

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT**

**IN THE FOURTH SESSION OF THE FOURTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON JANUARY 13, 1992**

SESSION 1994—1995

VOLUME 44

SENATE

Tuesday, July 18, 1995

The Senate met at 2.00 p.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon Senators, I have granted leave to Sen. Martin Daly to be absent from sittings of the Senate during the period July 12 to July 18, 1995 as he is out of the country.

I have also granted leave of absence to Sen. The Hon. Joan Yuille-Williams to be absent from today's sitting as she is out of the country.

I have also granted leave of absence to Sen. Wade Mark to be absent from today's sitting.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received a letter from His Excellency the President appointing Prof. Kenneth Ramchand to be a temporary Senator with effect from July 17, 1995 and continuing during the absence from Trinidad and Tobago of Sen. Martin Daly.

I have also received a letter from His Excellency appointing Mrs. Norma Lewis-Phillip to be a temporary Senator with effect from July 18, 1995 and continuing during the absence from Trinidad and Tobago of Sen. Joan Yuille-Williams.

OATH OF ALLEGIANCE

Senators Norma Lewis-Phillip and Prof. Kenneth Ramchand took and subscribed the Oath of Allegiance as required by law.

Secondary Schools Football Bill
[SEN. S. CALLENDER]

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SECONDARY SCHOOLS FOOTBALL LEAGUE (INC'N) BILL

Select Committee Report

Presentation

The Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources (Sen. Stanford Callender): Mr. Vice-President, I beg to present the report of the special select committee of the Senate appointed to consider and report on a Private Bill for the incorporation of the Trinidad and Tobago Secondary Schools Football League and for matters incidental thereto.

ORAL ANSWERS TO QUESTIONS

Scholarships Awarded

(1992-1994)

36. Sen. Hydar Ali asked the Minister of Education:

For each of the years 1992, 1993 and 1994, could the Minister please give the Senate the number of further additional scholarships awarded in each of the five categories?

The Minister of Education (Hon. Augustus Ramrekersingh): Mr. Vice-President, further additional national scholarships awarded in each of the five categories for the years 1992-1994 are as follows:

<u>Subject</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
Business Studies	Nil	1	1
Languages	Nil	Nil	Nil
Mathematics	6	8	6
Modern Studies	Nil	Nil	Nil
Science	24	21	23

Sen. Ali: There is a disparity in the award of scholarships in the various categories. Is the Government considering doing anything to make the distribution more equitable?

Hon. A. Ramrekersingh: In the first place, as far back as 1993 we signalled to the schools that in the case of business studies, there would be a change in the composition of that group in respect of scholarships. The first effects of that will be seen when the 1995 results are received.

What happened very often in the business studies group is that a student may do—I get down to very concrete details—pure and applied mathematics, additional mathematics and computer studies and get very high marks to win the scholarship, whereas the traditional subjects—economics, management of business, principles of accounts—students found it very difficult to achieve the marks. We gave two years notice of the adjustments so those who were going into sixth form in 1993 would know in advance.

On the question of the other areas, the problem of the further additional scholarships is that they go strictly on the marks. The science and mathematics students generally get higher grades than the others as could be seen from the awards. At present, the scholarship committee of the Ministry of Education is studying the issue. It has made some preliminary proposals. I want to assure you that by the time the school year 1995-1996 starts, some adjustments would be made. I do not want to be premature but we are aware of this disparity. We do not wish to change the rules in midstream. The examinations have already taken place.

**Government Scholarships
(1992-1994)**

37. Sen. Hydar Ali asked the Minister of Education:

For the years 1992, 1993 and 1994, could the Minister please state:

- (a) How many Government scholarships based on Cambridge A-level results were not taken up by the respective winners;
- (b) Whether these scholarships were subsequently awarded to other eligible students; and
- (c) How many of the scholarship winners other than the open scholarships are funded by the Government at foreign universities?

The Minister of Education (Hon. Augustus Ramrekersingh): Mr. Vice-President, awards which were not taken up are as follows:

Year	Number
1992	14
1993	13
1994	13

According to present policy, scholarships not taken up within two years of the year in which they were awarded are considered to have lapsed. Awards are not offered to other students.

In the open scholarships, only nationals were funded by the Government at foreign universities for 1992—1994.

Government Scholarships
(Criteria)

38. Sen. Hydar Ali asked the Minister of Education:

Could the Minister please state the specific criteria used in awarding Government scholarships based on the Cambridge A'level results?

The Minister of Education (Hon. Augustus Ramrekersingh): Mr. Vice-President, national and additional national scholarships are based on the order of merit list of candidates prepared by the University of Cambridge Local Examinations Syndicate. Candidates must be nationals of Trinidad and Tobago and be under 20 years in the year of the examination.

I wish to advise further that in view of numerous requests for the award of additional scholarships, the matter is being reviewed and specific consideration is to be given to selecting other eligible candidates on the order of merit list to replace scholars who declined their awards in the year they were awarded.

Sen. Ali: Mr. Vice-President I wonder if the hon. Minister would elaborate on the criteria he just spelt out. In other words, are the grades, and the profiles, or the actual marks used? In the case of students doing three subjects are all three subjects used plus General Paper, or two subjects plus General Paper?

Hon. A. Ramrekersingh: The merit list is based on the actual marks, although for purposes of the results there are grades A, B and C and each grade represents a range of marks so that a student may obtain three As and another one two As and a B, and yet the scholarship may go to the student with two As and a B, because there may be three borderline As, two excellent As, very good B, and in aggregate the marks are superior.

I wish to state that the Cambridge Syndicate prepares the merit list. The Ministry of Education do not prepare it. We follow that list and if we see any area of doubt we consult them. Candidates are considered in their three subjects plus General Paper. Grade C must be obtained in General Paper to be eligible for the scholarship.

Sen. Prof. Spence: I wonder if the hon. Minister would say whether there is likely to be a review of the rather strange policy whereby the best brains in this country are sent at taxpayers' expense to foreign universities rather than to our university?

Hon. A. Ramrekersingh: Mr. Vice-President, that policy was announced some months ago to take effect from the 1995 results, that the top student in each of the five groups, will be entitled to study at any university of his or her choice funded by the Government. I do not see any change of policy in the near future.

Perhaps I should give this Senate some statistical data. In 1992, of the five open scholarships, three persons studied abroad and two at the University of the West Indies; in 1993, the figures were the same, three abroad and two at the University of the West Indies; in 1994, two have already gone abroad and during the course of the next academic year, three will be going abroad.

Sen. Prof. Spence: Could I ask the hon. Minister whether he does not consider it an unusual policy even though it may be the Government's policy that one should deliberately allow the possibility of the best brains in the country going abroad and depriving our university of that facility? Is it not a strange policy for a country to do this?

Hon. A. Ramrekersingh: I do not consider it a strange policy. I consider it an enlightened policy.

Sen. Mahabir-Wyatt: Would the Minister comment on this? I was wondering if there is not a need to look at the criteria from the point of view of what the country needs rather than the total number of marks. We have categories in business studies, language, maths, modern studies and science. Is our need for mathematicians greater than our need for people who have studied language or business?

2.15 p.m.

Hon. A. Ramrekersingh: Mr. Vice-President, the fact that a student may win a scholarship in mathematics does not necessarily mean that he will follow a university course in mathematics.

In responding more fully to that question, we have to go beyond the national scholarships. There is also a large number of scholarships awarded by the Government for other areas of study, some of them specific to certain professions. The national scholarships are based on academic excellence.

Sen. Prof. Ramchand: I wonder if the Minister can say whether he knows that all examiners accept that the number of marks given to a person can vary by three points on either side of the one that is actually given. There is therefore an absurdity, beyond the face value absurdity, of giving a scholarship to somebody who has two As and a B in preference to somebody who has three As.

Hon. A. Ramrekersingh: Mr. Vice-President, let me make it clear. A grade represents a range of marks. It is entirely possible for someone to obtain 71 marks and get an A and someone 80 marks and achieve an A. Someone can get 61 marks and achieve a B or 69 marks and achieve a B. I take into consideration the point about variations, but the Cambridge syndicate has worked it out and has given us the explanations. I will admit that when I first assumed this office and saw that, I asked the question. I received an answer in writing from Cambridge on it.

INTRODUCTION OF BILLS

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. Vice-President, I seek leave of the Senate to defer Item No. 13 on the Supplemental Order Paper to a later stage of the proceedings.

Leave granted.

ARRANGEMENT OF BUSINESS

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. Vice-President, before we get into "Government Business," I move that the Senate now deal with two items under "Private Business"—Item No. 1 under "Bills Second Reading" and Item No. 5 under "Motions."

Leave granted.

OPUS DEI PRELATURE (INC'N) BILL

Sen. Michael Mansoor: Mr. Vice-President, I beg to move,

That a Bill for the incorporation of the Opus Dei Prelature (Trinidad and Tobago) and matters connected therewith, be now read a second time.

Seconded by Sen. Diana Mahabir-Wyatt.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

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Senate in committee.

Clauses 1 to 8 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

Senate resumed.

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

SECONDARY SCHOOLS FOOTBALL

LEAGUE (INC'N) BILL

Special Select Committee Report

Adoption

Sen. Stanford Callender: Mr. Vice-President, I beg to move that this Senate adopt the report of the special select committee of the Senate appointed to consider and report on a private Bill for the incorporation of the Trinidad and Tobago Secondary Schools Football League and for matters incidental thereto.

Seconded by Sen. Hydar Ali.

Question proposed.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the Bill be now read the third time.

Bill accordingly read the third time and passed.

2.25 p.m.

ANTI-DUMPING AND COUNTERVAILING

DUTIES (AMDT.) BILL

Order for second reading read.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Vice-President, I beg to move,

That a Bill to amend the Anti-dumping and Countervailing Duties Act 1992, be now read a second time.

Hon. Senators would recall that Government, being mindful of the likelihood of a heavy increase in the instance of dumping and the elimination of subsidies

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consequent on the dismantling of the negative list, repealed the legislation existing at that time, legislation which dated back to 1988. That legislation was repealed in 1992 when we introduced new legislation in the form of the Anti-dumping and Countervailing Duties Act, No 11 of 1992. Draft regulations to that Act have also been prepared.

As a fact, to date that legislation has not been proclaimed for particular reasons. Shortly after the passage of that Act, in the negotiations of the Investment Sector Loan with the IADB, the IADB commented on the legislation and provided funding for a consultant to assist the Government in setting up an anti-dumping unit, which was a requirement under the legislation and also to review the legislation to make some changes which they thought were critical.

The Government employed a firm of consultants and they have now given their opinion. Perhaps I should go directly to the recommendations of the consultants, of which the most significant is, that the legislation should be brought into force immediately.

The consultants after looking at the Act of 1992 felt that this type of legislation both theoretically and in practice had to grow, so that the Government should not waste any time in putting the legislation in force, even though there might be need to amend the legislation thereafter. They quoted situations throughout the world, specifically the legislation with respect to the European Community, stating that legislation had to be amended on a number of occasions as the need required.

Bearing in mind, however, that by the time the consultants reported, we had the anti-dumping code, they felt that we ought to update the legislation to make it consistent, and to take on board some other simple amendments. Other than that major recommendation, the consultants recommended the setting up of an anti-dumping unit in the Ministry of Trade and Industry.

At present, three senior officials are undergoing training in Brussels with the objective of establishing the unit immediately on their return; that is, by September, 1995. The training includes a visit to an anti-dumping unit in the European Union, training at a legal firm in Brussels which deals with these matters and then a period of observation with the United States Law Firm in Washington.

In the case of agriculture, the consultants recommended that safeguard measures should be implemented as a second line of defence with respect to

protection against anti-dumping. Most specifically, reading from their final report, the consultants said:

"While we accept the need for T&T to liberalize its economy, the move towards liberalisation in the agricultural sector should be made with extreme caution. Thus, while our recommendation is that agricultural products should be included within the scope of the anti-dumping and countervailing legislation, there should be an alternative line of defence.

That second line of defence should be constituted by the implementation into T&T legislation of the safeguard measures in conformity with Article 5 of the 1994 GATT Agreement on Agriculture. Article 5 provides for additional duties where the volume of imports exceeds a trigger level or where the price of imports falls below a reference price. Such safeguard measures could be invoked more rapidly than traditional anti-dumping and countervailing measures."

It is our intention to go in that direction.

The consultants advised also that anti-dumping and countervailing procedures have to be learnt, based on the experience of other countries. As we introduce the legislation, we should embark also on a series of educational programmes to sensitize the public on new policies and procedures.

It might be useful also to define some of the common terms used, because "dumping" in the legislation means a special thing. It means selling in an export country at a price lower than the normal price in the original country, but it means more than that. The importing country must be able to prove actual or threatened injury to the particular industry or sector. The complaint to the anti-dumping authority in the country of origin with respect to dumping must be made by producers involving therewith those whose collective output under the legislation constitutes at least 25 per cent of the total production. We were having some discussions before the session and I think that takes care of it.

The anti-dumping legislation says that it is not sufficient simply to claim that goods are sold in Trinidad and Tobago at a price lower than the price at which those same goods are sold in the country of origin, for example, the United States. We must also be able to prove that there has been actual or threatened injury. That is proved if 25 per cent of the domestic producers can so make a complaint.

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Even with that, the legislation—as counselled by the consultants—would make provision for the Minister, in a sense, to turn a blind eye, if it is in the public interest. Although there might be dumping, the argument is that the dumping may, in fact, be in the public interest; then, of course, no action would be taken.

The concept of subsidization seemed to have taken place where the exporter in the country of origin is afforded an unfair advantage in the market of the country or the destination, as a direct result of financial support given by the Government in the country of origin, which has a direct influence on the export price of the product.

Many countries may have to be very careful with the whole concept of subsidization. In our own country we are counselled by the consultants to look at the way in which we provide certain incentives.

2.35 p.m.

Although we have dismantled the negative list, with the exception of a limited number of products which have been retained for reasons of public health and safety, the protection of public morality and commitment to existing international agreements, the main framework legislation which is the Trade Ordinance, No. 19 of 1953, are still in force, in order to enable the Government to deal with emergency situations.

So that, yes, the Government has removed items from the negative list, but the base legislation is still intact in case we need it. Of course, one hopes that we would never have to go back to a period of protection, but the feeling is that we ought to keep it peradventure, as it were.

I do not know how much more I need to say on this legislation. It is, in effect, another pillar in our attempt to modernize our economy. As we move to openness to international competition we have to ensure that our manufacturers are protected, hence the legislation of 1992. What we are doing today is simply ensuring that that legislation is consistent with legislation to which we are signatory. We are signatory to the agreement at Marrakesh since April of last year. With this legislation, we are merely completing an obligation under the General Agreement on Tariffs and Trade (GATT) and providing additional protection for our manufacturers.

As I said, other than the areas in which we attempt to correct some errors in the 1992 legislation, this is simply to make it GATT consistent and to ensure that the regulations would then come into force and this legislation can be proclaimed.

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It must be remembered that neither the 1988 legislation which was the original legislation nor the legislation of 1992 has been proclaimed to date.

With those few words, I ask for the support of this honorable Senate for the amending legislation to Act No. 11 of 1992 which provides the level playing field for the manufacturing sector.

I beg to move.

Question proposed.

Sen. Kamla Persad-Bissessar: Mr. Vice-President, as the hon. Minister has said, and as indicated in the Explanatory Note, this Bill proposes to amend the 1992 Anti-dumping and Countervailing Duties Act to harmonize that Act with the relevant sections of the General Agreement on Tariffs and Trade (GATT) which was concluded in Uruguay in late 1994 and, at the same time to seek to correct what are termed oversights in the 1992 Act.

The regulations for the 1992 Act were also laid in Parliament recently. I think we should point out what may be a historic feat on the part of this Government. Certainly, several historic feats are being performed at the moment, but with respect to this Bill the historic feat is that this Government is in the unenviable position of seeking to bring an amendment to the Parliament to Act No. 11 of 1992 which has not yet been proclaimed.

We need to look at that in the context of what is happening with legislation, because this is just another example of the myriad pieces of legislation that are sitting on our statute books not proclaimed, for one reason or another. In fact, I have just received from our research staff, information about 22 pieces of legislation on the books, but not proclaimed for one reason or another.

I must say again, as my colleagues have said, that we do not know whether we are wasting time sitting with this Government in this Parliament. We take the time, we go through the legislation, the legislation is passed in the Senate and in the Lower House but then never put into force, never proclaimed. Section 2 of Act No. 11 of 1992 states that the Act would come into force on a date to be proclaimed.

Needless to say, as the hon. Minister himself has pointed out, no proclamation; three years later, no proclamation but you are coming to amend that Act. Is it that we would be dealing with this here making amendments but there will be no proclamation?

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We must look at this Bill in the context of what is happening with free trade. As the hon. Minister himself has said, this amendment is to bring it together, harmonize it with GATT. So that this Government's commitment to the local manufacturing sector is highlighted regrettably by its flagrant disregard of the interest of the exporters, in particular the domestic manufacturers.

The progress that has been made by our exporters in particular is testimony to their self-resilience and has nothing whatsoever to do really with what this Government has been putting forward. This is not to say that the Government is unaware of the concerns of manufacturers with the necessity for anti-dumping and countervailing duties legislation.

Because economic theory—of which I am sure the Minister is well aware, and he will be the first to tell me that I am not so aware—and political evidence indicate that before a country adopts the policies associated with free trade—that is the label for what is now called liberalization—adequate safeguards should be implemented to ensure that its manufacturers are not subjected to unfair competition from imported goods and that its domestic consumers are not subjected to inferior goods.

In doing this, there is need to upgrade the Food and Drugs Department, the Bureau of Standards, the Customs and Excise Division, and most important is the implementation of anti-dumping legislation which in our case was brought to the Parliament but has not been proclaimed. Even more important, if the Government seeks to bring that protection to our local manufacturers and exporters, is the unfair trade practices legislation.

2.45 p.m.

You see, my Friend does not know what he is speaking about, but we will remind him of what he said in 1990 when he was then Leader of the Opposition; he is now Prime Minister. He severely criticized the then government's pursuit of free trade. He was insisting on the introduction of safeguard legislation, and highlighting specifically anti-dumping laws. He had this to say:

"To crown it all, as the piece de resistance, Mr. Speaker, in they bring the Structural Adjustment Loan which requires that they scrap the negative list, and remove the last bit of protection left for our local manufacturers.

And I'm quoting the then Opposition Leader:

"All of this madness in the interest of some mythical entity called 'Free Trade.' Mr. Speaker, something that does not exist anywhere else in the world, and they want to perfect it here.

In today's dog-eat-dog world, free trade is a myth and effectively means access by others to your markets, while your products are blocked from entering theirs. There is no such thing as free trade."

He continued:

"In order to protect our local manufacturers therefore, the PNM insists that the Government move speedily to put the following measures into place:

1. stringent anti-dumping legislation;"

This was quoted from *Hansard* of January 2, 1990, the words of the then Opposition Leader, Mr. Patrick Manning.

The leader of the PNM now head of the Government, in my respectful view, and I am sure many would agree, has abandoned his mandate and has ended up guilty of the same crime for which the PNM chastised the then government. We can only say that perhaps the euphoria of power has made them lose their memory.

Indeed, what is worse is that soon after coming into Government, the PNM did take the time to introduce that anti-dumping legislation, Act 11 of 1992, and pass it, but in typical PNM style, it took three years before the regulations came before us in this Parliament and, simultaneously, this Government is pursuing trade liberalization.

So instead of instituting the prerequisites before liberalizing, this Government has in fact been doing what has become its *modus operandi* back to front. It liberalizes and is now coming to say it is giving this protection. This is why I say that this Government has gained the dubious distinction of being the first government to amend a three-year-old Act before it is implemented—that is the 1992 Act.

When the Bill was presented in the other House, the Minister of Trade, Industry and Tourism—now no longer with them—the then Sen. Kuei Tung, indicated that one of the primary considerations for introducing anti-dumping legislations ahead of the unfair trade practices laws, was the time factor. So at that time the Government recognized that the unfair trade practices legislation was needed but said that because it wanted to get the anti-dumping legislation in

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quickly, it would not wait because that was ready and the Government would put that in place and would deal with unfair trade practices at a later stage.

Needless to say, not only has the Government's anti-dumping legislation that it was so hurry to put through not yet been proclaimed, but further, no unfair trade practices legislation has been brought on our books. It is now history that the negative list, as the hon. Minister has said, has been virtually dismantled and tariffs lowered, while the anti-dumping legislation was still-born. What has been said is that you have liberalized the system but you did not put in the protection for our local manufacturers and exporters.

The establishment of an anti-dumping authority was promised by the Minister of Trade and Industry by the 1992 Anti-dumping and Countervailing Duties Bill. In October 1992, the hon. Minister Valley was reported to have promised the establishment of an anti-dumping unit in early 1995 to protect the manufacturing sector from competition from imported goods sold below true market prices. This is a report from the *Daily Express* of October 12, 1994 page 6. The Minister is here and perhaps he can tell us what has happened to this anti-dumping authority that he promised would be set up in early 1995?

Mr. Valley: We are training right now.

Sen. K. Persad-Bissessar: Is it true then that you have sent two persons to Geneva for training?

Mr. Valley: Three.

Sen. K. Persad-Bissessar: Three persons to Geneva for training, and that is all that has been done. When is it then, we ask, would this be put into place?

Mr. Valley: In September.

Sen. K. Persad-Bissessar: In September. I trust the hon. Minister that when he says September it will not be what has happened with the Act No. 11 of 1992. It was passed in 1992, but in 1995 it is still not proclaimed. Perhaps we can wait until September and see that put into place.

The present Bill represents preconditions to liberalization and it is our respectful view that those should have been institutionalized before tariff reductions took place in order to truly afford protection to our manufacturers. Establishing an anti-dumping unit today after liberalization is entrenched is largely now cosmetic. The unit will need time to become effectively staffed to iron out teething problems by which time the ill effects of dumping would have already taken root.

What of the staffing of the unit? In 1992 the Minister promised it would be fully staffed as soon as the Bill was properly passed. As the Minister has said, three persons have gone to Geneva for training. The question that arises is, why is it now after three years the Government has sent them for training?

What criteria were used to select those persons who were sent for training, and what is the cost to this country of that training? And finally, how long will that training period be?

Mr. Valley: Three months.

Sen. K. Persad-Bissessar: A staff writer for *The Economist* of December 24, 1994, argues that the World Trade Organization's anti-dumping provisions were proved fatally weak. He notes that the World Trade Organization's rules allow a government to place tariffs on imports which are being dumped. Trade economists, he argues, regard anti-dumping actions as nearly always specious whereas trade negotiators see dumping everywhere.

The writer believes that the new rules for calculating the effect of dumping were due to the demands of negotiations from the United States and Europe and as such are designed to find dumping where none exists and to exaggerate its severity. Worse still, as far as remedies are concerned, they legitimize the use of voluntary export restraints which the Uruguay Round by means of changes and other rules was intended to outlaw.

In this regard, the writer concluded that if a rapid expansion of disguised protection starts in 1995, this is now what would happen.

We must note that the Government in its letter of Sectoral Policy dated May 7, 1993 to the IADB in pursuit of an Investment Sector loan boasted at item 21 as follows:

"The Government has enacted the Anti-Dumping and Countervailing Duties Act and is seeking to strengthen the institutional framework for ensuring its proper enforcement in accordance with GATT guidelines."

At that time, actual implementation of legislation was not mentioned but it boasted that it had put it on the books.

In the Investment Sector Reform Programme Loan Contract between the IADB and Trinidad and Tobago, signed on August 5, 1993, one of the stated Special Conditions Precedent to the Disbursement of the Second Tranche of the loan is the condition that:

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"The regulations of the Antidumping and Countervailing Duties Act, of 1992 have entered into effect and the first phase of an operating plan agreed to between the Borrower (GOTT) and the Bank (IADB) for the administration and enforcement of said regulations, has been implemented."

This comes from Loan No. 759/OC—TT, on page 5.

2.55 p.m.

Can it then be that once again this Government is only seeking to fulfil the relevant condition in order to access that second tranche of the loan? It seems that every time it needs to get bits of money from a loan it comes with pieces of legislation. This is very important, because what is more urgently needed is the unfair trade practices legislation. In 1992, the then Trade Minister promised, and I quote from *Hansard* of August 11, 1992:

"In particular, my Government plans to bring soon to Parliament an Unfair Trade Practices Bill in which a number of other unfair trade practices not yet addressed will be included."

To date, there is no word about legislation dealing with unfair trade practices.

One of the most common unfair trade practices is under-invoicing. In presenting the Bill in the other House the Minister of Trade and Industry at that time, in 1992, indicated that under-invoicing is one of the biggest scourges facing Trinidad and Tobago. The Minister said that investigations revealed that as many as seven out of ten invoices appear to be understated. Perhaps Sen. Daly would pick that up again.

What is the status of the Revenue Protection Agency which the Government was to have established, complete with stripping systems, to ensure that the Government was not defrauded or deprived in any way of collecting due revenues?

Clauses 4 and 5 of the Bill cause me some concern, because when you look at it, it appears that some kind of deterrent is being set up, but yet it is very difficult to see how that would be effective. What it says there is that where a duty is applicable it should not exceed the subsidy given or the margin of dumping. I would be grateful if the hon. Minister would kindly explain how clauses 4 and 5 are to operate as a deterrent against dumping. How would they serve as a deterrent if you are saying the duty would not exceed the subsidy or the margin of dumping?

Clause 13 empowers the Minister to make a determination on the basis of available information in circumstances where a person refuses to co-operate with

the authority or otherwise impedes the investigation. Given the nature of dumping, defined in terms of potential damage to the local entrepreneur, some recourse should be had to ensure that information is provided and persons cooperate with the authority and its representative. Would the hon. Minister consider perhaps a fine in this regard to ensure that there is co-operation, rather than it being a voluntary disclosure of information?

Clause 15, which proposes an anti-dumping or anti-subsidy claim, should not be acted upon if the producers who actively oppose the opening of the proceedings account for more production than those who actively support it. By extension if one producer accounts for more than 50 per cent of production, no anti-dumping or anti-subsidy complaints will be acted upon. If this is so, it means that the legislation has a built-in bias in favour of very large producers, the ones most likely to engage in dumping. The question is: Should output size have anything to do with the dumping charges? Perhaps again when the hon. Minister is winding up he can let us know his views on this clause.

Clause 16 proposes to give exporters an opportunity to cease exporting at dumped prices or give an undertaking prior to the imposition of anti-dumping duty where the dumping causes injury only in a certain part of Trinidad and Tobago. What exactly is envisaged in this Bill? By injury only in a certain part of the country? Why is it only in a certain part of the country?

Clause 21 of the Anti-dumping and Countervailing Duties Bill provides for the publication of the final determination of the investigation and a relevant timeframe. However, we would respectfully ask that it may be worthwhile that the reasons for the conclusion should also be published.

Just one further point. What is the whole purpose of this Anti-dumping and Countervailing Duties (Amdt.) Bill? Like many persons who would look at this Bill, the first thought that would come to mind is: Is it something to do with the Environmental Management Agency? Is it to do with environment and protection? But it is not, and it is very serious, in the sense that it is to provide protection for our local manufacturers and exporters, for our domestic consumers.

If it is that we must wait another three years before this Bill is, in fact, proclaimed, then these other 21 pieces of legislation along with this one, should really find their place in the waste paper basket or the rubbish dump. I ask the Minister to explain why the Government took three years to seek to amend, the Act, and how long he envisages after the amendments are made that this Bill

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would, in fact, become law? While he is at that, perhaps he could tell us something about the other 21 pieces of legislation. We can provide him with a list of those. I will read it for him because he has asked:

1. The Bahamas and Leeward Islands Light Dues Ordinance, 1934.
2. The Workmen's Compensation Act, 1960 (Only Part IV) (Occupational Diseases) and Part V (Compulsory Insurance) unproclaimed.
3. The Investment Disputes Awards (Enforcement) Act, 1968—

Mr. Vice-President: Senator, let us get back to the Anti-dumping and Countervailing Duties Bill, please.

Sen. K. Persad-Bissessar: With the greatest respect, Sir, the hon. Minister himself has requested this information. I can hand it to him.

Mr. Vice-President: Let us get back to the Anti-dumping and Countervailing Duties amendments.

Sen. K. Persad-Bissessar: Mr. Vice-President, I would abide by your ruling but I am sure his Attorney General would provide him with whatever he needs with respect to the list of legislation that is not yet in force.

I thank you, Mr. Vice-President.

Sen. Diana Mahabir-Wyatt: Mr. Vice-President, the hon. Senator who just preceded me is, of course, right; this Anti-dumping and Countervailing Duties (Amdt.) Bill should have come before us long since. The fact that it has come now is extremely welcome. I congratulate the Government on having brought it, particularly since it has been one of our obligations under the agreement—the General Agreement on Tariffs and Trade in 1994.

I am glad that it has finally come, because people in the business community have been waiting for a long time for this Bill to come through. It has caused considerable discussion and controversy simply because we have not yet seen the legislation at a time when we are proceeding generally with the policies of trade liberalization. But I will come back to that.

I would like to make a plea, at the risk of being called a bush lawyer, that particularly in drafting legislation intended for people other than lawyers, the language of such legislation be made clear. This Bill is going to affect many business people in Trinidad and Tobago; it is going to affect many manufacturers and many other people.

While I have nothing against the legal profession—and I am glad that all our "brothers and sisters in law" can make a good living—I really think that it is putting an unnecessary burden on companies in the business community to need to have at one's side, continually, a representative of the legal profession in order to be able to understand the legislation which governs our daily lives.

3.05 p.m.

One example—if I can just point it out and which I have already mentioned to the hon. Minister—is in clause 3 of the Bill, on the first page, where the definition at (a)(i) says:

"by deleting the definition of 'industry' and substituting the following definition:

'industry' in relation to any goods, means such Trinidad and Tobago producers of like goods whose collective output constitutes at least twenty-five percent of the Trinidad and Tobago production of such like goods, except that..."

and then there are certain exceptions.

Mr. Vice-President, from my understanding of legislation, one does not normally use one word with two different interpretations in the same sentence. Anyone reading this sentence would assume that where it says, "industry"...means such Trinidad and Tobago producers of like goods..."one is talking about people who produce similar goods.

For example, we produce shoes, and our collective output constitutes at least 25 per cent of Trinidad and Tobago's production of such goods, but the normal reading of this leaves it open to question because one would have think it meant 25 per cent of Trinidad and Tobago's consumption of such goods. If we are producing the same goods, surely that is 100 per cent of the same goods, so how could it then be 25 per cent of the same goods?

The 1992 legislation has the same wording, and just because it was in the 1992 legislation, I submit, it does not mean it was necessarily right. It was ambiguous in that legislation too.

I am given to understand that apparently what this does mean is that the second production where it says:

"...Trinidad and Tobago producers..."

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"producers" means people who produce or manufacture, but with respect to "production", the Bill says:

"...twenty-five percent of the Trinidad and Tobago production.."

In fact, it means producers from the point of view of "market" which would be local manufacturers plus importers and so forth. This is using the word "produce" in two different senses in one sentence which, with the greatest respect, is going to confuse people, if they are not already confused.

On page 3, there is a very important clause 3(iii)(c) which says:

"by repealing subsection (3) and substituting the following subsection:"

It is talking here about subsidies being:

"deemed to exist where a benefit is conferred through the making of a financial contribution by a government or a public body or through the granting of any form of income or price support,..."

The question I ask is—and I am sure the hon. Minister can reassure me in this respect when he winds up—how are we going to know this with only three people? I am delighted to hear that these three people have been sent abroad for training and are looking at legislation, and they will be back in September. It is a little late but, at least, they will be back, hopefully, by the time this Bill comes into effect.

How are these three persons to know whether or not a financial contribution by a government, a public body, or through the granting of any form of income or price support has, in fact, taken place? It is not an easy thing to do; even big countries with anti-dumping departments employing hundreds of people and much electronic sophistication have trouble doing it.

At the bottom of that page it states that this could simply be "where a public body has forgone or did not collect revenue which was otherwise due." I can see this being a very real possibility where a government, for whatever reason, turns a blind eye, as it were, to the non-payment of certain duties, taxes or subsidies. Not wishing to sound xenophobic by any means, I think that this has happened in more than one instance.

In fact, I can distinctly remember Sen. Prof. Spence pointing out that in the agricultural field in the production of certain foodstuff there are hidden subsidies of such great perplexity that it is extremely difficult for people to know that they are there.

It also includes where a government or any public body:

"...provides goods or services other than general infrastructure, or purchases goods;"

We know there are certain governments whose sole purpose—I am not exaggerating; I know I am not to do that—or intent, in terms of dealing with trade, particularly when they are talking about the international treaties of the General Agreement on Tariffs and Trade, is really to be the biggest and the most powerful in the world and to squeeze everybody else. Those countries do not really care and are totally ruthless when it comes to trade; and they do provide hidden subsidies, while trying to make sure that the rest of us do not subsidize any of our goods which include agricultural goods, iron, steel and so forth. They take international legal action against us, and are quite happy, themselves, to provide hidden subsidies—not to collect revenue which might be otherwise due, or to provide goods and services other than general infrastructure. General infrastructure can be water, electricity or roads. It can be all kinds of things that we may find extremely difficult to fight against.

I would just like to have some reassurance from the Minister as to how we will be able to deal with it because it can threaten our local manufacturers. It can threaten much of our local business community and I think it is something to which we need to have some more attention paid or more explanation on in this honourable House.

I would also like to take a look at section 5, on page 4 which says:

"4. Section 5 of the Act is amended—"

The Minister said in his opening remarks that this was going to make provision whereby the Minister could impose a duty to be known as an anti-dumping duty, unless he considers that it would not be in the public interest so to do.

I wonder if the Minister could give us some guidance as to what would be the conditions to which he would feel it appropriate to turn a blind eye. I can, for example, understand it where there is a local product, which is totally shoddy and substandard, and which is the only product on the market and there are goods from another country coming in which are of a reasonable standard and which the public can get cheaper.

As a consumer, I assure the Minister that anytime I can get a product cheaper, I would be very interested in that, providing it is of good quality. I think the public, faced with the kind of high prices and cost of living, agrees.

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I am just wondering if that would be one of the criteria that would cause the Minister to turn a blind eye. Does it refer to the situation as defined in the term "industry"? I think it is subclause (b) which provides for two sections of the business community in competition producing the same goods and are unable to agree on what is "dumping." I am just a bit confused in terms of the legislation, and I wonder if the Minister would be so kind as to explain this.

Like many other people in this country, while I agree that this legislation is vastly overdue, I am worried about the effect of the whole concept of trade liberalization on the economy as we see it. I have been trying to do some research on this in recent weeks, and I have found, actually, that there have been very few studies done on the effects of trade liberalization on the economies of countries that are as small as ours—on the big countries, yes, but I know that that is all for the greater glory of international trade, globalization and various other things.

3.15 p.m.

I have found instances in Trinidad, for example—and I am not saying that this is dumping but it may be—where T-shirts are manufactured locally and decorated, and this creates work for three shifts plus designers, and various other ancillary workers. With trade liberalization, it was discovered by this particular manufacturer that people who sold in retail shops could import cheaper than he could make. Of course, the inevitable happened and he has had to scale down operations. He is now in the importing business. Most of the people who were working in this particular organization have lost their jobs.

It seems that everything we do, whether we are dealing with legislation in respect of trade or social legislation or crime, leads one into the other. When something like this happens people become unemployed, the crime statistics go up. Certainly, I know as a matter of fact that the domestic violence statistics go up. It is connected. People are seen eating out of garbage bins, and children are on the sides of streets. We cannot be concerned with just one part of life; we have got to put all these parts into consideration together.

I feel strongly about legislation that deals with trade just as personally as I feel about legislation that deals with domestic violence. I am extremely happy to hear the Minister say that this legislation is going to take immediate effect.

I had queries about the immediate effect, and I hope the Minister can answer them. In clause 15(3A) it says:

"The investigation of dumping or subsidization shall normally cover a period of not less than six calendar months immediately prior to the initiation of the investigation."

I need a bit of clarification on that. If the investigation would cover a period of six months prior to the initiation of the investigation—I know that there is some logic in this because we are talking about goods that have already come into the country, have already been dumped into the country. It just crossed my mind that it may be a bit difficult to establish such details. I am just not sure how possible this is.

Another question which I have—and I hope, Mr. Vice-President, you will forgive me if I seem to be moving slightly from the text of the Bill that is in front of me, but this is because I am not reading from a prepared speech.

Clause 17 is set up in the Bill to provide machinery whereby people who suspect other people of dumping can report such unethical practices. I submit that they are unethical practices and we all know they are unethical practices. There are procedures for doing it orally and in writing. What protection is there for people who report other people for dumping?

This is cutting profits from people who are in business and are unethical. You are, as it were, cutting off at the knee people who take unethical actions. And people do not like that. If they are unethical enough to be dumping substandard goods on us in the first place, when they are hit in their pockets—well people are killed for less these days in Trinidad and Tobago. I need a bit of reassurance from the Minister that there are going to be adequate measures somehow, somewhere.

I am saying that everything fits into everything else. I do not think it is any secret that people in this community are pretty well aware that there is dumping going on in various sectors. We have been aware of this for some time, which is why this legislation is so necessary. Once it comes through, will there be any protection for people who are actually going to try to make this legislation work?

Finally, this goes back to the question I asked at the beginning, which has to do with the gathering of information. What kind of support will people in our anti-dumping unit get? Are they going to have Internet access to information in order to get information as it comes from other countries? Subsidization, I gather, is extremely subtle, and is extremely difficult and well hidden by those countries and those governments that practise it.

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The Explanatory Note says that clause 20 of the Bill will amend section 25(1) to enable the Minister to refrain from imposing duties if he considers it would not be in the public interest to do so.

This seems to repeat clause 4 at the beginning which I referred to earlier. I wonder if this is a misunderstanding or misreading, or if this is in fact a duplication.

Thank you, Mr. Vice President.

Sen. Prof. John Spence: Mr. Vice-President, there is no doubt that I will support this legislation. I have been seeking to support the idea of having anti-dumping legislation on the statute books for about five years now. Two years prior to the coming into power of this Government I had written to the local newspapers drawing to the attention of the public and of the Government, the need for this legislation.

At that time I took the trouble and gathered as much information as I could, and sent it to the then Minister of Trade and Industry. The last Government did not act. This Government acted and the legislation was brought in 1992. I certainly am saddened by the fact that it has taken three years to have the Act proclaimed, especially when the hon. Minister pointed out that a consultant had suggested that perhaps we should have, in fact, enacted the legislation and have it proclaimed and make amendments subsequently.

On that score, I think there is an illustration of a very fundamental issue. It is important for us generally in the country, to understand whether we are ourselves in charge of our own affairs and are acting as if we are. There has been much discussion previously as to whether we are acting under the dictates of the multinational multilateral bodies.

The last two occasions on which I have listened—because I was away for a couple of weeks—to presentation on legislation, the Minister began his presentation with a statement which seemed to indicate that we are doing something because we are being told to do it. The hon. Minister of Finance, some weeks ago, in presenting legislation started off by saying we have just been told by the IMF that there is \$60 million too much liquidity in the system—it agreed with that—and, therefore, it had to act. Why have we got to wait for the IMF to tell us that there is \$60 million too much liquidity in the system in order to act? What are we doing ourselves?

It is amazing to me, even if that was the case, that the hon. Minister would come to the Senate and say it. It is amazing to me that he would admit it. This afternoon the hon. Minister of Trade and Industry started off by saying that the IDB said that we must set up a unit immediately. That was obvious to us years ago. The people who are being trained now should have been trained in 1992 when the legislation was first passed. How can a Minister come to this Parliament in an independent country—we have been independent since 1962—and say the IDB has told the Government it should set up a unit and, therefore, it is going to set it up!

3.25 p.m.

Mr. Valley: Mr. Vice-President, I want to make one point. It is the consultant and not the IADB.

Sen. Prof. J. Spence: Even the IDB has some stature but who is this consultant? Why do we have to get a consultant to tell us something that should be obvious to everybody in Trinidad and Tobago? It is an extremely important issue. Are we in fact looking at ourselves as having the self-confidence to do things or not?

I suppose what happened in 1992 was that we did not have the self-confidence to proclaim the legislation. Perhaps we got cold feet. We re-enacted it and then got cold feet because we said we were in this big trade liberalization game and perhaps the country that we were trading with would frown upon the fact that we had proclaimed this legislation. So we did not act. Why did we not proclaim it?

Honestly, I am getting extremely depressed and worried about the way the Government seems to be coming across these issues. It is told to do it and therefore it has to do it. Why can we not think about it ourselves? Certainly, there are a number of people in the country who can provide the input if the Government does not have the wherewithal to see these things.

That also applies to the points that Sen. Diana Mahabir-Wyatt made with respect to whether we can do the job after being set-up. Quite honestly, one would get a little worried on that score as well. It is, as she pointed out, difficult for a small country to be investigating areas of re-dumping because of the subtlety of many of the processes that are set up in order to make goods cheaper for international trade.

What have we been doing with respect to Caricom? Of course it is difficult for a small country, but surely, collectively in the Caribbean, we would be in a

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better position to address this issue. I ask the hon. Minister to tell us if we have been also trying collectively to persuade the Caricom Secretariat in the region to set up a unit. Have we gone in that direction and persuaded our other Caribbean neighbours with whom we have an economic union to address the issue of a secretariat for anti-dumping legislation? We may not be able to do it on our own. Certainly, here is a case.

There are many doubts as to the benefits of the Caricom system at this stage. One benefit that we could see is if there is something we find difficult to do on our own, it could be done collectively using the expertise in all the countries. Will this unit be acting entirely on the initiative or capability of these three people, or will they be looking to the Manufacturers' Association and the university for their input? It is only in this way, if we look outside these three individuals, no matter how well trained they may be—and certainly three months training abroad can hardly make them into experts. So certainly, we must do it by a wider approach to the issue.

I am very glad that we got this advice from a consultant because now, no doubt, the Government will act. Special protection is needed for the agricultural sector, and some of us have been saying this ad nauseam over the last number of years. It is not just I, but a number of other people. The economists of the community have been pointing this out. Now, perhaps, something will be done because a foreign consultant comes and tells us that this is what we should do. Quite honestly, it amazes me that we are not ashamed to say these things.

There are other ways in which we can be protected outside anti-dumping legislation. One would hope that in a debate like this we would discuss some of the other issues. It has been pointed out that health issues can be used with respect to protecting the manufacturers and agriculturists.

With labeling, there are all sorts of devices that other countries use outside the legislation which we need to use. The hon. Minister smiles at this because he thinks he knows all this so what is the point of it that he is being told. He should have known the other things which he could only respond to when his consultant told him. Perhaps I should get hold of another consultant because it is a device that some of us use anyhow. We try to seek out the consultants and put the ideas into them. Then, the consultants feed the Government with the ideas. The Government then acts and the consultants are paid. There are other devices that we must use.

I have one little concern about the Bill itself. As I said, I will support the Bill because we should have had it in place. If this is going to help us to get it in place,

that is good. I ask the hon. Minister, in his winding up, to give us an undertaking as to the date on which this legislation will be proclaimed. One week from the time the amendments are passed in both Houses should be the deadline. Let us see whether that promise would be kept. With respect to the Bill itself there is a provision which permits the Minister to overrule or not take notice of the protest of manufacturers with respect to dumping, if it is considered by him to be in the public interest.

In looking at this legislation on the whole we should ask ourselves a rather fundamental question as to why we need the legislation. It is not just to protect the interest of individual manufacturers who may lose out by the fact that they are put out of business by dumping. We are really looking at two major issues, one of which is employment because our manufacturers and the agricultural sector are providing employment and we are protecting that employment. When we are looking at the public interest, we must also look at the fact that we may have a loss of jobs if the dumping results in local producers going out of business.

The second issue is foreign exchange balance. These are the two major issues that we need to consider when we are deciding what is in the public good. From a very narrow point of view it may seem that a certain thing is not in the public good because we cannot be worried about an individual manufacturer, but we have to look at it in the context of what the consequences will be with respect to employment and our foreign exchange balance. If our manufacturers lose exports, we may have to spend more money on imports because we would not be substituting local manufacture for those imports.

I am a bit worried about this blanket statement or provision that the Minister may make this decision without any idea as to what the basis of the decision may be. At the moment let us take a particular issue which is very relevant to what we are talking about with respect to meat. The Government would be under pressure from the local consumers to reduce the cost of meat. Additional duties were put on to protect the local producers of beef in order to protect jobs and save foreign exchange. In fact, when we look at this particular item, another issue arises. Is it in fact the case that the poorer people in this country are the consumers of beef? Is it the poorer consumers of this country who would be given an advantage by the removal of the extra duties, or is it the importer of beef who is selling to the butcher section of the community?

From my own position, because of the cost of living my consumption of beef is practically nil. I eat chicken and fish. In any case the consumption of beef may not be entirely advantageous from the point of view of health, because for

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countries with large eaters of beef, which may be fatty, may suffer from coronary problems.

If you are looking at the public interest, what are the criteria that will be used? As my Friend says, perhaps half the population of Trinidad is not large consumers of beef or may not be consumers of beef at all. What is the pressure for the reduction of this duty on beef which I think may have been passed while I was absent a couple of weeks ago?

In my opinion, yielding to that pressure is purely to satisfy the importers of beef and the well-to-do in the country who are the main consumers of that beef, to the disadvantage of the local producer and perhaps the disturbance to some extent of our foreign exchange balance. I am concerned about this provision. I would like to see some guideline perhaps in the regulations; it may not be relevant in the Bill, but I hope that the regulations would address this issue as to the Minister's discretion with respect to turning a blind eye.

Thank you.

3.35 p.m.

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, if we do not fully appreciate the importance of this debate today, the time will soon come when we would realize the awesome significance of the Anti-dumping and Countervailing Duties (Amdt.) Bill, 1995.

Like previous speakers, I too believe that this Bill is much more than mere legislation to meet one of the conditionalities of the IADB agricultural sector loan, another tranche which is US \$22.1 million, which we can access by September of this year. I think that this Bill is much more than an instrument to source necessary funds for balance of payments support.

Mr. Valley: Balance of payments support?

Sen. Rev. D. Teelucksingh: The Minister has to interpret that.

I, too, wonder at the incalculable damage to local manufacturing and local industries because the Act of 1992 was not proclaimed. I get the feeling that we are going through the motions again, as in 1992. I maintain that this is a very serious Bill.

The Bill before us and the parent Act of 1992 must be taken seriously, particularly because we need to understand our place within the emerging global multilateral trading system.

The Explanatory Note to the Bill indicates its purpose in harmonizing the Act of 1992 with Article VI of GATT. I feel that we have been at a disadvantage in that from the word "go." I would have liked to see somewhere in this document, maybe a quotation of what Article VI of the GATT Agreement is. I do not know how many Senators here know what Article VI of the GATT Agreement is.

I ask a further question since this is one of the preliminary comments to understanding the Bill. The Government is talking about harmonizing the Bill with Article VI of GATT. During the seven years of the GATT talks, from Uruguay to Morocco to Geneva, what kind of representation did Trinidad and Tobago have at any one of those discussions of the 117 nations represented at various stages of the GATT discussions over the long period?

I wonder if we had representatives who effectively articulated the position, problems and difficulties of Trinidad and Tobago. Over that seven years I cannot remember hearing any report at all from the voice of Trinidad and Tobago at the GATT negotiating table.

Now the Government is talking about harmonizing our Bill with the decisions of GATT. One Jay Branegan writing from Brussels in *Time* magazine dated December 27, 1993 said:

"Seven long years after it began in the Latin American resort of Punta del Este, the Uruguay Round of global trade talks ended ... the most ambitious global trade accord ..."

This is why I am asking what was Trinidad and Tobago's input in what has been described as the "most ambitious global trade accord" of our century. What was our input? It has been defined as momentous in modern economic and political history. Have we been merely observers over a seven-year period?

Branegan continues, and this is important. I look at these quotations and assessment in the light of what is happening in my country today:

"... the pact should add millions of new jobs in export-related industries worldwide over the next decade, lower consumer prices ..."

Nearly everywhere, GATT is about lower prices, higher quality goods, more income and better jobs.

We are falling in line with GATT according to this Bill. Another commentator, Scott Sullivan, writing about GATT in the *Time* magazine dated January 3, 1994 states:

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"The world's poorest countries complained that it did not meet their aspirations."

Where does Trinidad and Tobago fit into the scenario of the last seven years. The world's poorest countries had been complaining about their own needs.

"Opponents to the deal accused their government of selling them out."

Were we a part of this? The comment continued about certain clauses in the General Agreement on Tariffs and Trade (GATT) I continue:

"... it will force marginal farmers off the land from Portugal to Japan. It will favour competitive countries. It may make some poor countries even poorer."

Now, in the aftermath of GATT and other market forces at work, never before has Trinidad and Tobago seen such steep rises in consumer prices and the loss of jobs. If GATT and this Bill today are about lowering prices, high quality goods, more income and better jobs, then someone forgot Trinidad and Tobago. This is my understanding of this. The Government is telling us that this Bill is harmonizing our stance with that of the GATT negotiations.

I want to give another illustration. Can we—our Government and our country—learn a lesson from the two and one-half years of negotiations and trade talks between the United States of America and Japan concerning the sale of Japanese parts on the American market and the sale of car parts or Kodak films in Japan. I have learned something from this that I wish to share.

It is most interesting that the Detroit manufacturers were not the ones who were so much engaged in the discussions and what was heading for a trade war. The lesson we have to learn here is that in that encounter the manufacturers were not fighting alone; the government was there. Bill Clinton was there. He was speaking for his country and people, protecting manufacturing in his country—all the manufacturers there—and the jobs of his people.

3.45 p.m.

This is what I did not hear. This is what we want to hear when these high-powered talks are going on—the involvement and engagement of the Government of this country taking the lead as the American President did on behalf of the car manufacturing firms in his country, and the jobs of so many people that were threatened.

The question we have to ask is: To what extent is the Government committed to seeking the interest of the manufacturing community? We cannot afford to

leave the manufacturers to the wolves. The Government must step in. It is a question of saving our industries and keeping unemployment down.

I have the feeling that Government surrenders too easily; this has been the pattern. We surrender too easily to aggressive foreign competitors. This is why we hear in some quarters that term that I dread so much, "sellout." I do not believe that we should capitulate so easily. Not at all! The GATT talks went on for seven years. The Americans and the Japanese did not mind carrying on their debate on the sale of car parts or kodak films for two and a half years.

I consider a major weakness in this Bill and the parent Act, a very glaring weakness—the inadequate mechanisms for policing and monitoring firms guilty of dumping. I think this is one of the main weaknesses of the Bill. I notice that in the Bill reference is still made to the "authority". This has to be the anti-dumping authority of the parent Act. I hope that the hon. Minister in his response would be using the word "harmonize." How does one harmonize the two? The Minister spoke about the anti-dumping authority of the parent Act and today he is telling us about an anti-dumping unit. Is it another one?

We have to ask ourselves, if we have the intelligence and the mechanisms, whether sending three people to do a three or six month course in Geneva or some other part of the world would be enough. That is one of my big problems. I think we are fooling ourselves. Look how long it took us to get the Anti-dumping Authority going; now we are planning to have an anti-dumping unit. We want to investigate some of the world, exporting giants and I wonder if we have the wherewithal to do that. That kind of surveillance is something that we have to look at. Can we really monitor the activities of those we suspect of dumping?

I believe a trade Bill of this nature should address the issue of substandard goods. It is one of the inadequacies of the Bill before us; the Bill is deficient in this regard. The Bill deals with the dumping of goods with regard to their prices and their value. I want to remind you, Mr. Vice-President, that substandard goods, not sold or consumed in developed countries, have been exported on a daily basis to Third World countries, and that includes Trinidad and Tobago.

Sir, did you read last week in the press of the sale of expired prescription drugs in certain pharmacies in North Trinidad? Expired prescription drugs are being sold in certain pharmacies in North Trinidad this afternoon as I speak. I am quoting from the article:

"An importer who has been removing expiry date-tags is selling these drugs in retail outlets."

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Do you know that as I speak there are certain groceries that have on their shelves imported foods which have long passed their expiry dates? People are still buying. The Bill is silent on these crimes against the consumer. We need to monitor and control this. Somebody is guilty! This is another form of dumping and another interpretation of dumping. I think that we need to monitor and control that immediately.

I do not think that we should allow importers to have this kind of foodstuff on their shelves. Jams from England and breakfast foods from the United States of America, long past their expiratory dates are being sold to the people of Trinidad and Tobago. Are we helpless? We are talking about a Bill to control this and to control that and our people are literally poisoned on a daily basis.

I close by suggesting that we need a more vigilant Bureau of Standards, as the previous Senator said. More than that, I think that the Government should be behind this. This Government should be supporting that agency and it is most important that we have a strong, powerful and meaningful Bureau of Standards, all within the context of trade liberalization. Government must give support to the Bureau of Standards and all such agencies, Cariri and others. They can be very useful now that tariff barriers are going down and we are exposed to the full blast of the winds of free trade.

I thank you very much, Mr. Vice-President.

Sen. Michael Mansoor: Mr. Vice-President, I believe that it is fair to say that many of us have been asking for this piece of legislation to be enacted, with regulations proclaimed and put into effect. It is perhaps a sign of the times that now that the Minister has come with the goods, he has to deal with criticisms from all and sundry. Maybe this is an inevitable part of the political process.

I think that it is perhaps useful to recognize, very clearly from the outset, that if a manufacturer in Trinidad and Tobago has to go to the unit to get an investigation done against a foreign exporter, at the time that he actually asks for that investigation he would have suffered, perhaps, mortal harm in terms of his ability to carry on business. Let me explain what I mean.

If one looks at regulation 2(1), which is part of this Bill, one would see that there are all kinds of pre-conditions, regulations which determine what the complainant, that is the local manufacturer, has to do in order to mount a complaint to the authority against the dumping of goods.

The very essential point that we must recognize is that when the local manufacturer gets to that stage, he perhaps is either bankrupt or close to

bankruptcy because of the facts of life. The facts are that when a Trinidad and Tobago manufacturer is up against a foreign manufacturer who wants to dump into Trinidad and Tobago, the local manufacturer is at an incredible disadvantage, simply because of the economies of scale.

3.55 p.m.

It is possible for a foreign manufacturer to produce the entire requirements of most items we consume in Trinidad and Tobago, perhaps in one eight-hour run once a month. So that it is really of little economic significance to that foreign manufacturer when he has to compute his profits, simply because he can make all that Trinidad and Tobago requires in one shift, once a month. There are manufacturers like that not very far from Trinidad and Tobago; some of them within striking range, if you will. We have to accept the fact that if a local manufacturer has to have recourse to this piece of legislation he would probably be out of business or close to that.

Therefore, I want to make the point to the Minister—and I know he has had this said to him on very many occasions—that in addition to this, we need fair trade practices and all kinds of other regulations that would effectively stop manufacturers from abroad dumping into Trinidad and Tobago. Regulation 2(1) (j) says that before the local manufacturer can mount his complaint he must provide in writing, evidence of dumping or subsidization as the case may be, during at least six months prior to the making of the complaint.

So that the complaint can be made only after the local manufacturer can provide evidence for six months before that the product in question has been subsidized, or is subject to price-rigging, one way or the other. Local manufacturers who have to do this, by the time they get this evidence they would be out of business.

I ask the question: How do we fare when we try to export to other people's countries? I will tell you how we fare. We are blocked. We cannot just export product "this" or product "that" into the United States or Latin America. There are labelling laws.

Right now I have a case where we have to pass a sanitation test and all kinds of requirements that effectively block us from exporting into these countries to which we are so very anxious to open ourselves. I am not saying that free trade is bad; I am saying that we have to grow up and understand that this is not a level playing field and that if we are going to rely on anti-dumping legislation to ensure the future of our manufacturing sector, it is simply not going to happen because

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we are not afforded the *carte blanche* welcome that we extend to other people. That is a fact of life. It is happening as we speak here

I have concrete examples of people importing into Trinidad and Tobago products that are manufactured here and when I look at their information, they are operating at serious losses, and when I get the facts, they are selling to Trinidad and Tobago at prices as little as one-half of what they are selling for in their own country. What can we do about it? Do we wait on this? It is not going to happen. By the time we are able to go to this authority and make this complaint and provide evidence and do this and do that, we would be out of business.

So that this is not the full answer; this is just part of it; the final chapter. This is not going to make Trinidad and Tobago a nation of manufacturers. It will make us a nation of manufacturers only in the very few areas where we can be world-class manufacturers. If this is the Government's philosophy—a complete reversal of what we have had for the last 30 years—let us tell the nation so; We do not want manufacturers unless we can compete with the biggest and the best. I ask the Minister, once again, to take into account the representations that have been made by all and sundry that dumping is the last chapter, and those who have to resort to this are probably not going to survive.

If one looks at the legislation—as we said in 1992 when we debated it—it is all in the favour of those who have, in fact, done dumping in Trinidad and Tobago. We said that then and we say it again. I look at the new section 18A—if the Minister would be good enough to study it—and this says that you have to be able to prove that there has been six months of subsidization; you do not have to marshal all the evidence. I ask hon. Senators to look at the list of requirements that you must fulfil before you can have a complaint listened to. Just take, for example, 2(h):

A list of all known exporters in the country of origin, and where the goods are exported from a country other than the country of origin, a list of all exporters in the country of export;

Mr. Vice-President, who is going to get this information; someone who is employing 15 people on the Churchill-Roosevelt Highway? It is not going to happen. Look at the treatment afforded in 18(A). It says:

"Where injury has been determined by reference to a competitive market within Trinidad and Tobago in accordance with paragraph (b)...the exporters shall be given an opportunity to cease exporting at dumped prices to the area concerned or to give undertakings in accordance with section 18."

I make the point; the damage has already been done. Which manufacturer in Trinidad and Tobago can stay out of business for a year or more? Because this is what we are talking about; six months of evidence, then it will take you at least six months to get your complaint heard, and then the exporter is told, "Well, do it again." It is very simple; he would not have to do it again because the Trinidad and Tobago manufacturer would then not be in business.

It is good that this legislation is brought, but again I wonder, as I have wondered on so many previous occasions, who is going to implement all of this. Look at the complexities of clause 12 as amended. We are talking about determining prices in other countries, determining administrative charges, expenses, and regular profit margins in other countries. That is what this legislation calls for. I would imagine that the three persons who are now being trained would probably take a year, if not more, to marshal all the evidence to listen to a complaint like this; in the meantime, the Minister has the option of saying it is for the national good; prices are lower so let it be.

All I am asking is: Has the Minister really researched the detailed implications of this Bill, of these regulations? Has he done so? Or, is it that we do not want manufacturers here unless they are world-class, world-scale. If that is so, let us ask the question: What are we doing about the unemployed? From where are these jobs coming? I am on record as supporting free trade—perhaps moreso in the late 1980's than the goodly Minister when we first came here in 1987—but I make the call again, as I have on at least two occasions in the recent past, when I say that we need to have a fundamental look at our economic policy. We have moved from one extreme to the other.

We built walls around Trinidad and Tobago for many years. We imposed excessively high prices on goods manufactured in Trinidad and Tobago. We did that for some 30 years, and within a very short period we are attempting a transformation—which is good—but I ask the question: Is the time not appropriate for us to look at the long-term implications of what we are doing? Is it not time to really fundamentally reassess our economic policy? Sure, we have had short-term gains.

I am as aware as the Minister of the fact that our foreign reserves are much better than they ever were. I am very aware of the foreign investment flows that are coming into Trinidad and Tobago—and that is good—but we still have a problem that is killing us, and that is the problem of putting our people to work. We know—and the Minister will agree—that the jobs by the thousands that we

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require are not going to come from these massive investments, desirable as they are.

4.05 p.m.

Where is the economic policy that is going to address the very fundamental problems of worthwhile, substantive jobs for the masses of our young people? I do not pretend to have the answer.

All I am saying is that I am not seeing it in the economic policy that is being followed now and I am asking the Government to have a look at it again, because with all the infrastructure that we are putting in, as desirable as it is, we may very well end up in a situation where five years from today we may want to reverse all of this. We did it once before, when we had to make a total 360° turn; we may have to do it again. Are we sure, are we absolutely certain that this is the best way?

As I said, I do not have the answer, but I challenge the Government to take a second look, because it is not creating the jobs. And this is not a problem that is unique to Trinidad and Tobago. We read in the newspapers and hear on the television every day, 3000 jobs have been lost here; this place has closed down; that is happening. It is a very serious economic problem.

While I welcome the legislation such as it is, I ask the Minister to address the very fundamental issue which I have raised, which is that by the time a manufacturer gets to making a complaint against some foreign manufacturer or importer that goods have been dumped here, chances are he would already have gone out of business.

This machinery does not allow a manufacturer in Trinidad and Tobago to survive, simply because of the rather complex mechanism that has been used and because of the fact that the regulations put such an onus on him. He would not be able to survive unless he had financial support, maybe from heaven but not from the local banks, which are not going to put up with this while he takes six months to prove, another six months to get his complaint heard, and another six months of the people being given a free chance. It is not going to happen.

I thank you, Mr. Vice-President.

Sen. John Rooks: Mr. Vice-President, I have listened to all the debate this afternoon and I agree with all of it, but there is one thing that has not been covered—something that happened to me in the late 1960s.

I was planning on going into manufacturing here, products that are already used here. It was to be in company with the manufacturers in the United States,

who were well aware of what I was doing, because they were helping me with it. But then the competition was also in this market so I decided that if I went in and built this factory he was going to dump here until I went broke for he knew that he had more money than I, so the company never went on. That is not covered by this Bill at all. It means that the company which has nothing to show, is now looking to start and it is broke before it even gets off the ground. So I can see clearly what Sen. Mansoor is talking about, and I agree with him entirely.

Thank you, Mr. Vice-President.

Sen. Junior Barrack: Mr. Vice-President, it is nothing less than a national scandal bordering on economic sabotage for this Government to have completed most of the requirements for the liberalizing of our economy and it has not yet put into effect measures for the protection of our manufacturers in this country. There can be no excuse for this. It is almost an act of treason, a treacherous act, and this Government must be held responsible for every business that has collapsed as a result of the non-protection it got from this Government. There can be no other way of looking at this matter.

If we are to take the history of free trade in the world, we would have to go back to the time of the formation of GATT, and we would see that Third World countries were non-existent at the time. GATT was not formed for the protection and advancement of small countries, or states; it was formed so that the powerful and mighty countries of the world at the time could have worked out their problems so that they would not kill and fight one another for markets.

Therefore, when I heard Sen. Rev. Teelucksingh mention that most of the poorest countries of the world were objecting to GATT because it was not beneficial to them, I understood. For it was never designed to be beneficial to countries that were given independence after GATT itself came into effect.

It is now almost 50 years that these people have been trying to work out how they are going to share world trade among them. As I have said before, they have been able to perfect this measure in order to increase their share of markets, raw materials, and so forth. They continue to dominate world trade, to influence the movement of economic factors because of their sheer power, and the use of various agreements such as GATT. We who are small states must at all times be mindful of this fact, and when we are formulating economic policy, we must know that we are sardines and that we must be ever vigilant, placing the correct barriers and measures so that we can insulate ourselves from harmful effects coming from outside.

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It is unforgivable that after our economy has been virtually liberalized we have not one piece of legislation in operation to protect our economic interest in this market. What do we say of a Government that is entrusted by the people to seek their interest, and matters of these are treated with such callousness? Every person who has lost his job in the manufacturing sector as a result of the trade liberalization policy should sue this Government because it did not have the interest of its citizens at heart while it was going about a liberalization policy.

4.15 p.m.

Every act that is related to economic foundation, to unemployment and all these areas in our country which have something to do with unemployment as a result of non-availability of jobs and our liberalization programme, must be blamed squarely on this Government. And it must pay for its crimes.

We had an experience in our country when Iscott was exporting to North America. The steel manufacturers in North America took out an injunction against Iscott for dumping. It was with immediate effect and Iscott's trade was severely impeded. It caused a severe drain on our economy. And it was not because of inefficiency, for we were producing more efficiently than they were, but by the time the injunction was lifted, Iscott was a wreck.

If we are to have anti-dumping legislation, the effect must be immediate; not six months, eight months or years. It must be that we should be able to have an impact on those who are suspected of dumping excessive goods on our market to take control of the market and so forth. We must be able to impact on them with immediate effect, because that has been used against us with wicked, profound and devastating effect upon our economy and our industries.

I have seen this Government always making excuses for others; always giving preferential treatment to people who live abroad; always laying out the red carpet so that they can walk into our country and take out all the vital resources; utilize our human resources in which we have invested so effectively without giving our manufacturers and people a chance to compete. Almost everything that we produce in Trinidad and Tobago can be produced elsewhere more efficiently. We do not have absolute advantage, but for a very small area of our economic activity. Therefore, at every turn, every measure must be taken to give our manufacturers the edge. They must become more and more competitive. Our Government has failed us and the failure is more profound because it came from this group of individuals who, according to what was read by my colleague Sen. Kamala Persad-Bissessar, had a different view as expressed by the present Prime Minister himself in 1990.

This Government has a responsibility to every youth who comes out of school to get a job. Every individual in this country who is now unemployed has been looking to this Government to do something for the past three and a half years.

The Government itself has abdicated. It says that it will no longer be the major employer. It will not be the major mover in the economy. It has passed that on to the private sector. If it did that, I ask the question: Which part of the private sector? Is it the foreign element, or is it the local element? Surely, it has not given the local manufacturers the edge. It has disadvantaged every one of them, except for those who may have what little absolute advantage there is.

No matter how I try to come to terms with what this Government has done, I can find no other words that aptly fit, but "treacherous" and "treasonous." As we continue with our liberalization policies, we are going to be further and further imperilling our people, impoverishing them, giving away all that we have in this so-called global market and this so-called area of competition. We are going to make our country livable only for the rich and many of them will be not living here, but manufacturing here, and visiting their concerns as it was during the plantation period, while their representatives oversee the estate. It will not be even livable for many of us, with the state of crime and so forth.

Why I am very concerned about the way the Government is carrying out its economic policy is that it impacts very severely and critically on our social life in this country. That impact imperils all of us.

With these few words, I ask the Government to reverse its policies as much as possible; start thinking about the people of Trinidad and Tobago first, over its own pockets and also its friends, and so forth, in foreign lands. Put Trinidad and Tobago and its people first. If the Government has that in mind, I am almost certain that there can be no problem that we would encounter as a people that we could not solve.

Thank you, Mr. Vice-President.

4.24 p.m.: *Sitting suspended.*

4.55 p.m.: *Sitting resumed.*

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I would not be taking up too much of the time of this honourable Senate, especially since all of the Senators before me have expressed the causes of dissatisfaction with the Anti-dumping and Countervailing Duties (Amdt.) Bill that is before us.

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If consensus counts for anything in parliamentary matters, I want to add my voice to those who have reservations, and I want to list a number of points on which I would be listening to hear the Minister's response.

Firstly, the anomaly of countries like ours seeking to harmonize with the 1994 Anti-Dumping Code and the 1994 Subsidies Code which have been strongly criticized here, and in other countries like ours, as not being in our favour.

Secondly, the lack of protection for local manufacturers following the dismantling of the negative list.

Thirdly, the over-zealous application of, and resort to, trade liberalization requirements and our seeming lack of awareness, to use Sen. Mansoor's words, that this is not a level playing field.

Fourthly, the introduction of all kinds of arrangements to facilitate trade, ironically, almost at the expense of measures to stimulate production.

Finally, I would really like to hear the Minister's response to Sen. Mansoor's argument that the time it would take to prevent people from dumping would make it almost useless to try to prevent it. It would take so long that the damage would have already been done.

Thank you, Mr. Vice-President.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Vice-President, I thank you and hon. Senators, most sincerely, for allowing me to stand and speak in this Senate, a privilege that appears to have been taken away from me in the other House. *[Laughter]* I thank you most sincerely.

Of course, Senators on the other side had certain criticisms with respect to the legislation, which I hope I would be able to deal with in my winding-up, but I want to thank you most sincerely for at least allowing me to stand and speak.

Perhaps, I should deal with the point made by Sen. Prof. Ramchand which was first made by my good Friend Sen. Mansoor, that is, that by the time one brings an anti-dumping complaint, the person may be very close to bankruptcy. I want to answer and say yes, as a fact, the anti-dumping legislation is the last straw of protection the Government is offering.

First of all, I want to recall the point made when I presented the Bill. I said that although the Trade Ordinance of 1952 and the negative list have been dismantled, with the exception of a limited number of products, the main framework legislation, namely, the Trade Ordinance, No. 19 of 1953, would be

kept in force in order to enable the Government of Trinidad and Tobago to deal with emergency situations. That is the first point.

It would seem to me that if we are in a situation such as the one described by Sen. Mansoor, then any caring government may want to use that provision, but, again, as a last resort. Also, I made the point in my presentation that the consultants counselled that their experience with respect to the European Community was that the legislation had to be amended from time to time, based on practical situations.

We are moving into uncharted waters and whenever I come to the House—it does not matter with what piece of legislation—I discern a fear coming from the other side; a fear with which I can empathize, because as a fact, we are making a transition. Yes, we were accustomed doing things one way for 30 years and we are changing. They are complaining about the speed, but one cannot be half pregnant. Either we are going to operate in the paradigm of the protective walls and tariffs or we are going to move to international competitiveness.

The same way there were certain things necessary, given the paradigm of the protectionist environment, the same way there are certain critical ingredients necessary as we move towards an open economy. If we are moving to remove the negative list, we need anti-dumping legislation and certain protective mechanisms.

We need to go boldly. We do not determine world currents; I have said that on a number of occasions. We do not determine world currents. What we, as a small country, can do is to determine the direction of those currents and how we can position ourselves to maximize gains for Trinidad and Tobago.

We have said that we want to position Trinidad as an export platform, and yes, we want world-class organizations. As a fact, that is what we are going for.

The fear of unemployment: What are the facts? If one looks at the *Quarterly Economic Bulletin* one would see that in 1990 a total of 374,000 people were employed. One could look at the end of the fourth quarter of 1995 and see that 425,500 people were employed. That is roughly about 51,500 jobs created between 1990 and 1995 in an environment in which the pundits were saying that 40,000 jobs would have been lost in the manufacturing sector. More than that, what are the facts?

We have now had about five quarters of positive growth in the manufacturing sector—the manufacturing sector that we are complaining about, the manufacturing

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sector that invited me to talk at the public sector forum on Wednesday, saying that we are going in the right direction.

5.05 p.m.

There was one multinational manufacturer located here—I think everybody knows who it is—I would not call any names—who was saying, "Look, you should hold it where we are," and everybody else around the table, including my good friends/colleagues, was saying, "No, we have a good thing going; let us continue in the direction in which we are going because it is the right way." That was a private/public sector forum on Wednesday last, after my incident on Wednesday morning.

Sen. Prof. Spence: I wonder if the hon. Minister could break down that increase in employment.

Hon. K. Valley: I can tell the Senator much of it was in manufacturing. I would like to refer him to the document. Under Sectoral Distribution of Employment, I would look at the fourth quarters of 1990 and 1994.

SECTOR	ANNUAL AVERAGE	
	<u>1990</u>	<u>1994</u>
Agriculture	46.2	44.9
Manufacturing (including Mining and Quarrying)	54.0	58.4
Construction (including Electricity and Water)	47.5	46.1
Transport, Storage and Communication	27.3	29.5
Other services	198.9	246.5

Manufacturing had some also. This is net increase we are talking about. Obviously, in manufacturing there would have been some falling out but the positive exceeds the negative so there is a net positive.

Unfair trade practices: There is the argument that anti-dumping is so low down on the list, how come we are not coming to the Senate with unfair trade practices? I am still waiting for my ministry to bring all the information there is available.

The same time we went out on this consultancy we went out on another consultancy on unfair trade practices. As a matter of fact, there is a Note before the Cabinet that has been deferred. The Government was ready to come with legislation but my friends in the business sector—the Manufacturers' Association and the Chamber of Commerce—one was saying go ahead, and the other was saying no. I told them to settle their business as I am a facilitator.

The business people must say what protection they need and I would see how I could assist. Quite simply, I am waiting on the business people to come back to me. I have to wait on them. I have to ensure that they are happy with this type of legislation. The whole purpose of the legislation is to provide protection for them.

You would be surprised, there are manufacturers in the Chamber of Commerce—some of my very good friends who would tell you privately you should talk to them, let them settle their business and then come to me. And I would gladly come to the Senate. The consultant spoke about pre-shipment inspection and some manufacturers, as well as the people in the Chamber of Commerce, do not want that.

Sen. Prof. Spence: Mr. Vice-President, we elected the Government for leadership. We did not elect the Chamber of Commerce or the Manufacturers' Association. Why does the Minister have to consult with them? To say that he cannot have legislation until they agree is absolute nonsense.

Hon. K. Valley: Mr. Vice-President, that statement is rather naïve. The purpose of the legislation is to provide a level of protection for the business community. Unfair trade practices legislation is for the business community. I think it would be extremely dangerous for any government to ride rough-shod over the people for whom they are supposed to be acting.

There was the issue of the General Agreement on Tariffs and Trade. I always enjoy coming to this Senate to hear the Senator speak. He speaks with such feeling and passion. *[Interruption]* I go to church on Sundays in my own church.

GATT sets the rules of trade in the world. That is the whole purpose of the General Agreement on Tariffs and Trade. One knows that within the world there are those regional blocs. There is the European Community, the Asian Pacific Bloc and there is now the concept of the free trade area of the Americas; blocs within that bigger bloc of GATT or the World Trade Organization. Even within those regional blocs, there are sub-regional blocs.

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In our own case, for example, there is Caricom, Mercusor, the Central American Common Market, and there is talk of the ACS. Throughout the world one sees the need for a greater level of integration, a movement to a greater level of free trade. There is the general acceptance that as one moves in that direction, one is going to improve the standard of living of the people. That is what is happening throughout the world.

The issue of whether we were involved. Yes, we were involved. Our Ambaassador to Brazil is very much involved in the GATT negotiations. Trinidad and Tobago is certainly not Japan, France or the United States. One is not going to hear us shouting from the roof top. We look after our interest and we believe that we have sought our interest with respect to the General Agreement on Tariffs and Trade. We are a signatory to that agreement and we feel bound by it. More than that, given that we are now so positioned, we can attract investors to our shores. We have made the point and we saw it when we visited Hong Kong. Hong Kong is one-fifth the size of Trinidad and Tobago. The population is five times Trinidad and Tobago's. There is very little one can do with 1.2 million people.

We can position Trinidad and Tobago as an export platform. If we are to do that, there are certain things that we must do. We have to provide the environment for those investors to access the markets which are around us. That is the basic strategy that we are following. We are looking for market access.

We are leading Caricom to get into markets such as Colombia, Brazil and Venezuela on the real free trade basis and then using these markets to encourage investors to locate here to access those markets. That is our strategy. We did not make the world. We came into office at the end of 1991 and we met certain commitments with respect to a certain direction. We have said, yes, if we are going in that way, we know that we have to do all that is required. We must have the support necessary.

5.15 p.m.

We cannot be moving to free trade and, for example, have a fixed exchange rate. The first thing we had to do was to move to floating exchange rate. We had to put the supportive infrastructure in place, and that is what we are doing.

I think Sen. Persad-Bissessar wanted to know what was happening with the stripping station and revenue protection agency. As a fact, the stripping station is functioning at Point Lisas and the one in Port of Spain would be functioning at the end of the year. With the revenue protection agency, again, our consultants have advised that we should beef up Customs rather than move to revenue protection.

Let me say a few things about the consultants because Sen. Prof. Spence took umbrage at the fact that we were using consultants, as it were, in the anti-dumping area. We are coming from an environment of protection. We are moving into uncharted waters and for me it would be foolhardy to move in that direction without counsel and using information and systems for persons who know. That is all we are doing.

In 1992, when we came in we had a commitment. Sen. Persad-Bissessar said it. In 1990, when we said that one of the first things we had to do was to ensure that the anti-dumping legislation—one would note that Act No. 11 of 1992 implemented that commitment to put the legislation on the books.

After we did that, bearing in mind that legislation provided for an anti-dumping authority we had to get advice with respect to the setting up of the authority. At that time we were looking at an investment sector loan and the IADB had given certain opinions with respect to our old legislation. We told them that we would have a consultant who would review the legislation and assist us in the establishment of the unit. That is what happened. We reported that in March 1994 under the terms of the investment sector reform loan with the IADB.

Government commissioned a study on anti-dumping, the objective of which was to review the existing regulatory framework, namely, the Anti-dumping and Countervailing Duties Act 1992 and regulations, and to make recommendations for the establishment of an anti-dumping unit in the Ministry of Trade and Industry. The commissioning of this study, apart from satisfying Trinidad and Tobago's obligation under GATT, reflects the fact that Government has been sensitized to the prospect of dumping and other unfair trade practices consequent upon the dismantling of the negative list.

It is also consistent with the Structural Adjustment Programme because under that programme we had removed a number of items from the negative list. This was in March 1994 and the consultants took about 12 weeks to do their work. They reported in late 1994 and we had a seminar with the private sector people on the report sometime in September 1994. Here we were in December 1994 approaching Cabinet for amendment to the legislation; accepting the recommendations and asking Cabinet to approve the amendments, which it approved in January 1995.

The legislation went in for drafting; it was completed about one month ago and here we are in Parliament. If I could have drafted legislation I would have done it way back in January. Then we would have had a shorter period. It would

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not have been three years, but the intent was always there to bring this legislation to the Senate as quickly as possible. That was the commitment; that is how we felt in 1990, and that is what we did in 1992.

We are happy—in hindsight Sen. Prof. Spence is correct. We should have proclaimed the Act since in 1992, but we did not because at that time we said that was uncharted waters; we had certain opinions with respect to the legislation and we wanted to hear what the consultants would say. That was our approach. At the end of the report the consultants said the legislation was good, but in any case, it would have to be amended as we go along. We know that. More than that, a firm recommendation coming out of the consultants in their final report is a commitment.

Sen. Barrack: I want a copy of that report.

Hon. K. Valley: You have to be an elected Member. You know you would never be an elected Member.

Mr. Vice-President: Let the Minister continue his winding up.

Hon. K. Valley: I am saying that in their final report the consultants advised the Government to make a commitment and review the legislation in four years. With respect to the EC legislation you would see how often that legislation had to be amended.

Sen. Rev. Teelucksingh made the point with respect to the United States Government and people who have been leading the fight and looking for business for America. That is to be complimented. I agree, but in Trinidad and Tobago there is a situation that when we do, we are damned, and when we do not do, we are damned. I will give you an example. The Prime Minister—hands-on—led an investment mission to Hong Kong.

Sen. Capildeo: Why did he not take along the Minister of Foreign Affairs?

Hon. K. Valley: He took the investment Minister.

The Prime Minister led an investment mission to Hong Kong and he is criticized, but one hears congratulations to the United States for doing the same thing. In Trinidad and Tobago when one tells them what one expects, they say it is promises. We went to Hong Kong; brought some people from there; said nothing to the press; just let them do their business, and they say it is hush-hush. One does not know what to do in Trinidad and Tobago.

We continue to pursue the national interest as we define it. I join you and I congratulate you. I take a leaf from their book. Our job is to facilitate. This is why whenever we go on a mission we take along the business community. If they go to Santo Domingo and on their return they say that they want to deepen ties with Santo Domingo, I would agree. I would do a letter of intent with Santo Domingo. Let us set a basis for market access agreement. That is my job as I see it.

5.25 p.m.

The other issue is substandard goods. The Rev. Senator thought that should have been included in this legislation. There is the Bureau of Standards, which the Senator acknowledged, and the Standards Act where these things are taken care of.

I would like to counsel the Senator. If he knows that there are goods on the shelves in Trinidad and Tobago with past due expiry dates, he ought not to keep that knowledge until he comes to the Parliament. Let us inform the Bureau of Standards. There are inspectors but we would be placing an extreme burden on the Bureau if it is required to spot all these things on its own. The Bureau of Standards reports to the Minister of Trade and Industry and I can tell you that that is a most efficient department.

At present we are looking at merging the Bureau of Standards and Cariri. Somebody made that point. We are also looking at bringing the Food and Drugs Division into the loop, positioning those institutions we consider necessary as we move forward to the 21st century.

Sen. Mansoor: I would like to point out that I thought the Minister was misleading the Senate when he quoted figures on the Gross Domestic Product about manufacturing.

Hon. K. Valley: Gross Domestic Product? I did not quote Gross Domestic Product.

Sen. Mansoor: In the earlier part of his contribution, when he was talking about the growth in manufacturing—the GDP in constant market prices for manufacturing as a whole. I can only go on this as it is a Government publication. In 1991, the figure was \$1.344 million; in 1994, the figure that was there the last time I looked at it was \$1,291 million. So, either this book is wrong or his is wrong.

With respect to employment, I would point out again that in the *Review of the Economy*, Appendix XII, the number of people employed in "other Manufacturing" in

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1992 was 42,200. In 1994, it was 42,500, which by my calculation is an increase of 300 persons. So the claims that the Minister has made, if this book, which is their publication, is correct, are not at all—

Hon. K. Valley: Mr. Vice-President, you know that telling untruths in the Senate is an extremely serious charge.

Sen. Mansoor: I did not say it was not true. There is this book and there is that book. What I said is accurate. The Minister can see it himself. I did not say what he said is untrue.

Hon. K. Valley: I am quoting from the Quarterly Economic Bulletin, March, 1995. With respect to the employment figures, I am quoting from Table 13 of the document. The table is headlined "Sectoral Distribution of Employment, 1989—1994." I quoted employment, annual average 1990, and I said it was 374,000. I used 1990 because 1991 was an election year and we know all kinds of things happen in an election year. I can pass this information to Sen. Mansoor.
[Interruption]

Mr. Vice-President: It seems that the statisticians in the Central Bank and the Ministry of Finance have to get together and sort out these things.

Hon. K. Valley: Mr. Vice-President, I am sure if the Senator looks at 1990, he will see 374,000. He will not have the first quarter, 1995, but I can give him the total employment figure, which is 425,500.

I know that Sen. Prof. Ramchand had a list of items. I do not know if I have covered every item on his list. I would like to do so because I really would like him to vote for this Bill. If I did not, I would ask him most kindly to point me to the areas of issue. I do not think there is anything else for me to deal with. If any Senator would like me to spend a few more minutes on any item, I will do so.

Sen. Persad-Bissessar wanted to know about the margin of dumping, but she is not here, so it does not make sense my dealing with that.

Sen. Rev. Teelucksingh wanted to know whether we were doing this for balance of payments support. If he were to look at our balance of trade and balance of payments figures, even in the *Review of the Economy* that he has, he would see that we do not really need balance of payments support. For the first time, in about 11 years, we have improved our surplus on the balance of payments. We are now running about seven months cover in terms of imports.

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Unless Sen. Prof. Ramchand has an issue he wants to deal with, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 25 ordered to stand part of the bill.

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

Senate resumed.

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

5.35 p.m.

BUSINESS OF THE SENATE

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. Vice-President, at an earlier stage of the sitting I had asked for item 13, "Introduction of Bills," to be deferred. I wish to advise the Senate that the Government does not have any matter under this item.

However, I wish to let my colleagues know that we have circulated a Constitution (Amdt.) Bill, 1995 which we propose to introduce and take through all its stages at the next sitting of the Senate on Thursday July 20, 1995.

Sen. Capildeo: Mr. Vice-President, on a point of clarification. I have before me several Constitution (Amdt.) Bills. One quite clearly says the Constitution (Amdt.) Bill, 1994, so that is out of the question. There is another one which says Constitution (Amdt.) Bill, 1995, which is the same thing as is listed here. Then there is another which says Constitution (Amdt.) (No. 2) Bill, 1995.

Before the hon. Leader of Government Business gets himself into total confusion—confusion which was in the other place [*Interruption*] Would you be quiet and listen to sense? I do not want to see that confusion transmitted upstairs here because we have two Bills with the same title; well now we have three. Which Bill is the Minister speaking about? I do not want that disaster which took place in the Lower House to happen here.

Sen. Dr. The Hon. L. Saith: Mr. Vice-President, I indicated that we were not introducing any Bills today. I am now merely signalling to hon. Senators that the Constitution (Amdt.) Bill, 1995, which was circulated this afternoon, and which seeks

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to amend the Constitution to provide, as the Explanatory Note says, for the vacation of the Office of Speaker of the other House where a Motion to that effect has been passed in the House and for the procedure to be followed in the circumstances, would be introduced at the next sitting of the Senate and taken through all its stages.

ADJOURNMENT

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. Vice-President, I beg to move that the Senate do now adjourn to Thursday July 20, 1995 at 1.30 p.m.

Sen. Capildeo: Mr. Vice-President, once again, I must lodge my objection. I understand the power of the Senate in taking a Bill through all its stages, but when there is such an important piece of legislation—I do not think one could get a more important piece of legislation than one seeking to tamper with the Constitution—

It is not fair to this Senate and the population of the Republic of Trinidad and Tobago that 48 hours notice is given to amend the Constitution to deal with the office of Speaker, one of the most important offices under the Constitution. I think the public should be allowed to look at this Bill before it is brought for debate in this Senate. I want to lodge the strongest objection I can to the procedure adopted.

Sen. Huggins: If a Motion is put for the adjournment there should be no quarrel.

Sen. Capildeo: There is a quarrel with the method being adopted to tamper with the Constitution; that is the quarrel.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.42 p.m.