

Senator's Appointment

Monday, November 18, 1996

SENATE

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The Senate met at 10.00 a.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

Mr. President: Hon. Senators, I have granted leave to Sen. Martin Daly to be absent from sittings of the Senate during November 17 to 22, 1996.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received correspondence from His Excellency, the President of the Republic as follows:

"TO: MRS. NIRUPA OUDIT

WHEREAS Senator Martin G. Daly is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, NOOR MOHAMED HASSANALI, President as aforesaid, in exercise of the power vested in me by section 40 (2) (c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NIRUPA OUDIT, to be temporarily a member of the Senate, on 18th November, 1996, during the absence from Trinidad and Tobago of the said Senator Martin G. Daly.

Given under my Hand and the
Seal of the President of the
Republic of Trinidad and
Tobago at the Office of the
President, St. Ann's, this
15th day of November,
1996."

OATH OF ALLEGIANCE

Sen. Nirupa Oudit took and subscribed the Oath of Allegiance as required by law.

ARRANGEMENT OF BUSINESS

Mr. President: Hon. Senators, I have been advised that another Senator may be required to take the Oath of Allegiance during the course of this sitting, but we

Arrangement of Business
[MR. PRESIDENT]

Monday, November 18, 1996

have not yet received the warrant of appointment, so I seek leave at this stage to do so at a later stage of the proceedings.

Agreed to.

EQUAL OPPORTUNITY LEGISLATION

Presentation

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I beg to present the report of the Joint Select Committee of Parliament on the Working Paper on Equal Opportunity Legislation appointed to receive and consider comments from the members of the public and to submit a report to the Parliament thereon.

10.10 a.m.

SENATE STANDING ORDERS COMMITTEE REPORT (1995—1996)

Presentation

The Minister of Community Development, Culture and Women's Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. President, I wish to present the report of the Senate Standing Orders Committee (1995—1996) Session.

JUST FRIENDS IN SERVICE (INC'N) BILL

Presentation

Sen. Andrew Gabriel: Mr. President, I wish 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 Just Friends in Service and matters incidental thereto.

TOBAGO CONSTITUTIONAL AND LEGISLATIVE ARRANGEMENTS REPORT

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I beg to move the following Motion standing in my name:

Be It Resolved that the Senate take note of the report of the Joint Select Committee appointed to consider and report on the *Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago*.

This Joint Select committee was given a mandate to report to Parliament on the constitutional and legislative arrangements for Tobago and was also initially

required to submit its report to the Parliament not later than October 15. The committee met on five occasions, the last of which was aborted because there was no quorum. However, on the Friday preceding November 1, the committee actually met on two separate occasions; having met during the morning, they adjourned and reconvened another meeting in the afternoon.

What is important is that the committee sat and considered approximately 90 per cent of its mandate dealing with the Tobago House of Assembly Bill and the Bill dealing with the Constitution as far as it relates to the Tobago House of Assembly.

The purpose as was stated in the terms and conditions given to the Justice Guya Persaud Committee, was to review all documents pertaining to the matter of constitutional and legislative arrangements for internal self-government for Tobago and to prepare a draft bill to give appropriate effect to the Report of the Joint Select Committee of both Houses of Parliament printed as a House Paper. Today we are dealing with the report which was prepared after the five meetings of the Joint Select Committee.

I am seeking to have that report accepted. I am aware that not everybody agrees with the report or the terms and conditions of the Bills that are annexed to the report. However, I feel it is time that we proceed to have these matters aired in both the Lower House and in this honourable Senate. I am not quite sure if we are in a position, if we turn down the acceptance of the Joint Select Committee report, to proceed to, in any way, debate or discuss the matters that have arisen as a result of the Cabinet-appointed committee.

Sen. Prof. Spence: Mr. President, just for clarification. The hon. Minister said that we should accept the report, but the Motion says "note". I thought the Minister would have said adopted.

Sen. Brig. The Hon. J. Theodore: I thank Sen. Prof. Spence for his observation. It is to note the report.

Approximately 20 years ago, in 1976 after an election, it appeared that the matter of how the day-to-day affairs of Tobago were being conducted came to be a problem. It was felt that the people of Tobago were not given enough say in the conduct of their affairs. One administration made efforts towards developing a status which would give more autonomy to Tobago under the unitary statehood within which Trinidad and Tobago exists. One of the major concerns that has been brought out over the years was that the purpose of the report was to remove these fears and anxieties of the people in Tobago and that matters dealt with centrally

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. BRIG. THE HON. J. THEODORE]

were biased and concerned primarily with Trinidad and that Tobago was being left out or perhaps, from their perception, not properly considered in affairs that govern the unitary state of Trinidad and Tobago. It was also important to provide for the expression of the people of Tobago in matters which relate to the country of Trinidad and Tobago.

During these meetings the Joint Select Committee received comments and suggestions from several persons and organizations including one from the Clerk of the Tobago House of Assembly and another from the Secretary of the Tobago House of Assembly. As directed, the Joint Select committee also ensured that copies of the report were made available to the public from various locations throughout Trinidad and Tobago and notices were published in the daily newspapers and the *Tobago News* requesting the public to submit comments on the report by October 18. Even as the committee met, it was necessary to seek a further deadline, and on October 8 the committee sought the leave of both Houses of Parliament to continue its deliberations beyond October 15 and to present its final report to Parliament by November 5.

Mr. President, November 5 became an important date since September last year, when the former administration prepared a bill to amend the Tobago House of Assembly Act. That bill, as we all know, never became effective and a certain amount of importance was attached to trying to resolve this issue certainly, by the date given by this honourable Parliament being November 5, 1996.

10.20 a.m.

As a military man I appreciate what it means to keep a deadline and proper time because other events can be affected. If a deadline is set, and people seek an adjournment and then still do not keep that deadline, it certainly indicates that there is either a lack of interest or motivation. The committee was guided by the deadline and sought to accomplish the major portion of its task. The aborted meeting was unfortunate, but even so, I am satisfied that sufficient was achieved that this report can be brought to this honourable Senate and as far as possible, open the way for debate dealing with matters which bother other people that would ensue in the other place and here. I am sure if they are presented they may require certain changes. I cannot say at this point.

I hate to think that the Bills would not get an opportunity to be debated. When one looks at the history of the relationship between Trinidad and Tobago, it is very obvious that the people in Tobago believe that there is some mismatch as far as

their grants and authority are concerned. It has also been suggested that these Bills would create a state whereby there would be secession of Tobago from Trinidad. We may as well face the fact that if over the years during the period of neglect of Tobago in the running of its affairs and sharing equally of the benefits which came to the unitary state of Trinidad and Tobago, no move was made to seek any secession, I am quite sure that by trying to improve the relationship between Trinidad and Tobago, no move would be made now. Unitary statehood suggests greater autonomy for the other partner, and in this case it is Tobago.

Bear in mind that in giving this autonomy, affairs which are conducted in Tobago, be they financial or the making of laws, are still subject to the Parliament of Trinidad and Tobago which is the highest authority. I am not concerned that the Tobago House of Assembly would produce laws and conduct monetary matters at its whims and fancies without some control or reference to this honourable Senate. I am subject to correction, but I am quite prepared to be advised and to learn during the debate of the Bill where there may be errors or pitfalls.

We need to note this report and not concentrate on making a negative contribution that the report was finished on the note whereby the last meeting was aborted, and ought not to have been brought to this Senate. I am not sure that is a solid enough argument to condemn the report and not bring it here at this time. Coming out of the situation about what appears to be a lack of consultation, I am satisfied that during the meetings held by the Gya Persaud Committee, consultation did take place with the Tobago House of Assembly. One can easily say that other people consulted, but the Joint Select Committee of Parliament did not consult.

One must recognize the purpose of the Joint Select Committee. It had a job to review and consider the report and submit its comments and/or recommendations to Parliament. Cabinet committees and others that are formed at ministerial level are sometimes supported by technical committees. These are people who do the initial contact and research and come back to the ministry or Cabinet with reports. These reports are considered. If it is necessary to return to the source for verification or confirmation of anything in the report, I am sure it would be recommended.

In this case, as a Member of the Joint Select Committee I am satisfied with the number of recommendations and comments received which included comments from the Tobago House of Assembly, that enough was at our disposal to make an

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. BRIG. THE HON. J. THEODORE]

assessment of the report which was done by the Guya Persaud Committee. It is strange as well that there seems to be a concern that the public needs to be given a greater opportunity.

I do not recall seeing any reports from members of the public be it the press or otherwise—I am subject to correction—objecting or in any way finding fault with this procedure which was being followed. I do not recall anybody asking for an extension of time for the Bills to be published. The Bills were published for two weeks. Comments were received from members of the public. I have seen them and I am satisfied that they were meaningful comments which showed that these people understood the Bills. These comments were taken into consideration bearing in mind what had been said in the Guya Persaud Report. As far as I am concerned, sufficient could be said to have been done at this stage.

I acknowledge that it would have been ideal if the final meeting had taken place on November 1, 1996. Other events which were taking place that week did not permit all the Members of the committee to meet a second time. It was not as though we suddenly abandoned the effort and said that we could not be bothered with that and let it go as it was. It was a matter of the Members of the committee having met on occasions, sometimes to their inconvenience, but we came to discuss these matters quite amicably. I am satisfied that in the main, we had agreement on what the contents of the report should be.

Even the Bills which were drafted in September 1995, by the former administration were used as a basis. Many elements in both Bills are similar. It is not as though the Guya Persaud Committee sought to disregard what had taken place. I think it is only correct that if a previous administration took certain action, once what had been done and can be built upon and proceeded along positive lines, especially where Tobago is concerned, it is only fair that we use what we find and see how we can improve and build on it.

10.30 a.m.

I am not quite clear why there is this feeling that consultation had not taken place or that it will make any great difference if the whole issue of this report, to which these Bills are attached, is postponed.

Sen. Prof. Spence: I wonder if I can ask the hon. Minister to comment on two points. One is that the committee had power, given to it by both Houses of Parliament, to send for persons, papers, records and so forth. As far as I am aware, no persons were sent for. Can the Minister also comment on the fact that the

Chairman of the Guya Persaud Committee, that is Justice Persaud, and Mr. Macintyre, who were two lawyers on the committee, had a minority report, which gave certain pointers to issues which they consider to be difficult? One would also note that we did not in fact see it.

Sen. Brig. The Hon. J. Theodore: Thank you, Sen. Prof. Spence. You are quite right. From the meetings I attended, I was not aware that any other persons were summoned to attend these meetings. I missed two meetings. For the first one I was abroad and for the second one I was attending a funeral nearby at the Trinity Cathedral. I attended the other meetings.

As far as the minority reports are concerned, I am quite aware that there are minority reports from Mr. Macintyre and from Justice Guya Persaud, but I see these in the light of raising issues which should be broadened and for which answers can be sought. I did not really feel that this Joint Select Committee needed, at this time, to deliberate on these minority reports. It is my opinion that these reports will form a major basis for the very debate that I am sure will emanate when these two Bills come before this honourable Senate.

I am sure that even outside the two written minority reports there are other opposing opinions held by Senators and I look forward to the debate which will ensue. I think it is the only way we can truly examine these two Bills and come up with what is best for Tobago. I am not sure that it is a positive move to try to put them aside with the belief that until all the amendments are made and they are corrected to suit everybody, they ought not to appear. I think that bills such as these ought to be debated and the legal points that are relevant and of concern to anyone—Senators in the Opposition Benches as well as Senators on the Independent Benches—should be aired. I think that this is the whole purpose. We are bringing these two bills upon which comments can be based, about which faults can be found—and there is no problem with people finding fault, because it is the only way we can get what is best for the people of Tobago.

I am under no illusion that what is here is perfect and that the annexes must be accepted by all. In fact, I think the Senators on the Government Benches welcome the comments and suggestions from the other side. It is only correct, in the spirit in which the honourable Senate meets, that everyone be given an opportunity to comment on these annexes. That is one of the reasons I feel that this report should be noted, because noting the report does not suggest or presuppose that there is acceptance of either of these bills.

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. BRIG. THE HON. J. THEODORE]

Noting this report does not suggest that we are also taking into account Annex I and Annex II because that would be the subject of a different exercise. I think we all know that this exercise will start in the House of Representatives when the Tobago House of Assembly Bill and the Constitution (Amdt.) Bill will be debated. Of course, we will be guided by what takes place there, but I am sure all the Senators have their opinions and I am positive they will welcome an opportunity to voice these opinions. I am sure that, at whatever stage it might have occurred, there might be parts of these bills that, as far as they are concerned, do not make good law or may not be in the best interest of the people of Trinidad and Tobago. I say Trinidad and Tobago deliberately because we have to be careful that we do not try to isolate Tobago. I see the Trinidad and Tobago tie being shown to me at the back. This is what we remember.

There has been a practice—and I am sure Tobagonians feel very left out—of teams going abroad carrying only the name “Trinidad”. It happened at the last Olympics with Mr. Ato Boldon. I doubt Tobago was covered by the number. It just was not there. If one is living in a country and it comes to the point where the name of your country is cut in half, like with Trinidad and Tobago where the word “Tobago” is dropped off from the name, one begins to wonder if one is getting signs of abandonment. Is it that the Central Government wishes to indicate to Tobago that it is perhaps second rate, poor cousins, will take what they get and will have no ability to determine their own destiny?

It is my view that the contents of these bills are so designed to give Tobagonians a greater say in their affairs. I am not a legal person, but the legal people will determine how in law this will be done and what can and may be written badly. However, it is not my purpose here today to debate the bills. I simply want to emphasize why I feel that the report ought to be noted.

I will not go into too much detail about what the bills contain and about what powers it is suggested that the Assembly be given because this is a matter which has not yet been determined and will be determined in the full length of time under these very conditions.

I would like to emphasize, Mr. President, that consultation depends on how one views it. Some people consult on the telephone, some people consult by memorandum, some people consult face to face. There seems to be a feeling that we needed to go to Tobago and to enter the House of Assembly for it to be determined “consultation”. I am not quite clear on the interpretation but maybe I have been doing it wrongly all the time. I do not have the money nor the time to

see all the people with whom I work to consult. I am of the view that sufficient information was exchanged to give this committee a good feeling for what it had before it and how it should deal with the various clauses contained in the bills.

It has been noted that of the 78 clauses in the Bill, 62 were disposed of and this is the entire Constitution (Amdt.) Bill. Thus 90 per cent of the business was dealt with.

10.40 a.m.

Now in most cases, under normal circumstances, in voting and reaching agreement there is provision that the will of the majority will obtain. I would like to apply that in dealing with this Bill. Since there were only 10 per cent dealing primarily with the various sections at the back of the Bill, we should not negate the efforts made by the committee and in any way use that as an excuse to suggest that they did not carry out its mandate. It is all well and good to say we did not get to clause 78 but from clause 78 as the hon. Members can see, we dealt with the First, Second, Fourth, Fifth, Sixth and Seventh Schedules. There is very little to be debated here so that while on paper it may appear that a substantial part of the Bill was left out, in fact, the major clauses of the Bill were, dealt with.

Sen. Dr. St. Cyr: Sir, could the hon. Member tell us up to which clause in the Bill the Joint Select Committee got?

Sen. Brig. The Hon. J. Theodore: Yes, certainly. Mr. President, I can only give from my copy and in fact, I have up to number 78 ticked off. The way we did it, was to go through the various Bills, and all contentious issues were deferred, however, the ones that were agreed to were ticked off and, according to my records—I do not swear that they are absolutely correct, but I did try to keep track of where we were—none of the clauses from clause 71 were queried and none from 72—78 were challenged and, for all intents and purposes, there were little or no discussions on them, but they were accepted as written.

For what it is worth, Mr. President, a substantial portion of the Guya Persaud Report which includes the two draft bills, was dealt with and I would like to urge this honourable Senate to take into consideration that what is important is that this Parliament show the people of Tobago that we are indeed interested in their welfare and we are prepared to give them an opportunity to have a greater say in the conduct of affairs in Tobago, that they can make a contribution and will not

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. BRIG. THE HON. J. THEODORE]

remain subordinate to Trinidad to get things if and when Trinidad decides. This is the whole purpose. And I will quote from the Guya Persaud Report which states:

“The devolution of such authority is a requisite for efficient exercise of the responsibilities that are entrusted to the Assembly in respect of the development of Tobago.”

It is very frustrating, Mr. President, to be put in charge of something with no authority. I have known in past administrations that people were given jobs, they got their newspaper every morning, they drank their coffee, but they were given nothing to do, they had no authority. Now that is very frustrating. People, by right, want to work, they want to earn their living, they want to have some say in what concerns them.

Tobago cannot be reached by jumping in a bus and paying a fare, it is across the seas, 21 miles from the nearest point at Toco, which, not only makes life more expensive for them, but I am sure that this physical division of being cut off gives the impression that they are cut off from the centre of government and participation in affairs of Trinidad and Tobago, because they happen to be Tobago. Somehow or the other, this Bill will cause Tobago, at some stage in the future, to want to secede.

My contention is that if points leading to secession did come up over the last five years, I feel what is happening now by this devolution of power, and giving greater autonomy, will ensure as far as possible that such thoughts are put in the back of people's mind because they will be participating in the governance of Trinidad and Tobago, and will have the assurance that their voices and views will be heard, and maybe that is all people want.

I have heard on many occasions that one of the problems in Trinidad and Tobago is that we pay no attention to the human factor. We became very materialistic over the years, especially with the oil boom and the dollar sign was our symbol, but I am afraid that today, that is not sufficient. Throwing money after people will not get their loyalty or in any way make them a part of this country. To simply say that we will give Tobago a few more thousand dollars is not the answer. People know this from their very families and if we trace the history of delinquency, we will see that what people need is acceptance and love.

Mr. President, it is important that Tobagonians feel that they are truly a part of this unitary state of Trinidad and Tobago and not simply belonging to an island

that receives its supply from Trinidad depending on the movement of the coastal steamers, or an island where they are always threatened with increased airfare because people still come from Tobago to Trinidad to conduct important business. There is the matter of the Registrar's office and the prisons.

Mr. President, there is a prison in Tobago but the arrangements are such that all remand and female prisoners must be brought to Trinidad. This immediately means that relatives wishing to visit these persons must make their way to Trinidad because Tobago may not seem important enough to have a prison which will keep the persons who were convicted in Tobago there. I do not know what was the reason for it but for what it is worth, it is one of the things that make people feel that everything is so centralized in Trinidad, that Tobago comes like an afterthought and receives benefits only on their insistence. Or, perhaps some people may interpret that it is when they decide to raise their voices and seem to be prepared to create problems. If we have to go from one problem to another problem for Tobago to progress, I am afraid, we are not doing it the correct way.

It has been proven internationally that there is greater devolution in a number of countries like England, Ireland, Scotland and Wales and I do not think it has anything to do with the size of the territory. We could also take the Caribbean like St. Kitts, Nevis and Anguilla which are closer to home. We find that very perception that these other territories would not allow some say in what they are doing; somehow or the other they took it upon themselves to decide that maybe they ought to go it alone. I do not believe that this is what Tobago wants to do. I certainly would not subscribe to the view that that is what we would like to see happen to the unitary state of Trinidad and Tobago. It is my view that this greater autonomy is long overdue, necessary and even more critical at this time.

10.50 a.m.

As we know, the date of the Tobago House of Assembly election has been set for December 9, 1996 and this followed its own course. What concerns me, as I said earlier, Mr. President, is that this is like someone being given an office with no authority; a big name and the frustration of not being able to make any contribution to what is going on in his firm or in his ministry. I am not sure how Tobagonians are approaching this election. At present they are under the existing Tobago House of Assembly Act and it would appear that the deadline of November 5, 1996, may be quite fortuitous. All things remaining equal, I would like to think that the new Tobago House of Assembly, which would be formed

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. BRIG. THE HON. J. THEODORE]

after the election, would have some basis upon which to develop their various portfolios.

From a layman's point of view, I certainly think that even if the Bill is still being debated when the election takes place—I do not know what the timetable will be, Mr. President—that at least some semblance of interest that has been shown to Tobago would make a great difference in their whole approach to what transpires during and after the election and how they would go about carrying out the affairs.

What I think is important, Mr. President, is that notwithstanding whatever is contained in the Bills, the Parliament of Trinidad and Tobago is the supreme authority and whatever laws or actions may be taken are subject to the Parliament of Trinidad and Tobago. We have to recognize that we are a unitary state and these Bills seek to grant some more autonomy and, for what it is worth, I ask hon. Senators to view this report in that fashion.

These Bills do create an opportunity for dialogue to take place and they may contain information that everyone may not be pleased with. However, at this forum everyone would be given an opportunity to make his contribution, and hopefully at the end of it all we would come up with a Bill that would, in fact, truly reflect what is needed for Trinidad and Tobago, and one that would give the people of Tobago some assurance that their interest is being considered and that they would be given an opportunity to participate in what is going on in the unitary state of Trinidad and Tobago.

I commend to hon. Senators that the report, as submitted by the Joint Select Committee, be duly noted.

I beg to move.

Question proposed.

Sen. Elizabeth Mannette: Mr. President, I rise to note the report of the Joint Select Committee. I am not quite sure what that means, but I would like to make some comments with respect to the committee's functions.

As I understand it, a joint select committee of Parliament has certain obligations to Parliament; the Senate and the House of Representatives, and the committee is obligated to perform its duties and to fulfil its mandate. However, I am quite troubled to hear Sen. Brig. The Hon. Joseph Theodore mention that the committee considered 90 per cent of the matters before it and it seems as though

that 90 per cent is acceptable. I am quite concerned because the matters that were not considered include the Fifth and Sixth Schedules. I think that those Schedules deal with the central issues in the whole Tobago House of Assembly as it gives greater responsibility for Tobago to the Tobago House of Assembly. Yet the Minister is telling us that those Schedules were not considered by the committee—if I understand him correctly.

It seems that one cannot rely on a joint select committee to conclude its affairs if meetings are aborted and Members are not available to attend meetings. It seems as though the committee is now throwing the responsibility back to the Senate and the House of Representatives to interview persons and to access information from the Tobago House of Assembly. I was under the impression that the responsibility of the Joint Select Committee was to review the draft legislation, interview certain persons, invite people to appear before the committee and explain provisions which may not be clear and to make a complete report to the Senate. However, it now seems as though Members of the Senate have to do additional work which the committee should have done and I am concerned that that seems to be acceptable. I wonder if this is the norm or the standard of performance. It is quite troubling, Mr. President.

The hon. Minister mentioned consultation and that he was of the impression that sufficient consultation took place at the committee meetings. Indeed everyone recognized that the issues being discussed are very important to people of Tobago and Trinidad as well. However, the committee failed to meet with the chairman and the representatives of the Tobago House of Assembly—the body that was elected by the people of Tobago to run their affairs.

Of course comments were received from the clerk and the secretary of the Tobago House of Assembly but it is not clear if those comments were from those persons in their capacity as administrators in the Tobago House of Assembly or as the actual position of the Tobago House of Assembly. I understand that one of the comments received was really based on certain staff issues. One wonders what other groups would have liked to make some contribution to the draft legislation and whether the other groups were given an opportunity.

The Minister mentioned that the Bills were available for two weeks. Quite frankly, I do not think two weeks is sufficient time as it would require one to be up-to-date with everything that is happening with the legislation and to be available on short notice. I think this is showing some disrespect, not only to the Parliament but to the people and the Tobago House of Assembly. If the Chairman of the

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MANNETTE]

Tobago House of Assembly could say that it was not given ample opportunity, how could the committee say that they feel that the Tobago House of Assembly was given ample opportunity?

11.00 a.m.

One can compare this lack of consultation in this committee's function with the process that took place for the drafting of the 1995 Bill. That process started three years before the Bill was finally completed, and the Tobago House of Assembly was directly involved in that process. The then PNM government stated, quite clearly, that they were prepared to go at the pace of the Tobago House of Assembly. There was no great rush to pass any legislation or to complete any process within a few months.

Indeed, the then Government under the PNM, modified a number of drafts to accommodate certain concerns of the Tobago House of Assembly. I do not think the draft which we would be debating within the next few sittings accommodated any of the concerns of the Assembly. In addition, for the 1995 draft, the Government went in the villages of Tobago, explaining certain provisions and hearing the comments of the people. Following that process, a final draft was worked out with the Tobago House of Assembly. This wide consultation contrasts sharply with what was done by this committee. Also in 1995 the involvement of the parliamentary representatives for Tobago was not forthcoming—they chose not to be involved in that process—and yet in this draft we see they are quite involved, in total contrast. On one hand, the people of Tobago and the Tobago House of Assembly were consulted and, on the other hand, it seems as though only the parliamentary representatives have made an input. It troubles me that this Parliament may be disrespecting the people of Tobago especially in the aspect of consultation.

Mr. President, another concern I would like to note is the procedure the committee went through in viewing the draft legislation. As we know, this legislation would make significant changes to matters that are very important matters that are permanent changes to the Constitution of Trinidad and Tobago. Yet, it seems as though there was little opportunity to discuss fully the consequences of certain of those matters. The Minister mentioned an election taking place on December 09, 1996, yet the Bill is not passed and subsequent to

that election we are not clear on exactly what is going to happen—that is the point. We needed to have people address the committee to explain certain things that may not have been clear to the Committee.

Certain significant changes that would take place which should not be overlooked include increasing the number of Senators in the Senate to a number greater than the Members in the House of Representatives. That, to me, is something very fundamental and I am not even clear if there is any precedent for that sort of arrangement. The legislation proposes a commission to review the budgetary allocations of a central government—the duly elected Government of Trinidad and Tobago, their allocations, would be reviewed by another body. That, too, is quite a significant change and one would expect that these matters will be deliberated upon slowly and carefully as opposed to this apparent lack of completeness. One can compare other Joint Select Committees that were set up—the procedure, the timeliness in which they conduct their matters—I note that other committees such as the Ombudsman Review Committee and the Equal Opportunity Legislation Committee, are asking for additional time.

The Ombudsman Committee is going into the communities of the country and meeting with citizens; yet this committee is doing its business in a much more closed fashion when it concerns issues which are even more important.

It is troubling to a young parliamentarian to look at senior people on committees and the process and the way things are done, and one wonders if this is the standard and the norm, that we just do things in a short space of time and we have to get it done because we have a deadline. Is completeness and thoroughness not the more important concern? Those are the main comments I would like to make at this time.

I thank you, Mr. President.

Sen. Prof. John Spence: Mr. President, just before starting I want to assure Sen. Mannette that in my experience, that is not the way joint select committees conduct their business, that is the way this one has conducted its business.

Mr. President, I start by stating upfront my position with respect to the way that we are going in relation to the changes being made in the administration in Tobago. I have, in effect, two positions; my first position is a philosophical position in which I have an overall view as to whether we should do what we are doing or not; my second position is if all the people in Trinidad and Tobago—we

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. PROF. SPENCE]

must have some machinery for ensuring that the majority of people in Trinidad and Tobago want to go in a certain direction; then I would do my duty as a parliamentarian and try to make the best possible Bill to meet that end.

Mr. President, I say that I am not convinced by the argument that because we consist of two islands we should have internal self-government for one of those two islands. Quite frankly, that is what we are doing. If we read even the statements that were made by those who are supporting the thrust that we are making, it is being referred to as internal self-government. As far as I am concerned, internal self-government is a term which was used in colonial times to indicate that one is going towards independence and there is nothing that has been said in this discussion so far which allays my fears that that is the direction in which we are going.

Take for example, St. Kitts/Nevis. St. Kitts/Nevis decided to give Nevis all the possible autonomy that it could have, including its own Parliament, that is, complete control over its own affairs in Nevis. Yet, today, before the Parliament of Nevis is a Bill to have complete separation from the Federation of St. Kitts/Nevis. So that it is not necessarily the case that by giving complete authority over the affairs of another island would not lead to that. Indeed, the experience in the Caribbean is, that is precisely what it leads too.

If one takes the argument about being a separate island needing to have a completely separate administrative system, then I suppose one would have to assume that the 600 islands in the Bahamas would all have to have their own Parliaments. Many of them, in fact, have a quite substantial population. We need not go farther than the Bahamas. In thinking of this, I would refer to countries like the Philippines and Indonesia which have hundreds of islands, but we can go quite nearby to see the consequence of this philosophy. I do not believe that it is a philosophy that will address the problems—and I will demonstrate how I think the problems would still be there with respect to Tobago. I fear that what I am saying may be misinterpreted as my being against the people in Tobago—far from it, I have spent many years of my life as a technician, working on issues to do with the development of Trinidad and Tobago and specifically Tobago. Now, it is true that those developments did not take place in Tobago as they should have done and, to my mind, that is a political question and I will demonstrate how even giving the greater autonomy to Tobago may not solve that issue.

With respect to the Joint Select Committee and its report, from the very beginning, I was unhappy about the way this committee approached its

deliberations, however, I went along with the approach on the assumption that we would indeed complete our task satisfactorily. I have sat on select committees in this Senate before; I have sat on committees of international nature; I have sat on the United Nations bodies; I have sat on the United Nations committees and attended meetings of the United Nations; I have attended international bodies and in my experience in all of these fora, never before have I been given a report to sign half an hour before it was due—or half an hour before I was leaving for Parliament—without having reviewed and agreed on the contents of the report before it was signed. This is one of the main reasons that I did not sign the report. It was unfortunate that a report had not been presented which indicated the signatories to the report.

11.10 a.m.

In my opinion it is not satisfactory for there not to be a final meeting in which the members of the committee agreed on the report that is going to be presented. I was able to read the two or three pages of the main report but I did not have an opportunity to read the appendix which, of course, represents the real importance of the report. Quite frankly, two or three pages which say what we have done is of no significance at all! The real importance is in the appendix, which indicates the changes that were suggested by the committee.

The hon. Minister has suggested that what is in that appendix is not carved in stone. Yet he seems to suggest that, having gone through the aspects of each section of the report, the committee had then made final decisions carved in stone. That is not how I looked on the work of the committee at all. We were going through and I agreed with that, but my contention always was that, having done that job, we would then consult with various persons, including the Tobago House of Assembly, but with other persons as well. One of the important aspects of this Bill has to do with the control over the sea around Tobago, and I will come back to that.

I had suggested at a very early stage, that we should consult with the person in Trinidad and Tobago who is most knowledgeable on that subject, that is Lennox Ballah. So we could, indeed, have gone through this report and agreed on certain things, *pro tem*. Then when we make our consultations—and this happens all the time in committees—as you get more knowledge in your discussions, you go back to the decisions that you may have made and, perhaps, make alterations. So if those decisions are not carved in stone now, they certainly were not carved in

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. PROF. SPENCE]

stone at the stage that we had reached in our discussions; and to have done our job properly, we should have carried out the mandate given to us by both Houses of Parliament and that is, we had the power to send for persons, papers and records.

With respect to the Tobago House of Assembly, I think it is important to note that the Secretary of the Tobago House of Assembly wrote to the committee on a meeting of the Finance Committee of the Tobago House of Assembly, not on a meeting of the Tobago House of Assembly. So while it is true he is reporting the conclusions of that committee, he did not transfer to us the conclusions of the Tobago House of Assembly. I do not know the difference between the Finance Committee and the Tobago House of Assembly. Maybe the whole of the assembly is the Finance Committee. That is not the point. The Tobago House of Assembly did not send its comments to the Joint Select Committee on the basis of the Tobago House of Assembly meeting; they sent it on the basis of the Finance Committee meeting.

Mr. President, it is only now when bits and pieces are getting out to the public on the fundamental changes we are making in the relationship between Trinidad and Tobago, that people are really waking up. It is not good enough to say that you have given the Bill out for consultation and that you have not had comments. Look at the different approach that has been made to the Ombudsman's report, and this is quite the correct approach we have done. We have not just assumed that by the report being available, people will comment. We have gone all over the countryside.

It is not just a matter of seeing the Tobago House of Assembly. What about Trinidad itself! In that case we have done the job thoroughly, but even after a number of meetings, consultations all over the country, the Ombudsman's committee has come to this Senate, quite correctly, and said, "look we have not been able to complete our deliberations, therefore we think this committee should be reconvened in the next Parliament." Clearly, that is what a responsible body of persons would do. I cannot, for the life of me, understand how, as responsible persons, we could have acted the way that we did.

Mr. President, I want to refer to one or two matters in the draft Bills themselves or in the appendix that is now presented to us; and I hope that these issues will help to indicate the importance of having discussed this matter in a more thorough manner than we did.

One of the major issues is policy. I think one wants to be absolutely clear on what the amended draft Bill in the report is saying. It is saying that Tobago will have the authority to discuss national policy in a large number of areas, to which we will come later on. They are given in the Fifth Schedule. In fact, it is almost everything, except a few that are reserved for the central government. In formulating that policy, the Tobago House of Assembly will consider national policy.

In my opinion, this will lead to the possibility of one part of the country having a different policy on, perhaps, important matters to the rest of the country. In my opinion if there is to be a provision like that in the Bill, it should either read “have authority for policy that is consistent with national policy” or “in the context of national policy.” Mr. President, I do not see how there can be two islands which might have different policies on important issues and think in terms of one country.

The second issue has to do with the actual Fifth Schedule, which gives those matters which are delegated or over which the assembly will have authority. There are two issues which I would like to mention here. The powers reserved to the central government—

Sen. Hamel-Smith: Mr. President, I have been a little patient. I am rising on a point of order. The Standing Order to which I refer is Standing Order 37 (1) headed “Anticipation”. The question for debate that is before us, is simply to take note of the Report of the Joint Select Committee and we have before us the Report of the Joint Select Committee which has been alluded to in the presentation of the hon. Minister. But we have Appendices to that report, two draft Bills. The Standing Order to which I refer states quite clearly:

“It shall be out of order to anticipate a Bill by discussion upon a motion dealing with the subject matter of that Bill.”

Mr. President, my respectful submission is that there should be great caution in dealing with the question that has been put for debate, in that we need to restrict our comments to the subject matter of the report itself, and deny ourselves the temptation of getting involved in the clauses and content of either of the respective pieces of legislation in the Appendices or the Schedule thereto. Notwithstanding the fact that there are Appendices to the report, the recommendation that is being made in the report is that these two Bills be presented to Parliament, and I quote, “at the earliest opportunity” so we now have a situation where these Bills that are Appendices to the report—

Sen. Prof. J. Spence: He is making a presentation, Mr. President.

Mr. President: Let me hear what you—you have made your point.

Sen. Prof. J. Spence: Mr. President, before you rule, may I respond?

Mr. President: No, I do not think so.

One has to bear in mind that the report of the Joint Select Committee deals with two Bills to which a reference has been made, and it is very difficult to draw the separating line between anticipation in this case because of the very nature of the Joint Select Committee's requirements. Also on the question of anticipation, if one looks at 37 (3), one would see that,

“In determining whether discussion is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of the matter anticipated being brought before the Senate within a reasonable time.”

One also has to bear that in mind, in light of the fact that we know that legislation would be coming before this honourable Chamber “within a reasonable time”. All I would ask, therefore, Sen. Spence, is that in dealing with the issues which you would raise, please bear in mind that these two Bills are going to be before this honourable Chamber where you would have full opportunity to ventilate your views on every section of the Bill.

11.20 a.m.

Sen. Prof. J. Spence: Thank you, Mr. President. I make the comment that this difficulty was not created by myself, it was created by the way in which these bills are being handled. If the bills came to Parliament and then a joint select committee had been appointed, we would have had no difficulty. The difficulty is being created by the way that the Government is handling these bills. I take your point, Sir, that the bills may come in a reasonable time, but I should point out that at the moment there are no bills, so all that will come is the subject matter, because, in fact, these bits of paper that we have are drafts which have not yet been accepted by the Government, as far as I understand, to be presented as bills. We are not dealing with draft bills; we are dealing with proposals being put forward in the form of bills by a committee which, in my opinion, in a rather strange way, is then sent to a select committee. But I will try to obey your directives, Sir.

With respect to the report, it points out that we had not dealt with matters to do with the Fifth and Sixth Schedules, so in arguing that the committee should

have completed its work, I would like, with your permission, Sir, to refer to the Fifth and Sixth Schedules to indicate the importance with which I attach the deliberations of those issues by the committee.

The Sixth Schedule gives the items reserved to the central government. Basically they are—national security; foreign affairs; civil aviation; meteorology; immigration; central statistics; legal affairs including the registration of legal documents. One very important aspect is that in the Fifth Schedule, which gives the proposed matters reported to be under the authority of the Tobago House of Assembly of which there are 29, there is a final one which suggests that the Tobago House of Assembly should have responsibility for:—

"any other residual function not specified in the Sixth Schedule or this Schedule."

Justice Guya Persaud, in his minority report, called attention to that particular section because it is a strange provision. Clearly, that provision should be in the Sixth Schedule which gives the items reserved to the central government and as matters arise which have not been given to the Tobago House of Assembly, they would then be delegated, but the residue is not put to the Tobago House of Assembly, the residue is put to the central government, to delegate as is seen fit. That is an extremely important issue which was not discussed and something to which attention was called in the lawyers' minority report.

Another issue which was discussed and which is clear from the report, is the provision with respect to Tobago House of Assembly laws that may be made in the future and how they affect existing laws in Trinidad and Tobago. In my opinion, we did not get any satisfactory resolution to that issue in the discussion. I have looked over the verbatim notes from beginning to end to see the discussion that we had on this issue and I am still confused as to, if a law is passed in the Tobago House of Assembly, how it will affect an existing law in Trinidad and Tobago.

The discussion we had was to do with WASA. If the Tobago House of Assembly passes a law to do with control of water resources in Tobago, does it immediately mean that the law that is in existence to give WASA authority over Trinidad and Tobago has to be modified? Or, is it immediately modified by the passing of the new law? We had no satisfactory resolution to this. Yet, that is a very fundamental issue because a number of laws that may be passed by the THA are already under some legal control by laws that have been previously passed in the Parliament of Trinidad and Tobago. It is extremely important that we know what happens in that sort of circumstance.

Another issue that we were unable to resolve, and I am very disappointed—I should say I wanted to use a different word but I would use a milder word as that—to see that the appendix to the report gives the impression that we had, in fact, come to a decision on that issue. We discussed the matter of the ownership of the sea resources outside of Tobago but we did not come to a conclusion. Yes, this report, and on this alone I would not have signed the report. Indeed, I wonder whether we should put it to Parliament at all. We did not, in fact, say that the seas would be prescribed nor did we say that the six-mile limit would be designated. That is something on which we clearly have to get very careful legal and technical advice.

We have agreements to do with the law of the sea. I do not know if we are able, under those agreements, to hand over authority for resources in the sea in that 200 mile exclusive economic zone to entities other than the national government. I just do not know, but I presume we could find out if we felt it was important to do so. Of course, it is extremely important and I will return to that with respect to finances in a minute.

Mr. President, the real fear that I have is that what we are setting up is not for less controversy in Trinidad and Tobago, but more, because what will happen now is that the Tobago House of Assembly will collect its own taxes and it may collect—I think the figure estimated last year was approximately \$25 million, but the budget is likely to be some \$250 million. So, the Tobago House of Assembly will present its budget for \$250 million to the Minister of Finance who will say, "Yes, you are asking for \$250 million but you know I really could only give you \$150 million", and that is when it will start because the people of Tobago will feel badly done by. If it is frustrating not to have authority over, how much more frustrating it is to have the authority but not the financial resources to do anything with that authority? That is where the conflict comes.

Of course, unfortunately, I think there is likely to be a reaction in Trinidad as well. The few people to whom I have spoken, unfortunately, that is the way they react. "Oh, so they want self-government, let them have it and let them pay their own way." That is what we are setting up, not for closer integration in Trinidad and Tobago, in my opinion.

This is a time when, in the Caribbean, for the last 40 years we have tried, without success, to integrate more fully. We should not be talking now about internal self-government for Tobago; we should be talking about St. Vincent, Grenada and St. Lucia doing away with their national governments and becoming

one unitary state with Trinidad and Tobago and Barbados. When the prime minister in the last government spoke about closer association among Guyana, Barbados and Trinidad and Tobago, my response in the Parliament was, "Yes, but you have the wrong countries", because the economy of Guyana was so different from the others that it would have been difficult to integrate with that state. What he should have suggested was the integration of the OECS with Barbados and Trinidad and Tobago to form one strong country.

But, of course, that is not what we are doing. We are fragmented. St. Kitt's will get its independence; Tobago will get its internal self-government; and each of these little countries will be picked off, one by one, by any multi-national, or any foreign government, that wants some particular favour in this region.

Why do we have mealybug in Trinidad and Tobago? We have mealybug here because Grenada went to a foreign country for aid and it did not just bring aid, it brought a lot of plant material as well—the country is in the Far East—and it brought the mealybug. Of course, Grenada could not say no because it was looking for a handout. Instead of coming together and trying to be, as far as possible, independent, we fragment. So Dominica is giving citizenship to people from Hong Kong for a few hundred thousand dollars. The same thing will happen. All the land will be vested in the Tobago House of Assembly and the first foreigner who comes along and wants a sizeable part of land there who offers some favour in return, with the difference between the national budget of \$250 million and the actual resources of \$25 million, of course, it will have to give in. And it will.

11.30 a.m.

Perhaps if they were part of a strong central government in Trinidad and Tobago, it might be resisted, indeed as it is now. Parliament is about to pass a Bill—we were given an amendment—perhaps I should not anticipate—which suggests that the laws will be amended to stop the sale of land in Tobago.

I am sorry to be so pessimistic, Mr. President, but I honestly do not see us moving in the direction in which we say we would like to be moving. What, to me, is really very sad—and this has really created a dilemma for me over the last few days—I honestly believe that the views that I am expressing are held by all the Members of this Senate, only half of them cannot say it. This is what is distressing me no end. For the last week or two I have been in a great state of distress with that knowledge. What are we doing in this country? What is this Parliament doing by way of discharging its responsibilities to the people of Trinidad and Tobago?

The hon. Minister has suggested that we may be able to make amendments to the Bill when it comes to Parliament. As I have been trying to show, some of these are very technical matters in which we need advice and dialogue. Anybody who has passed Bills in this Parliament must be aware of the fact that it is not possible, under the circumstances of passing a bill, to have that sort of discussion with technicians. So, clearly, we have the device of a joint select committee which is set up to do certain things and should do them. Certainly, when the Bills do come to this Parliament my intention is not to suggest, a joint select committee, because I know that the House would not agree to that, but I certainly hope to persuade my Senatorial colleagues that at that stage we need a special select committee of the Senate to look at the Bill in detail and to do those things which the Joint Select Committee did not do. So I give notice that that is what I will do when the Bill comes to the Parliament.

I do not know at this stage what we are able to do to correct what I believe to be errors. We certainly cannot correct the major thrust that we are getting towards greater independence for Tobago. I regret it but I accept it. But I think the minimum that we can do is look very carefully at the items that we are going to pass and make sure that it does not even make for a worse scenario than what I think we have got ourselves into.

With respect to the question of the resources in the sea, of course the hon. Minister of Energy and Energy Industries will perhaps make a comment on this. The important issue there will be whether there is any oil or natural gas off Tobago. Of course, if one looks at the exclusive economic zone and thinks of Tobago as a separate country, what that will do to the exclusive economic zone in Trinidad and Tobago is only to be imagined, because much of Trinidad's 200-mile exclusive economic zone comes from the presence of Tobago out there. So perhaps we should be rewarding Tobago for that fact.

Sen. John: On a point of order, Mr. President. I think the Senator is now debating the Bills and I think that we have to confine our discussions to the matter before us.

Mr. President: I thought I have already ruled indicating that Senators are cautioned that in dealing with the issue they do not go into the details of the Bills that we anticipate that would be coming before this honourable Chamber in due course. This hon. Senator has acknowledged that.

Sen. Prof. J. Spence: Thank you, Mr. President. I am winding up shortly so the danger will not occur for very much longer. However, it makes me wonder whether the hon. Senator has, indeed, read the Bills and read the report carefully.

Sen. John: *[Inaudible]* Sen. S. John rose

Mr. President: Would you take your seat, please?

Sen. Prof. J. Spence: I apologize, Mr. President, if he assures me that he has read it, because, you see, an important aspect of the Bill and the report is the sea. That issue is important because of the petroleum reserves. That is why it is important and that is why it was discussed in the Bill. In my opinion, that is why it appears in the report although it was not decided in the committee. It is an extremely important point for the future of Trinidad and Tobago.

Now the whole question of financial matters raises other issues on which I hope the hon. Minister of Finance will comment—I am inviting him to comment on them in this debate. As I see it, with the possibility of a different national policy in Tobago and the possibility of the Tobago House of Assembly making legislation to do with financial matters, as we have agreed in the committee, it could be that the Tobago House of Assembly will decide that the rate of income tax for corporations in Tobago will be 10 per cent. Indeed, I would urge them to do so if they get the authority to do it, and invite all the companies in Trinidad to relocate their headquarters in Tobago and pay 10 per cent instead of 20, or whatever it is the hon. Minister brings our rates down to in Trinidad.

Mr. President: That is a hypothesis now.

Sen. Prof. J. Spence: Thank you, Mr. President. I think I have said enough to call attention to some of the very critical issues that will arise in future years when we have gone in this direction. I honestly do not believe that we have thought about it. Neither the people in this Senate nor the people in Trinidad and Tobago have thought about all the possibilities and I am quite certain that they will arise. Perhaps I have taken a pessimistic view of the way that they will arise, but that view is informed by what has happened in the Caribbean during the last few years.

Thank you, Mr. President.

Sen. Carol Cuffy-Dowlath: Mr. President, I rise to support the Motion that "the Senate take note of the Report of the Joint Select Committee appointed to consider and report on the *Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago.*"

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. CUFFY-DOWLAT]

Before I comment on the report, might I preface by assuring the hon. Prof. Spence that the matter of internal self-government has not been addressed because it is not part of the policy agenda of the United National Congress/NAR Government. The purpose of this discussion was really to address the gross imbalances that have taken place previously. There are no fears, therefore we have not found it necessary to address—and I can assure the hon. Senator that at this time his fears are totally unfounded.

I would like to begin by pointing out to Sen. Mannette that in her contribution she was not certain as to the capacity in which the Tobago House of Assembly was consulted. However, if we look at the comments received—and might I, Mr. President, with your leave, read the names of the persons and the committees that commented on this draft legislation—we would see that the comments came from as follows:

Pamela and David Phillips
Mr. Reginald Dumas
Mrs. Merle Solomon
Mr. Andre Phillips
Mr. Trevor L. Creg
Mr. Fitzherbert Phillips
Dr. Winston Murray
Dr. Jefferson G. Davidson
Mr. Winford James
The Clerk, Tobago House of Assembly
The Secretary, Tobago House of Assembly
Ms. Carla Herbert
Mr. Christo Gift
Mr. Anthony Moore
Mr. McDonald L. Greene
Mrs. Mirelda Samuel-Moore

As a legal colleague, I am certain Sen. Mannette would appreciate that when persons submit comments or when reports are received, in their capacity as the Clerk and the Secretary, they are representing the organization in which these comments are represented. So that when the Clerk of the Tobago House of Assembly reported—

Sen. Prof. Spence: I am sorry to interrupt the hon. Senator so early in her contribution, Mr. President, I really apologize, but I think if the hon. Senator looks at that document she will find that it reports on a meeting of the Finance Committee of the Tobago House of Assembly and not the Tobago House of Assembly.

Sen. C. Cuffy-Dowlath: Mr. President, these persons submitted on behalf of the Tobago House of Assembly and, as such, the views expressed would be that. Whether it is the Finance Committee of the Tobago House of Assembly, it is, in fact, representing the views of the Tobago House of Assembly.

The committee met and held five meetings between the period October 8 to November 1, 1996. The committee is asked to consider two draft Bills, the Constitution (Amdt.) Bill, 1996 and the Tobago House of Assembly Bill, 1996. These draft Bills embodied proposals for the reform of the constitutional and legislative arrangements for Tobago and, essentially, to give effect to the report of the 1977 joint select committee of Parliament. So discussions have, in fact, been taking place since 1977.

11.40 a.m.

Mr. President, the principal purpose of the draft Constitutional (Amdt.) Bill is to provide for representation in the Senate for the people resident in Tobago and to entrench the Tobago House of Assembly into the Constitution. The Tobago House of Assembly Bill, 1996 was to address the powers and functions of the Tobago House of Assembly.

The Joint Select Committee of Parliament met and deliberated on these matters and I am pleased to say, on behalf of the committee—I being a member of that committee—that the performance and achievement record can, in fact, be admired and commended; 100 per cent debate was completed on the all important Constitution (Amdt.) Bill, and of the 78 clauses discussed, 62 were dealt with, but more importantly, there was unanimity and consensus among members of that committee on almost all matters except two subclauses. Therefore, the work has, in fact, been well done and much discussions and deliberations have taken place.

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. CUFFY-DOWLAT]

Mr. President, when we are noting the report of this committee, we must bear in mind that the Government respects the Constitution of the people of Trinidad and Tobago—and I say the "people" of Trinidad and—as well as the population of Tobago. We must bear in mind that an election is constitutionally due in Tobago and an election date has been set for December 9. The people of Tobago must be treated with respect. They need to be guided and clearly have at the back of their minds the basis on which this election is going to take place. Discussion on a matter of this nature is important, hence the need to consider the interest of the people of Trinidad and Tobago. The committee thought it best to report to this honourable Senate on its deliberation, bearing in mind that 75 per cent of the Tobago House of Assembly Bill was discussed in detail and agreed upon.

I think we would be doing an injustice to the people of Tobago if we did not report to this Senate on the deliberations that have taken place at this point in time and give the Parliament of Trinidad and Tobago an opportunity to discuss the bills that would be brought before this House in greater detail.

Mr. President, this matter of noting the report is quite a simple one. The committee met, deliberations took place and comments received from several persons were, in fact, considered. All members of the Joint Select Committee made contributions and consensus was arrived at, so today we present the report to this honourable Senate which states that 100 per cent of the matters deliberated on in relation to the Constitution (Amdt.) Bill was completed and more than 75 per cent of the matters deliberated on was agreed upon. This is the performance of the Joint Select Committee and I think the committee ought to be commended. So rather than spend time today discussing the fact that we did not have a quorum to 100 per cent complete our deliberations, I think we should be commending the committee for having sat and reported—bearing in mind that the committee, knowing what is happening to Tobago, has thought it fit to report.

Tobago has been treated with disrespect for too long, and for us to seek an extension of time from this honourable House would have been to continue to show disrespect for the people of Tobago. It would have been disrespectful not to ask this Parliament to note and accept this report in order to have the matter of the Bills debated when the time is right.

Mr. President, with these few words I recommend that the Senate, in fact, accepts and notes the report of the Joint Select Committee.

Thank you.

Sen. Prof. Julian Kenny: Mr. President, I have just a few brief comments. I served on two Joint Select Committees, one of which is the Ombudsman committee and we have been meeting since July. I think we have held nine meetings. We have, in fact, gone to different parts of Trinidad and Tobago, we have sent for people; we have invited submissions, and the volume that we have received is quite considerable—I digress slightly—and out of all these discussions, submissions and so forth, there have been four things that would require technical advice from legally qualified people—and we have asked the hon. Minister of Legal Affairs, who is the Chairman of this committee, to arrange with her department to give us this technical advice. Since we have to go on to another two or three meetings, if we are allowed to reconvene, when we come to Parliament this issue will be very well ventilated.

Now, I do not consider that the matter of the Ombudsman is anything in the same league as what we are dealing with, which is the Tobago House of Assembly and the relationship between Trinidad and Tobago. In deference to what Sen. Prof. Spence has said, we are not dealing with self-government. We really are dealing with a new relationship, an associate state relationship between Tobago and Trinidad.

Again, if one would just look at the Fifth and Sixth Schedules, one would see that virtually everything that is the heart and soul of the operation of the society is in there. It is the sort of thing that the United Kingdom used to reserve when they were casting off St. Vincent, Grenada and places like this. Now, something of this kind, and something as important as this, has to be thoroughly discussed in the entire country which is one country.

My view is that since we are asked to note this report, I would note it with considerable dismay because the report has not really gone far enough. It certainly has not done what I expected of a joint select committee. I would reasonably expect a lot more publicity to it; it should be meeting with people in Trinidad and ought to be summoning people. For example, the point that Prof. Spence made about the sea. This is very important to the issue. I do not think there is any one in this Senate experienced in the law of the sea. There are several lawyers here, but I do not think any of them in this Senate has the experience—and, I think, that much of what is being proposed in this new arrangement is actually going to come into conflict with obligations which the country has.

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. PROF. KENNY]

So, Mr. President, while I am prepared to note the report of the committee, I do note it with grave concern and disappointment.

Thank you, Mr. President.

11.50 a.m.

Sen. Nafeesa Mohammed: Mr. President, I sat in total shock and amazement to hear my colleague, Sen. Carol Cuffy-Dowlath making statements about the constitutionality of these measures and treating Tobagonians with contempt. To me, it reeks of hypocrisy. There is a phrase that is commonly used in our local parlance and which says “fowl has no place in cockroach business.”

I am a citizen of Trinidad and Tobago and it saddens me to know that since 1977 and to date, we have not yet been able to work out a satisfactory or an acceptable relationship between the unitary state of Trinidad and Tobago. *[Interruption]* I expect to hear those kinds of comment about blaming the PNM. I am a young parliamentarian and certainly, I have utmost regard and respect for our Minister Extraordinaire, the Hon. A.N.R. Robinson.

When I look at the history of the discussions that are taking place, I cannot help but wonder as to the reason why every time some significant steps are being put forward some spoke is placed in the wheel. Why, between the period 1986—1991 when Mr. Robinson was the Prime Minister of this country, this issue was not resolved? How come? You know, I recall distinctly in the run-up to the 1995 elections that the PNM was being attacked left, right and centre for its efforts in working out some kind of arrangement for Trinidad and Tobago.

Since 1992, it is a fact that my political leader, Mr. Patrick Manning, had made a commitment to the people of Tobago that he would do something to resolve that relationship between the islands. It is so unfortunate that after months, if not years, of in-depth discussions with the people of Tobago and at the time when a document was in fact produced which was acceptable to the people of Tobago and indeed, to those representatives who matter in such an important issue—and I refer specifically to the Tobago House of Assembly—that the particular document was cast aside. In fact, the kinds of comments which were made about who would get a car and a royal saloon was really an unfortunate situation. “I wonder why?” Just a few months ago I recall some discussions with some of the Tobagonian Senators and I asked the same question. Why can we not just move on and build on the progress that has been made? It led me to one conclusion; that, perhaps there is

one particular gentleman who seems hell-bent on having his own way on whatever matters are being discussed with respect to Tobago. It is an unfortunate situation.

Only today in the *Daily Express* I read an article which says: "Denoon hits out at Robinson" It was with some admiration I read a comment being made by Mr. Denoon to the effect that he is a good athlete and he can pass the baton on. How many of our politicians can say that today? This is why I made mention of Mr. Robinson who is an elderly statesman for whom I have utmost regard. In this particular issue, when we are so close to resolving the issue, to see the kind of high-handedness and manipulations that are taking place; it saddens me. I wonder if it is not because of his dislikes or differences with the Chairman of the Tobago House of Assembly. The last few months will reveal that the relationship had certainly turned sour. Why? Is it because Mr. Denoon had discussions with Mr. Manning?

Mr. President: I trust that you are not referring or imputing improper motives to the hon. Member who is not present. I ask that you refrain from those kinds of imputations if, in fact, they are. I am gathering that they are.

Sen. N. Mohammed: Mr. President, I am certainly guided by you and I assure you that I intended to impute no improper motive to anyone who is not present. It is a case of my wondering and it leads to speculation. I have, in fact, been referring to newspaper reports which I have read in the past and present.

It behoves me to believe that whatever discussions which may have taken place were with the technical people who are involved. What was the difficulty with this present Joint Select Committee in calling in Members of the Tobago House of Assembly or even visiting them in order to get their views on the particular bills which are to be debated in the Parliament? It worries me.

I also have a concern—and I endorse the comments made by Senators Prof. Spence and Kenny—with the procedures which were adopted for the presentation of this particular report to the Parliament today. One would have expected that there would have been the usual procedure with debates taking place, with a first and second reading and then the Bill being referred to the committee. As it turns out we saw a great deal of haste in having these particular arrangements rushed through the Parliament. It was even more bothersome that this was taking place on the eve of an election. Look at the confusion that those prospective candidates have to undergo with the upcoming elections in Tobago. Today, my colleague,

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MOHAMMED]

Sen. Orville London is not here because today is nomination day and indeed, if it is that he has resigned, and is interested in contesting the Tobago elections, I wonder what legislation would be guiding these prospective candidates for the elections. Is it going to be the 1980 House of Assembly Act or is it going to be the Bills which are before us here today?

It is chaos and confusion at every turn with this Government, hoodwinking and mamaguying the population. To come and talk about consultation is really hypocrisy. The proper person to have consulted would have been the Chairman of the Tobago House of Assembly and indeed, others.

Some time last week, the Member for Tobago West was calling for some kind of consultation with the Tobago House of Assembly.

12.00 noon

I have an article from the *Independent* dated Friday, November 15, 1996, with an interview by no less a person than my former parliamentary colleague, former Sen. Deborah Moore-Miggins. Page 17 states:

“Looking back on the event, Moore-Miggins said she thought Spence’s request to be reasonable since, as she understood it, the Committee wanted to complete its discussions on what she considered key matters pertaining to the functions of the Tobago House of Assembly. Additionally, she says, there was to be a motion on the floor to enable the Committee to meet with the THA itself on the issues.

‘I am a person who always stands for consultation and for allowing people to feel comfortable with what is being put forward,’ Moore-Miggins says. I found it was a reasonable request mainly because these Bills required a special majority in Parliament for passage, and I felt it was not worth it to deny a request from the very people whom one would be seeking to have support the document when it finally comes before the House.”

The *modus operandi* with which the report was presented is typical of this Government. The report and the Bills which are attached have serious implications with respect to our Constitution. I know the point has been taken that we ought not to get into the substance of the Bills, but we on this side have very serious concerns with certain provisions in them, particularly clause 25. We also have concerns with this desire to change the composition of the Senate. When the time comes we expect that our views would be heard.

Such an important matter like this in some other islands or territories would be subjected to a referendum. In Trinidad and Tobago, there is one particular individual who is intent on having his own way and trying to rush this measure through Parliament for political expediency. It is so unfortunate. My appeal is for us as parliamentarians to stop playing politics with the people of Trinidad and Tobago. Let us be serious. We are living in very hard times.

When I heard no less a person than our Prime Minister on television accusing the People's National Movement of inciting violence, I became very upset. It is those kinds of statements which would inflame the population of this country. Regrettably, those are the leaders in our society. Those are the kinds of examples they are setting. It is no example for us.

I quote Mr. Denoon's comments. There is an article in the *Daily Express* dated Monday, November 18, 1996. Page 2 states:

"What worries me is that Tobago now is in total division. People are looking for what they can get rather than what they can give. And I ask the question 'Whither Tobago?' The NAR Tobago is now totally divided. Imagine it took the party four years to reorganize itself and all they ended up with was a steering committee. .

Asked about the THA Reform Bills now before Parliament, Denoon said the provisions being made for the formulation of policy were 'a recipe for the break-up of the unitary state.'"

It is total confusion. Even the people in Tobago are being divided. I have to wonder about the sincerity of those who pledge their commitment and love for Tobago. It is time that the people of Tobago get what they deserve. They should be treated with genuine respect, courtesy and appropriate consultations should take place.

Thank you.

Sen. Rev. Daniel Teelucksingh: Mr. President, because of the serious and momentous importance of the two draft Bills which form the basis of the report, we must approach our work with the greatest caution. Somehow I see a very thin line between taking note and the actual burden of the Bill. What is really the report but two draft Bills? I am not going to be long on this. Taking note of what? In the process of taking note, I read the two draft Bills because that is the report.

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. REV. TEELUCKSINGH]

I would make a comment on an interpretation of Sen. Prof. Spence. I know you people would want to restrict him from interpreting, but I cannot help but interpret the two draft Bills because that is the report. The report is not the introduction given by the Members of the committee and their signatures. The introduction about the number of meetings, the names of the Members in the committee and the fact that there was no quorum for the last meeting, I consider that to be merely the introduction. Then there are two chapters of the document which form the basis of the report. I would take a few seconds to deal with Sen. Spence's interpretation.

I do not know how some of the Senators on the other side did not see this. I do not know if they are seeing it and trying to tell us that they are seeing something else and they have a reason for saying that. Sen. Spence is correct. I have a feeling that it would not only be two of us. When more people look at the contents of Chapters 1 and II, the two parts of the report, they would see that this report is so weighty in that it gives internal self-government to Tobago—I agree with you Sir—and more than that, it is not far from giving full internal self-government to Tobago. That is how serious this document is!

What is there in the report that I am taking note of? Parliament is to take note of a document which is forming a unicameral legislature in Tobago. That is what is happening! Elected assemblymen and nominated councillors or senators is what it means! I am taking note of something; I am taking note of the chief secretary being the island's chief minister or premier or prime minister. Do not tell me you are not seeing that! I am seeing 12 assemblymen elevated in salary and status equivalent to present Members in the twin island House of Representatives. This is what we have at present. They are telling me four councillors with salary and status equivalent to senators in the twin island Senate.

What are they telling us then? [*Interruption*] Are you telling us today that you are not seeing the seriousness of this report? I am talking about its seriousness. I am not going to do it clause by clause. We are not ready to do that. It is almost giving Tobago Independence. Do you know what is missing from these documents and the report? It is Tobago's flag and national anthem. That is missing!

12.10 p.m.

The main link between Trinidad and Tobago, a very important one at that, is that provided by the Exchequer. That is how serious this document is; and you are asking me to take note of it? I am taking note of it and this is why I am supporting

all those who call for greater care and caution in dealing with this matter. It is too serious a matter. I am not saying that the Government is rushing it, but it is too serious a matter for the Government to tell itself that because it is circumscribed by the date of an election it should hustle this through. Somehow I interpret the weightiness of the Bills by seeing the need for caution, care and further consultation. Are we ready for this? I wonder if the people of Trinidad and Tobago know how serious this is, or are we simply using the words “internal self-government” and they think that it is something nice. It is something serious.

As I was saying, after this, all that is missing is the flag and the national anthem for Tobago. However, Tobagonians are not seeing this and are not being told this, although some have interpreted it that way. Our people in Trinidad are not seeing that and have not been told that. Have we been sufficiently prepared for this? That is the importance and weight of this report and the direction in which it is taking us. Are we prepared for that? The answer is, possibly, “No!”

I just want to make a further comment and close. I have noticed with interest that previous speakers, inclusive of the hon. Minister of National Security, referred to the upcoming Tobago House of Assembly elections. This is the reason why I will implore the Government to defer a vote. A vote this morning or this afternoon will not be the way to get things done. As one of my colleagues said recently, we have to slow down. When things like these are happening we have to go behind the President’s Chair. We must discuss this again. We must go back in caucus; talk about it and look at it again. Do not just say that we have a majority and sit there. So very often we sit here when an issue is divided and, at least in our minds, just count how the votes will go. Because of my interpretation of the report, which includes two draft Bills, this is one issue about which I will strongly advise that one does not sit and count numbers.

I am very disappointed, and this honourable Senate must also be disappointed, at the lack of consensus and co-operation between the Government and the Opposition on such a serious matter. I cannot see how a decision can be made to grant to a part of my body—this is what the twin-island state means to us—internal self-government, leading to what I am talking about, without co-operation between Government and Opposition. I am not only asking the Government to compromise, I am also asking the Opposition to compromise. There must be unity of purpose and intention. Stop playing political games with Tobago! Both parties are guilty of that! They have done it for the longest while and I would hate to think that the Opposition is opposing for the sake of opposing. Oppositions have done

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. REV. TEELUCKSINGH]

that on the Tobago question for many, many years. Tobago has been conveniently used and abused and somehow I am seeing it again. This may be partly responsible for the domestic quarrels with the THA almost for the whole of 1996.

Just on that question of reference to the Tobago House of Assembly elections, I will most respectfully suggest that for the forthcoming elections of the Tobago House of Assembly on December 9, both the Trinidad-based UNC and the PNM should stay out of Tobago. All Trinidad-based parties should stay out of Tobago. Let Tobagonians mount their own political campaigns without interference from parties or political figures in Trinidad. Let the candidates and the electorate in Tobago determine the formation of their own Tobago House of Assembly. That is in the spirit of the report that we are noting this afternoon.

Mr. President, let Scarborough, for the upcoming elections, be free from the Trinidad-based UNC, NAR or the PNM bandwagon. The Prime Minister and the Leader of the Opposition should also remain at home. Let self-determination—and this is the object and burden of the report they have asked me to take note of—begin on December 9, 1996 whether or not we approve the report before us. This is basically the spirit of the report before us. I support the spirit of that legislation. It is very important. I like it. We all will rejoice because Tobagonians have suffered for the longest while and they are justified in their complaints.

Mr. President, I thank you.

Sen. Selwyn John: Mr. President, I stand in support of the Motion to take note of the report of the Joint Select Committee appointed to consider and report on the *Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago*.

Arising out of all this, I thought we would have had a pretty short debate just noting the provisions of the report of the Joint Select Committee, but as the debate continues, many things have been brought into it. We have heard from Sen. Mohammed statements being made by the Chairman of the Tobago House of Assembly in respect of all these arrangements and even of the report of the Joint Select Committee. Maybe we ought to take into account the feelings and comments of the people of Tobago. I want to refer to the editorial on page 4 of the *Tobago News* of Friday, November 15, 1996. The headline is: “Denoon badly misguided”:

“We do not know what prompted Lennox Denoon, the out-going Chairman of the Tobago House of Assembly, to write the Prime Minister last

week asking that the December 9 Assembly elections be postponed for three months.

Some say that he was up to nothing more than political mischief having come to the end of his day. The generous view was that he was badly misguided.”

[Interruption] I am referring to the editorial, the voice of the people of Tobago.

12.20 p.m.

“Whatever his reason, he was given very short-shift by the Prime Minister who made it clear that the Government intended to see to it that the elections are held on the constitutionally due date of December 9.

But let us look at Mr. Denoon’s argument for the three-month postponement. He insists that the Tobago House of Assembly was not sufficiently consulted by the Joint Select Committee of Parliament which was given the task of reviewing the two Bills for constitutional and legislative reform for Tobago produced by the Guya Persaud Cabinet-appointed committee.”

I would like Sen. Prof. Spence to take note of this comment.

“In this review, it must be emphasized that, in the first place, the House of Assembly was fully consulted by the Guya Persaud Committee which spent a day in Scarborough for the purpose.

The two Bills produced by that committee were not only widely published in the print media both in Trinidad and Tobago, but copies of both were sent to the Assembly by the Joint Select Committee of Parliament for the Assembly’s views and comments.

It is also a fact that the Assembly, at its Finance and General Purposes Committee meeting on October 10 spent almost the entire day studying and reviewing the two Bills, and its Minutes, recorded that “the Committee agreed to accept the recommendations of the Cabinet-appointed Committee on the Review of the Constitutional and Legislative Arrangements for Tobago, with the recommended amendments at Appendix 1.”

Not only were those “recommended amendments” forwarded to the Joint Select Committee by the Secretary of the Assembly, but so too were the views of the senior staff of the Assembly by the clerk of the Assembly.

Under all these circumstances, is it true, or even fair to say that the Assembly's views were not known to the Joint Select Committee of Parliament? Pressed for time in completing its assignment, was it reasonable to expect the Committee to meet with the Assembly, at the time, (sic) thought such a meeting necessary and therefore asked for none?

Under all these circumstances, we are of the view that some people have been playing political games and, in the process, have succeeded in misguiding others. Bring on the elections!"

Mr. President, we are debating and discussing matters that affect the citizens of Trinidad and Tobago, and more particularly, the citizens of Tobago but we seem to want to make it appear that we are more concerned about the issues of Tobago than the people themselves.

We have noted that the committee held five meetings, and on its attempt to hold its final meeting prior to the debate in which they were expected to submit its report, it was aborted due to the lack of a quorum.

In the other place, comments and criticisms have been made on the Government for failure to agree to extend the time to allow the committee to complete its report. The committee had completed its report, and had submitted it to both Houses of Parliament and what I had found out was that at least two Members of the Committee who are now criticizing the fact that the life of the committee was not extended were themselves absent on that final day which created the situation of an aborted meeting. Was it intentional that two PNM Members of that committee found it necessary to be absent? Was it the thought of the Tobago House of Assembly elections due on December 9, 1996 that if these matters were considered and passed by Parliament, the arrangements in Tobago would have been different? Is it that the PNM saw themselves not winning a single seat in Tobago with the one they have now and that it was expedient for their Members of the committee to be absent, so that the excuse could be made that the committee's report was not final and that there are Senators here who would come to Parliament and say that they could not agree?

Sen. Mohammed: Can the hon. Member indicate to us who were the Members absent from that last sitting of the Committee?

Sen. S. John: Mrs. Camille Robinson-Regis the Member for Arouca South, and the Member for San Fernando East, the Leader of the Opposition himself.

Sen. Mohammed: Who else?

Sen. S. John: I do not know, I was not there. *[Laughter]* I became interested because of the criticisms by the Member for Arouca South and the Member for San Fernando East and then I made some inquiries and found out that they were absent, so the meeting had to be aborted due to the lack of a quorum and they were among the Members absent. We have to have more respect—

Sen. Prof. Spence: Just on a point of information. In fact, there could have been a quorum even with those two absent. *[Desk thumping]*

Hon. Senator: Who asked you that?

Sen. Prof. Spence: There were others absent as well who were Government Members. Since I am on my feet, could I just make a point to the hon. Member?

Mr. President: Is it on any particular issue that he has raised?

Sen. Prof. Spence: Yes, Mr. President. The Senator seems to be implying that the committee did not complete its deliberations because that last meeting was aborted, and that was not the case. Even if that last meeting were held, it was clear that we would have had to ask for an extension.

Sen. S. John: My understanding, Mr. President, is that if the Member for Arouca South and the Member for San Fernando East had thought it necessary that the meeting should go on, and were present, there would have been a quorum. So it could have been intentional that the meeting be aborted so that there would be confusion and the people in Tobago—

Sen. Beckles: Mr. President, could the hon. Senator indicate whether all Members on the Government Benches were present on that day?

Sen. S. John: As I said, Mr. President, I was not there and my interest in this was aroused when I read of the criticisms in the other place by two persons and I found out subsequently that they were absent.

Mr. President: I think you have made the point. Would you continue?

Sen. S. John: Mr. President, it is important for us to pay attention to some of the criticisms that have been levelled against the Government on the failure to accept the Motion moved by Sen. Prof. Spence to extend the time, that there were not sufficient consultations and for that matter that there were not consultations with the Tobago House of Assembly.

12.30 p.m.

Mr. President: Hon. Senator, could you deal with the issue before the Senate?

Sen. S. John: Mr. President, I was just making the point that the people of Tobago have had the difficulties of having similar exercises in the past and more recently, in 1995, where two draft pieces of legislation were prepared and lengthy consultations held with the chairman and members of the Tobago House of Assembly, only to find out at the end that while it is being claimed that consultations were held with groups throughout Tobago to arrive at a consensus, the then government only consulted with the PNM party groups and not with the majority of people in Tobago.

The end result of that whole debate and purported agreement—the draft legislation—was a total rejection by the people of Tobago which resulted also, in what we could refer to as the demise of the chairman and certain members of the Tobago House of Assembly. Today is nomination day in Tobago and none of them has been able to stand for re-election because they have been repudiated and rejected by the people of Tobago based on that one exercise in 1995.

Mr. President, today if one hears the call that before Government proceeds with the election it should extend the time in order to have consultation with the Tobago House of Assembly, I am saying that would be a waste of time. If it is claimed that the Opposition party has a commitment to the people of Tobago, when the legislation is being debated, we expect them to come in their numbers, and not cause the meeting to be aborted because of a quorum or not only to take part in the debate, but support the legislation because this has been accepted by the people of Tobago.

There seems to be a move to discredit the elected parliamentary representatives of Tobago and I refer here to hon. A.N.R. Robinson, Member for Tobago East and the hon. Pamela Nicholson, Member for Tobago West. I would like to inform you and to bring to your attention that while the Opposition may claim that they have had the opportunity and have consulted with the people of Tobago in the past, one just needs to go back to 1995 and one would see that the parliamentary representatives for Tobago were never consulted.

It is convenient for some people to now attack the integrity of the hon. A.N.R. Robinson—I am quoting from comments made in the media—and to say that he has turned out to be a dictator and a one-man show in controlling the lives of the people of Tobago. Mr. President, I have some knowledge of events in Tobago as I

represent a union there with a substantial membership. If there is one thing that is present in Tobago is that there is a complete loyalty of the people of Tobago in the leadership of the hon. A.N.R. Robinson in matters and events concerning the lives of the people of Tobago. We have to acknowledge that many of us may not achieve the things that he has achieved. The fact that he has been honoured by all the people of Trinidad and Tobago—one would also note that he was the Prime Minister of this country for five years and he continues to be acknowledged throughout the world as a man of high integrity. Therefore, if he makes any statement pertaining to Tobago he has the capacity, loyalty and moreso the support of the majority, if not all the people of Tobago.

I pay tribute to him and say that the efforts to have reform, understanding and a means of independence of the people of Tobago; the fact that they could speak for themselves in the unitary state of Trinidad and Tobago has been so because of the leadership of the hon. A.N.R. Robinson. I admire Minister Robinson and his leadership and when Parliament is able to complete this exercise some more honours would go to him because he has brought this about. This Government of national unity would give the support to the people of Tobago, and moreso to its titular leader, the hon. A.N.R. Robinson. *[Interruption]* We do not know that Mr. Manning has led anything there. I cannot imagine that Mr. Manning could claim to lead the people of Tobago.

I feel that some of us should visit Tobago a little more often. We should mix with Tobagonians and try to understand their feelings; how they go about—*[Interruption]* I know because in the NUGFW election the people of Tobago supported it 100 per cent. *[Desk thumping]* As leader of the union, I therefore have an obligation to support them 100 per cent when their election comes.

We expect that at the end of the campaigning in Tobago when the results are announced, the PNM may not even have the opportunity to speak for one person in Tobago. This is all because of the statements that have come from the Opposition and the treatment of the people of Tobago by the politicians. They have never been treated as badly as they have been under the administration of the PNM.

12.40 p.m.

As a matter of fact, one would note that because of the treatment they had from the PNM administration, at the end of the results of the last general election in this country, they chose to align themselves with the UNC and, today, there is a Government of national unity of which they form an integral part. If today Tobago

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. JOHN]

is to gain anything, it is not from the PNM, it is from the combination of the UNC/NAR administration with the hon. A.N.R. Robinson forming an integral part of it, supported by the entire population of Tobago.

Mr. President, this item on the agenda did not need all this debate. We are prepared to note the report of the Joint Select Committee, and at another occasion when the Bills come we will deal with that as a separate issue.

Thank you, Mr. President.

Mr. President: Hon. Members, I am pleased to advise that lunch has been provided. We will suspend for lunch and resume at 1.40 p.m.

12.42 p.m.: *Sitting suspended.*

1.42 p.m.: *Sitting resumed.*

Mr. President: We will hold for two minutes.[*Pause*] We shall re-commence the sitting.

Sen. Diana Mahabir-Wyatt: Mr. President, just before we broke for lunch, we have had in the debate some queries from Senators who term themselves ‘young parliamentarians’, and these queries were not, in fact, answered. I thought, out of consideration for them, perhaps, somebody who is an old parliamentarian might take a stab at answering some of the questions because there seems to have been a certain amount of confusion.

Could I just point out, Mr. President, that in the Order Paper today under Government Business there are four Motions. For three of them this honourable House is asked that the Senate “adopt the Report”. For the one that is before us we are not being asked “to adopt” anything. We are being asked to “take note of” something. Now, the question which Sen. Mannelle asked was: “What does that mean?” *May’s Parliamentary Practice*, which is our Bible, so to speak, on page 651 of the Twenty-first Edition, talks about debates on select committees and debates on select committee reports, and states:

“The report of a select committee may be taken into consideration in pursuance either of an order made upon a previous day, or of a motion that the report be now read, or may be now taken into consideration. According to present practice a motion for appointing the report of a committee for consideration on a future day requires notice, and cannot be made on the presentation of the report.”

And it goes on:

“Debates on select committee reports now usually take place upon motions to take note of a report. Such motions often refer also to any document setting out government observations on the report.”

What “adopt” means is, if you adopt a report then you have to take action on it. If you “take note” of a report, you do not have to take action on it. All you have to do is talk about it; and to talk about it means express views on it. So in other words, what we are going to do today is to talk. It is a classic talk-shop situation. Talk, of course, implies consultation, and there has been a lot of discussion in this House today, and in the other place, about the extent of consultation which took place in the Select Committee before this report actually came to us. I would like to come back to that because I feel very strongly about the question of consultation.

In the debate in the other place, the House in fact did discuss the actual substance of the Bills that were referred to in the report, particularly referring to very controversial clauses like clause 25(1) which deals with powers to draft policies and so forth, which we are not discussing in this House this afternoon. It is important, however, because to my mind this report deals with, perhaps, the most important issue that has ever come before this Senate in all of the years I have been here, and that has been many years. I think that it is important that people feel that they are free to talk about it as much as they possibly can.

Mr. President, I am not, by any means, trying to question in any way the ruling you have made. I was a little dismayed that Sen. Hamel-Smith would try to invoke your displeasure when Prof. Spence was talking, to try to curb the discussion which he was trying to bring out, simply because he had been on that committee and felt very strongly about it. I think that we should take into account that the Motion we have before us “to note” deals, not just with a report of a committee on one Bill, but on two.

One of those Bills has to do with amending the Constitution of the Republic of Trinidad and Tobago, which is a very serious thing. It is not just something for consultation with the Tobago House of Assembly. It is a matter for consultation with everybody in Trinidad—in Monos, Chacachacare, Blanchisseuse, Toco. As Sen. Kenny pointed out, on the Ombudsman issue public meetings were held all over the country before that committee had even brought its report to this House. But in relation to something which is the most fundamental thing that can possibly

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MAHABIR-WYATT]

come before the Parliament, which has to do with the whole question of the nature of the unitary state of Trinidad and Tobago, that we can be trying to avoid the issue; trying to say that written submissions are adequate, scares me.

1.50 p.m.

I realize that sometimes it is because of inexperience that people might not understand the procedure that this Parliament normally goes through. I think that Sen. Nafeesa Mohammed was very strong in her approach to what she was saying, but I think that in relation to both Sen. Mohammed and Sen. Cuffy-Dowlath, there were some misunderstandings as to how things take place. We do sympathize with Sen. Cuffy-Dowlath, because she has to say what she has been told to say, but it is a little bit naive and perhaps over-trusting to completely deny the effect of history. Maybe the Senator has not lived as long as some of us have and we have lived through more history, but believe me, the pattern of history, when it comes to talking about internal self-government and leading to independence of nations which were formerly colonies in this world, is a very clear one and there is reference in one of the minority reports dealing with an actual written report, which says:

"...all proper and necessary steps [should] be taken to accord the people of Tobago internal self-government...in such measure as will not be contradictory to the Constitutional reality of the Independent Unitary State of Trinidad and Tobago"

We realize that we are talking about something, consciously or unconsciously, which has a certain historical path which does lead to independence.

In his presentation, Sen. John inadvertently and I am sure unconsciously, subconsciously, without consciously intending to, talked about "independence" of Tobago. The reason he did it was not because he was arguing for the independence of Tobago by any means, but because, subconsciously, we all know that once we start talking about internal self-government, we end up with independence, and I do not think it is a matter that can be laughed over or taken lightly.

I would just like to—if I can go on in this rather teacherly mode—speak a little bit about what happens procedurally; how one deals with the work of a joint select committee. Normally what happens is that the committee would meet and go over a document (if it has a document to go over) and it will, as the Senator pointed out, agree on some clauses, defer other clauses, and go through the document until it has completed the document, which is what happened in this case. At that point,

normally, if it is a serious matter, experts will be called in; reports will be read; people will be asked to come to give evidence; then one will return to the document in light of the information received; go through it again to see if one still agrees with the things one had agreed with, and redo what has to be redone. At the end of this process, the normal procedure is, the whole thing is discussed and agreed to.

If I can give an example. During the last Parliament there was a rather lengthy public debate on the question of public holidays. It will be recalled that there was considerable heat raised as to whether or not we should have Emancipation Day; whether there should be a special day for the Orisha celebrations; whether there should be a special day for Sen. Gray-Burke's Baptist celebrations; whether there should be a separate day for the Pentecostals who wanted a certain day and two different Muslim groups each wanted a certain day. This was a matter that the country felt quite strongly about; that people felt quite strongly about; so the joint select committee was set up.

That joint select committee, if I am not mistaken, met about 23 times. We had before the committee at least 15 separate groups giving evidence before the committee. Some of these meetings were very long. In addition, voluminous documents, some of them very learned, were submitted to the committee. Sen. Mark was on it; he will remember. It was a committee which did a lot of work; it was very impressive. But that committee was not dealing with anything near as important as the whole question of the report of a committee appointed by Parliament to review the constitutional and legislative arrangements for Tobago.

While I can understand that perhaps people are not aware of the care which joint select committees take in matters that come before them, and it is not surprising that they do not know, but there were people on this committee, certainly the chairman, who would have been aware of how these committees work, and that the procedure that one normally goes through for a matter this important is fairly straightforward. I think this is why people are so concerned today. It is not concerned about the outcome because that will be subject to the usual diplomatic process. What people are concerned about is the procedure under which this particular report came to this Senate. While I do emphasize that we are not expected to adopt this report, we are only expected to note it, it is worrying that the impression is being given to people in this honourable Senate that there has been an attempt to use an irregular procedure in order to manipulate the way people are going to deal with a specific issue as though there is a hidden agenda that people are feeling uneasy about.

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MAHABIR-WYATT]

This is far too important an issue to the country of Trinidad and Tobago and to people both in Trinidad and in Tobago, that this impression be given. Whether it is right or whether it is wrong, it should be cleared up and the procedure should be made far more straightforward and transparent, so the distress in dealing with something which matters to us all does not spill over into the debate which we are going to have shortly on the actual bills themselves.

I am very much afraid, Mr. President, that this is what is going to happen, that the feeling that is being generated here of being manipulated is going to spill over into the actual examination of the bills which are before us, as though it has been deliberately set up to make the bills so difficult that this Parliament cannot vote for them and, therefore, the responsibility will not be that of those who are bringing it forward. This is most unfortunate. I think that it is trivializing an issue which is extremely important to this country and I would beg those who are in charge of dealing with this procedure to try to correct this impression and to try to allow the sort of consultation that people feel is necessary.

Thank you, Mr. President.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, earlier this morning leave was granted to deal with the matter of the appointment of a new Senator. We have only now received the warrant from His Excellency and I seek your leave to read the letter of appointment and thereafter to swear the new Senator.

"Warrant of Appointment to Mr. Muhammad Shabazz

Whereas Senator Danny Montano is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago, now, therefore, I, Noor Mohamed Hassanali, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, Muhammad Shabazz, to be temporarily a Member of the Senate, with effect and continuing during the absence from Trinidad and Tobago of the said Senator Danny Montano.

Given under my hand and seal of the
President of the Republic of Trinidad
and Tobago this eighteenth day of
November."

Members, please rise for the swearing in of the new Senator.

Oath of Allegiance

Monday, November 18, 1996

OATH OF ALLEGIANCE

Sen. Muhammad Shabazz took and subscribed the Oath of Allegiance as required by law.

2.00 p.m.

**TOBAGO CONSTITUTIONAL AND LEGISLATIVE
ARRANGEMENTS REPORT**

Sen. Dr. Eastlyn Mc Kenzie: Mr. President, I would like to take a different route. I would like to begin by recognizing the tremendous amount of work that went into the preparation of the draft Bills and went into the sitting of the Joint Select Committee. I would like to pay tribute to all those people who served on both committees. As a Tobagonian, I would like to pay special tribute to ex-Senator Deborah Moore-Miggins for sitting on the draft select committee, and my recent senatorial colleague, Mr. Orville London for his tenure on the Joint Select Committee. I would like to recognize the tremendous amount of work that went into the documents we have before us.

The issue of Tobago and its relationship to Trinidad and the concern over its administration, and so forth, all those things are very near and dear to many of us. Whatever could be done to assure the people of Tobago that their needs could be better met, that their governance could be more efficient and effective, I think all citizens of this country would be happy to subscribe to that. I am particularly happy when anything is done to make our governance and our administration better, but it must not be construed that whenever concerns are raised by anybody, be it Tobagonians, Trinidadians, or whoever, that it is a signal that we are anti-Tobago; that it is a signal that we do not want Tobago to get anything that is good.

The concern we display is a sign that when we make arrangements for Tobago, or for any part of the country, for that matter, we want to ensure that we give it our best shot; we want to ensure that we do not put out a vehicle from the assembly line and we can spot the manufacturer's defect even before it leaves the factory. By all means, there will be flaws, and you will find even the Constitution at times needs revamping, reorganizing and reviewing. So looking at what is in store for us in Tobago and trying to ensure that there is clarity; that there is no doubt and that what we want is clear; there is no ambiguity, I think all of us would be happy to subscribe to that.

So I would like to ask that we take the notion out and we let sanity and sobriety reign; that we can sit down as a people, living in this country—because I

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. DR. MC KENZIE]

doubt that the people of Trinidad would say they would not be coming to Tobago and vice versa. We are making a rule for this country and Tobago just happens to be a part of the country. We want to ensure that all citizens feel comfortable and committed to whatever is put in place.

One of the biggest hindrances we have as a people in Tobago, as I take note of the Bill, is our lack of representation on the Tobago House of Assembly to reflect the type of power and administration that we are seeking through the Bill. So I want to appeal to the hon. Minister of Public Administration and Information that he takes note of the fact that Tobago is a public service-driven employment agency; that he takes note of the fact that Tobago has produced some of the best brains in the world. We have produced enough people to rule the world if we wanted to. Our problem is that they are scattered all over the world. We do not have a concentration in Tobago. As such, you find that even if you look among the members of the political parties, it is difficult for them to come up with 12 available people, competent, capable, willing, able and so forth, to stand on their own to run the island efficiently.

So that lack, that need of total top brains and ability, and everything else, some of them are locked up in the public service; some of them are locked up in areas where, because of their conditions of service they are not free to leave and serve in as important an area as the Tobago House of Assembly. So I am asking the Minister to look at the Public Service Regulations and try to see what can be done to free up people so they can serve in the Assembly and probably come back to the public service and not lose their service, so that we will have able, capable people, with the attitude, the ability and commitment in this new era to take Tobago forward. I take note and I ask the Minister to please look at this.

I listened and I was very angry with my dear good Friend, Sen. John. I told him so, because everyone who knows me, knows that is how I am. I told him so. I am referring to his name-calling of the absentees and why we lacked a quorum. I would not do that. I want to tell him that the composition of the committee was such that no opposition could have frustrated us. I am saying this because I have read in the *Tobago News* where fingers were pointed at some members; names were called that they deliberately withheld their presence from the committee's last sitting because they did not love Tobago. I know from my heart that everybody sitting here loves Tobago and wants Tobago to have the best. *[Desk thumping]* So, I am asking him, please, let us not get so carried away; let us refrain from name-calling and try to make sure that we have the best.

2.10 p.m.

I listened to the rationale of the hon. Minister of National Security, and to Sen. Cuffy-Dowlat, about the percentage of work being done and probably there was no necessity for consultation and so on. Let us not confuse how much we have done with the fact that we were not finished. The 10 per cent, according to Sen. Theodore, or the 25 per cent, according to Sen. Cuffy-Dowlat, that we did not complete does not mean that it was lesser in significance and importance from the 90 or 75 per cent that was done. The fact is that we were not finished. Let us say so and not make an excuse as if not finished is only a “teeny weeny” bit that we did not do and we did so much. That is not the point. Every clause in this Bill is important and we must realize this.

I want us to take our time with the Bill just as we did in the Joint Select Committee because it was a very good one. We were going through clause by clause. I am not saying that we agreed on every clause, but we were discussing, debating, putting forward our points and amending clause by clause, and that process was a very good one. When the Bill comes before the Senate I would like to see that we take our time clause by clause, to give and take to ensure that at the end of the day we have the best that we could possibly have.

Mr. President, in taking note of the Bill I want to refer to the comments coming in from the public. We had an outline of the number of people, agencies and organizations sending in their comments, but what bothers me is that with respect to the Fifth Schedule one bit of comment coming in from one person had 11 additions; another one, from the very Clerk of the Tobago House of Assembly, had seven. In addition, the Chairman of the Drafting Committee had concerns with about five areas; two on the Fifth Schedule and three on the Seventh Schedule. I am not talking about other people who had comments, even the Clerk of the Tobago House of Assembly. I ask myself the question: Who will represent the views of these people when we are going to debate the Bill in both Houses? As far as I am aware these people do not have any representatives. They do not belong to any of the parties that will be involved in the debate.

Let us not trivialize the fact because we have not met with anybody, we have not called anybody. Our only means of public consultation was through the comments coming in. We have people who took the time to submit their comments and the Joint Select Committee did not have enough time to consider them *in toto*.

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. DR. MC KENZIE]

Are we not saying that we are taking their comments in part? This is the type of reasonable argument that I put forward.

Mr. President, in taking note of the report these are the points I would like to highlight. It does not mean that I am one of those who believe that we should postpone the election. I do not subscribe to that. I do not subscribe either to the fact that we should not discuss and debate the report as it comes. We should discuss and debate the report in a very careful and detailed manner that when our motorcar leaves the assembly line and we put it out, we would not have to recall it for too many manufacturer's defects. Let us ensure that we put something on the road that would run as smoothly as possibly. We may have to recall them for a little adjustment here and there, that is expected, but for heaven's sake let us go ahead and do our work thoroughly and in detail and ensure that at the end of the day all of us are happy that Tobago, at long last, is getting a bill with which we can work very well and with which we are very comfortable.

I thank you very much, Mr. President.

Sen. Hugh Donaldson: Mr. President, I rise to speak in support of the Motion:

"Be it resolved,

That the Senate take note of the Report of the Joint Select Committee appointed to consider and report on the Report of the Committee appointed by the Cabinet to review the constitutional and legislative arrangements for Tobago."

Before doing so, may I say how honoured I am to be joining the deliberations of this august body, especially considering the subject before us. I fully endorse the last comments made and I paid attention to the concerns of Sen. Prof. Kenny, Sen. Rev. Teelucksingh and Sen. Mahabir-Wyatt and I note, as I note the report, that there are very surprising concerns to me, at least, as to what Tobagonians will do with an added degree of power, without any consideration as to what they have been doing with the power they already have.

Mr. President, I am very concerned about this because to assume that they would abuse the additional power that these Bills seek to give is an insult when one considers what has been done over the last 15 years with the very limited power which we had been granted.

I for one am satisfied with what I have seen over the last 15 years. When I look to the left I see highways opening up lands that were previously unopened; I see additional power provided by the electricity commission, just this last weekend a substation was opened. I see additional water distribution services provided and I wonder why should there be this great focus on the potential for abusing the power that this report deals with. I am alarmed. Perhaps, somebody knows something that I do not know of.

2.20 p.m.

Sen. Prof. Spence has admitted that he does not subscribe to the idea of internal self-government anywhere, and in particular for Tobago. I have no problem with that. What we in Tobago want is not self-government, we want a better standard of living. We want a better life for our children, relatives and for the people who come to live and work there. If the best way of getting that is through internal self-government then, by all means, let us have internal self-government, and lots of it. We want a better way of life. It is generally agreed that Tobagonians have not been well done by in the past. That is not a problem for me. I am not here to complain or to criticize. I am merely here to caution myself and all of us that we ought not to excite ourselves and the general population over issues which do not exist.

I read in the daily newspapers where guns are found and taken away almost every day in Trinidad. In Tobago, no guns. We do not have a problem. I cannot vouch for what will happen in Tobago in the next 20 or 25 years from now, but if there are people in Tobago who wish for internal self-government, I do not know them and they do not know me.

Sen. Rev. Teelucksingh said that all Tobago wants is a flag and an anthem. Tobago already has that, but they choose not to raise that flag; they choose not to sing that anthem. That was their choice. There is a choice. There are mad people walking about the road. Years ago one of them did bring out a flag. He had a flag and a song but the Tobagonians chose not to sing his song and raise his flag. His song was about secession, independence and all sorts of issues that Tobagonians do not subscribe to. Tobagonians have waited long.

We may be exciting ourselves in the Senate; Tobagonians are not exciting themselves. They have been fooled too often and for too long. When they see the results then they will become excited. People come from all over and draft

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. DONALDSON]

documents and the next thing they know elections are called and the documents are crumpled and thrown away. These things cannot excite Tobagonians. I myself am happy at the process I am seeing here because Tobago needs the goodwill such as it is experiencing with the Government of national unity. [*Desk thumping*] Tobagonians have been fooled so long that one year of national unity is not enough to erase the impressions which had been created over the last 20 years. That has got to be erased. The credibility of politicians has been so damaged in Tobago that they wish to wait and see. They do not wish to be taken for granted. They do not wish to be denied something that they can give to future generations because of the fear that one will abuse it.

Mr. President, I fear very much that the event which the Independent Senators seemed to be so alarmed about, the possible result may itself be encouraged by that attitude. I fear very much that the very sensible caution that they wish to display may so frustrate an already frustrated population that people may be forced to consider doing things that are not in their own interest. All I am asking is that we take a balanced view, and try to identify evidence before assuming that people will act unintelligently.

The last speaker identified all the human resources that are scattered all over the world. I agree with her. We can do it. It is very unsafe and unwise to assume that people will act in a particular way without any justification—I see no justification in assuming that this will be the result, that independence, secession, whatever it is called—Where are these people? In order for something like this to happen there has to be a certain number of unreasonable people but when we do manage to get one or two, we send them to Trinidad and the PNM grapples them up and they rise so quickly that they almost take over the party.

I am alarmed. I can see no reason why people should be afraid. I cannot swear for what will happen five years down the road, but I can guess that if people are denied what they are encouraged to believe are their dues, then they will respond. Our duty is to shape that response so that it will redound to the credit of both Trinidad and Tobago.

Please, I implore Senators to give Tobago its chance. What has been done here is something that everyone is concerned about. I am satisfied that the concerns of the Independent Senators are genuine. I had to listen to what Sen. Prof. Spence said. I am here to learn, I am here to absorb the views of other Senators and as well, to share my views.

2.30 p.m.

Tobagonians are distrustful now of the political process. In 1976, after the elections, unfortunate things were said. These are not things which I read in *Hansard*. I was there. In my youthful idealism I was very badly hurt. Nobody told me these words of Eric Williams. I heard them being said in Tobago—"If you want to go, go! We are not holding you. I am not going to send any coast guard or ship or army there to hold them back. What for? They want to go. Go!" That was a choice we had. We did not go. Why would we choose to go now?

In Tobago, we are not denying that there have been benefits from this association. We say that the benefits should be more; they should be selective and we should have a part in the process. If there are those among us who choose to deny the justice of that request, then I am not annoyed. I speak for the people of Tobago. I can put the case; I can explain, but I cannot force anyone to go against his better judgment.

If in the judgment of Sen. Prof. Spence he believes that internal self-government would be bad, not simply for Trinidad, but for Tobago as well, then I am forced to consider his point of view. I am also asking him to consider mine. From where I stand, it is unjust to assume that Tobagonians do not have sufficient intelligence and experience to know where their best interests lie. It is unfair. In my view, although I share his concern, I know that he wants what is best for Tobago, I believe in this particular case, he is quite wrong.

Thank you.

Sen. Prof. Kenneth Ramchand: Mr. President, I have a brief intervention. I have to declare that I am an integrationist. That is my personal philosophy. I would like to see closer union in the unitary state of Trinidad and Tobago. I make my remarks in the same spirit that Sen. Prof. Spence made his.

The subject of the relationship between Trinidad and Tobago is one which needs to be settled according to the will of the majority. It can only be settled if we do our duty and treat the Parliament as a place where we think aloud, together and carefully. In this case I think that is more necessary than usual. From the Report of the Joint Select Committee appointed to consider and report on the *Report on the Constitutional and Legislative Arrangements for Tobago* (hereafter referred to as 'the Report') and some of the comments which we have had, I am not sure that we have focused precisely on what is the problem. I think we have to think our way to defining what exactly is the problem or what are the problems with which we are

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. PROF. RAMCHAND]

trying to deal. If we do not define those problems we would not be able to arrive at the appropriate solutions.

I have some difficulty with the present Motion. I know that we are not supposed to anticipate discussion on the Bills which are soon to come to Parliament. Then I note that we have “to note” the Report. If I am giving a lecture and I tell my students to “take note”, that is advice to them that they should pay attention because this would probably turn up in their exams. If I say to my son, “I saw you driving my car down the Southern Main Road at over 100 m.p.h. ‘Take note’.” I expect him to do some remedial action on that, otherwise I would take remedial action on it. That “take note” is a kind of warning.

If my wife comes in from work and says, “I note that you have cooked spaghetti three times in a row. This is the third day.” I know that is a threat that she would take over the cooking, or might even do me something worse if possible. “Take note” could be a threat. If I write to the Vice Chancellor saying that in the last annual review I saw he got a salary increase of 13 per cent, but I got one of 0.5 per cent, please, may I have more. I would receive a letter saying, “The Vice Chancellor acknowledges receipt of your letter dated . . . and contents have been noted” I know he would dump that letter. He would “note” but he would not do a thing about it.

I thank Sen. Diana Mahabir-Wyatt for explaining that all that “take note” means is that we could talk to our hearts content. [*Laughter*] I do not know what to talk about because the Report has nothing in it. I am taking note that the Report is unsatisfactory as a Report because confessedly, they did not complete their work and I see no evidence that they have interviewed crucial individuals such as Mr. Guya Persaud who had put in a minority report on the previous report. I see no evidence of discussion of previous reports by the Wooding Commission, Hyatali Commission and the Seemungal Draft which was rejected. This committee would be well advised to take note of those reports.

The Report says that it is intending to give effect to the Report of the 1977 Joint Select Committee of Parliament that resulted in the Tobago House of Assembly Act, 1980. The Motion leading to the Tobago House of Assembly Act was moved in 1977, by Mr. Kamaluddin Mohammed, the then Minister of Health and Local Government. It is very interesting to look at the Motion. When one looks at the Motion he made, one would see a phrase which is at the centre of the confusion and contradictions we have seen here and in the report.

The Motion moved by Minister Mohammed reads as follows:

“Be it resolved that this honourable House is of the opinion that all proper and necessary steps should be taken to accord to the people of Tobago internal self-government in 1977.”

2.40 p.m.

It goes on:

“In such measure as will not be contradictory to the constitutional reality of the independent unitary state of Trinidad and Tobago,”

such ‘necessary steps’ were expected to take into account:

- “(a) the views of the majority of the people of Trinidad and Tobago;
- (b) the cultural, financial and economic realities and potential of Trinidad and Tobago;
- (c) the impact of any such change on any parts of Trinidad and Tobago.”

That is the original motion, Mr. President. There are many things to be said about it, but I am just pointing to the phrase “internal self-government” and the speed with which the motion covers up by saying, “I do not really mean internal self-government.” “I do not mean to dismantle the unitary state of Trinidad and Tobago.” “I do not mean to deal with the Tobago question without wondering how it will affect the rest of Trinidad and Tobago.” That was built into that motion.

He made the slip of using that phrase, and it comes back every so often to haunt the discussions. This motif appears in the *Report of the Constitution Commission, 1987*. I hope that the Committee studied the report. If they did not, they ought to have done so. In Chapter 16 of that report there are three paragraphs that are highly significant—although the whole report is—which I would like to look at. In the first, paragraph 384, the Commission gives reasons why the Tobago House of Assembly Act was unsatisfactory. It says:

“Indeed, this Act has not fostered a more harmonious relationship between Trinidad and Tobago. Its stated intention was to make better provision for the administration of the Island of Tobago. Instead it has created major problems of which some relate to:

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
 [SEN. PROF. RAMCHAND]

- (a) the interpretation and application of section 21 which provides, ... that the Assembly ‘shall formulate and implement policy on all matters referred to it by the Minister’ ... ;
- (c) the claim by the Assembly of the right to retain unspent balances from the fiscal allocations made to it by the Central Government;
- (d) the nature of the relationship between the Central Government and the Assembly ... ;
- (f) the claim of the Tobago House of Assembly ... to exercise, in Tobago, powers vested in Ministers of the Central Government and the conflicts arising therefrom.”

The report states, in paragraph 385, that another problem had arisen:

“In addition to the foregoing problems which have arisen out of the Act there were strong feelings expressed in some quarters for the insertion in the Constitution of a clause providing for the right of Tobago to secede from the Unitary State of Trinidad and Tobago and equally strong views in other quarters against it.”

I feel that this report is a very cogent and useful summary of part of the problem. The report, of course, is very much in favour of an integration of Trinidad and Tobago and it goes out of its way, in paragraph 387, where it comes out very heavily in favour of the unitary state. It states:

“No provision that allows Trinidad or Tobago the right to secede from the unitary state ought in our view to be included in the Constitution. The islands were unified by Her Majesty’s Government ... in 1887. The provisions of that Act came into force on January 1, 1889. Although this union was imposed upon the two islands now forming the unitary state, the fact is that they have developed a special affinity ... over the last 101 years that cannot be lightly cast aside or easily erased. Political neglect, of which Tobago has had its share in the past, is painful and not easily forgotten; but the economic benefits for both islands from their continued association together are real and for these reasons they ought to be actively developed and not taken for granted. As the Republic of Trinidad and Tobago approaches the twenty-first century, secession is not an option that can be recommended in a world that is moving towards the creation of various economic and political unions for the advancement of its peoples. We strongly support the principle of the unitary statehood of this

twin-island Republic and remain unshaken in our commitments to promote unity and discourage fragmentation in our nation.”

I am not accusing the Committee, Mr. President, of promoting fragmentation, I am accusing them of something more confusing and nebulous than that. If the people of Tobago wish to become independent, I do not think that Trinidad has the moral right to deny them. If the Committee told itself that it was laying the ground for that, it should be clear that that is what it is doing and that is what it wants to do. They should level with the people of Trinidad and the people of Tobago and the legislatures in Trinidad and in Tobago that this is their intention, decision, hope and that they are trying to grant full internal self-government and independence to Tobago.

In this respect, of course, I will have to express my opposition. I express my opposition by reminding people of the Preamble in the Constitution of Trinidad and Tobago, which contains many of the unspoken contentions—things that people do not want to talk about and in which they are not really interested—in taking care of Tobago. There are all kinds of power plays going on.

“(2) Trinidad and Tobago shall comprise the Island of Trinidad, the Island of Tobago and any territories that immediately before the 31st day of August 1962 were dependencies of Trinidad and Tobago,…”

Who is in charge of all those little islands? If I were to drive out an alien from those islands and put my house there—because I am sure aliens already own it—would I be subject to the laws of the House of Assembly or the laws of the Parliament of Trinidad and Tobago? Trinidad and Tobago includes those islands and it includes:

“the seabed and subsoil situated beneath the territorial sea and the continental shelf of Trinidad and Tobago”.

Mr. Guya Persaud looked at this and he put in a minority report pointing out what they were trying to do. Are they trying to give Tobago its own territorial waters within the territorial waters of Trinidad and Tobago? What about the international agreements that Trinidad and Tobago has signed with other nations? Will we be infringing those? Have they thought about it? Have they legislated for it? Have they discussed this with the nation and with the Parliaments?

Mr. President, as I said, I like the definition of Trinidad and Tobago which is imbedded in our Constitution and would be very sorry to see a report accepted and

bills drafted that would undermine the Constitution of Trinidad and Tobago and give either Trinidad or Tobago separate status.

2.50 p.m.

The problem with the report, and again I am not accusing the Committee of doing that, I am accusing it of not knowing that is what it is doing because it says nothing, it does not report on anything, it just gives a draft that cannot be talked about. There is a vacancy or a void that we, the readers of the report have to fill, invent and impose our fears, hopes, dreams, illusions and misconceptions. It is what anybody wants to make it out to be and in the actual text that we get, there is ambiguity, ambivalence or confusion. The report waivers between making regulations about internal self-government and autonomy for Tobago as if that were the problem, or seeking redress for a number of problems that exist in Tobago and which the very report has pinpointed, and in paragraph 43 it says:

“...Cabinet shall give due consideration to the financial and developmental needs of Tobago in the context of Trinidad and Tobago and shall allocate financial resources to Tobago as fairly as is practicable, and in determining what is fair and practicable, the following considerations, among others, shall apply:

- (a) physical separation of Tobago by sea from Trinidad and Tobago’s distinct identity;
- (b) isolation from the principal national growth centres;
- (c) absence of the multiplier effect of expenditures and investments (private and public) made in Trinidad;
- (d) restricted opportunities for employment and career fulfillment;
- (e) the impracticability of participation by residents of Tobago in the major educational, cultural and sporting facilities located in Trinidad “

My people in Cedros, Mayaro, Toco and Matelot have the same problem, but I know that Tobago is separated from us by the sea and therefore, special provisions have to be made, but I am not going to Cedros to speak Spanish and say I want a separate state. I am not going to say that I want a Cedros House of Assembly. We have to deal with these problems and adopt different means of dealing with them. It is recognized that in order to redress the problems that exist in Tobago, one of the things we might have to do is give the island a greater degree of autonomy. We

are not saying internal self-government, and we are not saying that it is an end in itself, it is a means towards the end of redressing problems in Tobago.

Mr. President, I think that the debates that have been taking place in the country and even those that take place here, and some of the things in the report suggests that we have lost sight of what are the means and what is the end. Sometimes it is felt that self-government in Tobago has become an end in itself and not a means to the redressing of certain problems. I am not understating those problems, but if we are looking at them and we decide that they can be solved by giving full internal self-government to Tobago, if Tobago must be independent, it must be completely in charge of its destiny. If that is what the committee wants, it cannot arrive at that decision lightly. There has to be much thought, technical advice, wide consultation with the people of Trinidad and Tobago and, if after such consultation, it is decided that they are going to recommend internal self-government or autonomy for Tobago, then they come to us with the report, giving the arguments showing us how they arrive at their decision that the solution to the problems of Tobago would lie in granting full internal self-government to Tobago.

I do not think that is the intention of the committee, Mr. President, because, as I have said, they waiver between the two things wanting to redress the problems and making concessions about self-government. With all due respect, I would say that the Government should take back this report, consult widely with the people of Trinidad and Tobago, take technical advice, think hard, return to the Senate with a report that addresses the problems as listed on page 24, paragraph 43, of their own report, assuming that the problem is really that they want to redress these disadvantages that Tobago is suffering as part of Trinidad and Tobago.

If it is decided that that is not the problem, that the real problem is a question of power, autonomy or self-government, then come to this Senate boldly and bravely with proposals to dismantle the unitary state and to put in place a federal structure which we know very well, could lead to secession by Tobago in due course.

We have a choice of either integration or separation, a unitary state or a federal arrangement. I note that the report is unsatisfactory because it recommends neither.

Thank you.

Sen. Dr. Eric St. Cyr: Mr. President, let me begin by saying that I fully support the aspirations of the people of Tobago for self-respect as a people, self-

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. DR. ST. CYR]

determination and the exercise of all their rights. But I dare say that all of these must be put within the context of the present and historical past. I think we have a very golden opportunity in discussing this. I wish us to have a trial run today of what we are going to debate when the Bills come and we have the real debate.

Let me just put the Senate at ease by referring to one of the test matches which Sir Frank Worrel won. *[Difficulty with microphone Sen. changes place]* Yes, I was going to talk about this great West Indian heritage, the only area which only up to last week—*[Sen. switches place again]* I am being promoted.

3.00 p.m.

I remember one of those celebrated test matches, I think it was back in 1963, the West Indies made about 500 runs and Sir Frank Worrell had just about 50 runs to his name and batting beautifully. However, just before 5.00 p.m. he declared, giving the West Indies half an hour to get at the English cricketers. I thought that Wes Hall and Griffith were going to be allowed to have a full go for that half an hour. However, what Sir Frank did was to give the two bowlers just two overs each; Lance Gibbs and, I think, Holford was the other bowler had one each. I had the pleasure to ask Sir Frank what was the strategy. He said these men had been sitting in the pavilion for two days and that would loosen them up for tomorrow's real onslaught.

Mr. President, therefore in taking note of this report we have an excellent opportunity to flag some of the things that we will be debating when the real debate comes up some time in the future—I am not going to say shortly—and to test each other out, as it were, so that we could go home and think on some of these things.

I have a responsibility to uphold the Constitution and the law and this is why I would not anticipate any new law and take action now, as if that law was already in place. As of now, Mr. President, we do have a Tobago House of Assembly Act, we do have a Constitution of Trinidad and Tobago—neither has been changed. There is an election due and that has not yet taken place, so I am not going to be snared into behaving as if those things would happen within any given timeframe. I would urge us all not to behave in that way because that would not be to uphold the present law, the present Constitution as it exists.

Mr. President, let me say, briefly, what I want to say when the big debate comes up. I would want to talk then, most importantly, about sovereignty because I see things in the report that seem to go contrary to Trinidad and Tobago as a

sovereign state, with a government which is sovereign. For example, I read of proposals to have disputes between the sovereign government and a part—an instrument created by that Government—being arbitrated by people who are subject to that very government and that does not make sense to me at all. In my view, it violates my fundamental concept of what it means to be sovereign.

Another principle I would like to articulate is the principle of symmetry. Looking at some of the proposals, I see quite a symmetrical stances being taken. In other words, for example, if I am represented in your meeting I think you should come and have representation in mine so that there is a criss-cross of ideas and a common understanding emerging. However, as I said, Sir, these are things for when the substantive debate comes about.

The third matter I want to flag for in the big debate is the notion of residence. I see referred that some things would be restricted to residents of Tobago. I dare say that that cannot be operationalized. One could operationalize a resident of Trinidad and Tobago because when one comes through the check point one's passport could be stamped and there are other unambiguous concepts such as "Citizen", but I do not know how it would be possible to operationalize the notion of a resident of Tobago without leaving such wide loopholes as to cause confusion or to cause us to operate under the table, the real objective. However, today is not the time to debate that issue, Sir.

I have a number of concerns about the report which came to us. When I got that report a week or so ago and a certain Motion for amendment was proposed, I was completely at sea. I did not know who had signed that report and I still do not know. I know, because somebody so declared, that one person, Prof. Spence, did not sign the report. I do not know whether anybody signed at all and I think it is really misleading, certainly to me, that my initial reaction was that everybody had signed it. But carefully, Sir, the report did not say, "signed by" it simply listed the names. There is a minority report submitted by three people and that says signed by those three. However, the substantive report simply listed the names of the Members and I could have gotten the impression that it was signed by everybody. It was not signed. I did not know who signed. I do know that all did not sign and I do not know whether the report was properly adopted.

I want to say something further on that report, so far as its presentation is concerned. The report admits that the committee had not completed its work, though it says that it had gotten sufficiently far. We were told that there was a session scheduled for November 4, 1996, which did not take place because there

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. DR. ST. CYR]

was no quorum. If that meeting did not take place and no subsequent meeting of the Joint Select Committee took place, who then decided that the work had been sufficiently advanced so the report could be submitted? I would have to assume that the Members who were there without a quorum might have been the ones who took that decision, and if they did they would not have been quorate so they could not have done this properly.

3.10 p.m.

The other possibility is that the Chairman of the Joint Select Committee may have taken that decision, but such a serious judgment to have been made in that way appalls me; because it does not say that this is how it was done, so we in the Parliament could have been misled easily. I think this is such a serious matter so that we want to do this better; we want to do it carefully; we want to do it well and I would hate to be thought of either as an obstructionist or as contributing to the delay of the nation's business.

We are proposing some fundamental changes in structure and an enhanced status within the nation of Trinidad and Tobago for the Tobago House of Assembly, and it seemed to me logically, that the least we could do is to accord due courtesies to the present Tobago House of Assembly. So we have to show full respect for the present Assembly and go from that declaration of respect to what we propose, an enhanced status for the new Assembly. I am not satisfied from what I have heard that this has been handled properly.

Mr. President, let us consider what we are doing; I believe the period 1958—1962 represented a high point in our life in the Caribbean in terms of co-operation, integration and a West Indian nation. Since then, I think we have been going downhill, and downhill is not always the wrong way to go, but I think we are going downhill from that high point of a unified Caribbean because since then the Federation came to an end in 1962; Anguilla cut itself off from St. Kitts/Nevis and we have been told this morning that Nevis is being separated from St. Kitts/Nevis. If we look at the Netherlands Antilles, they, on independence, comprised six islands: Aruba, Curacao, Bonaire and the three in the Windwards had a very interesting structure, one of the most exciting parts of which was how they shared finance and the responsibilities; they had an elaborate criss-cross arrangement whereby, for instance, the island governments collected all the income taxes; the Federal Government collected all the customs duties and they gave the other 25 per cent of what they collected—some such formula. I am saying this

because there have been many experiments with co-operation of island peoples, but then the Netherlands Antilles broke up a few years ago with Aruba going on its own and the rest hanging together in some form or fashion.

What, in my view, would go to the core of what we are attempting to do here? There are two things: there is the natural cohesiveness of an island people—one of our West Indian authors says, “an island is a world” so there is that natural cohesiveness of island peoples and we have that on the one side; on the other side, we have the financial viability of a state. When we put the two things together we come straight on to the issue before us regarding Tobago because Tobago is very distinctly, culturally different from Trinidad and we must recognize that.

On the other hand, the reason Tobago was brought into a union with Trinidad in 1889 was because Tobago by itself was not financially viable. One of the big merchant firms had collapsed just about then and Tobago could not pay its way, and some 110 years later we are back at the same issue—autonomy, self-determination for an island people—tremendously gifted people—tremendously cohesive. But what about the financial viability? In the debate this morning Sen. Prof. Spence got me quite worried when he—I am sure he took those numbers out of a hat—mentioned \$25 million compared with \$250 million, that is a big gap. My fellow Senator, Sen. Donaldson, rather encouraged me—and I want to congratulate him on his maiden speech—when he said that the people of Tobago know the benefits that they have reaped from association in this unitary state of Trinidad and Tobago. They also know the disadvantages of that unitary status. What I heard him say is that on balance, they know that the benefits outweighed the disadvantages.

So, we must go to a very mature, wise, balanced solution and part of that solution has to be that on all fronts there must be agreement that we are going forward. The people of Tobago must be happy with what is happening; the people of Trinidad must be happy with what is happening; and I want to refer to a special group of people namely, the very many people in Trinidad who are of Tobago stock and Tobago origin because over the past 100 years the two peoples have become quite closely intertwined.

3.20 p.m.

I do not think, personally, that the people of Tobago stock and Tobago descendants in Trinidad would favour a separation of Tobago from Trinidad at all, under whatever conditions. They have partly made an adjustment by geographical

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. DR. ST. CYR]

relocation. So I put these things before this honourable House, Mr. President, to make two points: the first is that we are dealing here with a rather complex and delicate issue—we as the Senate of this country not only bring our representative voices for the people who have selected us, but we also bring a measure of wisdom, balance, judgment and experience to the councils of this nation. We must urge the Government and the nation to treat this with the seriousness and respect it deserves.

Mr. President, the second thing I want to say is that I am sure that there is a solution to this problem and that we can find it, but we have to search with all the wisdom at our disposal.

With those remarks, Sir, I thank you.

Sen. Penelope Beckles: Mr. President, I rise to make some brief comments on the Motion before this honourable House. First of all I want to briefly refer to Standing Orders No. 74 (7) which states:

“The Report of a Select Committee may be taken into consideration by the Senate on a motion “That the report of the Select Committee on be adopted.”

Mr. President, the section prior to that states:

“The minutes of proceedings of a Select Committee shall record—

- (a) the names of the Members present each day of the sitting of the Committee;
- (b) names of witnesses examined;
- (c) in the event of a division taking place, the question proposed, the names of the proposer

and it goes on to say that:

“The minutes of the proceedings of a Select Committee shall accompany the report of the Committee, and shall be submitted to the Clerk of the Senate to be kept as a part of the records of the Senate.”

Mr. President, there is an amendment to this Motion in my name and it reads:

“And Be It Further Resolved that before further action is taken with respect to the recommendations contained in the Report that there be further consultation on the Report with the Tobago House of Assembly and the people of Trinidad and Tobago.”

Mr. President, much has been said this morning and this afternoon in relation to the entire issue of consultation. Mr. President, I want to make the point very early that we on this side are committed to giving Tobago its autonomy. Particularly though, we must say that that is in the context of the unitary state of Trinidad and Tobago and the Constitution of Trinidad and Tobago.

I think the PNM's position, as it relates to that, has been very consistent. Notwithstanding the comments by speakers that, as a result of the elections last year, that the Bill which was laid could not have been discussed, the point is that we saw it fit to take very cautious measures to ensure that all the necessary persons should have been consulted before that Bill was laid in this House. Even though there were those who refused to be part of the process, they cannot say that they were not given the opportunity to be part of that process.

Mr. President, our major concern is that when you look at the notes, the minutes of the Joint Select Committee, that is where you would see the extent to which my Motion is very critical. The Minister of National Security is saying that yes, consultation has taken place and he is satisfied that that consultation is sufficient to the extent that the committee has satisfactorily completed its work. Mr. President, are the people of Trinidad and Tobago of that same view?

Mr. President, I want to refer this House, briefly, to the minutes of the Joint Select Committee, and I am quoting specifically from Professor Spence's contribution when he stated that some members of this committee felt quite strongly that we should meet with the Tobago House of Assembly. Again, Mr. President, in the minutes Sen. London stated that "I think Sen. Prof. Spence's point—"

Sen. Mahabir-Wyatt: Excuse me, Mr. President, could you rule? Sen. Beckles is reading from the minutes of the committee itself. Is that allowable in this House?

Mr. President: I do not think so. You should refrain from reading.

Sen. P. Beckles: Subject to your ruling, but I did read before the Standing Orders which state that all the minutes of the Joint Select Committee actually form the record of these proceedings. That is at section 74 (6). Mr. President, if you look at 74 (5)—

Mr. President: I am advised that in the amended Standing Orders it does state that it forms part of the proceedings, and therefore it can be read.

Sen. P. Beckles: Thank you very much, Mr. President.

As I was saying before, it was stated by—I am quoting again from Sen. London—

Sen. John: Mr. President, could I be guided whether notes of a meeting are minutes, unless they are confirmed? The Senator is reading from minutes. Are we sure that these are confirmed minutes?

Mr. President: If it says that it forms part of the proceedings then we are to take it that they do form part of the proceedings and can be read.

Sen. John: Providing, of course, Sir, that whatever she is reading is not notes, but actual minutes that have been confirmed.

Mr. President: I assume the Senator is reading minutes of the Joint Select Committee meetings?

Sen. P. Beckles: Yes, please, Mr. President. That is why I was careful in indicating that these are minutes of the Joint Select Committee dated November 1, 1996.

Mr. President: The one you are reading would be the minutes of what date?

Sen. P. Beckles: First of November. *[Pause]*

Mr. President: Minutes of Friday, November 1?

Sen. P. Beckles: Yes, please.

Mr. President: According to what has just been submitted to me, the minutes of the fourth meeting held on Wednesday, October 30 were confirmed.

3.30 p.m.

Sen. P. Beckles: Thank you very much, Mr. President. What was clear in terms of what was discussed at that session is that several of the parties present indicated their concern and, as a matter of fact, requested that the Tobago House of Assembly be consulted before this Joint Select Committee submitted its report to this honourable Senate. The minutes would reflect that at no stage was that issue seriously taken. That is the meat of my Motion. I am saying that it is not sufficient for the Members on the other side to say that they received several reports and comments from other people in the society. I endorse and make the

point again, that when one looks at the powers of the select committee and specifically what is stated on the first page of this report:

"that the Joint Select Committee have power to send for persons, papers and records and receive and consider the comments of the public on the report...

...submit its report to Parliament no later than..."

...on that particular date.

Mr. President, I am extremely shocked and disappointed that my colleagues on the other side would be satisfied to bring a report before this Senate and to say that they are satisfied with the performance of the committee, the committee not having seen it fit to call one person on such a serious and critical issue. Yes, it is quite easy to say that some of these issues have been discussed over the last 20 years, but the point is if Parliament, in its wisdom, decided to send this matter before a joint select committee and that subsequently that report is laid before this Senate, I am quite surprised that the Motion is that the report be noted.

As representatives of the people—and it is public knowledge that Parliament is the will of the people, Parliament is where regulations and laws are made—we are here today on an unusual day, a day on which the Senate does not normally sit, to note a report; and not only to note the report, but when one looks at the report, yes, it comprises several pages, the majority of which is made up of what is supposed to be explanatory notes and an appendix which we are not supposed to go into in detail.

I am asking what are we supposed to note? If it is that we are to assume that at some stage we should anticipate a bill and, therefore, that anticipation as I understand it, if my information is correct that Parliament is to be prorogued within the very near future, then the anticipation of the bill would have had to be within this session. My anticipation tells me that there is very little likelihood of a bill being presented within the next week or two in relation to what is before this honourable Senate.

Therefore, my point is: Is it that they are trying to curtail us, or to muzzle us from speaking on the details of the clauses of this Bill? Mr. President, if it is that the Executive removes from itself the responsibility to make policy and it is given to a committee which comes back to this Senate—and when the minutes and

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. BECKLES]

verbatim notes of the Joint Select Committee are looked at, the committee actually went through the Bill clause by clause (that is what was done in the committee)—I am very surprised, when that report comes to the Senate, we are now told that we note the contents but the Bill cannot be gone through clause by clause.

Further to that, in another place, as I understand it, they went through the report of the select committee, went through the Bill clause by clause, looking at all the comments, debating, making suggestions of further amendments and, therefore, I am not sure whether there has been any collaboration on the other side in terms of a consistent procedure because we seem to be adopting a totally different approach from what was done in another place.

It is almost as though they could have simply come before this honourable Senate and said, "This is the report of the Joint Select Committee", because I have heard and I was very enlightened by the contributions of Sen. Prof. Ramchand and Sen. Mahabir-Wyatt, but I am not sure at the end of the day if we are at all comfortable with this "noting" that we have been doing since 10 o'clock this morning. What is our real position in terms of Tobago and all these suggestions that have come from the Joint Select Committee?

I would hate to think that after all this work which has been done for the month of October and a part of November, that all this Senate is being asked to do is "note it." I wonder if when the committee sat on all those several days to deliberate those clauses if it was known that when it came to the Senate, all that would be done was simply noting all the work that was done. That is the concern that I have.

Mr. President, it is very easy for Members, in a political climate, because today is nomination day, to talk about all sorts of things—what people have received and what they have not received, benefits and so forth—but the point is that no one can deny that as Trinidadians and Tobagonians, it is in all our interest to make sure that this situation that has been hanging unresolved for quite some time is finally resolved. Can we comfortably leave here this afternoon, feeling that a committee that has sat on five occasions to deal with a situation that has been unresolved—and I am taking the words of some of my colleagues on the other side—for 20 years, that in five sessions they now have the answers to resolve that situation? Is that what I am hearing?

Whether or not Senators on the other side want to suggest that persons who differ with the views of certain members of the committee will no longer be

members of the THA after the second week in December and, therefore, they seem to be suggesting that the issue of consulting the present THA is not relevant, at the time in which a particular piece of legislation or bill is being debated or discussed, whoever is the *status quo* at that time ought to be given the respect. That is the point that we are making. They must be given the respect.

Mr. President, very often, and it is heard at local and central government, it is heard in a number of places, that time after time, things change; people change; situations change; and one may not agree with everything that a person before may have said, an interim person, but it is very difficult to say that that person cannot make a contribution towards the development of Trinidad and Tobago. That is the impression I am getting and I have a difficulty with that sort of suggestion that says that the present members of the THA and other persons could not have properly given that type of advice.

I heard the Minister of National Security saying that he was not aware of several members of the public wanting to give their views on this particular bill. I do not know that that is the method through which we should come to certain assumptions. I again refer to the statements made by Sen. Prof. Kenny in relation to the Ombudsman's Committee on which I sit and even the Equal Opportunities Committee on which the Minister of Public Administration and Information sits.

3.40 p.m.

Sen. Brig. Theodore: On a point of correction, Mr. President. The hon. Senator said that I said I was not aware of several members of the public wanting to give their views. What I said was I was not aware of members of the public complaining that they were unable to give their views.

Sen. P. Beckles: Mr. President, I think that correction even puts the situation in a worse scenario, because if he is saying he is not aware of it, I would like to know what procedure did the Minister adopt in order to come to that conclusion. Because even Members of the said committee indicated that there were persons and there were certain procedures that they would have preferred in order to ensure that we had the widest consultation. I do not know if the situation is that I must complain in order to get a hearing. That is what I am hearing. I think as any Trinidadian or Tobagonian who is interested in the welfare of the unitary state of Trinidad and Tobago, I should not have to complain to get a hearing. I should be heard as of right. I think that suggestion is contemptuous.

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. BECKLES]

That famous statement of "more haste and less speed" is one that we need to pay more attention to in Trinidad and Tobago, because you get the impression that some of us just want to take credit at the end of the day when certain things are finished. The Minister of National Security's statement is absolutely consistent with that of the chairman, because the said *Tobago News* from which Sen. John just read a very selective portion, at page 15 also says, "Mr. A.N.R. Robinson: THA never asked for a meeting."

So I think it is becoming clearer and clearer what the thinking of this committee was. You must ask for a meeting. That is what consultation is. You must ask to be consulted, not that they would consult you. You must complain and then you would get a hearing. You see, that is precisely the reason why Sen. Moore-Miggins resigned, because principle is principle. You cannot be doing something because one particular person has an obsession and everybody else goes along with it because they seem to fear that person. That is the impression that we are getting. Consultation, as I understand it, in any dictionary, means just what it says, that you consult and you try to arrive at consensus.

I cannot say that a committee which comes here and boasts that on the final day it could not have a quorum—not only that, some of the Members—I have to refer particularly to Sen. John misleading this House by saying that both Mrs. Robinson-Regis and Mr. Manning deliberately absented themselves in order to ensure that the session did not take place.

Sen. John: Mr. President, I am being misquoted by the good Senator. I never said that.

Sen. P. Beckles: Well, Mr. President, sometimes it appears as though you hear certain things, but I am quite sure that the impression that Sen. John intended to create is that the two Members of the Opposition deliberately absented themselves to ensure that there was no quorum for that particular session. I think that needs to be cleared up, because the records would reflect that five minutes after that meeting was called off, Mrs. Robinson-Regis actually met other Members of that committee on that particular day. Not only that—I am not here to call names about the other side—but I think that it would be in the interest of Sen. John to find out how many Members from his side were present to ensure that on that day they had a final meeting. That should be his concern, because he is the Government. That is what the headline would want to mean, that "Opposition Members stayed away from final session". But he should find out about his Government Members. If they were present the meeting would have gone on, and he must find out from them

why they deliberately absented themselves when they knew that it was their Motion.

It is very fine to say that Members of the Tobago House of Assembly met with a technical committee, but there is a distinction between a technical committee and a joint select committee. The Government could have said, "let us simply adopt what the technical committee said." The purpose of having the Joint Select Committee was to ensure that you call persons. Even on that technical committee Justice Guya Persaud had his reservations. He was never called. If you present a report and you have reservations and the committee is considering all these things, why not call that person? I am extremely surprised that they would want to come into this Senate and give the impression that that report before this honourable House is such a fantastic report. That report is a shame.

Further to that, they are using the report to give the impression that the People's National Movement is not concerned with autonomy for Tobago. I want to make that point very clear again and again, that our two or three years of cautiously consulting is what is completely different from five meetings in one month—completely different. So many people feel that they could talk on behalf of Tobago. They would tell me, yes, you are a Trinidadian so you cannot talk on behalf of Tobago, and I have no difficulty if some people suggest that. But then there are some Tobagonians who feel that they alone can talk on behalf of Tobago and it would be very interesting to find out what is the position of the entire population of Tobago on this scenario.

If you recall, a particular date was given for comments to be sent and the National Alliance for Reconstruction which is part of this coalition, sent their comments after the stipulated date. Do you know what is the most interesting thing about all this? What is the UNC's position on what is before this honourable Senate? What is their position? I have not heard the hon. Prime Minister make a statement. I have read in another place and I am waiting and hoping that the Minister of Public Administration and Information would enlighten us about what their position is.

You see, you get the impression that the manner in which this thing is being conducted, that is to say that you note it; you just note what is here, you wonder about the commitment to the legislation. I would have thought that if the committee goes through clause by clause and actually amends, debates, agrees, disagrees, tries and comes to consensus and you come here and you note it, I am

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. BECKLES]

wondering where we really go from here. Where is the commitment, as they keep claiming all the time? It is not there.

That is why I say that this supposed attempt to get us to note this report in the Senate on a day when I am sure if we knew we had to note it, we probably would have all given a signature like some of the Members of the committee and probably noted it. It is a very shrewd, calculated attempt to muzzle us from truly talking about this report that is before us.

My amendment to the Motion, as I said is there. Members on the other side have made it clear that they are of the view that sufficient consultation has taken place. It is well and good to philosophize and talk so much about the whole concept of internal self-government and the benefits that could be derived, but at the end of the day I think we all agree that what we are concerned with is doing what is in the best interest for Tobago.

3.50 p.m.

I cannot help but quote former Sen. Deborah Moore-Miggins in the "Commentary & Analysis" of the *Daily Express* of Tuesday, November 12, 1996 entitled "Do What's best for Tobago". She indicates that:

"...unless we really decide that Tobago is more important than any individual, party or grouse that we have against others, I would not be involved. And that is my decided position.

Tobago is too small a place for the petty politics we are practising here. Politics of hate and divisiveness is for those who are not secure within themselves. I do not function like that. I always prefer to look at the larger picture, and seek the interest of Tobago at all times.

What is in Tobago's best interest now? That is the question..."

Mr. President, I quite agree. Again, if one looks at the minutes of the meeting of the Joint Select Committee on October 22, 1996—Mr. President, probably you can check to make sure they were confirmed?

Mr. President: Yes, they were.

Sen. P. Beckles: In those minutes Miss Pamela Nicholson, the Member for Tobago West, indicated that she felt strongly that consideration should be given to meeting with the Tobago House of Assembly.

Mr. President, I need not say more because, as I said, the impression is given that the non consultation with the Tobago House of Assembly—or what appeared to be accepted as consultation—is the fact that they received correspondence from the Clerk of the Tobago House of Assembly. That is consultation? There is a great distinction between "comments" and "consultation", and I think that Senators on the other side would do very well to note that distinction as we are noting the report.

Thank you very much, Mr. President.

Mr. President: The amendment needs to be seconded.

Seconded by Sen. N. Mohammed.

Mr. President: The proposed amendment reads as follows:

"Add a second recital to the Resolution to read as follows:

'And be it further resolved,

That before further action is taken with respect to the recommendations contained in the Report that there be further consultation on the Report with the Tobago House of Assembly and the people of Trinidad and Tobago."

Senators who have spoken previously may speak again but only on the proposed amendment. Those who have not spoken before may speak on the original Motion as well as the proposed amendment.

Sen. Nathaniel Moore: Mr. President, I rise to support the Motion,

"Be it resolved that the Senate take note of the report of the Joint Select Committee appointed to consider and report on the report of the committee appointed by the Cabinet to review the constitutional and legislative arrangements for Tobago."

Mr. President, the issue of the relationship between Tobago and Trinidad is one which has been raging now for a very long time. In fact, from the time the arrangement was made to bring together Trinidad and Tobago in a union, the controversy started and the relationship was characterized by uncertainty, suspicion and dissatisfaction on both sides of the fence. For a long time some people in this country, particularly the southernmost part of the country, regarded Tobago as merely a ward of Trinidad. We had some supposedly intelligent people who were propagating this idea and who had it written for school children to read, and no doubt, some of them believed it. It is quite possible that they considered the

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MOORE]

term "ward" with a sense of inferior status as many people continue to consider Tobago as compared with Trinidad.

Some time in 1976 the Member for Tobago East at the time moved a resolution in Parliament, which has been referred to every so often, to grant internal self-government to Tobago. The Motion as far as I remember was accepted, albeit with some kind of modification by members of the PNM at the time, and they brought in the idea of being consistent with the constitutional reality and the effect of other parts of Trinidad and Tobago.

Mr. President, as I remember, what eventually happened to Tobago was that it was inflicted with a bill that we now call the Tobago House of Assembly Act—I think it was No. 37 of 1980. I do not think that the suspicion and dissatisfaction stopped there, it continued. Nothing is really wrong with that, because we took a measure to improve the status. It is not perfect and, therefore, it needs to be changed from time to time. If we are not satisfied with it then we should continue with the process of changing and updating it so that it can meet the needs of the people, the purpose for which the Bill was created.

The main point I wish to make at this juncture is that Tobago—I make no bones about this—was fully behind its representative for Tobago East when this Motion was tabled, discussed and passed.

4.00 p.m.

Some of the same concerns we are hearing today were those expressed then by the same people on that same side. They had the power, they called the shots, and they gave us Act. No. 37 of 1980, which was not what was asked for. I am not ashamed to say that Tobagonians asked for internal self-government. I do not see anything wrong with that. Of course, there were several amendments over the years, and I do not intend to deal with those in detail. I remember in 1992 there were some initiatives by the Prime Minister of the People's National Movement when he visited Tobago after his victory in Trinidad and Tobago. He told the Tobagonians that he was handing out an olive branch. He visited Tobago in order to make them happy and to let them talk about those arrangements, and that they were going to do something for Tobago.

Committees were set up to work from 1992. I can understand now why some of the Senators on the other side are talking about speed and haste. The leisurely pace with which the activities went on left people to wonder whether they were serious about what they undertook. To me, the big excuse that the PNM is hiding

behind, is this idea of a unitary state. I sit and reflect many times: standing, walking swimming, lying and almost sleeping—why is this obsession with a unitary state? Tobagonians are human beings living in a community and they want to construct a system of relationships which would make them live better, which would lend for greater harmony in their existence and intercourse with one another. We are dying on this concept of a unitary state. Not too long ago, in another place, there was a Motion reaffirming allegiance to a unitary state of Trinidad and Tobago. In my short years, although they amount to about 60, I have never heard that group of people as a party tabling any motion or resolution asking that it seeks for standards of integrity, productivity, honesty and such lofty ideals which would lend to the development of any people and their building of any nation. What is a unitary state? It is a creature of our hands. We make it, we could change it, we could shape it.

Here, it is being used as an excuse not to give Tobagonians their rightful place as decent people within a national community—if they get internal self-government, that would be breaking up the unitary state of Trinidad and Tobago. In fact, when it was first contemplated and Tobago was given Act. No. 37 of 1980, it was said this was intended to break up the People's National Movement and it was the duty of the then government to provide a Constitution for Tobago. The word “unitary state” is being used to deny the people of Tobago their rightful due.

One would not believe that it is the people who had taken credit for inventing the steelband saying this. We invented the steelband as an instrument and it is the most marvellous thing that has happened within the 20th Century. We feel happy about it and I do feel happy about it. I remember the days when people started making sounds with old wheels and cups to provide rhythm as music and it evolved into the steel-pan. As a national of this country I feel proud of it, but are these the same people who are going to prevent certain sections of our community from developing in the way that they would like by using the shibboleth of unitary state? Can we, as a people with intelligence, not settle down and develop a system to cater for the needs of everyone in this country so that we can all be happy?

Some people on that side, and even among my Independent Friends, have no confidence in the people of Tobago as human beings. I was appalled to hear the amount of distrust that is placed in the people of Tobago. There are some people in some backwoods who have not come out into civilization, they mistrust

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MOORE]

everybody and they are the biggest dunces out. They do not have a sense of responsibility, a sense of nationality or regionalism.

Sen. Prof. Spence: Mr. President, I am a bit taken back. The hon. Senator seemed to imply that the Independent Senators made disparaging remarks about people in Tobago. Nothing could be further from the truth. No one on these Independent Benches, as far as I am concerned, said anything which implied any disrespect, disparagement or belittling of the people of Tobago. That certainly was not the case.

Sen. N. Moore: I am not saying that the Senators said that the people of Tobago are backward. What was said seemed to imply that the people are backward to have such an idea—if they were given autonomy they would go off into independence; one also asked how were they going to use this and that. In other words, it is being implied that the power which is suggested, if the Tobagonians get that autonomy, they would misuse it.

Sen. Prof. Spence: Mr. President, certainly no one on the Independent Benches suggested that the power would be misused. Senators on this side pointed to the fact that historically in the region certain events lead to other events, and we referred to examples within the region where that has happened. Certainly, I do not consider that, if that is what took place, to be a misuse of power. No one is suggesting the people in Tobago would misuse their power and certainly, not if they are in the backwoods.

Sen. N. Moore: That is one's interpretation and that is another. I surely heard enough to make me feel—and it is not the first time that I have heard it in relation to giving power to Tobago—there is this fear of giving power to Tobago. What will they do with it? Destroy the country? Senators heard what was said.

Mr. President, I studied French for only two weeks, but I understand Parliament has some French origin and that it has to do with speaking. We are in a talkshop and we must talk. I am not saying that talk is not important because many great ideas which originate in the mind have to be vocalized and then put into action. In fact, what we talk about usually has to be put into concrete forms by other people who perhaps, could do that better than some of us can. That is what we are brought here for, although I cannot do too much of it. Those who could implement much could take what we talk about and implement those suggestions and then things should be going—division of labour.

4.10 p.m.

I make the point that we have to be very careful when we talk and with the kind of message we give to those who might hear us. Sometimes what we say could lead to action elsewhere.

I come to the principle of consultation which has been the big talk, especially by Members on the PNM Benches. Some of us would destroy ourselves by misunderstanding what is consultation. I heard in the other place and I read about this idea of consultation. People are implying that the House of Assembly was not consulted on this matter. They want more consultation. Are we going to talk for talking sake because we have the power to talk? Are we going to consult just for the sake of consultation and for it to be said that we are consulting? I do not want to look at the record of those PNM people who are talking about consultation.

In 1995, the leader of the PNM came to Tobago. They believe in taking time to do everything. I am not sure if they do things well, but they take a lot of time. Toward the end of November 1995, they had a quick consultation, within one week, came up with a document, handed it to some Members of the House of Assembly and tried to sell it to them. They succeeded in getting buyers for their ideas, but some people had more foresight than others and they refused to buy into that.

Now we are told that consultation was had concerning that document. Indeed consultation was had with Members of the House of Assembly. I understand that consultation was had in about five villages. I cannot say because I was not at the meetings, but I was told that the attendance at those meetings was very poor.

Mr. President: We have been quite lax with Members rising to interrupt as a result of which I observed some reluctance to give way. When Members rise to interrupt, will you please state why you are rising and if it is on a point of order, will you name the Standing Order?

Sen. Mohammed: Mr. President, on a point of clarification. Would the Senator indicate whether the Joint Select Committee met at any point in time with the Chairman or any Member of the Tobago House of Assembly?

Sen. N. Moore: The Senator is in too much of a hurry; she would get that information because I am going to say all that. I can tell her, "yes."

There was some consultation with the House of Assembly. I do not want to go into details. I was against the document. I have no apologies for that. Perhaps that

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MOORE]

accounts for my being here to give some more ideas. Their pattern of consultation was seeing small groups here and there. What did the present Government do?

These Bills, for which we have a report, were circulated in two daily newspapers in this country, so that all newspaper families could have access to them. The *Tobago News* circulates in Tobago mainly. There was no excuse for the public saying that it did not know, or it did not read the report. Those who could not read could have had their relatives or friends read to them. It was widely circulated. People were invited to send memoranda. About 14 memoranda reached the committee. Nothing that the PNM did in 1995 compares with this in the matter of consultation. They are crying about not consulting enough.

The Guya Persaud Committee met with the Tobago House of Assembly and listened to its concerns. After circulation the House of Assembly sent in two bits of memoranda; one from the Secretary and the other from the Clerk. I see heads shaking across there. The Secretary is like the Clerk of the House here and the Clerk is a senior administrator.

Sen. Prof. Spence: Would the Senator give way? If the Senator would read the document which came from the Clerk of the House of Assembly, he would see that it came as a result of the Finance Committee and not of the House. Whereas he may be speaking for the group that met, he is speaking for the Finance Committee. Maybe they represent the same group of people. I am not acquainted with the structure of the House of Assembly. They were not meeting as the House of Assembly when they put down their views.

Sen. N. Moore: These little interruptions are so long, I wonder how much time I would get back.

The Finance Committee does not meet as an assembly. They had organized that meeting particularly to study this Bill. They did that for an entire day, wrote their comments and reservations and that was submitted. The Clerk met with the senior staff and other members of staff made submissions. If they had reservations about anything else they would have stated it. In addition to that, I was privileged to sit in the gallery of the Tobago House of Assembly when they debated this matter when it came up as part of the report from the very committee about which we are talking.

There was neither one dissenting voice over the provisions of the Bill nor did anybody complain that we did not have consultation on the Bill. I would not say what happened there. It would be surprising to hear what comments were made.

The Bill was accepted. If there were any concerns they could have asked about it. Why are we so incensed or emotional about the idea of meeting the Assembly when it did not ask for that?

Someone said that the Tobago House of Assembly never asked for a meeting. Dr. Davidson is a member of the committee and he was there at the meetings. He was there at the plenary which I attended. He was commenting on a letter from the Chairman asking for an extension of time.

Mr. President: Please state from where you are quoting and the page.

Sen. N. Moore: I am quoting from the *Tobago News* dated Friday, November 15, 1996. Page 7 states:

“The Tobago House of Assembly took no decision to ask the Prime Minister to postpone the December 9 Assembly elections for 90 days as requested by Assembly Chairman Lennox Denoon and those elections must not be postponed.”

4.20 p.m.

Dr. Davidson is a former Chairman of the Assembly. The Chairman’s letter spoke about the vast majority of Members.

“‘Who are these vast majority of members?’ demanded Davidson. ‘Denoon must say who they are,’ he insisted.

I have, throughout the life of this Assembly, been complaining about persons making statements attributed to the Assembly without the knowledge and consent of the Assembly.’

‘I am aware of no such mandate,’ said Davidson, who attended the Finance and General Purposes Committee meeting.

... ‘The Committee agreed to accept the recommendations of the Cabinet appointed committee on the Review of the Constitutional and Legislative Arrangements for Tobago, with the recommended amendments at Appendix I.’

They submitted their report on this particular meeting. I read further down:

“Davidson recalled making the point at the plenary session that ‘the political party to which the majority of us belong has already submitted proposals to the Joint Select Committee of Parliament. And members accepted this and had very little to say about the constitutional matters.’

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MOORE]

‘It is clear that the Chairman is playing his own political games, and he must not be allowed to get away with it,’ he added.”

The last sentence is as strong as the one Sen. John read:

“‘The elections must be held on December 9!’ he insisted.”

I wonder sometimes where people get their impressions. I would like my Friends from the PNM to give this idea a rest until they can get the full idea.

Many of us in Trinidad do not really know what is going on in Tobago. Did Senators listen this morning to Deborah Moore-Miggins being interviewed by Mr. Rogers? She was questioned extensively about the situation in Tobago. She said that there is hardly an idea in Tobago that people want to put off elections. So people who are having those ideas can resolve them. More than that, I heard talk from a Senator, reading from verbatim notes, that the Member for Tobago West said something. However, I will quote from the *Hansard*, the Hon. P. Nicholson, speaking on November 14, 1996 at 5.45 p.m., in answer to what another Member from Port of Spain said about her stand on consultation with the Assembly. She was here a while ago, but I am defending her now. At the Joint Select Committee level, all members are supposed to raise areas of concern to them. I emphasize this portion:

“However, when I raised my question, there were certain other areas that I did not look at and after I looked at the document I realized that the Persaud Committee met with the Tobago House of Assembly and I recognized that it was irrelevant even though I argued in a certain tone for a meeting with the Tobago House of Assembly.”

So when other people get their impression and information they will conclude as the lady concluded. I do not know if the persons who are raising the point have come to the conclusion here yet.

Mr. President, I want to turn to certain concerns of Senators. I know that when the hon. Minister is concluding, he will mention some of these. Sen. Beckles said that it was not sufficient to say that the Committee consulted. I am asking: What will suffice the Senator in this matter of consultation with the House of Assembly? Does the Senator want us to consult with everyone in the country all the time?

I remember when we were discussing the Marriage (Amdt.) Bill, two Senators misunderstood me on the matter of consultation. I did agree that some amount of

consultation was necessary and some people thought that I meant that the Government should have consulted on this matter of the Marriage (Amdt.) Bill. What I meant then, and still mean, is that I like the idea of consultation. I believe that if one lives in a democratic country, one must act democratically when necessary. The man-in-the-street may have as much wisdom to give as the man in Parliament, so we can consult with people to find out things.

I imagine we have Parliament because we want to cut down on consultation. If we have to consult or take a referendum every time we have to make a decision, what progress will we make? So we select people and send them in to talk for us. However, there is a limit to the amount of consultation we can do. If we see that certain matters are so controversial that we have to seek advice from the people, nothing is wrong with that, but again we have to understand that the Government has a programme.

I have heard very often in this Senate the question asked: Why are they rushing all this legislation? There are some persons who do not believe in being busy. Once one is discreet and wise in one's busyness, that is the kind of person that is needed. My mother always said that when the Lord wants a man, he looks for a busy man; and whenever anyone else wants a man, he looks for a busy man. My experience has been that when people are always at their leisure and one asks them to do something, they never do it. One has to get that busy man who knows he has so much to do, who has a schedule of work to be completed and who will get about it. It is not to take from 1992—1995 to try to throw a veil over the eyes of the people of Tobago and then want to take the last three weeks at the end of 1995 to tell them that is the result of all the work and give them short change.

4.30 p.m.

We are doing serious and meaningful work on behalf of the people of Tobago. I am sure you have seen how the people of Tobago are responding to what concerns them and we are really not complacent about what concerns us, but at times we become very serious and we seem to be a bit emotional. By no means are all the people emotional that they cannot make a rational decision when the time comes and we are not afraid to take action when such time comes.

Sen. Beckles—and correct me if I am wrong—said that the Assembly's report came in late.

Sen. Beckles: The NAR's Report.

Sen. N. Moore: Sorry, the NAR's Report. It really came in before the one from the Assembly on the last day by FAX and the other reports were sent in afterwards, but the FAX Report was received on the last day.

Mr. President: Sen. Moore, will you be wrapping up in five minutes time, or do you wish to resume after the tea interval?

Sen. N. Moore: I will continue after, Sir.

Mr. President: This sitting is suspended until 5.03 p.m for tea.

4.32 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Sen. N. Moore: Mr. President, I was dealing with two concerns when we took the tea break. I somehow got the idea—and I stand to be corrected—that some people think it is the political system in St. Kitts/Nevis and, perhaps, some other areas that was responsible for their problems in staying together—integration or separation. However, in the same vein of the argument of this unitary state, I have heard the comments expressed that if we do certain things we would move away from the unitary state or it would be better if we go the way of a federation, and if we do so, then each unit would have to pay its way and so forth. I do not accept that it is because of the system they have. In fact, why did Anguilla leave in the first place?

If Nevis/St. Kitts is having some problems, I do not think it is because it wrote into its constitution the conditions for separation. Perhaps that facilitated separation. I am sure somebody asked that in relation to Tobago—that the Bill should contain something to cater for a smooth separation if Tobago saw it fit. However, the point about it is—and this may answer the concern of somebody else—I do not think if one tries to put constitutional restraints on a people that would make them good or it would lend to harmony within the area.

As a young man growing up I had this impression—and, Mr. President, you will pardon me if I still have it—that some people in the Opposition, when they were in Government, and I believe they still have the idea, said that one must be careful with Tobago, because if they were given too much they would separate. Perhaps somebody else may take the opposite view but my view is, however, that if the people of Tobago are satisfied and happy they would not want to separate. I do not think one would succeed if one tries to hold Tobago by constitutional means because the point would be reached when the people would become

unhappy with the relationship and no number of constitutions would be able to keep them together.

I want to advise that if any of us here, as politicians or public figures, thinks that Tobago would keep quiet, behave herself nicely and stay by her big sister if one were to put a big stick over her head and hem her in with some constitutional bars, I think that would be a mistake. That is why I am not even careful about what some people suggest about putting in some clause or provision for a smooth transition if there is secession.

If the people of Tobago become desperate and serious enough with the existing conditions and they want to secede, they would do so. We do not need to legislate for that. I think if any island like Tobago wants to separate, it is its right to do so.

I do not particularly agree with the fact when some people say, because Tobago's income is 10 per cent of the expenditure, she must keep very subdued, stay quiet and take what her big sister has to give. I know there was a time when Tobago supplied Trinidad with fresh vegetables and food. In fact, Tobago used to be called the food basket and things were going all right then. Is it that some people think Tobago has now become a burden because it does not generate enough income to take care of its needs?

I question the idea of the 10 per cent income in relation to expenditure because there are many financial transactions which take place in Trinidad which are relevant to business in Tobago. I am sure that the earnings now reflected for Tobago are not true. Perhaps there might still be a deficit but nothing as big as the picture which is now given.

If we should take into consideration Tobago's share of the taxes and other payments the banks and other branches of companies operating there make, perhaps the picture that people are giving would be far different. If this is the consideration, then what? Are we not people of history? Will not the time come, perhaps, when Tobago might be able to take care of itself economically and might be able to help its big sister to live more comfortably? Why do we now find that situation with the imbalance between income and expenditure in Tobago? It may well be that some of the steps we are now taking would correct that situation.

I have already made reference to the kind of development and the policy for Tobago which I thought were the wrong targets for development. We do not have a private sector in Tobago, and if a different form of development had happened in

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. MOORE]

Tobago over the years, it might have been self-sufficient or it might have been able to contribute much more to the national purse than it does now. Let us therefore look at these measures because as small as Tobago's contribution is now, at some time it might be the salvation of the country.

Of course, my colleagues have already stated the important contributions Tobago is making towards manpower in the country, and in the world for that matter. I do not want to go over that, but that is the type of contribution Tobago could make and on which we are not putting any emphasis.

I do not think we should only look at the financial side of it because positions may be reversed at some time. I remember when we had money the Jamaicans said we had money passing through like a dose of castor oil. When I was in Barbados somebody said; "boy, you have plenty money there, but you do not know how to spend it. Send it up here and we will teach you how to spend it." Mr. President, we were the envy of the whole Caribbean. We had money to lend everybody and up to now we have problems in getting those debts repaid. Let us not therefore discount that possibility happening between these two islands in the near future.

Mr. President: The hon. Senator's speaking time has expired.

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

Question put and agreed to.

5.15 p.m.

Sen. N. Moore: With respect to Sen. Mohammed's contribution—I like to sit here and listen to her and I am wondering in the next 10 to 15 years, if she is still in politics, what kind of politician she would be. I listened to her contribution and sometimes I am very amazed by it because it is so interesting. She went on to sing the praises of the PNM who did so many good things to enhance Tobago's situation, politically and administratively, and she said that the PNM did so great a job.

Over the period 1976 or 1977 to the present time, apart from about six years, the PNM was in power all that time. The NAR was in power for five years and we now have about one year with this Government. So the rest of time was the PNM. If we should follow the argument, then we should have to wait a very long time to have anything done. If they are going to take such a very good look at things before anything is done, then we are not going to make any headway in many things.

She said that the PNM was attacked for working out an arrangement with Tobago the last time and I think I made some comments on this before. The point is, in that effort I do not think we should commend them for the kind of consultation they were having. They did not circulate their Bill and some of us got it from the Assembly people. They went around to a few districts and got some feedback from people—I understand sometimes it was very unfavourable but they came and said they consulted with people. But you could compare that with what happened under this present Government within the year. I want you to know that Tobago is bigger than both the Chairman of the Assembly and the Minister Extraordinaire and Minister of Tobago Affairs. A big issue about a story in the *Independent*—I read it myself. I like the great amount of confidence that was put in the Chairman of the Tobago House of Assembly and I hoped the same amount was given to the Minister Extraordinaire and Minister of Tobago Affairs, but the Senator did otherwise. Nevertheless, with respect to the question of Tobago, it is not a matter of the Chairman of the Tobago House of Assembly versus the Minister Extraordinaire and Minister of Tobago Affairs; it is a matter of the people of Tobago and those are the concerns that must be addressed.

As was stated, the chairman, trying to attack the NAR said that they took four years to organize the NAR and ended up with a steering committee. I could relate the story, because I was involved in every part of it. The chairman had asked his leader to permit him to stop the Tobago House of Assembly Party Branch Elections until after the election and, after the election in 1992, he did nothing about organizing and he is trying to blame somebody else for organizing it. When he was in office at that time, he was the chairman of the regional council and he did nothing and was blaming someone else.

Mr. President, with respect to Tobago versus Trinidad, is it not the same concern we are having between the south and the north in Trinidad? If there is a little difference and so forth, do not use it to ostracize us too much because I often hear that the people in the south say that they provide the pitch and they have the worst roads; they provide the oil which gives wealth to the country and everything is being spent in the north-west and so forth. Mr. President, you will agree that some of it is well justified.

The point is, in Tobago, people might say we do not have much to offer the union, but I am reminding you that we are now operating internationally, under a 200-mile territorial limit. As a geography teacher I started to draw a map of it to show, but I am telling you that Tobago will bring more of its territorial waters to

the union than Trinidad, which is hemmed in. So do not be so quick to say you are going to keep Tobago in check because she is too small and she is not offering much. I heard that concessions are being made in the north and north-east of Trinidad for exploration and so forth, but I want us to say, at the same time, not only in the north-east of Trinidad but in the waters around Tobago, because Tobago is in the north-east of Trinidad.

So let us look at it from a wider perspective and a more liberal point of view and we will all do it well. Mr. President, I do not want to go on any longer, but I have enjoyed this debate; I have heard what people have in their minds and I want people to think openly that in Tobago there are people who are very responsible.

From 1976 when Mr. Robinson laid his Motion in Parliament, the PNM, especially, was accusing Tobago of wanting to secede. There is nothing further from the truth, that there are some people in Tobago who are talking secession. As my partner said, if Tobago was really serious about secession, it would have had a movement seeking separation as vociferous and as powerful as those who are right now seeking internal self-government and autonomy for Tobago.

I think we are seeking respectability within the union and we deserve it, and I am sure the country of Trinidad and Tobago would be happier for having satisfied, not the whims, but the justifiable quest of the people of Tobago for greater autonomy in their business. You cannot know how many nails are jutting through my shoes and pricking me as I walk until you put on that shoe. Many people come to Tobago and enjoy it but when you return to Trinidad to live you do not know what we are experiencing. Although we could tell you, you may not understand until you experience it yourself.

I admit that the present UNC/NAR Government is far more sympathetic to the needs of Tobago than the PNM has been over the years. I said it before and I will say it again, that is the reason we have this kind of union on this side. If we were well treated by the PNM we would have been on their side instead, but we have been cheated. Up to November, 1995, I think that we were being misled in trying to support them with attractive offers of salaries and so forth.

We are overlooking one thing about the Bill and that is, the people of Tobago are demanding the right to make and implement policy in Tobago on certain matters because over the years we have found that the policy of the ruling Government was hostile to the development of Tobago. We want to see Tobago earn more of its keep. This is one thing we are looking forward to with respect to

the new arrangement, that we would be able to earn more to give us greater respectability. Do not try to keep us back by limiting the amount of power you are going to give us to use on our own behalf. I am sure that if we are dealt with on equal terms, as human beings in a fair manner, things would be much better and we would have a happier Trinidad and Tobago. We can become a spectacle to the rest of the Caribbean such as Antigua, Barbuda, St. Kitts/Nevis, if we treat each other well as two islands. I remember Dr. Williams said that he was making Tobago a kind of example for the rest of the Caribbean but he failed miserably because he thought Tobagonians were like sheep and when one orders them around they would follow, and they would be kept as a model. But these models do not last, they break down. So let us, at this time, set a model that could stand and be an example to the rest of the Caribbean so that somebody in the Eastern Caribbean or farther north will say, Trinidad and Tobago set the pace. They have done well and we are following them.

Thank you, Mr. President.

5.25 p.m.

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, in joining this debate on the Motion before this honourable Senate, may I take this opportunity to, first of all, welcome our new Senator, Muhammad Shabazz, and also to recognize the maiden contribution today of our colleague, Sen. Hugh Donaldson.

Mr. President, we live in very exciting and momentous times. Radical changes are occurring throughout our political landscape. We have a brand new Government of national unity and we vividly recall the kinds of propaganda that the PNM spread and instilled in the minds and hearts of vast sections of the citizenry as it relates to one partner in the coalition government. I am referring to the United National Congress.

It spread all sorts of false rumours that if the Prime Minister, the Hon. Basdeo Panday, ever emerged in that position, there would be total chaos and disorder in our Republic. It inflicted punishment on the consciousness and minds of its very followers and the same way the PNM behaved, the pattern had been established in 1976, as Sen. Donaldson pointed out, when Tobago decided to bury the PNM in 1976. After it buried the PNM in 1976, the Ministry of Tobago Affairs was obliterated. They just abolished the Ministry of Tobago Affairs. Therefore, the institution that was established to give the people of Tobago some say in their

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. THE HON. W. MARK]

relationship with Trinidad was abolished by the late prime minister, simply because the people of Tobago decided to vote for the DAC at that time, lead by a former prime minister, now Minister Extraordinaire, the hon. A.N.R. Robinson.

There is a pattern of conduct by this Opposition and God help us that it remains there for the next 20 years. [*Desk thumping*] There is a sickness and disease that has inflicted its body politic to the point that it has not been able to liberate itself from the backwardness and shackles that have engulfed and entrapped it for so many decades.

Mr. President, today we are debating a motion through which we are seeking to provide, in accordance with the report before us, certain provisions in our Constitution in order to provide the people of Tobago with a greater say in the running of their own affairs. I agree with some of my colleagues' responses today because I am not a regular visitor to Tobago, but I do know of some of the inconveniences that the people of Tobago have to encounter on a daily basis, after some 35 years of PNM rule in this country. Just as gloom and doom were predicted with the arrival of the UNC/NAR Government and, one year later, after having rested and relaxed themselves to the fact that this Government of national unity is going to be here for some time to come, it is the same kind of fear they are seeking to generate in the context of the matter before us here today.

The Motion that we are seeking to move is one in which one gets the impression that some of our colleagues on the opposite Benches believe that all hell will break loose when these things are accepted, or implemented. I want to make it very clear that when these bills come up for formal debate, there will be ample opportunity to examine these things in a detailed way so that if amendments are necessary, this Government is not one that is hard-headed and stubborn like the PNM, otherwise we would not have been in government today. We are a very flexible Government and, therefore, nothing is cast in concrete. What we want to ensure is more justice and fairness in the relationship between the two islands.

With some of the comments that were made today in this debate, one gets the impression that it is some kind of conspiracy, some kind of manipulation, that we are trying to conspire to undermine the Constitution of our Republic. But, if, for instance, the PNM had accepted and implemented in full the very important report submitted by a joint select committee on the issue of Tobago that was accepted by Parliament some 20 years ago, House Paper No. 6 of 1978, and which was faithfully implemented and not the watered down version that came as Act No. 37 of 1980, the people of Tobago would not have had to come in 1996 under this

Government of national unity to seek greater justice and fair play. Of course, when Mr. Lionel Seemungal prepared the appropriate legislation in 1977/1978 to address this issue, it was tossed out into the wastepaper basket.

Sen. Mohammed: On a point of clarification, Mr. President. Would the hon. Minister indicate to us what efforts were made during the period 1986—1991 to give more teeth to that particular piece of legislation of 1980?

Sen. The Hon. W. Mark: What I am saying is that the PNM was there for almost 30 years and it did nothing. We are now in a government of national unity and it seems to us that our presence is striking fear and terror in the hearts of the PNM, because every time we move forward, it tends to take the people backward, like for instance, what it is attempting to do in John John at this time.

The fact of the matter is that we would want to ensure that whatever is done in the context of the two bills that we will, in fact, be debating at some future time, that the comments and concerns which have been expressed could be brought properly before this Senate for consideration, but nobody could argue the point that there is need to upgrade the relationship between Tobago and Trinidad. So it will lay the basis for more lasting relations and reduce the level of tension that has persisted over the years and put into effect the words of our National Anthem, "Side by side we stand" together.

5.35 p.m.

Sen. Dr. Eastlyn Mc Kenzie made reference to the need for us to look at the public service in the context of the new arrangement that could present itself in Tobago when these matters are formally concluded. The Senator has raised a very important point which I have noted in the context of understanding the need for that kind of change, the kind of transfers, secondment, as the case may be, so that personnel can be freed up, not necessarily of Tobago stock, because the fact of the matter is that we are talking about professionals who can help implement, at the appropriate time, the kind of legislative framework, the administrative machinery, to deliver the kind of services which are envisaged under the Tobago House of Assembly Bill.

As I said, nothing is cast in concrete. We are prepared to look at some of the positions that the other side would like to advance and we will consider them in the context of ensuring that there is fairness and justice in the process. Change is always difficult to digest, but it is the only constant that we have. Everything else changes except that constant called change.

Tobago Constitutional and Legislative Report *Monday, November 18, 1996*
[SEN. THE HON. W. MARK]

So when we examine the issue of consultation which everyone referred to today—no consultation, lack of consultation—this question of Tobago has been going on for 20 years, trying to get a proper relationship between the two islands. It is very unfair to be told here over and over that there was no consultation when we know for a fact the Guya Persaud Committee met with the Tobago House of Assembly and they were able to make their representation. We understand when the Joint Select Committee of Parliament met, they also wrote to the Tobago House of Assembly and the Assembly, in accordance with a report that we have here, did, in fact, look at this question—

Hon. Senator: The Minister is misleading the Senate.

Sen. The Hon. W. Mark: If the Senator is saying that I am misleading the Senate, then Dr. Davidson is a member of the Tobago House of Assembly—

Sen. Prof. Spence: Mr. President, I really apologize. I really did not mean to get up again, but the hon. Minister said that the Joint Select Committee wrote to the Tobago House of Assembly. That is not correct. We never wrote to them.

Sen. The Hon. W. Mark: Well, okay. We are saying that the Guya Persaud Committee wrote to the House of Assembly and they submitted their comments, as the case may be. So at least there was some input coming from the particular Assembly in this instance. From the report which was quoted earlier, one gets the impression that at that particular time the Finance and General Purposes Committee accepted the recommendations as proposed.

The fact is that we could have continued holding sessions and consulting with the different forces in the society, but we all recognize as well that the committee had a deadline to meet and, of course, as we all know, the final meeting was aborted for lack of a quorum. I feel that in our deliberations over the next period, we would, in fact, be able to examine some of the weaknesses, the strengths; we would be in a position to advance amendments if they are necessary, so at least those areas that are deficient, we can strengthen. I think we would have an opportunity to deal with those matters at the appropriate time.

I want to say that it is high time that we entrench this whole question in our Constitution. I think this is what the Tobago House of Assembly Bill is attempting to do in accordance with the report. If you look at page 4, it states at paragraph 14, that the Tobago House of Assembly should be entrenched in the Constitution of the Republic of Trinidad and Tobago. So what happened to the people of Tobago in 1976 when Dr. Williams got mad with them and abolished the Tobago

ministry, at least there would now be an entrenched clause in the Constitution of our country to ensure that the Tobago House of Assembly is seen as an integral part of the Constitution of the Republic of Trinidad and Tobago.

If, for instance, the people of Tobago wish to entrench and they are seeking to ensure that any government in power, seeking to amend the Constitution, must do so with a special majority, I cannot, for the sake of heaven, understand logically the argument that Tobago is seeking to secede. In other words, the impression I am getting from the other side is that the arrangements could lead to internal self-government and possibly independence for Tobago.

I feel that we need to understand that there is need for confidence in our relationship. The same way we need confidence in our family; that sense of understanding and love, we need to have also a sense of understanding and confidence in our relationship between the peoples of the both islands.

I received an amendment to the Motion in the name of Sen. Penelope Beckles where the Senator is seeking to have this matter referred for further consultation with the Tobago House of Assembly and the people of Trinidad and Tobago. I am afraid that we would not be able to support that particular amendment. It was an amendment that was moved just last week in a different form and that obviously was defeated. I respectfully suggest to the Senator to withdraw this amendment because it really would not do much at this time. There is going to be ample opportunity to develop and advance our arguments and even amendments when we begin the full-scale debate on the Bills which will come before us at some future time.

I think that the time has come when we have to be bold and daring. We live in very trying but exciting times and the principle of self-determination, the principle of people's involvement in the decision-making process—people are crying out for greater democracy, for greater democratic institutions; they want to participate in the decision-making process. I am saying wherever there are island states or there are countries made up of islands, there is always this question of people feeling isolated, marginalized, insulated. We need to find the necessary formula in order to make all the peoples, regardless of the fact that they are separated by water, feel that they are part of one nation, one society, moving towards one objective, which is ultimately improving the quality of life of our people and providing them with the spiritual kind of development and the material needs that they require so that they can live decent and healthy lives. We need to recognize this.

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. THE HON. W. MARK]

It is very difficult at times—and I agree with one of my colleagues—to study geology and really appreciate politics.

Hon. Senator: What is the connection?

Sen. The Hon. W. Mark: You see, if you do not live in Tobago and you do not understand the heartbeat and the pulse-beat of the people of Tobago—as far as the people of Tobago are concerned, the Tobago House of Assembly is their Parliament.

Sen. Mohammed: That is why you should have consulted with the Tobago House of Assembly.

5.45 p.m.

Sen. The Hon. W. Mark: Yes, the people of Tobago have been consulted over and over. In fact, the view expressed was that there is a certain sense of frustration. Just last year, 1995, when Mr. Patrick Manning, the hon. Leader of the Opposition, was seeking to mamaguy and undermine the Tobago House of Assembly he rushed all these things through. *[Interruption]* He consulted the Tobago House of Assembly, but there are also two parliamentary representatives for Tobago, East and West, and there was no consultation; but, as the Lord would have it, he descended in his full glory in November, 1995 and buried the PNM, then the UNC's rising sun and the NAR's steel beam emerged in Trinidad and Tobago *[Desk thumping]*. The Senators opposite are all going to be there for a long time.

There is an old saying that those who cannot hear must feel and that is what the people did in 1995. They put a good feeling on the PNM in the election so they can all feel, but it seems to me that no matter how one beats the PNM it cannot feel. Look at the behaviour of the PNM right now. They are going all over the place trying to incite violence; telling people to burn down the John John apartments if they cannot get it. That is what the PNM is doing all over the country.

Sen. Beckles: Mr. President, on a point of order. I would just ask the hon. Minister to desist and refrain from making statements that he cannot confirm. Was he present when any such statements were made?

Sen. Mohammed: Stop insulting the population. You all are inflaming and inciting violence.

Sen. The Hon. W. Mark: Mr. President, that is a matter for the national security forces of the country. I would let the Minister of National Security deal

with that and say no more on it. As the Minister of Public Administration and Information, I am privy to these matters.

Sen. Mohammed: Minister of propaganda.

Sen. The Hon. W. Mark: Propaganda is information, my dear. You call it propaganda, the people call it information.

Mr. President, as I said, I support the Motion in the name of Sen. Brig. The Hon. Joseph Theodore. Also, as I said, we would not be able to support the proposed amendment at this particular time because we see that it can be a repetition of what happened some time ago.

We, as a Government of national unity, have been able to achieve so much in one year. The island called Tobago suffered for so many decades and for the first time in 20 years, under the Government of national unity, which has been here for only one year, we have brought legislation and a report—we are coming later to deal with matters of constitutional arrangement—to deal with new powers for the Tobago House of Assembly and, of course, the PNM is jealous. I can understand that because we have an election set for December 9, 1996. We know that they are jealous about that but, at the appropriate time, they would have to lay their buckets down and tell the people of Tobago where they stand on these two matters that are going to come up very shortly.

Mr. President, I have one regret. I am sorry that our good Friend, the former Sen. Orville London, had to be led down a garden path by a misleader who is known for misleading people. I do not know if he would be able to come back in but, certainly, we would strive to encourage him to come back when he is defeated on December 9, 1996. [*Desk thumping*]

At the appropriate time, we on this side would deal with the amendments when they come. I know that Sen. Prof. Spence had some views on the issue of miles at a particular point in the sea and the six miles limit, but I assure him now that at the appropriate time those matters are going to be addressed by the experts. It is not cast in concrete as it is stated in the proposed legislation, but when we come with the substantive bills those matters are going to be dealt with at another level to ensure that his concerns are properly addressed in the context of all the matters that he has raised, particularly as it relates to that issue.

Mr. President, with these few words, I urge my colleagues on the other side to support the Motion before us to have this report noted. When we come at some

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. THE HON. W. MARK]

later date to engage in full-scale debate on the two matters that are relevant to this report, they would have ample opportunity to submit their arguments, evidence and amendments, so our sister isle and, by extension, Trinidad and Tobago together would have a better chance to move forward into the future, holding hands and standing side by side in the context of our National Anthem. Truly, where this country must go; it must go in a direction as reflected in our National Anthem, where every creed and race—whether they are in Tobago or Trinidad, whether they are in Toco, Matelot or Caroni—must find an equal place.

Thank you very much, Sir.

Sen. Philip Hamel-Smith: Mr. President, I rise to make just a short intervention to deal with the proposed amendment to the Motion that is before us. My colleague, Sen. Mark, disappointed me somewhat by being so sympathetic and hospitable to the mover of the proposed amendment to the Motion. He just merely dismissed it by saying that he would not support it which, of course, would have the same result.

However, on a cursory look at the amendment and with a reflection on Standing Order 35(3), one would see clearly that this amendment is out of order. So rather than put this side of the Senate through the pains of voting out this resolution, Mr. President, I would ask you to rule that this amendment has been out of order and therefore not the subject of a vote at all.

Thank you very much, Mr. President.

Mr. President: The amendment was entertained and discussions took place so it must remain on the Order Paper. As a matter of fact, I should point out that what was discussed at the previous sitting dealt with the laying of the report on the table and not with the report *per se* for discussions.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, it is strange how this debate has gone and that I am confronted by the same two headings that I looked at when it started this morning: one was consultation and the other a deadline.

Over the tea break I had limited consultation with Senators of this honourable Senate concerning what time we may get out of here this evening, and I was not able to consult widely with everybody, but I was certainly influenced and impressed by what I heard. I, too, have somewhat of a deadline so I would try to be brief and deal with the matters that came up during the debate.

I would like to thank my colleagues on this side for their very meaningful contributions in support of the report and as well, the very meaningful comments and observations that were made from both the Opposition Benches and from among the Independents. It was quite a learning experience and, I thank Sen. Diana Mahabir-Wyatt for enlightening us on how select committees meet.

5.55 p.m.

Sen. Mahabir-Wyatt sought to answer queries from young parliamentarians. I, too, am a young parliamentarian and I thank the Senator for her contribution. I hope one day that I will be able to put it to good use. I thank her for the explanation of what is “to note” rather than “to adopt.” It was quite interesting. The whole issue this afternoon has been very educational and it has broadened my ideas about parliamentary procedure.

I thank Sen. Prof. Ramchand for his admission that “to note” means simply to talk about it, and maybe not really getting too involved. The professor put forward a very interesting argument—quite a hypothetical case. I accept the point he made concerning identifying the problem and being able to arrive at the solution. Were we looking at integration, a unitary statehood, separation or a federal state, I believe from the replies from my parliamentary colleagues, it has been made quite clear that we are looking at unitary statehood for the islands of Trinidad and Tobago. We are seeking to broaden the mandate to give more autonomy to the Tobago House of Assembly.

Similarly, Sen. Prof. Spence mentioned this very term, “greater autonomy” but he seemed to think that greater autonomy may not solve the issues in Tobago. I believe that Sen. Donaldson answered that question when he dealt with anticipating what may happen as a result of this extended authority and autonomy for Tobago. We cannot say at this stage whether greater autonomy may solve the issues in Tobago. I would rather say greater autonomy stands as a very good chance of solving the very issues which have plagued Tobago for many years.

Sen. Rev. Teelucksingh was also concerned about this very matter of secession and said all that was missing was a national flag and anthem. I thank Sen. Donaldson for dealing with that issue. The Senator made it quite clear that somebody did turn up once upon a time with a flag and a song. I do not think it qualified for an anthem. The Senator spoke on behalf of Tobagonians and made it quite clear they did not choose to raise that flag or sing that song. Maybe, it was a

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. BRIG THE HON. J. THEODORE]

banner. Tobago needs goodwill of the Government. It is unjust to assume that the Tobagonians do not have sufficient intelligence to know where their interest lies.

I am quite satisfied that generally there seemed to be goodwill all round for the people of Tobago. The history of Tobago is well known, and while we may not be in a position to solve all its problems, we are at least making an effort to start dealing with them.

Sen. Nafeesa Mohammed was very concerned about the remarks made by Sen. Cuffy-Dowlath. She was surprised that since 1977 no arrangements were made for Tobago. So have we. We have been very surprised that despite two PNM regimes that really nothing much has happened. The PNM was attacked in 1995 for trying to work out something, the Senator said, after years of discussions between Trinidad and Tobago. The Tobago House of Assembly document was cast aside. It was left lying there. Nothing happened.

I see there is the determination to move on and build on the progress which has been made. We are not denying that efforts may have been made. We are saying these efforts did not bear any fruit and they did not lead anywhere. Somebody mentioned earlier about taking over the baton and continuing the race. We have no compunctions about doing that. It is all in the interest of the people of Trinidad and Tobago, particularly at this time where we are dealing with the welfare of the people in Tobago. There was also a query as to the change in the composition of the Senate by Senators Mannette and Mohammed.

Sen. Mannette queried the increase in the number of Senators and making it greater than the number of representatives in the House. Sen. Mohammed's case was about the change in the composition of the Senate. This came about at the meeting of the Joint Select Committee. It came about on a Motion and with your leave, Mr. President, I should like to quote from the minutes of the fourth meeting of the Joint Select Committee of Wednesday, October 30, 1996 at 9.30 a.m. I shall read the minutes in part as I go along.

Under the Constitution (Amdt.) Bill 1996 at page 5, Preamble to clause 2, the decision was that it was accepted and the following decisions were taken:

“Delete and substitute the following:

3. Section 40 of the Constitution is amended—

- (a) in subsection (1), by deleting the words, ‘thirty-one’ and substituting the word, ‘thirty-seven’.”

This tells us the number of Senators which were increased.

- “(b) in subsection (2)—
- (i) by deleting the word ‘thirty-one’ and substituting the words ‘thirty-seven.’
 - (ii) in paragraph (a), by deleting the word, ‘sixteen’ and substituting the word, ‘nineteen.’”

I am not going to get in too much detail because I would then be entering into the conditions in the draft Bill. These changes did not come about by accident or by guess. It was as a result of discussions among the Members of the Joint Select Committee, and at the end of which agreement was reached to increase the numbers.

Most of the other points raised covered similar territory. I think Sen. Beckles did not quite follow what I was trying to say. Mr. President, I shall like to correct this situation about the matters of complaints.

The people of Trinidad and Tobago were given every opportunity to comment so that no one had cause to complain. It is amazing how a person can pursue a thought with his mind so set on saying something that he totally disregarded what other people were saying to him.

In Trinidad we are very poor listeners. We tend to conclude before somebody finishes speaking what it was they were trying to say. It is unfortunate, but I am aware this is a problem. I repeat, I made the point that it was not necessary for complaints to be made about not being given a hearing, because the people of Trinidad and Tobago were given the opportunity to get a hearing. I trust this puts it in the right order.

6.05 p.m.

I was glad to hear Sen. Rev. Teelucksingh in his contribution agree that Tobago has been misused and abused and there have been domestic quarrels between Trinidad and the Tobago House of Assembly since 1976. As Minister of National Security, this brings to mind the situation of domestic violence which we are trying to deal with at the moment. I am not sure where the relationship takes place. It is similar because problems arise in neighbouring states. I am glad to see that it is recognized that Tobago should support the spirit of legislation.

I am satisfied that a number of complaints and queries dealt primarily with procedural matters. Sen. Prof. Spence was quite put off by receiving a document

Tobago Constitutional and Legislative Report Monday, November 18, 1996
[SEN. BRIG THE HON. J. THEODORE]

to sign and he was not clear if it had been signed by anyone else. When that same document reached me a number of persons had signed it. I signed it but I cannot say who else did.

Sen. Prof. Spence: It was not just that, that put me off. I did not have the time to read the Appendix which was really the meat of the report.

Sen. Brig. The Hon. J. Theodore: Thank you, Senator.

A number of Senators claimed that they are not convinced by arguments that autonomy does not mean internal self-government. As Sen. Spence also mentioned, internal self-government then leads to the next logical stage of independence. If we feel that what is happening may lead to that, I hope that we would deal with these matters when we debate the Bills.

I am extremely pleased to have been in a position to speak on this Motion dealing with the review of the constitutional and legislative arrangements for Tobago.

I would now respond to a comment made earlier by one of the Senators on the other side. Mention was made about a television broadcast which claimed that certain remarks concerning the apartments were made by the hon. Prime Minister. With your permission, Mr. President, I would read from the *Newsday* dated Monday, November 18, 1996. Page 5 states:

“Manning warns of possible confrontation in John John

He spoke to the media at a press conference after yesterday’s PNM General Council meeting at Balisier House.

Referring to the recent decision of Cabinet to sell the Towers to the Trinidad and Tobago Football Association (TTFA), he declared:

‘Government must change its tact to avoid possible confrontation in John John.’”

I am saying this simply because the impression may have been created that the hon. Prime Minister was saying things which could not be substantiated. Based on the newspaper report, it seems as though other people are making similar remarks.

I hope I have dealt with most of the points which were raised. I am very happy to see there is serious consideration and concern for the welfare of the people in Tobago. According to the report, the committee was engaged in a thorough clause by clause examination of the draft Bills and referred extensively to the comments

received from the public. From the onset there was consensus that Tobago's interest should be represented in the Senate as of right, and the Tobago House of Assembly should be entrenched in the Constitution of the Republic of Trinidad and Tobago.

Whatever it takes to achieve that, I think we should give it a try. I feel that in the interest of unity and the whole issue of the unitary statehood of Trinidad and Tobago, the hon. Senators should note this report.

I beg to move.

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, at this stage, I beg to move that the Senate continues to sit until the conclusion of the matter before it at the moment, plus Motions Nos. 1—5 under "Government Business" and Motion No. 3 under "Private Business."

Question put and agreed to.

TOBAGO CONSTITUTIONAL AND LEGISLATIVE ARRANGEMENTS REPORT

Mr. President: Hon. Senators, I shall now put the question on the proposed amendment that the Motion be amended as follows:

Add a second recital to the resolution to read as follows:

"And be it further resolved that before further action is taken with respect to the recommendations contained in the report that there be further consultation on the report with the Tobago House of Assembly and the people of Trinidad and Tobago."

Question on amendment, put and negatived.

Question on original motion, put and agreed to.

Resolved.

That the Senate take note of the report of the Joint Select Committee appointed to consider and report on *the report of the Committee appointed by the Cabinet to review the constitutional and legislative arrangements for Tobago.*

JOINT SELECT COMMITTEE REPORTS**Integrity Legislation—Green Paper****Adoption**

Sen. Selwyn John: Mr. President, I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the report of the Joint Select Committee of Parliament appointed to consider the Green Paper on Integrity Legislation to receive and consider the comments of members of the public on the said Paper and to submit its recommendations to Parliament thereon.

Question proposed.

Question put and agreed to.

Report adopted.

6.15 p.m.

Ombudsman Report (Seventeenth)**Adoption**

Sen. Philip Hamel-Smith: Mr. President, I beg to move that this Senate adopt the report of the Joint Select Committee of Parliament appointed to consider and report on the 17th Annual Report of the Ombudsman of the Republic of Trinidad and Tobago and the functions and duties of the Ombudsman and to make recommendations for a more effective machinery for the office of the Ombudsman so that Part II of Chapter 6 of the Constitution of the Republic of Trinidad and Tobago can be given effect.

Question proposed.

Question put and agreed to.

Report adopted.

Equal Opportunity Legislation**Adoption**

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I beg to move that the Senate adopt the report of the Joint Select Committee of Parliament on the Working Paper on Equal

Equal Opportunity Legislation

Monday, November 18, 1996

Opportunity Legislation appointed to receive and consider comments from the members of the public and to submit a report to the Parliament thereon.

Question proposed.

Question put and agreed to.

Report adopted.

SENATE STANDING ORDERS COMMITTEE REPORT

Adoption

The Minister of Community Development, Culture and Women's Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. President, I beg to move that the Senate adopt the report of the Senate Standing Orders Committee (1995—1996 Session).

Question proposed.

Question put and agreed to.

Report adopted.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I beg to move that the Senate now deal with Motion No. 3 under Private Business.

Agreed to.

JUST FRIENDS IN SERVICE (INC'N) BILL

Adoption

Sen. Andrew Gabriel: Mr. President, I beg to move, that the 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 Just Friends in Service and matters incidental thereto.

Question proposed.

Question put and agreed to.

Report adopted.

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

Just Friends In Service (Inc'n) Bill

Monday, November 18, 1996

Bill accordingly read the third time and passed.

Motion made and question proposed, That the Senate do now adjourn to a date to be fixed. [Hon. W. Mark]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.21 p.m.