

*Leave of Absence**Tuesday, April 26, 1994***SENATE***Tuesday, April 26, 1994*

The Senate met at 1.30 p.m.

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

Mr. President: Hon. Senators, I have granted leave to Sen. Dr. The Hon. Lenny Saith to be absent from sittings of the Senate during the period Friday, April 22 to Wednesday, April 27, 1994; and to Sen. The Hon. Camille Robinson-Regis to be absent from today's sitting and also the sitting on Tuesday May 3, 1994.

ISLAMIC CHILDREN'S HOME (INC'N.) BILL

Bill for the incorporation of the Islamic Home for Children and for matters incidental thereto, brought from the House of Representatives [*Sen. Rev. D. Teelucksingh*]; read the first time.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Tunapuna Regional Corporation for the period October 1 to December 31, 1991. [*The Minister of National Security (Sen. The Hon. Russell Huggins)*]
2. Report of the Auditor General on the accounts of the Trinidad and Tobago Export Development Corporation for the year ended December 31, 1992. [*Hon. R. Huggins*]
3. Report of the Auditor General on the accounts of the committee of the San Fernando Carnegie Free Library for the year ended December 31, 1992. [*Hon. R. Huggins*]
4. Report of the Auditor General on a comprehensive audit of the Maintenance of Government Buildings. [*Hon. R. Huggins*]

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Sen. Everard Dean:

**Land Development
(Papourie Road)**

48. Could the hon. Minister of Planning and Development state what actions have been taken to address difficulties being experienced by citizens caused by

failure to obtain planning permission to develop a parcel of land at Papourie Road, Esperance Village, San Fernando, referred to on page 13 of the Ombudsman's Report for the period January 1, 1992 to December 31, 1992 under the caption: "Failure to Obtain Permission?"

**Land Development
(Planning Permission)**

- 49.** Could the Minister of Planning and Development kindly state:
- (a) Whether he is aware that many citizens whose land situated along the proposed extension of the Sir Solomon Hochoy Highway have not been able to obtain full planning approval to develop their lands?
 - (b) If the answer is in the affirmative, can the Minister state what is the Government's policy or what action does the Government intend to pursue with regard to bringing this matter to a conclusion?

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, I am constrained to ask that both questions Nos. 48 and 49 be deferred for a period of two weeks not only because of the absence of Sen. Dr. Saith, but also because I do not think that the answers are quite ready.

Questions, by leave, deferred.

ILO CONVENTIONS

[THIRD DAY]

Order read for resuming adjourned debate on question [April 5, 1994]:

Whereas the International Labour Organisation was founded in 1919 to promote and improve relations among the social partners—workers, employers and government; and

Whereas the International Labour Organisation (ILO) has adopted one hundred and seventy-seven conventions aimed precisely at promoting and safeguarding the right of workers; and

Whereas the Government of Trinidad and Tobago has been a member of this distinguished International Labour Organisation since 1963; and

Whereas the Government of Trinidad and Tobago has ratified only one convention over a period of twenty-eight years i.e. 1961—1991;

Be it Resolved that this Senate recommend to Government that urgent and appropriate steps be instituted to examine, with the aim of ratifying and implementing into national law, those conventions applicable to workers' interests, as well as contributing to a more propitious climate of industrial peace and social stability in Trinidad and Tobago. [*Sen. W. Mark*]

Question again proposed.

Sen. Stanford Callender: Mr. President, I join this debate because of the interest it generated. I listened to Sen. Wade Mark's contribution and at the end of it all I had problems to determine the true intention of his Motion.

Sen. W. Mark: Are you supporting it?

Sen. S. Callender: I know that the Minister of Labour and Co-operatives would move an appropriate amendment to bring a little sanity to the intention of Sen. W. Mark.

Sen. W. Mark: Is it a mad motion?

Sen. S. Callender: When I listened to Sen. Wade Mark, at one point—if you would permit me to quote a section of his contribution, Sir—he seemed to attempt to put into its proper context the global situation. His contribution as recorded in *Hansard* reads:

"The ILO is celebrating its seventy-fifth anniversary against the background of a grave, world social crisis manifested in growing poverty, widespread unemployment and mounting social tensions. Today, there are some 1.2 billion people living in chronic poverty, representing one-fifth of humankind. Hundreds of millions are unemployed and under-employed in the developing world, while some 35 million souls languish on street corners and pavements in the industrialized North."

Sen. Mark went on to say:

"Over 200 million children are now in the workforce and subjected to some of the most brutal and inhuman forms of exploitation. Over 33 million people are in servitude under different forms of forced labour in the world today; there exists rampant discrimination against women and minority ethnic groups."

I said to myself, well, for the first time Sen. Wade Mark is coming to the reality that the world is changing and things are not what they used to be. But alas! it was not long after that I was taken aback by the true Sen. Wade Mark who continued:

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"The situation in Trinidad and Tobago is alarming. Human welfare is being sacrificed at the altar of structural adjustment and economic liberalization. Today the struggle—"

Sen. W. Mark: Could you correct that error for me? "on the altar of structural adjustment."

Sen. S. Callender: I would satisfy the Senator by going over that second part.

"The situation in Trinidad and Tobago is alarming. Human welfare is being sacrificed on the altar of structural adjustment and economic liberalization. Today the struggle is for survival. Trinidad and Tobago is a most dangerous and unstable country where the economic environment is extremely hostile."

I recall that on that particular day there were some students in the public gallery. Shortly after Sen. Wade Mark made his statement, they got up and left.

Sen. W. Mark: Are you saying they left because of the statement?

Sen. S. Callender: They left because the signals coming from the Senator were most frightening and uninspirational. It left me to wonder what is his true role in the Senate. At times he spoke of himself as a member of the alternative government. I would be most amazed if such an eventuality should take place, because any true politician who is worth his salt in representing a country he is seeking to build, would not use these phrases to describe the nation in which he lives.

1.40 p.m.

I have an American friend and I recall asking him what he thought about the American invasion of Grenada and, in the absence of the facts, he said, "I stand by my country," which is a true demonstration of patriotism, something which is sometimes very lacking on the Opposition Bench. So, it would be a most disastrous event if the people of Trinidad and Tobago should replace this PNM administration with those on the opposite Bench. It is no wonder Sen. Wade Mark chose to decline nomination for the upcoming by-election.

When I went further into his contribution—and I dismissed him as an alternative to any form of government—the next question I asked myself was: Does he represent NATUC in the Senate? One then has to carefully analyze that the present situation, the confusion with labour in this country is a direct result of the kind of leadership we have in the person of Sen. Wade Mark.

From time to time I might seem to be irrelevant, but it is purely because of the irrelevances in his contribution. I would have from time to time to make reference to his contribution. You, Mr. President, attempted to correct him when he referred to the Minister of Labour as the "Minister of Silence." I want to state that this administration, like previous PNM administrations, has always sought to approach this matter tripartitely. There are demonstrations of that. The hon. Minister, I am sure, will go into them in more detail. A few examples, such as the National Insurance Board and the Cipriani Labour College, are developments which came out of a tripartite approach. *[Interruption]*

Mr. President: I am prepared to allow crossfire, but Senators must remember that the Verbatim Reporters go by sound and if they get three and four voices coming through at the same time, it would be impossible to write accurate reports. I am appealing to you to hold the crossfire; keep it down a bit in the interest of having an accurate verbatim report.

Sen. W. Mark: Mr. President, on a point of order. I think that the hon. Senator is misleading this Senate when he says that the Government is committed to tripartism in the context of the National Insurance Board and the Cipriani Labour College. That is not the concept. The Government is not responsible for that. That is law.

Sen. S. Callender: The Senator's point of order is a true reflection of his lack of understanding and a demonstration of misconduct. I am from a disciplined home and a disciplined political organization, so that type of conduct will not emanate from me nor from this side.

Sen. W. Mark: Sen. Callender, my good Friend from Tobago, is imputing improper motives and I should like him to withdraw that statement. I am myself from a very disciplined home. I think he is imputing improper motives to me. Please ask him to withdraw that remark, Sir.

Mr. President: Please stick to the context and leave the individual comments—

Sen. S. Callender: I will leave the asides.

We use ILO conventions as practice and policies in our laws, so, while it would be true to say that we have not ratified as many of the conventions that we might have wanted to, by our practice and policies we have made and recognized the importance of some of these recommendations and conventions.

Convention No. 87 which gives trade unions the right to organize, whether it is Resistance 1, 2, 3 or 4, should not be taken lightly. Convention No. 98 permits the consequential right for them to bargain collectively on behalf of their members. These provisions enshrined in these conventions lay the foundation for the principal tenet of tripartism, and from which organized societies form the pillar for support of social justice.

I do not want to spend too much time with the irrelevant aspects of Sen. Wade Mark's contribution because I would be ruled irrelevant. I therefore want to stick to the motion as you have advised. I grew up with an old lady who advised me continually that it is fruitless trying to fertilize an old tree, and that it is a waste of time trying to throw water on a duck's back. I am convinced that Sen. Wade Mark is very fixed in his mind about the things he says. I leave him at this time because I pity him.

I should like now to spend some time addressing some of the concerns raised in the contribution of Sen. Barrack, whom I consider a young man. I really do not want to waste time with Sen. Wade Mark, who is over the hill, but Sen. Barrack seems to be heading up a hill which would lead to his becoming a misguided soul.

Sen. W. Mark: On a point of order. What is the relevance of this personal attack? I think that the hon. Senator is wasting the Senate's time. He is being irrelevant and I should like you, Mr. President, to ask him to get into the essence of the matter. He is dealing with personalities and we should not like the Senate to deteriorate; otherwise we on this side could become ferocious.

Mr. President: When both sides are enjoying the fun, I am reluctant to intervene, but I must remind hon. Senators that there is a Standing Order which deals with the conduct of Senators not speaking—they must remain silent. Please allow the Senator to make his contribution in the same way that others have the privilege and the right to make theirs without unnecessary interference, and you have the right to reply. I think you can hold your comments—

Sen. W. Mark: Fire.

Mr. President: I do not know about fire, but you may hold your comments until you are ready to reply.

1.50 p.m

Sen. S. Callender: Sen. Barrack spent some time dealing with the URP. I am quoting from *Hansard*. He described the Unemployment Relief Programme as being:

"...the most degrading and barbaric system of unemployment relief programmes in any civilized country."

Yet, in the developed world, the United Kingdom is attempting to implement a similar model, a system to replace the dole. And in the USA, they are now seeking to have the recipients of dole work a minimum of 40 hours per month, in addition to which the ILO is now studying our social unemployment relief programme which is the URP.

Sen. Barrack further went on to state that:

"...the regional manager who controls the Unemployment Relief Programme office in Region No. 2 at Morvant must have six or seven thugs around him; men with guns come to stick him up so that their names could be put on the list."

My only advice to Sen. Barrack is to provide such evidence and names to assist the police in stopping these criminal acts. He further stated that if one wants to see an expression of suffering, one should go to Region No. 2 in Morvant: women weeping, tears rolling down their cheeks begging for a "10-days." Mr. President, when one comes to the Senate, one must not bring only half-truths and negative aspects. I am in no position to deny that observation, but one must look at the URP for what it was set up to be—an unemployment relief programme. There have been several achievements and benefits in this programme.

For example, in any given fortnight, over 8,195 persons get unemployment relief. During 1993, over 115,000 persons benefited from it. In 1993 the Government spent approximately \$122 million, and it is expected that in 1994 the Government will spend approximately \$130 million. As a direct result, the URP's physical and infrastructural projects are very visible throughout this country. They have made contributions such as the construction and maintenance of roads, bridges, pavements and retaining walls, construction and refurbishing of community centres, post offices and police stations.

Reference was made, again by Sen. Barrack, to employment practices. I heard remarks about corruption and so forth. The Senator said:

"The individual at the office gets a number of lists from Ministers; lists of names of persons to work on the programme come from Ministers."

Again, I am not going to attempt to even deny that this is so, but it is, again, a half-truth. It is also interesting to know how in areas where there are no PNM

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representatives the names and even programmes are supplied to the URP regional offices?

I am not going to go through the process of reading anything more into *Hansard* because I do not want to waste the Senate's time, but I have copies of letters; Member of Parliament, Couva South; MP, Caroni Central; Tabaquite constituency; Rienzi Complex, headquarters of the UNC—

Sen. W. Mark: Mr. President, on a point of order. If the hon. Senator is reading letters we are asking him to quote the dates because our party took a clear position on that matter and no MP applies to any Government Minister for jobs for workers. We want the dates; just do not only call people's names. We took a policy decision on that matter.

Mr. President: The Senator merely said that he has letters from representatives. He has not called the name of any representative or given the dates nor has he quoted from the letters. If Sen. Callender proceeds to quote from the letters he will have to supply the date and the name of the person who wrote the letter.

Sen. W. Mark: But he is misleading the Senate!

Mr. President: I do not know what is the point being made.

Sen. S. Callender: Mr. President, I am not misleading the Senate, but if Sen. Wade Mark wants the dates and the names, I could produce them. I seek your guidance.

I was just seeking to state that the point that Sen. Barrack made was a half-truth. While it is easy to say Ministers do, the managers in these regional URP offices were given directives by the ministry that they should communicate with the elected representatives of the people—and they do that—and to other community organizations. I am saying that in response to that request several Members of the UNC submitted names and programmes for development to the URP.

Let me leave that for a while and try to treat with the only salient point that Sen. Barrack made on the Motion—that was his argument to have Convention 168 ratified. He went on to read Articles VII and VIII into the record. I want to look closely at these two articles. At this stage I want to say that I agree with Pundit Gosine that it is not even necessary to ratify that convention because of the several pieces that are already in place to give effect to the intention of such a convention.

2.00 p.m.

Sen. Barrack went on to quote Article VII:

"Each Member shall declare as a priority objective a policy designed to promote full, productive and freely chosen employment by all appropriate means, including social security. Such means should include, *inter alia*, employment services, vocational training and vocational guidance."

Let me deal with Article VII.

Employment services in this country are the main objective of the Ministry of Labour and Co-operatives, and for over two decades there has been a close working relationship between the Ministry of Labour and the Ministry of Education through the National Training Board to ensure that there is a level of training for the industrial, commercial and business sectors of this country. That was established over 20 years ago.

In the Ministry of Labour and Co-operatives there is the establishment of a National Employment Service. There are other services provided in the ministry, such as a job-matching process; the Canadian seasonal farm programme—never mind that the numbers are declining, we are making a significant contribution in this area—counselling and advice. The ministry was able to service some missions abroad with employees; we were able to send people some years ago to Bethlehem Steel in Baltimore and Texas; Denver Corporation; Sea Trade International; Bahamas Agricultural Industries Limited; Bahamas Steel.

We have also sent telephone operators to Zambia; London Transport Corporation and other overseas missions. A few years ago the ministry was responsible for sending 222 tradesmen to be actively involved in the construction of a five-star luxury hotel in Nevis. The list goes on and on. That is the important role of the employment service provided by the Ministry of Labour and Co-operatives.

Under "Vocational Training" it is important to make this point, because I think it would serve Sen. Barrack and the Senate well to note—and, Mr. President, because of the importance of what I am about to say, I seek your permission to read from some notes.

[Leave granted]

Sen. S. Callender: There has been the development of vocational training for Latin America and Caribbean countries, CINTERFOR, for which all vocational type training programmes within the region, among other countries, are being co-ordinated. In 1990, the organization donated to Trinidad and Tobago 2,500 copies

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of pre-vocational training programmes in various areas. It is important to note that this is all part of an ILO network in the region. The Ministry of Education has put in place a translating unit to take care of the Spanish aspects of it. To this end, several countries in the region are benefiting from Trinidad and Tobago's initiative.

There is a meeting of Heads of Vocational Training in the Caribbean, sponsored by the ILO; Trinidad and Tobago continues to play an active role in this development. Through the Ministry of Education we have set up a National Training Information System to feed into the ILO's regional network, which is integrated into the regional training information system of the ILO.

I do not know whether Sen. Barrack is aware, but there is available a dictionary of the occupations, on which the ILO supported the Government, and which the National Training Board completed recently, and it is now being distributed in the country and outside the region.

Under "Vocational Guidance" the Government of Trinidad and Tobago, through the Ministry of Education, has developed under sponsorship from the ILO, vocational guidance modules for secondary schools, and has also assisted in financing other countries such as St. Lucia, Barbados and Jamaica in developing vocational guidance material.

Based on the Government's initiative, YTEPP was created, having taken into account the social implications and social problems of young people in the country between the ages of 15 and 25, to develop pre-vocational programmes for the unemployed and under-employed. It teaches basic skills, the promotion of small business and getting the youths on to a new foundation towards self-development and self-financing.

So I am inclined to agree with Sen. Pundit Gosine that outside of ratifying the convention, the Government is seriously seeking to address some critical issues under this heading.

Article VIII—and I quote from Sen. Barrack's contribution:

"Each member shall endeavour to establish, subject to national law and practice, special programmes to promote additional job opportunities and employment assistance and to encourage freely chosen and productive employment for identified categories of disadvantaged persons having or liable to have difficulty in finding lasting employment, such as women, young workers, disabled persons, older workers and long-term unemployed migrant

workers, lawful residents in the country, and workers affected by structural change."

So even at the ILO they recognize that in a developing country there is going to be some structural adjustment taking place. But what is important to note is that the words in Article VIII were carefully chosen: "Each member shall endeavour to establish..." It is saying clearly that you cannot work miracles, you cannot work magic, you can only do your best.

Having recognized that, coming out of the symposium held in 1992 recognizing the imbalance, a special programme was—

Sen. W. Mark: Mr. President, on a point of clarification. Could the hon. Senator tell us what symposium he is talking about?

Sen. S. Callender: We recognized the imbalance with the difficulty of women, especially single mothers gaining employment, so that a programme was put in place to treat with the gender imbalance. That was the programme designed to help women do the programme in schools. The current levels of fortnightly employment are in the region of 1,950. The programme is designed to give the women the hours between 10.00 a.m. and 2.00 p.m. so that they can take care of the children, send them to school, and benefit through the programme.

2.10 p.m.

Sen. Hosein: Freeness. They are not doing any work.

Sen. S. Callender: The programme has helped to enhance the environment of the learning institutions which so many of our children attend, and has been making a significant contribution to the development and enhancement of the surroundings of many, and we recognize that. Again, I would say that Convention 168 is the only serious aspect of Sen. Barrack's contribution, and I have tried to put it in its proper context.

Before I take my seat, I want to congratulate Sen. Diana Mahabir-Wyatt on a very good, constructive and objective contribution to the debate on the Motion before the Senate.

Sen. Daly: Wait until later!

Sen. S. Callender: I should also like to congratulate Sen. Pundit Gosine on his attempts to correct some of the misrepresentation of facts in the contribution of Sen. Wade Mark.

Sen. Hosein: Why not learn to pronounce the man's name?

Sen. S. Callender: I want to tell Sen. Barrack—as a young man I feel for him. As a young man I am prepared to help him, but I cannot until he is prepared to come down from that hill of illusion, when I would be able to hold his hand and take him down the road, where he can learn something, and together we would have the job done.

Thank you very much.

Sen. Hosein: What a disgraceful speech!

The Minister of Labour and Co-operatives (Hon. Kenneth Collis): Mr. President, I should like to open my contribution to this debate by sincerely congratulating Sen. Diana Mahabir-Wyatt—

Sen. Daly: Wait until later!

Hon. K. Collis:—on the sanity she brought to the debate on this Motion, and the kind of explanation and clarification she brought to the Senate.

I want to apologize for our not bringing to Parliament—and when I say "our" I mean the Ministry of Labour and Co-operatives—the various instruments adopted within the recent past, going back over the last ten years, at the annual conference of the ILO. However, I want to give the assurance, Mr. President, that this matter will soon be rectified, as it is my intention to have all outstanding instruments submitted to this Parliament very shortly. We have, at present, an expert on standards from the ILO working in conjunction with my ILO Officer, trying to put all this together.

But let me join Sen. Mahabir-Wyatt in explaining that ratification of conventions carries certain responsibilities on the part of member states, which include the following:

1. The enactment of new legislation and/or the updating of existing ones, and the establishment of administrative procedures, such as the setting up of inspection services that will ensure continuous compliance with all the terms of the instrument; and
- (2) The submission of periodic—

Mr. President: (*addressing TV Cameraman*): Are you focusing on the proceedings? It does not seem so. That is not part of the proceedings.

I know that some people might be surprised at my intervention. In all large, developed countries that have allowed television in the House—television cameras, in the case of Canada, are owned by the Parliament. The entire staff is under the control of the Speaker, and the biggest television stations in Canada get their outlets from that source. Rules have to be obeyed. You can focus only on the person speaking, or on the Chair; the cameras are not to rove all over the place. There was a very serious case in one of our neighbouring Caribbean islands where a camera picked up a cheque addressed to a Member. It was not displayed at any immediate show on television, but was used to the person's disadvantage during a subsequent election campaign, without being really relevant.

I would advise persons operating television cameras in the House to try to concentrate on the person addressing the House at the time, or on the Chair, and avoid roving cameras. Members must be entitled to a certain measure of privacy if they are signing and receiving documents. That is not public property to be picked up by television cameras.

Hon. K. Collis: Thank you, Mr. President.

Mr. President: Sorry for the intervention.

Hon. K. Collis: Also—

- (3) the submission of periodic reports showing the methods through which the articles of the convention are being observed...

Mr. President, failure to comply with the terms of conventions can result in various sanctions which are embodied in these conventions and the member state that is referred to is at risk. It is therefore essential for members to thoroughly consider the socio-economic ability to meet the requirements of the convention before reaching the conclusion to ratify it.

In this regard, Mr. President, it is to be noted that the Director-General of the ILO, in his report entitled, *Defending Values, Promoting Change*, with a subtitle, *Social Justice in a global economy: An ILO agenda for the 81st Session of the ILO* scheduled for June, 1994 stated:

"The ILO's very real progress towards universality means that it has to cater to Member States in increasingly different circumstances and needs, which sometimes makes it difficult for them to adhere to a kind of common code."

I think this is what Sen. Diana Mahabir-Wyatt alluded to, and that is why I want to congratulate her on her contribution.

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He further went on to state:

"Perhaps we should even review certain recent Conventions which, in spite of their relevance, have not been ratified because their provisions are considered too rigid, or their requirements too high. Standards adopted in recent years have, in fact, been characterized by a 'maximalist' strategy which aims at introducing 'high value added' provisions which are already in force at the regional or national level. Almost invariably, this strategy leads to the adoption of Conventions that many States are unable to ratify. Thus, perhaps, our Conventions should aim at defining a general framework, leaving the more detailed provisions to a Recommendation, or to the so-called flexibility clauses envisaged by the Constitution since 1919."

2.20 p.m.

Mr. President, there are approximately twenty conventions which have been revised by subsequent conventions and which are no longer open for ratification. Sen. Pundit Gosine has already listed a number of conventions which have been adopted by the Conference and which are only of marginal relevance to our particular environment. It makes absolutely no sense then, given our particular circumstances, for Trinidad and Tobago to ratify such conventions.

It is true that many of the provisions in instruments adopted by the Conference are already in practice in this country, and it is there through common law or statute. These are incorporated into our collective agreements and, moreover, many of the measures contained in conventions are used as guidelines for national policy. In practice, therefore, the standards are being applied in substance.

At the very foundations of the ILO is the principle of tripartism. In Trinidad and Tobago, there is widespread adoption of that principle as demonstrated in such institutions as the National Insurance Board, the Registration, Recognition and Certification Board and the Minimum Wages Board, and there are many other institutions that are being managed in a tripartite way.

Right now, we have a standing tripartite committee currently involved in a comprehensive review of major aspects of our labour legislation. At present, work is being done on the Retrenchment and Severance Benefits Act, the Workmen's Compensation Act, the Industrial Relations Act and the Minimum Wages Act. I would like the Senate to know that when we meet to deliberate on most of these Acts, labour, business and Government—the three social partners—have equal representation. This is the true sense of tripartism.

The present administration firmly believes that the promotion of social justice in the field of labour could be achieved only if the social partners themselves are involved in the search for appropriate solutions.

Only this morning I was at a seminar and I had to congratulate the ECA on putting it on at this time. I must say that I congratulated them because of the presenters who were involved. They went further than the social partners. They brought people from the institution called the University of the West Indies from which a sterling presentation was made by Dr. Carl Theodore.

Sir, some Senators have alluded to the fact that the ILO is celebrating three anniversaries in 1994: the 71st Anniversary of the ILO, the 50th Anniversary of the Declaration of Philadelphia and the 25th Anniversary of the ILO Office in Trinidad and Tobago.

We recognize the significance of these anniversaries and, therefore, we have established a ministerial tripartite committee under the chairmanship of the Permanent Secretary in the Ministry of Labour and Co-operatives. That committee is to plan and manage the celebrations in honour of the anniversaries. In this regard, the committee has, among other things, recommended a public relations programme of activities which I have accepted as Minister of Labour and Co-operatives.

The programme of activities will be officially launched at a news media briefing scheduled for May 2. I am of the view that the tripartite consultation Convention of 1976, No. 144, should be ratified as soon as possible. Convention No. 144—

Sen. Hosein: On a point of order, Mr. President. I thought it was out of order for Members to read their speeches.

Mr. President: It is not out of order if the Member receives the permission of the Chair. Those arrangements do not prevent Members from seeking permission to read a speech.

In the case of the Minister, because of the importance of his office, the fact that he is Minister with responsibility for Labour and Co-operatives and he is from the other place—he is a visitor—I thought that it was only fair to allow him to have a prepared contribution to present to the Senate.

Hon. K. Collis: Thank you, Mr. President.

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Convention No. 144 concerns tripartite consultations to promote the implementation of international labour standards. Accordingly, there are certain provisions in this convention which require the institution of mechanisms for ongoing review on a tripartite basis. It should be noted that the ministerial committee referred to earlier, also supported the ratification of this convention, and at present it is engaging the attention of the Cabinet of the country.

Mr. President, at this stage, I wish to move that the following amendment to the Motion be accepted. I would ask that the following words in the Motion be deleted:

"Whereas the Government of Trinidad and Tobago has ratified only one (1) convention over a period of twenty-eight years i.e. 1963-1991:

Be it Resolved that this Senate recommend to Government that urgent and appropriate steps be instituted to examine, with the aim of ratifying and implementing into national law, those conventions applicable to workers' interests, as well as contributing to a more propitious climate of industrial peace and social stability in Trinidad and Tobago."

and be replaced by:

"Whereas the Government of Trinidad and Tobago has ratified twelve—"

And I repeat, twelve, Mr. President:

"—conventions over a period of twenty-eight years i.e. 1963-1991:

Be it Resolved that this Senate recommend to Government that steps be taken to examine and ratify, where appropriate, these conventions which are applicable to the well-being of all the social partners in Trinidad and Tobago."

I thank you, Mr. President.

2.30 p.m.

Seconded by Sen. The Hon. R. Huggins.

Question, on amendment, proposed.

Mr. President: The amendment and the original Motion are both before the Senate for debate. Those who speak from now on may do so on both the original Motion and the amendment. Those who have spoken before and would like to speak again, may speak on the amendment only.

Is there anyone else who would like to speak? *[No response]* Well, then, I call on Sen. Wade Mark to reply.

Sen. Wade Mark: Mr. President, let me take this opportunity, first of all, to thank all the Senators on both sides who have contributed to the debate on this Motion in whatever way, some positively, some halfway. But regardless, I should like to express my appreciation, because this Motion is not about me nor my interest; it is about the whole constituency of Trinidad and Tobago.

And the mere fact that the hon. Minister has been able to recognize some of the weaknesses of his ministry in not adhering to certain sections of the constitution of the ILO, especially Article XIX, is I think a very important advance for labour in the country, for workers, for the Parliament and—if he says the social partners—employers. The fact of the matter is that tripartism is a concept that involves three parties—labour, business and Government.

The Minister has given us the undertaking today that he would, as the Minister of Labour and Co-operatives, do everything in his power to make all the necessary arrangements to have instruments that were adopted by the ILO Conference brought to this Parliament and be debated. The Government would have to indicate to this Parliament why it is not ratifying those conventions or those instruments. So once the Government has recognized the importance of bringing to the attention of this Parliament, which is the relevant and competent authority, those instruments, those standards, those conventions which were adopted by the ILO Conference, it is as I said a very important step forward.

I should like to indicate that in terms of contributions made here, I feel that it is good that we had Sen. Stanford Callender from Tobago speak. I feel that he should be given more opportunities in this Senate to say his piece, because if he speaks more often, he would avoid stepping into a permanent state of irrelevance. So I would like to appeal to the Government side to allow our colleague to speak more often.

More importantly, I think it is necessary to, at least, put on the record a point of clarification here. Sen. Callender referred to some letters but he did not refer to the contents of those letters. He simply referred to the Members of Parliament who were sending those letters, whether it was the Member of Parliament for Couva, or the Member of Parliament for Caroni Central. What I want to say is that because of the corruption and fraud involved in that programme, the United National Congress took a policy decision in 1993 to discontinue our participation

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in that network of fraud. That decision cost us votes in the local government election, but it did not matter.

I think it is important that we put that on record and not allow the hon. Senator to come and wave letters and not tell the Parliament and the country when those letters were written, for in 1993 a decision was taken to discontinue that kind of participation. So I think it is important we have that record straightened and not allow mischief to take control of the Senate in this regard.

The Minister of Labour and Co-operatives expressed the view that the Motion is attempting to get the Government of Trinidad and Tobago to engage in blanket ratification. I got it from Sen. Diana Mahabir-Wyatt too; I got it from Pundit Gosine. The Motion itself is very clear. It says, where applicable, we would "examine, with the aim of ratifying and implementing." There is no question of this side proposing blanket ratification of conventions. I think it is important that that point be clarified because from the views expressed I am getting the impression that it is felt that we are calling for blanket ratification.

2.40 p.m.

The Minister spoke about tripartism, and he referred to the different agencies of the country: NIB, Cipriani Labour College Board, Minimum Wages Board and the Registration Board. It is only because of the legal framework that has been established in this country that the Government has had to keep its commitment to the continuation of workers' representation on the boards of these agencies and bodies. If this Government had its way, it would have removed every worker representative on those boards. It is only because it is enshrined in law that it has to observe and respect those workers' representatives on those boards.

Mr. Collis: Mr. President, I think Sen. Wade Mark is misleading the Senate. Those pieces of legislation were put in place during the term of the People's National Movement, as Government. And, during my present tenure, I have set up a tripartite committee to review those very pieces of legislation. So, for the Senator to say that if the present Government had its way, it would abandon tripartism, I think that is going too far; that is misleading the Senate.

Sen. W. Mark: Mr. President, there are two PNMs, as you know; there is the old PNM, and there is the Patrick's National Movement. You know about that movement! The simple point I am making is that the spirit of tripartism is not being observed by this Government. This Government established a standing committee on economic matters, comprising labour, business and Government; the last time that committee met was some time last year August. That was the last time; and it met on three previous occasions.

So, if this Government is committed to the concept of tripartism, how come that committee is not functioning? The Minister of Labour and Co-operatives has no alternative but to get the social partners together to look at the Retrenchment and Severance Benefits Act or the Industrial Relations Act and so forth; that is an obligation under law. The Minister cannot do that by himself or he cannot call in only employers to the ministry to deal with that; he must call in labour too. The Minister is obligated to get labour involved in the exercise.

The point I wish to make—the Minister seems to be confused—is that the first brutal act committed by this Government when it came into power was the Prime Minister telling the whole country that he does not want any workers' representatives on state boards and public utilities. Even the backward, reactionary NAR government had workers' representatives on all those state boards and public utilities. Yes, the first criminal act this Government committed when it came into power was to remove all the workers representatives from those boards and utilities. And the Minister is talking about tripartism! Is that tripartism? There is Government on those boards, looking after Government's interest; there are independent businessmen on those boards, but the labour element is not wanted there!

The Prime Minister made a facile statement, as far as I am concerned, indicating that the reason why he does not want workers there is that there will be a conflict of interests. There is no conflict between business and Government on a board like that, but there is a conflict of interests if workers are retained on the board! That is what I am talking about; I am talking about the spirit of tripartism. Why is this Government against workers in the way that it is? If the Government is not against working people, it should have workers' representatives on those boards; but it is opposed to workers. That is the point I want to make on this issue.

The attitude of Government towards labour, particularly its economic programme and policy, is clear. The Government said it is prepared to drag the people of the country, kicking and screaming—that is what the Minister of Finance said—because it believes that its structural adjustment programme is the best for the country.

The Government does not care if workers have reservations about it; once the IMF, the international agencies and big business say everything is all right, the Government goes ahead. So, where is this tripartism that the Government talks about? Where is the co-operation? Where is the consensus? There is no consensus on anything in this country! It is whatever big business and Government say,

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goes. That is what is going on in this country right now. The big man is in charge of this country under the PNM.

The Government talks about promoting social justice. This Government is committed to promoting social justice? Hypocrisy! This Government is not serious. If this Government was serious about social justice and peace in this country, it would have guaranteed certain essential rights for workers particularly in the collective bargaining process.

Gestapo treatment meted out to TTT workers. A man who is a total failure in this country—anything he touches goes bad—is now managing director of TTT/NBS [*Interruption*]

Hon. Senator: President.

Mr. President: Senator—

Sen. W. Mark: No, the Senator was saying the President of TTT, not you, Sir. I was not referring to him as "President", Sir. I said that there is a gentleman—I called nobody's name—at TTT/NBS right now. This Government is saying that it is for social justice, but 15 workers were escorted by security personnel, armed to the teeth, off the compound. What kind of justice is that? If the Government is serious about social justice and so forth—the president of that union, Mr. Emmott, was dismissed by this Government and its agents.

How can this Minister come to this Parliament and talk about his Government being committed to social justice when we know that this Government is about to retrench 200 workers at the Industrial Development Corporation, the Tourism Development Authority and some persons from the Export Development Corporation to bring into being something called TIDCO? And the Minister talks about the Government being committed to social justice!

Mr. President, do you know what is harmful and disturbing about this whole exercise? The Government is telling those people who have laboured there for years that when they are retrenched, they can re-apply like anybody else because it is going to employ new people. The Government is telling me that it is committed to justice?

This Government that says it is committed to social justice dismissed from the Public Utilities Commission 49 professional workers who felt they had job security, and caused big men and women with degrees—first and second degrees and PhDs—to be on the pavement! So, what is this thing about justice? Does the Government know what justice is?

This Government is not serious about justice for workers, not serious where workers' interests are concerned. If it is interested in justice insofar as workers' interests are concerned, let it explain to the country why at the Port Authority, the Seamen and Waterfront Workers Trade Union—a very historical, important institution in this country—is now a ghost union. This Government, along with the NAR Government, has destroyed that union—2,500 port workers retrenched between 1989 and as we speak here.

2.50 p.m.

This Government is joking about justice. Where is the justice? BWIA has sent home 800 workers already, down-sizing. WASA—1500 workers sent home and 1000 more to go. Daily-rated workers—5,000 to be retrenched by the end of next month. They call it VSEP. That is a new way of retrenching, getting rid of people—Voluntary Separation Packages. There is a company called Skinner Drilling—125 workers were dismissed.

Minister Barry Barnes told us that workers in the generation aspect of T&TEC's operation have a two-year job guarantee—until they are dismissed by Southern Electric. The picture goes on and on.

I am concerned when the Minister gets up here and talks about social justice. Where is the social justice? The Government keeps referring to Conventions 87 and 98 as if that is a favour that the PNM has done us. I keep repeating this point over and over, that it is ordinary workers in our country who are responsible for people like me being in this Parliament; you, Sir, sitting in the Chair as President; for us to have Chief Justices in this country who are locals. The colonial regime which was here did not want any ordinary working-class person in Trinidad and Tobago to be doing what I am doing here. They detested that.

It was struggle that brought about changes in this country; it was the blood, sweat and tears of workers. People died in this country in the 1920s, 1930s and 1940s to bring about fundamental changes where we can have a prime minister who is a citizen of this country; a High Commissioner, a Police Commissioner and a Chief Justice. These are not favours that the PNM has done us. I make it clear that Conventions Nos. 87 and 98 are conventions that the workers struggled for. The ILO has seen it fit, based on representation, to make conventions and standards. But this Government is guilty of violating the collective bargaining process in our country.

The Government of this country led by the PNM is in the forefront—it has overtaken the private sector in slashing, butchering and cutting workers' jobs. The

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private sector is only waiting for the Government to complete its programme, and then they will take over. The Government is setting the example.

When we recognize these developments and realities, we cannot accept the kind of false statements being made by this Government that it is really responsible for certain things in this country. If anything, this PNM Government has brought the labour movement to its knees. This Government, if it gets a chance—as it wants to ban music—would ban the trade union movement and get rid of it. The Government's policies are not to the advancement of the social interests of workers.

The amendment the Minister has put forward indicates that the Government of Trinidad and Tobago has ratified 12 conventions over a period of 28 years—1963 to 1991. I would not play with words. The Minister knows when this country became an independent nation. The Government of the PNM at that time joined the ILO in 1963 officially as an independent nation. Before the PNM joined the ILO we were under the control of external forces. The colonial forces were in charge of our country. It was the Queen's Government, Her Majesty's Government that ratified 10 conventions, and the PNM Government when we became independent in 1962, ratified two.

Pundit Gosine: On a point of clarification. Could the Senator tell me what year the Queen's Government ratified those conventions?

Sen. W. Mark: I do not have the information before me but I had that information.

Sen. Pundit Gosine: The Government joined the ILO in 1963. We were independent in 1962 and, therefore, the Queen's Government could not ratify the conventions for an independent government.

Sen. A. Mark: Sen. Wade Mark, you are misleading the Senate.

Sen. W. Mark: No, I am not misleading the Senate. I am indicating from the information I have.

Sen. A. Mark: You stand to be corrected.

Sen. W. Mark: I do not accept that correction. If it is, that the Government wants to play with words and it wants to have 12 conventions over a period of 28 years, no problem. It plays with words.

On the question of the change that the Government is proposing to the actual resolution; they want it to read: *Be it Resolved*—maybe they find what I have

advanced is sounding too militant. Maybe, it promotes the interest of workers. The ILO is about workers. The ILO is about promoting workers' interests. That institution was formed to promote workers' interests. I make that point clear. There are attempts at present to water it down—and its mandate. When it was founded on April 11, 1919, it was founded on the basis of promoting justice for workers.

Most of the conventions and standards adopted by the ILO are seeking to promote workers' rights. I have no difficulty if the Government wants to water it down and say "social partners." I feel it is important that we understand that the ILO is about workers' business.

The Minister indicated that he wants an amendment in order to reflect a different kind of language to what I have advanced. As I said, this is not about me; it is about the country and about workers in the main in terms of seeking to advance. If it were left up to employers in this country or to employers worldwide, many of these conventions and rights we now have, we would not have had them. There would be slavery here. That is what they want to carry us back to—both the public employer and the private sector. We are fighting right through.

3.00 p.m.

I should like the hon. Minister to understand as well that when we refer to Article XIX of the constitution of the ILO, and he tells us that ratification is hard; it means that you have obligations and there are certain things that you must do. When Trinidad and Tobago became a member of the ILO and it signed the necessary documents, it knew that the signature of the Government of this country carried with it certain obligations. To tell us in Parliament that the ratification of a convention is going to carry so many responsibilities and provide so many obligations and these things have to be translated into national law advanced is a given.

If you are a member of the ILO and a convention is ratified, it has to be translated into national law. I do not understand these excuses that are being advanced in order to escape the responsibility of ratifying relevant conventions that would bring about greater stability and peace in the country.

I made it very clear in my Motion about ratifying and implementing international laws—those conventions that are applicable to workers' interests and which contribute to a more propitious climate of industrial peace and social

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stability. The Minister does not want that included. Is the Minister saying that the examination and ratification of these conventions that are appropriate to our country would not promote a propitious climate of industrial peace and social stability? Why is he seeking to delete these words? He did not offer any explanation.

This Government has become so accustomed to just dismissing people; its arrogance and contempt are revealing. If it wants to amend a Motion, it must justify to me and the Senate why it would like to have an amendment. The Minister comes and butchers the Motion and takes his seat. As I said, any step that we can take to force this Government to be accountable to this Parliament, and through this Parliament the people of the country—I am saying that a drop, a drop, a drop ends up filling the bucket. There is an old saying that a drop of water falling on a rock continuously, melts that rock eventually.

If the Minister, at this point, is of the opinion that he needs to approach this matter in the way that he is attempting, his Government could go along with that. I am saying that whatever conventions we ratify or translate into national law would be conventions that would be appropriately suited to our country and the interest of our people. We do not want to duplicate things. We want to ensure that the Government recognizes its responsibility to Parliament.

The Minister did not indicate to us the instruments that have been outstanding. I understand that the last set of instruments that were brought to this Parliament was some time in the mid-1980s. The Minister did not tell us whether his ministry would be bringing to Parliament all those standards and conventions that were adopted by the ILO since 1986. I would like to have some clarification on that.

Mr. Collis: Mr. President, I did indicate that I would be bringing all outstanding instruments to Parliament.

Sen. W. Mark: The Minister did not give us a time frame as to how soon he would be bringing those instruments here. We think that it is very important. I am certain that he would not mind giving us some time frame because we are anxious to see them, and for him to justify why they have not been ratified.

Mr. Collis: Mr. President, although Sen. Wade Mark declared that I am an arrogant person, I prefer not to be thought of as such. I did indicate that we have an expert on standards from the ILO who is working with the officer at the ILO desk at my ministry, and we are doing our best. I had given the assurance that we would do it as part of the celebration of the various anniversaries. We have put things in place before our reporting to the Conference in June 1994.

Sen. W. Mark: I am very happy to hear that this Motion has triggered so many activities at the Ministry of Labour and Co-operatives and that the Minister is really attempting to have certain things done. I have to bring more of these Motions here to get the Minister to work, because if we did not bring this Motion to Parliament to get the Government to deal with those conventions—

It has been a member since 1963; we are now in 1994—there was a brief period when it was out of power. In the next round it is going to be permanently exiled. I am very happy. As I said, we on this side of the Senate would like to see the Government take that step forward. The Minister has given us the commitment that he would make every effort to bring those instruments to Parliament, and from henceforth, bring all instruments that are adopted at ILO conventions to Parliament for discussion and for some understanding of why the Government would not be in favour of adopting those instruments.

I think that is a very important advance for workers of our country, because the ILO is becoming the final major buffer zone—bastion in the defence of workers' interests. The Government and the employers are not interested in workers' affairs so we have to get international organizations like the ILO to promote, protect and advance workers' rights in the country. Of course, the United National Congress is in the forefront of defending workers' rights in our land. I wanted to make those points. *[Interruption]*

Do you want to move the ILO now, Sen. Huggins? I know you would move anything. If you get a chance you would move everything. I know that. You would move the Prime Minister tomorrow if you get a chance because you want power. I am not surprised that you are hungry. I know one of the reasons you cannot be moved. I have the information. Do not let me reveal it!

As I said, this is a Motion that was brought to advance the interest of workers in Trinidad and Tobago. It was brought to bring to the attention of the Government the need and urgency to pay more attention to the ILO. It was brought to Parliament to ensure that the kind of slipshod approach that we have adopted towards the ILO would come to an end.

3.10 p.m.

In this respect, I am happy to note that the hon. Minister of Labour and Co-operatives is going to be attending the ILO Conference in June this year. I think this is a very important advance. Last year he did not attend, but I am happy to know that he is taking the ILO Conference very seriously. The reason Government behaves in this way when Motions are brought, and is so uneasy, is that it does

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not have the interest of ordinary workers at heart. But the Government can rest assured that we will bring motion after motion to this Parliament to protect, safeguard and promote the rights of the ordinary working man and woman in this land.

Even around the negotiating table there are employers who seek to remove benefits for which workers have fought long and hard. It means that we, at the level of the Parliament, have to take the responsibility to move the necessary motions to get the Government to recognize the need to safeguard the rights of the working man and woman, without whom there would be no kind of progress in this country. People can become rich, but if there is unemployment in the country as we have it today, there will be crime, instability, and with all the properties and moneys that people have they would not be able to spend because they would be uneasy. So we want stability in the country. Labour wants stability, peace and justice.

I indicate to the Senate that in spite of the amendments which the Minister has proposed to this Motion, I think that the workers of Trinidad and Tobago will be taking a step forward. There are some elements which, if I had the authority, I would not support, but because I know that we are on the opposite Bench today, and will be the government tomorrow, we would like step by step to ensure that workers' rights are protected. If today the Government is willing to make some amendments to the Motion that I have put forward, the essence of which remains the same, I would not really stand in its way.

I think that it is in the interest of labour and of this Parliament, because this Parliament is now going to force the Government and the Minister of Labour to bring to its attention on a regular basis all those conventions, all those instruments ratified by the ILO. That is a very important advance for us. In the same way in a previous Motion, we got the Government, on the foreign debt, to at least table in this Parliament all its loan contracts within 30 days of signing, which it had never done before. These are small steps. We would have preferred otherwise, but we are realists. We recognize that this Government does not want to share power; it does not want to embrace a government of national unity to advance the interests of the country, so whatever advances we can extract in this Parliament to ensure and promote the interests and rights of people, we will fight to ensure that these are made.

I wanted to go on longer, but I know that the good Senator, Diana Mahabir-Wyatt, has a Motion on the Order Paper and I should like to give her the opportunity to speak on that before the tea break.

I conclude by indicating that I am very happy with the level of debate that took place. My colleague on that side, Sen. Callender, and I normally engage in picong and he knows that if I go to Tobago I would visit him. But I am not going to Tobago to hold hands with him. I will visit him, but I will not hold hands with him and go down any road. The debate was healthy and it really stimulated much exchange. I hope that the Government would move rapidly to ensure that the mechanisms are put in place to ensure that this Motion is effective, and the commitment given to the this Senate is carried out.

I thank you.

Mr. President: The following amendment was proposed by the Government:

That the fourth recital of the Motion be deleted and substituted with the following:

Whereas the Government of Trinidad and Tobago has ratified 12 conventions over a period of twenty-eight years, that is 1963 to 1991;

Be it Resolved that this Senate recommend to Government that steps be taken to examine and ratify, where appropriate, those conventions which are applicable to the well-being of all the social partners in Trinidad and Tobago.

Question, on amendment, put and agreed to.

Question, on original motion, as amended, put and agreed to.

Resolved,

That this Senate recommend to Government that steps be taken to examine and ratify where appropriate those conventions which are applicable to the well-being of all the social partners in Trinidad and Tobago.

LAWLESSNESS (ESCALATION)

Sen. Diana Mahabir-Wyatt: Mr. President, I beg to move the following motion:

Whereas the law-abiding citizens of Trinidad and Tobago are suffering from the escalation in general lawlessness, criminal activity of all kinds, in particular, crimes involving violence to the person; and

Whereas despite repeated promises by Government that this rise in crime, violence and lawlessness will be dealt with, there has been a steady deterioration in the situation;

Be it Resolved that this Senate urge the Government to implement immediate and effective measures for the reform of the police service, the

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improvement of the administration of justice, the control of criminal activity and the protection of all citizens.

You will notice that the Motion I am proposing in this Senate, Sir, deals with seven issues which are outlined quite clearly in the two recitals and in the resolution itself. The first one has to do with general lawlessness; the second criminal activity of all kinds; the third, all crimes involving violence to the person, which include things like armed robbery, domestic violence against women and children, youth violence in and out of school; fourth, reform of the police service; fifth, improvement of the administration of justice; sixth, control of criminal activity, which would include criminal activity other than such things as violence against the person, such as white collar crime, which, as I will show shortly has also been rising, including such things as graft, bribery, corruption and money laundering; No.7, the protection of all citizens.

3.20 p.m.

Last month in this Senate we received the report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the year ended December 1992. Since it is a repeated complaint of our law enforcement departments—the Judiciary, service commissions, including the Police Service Commission and the Public Service Commission—that sufficient funds are not available for these bodies to carry out their jobs properly, reading the Auditor General's Report is one of those rather tedious tasks that become necessary for people who are Members of Parliament to ensure that the effective spending of public funds, in fact, does take place.

Reading through this rather heavy document, I was somewhat dismayed when I read paragraph 6.24 under the heading "Thefts, Losses...". There it was saying that in the 1989 Report the Auditor General brought to the attention of the Treasury Department certain matters, amongst these, the increase in the number of losses and thefts occurring annually, the implementation of the power of recovery from those members of staff or third parties who were responsible for the safe keeping and security of the various assets at the time when they disappeared—either they had displayed negligence or something slightly more sinister, although that was not said in the report itself.

Also brought to the attention of the Treasury Department were numerous instances of loss which had not been reported in accordance with financial directives, and which the Auditor General had to pick up through various other documents, such as Appropriation Accounts or by means of police reports;

and interestingly enough, there were the submission of insufficient documentation to "the competent authorities" and delay in granting approval for write-offs. After these latter matters were reported to the police they were closed as undetected. According to the Auditor General:

"The above problems continue to recur, and the Treasury is urged to pursue the matter vigorously"

And the public service is expected to do something about it. It is hardly surprising, because in the preceding paragraphs the Auditor General pointed out that 521 new cases of theft, loss and other irregularities were reported for one year.

It brought to almost TT \$10 million, the total loss for 1992 together with the totals for the years before. These included a mini-bus which was valued at over \$18,000—you know how easy it is for these things to get lost—a motor vehicle valued at \$25,000. Now anybody who deals with second-hand vehicles can tell you this has to be the discounted market value and not the replacement value. Lost also were 128 cases of whiskey, cars from the office of the Emergency Branch of the police service itself. There was also fraud of over \$137,000 from the Ministry of Works, as well as, interestingly enough, a loss of \$20,000 in cash and two pontoons valued at \$400,000 each. It is a little bit difficult to envisage how these gigantic pontoons, which I gather stretch from Sen. Jean Elder's desk to behind me can disappear, but this is what happened.

Perhaps in some cases what used to be called euphemistically in the private sector, 'shrinkage' is due to negligence on the part of public officers. According to the Auditor General:

"...the majority appear to be the direct result of the increasing criminal activity which is permeating the fabric of our society."

The Auditor General is not someone who exaggerates or makes colourful statements for political gain. And as a result, I think that such an observation from a usually very conservative source is an endorsement of the Motion which I have brought before this Senate today. I am not even going to comment on the purposes to which that \$10 million could have been put. I am not going to talk about the medicines which are not in the hospitals, the school places and the position of jobs. The money which has been lost from the police service alone would have been more than enough to buy the batteries and the brake shoes—I cannot remember all the other things that Sen. Dean mentioned, which have put 16 police vehicles out of commission.

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It would appear that, because of losses and thefts in the public service itself, this has removed the ability of the Government to deal with crime. As one commentator said, "There is no money to provide jobs for the people because the people stole the money." This is an unrealistically simplistic point of view, but there is something in it which relates to the perceptions which the public has in relation to crime. Incidentally, it is not true in relation to the public service. At the seminar which the hon. Minister of Labour and Co-operatives and I attended this morning, it was pointed out that in 1968 the public service had 72,000 officers working for it and in 1990 it more than doubled to 150,000. In the meantime the private sector had more or less remained the same between 140,000 and 145,000. Therefore, jobs have not, in fact, been lost from the public service as a result of crime but, perhaps, the ability of various governments to pursue their policies, has certainly reflected the increase in criminal activity to which the Auditor General referred.

Mr. President, if I can take you back a couple of years when the two respective parties that are represented on either side of this hon. Chamber this afternoon, brought out their manifestos prior to the last elections, both the PNM and the UNC made rather strong pronouncements about what they would do about the crime situation if they were elected.

The UNC said that:

"...the fight against crime must take place in the context of the problems of the wider society. It must involve measures to deal with crime prevention as well as crime detection; training of police officers as well as the improvement of working conditions; the backlog of cases as well as the question of prison reform.

They went on to propose various measures to deal with the crime situation, which included giving enough resources to the protective services to enable them to prevent crimes before they are committed, and to apprehend criminals, forensic equipment and training, reformation of the legal system, provision of modern technology, prison reform. In fact, they brought out several very good recommendations.

One of those recommendations which I want to remind people of—because it struck me as I was reading through this—is that the UNC are proposing the appointment of a Chancellor of the Judiciary who will be responsible for the administration of justice, thus freeing the Chief Justice and other judges for the

trial of cases. In fact, it was rather striking as a possible way out of the existing deadlock, so I thought I would draw your attention to it.

3.30 p.m.

The PNM manifesto went even further, and I am referring to pages 51 and 52:

"The PNM recognises that the crime situation in Trinidad and Tobago is fast getting out of control. The number of serious crimes continue to increase on a daily basis. Accordingly, the PNM will commit all necessary resources of money and skills at its disposal to ensure..."

the following things:

- institutional reform, and in particular police service reform that will aid in reducing the incidence of crime
- the introduction of higher levels of management...
- the acquisition of required technology to improve the level of crime detection
- improved morale in the Police Service
- adequate transportation for the Police"

And I have here:

- training; construction of new police stations;

in fact, not too different from what the UNC was recommending.

It went on further to talk about the Judiciary and increasing the number of judicial officers, and expediting various systematic things which were in train for the Judiciary.

In reference to the legal service, it says that:

"The Law Commission will be mandated to examine all existing criminal laws and update these where necessary. An area for immediate reform will include identification parades and laws dealing with narcotics."

This is a great comfort to those who still have to go up and touch people to identify them as the persons who robbed them or they think robbed them. I know about that from my own family, from one of my daughters who had to do this, and although she recognized the person in the line-up, she just said, "Mummy, I am

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not going to touch him, though I know it is he, for if I do, he is going to come back and it is going to be worse."

But we did get the promise; it is in the PNM manifesto. So I am sure very soon we shall see some action in this area. *[Interruption]* This was in 1991.

Mr. President, if I may just read the last little bit:

"The PNM is determined to promote greater efficiency in the legal system and to give priority to the maintenance of law and order."

this is really what this Motion is about—

"The judiciary, the magistracy, the police, prison and fire services will all be strengthened, so that citizens will be assured of a greater sense of security and will feel confident in the judicial and legal system."

Again, what this Motion is about.

Incidentally, this Motion did not come out of a vacuum; it came out of a deep concern which is shared by fellow Senators on the Independent Bench. There was much discussion about this escalating crime situation and we felt that since we were Members of the Senate in some way we should try to do something about it. This, perhaps, is a very small step towards doing something, but we felt that it was important that the attention of the country be focussed on some practical aspects of what can be done about the situation.

We are now half-way through this Government's term of office, and there can be no mistaking the rising sense of panic in the society over what is perceived on every side—including, apparently, that of the criminals themselves—as a breakdown of law and order. And it is not a creeping breakdown; it is a cascading breakdown; it is like a torrential rush; it is like what happens to a dry river at the beginning of the rainy season; it is just sweeping everything in front of it, and we cannot pretend that it is not happening.

We cannot also pretend—and we hear public speeches made about this from various bodies—that the reputation of this Government and the country worldwide is not being affected as a result of what is happening.

We cannot pretend that the economy of the nation, as well as the psychological, spiritual and physical well-being of the people of this country is not being affected, because you cannot be under physical threat of violence day in and day out without that having psychological and spiritual effects on you.

We cannot shrug it off simply as being a result of unemployment, which I know there is a tendency to do. Prof. Karl Theodore, this morning—brilliantly, as the Minister has pointed out—in addressing a seminar dealing with structural adjustment, pointed out that in the last decade the unemployment rate rose from 14 per cent in 1984 to 20 per cent in 1994. This is a 6 per cent increase in the rate of unemployment. In the meantime, however, crimes against the person have risen 300 per cent.

Now, in a sense, this is consistent with comments made about young people, because in fact the unemployment rate is now 42 per cent amongst young people between the ages of 15 and 25. But, white collar crime, which usually takes place amongst the employed—including the things I mentioned earlier—bribery, corruption, money laundering and drug dealing—has risen 600 per cent in the last ten years, which does not give you the kind of correlation with employment that is so easily shrugged off. It is not just unemployment that is causing crime; there are many persons who are unemployed in this country who are decent, law abiding people and who do not go around shooting, robbing, raping and selling drugs.

There is no point in accusing people—and I have seen it happen, and I am sure it is going to happen after this debate—who speak out against the current situation of hysteria, and dismissing their concerns on those grounds. I think that to do that is to dismiss the concerns of perhaps the majority of people in the country. I think this would be a very dangerous thing to do.

There will be people—including those in this Senate—who will want to draw attention away from this question of crime. Last month, there was a report in the news that the Ambassador of the United States made a speech to the Greater Tunapuna Chamber of Industry and Commerce about the conception that American investors had about Trinidad and Tobago that affected their decision about where to put money. There was a big outcry about it at the time, and I am sure hon. Senators remember. Most people do. In fact, in the intervening time, because I thought this was something worth investigating, I have found out that it was not just investors from the United States who have made this kind of decision, but there were others from at least three other countries.

Because the outcry did not seem to be consistent with the cause, I took the trouble to get a copy of that speech and what she in fact said was that it does not matter that crime may be statistically worse in New York or Washington DC—which it certainly is—but they are not the ones in competition to woo foreign investors; they are not the ones who are looking to promote jobs and promote

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economic growth. She said that the fact is that the perception that violent crime is spiralling out of control can do severe damage to Trinidad and Tobago's economic plans.

She went on to say that though one may regard this as unfair, crime is a global problem and Trinidad and Tobago is a relatively safe country. The statistical picture just is not that bad relatively to much of the rest of the world; it is a matter of perception. The danger is not that investors would be put off by the level and nature of crime in this country—although that is serious enough—it is also that they may conclude that the Government, the police and the courts are all pointing their fingers at one another rather than working together on a common problem.

Now, I am sure that there were people in this Senate—I have heard them speak—and there will be people still who object to the fact that the Ambassador spoke out at all, much more that she spoke out about something that is as intimate to our domestic concerns as crime and its effect on investment. I am beginning to suspect—and I do not like to sound paranoid—that there is something of a gender bias in these reactions, because every time the Ambassador opens her mouth these same objections arise indiscriminately, from the same people.

As I understand it, foreign missions these days are largely concerned with trade, and if a representative of one our largest trading partners makes a comment that is relative to trade relations, then it has to merit some sort of consideration and attention. And whether the xenophobes—and there are many xenophobes in this country—like it or not, her observations are relevant; they have to do with our economic well-being, and also with what is going to happen in terms of our application to join NAFTA, which is not irrelevant at all.

I know the people who want to draw attention away from the issue of crime will mouth the usual objections about the Ambassador making observations, but I wonder what on earth they expect her to do. Do they want her to talk about recipes for fried chicken and chocolate brownies? What are professionals supposed to do in this country if they cannot comment on issues that are important and relevant?

I think that the Ambassador ought to have been thanked for telling us the truth about what the world thinks of us. It may be a truth we do not want to hear from a foreigner, but if we would not listen to the Chamber of Commerce, to the Bar Association, to the South Chamber, to the media, to the ECA, to NATUC, to non-government organizations, maybe we would listen to somebody from outside, because we have to do something about the current situation.

3.40 p.m.

She says the picture is not so bad. I do not agree with her here. I think that picture is bad. It may not be bad relative to what happens in other places and other countries, I do not live in another place and another country; I live here. This is what matters most to me. The plain fact of the matter is that whatever is causing these problems, whatever policies have been adopted to try to deal with the escalating crime situation which is, I know, going on here and the rest of the world as well, and the unemployment and poverty situations, those policies are not working.

Since 1983, three successive governments have dealt with policies to build up the economic strength of the country to automatically give us jobs. These policies are not working. As Prof. Theodore said today, he has done a study of nine countries in this region that have used these kinds of policies, and they all say, yes, they help with trade deficits, they help with foreign debt, but, no, they do not help with social problems. And we have social problems.

Within a period of five very short years, the social fabric in this country has deteriorated to an extent that most women that I know, and I am sure most women in this Parliament as well, hesitate to drive themselves in a car between San Fernando and Port of Spain at night fearing they get a flat, or the car breaks down, because you just do not know what is going to happen. In fact, if you are travelling by public taxi, those many, many women who have to leave late from work or travel for night shifts have to hesitate before they get into one. Unless they know the taxi driver, or have an idea who the other people in the taxi are, their safety is not guaranteed.

And we are supposed to have freedom of movement in this country. Grown men and women are nervous about leaving Piarco Airport in the night. Grown men and women are now nervous about sitting on their own back steps at night, in their own verandahs, lest they get hit by a flying bullet. You do not even have to sit on your back step. Look at Dr. Jorsling, who is a national award winner in this country. He could not go to sleep in his own bedroom without it being broken into by bandits.

Children are growing up in this country with a siege mentality. They are growing up being told, do not go outdoors, do not go out of the yard, do not go out of the house. In fact, as we have been seeing from reports in the newspapers recently things that are happening to young children; they are not even safe in their own houses with their own relatives. Freedom and independence for children

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are things that build character and self-esteem, and allow young people to grow into the sort of people that can take over leadership roles and become entrepreneurs. These are things of the past for young children. In this Motion, all we are doing is asking for a few things that should not be regarded as radical.

We are asking for that reform in the police service that the PNM and UNC both promised us in their manifestos and seem determined to fight each other to the death so that we do not get it. I have friends in the police service and I have mentioned many times in this Senate that I have worked with the Juvenile Counselling Bureau which is often called the Family Services Unit in the police service, and it is one department that should be commended. These officers work with sensitivity and professionalism but they cannot work now because they cannot make telephone calls out to check on a report because they do not have access to external calls; they do not have any vehicles to go to check on a report that a baby is being abused or that a woman is being battered, unless the officers use their own resources, their own phones at home, which they do, because they are decent honourable people. They cannot pursue the jobs they are supposed to pursue, and I think I mentioned that both the PNM and UNC manifestos commented that if they got in they would make sure there was the technology as well as the resources for the police to carry out their jobs.

I have met several people in the police service over the last three or four months and talked to people who are associated with the police service. I have found some people who are extremely intelligent, honest, decent and helpful—people whom I admire and who are frustrated and hate the image of the police service, and the inefficiency that they know exists there. And I am surprised that there are as many of them in the police service as I found. But I have had several occasions in the past four months to seek the assistance of the police, and I have been very impressed by the ordinary corporals, the ordinary policemen, the sergeants who come to answer calls. There are some very, very good people in the police service and I feel for them, because they want the reform even more than we do in this Senate, and they are not getting it.

All we are asking, in addition to this, is for an improvement in the administration of justice for the control of criminal activity and the protection of all citizens. We are not asking for protection if people go looking for trouble, juggling guns and drugs, but protection to walk the streets and to sleep easily in our own homes. I do not think this is being unrealistic. I have a feeling that, once again, the charges of unrealism will come up, but I should like to remind this honourable Senate that in 1984 the United Nations General Assembly adopted the

Universal Declaration of Human Rights which was subsequently formally accepted by Trinidad and Tobago.

I do not know how many of us here, people in Parliament, people in the media, actually know what is contained in that, or the rights that we are supposed to have as a people. But, if I can just take a few minutes, let me tell you what they are. By that Declaration every citizen in Trinidad and Tobago has the right to legal personality—that includes people who are in St. Ann’s—has the right to life, liberty and security of person; I repeat that—“security of person”—to the protection of the law; I repeat—“to the protection of the law;” because we all know how often we cannot find it because the police have no transport; to effective remedies by competent tribunals for the enforcement of fundamental rights, to fair and public hearings by independent and impartial tribunals in the determination of matters of rights and obligations.

I will leave that part of the debate to my colleague, Sen. Martin Daly, to address, as well as Sen. Capildeo, who both deal daily with the courts. Every citizen, by virtue of that Declaration, has the right to protection with respect to privacy, family, home, correspondence—this means that your mail cannot be opened—honour and reputation. Every citizen has the right to freedom of movement—I do not honestly know that I have freedom of movement if I am afraid to travel from one town to another at night—the right to own property; the freedom of expression, thought, conscience and belief. And it is that freedom of expression, thought, conscience and belief, that I am trying to exercise here today.

We also have the right to peaceful assembly, to participate in government—which is what we are doing—to social security and work, to a decent standard of living in youth, sickness, disability and old age, to the rights of motherhood and childhood, to education, to participation in the cultural life of the community, and to the full development of the human personality.

That is really what this Motion is about. It is not just a Motion against crime and for law and order, and against lawlessness and to clean up our judicial and legal systems. Of course, without those things we cannot enjoy the freedoms that every civilized society in the world today recognizes are the rights of human beings.

3.50 p.m.

In the last few months in this Senate we have had laid both the *Scotland Yard Report* and the *O’Dowd Report* which I have before me here. I will pay my

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colleagues in this Senate the compliment of presuming that they have taken the trouble to read these two reports, and I will not insult people's intelligence by repeating the provisions contained in them. At any rate, I have already commented at length on the *Scotland Yard Report* during the budget debate late last year.

At that time, in December, 1993, I had already tabled this Motion which we are only now getting around to debating, because we have been so busy with other things, and I have since seen the concerns which I raised in this Motion echoed throughout the length and breadth of this country.

My own personal experience. My car has been broken into twice and various parts of it stolen. I have had three direct threats against my person or that of one of my family members. My office has been broken into twice and an associated storeroom has been broken into, I believe it is four, but it might be five times. That is since I tabled this Motion in Parliament. So if I feel very strongly about it, and, if, like Sen. Spence, I occasionally get emotional about the topic which I think is very important, you will forgive me. I am not one of those people who feel that emotion has no part in daily life, since emotion is the basis on which a great many decisions, including legal ones, are made. I think it is something that should be recognized and acknowledged.

One of the things which worry me even more than the breakdown in law and order as it affects me personally—and which certainly affects me much more than my own personal problems—is that I have seen in the last five months a deterioration in—it is more than a deterioration, it has almost got to the point where there is a complete lack of respect for, and a loss of confidence in, our social and governmental institutions. These are the institutions that we put into place to run this country when this country became independent in 1962. I am not excluding Parliament or parliamentarians in this loss of confidence.

If one listens to people, other than those who write in the press or those who speak out in Parliament, but actually talk to people in the country and listen to what their views are of us as Members of Parliament, and our institutions, one begins to realize that we are not very highly regarded. People are not convinced that we mean what we say. The rhetoric is not impressing anybody.

Accusations are made against Members of this Senate and of the other place in this Chamber that are repeated, sometimes picked up, but are not answered. Issues are raised that are never resolved and are allowed to lapse, and so rumours abound about the fitness of people to be where they are, and issues that should be

debated and brought out in the open are not. I think people are beginning to have issue fatigue, as planes get metal fatigue, and after a while they are just tired of accusations being made. But the point is that the perception is being raised that these things are real.

On to the question of the Judiciary. Even the hon. Attorney General—I am so sorry he is not here today—addressing the other place said:

"—despite the best efforts of the members of our judiciary, our magistracy, our lawyers and the administrators and others involved in the legal process, our system of justice is continuing on a downward spiral which must be arrested...The fact is we can no longer continue to pay mere lip service to the problem. We must act, and we must act swiftly."

That was on May 15, 1992.

Since then, the Attorney General's Department has been much commented on for moving other than when it should, for making mistakes which are so transparently inappropriate that they seem to be almost deliberate. And I can make several references here to cases regarding the Muslimeen; the Guerra and Wallen appeals, and Bills which have been brought to this Senate with so many errors that it is really hard to believe that they came from the Attorney General's Department, which I gather does have professional staff.

Shortly after this statement was made in the other place, the Gurley Committee was set up and reported in the following month. You will remember, the *Gurley Report* was a respectable one in a long line of respectable reports on the judicial system. I will mention some of them. It is a long list. There was a report of the Bar Council in 1956, the Wooding Memorandum on the Administration of Justice in 1962, the Khan Committee Report in 1972, the de La Bastide Commissions of Inquiry Reports in 1973, 1975 and 1977. It is my respectful view that we have had enough reports. We know what the problems are.

In a debate in the other place on October 29, 1993, the deputy leader of the Opposition party, himself a lawyer, argued that:

"The problem of delays—"
in hearing cases—

"is interwoven and intertwined with the question of the criteria for the appointment of judges and magistrates; the functioning of the Judicial and Legal Service Commission."

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And he argued that the Commission had functioned for the last 20 years in such a way as to result in "an emaciated judiciary" which is quoting Justice Deyalsingh.

Perhaps the backbone of a democratic society is its judicial and legal system, and Trinidad and Tobago has always had a judicial and legal system to be proud of. It is studded with stars that have made people in this country proud to be citizens of Trinidad and Tobago. But we now have respectable legal luminaries making comments and I will quote Dr. Aneas Wills in the *Guardian* of July 12, 1993, who says:

"There are persons in judicial offices who are knowingly corrupt and are elevated from one position to the next position..."

In fact, I have heard Sen. Capildeo make comments which are extremely pungent in relation to—

Sen. Capildeo: You will hear them again.

Sen. D. Mahabir-Wyatt: I am sure. In response, Mr. Trevor Lee, who is a prominent member of the legal service in Trinidad, replied on July 20, 1993, in the *Trinidad Guardian*, that these things—

"have so tarnished the image of the Judiciary, as to bring it almost to a state of disrepute."

These are just two comments. I know we shall hear more, but from a layman's point of view, one can understand how serious and how frightened we are, just to live in a country where one is no longer sure that the judicial service can provide justice.

I have almost finished my introduction of this Motion, but I want to mention that while there have been seven reviews of the judicial system, there have been seven reviews of the police service as well. There was the Lee Committee in 1958, the Darby Commission in 1964, the Carr Committee in 1971, the Bruce Committee which went from 1978 to 1984 before it reported, and the majority of those recommendations have not even been implemented. There was the Police Executive Research Forum Study in 1990 before we got to the O'Dowd and Scotland Yard Reports which we have before us. Very few, if any recommendations, have been implemented. It is all part of a pattern of resistance to change that—I did not even notice, but what happened to Resistance II by the way, did it take place?

4.00 p.m.

I am talking about resistance to change that this Parliament, like others, seems to be once again endorsing. I say that quite openly, and I can give other examples. I should like to stick to the subject at hand, but take something like the Companies Act which has been in operation since 1939 in this country. People have been fighting against changing it ever since then. It is so far out of date, it is irrelevant to current needs, and everybody knows that. But what do we do? We delay doing anything about it. We refer it back for discussion and committees and we never get to actually acting.

Whenever we stand up in this Parliament and urge the Government to do something about the police, the administration of justice, lawlessness and criminal activity, we have to decide if we are going to be like all the other parliaments that have preceded us, in which were made often passionate speeches, sometimes erudite, even less frequently logical, but ultimately ineffectual noises about the situation while no real change took place. If all of us here are going to stand back and let this happen, I have serious doubts that we deserve to be here at all.

If we are going to accept the position of Senator just for the prestige it brings and some kind of ego gratification of having our words repeated in the electronic media, then we do not deserve to be here. All change involves risks, and to institute radical change does not guarantee success by any means, but to do nothing, certainly does guarantee failure and a continued deterioration and decay. We are witnessing that decay now, and I am very concerned lest we continue to do so.

I am not going to stand here and present detailed recommendations as to how changes should be made in the police and judicial service and how to effect the reforms that this Motion calls for. There are people far more qualified than I am who have been on the subject, studied it for months and months and made recommendations. We have 14 reports full of recommendations, and we know what has to be done, but we just do not do it.

I do not think corruption is limited just to misuse or abuse of money, sex and power. Corruption can also involve a corruption of the intellect. I think that if we use parliamentary debate just to delay the process of change or just to make political mileage, then this is a corruption of the intellect. I think that you can have a corruption of the will as well, which is evident in people who are so anxious to maintain their own zone of comfort, that they will not face the need for

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change even when a whole country is going through a deterioration and trauma which demand change.

I think that despite the finest of intentions—and I am not saying that these fine intentions do not exist on the part of many people; I know they do—when both Government and Opposition will not allow themselves to move out of their respective creases in order to deal with the problems of the country, we are not serving the purpose in this Senate and in the other place for which we were put within these walls.

If we are not willing or able, for whatever reason, to act in the country's interest, to have the courage to speak out and take whatever risks are involved, and to make the legislative and constitutional changes that are required, then I recommend that we all resign and let other people who are willing to do the work and to take the risk take our places. I think it is a scandal that despite 14 reports over 40 years, no action has been taken to improve the situation in relation to both the police and judicial services, and I do not know how many in the Public Service Commission.

Two weeks ago Minister Eckstein stood here and gave us a report that was shocking, on the situation at the Public Service Commission which has ensured that those people responsible for the deaths in St. Ann's up to this day have not had any action taken against them. We still have the Public Service Commission, and it is still operating, and people are dead, and everybody says that he or she is not responsible. I think we are responsible and we have got to accept that. It is amazing that we still have, working in the judiciary and the police service, decent, honest people who continue to fight and continue to work there. We have got to fight this conspiracy against change if we are going to do anything to help this country and improve the position in terms of law and order.

With those words, Mr. President, I ask this Senate to support the Motion before us.

Seconded by Sen. M. Daly.

Question proposed.

Sen. Surendranath Capildeo: Mr. President, this is a most interesting debate coming from the Independent Bench and the statements from the hon. Senator are quite revealing on what has taken place in this country from 1956 to now. Because when you look at the ineptitude and the helplessness of this Government, you begin to get the distinct impression that the only people in this country

serious about crime are the criminals. They know what they are about, be it premeditated murder, drug-land execution murder, armed robbery, rape, burglary, petty theft, corporate theft, fraudulent trading on the stock exchange, foreign exchange manipulation to make money, or just plain downright corruption. The criminal knows what he or she is about.

On the other hand, when you look at the law enforcement agencies, they seem to be playing, since 1956 to now, blind man's buff with the lives of the citizens of this country, and that is your life and my life.

You have my Friend Sen. The Hon. Russell Huggins, Minister of National Security, who says that he is hamstrung because there exist within the police service, inefficient, ineffective and corrupt police officers. He also cannot act because the regulations are unworkable and the Constitution itself with respect to the working of those regulations is in need of amendment.

4.10 p.m.

There is the Commissioner of Police who says that he cannot discipline his men, and, therefore cannot be as effective as he would like. Then there is the Police Service Commission that says "We cannot do anything because we must have the evidence before us before we can act." Then, there are the police officers themselves who say, "Look, we are suffering from a lack of motivation because of political interference and also because we do not have the tools to do the job."

The irony of the whole situation is that the Police Service Commission is dependent on the same police officers to bring forward evidence upon which they are to act, and they are dependent on the Commissioner of Police to forward that evidence, and the Minister is dependent on all of that. So, it is like a little puppy chasing its tail; some puppy, some tail! But, I tell you, the pit bull of the criminal is behind all of our tails.

Unfortunately, too, the administration of justice in this country is in a far worse condition; that animal has no tail. This peculiar creature has gone beyond cannibalistic tendencies to the point where it is eating itself—it feeds on itself.

The situation is so serious that it is effectively facing a crisis of terminal proportions. I believe that the practising advocates have now reached the point where they have lost confidence in the administration of justice. When one reaches that stage and that feeling is known to the client, one then has a situation which will trickle down, permeate the entire society of Trinidad and Tobago; and it reaches to the point where we have reached now, with people taking the law

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into their own hands. The administration of justice can be numbered among the criminal statistics.

The causes of the breakdown of the administration of justice in this country are well documented. Over the years there have been innumerable reports—the last one was the *Gurley Report* which was tabled here, I believe. We are also in the very fortunate position where we can pay attention to the reports emanating from other Commonwealth jurisdictions, where we have the same common law and they have the same problems.

We can also look at the reports coming through from the United States of America which will affect us, because they have similar problems too. So, not only do we have reports emanating from within our own systems that we can look at; we also have reports from the entire Commonwealth and the United States of America on the same problems; but all we do, Sir, is talk, talk and talk; and right now, we are talking again. That is what we are here for; that is what the Senate is about.

The Senate is about bringing to the fire, problems which affect the domestic civility of this nation; it is for the Government to act, and I will come to that point later on where this debate is one upon the distinction between state and Government.

Let us continue with the administration of justice. I would give one example which immediately comes to mind; we call it the "Crane Affair." I will quote from the judgment of Justice Sharma who read into history and into the law reports of our country, and the English-speaking Commonwealth, the following words about the high office of the Chief Justice and the hon. members who hold the high office of the Judicial and Legal Services Commission. These are the words of Justice Sharma:

Mr. President: You are not going to deal with the conduct of any particular person, are you?

Sen. S. Capildeo: No, Sir, I am going to read part of his judgment.

"The motivations and intentions imputed to the Chief Justice and other members of the Commission, if accepted, would at once demand that they should resign from their respective positions; their conduct, if the submissions are accepted, would clearly be reprehensible, wicked and dishonest."

But what has happened? The Commission still exists. Not only does it exist, but also rumours abound about who is going to be and who is not going to be

appointed judge, and the profession is literally quaking in its boots—shaking at some of the personalities who are going to be made judges—I can say no more, Sir. But, lest we run away with the myth that the Judiciary of Trinidad and Tobago has been sacrosanct and has had a virginity for the last 100-odd years, that let me say is not so.

During the course of the last 100 years, we may have had some golden age in between, but 100 years ago in the case of *Anderson and Gorrie*—a case which went to the Appeal Court and then to the Privy Council—a Trinidad citizen had challenged a Trinidad judge for acting oppressively, maliciously and with bias; and the English courts found that the judge had so acted; but under the rules, one cannot sue a judge for being biased; he is protected. So, the problem with the courts and the Judiciary is not one which has occurred overnight; it is 100 years old.

There is very little that can be said within the scope of this 45 minutes which we are allowed. We could trot out all the statistics on crime which are well documented; we could speak about the pros and cons of whether we are going to amend and change the Constitution; we could restate all the findings of the various reports on the administration of justice; we could suggest immediate measures for the control of crime and the protection of all citizens [*Interruption*] Yes, that is what the Motion says, "control of criminal activity and the protection of all citizens" but I dare say, Sir, all that would be a waste of time; we are debating in the dark; we are not serious.

4.20 p.m.

For years now we know of the problem; we have been speaking about crime; we have been speaking about the state of the Judiciary, but I ask: Where is the scientific data upon which we can draw conclusions and intelligently debate the position in Trinidad and Tobago? Where is the data that is going to relate, for example, crime to poverty? Who has done the research? We have been talking for years on it. Has our University done the research? Where are our social scientists? Where are the experts who are to guide us in a deliberation of this kind? Do the statistics reveal that the majority of the people of Trinidad and Tobago are criminally inclined? Are more than 50 per cent of us kleptomaniacs? Why do we steal paper clips and break red lights?

Has any research of any consequence been done in this country to determine why we are the way we are, so that we can have an intelligent debate in this Senate? Why, when we get in a motor vehicle, that vehicle is transformed into a

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lethal weapon? Why do we drive on the wrong side of the road? Why did the phenomenon of the maxi-taxi take place? Where is the research? This country is spinning top in mud. This is a Third World country, make no bones about it. We are not serious about ourselves. We are wasting our time here, Sir. That is until the United National Congress becomes the Government, and we know what to do. *[Interruption]* I know what to do and I will do it. If you had gone to Laventille you would have seen me.

Let us begin at the beginning. I seek your permission to quote from a book called *The Devaluing of America*. It is an apt book, because we ape and mimic the American society to the best of our ability. And we have some ability. The author is William Bennett. He served as the Director of the Office of National Drug Control Policy under President Bush. He served as Secretary of Education and Chairman of the National Endowment for the Humanities under President Reagan. He has a Bachelor of Arts degree in Philosophy from Williams College and a doctorate in Political Philosophy from the University of Texas. He is a well-respected, well-educated educationist in the United States. I shall quote from page 255. We shall begin at the beginning using the American experience, which is very relevant here.

"Nothing more powerfully determines a child's behaviour than his internal compass..."

you begin at home with the child—

"his beliefs, his sense of right and wrong. If a child firmly believes if he has been taught and guided to believe, that drugs, promiscuity and assaulting other people are wrong things to do, this will contribute to his own well-being and to the well-being of others. And if this lesson is multiplied a million times—that is, taught a million times—we will have a greater and broader well-being, fewer personal catastrophes, less social violence, and fewer wasted and lost lives. The character of a society is determined by how well it transmits true and time-honoured values from generation to generation. Cultural matters, then, are not simply an add-on or afterthought to the quality of life of a country; they determine the character and essence of the country itself. Private belief is a condition of public spirit; personal responsibility a condition of public well-being. The investment in private belief must be constantly renewed.

During the last twenty-five years, we did not make much of an investment and we received little return. (Let's look at our own country for the last 38

years). Many of America's intellectual elite perpetuated a doctrine of *de facto* nihilism that cut to the core of American traditions. While the doctrine never fully took hold amongst most Americans, it did make significant inroads. A lot of people forgot, and many others willfully rejected, the most basic and sensible answers to first questions, to questions about what contributes to our social well-being and prosperity, what makes for individual character and responsibility, and what constitutes a "good society."

I ask you, Sir, to look back and see what we have done to our children in the last 38-odd years and see what kind of Trinidadian we have produced over that period. It goes on:

"As The Federalist Papers explain, government's (and I am drawing the distinction between the state and the government) clear, first, and distinct responsibility is to provide for the security of its citizens. With crime rampant, many of the poor will not or cannot take the steps necessary to improve their condition. With crime under control, people are more likely to feel safe, stay later at work, take school courses at night, and gain self-confidence as citizens who do not have to cower in their homes or apartments."

The fault lies squarely at the feet of the Government. They cannot escape it.

And this Sir, brings me to the heart of the matter. We seem to forget that we are an island nation. We have forgotten the meaning of the words—nation, state and government. Let me quote Mr. Bennett again. The chapter is headed the "American Nightmare." It is an interesting little story:

"I once heard Clare Boothe Luce tell the story of her visit with John F. Kennedy in the White House. She sat down and straightforwardly said, "Mr. President, you must get the Soviets out of this hemisphere." They talked for a few minutes. Then the phone rang and the President went off. He came back rather excited and said, "I got my textile bill passed. What were you saying Clare?" Replied Mrs. Luce, "Mr. President, there are a great many men remembered in our civilization. Of one man, they said He went on a cross and died so that all men's sins may be forgiven. Of another man they said that he went in search of a new route to an old world, and founded a new world. Of another it is said that he took up arms against his mother country and with a motley army of rebels defeated the greatest military power on earth to found a new nation. And of another it is said he had to hide in the dark of night as he came into Washington, and grieved for four years that the nation might be half

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slave and half free. Mr. President, of none of these great men was it said, 'He got his textile bill passed.'

It goes on, Sen. Huggins, with the key words:

"Political leaders must attend first, and energetically, to the most important things for which they have responsibility."

And that is your responsibility! That is the Government's responsibility! They have forgotten that. To understand that we have got to go back to the philosophers: Aristotle, Plato, Socrates, Hegel, Kants, Hobbs, and Locke. I will be going back to them. Whether they realized it or not and I do not think they have the intellectual capacity to do it, Williams had [*Interruption*] Of course he did and he opposed him.

4.30 p.m.

There was a deliberate blurring of the distinction between Government and state in the early days of the PNM to the point where they brought people of this country to believe that the Government must provide everything, that the state, which is blurred with the Government, must provide everything, from pampers to milk. The state had to provide the living. It was a deliberate policy of the dependency syndrome being introduced from 1956 to date. It is that blurring of the distinction between the state and the Government that has led us to this sorry pass. Unless we understand that and what has happened to our country we will never be able to get out of the hole we have dug for ourselves in this place.

Mr. President, I seek your indulgence at this stage for some rapid recitation of the quotations of these philosophers that I have spoken about. It is difficult enough to understand them. It is more difficult to explain. I seek your indulgence to read them through quickly.

Let us begin with Plato:

"The state is the counterpart of the human soul many times magnified."

Do not tell me that Eric Williams did not understand that. He was a student of Plato.

Socrates, who said in "The Republic":

"There appears to be as many forms of the soul as there are distinct forms of the state."

As for Aristotle who was the mentor of Eric Eustace Williams:

"Man is by nature a political animal and being the only animal endowed with the gift of speech, can communicate with his fellows concerning the expedient and inexpedient and therefore likewise the just and the unjust."

What characterizes human association according to Aristotle is that it is built upon a shared sense of the expedient and the just. He says:

"Most importantly, justice is the bond of men in states."

Not governments, but states; he draws that distinction.

Hobbes follows along. He distinguishes between human and animal society and he speaks of the commonwealth state as the great leviathan. He says:

"Man quits the state of nature which is a war of every man against man to achieve self-preservation or at least to enjoy the security of civil peace and the freedom from fear of violence."

It is not a new fear. It is not a new topic. It is as old as the hills—this freedom from fear of violence. That is the responsibility of those who govern.

Locke says:

"The reason why men enter into society is the preservation of their property, property being life, liberty and estate. Men quit the state of nature to preserve their lives, liberty and fortunes and by stated rules of right and property to secure their peace and quiet."

This argument of a man being able to live in peace and quiet, to take a maxi-taxi in peace and quiet; to see his children play in his front yard without saying you cannot play because there is a man walking down the road—that right has been thought about and spoken about by men—far greater than any of us in this country—Socrates, Aristotle, Hobbes, Locke.

Hegel said:

"Civil society is a system of complete inter-dependence wherein the livelihood, happiness and the legal status of one man is interwoven with the livelihood, happiness and rights of all."

These philosophers understood the problems we face. It is our crudity and total lack of intellectualism in this place. It is our lack of vision. A Government blind, a Government without feeling, vision and intellect; it cannot cope with this problem. It does not know how to cope with the problem. Agreed, Sen. Barnes? They just cannot "make." They are little boys playing men and they cannot make.

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They hold a party in Laventille and they think they would vote for them. They probably might; they would wake up in the morning after they vote for them.

Kant said:

"A state is the union of men, a number of men under juridical laws."

They recognized the importance of the happiness of civility, of the lack of the fear of violence and of the juridical laws that man must live under.

John Stuart Mill:

"The worth of a state in the long run is the worth of the individuals composing it."

We come back to Plato who said:

"Our object in the establishment of the state was not the exceptional happiness of any one class, but the greatest possible happiness of the city as a whole."

That brings me to the real reasoning, if I may be so bold as to enquire into the real reasoning, that is coming out of this Motion. It is a cry echoed by Thomas Jefferson on the reason for government. It is why I have sought in the few minutes that we have to draw this distinction between state and government, because the people must begin to understand that if they do not get out of this dependency syndrome of the PNM and start to think on their own, we are doomed in this country. The reasoning behind this Motion, echoed in the words of Thomas Jefferson, is how a government must treat its people and the reason for being the government.

I quote Jefferson:

The care of human life and happiness and not their destruction is the first and only legitimate object of good government.

That is what this Motion is about. Am I not right?

Hon. Senators: Yes.

Sen. S. Capildeo: The care of human life and happiness and not their destruction is the first and only legitimate object of good government and not an all-day fete in a Laventille compound, or a motorcade or a URP project. That is not the care of government.

Let me close with the final—I have only one quotation and I am finished.

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Mr. President: No. You have 45 minutes and if you are not finished—

Sen. S. Capildeo: I have only one quotation and I am finished. I do not want to rub salt into the wound of an unfeeling people. They cannot understand. This is water on a duck's back.

Again, Thomas Jefferson:

"The only orthodox object of the institution of government is to secure the greatest degree of happiness possible to the general mass of those associated under it.

I think Sen. Barnes would understand and convey this to them. Their purpose in life; their whole existence as a PNM administration, is to secure the greatest degree of happiness possible to the general mass of the population of Trinidad and Tobago and not have us live as if we are in jails in our homes in fear, in terror.

When I drive up Pembroke Street and I do not see my daughter at the convent gates, my heart skips a beat. What has happened to her? When they say to me that they want to go outside to play, I say I have to go first to see if it is safe. I am not speaking about playing in the road but in the front yard. That is not how man should live. Government is there to ensure my happiness. If you cannot do it, for heaven's sake, go!

Thank you.

ADJOURNMENT

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, May 10, 1994 at 1.30 p.m. when the debate on the Motion before us will continue.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.40 p.m.