

*Season's Greetings**Tuesday, December 20, 1994***SENATE**

Tuesday, December 20, 1994

The Senate met at 1.30 p.m.

**PRAYERS**

[Mr. President in the Chair]

**SEASON'S GREETINGS**

**Mr. President:** Hon. Senators, I have received the following letter from His Excellency President Noor Hassanali, dated December 5, 1994:

"My Dear Sir,

On behalf of my wife and myself, I wish you and the honourable Members of the Senate and your respective families good health and peace and happiness during the Christmas holidays and throughout the New Year.

Yours Sincerely,

Noor M. Hassanali  
President of the Republic of  
Trinidad and Tobago.

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. President, on behalf of this side of the Senate I want you to convey to the President our own greetings on this occasion wishing the President and his family a merry Christmas and a most prosperous 1995.

**Sen. Wade Mark:** Mr. President, we, the Opposition UNC, the alternative Government of Trinidad and Tobago, extend to His Excellency and his family, our best wishes for a very warm, enjoyable, holy Christmas, and a very healthy, productive and positive 1995.

**Sen. Michael Mansoor:** Mr. President, we, the Members of the Independent bench join our colleagues in wishing His Excellency the President, happy holidays, a holy Christmas and all the best for 1995.

**Mr. President:** Hon. Senators, I join with all the groups in the Senate in thanking His Excellency for the good wishes extended to all Senators and their families.

An appropriate letter will be sent to His Excellency conveying the good wishes of Senators and their families to His Excellency and his family.

**ORAL ANSWER TO QUESTION**  
**Teachers' Salaries**  
**(Holy Name Convent, Port of Spain)**

*The following question stood on the Order Paper in the name of [Sen. Muntaz Hosein]:*

2. (a) Would the hon. Minister please state:-
- (i) the total amount of money paid in salaries and other emoluments for teachers at the Holy Name convent in Port of Spain for the year 1993;
  - (ii) the total amount of money paid in salaries and other emolument for non-teaching staff at the Holy Name Convent in Port of Spain for 1993;
  - (iii) the total amount of money paid in pensions and gratuities for teaching staff and for non-teaching staff at Holy Name convent in Port of Spain for 1993;
- (b) Could the Honourable Minister also state:
- (i) the amount of money given in grants to the Holy Name convent in Port of Spain for 1993;
  - (ii) the total amount of capital and recurrent expenditure for the Holy Name Convent in Port of Spain for 1992 and 1993;

**Mr. President:** Hon. Senators, with regard to question No. 2 in the name of Sen. Muntaz Hosein, may I state that this question was first placed on the Order Paper for answer a fortnight ago, on December 6, 1994. In accordance with the provisions of the Standing Orders, that was 21 clear days after notice was given. However, the Senate on that day granted leave to defer the answer for two weeks.

Unfortunately, since that date, I have seen reports in more than one of the daily newspaper which indicate that a matter before the Court of Justice is pending. The matter reported in the newspapers deals with exactly the same information being requested in this question. I am bound by the Standing Orders. It is not for me to deny anybody the right to ask a question or answer a question.

The question was perfectly in order when notice was given, but the Standing Order 17 (1) (g) (vi) which deals with contents of questions states:

*Oral Answer to Question*

*Tuesday, December 20, 1994*

"17 (1) (g) A question shall not be asked—

- (vi) about any matter then pending before any Court of Justice, or which reflects on the decision of a Court of Justice."

I have no alternative but to remove the question from the Order Paper. I see the Minister of Education is here to answer the question but, in accordance with the Standing Orders, it is my duty to remove this question from the Order Paper until—

**Sen. Capildeo:** Mr. President, may I seek some clarification. Standing Order 17 (1) (g) (vi) says:

- "(vi) about any matter then pending before any Court of Justice, or which reflects on the decision of a Court of Justice."

I believe we are all aware of what you have read and it seems to me that another issue is before the court, but the question is not before the court.

**Mr. President:** The question is dealing with a matter which is engaging the attention of the court and which, to all appearances, has taken on a very important aspect before the court. I would prefer the court to sort out its matters in the way that it is accustomed to sorting them out.

**Sen. Capildeo:** Mr. President, I shall bow to your preference.

**Mr. President:** I do not want the court to find that the Parliament is trespassing on any of its functions.

#### **ENVIRONMENTAL MANAGEMENT BILL**

Bill to provide for management of the environment within Trinidad and Tobago through the establishment and operation of an Environmental Management Authority, an Environmental Trust Fund and an Environmental Commission, to define the powers and duties thereof, and for related matters [*The Minister of Planning and Development*]; read the first time.

*Motion made*, That the next stage be taken at the next sitting of the Senate.  
[*Sen. Dr. L. The Hon. Saith*]

*Question put and agreed to.*

**JOINT SELECT COMMITTEE  
(APPOINTMENT OF)**

**Public Holidays**

**Mr. President:** Hon. Senators, I have received the following letter from the Speaker of the House of Representatives:

"Hon. President,

I wish to inform you that at a sitting of the House of Representatives held on Wednesday December 14, 1994, the House agreed to the following resolution:

*Be It Resolved* that this House consider it expedient that a committee of both Houses of Parliament be appointed no later than January 1, 1995 to consider the entire question of public holidays and to report no later than March 31, 1995.

*Be It Further Resolved* that the following five Members of the House of Representatives be appointed and nominated to join with a select committee of equal number appointed and nominated by the Senate to consider the entire question of public holidays:

Hon. Augustus Ramrekersingh

Mr. Desmond Allum

Dr. Rupert Griffith

Mr. Sahid Hosein

Mr. Chandresh Sharma

The resolution is forwarded for the attention of the Senate."

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

*Be It Resolved* that this Senate agree that it is expedient that a Joint Select Committee of Parliament be established to consider the entire question of public holidays and to report by March 31, 1995.

*Be It Further Resolved* that the following five Senators be appointed and nominated to serve with an equal number of Members from the House of Representatives on the said Joint Select Committee:

Sen. Camille Robinson-Regis  
 Sen. Pundit Ramcharan Gosine  
 Sen. Jean Elder  
 Sen. Junior Barrack  
 Sen. Diana Mahabir-Wyatt.  
*Question put and agreed to.*

**1.40 p.m.**

**ORDER OF BUSINESS**

**Sen. Dr. The Hon. L. Saith:** Mr. President, I seek leave of the Senate to deal with Motions Nos. 2 and 3 on the Order Paper at this time.

*Question put*

**Sen. Wade Mark:** Mr. President, we have no difficulty whatsoever in dealing with both Motions.

**Mr. President:** There are three Motions in all. Motions Nos. 1 and 2 are in the name of the Minister of Foreign Affairs, so we are dealing not with No. 1, but with Motion No. 2.

**Sen. W. Mark:** Oh, so we are not dealing with No. 1?

**Mr. President:** No. Then there is another one on the Supplemental Order Paper which is No. 3. It is a slight amendment that came back from the other place. Is that all right with you?

**Sen. W. Mark:** We have the amendment at the back.

**Mr. President:** We are dealing with the second Motion in the name of the Minister of Foreign Affairs dealing with the Privileges and Immunities (Commission of the European Communities) Order, 1994.

*Assent indicated*

**PRIVILEGES AND IMMUNITIES  
 (COMMISSION OF THE EUROPEAN COMMUNITIES)  
 ORDER**

**The Minister of Foreign Affairs (Hon. Ralph Maraj):** Mr. President, I am pleased to bring to this honourable Senate the following Motion:

*Privileges and Immunities Order*  
[HON. R. MARAJ]

*Tuesday, December 20, 1994*

*Whereas it is* provided by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01 (hereinafter referred to as "the Act") that the President may by Order declare that any international or regional organization or agency named or described in such Order shall, to such extent as specified in the Order, be accorded the privileges and immunities set out in the Fifth Schedule therein;

*And Whereas* it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament;

*And Whereas* it is expedient that the Order now be affirmed:

*Be It Resolved* that the Privileges and Immunities (Commission of the European Communities) Order, 1994 be approved.

Mr. President, this Motion really seeks approval for an Order to grant privileges and immunities to the Commission of the European Communities here in Port of Spain, the same privileges and immunities now enjoyed by the Diplomatic Missions in this country.

The agreement between the Government of the Republic of Trinidad and Tobago and the Commission of the European Communities on the establishment and on the privileges and immunities of the Delegation of the Commission of the European Communities was signed at Brussels, Belgium on September 14, 1993, with a view to normalizing the status of general relations and co-operation in accordance with Annex LXXIII of the Lomé IV Convention Joint Declaration relating to Protocol III on Commission Delegations, the text of which I quote:

"Within the context of their respective regulations the ACP states shall grant Commission Delegations privileges and immunities similar to those granted to diplomatic missions so that they are able to carry out the functions incumbent on them under the Convention in a satisfactory and effective manner."

Mr. President, although the Delegation of the Commission of the European Communities has had a Mission in Port of Spain since 1976, this Agreement formally expresses the consent of the Government of Trinidad and Tobago to the establishment of a Commission in Port of Spain, Trinidad and Tobago.

Similar formal Establishment Agreements have been signed by 51 ACP states including Caribbean states, Barbados, Guyana and Jamaica, with the European Commission. The Establishment Agreement requires the Government to:

- (i) accord legal personality to the Commission of the European Communities in Trinidad and Tobago and grant it the capacity to conclude contracts and to acquire and dispose of movable and immovable property, to conduct legal proceedings and to be represented for that purpose by the Commission in Trinidad and Tobago;
- (ii) accord to the Delegation of the Commission in Trinidad and Tobago and its head and members, together with members of their families forming part of their respective households, the same privileges and immunities corresponding to those which, in conformity with the 1961 Vienna Convention on Diplomatic Relations, are granted by Government the Diplomatic Missions accredited to the Government of Trinidad and Tobago and to the staff of such Missions;
- (iii) condition the grant of those privileges and immunities on Trinidad and Tobago's Mission to European Communities in Brussels, being accorded the same privileges and immunities;
- (iv) exclude from being accorded diplomatic privileges and immunities in Trinidad and Tobago, members of staff of the Delegation of the Commission in Trinidad and Tobago who are citizens or residents of Trinidad and Tobago or who are locally recruited. Where such persons are appointed as international staff of the Delegation of the Commission in Trinidad and Tobago with the consent of the Government of the Republic of Trinidad and Tobago, they are entitled only to functional immunity, that is, when they are carrying out their official duties.
- (v) recognize as a valid travel document the Laissez-passer issued by the European Communities to officials and other servants of its institutions.

Trinidad and Tobago already recognizes the United Nations Laissez-passer and now, if this Order is approved, the European Commission travel document would be accorded a similar status.

The agreement will come into force on the date on which the Commission receives notification from the Government of Trinidad and Tobago that domestic legal requirements, giving effect to the said Agreement in Trinidad and Tobago, have been completed.

Full diplomatic privileges and immunities to the staff of the Delegation of the Commission of European Communities, have been granted by several states—

states as varied as Japan, the former Soviet Union and the United States of America, although the commission is not regarded as a state, but as a supra-national legal and political entity on the international stage, possessing certain attributes of sovereignty. For example, through its extensive central institutions with governing authority in certain areas and its authority to conduct a broad range of international relations on its own behalf, the European Community is, therefore, clearly distinguishable from an international organization in the normal sense of the term.

**1.50 p.m.**

Trinidad and Tobago has always placed great emphasis on the Lomé Convention which is one of the main instruments of relations between this country and Europe. We have always placed great importance on that convention, as well as the more general aspects of our relationship with the European Community. We have benefited tremendously from the Lomé Convention, both in terms of preferential access to markets and in terms of project funding.

Trinidad and Tobago has been a participant in all four Lomé Conventions and was one of the first three countries to ratify Lomé IV which came into effect on September 1, 1991. Under the Lomé IV Convention, Trinidad and Tobago has been allocated 20 million ECUs, which amount to TT \$150 million; 17 million ECUs in grants for national projects and 3 million ECUs for structural adjustment.

Assistance under the Lomé Convention can come in the form of financial, technical or other co-operation, in two ways, either at the national level, through the national indicative programme or the regional level, through the regional indicative programme, which in our case, is monitored by the Cari-forum, which is the Caribbean component of the ECP grouping.

Under Lomé I, II and III, Trinidad and Tobago received a total allocation of 36 million ECUs for projects in water supply, road infrastructure, industrial equipment, rural development, tourism and trade promotion sectors, as well as in human resource development. National indicative programmes renegotiated in 1993 under Lomé III and IV, focussed on road rehabilitation, support for structural adjustments, as well as support for three programmes: Agricultural Youth Training Programme, the Small Business Development Programme and Rural Electrification Programme.

Trinidad and Tobago also benefits in the framework of the Lomé Convention sugar protocol with preferential access to the European market for our sugar. On a



yearly basis we have a quota of 47,000 tonnes to the European market, annual earnings of which may be estimated around 20 million ECUs.

The delegations of the European Commission in various countries play the usual role of liaison, but they also help on the ground with the implementation of community policy towards the ACP states. A very essential role in this respect is to oversee the proper execution of projects financed by the European Development Fund. Their work is important in Trinidad and Tobago and in other countries of the ACP, approval has been granted for privileges and immunities that are normally accorded diplomatic missions to countries.

We bring this Order to this honourable Senate, the enactment of which will facilitate the entry into force of the agreement between the Government of the Republic of Trinidad and Tobago and the Commission of the European Communities on the establishment of privileges and immunities of the delegation of the Commission of the European communities. I recommend the Order for approval by this honourable Senate.

Thank you very much, Mr. President.

*Question proposed.*

**Sen. Wade Mark:** Mr. President, let me welcome my colleague the hon. Minister of Foreign Affairs. I was not here to welcome our colleague in the Senate, Senator Camille Robinson-Regis, although I know for a long time that she was not present. But welcome back.

As the hon. Minister indicated, the Motion before us today seeks to confer Privileges and Immunities to the Commission of the European Communities in accordance with section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01.

You would recall that this Senate debated the Privileges and Immunities (Amdt.) Bill some time in April, 1994, which sought to confer juridical personality on certain agencies which fell within the purview of section 9 of the said Act. I am a bit surprised, based on what the hon. Minister has said, that this particular agency, that is, the Commission of the European Communities, has been in operation since 1976 or thereabouts, if I am not mistaken, and it is only now that Government has taken action to enforce the arrangements between parties.

We on this side would not have any major difficulty, or objection to the Motion before this honourable Senate, but merely state that the Commission of

the European Community, as we understand it, is made up of some 17 members, appointed by agreement between member-states of the European union.

As the hon. Minister indicated, the commission is the virtual guardian of many treaties establishing the European Union. It is supposed to be an impartial body which ensures that treaty provisions and community decisions are correctly applied. It can also initiate infringement proceedings against member states, and may, if necessary, refer matters to the Court of Justice, and can impose fines on individuals and companies for breaches of the communities' competition rules.

The Lomé Convention, again, as was mentioned by the hon. Minister, has the most important aid programmes in the world and is one of the principal instruments of the communities' policy on overseas development. The hon. Minister mentioned the sugar protocol. That is an area that all of us would be extremely concerned about, particularly with the expiration of Lomé IV, which is supposed to come to an end some time in the year 2002.

With all the liberalization and free trade fashions that are now parading on the world stage, we are concerned that the new Lomé V that would have to be negotiated in the year 2002 could, in fact, be jeopardized, having regard to some of the kinds of statements that are coming from Washington in particular.

**2.00 p.m.**

As you know, there is something called preferential shelters, or arrangements, which a number of Caribbean countries currently enjoy, in particular as it relates to the export of bananas and sugar. The whole new theology of free trade is now putting this particular arrangement into some severe danger, so much so that there is the belief that preferential shelter to Caribbean states, particularly shelter from the OECS area would be eliminated, if not partially, totally, by the turn of the century. It leaves the countries in a very serious position. That should be borne in mind as we proceed to give our support in principle, but we have some issues that we would like to raise, as we have raised in the past. We are certain that the hon. Minister would want to give us some guidance in this respect. We need to have some clarification on section 3 of this Order. It states:

The European communities shall have legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes and, in particular, it shall have the capacity—

- (a) to contract;

- (b) to acquire and dispose of real and personal property; and
- (c) to be a party to legal proceedings.

We have always expressed concern for the protection of our own nationals. When we enter into contractual obligations and arrangements with these institutions, it leaves nationals at the worst end of the arrangement. For instance, we feel that there is need for the Government to look at this question, particularly when one bears in mind some of the privileges that are being granted to the community or the delegation.

If one looks at section 6 of the order it states that. The privileges and immunities accorded to the head and members of the delegation of the Commission and to members of their families forming part of their respective households under paragraph 4, shall not be accorded to members of the staff, other than the diplomatic agents, who are nationals of or permanently resident in Trinidad and Tobago or are recruited locally.

What we have been seeing—and I am certain that the Government would want to examine this particular phenomenon that we have been experiencing for some time now—is that nationals who are employed in these international and regional agencies are being discriminated against. They do not have the privileges that are, in fact, conferred on the foreigners who are members of staff of the particular agency or organization. Yet, they do not have any right to the courts of Trinidad and Tobago. This is a most amazing arrangement and I think that the hon. Minister of Foreign Affairs needs to examine it very seriously.

We would like to know from the hon. Minister how many nationals are currently employed at this commission, is their status and occupation. The reason we are asking these questions is that there is need for some kind of protection for our citizens who are employed at these international agencies or organization if there is not recourse to the normal processes, particularly with respect to claims over property.

**Sen. Robinson-Regis:** Mr. President, I would just like to get some clarification from Sen. Wade Mar. What exactly does he mean by “they do not have recourse to the courts of Trinidad and Tobago?” Is he talking about the nationals of Trinidad and Tobago?

**Sen. W. Mark:** I am referring to section 3 of the Order. If we go through it very carefully we would see that it is not specifically emphasized in this section.

*Privileges and Immunities Order*  
[SEN. MARK]

*Tuesday, December 20, 1994*

When we grant legal personality and juridical personality to any entity, what it means from our perspective is that one cannot, as a citizen of Trinidad and Tobago, if one is employed in that agency, be in a position to sue. It happens.

There are numerous examples, for instance, at Cardi [*Interruption*]

That is an example. If they want to get down to the details, I can. I am saying that what we are talking about is a situation where workers and citizens would not have the right under this arrangement to deal in a very decisive way with these agencies and institutions. It is against this background—and I should like to note this—that Sen. Camille Robinson-Regis. I am making my contribution.

If the Minister believes that workers employed in these international agencies, including Cardi and the European Commission, have the right to sue and take legal action in the event that they are retrenched or dismissed and they are not given their rightful dues, I am not too clear. The Attorney General is here. He can clarify the issue. We have concrete examples where workers sought to sue a company, and in fact, they won. When they levied on that particular agency, the agency claimed diplomatic immunity and privileges.

The hon. Minister of Foreign Affairs is quite aware of this situation. We are saying that it is imperative therefore [*Interruption*] Mr. President, if I can have some order.

**Mr. President:** I never knew you needed it.

**Sen. W. Mark:** I knew that we had a crease-fire. I do not know if it is over.

**Sen. Huggins:** That was for the Budget.

**Sen. W. Mark:** Okay.

All we are saying on this side is that it is imperative for the Government to seek to delineate a policy on the status of employees of these organizations which fall within the purview of section 9 of the Act. We believe that it is critical, since this Government is legalizing contract employment via this particular arrangement.

**2.10 p.m.**

Based on this arrangement, it is now putting into law that citizens who enter into contract and employed with international agencies are doing so at their own risk. This is the crux of our concern—that citizens are entering into these contracts

at their own risk. Nationals are, therefore, left at the mercy of these institutions and organizations, which are not subject to liability under the Retrenchment and Severance Benefits Act of Trinidad and Tobago.

This particular agency would not be subject to liability insofar as the law of retrenchment and severance benefits is concerned. Hence the reason we are advancing our view that the Government needs to define a clear policy on nationals employed by these agencies.

We have a living example of this reality under Act No. 36 of 1981, which provided for the incorporation of Cardi and which did not, at the time, envisage the question of the regulation of industrial relations there. Today, the reality is that the immunity question allows Cardi, as a regional institution, to disallow the jurisdiction of any court, including our Industrial Court, because of a treaty which enshrines certain privileges and immunities. This is why, we seek to get from the hon. Minister his Government's thinking and policy on defining an arrangement where nationals and citizens of Trinidad and Tobago would be protected and their rights observed.

It is a denial of the human rights of the citizens of Trinidad and Tobago in such an environment. It is a violation of International Labour Organization Conventions Nos. 87 and 98. I bring these matters to the attention of the hon. Minister because we have laboured; we have repeatedly advanced this particular argument and we have received promises from the hon. Minister of Foreign Affairs, and from the hon. Minister of Education, who acted at one time as Minister of Foreign Affairs, that they would look into this matter. But here we are once more debating a very important issue involving granting or conferring privileges and immunities on institutions and organizations.

**Mr. Sobion:** Mr. President, Sen. Wade Mark referred to ILO conventions; I would he let us know whether the privileges and immunities which attach to these international organizations apply equally outside Trinidad and Tobago in relation to the places where these international organizations are situated.

**Sen. W. Mark:** Mr. President, in response to the hon. Attorney General, I would like to say that if this does not apply out there, we are arguing in Trinidad and Tobago for the Government to have a sensitive look at the question of citizens' rights in the context of these organizations. The Minister would probably want to refer to the Vienna Convention, which governs this arrangement.

*Privileges and Immunities Order*  
[SEN. MARK]

*Tuesday, December 20, 1994*

What I am saying to the hon. Attorney General is that the time has come—nothing is cast in steel or concrete—for the Government to be a little sensitive to this issue. If it means that the Government has to lobby to sensitize the international community to this particular issue, it will get our support 100 per cent.

The question is that we cannot deny the fact that there is a loophole, or what my colleague would refer to as a *lacuna* in this arrangement. We recognize that there is a convention governing this relationship, but we are saying that we need to pay some attention to some of the weaknesses and deficiencies. It could never have been the intention of the framers of this particular convention to allow workers to be denied their human and fundamental rights.

We are arguing that the Government needs, at least, to open its eyes and see what is happening. If anybody is familiar with the discrimination and denial of human rights insofar as workers are concerned in this particular privileges and immunities arrangement, it is the hon. Attorney General. He was arguing in favour of Cardi some years ago to deny those workers their rights. He knows about it. We have been to him and he is sympathetic to the matter. I find it strange that he would get up here at this time when he knows of the matter. That is one area about which we are concerned, and we will continue to ventilate that concern.

Another area we are concerned about has to do with the drug trade. We are granting immunities, and in this atmosphere of liberalization and privatization, where governments of developing countries are not establishing any serious regulatory mechanisms or devices to protect the national interest, in a situation of freedom without mechanisms to monitor, there is the possibility of liberalization being linked to drugs.

There was an article some time ago in the *Newsday*. I do not have the date, but it is headed "UN links liberalization and drugs." What the article was pointing out was that in the rush to free up the economy and grant all kinds of status, there would be diplomats—and I mean no offence here; I cast no aspersions. But we cannot escape from the reality that when we grant privileges and immunities, when we make people and institutions virtual gods and Caesars unto themselves, where they cannot be questioned; where they can kill people on the roads and not be locked up; where they can be involved in the gun trade and can leave by boat and go back to their homeland, we need to look at this matter very seriously.

This is why I would like to ask the hon. Minister of Foreign Affairs: What mechanisms are in place to monitor, supervise and ensure that there is no misuse and abuse of these privileges which are being granted whether it is to this commission or to any other agency?

I have an extract from *Hansard* dated December 1, 1989 on the whole issue of privileges and immunities. I will call the name of the person at the end of this quotation, so that Senators will understand the importance of the point I am making to ensure that we have some arrangement that does not permit people of whatever hue or colour to misuse or abuse their privileges.

**2.20 p.m.**

Mr. President, it had to deal with a debate on the question of Cardi, breaches of privileges and immunities in 1989.

"You know very well, Mr. Speaker, that it is recorded in the history of Trinidad and Tobago that—without wanting to name any country or any individual—the 'diplomatic bag' which is part of the privileges and immunities has been abused in many instances.

This country is experiencing a significant increase in the instances of trafficking of drugs. The transshipment of drugs from South American countries to the market areas in North America through several countries in the Caribbean now includes Trinidad and Tobago.

What I am saying is that in the light of all of this; in the light of the acknowledged concern of Members on both sides; in light of the acknowledged concern of the population of Trinidad and Tobago for drugs, the abuse of diplomatic privileges and immunities for the trafficking of drugs and situations such as those that were alluded to before this honourable House on its last sitting, how does the Minister and his Government propose to deal with those issues?"

In the concluding paragraph, it goes on:

"I would have thought that the Government would have been far more cautious in coming with a matter of this nature at this time. More than that, the Minister should have been, at least, courteous enough to say to this honourable Parliament how the Government proposes to prevent abuse—to the extent that it could be prevented—of the diplomatic privileges and immunities that they now seek to accord to yet another agency and institution."

**Sen. Rooks:** Mr. President, I would like to wish Sen. Wade Mark a Happy Christmas and a speechless New Year.

**Sen. W. Mark:** Mr. President, I seek your guidance on this, Sir. You see with my good Friend Sen. Rooks all things are possible. *[Interruption]*

I myself should like to extend greetings to the Senator. I would like him to be very speechful—I would try to be speechless—in 1995.

Mr. President, the quotation came from a speech of the hon. Prime Minister of Trinidad and Tobago, at the time, Leader of the Opposition. When we raised the issue on this side, on the need for us to look at this question about diplomatic *[Interruption]* Mr. President, may I have your protection? I know that this is the last day and my colleagues would like us to leave—*[Interruption]* No, I am on the floor. *[Interruption]* No, I am not boring the Senate.

**Mr. President:** Hon. Senators, Senator Wade Mark is making a very serious contribution to this Motion before the Senate *[Laughter]* and I would like you to observe the Standing Orders to let him be heard in silence.

**Sen. Wade Mark:** I am glad of your protection, Sir.

Mr. President, the fact of the matter is that I raised these— *[Interruption]* I am still hearing whispers. Do I have to pull my blue book?

**Mr. President:** Sen. Wade Mark, concentrate on the Chair, please.

**Sen. Wade Mark:** I will, Sir.

The fact of the matter is that I would like my hon. Friend *[Interruption]* The fact is that these matters are raised not in a jovial context and we on this side would like the hon Minister to address these concerns that we have expressed here. I know that when we rise to speak on these occasions, sometimes people want to leave early; I have no difficulty with that. I also would like to leave early, but there are concerns, Sir, and we took the opportunity to express them and to ensure that the hon. Minister, at least, understands our concerns on this side of the Senate. For purposes of speed we would not want to detain the Senate any further.

I want to say on this side that we support the Motion before the Senate. We have no difficulty in giving support to this Motion, but of course we would like to have our concerns we raised, clarified by the hon. Minister.

I thank you very much.



**The Minister of Foreign Affairs (Hon. Ralph Maraj):** Thank you very much, Mr. President, and may I thank the hon. Senator for his contribution and also for his support of the Order.

He did raise one or two matters which I would like to briefly respond to. He expressed some concerns about Lomé V and the possible threat that could arise to the preferential access that we now enjoy on the European Market for bananas and our sugar.

May I simply say that the whole question of preferential access is becoming more and more a very contentious matter, as developing countries seek to maintain the kinds of access and the preferential arrangements within the context of the liberalized environment. We in Caricom have been waging a constant war in this regard and we feel that we have been very successful thus far, in maintaining, for example, the market for Caricom bananas as they face the threat from the dollar producers elsewhere in the hemisphere. We will continue to fight on this matter because we are convinced that the Lomé arrangement is a very sound one. It is an arrangement that is a good example of North/South co-operation, good example of co-operation between developing and developed countries.

It is in our interest to maintain this convention, whether it be through the trade regime or the Aid Protocol, whether it be through the national indicative programmes or the regional indicative programmes. We will continue to fight on this particular matter.

May I also say though, that I am getting the impression that there is an increasing sensitivity on the part of the international community respect to the vulnerabilities of small island economies. We saw that emerging in the recent hemispheric summit that we attended. We in the Caribbean and Latin America had to wage a war, had to lobby, had to insist on certain matters being brought onto the agenda of the hemispheric summit.

### **2.30 p.m.**

I am particularly pleased that we were able to get the trade matters dealt with so concretely and substantially. If one looks at the declaration of the hemispheric summit one would see that there is mention of the special arrangements that will have to be put in place for small island economies when, indeed, the free trade of the Americas comes into operation. For something like that to happen, I am saying, is a sign of the growing awareness of the special cases of these countries,

*Privileges and Immunities Order*  
[HON. R. MARAJ]

*Tuesday, December 20, 1994*

many of which belong to the Caricom integration movement of which we are a part. I just want to make that point in reference to the Senator's concern with respect to sugar and bananas.

Sen. Wade Mark also raised the question of the diplomatic privileges and immunities not being accorded nationals who are working in the diplomatic institutions. All I can say about that at this time is that we are a signatory to the Vienna Convention, which has certain rules, stipulations and regulations. It is a convention that is internationally accepted in the conduct of international relations, and when we signed it we agreed to adhere to these conditions.

I can foresee a rupture in our diplomatic relations if we were to enact any kind of legislation in Trinidad and Tobago which allows our Government or the workers who are working in diplomatic foreign institutions and foreign missions and so forth in Trinidad and Tobago to take actions that are not allowed their counterparts elsewhere. That is the first point I want to make in response to what the Senator said.

I also want to suggest that if we are to grant diplomatic privileges and immunities to nationals who are working in foreign missions and international organizations, we run the risk as well of separating those nationals from the rest of the national community. However, let me say that the concerns raised by the Senator are worthy of consideration and must be kept in mind. But all I can say at this point in addition to what I have said with respect to our being a signatory to the Vienna Convention is that as the whole business of foreign relations and international relations evolves in this increasingly interdependent world, one may find the opening to deal with some of the concerns raised by the Senator.

He also raised the question of drug trafficking and so forth, and I must say the Senator went to certain extremes here where he talked about people being Gods and Caesars and so forth, people being free to kill people—very extreme language he used to make the point—*[Interruption]*

**Sen. W. Mark:** On a point of clarification. I just want to let the Minister know for the record that there is recorded in this country where a Peruvian diplomat used his diplomatic privilege some years ago to trade in guns in and deal in counterfeit moneys in Trinidad and Tobago. That happened in the NAR regime, so all I am advancing is that we have to be very cautious in this particular arrangement.

**Hon. R. Maraj:** Very well, but I still find it a bit extreme to suggest that the privileges and immunities that are accorded diplomats under an international convention, can be abused in the way the Senator mentioned. I am not saying that situations like the one he just mentioned would not occur. I am sure it did occur and there would be unscrupulous individuals seeking to abuse any system.

The Senator also asked what systems there are to monitor the situation. The systems that we have in Trinidad and Tobago with respect to our own national security, the monitoring of criminal activity and so forth will and do apply. Whilst there may be immunity from legal process, one does not turn a blind eye to any nefarious activities taking place in one's country. There are ways and means to deal with it. For example, diplomatic recall. So that whilst it is true that there is the opportunity for abuse of these diplomatic privileges and immunities, we continue to monitor the situation throughout our country and we are in a position to determine if any wrongdoing is indeed taking place.

Mr. President, this really is in response to the concerns raised by the Senator and I want to thank him for his contribution—very amusing in parts, and a very lighthearted session here in the Senate today. I want to thank him for his support and also thank the other side for their support of this Order. I thank you, Mr. President.

*Question put and agreed to.*

*Resolved:*

That the Privileges and Immunities (Commission of the European Communities) Order, 1994 be approved.

#### SEASON'S GREETINGS

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Mr. President, at the start of today's sitting season's greetings were extended from the President. Being a person who frequents this House, I also want, on behalf of my colleagues in the other place, to extend warm Season's Greetings to Members of the Senate.

#### TRINIDAD AND TOBAGO ELECTRICITY COMMISSION (AMDT.) BILL

#### House of Representatives Amendments

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Mr. President, I beg to move,

*Electricity Commission (Amdt.) Bill*  
[HON. K. SOBION]

*Tuesday, December 20, 1994*

That the House of Representatives amendment to the Trinidad and Tobago Electricity Commission (Amdt.) Bill, 1994, listed in the Appendix be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 7.*

In the new section 34A(3) (a), delete the word "Order" and substitute the words "licence agreement".

**Hon. K. Sobion:** Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

*Question proposed.*

*Question put and agreed to.*

#### SEASON'S GREETINGS

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. President, before I move the adjournment of the Senate I want to take this opportunity to wish you and your family, my Senatorial colleagues and their families, Merry Christmas and a very prosperous New Year. To our very hard working staff who diligently and competently serve us during the course of the year, may I also take this opportunity to wish them and their families Season's Greetings and best wishes for the New Year.

**2.40 p.m.**

**Sen. Wade Mark:** Mr. President, after a very difficult year for poor and working people in Trinidad and Tobago, on behalf of the United National Congress, we extend to you and your family warmest felicitations, also to our fellow Senators, Independents—in spite of Johnny—and wish them the best of health, strength, happiness and peace in 1995. In spite of their devious behaviour, I take this opportunity to extend to each Government Senator and his or her family warmest greetings and an enjoyable and holy Christmas. I hope that in 1995 we would have a very reflective period ahead of us.

I cannot take my seat without expressing my heart-felt appreciation and extending my best wishes to the members and staff of *Hansard*; our couriers; the Sergeant-at-Arms; my good Friend, the Clerk of the Senate; and all of those people who have assisted us enormously during this period.

*Season Greetings*

*Tuesday, December 20, 1994*

Of course, may I take this opportunity to wish the members of the media—the reporters and so forth—a very warm Christmas and a very bright and prosperous 1995.

**Sen. Michael Mansoor:** Mr. President, on behalf of the Independent Senators, I wish you and your family all the best for Christmas and the New Year. We wish our colleagues on the Government Benches and the Opposition Benches all the best for Christmas and the New Year. Also, the parliamentary staff, those who have worked with us here and those who labour in the back, we thank them for the support they have given us and we wish them a good holiday and all the best for 1995.

**Mr. President:** First of all, I thank—I do not know whom to ask for protection—the Members of all groups in the Senate for their kind wishes to me and my family for Christmas and the New Year, and to reciprocate by extending, on behalf of my wife and my family, to all Senators and Members of the other, our sincere wishes for a holy and joyful Christmas and peace, happiness and good health in the New Year.

It is my sincere hope that the true message of Christmas, which is peace, will permeate the minds, hearts and souls of not only hon. Senators and Members of the other House and their respective families, but the entire population. I hope that we would all find peace within ourselves and also with our fellowmen and, finally, peace with our Creator. After that, we would automatically have all the joy that flows from such peace. I wish you all good health and happiness.

I join in thanking the members of the press, both weekly and daily, the electronic media, the television, the radio stations and the Information Services Division—the film unit and the television unit.

Last but by no means least, I thank the members of the police service who have served us throughout the year and given us the protection that we needed, particularly those of the special services who are not uniformed and cannot be seen and noticed. We wish them and their families, and all their colleagues, good health and happiness in the New Year and peace and joy at Christmas. Of course, I notice on evenings that members of the Defence Force have joined with the security around the Red House for the Senate.

I thank you all. I was not here last year to receive the thanks in person but the wishes were very much appreciated particularly, in the condition that I then was.

*Season Greetings*  
[MR. PRESIDENT]

*Tuesday, December 20, 1994*

I do not think it would be sacrilegious to refer to the birthday of the acting Clerk of the Senate who celebrates his birthday today and the acting Clerk of the House who celebrates her birthday tomorrow, and to wish them happy birthday.

#### ADJOURNMENT

*Motion made,* That the Senate do now adjourn to a date to be fixed by the President. [*Sen. Dr. The Hon. L. Saith*]

**Mr. President:** Hon. Senators, before putting the question—we have to end on a good note—Sen. Barrack has been granted leave for a long time now to raise a matter on the motion for the adjournment. It deals with flooding at Pioneer Drive, Sea Lots. The Minister of Works and Transport and Minister of Local Government is here and we have the time this afternoon, so I ask Sen. Barrack to raise his matter and remind him that he has 15 minutes to present his Motion and the Minister has 15 minutes to reply.

#### **Flooding (Pioneer Drive, Sea Lots)**

**Sen. Junior Barrack:** Mr. President, there are few times when a simple human issue can move us with such profundity that we are infused with disgust and overcome with emotion. Scenes such as the famine in Somalia and devastation in Bosnia come to mind. The plight of the residents of Pioneer Drive, Sea Lots falls into this category. Their living conditions—as bad as they were—are exacerbated by frequent flooding and its attendant ills. Living conditions there also challenge the very limits of human tolerance and resilience and severely erode the human dignity of this beleaguered community to their minimum.

During 1991 the residents of Pioneer Drive, assisted by the National Flour Mills, built approximately 150 feet of drain beginning at the back of the public bath and continuing southwards to the sea. When the PNM captured power in December 1991, the programme was stopped. The Unemployment Relief Programme was introduced and work was commenced from the southern side, that is the seaside, of the community northwards, apparently to connect with the portion of the drain completed under the auspices of the National Flour Mills.

I am told by the community leaders that during and after the construction of the portion of the drain on the northern side of the community they did not experience flooding from to this drain overflowing, except in extraordinary circumstances such as heavy rainfall over an extended period coinciding with high

tides. However, since the URP commenced work in 1992 things have become progressively worse. It appears that the gradient of the present drain construction is such that with every inch of drain built there is a corresponding build-up of water in both the unfinished and finished portions of the drain to the north.

### **2.50 p.m.**

One resident referred to the method and the effects of the construction as the "slow death." Ten workers worked every day for at least 20 fortnights per year for the past three years, producing 50 feet of drain measuring two-and-a-half feet on each side and the floor measuring about four feet in width. This amounts to 0.12 inches of drain per individual per day in productivity.

The back-up of water winds its way through the community like an indecent snake imposing a slow deadly squeeze on its inhabitants. There is a serious health hazard posed by this stagnant water. Dead animals can be seen decaying in the drain. There is also a severe infestation of mosquitoes. During and after the slightest rain, the drain overflows spreading its putrid content into the homes and yards of the residents. Additionally, the toilets and latrines, or outhouses, in the area overflow. When the drains overflow the faecal content of the latrines is spread around the community and into their houses and yards as well.

The recent coverage by *TV 6* of the situation showed children with clusters of sores all over their bodies. These children play in yards, in or near the pools of faeces and water left behind after each flood. The community seems to be tottering on the brink of a major epidemic. In a letter to the Minister of Works dated or delivered on or about October 20, 1994, the Community Council of Sea Lots, not only outlined the problems I mentioned, but also offered solutions which were as follows:

#### Short term—

1. Clear the drain of debris and plants;
2. Bring in a water pump to be used to keep the level in the drain to a specified minimum.

#### Long term—Bring in professionals to review the construction of the drain.

A copy of this letter was sent to the Prime Minister and the parliamentary representative for the area, The Hon.. Jean Pierre. No acknowledgements have been received to date. However, when the broadcast, done by Mr. Bruce of *TV 6*,

*Flooding*  
[SEN. BARRACK]

*Tuesday, December 20, 1994*

came over national television, it so moved the representative—not with compassion, but with embarrassment—that she sent her driver to transport the community leader to her office. What transpired at that meeting is so degrading and can so affect the already battered image of parliamentarians, that I refuse to mention it here.

Suffice it to say that the representative has done absolutely nothing since to alleviate the plight of the residents of Pioneer Drive, Sea Lots. I hope the Minister in his reply will bring some good news to these residents. How tragic, how brutal, how wicked can the PNM appear before our eyes! These people of Pioneer Drive are their supporters. Why are they made to suffer under the PNM like this? Please, Mr. Minister, the unemployment and widespread poverty are already a sufficient burden for any community to endure. Let flooding on a regular basis be a thing subtracted from their burdensome woes.

Thank you, Mr. President.

**The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert):** Let me just give some more accurate information on the matter raised by Sen. Barrack.

Pioneer Drive, Sea Lots is located next to the IDC industrial estate at Sea Lots. The lands in question were reclaimed from the sea approximately 30 years ago and the area from which the complaint emanates is below the level of the surrounding land. As a matter of fact, in many parts of that area the land is below high tide level.

What we are dealing with is an informal community where people have settled on swampy lands, which are generally flooded at times of high tide. One would understand, therefore, that drainage of such an area is almost impossible and the real problem is the fact that at periods of high tide the sea water enters the land to which Sen. Barrack is referring. So there is no easy solution.

There is absolutely no question of wickedness, vindictiveness, or any of the other extravagant adjectives which Sen. Barrack likes to use on occasion. The statistics quoted by Sen. Barrack are, as usual, totally inaccurate. The question of the amount of drain being done, how long it took and so forth—absolutely false, as usual.

The work began under this administration in 1993, not in 1992 as the Senator has alleged. My information is that far more work than was indicated by Sen.



*Flooding*

*Tuesday, December 20, 1994*

Barrack—I think he said 50 ft., or 0.12 inches per individual per day—was done. I will not bother to get into details, but I wish to draw the attention of the Senate to an article in the *Newsday* of Monday, October 24, 1994:

"In two and a half years 14 men attached to the Unemployment Relief Programme (URP) have built 630 ft. of drain in the Sea Lots area"

So I think if we accept that 630 ft. is correct, then we will see that—

**Sen. Barrack:** In that article the footage was inaccurately reported. The residents brought in the reporter to do exactly what they wanted—broadcast their pligh—and 630 ft. of drain was inaccurate reporting. We measured the drain which was 60 ft.

**Hon. C. Imbert.** Mr. President, as I said, Sen. Barrack's figures are totally false, but let me go on with this article.

"This means work is progressing at snail's pace at eight inches a day..."

A gentleman who indicated he was President of the Sea Lots Community Council said that:

"Since work commenced on the project in early 1992, the area has been flooded and water is constantly backing up due to the clogged drains."

He went on to criticize the Government, the Member of Parliament, and so forth.

But, Mr. President, there is a photograph attached to this article and I see somebody who very closely resembles Sen. Barrack. In fact, this is not an article by residents of Sea Lots; it is an article from Sen. Barrack who, in my respectful view, has misled the media. The other gentleman is the former unsuccessful NAR candidate in the 1992 local government elections. So here we have a UNC Senator and an unsuccessful NAR local government candidate, going to the newspapers with false, misleading and totally inaccurate information. The fact is, this is the *modus operandi* of Sen. Barrack and his colleagues.

**Sen. Barrack:** I will not trust you any more; and I am losing respect for you.

**Hon. C. Imbert:** Nevertheless, the Ministry of Works does intend to try to alleviate the difficulties of the residents in the area.

**Sen. Barrack:** That is what I want to hear.

**3.00 p.m.**

**Hon. C. Imbert:** The fact is also that several dwellings have been constructed on swampy lands which are below high tide level, making it exceedingly difficult to construct a drainage system which can drain such an area. Nevertheless, in our national drainage development programme where we are accessing some funding from an international agency, we do intend to carry out major dredging works in the St. Ann's river estuary—which is in the Sea Lots area—as, and we expect this work to commence some time towards the end of 1995.

Dredging will relieve the drainage problems in the area during periods of low tide and mid tide and so forth, but I am sorry, we cannot relieve the drainage problems during periods of high tide, since the area is below the high tide level area and water does not flow uphill, as I have said many times.

It has been recommended to the Ministry that relocation of the residents is perhaps the most practical alternative. However, this would be extremely expensive. It would require major capital works to be done, but we are looking at it; we are a caring Government after all. It is my understanding that the Member of Parliament regularly visits the area and communicates with the residents and is seeking to assist them and to improve their quality of life.

So that I cannot agree with the statements of the Senator. I do not accept that there is any problem between the Member of Parliament and the community council. That is not my information. I have spoken with the Member of Parliament about this. There is quite a good relationship between the community council and the Member for that area. The Ministry of Works and Transport, the Member of Parliament and the Government will continue to do whatever they can for the residents of this area.

I thank you, Mr. President.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 3.05 p.m.*