name of one Member to be asked by another Member. I now enquire whether any Member cares to ask it. I just want to give the opportunity for this to be done.

Mr. Manning: Mr. Speaker, in a circumstance where nobody has been deputed by the hon. Member to ask the question, what now happens?

Mr. Speaker: I have given the opportunity to any Member on the Opposition Benches to ask the question. If nobody wants to ask it, we just move on. That is not a problem. The questions lapse.

Mr. Valley: We will just re-file them.

Mr. Speaker: I am not arguing. I want to make it quite clear that I have given an opportunity to your side of the House to do it.

Mr. Manning: You see, Mr. Speaker, you had said earlier on in the sitting that there are provisions in the Standing Orders for a Member to depute someone else to ask a question standing in his name. In a circumstance, there also is a provision in the Standing Orders for that Member to depute someone to request a deferral of asking the question. In circumstances where the latter request has been made, and the Hon. Chief Whip has, in fact, made that request, what happens?

Mr. Speaker: I think it could be taken for granted that one asks that first of all, for the matter to be deferred, and if the House does not accede, one could be deputed to ask the question. If the question is not then asked, it lapses. I am sorry.

**PRIME MINISTER'S STATEMENT
(CARICOM SUMMIT—ST. LUCIA)
[SECOND DAY]**

Order read for resuming adjourned debate on question [July 24, 1998]

Be It Resolved that this Honourable House consider the statement made by the Prime Minister in the House of Representatives on Friday July 10, 1998 in

connection with decisions taken at the recent CARICOM Heads of Government meeting held in St. Lucia.

Question again proposed.

Mr. Speaker: Hon. Members, when the adjournment was taken, the hon. Attorney General was indeed on his legs. He had just got an extension of time.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, when this Motion was in progress on the last occasion, I had indicated that the Opposition's contention that the Government was using the capital punishment issue as a political issue was not well founded, and I had demonstrated that the issue which the Opposition had to answer was not whether the Opposition believed in capital punishment, but that the Opposition, when it was in Government, following the Pratt and Morgan decision in 1993, did not take any steps to correct the situation. What resulted was that persons who were on Death Row had to have their death sentences commuted.

I had indicated that the Opposition, then in Government, had announced certain measures, but no action was taken to carry out a professed intention to deal with the situation. I should expand a little on that in my contribution this afternoon, but I will also want to deal with an issue which the Member for San Fernando East raised in his contribution. The hon. Prime Minister had said in his statement:

"After recent elections in Guyana and St. Vincent, defeated parties declared their rejections of the election results; a reaction reminiscent of that displayed in 1995 here."

Then, Mr. Speaker, the hon. Member for San Fernando East went on to say that as far as he was concerned, there was no rejection of the results in 1995. But then, the hon. Member for San Fernando East stated that there was a deadlock of 17-17-2, and that they are in Government—referring to us—not because they won an election.

Here it is he is saying he is not disputing the elections, but the elections showed that the Opposition was voted out of office. They are in Opposition, but yet he is saying that the Government did not win the elections. Here it is, Mr. Speaker:

"What election did you win? You win no election! You could say what you wish, you win no election."

One does not understand how someone could have won an election but is still in Opposition. This is a way in which the Opposition has tried to undermine the electoral process in Trinidad and Tobago. So, when he went ahead and quoted, after that, all the

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things that happened in Fiji and other parts of the world, what he was doing, in effect, was supporting what the hon. Prime Minister stated in the statement, which was, to the effect, a reaction reminiscent of that displayed in 1995.

2.00 p.m.

Mr. Speaker, what is very much more startling is that according to the contribution of the Member for Diego Martin West, he seemed to have some problems with respect to this Government carrying out executions. Here is what he said in his contribution at 3.40 p.m. on July 24, 1998:

"...this indecent approach by the Attorney General to undermine our institutions to bring about the hanging of convicted murderers is anything but political..."

The Opposition is saying that the Government's decision and actions to execute people according to law was "undermining our institutions". But that was not the end of the matter, he went on to suggest that it was not the function of the Government to see about carrying out executions but a function of the judiciary. He continued:

"I want it recorded that I take objection in this country as a Member of Parliament to the political directorate of Trinidad and Tobago going about the country saying who is going to hang. That is not a matter for the Executive. This country has three arms of authority. The Attorney General must understand very clearly that by doing so he is giving the impression that there is political control of the justice system, and that is undermining the country's credibility."

The Government which comprises the executive arm of the state is entrusted with the responsibility to implement the law and in attempting to do that the hon. Member for Diego Martin West who was a Member of Cabinet, a minister of government, said that it is not the responsibility of the Government.

He goes on at 3.55 p.m in another area in which he seemed to have misled himself:

"Today the country is being looked at as a barbaric state, because in an attempt to carry out the sentence of the court—which is a noble objective—... We have ended up relieving the entire population of the protection we are guaranteed under the Commissions of Human Rights outside of Trinidad and Tobago under the United Nations. We have dashed out the baby with the bath water. Today, as a result of the convicted murderers and the Attorney General, everybody in Trinidad and Tobago—black, white, whoever you are, up, down,

wherever you are...as long as you are citizens of this country, everyone of us is now deprived access to the United Nations Commission on Human Rights."

Firstly, there is no basis for saying that a country is in a "barbaric state" because it is not a member of the United Nations Commission on Human Rights or the InterAmerican Commission on Human Rights. The United States has not acceded to the American Convention on Human Rights. Does it mean that it is a "barbaric state". Over 90 countries in the world, including Great Britain, have not acceded to the optional protocol and therefore, applications do not go before the United Nations Commission on Human Rights. Does it mean that those 90 countries are barbaric states?

The second wrong thing about his statement—and I regret that he is not here to be educated—is that Trinidad and Tobago citizens are denied access to the United Nations Commission on Human Rights. As a matter of fact, the only people in Trinidad and Tobago who cannot apply to the United Nations Commission on Human Rights are people charged or convicted for murder. Everybody else in Trinidad and Tobago can still apply. So our citizens are in a better position than citizens of the United Kingdom and over 90 other countries, in that, apart from their constitutional rights in the court they are entitled to apply to the United Nations Commission on Human Rights.

When Trinidad and Tobago took the decision to withdraw from these two bodies, in respect of the United Nations Commission on Human Rights it withdrew but re-acceded on the basis of our reservations on capital cases. We mentioned that we could not do that with the American Convention because we could not have reservations in that form.

Therefore, to say that because we are not a party or because persons on Death Row cannot go to the InterAmerican Commission on Human Rights after a particular date or the United Nations Commission on Human Rights, or that Trinidad and Tobago is barbaric, is really an unfair statement against this country. It is a wrong indictment and a false and misguided statement against the people of Trinidad and Tobago.

The hon. Member for Diego Martin West showed that he does not have any knowledge about these matters when at 4.10 p.m. in his contribution talking about the death penalty and its implementation, he said:

"As far as I am concerned that is a matter for the judicial system of this country. There is the parliamentary arm, the Legislative doing its work, we have the Executive, I hope, doing its work and the judicial arm."

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Therefore, he is saying that the death penalty is a matter for the judicial arm of the state. That may have been the reason the administration of which he was a part did nothing about it. As a matter of fact, his administration in 1994 merely talked, but did nothing about it.

I put on the record of this Parliament, his administration recognized that in order to deal with the problem it had to take urgent legislative actions to ensure that the death penalty was expeditiously carried out. Notwithstanding that, it did not take action.

On July 18, 1994 the then Prime Minister, the Member for San Fernando East, said in a nationwide address that he wanted legislation so that legislative action required can be taken to ensure that the death penalty is expeditiously carried out. Following that, the Cabinet at that time had to take measures after making a decision to draft laws.

On July 28, 1994 his Cabinet agreed that legislation be drafted to provide for the Court of Appeal of Trinidad and Tobago to be the final court of appeal in respect of constitutional motions on criminal matters and the then administration decided to do this whether there was a Caribbean court of justice or not. At that time it was decided to take steps to abolish appeals to the Privy Council in constitutional motions in criminal matters.

That administration also decided that an approach be made to the United Nations Human Rights Commission and the InterAmerican Commission on Human Rights in order to limit the time period for the Commission to complete its work and findings. When the legislation came to Parliament, which Cabinet had asked for, the legislation attempted to take away the rights of all persons. A Bill was introduced in the Parliament by the then administration, known as No. 5 of 1995, "An Act to Amend the Constitution of Trinidad and Tobago". It attracted nationwide condemnation because under the guise of trying to deal with the death penalty matter—and I have a copy of that Bill—the then Government attempted to take away the rights of all persons in constitutional matters.

It was recognized by the national community and the government then, that the rights in respect of death penalty matters had to be restricted to keep within the time-frame, but when it came to Parliament the legislation was to restrict the filing of constitutional motions in respect of all matters; that is to say, whether it involved squatters' rights, security, the rights of the media or whatever. As a result of the national protest the then Attorney General had to go into the Senate and withdraw the Bill.

When he did that—it is a matter of record that he withdrew the Bill—he said some words which up to now people in Trinidad and Tobago could not understand. It was reported in April 13, 1995 that although the Cabinet agreed to the Bill and it was laid on behalf of the government, the Attorney General, at the time the Bill was withdrawn, said that the government has no position on the constitutional Bill. Reported in the *Express* of April 13, 1995, the then Attorney General, Mr. Keith Sobion, indicated that the Manning administration had no position on that Bill which was introduced by that government in the Parliament.

Mr. Speaker, it should be noted as part of the record that in May 1995, the Cabinet at that time agreed for another Bill to be introduced in the Parliament, the Constitution Amendment Bill, No. 3 of 1995. I have a copy in my possession. Under that Bill it was decided that there would be a time-frame for these matters to be determined. The policy of the then administration in this Bill was that after five years of the date of conviction the death sentence would be commuted to life imprisonment. I read from clause 6 of that Bill:

"Subject to subsection (3) where an offender has been sentenced to death by any court for an offence against the laws of Trinidad and Tobago that sentence shall not be carried out on an offender after the expiration of five years from the date on which it was passed."

So the then administration decided that it is not going to have a law that no matter how long it took to carry out the death sentence, it decided that the law must be within five years, the death sentence must be carried out; after five years it must be commuted to life imprisonment.

I want the Opposition to say this afternoon why it is that although this Bill was agreed to in May 1995 no step was taken for it to be either introduced in the Parliament or for it to become law; why is it that in all the statements made on that side about being interested in carrying out the death penalty, this Bill was agreed to by the Finance and General Purposes Committee of that Cabinet and the Cabinet, yet it did not see the light of day.

What we are seeing is the political football being made by the other side about this matter. After this administration had taken steps to introduce legislative measures, we hear that the Member for San Fernando East said that they wanted a law even after 10 years. It was reported on July 21, 1998 in the *Newsday* that the Leader of the Opposition, Patrick Manning, declared that a People's National Movement government would hang a condemned murderer even up to 10 years

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after conviction. But in May 1993 he agreed that after five years you must commute the death sentence. He is now saying he wants that law.

What makes it worse—and I am saying this in order to demonstrate that the allegation that this Government is using the death penalty as a political matter is really on the Opposition, because they have made politics of it and has done nothing about it.

2.15 p.m.

Mr. Speaker, on May 31, 1996 when this Administration had put out a Bill for public comment that would allow us to carry out execution no matter how long it takes, whether 5, 10 or 15 years and there was public consultation on the matter, the PNM made a public statement on May 31, 1996 reported on page 7 of the newspaper that the PNM was against that Bill and that that Bill would be nullifying the *Pratt and Morgan* decision and would be sending a negative message to the public about the credibility of the judicial system.

Therefore, we have a situation where, obviously, the PNM as a government did not have any firm policy on this matter. They politicked with the population but they had no firm policy on the matter. Now, what they have to answer in a matter like this, it is not whether people had views on the death penalty. That is correct. People had views, nobody is denying that. It is not whether lawyers did their cases. As a matter of fact this Government is not against lawyers for doing their cases. What the Opposition has to answer in this matter—because it is well known that contributions were made to the development of the law—is why it is in 1993 when the Privy Council said they had to carry out the death sentence within five years they did nothing to implement that decision of the court. It recognized that steps had to be taken. The Human Rights Commission rights had to be restricted. It made a decision to approach the human rights body, nothing was done. It decided for legislation to be enacted, it came with the wrong legislation, they withdrew it and came with new legislation. The Cabinet agreed to do it and they did nothing about it and they are giving different signals.

Mr. Speaker, it is quite clear that what has happened in this matter is that the PNM administration was impotent to deal with the situation. They wanted political viagra. They did not have it, they had a crime commission and they politicked with the population. What we had was all the persons whose convictions were for murder, applications before the human rights bodies were used to frustrate the process, the time just ticked away and in frustration the then administration tried to carry out the execution on a gentleman called Glen Ashby and it turned out that

matter was before the court and then there was an international furore about contravening human and fundamental rights.

Mr. Speaker, to come to try to give the impression in this honourable House that because the hon. Member for Couva North and the hon. Member for Couva South expressed opinions about the death penalty and that prevented the government then from taking steps to carry out the death penalty is an admission of failure by that administration; to come to this House or take the contention that the Member for Couva South, as a lawyer, argued cases in which he contended that people's fundamental rights were infringed and people on Death Row had their fundamental rights infringed and, therefore, that prevented the government from carrying out their policy, that is an admission of failure; that is not the issue.

If they want to say that they can continue saying it but the Opposition owes a duty to the people of this country and to the Parliament, to the people who will read the *Hansard* to say that they took decisions as a Cabinet. Under the Constitution the Cabinet is the executive authority of the government. They represent the people, the people took decisions in the Cabinet, why has nothing been done to implement them? They come here and talk about these issues and I would have thought the hon. Member for San Fernando East—since he raised the issue of the death penalty—would have given an explanation to this Parliament and to the country why that Cabinet decision was not carried out. It is not too late, Mr. Speaker, because he can instruct his Opposition Chief Whip to tell this Parliament why in May 1995 a special meeting of the Finance and General Purposes Committee in which all of them sat and decided to look at two Bills and said this was the Bill and this was needed for Trinidad and Tobago, Cabinet agreed but nothing happened. They owe a duty to say that especially in a matter like this.

Mr. Speaker, the other point I want to make is that for the hon. Member for San Fernando East and the hon. Member for Diego Martin West to give the impression that by withdrawing Trinidad and Tobago from the American Convention on Human Rights and I quote the hon. Member for San Fernando East in a statement he made to the PNM convention in July of 1998:

“By withdrawing Trinidad and Tobago from the American Convention on Human Rights all citizens of Trinidad and Tobago are now denied judicial remedies offered by an international court, the Inter-American Court for Human Rights, for violations by the state; all of the fundamental rights of our citizens enshrined in our Constitution. This means all the rights of our citizens since independence have taken for granted.”

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Mr. Speaker, I wish to put on record in this Parliament that according to the files which are in the Attorney General's office in respect of the Inter-American Commission on Human Rights, the PNM administration of the day before the NAR administration was advised and acceded to the advice that acceding to the American Convention on Human Rights would pose great difficulties for the implementation of the criminal law in Trinidad and Tobago.

Mr. Speaker, I want the hon. Member for San Fernando East to also instruct his Opposition Chief Whip or any Member there to give an explanation why at that time it was the position of the PNM that it would frustrate the administration of the criminal law it did not take any decision to accede and why it is now since the law is being implemented with respect to the death penalty the position of the Opposition has changed.

Mr. Speaker, when one talks about human and fundamental—

Mr. Manning: Mr. Speaker, I thank the hon. Member for giving way. Is he saying that there was a position adopted by a PNM government on this matter, or that the government was in receipt of advice in a certain direction? Which is he saying?

Hon. R. L. Maharaj: Mr. Speaker, I am saying that the then government was in receipt of advice and the then government adopted a position and it did not accede and another administration acceded. I am also saying that the hon. Member for San Fernando East was party to that.

To raise an issue that people's rights and condemned persons' rights are being violated by withdrawing from these conventions is really not responsible. It is really not fair to the people of Trinidad and Tobago because the hon. Member for San Fernando East would know that what these bodies do, is tender advice but the executive does not have to take the advice, they can reject the advice. The hon. Member for San Fernando East also knows that the rights which are enshrined in American Convention on Human Rights are enshrined in the Constitution of Trinidad and Tobago.

Mr. Speaker, the hon. Member for San Fernando East also knows that under the Constitution of Trinidad and Tobago, as he did, he can go to the High Court, to the Court of Appeal or to the Privy Council to enforce his human and fundamental rights. He also knows that a person condemned to die is tried by a judge and jury—12 members must say, guilty. He also knows that after that the person can appeal to the Court of Appeal—three judges; he also knows that after

that the person can go to the Privy Council—three or five judges; he also knows that the person, before the death warrant is read, can file a constitutional motion and go to a judge, that is not affected; he also knows that the person can, from that judge, go to the Court of Appeal—three more judges; he also knows they can go to the Privy Council—five more judges. But what he does know is that what the Government is trying to do is to prevent issues like the nature of prison conditions and other issues like that, being used to frustrate the law. We are telling him, having regard to what we have done, having regard to our knowledge and having regard to our experience, we believe that is in the best interest of Trinidad and Tobago and we are asking him to support the Government on this national issue.

To use a Motion like this to bring all the issues of the death penalty into it when the Motion which he filed was a Motion in order to take note of what the hon. Prime Minister said in his statement.

Mr. Speaker, as I indicated on the last occasion, we intend to move an amendment to the Motion to insert immediately after the word “consider” the words “and endorse” and insert following the words immediately after the words St. Lucia appearing at the end thereof: “And be it further resolved that this honourable House support the Government’s position that Trinidad and Tobago be the site of the Caribbean Court of Justice.” Therefore, the Motion will now read according to our proposed amendment:

“Be it resolved that this honourable House consider and endorse the statement made by the Prime Minister in the House of Representatives on July 10, 1998 in connection with decisions taken at the recent Caricom Heads of Government meeting held in St. Lucia.

And be it further resolved that this honourable House support the Government’s position that Trinidad and Tobago be the site of the Caribbean

Mr. Speaker, I thank you very much. [*Desk thumping*]

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, for sometime this afternoon I thought that it was someone else other than the Member for Couva South speaking because I heard some things this afternoon quite different from what the hon. Minister said on the last occasion.

On the last occasion I thought that the Minister had set out clearly what the PNM had done with respect to implementation of the death penalty following the

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Pratt and Morgan decision. I thought that is what I heard and I have a copy of the *Hansard* and I want to go through that this afternoon.

2.30 p.m.

Mr. Speaker: We do have a proposed amendment to the Motion before us, and I think we should deal with the question of it being seconded so that Members would, in fact, be able to speak on both of them.

Seconded by Dr. Rupert Griffith

Question proposed.

Mr. Speaker: This therefore means, that those who have spoken before are indeed entitled to speak again on the amendment. We will take both of them at the same time.

Mr. K. Valley: Mr. Speaker, after reading the *Hansard* of the Attorney General, I was convinced as I was before, that the issue of the death penalty is not an issue in Trinidad and Tobago, at least for the PNM. The fact situation is that if those on the other side have now changed the position they had before November 5, 1995 then we welcome them to believing that murderers ought to be hanged. It was never an issue for us. For them it was an issue up to November 5, 1995. If it were not now an issue, we welcome them and, perhaps, that is one of the good things that came out of putting them in office—that we could eventually hang murderers.

The Attorney General made the case and contended that the main issue that we were making is that they are not interested in carrying out the death penalty, that in fact, they are merely politicking. I think the hon. Member understands our case quite rightly because that is our view.

The hon. Member summarized the position taken by the PNM following *Pratt and Morgan* and this is what I got from *Hansard*. The hon. Attorney General said based on the review of files he found in his Ministry that following *Pratt and Morgan* the PNM government met with the Crime Commission under the chairmanship of Sir Ellis Clarke.

There was a *Pratt and Morgan* decision and the government called in the Crime Commission under the chairmanship of Sir Ellis Clarke and asked them to consider what action the Government ought to take. The Commission made certain recommendations; the Attorney General said based on those recommendations the Government developed a policy position which was outlined in a national address

by the then Attorney General, Keith Sobion. All of that came out the last time we met on this Motion.

The hon. Member said basically that policy position was that Trinidad and Tobago Court of Appeal was to be the final court of appeal in respect of constitutional motions on criminal matters, and that an approach was to be made to the United Nations Human Rights Commission and the Inter-American Commission on Human Rights to restrict applications to these bodies, and to cut short the time-frame from 18 months as decided by the Privy Council, to one year.

First of all, when this Motion was put on the Order Paper, I had no intention whatsoever of talking about the death penalty because as far as I am concerned, that is a nil issue. There are too many more important issues in Trinidad and Tobago today. I think we are seriously wasting the Parliament's time. They are running up and down the country rather than talking about the recession that is staring us in the face, rather than talking about this thing that "Bas" is doing down in San Fernando, that people cannot get to their homes on evenings. Is that an overpass? It looks like a drain to me. Rather than talking about the problems which are important to the people of Trinidad and Tobago, they are wasting our time. I have friends in San Fernando. The Prime Minister said he came to talk with us on decisions taken by Caricom. When he said that, I was surprised. I said at least the Prime Minister is now taking the point that we have been making for some time, that as he goes on his jaunts around the globe, he has an obligation to come to the Parliament and report to the people of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, you would recall that I filed a question on this matter—there are a few questions on this matter—in this House. The first was answered on Friday, May 2, 1997 asking the Prime Minister:

“...when this honourable House will receive a report on his visit to India.”

He responded then. On the same day the Minister of Foreign Affairs responded to another question that I filed. That question was:

- “(a) Would the Prime Minister inform this House of the places he has visited outside of Caricom countries since he assumed office of Prime Minister of Trinidad and Tobago, and the dates of these visits?
- (b) Could the Prime Minister also state the benefit which resulted to Trinidad and Tobago from the visits?”

The question was answered by the Minister of Foreign Affairs.

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The hon. Minister listed about seven or eight trips outside of Caricom that the Prime Minister had made at that time. The supplemental to that question I asked the hon. Prime Minister is:

“Does the hon. Prime Minister believe that timely reports to this House on his external visits aid the concept of accountability which he said is the hallmark of his Government?”

The Minister of Foreign Affairs responded by saying:

“...all efforts will be made to present these reports to support our reputation for accountability and transparency.”

There was a second supplemental which asked:

“Could the hon. Prime Minister say, given the answer to that question, why there has not been previous reports to the honourable House on his visits?”

The Minister responded again by saying:

“...if it is the wish of this honourable House and if the Cabinet of the Government of the country feels that this is the procedure it would like to follow, such reports would, in fact, be presented.”

Mr. Speaker, it is a matter of record that was the last we heard of that issue. The Prime Minister and his Ministers continued on their jaunts—he is spending more time out of the country than in the country.

As a former Minister I say yes, Ministers and Prime Ministers have to travel, especially as they try to position Trinidad and Tobago in a particular way. But I think we would all agree also, that there is a fundamental concept that especially if you are using taxpayers' funds and, more importantly, because you are the Government and because the most that you can do is to send signals to the rest of the country, it is important to let the people know what happens when you are abroad.

If one travels and opens gates or doors, as it were, to the manufacturers in Trinidad and Tobago and comes back and keeps it quiet, and if one does not talk to the people via their representatives, then, obviously, we are not going to benefit in the manner that we are supposed to.

2.40 p.m.

We read in the newspapers that the Prime Minister and some other Minister have just returned from the Dominican Republic where they signed some trade

agreement. Mr. Speaker, such a trade agreement is important for the manufacturing sector. Should such a document not be laid in the Parliament? Do the Prime Minister and his Ministers not have a responsibility to come and let us know what has happened?

Hon. Member: It would come to Parliament in due course.

Mr. Valley: It would come now that I have said it.

Mr. Assam: There is a requirement—

Mr. Speaker: Order! Order!

Mr. Valley: There are a number of other manufacturers, a number of other persons involved, a number of persons interested. Mr. Speaker, I want to spend a bit more time on the Prime Minister's address, but I thought before dealing with that, I would answer some of the irrelevancies of the Member for Couva South. I was making the point that the Attorney General made a good case on the last occasion he spoke, to show that the PNM was extremely industrious in attempting to deal with the problem caused by the *Pratt and Morgan* decision. This is an excellent case, Mr. Speaker. He said that following the case he spoke with the Crime Commission and the Crime Commission came up with certain recommendations and those recommendations were converted into a policy position. However, the Attorney General at the time addressed the national community on that policy position. He laid a Bill in the Senate, Mr. Speaker, and there was an accompanying statement. I would like to put this on the record for the benefit of the national community. This was a statement made on March 14, 1995, by the hon. Attorney General when he laid that Constitutional (Amdt. Bill)—An Act to amend the Constitution of Trinidad and Tobago—No. 5 of 1995. It reads:

“Mr. President, for some time now there has been general concern over the use by persons of the processes of the Constitution of the Republic in a way that the framers did not contemplate. These concerns have been expressed by citizens in public fora, by lawyers in their role as officers of the court and by judges who administer our system of justice.

Of note also are the concerns expressed in the report of the Constitution Commission of 1987...”

He quoted from the report. I am not going to quote because I want to quote the Constitution Commission myself.

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Basically, the Constitution Commission was making the point that a number of persons were using the fundamental rights argument in a way that was not contemplated. Mr. Speaker, section 14, which the Bill that was presented to the Parliament attempted to amend, provides a general right for the individual and a general right for the remedies of the court if he believes that one of his fundamental rights was likely to be infringed.

I was a member of the committee that was set up to deal with this report. This is what the Constitution Commission had to say at paragraph 116:

“Section 14(1) of the Constitution provides—

‘For the removal of doubts, it is hereby declared that if any person alleges that any of the provisions of this Chapter has been, is being, or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress by way of originating motion’.

117. There have been cases involving allegations of breaches of fundamental rights which, having passed through our Court of Appeal, reached the Privy Council and in which it was held that the circumstances did not even disclose the existence far less the breach of a fundamental right. The Commission appreciates that a citizen (including a convicted prisoner) is entitled to avail himself of all the recourses the Constitution or any other law may give to him in order that he may pursue any right to which he feels he is entitled. On the other hand, it is in the interest of everyone that an end should be put to all litigation; it should not be dragged on interminably.

118. There have been cases where persons have availed themselves of the procedure under section 14 to litigate afresh alleged breaches of their rights, with the result that a considerable time has been expended on what would appear to be unnecessary litigation. This, in our view, is tantamount to an abuse of the judicial process.”

I am making the point, Mr. Speaker, that when the Cabinet, in 1995, considered the recommendations of the Crime Commission, it considered also the view of the Constitution Commission of 1987? That is why the Bill was drafted in a particular way.

The Constitution Commission continued at paragraph 119:

“Much of the problem has arisen out of the provisions of section 14 of the Constitution (the enforcement section) which enables a person who alleges a

breach of a fundamental right to apply to the High Court for redress 'without prejudice to any other action with respect to the same matter which is lawfully available' to him.

Which means, in addition to section 14, the person may have rights under different sections of the Constitution, especially under sections 108 and 109, which are always available. It is therefore quite incorrect, Mr. Speaker—and the Attorney General knows it—when he comes this afternoon to say, that Bill attempted to restrict the fundamental rights.

Mr. Speaker, the reality is that the individuals could have protected those rights under different sections of the Constitution. That is the point the Commission is making. I repeat:

“Much of the problem has arisen out of the provisions of section 14 of the Constitution (the enforcement section) which enables the person who alleges a breach of a fundamental right to apply to the High Court for redress 'without prejudice to any other action with respect to the same matter which is lawfully available' to him. It has been pointed out that in a number of criminal cases that section has been used after all appeals, including those to the Privy Council have been exhausted, whereupon a new round of applications is made alleging a breach of a fundamental right, which in turn finds its way back to the Privy Council in due course.”

This is the last paragraph I will read, Mr. Speaker, because I have to deal with this matter to put it to rest and get on with running this country dealing with important matters. They are wasting time.

Section 120 says:

“While there can be no question of curbing a citizen's right to pursue any interference with his fundamental rights, care must be taken that the judicial process be not abused. The Commission is of the view, therefore, that the first step to be taken to enforce a fundamental right should be an application to a judge of the High Court for leave to bring an originating motion, which leave should be granted if a strong *prima facie* case is made out. If leave is refused, then the applicant may appeal to the Court of Appeal either with the leave of the judge or of the Court of Appeal, and the decision of the Court of Appeal should be final. It is hoped that in this way the abuse of the process of the Court to which reference has been made will be greatly reduced or eliminated.”

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That was the view Mr. Speaker, of the Hyatali Commission, the Constitution Commission—and this report, of course, was presented to the President on July 1, 1990.

2.50 p.m.

So that, Mr Speaker, with that background and given the recommendations of the Crime Commission, the PNM government, in 1994, drafted a Bill along those lines. The end result is that this Bill was introduced in the Senate, but public comments were invited.

This is what the Attorney General at the time said:

“The Government is of the view that before commencing debate on this Bill, there should be a period for public comment and for consultations to be had with the Opposition and Independent benches, with the Law Association, and other interested persons and institutions.

These matters have been in the public domain for a long time, so that the period for public comment and consultation, need not be protracted.”

So that although it was introduced, Mr. Speaker, it went out for public comment. But more importantly, realizing that any legislation of this type requiring a special majority at the time, would need good consultation and compromise with the Opposition.

Mr. Speaker, I was Leader of the House at the time, and the Attorney General, with our Prime Minister, held consultations on an on-going basis with that Opposition, and when there was not one block, there was another, because their attitude was, that their job was not to make the Government look good. That was their position, Mr. Speaker.

You see, Mr. Speaker, he gets up this afternoon and talks about this Bill being withdrawn and another one being approved by the Finance and General Purposes Committee, and did not say that was done because of comments we got from them. So that we went back looking to compromise, looking to solve this problem about the implementation of the death penalty, that they are running up and down the road, talking about now. Do you understand?

Mr. Speaker, I find them the most hypocritical, most brazen, most boldfaced bunch that I have ever met. *[Desk thumping]* It is as though they feel we only have new Members here. I was there. I know what happened. He knows what happened, Mr. Speaker. *[Interruption]*

Mr. Speaker: Order, order, order.

Mr. K. Valley: Mr. Speaker, you were not around, but we spent a long time talking—

Mr. Panday: Now I know those meetings are working.

Mr. K. Valley: You see, that is what he thinks. That is what he is concerned about, whether meetings are working, caring nothing about the people of Trinidad and Tobago, only interested in politicking with serious issues, Mr. Speaker.

So that the fact situation is that when we got comments from the Opposition at the time and we thought we were getting somewhere in coming up with a solution so that we can deal with persons convicted within the context of the *Pratt and Morgan* decision, we went back there with the Attorney General; we drafted the legislation; came and got approval of the Finance and General Purposes Committee; got approval of the Cabinet; went back to talk to those on the other side who were running hither, thither and yon, and there was no support coming from them. They all know that. They are going on the platform and talking nonsense. They know it!

Mr. Speaker, their position was simply, “we are not here to make the Government look good.” Do you understand? That is what it was. *[Interruption]*

Mr. Speaker: Order please, order please!

Mr. K. Valley: Mr. Speaker, it is getting jockier, and jockier. They come this afternoon—and I am not anticipating, Mr. Speaker, I am just making a point—on the Supplemental Order Paper there is this Bill. Do you know what this Bill is supposed to do? It is “An Act to amend the Constitution and certain Acts to give effect to a change in the financial year.”

Mr. Speaker, you were not here in 1992, but let me tell you.

Mr. Maharaj: You are getting a chance to talk on that now.

Mr. K. Valley: I will talk on it. I am making a point.

You see, Mr. Speaker, I was Minister of Local Government and everybody in Local Government was happy when we were changing the financial year, including the councils that they controlled.

Mr. Maharaj: But they did not agree to the amendments.

Mr. K. Valley: Mr. Speaker, everything was “honky dory” when they thought it was a simple majority. As soon as they heard that the Bill required a special

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majority, things changed. Do you know why? Their position was that their job was not to make the Government look good. So here again, where we would have gained by doing work in the dry season, that was not their concern. But lo and behold—as I say, Mr. Speaker, you could run but you can not hide—1998, change in the financial year.

Mr. Maharaj: A simple majority.

Mr. K. Valley: So you understand, Mr. Speaker, in 1992 it was special majority, now it is simple majority.

Mr. Maharaj: You introduced that special majority.

Mr. Assam: Ingenuity!

Mr. K. Valley: No. That is ingenuity? Stupidness. Mr. Speaker, they feel that we are like them, you know. Whether it is simple majority or special majority, in principle, the PNM supports a change in the financial year. One does not have to drive subterfuge and do all types of things. Do you understand?

Mr. Sudama: You have no choice in the matter.

Mr. K. Valley: How do you mean no choice in the matter? But we wanted a change in the financial year. As far as I am concerned, I am glad you all have seen the light, that it makes sense changing the financial year in Trinidad and Tobago and I wish you had that sense in 1992. [*Desk thumping*] If you have the sense, I wish you would consider the people of Trinidad and Tobago rather than simply politicking. Do you understand?

3.00 p.m.

Mr. Speaker: Order, please! Order, please!

Mr. K. Valley: When, Mr. Speaker, they come and they talk—you know, the Member for Couva South attempted, this afternoon, to say—what did he say?—to restrict the right of the United Nations and the Human Rights Commission. Right?

What we wanted to do, Mr. Speaker—coming out of *Pratt and Morgan* again—the concept is to have those bodies operate within the ambit of *Pratt and Morgan*. Note, Mr. Speaker, that is quite different from a withdrawal from those Commissions.

Fine. One, we understand that you withdraw and recede without the provision with respect to criminal matters.

But the other one, Mr. Speaker, is the one that is of more importance to us: the Inter-American Commission on Human Rights; because, Mr. Speaker, as I understand it, that is the Commission which has teeth. When you withdraw from that Commission, you are not only affecting those persons on Death Row, you are affecting the constitutional rights of all of us, our fundamental rights. Our ability to seek protection from that court is now compromised severely. If this affected the persons on Death Row alone, I would have no problem; but when it affects my rights, I have difficulty.

When you consider some of the things this Government has done Mr. Speaker, one has to be concerned. When the Prime Minister can tell the media: "Anybody who attacks my Government will not escape unscathed", consider the implication of that statement. We are not talking about any ordinary "Joe"; we are talking about the Prime Minister, a person who commands the resources of the state: the national security, the defence force, and so forth. And he is making an open threat. And he is saying that he is taking no prisoners. You see, when you hear that, Mr. Speaker, you have to consider exactly what we are talking about.

When you look at some of the legislation that this Government has passed or attempted to pass here, you can understand that this Opposition certainly has to be extremely vigilant with respect to their operations.

Mr. Speaker, consider what has happened at Petrotrin. Information has come to us that an accounting firm won a contract to do the audit at Petrotrin. That accounting firm also did some work at NFM. After they won a fair tender, the Government, led by the Member for Couva North, directed that the firm be not given the contract and that the accounting work would be re-tendered. That is the reality. Consider that, Mr. Speaker. Now, when you consider that the concept of the independent auditor is fundamental in the business world as a major protection for shareholders, one can see clearly the direction of this Government.

So that we are uncompromising on the point: unless the Government is prepared to re-accede to that Inter-American Convention on Human Rights, we are not moving! [*Desk-thumping*]

You could jump high, you could jump low; you could go to Penal, Gasparillo, Piggot's corner in order to talk to 10 persons. Do you know what we are telling you? We are "Antioch"; we want you to come with "Plan B". [*Desk-thumping*]

We do not want a referendum, you know, because let me tell you, if you come with a referendum and you ask whether convicted murderers should hang or not

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hang, I am telling everybody in Diego Martin Central to vote for it. So that will prove nothing. We do not want a referendum; we want the real thing. We are “Antioch[*Desk-thumping*]

We want it now. You want to bluff? We want it now. Plan B is what we want. We are calling on you now for Plan B.

Mr. Speaker: Order, please! Please, proceed.

Mr. K. Valley: Thank you very much, Mr. Speaker.

Mr. Speaker, I was about to say that on my notes I have just finished page 2. But you know what? I really have no zeal to talk about this issue. This death penalty thing is a nil issue. [*Desk-thumping*]

I do not know how it reached our national agenda. Lord!

Mr. Speaker, I made a statement in this House, that unless the Government takes action now on the economic front, we are heading for a recession in 18 months. There was a newspaper article which said that the Prime Minister laughed at that statement. I know that the Prime Minister is out of the country more than he is in and perhaps he does not know what is happening, but I want to tell him that Ken Valley does not guess. I want to say it again: “Ken Valley does not guess. Unless you get your House in order now, we are heading for a recession in 18 months”! [*Desk-thumping*]

Mr. Speaker, I am saying that is the issue, the main issue confronting our people now. As a fact, since the UNC Government came here they inherited certain things, but they have not re-invested, ploughed nor sowed the land.

Mr. Speaker, as I said, when I thought that there was going to be a change—because I would admit that the main function of our Government is to send signals, especially in this period of liberalization. We are no longer growers. All right? You send signals by the things you say; the messages you send. So as you go externally and you open doors, and so forth, you have an obligation to come back and talk to the national community.

3.10 p.m.

That is why I was so pleasantly surprised when the Prime Minister got up on—what was it? July 10th?—to say that he came to the House to tell us about what happened at the Caribbean Community Summit. Just like March 6, we were disappointed. Mr. Speaker, you remember the Minister of Finance came and it was the same let down. So for yet another time—a golden opportunity to put some

things on the table—we are reading about one of our soft drink manufacturers having difficulty in St. Lucia—single market and economy.

Mr. Sudama: That has been resolved.

Mr. K. Valley: Thank God. No thanks to you. I had more to do with that than you could, but anyhow, Mr. Speaker, he came and the only thing he could talk about the single market and economy was the free movement of skills. We would have appreciated—

Mr. Maharaj: He had no confidence in you. [*Crosstalk*]

Mr. K. Valley: I am just looking for a Caricom document here. This is a 1995 document—*Report on the Creation of the Single Market and Economy*—which outlines a number of critical areas with respect to the whole concept of single market and economy: the free movement of goods; the free movement of services; the free movement of capital. The concept of free movement of skills is important, but a minor part of the whole initiative with respect to the single market and economy.

So that, I thought that on that day I would have heard from the Prime Minister about what were some of the major decisions which were taken at Caricom with respect to the whole movement of the single market and economy. When, for example, would we be able to list a firm from Jamaica on our local stock market? When would we be able to do that? When, for example, would we be able to see BWIA and LIAT in that hub and spoke arrangement? He talked about BWIA and, as I said on the last occasion, the next time they talk to me about BWIA, that company must make a loss of lower than \$3.5 million, or a profit.

Mr. Maharaj: Because of the agreement the Member signed.

Mr. K. Valley: They jump up and down but they cannot better the performance of that administration. It is the same Acker.

Mr. Speaker, let me just inform them that the Chief Executive Officer of BWIA at this time, is the same Chief Executive Officer who signed the Acker agreement. The only reason my signature is there is because I was Acting Minister of Finance on that day. But the Chief Executive Officer of BWIA today is the person who negotiated the Acker agreement.

Hon. Member: And you signed it.

Mr. K. Valley: Anyway, let me not get into that. That is a different story.

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Mr. Assam: Who fired him?

Mr. K. Valley: Nobody fired him. He left.

I would just say that BWIA and LIAT have a golden opportunity and the Government needs to concentrate on that rather than talking stupidity. If they want to know how much money Ken Valley has, they just have to talk to my bank manager.

Mr. Speaker: The speaking time of the Member for Diego Martin Central has expired.

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

Question put and agreed to.

Mr. K. Valley: Mr. Speaker, I shall not need that, because I just want to deal with one other issue.

Before I do that, let me say that I do consider it fundamental that a system be developed to have Ministers report to the Parliament on their foreign travel. One assumes that a Minister travels only to bring benefits to the people of Trinidad and Tobago, and I work on the assumption that especially in this day of liberalization, what is important is the sending of signals. People need to know what opportunities are available. That information must be made available to them and the best place to do so, is in the Parliament of Trinidad and Tobago where the people's representatives sit.

I am saying that while we would agree that, perhaps, it might be difficult to report on a Friday afternoon after someone returns from a visit, even if it is on a quarterly basis, we need reports coming from the Government with respect to initiatives taken externally as a result of ministerial travel.

Mr. Speaker, I asked the question on behalf of the Leader of the Opposition to the Minister of Foreign Affairs and the Minister of Foreign Affairs, a former Minister of Foreign Affairs under our administration, knows better, because he knew that in the PNM he could not do that.

Mr. Maharaj: Could not do what?

Mr. K. Valley: Could not be travelling and not reporting. I asked a question and the information coming from the Minister was that, at that time, some 37 Tvisits—and as Minister of Foreign Affairs, yes, he has to travel—but before then, not one report to this Parliament.

Mr. Panday: Unemployment is down to 13 per cent.

Mr. K. Valley: Even so, the hon. Member has nothing to do with that. When it starts rising, it is because of his non-action. It is notwithstanding him. That is a fact.

Mr. Speaker, I want to move on to the amendment moved by the Member for Couva South. First of all, I would like to propose a further amendment to that amendment. I propose that the words "and endorsed" which the Member for Couva South attempted to add, be deleted.

Mr. Maharaj: Be deleted?

Mr. K. Valley: Mr. Speaker, really, when we look at the statement made by the hon. Prime Minister, I think anybody reading it would be laughing at this Parliament if that statement is endorsed by this Parliament.

Mr. Maharaj: Where is the evidence of that? Which part of the Constitution?

Mr. K. Valley: I know the Member tells me something quite different when we meet behind the Speaker's Chair.

Mr. Speaker, with respect to the second part:

"And Be It Further Resolved that this honourable House support in principle the Opposition's and the Government's position that Trinidad and Tobago be the site of the Caribbean Court of Justice".

We had between "support" and "the" in line 1, "in principle". I think the correction has already been made with the "d" in "resolved" and, at the beginning of line 2, we propose to add the words "Opposition's and the". In this way, the second part of the Motion reflects the reality.

Because, I was there in 1994 at the Caricom Summit with the honourable Prime Minister at the time. I think I was on the right of the then Prime Minister and the Minister of Foreign Affairs was on his left, so that he can bear testimony to what I am saying. It was in Barbados. The question was asked about the siting of that Caribbean Court of Appeal and I noted that my Prime Minister, with some embarrassment said, "I do not think we can go ahead because we are not getting

Again, we are seeing the somersault. Now, we are seeing the Member for Couva South putting this in, as though it is their big, bright idea, supporting the Government's siting of the Caribbean Court in Trinidad and Tobago, or something like

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that. In 1994, that was not their position. It is now the somersault. In 1994, when we were talking about this Caribbean Court of Appeal—because that is what it was at that time—I remember we had discussions with the Member for Couva South.

Mr. Maharaj: Your memory is not there.

Mr. K. Valley: I know my political leader was there. The Member for Couva North and the Member for Couva South; and the Member for Couva South was saying, at that time, that he did not mind if the Caribbean Court of Appeal dealt with civil matters, but criminal matters, he always felt that should remain with the Privy Council. Is that not right? He wanted criminal matters because he was talking about fundamental rights and so forth.

Lo and behold, in 1998, I heard this gentleman flying up to London on a Saturday for a half an hour meeting the next Thursday. To do what? To ask the Privy Council to stay away from criminal cases—not civil cases—but criminal cases. So, it is a complete flip flop.

Mr. Maharaj: That shows maturity.

Mr. Panday: Only the dead do not change its smile.

Mr. K. Valley: Mr. Speaker, the brazenness. The Member for Couva South tells us on the last occasion—I want to read it from the *Hansard*.

3.25 p.m.

Mr. Speaker, in the *Hansard* of July 24, 1998 (5.15 - 5.25 p.m.) the Attorney General says:

“Much time has been spent wondering—and it displays the ignorance of Members on the other side—whether the Attorney General or the Prime Minister in private life had personal views on the death penalty and whether even at this time, they still have such personal views.”

I really want to ask the hon. Attorney General whether he was in private life in 1992, because I remember he was sitting here as the Opposition Chief Whip and the Prime Minister was sitting in this chair as the Leader of the Opposition, so I am asking if he was in private life then. More important, I want to know whether when they said what they said with respect to the death penalty, whether they were personal views, or whether they were outlining the views of the UNC?

Mr. Speaker, do you understand the difficulty we have in Trinidad and Tobago? I would like to ask him because perhaps he did not hear. It is the

Attorney General who blocked it because he decided he did not want the Government to look good. The Bill required a special majority and without support of the Opposition we could not get it.

The reality is that we were having consultation and knew that there could not have been any passage of the legislation without the support of the Opposition. We attempted to meet them more than half way, we came with the first bill, we negotiated and discussed it and when we could not get their support we amended the bill trying to get them on board.

The fact that in Trinidad and Tobago today we would be able to carry out the death penalty on persons, if that is the price we had to pay for having them in Government for a short period of time I am glad, because we could hang people. Because while they were in the Opposition it was blocked on every occasion. The Attorney General talks about personal life in 1992 and is now making a somersault at this time. The hypocrisy of those on that side.

The Member for Tobago East piloted a Bill on the last occasion and Members on this side told him it was not the right way to do it, we told him he was making a fundamental error. He ignored us and piloted the Bill. There was a division. He then goes to Tobago and says something quite different. This is the second time this has happened, but one is not surprised. We heard about the Emancipation Park. I want to see if the Member for Tobago East would support that this afternoon. I want to hear him this afternoon. They are not my words, I am merely repeating after him, it is reported speech. He said: "I am Panday's puppy dog." *[Laughter]*

Mr. Speaker, in my view, the earlier the Prime Minister brings "Plan B", the better off all Trinidad and Tobago would be, because the quicker we put them back where they rightly belong.

Mr. Speaker, I wish they were in Arouca last night to see how ready the people were. We want "Plan B" today, we want you to call the election today. We do not want any referendum.

In closing, I say for me, and the PNM, the death penalty never was, not now is, nor will in the future expected to be an issue. There are critical issues which are facing Trinidad and Tobago and I would like the Government to address them. More importantly, I hope that the Prime Minister and his Ministers would realize that there is an obligation to report to the Parliament from time to time on the happenings externally.

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Mr. Speaker, I think it was my colleague from La Brea who asked the question about the Prime Minister's travels. He loves to travel, there was \$125,000 outstanding in accountable advances. The one with the highest amount outstanding is the Prime Minister of Trinidad and Tobago. It is not only from yesterday, but for travel done before 1990. In other words, from that short period when he was in Government from 1986—1988 and when the question was asked he ran and paid it.

I thank you.

Amendment seconded by Mr. Fitzgerald Hinds.

Mr. Speaker: Hon. Members, we do have a proper seconding of the further amendment which would be put to the House when it arrives.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I rise to make a short contribution in support of the Motion as put before this honourable House by the Member for San Fernando East along with the amendments as proposed and adopted.

The subject matter of the Motion before us is admittedly at some distance from the substance of the debate which transpired here today, but all is fair in this matter of political debate and, as a consequence, there are some thoughts which I would wish to share in terms of the debate.

Mr. Speaker, I was not here in 1994 and the early part of 1995, but I have had an opportunity to read some of the relevant documents. I must admit that it is the exposition of the Member for Diego Martin Central in respect of that very important question which the Member for Couva South raised time and time again in his contribution, that I was able to garner from the Member for Diego Martin Central, the essence and the answer to the question as has been raised by the Member for Couva South.

I remember on the last occasion when this matter came before us, the Attorney General and Member for Couva South said that we of the People's National Movement would be obliged to tell this Parliament and this nation the reason the draft bill which he said was approved was not laid before this House, and I myself wondered. Today I have had the benefit of a very logical and sensible explanation and it underpins the decency and the concerns for the state and the well-being of Trinidad and Tobago which have underpinned all that we have done for the years we have served this country. It is the concept of decency.

The Member for Diego Martin Central explained, and I have to re-emphasize because the Member for Couva South asked several times in his contribution why

did the PNM not lay the Bill which was drafted and agreed to by the Cabinet, which is the executive authority of the Government of Trinidad and Tobago? The Member for Diego Martin Central was a bit upset, and justifiably so, because serious issues are at stake here which cannot be dealt with flippantly nor fleetingly, because every citizen of Trinidad and Tobago, perhaps every Caribbean citizen is looking on at what is happening in Trinidad and Tobago in respect to these matters.

He explained that when we were faced with the difficulty that had been set up in *Pratt and Morgan*, bearing in mind that case came out of Jamaica, the individuals, Earl Pratt and Ivan Morgan spent 12 years on Death Row and the delay in review of the Privy Council was inordinate, and it agreed that that delay, along with the other issues raised in the case of *Pratt and Morgan*, all came together to constitute cruel and unusual punishment which was, of course, inconsistent with the dictates of the Jamaican Constitution, and indeed, inconsistent with the dictates of our Constitution as outlined in section 5.

When we were faced with that difficulty—

Mr. Speaker: Hon. Member, I really do not wish to railroad you in any way, but you did admit that we are going outside the terms of the Motion, but if it is to repeat that which was said by the Member for Diego Martin Central, I would ask you please to move on, because you are re-emphasizing the point which he made which was off-centre.

I have no problem with you answering things outside of the central Motion, but if it is going to be a repetition—as you yourself have admitted—of what the Member for Diego Martin Central has said, I would ask you please to reconsider it.

Mr. F. Hinds: Mr. Speaker, I do not propose to repeat what the Member for Diego Martin Central has said, and I would be guided.

I was simply winding up on that particular point that it is the PNM's ethic and decency which prevailed. Once we prepared the legislation which we considered was appropriate to deal with the difficulty which had been established by that case of *Pratt and Morgan*, we, for the sake of decency, and recognizing that it required the support of the then Opposition, sought to consult.

3.40 p.m.

Mr. Speaker, we may underestimate the importance of these matters in the minds of the public, but they are looking on and they want to be clear as to the terms of this debate. I thought that it was made rather clear. When the Bill was

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drafted, there were consultations on both sides. Those consultations went on and, of course, there was a clear indication from the other side at that time, that they would not support the legislation. Today, they have proposed legislation—the Constitution (Amdt.) Bill—and have said publicly they want our support. We have even been threatened. We were told that if we do not support this Bill they will put into effect so-called “plan B”. Well, in its present manifestation and bare backed as it is—in other words, on its own—we cannot and will not support it.

We, Mr. Speaker, simply say that while we are not averse to the business of hanging—because that is our party's position and clearly stated policy and it has always been so—we are not prepared to sacrifice the protection, security and freedom of the people of Trinidad and Tobago for the sake of achieving that. [*Desk thumping*] Nothing could be more simple and clearer. There are 108 or 114 condemned prisoners, and 81 per cent of the society wants to see them dealt with according to law. We have no trouble with that. At the same time what this Government did—and I have a report here that I will read—was to go, claimed to have had discussions with the two international bodies unilaterally, that is without consultation of the Parliament and the people of Trinidad and Tobago, and wiped away that international blanket or cover of protection for all of our 1.4 million citizens.

The effect of the Government's action, the Attorney General and the Minister of Foreign Affairs, was that we are entirely shut off from petitions and protection of one of those institutions and we are severely restricted, with the exception of the death penalty cases, in respect of the other. The Attorney General, the Member for Couva North—well I would excuse the Member for St. Joseph because he really does not—

Mr. Assam: Understand.

Mr. F. Hinds: No, I would not say that. I would simply say that the Member may not be entirely familiar with the intricate issues that are before us.

Mr. Assam: Because you are a lawyer and I am not.

Mr. F. Hinds: Not at all. Not at all. Mr. Speaker, at any rate it is the protection, security and the right of 1.4 million people as opposed to 114. There are many issues other than death penalty issues that can be petitioned to these international bodies. When you look at the short history and track record of this UNC/ independent mix up, you will see that we have justifiable cause for alarm and concern.

Mr. Assam: Like ourselves. You declared a state of emergency.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. F. Hinds: Mr. Deputy Speaker, it is a fact that between 1986 and 1991, the NAR government at the time had 33 seats; a significant majority in this House. It could have passed any legislation amending the Constitution with a two-thirds, a three-fifths or four-fifths majority. History will demonstrate that the NAR government of that era did not interfere with the Constitution. They respected it as sacred and did not interfere with it to the detriment of the security and protection of the people of Trinidad and Tobago.

Mr. Deputy Speaker, in 1971 the People's National Movement had every seat in support in this Chamber—36. Again the record will show that we respected that important and sacred, if you like, document, and treated it with the respect it deserved. Could the same be said about this Government? I dread to think if this Government had a two-thirds majority in this House. In my humble and honest view, it has no respect for democracy..

Mr. Assam: We have respected the law, the judgments and everybody.

Mr. F. Hinds: I cite one bit of conclusive evidence when two Members of Parliament who were elected democratically by their constituents came to this Parliament and were offered blandishments to give up their responsibilities to their constituents and to the party under whose emblem and insignia they contested the elections. Mr. Deputy Speaker, I will tell you again and again, it is the one issue that sticks out in the mind of the Member for Laventille East/Morvant, as a clear demonstration of this Government's disrespect for democracy. So whether they like it or not or they lump it, they will hear it again and again.

Mr. Deputy Speaker: Member for Laventille East/ Morvant, we have an amendment before us and also the primary Motion that was done. Could you just kindly stay a little close to the amendment as well as the primary Motion please?

Mr. F. Hinds: I thank you very kindly, Mr. Deputy Speaker, and I shall be so guided. We are debating essentially, the statement made by the Prime Minister on his return from the Caricom conference. In part, the Prime Minister was quoted as saying:

“I now move to the establishment of the Caribbean Court of Justice. It is of importance to this nation to trace the history of this far-reaching issue to the people of Trinidad and Tobago. The immediate frame of reference follows

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upon the decision of the Privy Council in the Jamaican case of *Pratt and Morgan vs. the Attorney General*.”

And the Prime Minister continues. He says further:

“In that matter, the Law Lords of the Judicial Committee of the Privy Council held that to execute a condemned prisoner after five years of sentencing constituted cruel and unusual punishment and, therefore, a breach of his constitutional right.”

Mr. Deputy Speaker, the points that the Member for Laventille East/ Morvant is raising, are in response to that particular element of the Prime Minister's statement, and further, legitimately responding to the issues raised by the Member for Couva South and Attorney General who, incidentally, was the first speaker on that side in response to the Motion put by the Member for San Fernando East.

Let me move on, and I want to read a bit of the report or the observation of the Inter-American Commission on Human Rights on the observations of the state party in the Darren Roger Thomas case.

It says:

“The Government of the Republic of Trinidad and Tobago (hereinafter, State’) has notified the Inter-American Court that it will not take measures to comply with the Court’s order in this case.

It continues. Trinidad and Tobago or—

State ‘reminds’ the Commission...”

And these are the submissions of the Attorney General of Trinidad and Tobago.

The State ‘reminds’ the Commission that ‘an international body has a duty to create the necessary machinery so that the domestic law of States parties is complied with.’”

That is a quotation of the submissions made by the Attorney General.

Mr. Deputy Speaker, the body says in response to that:

“The State...”

That is Trinidad and Tobago.

“...cites no authority for this original legal maxim.”

Do you see how decent and genteel they said this was utter nonsense? They described it as original. It was the first time that international body heard that legal

maxim. It is quite clear, as the Attorney General would often say to a first year student of international law, that the state is the one that has the responsibility to bring its laws in accordance with its international obligations.

This Attorney General found himself, along with someone else, telling an international body, much to the embarrassment of Trinidad and Tobago, that, and I quote:

“...‘an international body...”

Like the Human Rights Commission.

“...has a duty to create the necessary machinery so that the domestic law of States parties is complied with.”

That is not the case. I have never in all of my reading of these kinds of reports, found criticism so strong of a state government. This is the kind of embarrassment to which we have been subjected.

Mr. G. Singh: Read the Human Rights Report of the killing of Glen Ashby.

Mr. Bereaux: Why do you not make a contribution?

Mr. F. Hinds: We cannot support the Government's efforts because we have a duty on this side to secure the interest of the citizens of Trinidad and Tobago—all of them—whether they understand the implications of this or otherwise. I have listened to the Attorney General in this Parliament here today. He outlined the entire procedure—and I heard it said outside of this Chamber—that an accused person enjoys, if you like, once he is charged for the offence of murder, rights to an enquiry by a magistrate in the preliminary enquiry.

Mr. Deputy Speaker, two things are noteworthy. One, in outlining that procedure, the Attorney General pointed out in respect of the substantive appeal against conviction and sentence in a murder matter, that one has access to the Privy Council. However, it is the same Privy Council the Attorney General is proposing that we obliterate in these criminal matters.

Secondly, we are quite aware of this procedure, but the Attorney General and the Prime Minister are not telling this Parliament and the people of this country that oftentimes, in the modern history and history far removed, it is the co-operation of states that protect citizens against oppressive governments. So to suggest as the Attorney General and the Prime Minister do, that because one has a preliminary enquiry, a trial by a judge and jury, access to the Court of Appeal, the

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Privy Council, the Constitutional Motion under section 14—again that is a single judge; the Court of Appeal with three judges. Mr. Deputy Speaker, oftentimes we have seen in this world, governments interfere with the judiciary one way or the other. I read a former Chief Justice of this country in an article that I do not have before me now, saying that the state can use even administrative measures to interfere with the Judiciary. The Judiciary needs a vote each year to carry out its affairs. If that is cut off, it will affect the work of the Judiciary—paper, staples, pens, palantypists. There are several ways. A former Chief Justice of this country highlighted that the state, if it is determined, can interfere with the exercise of the judicial function. So to tell us of that procedure does not tell the whole picture. This Government threatens and frightens people in this country. Last evening, if I might just so say, there were about 7,000 people coming to hear what we had to say. They came with an attitude and a determination to show support for a party that has governed solidly in Trinidad and Tobago.

So the Attorney General told us today, that we do not need the protection of these two international bodies that he, with the flick of a wrist, got rid of because we have an internal procedure that can protect us. Who will stand up against a government if it decides to oppress journalists who write against it? In some countries in South America and other parts of the world, journalists simply disappear for writing against the government's position. In some countries of the world political parties cannot be formed. In some countries, like what we saw in Trinidad and Tobago accountant firms that reported in a certain matter—for example, in the National Flour Mills matter—are rejected although they won a contract to deal with another matter.

So when a state decides to oppress the citizens of its country, and if it interferes with the independence of the Judiciary—it is international co-operation, the United Nations Convention on Human Rights, the co-operation of the state, political pressure and economic sanctions that removed apartheid in South Africa.

3.55 p.m.

Had there not been cooperation internationally among states, millions of people and, perhaps, Nelson Mandella, might still have been where he was up to 1990. So the protection offered by these two international bodies is critical and important for each and every one of us, and we are not prepared to sacrifice that, especially given the performance and the inclinations and the proclivities of that Government for the sake of hanging a few. We will be tricked if we did that. We could have trusted the NAR minus Club 88, but we cannot trust that UNC/NAR coalition today.

Mr. Deputy Speaker, I want to say that from an intellectual standpoint, the Attorney General's argument in respect of the need, if you like, for international protection is intellectually unsound. It does not stand intellectual scrutiny and it certainly does not stand scrutiny by the people of Trinidad and Tobago. You see the "Plan B" they are talking about, we tell them bring it and come, because when they come with it, we will take back plan Ortoire/Mayaro, we will take back St. Joseph and San Juan/Barataria.

There is another matter that the Attorney General has been mooting that needs to be addressed, and I do it on behalf of the people I represent, and on behalf of the young people, old people and middle aged people. In fact, I do it on behalf of every single person in Trinidad and Tobago, including the people on that side. The Prime Minister and the Member for Couva South have developed the art of double speaking so well, they cannot even help themselves.

The Prime Minister is now famous for saying that it is the law of Trinidad and Tobago. The question of the death penalty is the law, and we met it so, but you know, Mr. Deputy Speaker, we have sat in this Parliament for the last two and a half years, and have amended a lot of legislation. We have introduced new legislation as well, so to hide behind that is nothing but a sham—a typical UNC sham. I am saying that when they tell people of this Parliament and country that this is the law, they are not telling them that as the Government, they can initiate moves to change it if they want to, but they do not want to.

Some people are of the view that the Member for Couva South and the Member for Couva North were against the death penalty. I happen to think that is a plausible view, but I rather think that this is not the case. I am of the view that all of the machinations in the court by the Member for Couva South for all of those years may very well have been a legal way of fighting a political battle against the PNM who was in Government at the time.

It may very well be that the Attorney General was always one for the death penalty. As a matter of fact, one of the problems we have in Trinidad and Tobago today—it is very sad—but when a dog is accustomed sucking egg—

Mr. Deputy Speaker: Order!

Mr. Panday: You do not know the difference between a dog and a fowl!

Mr. F. Hinds: When a dog is accustomed to sucking eggs, even if he did not suck the eggs, one blames the dog. One of the problems is that the Government's credibility is so low, even if they say the right thing and do the right thing, nobody

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trusts them. This business of the death penalty has its roots in things that are happening in the community every day. People in this country—whether they like it or not—simply do not feel confident in anything the Member for Couva South says.

Our position remains absolutely clear. The People's National Movement, as a matter of policy and practice, supports categorically the implementation of the death penalty. We are simply saying that the Government is trying to fool and trick the people of this country, we see clearly what they are about, and we have undertaken the responsibility imposed on us by the acceptance of these offices to highlight that to the people of Trinidad and Tobago.

Mr. Deputy Speaker, when the Attorney General and the Prime Minister, as they have done, undertook to go in every corner of this country—and I heard the Prime Minister during the course of the debate talk about some office they took over at Piggott's Corner, the constituency office for Port of Spain North/St. Ann's West is located at Observatory Street in Port of Spain. That was always there, and is still there. There is an office at Piggott's Corner that was occupied otherwise; not the constituency office, not any PNM office. It was held, and as a result of a simple decision by those who held it, they gave it up.

The UNC, in its usual deceiving, tricky way, like it does in everything, it does not see things in a normal way, it looks for muck and trouble in everything. Once the Members heard it was available, they told themselves that if they got that office, they would be able to tell people they took over a PNM office and that they were gaining supremacy. They are wrong, wrong, wrong! They went to Piggott's Corner and spoke to an audience of 30 people, and there were two green band maxi taxis on the scene. They came from San Fernando, or somewhere else. We went to a meeting to discuss these issues yesterday in Arouca and demonstrated, proudly, PNM power with 7,000 people.

In conclusion, I simply want to say that the UNC Government is not fooling the Member for Laventille East/Morvant no time, no place. They are certainly not fooling anybody on this side, no time, no place; and if they feel they are fooling the people of Trinidad and Tobago, every step they walk, we will walk behind them, and we will remove their mask and show the people that when they are pretending they want to get 114, they are removing the protection for 1.4 million, we will stand up and defend it. We will not support anything they bring in this Parliament until they reinstate the rights, protection and security of the people of Trinidad and Tobago, in accordance with their dictates—a decision that they took.

There is a principle in law that if an authority grants a licence to an individual—take for example a maxi taxi driver's licence—this is a principle of law, not an original one like what the Attorney General wrongly put at an international body to embarrass us, and had the Member for Naparima in tow, also equally embarrassed. He came to them with a so-called original motion, a legal maxim of which they never heard. We know of a legal principle that says, it is one thing to give somebody something—a licence or right—but it requires more to take it away. So, when one wants to take away the man's licence or some benefit that the state or some authority would have given, the law requires utter scrutiny.

We are saying that while there was no negotiation or any parliamentary debate to enter into those international conventions, it was settled. We had the benefit of them for many years. The UNC simply took them away without any debate and it breached that simple legal principle, if not legally, morally.

In conclusion, I was happy to have made my contribution to this debate and to support the Motion as put by the Member for San Fernando East, and the amendments that have followed. Mr. Deputy Speaker, I sincerely thank you.

The Prime Minister (Hon. Basdeo Panday): Mr. Deputy Speaker, I rise to make a contribution to this Motion, but more specifically, to respond to the distinguished Leader of the Opposition, the former Prime Minister. I have a copy with me of the Leader of the Opposition's unedited transcript of *Hansard*. On page 1, he says that the Prime Ministerial statements only enjoy certain characteristics. They are clear, free from invective, free from innuendo, truthful and accurate. I agree with him absolutely.

He goes on to say that:

"Mr. Deputy Speaker, as you know, it is from Westminster that our system of parliamentary democracy evolved, and even as the system had been modified to take its own circumstance into account, one of the things we have never modified is the need for truth."

I do not agree with that.

4.10 p.m.

There are occasions in this House when it is clear that the Opposition cannot distinguish what is truth. He continued:

"...we have never modified the need for accuracy; we have never modified the need to have ministerial statements free of innuendo;"

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Mr. Deputy Speaker, that is far from the truth because the record of this House would show that many statements which emanated when the PNM was in office were filled, not only with invective and innuendo, but they actually brought into disrepute persons from outside of this House who did not have an opportunity to defend themselves. One can recall off hand the revealing of medical certificates piloted in this House as part of the invective made in statements. It was during the reign of the PNM, because I do not think that Mr. Chambers was my Cabinet colleague at the time.

The hon. Leader of the Opposition went on to say in making allegations of invective against the Prime Minister:

"Mr. Deputy-Speaker, it did not take the hon. Prime Minister long in his ministerial statement, to start with the invective. It is very unbecoming of a Prime Minister."

What is the invective of which he speaks? He quotes me rightly:

"Mr. Speaker, after recent elections in Guyana and St. Vincent, defeated parties declared their rejections of the election results, a reaction reminiscent of that displayed in 1995 here..."

What is significant about this statement is, who is he talking about? "Defeated parties declared their rejections of election results", when he spoke of invective here, exactly who was he speaking about? I do not think he has the guts to say.

What is important here is that, in his contribution he reveals an attitude which is almost frightening. I believe when the Attorney General in cross talk referred to the elections and said that we had won, meaning we had won the elections—members heard some of that talk here today—the honourable Leader of the Opposition replied:

"What election did you win?" You won no election. You could say what you wish, you won no election. They are in Government today, through you, Mr. Deputy Speaker, because of back room political machinations of which I do not want to speak too much at this time because of the parties involved and because of the positions that some now hold in this country."

That is an act of cowardice. If the hon. Member had the guts to raise it in the House, he should be man enough to say who he was speaking about. But I understand that he is a little ill these days so I know he is not as strong as he used to be.

If he begins making those kinds of allegations against important people in society, he should be man enough to say whom he was talking about. Who exactly was the hon. Leader of the Opposition talking about when he said that "they are in the Government through you Mr. Deputy Speaker"? I am not sure who was in the Chair at the time. I think it was you, Mr. Deputy Speaker. If you did engage in "back room political machinations" you have not told me about it. I do not know with whom you engaged in these "political machinations" involving people who are in high positions in the country. If this is an attack upon the President of this country, I think it is unprincipled and disgraceful.

Mr. Manning: Is it?

Hon. B. Panday: I thought he would have the guts to say who the "high people" were. He went on to say right away—:

"We are a principled political party..."

—after making the most unprincipled of statements.

On the issue of demitting office—and quite frankly I am not sure how all this was connected with the Motion—he went on to say:

"Our problem today is that we are not so sure..."

He meant not so sure about the Government demitting office.

"...in the light of all they have said and done, when the turn comes for the current Government of Trinidad and Tobago that [*Desk thumping*] they will be as gracious as we have been and accept the results of the election and demit office in peace."

I do not know why he should anticipate this, because firstly, they are not going to win the elections. Therefore, this is dreaming *in vacuo*.

More importantly—and this is not the first time that he has made that statement—it appears that the Leader of the Opposition is intent on making an excuse for losing the next election long before he has done so. How else can you explain him saying:

"What we are afraid of, Mr. Deputy Speaker, is that they can bring about a situation in this country that we have seen elsewhere."

Where? In Guyana? Have the courage to say so. If that is what he wanted to say, then he should have said it, and we will compare it to what is happening in Guyana. He continued:

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"I merely put the country on notice that that is one of the fears of the People's National Movement today."

That was to spread enmity among Caribbean countries and fear in this country without any justification whatever. It was an attempt to give an excuse for losing the next election which will take place on or before the year 2000.

Mr. Manning: Mr. Deputy Speaker, to what country was I referring when the comment was made? The Member spoke in such a way as to suggest that I was referring to a particular country. I referred to no particular country in that statement, which he could identify.

Hon. B. Panday: Then it makes the statement even more stupid and meaningless. What is the point of saying, "that they can bring about a situation in this country that we have seen elsewhere"? If he had seen it elsewhere then there must be a country. Has the Member seen something that does not exist? [*Laughter*]

Mr. Manning: I did not identify the country.

Hon. B. Panday: I know he did not identify the country, that is the point I am making, he did not have the guts to do so. Is that the kind of courage he has? Then he is not as well as he used to be. [*Cross talk*]

Mr. Deputy Speaker, he does not name the country but immediately after he went on to speak of the fact that the Prime Minister made "heavy weather" of the intervention of Caricom in Guyana. He took the opportunity to launch an attack on the foreign minister.

"The Prime Minister had much to say about that, but he was curiously silent on the statement made by his own Foreign Minister condemning the presence of the Leader of the Opposition and of the People's National Congress from Guyana in St. Lucia and his involvement in a heads of government conference as the Foreign Minister puts it."

I would tell the honourable and distinguished Leader of the Opposition: in this party we do not have a monolithic structure, that is, people are entitled to express their views. When people express their views one does not expel them from the Cabinet and make them a minister in the ministry of whatever. If that obtains in his Cabinet we ask him not to import it into ours.

The hon. Member continued:

"It is quite clear to us that either the Minister of Foreign Affairs is running his own foreign policy or that he and his Prime Minister do not talk."

I think that is very significant.

"It is not unknown to me."

He is saying that maybe I do not speak to the Minister of Foreign Affairs, which is not "unknown to him", meaning that he never used to talk to his foreign minister. That is the only thing I can conclude from that statement. But if he never used to speak to his Minister of Foreign Affairs, that is his business, I am afraid I run things differently.

He did not speak to his foreign minister because he expressed a view contrary to his own "Father of the Nation". How dare someone have a view that is different from the omnipotent Prime Minister of Trinidad and Tobago! That, however, is never a reason for me to stop talking to my Minister of Foreign Affairs. We run the Cabinet in a different way from the way he did, obviously.

The hon. Member went on to say that the Foreign Minister spoke of the involvement of Mr. Hoyte from Guyana and also of a complete misunderstanding of Caricom's role:

"I know how that came about. I do not know if he will confess to us today because his relationship with the Foreign Minister of Guyana and the Foreign Minister of Venezuela is something that is well known to me. He has been bitten by one already and he has just been bitten by the second one."

When I saw this violent, vitriolic and vicious attack upon the Minister of Foreign Affairs, I said to myself that hell has no fury like a man scorned or maybe like a political party scorned. I thought this was really an unwarranted attack upon the Minister.

I think he made an error when he said in continuing to attack him:

"...once a PNM always a PNM. That is what he is."

I think his eye sight is failing him because if he looked on this side he would see, once a PNM is not always a PNM at all! [*Desk thumping*] [*Cross talk*] It was unfortunate for him to remark:

"I hope that with a little more experience my good friend from Naparima would change his political views."

It would appear that with the passage of time they do change their views, but they move from his side to this side.

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On the question of the Caribbean Court of Appeal, I thought it was quite relevant to the argument because it was a matter to which I had made reference when I made my statement in Parliament on July 10. On that date when I spoke of the Caribbean Court of Appeal I said—I want to repeat it so that the House would remember:

"During the period when the Caribbean Court of Appeal was being mooted..."

This means when it was being discussed at the heads meeting.

"...it was agreed between our Caricom partners that Trinidad and Tobago would be the seat of the Court. But in this regard a problem arose during the 19th meeting of the Conference of the Heads of Government of the Caribbean Community. Certain leaders pointed out that although Trinidad and Tobago was the designated seat of the Caribbean Court of Justice, this country had not indicated that it would accept the full jurisdiction of the court particularly in its appellate jurisdiction in both civil and criminal matters. If Trinidad and Tobago did not, this would be a most embarrassing position for Caricom."

Mr. Deputy Speaker, everyone knows that the Attorney General had gone to the United Kingdom and was speaking to the Privy Council with a view to having them relinquish their jurisdiction with respect to appeals in criminal matters. This is what gave rise to the remark of the leaders of Caricom, that if, in fact, we accepted only a civil jurisdiction of the Privy Council it means that the Caribbean Court of Criminal Appeal would not have final jurisdiction in civil matters. But the Leader of the Opposition is so conscious of his wickedness that he thought I was talking about him.

He, therefore puts his foot squarely into his mouth. He tries to explain:

"Mr. Deputy Speaker, it is when the Prime Minister made that statement that I began to understand why four months ago I received a call from the Secretary General of Caricom."

Therefore, he must be speaking about a meeting before I went to the heads meeting. Four months before I went to the heads meeting which was on July 4. Was it after? I would be grateful if he would say if that meeting was before or after.

4.25 p.m.

Mr. Manning: It was before.

Hon. B. Panday: Exactly. He is saying that before I made that statement that the Caricom Secretary had come to see him. Why did Mr. Carrington come to see

him? He said Mr. Carrington asked to see him at his request and he could not refuse. I agree with him totally on that:

“I saw him, Mr. Deputy Speaker, and it was Mr. Carrington who raised with me—I did I not raise with him—the whole question of Caribbean Court of

Why is it that four months before this matter is raised with the Caricom Secretary General, Mr. Carrington is talking to him about this matter at all when their position was clear on that matter? It was the Attorney General who had gone to the United Kingdom and began to talk of a split in the jurisdiction. Why would Mr. Carrington speak to him? But you will see later on in the speech that he contradicts himself:

“I saw him, Mr. Deputy Speaker, and it was Mr. Carrington who raised with me—I did not raise with him—the whole question of the Caribbean Court of Appeal. What he said to me was—I can put it on the record today—that he was hearing a point of view about the position that we were adopting on this matter which was different from the position that we had adopted when I was Prime Minister of Trinidad and Tobago and Chairman of Caricom...”

That had never occurred. They had never changed their position. It was the Attorney General who was seeking to split the jurisdiction. They will see when first you try to deceive, oh what a tangled web you weave.

Mr. Bereaux: You are a master at that.

Hon. B. Panday: Take off your jacket "nah" and we will see. I hope you have a clean shirt underneath.

He went on to say:

“I had to make it clear that in respect of PNM's position nothing had changed.”

I find it extremely difficult to believe that the Caricom Secretary would raise a matter with him about an issue which they had never raised:

“I now understand that they have been going to Caricom and giving impressions that are not correct.”

But we had not been to Caricom. He goes on to say in the statement and he quotes me again:

“When confronted with this argument...

and that is my quote and I admit it is my quote, Mr. Speaker:

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“...I pointed out to my prime ministerial colleagues that in order to remove the Privy Council as the final Court of Appeal in Trinidad and Tobago the Constitution would have to be amended...”

That is a fact, that is not deceiving anybody.

[MR. SPEAKER *in the Chair*]

“...the Privy Council was entrenched in our Constitution as the final Court of Appeal. I then told them that any such amendment would require the support of the Opposition...”

That is a fact, that is not to deceive.

“...and that I was not sure whether I had that support.

That was also a fact. What, therefore, is deceptive about this statement? But the Leader of the Opposition is guilty of something which I am trying to find out.

He goes on to say:

“You now understand, Mr. Deputy Speaker, that it would have been a statement from the Prime Minister of Trinidad and Tobago, which I did not know at the time, which caused the Secretary General of Caricom to ask to see the Leader of the Opposition in Trinidad and Tobago and in which meeting he raised the whole question of the PNM's position in respect of the Caribbean Court of Appeal.”

Now he is saying the meeting was after I went to St. Lucia. First he said they came to him before because we had gone and told them that the PNM was not supporting us. The only time I said I did not know if I was going to get the support of the PNM was at the St. Lucia meeting and he now comes and says:

“You understand now, Mr. Deputy Speaker, that it would have been a statement from the Prime Minister of Trinidad and Tobago, which I did not know at the time...”

He would have known if it was after.

“...which caused the Secretary General of Caricom to ask to see the Leader

It is because I said I did not know whether I would get the support of the Opposition that the Caricom leader came to speak to him which had been after the meeting. Mr. Speaker, and then they talk about truthfulness. I would like to ask

him which lie is correct but I know that is an unparliamentary word. Which untruth is truth?

Mr. Speaker, the Leader of the Opposition went on to say:

“We told them that Trinidad and Tobago was voted as the headquarters of the Caribbean Court of Appeal and that the Caribbean Court of Appeal would not get off the ground unless Trinidad and Tobago, as a host country for the court, agreed to its use as its final court of jurisdiction. We told them that; it made no difference to them. Not only did it stop the establishment of the Court in Trinidad and Tobago...”

I did not know that stopped the establishment of the Court in Trinidad and Tobago but that is what he said.

“...it stopped the establishment of the court.”

What he is saying is this Government stopped the establishment of the Caribbean Court of Appeal. He obviously does not know what is going on.

Mr. Speaker, it was not just Trinidad and Tobago which was adversely affected. It was all the Caribbean territories which would have subscribed to the Caribbean Court of Appeal in its appellate jurisdiction.

Does the Leader of the Opposition not know that it is while the various committees set up by Caricom were inspecting the whole question of the Court of Appeal that it occurred to them that what was needed was a court with original and appellate jurisdiction as there was need to determine— *[Interruption]*

I cannot understand. How did we stop the Court of Appeal? We did not stop any Court of Appeal. How can he say that we stopped the Court of Appeal which had not only adversely affected Trinidad and Tobago but the Caribbean when the Court of Appeal was replaced by the Supreme Court of Justice. He obviously does not understand what he is talking about.

Mr. Speaker, I read again from the Leader of the Opposition's speech:

“Mr. Deputy Speaker, in St. Lucia—incidentally, when I said that I had articulated a position to the Secretary General of Caricom, it was at that meeting and, therefore, the Secretary General would have been in a position to know and understand what our position was at first hand and not to have to rely on the misrepresentation that obviously came from the Prime Minister of Trinidad and Tobago when he was speaking with his Caricom colleagues about our position with respect to the establishment of the Caribbean Court of Appeal.”

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Again, he is saying that he spoke to Mr. Carrington before so that Mr. Carrington would know that I was coming there to tell a lie because I had not made the statement yet. What a contradictory statement here. My statement was made in July at a meeting of Heads that was held from June 30 to July 4. How could the Leader of the Opposition be speaking the truth when he said:

“...in St. Lucia—incidentally, when I said that I had articulated a position to the Secretary General of Caricom, it was at that meeting and, therefore, the Secretary General would have been in a position to know and understand what our position was at first hand and not to have to rely on the misrepresentation that obviously came from the Prime Minister of Trinidad and Tobago when he was speaking with his Caricom colleagues about our position with respect to the establishment of a Caribbean Court of Appeal.”

That has to be after. It cannot be before. The two of them sat at the meeting and spoke on the telephone with one another. They sat in the same room and spoke on the telephone. That is the only thing that could explain that. It might have been a telephone conversation.

“Understand, Mr. Deputy Speaker, the integrity of the system is being undermined and the honourable ladies and gentlemen on the opposite side can sit as quietly and as meekly as they wish and take it. All I am saying is that a pay day comes when they do such things. There is a pay day and I hope that when pay day comes they understand that they are the ones responsible for it.”

Who is he threatening? This is a type of thuggery culture that comes from the PNM. Always threatening, beating and spitting on people when they come into the Parliament because they are coming to move a vote of no confidence in them and so forth. Thuggery! It is part of the culture of the PNM. Lock up the Speaker. They do not like the Speaker, declare a state of emergency around her house and lock her up. The poor lady has to eat coconut for tea, breakfast and dinner. *[Interruption]*

Mr. Speaker: Could I please have order from the Member for La Brea and the Member for Tunapuna. I call for order, please.

Hon. Member: *[Inaudible]*

Hon. B. Panday: That is a nasty comment and I want to express our disgust at that statement.

Mr. Speaker: Hon. Members, I wish to make it quite clear that I have tried not to get myself involved in the politics of this place and I want the Member for

La Brea to understand that I do not appreciate the comment which he just made. I want him to understand that in no uncertain terms. It is not appreciated and I hope that you do not repeat it. You were carrying on while the Member was on his feet and I simply found it necessary, because you were continuing it and I got a sign from the reporter that it was affecting her. I ask you please to desist as, indeed, I ask the Member for Tunapuna. What you have done is not right and is not to be emulated. I will let it rest there.

Hon. B. Panday: Thank you, Mr. Speaker.

There is another aspect of the contribution by the distinguished and hon. Leader of the Opposition which puzzles me and gives me the impression that all is not well with him. He keeps making contradictory statements. I have pointed out one or two before but as I read through his speech—as you know I was not here—I feel terribly worried for the hon. Leader of the Opposition. He seems not to be well and it seems to be affecting not only his physical health but his brain:

“So intransigent was their position...

That is after threatening us.

“...that I offered a Caricom country the right to the headquarters in return for them withdrawing their claim on the ACS headquarters being located in their own country.”

I pause so that people may absorb that statement.

“So intransigent was their position that I offered a Caribbean country the right to the headquarters in return for them withdrawing their claim on the ACS headquarters.”

He was going to give up the headquarters for the court in order to get the ACS headquarters.

He goes on immediately after—because there was some cross-talk—maybe he

“The Member for Naparima was there. I am sure he remembers it. Do you remember it? Say something. Say yes.

Mr. Maraj: I will talk.

Mr. Manning: Talk the truth. I hope those fellows have not influenced you unduly.

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Mr. Breaux: Do not worry about that! You want hanging in Trinidad and Tobago; you do not want it in Miami.”

That one is sick but I leave it at that.

4.40 p.m.

Mr. Manning went on immediately afterwards:

“We offered a country the headquarters of the Association of Caricom States—we offered it to Denmark.”

Mr. Manning: Mr. Speaker, the unedited record, the *Hansard* reporter put in Denmark. In fact, what I said was Jamaica.

Hon. B. Panday: I appeal for the voice tape recording of this conversation. Well, I do not know how the poor lady sitting there could mistake Jamaica for Denmark. If it were ‘haymaica’ or something like that I could understand. If it were “noak” I could understand but Jamaica to Denmark? Mr. Speaker, if it is, I am sorry, I apologize; all I am doing is reading from the *Hansard* notes. That is why I fear that the distinguished hon. Leader of the Opposition is not well. I sympathize with him. He mistook Denmark for Jamaica. It is a little far but—I am not quarrelling with the distinguished Leader of the Opposition at all. We must go easier on him. We must feel sorry for him. The distinguished leader is not well. He said:

“It did not accept it, as a consequence of which we ended with both.”

My impression from my Minister of Foreign Affairs is that we fought and struggled valiantly for both[*Desk thumping*] If I am wrong then I am wrong. I am in support of our Minister. He was there at the time that we struggled for both of them. I am willing to apologize if I read wrong records here.

There is one saving grace that has come out of this whole speech of his. It was when the Member said:

“I think we need to put clearly on the record that the PNM accepts a Caribbean Court of Justice in both its original jurisdiction and its appellate jurisdiction. That is our position.”

I assure the distinguished hon. Leader of the Opposition that I shall convey this to my colleagues heads when we meet in Surinam to confirm whether Trinidad and Tobago could indeed host a Caribbean Court of Appeal Court. Thank you very much for making it—I am going to move a motion but there is no need now, that matter is clear.

The next one is the death penalty. We will have to get a statement on that one too and then everything will be all right. From this point in his speech he said:

“I have with me a newspaper clipping...”

From here on his attack is on the Attorney General and has nothing to do with the Motion until further down in his speech.

I am sure the Attorney General is capable of taking care of himself. The attack on the Attorney General, when the Member talked about the Attorney General was a human rights activist and how he condemned the law against hanging and so forth, made me convinced in my mind that the hon. Leader of the Opposition does not understand the issue which is taking place in Trinidad and Tobago today. The issue is not whether you like the law or not; whether the law is good or whether it is bad, whether the law is moral, whether the law is immoral. Those kinds of arguments only surface when you are thinking about changing the law. If you are going to change the law the argument is: Shall we abolish hanging or not. These are the issues that surfaced but the Member is attacking the Attorney General for those issues.

What is of issue in Trinidad and Tobago today is whether you will implement the laws as they are. The Bill which the Attorney General has put forward—which they will vote against—is simply to implement the law, not to change it, not to say whether there will be hanging or not, whether hanging is good or bad. No, it is to implement the law as it exists.

A big argument took place about *Pratt and Morgan*. *Pratt and Morgan* laid down the law. *Pratt and Morgan* said to hang someone beyond five years from the day on which a person was convicted amounts to cruel and inhumane punishment.

The argument between us and them is the distinguished Leader of the Opposition is saying you must legalize cruel and inhumane punishment. He is saying you must hang a man whether it is 20 years, 25 years after. Whereas the court has already said that five years is cruel and inhumane, the Leader of the Opposition is saying no, let him appeal to everybody and if it takes 25 years, at the end of 25 years hang him. If it is cruel and inhumane to hang beyond five years, how much more cruel and inhumane is it to hang after 25 years? That is what the distinguished Leader of the Opposition is asking us to do. He is asking us to legislate cruelty; cruel and inhumane punishment. We say no! Five years is sufficient time in order to exhaust all of one's appeals. I am not going to defend the Attorney General. The Attorney General can defend himself. All this

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tremendous attack upon the poor Attorney General for trying to carry out the law goes on. To show the contradiction it goes on to say:

“Just for the record, let me put our position clearly. Hanging was not an issue for the PNM in 1992 and it is not an issue for the PNM today.”

Hanging was an issue when they illegally hung a man—Glen Ashby; the issue was whether you do it lawfully or unlawfully. The Attorney General is putting in a law which makes it lawful to do it within the lawful period. First of all you are confused. The Leader of the Opposition does not know what he is talking about.

“It is the law of the country and, therefore, the PNM’s position is, hang them

When? Twenty-five years later? Any amount of time, let them appeal to everywhere they wish; to all these human rights bodies—hang them high 25 years after they have put the state through all this punishment. There are people in this country who cannot get food to eat when the morning comes. The Attorney General in a speech had mentioned how much it costs to keep a prisoner. So keep him for 25 years and then hang him.

So, that if it takes 25, 30 years, no matter how long it takes—the Member said there must be no time limit. That is correct. [*Interruption*] That is why unemployment is down to 13.8 per cent—when you could not get it. That is why the economy is booming, that is why inflation is under control. It is because of the way we are managing this economy. [*Desk thumping*] That is why investors are stumbling over one another to come into our country.

Mr. Speaker, sorry for these minor deviations, they rarely do happen:

“Mr. Deputy Speaker, let me put on the record of this Parliament that we support the Caribbean Court of Justice in both its original and its appellate jurisdiction, but we do not believe that the Privy Council should be removed until its replacement, the Caribbean Court of Justice, is fully established and operational...”

4.50 p.m.

I agree with him, absolutely, that one should not be removed until the other is working. I think that is an eminently good suggestion and must have been made during one of his lucid intervals.

I continue to quote:

Mr. Speaker, I must read this because this is just the foolishness that has been taking place in the country for a very long time and he merely repeated it in the Parliament. For example, as we say “the French people” again, describing peoples:

“One family: He took her home to meet his people. Persons loyal to someone powerful, the king’s people.”

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Mr. Speaker, the argument is that the distinguished Leader of the Opposition spent three pages saying that this Government was racist and I was racist because I used the word "peoples" sometimes instead of the word "people". All I want to tell the hon. Member is that the people of Trinidad and Tobago are made up of several peoples and, hopefully, one day he would understand. The peoples of Trinidad and Tobago include all the peoples who make up the people of Trinidad and Tobago. As I said, Mr. Speaker, I hope he would understand that one day.

Mr. Maharaj: He is not well.

Mr. Assam: He is a geologist.

Hon. B. Panday: Mr. Speaker, he then went on to speak about tourism but I will not answer that because there is a Minister here much more capable of dealing with such mundane matters than I am. However, Mr. Speaker, I did like this one, from about 2.25 to 2.35 p.m.. In talking about tourism he went on to talk about a statement I made, merely saying, "That the Government was asked to consider the whole issue of tourism." he started to talk about a US \$60 million credit that could be spent on tourism development projects in the context of an overall plan. I should read it.

"The PNM negotiated with the Inter-American Development Bank, a line of credit of US \$60 million that could be spent on tourism development projects in the context of an overall plan for the development of tourism in Trinidad and Tobago."

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

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

Question put and agreed to.

Mr. Speaker: Hon. Prime Minister, would you be much longer because I think it is agreed—

Hon. B. Panday: Mr. Speaker, I assure that I will be finished by 5.00 p.m.

I just wanted to say that the Member mentioned that they had negotiated a US \$60 million loan. He said:

"It is a source of regret that the report was only just becoming available when

Whose fault was that? Mine? Whose fault was it that the Member made arrangement to borrow US \$60 million to deal with tourism and then voluntarily demitted office? He called an election knowing he would lose. Oh, he did not lose. Sorry. How he got into Opposition, God only knows. As I said, he did not lose the election, he won, but he is in Opposition. He comes now to say they would have done this and they would have done that. I continue to quote:

“...we went to the European Economic Community and we got approximately \$1.5 ECUs...”

He spoke about Brian Lara Promenade, City Gate, the old Library—everything under the sun—the Rotunda in the Red House, Stollmeyer's Castle as a museum. Mr. Speaker, I will leave all that to be dealt with by the distinguished Minister under whose portfolio tourism falls.

Mr. Speaker, as you would have noticed, I did not deviate from my script, except for only moments of relief. I hope that I have done justice to the contribution of the distinguished and hon. Leader of the Opposition. I want to thank him for his contribution and to say how grateful we are for his presence in this House. We do wish him well and hope that his health would continue to improve.

Thank you, Mr. Speaker.

5.00 p.m.

Mr. Speaker: I wish to advise that the amendment to the Motion which was proposed by the Member for Diego Martin Central, would read as follows:

Delete the first part of the amendment, and in the words to be included after the word “St. Lucia”, delete the word “the” appearing in line 1, and insert the words “in principle the Opposition and the” immediately after the word “support” also appearing in line 1.

And this has been circulated.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, before I move the adjournment of the House to Wednesday, September 2, 1998, permit me to advise that the Government wishes to deal with the Financial Year Bill 1998 on that date.

Therefore, Mr. Speaker, in accordance with the requirements of Standing Order 48(2), I beg to move, that the next stage of the Financial Year Bill 1998, be taken on Wednesday, September 2, 1998.

Agreed to.

Adjournment

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ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Wednesday, September 2, 1998 at 10.30 a.m..

Mr. Speaker, in addition to the Financial Year Bill, the Government proposes to also complete on that day Bill No. 6 on the Order Paper, dealing with the International War Crimes Tribunal.

Mr. Speaker: Before the House is adjourned, there are two matters which are to be raised, one by the Member for Diego Martin Central, and I call on him to raise it.

Mr. Valley: Mr. Speaker, by agreement, we will do only one, and that is the one relating to the Member for Tunapuna.

Carnival 1998 (Non-payment of Funds)

Mr. Edward Hart (Tunapuna): Mr. Speaker, I rise to move the Motion on the adjournment standing in my name which reads as follows:

“The non-payment of sums due to Pan Trinbago, TUCO and the Carnival Bandleaders Organization.”

Mr. Speaker, this is a very vexing situation. As a matter of fact, I recall vividly the words of the Member for Couva North—the Prime Minister—who just made a lot of noise, who said prior to the elections, “a debt is a debt and it must be paid

Mr. Speaker, this Government has seen it fit to provide moneys for many things, except to give the steelbandmen, the masqueraders, and the calypsonians, who are the salt of the earth, their moneys that are due to them.

It was in January that a meeting was held and a decision was taken that these three interest groups will be given certain sums of money to run the Carnival—Pan Trinbago, the calypsonians, and the masqueraders. Just over \$11 million was provided for this purpose. But, lo and behold, apparently, the NCC decided to take \$5 million away from that, leaving these bodies with \$6 million to see what they could do. Obviously, it caused many problems, even up to today.

Mr. Speaker, the Minister of Finance got into the act, and he gave them the assurance that he will source the \$5 million to off-set things. This has not been done. I understand today, Pan Trinbago was given \$1.2 million, but they are still being owed. This was done hurriedly today.

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This Government saw it fit to provide \$62 million for the Attorney General's Office which is being constructed a stone's throw away. This Government saw it fit to provide \$45 million to Birk Hillman to date, and another \$80 million to come for them. At the airport—the scandal at the Airport—they also provided \$30 million. We lost \$30 million on rice—money gone down the drain at the National Flour Mills. We have the sum of \$130 million for the library, an increase of \$40 million, for no real reason.

At the moment they are even constructing a rubble drain at Mosquito Creek, for the sum of \$3.5 million.

Mr. Manning: It is \$5 million.

Mr. E. Hart: I can go on and on. The airport scandal—\$100 million in dirt.

They went down to Mucurapo and built a road in one day and erected a fence, with their friends who they campaigned with during the elections—the Jamaat al Muslimeen. But yet, they cannot see it fit to pay the steelbandmen their money.

Mr. Speaker, I have said it on diverse occasions, these people on that side do not care about steelbandmen and I have concrete evidence. I spoke about the demolition of the Pan Beam Pan Tent in Couva North, where they wanted to build a gas station, and promised them land from Caroni and drums. Up to today, nothing. The steelband has disintegrated.

Mr. Speaker, the calypsonians are under heavy attack. The Equal Opportunities Bill would tell us that in clause 7. Pan Trinbago's Champs in Concert received a message from the Prime Minister's Office saying that Sugar Aloes must not be on the show. At the Dimanche Gras Show, the Mystic Prowler was told which calypso to sing and which not to sing.

Mr. Valley: Corruption.

Mr. E. Hart: Mr. Speaker, since time immemorial calypsonians have been singing political calypsoes, humorous calypsoes, all types of calypsoes. In the colonial days, they sang on Governor Shaw:

“the Governor tall, tall, tall;

the Governor peeping over the wall.”

Nobody said anything. They sang on Dr. Williams—Chalkdust, singing all these things, and Plain Clothes: “Chambers Done See”. Now, you want to tell calypsonians what to sing, when to sing, where to sing. You want to tell people

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where to walk, what to say, how to speak—freedom! Mr. Speaker, the mood of the country is not a nice one today.

Mr. Speaker: Hon. Members, again I am loathe to intervene, but this is not a debate; it is an issue that one is calling upon the Minister to answer which has to do with the payment of money.

The other issues concerning the grievances of calypsonians and steelbandmen may well be relevant issues, but insofar as this particular procedure goes, I am asking you please just to confine it to the question of the non-payment of the money; and one has 15 minutes to do that. Thank you.

Mr. E. Hart: I will be so guided, Mr. Speaker.

There was an arrangement where these interest groups will have the income that is generated. They will receive the gate receipts, moneys from sponsors and so forth. Mr. Speaker, this has not happened. Subventions were to be given for a five-year period on a sliding scale, being reduced every year. All these things have not taken place, and I am saying that steelbandmen have been trampled upon.

Where is the Member for Nariva who is always jumping up? I was in Sangre Grande the night when 19 steelbands were on the road—Grand Fest—up to now, no money. Mr. Speaker, I am asking the Minister to provide the moneys for the steelbandmen.

5.10 p.m.

I have said, over and over, the steelband has come a long way.

Mr. Speaker, Blakie put it in calypso form, when the two bands clashed. Anybody who was on Charlotte Street near the General Hospital, with the clash between Desperadoes and San Juan All Stars, would know.

Mr. Sudama: That is a very long time.

Mr. E. Hart: Yes, that is a very long time. But regardless of how long it is—you were never used to coming into Port of Spain. You have now come into Port-of-Spain so you will not know about these things. [*Desk-thumping*] You cannot jump up in a steelband.

Mr. Speaker: Order, please!

Mr. E. Hart: Sorry, Mr. Speaker.

Mr. Speaker, I am saying, as a result of these things, we see nurses marching; the trade unions in disarray. We are about to celebrate our 36th Anniversary of

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Independence, but the mood is not right outside there. Even the demonstration this afternoon: hopelessness among the young people.

Mr. Speaker, I am asking the Minister to ensure that the steelbandmen, masqueraders and calypsonians get every cent that is owed to them. Your Government is providing money for their friends and families who have contracts—questionable contracts, questionable deals—and they are getting their moneys. You are not granting the steelbandmen a favour; they earned this. [*Desk thumping*]

They cannot come all the time begging and begging the ministry. You all feel—with all due respect, I want to let you all know today, that there are very intelligent people in the steelband movement; people with negotiating skills, as everyone else. However, steelbandmen have been taken for granted for far too long. Many people feel that steelband is a free thing.

Mr. Speaker, I am sure that you have visited or attended one of the shows: *Pan is Beautiful*, at the Stadium. The sort of music that these steelbandmen put forward that is being played—although I heard the Member for Tobago East talk a lot of foolishness about steelbandmen playing one tune.

Whenever there are festivals, steelbandmen attack all the overtures. At the last festival, we won with the overture from *Tannhäuser*. Anybody who was there when Casablanca won the festival under the baton of Superintendent Prospect with the “1812 Overture”—a scintillating performance—will understand. Anybody who was there to hear Desperadoes with *The Bartered Bride* under Pat Bishop’s baton; Tokyo with *Coriolanus* overture—this is foreign to you all, what I am speaking *Morning, Noon and Night* by Von Suppe.

Mr. Speaker, I think the Member for Point Fortin is a masquerader. Every year, he brings out a little band in Point Fortin. The Minister of Finance sponsors a steelband, *Woodbrook Playboys*. The Minister of Finance sponsors a steelband! So they must know the struggle of the steelband.

It is not easy to get a band to go up to the “Big Yard”, Mr. Speaker, and perform at the Panorama. This involves a lot of money, work, teamwork—you should see the welders, tuners, painters in the pan yard at work. It is not an easy thing.

Mr. Speaker, when we—I am speaking about the PNM, the previous Government—named the steelpan as the national instrument, there was much huff and puff, cry and outcry. I recall vividly Mr. Sat Maharaj making much noise. He questioned why the steelband, and not the dholak or the sitar.

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Mr. Sudama: We supported it.

Mr. E. Hart: Nothing that the PNM did you supported. When you were on this side, you said you are not here to make the PNM look good. What did you support? Did you ever support anything that the PNM did?

Mr. Speaker: Order, please!

Mr. E. Hart: Yes, Mr. Speaker.

The steelpan is our national instrument. I just want to repeat, it was the only new invention in the 20th Century.

Mr. Sudama: We acknowledge that.

Mr. E. Hart: You acknowledge it and you have not paid the people their money for “Grand Fest”? [*Desk-thumping*]

So, Mr. Speaker, I am saying that the steelbandmen, calypsonians and masqueraders have been very patient; they have been asking, writing letters, attending meetings. Enough is enough!

We are therefore asking the Government and the Minister to use their good office—I understand that the Member for Oropouche said that they have a king, queen and ace on that side. I do not know if he is the queen; if the Member for Tobago West is the queen; if the Senator who was just here is the queen. I am just saying, I do not know.

However, I am asking the Minister—please, Madame Minister, ensure that these three interest groups are paid their moneys.

I thank you very much.

The Minister of Culture and Gender Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Speaker, I would like to assure this honourable House and, indeed, the nation, that this Government is committed to the development of the steelband and the steelpan. We have done several things in the last two and a half years and last three carnivals to indicate this.

Mr. Speaker, in relation to Carnival 1998, as a demonstration of the role the Government has played in the development of the steelpan, for the first time the Government has allowed the decentralization of the management of Carnival to the three groups. Government has, for the first time, given responsibility to these groups to run their own aspects of carnival. This is something that they have been

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asking for, for a number of years and this Government has put trust in these organizations. Certainly, we at the Ministry have been working with them from the beginning of the development of the plans and the budgets for Carnival 1998.

Mr. Speaker, I would like to outline, give a little explanation of how we came upon the budgets.

Over the past years when carnival was controlled by NCC, its financing has always been a deficit one. That is, the Government supplies the amount of money that is the difference between the cost of running carnival and the income that is derived from it. For example, if the income is “x” million dollars and the cost is “y” million, the financing is the difference between the two.

5.20 p.m.

In 1998, we sat with the three groups, organized the budget in the Ministry of Culture and Gender Affairs and came up with a deficit financing figure for each of the three groups.

For Pan Trinbago, the figure we came up with was \$5,285,350. I want to re-emphasize that that figure was the difference between the projected income and the projected cost. The projected figure we used was \$1 million. Therefore, we assessed that the cost of running all the Pan Trinbago functions for 1998 would have been \$6.2 million but, because we assessed that an income of \$1 million would be incoming, the projected budget for Pan Trinbago was \$5,285,350. Similarly, the projected income for TUCO, the calypsonians’ organization was \$2,386,000 and, for the NCBA, it was \$1,490,000. All these figures are based on deficit financing.

The total recommended to Cabinet by the ministry for the three groups, not including NCC, was \$9,162,250. This was recommended to Cabinet and Cabinet approved this amount. However, the sum allocated in the Draft Estimates of Expenditure for Carnival for the three interest groups in 1998 was \$6,511,000. This was the sum allocated at the end of the budget. However, Mr. Speaker, Government did communicate to these groups that it was committed to paying for Carnival, so that if the cost came up beyond this figure, Government would pay it.

In late November 1997, again, because we wanted to encourage the groups and facilitate the three organizations, for the first time, we released an amount from the Treasury of \$2 million prior to Carnival—this never happened before—so that they would have money to start up their activities. The amount released to

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NCBA in November/December was \$500,000; to Pan Trinbago, \$750,000; and to TUCO, \$750,000; a total of \$2 million.

Because it was the first time that these groups were running their own shows, we worked very closely with them. We told them very early up front that they had to account for what was done with these moneys before other money could be released to them. They had to account for it and it was from here that we began to get resistance. But, we worked with the groups and in February, 1998 they got the second release. The NCBA got \$800,000; Pan Trinbago got no money in February; TUCO got \$950,000; the second release was a total of \$1,750,000. Again, we told them that before they could get a third release, they must account.

On April 9, 1998 TUCO got a third release of \$300,000. On April 16, 1998 there was a fourth release. This was after Carnival. The NCBA got \$300,000; Pan Trinbago, \$1,300,000; a total of \$1,600,000. The fifth release occurred in May 1998 when Pan Trinbago got \$861,000.

So, by May 1998, the sum that was allocated, that is, \$6,511,000 was all spent, but the various organizations said to us that they still had outstanding debts. We at the ministry said to them, “We are committed to paying your debts. We are committed to paying for Carnival. All expenses for Carnival 1998 must be paid for.” We asked them, therefore, to list all expenses; identify outstanding debts and, we, between the Ministry of Finance and the Ministry of Culture and Gender Affairs, would find the money. This was done after reluctance to do these things which take time.

Eventually, the lists of expenses and debts were provided by the three groups and the Ministry carried out an audit on these financial statements. We had an internal audit to look at the various allocations, the various accounts of each of the groups. I would like to indicate what the audit found for these groups.

In relation to Pan Trinbago—again, I am quoting largely and paraphrasing the audit statement—no accepted standard accounting system was ever adopted in keeping records. Internal control mechanisms were never implemented. There are some examples of what this meant. For example, the audit found that approximately 90 per cent of these vouchers did not bear signatures under “authorized by” which represent payments. That is, 90 per cent of payments, according to the audit, were not authorized. Approximately 30 per cent of the vouchers had no supporting documents—that is, bills and receipts to justify payments. There are very many other examples. On many vouchers, there were no supporting statements and so forth.

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Mr. Speaker, for Pan Trinbago, the audit said that the services secured for security, car rentals, artistic direction and the making of logos were all provided by one member of the board who was also responsible for ticket sales. Payment for services was not in keeping with standard accounting principles. Again, there were many examples.

The audit found there were no controls by Pan Trinbago over the sale of tickets and there was little correlation between entries on the spreadsheets and bank deposit statements. In many instances, the bank deposit statements were higher than the entries on the spreadsheets. Also found was that the internal audit lamented the lack of a financial system to conduct and control the financial affairs relative to Carnival 1998. They also found inclusion of items which were unrelated to Carnival 1998 in the claims for Carnival 1998, such as Granfest, Steelband Week and other items. These were included in Carnival budget but they were not Carnival-related.

There were also entries included in several places for the same items, such as appearance fees, travelling and so forth. There were rentals of property and rental of cars, in one instance, rental of props. A number of the rentals of property were disallowed because they contained ongoing costs for Pan Trinbago office and for certain apartments.

Mr. Speaker, there were discrepancies between the claims made by Pan Trinbago and the amount justified in the audit. Overall, Pan Trinbago claimed an amount of \$2,216,190 and the audit could only justify, even with those types of accounting systems, \$1,204,140.

Hon. Member: Oh!

Hon. Member: Please!

Mr. Speaker: Order. Order.

Sen. Dr. The Hon. D. Phillips: This amount of \$1,204,140 was approved two weeks ago and the payment was carried out this week.

But the accounts for TUCO and for the NCBA were not as difficult as those for Pan Trinbago. In general, what was found was that approximately 35 per cent of the vouchers for TUCO had no supporting documents. It was also found that because TUCO administered five regions, it allocated moneys to the different regions and, indeed, bank statements for some of the regions could not be located. Subventions for the east and north zones in the sum of \$164,000 and \$46,000 were

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not deposited in their bank accounts but were cashed at the bank from which the cheques were drawn. The audit, therefore, was unable to accurately determine how those moneys were spent.

In general, it was found that the controls were very weak, that there was poor direction, however, even on the basis of these limitations, TUCO claimed a sum of \$199,500 and the amount allowed for TUCO was \$197,134 which was also paid.

For NCBA, the audit found that the accounting system was not in place to ensure internal controls and proper financial arrangements. Again, payment vouchers were not authorized or countersigned. Details of supporting documents were not available. The audit found that for the NCBA, there was unauthorized and extravagant expenditure, however, the amount claimed as outstanding by NCBA, \$524,427 was all paid to NCBA.

It is the opinion, therefore, of my ministry that no sums are now owing to any of these organizations. However, we are still open to acknowledging any legitimate claims that may still emerge and we have so directed the three organizations. Therefore, we are of the opinion that no sums are outstanding to these three organizations.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.34 p.m.