

*Leave of Absence*

*Tuesday, July 21, 1992*

**SENATE**

*Tuesday, July 21, 1992*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. VICE-PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Vice-President:** Hon. Senators, I have granted leave to Sen. Surendranath Capildeo to be absent from the Senate for the period July 15 to July 26, 1992.

I have been advised that the President has granted leave to Sen. Carol Mahadeo with effect from July 20, 1992.

**SENATORS' APPOINTMENT**

**Mr. Vice-President:** Members of the Senate, I have been informed by His Excellency the President that whereas Sen. Surendranath Capildeo has been granted leave, Mr. David Nigel Cowie has been appointed a temporary Senator with effect from July 20, 1992, and continuing during the absence from Trinidad and Tobago of Sen. Surendranath Capildeo.

I have also been advised that His Excellency the President has appointed Mrs. Nirupa Oudit a temporary Senator with effect from July 20, 1992, and continuing during the absence from Trinidad and Tobago of Sen. Carol Mahadeo.

**MR. EMMANUEL CARTER  
(TEMPORARY HEAD OF STATE)**

**Mr. Vice-President:** I have also been advised by the Office of the President, that His Excellency President Noor Mohamed Hassanali left Trinidad and Tobago on July 18, 1992 on vacation leave, and that in accordance with the provisions of subsection (1) of section 27 of the Constitution of the Republic of Trinidad and Tobago, Mr. Joseph Emmanuel Carter, President of the Senate, is acting temporarily as the President of the Republic of Trinidad and Tobago during the absence from the country of His Excellency Noor Mohamed Hassanali.

**OATH OF ALLEGIANCE**

*Sen. Nirupa Oudit and Sen. David Nigel Cowie took and subscribed the Oath of Allegiance as required by law.*

*Petition*

*Tuesday, July 21, 1992*

**PETITION  
(SWAHA)**

**Sen. Deodath Ojah-Maharaj:** Mr. Vice-President, I beg to present a petition on behalf of the group SWAHA, formerly Gyaan Depak Kirtan Mandali of Aranguez.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to, That the promoters be allowed to proceed.*

**ORAL ANSWERS TO QUESTIONS**

**Housing Projects  
(Acquisition of Lands)**

**23. Sen. Carol Merritt** asked the Minister of Planning and Development:

- (a) Would the hon. Minister indicate to this House in what year the lands used for the following housing projects were acquired:-
  - (i) Maloney Gardens;
  - (ii) Bon Air;
  - (iii) Malabar;
  - (iv) La Horqueta;
  - (v) Powder Magazine?
- (b) Could the Minister also state from whom were these lands acquired, at what cost and have their sums of money been paid to persons or entities whose lands have been acquired?
- (c) If these sums of money have not been paid, could he state what steps are being taken to have these outstanding sums paid to the said parties?

**The Minister of Planning and Development (Sen. Dr. The Hon Lenny Saith):** Mr. Vice-President, the information regarding land used for the Bon Air, Malabar, La Horqueta and Powder Magazine housing programmes is as follows:

- Bon Air: Acreage, 1,139 acres; date of acquisition, September 28, 1978; acquired from Home Construction Company Limited; cost of acquisition, \$14,399,745; full purchase price has been paid.

- Malabar: Approximately 1,095.5 acres forfeited by the state in 1958 under section 31 of the Lands and Buildings Taxes Act, Chap. 76:04. There was, therefore, no cost attached to that.
- Malabar: Four acres, one rood, 31 perches purchased. Compulsorily acquired on December 11, 1970 from Elmore Lange at a cost of \$16,050; full price has been paid.
- La Horqueta: 141.8673 hectares and 3,553 houses; acquired on May 13, 1986 from Trinidad Home Development Limited. There was no acquisition of the land alone; what we have acquired is land and houses. The total cost of land and houses is \$308,433,069; full amount has been paid.
- La Horqueta: 3.673 hectares being compulsorily acquired from Tunapuna Development Limited; the acquisition is not yet complete.
- Powder Magazine: 56 acres, one rood, six perches. These lands are state lands and, therefore, the question of acquisition cost does not arise.

Insofar as Maloney Gardens is concerned, this housing project, like La Horqueta, was undertaken as an arrangement inclusive of both houses and lands with the National Insurance Property Development Company (NIPDEC) acting on Government's behalf.

The information requested in question No. 23 in respect of Maloney Gardens has been sought and will be furnished to this honourable Senate as soon as it is obtained.

#### **Sale of TSTT Shares**

**24. Sen. Roi Kwabene** asked the Minister of Public Utilities:

- (a) Would the hon. Minister please indicate to this House if the Government intends to sell any more shares in TSTT and if so, what is the reason for this sale at this time?
- (b) What is the total debt commitment of TSTT locally and internationally to date?

**The Minister of Public Utilities (Hon. Morris Marshall):** Mr. Vice-President, the Government does not intend to sell any more shares in TSTT at this time.

I have been informed, as Minister, that the debt commitment of TSTT is as follows:

- Locally, \$460,392,807;
- Internationally, \$133,134,104;

giving us a grand total of \$593,526,911.

**Sen. Kwabene:** Could the hon. Minister inform Members of the Senate how soon he will be dealing with the debts—foreign debt in particular—and what means will be taken to clear up the debt of TSTT internationally?

**Hon. M. Marshall:** It is not possible for me to respond to this question at this time. I can seek that additional information and make it available to this honourable Senate.

**Sen. Kwabene:** Is it possible that the hon. Minister would be able to indicate to the Senate whether the foreign and local debt will have any effect on the information sovereignty of Trinidad and Tobago?

**Hon. M. Marshall:** I would say not.

*The following question stood on the Order Paper in the name of Sen. Roi Kwabene:*

**Telecommunications Authority Board  
(Appointment of)**

25. (a) Would the hon. Minister of Information indicate what steps have been taken to appoint the Telecommunications Authority Board?

(b) Has the said Authority functioned as is provided for under the Telecommunications Authority Act of 1991?

**The Minister in the Ministry of Information (Sen. The Hon. Camille Robinson-Regis):** Sir, at this point we are not ready to answer that question.

**Sen. Dr. Saith:** Mr. Vice-President, I ask that this question be deferred.

**Mr. Vice-President:** Deferred for how long?

**Sen. Dr. Saith:** Two weeks.

*Question, by leave, deferred.*

**VAT System  
(Foreign Consultancy Firm)**

**26. Sen. Wade Mark** asked the Minister of Finance:

Could the Minister state:

- (a) The name of the foreign consultancy firm which would be responsible for “plugging the loopholes” in the value added tax system?
- (b) The amount of money this foreign consultancy firm would be paid for plugging the loopholes in the VAT system?

**The Minister of Finance (Hon. Wendell Mottley):** Mr. Vice-President, the consultancy service in respect of improving the administration of the VAT system was provided by Mr. Tony Buizard formerly of the New Zealand VAT office.

The Government of the Republic of Trinidad and Tobago incurred no charges for the consultancy service. This service was provided by the IMF as technical assistance to the Government of Trinidad and Tobago at the request of the Government of Trinidad and Tobago.

**Sen. W. Mark:** Could the hon. Minister indicate whether the IMF would not be charging this country indirectly as a result of those services provided?

**Hon. W. Mottley:** Mr. Vice-President, I do not know whether the hon. Senator feels that conditionalities, extra-harsh, might arise, but I can assure him otherwise. No.

**Sen. W. Mark:** Mr. Vice-President, can the hon. Minister indicate whether any effort was made to explore the services of local professional personnel in plugging the loopholes that we, in fact, discovered in the VAT system before going through the IMF to Mr. Buizard?

**Hon. W. Mottley:** Mr. Vice-President, you will notice that Mr. Buizard has come from the New Zealand VAT office. The real expertise in VAT as a new system is in such offices. It is relatively new to Trinidad and Tobago. In fact, the problem is that some of that expertise that we have resident in the VAT office is going outside of the VAT office, much to the detriment of the public service of Trinidad and Tobago. We regret that very much.

**Sen. W. Mark:** One final question, Mr. Vice-President. Firstly, could the hon. Minister indicate what was the total amount of money that this country lost as a result of the loopholes that exist in the VAT system? And secondly, is the Minister satisfied, given the consultancy service supplied to this country free of charge by the IMF, that it will go to a considerable degree in plugging those loopholes identified by the Minister?

**Hon. W. Mottley:** Mr. Vice-President, I am not in a position at this stage to say how much we have lost through VAT loopholes. We do know that VAT collections are down this year and the consultant was able to show where some of those loopholes were and to suggest methods by which these loopholes could be plugged and, generally, towards the strengthening of the VAT administration. That is all I am able to say at this stage.

#### Local Professional Skills

**27. Sen. Wade Mark** asked the Minister of Finance:

Could the Minister state whether the Government would be tapping the skills of local professionals in executing tasks presently farmed out to foreign consultancy firms?

**The Minister of Finance (Hon. Wendell Mottley):** Mr. Vice-President, as an ongoing exercise, the Government will continue to consider suitably qualified local professionals for consultancy services.

**Sen. W. Mark:** Mr. Vice-President, firstly, could the hon. Minister indicate whether this will involve utilizing personnel at UWI? Secondly, could he indicate whether Government has taken a decision to hire foreigners to engage in the privatization of BWIA?

**Hon. W. Mottley:** Mr. Vice-President, in answer to the first question, we are using consultants from the university, in several fields, right across the public service—local consultants of wide fields: design, engineering, economics, *etc.*

I cannot answer the last question at this stage, Mr. Vice-President.

**Sen. W. Mark:** Is it that you do not have the facts at this time or you are not answering the question?

**Hon. W. Mottley:** I do not have all the information to answer that question at this point. If he asked the question formally, I would be able to gather that information and get it for him.

**Energy Related Industries  
(State of)**

**28. Sen. Wade Mark** asked the Minister of Finance:

Could the Minister indicate the names of the energy and energy related industries that have been earmarked for sale as part of Government's strategy to service its foreign debt obligations?

**The Minister of Finance (Hon. Wendell Mottley):** Mr. Vice-President, this matter is currently under review. To date, only Fertilizers of Trinidad and Tobago (known as Fertrin) and Trinidad and Tobago Urea Company Limited have been earmarked for sale as part of Government's divestment strategy.

**Sen. W. Mark:** Could the hon. Minister indicate what impact the sale of these particular companies would have on the Government's fiscal situation?

**Hon. W. Mottley:** Mr. Vice-President, the sale of these companies is driven by concerns about foreign debt service, and it is the intention of the Government to take the proceeds realized therefrom to address debt service in US dollars.

**Sen. W. Mark:** Could the hon. Minister indicate, Mr. Vice-President, whether, before a decision is taken by the Government to dispose of the assets of this country, those matters would be brought to Parliament for its final determination?

**Hon. W. Mottley:** Mr. Vice-President, on a question like that, I would stand to be advised before I answer. I would prefer to have consultation with the Cabinet on that matter.

**Sen. W. Mark:** Mr. Vice-President, could the hon. Minister indicate whether the Government has undertaken a comprehensive assessment of the costs and benefits involved in the sale of our national assets to pay off our foreign debt?

**Hon. W. Mottley:** Mr. Vice-President, the Government has the whole matter, as I have indicated, under review. We have looked at each company, we know what our debt commitments are, especially the tremendous spike in 1992, 1993 and 1994, in each of those years in excess of US \$600 million; in this year alone we have paid back US \$280 million.

We are concerned about the continued haemorrhage and what that represents in terms of inability to service the normal items that the population has come to

expect of its Government and, taking all of these factors into consideration, we have identified, at this stage, only these two companies that I have mentioned for divestment. We are proceeding carefully in the situation so as to realize the best values for those particular companies. An assessment will be made thereafter, carefully, before we proceed further down the line.

We are viewing other companies for divestment, but other considerations enter therein, not only debt servicing, but also the absolute requirement to get capital into those companies for their economic survival. This is one of the other considerations.

**Sen. W. Mark:** One final question, Sir. Could the hon. Minister indicate, firstly, whether employment will be affected as a result of this divestment/privatization policy in the two industries identified? Secondly, could he indicate what level of consultation this Government intends to undertake before it engages, finally, in the disposal of the national assets of Trinidad and Tobago?

**Hon. W. Mottley:** Mr. Vice-President, on the last part of the question, we are already engaged in a national dialogue on that particular matter. With respect to the first part of the question, both the Urea Company and Fertrin are extremely efficiently run and we anticipate absolutely no lay-offs or loss of employment as a result of those companies being run by companies other than those they are run by at present.

### **First Boston Bank**

**29. Sen. Martin Daly** asked the Minister of Finance:

Would the hon. Minister state:

- (a) Was First Boston Bank engaged by the Government to place a US \$100 million bond issue on the international market?
- (b) If the answer to (a) is in the affirmative, could the Minister state whether First Boston was successful in making the placement as mandated?
- (c) Could the Minister also state what portion of the placement did First Boston underwrite?

**The Minister of Finance (Hon. Wendell Mottley):** Mr. Vice-President, my reply is as follows:



- (a) Credit Suisse First Boston was awarded a mandate by Government to undertake the placement of a Eurobond issue of US \$100 million. First Boston International, which is based in New York, is an affiliate of Credit Suisse First Boston.
- (b) The Eurobond issue has not yet been launched and will not be launched until Credit Suisse First Boston, (CSFB), the Central Bank and the Ministry of Finance are satisfied that market conditions are conducive to a successful placement of this issue.
- (c) The issue will be launched on a fully underwritten basis by CSFB and a syndicate of lead managers of the issue. The Government awarded the mandate to CSFB on that basis.

**Sen. Daly:** Mr. Vice-President, can the Minister indicate whether he has any information as to when market conditions will permit the launching of the bond?

**Hon. W. Mottley:** Mr. Vice-President, indications are that conditions are expected to improve around September.

Might I indicate that some of the adverse conditions prevailing at the moment affect Latin American issues. Trinidad and Tobago is viewed as a Latin American country in the bond market and some of the conditions that have adversely affected the market pertain, in particular, to some of the comments by erstwhile candidates, and so forth, about their views on NAFTA that have entered into and coloured the market for Latin American issues.

**2.00 p.m.**

**Sen. Daly:** Mr. Vice-President, may I ask the Minister whether he agrees it is therefore premature to speak of a return of the credibility of Trinidad and Tobago in the international financial market?

**Hon. W. Mottley:** Mr. Vice-President, it is not premature to do that. What I have indicated are general conditions that have affected Latin American issues, data which we possess and can make available to the hon. Senator.

**Sen. W. Mark:** Mr. Vice-President, could the hon. Minister indicate whether First Boston has replaced Morgan Grenfell as Government's new international financial advisers, and secondly, whether the Minister could offer an explanation for that switch, if that exists, or took place at all.

**Hon. W. Mottley:** Mr. Vice-President, that is an entirely different question, but I will answer. No, First Boston have this particular mandate. They are not general advisers to the Government.

**Sen. Rooks:** Mr. Vice-President, may I ask of the Minister if there was a finder's fee involved in placing this money, is there a commission payable? If so, what percentage is it?

**Hon. W. Mottley:** Mr. Vice-President, yes there is a particular commission. I do not have the documents with me. I can make that available.

#### LAND ACQUISITION

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. Vice-President, I beg to move,

That this House approve the decision of the President to acquire lands described in the Appendix for the public purposes specified.

Sir, this acquisition is in respect of two projects: the first was used in the re-development of lower Scarborough and comprises two parcels of land in Carrington Street in Tobago. Proceedings for the acquisition of these lands were initiated on March 24, 1966 when a notice of intended acquisition was published in the *Trinidad and Tobago Gazette*, following which the authority to commence work on the said parcels of land was issued on April 27, 1966 under section 4 of the Act.

The second parcel of land, was used in the construction of a police station at Barrackpore. Proceedings for the acquisition of this parcel of land were initiated on August 28, 1990 when a notice of intended acquisition under section 3 of the Land Acquisition Act was published in the *Trinidad and Tobago Gazette*, following which the authority to commence work on the said parcel of land was issued on September 7, 1990 under section 4 of the Act.

Mr. Vice-President, I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Mr. Vice-President, we on this side do not have a difficulty with the motion proposed. However, we would like to, again, record our concern over the piecemeal approach that is being taken in bringing these motions for land acquisition to this Parliament. I would want to suggest very strongly to the hon.

Minister of Planning and Development that there should be some more planning in these acquisitions. This Senate is being subjected every two or three weeks to these kinds of piecemeal interventions. I have stated, and I want to reiterate that it might be necessary for the Minister to get his technocrats or bureaucrats to really focus on bringing these things possibly on a quarterly basis, so that the Parliament could deal with them expeditiously. In fact, I have made so many points on this particular question: unless we are able to get a bill the Minister has promised to this Parliament to deal with the whole issue of land acquisition—I would imagine that he would be bringing that very shortly and, therefore, we would be able to address the issues very seriously.

What I should like to find out from the hon. Minister is whether the owners of these lands have been paid, seeing that in one instance lands were acquired in 1990 and in another, in 1966, if I read the statement correctly. Therefore, we cannot be opposed to the acquisition of lands for some public use and in this case the development of lower Scarborough and the construction of a police station in Barrackpore. But I should like to strongly suggest to the hon. Minister that he and his technocrats get down to some more planning in these matters and spare the Parliament the burden of his coming every two or three weeks with one or two acquisitions when we can have things organized on a more planned basis.

Some more forward planning is needed in this regard. So we would not necessarily detain the Senate on this matter but simply say that I think the Minister ought to give serious consideration to a new approach to these matters. And I am certain that as a man of the future—because I know he has very loud ambitions—he would want to ensure that planning is critically included in his progress. Therefore, I suggest that he take this advice very seriously and in future spare us the burden of having to deliberate on these matters every two to three weeks. As I said, Mr. Vice-President, we have no objection to the motion before us, but I should like the hon. Minister to give some thought to what I have said and maybe he himself could tell us what his ministry is planning to do in respect of some of the points I have raised. Thank you very much.

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. Vice-President, I wish to assure Sen. Mark that his advice will always be welcome, once I can understand what the advice is.

You see, Sir, as I understand it, the acquisition is complete when we go through the process in the Parliament. Sections 3 and 4 are notices which allow

*Land Acquisition*  
[HON. L. SAITH]

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the state to enter on the lands to do the particular work. It is when we come to this Parliament and get the approval that the acquisition is complete. And it is at that point that one can sit and negotiate with the owners of the land for the payment of compensation. It would seem to me that as you complete the necessary surveys which enable you to come to this Senate for permission, you proceed as quickly as possible in order to ensure that the owners can then be compensated as quickly as possible.

**2.10 p.m.**

I would have no problem, from a planning point of view—if that were good planning—of holding them in my office and every six months come to the Senate. All that would mean is that some people who could have started the negotiations and got paid, would have to wait until we came to the Parliament. I do not know how you could talk about specific individual projects being piecemeal, but the fact that it does come in a sequential way to the Senate, is only because that by doing that, one speeds up the process by which negotiations can take place with the owners in that respect. Therefore, I would suggest to Sen. Mark, that until I find a way which could speed it up even faster, perhaps, this is the procedure we should follow.

He did mention about land being acquired in 1966. Again, I want to correct that. The notices to enter the lands were in 1966. In fact, they were entered, as I indicated, in 1966 as well. The reason for that particular delay is that it was only in 1989 that the owner made a claim for payment and, therefore, it is from 1989 that the necessary surveys were done and action taken to deal with that claim.

I want to assure the Senator that we on this side are as conscious as he is, of the need for people to be adequately compensated for their lands and that we continue to do everything in our power to make sure that that is done.

I beg to move.

*Question put and agreed to.*

*Resolved:*

That this Senate approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.



*Land Acquisition*  
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Description of Land	Public purposes for which to be acquired
This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 104 in the vault of the Lands and Survey Department, Red House, Port of Spain.	

**FIREARMS (AMDT.) BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question [July 14, 1992]:*

That the bill be now read a second time.

*Question again proposed.*

**Sen. Rev. Daniel Teelucksingh:** Mr. Vice-President, in piloting the Firearms (Amdt.) Bill, 1992, the hon Minister of National Security made reference on Tuesday, July 14, 1992, to the need to further equip and prepare our prison officers for any eventuality which may arise from within or without the prison. I seek your leave to examine some of the factors that must have inspired the proposed legislation, with particular reference to the situation within the prison, sending unmistakable signals of impending disaster.

Do you know that there are adequate supplies of firearms at our prisons? There are semi-automatic weapons which may be used if there is a crisis. I submit that the underlying motive in that call for further security through the availability of tear gas or automatic weapons, is that of fear. This aura of uneasiness and fear emanated from persistent neglect of our prisons over the years, and our failure to respond to the appeals of our prison authorities, or even inmates and their families, for the remedying of the ills within the system.

There are warnings to us that there exists within the prison the potential for a serious revolt. The problems at our antiquated institutions are complex and varied and did not arise overnight. Further empowering of prison officers with sophisticated weapons is certainly not the answer. The Ministry of National Security need to take immediate steps to deal with the defects within the prison system.

We know that a new building is under construction. It is a disgrace that it took so long in coming, for conditions steadily multiplying within our prisons have now created a volcano on the verge of eruption. We are aware of incidents within the prison community which could have escalated into something horrendous and disastrous.

Our prison officers work in an environment of fear, as prisons are filled beyond their capacity. Do you know that today there are 900 prisoners at the Frederick Street prison which was built with accommodation for only 110 persons? Do you know that Carrera today has 491 prisoners, but was originally established to accommodate only 185 inmates? Incidentally, fire has destroyed half of the facilities there. I think that this prison should be rebuilt as soon as possible. It is scary to try to understand how today, 1,563 prisoners are corralled at the Golden Grove Prison, with facilities for only 430. Is it not dangerous, terrifying, inhumane, barbarous and vile, to house 9 to 13 prisoners in cells built to accommodate three persons?

Fear drafted the legislation before us, for the acceptable, manageable ratio of prison officers to inmates, is about one to 11. But a conservative estimate makes it today, an unbelievable, unrealistic, one officer to 75 inmates. No wonder there is a panic situation in our prisons. I submit that the bill before us seeking further ammunition for prison officers is an act of desperation.

May I suggest to the hon. Minister that he immediately deport those foreign prisoners, those 27 women and 40 men. Get them out of our prisons and send them home. For those on serious charges, ban them from returning to our shores. It costs taxpayers approximately \$2,500 per day to maintain them at our institutions. Let their governments supervise their imprisonment.

In addition to the embarrassing overcrowding situation we have, it is heart-rending to consider today that the cost on the Treasury for the maintenance of our total prison system is about \$20 million annually, and this is a conservative estimate.

### **2.20 p.m**

There have been reports of inadequate medical and psychiatric care for our inmates. There are insufficient medical personnel attached to our prisons. Small pox and other contagious diseases affect officers and prisoners alike. Who would not want to break out of a situation with the ever-present fear of the HIV virus; or

*Firearms (Amdt.) Bill*  
[SEN. TEELUCKSINGH]

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with rumours of a prisoner in your cell with tuberculosis. I wonder if tear gas and automatic firearms may only increase the dissatisfaction, daily tension and uneasiness in the nation's squalid holding pens.

A large number of prisoners are on minor charges, awaiting trial. Their court hearings are unendingly postponed. According to the Bishop Abdulah Report of 1980—and the situation persists today—there are several inmates who are in prison, for short periods, some due to their inability to pay fines, compensation or civil debts. We do not have to wait for legislation; let such prisoners on minor charges begin to repay society, immediately.

That young man who vandalized a school; what will we gain by putting him in a cell? How ill-advised is it, to have him socialize in prison with hardened criminals! Do not imprison him, instead, I suggest, under surveillance and supervision, let him clean that school compound or paint the building as his penance. Let minor offenders begin to serve their term by immediately filling those potholes in the roads; cleaning those clogged drains, or serve on similar maintenance projects. If we must feed, house and provide medical care for them, let them work for the state. It is better than mere confinement.

Prison officers should not be burdened with military or para-military responsibilities or function as dispensers of justice. Instead, we should create the environment which enables them to function as councillors. Their in-service training and continuing education programmes should include disciplines such as psychology and psychiatry to equip them as agents of reformation.

Today, I sympathize with officers in the service, haunted by many fears, hoping for additional arms for self-protection, while some of them prefer to leave the prison service and its suicidal situation, for their own safety and peace of mind. I think, that if our prison system was better organized, this request for additional fire power would not have come before us today. Issuing prohibited weapons to prison officers is an *ad hoc* arrangement which may create new fears.

Recently, in a Mexico prison, whose guards had sophisticated weaponry, some prison officers were overpowered in a prison uprising, resulting in much terror and bloodshed on both sides.

Our debate focuses on a critical social problem which should concern every sector of our population. Prison gates have become more like revolving doors, as many convicts, having served their sentences, are re-arrested so quickly.



Meanwhile, increasingly, young offenders are added to our prisons that are already bursting at the seams. We certainly need to expand and modernize our present rehabilitation procedures, since, in several instances, the prison has failed as an instrument of punishment.

Mr. Vice-President, it is imperative that all religious organizations, schools and colleges, service clubs, governmental agencies, and, most importantly, the home and family—I need to repeat that one: —and most importantly, the home and family—need to mobilize all resources available, in a vigilant, determined and concerted effort, to rescue our society from an evil that undermines our peace and stability.

Thank you.

**Sen. Everard Dean:** Mr. Vice-President, first of all, let me congratulate you on having been given the opportunity to carry your first full session in the Senate. I am sure you will carry the office with dignity and impartiality, and give the office the integrity that it deserves.

Having said that, had I been given the opportunity to speak at the last session, my contribution may have been a little different. My lack of support for the bill, at this time, is still in question in my mind. I am not convinced that we should amend the Firearms Act in the manner proposed in the Firearms (Amdt.) Bill, introduced by the hon. Minister of National Security. I would agree, that it is necessary for prison officers to be allowed to be in possession of certain types of prohibited weapons, but not the broad range that would be made available under the proposed amendment. It gives the administration a blanket authority to use a broad range of firearms, as identified in the Firearms Act, under "prohibited weapons".

I do not believe the Minister's decision to bring this amendment to the Parliament was a smart move, because, guns have a way of turning in any direction. Let us also recognize that this is possible, and be absolutely careful in giving prison officers guns in the manner proposed.

**2.30 p.m.**

I am of the view that we have not been given the true position on weapons by prison officers. I say so because in quoting from his first remarks when he introduced the bill, the Minister of National Security said:

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"The present legislation makes it unlawful for a prison officer to have in his possession any weapon which is adopted for the discharge of any noxious liquid gas or other thing; in particular, any weapon for the discharge of tear gas."

He went on to say that bearing in mind the present conditions:

"...it is necessary that prison officers be adequately equipped to deal with any eventuality."

To his credit, and probably for national security reasons, he did not once mention that prison officers are already in possession of some of the weapons which we are now seeking to provide. It seems to me that no way can the prison officers be caught with their pants down at the present time, as it was made very clear by the Commissioner of Prisons that the officers had the weapons in their possession and it has been so since 1990.

I want to quote from the front page of the *Daily Express* dated Thursday, July 16, 1992. It says:

"PRISONS: We Have Guns.

The Prison Service is already equipped with automatic weapons, tear gas, canisters and grenade launchers and has highly trained emergency response teams capable of using them.

This was the word from Prisons Commissioner Michael Hercules yesterday as he supported Government's move to amend the Firearms Act...

Hercules said firearms had long been available to prison officers but what was lacking was the legislation now before the Senate to "legitimise" their use to maintain security in the prisons."

The article continued on page 10:

"We do not have to wait on the Police or the Army to arrive to quell such a situation because we have men trained to do that who can take control in life-and-death situations."

It is a long article and it is very interesting. I just want to quote three more paragraphs with your permission, Sir.

"Prison Association general secretary Michael Mollineau agreed with Hercules that the Senators had misunderstood what the amendment to the Bill meant.

We always had guns. It's nothing new. The Bill will empower the Prison Service to use automatic weapons and tear gas legitimately."

This implies that they are now using it illegitimately. It went on:

"But we already have firearms and ammunition, tear gas grenades, grenade launchers and gas truncheons. We need, therefore, to legitimise their use."

Not once in the Minister's address did he indicate that he was seeking to legitimize what is already there—probably for national security reasons. I give him the benefit of the doubt.

I am very concerned when a commissioner of prisons could go to the press and make these kinds of statements—I do not know if it is—with or without the authority of the relevant Minister. This to my mind is a breach of national security and action must be taken. I am not the kind of person to say something behind somebody's back, unfortunately the Commissioner has no right here at this point. I was just trying to make the point that we cannot continue this way.

Discipline has broken down in all sections of the society. You can see that in our uniformed groups, whether they be defence or offence. I think that it is time that the tough-talking Minister of National Security do what is necessary to bring discipline back to where it should be.

In his eloquent, but unconvincing contribution, the Attorney General stated:

"It is coming across that prison officers are suddenly going to be equipped with machine guns, flame throwers, howitzers *et cetera*."

I think the statement attributed to the Commissioner of Prisons in the newspaper answers the question. The Attorney General went on to say that within administrative control, mechanisms would be put in place. My response to that is that administrations change and consequently, policies change.

The proposed amendments before us to my mind have the ingredient of three Ds. They are, dangerous, deceptive and disturbing. It is dangerous because as I said before, guns can turn in any direction. It is deceptive because we have not been told the things we read. The newspapers gave us the information that we should have had in this Senate.

In fact, the hon. Attorney General skilfully avoided the questions raised by my colleague, Sen. Daly, when he asked: What types of weapons would be made

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available and are these people trained to use such weapons? Let us hope that the Minister of National Security will address those questions in his response to the debate. The third D. It is disturbing. Because we are attempting to place in the hands of people, a type of artillery that is best suited to the Defence Force.

I associate myself with Senators who are on the side of penal reform. Within recent times some judicial officers have been calling for the law to provide them with the ability to give community service as a sentence. I humbly submit in support of that request that the Government take an early look at the law with a view to doing that.

This would do two things. It would reduce the population of the prisons and it would keep some people, particularly the young ones, away from hard-core criminals. One can only understand what is taking place with our teenagers and young adults in the crime scenario. I am not saying that we should play dolls house, or pussyfoot with hardened criminals, but for certain types of offences, surely, we can give the sentence of hours of community service.

In closing, let me make an appeal to the Minister of National Security to specify the limited range of weapons best suited for the prison service and not allow it to resemble another defence force.

**Sen. Muntaz Hosein:** Thank you, Mr. Vice-President. Let me also congratulate you on your first day of presiding in office. I feel pretty sure that you will do justice in that honourable Chair.

The bill before us hinges on whether we should give assent to prison officers using prohibited weapons. The question we should ask is: Do they need these weapons? It is a very important question. If the answer is yes, then we must examine why they need them. I too, on this side, felt that the Minister in introducing the bill may have left out some very salient points, regarding whether these prohibited weapons were needed and what brought about the state of affairs, that we have in this country, that we have to now resort to that type of weaponry to arm our prison officers.

#### **2.40 p.m.**

To that extent, we may have to look at and examine the present position in this country as it relates to crime and the criminal and see what the prison officers face outside and inside the prison door. Not long ago, you will remember, prison

officers were the victims of attack by the criminal element outside the prison walls. We must also remember, in dealing with this bill, the position of our country with regard to crime. We have to be realistic as to what that position is and we have to take measures to combat the problems we have. It is common knowledge within Trinidad and Tobago that law and order has broken down. Citizens are faced with ruthless bold-faced criminals who seem to go virtually unchecked.

Only recently, I read in the newspapers of a high-speed car chase in broad daylight with automatic weapons—AK47—being used, and it reminds us of some of the television shows we see on our local television stations. We have always felt that this could not happen here, and that that is only for the movies, the United States and Sicily, perhaps. But, it has come to us with all its fury and all its death—and degradation. It is at our doorsteps, and I cannot pretend that it is not here. I cannot allow the law enforcement agencies in Trinidad and Tobago to go naked, facing this type of criminal.

Murder, rape, robbery and theft are the order of the day. Crimes, associated with drug addiction, are rampant in our society. Sophisticated automatic weapons are used by criminals as though they can be bought at your neighbourhood grocery. So easily and so plentifully can they be had in our beloved country.

I wish to quote from the *Sunday Mirror* dated July 19:

"Venezuelans Guarding TnT's Coke Factories"

It goes on to say:

"...armed, dangerous and working for the Syrian Mafia."

Every week I take up the newspapers there is a story dealing with this subject. It pains me. In part of that story, it goes on to tell us that:

"The Mafia has armed and dangerous hired Venezuelan hit men to guard their three coke warehouses near the capital, and that these men have already murdered Trinidadians and other South Americans here, and are also involved in kidnappings that are never reported".

It goes on:

"These enforcers are housed by the Syrian Mafia at three posh apartments...one within a stone's throw of the Four Roads Police Station, another, not too far away near Westmoorings, and the third, at Knightsbridge in Cascade.

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Arrangements for them are usually made by two brothers—not the Mafia leaders—who graduated from Charlotte Street boutique businesses.

Their names are well known in the coke business...just like the black boat man and his brother, The Don, and the paper bag man."

This is a serious matter that is happening in our country. It involves national security. It involves not only the citizens of this country, but non-nationals—Venezuelans.

Only recently I read in the newspapers where the police intercepted a boat and they were able to get, I think, 500 rounds of AK47 ammunition. So that the report here seems to have some substance.

You will recall that earlier this year I had warned the country and this honourable Senate that there existed a Syrian Mafia, but some people seem to have been angered by that. Some people preferred to bury their heads in the sand. Many people entered the debate and pretended that there was not; but every week there are one, two or three stories, and nobody is denying this. It seems to me that the cap may have fit some people and they thought it best to pull the string. I remained very quiet through all of this because I realized that, eventually, the truth would come out, people would know about it—and here we are.

In our country, this is going on with virtual impunity. How can we, in this country, say that we are interested in law and order when very near to our police stations we have these drugs people. Something more than talk ought to be done. All that we are getting from the governments before and the one today, is much ole talk and little action.

I am not referring to action such as bringing the Scotland Yard people to Trinidad to investigate the police force. I have no objection to that, but not in the manner in which it was done, where big announcements were made well in advance of these people's arrival. Whether it was done deliberately or accidentally I do not want to say where that puts the Minister. If it was done deliberately, it seems that it is a very serious matter. If it was done otherwise, it seems to me that what we are doing is telling the people involved to cover their tracks. Perhaps, the Minister ought to take heed of that and the next time he intends to bring an investigating team, he would not announce it well in advance so that people could cover their tracks.

Perhaps, Mr. Vice-President, you will understand why the man-in-the-street accuses the Government of being part and parcel of the crime scene in the country. They are not blind. The Minister must know that they are not stupid. They are dealing with a very literate population and when they do things like that it does not look good, and I would expect that the Minister would desist from this sort of technique.

The prison population almost quadrupled during the last seven years. Is that significant? If we go back we would see that it was during the tail-end of the PNM, the full term of the NAR; and it is still here with us. In 1985, there were 900 prisoners. Today, we have over 3,400 prisoners. This is a serious matter. There are some 11 or 12 persons in a cell. What are we doing when we put so many persons in one cell? There is an increase of 377 per cent over a period of seven years! I suggest that the past government did not take corrective measures to avoid these problems.

**2.50 p.m.**

Let us examine why we have so many prisoners in cells today. What has contributed? They do not get there just so. And why in the last seven years? If you look you would see that we have runaway unemployment, notwithstanding the assurances given by the Minister of Works, who took pains recently to talk about jobs being created and so on, but that is not being felt in the community; we do not see that.

Distribution of wealth is an important factor here, Mr. Vice-President, and I know that it is a subject you are very interested in. When we look around, we see that the top 20 per cent are living like rajas and sheiks and the bottom 50 per cent begging their bread. They have not got a job, they have not got food to feed their families. You have an explosive situation here.

**Sen. Dr. Kuarsingh:** On a point of order, Sir.

**Sen. Hosein:** Is he on a point of order?

**Sen. Dr. Kuarsingh:** On a point of order. I do not see the relevance of this and I pray that you rule on its relevance.

**Sen. Hosein:** The poverty in this country contributes to the number of people we have in our prisons and if we do not do something about these matters, we shall not reduce the number of people in prison. The Government is building a

new prison; they are not going to catch up. They will continually have to build more and more prisons. That is not the way to tackle the problem. They have to look at the root cause of the problem. If they tackle that, they would decrease the number of prisoners and it would cost them less. They do not have to build more prisons.

Mr. Vice-President, our present Government prefers to give lip-service to the problems of the country. They are good talkers. When it comes to action, it is sad to say, they fall down very badly.

Another area touched on by my friend, the Senator who spoke a short while ago, is the question of the breakdown of family life. This is a major factor in the delinquency in our country that eventually puts people into prison. Because of the country's economic situation and because the Government is unable to stem that tide, husbands and wives have to be out there working for a small pittance, and young children, rather than going to school, have to find some kind of little job so that they could help the family make ends meet.

Because of that situation also, children coming from school are not supervised. They are left to the coke pushers on the corner, and the attendant problems that we face. The Government must attend to these family problems. They must initiate a programme to assist. They must be able to keep their promises of getting this country out of the economic mess we have found ourselves in.

The young people in this country have a problem with the exemplars of our society. These exemplars have let the young people down and it is all of these things that have caused the problems that we now have. One of the major contributors is our political leaders and our politicians.

**Sen. Ojah-Maharaj:** Not mine; yours.

**Sen. Hosein:** You will remember, Mr. Vice-President, a Government Minister, in 1986, making the statement that "all ah we tief". So a young person coming up in a situation where his parents cannot make ends meet, and is listening to an exemplar in society saying "all ah we tief", the seeds are sown for that youngster to "tief", too. That is the problem. I know it is hard for Sen. Ojah-Maharaj to digest, but Mr. Cartey is not a Member of this side of the House. I understand that they are bringing him back.



When they do that kind of thing, they do not realize that the people out there are looking at them. They are insulting the intelligence of the people by doing that. The exemplars of the society are the ones who have let down the people and, therefore, we need to set a good example so that these people would not find themselves in trouble and we would not have to put them in prison.

The citizens of this country are living in fear, too afraid of the criminals to go about their normal business. But we have a police service. Let us examine what the police seem to be doing; it appears to the public that they are helpless. Let us see whether they are really helpless, because they are the ones to protect us. Are they happy? Is the police service a happy bunch? I think not. Only recently, I heard that the Police Service Association was complaining about the deplorable conditions that they have to work under as policemen.

Do they have the equipment to deal with these criminals? You cannot ask a policeman to stop some criminals who may be holding up a bank with an AK47 when he is sent with a revolver. That is a big joke. The police already know that if they go out in the open, they are dead, so they hide. One cannot blame them. The fact that we have in this country such good police is a miracle, because I tell you that the task before them is daunting.

Are the police properly led? We must examine whether that is so. One would see the arrogance of the Minister when dealing with the police service. Only recently I heard on the radio that the Association was chiding the Minister for his arrogance, and that is a sad state of affairs, because the Minister cannot protect us; he needs protection himself. How are we going to get the protection? It is through the police service. If you do not lead that service properly, if you do not inspire those people, they are not going to do their jobs properly. They are human beings. I think that is a question that the Minister would like to examine.

Let us see what kind of police we are training. My own experience with the police service is good. I have had no problems in my dealings with the police. They are kind, generous, courteous and within the last few years, they have been extremely courteous on the telephone as well as in person. That is my experience. But the experience of the public is quite different.

I should like with your permission, Sir, to read what the editor of the *Trinidad Guardian* had to say on Thursday, July 16, 1992, "Brutality by the police":

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“Which law-abiding citizen could avoid being appalled by the story of Kenton Sylvester the 19-year-old messenger who was kidnapped by two bandits and ‘rescued’ by the police?”

Sylvester related that on June 26, at about 5.45 a.m., he was about to make a delivery of stationery to the Bank of Commerce in Maraval, on behalf of his employers, International Bonded Couriers. Just as he was leaving the company’s car, he was attacked by two gun-toting bandits who forced him into the back of the vehicle. A friend who saw what had happened notified the police, who intercepted the car and began to chase it.

The car eventually crashed at the corner of Charlotte Street and Belmont Circular Road. Although unhurt, Sylvester was unable to open the door. Several policemen approached, one of whom dealt him a “lash” to his face. The blow might have been with a gun-butt or a fist. He was then grabbed at the shoulders by two hands and dragged through the window of the car. Then the policemen started to beat him, although he protested that he was the one taken hostage and was wearing a jersey with the company’s logo on it.

Sylvester claimed that he received seven broken ribs, a punctured lung, ruptured liver, a broken left hand and broken right shoulder blade in the savage beating...”

**Sen. Huggins:** Mr. Vice-President, on a point of order, please. May I refer you to Standing Order No. 35 which reads as follows:

“Subject to the provision of these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Senator shall confine his observations to the subject under discussion.”

I find it difficult to understand where this contribution is leading. To me, it is totally irrelevant to the matter that is before the Senate and I would ask you to rule on it, Sir.

**Mr. Vice-President:** Sen. Hosein, at one stage you were going very well. I was tempted on many occasions to stop you and bring you back on course. We are dealing here with a very specific matter which is amendments to the Firearms Act. I would suggest that you come back on course and leave matters that might, in fact, end up in the courts out of your contribution at this time.

**Sen. Hosein:** Mr. Vice-President, I take your point about matters ending up in court.

I think the hon. Minister of National Security ought to understand that if we are going to deal with a bill for automatic weapons and prohibited weapons, it is quite in order for us to ask the question why, and to examine it. We are not here to simply take his bill, *carte blanche*, and vote for it, but I accept the Vice-President's suggestion that this matter may reach the court. From that standpoint I totally agree with him. I have no problem.

Mr. Vice-President, you can understand the problem with our Minister of National Security. I wonder whether the behaviour of the police in this particular incident, which I read part of, had anything to do with, and to what extent, the conditions under which the police service operates.

**Mr. Vice-President:** Sen. Hosein—

**Sen. Hosein:** I am not reading from the newspaper.

**Mr. Vice-President:** Sen. Hosein, I have asked you to get back on track and deal with the Firearms (Amdt.) Bill. We would want to leave out that specific incident of the police from our debate.

**Sen. Hosein:** Mr. Vice-President, behaviour of different types by the police and protective services is perhaps related to the conditions under which they operate, including prison officers.

Sir, if one were to put police in converted dog kennels to sleep, one could not expect that their behaviour would be normal. This is the problem that we have in this country and that is what we must face up to.

Members of the public have met me on the streets and told me that they do not know whom to turn to; they are afraid. They are running from criminals and sometimes when they call on the police they find themselves being treated like bandits. So that is a problem we have. I think the Minister ought to look at that and see whether we can change it. I suggest to him that one of the ways to change that may very well be that he must improve the conditions under which the protective services operate.

Let us examine the situation inside the prisons. I did some research and I was able to get information and the information is by way of a letter written to me by someone who served time in the prison. With your leave, Sir, I shall read from his letter. It says:

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“Sir, this I feel must be exposed at the national level in order for us to understand why crime in this country seems unstoppable. I was involved in crime years ago and was imprisoned from 1978 to 1980, and from 1984 to 1987. Everything here is authentic.

I think that before any form of change is effected within the Prison Service, the following information should be examined:

- The prison possesses the ability to supply itself in many areas.
- The thriving trade between the prison officers and the inmates is a serious deterrent to progress in this area.

For instance, inmates are encouraged to pick the produce and put them in the cars or boxes of the officers which are in their dormitories for a few packs of cigarettes.

In some cases, marijuana is used as the medium of exchange, while in yet other cases, the medium may even be wine, rum, vitamin tablets, peanut butter and tooth paste, before the latter was made legal.

Apart from that, I am concerned over the fact that prison officers steal the prisoner’s diet which the Government provides for them.

As a ration-room orderly, I was ordered to give officers...”

**Mr. Vice-President:** Sen. Hosein, I would want to stop you from reading any further from that letter. While it states that it is authentic, we are dealing here with a large body of men and women, none of whom are in a position to refute any of those allegations. I would direct that you stop reading from that letter. You can make your points without reading from that letter.

**Sen. Hosein:** Mr. Vice-President, I find your ruling a little bit strange, but I will abide by it.

Sir, many crimes are committed within the prison service. Only recently, in the newspapers, I read a story given by the Commissioner of Prisons who attested to these crimes. He attested to the fact that prison officers have been bringing guns in to the inmates.

It is alleged that when people enter the prison for the first time, certain people are put into their cells—and even the prison officers are involved in having sex

with these prisoners. We are not talking about normal man/woman sex; we are talking about men and men. Only about a year ago we read about prisoners having AIDS. Nobody wanted to attend to them and all that sort of thing. It is happening within the prison. It is a pity that we cannot get some of the information in this letter. But I understand the position—I do not agree with it but I understand it.

What is the answer? We have seen outside the prisons what the problems are. We know what the problems are inside the prison, overcrowding, all kinds of crimes, rape—you name it, it happens—stealing, even by the officers. Let us see what answers we can come up with. Firstly, I think we should improve the conditions outside the prisons, and that is the responsibility of the Government. If they do not, there is no point trying to improve the conditions inside, because you are only replacing one with the other and we do not want to do that. I suggest better working conditions for the protective services.

Vehicles have been a sore point for the protective services; there are never enough vehicles. You buy five vehicles today and the story is still the same, no vehicles. You call up the police and they say they do not have any vehicles. And that is the complaint you get. So we have a problem with vehicles.

I do not know whether it is that we do not take good care of the ones we have or whether it is just a matter that we do not have enough vehicles. Whatever the problem, we have to look carefully at it. It may very well be that we have to use motorcycles. They may be cheaper than cars and you can get around very quickly. That might be one way of easing the situation.

I also suggest that state of the art technology, including weapons, be given. You see, I do not share the view that mortars and flame-throwers, although they are prohibited weapons, will be used in the normal day-to-day running of the prison service. I do not share that view, I do not buy it.

We need to have some confidence in the people upon whom we depend, the Prison's Commissioner, the Regiment and so on. We have to believe that they did not get their jobs there by guess, that they know their jobs and are responsible people. I feel that they are responsible people.

Therefore, I do not expect that they are going to arm prison officers with flame-throwers and so on. I think that that is ridiculous. Certainly, automatic weapons should be given to them because, if the prisoners are getting automatic

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weapons, then they cannot be given a revolver to go to fight with. It is a waste of time. They may not have to use their automatic weapons, but I believe that they should have them to protect themselves and to deal with any situation that may arise.

For example, tear gas is a standard for all persons. They have the tear gas, but they cannot use it because it is unlawful for them to do so. According to the interpretation of the law from the other side of the House, that is unlawful. We do not want that kind of situation. We want them to be able to use what they have, because we might have a threat from outside sources.

**3.20 p.m.**

Suppose there is a threat to break into the prisons and release the prisoners. That is not a far-fetched thing. If that threat occurs, I would want to know that our prison officers can defend themselves. By the time they radio to get the army and the police they might be dead. The people who may be threatening the prisons are equipped with sophisticated weapons, and I think it is foolish for us to talk about not giving our prison officers the wherewithal to be able to dispel that kind of threat.

I believe, that if we give them that they would use it wisely. I believe, also, that if they do not, the relevant Minister would have to account. What is the difference between the prison officers and the army? The army has all the sophisticated weapons—mortar and tanks, and so forth—but you do not see them going up and down the streets with them. They only use them when it is necessary and we expect that the same will apply to prison officers.

I believe we should provide more prison officers to deal with the situation. We do not have enough manpower. In a country like ours where we have an unemployment rate of whatever it is now—no one ever seems to know exactly what it is; all that we know is that it is very high and too high—there is no shortage of available manpower. Then, perhaps, we should utilize the recruits. Relieve delinquent prison officers of their duties and bring in new people who are properly trained, of good character, and so forth, and give them the conditions under which they should operate.

I also believe that we should formulate an internal affairs division within the protective services. I think you cannot ask officers to investigate their brother officers. The public do not believe that justice could ever come out of that. It may

very well be that fellow officers are being fair and honest but they are not seen to be that way. Only recently, a friend said to me, "Have you looked at how many charges were laid against the protective services and how many convictions were recorded?" They were very few, and it always seemed that whenever the protective services are charged, they get off quite easily.

**Mr. Vice-President:** The Senator's speaking time has expired.

*Motion made,* That the Senator's speaking time be extended by 15 minutes  
[*Sen. W. Mark*]

*Question put and agreed to.*

**Sen. Hosein:** Thank you, Mr. Vice-President. I thank all Senators for their generosity.

An internal affairs division is necessary, it is timely and we need it in this country. It should be a division separate from the ones that are doing the normal day-to-day work. So, therefore, when called upon to investigate, they will be apart, and we can get proper investigations. Only recently we had a case in the health service of an officer investigating himself—

**Sen. Dr. Kuarsingh:** Mr. Vice-President, on a point of order. I want to draw the Senator's attention to Standing Order No. 35(1) which states clearly that the debate should be confined to the matter before us, which is the Firearms (Amdt.) Bill. I again ask for your ruling, Sir, that this contribution is out of order.

**Mr. Vice-President:** Sen. Hosein is in the process of winding up his contribution. We have been trying to keep him on track and I trust that in his winding-up he will confine himself to matters concerning the Firearms (Amdt.) Bill.

**Sen. Hosein:** Thank you, Mr. Vice-President, you are too kind. You are so generous, Sir; it is bountiful and overflowing. I also thank the hon. Senator, "Mr. Bluebook", for his interruption.

**Mr. Vice-President:** Sen. Hosein, you are aware of the Standing Order which states quite clearly that we should desist from describing fellow Senators in a derogatory manner.

**Sen. Hosein:** Mr. Vice-President, I was not being derogatory, I was praising him. But I accept what you are telling me, Sir. You see, we have to weed

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out the bad eggs from the service, and we must have an internal affairs division to do that job.

The two Senators who spoke before me, referred to petty crimes and I support them in this regard. I feel very strongly about this, Sir. We have too many people standing by waiting and the courts are clogged. Some of them are in prison awaiting trial and they are there for many minor offences, first time offenders, and so on. It would do us no good to perpetuate that situation. What we require now is to put these people to do community service, as was suggested before. I want to support that, because it can only redound to the benefit of the country and to those people themselves, because rehabilitation will take place. I am sorry that the hon. Attorney General is not here, but I am sure that the Minister of Planning and Development will be able to take this back. That is a suggestion. I hope he take it, because I think it would do us a tremendous amount of good if we were to implement community service.

The cost of running the prisons is too much. Somebody mentioned \$20 million a year. I am not too sure whether that is accurate, but I shall accept it because the Senator does not usually make errors when it comes to these things. Whatever the figure, we are in trouble for money—we do not have—well, so we are told anyhow—therefore, we must minimize our expenses. It can be easily done by making the prisons self-sufficient; and we can do that. I know that some of that is being done, but not enough. In speaking to the Commissioner of Prisons, he indicated to me some of what was being done now but it is not at a rapid pace. We would not have to spend one “red” cent, if we were to take those prisoners and put them to work—planned, productive work. You will find that the products that come out, be it in agriculture, be it in making furniture, and so forth, can go a long way within a short space of time. We would not have to spend any money for the upkeep of prisons. I hope that the Minister will turn his attention to that so that we can cut down, tremendously, the amount of money spent on the prisons.

**3.30 p.m.**

One can see very clearly that we have a chaotic situation inside and outside the prisons and it seems to me that the manner in which it is being handled, is inadequate. These are the things which are coming out very clearly to me, from prison reform to preparedness for any eventuality.



The hon. Attorney General, in his contribution last week alluded to the fact that by giving prison officers prohibited weapons, perhaps we could have avoided the problems of 1990. I wish only to state—

**Hon. Saith:** Mr. Vice-President, I do not believe the the Attorney General in his contribution made that statement and I wish the Senator to correct it.

**Sen. Hosein:** Mr. Vice-President, that is what I heard him to say. I do not believe—

**Hon. Saith:** Mr. Vice-President, I again repeat that the Senator has said that the Attorney General indicated in his contribution, that if the prison officers were armed, the events of 1990 would have been prevented. The Attorney General did not make such a statement and I wish the hon. Senator to correct the record.

**Sen. Hosein:** Mr. Vice-President, I do not have the Attorney General's contribution before me and I do not believe that the Minister has it either. If that is the case, and if it is shown, he has his right of reply, and in his reply, he can set the record straight.

**Hon. Saith:** Mr. Vice-President, the hon. Senator has admitted that he has not got a record of the Attorney General's statement, and I wonder if he would enlighten this honourable House of the basis upon which he has made this statement.

**Sen. Hosein:** I was coming to that. Mr. Vice-President, the hon. Attorney General put forward the argument that it was necessary to do these things; you had to prepare for any eventuality. I do not disagree with that at all. He alluded to what happened in 1990. So it follows, quite naturally, that is exactly what he was saying.

**Mr. Vice-President:** Sen. Hosein, you have stated that the hon. Attorney General alluded to certain events. The previous statement you made, which Sen. Saith, in fact, challenged you on, was a very definitive one, where you were saying that the hon. Attorney General made a certain statement. I would ask you to withdraw that statement.

**Sen. Hosein:** Mr. Vice-President, this is what I heard the hon. Attorney General to say, therefore there is nothing to withdraw.

**Mr. Vice-President:** Sen. Hosein, you have been speaking for almost one hour. There were several times during your contribution when I could have pulled you up for irrelevance, which I did not do. You said a short while ago that the

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Attorney General made a certain statement. You further went on to say that he alluded to certain things. There is a distinction between one saying something and one alluding to something. For the record, I am directing you to withdraw the statement.

**Sen. Hosein:** Mr. Vice-President, if you direct me, I have to withdraw. There are no two ways about that. Therefore, I will withdraw the statement because you have directed me to do so.

I only wish to state that the events of 1990 which were raised by the Attorney General, had nothing to do with who was armed well or who was not armed well. It was a question of the state having the army and the police on the premises of those people and allowing them to do what they did, under their very noses. Therefore, we must not get away from the fact that having arms and ammunition, has nothing to do with being improperly prepared for any eventuality. We must also remember that our intelligence work and taking decisive and proper action at the right time, is very important. That is the point I want to make.

We would leave the other part of it for when we get the record of *Hansard*. I wish to end my contribution on the note, that although we, on this side, are in support of giving the adequate and proper tools to the prison officers to do their jobs, we want to point out that the responsibility of the Government must not be shirked, and the Minister himself must make certain that he does his job properly and ensure that the number of people we now have in the prisons, are brought down to a bare minimum. He must do that on the arguments which we have put forward on this side of the Senate. I thank you.

**Sen. Wade Mark:** Mr. Vice-President, let me join with my other colleagues in welcoming you to the Chair. In this period of baptism, I hope that you are able to manage well.

The bill before us purports to amend the Firearms Act to include prison officers, acting in their capacity as such and the categories of persons authorized to be in possession of prohibited weapons. I shall place my contribution in a social, economic and political context. I hope to establish throughout, my links, so it would not be necessary for you to be on your feet too often.

The reality is that this Firearms (Amdt.) Bill is being presented in the context of a worsening economic and social situation. Without a doubt, the present economic and social policies of this Government are exacerbating the unstable

climate that we are at present experiencing. It started under the previous administration and it has continued, uninterruptedly, by this present administration.

**3.40 p.m.**

What is the real aim of this amendment before us? I think the Government, through the Minister of National Security, ought to level with us, fairly and squarely. Is the aim of the amendment really to protect prison officers, who—as my friend alluded to earlier—were the victims of many attacks and harassment some years ago? Or, is it to augment the Government's security apparatus in the event of a social rebellion or uprising by the people?

Is the amendment designed to prevent an imminent prison outbreak, given the overpopulation of our prisons at this time? Or is it designed to allow our youths to be further gunned down innocently by the security forces, owing to the Government's failure to provide adequate, productive and meaningful employment? These are very serious questions, and depending on the answers, we would know how to act.

At this time, in a country called Brazil, children are being murdered by security forces. Are we to expect in Trinidad and Tobago more innocent deaths? When I looked, at the recent incident involving a young man, Sheldon Henry—I think the Minister of National Security has ordered a probe into that matter—this is what is happening: Our youths are wasting away.

As we examine the reality of our situation today, firearms are in the possession of a number of groups and individuals. Police, army, coast guard, customs, prison officers; firearms are in the possession of private security firms. We understand—and I stand corrected—that there are over 400 private security firms registered in Trinidad and Tobago, at this time. Private citizens—I understand over 10,000—are now armed, legally and officially. Not to mention, the drug trade and the arms that come in illegally.

What is happening is that the situation in Trinidad and Tobago is really getting out of control. A state of disorder has set in our country. There is major frustration in the country at this time. There is frustration in the army, coast guard, police and the public service. Much dissatisfaction exists in our country today. The question that we need to address is the issue of how do we deal with the issues at hand.

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We read in the newspapers a couple of days ago—we do not know whether the report is true—of the possibility of the frustration and disenchantment of our people intensifying. The Government would have to indicate to the population whether those proposals of that medium-term policy framework issued by the World Bank, as is stated, are relevant and true.

The ground is saying that the situation is becoming more and more uneasy and there is a possibility, in this country—with all these arms we are talking about. In 1990, we had a dry-run, but we have to be careful that our conditions here do not worsen to the point where we can possibly have another uprising in this country, not coming from the Muslimeen but from another source within the country. I am saying this because of the kind of problems, confusion and chaos that we are experiencing, in some respects, in our country.

The Government has, in fact, through a programme of design, finance and construct, allocated some \$200 million towards the construction of a maximum security prison. The observation that is being made, even by the Prison Officers Association, is: that when that building would have been completed, it would not be able to house the increasing prison population; so fast, is that population of the country increasing.

Many of my fellow colleagues made reference to the condition in our prisons, the overcrowding, the unhealthy conditions, but there are in fact, some additional problems which I wish to draw to your attention. There is a shortage of prison officers. That was also alluded to. There is also the issue of the absence of promotional opportunities within the prison, which is contributing to some level of disenchantment, demotivation and frustration by many prison officers.

There is absolutely no real form of rehabilitation, or prison reform, at this time in our prisons. When prisoners leave prison, because of the population's attitude, they are ostracized. They are almost scorned and treated with disdain because of the kind of attitude that is displayed inside and outside prison. I think there is in fact a crying need for penal reform.

In the United National Congress 1991 manifesto, on page 9, we did, in fact, advance a number of creative proposals which the Government can also—if they wish—borrow and implement because we are about nation-building and we are about seeking to improve the quality of life of all our people. I want to quote, this particular section dealing with penal reform which starts on page 8 and ends on

page 9, because you cannot talk about a Firearms (Amdt.) Bill without looking at the conditions to which prisoners are subjected in our prisons in Trinidad and Tobago.

**3.50 p.m.**

"The UNC intends to organize the prison system so that it becomes self-sustaining, and no longer a burden on the Treasury and the taxpayer. The punishment for crimes should not merely be regarded as retributive but also rehabilitative and in light of this, we propose the following:—

- "(1) Prisoners will be engaged in productive work for which they will receive a stipend. Prisoners serving long sentences may choose to use their income to compensate the victims of their crimes, for which they will receive a pro-rated reduced sentence.
- (2) New offenders will be segregated from hardened criminals. All prisoners will be trained in a skill so as to equip them to earn a livelihood upon release."

Today, innocent, virgin youths who find themselves in unfortunate contacts with the law, are lumped with hardened criminals in our prisons. That constitutes not only a pollution of their innocence and minds, but it also contributes to a life of permanent crime, so that when these youths emerge from the cells, they are back within a week or two. We have advanced that there is a need for separation of the hardened criminals from those young inmates.

- "(3) A system of parole will be introduced with the objective being to assist persons who have served their sentences to adjust to civilian life."

I do not know if the Minister of National Security is looking at that seriously, but that is an area that we need to look at.

- (4) "Psychiatric and other therapy will be made available to prisoners in order to prepare them to lead a crime-free life after serving their sentences.
- (5) Working conditions of prison officers, those engaged in prison administration and the Protective Services must be improved after consultation with the Prison Officers Association, the Police Association, the PSA and other relevant bodies."

The whole issue of penal and prison reform is something that is quite dear to us. In fact, we have advanced in our manifesto how we believe this situation should be addressed.

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We are talking about an amendment to the Firearms Act. We have come to Parliament in an effort to get the Senate's approval to have that particular amendment instituted. The question we have to pose is: What sort of controls exist as far as private security firms are concerned? We are talking about firearms. It is amazing—I think most of us were flabbergasted when we read some time ago the *Trinidad Guardian* dated Sunday June 21, 1992, page 3. There was something which looked like a patrol boat and I read for the records:

"Amalgamated Goes Marine.

Amalgamated Security Services Limited has introduced a marine division, the first by a security firm in the country. Chairman of the company, Michael Aboud described the purpose of the division as meeting the safety and the security need of our coastal waters and properties with a fast response."

The question I am posing to the Minister of National Security, is: Why did something like that not come to this Parliament?

Where in the world—I do not know; maybe somebody could enlighten me—you have a private security firm patrolling our waters, looking to engage in interdiction, possibly? The police does not have. The coast guard have, but as the Commander said this morning, they are operating under financial and other constraints. Yet a dubious, suspicious, questionable outfit is given the authority to patrol our coastal waters.

I refer to page 3 of the *Mirror* dated Sunday, July 19. I quote a section of this particular article:

"Now the jokers have allowed a security firm with Syrian ties to help them guard the coastline."

Can you believe that? Nowhere else in the world will you find a private security firm having so much power and so well armed. We are talking about firearms. We are saying that Trinidad and Tobago has become a transshipment point for drugs. We know that drugs and ammunition go together. What kind of control is this Government thinking about as far as weaponry is concerned? From what I am seeing, we have no control over this private security outfit. I do not wish to say more on this matter. I leave it to the Minister of National Security.

It is a frightening, disturbing, distasteful development in our country. We are talking about giving the prison officers more arms. We give the coast guard less

resources to patrol our coastlines, and we give a private security firm the right to do so. I am wondering if this is all part of the intoxication of privatization, that the Government is even prepared to privatize our coastline. It is a very serious thing.

I am asking the question whether the security firm has not overstepped its bounds. Where in the world does a private security firm have the right to patrol coastlines? I have not seen any legislation to that effect. In fact, in the last Parliament, we were talking about private security firms but there does not appear to be any law in this country regulating or controlling those institutions. They are mushrooming at a pace that is disturbing. They have now gone into marine affairs. It is very frightening and I hope that the Minister of National Security will advise the country on what is taking place as far as this matter is concerned.

**4.00 p.m.**

There is the need to look again at visiting hours for the families of prisoners. A prisoner is serving his time, but he is still a human being, and I wonder why the Government does not look at the possibility of changing visiting hours. You cannot see your family or friends who would have come into contact with the law, on a Saturday or Sunday. You have to go during the week. The days and times are specified.

Prisoners are human beings too and I believe that the time has come, in a modern civilized state, just as when one's mother is hospitalized one can visit on a Saturday or Sunday, in the same way I believe the families of prisoners, who are in fact paying for their deeds within the prison walls—should have access to them on a more regular basis. I think that the Minister of National Security should look into that matter as well.

The issue of accountability in the Firearms (Amdt.) Bill is also critical. In this country the population is not aware of how much money is allocated to the various armed contingents of our country, particularly as it relates to breakdowns into various categories. The Government gives a blanket figure of \$900 million for national security and you do not have an appreciation of how much is going towards (A), (B) or (C), whether it is the army, the prisons or the fire services. So the population are not aware of how their moneys are being spent.

The tender for arms and ammunition in this country has now been taken out of the purview of the Central Tenders Board and is now placed with the Ministry of National Security, therefore, the taxpayers and their representatives have no way

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of discussing these matters. That is a formula for corruption. There is no accountability, and we are giving the Ministry of National Security and the prison officers the authority to bear arms.

As far as I understand it, they are already bearing arms. In fact, based on what Sen. Everard Dean said, the question here is legitimizing it. What I understand, is that depending on your rank you can bear your arms within and without the prison. If you are a low ranking prison officer you can bear arms within the prison walls, but you cannot leave the prison compound with them.

One of the reasons why the Prison Officers' Association was agitating for the issuing of arms was really to protect themselves in the first instance. A government that has been hijacked—and this is what has happened to the PNM Government; it has been virtually hijacked by international financial lending agencies and local big business—is unable to deal with the problems confronting this nation. Hence we have to build more prisons and arm our prison officers more. There is a link between arming those prison officers and the inability of this Government to provide people with meaningful and lasting employment.

Thirty thousand odd young people left school at the end of June. We are living in a world today in which knowledge-based industries have taken the lead, yet our youths are not being given the opportunity. And what takes place is that they, because of no direction, because of no motivation and inspiration are now being exposed to banditry, crime and drugs. Those are the very youths who end up behind prison bars. Those are the flowers of tomorrow. Those are the young men and women who are supposed to lead Trinidad and Tobago down the road. Thirty thousand of them sat the Common Entrance Examination and 10,000 failed automatically. Why this tomfoolery? Why not let 20,000 sit and pass? There are 30,000 persons sitting, you know you have only 20,000 places, and you allow the children to be tortured, and make them feel like failures. All those things are contributing to crime and explosions within the prisons walls. It is also contributing to the Government's now taking a decision to provide the prison officers with more weaponry so that they can deal with the youths. It is a form of genocide.

We, on this side understand the situation. We believe that the Government needs to do some more. Instead of the Government's addressing that issue, it is issuing more arms to kill more people. Our youths' lives are in danger. That young man, Sheldon Henry, who was shot in the hills of Febeau Village is an example; but he was employed at NHA. He lost his life.



**4.10 p.m.**

This is why we said in our presentation, let us look at this thing comprehensively. Let us not have a piecemeal approach to this issue. This is a bandage Government. Every time you have a sore you plaster it up. They are not looking at the thing in a comprehensive sense. What about those farmers who are subject to praedial larceny? Their produce cannot be protected. They labour and toil and then somebody comes and carts away their produce. What about issuing firearms to them, too, to protect their property?

Why do we not have a register of all those who have arms in the country? We need that. We want to know who have the arms; we want to know their position. I understand—and the Minister of National Security can correct me if I am wrong—that there are over 10,000 private citizens in Trinidad and Tobago who are bearing officially-sanctioned arms. Who are these people? We made a very important point: How can a Commissioner of Police be given that sole authority and discretion to issue firearms? Why not put that in the hands of a tribunal? I have not heard the Minister—he has not responded as yet—but I wait, attentively and anxiously, to hear him on that matter. We need to have a tribunal to deal with this issue.

If a government cannot govern, the citizens would have to take over. I am not preaching revolution. I cannot preach revolution while I am sitting obliquely opposite to the Minister of National Security.

**Hon. Huggins:** I hope you recognize that.

**Sen. W. Mark:** I know the Minister of National Security is noted for tough talking; he likes to brag often and beats his chest. I have respect for him, Sir, especially when coming to revolutionary talk.

These are some of our concerns. I have expressed some very crucial and pertinent points. I hope the hon. Minister will take the opportunity, in winding up, to clear the air on some of these matters.

My colleague, who is not here, did, in fact, refer to both the Firearms Act and the Prisons Act and wondered why it was necessary for an amendment when, under the Firearms Act, prison officers do have the right to carry prohibited weaponry.

**Hon. Huggins:** He knows the argument has no basis and that is why he is not here.

**Sen. W. Mark:** As someone said, the Attorney General was very eloquent, but unconvincing.

I should like to advise the hon. Attorney General to not only pay attention to what has been said, but to also take some action on what has been said. In a society that is decaying internally, a society that has lost its rhythm, a society that is propelled by external forces, we know what the outcome of that is, Sir. We know that the people of this country will suffer the consequences of externally driven influences, organizations and institutions. What is hurting is that you have a Government that says it cares, that it will protect our country's sovereignty and independence. This Government has a tradition. Dr. Williams would be turning in his watery grave every day if he could read and listen to the new leaders of the PNM betraying the trust vested in them by a population who felt that those leaders could have done better, but what they are doing every single day is selling out Trinidad and Tobago.

I feel, honestly speaking, that the Government is shortly going to privatize itself, the rate it is going. We may get up one morning and look at CNN and see Trinidad and Tobago and a sign: "Trinidad and Tobago for sale" under the distinguished pleasure of these hon. Gentlemen on the other side.

Finally, Sir, let me advise the Government that the population of this country will not stand idly by and allow them to sell out our national heritage. It will not happen under this population. I dare say, as our good friend discovered yesterday, sometimes when the heat starts, it starts in your backyard. You see what is happening in Morvant and Belmont? That is the smoke; the fire is to come.

Thank you very much, Mr. Vice-President.

**Sen. Hydar Ali:** Mr. Vice-President, I congratulate you on your elevation to the Presidency of the Senate, and I wish you continue to move upwards.

When this bill first came to our attention via the Order Paper and, subsequently, through the debate here, it caused a bit of concern to me, because I hold on to the maxim that when arms are available, whether it be through the protective services or otherwise, they produce a reaction in that the other groups in society usually arm themselves too; and not only arm themselves to the same extent, but, I think, to a greater level of sophistication. That is a general comment I should like to make concerning the addition of a category of arms to any group of people.

I think things like that ought to be borne in mind, especially as has been said by other Senators, that if you were to look carefully at other branches of the security services, this could have been served by them.

Also, we have heard about riots in prisons and the consequent holding of hostages in prisons. What one can envisage in such a situation is that some of these arms that we are trying to put in the hands of the prison officers can easily, in such a situation, fall into the wrong hands—that is, into the hands of the prisoners. It is a horrendous thought, but it is a possibility. That is also part of the normal reaction.

Also, in trying to effect things like escapes and so forth, no longer would we have the old hacksaw in the cake, but arms instead—not like the type that has been referred to by previous Senators, but arms to match the type that the prison authorities have. That is just a general comment I wanted to make at this point.

The other comment I should like to make is that there has not been any motivation for this amendment. This has been said by others and I repeat it. I expected when this bill came up for discussion that the Minister of National Security would have mentioned that such and such is the situation, bearing in mind, of course, all the restrictions that are allowed in respect of national security, that he would have given some hint as to the reason for introducing this amendment.

But the Minister says that it is an anomaly. That anomaly is a theoretical or paper anomaly. If you look at the category of people who are allowed certain arms, if you look at the conventional arms and the other category of arms, you would see that at the moment prohibited weapons are not available to prison officers. I do not think that it is enough to say that there is an anomaly without specifying what that anomaly is, what has caused this, that after so many years of our prison officers' performance—and some people have commended them for their action—it is now necessary to introduce this amendment so that they can perhaps better handle the situation. More examples of situations should have been given to us.

I came into the debate thinking that we had a serious debate in which we discussed whether prohibited arms will be made available to prison officers, only to be told by my colleague, Sen. Dean, that these things are readily available; and it is coming from what is usually called a very authoritative source. I have missed that, being away from the country.

This leads to my third point, which is the training of prison officers. Mention has already been made by previous speakers that entry into the prison service requires only a School Leaving Certificate. I think that was amended some time ago, although it has not reached the standard as mentioned in the prison report of 1980—I think it is called the Abdulah Report—which was referred to by several speakers last week and today, in which the minimum requirement should be five O’levels. I think there is some compromise—what is the reason for the compromise?—in which you need only three O’levels now.

I cannot agree with the hon. Attorney General. Much has been said about his contribution and I agree with those comments. I disagree with the Attorney General when he says that you have persons with certain expertise to use these prohibited weapons. I cannot see how that is possible, when, this report says that the training that they undergo at entry level is only 12 weeks and that that period is limited to being guided as to prison rules, and a bit of martial arts.

They are being prepared mainly for—unless that has changed significantly—jobs of a custodial nature. This, again, impinges on the fact that we need to have penal reform. Again, I find fault with the Attorney General. I think he perhaps overstepped his area of competence when he made disparaging remarks about previous contributors who mentioned penal reform in the prison. To hear him use words like mollycoddling in relation to the contribution of people who were referring to the general attitude of the population towards prisoners, I think really betrays a lack of knowledge of what prison reform is all about.

That is not the only remark he made that I find fault with. He mentioned, for example—and again there is a problem with quoting him. Since the criterion used the last time is that you must have the contribution before you, I shall try to couch my words in language that might find acceptance here. He spoke about the prison as being mainly to confine somebody for a limited period, and his emphasis seems to have been on confinement, as if, you know, the point about penal reform and rehabilitation was hardly even second place in his mind or even there at all. This is the modern way of running prisons, which is well known not only abroad; it is also mentioned in this report.

I should like to mention more points from this report. Just to go back to training, I cannot see how, after 12 weeks of that kind of training—learning some book work about the prison rules and some martial arts—you can train someone to use these prohibited weapons. This is why we have this elite corps that was mentioned by Sen. Dean.

That report seems to find favour with my statement, that they are not trained in general, so that one has to produce an elite corps to use these specific weapons. Generally, one would assume that not everyone would have reached that capability and you are going to make these prohibited weapons available to them. I think that kind of training is not enough to do these things.

Also, the deficiency in that type of training—and I use the word “low” simply because there has been a recommendation to have a higher level of entry into the prison service—does not allow them to be trained for the main purpose. With that level of training, they are unable to adequately absorb courses in the behavioural sciences.

This is a point that was made in this report over and over again: There should be training in that area. It recommends that there should be short-term courses, in-service, and full training at the higher level—colleges, universities and so on. I think that until we adopt that attitude towards the training of our prison officers, no amount of arms, prohibited or otherwise, is going to help us correct any situation that has been mentioned before or is likely to arise in the future.

In fact, this report also mentions a two-tiered system in which some people will do the normal custodial work and others will go on to the training and behavioural sciences. I think that ought to be looked at. I do understand that since the interim report was published and the final report presented, some of these things have gradually seeped into the system, but not enough to make any significant impact, judging from what I have heard today about what obtains in the prison system.

There has been a suggestion not only in this debate but also in other debates previously about prisoners being allowed to do community work for certain offences—first offenders, people stealing from schools and churches—that they not be allowed to go with these hardened criminals. This is put over as being something new, but I do not think it is that new, if one were to use this report as a guide.

This report gives a two-page history of the prisons of Trinidad and Tobago and it mentions here that prisoners in the 19th century used to be involved in what is called “useful work”, and it quotes from the West Indian Prison Act of 1838. Regulation 251(1) of the rules made under this Act states:

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“Every convicted prisoner sentenced to hard labour, unless excused by the medical officer on medical grounds, shall, from the beginning of his sentence, be employed in useful work.”

It gives examples of what used to take place in Carrera, about producing limestone and similar jobs like that.

I think it is not a hard task to go back to some “useful work”. Perhaps, if we do not introduce an amendment to what obtains, we could just come back and introduce certain types of punishment that come under the Prison Act.

Mr. Vice-President, mine is a very short contribution. I wanted to emphasize mainly the thought that came to my mind and I am sure to other people’s minds as well, when we heard talk about enlarging the group of people that now bear arms, not just ordinary arms but prohibited weapons. I also wanted to emphasize the area of training. I think training is important; and that the training that the prison officers now receive is inadequate for this type of weaponry. In fact, rather than take up that suggestion, I think they could be trained in the area of behavioural sciences and rehabilitation, which is perhaps the prime purpose of incarceration.

Thank you, Mr. Vice-President.

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

**5.00 p.m.:** *Sitting resumed.*

**Sen. John Rooks:** Mr. Vice-President, my contribution will be very short, as usual. I am somewhat concerned about, first of all, prison guards having been given dangerous weapons, prohibited weapons without the approval of Parliament in direct contravention of the law. Maybe they were given those at a time when the country was in a bit of a panic but if this is the case, then they should have been withdrawn shortly after.

I am also very concerned about the training aspect. The weapons that they have and are planning to have and for which approval is being sought, are dangerous weapons. They are automatic weapons. As long as you press that trigger the gun keeps firing, if necessary, until its magazine is empty. So people have to be trained properly to handle those guns. I do not think they are the type of weapons which should be given to just everybody. The person may not be psychologically fit to handle such a weapon, except in the case of war and we do not have any war here. We are using these guns, or having them, as I understand it, as a protective measure.

When a person enters the police service, as I understand it, he goes for six months of training at the police school. Now part of that training is, no doubt, weaponry—how to handle guns, *etc.* However, I am very concerned that once he has had that training, there is no further training, nor further check on his proficiency. Somebody may be a foot soldier for 20 years and suddenly an occasion arises where they want him to have more powerful armoury to use, and he may not be able to handle it properly. If that is happening in the police service, then what is going to happen in the prison service? One would think that they would follow what is being done in the police service, so I am concerned about the training in both. You know, a person who is not accustomed to handling one of those automatic weapons, is not aware if it is going to kick, or in what direction it is going to kick, and once he is pulling that trigger, it is going to spray bullets and the kick may take him across to where there are innocent bystanders and those people will be killed.

I am somewhat concerned that in most of the police gun battles reported these days the people they are having the gunfights with all got shot in the head. Now whether that is by accident, or on purpose, I do not know, but a gun is not supposed to be used by the police service to kill people—it is to restrain them; and it is very difficult to understand how so many are getting killed. Is it by lack of proficiency in using the weapons, or is it a deliberate attempt to kill? I can understand shooting to kill if your life is in danger, but I do not think that in all the cases in which we had deaths recorded, that the policeman faced a direct threat against his life. This causes my concern.

I think that without the Minister of National Security assuring me that changes are going to be made on the training side and of the continued checking on the proficiency of the users of this type of weapon, I cannot agree to this bill at all. I need to have some assurance from the Minister that something is going to be done about the training—not only of the prison officers, who are now going to use these weapons, but also of the customs service and anybody who is now authorized to use those guns. We must ensure that they are psychologically fit to handle such weapons and that they are continuously being checked in the use of these weapons.

**Sen. Dr. Eric St. Cyr:** Mr. Vice-President, the bill before us is very short and one had almost anticipated that it would have been dealt with in one brief sitting. But as we debated, several very serious issues arose and I think that hon. Senators

speaking before me have dealt very well, and at length, with them. It is easy to agree that the authorities we put in responsible positions must have the proper equipment, the proper tools, to do the job and they must not be unnecessarily exposed to personal danger in the course of their duty. They must have adequate protection. And that is easy. I think we could also easily agree that there are far too many people in the nation ending up in prison; and we need to deal with that at the wider societal level, at the economic level and in our approach to dealing with offenders, especially young offenders. In this regard I think the churches and other community groups should really be playing a more active part. That I think is also very easy to concede, including the treatment of very young offenders. Rather than have them committed to prison, they should be dealt with in a better way.

My concern in speaking at all on this motion is that, in the end, we the Senate, have to say yes or no; and in my own mind I am getting a check. I am not, at this stage, free to say yes, because I see here on the side of the Government, a move to do what is becoming so widespread in the nation—a move to equipping with the instruments of violence. One might say that crooks and criminals would behave in a certain way. The state has a responsibility not to behave in an immoral way. The state has a responsibility, even in the face of immoral action being taken against it, to stand firmly itself for morality.

#### **5.10 p.m.**

So where I see crime escalating and our prisons being overcrowded and I recognize the dangers there, I still do not think that the state should go almost in a tit-for-tat mode that will tend to escalate violence. Because ultimately, at the end of the line, the most sacred thing is life itself. The amendment, though on the face of it, reasonable and justifiable, could end in a position where—and we do not know how—things could just get out of hand within the confines of the prison walls. If that were to happen, I could see tremendous loss of life and carnage.

I am wondering whether the time to take the action that would not lead us in that direction is not now. I am wondering, really, whether we should not see how can we deal better with this problem, and not start off on the course where we may, by chance, end up where we would all regret it some time.

If what was contemplated was the use of tear gas, I would have no problem with that. That is an acceptable method of crowd-control. I understand it is very



uncomfortable, but after you shed some tears for a few days and so forth, you could still get up and breathe again, and pick up the pieces and carry on.

I really am concerned that we could be allowing a situation which could possibly get out of hand. At the moment, I would be inclined to say, yes, if I could be assured of what kind of—whether it is tear gas and that alone, or if there were a situation which I could be assured would not get out of hand in an extreme case. As it stands—and I should say this—I did not get from the hon. Minister, when he introduced the bill, a sufficiently clear statement of what was the problem that led to the proposal to make this fundamental amendment.

On those two points, Mr. Vice-President, I thank you for your hearing.

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, I never expected that we would be here debating this matter of such simplicity at this late hour of the evening, but I realize that it is only left to me now to give certain assurances on certain issues which were raised, both from the Independent and Opposition Benches.

First, let me address the question of the weapons which are in the possession of prison officers. As it is now, it is proper to say, only, that prison officers have older conventional weapons, that is, the shot gun and the .38 revolver. There are, in fact, some semi-automatic weapons which are kept under lock and key by the Commissioner of Police. Even if a situation were to break out in the prison now, they have no access to them, until such time as the Commissioner releases the key.

The purpose of this amendment is to give prison officers the legal basis for using these weapons. Let me assure you that there are proper procedures in place for the use of these weapons. As a matter of fact, there are more procedures in place in the prison system for use of semi-automatic weapons, than exist in the police service and in the defence force. Weapons are used only as a means of last resort in the prison service and they are used only upon the express authority of the Commissioner of Prisons.

The prison authorities here, like prison authorities abroad, issue weapons only to officers who are doing certain duties. These duties are watchtower duties, gun walks, mobile patrols or other positions which are inaccessible to inmates. It is never the case where prison officers carry weapons where they can be reached by prisoners. In other words, those officers who are in close proximity to prisoners,

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only carry truncheons. In our prison service, as well as most prison services abroad, that is the situation which exists today and for the next 25, 30, 40 years, it is going to exist. I can speak only for five years, and I will certainly ensure that those procedures will remain in place. But seeing that we are going to be here for much longer than that, I feel confident that the PNM Government is not going to go back on its word, given by its present Minister of National Security, and make me into a liar.

I want to give hon. Senators the assurance that a prison officer does not easily come by a firearm, be it automatic, semi-automatic or conventional firearm. It has to be issued by the Commissioner of Police and it is only issued as a last resort, that is, outside situations where one is doing guard duty, either in a watchtower or on a perimeter fence.

On the question of training, I wish to assure Senators—because it came across quite clearly to me that Senators are not familiar with the weaponry training given to prison officers—that they are, in fact, given the same training which is given to the police, and the defence force, but to a lesser extent. I say, to a lesser extent, because the defence force personnel are given training in much heavier weaponry, which, I can assure you, will not get into the hands of the police, as well as prison officers, and as Sen. Daly suggested, fire officers.

**5.20 p.m.**

The training of prison officers is, in some cases, much more intense than police officers, because, in the prisons, their training, particularly in weaponry, is an ongoing exercise. As a matter of fact, it is my intention, insofar as the police service is concerned—and I take the points raised, I think, by either Sen. Rooks or Sen. St. Cyr—I am putting into place a system whereby police officers, as a matter of course, will go back, not only into the classrooms for refresher training, but also on the ranges for weaponry training. This is going to become mandatory, of the police service. I, myself, am convinced that some of them need to sharpen their directional skills as regards shooting.

I want to reassure Senators that, insofar as the prison service is concerned, the training is much more intense. I feel it is because they do not have the weapons to use, the chances of their using the weapon—because it is only to be used in a last resort situation—one cannot wait for that to try to give somebody training for five minutes.

There are trained armourers in the prison service, who carry out the training there, and, in some cases, with the assistance of the police and defence force training officers. I want to assure you that we have, particularly in the defence force, very trained weaponry officers. This is a sentiment that was expressed by the British Commando Unit that came down here recently. They were amazed with the limited range of automatic weapons we possess, that our boys were able to use them so effectively.

**Sen. Hosein:** Natural talent.

**Sen. Huggins:** Nurtured by the PNM Government.

I wish to reiterate that the prison authorities—and I do not want anyone leaving this Senate with a mistaken belief—operate on the principle that force must be used to control inmates. Yes, they operate on that principle. Our prison authority here is a signatory to an international instrument, by which prison authorities agree to be regulated. Part of that instrument says that any use of force must be in proportion to the incident. I can quite safely say that, in our prison system, we have never really seen the use of more force than was necessary. It is amazing, that we have not had more serious situations occurring in our prisons, in terms of the minimum force used by our prison officers.

In this connection, I want to warn my friend Sen. Muntaz Hosein, that he must be very careful when condemning people, especially when they do not have an opportunity to deal with him. *[Interruption]* They may deal with him outside.

I also want to assure Senators that this Government is an extremely responsible Government. I ask Sen. Wade Mark to take note of that. I feel confident in the competence and sense of responsibility of the present Commissioner of Prisons. He is a very level-headed individual and I feel certain that he is going to accord to the principles on which prison services should operate and that weapons would not be issued unless as a last resort.

I want hon. Senators to recall when one of the former PNM governments decided to purchase armoured vehicles for the defence force. At that time, there was a big uproar in Parliament. I cannot remember—there were so many Oppositions then—who was in Opposition. But I seem to recall after 1990, when one spoke of the effect of the B300 rocket—did some damage just at the side of television house—one spoke of it in glowing terms.

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Now, I am not saying this to suggest that the police or the army will just go blowing up the place, I am just saying this to bring home the point that making automatic weapons available to prison officers, is providing them with a capability that, should the need arise for the use of these weapons, they would be there and could be used legitimately.

This is the purpose of the amendment: To put the legal framework in place so that if, ever at all—and I hope it never happens—that the need arises to use automatic weapons, that they can lawfully use them—not to kill but to quell any disturbance, from within our without.

One also has to recognize—and this is a fact that we live with day to day; I know, you would not know—that I have received, since taking up office, several communications from outside the prison to prisoners within, setting out detailed plans for storming the prison. I want to ensure that the prison officers have a capability, that if the need arises, can be used.

I think it was Sen. Daly, who indicated that this is a job for the police, if you need a certain level of force to be used. Or, it may be a need for the defence force. One has to understand that we have prisons at Golden Grove and Carrera. I can assure you, that the response time will not be sufficient to get the police or the defence force there to deal with a situation which may require action at a moment's notice.

Whilst I am on Carrera Prison, just to ram home the point of how prison officers with weapons are kept away from prisoners, let me state that when prisoners are being transported from Carrera to Port of Spain to attend court, a special boat follows them with armed prison officers. They are not even put on the vessel with the prisoners; and, they are armed with shotguns. Now, they are open to all sorts of attacks whilst en route to Port of Spain. I just want to give them the capability to deal with a situation.

It is no secret that the undesirable elements outside are better armed than even the police. They are using Uzis, SMGs and the full automatic pistols. I should not like to see somebody having .38 special try to deal with a man with a Uzi. Before the barrel even turns, he would be no more.

To emphasize further some of the training our prison officers receive. In the area of using tear gas, for example, there is a policy on the employment of the use of controlled gases. Tear gas may be either emitted from a cannon—I do not know

whether this is the cannon that Sen. Daly was speaking about—or it may be thrown in the form of a grenade. Both, I would assure you, have the same effect. They are taught, as part of their training, the characteristics of specific gases. In this connection they are taught how best to use this gas in open spaces or in controlled areas. They are given training in the technical deployment of the gas. They are also given training in treating persons who may be affected by tear gas.

**5.30 p.m.**

I feel confident about the training given to our prison officers. It may not be something that is publicized. I want to add that the training is not for only 12 weeks; it is more than that. In some cases it goes to six months. I want to assure you that the training is very intensive and more ongoing than that of both the police service and the Defence Force. I feel confident that the training procedures in place for prison officers are adequate. I do not foresee any situation where the need will arise to use prohibited weapons.

Let me limit the prohibited weapons. Although the Act gives a broad definition of prohibited weapons, we do not possess all of these things in the country today. I think the closest you come to possessing them is what is in the hands of the defence force, in terms of the B300, the Carl Gustav and one or two flame-throwers, which I think the Attorney General mentioned. They are used principally in marijuana eradication. It is neither my intention, nor the Government's intention, and I hope that it is not anybody's intention, to give to prison officers flame throwers to roast or barbecue prisoners as they see fit. It is not an appropriate weapon for use in prisons.

To deal with the points raised by Sen. Mahabir-Wyatt on the question of rehabilitation, I want to assure you, Sir, that this Government is looking very seriously at penal reform. As a matter of fact, with the construction of the new prison, an exercise on rehabilitation is taking place parallel with the building of that prison. One of the blocks of that prison has been earmarked for classrooms and rooms to be used for training carpenters, plumbers, masons and most of the vocational or other types of skills. This is one of the largest blocks in the new prison. As I said, we are pursuing a course of rehabilitation which we hope with the completion of the new prison, we will be in a position to put in place.

Together with that, I am also looking at the question of parole, because I think it is something that should form part of our legal system. I have the benefit of a

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few studies done on it and papers coming out from conferences on prison reform. I am looking seriously at it with a view to going to Cabinet in the not too distant future to have the matter dealt with.

Together with that, I am also looking at the question of plea bargaining, because it is one of the problems which we now face, particularly with the arrest of foreigners caught trafficking in cocaine. Yes, they know the names. They know who gave them the cocaine and who are involved in it, but unless you have something to offer them, they are prepared to remain in prison for 10 years. That is one of the problems we have. It is an area that both the Attorney General and I are looking at closely. I want to give hon. Senators and in particular, Sen. Mahabir-Wyatt, the assurance that the question of penal reform is ever-present on our agenda. Shortly, I hope that I shall be able to come here and make a statement to this Senate on that issue.

Let me deal specifically with some other matters raised by hon. Senators. Sen. Teelucksingh hinted at the rebuilding of the Carrera prison. I want to assure him that is not on the cards. If he knew the amount of money it cost to run Carrera, he would suggest probably that I use a B300 to get rid of it. It is a very costly institution, not only in terms of maintaining it, but also in terms of bringing prisoners from Carrera to Port of Spain and back. It is extremely costly. I think it is the most costly of our prisons to run. I am surely going to try to encourage this Government to close down that island as a prison, after completion of the new maximum security prison.

On the point he raised about taking all the foreign prisoners we have here and shipping them back home, it is not that easy. There are foreign governments who are minding many Trinidadians abroad also, maybe more than the foreign prisoners we are minding here. The Ministry of Foreign Affairs together with the Attorney General's Department is at present looking at a new piece of legislation called the "Transfer of Prisoners Act". It is a piece of legislation which is going to facilitate the mutual transfer of prisoners.

However, before I get your hopes up, that when that Act comes into being we can just ship them out, let me inform you that it does not operate like that. The receiving government must agree to take that prisoner, and the prisoner must agree to go. That is the way it operates. Legislation is in existence between certain countries; that is the way it operates. The receiving government must agree to the

return of the prisoner. The prisoner himself or herself—not to leave out the ladies—must also agree to go. In addition, the receiving country must ensure that the prisoner serve his or her term. It is not a question where you ship them from here and they land in the United States or wherever and they are immediately freed. That is not the way it is going to work. They must serve their prison terms in the receiving country.

Getting rid of such prisoners from here may not necessarily solve our problem. As a matter of fact, we may be more bound by the situation where some of our boys up there are inside for 27 years. Do you know how in the United States you are jailed for drugs? You are jailed at one year per gramme. What the officers do is set you up and keep you going until you reach about 40 grammes, then they arrest you, so your 40 years is assured.

The problem may not necessarily be solved by the mutual exchange of prisoners. Those countries that have expressed their concern to have such arrangements in place with us—we are looking at all those things. We do not want a situation where we are taking long-term prisoners here who have a long history of drug trafficking, although they may be Trinidadians, then, as you say, spending state funds to support them. It is not as simple a matter as it may sound. I want to assure you that the Government is in fact looking at it.

I turn to Sen. Muntaz Hosein. I was able to pick up from his varied digressions all over the place, one issue dealing with intelligence. I agree with him that intelligence is an important matter in the security of any nation, but one must also understand that sometimes intelligence fails you, and in some countries with the best intelligence networks in place, things happen and the intelligence units do not have a clue that these things are going on. At the same time I am trying to beef up our intelligence network, so that something which happened in 1990 will not happen again. I want to assure you that I do not intend to fail.

**5.40 p.m.**

My friend, Sen. Wade Mark, in his socio-economic/political contribution, said that by the time we completed the new prison, it will be overcrowded. May I assure him that that is not going to happen. We will have things in place that the new prison will be sufficient. The whole emphasis will be on reduction of the prison population by one means or another, particularly through the rehabilitation process.

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I do agree that the population here, particularly the business population, is going to have to play its part. I agree that convicts are ostracized. It is extremely difficult for them to get jobs in this country. In this connection, I know we are going to go on a public education exercise. It makes no sense training these people in prison and when they come out, because they have a record, they cannot get jobs. This is a problem that exists not only in Trinidad and Tobago, but all over the world. Once you have the tag “convict” on you, you have problems also getting a job. From a labour point of view, I share that concern with him.

Sen. Wade Mark also spoke about Amalgamated and made the statement which seems to suggest to me that the company has my full authority to operate on the sea. Let me assure the Senator that this marine branch of Amalgamated Security Services does not have my authority or anybody's authority to operate on the sea, because there is not need for them to get it. There is no legislation in place. That is why last week I presented a note to Cabinet seeking Cabinet's approval to prepare legislation to govern private security agencies.

It was suggested previously, I think by the last Government, that some regulations should be put under the Supplemental Police Act. I do not agree that that is sufficient. I think that there should be separate legislation to deal comprehensively with the operations of private security agencies, not only from the point of view of the management of these, but also from an area which I am certain will make the Senator's heart very happy—minimum wages for such officers. I think that they are some of the lowest paid people in this country and they do very dangerous jobs.

**Sen. W. Mark:** Could the Minister indicate the functions of this marine division of Amalgamated Services Limited?

The reason I raised this is that if you look at the *Sunday Guardian* of June 21, 1992, you would see that it is stated, quite specifically, by Mr. Miguel Aboud—and no-one has denied it—that the purpose of the division is to meet the safety and security needs in our coastal waters and properties, with a fast response. So, I really should like to find out from the hon. Minister what function this marine division is carrying out, without his authority.

**Sen. Huggins:** I think that he should take a leaf out of my book and not believe everything he sees in the newspapers. I remember having a press interview recently and three-quarters of what I said was wrongly quoted.



As far as I know, that organization is providing a service principally for yacht owners and island home-owners. Those islands form part of Trinidad and Tobago; it just happens that they are separated by water. If there was land they would probably be on foot. As far as I know that is what they are doing.

The protection of our coastline falls within the sole purview of our Coast Guard, and I am not going to allow any private organization to take it upon themselves to replace the Coast Guard in providing any protection for our coast, whether it is a good thing or not.

Again, there is no legislation which gives me the authority to tell these people they cannot buy a boat and provide a security service for home-owners. There is no legislation in place enabling me to prevent a situation like that happening. What I have done, however, is communicated with the Commissioner of Police and the Chief of Defence Staff to the effect that certain procedures must be followed in terms of such operations, because I am told that initially they were dressed similarly to the Coast Guard. I do not know for what reason. That has to stop. Also, whenever they are going out, the Coast Guard must be fully aware of their whereabouts—at all times. I do not want to be responsible for any incident that may happen in terms of the Coast Guard being on patrol, seeing them and probably seeing the reflection of the moon off a gun barrel, and they are blown out of the water. Then I would come here and have to hear how we are shooting people all over the place. Soon legislation will be in place and that will be properly regulated.

Sen. Wade Mark, also spoke about the removal of the tendering procedures for arms and ammunition from within the purview of the Central Tenders Board to the Ministry of National Security. Let me assure him that no corruption is going to flow from that. That was done, principally, to allow expedition in dealing with matters of national security. For example, falling under that will be matters like securing equipment for the Coast Guard because it takes an extremely long time, through the Central Tenders Board, because of the amount of work they have, to get these matters going.

I want to assure you that the Director of the Central Tenders Board is also a member of the Tenders Committee that falls under the Ministry of National Security. There is a full committee which has representatives from the Ministry of National Security, the Central Tenders Board, the Ministry of Finance and several

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other ministries. All awards of tenders must be approved by me, then the Prime Minister, after the decision is made by the tendering committee. There are proper mechanisms in place to ensure that no corruption flows from it. It is just for the purpose of speeding up the acquisition of equipment, *etc.*, for certain purposes.

When we took over the Government the schedule to which this piece of legislation related had all sorts of things in it, like the construction of buildings. Now, I would agree with you if you tell me that lends itself to corruption. We removed all of that from the schedule, and what this tendering committee can do is now very limited. It has to do with provisioning of the Coast Guard, the Fire Service, Police Service and the Defence Force, in terms of equipment, including arms and ammunition.

**Sen. Hosein:** I wonder whether the hon. Minister would tell us whether these measures in place now are temporary and how soon normal procedure will be reverted.

**Hon. Huggins:** As far as I know, it is not temporary. It is a procedure put in place so that matters of national security can be sourced very rapidly. The Central Tenders Board have much work to do. They deal with every ministry. We may need to acquire an engine for one of the coast guard vessels and there may be need for it to be done quickly. This is the type of thing which this tendering committee will handle. It will not go to the Central Tenders Board. I want to assure you that all the protection that is put in place with the Central Tenders Board will have been put in place with this tendering committee. On the matter of a firearms register, of course, there is one. I think somebody asked me a question on that and the answer will be given shortly.

**5.50 p.m.**

Outside of that, most of the other contributions dealt principally with the training aspect of prison officers and the question of prison reform. There was also concern that responsibility will be displayed in the issuing of automatic or semi-automatic weapons to prison officers. I want to reiterate that there are procedures in place for the use of these firearms and those procedures will be followed to the letter.

**Sen. Daly:** Mr. Vice-President, I was very reluctant to ask the Minister to give way while he was stroking the ball so carefully, but could he indicate whether these procedures to which he keeps referring exist in the form of a document,

either regulations, a policy statement or anything of the kind? Because it is quite important for us to know that so we can make up our minds.

As I have his attention—and I am sure Sen. Dean will not mind—could he also indicate whether the statement that was attributed to the Commissioner of Prisons that the automatic weapons are already in the hands of the prison officers—what is the status of that statement, given the procedures that he is describing here? The Attorney General indicated that flame-throwers might be issued to persons guarding perimeters. Could the Minister indicate whether that was some kind of error on the part of the Attorney General? If the Minister could deal with those three questions I would be very glad.

**Hon. R. Huggins:** I think, to deal with the last point first, the Attorney General was just trying to drive home his point that you are not dealing with an irresponsible Government, that we are not—if this legislation passes the House on Friday—on Monday morning going to issue flame-throwers to prison officers to burn down the place.

I think he was simply trying to ram home, so to speak, his point that we are responsible and the issue of automatic weapons will be dealt with responsibly. As I pointed out earlier, there are not enough flame-throwers in Trinidad and Tobago to go around to the prison service.

**Sen. Daly:** Did he know that?

**Hon. R. Huggins:** Yes, he knew that. But I think from the certainty with which you argued, he seemed to believe that you knew that there was more in existence within our armory and that they were going to be issued. There are only about two flame-throwers and right now their energies are concentrated on marijuana plantations. He is fully aware of that.

On the procedure issue, that is a matter of policy. I think it is written policy. I will seek to put my hand on it and give that to the hon. Senator so that his mind will be at ease.

In addition to that, one has to recognize that there is a very close relationship between prison authorities worldwide. One would be surprised to know the number of meetings they have, the amount of correspondence and exchanges that take place. There is a concerted effort to bring under a sort of uniform basis the operation of prison services. I may add that our prison commissioner has, at least

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on three occasions, been asked by this international body to address the body on certain matters dealing with prison services. I would say that he is well respected in the international field in terms of his knowledge of prisons.

The first matter raised, whether the Commissioner of Prisons was misquoted, let me explain how those weapons got there. There was the mistaken belief by the prison authorities that they had the right to use those weapons, and those weapons were issued to them. Subsequently, the Commissioner realized that they did not have the legal basis for using the weapons. That is when he secured them. The weapons, I may add, have never been used. They are in the custody of the Commissioner of Police. They were not given to prison officers; they were just made available to the prison authorities. Weapons are issued to prison officers only upon the authority of the Commissioner of Prisons.

**Sen. W. Mark:** The Minister indicated that those weapons were issued in 1990. Was it in response to the uprising, the failed coup, that these weapons were issued to prison officers?

**Hon. R. Huggins:** I am not certain of that.

Mr. Vice-President, I want to assure Members that it is the Government's view that all proper controls are in place to facilitate the control of these weapons and to ensure that they are not used indiscriminately. The training that is accorded to prison officers, in my view, cannot be better and I feel confident that you will feel safe after having supported this bill.

**Sen. Daly:** Before the Minister takes his seat, I really do not want to make a meal of this, but you see, speaking for myself, these procedures that he is describing really are very seductive in terms of my vote—I cannot speak in terms of anyone else's—I really would feel much more comfortable about this if I could have access to this policy document or these regulations. I do not say this as a criticism of the Minister, but he really has not committed himself by saying there are such regulations or if there is such a policy document. It is a matter for him, but I would feel much more comfortable if I knew these procedures were written down somewhere and we could see them.

**Hon. R. Huggins:** I gave the Member the undertaking that I would provide these procedures for him. If I do not, then I would have been lying to the Senate and I surely would not want to put myself in that position. I simply ask him to trust my undertaking that I will provide him with these procedures.

Mr. Vice-President, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clause 1 ordered to stand part of the bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the bill.*

**Sen. Daly:** Mine is not numbered one. Is that what we are on, Sir?

**Mr. Chairman:** It begins, Sen. Daly:

“Section 6(2) of the Firearms Act is repealed and replaced as follows...”

**Sen. Daly:** Mr. Chairman, I accept completely the Minister’s undertaking, but, as he has indicated, he may be there for only five years. I should like to propose an amendment that regulations governing the use of prohibited weapons by the members of the protective services be laid in Parliament.

**Mr. Chairman:** Is this amendment written, Sen. Daly?

**Sen. Daly:** No, Sir, but it is fairly simple. I am suggesting that we would add after the words “prison officer”, the words “and regulations governing the possession of prohibited weapons by members of the protective services be laid in Parliament, subject to a negative resolution of Parliament.” I am only asking for a negative resolution.

**Mr. Chairman:** Would you repeat that?

**Sen. Daly:** You add, after the words “prison officer”, “and regulations governing the possession of prohibited weapons by members of the protective services be laid in Parliament, subject to a negative resolution of Parliament.”

**Mr. Chairman:** “...subject to a...”

**Sen. Daly:** “negative resolution.”

**Sen. Saith:** Regulations made by?

**Sen. Daly:** Sorry?

**Sen. Saith:** Regulations made by whom?

**Sen. Daly:** By the Minister; who else can make them?

**Sen. Saith:** Sen. Daly, are you suggesting that the regulations which the defence force, for instance, uses should be laid in Parliament?

**Sen. Daly:** Yes, because we are being told that there are certain procedures, that a certain level of officer can carry them outside the prison, certain levels within and so on.

**Sen. Saith:** No, I am not speaking about prisons. I asked, are you suggesting because of the way it is worded, that we would have to do that for members of the defence force?

**Sen. Daly:** I did not want to single it out as though we were treating prison officers differently, but that is really my concern. We have heard of these tight regulations, and so on, and I think we are entitled to see them and have them made formally part of the law. I would be content if it was done in relation to prison officers.

**Sen. Saith:** I think, in principle, there is some concern that you cannot have protective services and the regulations by which they operate come to the Parliament. I think the Minister has indicated that there are regulations and if the Senator wished, the Minister would make them available to him. But it would mean that every time an amendment to this has to come—I am just wondering, what do we achieve by this?

**Sen. Daly:** I am only concerned about the fact that the Minister has told us about certain procedures, but they have no real status; they are just administrative rules.

**Sen. Saith:** I think we find some difficulty with that.

**Sen. Daly:** I am always prepared to give way on matters of national security; I will not pursue it. But I shall certainly be looking forward to receiving a copy of what exists in my mail box tomorrow morning.

**Sen. Huggins:** I have given you my assurance.

**Sen. Daly:** I have accepted that. But as you indicated, you are there only for five years.

I will not pursue it, Mr. Chairman.

**Mr. Chairman:** You are withdrawing your amendment?

**Sen. Daly:** Yes, I am.

*Amendment withdrawn.*

*Clause 2 ordered to stand part of the bill.*

*Question put and agreed to, That the bill be reported to the Senate.*

*Senate resumed.*

*Bill reported, without amendment; read the third time and passed.*

#### ADJOURNMENT

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. Vice-President, I beg to move, that the Senate do now adjourn to Tuesday, July 28, 1992 at 1.30 p.m.

**Mr. Vice-President:** Hon. Senators, there is a matter to be raised at this time. Leave was sought and obtained by Sen. Muntaz Hosein to raise a specific matter

#### **Negative List (Removal of)**

**Sen. Muntaz Hosein:** Mr. Vice-President, the matter being raised today is the mechanism to be put in place for the protection of manufacturers following the removal of the negative list.

The negative list has been removed as part of the conditionalities of the World Bank and—although it appears not to be conclusive—this is bringing great hardships to the manufacturing sector of Trinidad and Tobago.

I have a list before me and I have some concerns. I should therefore like to ask the hon. Minister of Trade, Industry and Tourism whether he can inform this Senate of the reasons for some items that appear on this list. Mr. Vice-President, I see on this list sweetened condensed milk and I wondered why this item was chosen to remain on the list. Perhaps the hon. Minister can give us good reasons why that should remain and other items removed.

**Sen. Kuei Tung:** Mr. Vice-President—

**Sen. Hosein:** No, I am not giving way now. You will have your chance to reply.

**Sen. Kuei Tung:** I just want to get an explanation.

**Sen. Hosein:** All right.

**Sen. Kuei Tung:** By way of explanation, can the Senator tell me what list he is referring to so that I may be able to respond?

**Sen. Hosein:** I am sorry. You will understand, Mr. Vice-President, that we have limited time and this is the only reason why I do not want to give way.

This list was derived by using the negative list itemized in:

“Notice to Importers, No. 1 of 1991, LN No. 53 and deleting therefrom or adding thereto any subsequent changes as subsequent notices to importers may have identified to date, 15/7/92.”

It has the Ministry’s codes.

Mr. Vice-President, I hope you will not deduct this time from my contribution.

Perhaps the Minister would also want to tell us why unsweetened evaporated milk is also on this list. I want to know why these two items are on this list, especially since garments and footwear are off the list. I think there is a greater case for keeping garments and footwear than these items.

Perhaps, while the Minister is at it, he will tell us what the rationale was for keeping them on the list. Perhaps there will be more jobs involved and he wishes to keep those jobs, or perhaps he was going to save on foreign exchange. I am not aware of it, so perhaps he can tell the Senate why.

Mr. Vice-President, laundry soap in all forms: powders, granules, flakes, cakes, tablets and bars.

**Sen. Mahabir-Wyatt:** Mr. Vice-President, I wonder whether the hon. Senator will tell us in which way this is a matter of urgent public importance.

**Sen. Hosein:** I think the hon. Senator has lost her way a little bit. I am not raising this as a matter of urgent public importance. It is a motion on the adjournment. If you look up, I think 10(1) and 10(2) of the Standing Orders, you might be better informed.

Again, Mr. Vice-President, I beg of you not to deduct time from me.

Mr. Vice-President, the hon. Minister of Trade, Industry and Tourism would want to inform this House why this item was kept on in preference to so many other items that have been left out.



Further down, Mr. Vice-President, paper for wrapping tobacco or cigarettes seems a little curious and perhaps he can inform us.

Mr. Vice-President, why are ships and boats under 250 tonnes still on the negative list? Perhaps the hon. Minister will tell us. While he is at it, he might want to tell this House who the manufacturers of these items are. It is very important for us to know that.

Mr. Vice-President, 10,000 jobs are endangered without the necessary safeguards promised by this Minister, and by the Government before, to manufacturers. The NAR Government promised the manufacturers that all of these safeguards would be put in place before January 1992. January 1992 came and went, the negative list was retained and the safeguards were not in place. Today, promises made to the manufacturers, again, have not been fulfilled.

The Revenue Protection Agency, which has been talked about, is a very good measure; I do not understand why it has not been put in place.

The stripping station where containers can be opened at the port and examined so that you can avoid having items invoiced as soap, but inside you find drugs or garments or anything else; that stripping station would help tremendously, but that has not been put in place either.

Perhaps the Minister will tell us why the Bureau of Standards has not been beefed up, why it has been given no teeth to be able to examine and reject goods of poor quality that came into this country before the removal of this negative list.

The much talked about ASYCUDO, Mr. Vice-President, which the hon. Minister came here and—

**Sen. Huggins:** ASYCUDA.

**Sen. Hosein:** Thank you. You see, Mr. Vice-President, whether you “DO” or you “DO” not or you “DA”, the point is, he has not put it in place. That is the important thing, and by not putting it in place there are hardships being suffered by manufacturers. So I should like him to also tell us why that is not in place. The anti-dumping legislation was not put in place before the negative list was removed. I know that in another place it has been tabled and perhaps soon it will come to this House. Therefore, I hope that it will contain anti-dumping measures, *et cetera*.

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I also wish to ask the Minister to tell us why there is not a floor price for imports to beat the under-invoicing of goods coming into the country, because this is exactly what is going to happen. There is a high duty and if manufacturers or traders would bring goods into the country by under-invoicing and pay the duty, they can still beat the system quite easily. The Minister promised that he would put in that kind of mechanism, but it is not in place.

Strengthening of the Food and Drugs Department—we talked here about this aspect when we discussed trade with Venezuela. We talked about goods of inferior quality, in particular food and drugs. Up to today, none of these have been put in place.

**6.20 p.m.**

Mr. Vice-President, the Common External Tariff (CET). The Caricom region Trinidad and Tobago agreed to a 45 per cent Common External Tariff, but before the measure could see the light of day, we have Jamaica coming here and talking about a reduction to 20 per cent. In the case of Jamaica, they have nothing to protect any more. Their money is rolling down the hill; they have no manufacturers to protect anymore; and they are heading towards NAFTA. In the meantime, they want to take Caricom along with them to fall like them.

It seems to me, after listening to our Trade Minister, that he intends to take the Government down that very same path. I wish to warn—I was warned earlier on and I will warn, too—that if you take that path, 42,000 jobs in this country would disappear. You will be able to count, on your fingers, the few manufacturers that will be left in this country. I strongly suggest that this Government do not take that route, because you are going to have such problems in this country as you have never imagined; and no flame-throwers, *etc.*, will be able to stop them. I want the Government to understand that. The people are going to be on the march, and hungry bellies do not care about bullets.

I am not appealing to the Government here for the individual owners of the various factories, because they could be well-off and put their money wherever they want to and get their interest; but I am talking about the breadwinners. If you look you would see that there is a high proportion of women employed in these factories—single women, who have no other way of earning their living. Therefore, I advise this Minister and this Government that the route they are travelling is the wrong one. They must understand that there is no country in the

world that has been able to liberalize trade in the true sense; and the Minister is aware of that. Why must we be the Judas? Why must we be the *bobolee*. Why must we allow our country to go down the drain and have the kind of problems that we are going to have for the sake of saying, we are liberalizing trade?

Mr. Vice-President, I beg of you to put mechanisms in place—because I know when you descend from the Chair you are with the other side and can speak to them. They are “harden”. This is a serious matter. You see, the future of this country is placed in the the hands of a Trade Minister who does not know what it is to be hungry. I suggest that he should go on a fast and understand what it is to be hungry so that he could identify with people without jobs. This is the problem we have in this country.

Mr. Vice-President, I want to just quote, with your leave, what the President of the Trinidad and Tobago Manufacturers' Association said. I wish also to point out that this is not something that I am alone in—all of the business community is united on this matter of the CET—the Manufacturers' Association, the Chamber of Commerce, they are all united on this matter. It is instructive to hear what the President of the TTMA had to say. I quote from his speech on July 8, 1992 at a special general meeting of the TTMA:

"It was envisaged that the protective tariff level of 45 per cent, one third of manufacturers would not survive under that level; and at 20 per cent level and at 5 per cent duty on input, we can possibly count on one hand the manufacturers that may survive."

So, it has nothing to do with partisan politics. This has to do with straight economics and the dangerous road that the Government is travelling. They can make as many jokes as they want and they can sit in any boardroom and enjoy their coffee and have their caviar and lobsters, but unless they come to terms with what is happening, and the possibility of what could happen outside should they continue on this path, we would suffer and regret the move that the Government is making. I thank you.

**The Minister of Trade, Industry and Tourism (Sen. The Hon. Brian Kuei Tung):** Mr. Vice-President, let me add my own words of praise and admiration to you—praise in ascending to the Chair today and admiration for the manner in which you have dealt with today's proceedings.

I have listened, very carefully, to the points raised by the hon. Senator and I should like to inform this Senate of some of the more recent developments.

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Initially, we had retained condensed and evaporated milk on the negative list, because there was still a study to be completed with respect to a subsidy that was given to dairy farmers. That study having come through, I am now in a position to say that condensed and evaporated milk have been taken off the negative list, and should be gazetted by the end of this week.

As far as laundry soap is concerned, that is a matter—let me back up a little bit and talk about the negative list. In shortening the negative list, I have said before, there are some items that will remain on it for certain reasons. One category was items that are of a public health nature—I cannot think of one now—we have just defined it in that very broad sense—matters of national security. Cigarette paper remained on the negative list because, while it is not being manufactured here, it is perceived from a national security perspective as being an item that is encouraging the use of marijuana, and it is for that reason, and only that, that cigarette paper remains on the negative list. It does not mean that it is being manufactured locally and being protected or otherwise.

The other category of items that remains on the negative list is items that are subject to an international agreement, which, as the words suggest, is any agreement that Trinidad and Tobago has with any other nation. It so happens that laundry soap remains on the negative list as a result of the Caricom treaty. The other Caricom countries have asked to keep it on as a matter of mutual interest. There is a lot of laundry soap that is still being manufactured by small islands like Dominica; and we plan to honour our agreement with them so that we can trade with them.

You will understand that, in terms of the Caricom treaty, we keep being accused of not supporting it in terms of trade; that we benefit because we have an unduly large, favourable balance of trade with our Caricom neighbours. I think, in all fairness to them, we should keep laundry soap on, if only because we need to help places like Dominica. As far as ships are concerned, I think ships are there as a matter of national security. I hope that explains the reasons why some items have remained on.

**6.30 p.m.**

As far as the other mechanisms are concerned, let me start by talking a little bit about cheap goods. Mr. Vice-President, I have said on many occasions that, really, as Minister of Trade, Industry and Tourism, I have no objection to cheap

goods coming into Trinidad and Tobago—none whatsoever, as long as they are sold cheaply and serve as an alternative to people who cannot afford more luxurious goods. However, I have strong objection, to cheap goods being brought into the country, and being passed off as first quality goods and sold at comparatively higher prices. That, I object to. So the question of cheap goods as cheap alternatives, really, in my view, does not come into play. I do accept that the Bureau of Standards need to be strengthened, so that they, too, can act as a watchdog to ensure that cheap goods are not passed on, as I said, to consumers, in the form of expensive alternatives.

To talk a little about some of these mechanisms which have been put in place. I think I need to give a little background as to what brought us to this point with respect to the removal of the negative list. The previous administration—not ours—approached the World Bank in 1990 for a Structural Adjustment Programme Loan, or SAL. The structural adjustment loan had certain conditionalities, one of which is, a major portion of the negative list would be removed by December, 31, 1990, and the rest would have been removed by December 31, 1991. Unfortunately, the previous administration did absolutely nothing with respect to any mechanisms or safeguards to ensure that with the removal there would have been a smooth transition.

We came into power on January 1, roughly, and we noticed that about 40 per cent of the items had been removed around September, 1991, but no mechanisms were in place or even considered. So that we took the position that because it was a structural adjustment loan conditionality, we would try out best to do two things: to re-negotiate the implementation date, which had already passed, and secondly, to see how many safeguard mechanisms could be put in place in the short space of time we had. We therefore negotiated that by June 30, it would be out.

The most important safeguard mechanism has already been put in place, and that is a regime of import surcharges for the importation of foreign goods. That, to my mind, is the most critical safeguard mechanism. That safeguard mechanism has been debated here and in the other place, in terms of the Finance Bill of 1992. I have already begun to pilot an Anti-Dumping and Countervailing Duties Act of 1992 in the Lower House. Let me explain the difference between anti-dumping and countervailing duties. Anti-dumping addresses the dumping of goods in Trinidad and Tobago, and countervailing duties address the question of where subsidies are used by foreign governments to aid manufacturers for export, like

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goods imported into the country really being subsidized by a foreign country to ensure that they get market-share in Trinidad and Tobago. That bill is another critical aspect of the mechanisms to be used to protect manufacturers.

There are a number of other areas which may not require new legislation, because there is already adequate legislation on the books. We are now in the process of reviewing unfair trade practices as they impinge upon a series of legislation. That is an all-embracing piece of legislation which is going to require a lot of detailed work. As a matter of fact, given the fact that we do not have any specific or specialist attorneys who can deal with trade and unfair trade practices, as such, we may consider bringing in a consultant to assist us. That is going to require a complete revamping of many pieces of legislation where unfair trade practices impinge.

We recognized, on coming into power, that Customs are going to be one of our major challenges. I say that, just to remind you that in January, 1991, a piece of legislation was put in place by the previous administration which has caused some deterioration of the efficiency of Customs. I say this because in January, 1991, in approving the Common External Tariff, legislation was passed in which Article VII of the GATT code was adopted. What that did was change the practice under which valuations were used by Customs. Customs have now said that they are being required to use valuations on what is called a transaction basis, as opposed to the old basis where they could have determined market value for any goods and determine the level of duties.

That one piece of legislation—which incidentally is a fairly avant-garde—in the sense that it comes pretty close to where the General Agreement on Tariffs and Trade wants to take us—required a complete change in thinking and training for Customs. I am told that there were only two customs officers who have been trained in that, and that is basically the weakness. It would take a long time for us to get 470-odd customs officers trained in a similar situation. Unfortunately, nothing has been done with respect to getting those two officers to train the others. And I am not even aware, quite frankly, as to whether they are still in the customs service.

What we have done instead is that we brought in some help from the US Customs, and I am pleased to say that there were four high-powered US customs people here, who have been able to analyze the situation and will be giving us a report shortly. They have also addressed the question of ASYCUDA, and they have

convinced us that ASYCUDA will satisfy most of our concerns with respect to Customs. There is something called a reference valuing, and ASYCUDA is going to assist us in developing a reference file for valuation of goods. Without that, again, Customs is going to be moving along without any change.

In essence, we have to address the question of efficiency of the Customs and assist Customs. We are doing this through the assistance, as I said, of the US Customs. We have to continue to try with the strict enforcement of consumer legislation. At present, there is a committee which reports to the Ministry of Consumer Affairs, who are looking at consumer legislation and standards. It is being chaired by the President of the Trinidad and Tobago Manufacturers' Association and comprises persons from both the private sector and public sector—public sector in the form of technocrats. That committee, I am told, is in a position to give me a preliminary report, which I should receive shortly.

On the question of the CET which, I believe, is the hon. Senator's most emotional subject, I think we are attempting to cross the bridge before we reach it. We have been told that the Heads of Government met and studied it; that there was a proposal by the Jamaican Prime Minister in which he suggested that the CET was too high. As a result of that, the Caricom Secretariat made a recommendation which was accepted by all the heads, incidentally, that we were to have a study group comprising senior technocrats from every major country and a few from the OECS, the Caribbean Development Bank and our own Central Bank, look at the complete trade package that the Caricom Secretariat has identified. It includes things like a customs union, the rate of the CET, trade policy, macro-economic policy for the Caribbean area. It will include studies as to what trade practices should be adopted with respect to the emergence of NAFTA. That study group met last week Monday, for three days, in Georgetown, Guyana and has come up with some very preliminary work. The terms of that committee's responsibility include coming up with a recommendation by September, 25—I think the date is. The Heads of Government are going to be called for a special session to deal with the West Indian Commission Report and they will take the same opportunity to look at that package of reforms recommended by this study group.

It is no sense, in my view, getting too emotional about CET. At this time, our CET is still very much in place. We will look at it; we will adopt the Trinidad and Tobago position. I have no idea of what is going to happen with respect to what line the Heads of Government are going to take, and certainly, I am not going to stand and criticize the Jamaican position. Jamaica, obviously, has its own interest

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at heart. We have, as a nation, to have our own interest at heart. I wish to assure this Senate that we will not take—

**Sen. Hosein:** Mr. Vice-President, I hate to interrupt the Minister, but as he goes along, the manufacturers want some assurance from him on each of those items of which I spoke. He must tell us an approximate date when he will put it in place. What the manufacturers really want is, what is his position on the CET. We do not want to know what the region's position is. We want to know what his Government's position on it is, so that we would know how we can plan our business.

**Hon. B. Kuei Tung:** Mr. Vice-President, the Government are at present studying what position to adopt with respect to the CET. We do not have a position. Even if we did at this time, we are not prepared to enunciate it until we have seen the study done by the Caricom Secretariat, merely because we do not want to become confrontational by our actions. What we prefer to do, at this time, is to await the findings of the study group and then determine what position we would take for ourselves.

**6.40 p.m.**

In the meantime, some of these mechanisms that I have described, will be put in place, as resources permit. We are hopeful that within another few months, there are a few minor things that can be put in place quickly—we are told by the New York Customs—that can make sure that we become a little more efficient than we now are. I have to await the report. I cannot talk about putting things in place until I have seen the report. I cannot give a commitment as to time.

Mr. Vice-President, really, we see it described that we have built the manufacturing sector. It is because of PNM policies over the years, that there is a manufacturing sector in the first place. Today we boast about being the most highly industrialized country in the Caribbean. Well, that is because of certain policies that the PNM has put in place. So, it is not our intention to abandon manufacturers willy-nilly, but by the same token, we have to be sensitive to what is emerging around us globally; what our own predicament is with respect to our own economic circumstances.

Thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.46 p.m.*