

*Leave of Absence**Wednesday, April 23, 2008***HOUSE OF REPRESENTATIVES***Wednesday, April 23, 2008*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I have received excuses from the following Members, the Hon. Gary Hunt, Member of Parliament for Port of Spain North/St. Ann's West, requesting leave of absence for the period April 23, 2008 to May 02, 2008; the Hon. Kennedy Swaratsingh, Member of Parliament for St. Joseph, for the period April 22, 2008 to April 26, 2008; Dr. Tim Gopeesingh, Member of Parliament for Caroni East for the period April 22, 2008 to April 28, 2008, and Ms. Mickela Panday, Member of Parliament for Oropouche West, from today's sitting of the House. The leave which these Members seek is granted.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago House of Assembly for the year ended September 30, 2003. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
2. Annual report of the Central Bank of Trinidad and Tobago for 2007. [*Hon. K. Nunez-Tesheira*]

*Papers 1 and 2 to be referred to the Public Accounts Committee.*

3. Tenth Annual Report of the Police Complaints Authority for the period October 01, 2005 to September 30, 2006. [*The Minister of Works and Transport (Hon. Colm Imbert)*]

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, it is with some regret I have to announce that we are not in a position to answer any of the questions on the Order Paper today. I would ask that they be deferred for two weeks.

**Mr. Speaker:** Yes, I hear you. There were just seven questions to be answered today and I was hoping that all seven would have been answered. Now, seriously, Ministers, do all that is in your power to have these questions answered. Questions that remain on the Order Paper for an undue time is really an affront to the House, so I am appealing to you to do all within your power to have these questions answered. These questions will be deferred for two weeks. [*Interruption*]

Order, please! I hope at the next sitting of the House questions that are listed on the Order Paper for that sitting will in fact be answered.

**Mr. Sharma:** Mr. Speaker, the answers for written?

**Mr. Speaker:** My comments are not only with respect to oral, but also with respect to written questions.

*The following questions stood on the Order Paper:*

**University of Trinidad and Tobago  
(Method of Incorporation)**

- 104.** Could the hon. Minister of Science, Technology and Tertiary Education state why has the University of Trinidad and Tobago been incorporated as a company and not by an Act of Parliament? [*Dr. T. Gopeesingh*]

**Bombardier Executive Jet  
(Details of)**

- 117.** With regard to the Bombardier Executive Jet, could the hon. Minister of Finance please state:
- (a) how much was paid in legal fees to lawyers and/or consultants negotiating for Caribbean Airlines with Bombardier over the purchase of the Global Express Jet;
  - (b) whether or not a consultant was used to evaluate the jet purchase, and if so how much was he/she paid;
  - (c) whether there is any penalty to Caribbean Airlines for not going through with the purchase of the jet after a deposit of US \$500,000 was paid to Bombardier;
  - (d) how much was lost due to foreign exchange rates changes in terms of the funds deposited into the accounts of Caribbean Airlines; and
  - (e) whether Caribbean Airlines negotiated with Aero Toy with respect to the purchase of the Global Express Bombardier jet? [*Mr. J. Warner*]

**Prime Minister's Travel to Jamaica  
(Details of)**

- 118.** Could the hon. Minister of Finance state:
- (a) what was the cost to the state for the Prime Minister to travel to Jamaica by private jet on or around March 19, 2008; and
  - (b) what was the purpose of this visit to Jamaica? [*Mr. J. Warner*]

**Chaguanas Magistrates' Court  
(Functioning of)**

- 119.** Could the hon. Attorney General advise when will the Chaguanas Magistrates' Court become functional in the premises rented by Government on Ramsaran Street, Chaguanas? [*Mr. J. Warner*]

**Home Improvements Grants  
(Details of)**

- 121.** With regard to the Home Improvement Grants, could the hon. Minister of Planning, Housing and the Environment state:
- (a) the number of persons, according to parliamentary constituency, who have applied for grants in 2007 and 2008;
  - (b) the number of persons, according to parliamentary constituency, who have been given grants in 2007 and 2008;
  - (c) the sum of money given in grants, according to parliamentary constituency in 2007 and 2008; and
  - (d) the criteria and procedure used to determine the giving of grants? [*Mrs. K. Persad-Bissessar*]

**Ministry of Education  
(Cost of Advertisements)**

- 122.** Could the hon. Minister of Education state:
- (a) the total cost of advertisements placed by or on behalf of the ministry in the media (print and electronic) in 2007 and 2008 and the amounts paid to each media house for same;
  - (b) whether any agent(s) were utilized by or on behalf of the ministry with respect to any of the advertisements; and
  - (c) if the answer to (b) is in the affirmative, the name(s) of the agent(s) and the amount(s) paid to each agent? [*Mrs. K. Persad-Bissessar*]

**De-shifting of Schools**

- 123.** Could the hon. Minister of Education state:
- (a) the schools which have been de-shifted together with the date of de-shifting of each school; and

- (b) the estimated and actual costs of de-shifting of each school mentioned in (a) together with a breakdown of expenditure for each in the areas of (i) construction (ii) equipping (iii) furnishing and (iv) any other costs? [*Mrs. K. Persad-Bissessar*]

*Questions, by leave, deferred.*

**MINISTER OF WORKS AND TRANSPORT  
(BREACH OF PRIVILEGE)**

**Dr. Hamza Rafeeq** (*Caroni Central*): Thank you very much, Mr. Speaker:

*Whereas* the Member of Parliament for Diego Martin North/East in response to a matter on the Motion for the Adjournment of the House raised by the Member of Parliament for Caroni Central on Friday, April 18, 2008 with respect to the construction of a walkover on the Solomon Hochoy Highway in the vicinity of Carlsen Field stated inter alia, “in the interim we have installed warning lights in the area, flashing amber lights in the immediate vicinity of the affected area so that motorists will take due care and attention...”

*Hansard*, April 18, 2008;

*And whereas* from my personal knowledge, no flashing amber lights had been installed in the vicinity of the affected area on April 18, 2008;

*And whereas* no flashing amber lights had been installed by the morning of Saturday, April 19, 2008;

*And whereas* five residents of Carlsen Field living in close proximity to the Solomon Hochoy Highway have sworn to affidavit, saying that no flashing lights had been installed on the Solomon Hochoy Highway—

**Hon. Member:** He lie.

**Mr. Speaker:** Order!

**Dr. H. Rafeeq:**—in the vicinity of Carlsen Field on Friday, April 18, 2008 or on the morning of Saturday, April 19, 2008;

*Be it resolved* that the question as to whether the conduct of the Member of Parliament for Diego Martin North/East in Parliament on Friday, April 18, 2008 in making the statement referred to above constitutes contempt and a breach of privilege of this honourable House be referred to the Committee of Privileges.

Thank you, Mr. Speaker. [*Crosstalk*]

**Mr. Speaker:** Order! Hon. Members, I will rule on the Motion as moved by the Member for Caroni Central later on in the proceedings.

**STATEMENT BY MINISTER  
Solomon Hochoy Highway  
(Traffic Safety Matter)**

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I wish to report to hon. Members on the status of measures taken by the Ministry of Works and Transport to address a traffic safety matter on the Solomon Hochoy Highway in the Carlsen Field area.

**Hon. Member:** “Oooh”. [*Laughter*]

**Mrs. Persad-Bissessar:** After the fact.

**Mr. Sharma:** I humbly apologize. [*Laughter*]

**Mr. Speaker:** Order!

**Hon. C. Imbert:** In this area—

**Mr. Ramnath:** Looks as though you had advanced notice.

**Hon. C. Imbert:**—there have been a number of unfortunate accidents over the years involving collisions—[*Crosstalk*] Mr. Speaker, could you—

**Mr. Speaker:** Yes. Hon. Members, the Minister is making a statement and can we hear him in silence please.

**Hon. C. Imbert:** Thank you, Mr. Speaker. In this area, there have been a number of unfortunate accidents over the years involving collisions between motorists and pedestrians attempting to cross the highway. As stated in this honourable House on Friday, April 18, 2008, the Ministry of Works is implementing both short-term and long-term measures to address the situation.

The permanent long-term solution involves the construction of a pedestrian walkover and I wish to confirm that the ministry is in the final stages of procurement of a suitable contractor to construct the walkover. Tenders are being evaluated at present and barring unforeseen circumstances, an award of contract is expected by next month, that is May, 2008. Actual construction work on the walkover should commence by the end of May and the project is expected to be completed by the end of September of this year.

With respect to the short-term measures, warning signs have been installed as well as flashing amber warning lights on both sides of the highway.

**Mrs. Persad-Bissessar:** When?

**Hon. C. Imbert:** And these flashing lights are fully operational.

**Mr. Ramnath:** When did you install it?

**Mrs. Persad-Bissessar:** Today, not on Friday when you said.

**Mr. Speaker:** Order! Please proceed.

**Hon. C. Imbert:** Further, in order to give additional relief and assistance to the residents of the area, the ministry has engaged the services of a transport contractor and a 25-seater maxi-taxi is now providing a daily shuttle service from one side of the highway to the other from the hours of 5.00 a.m. in the morning to 7.00 p.m. at night. I am advised that this shuttle service is working well and is being fully utilized by the residents of the area. However, before I take my seat, Mr. Speaker, I wish to correct an inaccuracy—

**Mr. S. Panday:** “Aah”.

**Hon. C. Imbert:** In my response to a matter raised by the Member for Caroni Central—*[Interruption]*

**Mr. Speaker:** Order!

**Hon. C. Imbert:**—on the Motion for the Adjournment on Friday, April 18, 2008 on this same issue. *[Crosstalk]*

In my response to the matter on the Motion on the Adjournment on Friday, I had stated, among other things, that warning lights had been installed in the Carlsen Field area. However, on looking at my speaking notes afterwards *[Interruption]* I realised that this was not an accurate statement, *[Interruption]* since what I should have said was that these lights were in the process of being installed and would be operational shortly. Accordingly, in keeping with parliamentary practice and convention, I immediately dispatched a letter to the Speaker by fax on the next day, Saturday, April 19, 2008, indicating to the Speaker that I had realised that I had made an error—

**Hon. Member:** Error.

**Hon. C. Imbert:**—and indicating my intention to correct the misstatement *[Interruption]* at the next sitting of Parliament, that is, at the earliest available opportunity, which is today. As I have indicated previously, the warning lights are fully operational and I wish to stress, Mr. Speaker, that it was not my intention to mislead this honourable House, and I apologise *[Interruption]* for any misunderstanding that may have arisen.

I thank you, Mr. Speaker. [*Crosstalk*]

**Mr. Speaker:** Order! Order please!

**CARIBBEAN COURT OF JUSTICE (HEADQUARTERS) BILL**

[Second Day]

*Order read for resuming adjourned debate on question [April 18, 2008]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. I must confess that when I was a student at the Mausica Teachers' College, we used to sing a song called "Oh Happy Day".

**Hon. Member:** Well, sing it for us, "eh".

**Mr. J. Warner:** And I thought that as a student at Mausica I would have lived to see that day. I lived in hope. When I left Mausica Teachers' College I went to university and again the song was sung, "Oh Happy Day", and I say again that the day would have come and I felt that any minute that day would have come upon us. In fact, I used to practise singing the song, and just because my chords now are a bit rusty I would not, of course, injure your ears. [*Interruption*] The words of the song would go like this, "Oh happy day, When Jesus washed my sins away".

**Mr. Ramnath:** Amen.

**Mr. J. Warner:** The Member for Lopinot/Bon Air West, I am quite sure would know the remainder of that song, because the song also went on to say that, "Jesus taught me how to fight and to pray; He taught me how to live rejoicing..."

Yes, and today, I am here, and I am here with my colleagues in this honourable House to talk about the Bill to establish the headquarters of the Caribbean Court of Justice (CCJ), here in Trinidad and Tobago, the seat of the court, to talk about—

**Mr. Speaker:** Hon. Member, if I may interrupt you. I honestly thought that in your opening statement you were actually in praise of the matter before us. Is it that you were in praise of the apology by the Member? [*Laughter*]

**Mr. J. Warner:** On the contrary, Mr. Speaker, I was telling him about the value of confession. [*Laughter*] Yes, so when we came here today—

**Hon. Member:** [*Inaudible*]

**Mr. J. Warner:** Talk to Neil. Talk to the Member for Lopinot/Bon Air West; talk to the Member for St. Joseph, Hon. Swaratsingh; they are priests.

**Mrs. Persad-Bissessar:** Were.

**Hon. Member:** What happen to me?

**Mr. Ramnath:** You can talk to me, I am an elder. [*Laughter*]

**Mr. J. Warner:** Yes, Mr. Speaker, so when I came here today, I came here today rejoicing and I came here today and I said that today will be a happy day because in many ways we will be able to discuss and to show the other side the error of their ways, the error of this Bill; errors which my colleagues from Siparia and Tabaquite had put forward so eloquently last week. [*Desk thumping*]

**1.45 p.m.**

Mr. Speaker, today I have come to join them to do nothing more, nothing less and no amount of shilly-shallying from the side; no amount of the public gallerying will change the purpose of this debate today, and more particularly, the reason why I stand. I know that many times and many days, you are a tolerant Speaker, and somehow I get the impression that today, your tolerance will be unbounded. I say this to you, because I will digress a little from time to time to make certain points and I would your crave your indulgence or tolerance.

Mr. Speaker, I want to first look and touch on what the Minister of Foreign Affairs, the Member for Point Fortin said on the Bill because I want to put what was said in context. And I will quickly say, one of the things that was said of course, is that the seat in Trinidad and Tobago was inaugurated on April 16, 2005. Madam Minister, Member for Point Fortin, you are correct; you are totally correct. The Minister also said that the court, the commission and their officers now enjoy privileges and immunities in Trinidad and Tobago pursuant to privileges and immunities in the Caribbean Court of Justice. Madam Minister, you are correct, totally correct.

The Minister went on to say in her deliberations, that Trinidad and Tobago contributes the largest share of the fund at 29.73 per cent and then she gave certain percentages for other countries. She was asked by my colleague, the Member for Siparia, have the others paid? Have they paid? And I recalled my colleague from Siparia say, "I hope in your summation, you answer us, you tell us." In case the Minister forgets, I want to tell her that we all await the answer, have the others paid.

Mr. Speaker, in her submission, the Minister of Foreign Affairs gave certain exemptions which were enjoyed by the judges, the officers, the employees and so on. Furthermore, she made the point that they even had immunity from arrest, detention for acts performed in their official capacity. The Minister of Foreign Affairs then made the point that even immigration restrictions they would not suffer. I applaud you. I said fine, no problem. I am trying to say this to you, Mr. Speaker, so as to put in context what benefits and favours and exemptions that are enjoyed by the Caribbean Court of Justice, relative to our local court and relative to our people here.

In her deliberations, the Minister also said that the Government of Trinidad and Tobago is under an obligation to do its part to facilitate the success of the Caribbean Court of Justice and it is expected to foster an indigenous Caribbean jurisprudence. Lofty words, lofty ideals and I commend her highly for them. Not only that, the point was made that the treaty was established on February 14, 2001 in Bridgetown, Barbados, and more importantly it was said, that this, of course, had the blessings of the then Attorney General, and the then Prime Minister of Trinidad and Tobago. In fact, when this was said, I remember the table was (*knocked on desk*) knocked on the other side. Big point!

Mr. Speaker, at this point in time, I want to make the point that because that was said and that was done by the then Attorney General and the Prime Minister in 2001, gives it no validity if today there are reasons why it should not be done. To make the case, I want to just go to an abstract by Edward Seaga, who was then Prime Minister of Jamaica. As Prime Minister at that time, Edward Seaga said that the Government of Jamaica is in agreement with the Act. His words are:

"...We did not view it with disfavour, provided a mechanism could be devised to ensure that Judges...appointed...to be entirely free of political connections to ensure that their independence would not be in question."

He said so. He said however, today, things have changed. Today things have changed. In fact, his words are:

"Today each of these conditions have now been reversed. The economy is out of control; the society has been destabilized by fear and the criminal justice system has broken down."

Therefore, Edward Seaga said that he has changed his mind. We could take out Seaga and take out Jamaica and put Trinidad and Tobago in place and the description will be the same. Things have changed and because things have changed, I am saying it calls for a change of tactics.

Furthermore, the Minister of Foreign Affairs said, that the Bill seeks to provide the law for privileges and immunities, facilities and exemptions that will assist the CCJ in the critical functions of its office. In other words, it seeks to give domestic legal effect to the Headquarters Agreement. I have no quarrel with that, none whatsoever. But the point is, when the Member for Siparia, the hon. Kamla Persad-Bissessar was responding, she said that the Government as exists today has come years after to get legal sanction for acts which they committed many years before. Her exact words were, "They operate outside the law without the sanction of the law and then come years later to get the sanction of the law," and she identified what transpired. In fact, a very brilliant, brilliant delivery.

The Member for Siparia had made the point that when this was signed by the hon. Knowlson Gift, she traced the date February 23, 2005, and she showed where funds had been expended for which there was no approval. What we are debating here is why. Why? What we are saying, is that we are in many ways spending money and then coming here to get sanctions afterwards. We are saying on this side that enough is enough.

Mr. Speaker, we made the point also, that based on the money that has been spent today, some three years later, \$207 million, that no benefits had accrued to the people of Trinidad and Tobago. No benefits whatsoever. [*Interruption*]

**Mr. Ramnath:** You must eat blue food.

**Mr. J. Warner:** Yes, it is true. There are neither beds nor hospitals, but as the Member for Siparia said, we are asked to rubber stamp something that has been existing and functioning for several years. That is our complaint today. Our complaint today is that we are asked to put into law, something that has been occurring for the last three years, illegally. We are asked to rubber stamp three years of illegality by this Government.

**Mr. Ramnath:** Public issue.

**Mr. J. Warner:** The Act to establish the CCJ was passed in February 2005. It became law December 16, 2005 and the Regional JLSC took office on August 21, 2003. What has happened in the interim that to this day and only today, we are asked to right the wrong?

Mr. Speaker, you would recall when this court was inaugurated, there were over 900 persons; the biggest party in town for \$3.8 million to open a court—April 16, 2005; \$3.8 million to open a court for which there was no approval and I say, \$3.8 million to party and open a court. I just remember the family day last Sunday at the Eddie Hart Grounds... [*Interruption*]

**Mr. Ramnath:** Everybody went?

**Mr. J. Warner:**—when some 42 buses—[*Interruption*]

**Hon. Member:** [*Inaudible*]

**Mr. J. Warner:** You keep quiet, you cannot even run. You cannot even run.

**Mr. Speaker:** Order!

**Mr. J. Warner:** They forced CEPEP and URP workers to come to their sport meeting. Forty-two buses. In fact, the double bus came from San Fernando East. Double bus. Forty-two buses! The Priority Bus Route was opened and you could drive whenever you want on Sunday. Not one bus stalled, but today you know something, three buses stalled since morning on the Bus Route and they are not fixed as yet. "That is them fellas." Family day! I saw some pictures of last Sunday and I saw a mass of African humanity and I said to myself—[*Interruption*]

**Hon. Members:** Oh, shame! Shame!

**Mr. J. Warner:** I am coming to you just now—where is this rainbow country of ours?

**Hon. Members:** Shame! [*Desk thumping*]

**Mr. Speaker:** Order!

**Mr. J. Warner:** For a moment I thought that I was in Zimbabwe—[*Interruption*]

**Hon. Members:** No, no.

**Mr. J. Warner:**—because I saw Mugabe and I thought I was there. But the point I am making, it may look so; they may feel that we have a Mugabe, but this country is no Zimbabwe. I saw this last Sunday and I asked myself, if those people who are there really understand and know what is being done to them?

**Mr. Dumas:** Self-hatred is the worst hatred. [*Interruption*]

**Mr. J. Warner:** Impotence personified, keep quiet "nah".

**Mr. Speaker:** Order!

**Mr. Dumas:** Hatred is never [*Inaudible*]

**Mr. J. Warner:** You have never said anything sensible yet. Never!

**Mr. Dumas:** Hatred—[*Inaudible*]

**Mr. J. Warner:** So as I was saying, Mr. Speaker—

**Mr. Speaker:** Now, you are yet to contribute to the debate, so save your fire for later on, please.

**Mr. Dumas:** Thank you, Sir.

**Mr. J. Warner:** *Ex nihilo nihil fit*. Out of nothing, nothing comes. So the question, therefore, is what have we benefitted to date as a people? \$207 million spent to date on the CCJ.

**Mr. Ramnath:** Tobago East.

**Mr. J. Warner:** What about the Trinidad and Tobago Court of Justice (TTJ), our local courts? I have seen pictures of our Chief Justice—*[Interruption]* do not worry with the guy. Do not worry with him—Ivor Archie going throughout the country, looking at our courts. You can see on his face, worry. He is looking at how our courts have been run down, dilapidated and nothing is being done for them and we have here a CCJ that gets everything.

Mr. Speaker, we on this side say that charity should begin at home, take care of your courts first. We, of course, seem to have some kind of penchant for taking care of the foreign things first, these guys. They brought down Scotland Yard for example. They gave them all kinds of salary. Scotland Yard has not made one credible dent in crime. They gave them more money than the local policemen, more perks and so on. They bathe more often in Las Cuevas and Maracas beaches and so on, even at Hilton, thank you and nothing is done on crime.

**2.00 p.m.**

If you look at Mastrofski, \$55 million spent and nothing is done for crime, and you come now to tell us that the CCJ gets everything but our local courts get nothing. I am saying that we on this side have a problem with that.

Mr. Speaker, what is worse is that the CCJ does not do more than two to three cases per year and there are nine judges. On the average, each judge does a third of a case a year. This came from the Internet, 12 cases in four years, is that money well spent? But again there does not seem to be any concern for how money is spent and how it is to be accounted for.

**Hon. Member:** The Deputy Speaker did one case last week.

**Mr. J. Warner:** Thank you. In this country with more than quarter of a million people living below the poverty line, less than US \$1.00 per day and we are spending \$207 million on a court that tries 12 cases over three to four years.

In fact, the Governor of the Central Bank, Ewart Williams says that difficult times are ahead. All over this land people are saying difficult times are ahead, the man-in-the-street is saying difficult times are ahead and yet the Minister of Works and Transport, the Member for Diego Martin North-East, could not be bothered, he is dismissive about those concerns. The same way they are dismissive of \$207 million. Nobody is concerned about the poor man.

In fact, as I talk I see the poor Minister of Finance—I want to tell her that I understand she is out of her debts in Finance, it is no fault of hers because her Leader has taken a banker and put in agriculture; he has taken a lawyer and put in finance; he has taken a seamstress who plucks his eyes, plucky, and put in sports. [Laughter] Therefore, you will understand—

**Mr. Speaker:** I think you need to withdraw that statement, and apologize.

**Mr. J. Warner:** I withdraw it unreservedly. I would not even talk about the Minister of Works and Transport again. I was planning to talk about him, but I would not.

**Mr. Ramnath:** He would not pay his debts in the court.

**Mr. J. Warner:** Mr. Speaker, all I would say is there are times I feel very sorry for the Prime Minister. I see him aging every week, and sleeping too and I say to myself he is aging because of the poor crop he has. The same way I feel sorry for him quickly, I dismiss that sorrow because it is his fault, he picked them.

Mr. Speaker, I will tell you this, these new Ministers are the most difficult to see. It has taken me five phone calls to the Minister of Social Development, the Member for Diego Martin Central, and I have not spoken to him yet, and this is a Member of Parliament, what about the man-in-the-street? They do not understand that the money we spend does not insulate them from the public; it is to help the public. I have tried in many ways to see the Member for Port of Spain South, I have written to her and got no response. In fact, as far as I am concerned, the only Minister who responds to the people and to us on this side is the Minister of Health, hon. Jerry Narace. He responds so quickly that sometimes you do not even know if he is giving you a “Gerry”. The fact is, you have to be responsive and responsible to the people, and you have to be concerned about the money you spend and the fact that \$207 million on a court for three years is wrong.

Mr. Speaker, I want to make a point on the submission made by the Member for Siparia, Mrs. Kamla Persad-Bissessar, when she said that we have spent \$207 million, and she asked how much money we are committing this country to pay

after we have passed this law. Mr. Speaker, we know that whatever we say on this side, the law will be passed because, after all, we won 26/15 and nobody considers what we say.

We were discussing and saying to ourselves in one of our meetings: Why does the Government not pass a bipartisan committee to look at food prices and crime? We spent an hour discussing why they do not do that because we all govern this country.

Mr. Speaker, do you know many Members said they would never do that because as far as they are concerned they have all the ideas. As such, we have decided as a party measure that we will institute and establish a home garden competition, we will pick 60 random homes from Caroni Central, Chaguanas is just 100, give the people seedlings, chicken, goats and so forth and let them begin to resuscitate home garden in a competition. Every six weeks or so as an incentive, examine them to see what is happening.

We said we shall have a hotline for people to call and tell people where they can get cheap food, what they can do and this will even help them to know where there is black market and where to avoid. We said we shall have caravans and teach the people once again where they have to go back to the land. We felt that this is better done as a bipartisan approach. "Dem fellas", Mr. Speaker, they have all the ideas and that is why we are where we are and that is why when I heard the Minister of Consumer Affairs, I said to myself, what is new, and that is the same thing that applies to the court.

Mr. Speaker, I heard the Member for Tabaquite in his submission saying that it is best that we have the court as an intermediary court to the Privy Council and he was saying therefore, from the court you can go to the Privy Council if you have to. He was making the point that over time, this would give the court some degree of confidence and stability and, therefore, it should be accepted and there would not be the resistance we have here today. Do you think anybody was concerned with the valid point made by the Member? In fact, the same point he made, in an article written by a member from the *Jamaican Gleaner* by William Watty says:

"Not even the most ardent protagonists for a Caribbean Court of Justice will dispute that the Privy Council, with both the advantages and limitations of distance, has guaranteed strict impartiality in the administration of justice. The respect it enjoys as the ultimate recourse is a respect that it has earned."

What the Member for Tabaquite was saying is if you have this as an intermediate step, then it would earn the respect over time and this is a point made by a guy in Jamaica. He says:

“Whether the Privy Council ratified, returned or overturned verdicts given in the lower jurisdictions, it has always given reasons, which have been of such weight, profundity, and yet lucidity as the wayfaring (ordinary) man might understand...”

He went on.

“We are all poor countries, some much poorer than others, all with struggling economies, and some teetering on the edge of collapse. To siphon off the millions involved in the establishment and maintenance of an institution that we can do without, and that has no obvious economic value, when social services are in shambles, infrastructures are crumbling, young people are in hopelessness and despair is not just irresponsible. It is insane.”

This is Jamaica. He says:

“It is a kind of corruption which should not be encouraged.”

He says of the Caribbean Court of Justice, it is a politician’s dream. [*Interruption*]

Mr. Speaker, what I found to be very interesting is when he said:

“Courts have not been immune to political interference and influence...”

That is what the Privy Council is insulated against. Again, my humble friend, the Member for Tabaquite, made the point; give them time to develop credibility, let there be an intermediate court, do not spend so much money. One cannot buy credibility with money, Mr. Speaker.

Mr. Speaker, on April 15, 2008 in an article by Oscar Ramjeet in the *Stabroek News* Guyana he says:

“Last Wednesday was three years since the Caribbean Court of Justice (CCJ) was inaugurated, and instead of countries initiating steps to join, it seems as if there is less interest for member states...”

In truth and in fact it is really one because when Guyana became independent in 1970 it abolished the Privy Council. They were never in the Privy Council in the first place, so when they came to join the court, they came as it were tabula rasa gave because they were not in the Privy Council.

He is saying that less and less members join the court. He said:

“The new Government of Belize is not interested, the leader of the Opposition in St. Vincent and the Grenadines, Arnhim Eustace...” is not interested.

“Although the new Prime Minister of St. Lucia, Stephen King, wants his country to have the CCJ as the final court, the opposition leader, Kenny Anthony thinks otherwise.”

So Kenny Anthony who was in favour of it—times have changed and, therefore, because times have changed you have new remedies and by far, no one can doubt Kenny Anthony’s bona fides.

**2.15 p.m.**

He is saying that he is not interested. All where you turn there is no longer any interest. Why are we spending money on an institution in which interest is on the wane? Why are we spending money on an institution which from all indications, it seems to be dying or dead? He went further to say that despite calls—you will like this one—from the President of the Court, Trinidadian Michael de la Bastide, the governments of Jamaica, Trinidad and Tobago, Antigua, Belize, Grenada, Dominica, St. Kitts, St. Lucia, St. Vincent and the Grenadines, the Bahamas and Suriname are yet to join. There is little indication that any of these countries will do so in the near future.

Who is fooling whom? Two hundred and seven million dollars and telling poor people that they cannot get subsidy on pumpkin? Two hundred and seven million dollars (\$207 million) and people in Ackbarali Trace and Bridal Road in Chaguanas West and Koocharan Trace have nothing? Two hundred and seven million dollars and people do not have hospital beds? Two hundred and seven million dollars and people have increase for water and lights and there is no concern? Two hundred and seven million dollars and you go to the market and beef is \$16 a pound? Two hundred and seven million dollars and you cannot even get dhal and flour to buy? Two hundred and seven million dollars and no hospital beds? This is madness!

Mr. Speaker, you will like this piece. There is another article by Morris Cargill from Jamaica. He is a columnist in the *Gleaner*. He says:

“I find it hard to understand why a number of people have nevertheless been in support of the Caribbean Court of Justice. I suspect that the motivation comes partly from a narrow nationalism, and partly because some lawyers think that a few special benefits would come their way as a result.”

I am not talking about you, Mr. Speaker. I am talking about other lawyers like you. This is the top Jamaican columnist. He goes further:

But it does not seem to me to make sense. To begin with, the expense of setting up a Caribbean Court of Justice would be immense. This would not only involve a few more judicial appointments, but a whole courts office with staff and library...and probably an expensive new building as well.

Our existing courts are notoriously under-staffed and ramshackle, and it sounds silly to undertake the (creation) of a new court when we cannot even afford to run properly the ones that we have.

Does that sound familiar? He continues:

“Distance lends enchantment, and the English Privy Council has the advantage of a kind of distance impartiality, which would be beyond the reach of any small West Indian island.”

[*Prime Minister arrives.*]

“Yuh miss something man. Good education here for yuh. Yuh miss something. Ah will give yuh the *Hansard* notes.” He said:

“In addition, the Privy Council gives the services of a considerable number of exceptionally learned and experienced judges.

In short, I take the view, which I am sure I share with many other lawyers, that the sooner we abandon the idea of the Caribbean Court of Justice the better.”

It was Jamaica that abandoned the federation and whether they left, one from 10 left zero. Today, Jamaica is saying to abandon the court. [*Interruption*] “Yuh just come. Yuh want me sit down?” We are saying, “Keep it.” “Ah glad yuh just come.”

We talk about promises. I see a promise here on last Sunday. The crowd cheered when Manning exclaimed.

**Mr. Speaker:** You have to say the newspaper and give the page.

**Mr. J. Warner:** Thank you, Mr. Speaker. The paper is *The Trinidad Guardian*, dated Monday April 21, 2008. Page 5 states:

“The crowd cheered when Manning exclaimed:

‘When the PNM makes a promise, we deliver!’”

We have reams of promises this thick (*Demonstrates by placing one hand over the other*) which they have not delivered. So why you have to deliver the

CCJ? It was the Prime Minister, the Member for San Fernando East who had a meeting in his office at noon on a Sunday and made the biggest promise of all, to give funding to football and help them with training and coaching. Today, for four months they have not been given a cent. Not one nickel! A promise that he made. I went and spoke with him and at the appropriate time I will tell you what his response was.

What promise did you make for the Caribbean Court of Justice? The answer is that our promise must first be to our people. It seems to me that our promise must first be to our local courts. Our promise must be firstly, to improve the lives of our people. We must have our people believe that whether they are in the PNM or UNC there must be a collective sense of inclusion. The guy in Chaguanas West must feel no different from the guy in Diego Martin West because one voted for UNC and the other for PNM.

We should take those funds that we are spending on the Caribbean Court of Justice and use it on our people.

I will make two small points again before I conclude. I tried to follow in *Hansard* the submission from the Attorney General, Sen. The Hon. Brigid Annisette-George. I could not find anything worthwhile that she said on which to comment. I know that she came and apologized afterwards, but I did not see anything worthwhile. I felt that for an attorney general the submission given to us should be one that would help enlighten us as the Member for Siparia said.

At the end of the day whatever we on this side say, we know fully that the ayes have it, but the most that we can do as a party or a group is to try to sensitize the public to come here and show the Government the errors of its ways and hopefully, it would be able to at least, one day take what we say more seriously. I recall coming here and telling the Minister of National Security why people should report a crime in a special police station where the crime occurred? It should be anywhere. I wrote him also and told him so. Then I saw it as fair. I said fine, very good. I like that. Even though they do not want to give credit to this side, no problem. There are issues on this side which I believe are credible. When you listen to the Members for Siparia and Tabaquite, there is no way you can leave here and not be sympathetic to what they have said. In this context, I say that possibly, Mr. Speaker, in your Chamber or cocktail party you may be able to tell the Prime Minister and those on that side, that all of us are in this together. We have a role to save this country and to improve the lives of our people. We can only do it based on the collective efforts of all of us.

Thank you.

**The Minister of Finance (Hon. Karen Nunez-Tesheira):** Mr. Speaker, on the last sitting of the House, the hon. Member for Siparia in her contribution to the debate sought to convey the impression that the payments made by the Government towards the establishment of the Caribbean Court of Justice was not sanctioned by this Parliament and it has been the practice of this Government, “to squander the people's money and come back years later to seek approval for it”.

The hon. Member for Chaguanas West repeated many of the things that were stated by the hon. Member for Siparia. I want to quote some of the things that were stated. I have a copy of the *Hansard*. I will make my contribution not as an attorney-at-law, but as Minister of Finance. Of course, there are legal implications in the Caribbean Court of Justice so I would be treating with them. It is a good thing that I have that discipline to support me. She said:

In any event we have seen that when we passed in this House the Government brought the privileges and immunities for Members of the CCJ and asked us to retroactively legislate for that to the year 2003 and it was brought some years later. Here it is again, up and running and housed in Trinidad and Tobago. Trinidad and Tobago is spending money and three years later they are coming now to Parliament to get approval.

The Act establishing the CCJ, No. 8 of 2005, was passed in February 2005. It became law in 2005 but since the year 2003, Members of the RLJSC have taken office and are collecting pay in a court that had no legal jurisdiction in Trinidad and Tobago.

The point was reiterated several times. The point being, and it was supported in the contribution of the hon. Member for Chaguanas West, that this Government has acted improperly and unlawfully in going ahead to establish firstly, the trust fund and secondly, the Caribbean Court of Justice without the benefit of the domestic legislation.

In its essence, I am looking at it from the point of view of the Minister of Finance, the hon. Member for Siparia referred to payment which was repeated by the Member for Chaguanas West of \$207 million to the CCJ. The hon. Member for Siparia stated that she had yet to see where Parliament had approved and parliamentary approval was sought for those payments.

The first thing I want to say with regard to that is that I think it is important. I heard the hon. Member for Chaguanas West talk about an opportunity to edify ourselves. I trust that he would see my contribution in the same light. What is the Caribbean Court of Justice in effect? The agreement that brought the Caribbean

Court of Justice is a treaty agreement. For those who are not familiar with the technicalities of a treaty agreement, the Vienna Convention on the law of treaties defines treaty to mean:

“an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;”

**2.30 p.m.**

I want also to refer to another definition from the *The Law of Treaties* by Lord McNair. In chapter 1 of that text, it is stated, giving a definition of “treaty”:

"In this book it is used to denote a written agreement by which two or more States or international organizations create or intend to create a relation between themselves operating within this sphere of international law."

With regard to that, the agreement establishing the Caribbean Court of Justice is in fact recognized in law as a treaty agreement. The point is that in relation to the expenditure, because I am focusing on the expenditure, there is no need to pass specific domestic enabling legislation to give effect to the treaty agreement, once there is general enabling legislation that allows for that. The general enabling legislation is section 113(3) of the Constitution.

In the hon. Member for Siparia's contribution—I do not want to misrepresent her—I got the impression that section 113(3) was not the norm; that it was not the norm to make reference to this to give effect to its provisions. Subsection 113(3) of the Constitution makes provision for the Minister of Finance to approach Parliament with a supplementary estimate showing the sums required in a supplementary appropriation bill.

Why do I make reference to section 113(3)? Because it allows the Government to bring a bill, and it is the appropriation bill that is the enabling legislation that allows the agreement establishing the CCJ to have legal effect, in particular in relation to expenditure, without the need to make that agreement part of our domestic law.

I am surprised that the Member for Siparia, a former Attorney General and herself an attorney at law, is not aware of that. There is a list of international organizations to which Trinidad and Tobago is a signatory to those international treaty agreements and to which we have made financial commitments every year in the budget, which passes through Parliament and for which there exists no enabling specific domestic legislation. The reason is that there is no need for

specific domestic legislation because the appropriation bill, which is given effect under section 113(3) of the Constitution, gives effect to that. There is no need for specific enabling legislation where there is general enabling legislation.

For the avoidance of any doubt in the minds of those who are listening, I have gotten a list. Not only does the hon. Member for Siparia know that, but her whole party knows that. I will prove that they know that too.

The following are organizations for which provisions are made in the draft estimates of recurrent expenditure and in respect of which there exists—and I want to make the point—no domestic legislation establishing the organizations, for which we make a contribution as part of our commitment as a signatory to those agreements.

I have some of them. One of them is the United Nations Organization. The treaty agreement is the Charter of the United Nations. Another organization is the Organization of American States. The treaty agreement is the Charter of the Organization of American States. We also have the International Seabed Authority. The treaty agreement is the United Nations Convention on the Law of the Sea. The International Tribunal for the Law of the Sea is the organization; the treaty is the United States Convention on the Law of the Sea. I will go regional now. We have the organization, Caricom, now replaced by the Revised Treaty of Caricom. The treaty is Caricom.

These are examples of international organizations to which we are signatories to treaty agreements, for which we have undertaken expenditure. This Government and governments before have undertaken commitments and there is no specific enabling legislation because there is a general enabling legislation that allows for that.

The reason I can say so with such confidence—and I am surprised; I do not know if there is some amnesia on the other side—but I took the precaution of looking at their recurrent expenditure when they were in government; when they had their budget. They came to this same House and had their budget passed. Under the same heading—and I have for 1995 and 1996. One is actual and the other is provisional, but it makes the point.

Under current transfers and subsidies, under 050, Regional Bodies, we have a figure. I do not want to give the wrong number, but the point is there. Commonwealth bodies, United Nations Organizations, international bodies; all of those came under the recurrent expenditure and it did not start in 1995. It started before that because we know that the United Nations has been in existence for a number of years. So that type of recurrent budgetary expenditure has been in the budget of all the governments and so it holds true for them.

I cannot understand how the hon. Member for Siparia, being an attorney at law and a former Attorney General, and being part of the same government forgot that. It is in every single budget and there was no specific domestic legislation to deal with it because it was dealt with properly under the relevant appropriation bill for the year.

I want to come back, having made my general point, which is that contrary to what the Member for Chaguanas West said, following up on what the Member for Siparia said—it would have been helpful if he had done his own research. He would have discovered that when he came to the honourable House and gave the impression that the expenditure was unlawful that he was misleading the House.

In essence, the hon. Member for Siparia, as well as the hon. Member for Chaguanas West—and I want to speak now of the CCJ because this is why we are here today—referred to the payment of \$207 million. As I indicated, the hon. Member said that there was no parliamentary approval. I think I put paid to that submission.

I want to inform this honourable House about those payments. The first payment is \$199.1 million to be precise. That payment was made towards the establishment of our equity contribution to the Caribbean Court of Justice Trust Fund. My research shows that there was much debate about who would manage the funding of this Caribbean Court of Justice. After much debate, it was decided that the proper way to ensure the independence of the Court was to establish a trust fund and every country that was a signatory to that agreement was required to make a contribution. This Government, being a responsible and prudent government, made its contribution.

The impression that is being given in this honourable House is that the \$200 million has been spent. I do not know if when you put money in a bank or a fund, that equates expenditure. Perhaps my background is not in finance. I do not know if that is expenditure on investment. In fact, the purpose of that investment was not only to ensure the independence of the court, but also to make the court self-funding and self-financing. That is the first point with regard to the trust fund.

The other amount, the \$7.2 million, was made as an advance to the CCJ, and that was a decision of the Cabinet and that amount is to be reimbursed to the Government. The reason that advance was made was that at the time the CCJ was set up, the fund was not fully operational. There were operational expenses being met and in order to avoid embarrassment to the court, this Government being the responsible and prudent government that it is, made an advance of \$7.2 million.

With regard to those two sums, the \$191.1 million and the \$7.2 million, they have not been spent; they have been put into a trust fund. I have been advised that the investment in that fund has been made and as a consequence of that injection of equity, it is self-financing. I hope I have made it very clear that in regard to those two particular expenditures, the authority to make these expenditures comes under the relevant Appropriation Act.

I speak specifically of the \$199.1 million. In the case of the payment of this sum, I wish to inform this honourable House—and perhaps the Member for Siparia has forgotten that funds for this purpose were appropriated by Parliament through the Finance (Supplementation and Variation of Appropriation) Act, No. 19 of 2003, under Head 23—the Ministry of the Attorney General, and also the payment of \$7.2 million, were authorized by this Cabinet and funded through transfers between subhead under the Heads of Expenditure, in this case Head 23. These transfers, with explanations, were deliberated upon and noted by Parliament at the Finance Committee Meeting held on September 15, 2004, which considered the Finance Bill, 2004, which was assented to on September 23, 2004.

I am hearing on the other side that we came afterwards. That surprises me, but I should not be surprised. This is the point I make. That is the point of a supplementary bill. As I said in a previous debate on this matter, the UNC government, when they were in government, did not do anything differently. Did they not use supplementary appropriation bills? Did they not come to the Parliament after the expenditure, by way of a supplementary appropriation bill, to get parliamentary sanctions?

Let me make it clear. During the period 1995—2000, I believe the UNC government, of which the Member for Siparia was a member at that time, sought supplementary appropriation from Parliament in the total sum of \$3,419,698,411. I can give you details. In 1995, it was to get authority for money already spent. The impression the Member for Siparia is giving the House is that we spent money and came afterwards to get authorization. However, what I have to say to this honourable House and to the Member for Siparia is that—[*Interruption*] I could not have said it better, hon. Member for Oropouche. He said: "You all did it, too."

In the year 1995, it was \$64,944,622; in 1996, \$383,206,000; in 1997, \$1,368,440,327. I can go on, but the point is that every year they went back.

#### **2.45 p.m.**

I want to make the other point. We are talking about the agreement. We were making the point that there was no need to have the specific enabling legislation, when there was general enabling legislation that would allow for the expenditure.

The point I want to make is that the Members on the other side are distancing themselves from this Caribbean Court of Justice (CCJ). But in 19—[*Interruption*] I know, yesterday was yesterday and today is today. I perfectly understand your philosophy on life.

In the communiqué of the Twenty-First Meeting of the Conference of Heads of Government between July 02—05, this is what was stated. I believe the UNC was in Government at that time. Under the heading:

“Caribbean Court of Justice”

It is stated that:

“Heads of Government deliberated on the Agreement establishing the Caribbean Court of Justice and determined that the Agreement would be signed by all Member States before the end of the year...”

Where?

“at a special ceremony...”

They were going to have a special ceremony “yuh know”.

“convened for the purpose in Port of Spain where the Headquarters of the Court is to be located.”

I want to go back earlier than that to July 04, 1999.

“The Honourable Basdeo Panday, Prime Minister.

Feature Address, Opening Ceremony

The Twentieth Meeting of the Conference of Heads of State and Government of the Caribbean Community”

Where was it held? It was held in Port of Spain. [*Interruption*] But you need to hear it again, clearly. I am taking an extract.

“Considerable progress has been made with regard to some of these matters.

The establishment of the Caribbean Court of Justice is one such matter...

Our Ministers of Legal Affairs met recently in Grenada and approved a number of Instruments related to the establishment of the Court, which, we expect, will become operational in Trinidad and Tobago in the near future at an already identified facility.”

The facility was already identified in 1999. By the way, at that point in time, not even the agreement was signed at that point in time. You want me to repeat it?

“Our Ministers of Legal Affairs met recently in Grenada and approved a number of Instruments related to the establishment of the Court, which, we expect, will become operational in Trinidad and Tobago in the near future at an already...”

That is the point.

“at an identified facility.

I am pleased to confirm, ladies and gentlemen, that the Government of Trinidad and Tobago has identified a site to house the Court.”

I have it on good account that in fact even after, I think, February 14, 2001, Valentine’s Day, in Barbados, when the agreement was signed, I believe the then Prime Minister, Mr. Basdeo Panday indicated that the Court would be ready, up and running by April 01, 2001. I make no pun on the day April 01, because it did not happen and events preceded that government. I have it on good account that the Winsure building was being renovated at that point in time and a sign was put up. This was done even before domestic legislation, the Caribbean Court of Justice Act, was passed. They are coming here and saying that we are acting without the legislative authority but they did not think that they were acting improperly before legislation was passed. We accepted it was 2005, because we know what happened at the end of 2001. In 2001, they were busy renovating a building and putting up a sign. You remember the sign? There is something about that that does not sit well.

I want to move on to the other points that were made by both the Members for Siparia and Chaguanas West. They were in regard to the issue of immunities and expenses. I can quote, because the Member for Siparia went on at length about the expenditure and the fact that we were exempting them from taxes, customs and import duties and all the immunities. Again, the Member may be suffering from amnesia.

I have before me a document—I do not want to give it to you. I marked it yellow but I do not want to give it to you. It is the *Protocol on the Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission*. There is the preamble. It talks about all the immunities, the property funds and assets of the court and commission and exemptions from foreign exchange controls, judges and officers of the court. There are a number of provisions dealing with the various immunities and articles. The date is what you

will be interested in knowing. I have a copy and it is 1999. It states the various protocols. I do not have the actual signature of the document but, I am sure it was the Member for Tabaquite. The point I am making is that all the immunities and exemptions which the court enjoys today were part of the Caribbean Court of Justice Agreement, which was signed by Mr. Basdeo Panday of the UNC government. To come today and complain about those immunities and exemptions, I do not want to use the word hypocritical, but it is close to that. It was their government. It was the proper thing to do. It is an independent and international court and it is entitled to those immunities and exemptions. It is consistent with the ranking of an international court or an international organization. What was done? It was the proper thing.

Finally, my last two points. I am speaking in the capacity of the Minister of Finance. I want to talk about the point that I believe the Member for Chaguanas West was making; the point about Seaga, the former Prime Minister of Jamaica, I believe. He was quoting extensively from Seaga. The point he was making was, I think, to sum it up, that things have changed and that yesterday was yesterday and today is today. What he was speaking to was the issue of the economic situation in Jamaica. In the context of the economic situation in Jamaica, perhaps, that situation did not lend itself to be part of the Caribbean Court of Justice. I do not want to go down the argument that you cannot put a price on justice. What you are talking about is not a revenue-generating sector.

I think in the Member for Siparia's contribution, she said that we are throwing away money on a Caribbean Court of Justice, revenue foregone. She was making an unfortunate analogy between the administration of justice; our whole system of parliamentary democracy and a sector that is supposed to be generating revenue, as if that is the intention. I know because I speak as the Minister of Finance, but that analogy is most unfortunate if not inappropriate.

The Member for Chaguanas West, in his contribution, said that things have changed. I know he was clear about things having changed financially and economically for Jamaica.

What I find of great interest—because I try to prepare well. My background in research has assisted me well in doing that. I got the economic indicators between 1995—2001. I do not have to remind this honourable House that is when the UNC was the government of the day. I want to look at the economic indicators for 2002—2007, when this Government was in power. The reason I am making that statement is that the argument, if I follow it to its logical or illogical conclusion, is that if the economic situation is not a positive one, or is one which is fragile, it is

not only inappropriate, it is insensitive of a government to go ahead with a court of justice. I think that is a weak argument, because you cannot put a price on justice.

Having made that argument, I want to reflect on what was the state of the economy when they were the ones that were promoting the Caribbean Court of Justice. They were promoting Trinidad and Tobago as the site for that court. I would use some of the indicators to give a flavour of what things were like. I would use 2000. I could use other data because it is just as miserable, but I would use that. I would confine myself to 2000. Their growth public debt was in the vicinity of \$26,792,000; Central Government debt, \$26 billion; the Central Government debt was over \$20 billion; Central Government external debt was over \$10 billion; and contingent liability was over \$6 billion.

Let us look at unemployment. You want to talk about insensitivity? It was 12.1 per cent in 2000, having come down from 13.1 in 1999. Then we have poverty. We heard them talk a lot about poverty. What was the poverty index? I have it on this report. It was 35.9 per cent. They did not see that it was insensitive and inappropriate when over one-third of the population was living under the poverty line when they had high debts. I can give you the percentage of growth public sector debt, 52.2 per cent; Central Government debt, 40.4 per cent. I can go on and on.

For this Government, in 2007—We would make some comparisons. We know that we like to say that comparisons are old. I think that it is relevant in this case. Let us look at some comparisons. The growth public sector debt was \$26,792,000 when they were in government. Sorry, Mr. Speaker. For unemployment, I gave the example of 12.1 per cent in 2000 and 2007, 5.2 per cent. Look at the poverty index. I already said 35.9 per cent. What is the poverty index today? It cut by more than half, 16.7 per cent. Gross public sector debt as a percentage of GDP was 52.2 per cent; in 2007, 28.3 per cent. When we look at Central Government debt in 2000, it was 40.4 per cent; and 2007, 16.1 per cent. It was cut by more than half. Central Government external debt was 21.1 per cent; 2007, 5.7 per cent.

The point is that in the Member for Chaguanas West's contribution, if I understood him correctly, he said that things have changed. When he said that, he was speaking about the state of the economic situation in Jamaica at the time which caused Seaga to have a change of heart. When I use that argument and I look at how things were when they were in government and when they were the ones that were advocating for the Caribbean Court of Justice, things were far worse than they are today. They have come to this honourable House and talk

about poverty and all this, which we understand are sensitive to the issue. What was so different when things were not half as good when they were in government? They saw nothing wrong with having a Caribbean Court of Justice. They were right because you cannot put a price to justice.

Finally, since they have chosen to bring the Caribbean Court of Justice to a dollars and cents issue, I want to put forward one argument in support of the Caribbean Court of Justice; one argument I am sure that they are familiar with. That argument is the access to justice argument. I want to quote from the wife of the former Prime Minister of St. Lucia, Rose-Marie B. Antoine in a book called *Contemporary Legal Issues* by Hugh Rawlins, David Berry and Rose-Marie Antoine. The article was entitled:

“Access to justice through the Privy Council is restricted”

Mrs. Antoine, the wife of the former Prime Minister of St. Lucia had this to say:

“An important feature of any system of justice is that all citizens should have unrestricted and fair access to it. In examining the jurisdiction, practices and policies of the Privy Council, however, it is clear that access to justice through the avenue of the Privy Council is excessively limited.”

She gave two main reasons for this.

“(1) the actual ambit of the appellate jurisdiction of the Privy Council itself; and (2) the prohibitive cost of appealing to the Privy Council.”

### **3.00 p.m.**

Mr. Speaker, Miss Antoine went on to say in her article, under the heading “the Restrictive cost of Appealing to the Privy Council”—Miss Antoine had this to say:

“Another important point on the limited access to justice under the present Privy Council arrangement is that of cost. ‘The Privy Council costs us nothing, since it is supported by the British taxpayer,’ it is cried. Yet, while it is true that the cost of the machinery of the Privy Council is not borne by us, this is not the only cost involved in appealing to that body. In truth, maintaining the colonial link is not as cheap as it is often thought. For the individual petitioner, the cost of going to the Privy Council is extremely high and often prohibitive. It is perhaps, one reason for the low turnover of Privy Council Appeals. One must not only pay for the physical transport of litigants

to go to England but British counsel must be retained in Privy Council matters. This is an extremely high cost element. Indeed, the arguments concerning the costs of establishing a CCJ seem to pale in comparison to the individual costs of litigation under the present system. On cost alone, the CCJ will make justice more accessible to the common man.”

Finally, with regard to giving a quotation in support of the access to justice, in *The History and Analysis of the Debate* on the CCJ, the argument is about the geographical location and access to justice and it says:

“There is a view that the Privy Council is so far removed from the Caribbean, geographically, that it renders access to its services inordinately expensive for potential Caribbean litigants...

Attorney-General Nicholson has also considered the question of the paucity of cases which are heard by the Privy Council on appeal from Jamaica. Noting the reasons which were advanced by Patrick Robinson for this phenomenon, he has commented that:

“The reason...is obviously economic; litigants cannot afford the 4000 mile trek for justice. That is a most serious situation in civil cases, but even moreso in criminal cases where the liberty of the individual is at stake. What the figures mean is that the remedy of a right of appeal to our highest court is simply not available to the vast majority of our people in Jamaica.”

He went on to say:

““The value of the rights of the citizen must depend on their access to justice. As Attorney-General, I must be concerned that a Final Court of Appeal must be accessible to all and it is surely indefensible that the right to justice could be denied on the basis of inaccessibility.””

Mr. Speaker, I took the precaution in preparing for today to look and see what the situation was with the CCJ, and what was very interesting for me to learn is that two matters concerning two Guyanese litigants were recently concluded. In both cases, the litigants could not afford to come to Trinidad, but because of a facility that is not available at the Privy Council—audio conferencing—both matters were heard by way of audio conferencing thereby saving them—I should not say saving them the cost, because these are persons who could not afford it. We know that if they could not afford it, they would have had justice denied.

Mr. Speaker, my point is this: If these two Guyanese litigants—Guyana is very close to Trinidad and Tobago—were unable to afford the cost of coming to

Trinidad and Tobago, we know very well that the thought of even going to London—the cost of the airfare alone to London, would have meant that these two individuals would not have had the opportunity to have their matters heard, and because of cost they would have been denied access to justice.

I want to end my contribution this afternoon—I looked at it from the position of the Minister of Finance, and I want to encourage the other side—I heard a lot from the Member of Parliament for Chaguanas West talking about collective responsibility and working together and so on, and I want to ask him to honour that agreement and join us. [*Interruption*] It was your agreement. It was Valentine's Day, February 14, 2001 in Barbados to be precise. I want you to honour that agreement that you entered into and signed and to make the Caribbean Court of Justice a reality, and to allow access to justice to the persons you say that you are concerned about—those who are poor, the indigents and persons who cannot afford to make that trip to London. We have a court right here in Port of Spain, and if you are interested in justice and maintaining the whole principles of democracy and the administration of justice, you would join hands with us on this side and make that court a reality.

Mr. Speaker, thank you. [*Desk thumping*]

**Dr. Roodal Moonilal** (*Oropouche East*): Mr. Speaker, thank you very much. It is indeed a privilege to address this House, constrained as I am without any electronic support gadgets, so I would have to rely on the papers and books and so forth around me.

Mr. Speaker, I rise in this debate in support of my colleagues and their arguments concerning the Caribbean Court of Justice (Headquarters) Bill, 2008 that provides for the establishment of the headquarters of the Caribbean Court of Justice in Trinidad and Tobago.

This debate has taken several directions, because the debate itself is, in a sense, multidisciplinary, while clearly it involves issues of law and access to justice and so forth, as the last speaker alluded to, but it is also a matter involving social policy, and the direction of the Caribbean society and Trinidad and Tobago in terms of how we govern ourselves at this particular time and in the future.

It is also a matter that deals with some economics. I imagine that the Minister of Finance would have had that concern when she spoke. I would deal with some of those issues in a while. So, it is really a multidisciplinary issue. I will speak to some of these matters, particularly the issue of law and social policy, and I will respond to a few comments made by the Minister of Finance.

I want to begin by telling the Minister of Finance that after a while in this Parliament, the national community and the media would get tired of the huffing and puffing. The huffing and puffing only gets you so far, but after a while you would have to settle down to hard cold facts.

I want to tell the Minister of Finance that in the Parliament you are entitled to your own opinion, but you are not entitled to your own facts. You cannot convey your opinion as if it is a fact, because your opinion is not a fact. It is quite different.

The last speaker indicated that she brought to the debate her expertise in finance, being the Minister of Finance. While I am sure that the Member for Chaguanas West would have some concerns about expertise and experience, the speaker before me also spoke as an attorney-at-law. What we found on this side to be very strange is that the Member for D'Abadie/O'Meara read the contribution of the Member for Siparia—a former Attorney General, prize winning student at the Huge Wooding Law School and so forth—and completely misinterpreted what the Member for Siparia was saying—

**Mr. Ramnath:** Deliberately!

**Mr. Warner:** This is not the first time.

**Dr. R. Moonilal:**—completely, deliberately and wilfully misinterpreted the argument for the Member for Siparia. More than that, the Member dealt with that for about 30 minutes. It was almost as if the Minister of Finance was in some sort of quicksand and was unable to get out of really a distortion that the Minister created herself in misinterpreting the Member for Siparia and misleading herself on that discussion.

**Mr. Ramnath:** Especially on a Wednesday afternoon.

**Dr. R. Moonilal:** The Member for Siparia never advanced any arguments as to enabling legislation and legislation that was not enabling, and the legal procedure for implementing and adopting treaty agreements and so forth.

Mr. Speaker, Members on this side of the House, excluding the Member for Diego Martin West who is now domiciled at the back of me. I do not know why he is there and not in his empty seat.

**Mr. Ramnath:** He has been betrayed.

**Dr. R. Moonilal:** Mr. Speaker, on this side of the House, we have Members with the accumulated experience of over 140 years in parliamentary politics. It is

not for a two-month old Minister of Finance to conduct a tutorial on enabling legislation and treaty. We debated the CSME and all kinds of treaties on Rome and Geneva and so forth in this Parliament over the years. At no point, we could be arguing about the legal procedure for adopting a treaty agreement and enabling legislation. We are clear on that. In fact, a Bill with two pages will come here saying that we have adopted a treaty and the treaty itself is 10,000 pages. We understand that.

The Member for Siparia was making a simple point. The Member looked at the draft estimates, and in doing her research, the Member picked up that in the draft estimate in 2003, there was no provision under the Ministry of the Attorney General; and no appropriation in the draft estimates for the Caribbean Court of Justice Trust Fund. That is a fact. That is not an opinion; that is a fact.

When one looks at the draft estimates for 2003, under the Ministry of the Attorney General—other transfers abroad and so on—there is nothing—I am looking at page 165—about the Caribbean Court of Justice Trust Fund. There is absolutely nothing. When one looks at estimates for 2003, there is nothing. In fact, the column is blank, and the Member for Siparia made that point.

The Member went on to say that when one looks at the draft estimates for 2005, which would report on actual expenditure for 2003—I do not want to be over simplistic to insult anyone, but let me take it slowly. When one looks at the draft estimates in 2005 which is provided for all Members of Parliament and so forth, and other transfers under the Ministry of the Attorney General, one would see the Caribbean Court of Justice Trust Fund, equity contribution, \$199 million as actual expenditure. This is in the 2005 document. That is a fact; that is not an opinion. The Member for Siparia related these two facts.

The Member said that when the Government transferred that money to the fund, it did not budget for it. This was not in the Appropriation Bill, and no approval was given, and they came back subsequently with a Supplementary Appropriation Bill and asked Parliament to approve what they had already done. Now, that is a fact. Nowhere there have we had an opinion. The Member for Siparia argued that they have been doing that with several matters. They have been expending money without parliamentary approval and then come back utilizing section 113(3) of the Constitution to get parliamentary approval for what you have spent already. That is a fact.

Now, where in that is there a discussion about enabling legislation and disabling legislation and so on? This is subjecting persons to a first-year tutorial in a law course about enabling legislation and so forth. Mr. Speaker, these are the facts.

Let me give another example. I really want to climb up with the debate now. If the Government wakes up one day, hypothetically, and decides that it needs to buy a jet—let us use that as a hypothetical example. It happened!

### 3.15 p.m.

Forget jet, the Prime Minister wakes up a day and say he wants to buy a jet ski—I think is the small thing—what they can do is take the money; buy it and then come back to the Parliament under section 113(3) and say we bought a jet ski; it cost \$5 million and please Parliament approve that. They have the majority and they do it. That is what the Member for Siparia was arguing with her data and her facts.

So, to talk for 45 minutes about enabling and the treaty and how treaties are incorporated into domestic law and so on; we can read constitutional law books and so on; those sorts of things you deal with in a first year essay. We are not about that at this moment. To the Minister of Finance, regrettably, in a short time, you are building a strong case for the population to suspect your credibility. [*Desk thumping*]

It is regrettable, because when we reflect, Mr. Speaker, you find in the *Express* newspapers on Tuesday, April 22, 2008, page three, the Governor of the Central Bank, no other than Mr. Williams, says the biggest threat to the country's economy is inflation and he warns we need to reduce the growth of public expenditure. He was referring to Government expenditure, spending directly by the Central Government, as well as quasi-government institutions, and he is saying cut back spending, inflation is the country's biggest problem.

On the very day, the Minister of Finance said Government is not to blame for inflation. Finance Minister yesterday dismissed claims that Government's rapid pace of development remains the primary cause for this country's spiralling inflation. Maybe instead of having this type of useless argument with the Member for Siparia, you may well want to engage the Governor of the Central Bank in a discussion to work out your dispute with him. Because the *Daily Express*, Wednesday, April 23, 2008 entitled "Put brake on Govt spending", and they are saying:

"...however, on the very day that Mr. Williams, whose track record as an economic analyst is well-known, was warning the nation of the inflationary dangers of the Government's runaway spending, Ms. Karen Nunez-Tesheira was dismissing the very notion, her observations on the increase on food prices made primarily to bolster her argument that therein really lay the cause of any inflationary spiral."

Mr. Speaker, I recall some weeks ago, a big centre spread in the business edition of the newspaper; this Minister of Finance saying to the effect that the impending recession in the United States will not affect Trinidad and Tobago. Then her Prime Minister, someone who is blessed with technical and economic knowledge and so on, says that the recession in the United States will affect Trinidad and Tobago in several ways.

There is really a credibility gap.

**Mr. Ramnath:** What did "Imbert" say?

**Dr. R. Moonilal:** Well, the distinguished economist from Diego Martin North/East has always argued that Government's spending is not responsible for inflation. And he said full speed ahead, notwithstanding you could be sailing over Niagara Falls, but full speed ahead. Mr. Speaker, we will get back to some of those issues, but there is a credibility gap and we saw it not only in the debate with the Governor of the Central Bank, but in the misinterpretation in dealing with a very eloquent, precise and well-articulated contribution by the Member for Siparia, who was very clear. [*Desk thumping*]

The Minister of Finance, in her contribution, made an issue out of an argument she raised from Rose-Marie Belle Antoine, a lecturer in law at Cave Hill Campus, when Mrs. Belle Antoine argued the case for the CCJ and raised the issue of access to justice. I want to make a philosophical point that is always discussed with the Member for Couva South, himself; a gentleman understanding these matters. When the Member for Couva South indicated across the floor "that access to a courthouse is not access to justice". [*Desk thumping*]

**Mr. Ramnath:** I am glad that you are quoting correctly. [*Laughter*]

**Dr. R. Moonilal:** Mr. Speaker, access to a courthouse is not access to justice; it is much too simplistic philosophically, because you can go to the courthouse to try the murder case and then the witness is killed. Where is the justice? But you have a courthouse. The courthouse is not 4,000 miles away. No, it is not 4,000 miles away. You can go to the courthouse in San Fernando and Port of Spain; then they strike because the MTS guards did not come out. You can go there; witness killed; no lawyer present and so on. Where is the justice? In this country, the only time they could convict a murderer is if he confesses. They cannot convict a murderer in this country at all. Nobody, but nobody will testify in a murder case in this country. Where is the justice? But you have courthouse. There is a difference because I want to use that same argument and reverse it.

If it is that in the Caribbean jurisdictions that persons do not have access to justice because the Privy Council is 4,000 miles away and they have to pay lawyers and so on, why are they not rioting to get into the CCJ in Port of Spain. When you look at the caseload of this court, as the Member for Tabaquite indicated, you have how many in the year? About two?

**Hon. Members:** Two.

**Dr. R. Moonilal:** Two per year. You would think that Caribbean litigants are rioting at the gate to get into the CCJ. They have more judges than they have cases. [*Desk thumping*] It is not a simple matter of what is 4,000 miles away and paying lawyers to go to the Privy Council in England. I want to read a quotation from a distinguished Caribbean legal mind.

**Mr. Warner:** Ramesh?

**Dr. R. Moonilal:** I was referring not to the Member for Tabaquite who already gave quite a scholarly contribution on this matter. Mr. Speaker, Dr. Fenton Ramsahoye, former Attorney General of Guyana, speaking in the *Stabroek News*, Guyana, June 03, 2004, he had this to say in the presence of Mr. Manning and Mrs. Manning. He said the ending of appeals to the UK Privy Council had been a prime determinant of the destruction of law in Guyana. He appealed to Trinidadian politicians not to end appeals to the Privy Council.

What they found themselves in with Burnham creating his own court, almost like Zimbabwe. You know in Zimbabwe, the Opposition wanted to go to court to ask for the results of an election that took place a month ago—they do not have elections results for a month before—and the court, I think, ruled that the Opposition cannot bring the matter to court. That is what you get with the Burnham/Mugabe type of Supreme Court structure and appointment systems. Dr. Ramsahoye was warning us of that.

Guyana did not sign up to the CCJ. Let me tell you something, if the Balmain cricket club had put a court in Couva the Guyanese government would sign up for that. They would do anything to get away from their own court structure. If the Oropouche development community opened a courthouse in Sieucharan Trace, Guyana would sign up. Do not be fooled by what Guyana did. Barbados signed up; how many cases came from Barbados? 15 minutes away by air.

This argument about access to justice and prohibitive cost is a not argument, and the further question one asks. Why 12 countries in this region have decided not to sign up to the CCJ, only Barbados and Guyana, and we know why clearly

for Guyana, they needed to escape this Burnham/Mugabe court structure and appointments there. But why in the wider Caribbean region 12 countries have decided not to sign up, and 12 countries, incidentally, not honouring the treaty. Tell us, and I am talking about the appellate jurisdiction, not the original jurisdiction. That original jurisdiction also has constitutional implications raised by the Member for Siparia and the Member for Tabaquite.

It will be instructive if and when a matter between the Guyanese government and TCL goes to that court. Whether one party or the other would raise a constitutional issue of the jurisdiction of that court to hear the matter in the first place, and there is a case pending concerning that matter.

This issue of access to justice and so on, is really a non-issue. The deeper issue is that Caribbean governments and Caribbean peoples generally have serious doubts and suspicions about this court. Some of us—I imagine on both sides of the House, but I can speak for one side—who travel to the Caribbean to several territories, St. Lucia, St. Vincent, Barbados, Jamaica and so on and we are interacting with Caribbean peoples at different levels. The Member for Tabaquite is in the court systems in Grenada, St. Vincent and so on. I visited Mona Campus, Cave Hill; interacted with citizens from several countries, and when this matter is raised, invariably, Mr. Speaker, they would tell you no, no, no, hold on to the Privy Council; do not let go, because they have some doubts about the structure, functioning and the quality of jurisprudence of this Caribbean Court of Justice.

I have often said if I am involved in any legal matter—and I am not saying that in any way to suggest that I will be involved in any legal matter emanating from this House—I will depend on Lord Bingham of Cornhill and Lord Wolfe to hear my matter, rather than these wolves in Port of Spain.

**Mr. Speaker:** You have to be very careful. That last statement is not in accordance with the rules. Withdraw it, yes.

**Dr. R. Moonilal:** I withdraw it. I will depend on Lord Wolfe in London and I can say that, because there is a Lord Wolfe in London and I will not depend on others who are not wolves or otherwise to hear any matter in Port of Spain. We had recently a Privy Council decision where this Government has moved, driven by the Privy Council, to appoint the Commissioners of the Equal Opportunity Commission. That is driven—[*Interruption*] Member, if I tell you what I want to tell you that would be a next matter for the Committee of Privileges. [*Interruption*] Mr. Speaker, please.

**Mr. Speaker:** Order!

**Dr. R. Moonilal:** Mr. Speaker, I will come back to the Member for Chaguanas East, but—

**Mr. Speaker:** Hon. Member, please address me.

**Dr. R. Moonilal:** No, but I want to apologize to you when I tell him what I want to say; so I will come back to you eventually. [*Laughter*]

I am saying that Caribbean society, when you go around and talk to people, they will tell you that they do not have faith in that court; this court called the CCJ. That is why the former Prime Minister, Mr. Panday and the former Attorney General from Tabaquite now, indicated that it was a requirement to have public consultations to engage the national population in Trinidad and Tobago and elsewhere before you can sign on to the CCJ. You must have the confidence of the people. They do things without confidence of anybody. The majority of people in the last election voted against them; they do not need confidence of a population.

I was saying that the Privy Council recently ruled that the Equal Opportunity Act, 2000, was constitutional and should be implemented. One wonders whether a CCJ would have done that. That is the question. And seven years they have now appointed commissioners, but these are commissioners without a commission. They do not have a desk or a chair; a piece of paper and a pencil; they are commissioners.

### **3.30 p.m.**

I want to speak again to the Minister of Finance, and I advise the Minister of Finance to be cautious early in her term with discussions on finance and so on. The Governor of the Central Bank himself is quite a knowledgeable gentleman and experienced in the international community as well. When the Minister of Finance—and I was so happy that you permitted the Minister of Finance to speak at length on the performance of the UNC in the economy and social development indicators, labour statistics and so on. I was so happy that the Minister was able to convey those figures because I want to touch that. When the UNC was in office the price of oil was \$9 a barrel; today it is \$120 a barrel.

**Hon. Member:** More poverty—[*Inaudible*]

**Dr. R. Moonilal:** The UNC presided over a period when there was continuous economic growth notwithstanding the decline in the price of oil. The economy grew every single year notwithstanding \$9 a barrel of oil.

**Hon. Member:** No taxes.

**Dr. R. Moonilal:** Unemployment moved from 17 per cent in 1995 down—

**Mrs. Persad-Bissessar:** Single digit.

**Dr. R. Moonilal:**—to single digit, 9 per cent by 2001 [*Interruption*] at \$9 a barrel in the absence of CEPEP, YAPA, “DAPPA”, MuST, OJT—

**Mr. Maharaj:** Calder Hart.

**Dr. R. Moonilal:**—and Calder Hart. This Government with \$120 a barrel of oil tells us about single digit unemployment and so on.

**Mrs. Persad-Bissessar:** And double digit inflation.

**Dr. R. Moonilal:** What they have done, Mr. Speaker, they have distorted the labour market so the people who are working today in government make-work programmes, they are not available for the productive sector. That is why you cannot get workers in a factory, in a drugstore, in a supermarket; you cannot get anybody to work, you will have to bring Chinese and Guyanese workers for construction here, to sell in the supermarket, to sell doubles at \$4.

**Mr. Ramnath:** No flour to make doubles.

**Dr. R. Moonilal:** Because the people who work here in all these state make-work programmes, they will tell you they do not want “no” job working as a salesperson in a shop where you have to work from morning to evening, when you could get double the amount working from 7.00 to 9.00. They have distorted the labour market and we have warned them time and time again about that. Eventually, here will become like some of those Middle Eastern territories where 70 per cent of the people who work are foreigners, they will not be Trinidadians or Tobagonians, and that is because of your policies.

**Mrs. Persad-Bissessar:** That will distort the political situation.

**Dr. R. Moonilal:** And that will distort the political situation, but that is another problem.

Mr. Speaker, the Minister of Finance told us about the UNC economic data; continuous economic growth, 1995 to 2001, every single year unemployment went down at \$9 a barrel, it is a pity the Minister of Finance did not have more time—her time was not up, I think—to speak about the crime data which will be such important data. In 1999 we had 92 murders.

**Mr. Ramnath:** By March this year.

**Dr. R. Moonilal:** By March this year we had 107. It is a pity the crime data do not figure when we talk about all the data from the UNC administration, and talking about \$5 billion, \$10 billion, \$27 billion and so on; I myself did not follow that part because there was no comparative data to suggest that a point was being made.

Mr. Speaker, it is important to put in context the performance of the UNC administration with the price of oil. That is very critical and when on the other side they boast about employment and economic growth and so on, they forget conveniently the economic conditions existing between 1995 and 2001.

**Mrs. Persad-Bissessar:** And with all those high indicators people are starving.

**Dr. R. Moonilal:** I want to respond as well, because as you know this is a debate, not a monologue, I think someone said. The Attorney General addressed the House on the last occasion on this matter. [*Interruption*] I love how they quote Mr. Panday, but somehow they forget his quotations on inequality, racism, discrimination, injustice and so on; they forget that part of it. But they have been quoting Mr. Panday, the Member for Couva North. In response to the Member for Siparia, the Attorney General spoke about this matter of the Magistrates' Court and what the Government was doing and what they have been doing over the years.

Let me say that the Government's support for the Judiciary is a scandal. Their lack of resource support for the Judiciary is a scandal, and that has been shown. Recently the Chief Justice has been on a tour of the Magistrates' Courts in Arima, San Fernando, Sangre Grande and Tobago, and at every point they are suggesting that they need much more resources: human, material and IT. This is a country where the United States Embassy donated IT equipment to the court, and for the Attorney General to come in 2008—and I have nothing against the Attorney General, she is relatively new, but she is representing the Government, a party that has been in power—and say that you provided a few audio-digital court recording systems. That is a drop in the bucket. You provided a few courthouses with a tape recorder, that is a drop in the bucket.

**Mr. Warner:** Nothing for Chaguanas.

**Dr. R. Moonilal:** Would that help the over 400,000 cases?

**Mr. S. Panday:** There are 438.

**Dr. R. Moonilal:** There are 438,000 cases—

**Mrs. Persad-Bissessar:** Now, 478 as at September 2007.

**Dr. R. Moonilal:** Well, Mr. Speaker, between last week Friday to now—as at September 2007 over 478,000 cases at the Magistrates Court. That is a “half a million case, but that is plenty case”. So all of this audio-visual recording cannot help? All of that is not helping? But they need support, technical support; they need human resource support, financial support.

**Mrs. Persad-Bissessar:** They need more magistrates, more courts.

**Dr. R. Moonilal:** More magistrates, more courthouse itself. What about access to justice? That does not obtain. In Chaguanas they have been renting a building, paying millions of dollars for a building that is not being used.

**Mr. Warner:** Up to now.

**Dr. R. Moonilal:** So you have access to courthouse but no access to justice.

**Mrs. Persad-Bissessar:** San Fernando the same.

**Dr. R. Moonilal:** Same in San Fernando. Police officers in San Fernando they sit in the basement next to the toilet and the cars come in and the fumes, the carbon monoxide and other fumes are on the police officers next to the toilet at the Magistrates Court in San Fernando. That is what, access to toilet?

**Mrs. Persad-Bissessar:** They are renting a building for years for millions. [Crosstalk]

**Dr. R. Moonilal:** And you talk about accessing the beautiful court. I think the Attorney General related a story, quite interesting, that a judge who operates in one of these international tribunals out of Hamburg—I do not know who the judge is—toured the Caribbean Court of Justice facilities and was delighted how superior the institution was.

**Mrs. Persad-Bissessar:** Let him tour San Fernando and Tobago.

**Dr. R. Moonilal:** The sofa was comfortable and they had good air condition units and so on, the judge from Hamburg. He should really go to San Fernando and see what the condition is with the police in San Fernando at the courthouse.

Mr. Speaker, the other point about this is that within recent times we have had problems with MTS guards in the Judiciary. Do you know if you are an MTS guard in a secondary school you can earn three times as much money than you can earn if you are an MTS guard at the courthouse? [Interruption] Because of the work, the scheduling, the shift and so on, I am informed that when the Judiciary agreed to pay MTS guards more, the MTS itself had failed to negotiate and sign the documents and so on to provide more payment for their own guards at the court. That is my information.

When you have a day in the courthouse and you hear that no case can be heard because the MTS guards strike, it is because of these problems, negotiating better terms and conditions of work for the guards. That is the essence of access to justice, that the justice system is there; it is working. Do you know what is another element of access to justice? That the justice system is timely, working and it will be result-oriented. *[Interruption]* So you have a case, it will be heard in a timely manner, you will get a judgment in a timely manner. That is the essence, the elements of access to justice; not to say you put nine tape recorders in the courthouse. I wonder if they put any at the Chaguanas Magistrates' Court?

**Mr. Warner:** Not one.

**Dr. R. Moonilal:** And the building that is abandoned, where is it, in Endeavour?

**Mr. Warner:** Ramsaran Street.

**Dr. R. Moonilal:** Ramsaran Street. The building, they have vagrants, sexual delinquents and others there occupying. Now you thought they will come to the court when it is open, "eh", not before it is open. That is the tragedy of the Government and that is the tragedy of their thinking. *[Interruption]*

We come to this matter now of immunities, privileges and so on. Again, the Minister sought to give us a tutorial on the origin of privileges, immunities and persons who will have privileges normally under treaty agreements and diplomatic convention, the Geneva Convention and so on. All of this is fine, but the point we are making is that notwithstanding the trust fund, you are still spending money. You are still spending money on the physical premises, you are spending money or revenue for gone on allowing for immunities, privileges and so on. As the Member for Tabaquite said, these judges read the newspapers and drink coffee every day and they enjoy privileges, immunities—*[Interruption]*

The Member for Princes Town North is suggesting that they may even have tea lady and tea men as coffee assistants and so on. They enjoy this without any work and that is the tragedy we are speaking about. Granting immunities and privileges for persons who themselves are not occupied, who are not working, is that the sign of progress that the Attorney General is speaking about? Is that the sign of progress? And when we spend this money the Government is clear that there will be no subsidy for food. I want to say, Mr. Speaker, and I am so happy that the Minister of Finance really introduced these indicators of development, really, that feeding your own people, self-sufficiency is a key indicator of a development of any country. *[Desk thumping]*

I want to say that the worst decision ever taken by any PNM administration since 1962 is the closure of Caroni (1975) Limited. [*Desk thumping*] It is the worst decision—

**Mr. Warner:** We are paying a price today.

**Dr. R. Moonilal:**—arguably, in the Caribbean, because today the Member for Princes South/Tableland is encouraging farmers and people to eat cassava, yam, dasheen and so on.

**Mr. Ramnath:** From where? Where would you get it?

**Dr. R. Moonilal:** Mr. Speaker, Caroni Limited was supposed to be the flagship to drive our agricultural impetus to provide food, to train farmers, research; that is why today we have inflation—and the Government understands, I want to come back to the speech of the Minister of Finance—driven by the increase in the price of food as well. Had the Government kept Caroni (1975) Limited open, and reformed and transformed that into the prime agricultural mover, today they would not have the problem of trying to find plots of land without infrastructure and trying to find farmers to go on two acres of land to farm.

**Mr. Ramnath:** And they did it to spite people, man.

**Dr. R. Moonilal:** And it was vindictive, malicious, driven by a particular political and ideological imperative. [*Interruption*] They thought that they could destroy the Opposition that way.

**Hon. Member:** True!

**Dr. R. Moonilal:** But, Mr. Speaker, that is what we face today, this crisis that we cannot supply food to ourselves. You closed Caroni Limited and now trying to get 7,000 farmers going—[*Interruption*—and that is responsible for the inflation. [*Interruption*]

Mr. Speaker, those were some points made by the Minister of Finance on this matter of the CCJ. I want to get back to the CCJ and raise another point, and I think it should be a fresh new issue. [*Interruption*] A new issue to raise concerning the recruitment of judges. This is an issue that has been in the public domain—

**Mrs. Persad-Bissessar:** That is right.

**Dr. R. Moonilal:**—and people quarrel, they fight and so on, but I want to base my argument on a development in the United Kingdom.

**3.45 p.m.**

Mr. Speaker, in the United Kingdom—and we are dealing with the Judiciary here—the data suggests that there is an ethnic minority in the United Kingdom of 8 per cent, but the representatives of this ethnic minority in the Judiciary is 3.4 per cent. So the ethnic minority in the United Kingdom is 8 per cent, but as reflected in the Judiciary, it is 3.4 per cent. The female population of the United Kingdom is 51.3 per cent, but women, the female composition of the Judiciary, is 24.9 per cent. So 51.3 per cent women, but only 25 per cent in the Judiciary. You see the imbalance, under-representation and imbalance, as far as ethnic minorities and women are concerned. What would they do?

Mr. Speaker, in the United Kingdom, they have looked at this issue of discrimination and they have put in place certain policy documents. They have put in place certain actions to redress this matter, to ensure that there is diversity in the Judiciary, that the women and minority groups are encouraged to apply and be appointed in the Judiciary. They make an important point. It is not that persons should be appointed because they are women or because they are representatives of minority groups, they must be appointed on merit. But they have come to the conclusion—and I want to make this point—that the British legal heritage is based on reasonableness, where you have to interpret the views of the ordinary man and the Judiciary must reflect the social reality and the values of the full and widest composition of the social setting. This is why they have moved to deal with this issue, to encourage minorities and women to apply for judicial appointments.

I want to tell the Government that it is not a political issue. It is a social issue that the Judiciary of any area, whether it is the Caribbean or the United Kingdom, must reflect the composition of the population, so that people will feel a sense of confidence that that important institution reflects the social setting of a particular country. And—[*Interruption*]

**Dr. Browne:** I do not understand that.

**Dr. R. Moonilal:** I am not finished, but Member for Diego Martin Central, if you would be kind enough to permit me, I would make the point. Mr. Speaker, the Judiciary, the Caribbean Court of Justice, the judges appointed, in no way reflect the Caribbean community; the various ethnic groups, the gender balance, in no way the regions and sub-regions of the Caribbean community. That is a fact and certainly not Trinidad and Tobago.

Mr. Speaker, no less a person or no greater a person than Justice Wendell Kangaloo, a Justice of Appeal in Trinidad and Tobago, who recently watched a TV show and decided that race was an important issue for Caribbean countries to confront ethnicity and balance and so on. The Justice of Appeal indicated that Trinidad society, policy-makers and lawmakers must consider this issue of racism and discrimination. Whatever would be his motivation, I will not deal with that, but we are on this matter of the ethnic composition and the gender composition of the judges of the Caribbean Court of Justice.

The Department for Constitutional Affairs in the United Kingdom has issued a policy document and guidelines, dealing with this issue of diversity in the Judiciary in the United Kingdom and I would like to ask whether or not this Government has considered that issue of diversity in the Judiciary. Unless I am mistaken—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Oropouche East has expired.

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

*Question put and agreed to.*

**Dr. R. Moonilal:** Thank you, Mr. Speaker. I was making the point that unless I am mistaken and I stand to be corrected, among the judges in the Caribbean Court of Justice, I do not think there is one individual of East Indian descent. It is not that you want a situation where people are appointed because of their ethnic heritage and culture and so on, but you want a body like that to reflect the diversity of the Caribbean region. If in the United Kingdom with a minority of 8 per cent, they have issued a document, called *Increasing Diversity in the Judiciary* in 2004, it is amazing that in Trinidad and Tobago and in a plural society, we found when we discussed this issue, persons are still antagonistic towards that type of discussion. That is a sign not of development; it is a sign of underdevelopment. That is a sign. And the same people who would consider this a non-issue and would not support this type of discussion and policy, they would well be in support of Barack Hussein Obama.

Mr. Speaker, I wanted to put on record this issue of the diversity in the Judiciary and the importance of the CCJ reflecting the Caribbean reality before the peoples of the Caribbean develop confidence. When you talk about these issues openly, persons will whisper among themselves about race and so on or would snigger. That is fine, that is fine, that is fine, I have no difficulty with that. I have

no difficulty with that at all because these are the issues of developing countries, and by definition, these issues must be tension-filled and issues for debate. They are issues of a developing country and we say it. Certainly again, I want to repeat, it has absolutely nothing to do with a lack of merit and so on, but it has to do with the important social requirement of diversity and a Judiciary reflecting the society that it is meant to adjudicate upon. That is the issue.

The Attorney General, incidentally, spoke about the revenue issue which I will just speak to briefly, and indicated that apart—and there was a dispute here that the Attorney General actually said she would like someone to correct her. I thought the Member for Siparia was very clear—from the Government's contribution to the trust fund, there was no other expenditure. She was very clear that apart from the contribution to the trust fund, there was no other expenditure. And then after she "catch" herself, she came back and said, "Well, you know, there is other expenditure. We do not know how much, but people will benefit."

The point she was making is that these judges will buy doubles, toothpaste and soap and so on and the country's economy would grow. The country's economy will grow by leaps and bounds because seven judges will buy their groceries. That was the issue. But when you host an organization like this with the building and the facilities that they enjoy, it is clear that the expenditure from the taxpayer—I am not talking about the expenditure from the PNM or the Government, tax-penditure—from the public purse, will run you into millions of dollars, either directly, indirectly; either directly or revenue foregone.

The brilliant Minister of Finance with all those figures rattling off earlier about the UNC, may well want to investigate what is the cost and what is the expenditure that the taxpayer faces in supporting this CCJ. Because to tell us about the trust fund is not enough and to tell us as the Attorney General said, that people will consume things—I think that is how she put it. She said, "Well, these people will consume things." [*Interruption*]

**Mr. Ramnath:** She is out of touch with reality.

**Dr. R. Moonilal:** That is not enough. You cannot say that you have judges in Port of Spain and they will consume things and so we will pay. Exactly what is the cost of maintaining those buildings, facilitating the privileges, not only of the judicial appointments and the persons who are judges, but of their support staff and the other persons employed there? Because the Government is now indicating to us that the \$200 million or thereabout is a trust fund, so that is an investment, they said that they advanced \$7 million before, but we do not know if we got back

the \$7 million. Whether the \$7 million was returned to the Treasury, it was advanced \$7 million, but we do not know whether we got it back. The Minister said we will get it back, but we just do not know when and how.

And then to compare the CCJ in Port of Spain with the Embassy in England, Washington, South Africa and so on, is non-issue. They should not use South Africa because I think someone was appointed there and they never served a day because they were sick and stayed in a hotel. In fact, the Minister of Foreign Affairs may want to report to this Parliament, as to how much money has been spent by the Trinidad and Tobago Government to maintain a Mission in South Africa without providing one service to this day.

**Mr. Warner:** I will be there again next week.

**Dr. R. Moonilal:** The well-travelled Member for Chaguanas West tells us that on every visit to South Africa, he goes knocking on the door (*Member for Chaguanas knocked on the desk*) and there is no answer.

**Mr. Ramnath:** Could you take the Member for Tobago East for a trip?

**Dr. R. Moonilal:** They have spent exorbitant amounts, but they cannot tell us how much on the South African mission, when the person—and we wish the Ambassador or High Commissioner, whoever she is, a speedy recovery and we wish that she gets well and so on. She is ill for a rather long time—[*Interruption*]

**Mr. Ramnath:** She should be brought back home.

**Dr. R. Moonilal:**—but please, not to bring her back to “Mount Hopeless.” Mr. Speaker, we wish the Ambassador best of health and so on, but that is not our issue. Our issue is the expenditure on that mission, where Trinidad and Tobago may not have received one benefit since 2002. This was a former Minister of Ecclesiastical Affairs, I think, in an earlier incarnation. [*Interruption*]

**Mr. Ramnath:** The church got—[*Inaudible*]

**Dr. R. Moonilal.:** The Ecclesiastical Affairs Minister went to South Africa. Mr. Speaker, they provoke us every sitting about prudent financial and spending and so on, and they cannot account for moneys on the CCJ. They cannot quantify, at least, in a general sense, the moneys that we would forgo on diplomatic privileges and immunities. They cannot. While that is happening, the Magistrates’ Court is without resources, without personnel and that is the issue.

**Mr. Ramnath:** Without witnesses.

**Dr. R. Moonilal:** So, I wanted to respond to the Attorney General, the few remarks we made about the court and so on. We needed to respond to the contribution from the Minister of Finance on the economic matters that she raised as well, but we wanted to put this in a context. In fear that the next speaker after me would start back with Basdeo Panday and Ramesh Maharaj SC—[*Interruption*]

**Mr. Warner:** They must.

**Dr. R. Moonilal:**—they have a template on the next side and whoever gets up to speak, they hand them, remember Basdeo Panday and Ramesh Maharaj SC.

**4.00 p.m.**

Mr. Speaker, in fear that they would start with this thing again, they never quote the former Prime Minister and the former Attorney General when they indicated that what was required is public consultation and confidence building among all members of the national community.

You know, it is not that they are strangers to that issue. Early in the incarnation of the Member for San Fernando East—I do not think you all will recall that in 2002 he spoke about a political union between Guyana, Trinidad and Tobago and St. Vincent, but he said they will need to consult the population of these countries before they embarked upon this political union. I do not know what happened to that union.

**Mr. Ramnath:** Guyana had rejected him.

**Dr. R. Moonilal:** I do not know what happened to that union without consultation. That was when he spoke about the gas pipe up the islands. I do not know how that gas pipe would reach so far, but the gentleman from St. Vincent, unless I am mistaken, his position on this CCJ—and the Member for Siparia quoted him. He was a colleague of the Member for San Fernando East at the university, I believe, and a close friend. He indicated that the people of the Caribbean were not ready for the CCJ and it is not something we should support at this moment, and the distinguished head of government of St. Vincent is a wise man. He may have a court matter as well and may be looking to Lord Wolfe in England. He wants to keep the Privy Council, he may have to go to Lord Bingham of Cornhill, and he will not want to come to Port of Spain on some of those matters. He is a very clever fellow.

He spoke once of this political union and I invited him to Oropouche to a Shiva Yagna to speak to the people of Oropouche on the benefits of the union.

**Mrs. Persad-Bissessar:** Did he come?

**Dr. R. Moonilal:** No, Mr. Speaker. So he is very clear on this matter and we agree with him thoroughly. It is only when you have widespread consultation and support for this measure that you will find that the movement from the Privy Council to the CCJ will be smooth.

The Government is ignoring this part of the debate; the public consultation matter. It is quite instructive, they ignore consultation, but when they were forcing the Opposition to support the Police Reform Bill sometime ago, they spent \$6 million on consultation. They had advertisements in the newspapers: “Don’t support your MP, or support them”, whatever. Or go to the office and harass them and so forth. They understood the importance of consultation, but today, they are now turning a blind eye to this issue and we challenge the Government. If it is so clear on the virtues and values of the CCJ, we challenge them to go to the people, implement a national referendum on the CCJ and ask the citizens of Trinidad and Tobago whether they will support it.

I want to tell you that leading Members of the PNM will say no, because there are Members on that side—I am not seeing them now, but every Monday morning they are in the courthouse. [*Interruption*] I only remember the “COP” in the back there, I do not know who else. But there are Members of the PNM who are in the courthouse every Monday morning—[*Interruption*] well before our distinguished friends from the UNC. There are Members of the Government who have to go to court every Monday morning and use UNC law to defend themselves. They will not vote to support any CCJ because this matter transcends politics.

This is not a PNM/UNC matter, it is one of confidence in the Judiciary and one of justice, and persons out there, notwithstanding whether there may be Members of the PNM or UNC on this issue, will stand on the side of the Privy Council and reject any attempt to rid ourselves of the Privy Council at this moment, regardless. They may be card-holding members of the PNM, but I do not think after the last escapade involving the former Chief Justice, Satnarine Sharma, after the Mustill Report in which senior Members of the Government were implicated in a matter before the courts—

In fact, Mr. Speaker, I can say without doubt this is a country where the former Prime Minister received an unfair trial. The Court of Appeal ruled that a former Prime Minister received an unfair trial. That is a fact; that is not my opinion. I do not think any Member of the Government will trust leaders of the Government and their interactions to subject themselves to any CCJ as opposed to the Privy Council at this time. That is my submission. That is my belief. It is an open invitation. I do not know if in the history of this country whether we have

ever had a referendum. This is a country where we have never had a referendum on anything. It will be interesting to put a referendum today to the people of Trinidad and Tobago on this CCJ/Privy Council matter.

**Mr. Maharaj SC:** CCJ, food prices and crime.

**Dr. R. Moonilal:** Well, food prices are under control, once we get cassava, yam and dasheen on a ferry from Grenada or St. Vincent, everything would be fine. You know, I feel sorry for my friend from Princes Town South/Tableland. Nothing in his past prepared him for this embarrassment. When the Minister of Agriculture, Land and Marine Resources should stand tall and address the nation on this issue—80 per cent of the people on TV6 said they did not know who the Minister of Agriculture, Land and Marine Resources was.

**Mr. Warner:** Who it is?

**Dr. R. Moonilal:** I think it is Sen. The Hon. Arnold Piggott. The Minister of Agriculture, Land and Marine Resources should come forth and tell us about large farms and small farms. He is exposing the Minister of Legal Affairs, who has as part of his duties consumer protection and so forth, to make a big speech on cassava, dasheen and yam. It is nothing in his career, I knew him at the University of the West Indies working very hard with the Students' Guild and nothing prepared him for this embarrassment.

**Mr. Ramnath:** He was set up by the Minister of Information.

**Dr. R. Moonilal.** Mr. Speaker, those are the issues of the day. The issues are not headquarters and privileges, and not the justice from Hamburg saying that "de court looking good". That is not the issue of the day. The issue of the day is food prices, crime; in this country the murder rate moves like a digital clock; every time you blink it changes. It is 134, 136, 137.

A very hard-working member of the national community whom we all know, a promoter, Simbhoonath Kumar Maharaj, who promotes chutney and Indian culture and so forth was shot at his business place at Rio Claro, a man who helped many people in the national community. What is that?

You cannot continue like this; that is the issue. Every single day you go to the court and every witness coming to tell you that they have lied, they did not make that statement, or they cannot remember. That is what they mean when they talk about access to justice. That is not access to justice; that is access to hypocrisy, and CCJ or no CCJ, that will not change. It is only when you put your resources into the protective services.

Mr. Speaker, we have not yet asked the Government how many police officers they have recruited over the last three years. They have recruited none, they have brought back on contract a few officers and they want to fight crime. That affects us when we hear the words “access to justice”. We get almost emotional when we hear those words. As if, when we pass this Bill today, you go by the headquarters and meet Justice, whatever the name, in Port of Spain, and the murder rate will decrease, and criminal assault and wounding will decrease and the Magistrates' Court will start functioning speedily. That is what they are suggesting to us, but they will not deal with crime, CCJ or not.

Mr. Speaker, those are the responses we wanted to give to the Minister of Finance and the Attorney General and again I want to repeat that the Member for Siparia pointed out that the allocation was not in the Appropriation Bill, it was in a supplementary appropriation bill. That is all, nothing to do with treaty and enabling and disabling.

The Member for Tabaquite give the outline on how many cases the CCJ has been involved in, the Member for Chaguanas West in his contribution dealt with some of the burning issues facing this country, and other Members will speak on related issues.

Thank you.

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, the real question in this debate is why has the UNC changed its tune? Why? If one examines the record, one will see the passion, the vigour and the energy with which the Member for Tabaquite in his previous incarnation as Attorney General and the Member for Couva North in his previous incarnation as Prime Minister, during the 1996—2001 period pursued the establishment of the Caribbean Court of Justice. There is no doubt about it.

Nobody forced them, nobody bullied them, nobody made the members of the UNC sign the agreement establishing the Caribbean Court of Justice. Nobody made the former Prime Minister sign the Revised Treaty of Chaguaramas, and in particular nobody compelled the Member for Couva North to make this famous statement that he made at the 12<sup>th</sup> Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community at St. Michael, Barbados on February 14, 2001. Nobody compelled the former Prime Minister, the Member for Couva North to make this statement.

“...let me assure the Conference of the Government of Trinidad and Tobago’s continuing commitment to, and support for, the establishment of the Caribbean Court of Justice.”

He was speaking on behalf of the Caricom Heads of Government and he was assuring the Conference of Heads of Government. He went on to say:

“Indeed the temporary Headquarters of Port of Spain for the Court will be ready for occupancy by the end of April 2001.”

Let me repeat that this statement was made by the hon. Basdeo Panday on February 14, 2001 and he was giving a commitment on behalf of the then UNC administration and on behalf of Trinidad and Tobago that the Headquarters of the Caribbean Court of Justice would be ready for occupancy just six weeks or eight weeks after he was making this statement.

Mr. Speaker, how is it possible for the Member for Couva North, the former Prime Minister to stand in Barbados in February 2001 and say in April 2001 the Headquarters of the Caribbean Court of Justice in Port of Spain will be ready for occupancy when, as we heard from the Member for Oropouche East they wanted to engage in public consultation, they wanted to get the confidence of the population, they wanted to make sure there was consensus? How in God's name were they going to have referendums, meetings, discussions, workshops and seminars all over Trinidad and Tobago in the two-month period between February 2001 and April 2001?

It is physically impossible and it is obvious that the former UNC administration; the former Attorney General and Prime Minister were wedded and committed to establishing the Caribbean Court of Justice Headquarters in Trinidad and Tobago as far back as April 2001.

#### **4.15 p.m.**

What has changed between 2001 and now? When I look at the Revised Treaty of Chaguaramas signed by the hon. Basdeo Panday and all the articles of that treaty that deal with—I will digress. I am reminded by the hon. Member for Diego Martin Central of the famous words of the Member for Chaguana West, “yesterday was yesterday and today is today”. That typifies the behaviour of the UNC. Sheer political hypocrisy! [*Desk thumping*]

When I look at the Revised Treaty of Chaguaramas and the articles, the treaty is replete with references to the composition, characteristics, the court and all sorts of hifalutin legal phrases such as the member States agreed that they recognize as compulsory ipso facto and without agreement, the jurisdiction of the court.

**Mr. Maharaj SC:** What is that?

**Hon. C. Imbert:** The jurisdiction of the court. Ipso facto and without agreement, the jurisdiction of the court. Ipso facto, by the fact itself, that is what it means. In other words, it is self-evident. This is Article 216. As we go through, it talks in other Articles in this document that the court may not bring a finding of *non liquet* on the ground of silence or security of the law. The provisions of paragraphs 1 and 2 shall not prejudice the power of the court to decide and dispute *ex aequo et bono*. All sorts of hifalutin legal phrases in this treaty. Do you want to know what *ex aequo et bono* means? By equity, not strictly in accordance with the law.

If one examines carefully what is in the Treaty of Chaguaramas, one would see that it was always intended that the Caribbean Court of Justice would have all the features of a court. It was always established ipso facto that the jurisdiction of the court will be compulsory. The person who signed this agreement was a lawyer. It is not to say that it was a person who did not understand the meaning and import of the provisions of the Revised Treaty of Chaguaramas and the provisions of the agreement establishing the Caribbean Court of Justice.

We have heard that there was expenditure on the part of the UNC administration in 2001 on the then proposed headquarters for the Caribbean Court of Justice, the former Winsure building. There was expenditure and this demonstrates the hypocrisy of the UNC. There was no domestic law in 2001, authorizing taxpayers' money to be spent on the Winsure building in 2001 and the erection of a sign, a big gold-plated sign. I saw it on Richmond Street; Caribbean Court of Justice, 2001. I noticed that the Member for Tabaquite is not disputing what I am saying. The former administration incurred expenditure on the headquarters for the Caribbean Court of Justice, Richmond Street without an appropriation, and domestic legislation.

**Mr. Speaker:** Member for Chaguanas East and Member for Oropouche East, the door is there. There is a door there; one there and one there; four doors. If you need to carry on a conversation use either one of them.

**Hon. C. Imbert:** It seems that they just do not get it. "Yuh know as the ole people say, stick break in dey ears. Dey jus don't get it." To use another phrase of the Member for Couva North, the reason we are here and you are there is because of your rampant hypocrisy. [*Desk thumping*] How in all conscience can the Member for Siparia get up in this House and complain bitterly about expenditure on the Caribbean Court of Justice, allegedly without an appropriation, parliamentary oversight and enabling legislation when the government of which she formed a part incurred expenditure on the headquarters building for the Caribbean Court of Justice in 2001, without appropriation, parliamentary oversight and enabling legislation?

The fact is that the points made by the Member for D'Abadie/O'Meara are relevant. It is commonplace; it is the norm that since 1956, governments in Trinidad and Tobago and all over the world have incurred expenditure in furtherance of and for the benefits of international organizations such as the Inter American Development Bank; the World Bank; the Caribbean Court of Justice and the Caricom Secretariat. There are a multitude of international organizations that we as a country accede to by treaty. In this country in the six years that the UNC was in government, they spent millions of dollars supporting international organizations which we agreed to be a part of by treaty for which there is no domestic law and legislation. There is nothing on the books except the existence of a treaty. It is conventional, normal, typical and perfectly acceptable for governments to appropriate and spend money for the benefit of international organizations without the requirement of specific legislation.

The Member for Oropouche East was at pains in an effort to pretend that the Member for Siparia had not said that it was illegal for the government to spend money on the Caribbean Court of Justice without domestic legislation. The Member for Siparia repeated that ad nauseam throughout her contribution. If you go to the records it would get you sick. Do you want me to say that again? Ad nauseam. The Member for Siparia continued and emphasized the fact that allegedly, the Government had spent money on the Caribbean Court of Justice without legislation and in violation of the law.

Just to let hon. Members opposite know, we on this side are not the only ones who take a very dim view of their behaviour. I have a paper established by Jean Monnet University of Miami on Internal Political Tribalism, Vol. 5, No 11, June 2005, sponsored by the European Commission. This is to show that it is not only we on this side who have a dim view of their misbehaviour. Page 7 under the heading Domestic Politics and Integration—the CCJ says:

“As the Caribbean pushes for deeper regional integration, the adversarial nature of the region’s politics pulls it back. This scenario is most glaring in the case of the CCJ, which should have been inaugurated in 2003. It was, however, postponed on at least three occasions until April 2005 when largely on account of disagreements at the domestic level it was launched as a trade court rather than as a replacement for the Privy Council.”

[*Interruption*] This is from the paper. I will give you a copy.

**Mrs. Persad-Bissessar:** What year is that?

**Hon. C. Imbert:** This is 2005.

“In particular, opposition parties in Trinidad and Tobago and Jamaica have tied their country’s participation in the CCJ to constitutional reform and the holding of referendum respectively;”

**Mr. Ramnath:** What is wrong with that?

**Hon. C. Imbert:** “What’s wrong with that?”

“In Trinidad (and Tobago) where the CCJ is headquartered, the opposition party, the United National Congress...which championed regional integration while in office...(has now) tied its support for the CCJ to the government’s agreement to constitutional reform.”

That is a fact. The point that is being made—

**Mr. Ramnath:** He is a foolish man.

**Hon. C. Imbert:** This article speaks about the JLP and the UNC. In government they accepted the Caribbean Court of Justice and in opposition they reject the Caribbean Court of Justice. The conclusion from this paper is that it is domestic politics and the intransigence of—

**Mr. Maharaj SC:** I thank the hon. Member. In light of what you said, could you give an explanation why governments of the Caribbean countries that are under the constitution must take the initiative of holding a referendum? They have not held a referendum for the Caribbean Court of Justice to be the final court for the last seven years.

**Hon. C. Imbert:** Mr. Speaker, I would have thought that the answer to that was by the fact itself, ipso facto. [*Laughter*] There have been changes of governments in the region; opposition parties are now in government and ruling parties are now in opposition. The whole point of this paper is that opposition parties have held the development and progress of Caribbean institutions hostage to their selfish partisan political pursuits. [*Interruption*] A number of parties signed on to the Revised Treaty of Chaguaramas and the agreement establishing the Caribbean Court of Justice when they were in government and when they went into opposition they did a complete turnaround.

**Mr. Speaker:** I hear Members on the Opposition. The Member is speaking and you keep interjecting with comments all the time.

**Mr. Ramnath:** He was disturbing us all the time.

**Mr. Speaker:** No. Let me tell you one of the things that I can do. If Members continue to disregard another Member—

**Hon. Member:** You could name us.

**Mr. Speaker:** I will not do that. If you continue to disturb the House and you get up to speak, then I may not recognize you. You run that risk.

**Hon. C. Imbert:** Mr. Speaker, I will read another comment.

“Regionalism...is not a major consideration at the domestic level; it is a sideshow but more importantly it is transformed into a noose around the neck of the incumbent party tribe. It becomes a political football, a casualty of tribal politics as...opposition parties behave more like enemies rather than partners in the developmental process.”

I am quoting from an article in the *Starbroek News*.

“...it may well be the case that CARICOM projects are being held hostage to domestic conflicts. Indeed, it may well be the case that the slow pace in the implementation of decisions made by the Summit and other CARICOM bodies is due precisely to the fact that governments must steadily look over their shoulders at what political capital—I will say political mischief—the opposition might make of CARICOM issues (and projects).”

**4.30 p.m.**

**MINISTER OF WORKS AND TRANSPORT  
(BREACH OF PRIVILEGE)**

**Mr. Speaker:** Hon. Members, earlier this afternoon, the hon. Member for Caroni Central sought to raise a motion of privilege against the hon. Member for Diego Martin North/East. May I say that expressions which are unparliamentary and call for prompt interference by the Chair, among others, would be the accusation of misrepresentation. The misrepresentation must be deliberate in order for the Chair to intervene.

The Member for Diego Martin North East has acknowledged that he has misspoken, not deliberately so, and has done what is expected of an hon. Member by apologizing to the House. It is an example worthy of emulation. [*Desk thumping*] This Motion, in the circumstances, does not warrant my further intervention.

Hon. Members, the sitting of the House is suspended for tea and we will resume at 5.05 p.m.

**4.32 p.m.** *Sitting suspended.*

**5.05 p.m.** *Sitting resumed.*

**CARIBBEAN COURT OF JUSTICE (HEADQUARTERS) BILL**

**Hon. C. Imbert:** Mr. Speaker, before the break, I was making the point that a number of commentators have concluded that regional institutions, particularly Caricom institutions, and in particular the CCJ, have fallen victim and have become hostage to the rivalry between opposing political camps. I made the point that a number of political parties had supported the CCJ when in government and now, in opposition, they have changed their position. The theme of this article was to show that it was all part of the tribal rivalry between political parties in the Caribbean.

I do wish that we as a region could overcome these internecine skirmishes and go beyond our political rivalries so that we could create lasting institutions such as the CCJ.

The other point I need to make is that some of the points made by the Member for Oropouche do not make sense. The Member complained bitterly about the ethnic composition of the members of the Caribbean Court and said that, in his opinion, the members of the court do not properly represent the ethnic diversity of the Caribbean.

In the same breath, Mr. Speaker, the Member for Oropouche East, while complaining bitterly about the ethnicity of the judges of the Caribbean Court of Justice, professed his love and admiration for the Privy Council. I ask this House: What is the ethnic composition of the Privy Council? Does it reflect the ethnic diversity of the Caribbean? I dare say no. What is so special about the ethnicity of Lord Bingham, Lord Hoffman and Lord Wolfe that causes the Member for Oropouche East not to have a problem with the ethnic composition of the Privy Council who are all Englishmen? They are all, as far as I know, with possibly some exceptions, of the Caucasian persuasion and in no way reflect the ethnic diversity of the Caribbean.

What is so wonderful about the composition of the Privy Council that it causes the Member for Oropouche East to profess such love and admiration for these councillors, but such condemnation for the CCJ, which is comprised of Caribbean people? It is pure hypocrisy! [*Desk thumping*] This ethnic argument is hypocritical. If there was one court that was atypical, unlike and completely different to the ethnic diversity of the Caribbean, it is the Privy Council, comprised primarily of persons of Caucasian descent, so I dismiss that comment and send it into the dustbin where it belongs. [*Desk thumping*]

All the arguments about the neutrality of the Privy Council; the fact that the court is at a respectful distance; that there is no political influence and so on; all that was discussed at length; it was considered in-depth by the Member for Tabaquite and the Member for Couva North when they pushed so hard to establish the CCJ. All these issues are not new. The idea of a Regional Judicial and

Legal Services Commission that would appoint the judges is not new. That was known way back in 1998, 1999 and before that. It was known in 2001 when the Member for Couva North signed the treaty and agreement on behalf of Trinidad and Tobago. All these things were known—the question of the court being removed and distant from the Caribbean—and yet, in the face of those arguments about neutrality and the manner in which the court would be appointed and the distance from the Caribbean, the Member for Tabaquite and the Member for Couva North still felt it was the proper thing to do to pursue the establishment of the CCJ with all its mechanisms, procedures and systems for the appointment of judges.

They went into this with their eyes wide open. This is why I consider it disingenuous and hypocritical for them to come now and regurgitate the same arguments that they as a government considered fully and decided to press on with the Caribbean Court. These arguments do not impress me; they have already been dealt with. That is past history.

The question we have to ask ourselves is. Why, in 2008, has the UNC changed its mind? Why after pursuing, prosecuting, supporting and promoting this court for so many years; having been at the forefront of the establishment of this court; in the face of all of these compelling arguments about the rationality, the feasibility and the equity of the establishment of the Caribbean Court, have they now changed their tune?

To say that they have changed their tune because of these arguments will be very superficial and simply untruthful. I can only believe that there are two reasons. One is the reason in this article that Caribbean institutions fall victim and become hostage to partisan political rivalry and tribal politics and become a tool to be used in the domestic political battles in the various island states of the Caribbean. I am not saying this. This is the University of Miami that has done a careful study of the reasons for the slow pace of development of the institutions of Caricom for which, after thirty years, we are only now beginning to see some light in terms of the CSME and other institutions. We now have institutions such as the CCJ hung up on a tree because of fierce political rivalries and the fact that opposition parties like to use these things as political tools. That is one reason.

The other reason, I dare say, is that some UNC persons may have found themselves in difficulty and before the court. That could be a reason why they have changed their minds. When they were in full flight in 1999, 2000 and 2001, imagining that the days of plenty would never end and the days of glory would continue forever and that they would rule Trinidad and Tobago until the end of time, it never crossed their minds that one day they might find themselves in a dock before a

court. Now that some of them have found themselves in that unfortunate situation—and I consider it unfortunate—I can understand why they might now begin to hesitate about the CCJ and might wish to throw in their chances.

**5.15 p.m.**

I am just saying that times have changed. I am analyzing the situation. It is easy to do something when you are not in the firing line.

On that same note, on a tangential note, I heard the Member for Oropouche East talk about the hundreds of thousands of cases in the Magistrates' Courts. I have some advice for the UNC. If so many members of the UNC were not before the courts, we would have had fewer cases in the Magistrates' Courts. That is just an aside.

The fact is that there is no rational explanation why the UNC could so hypocritically reverse its position on the Caribbean Court of Justice. There is no rational explanation. It has to be pure political expediency. It is an innate desire within the UNC to “mash up de place.” If you look at the UNC that is “dem”. Their whole party has evolved on the concept of “leh we mash up de place”. Look at what happened to the UNC during the last five years. What happened? One day they had a party and then they had two parties and “de party mash up”. It is part of the culture within the UNC that if you do not get your way, you would take your bat and ball and go home. If you do not get your way you would take your marbles and go home and you would “mash up de place”.

We on this side cannot compel the—[*Interruption*]

**Mr. Ramnath:** Rowley is the next one to leave.

**Hon. C. Imbert:** We on this side cannot compel the UNC to be disciplined. We on this side cannot compel the UNC to have some sort of protocol that normal civilized people abide by. When you agree to something, while in the government you have continuity and you also agree to it when in opposition.

I have the permission of the Prime Minister to indicate that when the Caribbean Court of Justice was being established in Trinidad and Tobago, the UNC government had lobbied for the headquarters of the Caribbean Court of Justice. Caricom Secretariat and the heads were concerned that the Caribbean Court of Justice might become a victim to tribal politics in Trinidad and Tobago. The Caricom Secretary General came to Trinidad and Tobago, at the instance of the Caricom Heads of Government. They do not know. The Caricom Secretary General came to Trinidad and Tobago when the PNM was in opposition, at the behest of the Heads of Government, to see the then Leader of the Opposition, the

hon. Member for San Fernando East, and indicated to the PNM that Caricom Heads were reluctant to go ahead with the headquarters arrangements for the CCJ in Trinidad, unless the then opposition, the People's National Movement, indicated its unequivocal support for the Caribbean Court of Justice.

I am proud and happy to say that the PNM, as a responsible Opposition, gave Caricom the commitment that we would support, whether in opposition or government, whether our fortunes rose or our fortunes sank. The PNM, as a responsible political party in opposition, gave its support to the mission of the then government, the UNC, for the establishment of the Headquarters of Caribbean Court of Justice in Trinidad and Tobago. It was only when we in the PNM, then the hon. Member for San Fernando East, as Leader of the Opposition, gave that commitment to Caricom and the Caricom Heads in particular, the Caricom Community agreed to proceed with the establishment of the Headquarters of the Caribbean Court of Justice in Trinidad and Tobago. That, I dare say, is what Opposition politics is all about; not this vicious, selfish behaviour that now manifests itself on the other side.

I hope that after all the politicking is done—the point made by the Member for D'Abadie/O'Meara is very relevant, that the cost for an ordinary litigant to approach the Privy Council could run into million dollars of dollars. There are very, very few people within Trinidad and Tobago who could afford to bear those costs. That is one compelling argument for the establishment of the Caribbean Court of Justice, because when justice is out of the reach of the ordinary citizen, in terms of cost, citizens are denied justice. That is another compelling reason for the establishment of the Caribbean Court of Justice; the question of access to justice by the common man in Trinidad and Tobago.

I hope when all the politicking and carrying on is over, good sense will prevail and there can be some meaningful dialogue between the Opposition UNC and the Government, with respect to this matter, so that we can make progress and move towards the objective so well enunciated by the Members for Tabaquite and Couva North, when they were in Opposition, that is the establishment of the headquarters of the Caribbean Court of Justice in Trinidad and Tobago.

I thank you, Mr. Speaker.

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, May 02, 2008, at 1.30 p.m. On that day we are giving the Opposition back their Private Members' Day, which they would normally have this week. I ask the Opposition Chief Whip to tell us what they would be doing on that day.

**Mr. Ramesh Lawrence Maharaj SC:** Mr. Speaker, I did mention to the Leader of Government Business that it will be the continuation of the debate on food prices.

**Mr. Speaker:** One second please, there was a matter that qualified for the Motion on the Adjournment. By agreement it has been postponed to May 02, 2008.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.23 p.m.*