

*Leave of Absence**Tuesday, June 07, 1994***SENATE***Tuesday, June 07, 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 June 2 to 7, 1994, as he is out of the country.

I have also granted leave to Sen. Carol Mahadeo to be absent from today's sitting.

**LATE ARRIVAL**

**Mr. President:** The following Senators have indicated that they will be a bit late for today's sitting of the Senate: Sen. Rev. Daniel Teelucksingh, Sen. The Hon. Joan Yuille-Williams, Sen. The Hon. Camille Robinson-Regis, Sen. Ainsley Mark, Sen. Wade Mark and Sen. Junior Barrack.

**SAN FRANCISQUE SPORTS EDUCATIONAL  
AND CULTURAL COUNCIL**

**Sen. Michael Mansoor:** Mr. President, I have the honour to present a petition on behalf of the Members of the San Francisque Sports Educational and Cultural Council seeking leave to introduce a Private Bill for the incorporation of its organization.

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

*Petition read.**Question put and agreed to, That the promoters be allowed to proceed.***PAPERS LAID**

1. Report of the Auditor General on the accounts of the San Fernando Corporation for the year ended December 31, 1979. [*The Minister of National Security (Sen. The Hon. Russell Huggins)*]

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2. Report of the Auditor General on the accounts of the San Fernando Corporation for the year ended December 31, 1980. [*Hon. R. Huggins*]
3. Report of the Auditor General on the accounts of the Primary Education Programme for the year ended December 31, 1991. [*Hon. R. Huggins*]

**ORAL ANSWERS TO QUESTIONS**

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

**Papourie Road  
(Failure to Obtain Permission)**

48. Can 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"?

**Sir Solomon Hochoy Highway**

49. (a) Is the Minister of Planning and Development aware that many citizens whose lands situate 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 request deferral of questions 48 and 49 for two weeks, please.

*Questions, by leave, deferred.*

**1.40 p.m.**

**ECONOMIC SANCTIONS BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question [May 31, 1994]:*

That the Bill be now read a second time.

*Question again proposed.*

**Sen. Muntaz Hosein:** Mr. President, today's sitting is, perhaps, overshadowed by Brian Lara's 501 not out which was achieved yesterday. We on this side of the Senate would like to pay tribute to that monumental achievement of our own Brian Lara.

The legislation before us is very serious and can easily lead this country into a cold war or even a hot one. So serious is this legislation in the history of our country, that we on this side are treating it with the utmost importance. You see, in this debate there are certain questions that must be addressed:

- Should we go along with regional and international bodies like the United Nations and other similar bodies, or should we examine each case as it comes before us?
- How effective are sanctions?
- Is the record of the United Nations one of being fair and just in its dealings?
- What are the risks for Trinidad and Tobago in getting involved in sanctions?
- Can we leave decisions of this nature to the Cabinet, or is this a matter for the Parliament of Trinidad and Tobago?

We must answer those questions along with: who must have the authority, the Cabinet or the Parliament? We will attempt to present arguments that will throw light on these subjects.

Let us examine the United Nations Security Council. As you know, Sir, there is a record of voting on conflicts in the Security Council, and one of the major stumbling blocks to fairness within the Security Council itself is the right of veto by the five member nations which are the permanent members of the Security Council. These member nations are China, the United Kingdom, the USSR, France and the United States. If one goes back into the history of that body, one has to ask the question: Is the United Nations a tiger or a pussy cat? As we go along we are likely to conclude one way or the other.

Let us examine the situation in the Middle East, the Arab /Israeli conflict, the Palestinian conflict, to see how that was handled by the United Nations Security Council. Resolution 327 of June 14, 1967, and Resolution 242 of November 22, 1967, along with many more resolutions deal with the Palestinian question, calling on

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Israel to withdraw from occupied Arab lands and for a halt to the genocide in that area. If one examines that situation, one will see that Israel disregarded the Security Council's call on those occasions, and also that no economic sanctions were put on Israel, all because of the veto vote of the United States of America within the Security Council itself.

If one examines the Iraqi/Kuwaiti conflict, one sees the other side of the coin: one sees economic sanctions in place, military intervention—this time there was no veto in place. And rightly so, because the Iraqi conflict is one that left a bitter taste in the mouths of people, but if one examines the record of the Iraqi conflict as against the Israeli/Arab conflict, one will see that where one's friends are involved one uses the veto to frustrate the efforts of the United Nations.

Let us look at the case of Haiti and one would see that the United Nations has been dragging its feet on this issue. Some sanctions are in place but we are nowhere near a resolution. One will also see that the people who are being hurt, the people who are dying daily, genocide being committed on the people of Haiti, are mainly those of the poor masses. Up to today people are still trying to flee Haiti in whatever makeshift craft they can find, but the United Nations is dragging its feet on the issue.

If one examines the Haiti issue a little closer one finds that there is no oil to be found in Haiti, there is no major US interest in Haiti, and I ask: Is that the reason that we are dragging our feet on Haiti?

When one looks a little further one sees that there are half a million people dead in Rwanda—almost half the population of Trinidad and Tobago dead. I want to draw your attention to what the Secretary General of the United Nations had to say on Rwanda. I quote from page 6 of *Newsday* of June 6, 1994:

"UN says world response paralysed despite genocide

United Nations: Secretary General Boutros Boutros-Ghali Thursday said that despite 250,000 to 500,000 deaths in Rwanda, the international community still seems to be paralysed nearly two months after the genocidal massacres began....

'On the basis of the evidence that has emerged, there can be little doubt that it constitutes genocide, since there have been large-scale killings of communities and families belonging to a particular ethnic group.'...

The delay in reaction by the international community to the genocide in Rwanda has demonstrated graphically its extreme inadequacy to respond urgently with prompt and decisive action to humanitarian crises entwined with armed conflict,' the secretary-general said."

When one examines what is happening here one can see that there is no parallel within the United Nations; there is no continuity; there is no standard set by which one could say, "Well, if this happens, the United Nations is going to work in such and such a way." We cannot see that. The only standard that one can point to is very clear: There is no oil in Rwanda, there is no major US interest in Rwanda, therefore, the UN will not take prompt and effective action.

**1.50 p.m.**

We have to come to terms with the fact that the pivotal force in the United Nations today is the United States of America. That is a fact of life, and for the United Nations to take any major offensive action in any of the trouble-spots of the world, be it sanctions or any other, it must have the blessings of the United States of America, and those blessings come only when there is a major interest of the United States of America—in this case there is no major interest. There is no oil, so there is no major action.

We come to the situation in Bosnia and Herzegovina and you will know that it took an extremely long time to put sanctions in place in Bosnia; and even when those sanctions were put in place, they were ineffective, in that one side in the conflict was able to get arms and ammunition quite easily, and the other side was starved of them, which resulted in the deaths of hundreds of thousands of children, women, old people—citizens of all types—and the world sat back, looked on, and paid only lip-service to what was happening in Bosnia.

It took a long time, again, for action to be taken. Military intervention was taken and some relief was brought to the area but, as we see today, there is still genocide in Bosnia. Again, one will see the same line running true: There is no oil, no major US interest and, therefore, they go that way. The only time the United Nations acts promptly is when there is a major oil difficulty, a major US interest is involved. We have to ask: What is our Government doing about that?

I am sorry that the Minister of Foreign Affairs is not here. Perhaps, he can give us some indication of what our Government has done. Have we been able to talk to people of the United Nations? Have we been able to lobby to get changes

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within the United Nations so that we can feel comfortable and happy that when the United Nations creates economic sanctions against any country, we can be part of those economic sanctions? But he is not here and I do not know if one of his colleagues will answer for him. I hope so.

Clause 4(1) of the Bill, reads—

"The President may, for the purpose of implementing a decision, resolution or recommendation by a regional or an international organization of states or association of states, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign state, or where Cabinet is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crisis—

- (a) make such Orders or Regulations with respect to the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign state; and
- (b) by Order, cause to be seized, frozen or sequestered in the manner set out in the Order any property situated in Trinidad and Tobago that is held by or on behalf of:
  - (i) a foreign state;
  - (ii) any person in that foreign state; or
  - (iii) a national of that foreign state who does not ordinarily reside in Trinidad and Tobago."

When you read this it sounds reasonable, but if we take these actions, I ask the question: Are we inviting terrorism in Trinidad and Tobago as was the case in the United Kingdom and in the United States of America? You see, we have many mad people in this world [*Interruption*] and if action is taken against some of these mad rulers of the world, and I am not talking, particularly, about Members opposite. [*Laughter*] If we take action against these people who have a network of terrorists throughout the world, we may be exposed to terrorism on our doorstep. Therefore, it is a pity that the Minister of Foreign Affairs did not see it fit to deal with that issue.

**Sen. Huggins:** What issue?

**Sen. Barrack:** The consequences of imposing sanctions.

**Sen. M. Hosein:** But, perhaps, those Members who are here today will deal with it. Perhaps, the Minister of National Security, with his "put-put" motor cycles, can tell us what he is going to do. You see, we have to be prepared.

We must make the population aware when a Bill is being passed in the House that there are certain problems that could occur, that we could be inviting terrorism within our borders. The people must be aware that this can happen and, therefore, it is incumbent upon the Government of the day to explain this to the population, so that when we pass a Bill, or when we fail to pass such a Bill, the people would know why. [*Interruption*]

**Sen. Capildeo:** What wrong with you boy?

**Sen. M. Hosein:** Mr. President, some people do not even deserve an answer, so I will not even answer the gentleman.

You see, Sir, this falls in another part of the Bill and I want to draw your attention to clause 6 (1) of the Bill which says—

"The Minister may, on application in writing, issue to any person in Trinidad and Tobago or any Trinidad and Tobago citizen outside Trinidad and Tobago a permit to carry out a specified activity or transaction, or any class thereof, that is restricted or prohibited pursuant to this Act or any Order or Regulations made under this Act."

Now, here I have to go in support of my colleague, because we see this clause can be easily misused. I will give an example. Assuming that we were to have economic sanctions, say, against Venezuela for some reason; and in Trinidad and Tobago we have 10 garment manufacturers who are involved in selling garments to Venezuela, what prevents the Minister, if we have sanctions that garments are not supposed to be sold, from giving a licence to a particular manufacturer for him to deliver? Those are some of the things that could happen. I am not saying that this particular Minister will do that, but it is open to that kind of abuse. Therefore, we take note of it and we are very concerned about it.

**2.00 p.m.**

We are asking for transparency in this matter. I recall Sen. Wade Mark making the point when, I believe, the Chair spoke about a joint select committee on foreign affairs. I want to draw the attention of the Senate to Standing Order 71(4) which says that:

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"The Committee shall consider . . ."

They are talking about a joint select committee on external affairs to be known as the joint parliamentary committee on external affairs.

"The Committee shall consider such matters pertaining to External Affairs as may be referred to it by the Minister responsible for External Affairs, and shall submit its reports to the Minister who may, in his discretion lay or cause such reports to be laid in the Senate."

I am advised that this is the reason this committee was not put in place, that there was a problem with this particular clause, and I can understand the problem here. Therefore, this joint select committee, if one reads—

**Mr. Sobion:** What is the problem?

**Sen. M. Hosein:** Mr. President, I will advise the Attorney General. In the first place, the Minister cannot bring matters to the committee and the committee cannot report to the Minister. A joint select committee of Parliament reports to the Parliament, not to a Minister. Therefore, there is a drafting problem here and this is why the committee has not been put in place.

This is why we are saying that because this is not in place, there can be no transparency in this Bill, and until such time that we get this clause properly drafted and put in place, Senators on this side will have great difficulty in giving powers without transparency. The quicker we can get this clause in place, the quicker we can put in place the joint select committee of Parliament dealing with foreign affairs, which is called for in the rules of the Senate. Until such time, we are not prepared to give powers without transparency.

**Sen. Ojah-Maharaj:** Give powers to whom? The people give us power, not you.

**Sen. Capildeo:** Pointe-a-Pierre did not give you a single seat of power and neither will Caroni East.

**Sen. M. Hosein:** Mr. President, we must look at the Government's record regarding brutality against suffering people of the world. What psychological pressure did we bring to bear on countries which violate human rights prior to sanctions having been put in place? What have we done?



The only time the Minister of Foreign Affairs was able to tell the nation of Trinidad and Tobago what the Government's stand is on the issue of Bosnia and on the Palestinian question, was when I put a question to him here in the Senate and he had to answer it. He used that opportunity to give a press conference and then to tell Trinidad and Tobago what Trinidad and Tobago's stand was on these issues. Prior to that, nobody knew.

**Sen. Huggins:** I knew.

**Sen. M. Hosein:** I believe, Sir, it is correct to say that we need to have the Minister of Foreign Affairs play a more pivotal role, to become more vociferous in fighting against the brutality of these nations, these pipsqueaks of the world, who seek to maim and kill the citizens of their countries.

We must be in the vanguard for human rights throughout the world. It is true that we do not have large armies, but certainly we can make our voice heard.

We choose to remind people at every turn of the wheel that we are a rainbow country, and so we should, because we are a rainbow country. If it is one thing that we can teach the world, it is how to live in peace. Therefore, this is what our Government should be preaching throughout the world so that others can learn from our example.

Only recently, I saw on television that there was some action going on in the Chinese Parliament, slapping and cuffing and so forth. Thank God we do not have that here. My learned colleague told me it was about underwear. I did not know that.

We come to the question of who should have the authority to impose sanctions—the Cabinet or the Parliament. Right now the population do not have confidence in this Government. Worst of all, they do not have confidence in the Cabinet of this country.

**Sen. Ojah-Maharaj:** Whom are you talking for?

**Sen. M. Hosein:** We can very well see in the results of the recent by-elections. If the people do not have confidence—it is a question of confidence and competence. That is the problem.

One can judge quite easily the L.N. Mittal fiasco, the so-called honorary Consul for Indonesia. It will be recalled that it took our Minister of Foreign Affairs two and a half years to discover that Mr. Mittal was not confirmed in his

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position. All the while, this gentleman had been parading himself as the honorary Consul for Trinidad and Tobago in Indonesia.

**Mr. Sobion:** What clause in the Bill are you talking about?

**Sen. M. Hosein:** Mr. President, it has to be understood that competence is called into question here.

**Sen. Ojah-Maharaj:** Panday appointed him! Panday!

**Sen. Merritt:** O God! Put a muzzle on him!

**Sen. M. Hosein:** What we are saying on this side is that because of the incompetence of the Government, and because of the lack of trust by the people in this Government, we do not believe we can put in the hands of this Cabinet such an onerous responsibility. Therefore, we feel that that responsibility should come from the Parliament.

We do not believe a minority Government can speak for all of Trinidad and Tobago. A minority Government does not have the moral authority to speak and make such grave decisions. Therefore, we submit, with respect, that the authority to impose economic sanctions should be and rest with the Parliament of Trinidad and Tobago.

I thank you.

**2.10 p.m.**

**Sen. Hydar Ali:** Mr. President, if this Bill becomes a part of our law, I think this would throw us in the arena of powerful states, powerful lobbies and interest groups, and, unfortunately, we would not be on an equal footing there. This is my dilemma. I am very concerned that we are getting into an area in which we shall not have an equal say. So my comments are based on that premise.

Sanctions come somewhere between the use of diplomacy and, of course, the waging of war, and based on our recent experience, it is usually a step away from war, as we can see, for example, what is probably going to happen in Haiti. There was the diplomacy with the U.N. Special Envoy, Dante Caputo visiting there very often, and now we have our own Colin Granderson heading an OAS mission down there. Sanctions have been imposed and these, apparently, are not working. People are suffering and they are not achieving the desired goal of removing the army and installing Aristide. With the failure of sanctions, what is being considered now is some sort of blockade or invasion.

It is interesting that on a Voice of America programme on Sunday night an America state department official was mentioning that there was need for some surgical strike there, implying that it is going to be some kind of bloodless exercise. War is war, and once you are going to do surgery you are going to cut and somebody is going to bleed. So that I wonder how effective sanctions are, but I will bring that up a little later.

The reason economic sanctions are favoured nowadays is the increasing interdependence of the world economy; also, it is becoming increasingly expensive to do so. For example, from the Second World War to 1990, according to information I have, there had been 104 cases of economic sanctions.

What then are the aims of sanctions? At the level of international organizations, the imposition of sanctions is in retaliation against external aggression. Sen. Muntaz Hosein mentioned one example, where Iraq invaded Kuwait, and the first step was to impose some sort of embargo against Iraq. Sanctions are applied also where there have been violations of international law. These are at the international level. Sanctions are also imposed at the level of governments and NGOs, and this is the part I am worried about, where our Government may want that right to impose sanctions as prescribed in section 4, Part II of the Bill, the part that this Bench, in particular, is against. I am supporting the amendment that that part of the section be struck off, where the Government of Trinidad and Tobago is going to make a decision as to what constitutes a breach of international peace. I do not think we are in a position to do that. We can make a decision, but I do not think we can enforce any sort of sanction.

At the Government and NGO levels, sanctions, are imposed to induce changes in the domestic policy of the targeted country. Again, it would be too ambitious of us to think that we can force changes on some country upon which we impose sanctions, or will not impose sanctions. This is usually done to protect the interest of the country imposing the sanctions. This is why I think Sen. Hosein was stressing so much on the role of the United States in all the recent sanctions we have heard about, because they have got interests all over the world.

One uses sanctions to send a political signal of disapproval of a policy of the targeted country. Again, we are too small a country to even consider that we can do such a thing by the use of sanctions. We can certainly make our views known, but not via sanctions. Sanctions can also be imposed to satisfy public opinion in the sender country. Again, you see, most of the aims for imposing sanctions

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pertain to a developed country, a super state, so to speak. I do not know what we do at the United Nations. I wonder how many people in this country know how we vote in the United Nations or the OAS. I do not think that public opinion is even considered. If it is going to be considered, perhaps important issues will come to Parliament before the vote is taken at the UN, or at the OAS; but in bigger countries it is an important thing.

I was listening to one of President Clinton's several speeches in commemoration—I want to use the word, "commemoration" of D-Day as opposed to "celebration" because someone wrote in the newspapers saying it should not be a celebration; it should be a commemoration. In talking about D-Day, he singled out the feat of a Jewish officer. Just by doing that, he is going to attract many votes at the next election.

The question is, do sanctions work? There is no unanimous view as to whether sanctions work. There are the pros and the cons and the people who support sanctions quote their cases, and those who do not, quote their cases. A well-known example of the ineffectiveness of sanctions is the U.S. 1980 Soviet grain embargo in reaction to the military occupation of Afghanistan. Those people who say that sanctions do not work will probably quote this extreme example; those who say that sanctions work might quote another example, concluding that the destabilization of the Allende regime is an instance of effective, economic coercion.

We must not view sanctions as a panacea. Experience tells us that is not true. History tells us that and the academics also tell us that. Quote from an article by J. Cooper in the *Journal of Studies in Economics and Econometrics*, Volume 25, 1986, entitled: "The Welfare Effect of Sanctions", Cooper asserts:

"The theory of sanctions is still in its infancy."

As I mentioned in my opening remarks, economic sanctions come somewhere between diplomacy and warfare, so one would naturally ask the question as to whether economic sanctions are enough. If we look at an almost contemporary situation which is referred to as the Persian Gulf Crisis. What took place there, very briefly, was as follows: Iraq invaded Kuwait and because of that there was an economic blockade of Iraq. This was effective in some way. The population suffered, but Saddam Hussein, the President of Iraq, did not budge. He did something even worse; he annexed Kuwait. The next thing that happened was that in January, 1991 no longer were we talking about sanctions, but the UN attacked

Iraq. Again, when we talk about the invasion of Iraq, we must realize that it was led by the United States.

Another thing we need to bear in mind when we vote at these international meetings is that we have to be careful that our interests are being represented, that we are not just voting in support of other people's interests. I wonder how much of our interest is represented at these meetings.

**2.20 p.m.**

Let us look again at the situation in Haiti; much has been said about that, but I just want to mention how economic sanctions escalate to war. Many people are saying, rather than impose economic sanctions now, there should have been some sort of military attack on Haiti in the very beginning. What has happened there—as we have heard before from another Senator—is that sanctions have caused the closure of assembly plants and factories; and one estimate according to Larman C. Wilson in “North South” (Feb-Mar, 1993) is that 70,000 jobs were lost. We have heard about the refugees, which is a current problem where people are leaving Haiti in large numbers and processing centres are now being set up to see how many of these people can gain access to the United States of America.

What is emerging is some of the serious legal and political offences—both of commission and omission—committed by Aristide, while in power. These have been suppressed for some time, but now that the sanctions are taking so long, and they are not that effective, we are hearing more and more about these offences.

What is being suggested in the article is that the sanctions should be terminated. One of the aims of the imposition of sanctions was not only to return Aristide, but also to return to a democratic system. The sanctions may do the former—they may return Aristide—but they may not return the democratic system. I have heard local commentators say over and over again that it is not just a matter of going into Haiti, taking over, getting rid of the army, and democracy would prevail or simply have Aristide installed. Democracy, which is something quite strange to the Haitians, will not necessarily come about.

I again want to question whether sanctions work, and I quote from an article by Forland entitled *The History of Economic Warfare, International Law Effectiveness Strategies* in the *Journal of Peace Research*, Vol. 30 No. 2, 1993 pages 151 to 162—but I am not going to quote all those pages. He says:

"Modern analysis of the effectiveness of economic warfare leads to the conclusion that if circumstances are right..."

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I repeat—

"...if circumstances are right, economic warfare may shorten armed conflicts but not replace the use of armed force."

He ends by saying:

"...and circumstances are seldom right."

Before I wind up my short contribution, I would like to repeat what I said at the beginning, that the use of sanctions really is a tool of the powerful nations, lobbies and interest groups, and we ought to be careful how we relate to these things so that we do not vote simply because we belong to these organizations and because of certain promises. We should vote on principle with respect to these issues.

My point here is that we should be very careful how we tread in this area. I do not have time to read the amendment that is now being circulated, but if, as is promised, clause 4(1) is to be amended in the manner which Sen. Daly suggested, I will support it.

Thank you very much, Mr. President.

**Sen. Junior Barrack:** Mr. President, I would just like to make a few comments on the effectiveness of sanctions and the discriminatory way in which they have been applied in international politics, and the interest they have served over the years. I believe that this Bill is important if we believe we can have international communities come together in some way to contribute to the alleviation of the suffering of some of our brethren throughout the world. That is a very noble idea.

However, I have listened to many of the contributions and observed some of the ways in which international sanctions have been applied, and I am not convinced that they are done in a way that is equitable. For instance, we have spoken about the way in which sanctions were applied to Iraq. I have heard many contributions in which it was said that if it was an oil situation what would have happened.

Sanctions have been applied to countries that have even been fighting against dictatorship, for instance, I can refer to the Iranian situation as one which I cannot yet understand. The Shah was a blatant dictator: he was wicked and cruel. The people of Iran went into a struggle against him for a significant period; the torture is universally known. The chopping off of hands and gouging out of eyes to get

information. Eventually, that dictatorship was overthrown and immediately, because of the ideology of the group that took power, pressures were placed on them.

The very Iraq was encouraged to invade Iran; it took over significant portions of the land and even though calls were made to the international bodies to label Iraq an aggressor, up to this day it has not been done. But when you had Iraq invading Kuwait, immediately there was a move to deal with that matter. There seems to be an uneven distribution of sanctions and recognition of people's rights; and we must be careful.

Trinidad and Tobago did not speak out against the injustice that was meted out to Iran—I do not know for what reason—but it has joined the forces of the international movement against Iraq in the situation with Kuwait; and this has always been the trend. Trinidad and Tobago has always followed certain set ideological lines, and I do not believe that that will change. I do not see any reason why we should now jeopardize ourselves by adopting positions that will expose us as being hostile to other nations when we ourselves do not carry the policies that we are going to follow.

The Grenadian situation is a case in point. I think it was in 1983, when our Government took a position against the invasion of Grenada. And we suffered for that. We had men like Davidson Boodoo telling us how Trinidad and Tobago's economy was sabotaged; our relative unit labour cost was twisted and falsified over a period and it jeopardized our economy. It placed us in a situation where we had to conform. Part of the problems why we were unable to adjust our economy earlier is that we took a decision that was independent of certain international forces, and we suffered severely for it.

I want us to be very careful as we tread here. We do not have a standing army; I do not think the brothers at Tetron can be considered any significant army to do anything. We do not have an airforce. We are not a power—

**Sen. Daly:** They saved the country.

**Sen. J. Barrack:** Internally. They can deal with internal aggression! We cannot really handle external aggression; and if we are talking about sanctions, we are talking about the sovereignty of other people; we are talking about interfering with the well-being of the citizens and the governments of other countries; and as a result, we must be careful how we proceed.

**Sen. Daly:** Mr. President, in the context of the Senator's remarks about our army, would he not agree that in 1990 our army substantially saved the country?

**Sen. J. Barrack:** I am not talking about internal aggression; I am talking about imposing sanctions on another country which can be conceived as an act of war, and in that context, we can expose ourselves to certain repercussions. Within that context, I am saying that we are not prepared for that kind of confrontation.

Basically, I am saying that we must look at the history of Trinidad and Tobago; the way in which we have voted internationally; the way we have been penalized when we take an independent stance and how we should tackle this situation if we are to go with this Bill.

**2.30 p.m.**

I do not know what is the true rationale behind it, but it cannot be because we believe that we can actually effect some of these sanctions, because we are not exporting anything in mass to any country, that we are exporting technology, or if we withhold food supplies or something, we would effectively put pressure on any government. We are merely going to add our voice to the people who would like to impose sanctions on a particular country.

If certain powers are not interested in putting pressure on certain governments we would not be able to do otherwise. For instance, in Algeria there is democracy, and there is a situation where there is a subversion of democracy, and we are not hearing of any inquiry on the international scene. I do not understand why.

The fact is that Trinidad and Tobago has not seen it necessary to make our independent voice heard on the Algerian situation, to show that, listen, we believe that democracy is being subverted in Algeria and we should carry out sanctions against the government of Algeria. We are going to wait until somebody else decides to do that, and then go from there. If we are toeing the line—we have been towing it happily. We saw when we broke the line recently in the Grenada situation that we were severely and economically punished for it.

I believe we should consider our position. We should use wisdom, and we should not be baited into believing that we can lead where we are not leaders. In this context I should like to advise the Government that it should consider the way in which it approaches the whole question of sanctions, and our position as a sovereign state within the global scenario.

I thank you.



**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Mr. President, I did not have the benefit of hearing the first day of the debate on the Economic Sanctions Bill, but I did have the opportunity of reading the *Hansard* record of the contributions made on that day.

As usual, I must say that it is a pleasure for me to appear in this Senate. There are always constructive observations made about legislation here. In that regard I may indicate that we have circulated some amendments which we hope will address some of the concerns expressed on the last occasion, and indeed, on this occasion.

Let me say that the Economic Sanctions Bill has nothing really to do with whether sanctions work or whether they cannot work. It is, of course, a concern that if in the global community it is felt necessary to impose some degree of pressure on a particular government, because of particular policies that that government may be adopting, economic sanctions are a measure which can be applied before, as a Senator pointed out, we get to a full-scale war type situation. It is a lesser evil.

Sanctions are a mechanism designed to put pressure on a particular state where the world and regional communities feel that that state is not acting in accordance with international or regional mores. There may be situations where sanctions will not work for one reason or another; and one does not dispute that.

The fact that sanctions may not work in a given situation is no reason for saying that independent sovereign states, part of an international community of nations, should not have that within their arsenal prior to dropping atomic bombs or whatever kind of bombs they may choose to drop at whatever time. It is a mechanism which affords to the independent state that leverage within the international community to deal with errant states.

Some concern has been expressed, and in some instances, I find some of the arguments a bit contradictory. There has been the concern expressed as to whether or not as a small developing nation Trinidad and Tobago is not being pushed into certain directions by the larger world states. We would be quite wrong in our analysis if we were to feel that small developing states are not influenced by larger states. It does not mean, however, that by enacting this legislation Trinidad and Tobago commits itself to any particular position which may arise now or in the future.

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The authority of the President to make an Order creating economic sanctions is permissive—the President, may by Order. We have seen in recent times that the Government of Trinidad and Tobago, or at least the party which is now in Government, has taken positions which are different from those taken by some of the major actors on the world stage.

We only have to recall, quite recently there was the question of taking refugees from Haiti, and the party which is now in Government thought that it was not in the best interest of Trinidad and Tobago, even though there was pressure from the larger world states, to accept refugees. The fact that there is a permissive mechanism established by this legislation does not mean that Trinidad and Tobago has to toe any particular line. It depends on the integrity of whoever is in government at the material time, and I can vouch for the integrity of the party which is now in power.

**Sen. Barrack:** It has very little.

**Hon. K. Sobion:** As I say, there have been some contradictory observations. On the one hand there was the observation that as a small developing nation Trinidad and Tobago will be pushed in certain directions. On the other hand, I heard from Sen. Barrack the sentiment expressed that, perhaps, Trinidad and Tobago should take a decision on its own in respect of some of those matters, and not wait for resolutions from international bodies. At the same time, that is a provision in the Bill which was severely criticized by Sen. Wade Mark.

At times I find it very confusing when one has to deal with rotational Senators because one gets the impression that there is no consensus in their approach. A Senator comes in one week and he says one thing, and another comes in another week and he says another thing, and the Senate Minority Leader adopts a very different position.

**Sen. Barrack:** Mr. President, on a point of order. I never contradicted my fellow colleague. I simply said that Trinidad and Tobago has not taken independent action to support democracy in a place like Algeria, but it has taken sanctions along with other states to deal with Saddam Hussein's invasion of Kuwait. We are not leading, we are following and that has been our trend. When we deviated in 1983, we suffered. I am saying if that is what they are going to do, say so, but I am not seeing it. I see the trend.

**Hon. K. Sobion:** I want to assure Sen. Barrack that even though it is sometimes difficult to follow his arguments, I do understand the point he is trying

to make. It is clear to me that what he was suggesting, and I say this in relation to clause 4(1) of the Bill, was that the Executive of the Government of Trinidad and Tobago should be pro-active in taking decisions and should not necessarily wait on any international or regional body. That is a provision which was criticized by Sen. Wade Mark.

**2.40 p.m.**

May I say that as something in the armoury of any independent state, it seems to me that the Executive must have within its arsenal the ability to take action on its own accord without having to wait on any international or regional body. I am certain that that is what Sen. Barrack would like to see happen: that the Cabinet of Trinidad and Tobago, without reference to any recommendation of an international or regional body, should be able to take such action as it may think necessary.

I am not questioning—and the observation has been made from the Independent Bench—whether such action, if taken, would be effective to the extent as if it were taken by one of the super powers. It may very well be that it will have no impact whatever, except that it makes a statement on the international community that this is Trinidad and Tobago's position in respect of the matter. That is what it means.

I think we are short-changing ourselves if we want to adopt the stance that it is only if one is an “arrived” country one should have within one's Executive arsenal the ability to take such action. As far as I am concerned, it is inherent in the life of any independent state to have the ability to take such action.

I am sure that none of us here will have any quarrel with the fact that the Canadian Government when they introduced such legislation in their Parliament gave the exact power to the Governor in Council to take such action as may be considered necessary in order to impose economic sanctions. I suppose that we still live in the shadow of larger countries, but I can tell you that at the end of the day it is a right which is inherent in any independent state to have as part of its mechanism in dealing with other countries on the international stage.

Section 4(1) of the Canadian legislation reads as follows:

"The Governor in Council may, for the purpose of implementing a decision, resolution or recommendation of an international organization of states or association of states, of which Canada is a member, that calls on

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its members to take economic measures against a foreign state, or where the Governor in Council is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crisis,"

may make such orders or regulations relating to international sanctions.

All that reflects is the residual power of the state, the Executive, to act in circumstances outside situations where an international or regional body may have made such a resolution. The provision is sufficiently circumscribed because it has only a very limited application. It applies where the Governor in Council, and I am referring to the Canadian legislation at clause 4—the Cabinet—where "the Governor in Council is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crisis."

This is not an everyday type of situation. This is a situation where some crisis of grave international proportions has occurred and the executive of an independent state has to act as a matter of urgency. And I can demonstrate in situations which are not too far-fetched. It could very well be that one day we may wake up and read on the newspapers or hear on the radio that the entire body of members of the United Nations is being held hostage in the United Nations building, in a situation where no international resolution can be passed because of the fact that a grave international crisis has occurred. All this provision does in clause 4(1) of the Bill is to leave it open to the executive in such serious and grave circumstances to take economic sanctions against the offending state or states, as the case may be. As I said, clause 4(1) is severely restricted by reason of the circumstances in which it can apply. It must be something of grave international import.

We have circulated certain amendments, and I want to assure members of this Senate that we have given serious consideration to some of the concerns that have been expressed. I think that even though we have not amended that provision, we have put in another safeguard which will further ensure that the population of Trinidad and Tobago and the Parliament have some input whenever economic sanctions are to be imposed.

We have installed a provision which is in the same vein as the provision which relates to states of emergency in the Constitution of Trinidad and Tobago and it is a provision which will fix the order for a specific period within which the

Government must come to the Parliament with a statement as to the reasons why economic sanctions have been imposed and a debate takes place within one month after the order has been made. Thereafter, the Parliament can discuss the reasons which have given rise to the imposition of such economic sanctions and the matter can be agitated at the level of Parliament.

I want to assure Members of this honourable Senate, that even though I did say at the outset that I was pleased with the kind of constructive observations that were made, I cannot help but say that sometimes, however, I am a little concerned with the expressions made in this Senate.

I recall reading the relevant *Hansard* and I want to make it quite clear that I have recently made statements about obstructionist policies in the Parliament. I have never, however, made those statements in respect of the Independent Senators.

I have always, whenever I am fortunate to be in this Senate, adopted the view that I would listen to whatever constructive observations are being made and try to find a way to accommodate them with any amendments which we may propose to legislation. I do it with respect to Opposition members, although it is the rarer occasion that one finds constructive observations being made that could be translated into legislation, but at the same time I listen and I know that we on this side pay very careful attention to what is being expressed in this Parliament in relation to legislation.

It is not a question of the Government making legislation. Our constitutional arrangements are such that the Parliament, composed as it is, is the body which is responsible for making legislation. The Government propose legislation in a particular format, and we then depend on the contributions of Members of this Parliament to ensure that we create legislation that serves the national interest.

### **2.50 p.m**

I made a note of some of the other criticisms made of the legislation, and one of them relates to the exemptions which the Minister has the power to grant. Tied in with that exemption and the observation made on that provision—I think that concern was expressed as to what was the purpose of the existing Customs Act, and what was its continued relevance after the passage, optimistically speaking, of this particular piece of legislation.

The Customs Act is a limited and restrictive piece of legislation which was not really designed for this area of activity. The Customs legislation, if one reads it,

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one will see that it was meant more for the protection of industry and trade within Trinidad and Tobago. It deals specifically with the banning of tangible product, physical product, as opposed to the embargo on financial services and technical data and so forth. It is restrictive in the sense that it deals with trade protection, it deals with health matters, and it deals with the control of dangerous substances.

If one looks at the Order which has been made pursuant to section 44 of the Customs Act, one will see that it is those concerns: concerns of health, concerns of safety, concerns of the need to protect trade within Trinidad and Tobago, which sponsored this section and the regulations made under it.

For example, one of the regulations in the First Schedule is the prohibition of the carriage of swine and swine products from coast to coast in Trinidad and Tobago. *[Interruption]* That is a health matter. It deals with the importation of firearms having a disguised appearance, and in particular pistols made to resemble stylographic pens and pencils. It is that kind of area in which the Customs Act is meant to operate. It does not have the kind of flexibility which the Economic Sanctions Bill provides. The provision which relates to the sequestration of property in Trinidad and Tobago of a foreign power is something which cannot be achieved under the Customs Act. The banning of financial services, the banning of technical data and advice is something which cannot be achieved under the Customs Act. The Customs Act has its own restrictive and limited application and will continue to be used in that way. The Economic Sanctions Bill provides the greater flexibility for dealing with an international approach to relations with other international countries.

Quite apart from that fact, one would think that exemptions are necessary, because it may very well be that there are circumstances which will warrant—for good and substantial reasons—the creation of exemptions. I think it was Sen. Rev. Teelucksingh, who was pointedly against sanctions altogether and spoke about the fact that very often the poorer classes in society suffered as a result of sanctions being imposed.

That, unfortunately, is a by-product of action of this kind, it cannot be helped, and as much as some doubt has been expressed, I am certain in my own mind that were economic sanctions not applied against South Africa, we would not have reached the situation where we are today. Granted, people have suffered under the economic sanctions regime, but the fact of the matter is, whether it took 32 years with Mr. Nelson Mandela imprisoned for 27 of those 32 years, the continued international pressure bore fruit at the end of the day.

The sanctions on sports, the isolation of South Africa by the international community, all of those were factors which led to the democratization of the political process in South Africa. And as I said, it may take time; the extent of the sanctions may have to be reviewed from time to time, but one cannot help but recognize that it is absolutely necessary to create exemptions so as to perhaps relieve hardships where they may occur from time to time.

The amendments which have been circulated do seek to take some of the direction which had been given earlier in this debate, and also to set within a framework the exercise of the Minister's discretion with respect to exemptions. We have formulated them in such a way that they would be applied for the purpose of relieving human suffering in that foreign state, or on any other humanitarian grounds. The Minister under the broad umbrella of "humanitarian grounds", can exercise his discretion to permit the export of oil and petroleum-based products, for example, to a particular country even though sanctions generally apply.

We have also provided, as an additional means of protection, that the Minister shall, in making those exemptions, lay the Orders in Parliament and that they be subject to negative resolutions of the Parliament. The Orders granting the exemption, can be questioned in Parliament if anyone feels there is good reason to do so.

Those are the two safeguards we have introduced based on the contributions which have been made. We have broadened the process, in that whilst leaving the Executive with the right to take emergency action or to take action at all, we have put in the safeguard that the Executive must come before Parliament and give a statement as to its reasons for the making of its decision and the matter be subject to debate.

I do not think that one can expect a responsible Government to do more than that in terms of creating sufficient safeguards to meet the concerns of the House.

**3.00 p.m.**

I had identified that the four concerns expressed were:

- the question of Cabinet, the Executive having the right to make such an Order outside any international or regional resolution;
- the question of what role Parliament has in making such decisions;
- the exemptions provision; and

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— the relation between this legislation and the Customs Act.

I think that the introduction of a provision for laying the statement of reasons in Parliament, and having a debate on it goes a long way in meeting all those concerns which had been expressed.

There is one other matter which is not contained in the amendments which have been circulated, but it was a cause for concern earlier in the debate. Sen. Daly made the point that the fines as contained in the Bill appeared to be *de minimis* and that that could lead to a situation where persons would be prepared to take the risk. I do not think he said it in quite as felicitous terms as that; I think he suggested that someone may go to the Minister with his export certificate and an envelope for \$25,000. It was a dramatic way of expressing his concern, in that fines may be so low that persons may run the risk of incurring the fine whilst maximizing the profits which they may make from black-market dealing in a country on which an embargo has been placed.

Whilst I accept the argument, the difficulty which I would lay before this Senate is that because we are dealing with a wide range of activity, a wide range of trading products, it becomes a bit of a hit or miss in determining what is an appropriate level of fine. We are dealing with the possible trade in petroleum products, we are dealing possibly with an embargo on the sale of tomatoes or cucumbers, and the volume of profit to be derived from each of those trading activities will differ.

I have looked at the Canadian legislation to see how they dealt with that particular position, and in fact, they stumbled across the figure of \$25,000 as well in fixing their level of fine. However, I have discussed this matter with members of the Government side and we are not opposed to finding an appropriate figure which would serve as a maximum, and it would then be within the discretion of the judicial officer dealing with the matter to fix an appropriate fine. So that if one was dealing with tomatoes as opposed to petroleum, the magistrate will then of course take those matters into consideration and assess the kind of levels of profit that a person is likely to make out of the illegal trade in which he may then be engaged.

Perhaps, I could suggest for the consideration of the Members of the Senate that a figure of the order of \$150,000 might be an appropriate maximum level which would give the magistrate or judicial officer some flexibility in dealing with each particular case.



The suggestion had also been made in that connection that perhaps there should be a continuing offence created. Whilst I agree, and we on this side fully appreciate that sentiment, I have always found it difficult to establish a proper mechanism for continuing offences. It becomes difficult to manage—and I can just perhaps share with the Senate one particular concern. Assume someone is importing a cargo of embargoed stuff from the United States of America—we may have declared economic sanctions against the United States of America—the question arises as to whether the offence starts on the day of importation and continues for every day while the ship is sailing to the United States, and whether it then becomes a series of offences.

Given the circumstances where one is dealing with acts of importation, it would seem to me sufficient to have a single offence which can be met with a specific penalty on every occasion on which it occurs. So that one does not run into the confusion as to whether a ship en route to another country commits an offence every day on which it sails.

So that whilst I agree that there should be an increase in the level of the sanction, and I have indicated the order of penalty which I think may be appropriate so as to give a sufficient flexibility to the magistrate, I think there may be some difficulty in creating a continuing offence in circumstances such as this.

I have tried to deal specifically with the concerns that have been expressed in relation to the actual Bill, and I think that the amendments which have been circulated address those concerns. I have also sought—and I regret that Sen. Rev. Teelucksingh was not here when I began this contribution—to deal with the apparent concern which had been expressed outside the legislation as to whether sanctions are an effective way of dealing with international deviance. I have sought to indicate that whilst it may create hardship—and no doubt it does, particularly to the more disadvantaged within a society—it is one step short of outright physical hostilities between nations, and provides a sufficient incentive on a deviant nation to act in accordance with international mores.

And whilst in some instances, as I pointed out, it may take 32 years to change the system, and 27 years in jail for Mandela, the ultimate effect is that it has the potential to be an effective means of dealing with deviant behaviour by international states. It provides a mechanism whereby pressure can be brought to bear by the international community, where it signals and gives each individual territory—it does not matter how effective their single voice might be—it sends a signal to the international community that this independent land, Trinidad and

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Tobago, a republic of 1.5 million people in the Caribbean, objects to the policies being pursued by your country. It makes that moral statement to an errant international state.

So that is the philosophy behind this legislation. It has no devious motive as has been suggested by Sen. Wade Mark; it does not of itself impose economic sanctions on any state: all it does is describe and prescribe the ability of the executive of a particular country to act in relation to its international obligations and its own perception of another country's default in dealing with its international obligations.

**3.10 p.m.**

I have also sought to explain the difference in the Customs Act—why it has a limited application. That is because it was conceived out of a different kind of thinking. It was not meant to deal with this kind of situation, it was meant to deal with trade protection within one's country, it was meant to deal with potential health problems, and this is why, Sen Barrack, the regulations ban swine. It was also meant to deal with national security matters, which is why it bans disguised weaponry, and so forth. So it has a limited application, and will continue to have an application in those areas.

The Economic Sanctions Bill, however, is a broader approach to what the international community perceives as a mechanism which can deal effectively with other states which are not conforming to their international obligations, or acting in a way contrary to the international mores which have been established. That is all this Bill seeks to do.

**Sen. Barrack:** Would the Minister give way to a question? Could he tell us what independent intelligence-gathering network we have in place, if we have one? Or are we putting one in place to gather information so that we can take independent action without relying on other people who might not want to take action together with us? If we are going to put sanctions in place, we must have intelligence upon which the Executive must act. I should like to know what arrangements have been made for that.

**Hon. K. Sobion:** I am grateful to the hon. Senator, who seems to have a concern about intelligence. Trinidad and Tobago is part of several international and regional organizations. Actions by nation-states of the world are readily transmitted to this Government as, indeed, to any government which is participating in international politics.

**Hon. Senator:** Unilateral action.

**Hon. K. Sobion:** The Government of Trinidad and Tobago will be informed, through its diplomatic and other sources, of actions taken by any particular state, which will inform it as to whether it should seek to apply sanctions of its own.

I had also indicated, that we may very well find a situation where an international organization has, itself, been hit by some kind of terrorist activity and is, therefore, unable to function and the capacity for states to act outside international or regional resolutions is inherent among the executive capabilities of a nation. As I said, it is done in the Canadian legislation.

The President of the United States, contrary to what Sen. Wade Mark said on the last occasion, has that power without recourse to Congress—although, as a matter of courtesy, I understand, he still reports to Congress on economic sanction activity that he may have taken. But it is inherent in the right of any independent state to be able to take decisive action without having to wait on an international or regional organization to pass a resolution.

As I say, it does not matter whether the lone voice of Trinidad and Tobago will make a difference. The fact is that we must have the capacity as a nation to make our international commitment known. It is a moral responsibility that we may find ourselves in, and we can make our position known on the international sphere, whether or not it makes a difference. Many of these matters depend on the international voice being communicated to that state which is erring in its responsibility. That is the point that the Government of Trinidad and Tobago will be able to make once this legislation is passed.

I think I have addressed the concerns which I have noted from my reading of *Hansard*. I also must apologize for the absence of the Minister of Foreign Affairs, who is out of the country on Government business.

**Sen. Daly:** What a blessing!

**Hon. K. Sobion:** It is therefore my privilege to stand in his shoes to wind up the debate on this Bill.

**Hon. Senator:** Bad choice of phrase.

**Hon. K. Sobion:** Mr. President, I therefore beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Clause 4.*

**Mr. Sobion:** Mr. Chairman, the proposed amendment to clause 4, which has been circulated to Members, is as follows—

Clause 4.

A. Delete the words "or Regulations" in subclause (1)(a) and the words "or Regulation" in both places where they occur in subclause (2).

B. Insert after subclause (2) the following subclauses:

"(3) Subject to subsection (5), an Order made under subsection (1) shall, unless previously revoked, remain in force for three months.

(4) Within fourteen days of the commencement of an Order made under subsection (1), the President shall deliver to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to make the Order was based, and a date shall be fixed for a debate on this statement as soon as practicable but in any event not later than one month from the date of the commencement of the Order.

(5) Before its expiration under subsection (3), the Order may be extended, either indefinitely or for

a specified period, by a resolution supported by a simple majority vote of the House of Representatives.

(6) Where an Order is extended for a specified period under subsection (5), it may, at any time before its expiration, be further extended in the manner provided for by subsection (5).

(7) An Order made under subsection (1) may, at any time, be—

- (a) amended by the President by Order subject to negative resolution of the House of Representatives;
- (b) revoked by a resolution supported by a simple majority vote of the House of Representatives."

The effect of the amendment is to delete references to the regulations, because it is contemplated that it will not be necessary to make regulations, and that the Order of the President can stand on its own. So we have removed the reference to regulations.

The substantive amendment, however, is contained in the new subclauses (3), (4), (5), (6) and (7), which provide that within 14 days of the commencement of an Order, the President shall deliver to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to make the sanction Order was based, and that a date be fixed for debate within one month of the signing of that statement.

The other subclauses provide for a situation where the Order will have initial effect for a specified period of three months and may, thereafter, be extended by a

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simple majority of the House for either an indefinite period or for a further fixed period. It also provides, that an Order may be revoked by a resolution supported by a simple majority of the House of Representatives unless it sooner expires for a specified period.

Those, Mr. Chairman, are the effects of the amendments to clause 4.

*Question on amendment, put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

**3.20 p.m.**

*Clause 5.*

*Question proposed, That clause 5 stand part of the Bill.*

**Mr. Sobion:** Mr. Chairman, I move that clause 5 be amended as follows:

"Delete the words 'and Regulations' and the words 'or Regulations' in paragraph (d)."

This amendment merely deletes the references to regulations, so that the words "and Regulations", "or Regulations" where they occur in paragraph (d) of clause 5 should be deleted.

**Mr. Chairman:** For the clarification of Members, the words "and Regulations", appear in line 1 of clause 5. The words "or Regulations" appear in paragraph (d).

*Question put and agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6.*

*Question proposed, That clause 6 stand part of the Bill.*

**Mr. Sobion:** Mr. Chairman, again there is an amendment circulated, the substantive amendment to clause 6 is to provide a framework within which the President may grant exemptions from a sanction Order. The amendment will be as follows:

"In subclause (1), delete the words 'The Minister may, on application in writing, issue' and substitute the words 'Where an Order made under section 4 is in force in respect of a foreign state, the President may, for the

purposes of relieving human suffering in that foreign state or on other humanitarian grounds, by Order, authorize the Minister to issue,"

. . . an exemption.

Also, importantly, with respect to this amendment, we have introduced a new subclause 3 which will provide that:

"(3) An Order made under subclause (1) shall be subject to negative resolution of the House of Representatives."

So that an Order granted on exemption will be laid in Parliament and be subject to negative resolution of Parliament. It fits in with the expanded framework, Mr. Chairman, of giving the Parliament an opportunity to comment on a sanction Order which may be made, and, again, a further minor amendment will be:

"Delete the words 'or Regulations' in subclauses (1) and (2)."

That is the extent of amendments to clause 6.

*Question put and agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7.*

*Question proposed, That clause 7 stand part of the Bill.*

**Mr. Sobion:** Mr. Chairman, there is another minor amendment to clause 7. I beg to move as follows:

"Delete the words or 'Regulations'."

May I also propose, Mr. Chairman, in keeping with the indication that I had given, the following amendment to clause 7.

"Delete the words 'or Regulations' in lines 1 and 2.

Subclause (a) will be deleted and reworded as follows:

(a) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for a term of five years; or

Subclause (b) will be deleted and the following will be substituted.

(b) on conviction on indictment, to a fine of three hundred thousand dollars and to imprisonment for a term of ten years."

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This will increase the fine and the term of imprisonment at 7 (a) to \$150,000 as the maximum and to imprisonment for a term of five years. With respect to clause 7 (b), to conviction on indictment to a fine of \$300,000 and to imprisonment for a term of ten years. These will be maximums so that the presiding judicial officer will be able to determine what the appropriate penalty ought to be.

**Sen. Daly:** Mr. Chairman, if you will permit a comment. It is a most robust and commendable amendment as indeed all the others are.

**Mr. Chairman:** I thought you would have made it \$375,000 to make it a Lara conviction. *[Laughter]*

*Question put and agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clauses 8 to 10 ordered to stand part of the Bill.*

*Preamble ordered to stand part of the Bill.*

*Question put and agreed to,* That the Bill, as amended, be reported to the Senate.

*Senate resumed.*

*Bill reported with amendment.*

*Question put,* That the Bill be now read the third time.

*The Senate divided:* Ayes 20, No 1

**AYES**

Huggins, Hon. R.

Barnes, Hon. B.

Yuille-Williams, Hon. J.

Draper, Hon. G.

Callender, S.

Mark, A.

Ojah-Maharaj, D.

Elder, Miss J.

Rahael, J.



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Gosine, Pundit R.

Hassim, A. M.

Maloney, A.

Nanga, J.

Mansoor, M.

Spence, Prof. J.

Rooks, J.

Mahabir-Wyatt, Mrs. D.

Ali, H.

Daly, M.

Dean, E.

**NO**

Teelucksingh, Rev. D.

*The following Senators abstained: S. Capildeo, C. Merritt, M. Hosein and J. Barrack.*

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. President, I beg to move that the Senate be adjourned to Tuesday, June 14, 1994, at 1.30 p.m.

May I also advise that I have had discussions with the leaders on the other side, and on that day we will seek to continue the debate on Sen. Diana Mahabir-Wyatt's Motion.

**Sen. Prof. John Spence:** Mr. President, may I crave your indulgence to make a comment. I would like to plead with the Government to utilize time that is available on Government Business days to allow Private Members' Motions to be taken. The last two Tuesdays we ended early and it seems to me that we have agreed, all of us when we took on this responsibility, to give up our Tuesday

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afternoons to the nation's business and that our time will be better spent if we could fill in with Private Members' Motions on those occasions when Government Business ends early.

Thank you, Mr. President.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 3.30 p.m.*