

*Election of Presiding Officer*

*Tuesday, September 15, 1998*

**SENATE**

*Tuesday, September 15, 1998*

The Senate met at 10.05 a.m.

**ELECTION OF PRESIDING OFFICER**

**Clerk of the Senate:** Hon. Senators, there is a procedural matter which we must deal with before the start of today's sitting. As both the President of the Senate, Sen. The Hon. Ganace Ramdial and the Vice-President of the Senate, Sen. Philip Hamel-Smith are out of the country, Standing Order 5(1) states that:

“The President, or in his absence the Vice-President, or in their absence a Senator (not being a Minister or a Parliamentary Secretary) elected by the Senate for the sitting, shall preside at the sittings of the Senate and shall act as Chairman of Committee of the whole Senate.”

I now call on hon. Senators to nominate a Senator to preside over today's sitting in accordance with Standing Order 5(1).

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Madam Clerk, I wish to nominate Sen. Diana Mahabir-Wyatt.

**Sen. Nafeesa Mohammed:** Madam Clerk, I second the nomination of Sen. Diana Mahabir-Wyatt.

**Clerk of the Senate:** Are there any other nominations? There being no other nomination, I now declare Sen. Diana Mahabir-Wyatt the Presiding Officer for today's sitting. [*Desk thumping*]

**PRAYERS**

[MADAM PRESIDING OFFICER *in the Chair*]

**PAPERS LAID**

1. Report of the Auditor General on the accounts of the Piarco Regional Corporation for the year ended December 31, 1992. [*The Minister of Finance (Sen. The Hon. Brian Kuei Tung)*]
2. Report of the Auditor General on the accounts of the Tunapuna Regional Corporation for the year ended December 31, 1992. [*Hon. B. Kuei Tung*]
3. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1988. [*Hon. B. Kuei Tung*]

4. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1989. [*Hon. B. Kuei Tung*]
5. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1990. [*Hon. B. Kuei Tung*]
6. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1991. [*Hon. B. Kuei Tung*]
7. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1992. [*Hon. B. Kuei Tung*]
8. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1993. [*Hon. B. Kuei Tung*]
9. Report of the Auditor General on the accounts of the Committee of the San Fernando Carnegie Free Library for the year ended December 31, 1997. [*Hon. B. Kuei Tung*]

#### ARRANGEMENT OF BUSINESS

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Madam Presiding Officer, I seek leave to have item 7 on the Order Paper—Presentation of Reports from Select Committees—deferred to a later stage of the proceedings.

*Agreed to.*

#### PLANNING AND DEVELOPMENT OF LAND BILL

##### (Special Select Committee Report)

**The Parliamentary Secretary in the Ministry of Housing and Settlements (Sen. Carol Cuffy-Dowlat):** Madam Presiding Officer, at a meeting of the Senate held on Tuesday, September 8, 1998 the Special Select Committee of the Senate appointed to consider and report on the Planning and Development of Land Bill was granted an extension of time to submit its report. The extension expires today, Tuesday, September 15, 1998. Madam Presiding Officer, the committee has not yet completed its work and, therefore, seeks a further extension of two days, that

is until Thursday, September 17, 1998 at which time a report is expected to be presented to this Senate.

Madam Presiding Officer, I beg to move.

*Agreed to.*

**STATE LANDS (REGULARISATION OF TENURE) BILL**

**[Second Day]**

*Order read for resuming adjourned debate on question [October 10, 1998]*

That the Bill be now read a second time.

*Question again proposed.*

**Madam Presiding Officer:** Can I just remind members of the Senate that the following Senators have already spoken on this Bill: Sen. Joan Yuille-Williams; Sen. Prof. Julian Kenny; Sen. Martin Daly; Sen. Prof. Kenneth Ramchand; Sen. Mahadeo Jagmohan; Sen. Danny Montano; Sen. Dr. Eastlyn Mc Kenzie; Sen. Dr. Eric St. Cyr; Sen. Muhummad Shabazz.

**The Parliamentary Secretary in the Ministry of Housing and Settlements (Sen. Carol Cuffy-Dowlat):** Madam Presiding Officer, I rise in support of the State Lands (Regularisation of Tenure) Bill.

While the Bill before this Senate is not as complex and technical in nature as some of the other pieces of legislation that have recently come before this honourable Senate, this Bill is of tremendous importance to the country as a whole. It is social legislation to help redress some of the historical imbalances of the past.

Before I speak about the Bill at hand, I would like to seek your indulgence to pay tribute to the hon. Minister of Housing and Settlements whose realization of the dream of providing access to shelter for the less fortunate citizens of our society is now becoming a reality.

Madam Presiding Officer, through you, I would like to indicate to some of my colleagues that to dream is to have hope, to have hope for a better tomorrow, and if some of us in this society can be dreamers, then it will give the rest of the society a chance to attain that which seems to those without vision a non-reality. So we do

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need dreamers in the society who not only dream, but can transform into reality those dreams.

Being a student, I dare say a disciple of the philosophy and teachings of the hon. Minister of Housing and Settlements, this Bill is testimony of his almost 37 years of struggle for and on behalf of the citizens of this country—thirty seven years, older than some of us in this Chamber, and for this, he must be commended. *[Desk thumping]* I say this in light of the unfortunate statements that we have been hearing from some of our colleagues on the other side. Imagine, in this day and age, knowing the history of our hon. Acting Prime Minister, our hon. Minister of Housing and Settlements, a colleague of ours, who I know knows better, would want to refer to him as a “Botha”. How sad for this country.

I address the Bill at hand by addressing three issues. One, how does this Bill affect the environment? Two, how does this Bill address the issue of equity; and three, what are some of the safeguards within the Bill to minimize abuse of the policy.

Madam Presiding Officer, squatting and what can be deemed in some instances to be an abuse of the environment in some squatter settlements is a reality that currently exists and, therefore, is not a product of this Bill or this Government or I dare say the previous government. As Prof. Kenny had indicated to this Senate, historically, squatting has been a problem in this country. What we can blame and lay blame on is inaction, inadequate action and eviction without a viable alternative for the less fortunate, which helps to ensure continued abuse of the environment and for this we can lay blame on the previous administration, their inaction, inadequate action to deal with the problem at hand.

Effective action helps to abate the abuse of the environment. The Bill at hand attempts to abate this abuse of the environment. How is this done? If we look at clause 10 of the Bill, we would see it gives the Land Settlement Agency the power to prepare, implement and approve development plans in conjunction with the community and this is most important. What is taking place is the reorganization of the existing settlement patterns, and this is being done in conjunction with the community.

Clause 10 also addresses the issues of inadequate drainage, sewage disposal and water supply, among other things. This therefore, has a direct impact on the environment and public health. This clause looks at the retrofitting or upgrading of existing physical infrastructure where this is missing or inadequate. We note that

work is going to be done in conjunction with the community. So we know this approach will necessarily be incremental in many cases because of affordability levels. However, infrastructure planning and choices will be made in such a way as to afford upgradable development and this is done in consultation and with the support of the community.

Clause 27 gives the Minister the power to direct a settler to relocate for various reasons, for example, because he is in the way of a proposed road or because the area is environmentally sensitive. Settlers can be relocated within the site they occupy or to another site altogether. Such relocation is not subject to compensation.

**10.20 a.m.**

What is being done? If a squatter is in an environmentally-sensitive area as determined, then he will not be sent on the streets, his house broken down. He will be relocated to a new site within the existing settlement, if possible, to ensure safety and security of tenure.

Clauses 27 and 28 reserve the right of the state to evict a squatter under section 20 of the State Lands Act if he is not eligible to benefit under the Bill or if he fails to comply with a relocation notice. We have put in checks and balances. If a squatter has been given the opportunity to relocate and he refuses, then section 20 of the State Lands Act is called into play and the Magistrates' Court will then make an order for his relocation. Again, if a squatter is not entitled to benefit under the Act because he has interest elsewhere, we can proceed and have him evicted.

Madam Presiding Officer, we are providing a planned, affordable alternative to future squatting for the landless. How is this done? I think this was an issue raised by Sen. Montano. This is addressed by the creation of land settlement areas referred to in Part VII of the Bill. We have been hearing talk about land settlement areas, about all the things for which they can be used, but very few, if any, of the persons who have already spoken have really allowed themselves to see the true effect of these land settlement areas. They allow for a planned, affordable alternative to future squatting. If there is an area designed with roads, water and other infrastructure, rather than squat helter-skelter, persons can now approach the Land Settlement Agency to occupy the planned settlements.

Madam Presiding Officer, clause 19 of the Bill stipulates that all sites which are to be added to the schedule by subsequent order of the Minister satisfy several

criteria relating to environmental concerns and conflicting land use. It is not that the Minister will arbitrarily decide that an area must be a land settlement area. He has to be guided by the criteria listed in clause 19 of the Bill—the legislation at hand. We did not leave it to be found somewhere else. Clause 19 lists some of the criteria the Minister must consider.

There is one area which, in the preparation of the Bill, we had not considered. When that was pointed out to us, we circulated an amendment to give an individual or an organization the power to object to the regularisation of any site or part thereof that is already on the schedule. So, we have gone further. A person or organization can object on the basis that one of the criteria in clause 19 has been infringed. This can be done as long as a statutory lease has not been made to anyone.

We have heard the many tales of our less fortunate brothers and sisters who are unable to sleep at nights because at any time the big honchos would break their properties down. They would have no notice. The honchos would come in the dead of night and the little belongings of these persons would be scattered and broken. How have we addressed this?

Most important is clause 4. Clause 4 contains the granting of security of tenure. We will give a Certificate of Comfort. We are not saying that the person will not have to move, but we are saying that if the person has to move or be relocated, we will let him know when it will happen and it will happen in an orderly way. He will be given adequate notice. He will be treated as human.

**Sen. Montano:** I thank you for giving way. How do you propose to get the squatter to move if he refuses to do so?

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, as I indicated earlier, section 20 of the State Lands Act allows us to go to court and have him evicted. *[Laughter]*

We are not evicting persons without giving notice. We will let them know that they are being evicted, but that we are preparing a place for them. We are not encouraging lawlessness. In this society some of us have become so accustomed to lawlessness that we do not understand that we must obey the law. If we disagree with the law, we must change it. We would say that they must relocate, but if they refuse to do that, we would not go in the dead of night and break their houses. We would go to the court and, under section 20, remove them.

Clause 4 is perhaps the most powerful measure in the Bill. It introduces, and encourages long-term care of the environment. All the researches have shown that security of tenure leads to a lengthening of settlers planning horizons. When one plans short term, one slashes and burns and puts up a shack. When one plans longer term, one plants fruit trees and improves one's house over time.

With the passage of this Bill thousands of households would experience a lengthening in their planning horizons because they would come to know that a substantial part of today's world would still be there next year, two and 10 years from now, and 30 years down the line.

In fact, Madam Presiding Officer, the link between security of tenure and greater investment in house repair and improvement on Trinidad squatter sites was substantiated by research carried out at the University of Cambridge by Dr. Robin Rajack in his 1997 Ph.D. thesis entitled, *Tenurial Security, Property Freedoms, Dwelling Improvements and Squatter Regularisation: A case study of Trinidad*. The Ministry of Housing and Settlements is pleased to indicate that Dr. Rajack is now lending his expertise to the Ministry.

Dr. Rajack found a statistically reliable link between having greater security of tenure and doing dwelling improvements and repairs. To be fair to the average Trinidadian and Tobagonian, if he is comfortable and safe where he is, he will expend money and time improving his living conditions. If nothing else is important, this clause is most important. It grants security of tenure to our less fortunate brothers and sisters. Thus we see that this Bill will promote better long-term care of the environment, including aesthetic improvements in squatter sites.

How will this Bill address the issue of equity? Research has shown that squatters are generally disadvantaged in comparison to settlers in the rest of the society. This can be shown in at least three ways:

- (1) the level of physical infrastructure on the sites in which they live;
- (2) the level of security of tenure which they enjoy;
- (3) the socio-economic levels of the people themselves.

How is this addressed within this legislation? In clause 10, the Land Settlement Agency is given the power and mandate to carry out infrastructural upgrading on the sites. This has been done incrementally and with self-help. What we are doing is incorporating our citizens in their development. They will now become stakeholders in the future because they have an interest in what is happening.

**10.30 a.m.**

This was one of the difficulties in the existing law, which is Act No. 20 of 1986—that the Bill made no provision for the upgrading of infrastructure which serves the community as a whole. This Bill, I would dare say, corrects this oversight and there is now physical infrastructure and the upgrading of it at a community level.

Parts III and IV of the Bill address the security of tenure.

**Sen. Mohammed:** Can you give us an idea of who will be paying for this upgraded infrastructure and the cost per unit?

**Sen. C. Cuffy-Dowlat:** I would locate the exact section for you, but it would be shared by the community as well as the state if necessary.

**Sen. Mohammed:** On what basis?

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, I would proceed while the technical people provide me with the relevant section. I know within the Bill that provision is made for the physical upgrading and development to take place together with the community and with Government's assistance where necessary.

Madam Presiding Officer, Parts III and IV deal with the issue of security of tenure and this is done by three instruments; first, by the certificate of comfort which says exactly what it is, a certificate of comfort, which allows one to feel comfortable to stay where one is until asked to relocate elsewhere. Secondly, a 30-year statutory lease, and finally, a 199-year deed of lease to occupy the property. This, Madam Presiding Officer, presents the squatters with a route to securing greater security of tenure in an incremental fashion, that is, in a manner consistent with how they operate and what they can afford because in some instances, you take as long as necessary to complete payment for your property before you can get your legal title, so one pays according to what one can afford.

From our experiences, we have also seen that the socio economic skills of persons in squatter settlements can be upgraded. They need our help and assistance. A 1980 Ministry of Agriculture, Land and Marine Resources survey of squatters on state land suggested that education levels, occupational status, employment levels and monthly incomes in squatter settlements are all generally lower than they are among the rest of the population. Current findings on a site by site basis showed that most of these findings still hold true today. Unless these issues are explicitly addressed, squatters would continue to require hand-outs from the state. How is this addressed in the Bill?



The Land Settlement Agency is given responsibility in clause 10 of the Bill to carry out sociological surveys in order to discover the particular needs of settlers in any given site. Clause 10 also gives the Land Settlement Agency the responsibility to train settlers in micro-enterprise initiatives. In fact, in the proposed organizational structure of the Land Settlement Agency—which can be made available to Members of the Senate for perusal if necessary—the largest unit is the social and community development unit. The Bill is therefore seeking to empower the settlers and communities, and as the old adage says, we are teaching them to fish rather than handing them a fish.

The Land Settlement Agency would be actively investing in social capital of the settlers dealing with them on both an individual and a co-operative level. The agency would also work with other agencies to deliver these services. Partnerships would be fostered, lands would be allocated in the development plans for the site to facilitate micro-enterprise and cottage industries. So we are providing the land, technical expertise, and we are working in partnership with other agencies which would be involved in work of a similar nature to upgrade, encourage and improve the earning capacity of the settlers in these settlements.

Madam Presiding Officer, this Bill also recognizes that currently, squatters tend to enjoy an advantage over other settlers normally in that they do not generally pay for the land they enjoy. We recognize this and many of my colleagues have spoken on the fact that these people might have committed at some point in time—I do not necessarily agree with the view, but I am echoing that which was expressed—an illegal act by moving onto property. I would think their action was in response to a situation to provide for their families, but whatever the reason, there are a number of persons who think they are enjoying undue advantage over other persons who pay for property.

Under clause 15, the Bill explicitly addresses this issue by stipulating that settlers must pay for a title to the land which they occupy and by reserving certain benefits, for example the 199-year deed of lease for the settler who has paid in full. We are giving them an opportunity to become a legal owner of the property and time to pay for it and the final documents would not be given until payment for the land is completed. Once we talk with the communities and explain to them that they need to get their deed for several reasons; for instance, if they have a deed, their children can be educated by securing a loan to send them to school.

We have seen from experience that in some squatting settlements sometimes what we may think of as being frivolous can also have significant impact on the lives of some of these people. For example, there are times when we tell people if they get a deed and for some reason their child is locked up—and we are not talking guilt or innocence—they can use their deed to take bail for their child and this has a certain emotional appeal to people so they would pay for what they intend. It could be used for educational purposes, social purposes, to upgrade their homes and there are several reasons why people would want to own a deed and pay for it, and once they know it belongs to them, they would pay.

While we do admit there would be some subsidy of the cost which comprises the raw land cost, infrastructure, cadastral survey and deed preparation cost, the greatest subsidy is really the time-frame for payment. They would have an extended period in which to pay. In some instances, settlers would have as much as 30 years in which to pay and this reflects the Government's understanding that squatters generally have low and irregular income. The Land Settlement Agency would enter into a payment agreement with each settler using one of five payment schedules depending on the economic circumstances of the particular household. Payment would be linked to benefits under the Bill.

The deed of lease, as most of these settlers would appreciate, would also allow them an opportunity to pass property down to other generations. How can settlers' access to low interest loans for these improvements be seen or determined? It can be tied to regular payments for regularisation, the granting of letters of introduction to WASA and T&TEC, and we can devise means in conjunction and relation with the community as to how to encourage others to pay. I think the greatest disservice we have paid to people in these communities is that we have not, in the past, made a genuine effort to talk with these people and incorporate them in their development.

When this Bill becomes law, a substantial part of its work is the community development programme having its officers work with the communities, understand them, let them participate in decision-making and determine the future of their community and their village. We have seen that many times—and our experiences have shown, and although we have heard people knock the Sou Sou land movement for several reasons, some for lack of understanding and not wanting to take the time to see real people at work—once you involve people in their own development, they would become stakeholders in their future and would, in fact, contribute significantly to development.

Madam Presiding Officer, this Government also recognizes that if this legislation only benefited squatters, it would be biased against non-squatting or, as some of my colleagues would prefer to say, law abiding, landless people. For this reason, Part VII of this legislation describes the creation of land settlement areas to accommodate the demand for land from this other group. Once land settlement areas are created, the purpose of this is to give other people who have not decided to squat an opportunity to access land. I am hearing my colleague saying what is the point. Maybe he has not been following what I am saying. We are saying that there are people who would not squat, but they also need an opportunity to get a place to build a home and house their families. We have designated land settlement areas which would be developed so these people can move into.

Madam Presiding Officer, some of the safeguards to minimize abuse of this policy can be seen in clause 3 of the Bill. We note that it only benefits squatters who were there before the cut-off date of January 1, 1998. For the first time this cut-off date has been tied to an up-to-date aerial photography of the entire country. This means that any claim of eligibility under the Bill can be verified by photography. With the use of a stereoscope these photographs allow you to see houses on every street, trace and track. We have come of age, we are in the age of technology and one is able to see areas where people are squatting and this addresses a concern which was raised by some of my colleagues in which they had asked how we would deal with the individual squatter on agricultural land. This Bill was not intended to address the individual squatter, it is intended to address squatters in squatter settlements and communities.

In clause 4 of the Bill one would see an interpretation section which tells us that the Bill restricts an eligible squatter to only one lot of land approximately 5,000 square feet, so we are really dealing with the residential squatter.

Clause 14 of the Bill also restricts benefits to citizens or legal residents only. Again we thought it necessary that priority ought to be given to citizens to benefit under this law.

In Part III, clause 13, the benefits of regularisation apply only to squatters who are otherwise landless. One must not own a residential property anywhere in order to be a beneficiary under this Bill. One must make a statutory declaration to this effect and there are penalties for not speaking the truth. For persons in lower income brackets, it is fairly substantial, six months imprisonment and a five thousand dollar fine. To some of us that may not seem to be much money, but to

others, \$5,000 can be substantial income and for those of us who depend on a Senate salary, \$5,000 can in fact, be substantial money.

**10.45 a.m.**

Madam Presiding Officer, in addition, persons are going to lose all benefits under the Bill and Part III specifically speaks on this issue. So whilst we admit that there is no foolproof way to verify landlessness, there are some measures that can be used to ensure that undue advantage is not taken. Probably district revenue office records, WASA records and T&TEC records can help to detect fraudulent claims. More importantly, what the legislation has done under clauses 21 and 22, is allow for the publication of names of claimants in the newspapers. This is under Part VI. Those persons who have applied to benefit under the Bill would find that their names will be published in a newspaper saying that they would have laid a claim to a parcel of land. This publication would be a notice to the world so if somebody is objecting to the occupation of a parcel of land that person would, in fact, have an opportunity to be able to correct this imbalance by saying that you are in occupation, you own land elsewhere, bring the necessary evidence before the Land Settlement Agency and it would be dealt with.

Madam Presiding Officer, Sen. Mohammed raised the issue of who would pay for infrastructural cost. Clause 15(3) and (5) address the issue of the payment of infrastructure cost. I read into the record:

“15(3) Upon full payment of the premium and annual rent reserved, infrastructure development cost, cadastral survey costs and all fees and stamp duty...”

There is a proposed amendment to the land settlement agency or the assembly.

“...in respect of the preparation and registration of the deed, the person entitled to a Statutory Lease shall be granted a Deed of Lease for one hundred and ninety-nine years in respect of the land and any previous minor estate in the land shall cease to exist.”

Clause 15(5) reads:

“Infrastructure development costs may be charged where applicable and may be prorated over the term of the Statutory Lease.”

**Sen. Yuille-Williams:** Madam Presiding Officer, I have just heard Sen. Cuffy-Dowlat mention that upon full payment of the premium cost certain things would

happen. As I sat listening to her I wondered what is the economic status of these people we are talking about. It could take us 30 years to pay that premium. The length of time they are waiting, I am wondering what is going to happen in terms of infrastructure. I could see them just there for 30 years waiting for that to be done because some of these people simply cannot afford to pay. The Senator has said so thus far, but we are dealing with very poor people and I am wondering how this fits into the economic status.

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, we appreciate that we are dealing with poor people and this is why we are giving them 30 years to pay. The point I think the Senator is making is: would we wait for 30 years to develop the infrastructure? No. This is where the question of partnership comes in. You can, in fact, work with the community. If funds are available you put it into the community but you tie the title to the payment of cost so you would not get your legal document until you have contributed your share to the development.

**Sen. Montano:** I thank the hon. Senator for giving way. On that point, is the Senator saying that, in fact, the Government does not plan immediately upon the regularization of these persons to put in the full amount of the infrastructure? If, in fact, they intend to put in the infrastructure on these regularized leases, does the ministry have any idea of the estimate of the total cost of the development of these 251 settlement areas; and is that going to be an immediate charge on the Treasury, and if so, how much is it?

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, that question would, in fact, be addressed by the Minister in his winding up. However, I would attempt to let the Senator know, this is why nowhere in this Bill have we said the infrastructure would be immediately developed. We have said we would work in partnership. As the Senator is well aware, no state at any point in time can take moneys, unlimited, and put into infrastructural development unless it is tied to some return. So what we are saying, and as I told the Senator, the hon. Minister would go into greater detail in terms of how the infrastructure cost is going to be tied into repayment. I am letting him know that in any event it would not be a land settlement site today and tomorrow it would be fully upgraded.

Madam Presiding Officer, what I have attempted to do, is to address certain key areas of concern in the Bill to assure my colleagues that this matter has been well thought out.

**Sen. Montano:** I thank the Senator for giving way again. The Senator just indicated that, in fact, the Government is not going to put in all the infrastructure immediately. However, the Bill says that the squatter who is going to be regularized must make the full payment of the premium or, in fact, it may be amortized over the 30-year lease. My point is that he is getting partly something or he is paying something for nothing. In other words, he is getting his lease but he is not going to get the infrastructure immediately. The question is, if, in fact, he defaults on any of these payments at any time, what does the Government then plan to do?

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, with the greatest apologies to the Senator, I think we would have to invite him to visit with us in some squatting communities in order to understand the relationship that would be established and that is, in fact, being fostered in these communities. So although one person may or may not be able to pay all the moneys upfront, what, in fact, happens is that the community as a whole understands that the physical infrastructure—upgrading of the community—is going to be done bit by bit. So even if you intend to pay all your money upfront you would appreciate that your money alone would not be able to take the entire development where you would like it to be. So it is, in fact, consultation, working with the community to get the development to the point where the community feels comfortable.

**Sen. Yuille-Williams:** I am sorry we have to belabour this point. That invitation to Sen. Montano, I am wondering if we use the example of the Tarouba squatters of which you are quite aware and see what is happening to that settlement, how does that fit into what you are saying is happening? They are going into areas there and just erecting their homes as they had them before, without any amenities as the case may be. Let us be honest about the whole thing. Regularizing squatters is a very difficult proposition. It is not coming through clearly that we have thought this out today.

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, both the Senator and myself do pass the Tarouba site every day, probably more than once per day. I am not certain if the Senator had an opportunity to visit with the settlers.

**Sen. Yuille-Williams:** I did.

**Sen. C. Cuffy-Dowlat:** The Senator would have realized at this point in time, there is stand pipe water in that project and there is all-weather gravel road in some instances and in other instances it is paved. More importantly, the Senator

would have noticed that some of the squatters would have started with a little shack but already some of them have put in concrete foundation and structures and are building wooden partitions. Some of them have already broken down the wooden partitions which were put up previously and, in fact, are putting up concrete. So it is being done incrementally.

If one stays on the highway and drives by, one would probably just be seeing from the outside. If, in fact, people spend the time to go into the community they would realize, granted it is not—and I do not want to say Gopaul Lands—an upscale—what we see—middle class development, but I can assure the hon. Senator and this Senate that with the assistance of the community and the Land Settlement Agency, that Tarouba housing site will one day be a site to behold in terms of the involvement of the community in building a better society and community. Where they were and where they are today is a great improvement. It is not all we would like to see because we would like to see street lights, water running in every home and sewage treatment plants. There are a number of things we would like to see but we must learn to live within our means and our means determine that we go gradually, bit by bit. This is what we are working with in Tarouba; working with Tarouba in establishing—

**Sen. Yuille-Williams:** My last question.

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, in Tarouba there are also people who have set up small shops so they have also started micro-enterprises in their community.

**Sen. Yuille-Williams:** This is the last time I am going to interrupt.

**Madam Presiding Officer:** I am sorry, we cannot have two persons speaking at the same time.

**Sen. Yuille-Williams:** This is the last time I am going to ask—

**Madam Presiding Officer:** Did you give way?

**Sen. Yuille-Williams:** Yes, she did.

**Madam Presiding Officer:** Sen. Cuffy-Dowlat, do you give way?

**Sen. C. Cuffy-Dowlat:** Yes, Madam Presiding Officer.

**Sen. Yuille-Williams:** Sorry about that, Madam Presiding Officer, this is the last question I am going to ask the Senator. I am asking this question because that

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[SEN. YUILLE-WILLIAMS]

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area is the entrance to the city where I live. That is an area which was supposed to be a land settlement area—as the Senator wishes to call it in this term—where squatters are being removed from one part of the city and brought in that area. The initial programme was, because of where it was situated and everything, the Government—I went to all the initial meetings—was supposed to establish core houses at the entrance so at least when coming into the city one would see core houses. I am hearing from the hon. Senator, that people have started putting up their shacks which they have started and some have done little things around. I am saying, we are getting a shanty house at the entrance but the promise was core houses. I do not see how yet again, it is going to be improved. My problem is, why have they changed from the initial core housing? Based on the fact that this housing area is situated at the entrance of the city, the Government is now building its own shanty. That is all I ask.

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, I think the hon. Senator might have missed the meeting—

**Sen. Yuille-Williams:** I was there.

**Sen. C. Cuffy-Dowlat:** —at which we had consultations with the Tarouba residents and we had gone away from the question of construction of core houses and we have agreed that we would build infrastructure.

**Sen. Yuille-Williams:** Shanties.

**Sen. C. Cuffy-Dowlat:** We did, in fact, get agreement with them in January of this year, that we are not going with core houses anymore.

**Sen. Yuille-Williams:** Say shanties.

**Sen. C. Cuffy-Dowlat:** Madam Presiding Officer, what I have found—and I want to say in my short life experience—is that many of us, when faced with reality, the circumstances and conditions under which our less fortunate brothers and sisters live, we prefer to cover it up. So rather than say let us help to really improve the lives of these people—and I am not blaming anyone here—and how can we give these people real development, we are saying, “No, no, no, it is in the entrance to San Fernando so let us put up a little core house and leave them there so when you enter San Fernando it would look pretty.”

Madam Presiding Officer, we are not about just looking pretty, we are about development in its real sense. So granted it may not be what we would like to see,



with our help and assistance it is going to be real development, real change and both the Senator and I know this is what we would want to see for those persons of San Fernando East.

Madam Presiding Officer, it is, in fact, my honour and privilege to recommend this piece of legislation and to support it in this Senate. Thank you.

**11.00 a.m.**

**Sen. Nafeesa Mohammed:** Thank you very much, Madam Presiding Officer. As I sat here and listened to my colleague, Sen. Carol Cuffy-Dowlath, I must commend her for the manner in which she opened her contribution in the sense that, she really stood up like a true disciple and she talked about persons who dream—and you know, she reminded me of my late father who many times used to say that young men dream dreams, but old men have visions. But I see the hon Minister of Housing and Settlements apparently feels he is a young man still.

Madam Presiding Officer, when I look at the kinds of legislation being brought to the Parliament under the portfolio of the Ministry of Housing and Settlements, I really have to stop and wonder.

I would like to begin my contribution on the Bill that we are supposed to be debating here today; but I would come to that bill in a while. Before I get into that, I would like to take this opportunity, Madam Presiding Officer, to congratulate those persons who have been working very hard behind the scenes for a number of years, in terms of this whole issue of squatter regularisation—and I know, we have some of those persons in this Parliament Chamber here today. I really wish to commend them for the amount of work and effort that they have put into this whole process.

But, I have to take issue with this Government, Madam Presiding Officer, because sometime ago—in fact, since 1996, I think we were presented with a State Lands Bill; and it was on our Order Paper for quite some time until Parliament was prorogued in that year and it was allowed to lapse. And then some months ago, another State Lands Bill was circulated and in fact eventually laid in the Parliament.

I have in my hand the State Lands (Regularisation of Tenure) Bill 1998. I think the debate on this particular Bill commenced on August 28, 1998 right here in this Senate Chamber, after it came from the other place. So, with this Bill there was a list of amendments that were made in the House of Representatives since Friday, April 17, 1998.

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So that we started this debate, Madam Presiding Officer, with this particular Bill. But lo and behold, during the course of the debate on that date, I distinctly remember when two very thick bundles of documents were presented to us purporting to be amendments to be proposed by the Minister of Housing and Settlements at the committee stage of the Bill. I mean, Madam Presiding Officer, thick bundles almost thicker than the actual bill that this debate started off with. That was not all.

Last Thursday, the debate on this Bill that we started off the debate with, continued in this Chamber; and I remember sometime earlier on in the proceedings, I received yet another bundle of amendments, list of amendments to be moved in the Senate by the hon. Minister of Housing and Settlements. Lo and behold, before the sitting was finished on Thursday last, we got yet another bundle of amendments. Is bills, more bills, and more bills.

You know, Madam Presiding Officer, I have to take issue with the Government for the manner in which they have treated this particular matter and how they have handled this debate with all these amendments just thrown in our laps.

Madam Presiding Officer, the proper thing that should have been done was to withdraw the original Bill, and if it is that this last Bill that they presented on Thursday is a consolidated Bill, then perhaps this is the Bill that we should be debating or continuing the debate with here today. But it is total chaos and confusion, and it is a reflection of the manner in which they are running the affairs of this nation, Madam Presiding Officer.

On behalf of all of my colleagues on this side and many other Senate Members of the Chamber, I have to express our concern and regret at the manner in which they have been debating this particular matter and the presentation of this Bill. It is total chaos and confusion.

I really have to wonder, which bill we are debating, and to which Bill to refer. You know, at the end of the day, Madam Presiding Officer, the issue before us is a very serious one; because the Bill—well, in the title in the first bill that came to us—when I say first I mean over the last two months or so. It states “An Act to replace certain squatters from ejection from state land to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas.”

I think during the course of my contribution, Madam Presiding Officer, for ease of reference I may prefer to use the last Bill that we got on this issue which was in fact the consolidated one that incorporates some of the amendments.

Madam Presiding Officer, over the last two sittings when this issue of squatter regularisation was being debated here in this Chamber, I could not help but notice that in terms of the tenure of the debate that you could have actually picked up a kind of ideological position with respect to this issue of squatter regularisation.

Last Thursday, my colleague brother Shabazz, in his contribution—I distinctly remember that he made a very passionate plea in his contribution. It was in fact a soul-stirring contribution as he purported to reflect the sentiments that exist out there with so many people in our community: one of the things he said, was to give the people the land. You know, during the course of the debate, reference was made as well to a newspaper column by someone whom I have regard and utmost respect for, a well-known legal luminary in this country, Ms. Dana Seetahal, who in her column published in the *Trinidad Guardian* of Friday August 28, 1998 at page 9—the headline here is “State Rewarding Squatters”. And when you look at the gist of the article, she referred to the fact of people who have been working hard and earning an income and buying their lands and so forth; and then, there will be no motivation for anyone who is landless at present to work hard to provide shelter for himself and/or his family. She was referring to the state lands bill and she made specific reference to the preamble in this particular Bill.

For this purpose, Madam Presiding Officer, I would refer to the Preamble that is stated in the first Bill when this debate started off here—because I know, comments have been made, concerns have been expressed with respect to the Preamble as a consequence of which apparently some kind of amendments are being proposed.

In that first Bill this Preamble—says:

“Whereas the Government of the Republic of Trinidad and Tobago hereinafter called the Government is committed to the goal of improving living conditions on an equitable and sustainable basis so that everyone in the society will have adequate shelter which is accessible and affordable”.

And it continues:

“And whereas the Government is further committed to the objectives of promoting security of tenure and equal access to land”.

And then it goes on to the last paragraph:

“And whereas in furtherance of its said commitment to improving living standards and fostering healthy development, the Government is undertaking a programme to prevent further squatting by providing an alternative solution in the form of land for the landless”.

**11.10 a.m.**

Madam Presiding Officer, basically this Preamble speaks about shelter for all and land for the landless—very noble objectives. But, you know, when I read these words in the preamble, knowing I had to participate in the debate today, I could not help but bring a copy of yesterday’s [Monday, September 14, 1998] headline story in the *Trinidad Guardian* on page 3—“Humphrey: Muslim way of managing money is right—I would just like to quote an excerpt of this article.

‘The Islamic way of managing money is the right way,’ said Housing Minister, John Humphrey.

Humphrey, who was speaking to hundreds of Muslims yesterday at the formal opening of the ASJA Convention held at Mount Hope Medical Sciences Complex, commended Muslims for recognizing that interest was the key to ending poverty.

‘If you don’t put a burden on credit the poor can repay it...Interest is an abomination against God’, he complained.

‘However’, he said, ‘it has been difficult to convince those who were accustomed to the Western capitalist way of life’.

He said, ‘While the Government has not been able to abolish interest altogether, it has now adopted a method of compromise which will allow the poor to acquire resources for the provision of shelter for their families. The very small sums are very concessionary’, he said.

‘In fact, the first increment is interest free’.

Madam Presiding Officer, I would just like to commend the hon. Minister for seeing some merit in terms of some aspect of the Islamic economic system. This article speaks about alleviating poverty. Perhaps the hon. Minister may wish to consider another aspect which involves the system of taxation, involving what is called “zcart”, where you are required to take 2 1/2 percent of your annual savings and give it to deserving persons in the community. A system like that may

very well alleviate poverty. But the fact is that we are living in Trinidad and Tobago and we have to get real. I say this because, I think it is important that I put our position with respect to squatter regularisation in its proper perspective.

I would just like to start off, Madam Presiding Officer, by making a brief reference to the 1991 Manifesto of the People's National Movement, under the heading "Housing". At page 30 of this document—much of which was in fact realized by the end of 1995—on the issue of squatting and squatter regularisation, it says here:

"The PNM stands committed to

The provisions of Act No. 20 of 1986 which provide for security of tenure for squatters, for transfer of title at 25 cents per square foot and an annual lease rental of \$1.00.

Regularisation of existing squatter settlements through proper demarcation of lot boundaries and upgrading of basic infrastructure. Specifically, water supply and electric power will be authorised for squatter settlements approved for regularisation.

The provision of technical and legal assistance to squatter communities wishing to negotiate the regularisation of their settlement on private lands.

Review of existing squatter legislation to update its application and to streamline procedures for provision of title property."

Madam Presiding Officer, this is a real Manifesto. When they present the document which they call "Manifesto", it is really like "boyfesto". [*Desk thumping*] They are pieces of paper with very little substance.

**Mr. Humphrey:** Read how many units were given.

**Sen. N. Mohammed:** We have heard, Madam Presiding Officer, many references to the origin of squatting in Trinidad and Tobago and it was linked to the days of slavery and emancipation. My own brother on our side, Shabazz, made reference, on Thursday last, to a time when people were promised lands and titles to deeds and were asked to assemble at a particular place in Lopinot. What happened? They were massacred. So that, over the years, we know that squatting is a real aspect of life in Trinidad and Tobago.

My information is, Madam Presiding Officer, that in 1986 there were approximately 8,000 squatting families—I am subject to correction. I am sure the

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hon. Minister would be in a position to give more accurate information. The fact of the matter is that successive administrations in Trinidad and Tobago have been grappling with this issue or problem of squatting: the People's National Movement, the NAR, the PNM again, and now the UNC.

I would just like to refer to a statement that was made way back in 1977—I think it was on December 02, 1977—when the late Dr. Eric Williams, in presenting the 1978 Budget, made a statement on this issue of squatting. He said:

“In respect of squatters on state land, their tenancy will be regularised. This will not extend to unauthorised additions to the squatting population moving in after the announcement of this policy.”

In 1985, the then Minister of Finance, the late honourable Mr. George Chambers, as well, in the presentation of a budget speech, also announced plans to regularise squatting. It was as a consequence of the intentions declared in that speech that in 1986 there was the State Lands Act of 1986 being brought to the Parliament and in fact made law in Trinidad and Tobago.

Do you know what is interesting? We heard earlier in the proceedings today that the hon. Minister of Housing and Settlements, Mr. John Humphrey, has been involved in the struggle for some 37 years. It was in 1986 that you actually had a situation where the government of the day and the Opposition seemed to have been of the same mind in terms of addressing this issue of squatting.

I have to take issue with the hon. Minister, when in his presentation, he made certain statements that really bothered me. In his presentation of the first Bill, when this debate started, he referred to the PNM “as perpetrating terror in squatting communities and using the coercive machinery of the State to control people and maintain support.” He went further to attack a great man who served this country for many years and who continues to serve this country, Mr. John Donaldson—a minister at the time. [*Desk thumping*]. My colleague, Sen. Danny Montano, called on the Minister to go outside and repeat that statement, but I will not deal with that issue.

The hon. Minister spoke about “PNM breaking houses”: “They came with Police, SLRs and SMGs and dogs. They destroyed and pilfered”—it is there in the *Hansard* report. He referred to “road blocks” and talked of “the iron fist of the

Madam Presiding Officer, I stand here and speak in this Parliament today as a proud child of the People's National Movement, [*Desk thumping*] having been in my more youthful years in those days. I can say with conviction that the hon. Minister—as they are accustomed to doing—has been distorting information; spreading propaganda; riding the backs of people throughout this country for a number of years; and fooling them into believing a lot of utter nonsense! [*Desk thumping*] I have to take issue with the Minister for that because you hear the same kind of garbage and utterances coming from their mouths, wherever they go.

They are going around hoodwinking innocent people and “mamaguying” them. This really offends me—not just me, but many other people who would know that under the People's National Movement there was always a caring government, and you felt comfortable and safe. [*Desk thumping*] For more than 34 years, there was a sound, stable government in this country. Yes, we may have made mistakes in the past; but we had a freer country; not the kind of country that we are living in now, where we have to operate on the basis of fear and uncertainty. Look at what happened in the Parliament last week, Madam Presiding Officer [*Desk thumping*]—holding the entire nation to ransom; such reckless irresponsibility of this United National Congress—“whatever else”—Government!

**11.20 a.m.**

Madam Presiding Officer, it really bothers me and, if I appear to have gone off on a tangent, it is because of the distortion of facts and history that they are accustomed to. I call on the hon. Minister to desist because now that they are in positions of power—

**Madam Presiding Officer:** Sen. Mohammed, I am trying to be patient, but you are off on a tangent. Could you return to the Bill?

**Sen. N. Mohammed:** Madam Presiding Officer, I had to make reference because these statements were, in fact, made by the hon. Minister in his presentation of the Bill that we are debating here today in the Parliament. The kinds of comments made are very inflammatory.

I was on the point that in 1986, the Government of the day and the Opposition came together to address this issue of squatting. I just want to refer hon. Senators to an article which was published in the *Express* on February 7, 1986. I do not actually have the article with me, but the reference is February 7, 1986. The headline then was “Humphrey/Francis Stall the Hammer”.

“Hugh Francis, Member of Parliament for Diego Martin and John Humphrey, Opposition Senator, will make a joint effort to obtain relocation for squatters in Bagatelle Road, Diego Martin. Humphrey told the *Express* that—”

**Mr. Humphrey:** Where is he now?

**Sen. N. Mohammed:** He is still in Diego Martin. Madam Presiding Officer, without wanting to be distracted, I continue:

“Humphrey told the *Express* yesterday that Francis said he would see whether there were other state lands in the area where the squatters could be relocated and that he, Humphrey, would explore the possibility of the squatters relocating on private lands which they might buy through his Sou Sou Lands project.”

The fact is that more than 12 years ago, there was that recognition that squatters needed to be helped by both the government of the day and the Opposition and, I know much of Mr. Humphrey’s political career, especially in the 1980s, stemmed from this issue of squatting and I know of a particular case, I think it was in Curepe, in which he was actively involved.

Madam Presiding Officer, when in 1986, the government of the day changed, we had the NAR government—One Love—with a very noble objective, indeed. They said they were calling for change and then we heard they got exchange instead. I remember when that government was formed, the hon. Minister of Housing and Settlements was then made Minister of Housing and Settlements. I remember that within a matter of days or weeks, he said he did not want to be in that Ministry. He came here in the Red House and set up shop on a desk here to run an entire Ministry, because he had no regard for a Minister of Housing and Settlements. It is no wonder that eventually in history, the record is there to show what happened.

It was later in the term of that administration—and I think credit must be given where credit is due—that the then Minister of Housing and Settlements who succeeded this Minister of Housing and Settlements, Miss Pamela Nicholson, was the person who pressed on with the Inter-American Development Bank programme which commenced around 1989. For a number of years we were going through structural adjustment policies and so forth, and that was one of the programmes started at that time.



So, there was a squatter regularisation programme which was funded by the Inter-American Development Bank which involved the development of sites with infrastructural work. What is amazing is that the record will show that during the term of that administration when my good friend, Sen. Carol Cuffy-Dowlat, was part of the entire Sou Sou Lands project and concept—I really have to wonder how many houses were built during that period.

Then, in 1992, a new government came into power and when the PNM returned to government, I think somewhere in that period, 1992—1995, a study was commissioned. That study, which was presented in its abbreviated form, is called the PADCO Report. I really wish I had a copy of it to put in the record, but I do have a little extract from which I would like to quote. That study was called “A Planning and Development Collaborative International Incorporated and Laughlin and Associates Limited Report”, the shortened name was the PADCO Report. What is interesting is that this report highlighted the link between squatting and the provision of affordable housing, and it was stated in that report that 100,000 housing units were necessary but, because units were not provided, the squatting population in Trinidad and Tobago increased from 8,000 in 1986 to some 50,000 squatting families in 1991, all because of the failure to provide basic housing units.

During that period of 1992—1995, someone who is well known in the country and is now serving as a Minister in this coalition Government, Hon. Dr. Vincent Lasse, was the Minister of Housing and Settlements and, Madam Presiding Officer, in the other place, when this debate was taking place, he quoted from a particular part of this PADCO Report. If I may be permitted, just to put on the record what exactly this report stated.

In Chapter 2, concerning the shelter sector, it stated that, “If low and moderate income households are unable to access land on the formal market due to limited availability and/or high cost standards, they will be left with only two basic options, either to find land in unauthorized developments or to overcrowd their existing housing.”

It went on to state that, “A major present-day landmark concern is the proliferation of squatting in several areas of the country. Although squatting is not a new phenomenon and was already widespread at the time of emancipation, the recent growth in squatting began in the 1970s and has provoked considerable discussion and debate. Squatting has continued under conditions of both economic

prosperity and depression. It increased during the period of prosperity because real estate speculation pushed land and housing prices much too high for low and moderate income households. The central problem throughout both these periods was an inadequate supply of serviced residential land on the formal market that was affordable to low and moderate income households.”

So, Madam Presiding Officer, you see the nexus that was made between the lack of affordable homes, housing units *per se*, and the reality or the phenomenon of squatting in Trinidad and Tobago. We must take note of this nexus, because it will have a direct bearing on the *modus operandi* and some of the policies of this present administration as it seeks to be so populist in its approach.

Madam Presiding Officer, I would just like to refer to Sen. Cuffy-Dowlat’s contribution when she spoke about the inaction of the previous administration. They are so obsessed that if the rain falls too heavily, they blame it on the PNM: anything that happens in this country that is negative, they are quick to blame on the PNM. Sen. Carol Cuffy-Dowlat spoke about inaction of the previous PNM administration and, for the record, I quote yet again, from another one of our manifestos, this time the 1995 manifesto on page 17, the issue of housing:

“In keeping with the PNM Manifesto of 1991, a comprehensive approach to housing has been initiated.”

It referred to the estimated expenditure in 1992—1995.

“...\$355 million broken down as follows:

Sites and Services	141.7M
Squatter Regularisation	66.9M
Housing Construction	132.5M
Community Facilities	14.0M”

On the question of sites and services:

“Pricing policy was modified to allow the cost of raw land and infrastructure to be spread over the life of the mortgage. Instead of paying \$25—\$35,000.00 up front, beneficiaries can pay as low as \$5,000.00 to obtain a deed.

In 1993 and 1994 some 3,630 lots were developed in Bon Air West, La Paille (Caroni), Harmony Hall (Gasparillo), Couva North, Debe, Malabar, Union Hall, Calder Hall and Orange Field Road.”

They are always quick to cry discrimination saying that the PNM neglected the rural areas. These are the kinds of inflammatory remarks that they go around preaching to this country. It continued:

**“SQUATTER REGULARISATION**

Infrastructural works have been completed at Bamboo Settlement No. 3, Maturita Triangle, Blitz Village—Pleasantville, Zone ‘8’—Arima and New City—Valencia. Over 1,200 families have benefited from these development works.

A main element of Squatter Regularisation is the payment of a premium based on raw land cost at \$0.25 per square foot with partial cost recovery of infrastructure development. Overall a subsidy of 40% is being provided.

National Housing Authority—”

It went on to all the different housing construction projects which were accomplished under the former PNM administration and the hon. Senator has the audacity to come to this Chamber to talk about inaction on the part of the previous administration, yet another distortion of the facts.

Madam Presiding Officer, when we look at the Bill that is before us dealing with this issue of squatter regularisation, I need to make a further comparison. We know that under the former administration, it was recognized that there were problems or deficiencies with the State Lands Act. A review did, in fact, take place as a consequence of which, in 1995, there was drafted a bill, the long title of which was:

“An Act to regularize the tenure of certain State lands, to facilitate the provision of utilities to, and the physical upgrading and social improvement of, the said lands and the communities within them, to repeal the Regularisation of Tenure (State Lands) Act, 1986 and for related matters.”

When this title is read, together with the title of the present Bill before us, there would be seen a definite shift in emphasis and, certainly, in policy directions, because, this Bill under the present UNC coalition, or whatever, Government, speaks about:

“An Act to secure squatters from ejection from State Land; to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas.”

A clear shift. In our bill, we were talking about “regularising the tenure and facilitating the provision of utilities to and the physical upgrading and social improvement of the land and communities”.

Now, I have heard it said—and certainly, when we look at the provisions of the first bill which was brought here and even with the proposed amendment—that this particular piece of legislation is like a licence to squat. We have expressed very serious concerns about this particular Bill, particularly with respect to this designation of “land settlement areas” because, from a political point of view, we see it as a deliberate attempt by the present Minister of Housing and Settlements and his colleagues to actually bring about shifts in the demography of Trinidad and Tobago. With the provisions in this Bill, it is clear that they can effect population shifts.

The hon. Minister under this proposed legislation will have the power to designate areas to be land settlement areas. What would be the consequences of that? It is no wonder that we have to express our concerns about the UNC stealing the next election, because this is the kind of pampering and the kind of control we see this Minister as getting. It is not just in this Bill, we see it in another piece of legislation, but we will deal with that at another time.

**11.35 a.m.**

This piece of legislation that is being proposed by the Government is a Bill that will have far-reaching consequences in Trinidad and Tobago and we on this side must register our concerns. On the one hand it is our policy and our position: We would like to see the regularisation of squatters in the country, but on the other hand we would like to see that regularisation taking place in a very responsible fashion whereby they can effect real development in an orderly way, not a free-for-all.

When we go into the provisions of this draft Bill we would see where there is cause to really be concerned. When I looked at the consolidated Bill that we got late on Thursday, I saw that they have modified the preamble to an extent. Perhaps they have taken note of Sen. Daly’s concerns which he expressed in his contribution.

Let us go into some of the specific provisions of the Bill. To begin with on page 2 of this consolidated Bill we see here a definition of “dwelling house” meaning:

“...a building or part of a building used mainly as a dwelling or residence construction of which was completed or was in the course of completion immediately before the appointed day and includes land occupied therewith, not exceeding 5,000 square feet more or less;”

We have to ask the question: What does “building used mainly as a dwelling” mean? And do they have the capability, machinery or the mechanisms to monitor whether a building is actually being used mainly as a dwelling, or that it is, in fact, a residence which was constructed at the time of the appointed day? Which I believe is the commencement date of this Bill that is now stipulated.

The other aspect of this definition is that in the second to last line it speaks of “not exceeding 5,000 square feet more or less.” I had the privilege of visiting a particular squatter area and one member of that community told me that they do not like to be referred to as squatters. It is preferable that we say that they are involved in homesteading. That is a very interesting point. One of the matters that was pointed out to me is that in the context of this Bill where they define a dwelling house or a residence as being a building on land not exceeding 5,000 square feet more or less, in this particular community that I visited there are people who have been residing there for a number of years. Some of them have extended families and some of them are involved in genuine agriculture helping to produce food for the nation and the reality is that in some cases they may, in fact, be occupying maybe more or less than 5,000 square feet.

It was suggested to me that instead of designating these areas for the buildings as being on 5,000 square feet, that it should be referred to as plots because there is the interesting situation where a survey was carried out some time ago in this particular area that I visited, and by the time they surveyed the area the boundary mark for two plots would have actually been running through somebody's house if you go on this strict 5,000 square feet criterion.

**Mr. Humphrey:** More or less.

**Sen. N. Mohammed:** Yes, more or less. More or less is normally a marginal kind of more or less. But when you go into this particular community, if you talk about wanting to work with the community you will see there is a need to look at this in the context of plots as opposed to lots. That is why I raised a concern about whether you have the machinery and the mechanisms to make this provision applicable and workable.

I move on, Madam Presiding Officer, to clause 3 of the Bill. We heard the hon. Sen. Carol Cuffy-Dowlat boast about an aerial photograph that was done where every nook and cranny of Trinidad and Tobago was photographed. We heard when Sen. Joan Yuille-Williams made mention of the fact that in some areas there are houses sheltered by trees. I know for a fact—last year a bandit held me up and stole my car and when I accompanied the police I found my car up on a hill under a huge mango tree. There is no way if a helicopter was passing that anybody could have seen that car because it was so well hidden. Therefore, on this question of the aerial photograph in relation to clause 3, it says here:

“This Act applies to -

- (a) a squatter in respect of his actual occupation of State Land on which there is a dwelling house before the appointed day;
- (b) a squatter or tenant within a Designated Area and to a person within a Land Settlement Area;
- (c) a squatter or tenant in respect of his actual occupation or tenancy of lands owned by a State Agency listed in the Schedule, and on which there is a dwelling house before the appointed day,...

This is linked to the issue I raised about having the mechanism to determine whether a squatter is in actual occupation of that particular area.

Then in terms of the dwelling house that is on the site, what mechanisms exist to ensure that these dwelling houses will be of a particular standard? We know that right now there is a Special Select Committee that is meeting with respect to the National Physical Planning and Development Bill and there is a lot of talk about formulating whole new building codes and what have you, because in terms of the Town and Country Planning Act there are major problems that have been identified. But what codes exist to ensure that buildings will be of a particular standard? Basic safety requirements for example.

Then the hon. Senator went on in her contribution to say that some people cannot sleep at nights. This is the kind of propaganda she has been fed over the years being a disciple, as she confessed, of the hon. Minister of Housing. She talked about clause 4 and this provision which is the issuing of a certificate of comfort. This is a new aspect in this legislation quite different from what the proposed legislation was in 1995.

**Madam Presiding Officer:** The speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. D. Montano*]

*Question put and agreed to.*

**Sen. N. Mohammed:** I was saying that in terms of clause 4 and the issuing of this certificate of comfort, I think it comes from this obsession that the hon. Minister has with his struggles where he feels that it was a deliberate policy to go and demolish people's homes and instil fear in the minds of people. That is far from the truth. In this legislation they are seeking to issue a certificate of comfort which is a kind of security to protect persons from ejection.

What is the legal status of this kind of certificate of comfort? If I have a certificate of comfort and I were to pass away tomorrow, would my beneficiaries be able to inherit or be comforted with that certificate of comfort? I wonder. Perhaps the hon. Minister will be able to enlighten us.

I move on to clause 10 of this Bill:

“The Agency and Assembly—”

Because there are proposed amendments I take it dealing with the Tobago House of Assembly.

“...shall have the power to cause the following to be done:”

The interesting clause I see here is 10(f):

“establishment of Settlement Councils in communities for the purpose of -

- (i) fostering community spirit and development;
- (ii) settling of disputes;”

I grew up in an environment where the panchayat system was very much alive and still is where, in the event of disputes, the families would come together and try to resolve the disputes.

Nowadays, in our legal system, we have a whole movement towards alternative dispute resolution. If it is the intent to encourage this kind of activity I say all well and good, but then it is so vague. By what mechanisms are they going to settle these disputes? If someone sees a person putting up a foundation for a house what are they going to do? Take a hammer and break it down? Is that the kind of settlement of dispute that will take place? I wonder.

Then I see in clause 11 “A certificate of comfort confers protection from ejectment.” I already raised that issue as to whether it is a certificate that can be passed on to beneficiaries. It does not create an interest in land but only a personal right from ejectment. What concerns me is clause 11(2) and this is where we have some major concerns with this piece of legislation because it says that:

“Within one year after the commencement of this Act (hereinafter referred to as the “prescribed period”) a squatter to whom section 4(1) applies, shall apply to the Land Settlement Agency or the Assembly for the issue of a Certificate of Comfort in respect thereof.”

Therefore, I have a year. If I want to squat I can rush on a parcel of land and get a few people and then apply for a certificate of comfort. This is why we say that this legislation needs to be tightened up. It can lead to a free-for-all.

I know comments have been made about having a containment unit. We need to strengthen that aspect of it. I think there is no argument, that we want to see the regularisation of squatters, but we want to do so in an orderly fashion; not have a free-for-all. I ask the hon. Minister to look again at clause 11(2). It is dangerous. What mechanism is there for ensuring or determining that a particular person was actually in occupation on that commencement date?

I move on to clause 12. There is a further licence here because it deals with late applications. If one missed the first date one can make a late application once there is a declaration by persons who are not relatives of the applicant. If you have a good neighbour they can say in an affidavit that you have been living there. This needs to be re-examined.

Clause 13 deals with the fine and making a false declaration and so forth. It is a question of enforcement, I presume. How is the situation going to be monitored?

Madam Presiding Officer, clause 14 refers to a statutory lease. Therefore, from a certificate of comfort we move on to a statutory lease initially for 30 years.

**11.50 a.m.**

Clause 15 talks about an actual Deed of Lease. We heard the discussion about the premiums, in terms of the cost aspect. How are they going to work it out? Most importantly, when we move on to Part V of this Bill, it is here that we express our most serious concerns, particularly with clauses 17 and 18. I believe my colleague, Sen. Danny Montano, circulated an amendment where he is calling for these two clauses to be deleted. It states in 17(1):



“A Designated Area is an area occupied by squatters and tenants which has been approved by the Minister for the purposes of regularisation...”

From the date of commencement of this Act, the area specified in the Schedule, which is more particularly described in plans kept at the offices of the agencies of the Assembly, are deemed to be designated areas.

Here it is, clause 17(3):

“Subject to section 19, the Minister may, from time to time, by Order, amend the Schedule by removing areas of land therefrom or by adding areas of land thereto...”

Clause 18:

“The power of the Minister to amend the Schedule may be exercised—

(a) on his own motion;”

Then it goes on to deal with the land settlement agency, and so forth.

Madam Presiding Officer, this is why we say that the intent of this Bill seems to be to bring about some deliberate population shifts in the country, and we have to view it in that light because the provisions are here. It is clear as daylight that the Minister will just have this automatic power to designate areas to be land settlement areas, and he can have the power to amend, add to or take out.

Sen. Carol Cuffy-Dowlath sought to suggest that there are some restrictions on this power when she referred to clause 19, that this authority of the Minister would be subject to the following conditions, and it refers here to an Order pursuant to section 9 of the Town and Country Planning Act. The reality is that these conditions are virtually non-existent, and now we have a Bill before the Parliament seeking to repeal Town and Country Planning legislation and replace it with new building codes and development plans. Total madness!

When I look at these two clauses giving the hon. Minister so much power, it brings me to the real intent behind this legislation. It is almost like a conspiracy, and clause 26(5) confirms this. It says:

“For the purpose of subsection 4, a person shall include a non-natural person such as, but not limited to, a co-operative society, association, corporation or company.”

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I say this because the fact of the matter is that the hon. Minister has personally been in a particular squatter community not too far from where I live, and has actually been urging the residents in a particular section to clear out from the area and to accept the offers being made by a particular businessman who is a well-known friend of the present Government. In fact the hon. Minister of Works and Transport was, at one time, an employee of that particular businessman.

I have no difficulties with businessmen making a contribution to the society. None whatsoever! This is why I referred to it as a conspiracy theory, because if one goes near the Grand Bazaar, at Bamboo Settlement No. 3, I have concrete, reliable information that in the carnival period of 1996, the hon. Minister, himself, met with residents in that area and was actually advocating—instead of the hon. Minister talking to the residents about regularising their position—that they accept the offers that were being made from certain agents at the time so they would move out.

There is a particular area on the northern border of that mall, and there are several persons living there who are very fearful that the ultimate intent of the hon. Minister is to have them removed. Where are they going to be located? When one goes there, one would see that the area is so thickly occupied, there is very little room for them to live.

When they come here and make all these utopian statements, land for the landless, and they care for the poor, we care for the poor and the underprivileged too, but we have to be real. When I read the newspapers and I see \$100,000,000 interchange to ease traffic congestion, it is a fact that directives were given by agents of the Ministry of Works and Transport. The hon. Minister of Works and Transport, himself, has been part of the process where they have given instructions that a certain pathway must not be blocked at all.

Today, when I opened the *Daily Express*, friends again with contracts in the airport. This whole contract with the airport is scandalous! Notwithstanding the Deyalsingh Report, their friends are benefiting. That is how they are running the affairs of this country. Friends, nepotism, favouritism and curry favour all down the line!

**Madam Presiding Officer:** Senator, you have two more minutes to speak. I suggest you continue.

**Sen. N. Mohammed:** As I wind up my contribution, when they talk about the PNM having a deliberate policy of terror, I want the Hon. Minister to investigate and come back to the Parliament and tell us if it is not a fact that on August 29, 1998, armed security guards went into that very same area, the northern border behind Grand Bazaar, threatening to remove those residents from the area. This is a matter that came across on *TV6* on a Saturday night. I want the hon. Minister to come back here and tell us that is not true. Who is really operating with fear? Let us know.

This is the background against which this Bill and these various amendments are being proposed, and we view this particular piece of legislation as a Bill with far-reaching consequences. It is a matter that we need to take our time and carefully go through clause by clause, particularly those two clauses 17, 18, and I believe also, clause 13. They are clauses with dangerous consequences for the population of Trinidad and Tobago.

While we are in support of the need to regularise squatter communities, we want to do it in a systematic and orderly manner. Our policy is to go into these sites and help improve the infrastructure. To develop the sites, to provide water, electricity, and so forth, and work with the communities in that quest to regularise these communities.

I call on this Government to come forward. They make all these grandiose statements, but what we need in this country today is a proper housing policy. I am suggesting that the Government look seriously at providing more affordable core housing units for the people of Trinidad and Tobago. I am from San Juan, and in the Aranguez area, some apartments were going up under the PNM administration, and they were intended to be affordable homes, but now, I cannot afford such a home. They have now skyrocketed since this Government came into power, and the prices are now \$400,000 and \$500,000. I do not know why the hon. Minister did not offer Mr. Jack Warner the Aranguez Villas to house his 'Footel'. Perhaps he may wish to consider it, although I know that other plans are in place.

Madam Presiding Officer, I thank you.

**Sen. Nathaniel Moore:** Madam Presiding Officer, let me take the opportunity to commend you for a very good job as the Presiding Officer in this session and past sessions. We do, indeed, enjoy your directions, although we realize that some people have been trying to make your job a little hard. You have done your job well. *[Laughter]*

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Squatting is really a long-standing problem in our society, as we have all observed, and I do agree. I think that any member of this Senate who is serious about the development of the country and the well-being of the people would welcome any effective solution to this great problem. What we notice is that nearly everybody has a solution to this problem, and everybody's solution seems to be different from the others, but, one thing that is clear is that we must attack the problem, or else the whole idea of squatting in this country will get entirely out of hand and absolutely incurable.

This Government has brought this Bill with its measures to deal with this problem of squatting. I guess it is not a perfect solution. I do not know if we could find any, but I think it is a step in the right direction. People have made suggestions for changes, and I said something to this extent before, and I am going to repeat it. Where my experience goes in this Senate for the last few years, this Government listens, and many of the observations made on the other side and elsewhere are taken heed of and, as wisdom dictates, are taken into consideration and implemented.

Many Bills, when they leave this Chamber, are changed considerably from when they came. So, I have no fear that careful study will be given to all the observations and that the necessary changes would be made so that we would have a Bill that we, as a Senate, think is the best formula for the solution of this problem in the country. This is how it should be.

I want to say, Madam Presiding Officer, that I am sitting here, and very often I am pained at the exchanges, because it seems to me that the truth has not yet struck home to a lot of us that each man may have his chance.

**12.05 p.m.**

Sometimes I think it is a good thing that we have some changes or renewal. For example, when I look at Senators on the Front Bench opposite, most of them are new faces to those who were there before. These people have come in with all their objectivity and zeal to have things done the right way, and are not generally or always affected by the conduct of those who went before. I think that is a good thing because, in the long run, what happens is that we realize our turn might come. So, if I am very foolish in what I say it may return to me in the next turn and, if we are conscious of this, then we would be very guarded in what we do or say so that when our turn comes we would not be embarrassed when the mirror comes before our faces. I think this should sober all our sayings and doings in this Chamber.

Madam Presiding Officer, there are two main words I would use to describe the conditions which have brought us to this state where squatting is concerned in our country. The two words I note—I did not read them anywhere; they came from my brain—are “lawlessness” and “permissiveness”. I think the thought was shared in this Senate earlier that too many of our people disregard the law, take things into their own hands and “do their own thing” as we say.

When this is done there are not enough people who are firm enough to correct them, and because of this permissiveness we say we go slow or soft on these people and allow them to break the law with impunity and there a monster is created, as in our school system, housing system and so many different areas of our life. There is so much lawlessness and permissiveness that these monsters are created which we find very difficult to tame at this time.

So, this is a call for us to do all we can to stop this trend of lawlessness; see if by precept and example we can deter the trend and train of lawlessness and stop this permissiveness and let the law have its way in dealing with those who break the law so that correction can be made in some of these areas of life.

Now, where this squatting bill is concerned we have a schedule of over 260 squatting sites in the country and I believe there may be more than that. I do not want to appear as though I am contradicting those people who observe the details of the survey we were told about, but I suspect that there may be more than these 260 areas. For a small country like ours I think this is a large amount and it does reflect on us as a people. I hope, really, as I said before, that something can be done to stop this situation. Indeed, the forwarding of this Bill is an attempt to stop this.

We know that other measures were started in the past, and we are hoping this measure would be far more successful than the others. Although it was described as a short-term measure by some of the Senators we are hoping that some of these measures, like the settlement areas, are going to prove to be long-term measures and be effective.

I know that I am expected to say something about Tobago and what I can say, to start with about Tobago, is that we do not have as great a squatting problem there as we do here in Trinidad. I guess the point is that in the past we did not have much activity in Tobago to attract a large population. Opportunities there were few for employment and improvement generally, and as our population grew the pressure for housing was not as great there but it reflected itself, perhaps, in

more pressures here in Trinidad and elsewhere, because a lot of our people left the island and went elsewhere to find gainful employment.

Really, I would say that it might have been a good thing not only for Trinidad and Tobago, but for the world because when you look here and there we see so many great people from Tobago filling their places in so many corners of the world, both high and low. So, it might have been a good thing.

We do not think it is an unmixed blessing in Tobago because right now as we are trying to handle our own affairs and develop Tobago we find there is a shortage of manpower, expertise, but I think the shortage exists everywhere because those people we miss there are filling a need somewhere else.

Now, there are two main mechanisms in this Bill, I note, for trying to solve this problem. The first one is the designated areas. These are areas shown in the Schedule which are already squatting areas and it is intended to upgrade these areas; both the infrastructure and the superstructure, if I should say briefly, so that these areas can become perhaps more tolerable, more presentable for living where we have all the modern amenities for healthy living.

I know that the job will not be easy as we hear a lot of criticisms about it. All of us know that to regularise people in these areas would not be an easy job but as a Government we would have to face up to whatever the demands are for the sake of our people. Wherever we see change is needed in the programmes we set out on, we would have to make those changes because these laws that we are making to regularise are really for us too. I do not want anybody to think that when a law is made that it should be unchangeable. I do not think any law, at any time, is unchangeable and as we make these laws and see that they are outdated for our needs, then we have to update them to fill our needs so that they accomplish for us what we set out to accomplish in the first place.

So, we expect that these laws would be changed and revised from time to time to meet our needs. So if we expect perfection from the start, I think all of us would be disappointed but at the same time we agree that we must start off at as high a level as possible, with the law.

The second measure is that of the land settlement areas and these will be designated areas but designated in the future. I understand this to mean something similar to what is already happening where houses are being provided: that an area is going to be selected as a settlement area and it would be developed for human settlement with all that is necessary for modern living and people would apply to occupy these areas.

**12.15 p.m.**

One thing I know that people are fearful about is that some of these land settlement areas might be designated in places where they are better as agricultural lands, therefore, there would be a net loss to agriculture. We are already not satisfied with what is being done in agriculture and we do not want to aggravate the situation by putting some of our better lands into settlements that could be placed for agriculture.

I—and I am sure the Minister concerned and his advisors—support the idea of leaving the better agricultural lands for agriculture and using those more marginal and infertile ones for settlement. Of course, it cannot happen just as perfectly as I mentioned it, but we will do our best. We will alleviate the fears of those who are fearful that too much of our better lands would go into settlements.

It is for us here and for those who take our place when we go to be vigilant about seeing that the powers that be do not violate the well-being of the population by misappropriating the lands and its various uses. It should be as it is in all civilized places, a zoning of lands, so that people know the lands which are earmarked for agriculture so that nobody would make it a prime settlement area.

These two mechanisms of the designated and land settlement areas should go a long way. It took some vision to arrange matters like this and we hope there would be great reward for making these provisions.

Madam Presiding Officer, I come now to what I had hinted to before, the Tobago situation. To me, significant in the Bill is the recognition of the Tobago House of Assembly as the appropriate body, under law, to administer the measures in Tobago. Not too long ago I made a commendation to this very Minister when he presented the Bill on land development for taking Tobago into consideration. I must use this opportunity again to commend the Minister and the Government for considering Tobago; not that I am begging on behalf of Tobago.

I know it is all right because we sat in Parliament and we had disagreements and agreements, but we decided to give Tobago a certain amount of autonomy to run its own affairs. It is not like another county in Trinidad. The Tobago House of Assembly is not like the Ministry of Housing and Settlements or some other ministry in Trinidad. I must say it over again: Tobago was given a certain amount of autonomy under the law, and those of us having anything to do with leadership determined that we would keep and develop that level of autonomy on behalf of

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Tobago. We are not going to give it up at all, but we are going to seek to improve it. [*Desk thumping*]

That is why when this Bill came to the House for the first time and was passed in the Lower House, I went to the Leader and said that we from Tobago find it difficult to support it under the conditions. The Leader communicated with the Minister, and we are happy that the response is this Bill. The last set of amendments which came does recognize that the Tobago House of Assembly is the appropriate body to administer this measure in Tobago.

We in the Parliament who did the job—and I think that we did it with all sincerity—and the people of Tobago, are looking forward that all other bills which come to this House and all other legislative measures, would point out to what extent and how, the THA with its autonomy is going to fit into the bills, so that we can prevent all kinds of conflicts and duplications in the future. I do not think I must say this again for emphasis because it was said very clearly.

Our world is a small one and we must learn from the experiences of others. Not too long ago in our own region in St. Kitts/Nevis, there was a referendum about the relationship between one island and another forming the same government. I am sure we are all awake. We are a literate society and we are all alert to what is happening and we do not want to fail to profit from the experiences of those people. They started to profit from it, and I am seeing so much communication between both islands and leaders of the region intervening to see that a sensible settlement is made.

We do not want anybody from anywhere else to tell us how to run our business. We must voluntarily get together and decide as a twin-island state how we run our business. [*Desk thumping*].

I do not want to blame anybody for things in the past or the future because if Senators are fair and they check my stance, I do not like to be very critical. I like to commend where there is need to do so and make observations, but I am going to be very firm with our relationship between these two islands because it is necessary to be so for the good, first of the bigger island and then of the smaller one. It is the small flies in the ointment that make the trouble. [*Desk thumping*].

Madam Presiding Officer, I do not want to dwell any longer on this, but I think the message was clear. I look forward to our having many pleasant sittings here in the future as we seek to have legislation like this one, giving responsibility where it ought to be given and letting people share in the burden.



One of the great problems in our country is that we have too much patronizing. Many people figure it is their business to put leaders there and demand them to fill their bellies and their heads. We want that each man must pull his weight. We in Tobago want to pull our weight because we do not want when difficult times come, and in this bigger island things happen and leaders are pressed with responsibilities and difficulties that they have to think about Tobago. There would be people in Tobago, capable, careful and determined enough to do our business there and we can have the assurance that as we move here and there and together we have a strong nation going. [*Desk thumping*]

Do not have any fear, we are well able. We have the capability in all spheres as we have here and there is no reason to be afraid and suspicious or to think that our future would be jeopardized in having a cordial and mutual relationship existing between both islands. I say this knowing that we will take it seriously, and I mean every word of it.

Madam Presiding Officer, I thank you for the opportunity to intervene in this debate and I do support this Bill. [*Desk thumping*]

**Madam Presiding Officer:** This would probably be a good time to take the break for lunch. We will return at 1.30 p.m.

**12.25 p.m.:** *Sitting suspended.*

**1.30 p.m.:** *Sitting resumed.*

**Sen. Prof. John Spence:** Madam Presiding Officer, I had not really planned to speak, but my colleague here wants to speak, so I will put in a few minutes before him.

I am very sympathetic to the hon. Minister's philosophical thrust in trying to get this programme off the ground. I understand what Senators were saying when they called attention to the fact that it is an everlasting problem that they continue to deal with. Nevertheless, I feel that philosophically, the Minister is on the right track, so I support the Bill and his efforts.

I did, in fact, have one or two questions. One of my concerns, of course, as the Minister knows, is whether in trying to solve this problem we are doing some damage to some rural areas, especially our agricultural thrust. So I am very pleased to see that in fact there are clauses which suggest that in designating the squatter areas or land settlement areas, one of the criteria is that the land shall not be used for agricultural land. So I think that is a good concept.

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It occurred to me while one of the Opposition Senators was speaking and referring to the fact that, not this Minister, but some Minister in the future might use this provision to gerrymander, perhaps one might put in a clause somewhere along the line which, added to the criteria for making the designated area or the land settlement area, that there must not be by this process large demographic shifts. Perhaps you might think about that somewhere along the way.

I wanted to ask another question, just in general. I wonder if the Minister could say if, along the foreshore, Audrey Jeffers Highway, the buildings that have encroached on the sea, that is the reclamation efforts, meant that there may be some persons there squatting on Government land? As I understand it, high water mark is owned by the Government, so if you reclaim land, it seems to me you have encroached on Government land. I wonder if he would just tell us whether any of those properties are squatting or whether they have, in fact, received approval, lease or purchase of the land that they have reclaimed. Something that often occurs to me driving past those new developments along there.

Just one detail with the Bill, with respect to the areas that should not be used. I wondered whether there would be any reference to the new land planning bill in the sense of areas of interest, because there are designated in that new bill, a concept of areas of interest. The environmentally sensitive areas are those that are with the EMA, I think we have now suggested they come out of this Bill. The Town and Country Planning Act which was referred to in clause 19(a) did not have some of those designations. The Town and Country Planning Act does not refer to areas of interest, but the new Bill has some new concepts and areas of interest is one of them. So it might be advantageous to use that concept in this Bill as well, because it would not be captured in the Town and Country Planning Act.

Madam Presiding Officer, I did not have any other serious questions on the Bill. It seems to me that it is really attempting to move us forward. I hope it is successful. I hope we do not have to have the situation that there will be a number of other settlements to deal with frequently in the future and that the other efforts to provide people with shelter will be successful so that does not happen.

Thank you very much.

**Sen. Cynthia Alfred:** Madam Presiding Officer, I would just like to express one or two sentiments. First of all, having spoken after my colleague and friend, Sen. Moore, I was of the impression that prior to now it was the other way

around, that Sen. Moore would usually speak after I spoke. *[Laughter]* But this time, I have the opportunity and the privilege of speaking after him. I must say that, in fact, I was going to mention and I shall still mention something that he said when we were talking about the other land bill, when I made a submission in respect of a particular piece of road in Tobago. It was about the Providence Road. I think Sen. Moore took objection to some of the things I said. But I want Sen. Moore to know, that, in fact, we may be on different ships, but our destination is the same. *[Desk thumping]* So when I talk about Tobago or the Tobago House of Assembly, even if I may be critical, I am only critical because I want to see the best for the people of Tobago. *[Desk thumping]*

Today, when Sen. Moore, very, very eloquently—I congratulated him privately and I have to do it publicly—made his statements, I have to endorse most of what he said. You know, the point was made that when one has two islands the same way as we have Trinidad and Tobago, there is always the desire, perhaps on the part of the stronger, to take advantage of the weaker. That may be put in strong terms, but it is a fact of nature that the strong will prey on the weak. It was in order that we should have greater equality that this Tobago House of Assembly Act has come about—I am not talking so much about the present Act—as the whole issue of greater autonomy for Tobago, though some of you may not know or, perhaps, recognize that the genesis of this Tobago House of Assembly came from the People's National Movement. If one wants to dispute that statement, one only has to see me afterwards and I will tell that person from where that genesis came. Having said that, let me now go to the Bill before us.

**Sen. Moore:** I just want to clarify a situation. What I want you to understand in the reference you made about my statement to your reference of the Bill before, what I emphasized at that time was your reliance upon the reports you read, not on what you said. I ask you to be careful about those sources. Thank you.

**Sen. C. Alfred:** Thank you. Of course, who do we rely on? We have to rely on the papers. We take everything with a pinch of salt, but at the same time, we have to have our information from somewhere. I may mention that the road in question, I did visit it prior to this article and I was impressed. So that is why I was so concerned when I heard that there were landslides and so forth.

Now talking about the Bill, I have got the distinct impression that this Government, or certainly on the part of the Minister of Housing and Settlements, in his desire to bring relief to squatters, I think perhaps he has got a little emotional

and has taken certain things beyond—in some cases—our comprehension. Now, it says here—I have to look at both bills, that is the last one we got and the one we were told that was the actual or amended Bill. It says, in the last one we got, in the preamble:

“And whereas, in furtherance of its said commitment to improving living standards and to fostering healthy development, the Government is undertaking a programme to regularise certain squatter settlements and to prevent further squatting by providing an alternative solution in the form of land for the landless, with the intention of developing sustainable human settlements.”

Madam Presiding Officer, these words, “undertaking a programme to regularise certain squatter settlements”, to that we agree. But with regard to the words, “to prevent further squatting”, there are elements in this Bill which do not convince us that in fact, further squatting is going to be prevented, but it says so in the Bill, it is part of the preamble. It would be a dangerous situation if we were to say that we are going to provide a solution to end further squatting, but at the same time we try to perpetuate squatting by some of the clauses in the Bill.

For instance, in clause 12 it says:

“A late application made after the prescribed period shall be entertained by the agency or the Assembly for a further period of one year only...”

Now, if one is going to attempt to prevent further squatting, why has this clause been put in—that a late application made after the prescribed period and for a period of a further one year? This will encourage persons to go into a settlement and squat. In other words, we are giving them leeway.

**1.45 p.m.**

If we are going through this whole exercise with the intention of regularising squatting, we cannot in the same breath say that after one year we are going to still accommodate late application, because people are human and once they see what may be construed as a loophole then, of course, they are going to take advantage. So what I would suggest in a case like this, in order to prevent what would be an abuse of that privilege, that is, of saying that you were there a year before when, in fact you were not, when settlements are regularised, a numbering system must be put in place. Take a census of the number of persons. For instance, if there are 25 homes with so many persons in each home, you know the names of the persons

and may have a map saying that this person lives here—number one, two, three and so forth. If that is done, at any subsequent time no one could come and say “I was living here” or “I was squatting here for the year past”. So I hope that this suggestion, Madam Presiding Officer, will be taken into consideration.

I notice that there have been considerable pains to bring in the Tobago House of Assembly and that, of course, is very commendable. I would like to take issue with two situations that have arisen in Tobago. I go first to Louis D'or Land Settlement. I was informed that the residents of the land settlement area in Louis D'or were having problems in terms of their squatting. So I went and asked questions and was given this information: I was told that in 1984 persons who were desirous of occupying that particular section of land, approached the then Chairman of the Assembly, Mr. Robinson, who went to the place in question and told the residents—I am saying what they said—“Yes, this is good land for putting up houses.” He did tell them not to put up concrete, to ensure that they were wooden houses. There were persons in certain areas there who were rearing animals and paying a rent. They were asked to desist from rearing the animals so that the other persons—and some of them were included—could put down their houses and do some agriculture.

Madam Presiding Officer, when I went and saw the area in question, I am not talking about shacks, I am talking about well structured houses. I must mention that in Tobago where people squat, one would find that their houses are two or three bedrooms and I would explain why perhaps later on. These were solid houses put down by these people. One gentleman who is the leader in the village told me that after so many years and no one having come to tell them otherwise, they started reinforcing and putting down concrete. Further, Mr. Kenneth Murray who was then the representative for the area, went into the area and was able to get those persons electricity, water, and in some cases, telephone. That was fine. Later, the other representative, Mrs. Pearl Pollard, gave them all the encouragement they needed.

All that is all right but, Madam Presiding Officer, the people were told that—well I got conflicting reports but the bottom line was that—they had to stop whatever they were doing and had to move. Some of them were not sure about having to move. So I spoke to the Secretary for Housing and Settlements; I put the case to him and he told me in no uncertain terms that they had to move. So I said, “To go where?” I am not talking about shacks, I am talking about well set down

houses, flower gardens and so forth. He said they had to move. That, to me, is a matter for concern. All the persons in that area are worried, needless to say.

There was a controversy about a swamp. They were told that those who lived close to the swamp had to remove themselves—I do not know how they were going to remove these concrete houses but they had to move—because of aquatic pursuits that the Assembly intended to put in place. The residents, however, are saying that the existing swamp is not really a swamp in the real sense; in the dry season part of it dries up. They themselves were able to facilitate the drying by doing some drainage work and the water drained out and they were able to plant their agricultural produce. I am making the point because I do not see how those persons will have to move, but then I see there are provisions, I think in clause (c) of the Bill, for persons who are squatting.

Madam Presiding Officer, I would like to know when I or anyone else speak about Tobago and we raise matters like this, how those things go down—so to Assembly. We have two representatives here on the Government side and I expect they would take the measure back, but I do know there is great concern by the people of Louis D'or Land Settlement for their regularisation.

I heard of a similar situation in Speyside so I went there. One gentleman said to me that my going there was like the answer to a prayer because they were wondering what they had to do. He admitted, quite freely, that they actually went and squatted. He said the land was there, it was unoccupied for years and they squatted. Having done that and fearful of future ejection, they went to the then Chairman of the Tobago House of Assembly, Mr. Denoon, and he said that the Tobago House of Assembly then acquired 72 acres of land to regularise their position. Whether the land has been paid for, I am not sure because I was not able to get that information from the enquiries I made. However, if that is the case then, again, these persons who were also told that they had to stop what they were doing because there was the possibility that they would be removed from the area, is contrary to what is being said in the Bill, I believe. The fact is the Bill takes care of the different areas of squatting and this is one of the areas, again, which the Bill takes into consideration.

I would like, therefore, Madam Presiding Officer, to have the Assembly use the Bill in respect of these persons and have their positions regularised and further, I am asking that Speyside be put on the Schedule. Louis D'or Land Settlement is on the Schedule; Speyside is not but Speyside persons are affected. So I would like to

see Speyside put on the Schedule so that those persons' positions would be regularised.

I am not sure what the thinking or the position of the Minister of Tobago Affairs was or is in this whole scenario. It is my understanding that the Minister was on the committee that had something to do with this Bill, but in the course of the committee he made no submissions and then immediately afterwards, having gone to Tobago, he set out to attack the Assembly on its system of how it was going to deal with it. This is a matter that concerns all of us and I would strongly suggest that the Assembly as well as the Minister of Tobago Affairs get together and determine what is best for the people. There is a Bill and it is brought here for regularisation. Let them get themselves and their acts together and ensure that those persons who are affected receive some security of tenure.

Further, clause 25(4) of this Bill—I am going a bit away from Tobago now—refers to land in land settlement areas being used for small scale commerce such as shops parlours, *et cetera*. That is very good but in some settlements the possibility exists that some “big shark”—some person or persons who have the wherewithal—will come and establish large establishments in these areas that are designed specifically for persons who do not have land and who are trying to get somewhere to live. It would negate the very purpose for which this Bill, when it becomes an Act, would be put in place.

Again, there is the question of used-car dealers. We know that used cars are very rampant in Trinidad and Tobago now—perhaps rampant is not the right word. There are many used-car dealers in the country. For that I personally would say thank God because almost every family could get a reasonable car to carry out its business. Again, they are taking over lands that belong to the state and are setting up their businesses and certainly, those lands were not designed for people of that nature. The lands were designed for people who cannot find land of their own. In other words, if you are a used-car dealer, obviously, you should be able to purchase your own property.

The Government must understand that when we are asked to support a Bill like this, it must look in all the areas because the very nature of the drafting of some of these clauses could negate the purpose, and the purpose is to have—as was said in the Bill—land for the landless. Of course, the point is made that in any area where there are people, there would be the need for certain basic facilities such as pharmacies, *et cetera*—facilities that people must have. One has no

objection to pharmacies and so forth being set up in these areas. In other words providing services that people need, so in a case where it is what people want that is a different matter.

Finally, Madam Presiding Officer, a considerable amount of thought has been expressed about people squatting. Sen. Dr. Mc Kenzie made the point that it is time the Government recognizes its responsibility to the people of this country and cease to be a squatter itself. There are too many instances where Government has acquired land and the people have not been paid. It has happened in all governments and the fact that it might have happened in previous governments does not necessarily make it right. We have a Government in power now and the Tobago House of Assembly, and we would expect that in all areas where land has been acquired for use by the state, that the state should take all the necessary steps to pay these persons for their land. We know of instances where people have died waiting on moneys for their property. It is time that Government stops being a squatter and look at this situation from a holistic point of view and not confine itself just to one narrow section which is: provide land for the landless. This is fine. However, in doing so, let them also provide the moneys for those who have been dispossessed.

Having said that, Madam Presiding Officer, I thank you and I reiterate two points. One, that Speyside be put on the Schedule; and two, that the Tobago House of Assembly gives further consideration to those persons whom I have spoken about, that is in respect of regularisation. If they have to stop what they are doing now that is not a problem, but to be told categorically that they have to move, the question is: move where? There has to be dialogue and there must be consideration by the Assembly for those persons and, indeed, for other persons. I only went to those two areas but I see on the Schedule, that there are other areas. Consideration might be given to all persons whose security of tenure needs to be regularised. My final point is that the Bill cannot, in all its many pages and amendments, talk about preventing further squatting and immediately afterwards go on to say, "Yes, but we will stretch it out." If it is stretched out we will have squatting *ad infinitum* and that, of course, would not be doing the country any good.

I thank you, Madam Presiding Officer.

**Sen. Rev. Daniel Teelucksingh:** Madam Presiding Officer, just a few comments. I consider the State Land (Regularisation of Tenure) Bill to be an admission by the state that it is at least partially responsible for the chaotic



situation of uncontrolled and unregulated squatting that has mushroomed across the country for decades and this today constitutes a very complex problem.

Madam Presiding Officer, I see this legislation as belonging to the genre of crisis legislation. A disappointing feature is that the squatting crisis has been allowed over the years, to evolve into an almost irreparable disaster for us. That is my first comment. It is a pity that it is only when we are under pressure and there is a crisis that we seem to act.

The Appendix is showing us, as Sen. Dr. Mc Kenzie reminded us the last day, that so far there are over 250 squatting settlement areas across this country and some of them so thickly populated. All the old train line lands have been crowded and buildings in the inner city—it seems as though they have to go up now. I am not being pessimistic but I cannot see how this Government or any government within these 10 years before us, could really remove squatters who have established themselves on, let us say, environmentally sensitive areas. We know how important the hills are, for example. Put together the last regime and this administration and another one to come, do you think we can move those houses from the hills? I wonder if we could move them. How are you going to do that? Yet we know they should be moved because they are a threat to the nation's watershed. I have a problem with that.

I feel very sympathetic towards this Government and previous regimes. I am very glad that Sen. Nafeesa Mohammed quoted from a 1977 decision or a promise or an effort by Dr. Williams' government. The Senator quoted from a 1977 budget speech where he made a promise to regularise squatting. I want to complement that with another quotation two years after in 1979, a statement made by the hon. Minister in the Ministry of Finance in the House of Representatives. I quote:

“The Prime Minister, on Saturday evening last, summoned to his residence the Minister of National Security...to discuss with them...”

That is with him and others.

“...his growing concern over the increasing incidence of squatting throughout Trinidad and Tobago. The Prime Minister directed that anti-squatting patrols should be instituted that very evening...The Prime Minister also instructed the Minister of National Security to have the Ag. Commander of the Defence Force institute marine patrols...”

The committee met and there were some recommendations.

I continue to quote from the statement made in the House of Representatives on January 19, 1979:

“Following upon Monday's meeting, the Chief Executive Officer, National Security Council, organised the immediate commencement of extended night time patrols by a joint Army, Police, Immigration and Ministry of Agriculture team.”

**2.05 p.m.**

“These patrols observed a number of squatter shacks being erected and came upon several squatters whose notices have already expired.”

Cabinet decided:

- “i) that the joint patrols be continued until further notice;
- ii) unauthorized structures under construction be demolished immediately.”

And listen to this comment and this is why I feel very sympathetic for governments in the past and the present one.

“vii) unauthorised structures which are a threat to the country's water resources should be demolished immediately. (WASA, the Fire Department and the Conservator of Forests have all condemned the environmental mal-practices which result in the removal of forest cover, the spread of uncontrolled bush/forest fires and the contamination of under-ground water sources.)”

This was in 1979.

Here there is a comment by Sen. Mohammed which tells us of the caring concern of a previous government, and another one two years later which expresses the frustration of that government and these two factors have been playing over the years. Our concern for providing housing for our people, and the continuing frustration over our inability to find answers. I know it is very difficult for the present Government to find the answers and I see many inadequacies in the Bill.

Madam Presiding Officer, on that score, I notice in the course of this debate, and particularly coming from the Opposition, a kind of fear, and it is not only from the Opposition, but the Independent Senators referred to this. Possibly a very important proposal from this Government, through this piece of legislation is the

identification of settlement areas and I hear this coming through. It came across just now from the Leader of the Opposition Bench, a kind of fear of politically controlled demography and to use her term, "a fear of deliberate population shifts". Both Opposition and Independent Senators expressed that concern. We expressed a concern, they expressed a fear that this establishment or introduction, or identifying of special settlement areas could create a problem and could be used politically.

I am persuaded that the suggestion of creating settlement areas is an excellent suggestion. What this Bill is really doing is controlling squatting and I feel it is a good idea among all the ideas from Dr. Eric Williams' to now. We need to identify certain areas for housing, controlled squatting should be monitored, and there should be supervised squatting which is what the Bill is about. I think there is something good in it, but we find the Opposition saying it feels that when that is done, there can be manipulation. What is being manipulated? The movement of people. Certain people are being transplanted from areas which are considered to be environmentally sensitive and put in other areas.

I would say to both parties that the squatting problem must not be a political issue, it cannot be, and neither should it be an electoral issue. I am very disappointed that this matter has come up, but if it becomes an electoral issue, we are going to have a stalemate and people are going to continue to do what they like. What I want to propose and I really believe it is a good idea, namely, I support the idea of having special land areas delineated and set apart as what is called settlement areas. For the establishment of these settlement areas, the two major parties must understand it is a good proposal and there must be no conflict at all with the establishment of those areas. It must never be an electoral issue. If there are houses to be placed in a particular community, both parties must not use it as a platform issue. So far, I really believe that identifying special areas for this category of the landless is one of the best ideas in many years. For the Opposition or anybody else to see a problem in order to stymie the decision or any kind of action on it, would make me feel very sad and I would not like this. If at all there is a problem here, then people would continue squatting as they do. They would go up on the hills if the Government and the Opposition cannot decide on special settlement areas, then we are going to continue with the chaos and the two parties would be responsible for that.

There are two points I want to make again; one to elaborate on a suggestion by Sen. Daly which is his amendment (b) to the fourth recital of the Bill where he

preferred to speak of those who are extremely disadvantaged and require assistance to obtain shelter. I want to add a little more to that, I really believe that there is a category of the homeless and landless. I understand they are not called vagrants anymore they are called the socially displaced, but I prefer for the time being to talk about the vagrants.

Madam Presiding Officer, this is the category of the real homeless, these are the dispossessed we are talking about. They continue to sleep under the Port of Spain shops and stores, they roam the streets, some are mentally ill, society's human wreckage, they are Trinidad's real underclass, they are the classless. Some of them do not even have the strength to squat on state land so they squat on pavements and under stores.

This is where real housing for the landless should begin and somehow or other this Government is talking about the socially displaced and doing this and that. The last regime did also, but somehow or the other, this particular group of the landless are still landless and they are still squatters on pavements and under bridges and so forth and it is a pity that we have not been moving as we ought to, to deal with them. Without being rude to anyone, let me add that Amoco could find a house in Port of Spain, and the Association of Caribbean States could find a house in Port of Spain, but the homeless and the landless who belong to the society cannot find a place in Port of Spain. I am worried about that because it is going on for too long.

The last point I want to make is the one which Sen. Dr. St. Cyr touched on, in that there are new families in Trinidad and Tobago and there is need to look at housing for the new families. I do not see the squatting problem as being confined only to this debate and I wish that the Government in another forum deals with the population policy as quickly as possible for Trinidad and Tobago. Population growth and housing are like two wheels of the same bicycle, it needs to be dealt with immediately, just as seriously as it is dealing with land, it has to deal with new families.

When teenagers who are unprepared for the job market, themselves coming from poor families, some are school dropouts, some are still at school, unmarried, not ready for parental responsibilities become parents, young fathers who abandon mother and child, then the frightening, social dilemma begins to take shape and we are faced with new families and we must find housing for them. In fact, I cannot see the hon. Minister doubting that one may find in many squatting areas in Trinidad and Tobago, a very dense population.

In the squatting settlements, there are many children roaming all over the place and this very sensitive issue of a population policy must be worked out through the co-operation—it must not be a Government policy, I know what is the meaning of Government in Trinidad and Tobago. Government means that Bench—and consultation involving all the major political parties, and other social partners. We need to get a national population policy which seriously considers some of these issues like parental responsibility and so forth. Maybe another time we are going to talk about the size of households, but I would like to close by commending the Government for bringing this piece of legislation before us.

Notwithstanding all the amendments and so forth, I really hope that we would see that this is a national problem and not a Governmental problem, therefore we need the co-operation and understanding of all.

Thank you very much.

**The Minister of Housing and Settlements (Hon. John Humphrey):** Madam Presiding Officer, what I would like to do in winding up this debate is establish the context in which we find ourselves. By some accounts, 50,000 squatting families, by other accounts, 30,000. I believe that the figure is somewhere near 25,000 on state lands and an equal amount on private lands, so it is in the vicinity of 50,000 families.

Mention was made of the PADCO/Laughlin Study which in fact, is a study which has guided the work of my ministry in terms of the assessment of housing needs of the whole population. That survey recommended that Trinidad and Tobago, between 1995 and the year 2,005 would require 115,000 units, which is an average of 11,500 per year.

### **2.20 p.m.**

Madam Presiding Officer, let me just point out to the Leader of the Opposition that when the late Dr. Eric Williams presented a very comprehensive housing policy—in fact, it was the very first comprehensive housing policy ever presented up to that time—it required that 6,000 units per year be delivered to arrest the trend of squatting.

Let me give the facts as they have been established. Between 1973 and 1995, a period that included the decade of the oil boom, 19,388 units—under 20,000—were built by all agencies of the state, when the housing policy that was enunciated in 1978 recognized the need for 6,000 units per year. That averaged 900 units per

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year. In providing the 20,000 units in those 22 years, almost \$2.5 billion were spent. That gives an idea of what occurred when money was not the problem. That means that about \$111 million were spent per year to produce 900 units, and that averaged about \$124,000 per unit. On the basis of that unit cost, if we multiply the 115,000 units required in the 10-year period, we will need \$14.26 billion in the housing budget, which is \$1.4 billion per year for 10 years.

The Minister of Finance is here now. If he would guarantee that the Ministry of Housing and Settlements be given \$1.4 billion each year for 10 years, we would solve the problem with the methods that have been used up to now. We know that he would not be so generous. In fact, if I should get one-tenth of that, I would be more than happy. The situation as it now stands is that there is no housing fund. After the expenditure of \$2.5 billion, we are left with no funds established for the purpose of delivering housing units to the population.

Let us look at Singapore. In Singapore, they have established a contributory fund. The moment a person has a job, 15 per cent of his income goes into that provident fund. Out of that fund comes the provision of shelter, insurance for health and pensions for citizens. Every family in Singapore is adequately sheltered today and they never had an oil boom. In fact, they do not have any oil.

Through the proper management of money and a revolving process where what one puts in today comes back to one tomorrow, they have been able to provide shelter for all citizens. After we have spent the money we did, we have no such device. I am hoping that in the budget our Minister of Finance will be presenting very soon, provision will be made to enable that. We have spent \$2.5 billion and there is no money dedicated to housing. Each year we have to negotiate with the Ministers of Finance and Planning and Development to get an allocation for housing.

Only one state agency has developed its own housing fund, which is a revolving fund. That agency is the Sugar Industry Labour Welfare Committee. That Committee has derived its funding from a meagre cess which is exacted from every tonne of sugar exported—not produced, but exported. A small sum is applied to a special fund for every tonne of sugar exported and it is managed by the Sugar Industry Labour Welfare Committee.

I spoke to members of that committee only yesterday and they have advised that they have accumulated \$35 million in their fund. These are from very, very meagre contributions. The record of achievement of that committee is remarkable.

In the period when subsequent governments spent billions, they spent about \$10 million and produced 694 serviced lots and 2,981 houses. To me this points the way for us to go.

The Sugar Industry Labour Welfare Committee has not been a burden on the Exchequer. In contrast to that, where the state, in 22 years, spent \$2.5 billion and built 19,500 units, squatters built 25,000 on state lands and an additional 25,000 on private lands, which has cost the Exchequer nil. There has not been a cent allocated in any budget for squatters and yet these citizens of Trinidad and Tobago have recorded a far better result in delivering units than has the state which has spent \$2.5 billion. Madam Presiding Officer, if the \$2.5 billion were available to the citizens themselves to manage, they would have satisfied their housing requirements. Squatters have proven that.

What is the key to the success of that sector of the housing market? It is that nobody paid anything for the land. Squatting families accessed land free, so that their resources, meagre as they were, were concentrated on the provision of shelter. Admittedly, the quality of shelter is not satisfactory to any Senator and certainly not for me, but it is better to have a roof over one's head, humble as it may be, than to be outdoors on hot days and cold nights. One could not survive for long if one did not have shelter; if one did not have a place in which to lock one's little possessions. They would not be ours for long. We know that.

So, what do we do to meet this phenomenal target of 115,000 units in 10 years. In my view, the squatters have shown us how to do it. Land could be distributed to all who need it at an affordable price. The market is there for those who can afford to access it, but for those outside the market, if the state could make provision to enable them to access land at an affordable price, then we are well on our way to solving the shelter problem. If you add to that, credit that is available to the poor, again, at affordable rates, you got the land, you got the resources to provide the shelter. So that is what we were seeking to achieve.

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

The aim of this measure and other measures is, in fact, to achieve in the not too distant future, a situation where every single citizen of Trinidad and Tobago will enjoy security of tenure, piece of land that belongs to that citizen and his family and shelter that belongs to them. Madam Presiding Officer, try to imagine what that is going to do to our country. We have seen the poor struggle year after year to improve their homes, even when they are squatting. It becomes an important

investment for them as it is for every citizen. A family home, perhaps, is the most important investment in the life of the leader of that family. Of course, some people are so well-off they can have a primary home, they can have a resort home on the North Coast and one down the islands and so forth. A primary residence is the most important, single possession that any individual in this world could have.

Madam Presiding Officer, since we know that this is important to our species, we know that a lifetime of investment is going to be spent on improving that possession if it belongs to us. That is what we are setting about to do. We have, in fact, been able to persuade my colleagues that apart from solving the land problem which this does—and let me explain why it has been extended to settlement areas and not confined to squatters—if you give certain citizens soft terms to enable them to access ownership of land, you cannot deny other citizens those same soft terms. The Constitution does not permit you to because under the Constitution of our country, which is the supreme law, any public authority is expected to treat all citizens equally. So citizens have equal rights to the services of the public authorities. We, therefore, had to extend the principle of squatter regularisation to those who are landless and who cannot access the housing market. The Constitution requires that we do it so we did not have difficulty with that.

How does one access credit for the provision of shelter, having achieved the possession of the land? All of us know if one goes to a bank to make a short-term loan, 20 per cent interest per annum is paid. What the poor does, is that having gotten a piece of land, they do not go to the bank to borrow. They put up a little shack, bring their family into that shack, and week after week go to the hardware store and buy a bag of cement this week, a couple lengths of timber and couple sheets of galvanise. Over time, they are saving in a hardware bank because it is serving as a bank. Instead of putting money down, material is bought and the hardware store is holding it for you because it is yours. When you are ready for delivery, it does not matter what the prevailing price is, it is yours so you just go and take it.

Then you see a little shack on a site. All of a sudden columns, a beam and a slab is constructed, and very cleverly. The wood that is used for the form work of the columns and the beams are very carefully used, so they can continue to be used during the construction process as timber for the roof. They use as form work for the concrete slab, galvanize sheets. Very carefully they put a polythene cover on them, pour their concrete and when the concrete is set take off the sheets carefully and then build their roofs with it. So these are the things we have been observing.



There is an institution working in the world today that has proven very successful, indeed, in delivering shelter for the poor. It is dedicated, in fact, to the poor of the world. It was established in the United States and was named “Habitat for Humanity”. A former United States President, President Jimmy Carter, was so enamoured with what he saw that he associated the rest of his life to supporting that initiative. I have had the privilege of meeting the founder in Turkey when I represented Trinidad and Tobago, and then he came to Trinidad where we previewed a Habitat for Humanity component.

In discussing things—he is a Christian missionary—he pointed out to me that if one reads the *Bible* carefully, if you read the Jewish *Torah* and the *Quoran*, one is going to find there is a basic precept that is shared by these three great religions of the world. That is, interest is usually an offence against God. Christianity, Islam and Judaism reject interest but the only religion that has, in fact, made it a tenet of its civil policy is Islam. Judaism uses interest; some of the richest men in the world are Jews by virtue of their managing money and, of course, we are a society in which we are Christians and we know we use interest. How Habitat for Humanity has succeeded, is in enabling the poor to access materials—not labour—interest free. They are given interest-free loans for materials and they rally the community to provide the labour at no cost.

President Carter is the leading US citizen who has demonstrated that he accepts that principle, that shelter is so important to our species he would spend his time in retirement giving free of his labour to provide shelter for the poor and more and more of the citizens of the United States. In fact, today over 60 countries of the world have adopted it and they are producing tens of thousands of housing units for the poor in different parts of the world. So the success of that programme is the fact that an interest charge is not imposed on the credit.

I have argued that that principle of Islamic banking, which is no interest banking, is the right principle. For anyone who understands it, you would realize that it is a system of money management that requires production. For a bank to survive it must get a return on the money it lends but the banks in Islam do not lend money for interest. They invest as partners with their clients in productive enterprise and share in the profit of the enterprise. It, therefore, is incumbent on the bank to ensure that the companies make profit. So the bank employs the best business minds and lends them to their partners to ensure viability and profitability of their ventures.

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I espoused that as the ideal way to manage money to achieve production. I will concede that the conventional western capitalist way of banking where there is a charge on the credit, is good for consumption because it puts a brake on consumption. So I like to think of any moving system or object as having a means to accelerate and a means to decelerate. If your car did not have an accelerator pedal and a brake you would not survive for long; you need both. So I think if countries like ours would consider adopting the principle of Islamic banking for production and the principle of western capitalist banking for consumption, we would have a good balance and we would be a highly efficient society. Getting back to the point, if the poor do not have the burden of interest to carry, they can, in fact, carry the debt.

I have not been able to persuade my colleagues that they should abolish interest altogether in money that is loaned for housing, which is what I would do quite frankly, if I have the power. However, I have been able to persuade them to adopt a compromise. The compromise is that since there is a state agency, Trinidad and Tobago Mortgage Finance Company—managing mortgages—if the Minister of Finance permits that agency to raise funding on the market by issuing bonds and agrees to subsidize the rate of interest on the bonds, that institution would be in a position where it would have a surplus. What we are doing is using that surplus to enable the poor to access credit at concessionary rates, so the institution would lend to everyone, rich and poor, but it would lend to the rich at market rates of interest and it would lend to the poor at very concessionary rates.

In fact, I said at the conference, first interest increment free but the first increment is a mere \$10,000 and, in fact, the scale of interest that has been agreed to by Cabinet: \$10,000, interest free; \$20,000, 1 per cent; \$30,000, 2 per cent; \$40,000, 3 per cent; \$50,000, 4 per cent. Who is talking about the provision of starter houses? I think everybody over there agrees that is the ideal thing to avoid shacks and shanties, to help people get started. The sum of \$50,000 in the hands of any one of our families in this country will give a \$75,000 value house because friends and relatives will work together, and hopefully with Habitat for Humanity principle more of us will get involved. It means, therefore, our poor can get started.

The problem we have at the gateway to San Fernando is very temporary. As soon as this is in place—and it is only a matter of weeks before we have it in place—every one of those persons can access these concessionary funds and, therefore, provide a decent house. Unfortunately, we did not have it in place when

the urgency presented itself that we needed to move them from the San Fernando waterfront and we had to move some to enable the highway to be continued.

**Sen. Mohammed:** What about the Grand Bazaar?

**Hon. J. Humphrey:** I could explain that. The Leader of the Opposition was very concerned that we are trying to cater to a particular friend. There are people who are squatting on the highway reserve, north of the Grand Bazaar, who have to move. The Ministry of Works and Transport is not tolerating the presence of squatters on the highway reserve—a very good reason. They had to move. The owner of the Grand Bazaar was short of car parking places to get his planning approval because of the yardstick presented by the planning authorities. He applied for temporary use of state lands to the north of the Grand Bazaar, for accommodating cars and for establishing green space. As Minister, I advised him that if he wants access to that he must provide shelter for those who are affected. It was agreed—and I designed the houses myself—that he would provide houses.

**Sen. Mohammed:** Where?

**Hon. J. Humphrey:** In Bamboo Settlement No. 3. The sites have been identified.

**Sen. Mohammed:** Not for all.

**Hon. J. Humphrey:** All of them were identified but there is some little mischief being made in there.

**Sen. Mohammed:** Do not go accusing poor residents. This is a genuine concern.

**Hon. J. Humphrey:** It was agreed. I met the residents and presented the plan which I designed—a plan with the addition of one wall to give another bedroom. So it is a two-bedroom house with a kitchen, living and dining room with a bathroom and with the addition of a single wall would give another bedroom for \$50,000; the same space as John John Towers that cost in excess of \$280,000.

**Sen. Shabazz:** Do not go there.

**Hon. J. Humphrey:** Listen to that, “Do not go there.”

**Hon. Senator:** That is the man who called you “Botha”.

**Hon. J. Humphrey:** Do not go to John John because John John is some special part of Trinidad and Tobago.

**Hon. Senator:** They want to promote apartheid.

**Sen. Mohammed:** Two beautifully painted water tanks.

**Hon. J. Humphrey:** The PNM, the representatives of that part of the city, were invited to the presentation of the design for the redevelopment of Picton, John John and they were told that to enable this design to materialize, those two buildings were to be sold in order to get the seed capital to get the process going. They knew that. They committed themselves and I know Sen. Montano will call me a liar because I can assure him the first opportunity I get on a public platform, I would say everything I said here because it is the gospel truth. I know because I was the one politician who stood up to it—faced the guns.

Madam Presiding Officer, what were we doing in that area? Mr. Jack Warner had agreed to purchase those buildings. [*Interruption*] Listen to it again; a campaign against the likes of Jack Warner keeping John John Towers for the fire victims of John John. Sen. Rev. Teelucksingh had said it publicly, “Give the towers to the fire victims.” The fire victims were squatters on state land. We have a Constitution that requires equality of treatment and Sen. Rev. Teelucksingh is saying to give the squatters on state land who lost their houses by fire in John John, those buildings that cost \$280,000 per apartment. Then what do you do with the rest of the squatters in the country who by chance will lose their houses by fire?

**Sen. Rev. Teelucksingh:** Thank you very much for giving way. I do not want to make a speech.

**Hon. J. Humphrey:** You are not permitted to; you could only answer the question.

**Sen. Rev. Teelucksingh:** I think my problem is that when politicians make promises they must keep them. [*Desk thumping*]

**Sen. Daly:** And you never said give.

**Sen. Rev. Teelucksingh:** This is where I am coming from. I am not saying that we must give. No, I think that priority should be given to the people around. This is important. Not give at all. I do not believe in the “gimme gimme” thing. Thank you very much.

**2.50 p.m.**

**Hon. J. Humphrey:** In other words politicians who make promises must keep them. Well then, the promise was not made by the politician. [*Desk thumping*].

The promise was made by the PNM when it was in office, and the towers were completed while they were in office, and the list of the recipients of those towers was presented by the National Housing Authority to the Minister of Housing who took it to their leader the then Prime Minister who vetoed it, and that is the fact. Call me a liar, Sen. Montano if you like, but that is the fact.

Madam Presiding Officer, let me tell you what the presence of Jack Warner in the John John Picton area would have meant; and I want members to listen because everyone who has intervened in this issue has prevented this from happening. Mr. Jack Warner is the President of Concacaf. Concacaf is the regional organization representing the Americas and the Caribbean for FIFA. FIFA is a world football federation that has US \$5 billion in reserves.

How many years of the budget would that finance, Mr. Minister of Finance?

**Sen. Kuei Tung:** Three years.

**Hon. J. Humphrey:** FIFA can finance the budget of Trinidad and Tobago for three years.

**Sen. Shabazz:** So you give Jack Warner what he wants.

**Hon. J. Humphrey:** In addition, the then Secretary of FIFA before the last election when Mr. Havelange was replaced by the new President, was the candidate that Mr. Warner was supporting for Presidency and he had founded an organization called SOS for children in villages, and they had already spent US \$250 million out of their reserves for little poor children in villages; and Mr. Warner put me between these two gentlemen to plead the case for John John Picton, and these two gentlemen agreed to co-sponsor the development of that area. All this was known by the PNM representatives.

When I said, I will go on bended knees to beg Jack to reconsider, I knew who the beneficiaries would be, not for me, but for the people that they are supposed to represent, Madam Presiding Officer. They are supposed to represent those people, they are PNM constituencies. Shame on all of you. [*Desk thumping*]. Not you, Madam Presiding Officer, but shame on all of them in the front row. They have lost it.

Do you have a question to ask or you want to make a speech?

**Sen. Montano:** Question. You are suggesting that the \$3,000,000 for the Towers, that the Towers should be sold and the funds used for low cost housing as opposed to \$1.8 billion being spent at the airport? Is that your priority? [*Desk thumping*].

**Hon. J. Humphrey:** I would not even consider that stupidity. *[Laughter]*. I am not going to be side-tracked by nonsense, Madam Presiding Officer. The 23 units in the John John Towers were going to start the process of providing 400 units on the hill.

In addition, Mr. Warner had committed himself to sponsoring the Tokyo Steelband. But, they do not care about Tokyo. So, that has been lost. You do not want Warner. You get your people to write all sorts of insulting graffiti all over the place. It is such a valuable edifice for them, yet they get the people to go and deface it.

**Sen. Shabazz:** John, you getting on as though we cannot take care of ourselves.

**Hon. J. Humphrey:** Anyway, let us get off that subject. Let us get around to Member's contribution. Now, Sen. Joan Yuille Williams had asked the question: Would squatters be any better off? I am sure she knows that all the squatters will be better off. In fact, if you go through the schedule of areas to be regularized, you are going to find there are more PNM areas being regularised than any other areas.

If in fact, you feel that this legislation does not put people in a better position than they are in today, I would suggest, Sen. Yuille-Williams, that you recommend to your colleagues down below, in the House of Representatives, that all the PNM areas be removed from the schedule. I am telling you, down there, they supported this fully.

**Sen. Mohammed:** So you would not build any houses at all.

**Hon. J. Humphrey:** Now, she boasted about building houses between 1991 and 1995, and in four years the PNM had the very distinguished record of building 300 houses, when in fact in that four years, over 40,000 were required. So, I do not think that is a good record.

She was concerned about the landlord/tenant relationship. Tenants who could access their own land would remain tenants for long. What we are doing in regularising squatters, is seeking to regularise occupants—people whom we find in possession of those houses—not anyone who might be a tenant or someone else who claims the ownership.

Sen. Yuille-Williams also expressed concern about the one-year period for the certificate of comfort, and that concern was repeated by other Senators.

**Sen. Jagmohan:** Madam Presiding Officer, I am glad that the hon. Minister has given way for a small comment.

I like the place: The Grand Bazaar. I go there nearly every day, for different reasons. Is the Minister aware that there is a very unusual situation existing there? The toilet system is malfunctioning. The odour it gives to the entire surroundings—there are so many restaurants selling food; tour organizers take tourists there; and so forth. Could the Minister, through the same contact, do something about alleviating that situation? Thank you.

**Hon. J. Humphrey:** What I propose would alleviate it.

Now, the concern about the one-year period. If you give people a year in which they can access a certificate of comfort, Senators feel that is a means of encouraging them to go and squat in that place. But there is a cut-off date.

The certificate of comfort is something we invented. We invented it because there are letters of comfort—I think members know about them: when you are entering into an agreement, if you just write a letter of comfort you are assured that the agreement would be positive in its development. We know about it; it is a formal thing.

Our thinking was: We have got all these squatters on state lands. We are passing legislation that will enable them to eventually own the land, with a 199-year lease or title. How do you reach from where you are now to there? These are poor people, otherwise they would not be squatting—there are exceptions, it is true. People take advantage of the system. We felt that the legislation should provide a statutory base. In other words, on passage of the legislation all who qualify and are scheduled know that they have a 30-year lease, by virtue of this.

But how do you take this to the bank? How do you go to the bank and say, “I am in this schedule in the legislation and I have a 30-year statutory lease?” The bank is not going to lend them the money. If you have evidence that you do, in fact, have the statutory lease then you can go to the bank with it. You can go to TTMF and borrow the concessionary funds that I described.

**Sen. Mohammed:** With the certificate of comfort?

**Hon. J. Humphrey:** Yes. It is going to be a fancy one. I will have a part to play with its design. It will have a seal. It is going to be an official document. *[Desk thumping]* In fact, the legislation makes it fact.

Now, the amendment which has been proposed by Senators, which has been accepted—

**Sen. Mohammed:** Would the hon. Minister give way?

To get a certificate of comfort, you have to be deemed as living in a dwelling house on a particular site. What machinery and mechanism will you put in place to ensure that a person is in fact living on that property, occupying that dwelling house?



**Hon. J. Humphrey:** Well, quite obviously, many things will have to be done. Aerial photography was completed at the end of December last year. Maybe one or two shacks will not be seen because they were under thick tree growth but, by and large, the areas of squatting settlements are very easily seen in the photographs. Those photographs are very accurate. In fact, you can develop them to any scale. So you could actually look at the photograph and know that house was there, before the appointed date. You can, in most cases. If, by chance, there is a house under a tree, we just need two people to swear to an affidavit—I hope you do not charge very high fees to facilitate them.

Left to me—I operate on the basis of trust: I trust all my brothers and sisters. Now, if you breach the trust then I think twice. But, by and large, I trust all my fellow human beings. So the one-year period is nothing to worry about. This system is in fact designed to encourage them to come—

**Sen. Mohammed:** And squat.

**Hon. J. Humphrey:** No; to regularise—come into the office to get the certificate, because you need the evidence that you have the lease.

**Sen. Mohammed:** You need to tighten it.

**Hon. J. Humphrey:** This is tight enough.

Now with the statutory lease period, how would it be known what area is subject to the lease? In the legislation, we have said “5,000 square feet, more or less.” If you go into any squatter area, you are going to find that the neighbours have agreed on their boundaries. Each person knows where the land which he claims is located. In fact, many of them have built fences. In the old days, we used to plant Rhio—I do not know if Sen. Shabazz remembers this? Rhio plant was accepted as a mark—just like a surveyor’s mark—because of the spirit of co-operation that existed in those communities.

A boundary between properties is really an agreement between neighbours. That is what it is. All a surveyor does is confirm it by marking it. And all a lawyer does is write up the deed and title with reference to the survey mark. The important thing is, that we agree this is mine and that is yours; no dispute.

We dealt with the concern about dislocating the squatters. I think the reference was being suggested that we are deliberately manipulating a settlement pattern for

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electoral advantage. I say “Evil is in the eye of the beholder,” because nothing could be further from the truth. In fact, the Leader of the Opposition, in the other place, laid the same charge. I have even heard it said that Minister Sudama was deliberately bringing people into a place called Blitz Village, in the constituency of San Fernando East. I walked with the file. There was an officer called “Sudama”, certainly not Minister Sudama. *[Laughter]* And this entire area was regularised under the previous government; not under this Government. *[Desk thumping]* Here are the documents, for your perusal.

Sen. Prof. Kenny used the example of Las Cuevas and in fact described the settlement pattern there. I think he will be delighted to know, if he does not already know, that we are in fact regularising all those residences; treating them as a legitimate community. The developers of the resort have agreed to co-operate in the process. There is land exchange going on, to enable it. It is a beautiful project! It is in fact an example of how you can regularise so-called squatters and create a beautiful community.

Private land—it is a concern to all of us. We could not very well include squatters on private land in this legislation because we would be denying the right to property. What we are trying to do—and we have recognized that if you deal with the owners of private lands which are squatted on, on a case by case basis, you can in fact assist them in regularising their squatters. To me the easiest way to do this is, to identify another piece of land which is not encumbered, owned by the state, and do a land exchange.

**Madam Presiding Officer:** The speaking time of the hon. Minister has expired.

*Question proposed,* That the hon. Minister’s speaking time be extended by 15 minutes *[Sen. W. Mark]*

*Question put and agreed to.*

**Hon. J. Humphrey:** Sen. Daly has expressed, in my view, an ideological and philosophical position in terms of squatting, where he was recommending that we deal strictly with the squatters that are there, seek to regularise them and stop further squatting. But it was in direct contrast to his own expression of concern for the poor children—if Senators will remember —“...having to leave their homes to find water, getting up early in the morning to go and get water, and then having to walk for miles to get a car to go to school, how could they possibly compete with

the children of the affluent?" It seems to me that if Sen. Daly is that concerned about the poor children, he should recognize that if in fact we improve their conditions, give them security of tenure, enable them to borrow to improve their homes and therefore bring electricity and water in their homes, that we will improve their opportunities for education. So I think that Sen. Daly will support this Bill.

**3.10 p.m.**

Sen. Montano, I will go publicly and state what I personally experienced at Red Hill, Morvant when I got a call when Sen. Donaldson was the parliamentary representative for that area. I was actually sitting in my constituency office, the home of Prakash Singh and his family in St. Augustine, that had been demolished by the then government. When they demolished the house, I went to the court under a constitutional motion to fight the matter, mobilized the community, rebuilt the house and, to protect it, established my office there.

My fancy desk was right next to the bed where the entire family slept. The banner was as big as the house—Constituency Office—and the lawless regime of the PNM, [*Laughter*] while the matter was pending in the court, broke it again. In other words, there was the State Lands Act which said that if a squatter was on state lands, the person could be removed by complaining to a magistrate, then the magistrate would determine the matter. But, that procedure was not used; they broke it down. After they broke it down and I rebuilt it, it was broken again, only to find that he was not a squatter.

**Sen. Mark:** Lawless PNM.

**Hon. J. Humphrey:** So, that government then did not allow citizens to seek remedy in the court. I would not share with Senators opposite what that was forcing me to do. One of these days, I will write it and, after my death, it will be published.

**Sen. Mohammed:** Before please.

**Hon. J. Humphrey:** Concern was expressed that I have said on many occasions, and I will repeat it again, that we do not need a Ministry of Housing, we have the National Housing Authority. What is needed is a Ministry of Settlements, which includes housing. That is what is needed. Finally, the Prime Minister made a Minister of Settlements because I was called Minister of Housing and Settlements with responsibility only for housing.

**Sen. Mohammed:** What is Mr. Sudama's role?

**Hon. J. Humphrey:** Minister Sudama is Minister of economic planning. I am Minister of physical planning. The two things go hand in hand.

Many Senators raised, in the definition of "dwelling house", that it is not confined only to housing. Let me see if I can find it. It says:

"'dwelling house' means a building or part of a building used mainly as a

Now, the reason for that is very deliberate. When I was in Turkey and I saw the Indian exhibition of their best practices, they had adopted in the provision of shelter, a component for cottage industry; they had deliberately organized a means whereby the poor, by having a cottage industry, could make enough income to keep their families surviving and meet their obligations for the shelter. It, therefore, put the money back into the process.

We brought them here and had a very successful exhibition and that was the reason, because to me, it was a very useful component for the poor. They are provided shelter at a cost and the poor have to meet their debt obligations, if we assist them in earning a livelihood, for those who do not have jobs, they could pay for it and, of course, they could make a contribution. So, that is why that is there.

Sen. Dr. Mc Kenzie asked about sites already paid for in Tobago, to be delivered to Tobagonians. I want that, too. In fact, that is in the hands of the Tobago House of Assembly. It was delayed because of transfer of land titles from the state to the National Housing Authority. In some cases, it took 13 years to just transfer title and if you do not have title, you could not in turn transfer. That is the problem. But, it is now in the hands of the Tobago House of Assembly.

There was concern about numbers of squatters and what time-frame was being considered. The 30-year statutory lease enables all those poor people—the terms are extremely soft; 25 cents per square foot for raw land is in the existing legislation. One has 30 years in which to pay for that. The average is about \$1,250 for 5000 square feet but, also, as a squatter one must pay for the cost of the surveying and the cost of the conveying. Therefore, it is not a burden on the state and it also encourages good habits, but there are 30 years in which to raise those resources.

**Sen. Dr. Mc Kenzie:** If you will permit me, Madam Presiding Officer. My point was that 251 settlements were listed in the Schedule. I counted them. There

is a period of time to be taken for the committee to process this, how many thousand persons to come out of the 251 settlements.

**Hon. J. Humphrey:** That is a concern for everyone. In fact, the provision of the certificate of comfort is a key to this. It is something which I have recognized, that there are logistic problems, but it is necessary to encourage people to come for the certificate. Now, of course, we are going to mass produce the certificates themselves and fill them out with the names and addresses. That is all needed to be done.

Now, there is the aerial photograph. If people know where they live, as they do, but not many people can understand a map or a plan or an aerial photograph, they are helped. They say, "Well, I live in a certain area." Our inspectors are already working on most of these areas to be regularised. They have been doing that for months. It is not going to be difficult to ascertain that this is a *bona fide* recipient of the benefits of this legislation. But we do have about 25,000 certificates to be issued.

**Sen. Mohammed:** But, why does the Minister have the power to do that?

**Hon. J. Humphrey:** It is Cabinet really, which has the power.

**Sen. Mohammed:** But you know you are going to advise the Cabinet.

**Hon. J. Humphrey.** I think it is important that legislators understand our Constitution because, Madam Presiding Officer, Parliament has a role to play, but so does the Executive. The three pillars of our democracy are the Judiciary which is independent, the Parliament which is us and the Executive. The Executive must have the executive authority to determine these things and, if in fact it does the job badly, in five years you replace it in election. What I am hoping is the things that are put in place now, work so well that all future governments will just carry them forward. I am pretty sure, in fact, that is what will happen.

Now, Sen. Dr. St. Cyr, I would love, if I had the time, to discuss the main issue of the origin of private property, but Hobbes and Locke are really not being considered here; it is the Constitution of the Republic of Trinidad and Tobago that says that the material resources of the community should be so distributed as to subserve the common good, that there should be adequate means of livelihood for all. That is what it says. But, one of these days, I hope we will have a chat.

**Sen. Dr. St. Cyr:** I was also very concerned that while the state can give away the raw land and give away the infrastructure, it really could not, by itself, give away site value, which I think is the basis of all rent, so that should be competed for.

**Hon. J. Humphrey:** That is thinking like an economist and it is true that in the market, that is a determinant, but when it comes to regularising our squatting communities and providing land for those who cannot afford to access land, it has got to be done within their affordable reach.

Madam Presiding Officer, let me tell you why most of the squatters went to the hills. One of the main reasons was that the officials were too lazy to go up there. That is the real reason, so the higher they were, the safer they felt. I have been up there and I tell you it is a strenuous exercise, indeed, and they do it every day of their lives.

**Sen. Mohammed:** Would they go up now?

**Hon. J. Humphrey:** They have the most beautiful land in the country and the fabulous views that one can imagine, they enjoy.

I agree with Dr. St. Cyr, but if a few get the benefit of site location, I do not think we should be resentful of that. Eventually, when it gets into the market, because as people can derive income and their poverty is no longer, they do get into the commercial market place and, those properties which are now being bought for 25 cents a square foot will shoot up in value, but I am hoping that escalation in value will now redound to the benefit of our poor people and not to speculators.

Now, I would like Sen. Shabazz to take off his balisier tie and come on this side of the House. [*Desk thumping*] He has a heart very similar to mine. I think we are natural colleagues. [*Laughter*] He was concerned about undue power given to the Minister, but the Executive has to have that power, otherwise systems cannot work and, believe me, when there is a government as ours, Ministers do not take the chance to do things too much on their own.

**Sen. Mohammed:** What?

**Hon. J. Humphrey:** Believe me, they do not.

**Sen. Mohammed:** Ask Minister Baksh. Read today's newspapers.

**Hon. J. Humphrey:** He was concerned about the reversion within the five years to the state. That was only to try to minimize the speculators. That is the only reason for that. It is not to deny the inheritance principle. It is only to try to minimize speculation, because we know in our experience, that there are unscrupulous people who come to take advantage of situations. That is the only reason we put that there. He did say that people should become self-sufficient and be less dependent on the state and I think everybody wishes that would be. But, our concept of the state is perhaps a bit different. This is where ideology comes in.

The very first thing I did as Minister dealing with this problem, was to call all the officers and those officers who worked on this during the PNM years and all the work which had been done, I studied. I had copies of the documents. We discussed the concept of the state and it was agreed unanimously, without any question, that the state, in fact, is all of us. That is the meaning of the state. The Government is there to represent all of us as a trustee of the wealth of all of us. So that was agreed. Certain fundamentals are needed to survive. Shelter is one.

**Madam Presiding Officer:** The Minister has two more minutes.

**Hon. J. Humphrey:** The premise of the legislation is, in fact, recognition that the property is really the people's property and it must be managed so that everyone can have the basic essentials of survival and that everyone must be given the opportunity to be upwardly mobile.

**Sen. Shabazz:** Is that the position of your Ministry, or that of the Government?

**Hon. J. Humphrey:** The Government.

The Leader of the Opposition in the Senate quoted from the 1979 Budget. I studied that and supported it fully. In fact, I did give Dr. Williams credit for bringing to this country the first comprehensive policy for housing.

**Sen. Mohammed:** Were you on the PNM side then?

**Hon. J. Humphrey:** No, I had come out since 1971. The unfortunate thing is that we were not able to meet the 6,000 units per year.

**Sen. Mohammed:** So, how are you going to meet 50,000 units now?

**Hon. J. Humphrey:** Well, we are meeting it with one fell swoop, 25,000. When Senators vote in support of this Bill, 25,000 families of Trinidad and Tobago will, in fact, enjoy the benefits of this and will be regularised in law. That will be a

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tremendous step forward. All those 25,000 families will be able to access the concessionary funds to start improving their homes. That is going to stimulate economic activity, but where the grass roots get the benefits and not the big boys.

Unless there are any other questions which Senators would want dealt with—

**Madam Presiding Officer:** I am afraid, Minister, you do not have any more time to answer any more questions.

**Hon. J. Humphrey:** In that case, Madam Presiding Officer, I beg to move.  
[*Desk thumping*]

**3.25 p.m.**

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

**Mr. Humphrey:** When Members of the Senate and Members of the House proposed amendments that the Government accepted, what we did was to get the officers in the drafting division, through the computer, to provide the Bill in the form that it would be supported, hopefully, but identifying areas of the amendments with the bold title. I think it is the first time it has ever been done in either place but it is not a very long Bill and we can do it.

What we have before us is the latest version of the Bill which is what we are proposing on this side to be accepted by the honourable Senate plus the complete Schedule of areas to be regularised under the Act.

**Sen. Mohammed:** What about the amendments that— [*Inaudible*]

**Madam Chairman:** Unfortunately we do have other amendments and on the first page of the consolidated Bill in the first paragraph of the preamble there are words that have been left out and I am afraid to go through the whole thing to find out where else words have been left out.

If you do not mind, Mr. Minister, can we put them side by side with the existing Bill so we can go through both of them together?

**Mr. Humphrey:** Unfortunately, Members were not given the correct version but I was.



**Madam Chairman:** Unfortunately we did not get the corrected version, so I think most people have been working from the original Bill. Perhaps to save time we can go through the two of them together.

*Clause 1 ordered to start part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill*

**Madam Chairman:** We have a number of amendments here. If we look at the Minister's amendments clause 2(1) it states:

- A. Delete the word 'Division' where it appears in the definitions of 'Certificate of Comfort' and "Land Settlement Division", and substitute

The next amendment is the definition of "landless" which occurs—

**Mr. Humphrey:** It is the definition of Land Settlement Committee in the original Bill. It is being amended to read Land Settlement Agency or the agency established under section 5.

**Madam Chairman:** The second amendment is on page 3 under the definition of Land Settlement Committee:

"'Land Settlement Agency' or 'Agency' means the Agency established under section 5.

Land Settlement Coordinator is now being changed to Land Settlement Chairman or Chairman means a person appointed under section 7."

**Mr. Humphrey:** We are adding between "person" and "who" the words "who has no or low income and".

**Sen. Daly:** What does low income mean? I have never seen this.

**Mr. Humphrey:** The low income has been identified by the sociologist who has done assessments of the incomes of persons in the country. I think it is being assessed at 40 per cent who fall under what is called the bread line.

**Sen. Daly:** What gives the word of that particular sociologist? What makes that the law? That is his opinion. How are you going to administer an Act where low income means what some particular sociologist says?

**Mr. Humphrey:** What would Sen. Daly propose we do?

**Sen. Daly:** This problem starts with this silly preamble. If you are going to stick to this concept of landless you are going to have to qualify it in some way to make it clear that you are referring to somebody who is disadvantaged. But this does not solve the problem.

It is difficult for me to propose anything that makes legal drafting sense. What we are concerned about is you cannot define landless simply as someone who does not own land. You have got to qualify it in some way. I do not think the Government has come to terms with my problem. This is a legal document, it is a statute and it has to be certain. It cannot contain sociology, sociological opinions or things that you have read in a conference brochure. I have a problem with this and I think it needs to be reconsidered.

What do you mean by landless? At least you will have to define it as low income or income below X. You have to do it because it is a legal document. Forget the sociologists and forget those who went to the conferences and heard nice words. This is incapable, this is legally uncertain and it is meaningless. At least you would have to say, as the Minister of Finance does with tax, that you do not pay tax below whatever is the amount per year. This is a sociological or political statement, it is legally uncertain and has no business in an Act of Parliament unless you are going to say what low income means.

**Mr. Humphrey:** Is the Senator proposing, therefore, that those who do not have to pay income tax would qualify?

**Sen. Daly:** I cannot write Government policy. I do not know if that is what you mean.

**Mr. Humphrey:** What is meant is those under the bread line as defined by the Central Statistical Office. What I am being advised is that 40 per cent of the whole population fall into that category.

**Sen. Daly:** That is somebody's opinion. You must put something that is certain.

**Sen. Prof. Spence:** May I suggest a solution? I believe there is a figure that is considered to be the poverty line; \$600 a month. Why do we not use that figure?

**Madam Chairman:** It is difficult to use that because the monthly welfare payments that are given by the Government and the monthly pension that is given by National Insurance is less than \$650. Therefore, everybody who is on welfare or pension—

**Mr. Humphrey:** Landless refers to a person who has no legal or equitable interest or any other interest or claim to such an interest in a dwelling house, residential land or agricultural land upon which a dwelling house is permitted to be built.

**3.40 p.m.**

It was at the request of hon. Senators opposite—particularly Sen. Daly—that the draftsman qualified it by saying who has no income or a low income. Now, if Sen. Daly wants it qualified specifically so that in law it can be tested, then perhaps he could recommend—

**Sen. Daly:** You would have to put something that is certain. You could put a figure of \$600 per month.

**Mr. Humphrey:** US \$600.

**Sen. Daly:** We do not have US money here. If you just leave it without a qualification, someone who has a Cayman company, who owns through a Cayman company, towers, like the parliamentary draftsman they have down here—the lawyer from England who has the place in the towers—they might have no legal or equitable interest in the land but they will qualify for this. The draftspeople are using sociological concepts which are not legally certain, so we have to decide what is low income. Whether it is so much per month or so much per year.

**Sen. Kuei Tung:** May I suggest a rather bureaucratic, regrettably, solution to the problem? Can we talk about it as someone who is certified as being disadvantaged by the Ministry of Social Development? I know it is bureaucratic, but I am trying to find a solution that will say they have to be certified as persons being entitled, as being disadvantaged for whatever reasons. It could be that their income falls within the poverty line. We would not have to establish the poverty line. They could get a certificate from the Ministry of Social Development that they are entitled to social assistance in the form of housing. End of story!

**Sen. Daly:** May I just point out that was my proposition in relation to the silly preamble. In the first set of amendments I circulated, I suggested deleting the word “landless” altogether and substituting “those who are extremely disadvantaged and require assistance to obtain shelter”. If we went to an international conference and we had to use the word “landless”, that is all right, but I would be quite happy to put “those who are extremely disadvantaged and require assistance to obtain shelter as certified by a Ministry”. I am happy with that.

**Madam Chairman:** How do you measure extreme disadvantage?

**Sen. Kuei Tung:** All we are doing is establishing that they go through some benchmark which we cannot establish in law here, and they will just say, yes, they are entitled to social assistance.

**Madam Chairman:** This just means that there will be another level of bureaucracy for these poor people to go through.

**Sen. Kuei Tung:** If you put a dollar figure in the law, it means that every time the poverty line moves, there will be people in a quandry and that is even more bureaucratic. Poverty line is really not a line in the true sense. It is somebody's imagination as to what the line should be, whereas, if we establish that the person is entitled to housing assistance because of their circumstances, then we could have somewhere along the line where they qualify and they move on. There are different circumstances under which one gets social assistance. This is why I am suggesting it should be for housing purposes.

**Sen. Mohammed:** Clause 26(5) reads:

“a person shall include a non-natural person...”

So, this whole concept of landless may be a case where we may have to look at deleting it altogether from the preamble.

**Madam Chairman:** Rather than have people go to the Ministry of Social Development to get a certificate, which is a long procedure to get anything out of that Ministry, because inspectors have to look and decide and investigate, could we not just say “no income or an income less than that designated as disadvantaged by the Ministry of Social Development from time to time”? So, the Minister, from time to time, can designate it.

**Mr. Humphrey:** The minimum wage is a good yardstick to determine disadvantage. That is \$7 per hour for an eight-hour day. That is only \$56 per day. Is this not condemned to poverty?

**Sen. Daly:** He is tying it again to another piece of legislation. Sen. Kuei Tung made the point that if he ties it to the current minimum wage, if it does not change for 20 years—the Presiding Officer's suggestion is really the best one.

**Mr. Humphrey:** So, would Sen. Daly not want, for example, one of my grandchildren who has no land, no job, and who marries a “scrunting” young man to be able to access land and a loan to provide shelter in an area such as this?

**Sen. Daly:** Apart from the inappropriateness of a personal example, the point about it is that we have to find a general test.

**Mr. Humphrey:** Is such a person a disadvantaged person?

**Sen. Daly:** I do not know what “scrutning” means. That is just another political platform term. What is scrutning in law? Is it \$100 per week or \$100 per month? The Government has not thought this out. They need to decide what, in their view, is the level of disadvantage measured by income and put it in certain terms in the Bill. My amendments simply have not been treated seriously, and I knew that from the time I heard how he responded to my contribution. These are serious legal drafting problems.

**Sen. Montano:** I support the suggestion of the Minister of Finance. I think it is workable in the sense that once they put it in the hands of the Ministry of Social Development, it means that the yardstick would change as social conditions change. It is automatic. It works that way. While I share the view that it is somewhat bureaucratic, I think, of necessity, it must be so.

If we are to leave in the expression “landless”, I think this is the only way we can really work it in perpetuity, or we will be back here every six months or every year. It does not make any sense. We have the choice of removing the expression “landless”, or working with the suggestion of the Minister of Finance which, really, was in keeping with what I was suggesting, that there be a screening process for this whole thing. I certainly support it.

**Sen. Prof. Spence:** May I lend my support to your suggestion, Madam Chairman, that whatever Ministry specifies the level. So, Cabinet can decide and tell the Ministry to say for this year, \$1,200 per month, or whatever is the minimum wage.

**Sen. Prof. Ramchand:** I just want to say that unless the Minister of Finance is going to abolish income tax, could we say that the low income person is a person who does not earn enough to pay income tax?

**Sen. Daly:** I would like to implore you, Madam Chairman, to go with the words you suggested, and I would like to ask the draftspeople to approach it as lawyers, listen to what you say and write it down.

**Madam Chairman:** Could I just explain why I am suggesting it? The Ministry of Social Development is now working on a scale as to what constitutes

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disadvantaged. It does not necessarily mean that you do not have money. It means no access to shelter, water, education, income generating things. There is a whole scale, and since it is already in operation, from time to time, the Minister of Social Development designates what is disadvantaged, and that then, without having to look for a certificate, becomes the hallmark and then they can go to the Ministry of Housing and Settlements.

**Sen. Daly:** This is a very important point. We will look like fools if we pass it in this form. Sen. St. Cyr is pointing out something else that is troubling me. Who has no income? So, one could leave one's job or be off work for a certain period and have no income at a particular time, and why, Madam Chairman, with respect, your suggestion is so valuable is because you are dealing with "disadvantaged". It has nothing to do with income. One could lose income temporarily, in order to get a shelter. It has nothing to do with income.

We need to remove this concept of income and replace it with what you are suggesting. The draftspeople must do it. We cannot be doing it all the time. The draftspeople must do it. They must hear what we say, and if the Government accepts what we say in principle, they must do the drafting. We cannot be doing this night and day. It is not our work.

**Madam Chairman:** A person who is designated as disadvantaged by the Ministry—I had put "who has an income less than that designated disadvantaged by the Ministry of Social Development from time to time". It is just that, the levels designated "disadvantaged" by the Ministry of Social Development from time to time.

**Sen. Daly:** May I assume that when they are stating that level, temporary job loss or temporary loss of income does not qualify. I do not know enough about it, which is why I am appealing to the people who have the Government resources to help us.

**Madam Chairman:** There is a whole long scale. One has access to housing, one has access to health.

**Sen. Daly:** I do not have a problem with income. It is the way in which the Ministry measures it.

**Madam Chairman:** It is disadvantaged, not necessarily income. One may have lots of income and not be disadvantaged, or one may have no income and not be disadvantaged because one has shelter, health, education, and so forth.

**Sen. Prof. Ramchand:** Does it mean that a means test will be necessary?

**Madam Chairman:** It means that the Ministry, from time to time—recently they have been using the report that has been referred to on the levels of poverty in Trinidad and Tobago. They are now going beyond this to look at those things which make people disadvantaged, which is not necessarily lack of money. It does not necessarily mean a means test in the old way of which one talks about how much money one earns.

**Sen. Prof. Ramchand:** A special means test for determining that one is a landless person.

**Madam Chairman:** Not landless. A level of disadvantage. I may not have any land, but I am not disadvantaged. A parallel to a means test. Minister, could you read out the proposed amendment again.

**Mr. Humphrey:** A person who has no income or a low income, we substitute “who is designated as disadvantaged by the Minister with responsibility for Social

**Sen. Daly:** It is not how Madam Chairman first stated it. They need to have a formula. If they leave it like that, it means that individuals could go to the Minister and say, “Give me a certificate”. That is not what we want. We want someone who falls into a defined group or category. We do not want individuals going to get certificates, pleading their individual cases. They have to draft it in a way where it refers to a person who falls into this particular category, if they see what I mean.

**Madam Chairman:** The category designated as disadvantaged as decided by the Minister with responsibility for Social Development.

**Sen. Daly:** How does the Ministry arrive at the category? Otherwise, the Minister of Social Development will receive housing applications 24 hours per day.

**3.55 p.m.**

**Sen. Mohammed:** Madam Chairman, with all due respect, when I look through this Bill I am wondering where else in the Bill reference is made to the landless except for the preamble?

**Sen. Daly:** It is not clause 26(3)? That is why I have a problem with this whole thing.

**Madam Chairman:** In that case it would just read “disadvantaged status”.

**Sen. Mohammed:** Then let status speak for itself.

**Madam Chairman:** No, because you can be disadvantaged without being landless and you can be landless and not be disadvantaged.

**Sen. Mohammed:** Evidence as to one's inability to access lands.

**Madam Chairman:** If we are going to accept that the Minister can designate a category of disadvantaged for which people can then apply, then in clause 26(3) you just replace "landless" with "disadvantaged".

**Sen. Mohammed:** It is right in that provision, "inability to access land".

**Sen. Daly:** What does that mean? There are people far better off than Mr. Humphrey's grandson who cannot access land on the open market because the oil companies have bought it all up. If we use the concept of landless that we are working on now, then when you get to clause 26(3) you will be able to leave it as just "landless" because you would have already defined the parameters of "landless". I do not know how to explain it again. These are not legal concepts being used here; these are sociological and conference habitat concepts. If we get the definition of "landless" right it would solve the problem.

**Madam Chairman:** Can I try again to see if we have the wording? It would read:

"refers to a person who falls within a category designated disadvantaged by the minister designated responsible for social development from time to time and who has no legal or equitable interest or another interest or claim to such an interest, in a dwelling house, residential land or agricultural land upon which a dwelling house is permitted to be built."

*Question put and agreed to.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 2(1) be amended as follows:

"In the definition of 'regularisation' insert the word 'incremental' before the

**Madam Chairman:** So it would now read:

"'regularisation' means the incremental physical upgrading of and provision of services to, designated areas and land settlement areas and the provision of leasehold titles thereto;"



**Sen. Dr. St. Cyr:** Madam Chairman, I have a difficulty. If the upgrading is incremental, how would you know how much to charge the beneficiaries for the lease?

**Mr. Humphrey:** For the physical infrastructure?

**Sen. Dr. St. Cyr:** Yes. If it is incremental, how would you know—we have settled on the 25 cents per square foot?

**Mr. Humphrey:** For raw land.

**Sen. Dr. St. Cyr:** Yes, but there is a charge for infrastructure, is there not?

**Mr. Humphrey:** Yes.

**Sen. Dr. St. Cyr:** If it is incremental, how would you know how much to charge?

**Mr. Humphrey:** If an area needs a road, you lay down an all-weather road initially without the expensive surface. So that is the first increment of a road. The next increment is slipper drains and curbs, and the final increment is the black top. So, you are trying to achieve a good standard, but it is done gradually. That is what it means, and people would pay what that phase of development costs. There are agencies of the state, for example, the Self-Help Commission that matches community funds. If a squatter community, among its members, raises some funds through a raffle or Bar-b-Que, they can go to that agency and get those funds matched. In fact, if they invest labour, that is given a dollar value by the Self-Help Commission. There are many ways that you can achieve incremental improvement of the infrastructure and that is the purpose of this.

*Question put and agreed to.*

**Mr. Humphrey:** Madam Chairman, I beg to move the following amendment:

“Insert between the definition of ‘regularisation’ and ‘resident’ a new definition

‘relative’ in respect of any person means the spouse, parent, grandparent, brother or sister, children, including step children and the spouses of those persons;”

*Question put and agreed to.*

**Mr. Humphrey:** Madam Chairman, I beg to move the following amendment:

“Between the definitions of ‘resident’ and ‘squatter’, insert the following

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‘spouse’ includes a person who lives together with another person as husband or wife on a bonafide domestic basis although not married to that person.”

**Sen. Mohammed:** With respect to the definition, I think it refers to it in the context of being in a relationship of dependence where you are cohabiting and dependent on that person for a particular period of time, whether it is five or seven years, depending.

**Madam Chairman:** This definition of “spouse” is consistent with the one that is going into the new Domestic Violence Act. I do not have the cohabitational bill in front of me—

**Sen. Mohammed:** I know with this concept of a *de facto* spouse, there is a particular time frame that is normally placed on a period of cohabitation for about five years. I think in the Barbados legislation, for example in some instances. We had the Succession Act here where a seven-year period of dependency is, in fact, laid down. The Act is not yet proclaimed, but—

**Madam Chairman:** Do you want to have that—

**Sen. Mohammed:** I suppose when the Cohabitation Bill comes up we would be debating it. *[Interruption]* For there to be consistency on this definition of spouse—because I take it you are referring here to the concept of a *de facto* spouse. *[Interruption]* Which we have not yet debated here.

**4.05 p.m.**

**Sen. Daly:** Madam Chairman, I admit that because of the imposition of this parliamentary timetable, I was lazy and took this from the Cohabital Relationships Bill which is not yet law. I could see that other Senators who may have strong feelings about that Bill may not want this dealt with now without any debate. Perhaps we could use some other precedent such as the Domestic Violence Act or whatever. But why are we doing this? Where are the draftspeople? I spend every morning doing drafting.

If there is some other established precedent that includes common law spouses then we should use that. I admit I was lazy and I took this from the Cohabital Relationships Bill because one minute I am doing amendments to the Dental Bill, then they tell me it is not dental. I then do amendments to the Squatters Bill and they tell me it is not squatters, and so forth.

**Madam Chairman:** Sen. Daly you were not that lazy actually. Under the Cohabital Relationships Bill, "cohabitant" which would be the equivalent to "spouse" here, means in relation to a man, a woman who is living or has lived with a man as his wife in a cohabital relationship. In relation to woman, a man who is living or has lived with a woman as her husband in a cohabital relationship.

A cohabital relationship is one between cohabitants who not being married to each other are living or have lived together as husband and wife on a *bona fide* domestic basis, which is consistent with what you have done.

**Sen. Daly:** We have not debated that Bill so we should use a precedent from something that is already passed. I do not want to stick my colleagues with this so that when people like Sen. Rev. Teelucksingh come to debate the Cohabital Relationships Bill we have pre-empted him.

**Madam Chairman:** I am sure we do not want that to happen. Sen. Dr. St. Cyr, you cannot ask for a maintenance order unless two persons have lived together for more than five years. It does not mean that if they lived together for only three years they are not regarded as being in a cohabital relationship. I think perhaps this is what people are confused about.

**Sen. Dr. St. Cyr:** As it stands, I can see the difficulty, because people in these circumstances do come and go and come back—except those registered in the Red House; but the married ones that come and go—

**Madam Chairman:** The ones married in the Red House come and go too.  
[Laughter]

**Sen. Dr. St. Cyr:** But there is a concept of covenant that I think has to come in here.

**Madam Chairman:** Perhaps we could ask Sen. Daly, this was his definition, and the purpose of the definition could give us an idea of his thinking behind this.

**Sen. Daly:** People in a cohabital relationship should have the benefit of the law and I am committed to that principle.

**Sen. Mohammed:** But there is a definition that is consistent with, for example, other Caribbean islands. In our courts we have to rely on precedents from other jurisdictions from time to time, and it refers to a relationship between a single woman and a single man who for a period of five years have cohabited. It is in the Succession Act.

**Mr. Humphrey:** If Senators are satisfied with this formulation of words, they are empowered to include it. It does not matter if it is taken from other legislation, you can define spouse in this way if the Senate so desires. But if you go to the Succession Act where spouse is defined you will need a whole page.

It says that reference to a spouse includes a single woman who has been living together with a single man as his wife for a period of not less than five years immediately preceding the date of his death and a single man who has been living together with a single woman as her husband for a period of not less than five years immediately preceding the date of her death. For these purposes a reference to a single woman or man includes a reference to a widow or widower.

**Sen. Mohammed:** There is a general way that it could be used for the purpose when you refer to a *de facto* spouse. There is a recognized way, a very simple definition.

**Madam Chairman:** I think that the definition we have is almost identical to *de facto* spouse.

**Mr. Humphrey:** If Senators do not object to this formulation, we certainly have no objection.

**Sen. Prof. Spence:** I propose that we accept this formulation. It seems to me to be perfectly valid and the part which said on a "bona fide domestic basis" helps to clarify it. I suggest we accept this definition.

**Sen. Dr. St. Cyr:** Would an alternative be to say spouse is as defined in the Succession Act?

**Sen. Shabazz:** Madam Chairman, I request that the five years be cut down to three. [*Laughter*]

**Sen. Mark:** We do not want to put a time-frame.

**Sen. Shabazz:** If the time-frame is taken out that is even better.

**Madam Chairman:** The Minister suggests that the words "*bona fide*" on the definition by themselves define that it must have been for a certain accepted period of time.

**Sen. Shabazz:** Thank you.

**Mr. Humphrey:** The amendment to clause 2(1)G reads as follows:

"In the definition of 'State Land', after the words 'National Housing Authority' insert the words ', State Land vested in the Tobago House of Assembly,'".

**Sen. Prof. Spence:** In the list there is some property owned by state enterprises—

**Mr. Humphrey:** All that is being resolved.

**Sen. Prof. Spence:** Has the land been transferred?

**Mr. Humphrey:** It is not yet transferred, but all agreed to be transferred. In fact, this legislation automatically transfers it. It does because the people enjoy the benefits of this legislation.

**Sen. Prof. Spence:** That could not be because, then, this legislation would apply to privately-owned land.

**Mr. Humphrey:** None of this is privately-owned land, all are state agencies lands.

**Sen. Prof. Spence:** If you transfer it, that is all right, but I do not think that it is automatic, because a company under the Companies Act in which the state is a major shareholder is not a state agency. If you say it would be transferred there is no problem. It should be transferred or you may have a problem.

**Mr. Humphrey:** In 3(c) it deals with both categories and in preparing the Schedule it was agreed with Caroni (1975) Limited and Petrotrin that these are the areas to be regularised. We had earmarked them for regularising anyway, and are very happy to have the Land Settlement Agency do it.

**Madam Chairman:** Sen. Prof. Spence are you happy with that?

**Sen. Prof. Spence:** I am not personally worried but I think you may have a legal issue. If they are going to be transferred, no problem.

**Mr. Humphrey:** State agency in the definition section means:

"a Ministry or department of Government, the National Housing Authority and a State Enterprise wholly owned by the State."

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The amendment to clause 2(1)H reads as follows:

"Tobago House of Assembly' or 'Assembly' means the Tobago House of Assembly referred to in section 141(A) of the Constitution."

*Question put and agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3*

*Question proposed, That clause 3 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 3 be amended as follows:

"Delete this subclause and substitute the following:

'(c) a squatter or tenant in respect of his actual occupation or tenancy of lands owned by a State Agency listed in the Schedule, and on which there is a dwelling house before the appointed day, so however that no occupant therein may obtain a Statutory Lease or a Deed of Lease until such time as the land is designated and legally transferred to the State'"

This deals with the concerns expressed by Sen. Prof. Spence.

**Madam Chairman:** Does anyone have any questions about this amendment? Sen. Prof. Spence, this is in relation to a point raised by you. I think they added "tenancy" because of your concern.

**4.20 p.m.**

Any other points on clause 3?

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed, That clause 4 stand part of the Bill.*

**Mr. Humphrey:** I beg to move that clause 4 be amended as follows:

"4 In subclause (1) line 2, substitute for the word "security" the word "protection".

- 4(3) Delete the word “or” between the words “Deed” and “Lease” and substitute the word “of”.
- 4(4) A. After the word “Committee” add the words “or the
- B. Delete the word “certifies” and substitute the word

*Question put and agreed to.*

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

*Clause 5.*

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

**Mr. Humphrey:** I beg to move that clause 5 be amended as follows:

“The Land  
Settlement Agency

5. (1) There is hereby established a body corporate to be known as the Land Agency.
- (2) The Agency shall have a common seal which shall be officially and judicially noticed, and shall in its corporate name be capable of suing and being sued.
- (3) The constitution and procedure of the Agency shall be in accordance with the rules pursuant to section 34(1).
- (4) The Agency is charged with the responsibility for administering and carrying out the provisions of this Act with respect to State land in the Island of Trinidad.
- (5) The Tobago House of Assembly is responsible for administering and carrying out the provisions of this Act with respect to State Lands which are vested in the Tobago House of Assembly pursuant to section 54 of the Tobago House of Assembly Act.

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*Question put and agreed to.*

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

*Clause 7.*

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

**Mr. Humphrey:** I beg to move that clause 7 be amended as follows:

- 7           A.       Replace the word “Co-ordinator” wherever it appears with the word “Chairman”.
- B.       In subclause (1) delete the word “Division” wherever it occurs and substitute the word “Agency”.

*Question put and agreed to.*

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

*Clauses 8 and 9 ordered to stand part of the Bill.*

*Clause 10*

*Question proposed, That clause 10 stand part of the Bill.*

**Mr. Humphrey:** I beg to move that clause 10 be amended as follows:

- 10           A.       Delete the word “Division” and substitute the words “Agency and the Assembly”.
- B.       In paragraph (c) remove the semi colon and add the words “with a view to developing viable communities”.



- C. In paragraph (h) delete the word “register” and substitute the word “Register”.
- D. Renumber paragraph (i) as (l) and insert after paragraph (h) the following new paragraphs:
  - “(i) enter into contracts to carry out and do other acts or things incidental to the purpose of the Agency or the Assembly under this Act:
  - (j) research and development;
  - (k) facilitation of micro-enterprise within communities;”

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

**Madam Presiding Officer:** The Committee will suspend for tea. We will return at 5.05 p.m.

**4.34 p.m.:** *Sitting suspended.*

**5.08 p.m.:** *Sitting resumed.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Madam Chairman:** The amendment before us is in section 11, clause 1(a) which is merely to change the word “security” to the word “protection” consistent with the amendments which we have just passed.

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 11 be amended as follows:

- “11 A. In subclause (1)(a) substitute for the word “security” the word
- B. Delete subclause (1)(b) and substitute the following:
  - “(b) does not create an interest in land but only a personal right to protection from ejection.”
- C. In subclause (2)—

- (a) Delete the words “appointed day” and substitute the words “commencement of this Act” and delete the word “Division” and substitute the word “Agency”.
  - (b) After the word “Land Settlement Agency” add the words “or the Assembly;”
- D. At the end of subclause (3), insert the following words:
- “Such evidence shall include the declarations of two deponents who are not relatives of the squatter who attest to the fact that the squatter was in actual occupation of the dwelling house before the appointed day.”

In subclause (4) delete the word “Division” and substitute the word

*Question put and agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12.*

*Question proposed, That clause 12 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 12 be amended as circulated.

- A. Delete the word “Division” and substitute the words “Agency or the
- B. Insert the word “further” before the words “period of one year”.
- C. After the words “independent deponents” add the words “who are not

**Madam Chairman:** Are there any comments on this?

**Sen. Yuille-Williams:** Madam Chairman, I am wondering why the late application, and if for the first year the Ministry would be unable to process the 50,000 applications. I could not see any reason for a late application. They are waiting for this for years and I do not see why in one year if one is really interested he could not apply. That is why I call this carrying on this whole business of

squatting for another year with new squatters coming into it. I do not see the need for an extra year, so this would be two years after this is proclaimed and during that two years you can put in another 5,000 squatters.

**Mr. Humphrey:** If you read the legislation, there is a cut-off date and there would be no further squatting after that cut-off date. What you are going to have is land settlement. When you see designation by the Minister, it has to be state land. If you examine a map of state land—and quite frankly, until we did the work, we did not know what land in the country was state land. We had to take every cadastral sheet and identify the state lands and put them into the computer. If you look at that you will see how state land is dispersed. It has to be state land. And we cannot just go and put people in any area. There is also the growth poll concept for providing service centres for settlement communities that is being worked upon, so housing settlements have to relate to those service centres that are identified in the country, otherwise people are going to be so far from where their activities are that life is going to be inconvenient. I do not know why Members are concerned.

If I were Machiavelli, I would not be able to establish constituencies with this legislation. When you hear who the committee comprises then you would realize that the checks and balances are built in.

**Madam Chairman:** May I ask a question on this, Mr. Minister? I work with many people who cannot read and many of them are squatters they would not know about this. I know it is going to be in the newspapers and the *Gazette* but they do not read. How do they know about this? It would take them a long time to get around to knowing what they can do. You said this is for land. Would this include houses also if they have their houses on land and do not hear about it, would that cover them?

**Mr. Humphrey:** Everybody would hear about it because we are going to the communities. Remember the house belongs to the person, even though they are squatters, the house is their private property.

The one year in the first instance and the second year is not to give people time to create more squatter settlements. There is a cut-off date. There was a start of a land draft in the Arouca area. We went in there and told the people what was coming, and asked them to come in and apply. They all put their names down, we went into the same area and laid it out properly and they got their numbers and they each got an allocation of a lot. The same people who were going to squat

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were organized by the division and that area was already earmarked, it was part of the NHA's Settlement Programme. That is how it happens. I do not know why Members are worried. If there were going to be an explosion of new squatting it would have been happening all now.

**Sen. Yuille-Williams:** I am looking at the application of those who are within the law and the time period and the late application, could you tell me what is the difference?

**Mr. Humphrey:** If we cannot manage within one year to regularise 25,000 persons, we have another year to take up those who were missed.

**Sen. Yuille-Williams:** So it is not really late application then?

**Mr. Humphrey:** In the way it is framed, you give them one year and if they do not come within that year they are late and you give them another year.

**5.20 p.m.**

**Sen. Yuille-Williams:** You are saying that you are not able to regularise squatters. The concerns for the one year are the same as those who take a further year. That is why I said at the beginning that you are giving two years after.

**Mr. Humphrey:** We are trying to encourage people to come as early as possible because it is in their interest to do so.

**Sen. Dr. St. Cyr:** In that case, we should probably say, "in exceptional

**Mr. Humphrey:** As the Chairman has said, if people do not know about it, they will not access it. There are officers going into areas and organizing communities and gradually people are knowing more about it. I agree that there are many people who cannot read and understand. Our officers go in and assist constantly. Once this is law, they have a right which cannot be taken from them.

**Sen. Yuille-Williams:** What happens to those who did not apply within the first two years?

**Mr. Humphrey:** The whole idea is for every citizen to enjoy—

**Sen. Yuille-Williams:** Seeing that this is an open arrangement, they do not have to come. That is what we are worried about. You said one year, and there is the identical condition for the second year—no penalty. If they do not come within two years, they can within three, four or five years. It does not matter.

**Mr. Humphrey:** Once persons know about this, they will come. When they get their Certificate of Comfort, they can go to the Trinidad and Tobago Mortgage Finance Company and borrow the money at concessionary rates as I have described.

**Sen. Mohammed:** Why not leave it and extend thereafter?

**Sen. Yuille-Williams:** We are fooling ourselves. They will recognize that there will be no penalty if they come within one, two or four years. I do not see the point in writing legislation like that. I think this is a little worse than I thought. Five years down the line they can still come—

**Mr. Humphrey:** Quite frankly, I would not put a limit at all. I would give them 30 years and say any time within that 30 years they can access their long-term lease.

**Madam Chairman:** Sen. Yuille-Williams, are you suggesting that we delete the words “for a further period of one year only”?

**Sen. Yuille-Williams:** I am saying that after the one or two years’ appointed time, something should be done so that people do not apply at all. I would not leave it open for 30 years. I am making no sense of this legislation. Late applications can be 50 years down the line. I did not believe it was that. It is too open.

**Sen. Mohammed:** If there are legitimate tenants and there will be greater rights under this legislation, then those persons with existing tenancies—

**Mr. Humphrey:** Those with access lose these benefits because they are for squatters and tenants.

**Sen. Dr. St. Cyr:** I thought that the idea was to establish that squatting is illegal; to regularise persons who have squatted, and that from now on persons must go to land settlement areas. We want to draw a line and, in a short period of time, bring persons who are squatting into a legal relationship. I think that, if administratively two years are needed, after that we can say, “in exceptional

I know what the hon. Senator is worried about. Suppose they do not come. What do we do? We cannot really do anything about it.

**Mr. Humphrey:** There are some who will not come because they are not citizens of Trinidad and Tobago. Those who have settled into our country and

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have common-law relationships, we will encourage to access this but they must be citizens under the Immigration Act. We will help them get their residency.

**Sen. Yuille-Williams:** Madam Chairman, I am a little more concerned. This is what I was afraid of, and my fears are being realized. A number of them will come in after the first, second and third years and stay and will not even wish to go for a Certificate of Comfort because they have been living comfortably without it anyway. We will have them all out there, not at all going to the Land Settlement Division.

**Mr. Humphrey:** Then they will not get the benefit.

**Sen. Yuille-Williams:** But they will continue to squat and we will not be containing squatting.

**Sen. Dr. St. Cyr:** The essential point is to get people to stop living outside the pale of the law.

**Madam Chairman:** Clause 13 does say "if you make a false declaration...". There are always persons who will break the law. There are always persons who will stay there and ignore it and not come under this section.

**Sen. Yuille-Williams:** They will not be breaking the law. They did not go forward and give false information. They just stayed there and others will continue to join them. We are not controlling squatting. Those who go forward will get the benefit of the loan fund, but others have been out there putting up their houses without any loan fund, and they will continue to do it. This is a serious matter. The Minister is telling us that we can control squatting by this means.

**Madam Chairman:** Sen. Yuille-Williams, do you have an amendment that might help?

**Sen. Yuille-Williams:** At first, I did not think it was this until the Minister called it today.

**Sen. Alfred:** [*Inaudible*] It is just that the administration may take a little longer. That is not late application. I do not think we need this clause at all. This is a loophole.

**Mr. Humphrey:** It think it is a little unreasonable to expect any division of the state to regularise 25,000 households in one year. I do not see it happening.

**Madam Chairman:** Neither do I. They would not know about it. How will they know about it. They cannot read or write. They will have to hear about it. [*Inaudible*] if you say there is no such thing as a late application.

**Sen. Yuille-Williams:** How long will it take to regularise squatters if you say that there is no such thing as a late application? We cannot just leave it open. It must be closed at some time.

**Mr. Humphrey:** We are providing a two-year [*Inaudible*] in this legislation.

**Sen. Yuille-Williams:** Can we do the necessary drafting?

**Mr. Humphrey:** My original approach was to give a 30-year statutory lease by passing this legislation and, within 30 years, all the squatters can access a 199-year leasehold title by fulfilling certain simple things. We will leave it to them. If they want in that 30 years to continue their existing status, by all means. However, if they wish to access a loan, they must have evidence that they own the land so that they can use it as collateral.

**5.30 p.m.**

**Sen. Alfred:** I am talking about your Certificate of Comfort that you are giving. In the first stage, I think you need to close that area.

**Mr. Humphrey:** The Certificate of Comfort was provided as an amendment to the original legislation—that came about as a result of Members of the Senate and Members of the House of Representatives.

**Madam Chairman:** Sen. Daly, you had an amendment to clause 12 in your original amendments. Do you want to continue with it?

**Sen. Daly:** No. The point had been taken up by the Government Senator.

**Madam Chairman:** Any other matters to consider in this part of the debate?

**Sen. Yuille-Williams:** Madam Chairman, what about the 5 years and the 10 years, could we close this off? If you want two years close it off. This is continuing squatting.

**Madam Chairman:** Sen. Yuille-Williams, as it is amended it does say two years altogether, which is your cut-off date.

**Sen. Yuille-Williams:** No. The hon. Minister says, after two years it could be three, four, or five, it is open. That is what he said. That is his interpretation.

**Sen. Mohammed:** What is Government's position on squatting? Is it legal, or illegal?

**Mr. Humphrey:** Now, that is a philosophical question. [*cross talk*]

**Madam Chairman:** Ladies and gentlemen, can we get back to the Committee? I appreciate the philosophical, religious and spiritual points.

**Sen. Prof. Spence:** I wanted to ask about morality of killing as opposed to the law.

**Sen. Daly:** I do not think we intended to have the declarations of the two deponents in different terms. In other words, the purpose of having declarations of two deponents who are not relatives of the squatter, was to really remove the word “independent”.

You now have 11(3) and 12 which are in different terms. And we really need to take the word “independent” out of clause 12.

**Madam Chairman:** Right. Is that acceptable?

**Sen. Daly:** Thank you.

**Madam Chairman:** The amendment now before us, as amended, reads:

“A late application made after the prescribed period shall be entertained by the Agency or the assembly for a further period of one year and it shall be supported by the declaration of two deponents who are not relatives of the applicant to attest to the fact that the squatter was in actual occupation of the dwelling house to which the application refers, before the appointed day”.

**Sen. Dr. Mc Kenzie:** Madam Chairman, in view of what the hon. Minister said, then why is it necessary to have “for a further period of one year only”?

It is just that a late application made after the prescribed period shall be entertained by the agency or the assembly and it shall be supported by what? I am getting the impression that the late application for another year if somebody does not go within that year, then they could bring it in a third year or a fourth year, or in a fifth year. So therefore, why specify?.

I am not against the people not being able—probably they cannot find the \$1,250 to do it within the first year, and they might do it after.

**Mr. Humphrey:** There is no cost attached to this.

**Sen. Dr. Mc Kenzie:** You do not have to pay for the land when you are doing it? I am not talking about the cost of the land.

**Mr. Humphrey:** No, you have 30 years to meet that.



**Sen. Dr. Mc Kenzie:** Well all right, this is what I am saying.

**Mr. Humphrey:** You see, we are trying to encourage people to regularise.

**Sen. Dr. Mc Kenzie:** I understand you. This is what I am saying.

**Mr. Humphrey:** You put a time limit and it goes around that if you do not come in within this year you might miss the boat. People will be encouraged to come, and if they miss the boat the first year, well they know they have another year. I think most people would want to come.

*Question put and agreed to*

*Clause 12, as amended, ordered to stand part of the Bill.*

*Clause 13.*

*Question proposed, That clause 13 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, there is an amendment to clause 13 which reads as follows:

Delete the word “or” between the words “fine” and “five” and substitute the word “of”.

*Question put and agreed to.*

*Clause 13, as amended, ordered to stand part of the Bill.*

*Clause 14.*

*Question proposed, That clause 14 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I propose an amendment to clause 14 which reads as follows:

- “A. After the words “to whom this Act applies, who” insert in subclause (2)(a) the words “has obtained a Certificate of Comfort pursuant to
- B. Delete paragraph (a) of subclause (3) and substitute the following new paragraph:
  - (a) commences upon the making of a determination by the Committee pursuant to Part VI.”

**Madam Chairman:** We have a further proposed amendment from Sen Ramchand with respect to clause 14(3)(b).

**Sen. Prof. Ramchand:** Madam Chairman, I propose an amendment to clause 14(3)(b) which reads as follows:

“In the last line delete semi colon and insert the words “and provided that the transferee does not own or occupy any other dwelling house, residential land or agricultural land upon which a residential structure is permitted.”

The intention behind the proposal at clause 14(3)(b) and incidentally at clause 15(4) is not to weaken possession or to limit use, but to avoid speculation and to ensure that the land remains available to the people we have defined as landless.

**Sen. Daly:** Sen. Ramchand’s proposal is, that you cannot get a statutory lease if you are not truly landless. Since you have not used the definition landless here, he is simply trying to make sure that the person who gets a statutory lease does not own other land or property.

**Mr. Humphrey:** Succession.

**Sen. Daly:** What do you mean by succession? In the brief time in which we have had to familiarize ourselves with this, and on the changing days on which we do it, what I understand is you have a long period of occupation and then you qualify for a statutory lease. This does not have anything to do with succession. This is how you qualify for a lease.

**5.40 p.m.**

The draftspersons have not used the concept “landless”. So all of a sudden you are a squatter who owns other land for which you are getting a statutory lease. You are a tenant in occupation of land.

**Mr. Humphrey:** Have you read clause clause 14(3)(b) “may not be assigned or otherwise transferred except to the State but is transferable for the remainder of its term in the estate of a deceased person according to law;”?

**Sen. Daly:** What does that have to do with owning other land? I already own other land; I am a tenant in occupation of land.

Look, let me make my position clear. I do not have to administer this Act. What I see here is, “A statutory lease may be acquired by a tenant in occupation of land” and what Prof. Ramchand’s amendment—as I understand it—is trying

to make sure, is that you are not a tenant who owns other property. That is all. I do not know what “not assigned” has to do with it. You are getting a statutory lease. You are a first time acquirer. You are not attempting to transfer it to anybody. After you get it, you cannot transfer it. What we are dealing here with, is the qualifications for acquiring it.

**Sen. Dr. Mc Kenzie:** Madam Chairman, this came out of a point which I made, that you could be the person legally entitled to the land, by comfort or whatever, and you die, and your son—who is a doctor/lawyer—you could say “Let him be the person to get my deed of lease.” What this is saying: “You, to whom I am going to transfer it and should accept it, should fit into the person who originally qualifies as someone who is entitled, more than somebody else.” We do not have it as a free-for-all that, “whosoever will may come;” we have limitations. As such, if I am in possession of a statutory lease, or whatever, and I should die, I should not pass on the land to my brother, Dr. St. Cyr who is a lecturer at the University of the West Indies. This is the background behind this phrasing. If, however, we want that teachers and people with the BMWs could be the people in the squatters’ settlement, fine, no problem!

**Mr. Humphrey:** This will be a denial of the enjoyment of property.

**Sen. Prof. Ramchand:** No. How was it meant to deny anybody? It is not a denial.

**Madam Chairman:** Sen. Prof. Ramchand, could you press your button? I cannot hear you.

*[Cross-talk]*

**Sen. Daly:** Why is it necessary to have a 2(a)(ii) that precludes someone from getting a lease, if he owns other occupier property, if he is a squatter, but it is not necessary to have the same preclusive words in (2)(b) in relation to tenant?

**Mr. Humphrey:** All right, so I am an old squatter. I do not have long to live. Are you telling me that I must pass my rights on to someone who is a squatter, too?

**Sen. Daly:** No!

**Mr. Humphrey:** Someone who qualifies as a squatter. That I cannot leave my property to my little niece who is the last remaining member of my family, but who does not in fact need this, so she can enjoy her property which I decreed to her? Is that what you are suggesting?

**Sen. Prof. Ramchand:** It is not yours, Sir; you grabbed it. We have regularised you and allowed you to use it. It is not yours; it belongs to the state. And after you have died and you no longer have use for it, it should be used by somebody who needs it.

**Mr. Humphrey:** No; that is not the concept of this, at all.

**Sen. Prof. Ramchand:** Well, you have a wrong concept, Sir.

**Mr. Humphrey:** Well then, when you die your property must go to someone who needs it; not necessarily to your brother who does not need it.

**Sen. Prof. Ramchand:** I am still paying for mine: nobody gave it to me free; I did not grab it.

**Mr. Humphrey:** Nobody is giving this to anybody free, either; you are paying for it and you are in fact working very hard to upgrade your environment.

**Sen. Prof. Ramchand:** [*inaudible*]

**Mr. Humphrey:** When you acquire property, it is yours and the Constitution guarantees the enjoyment, except by due process of law.

**Sen. Prof. Ramchand:** But you have forced me to sell it to you, by grabbing it. You are a squatter. You have grabbed it. There are other people who will be—if your child becomes a doctor living in Port of Spain and he has three apartments which he is renting out to people, why should he own a piece of that land, too? There will be more needy people.

**Mr. Humphrey:** We cannot accede to that amendment.

In politics there is “left-wing,” “right-wing,” “liberal,” “moderate,” “extreme.” I respect that in politics. We do not agree with this. Once you have a right, under the Constitution, you must enjoy all the rights that citizens are guaranteed and this will be taking away one of those rights.

**Sen. Daly:** You are getting bad advice: you cannot be taking away a right that is not as yet crystallised. These are regulatory provisions. Where are you getting all of these things from? These are regulatory provisions and you are not taking away any existing right—the right to transfer has not been crystallised as yet. You are not taking away anything that exists; it is a regulatory provision.

**Mr. Humphrey:** So you are saying, when the person gets the statutory lease under this law, that he enjoys no right?

**Sen. Daly:** He enjoys the rights that you give him under this regulatory provision. You are entitled to regulate his right to transfer, given the overall concept. So fine.

**Mr. Humphrey:** And you want to put a regulation that passes the status of the squatter from one squatter to another squatter?

**Sen. Daly:** “Transferring status”?

**Mr. Humphrey:** The status of a squatter.

**Sen. Daly:** You are not —look, you have your legal advice. I understand what I am saying. You cannot transfer “status”, you can transfer “property rights.”

**Mr. Humphrey:** But you want to transfer the rights of a squatter to another squatter. You do not want it to be transferred to anybody else but a squatter.

**Sen. Daly:** That is precisely the point. We do not want to transfer it to somebody who is not a squatter, in the sense that he owns other property. That is the whole point.

**Mr. Humphrey:** I do not know if Members heard when I said that eventually we are hoping that all these properties will go into the marketplace? Eventually; that there will be no poverty. This is one means of alleviating poverty.

**Sen. Daly:** Father, Son and Holy Ghost!

**Mr. Humphrey:** Well, Sen. Daly has his ideological position; the Government has its ideological position.

**Sen. Daly:** This has nothing to do with ideology. We are having a discussion about whether or not Sen. Prof. Ramchand’s amendment could be accommodated as a matter of law. For the whole afternoon: “I am against ideology, anthropology, “copyology”, sociology”—everything.

**Madam Chairman:** Can I suggest that we hold on to these two provisions and come back—

**Sen. Daly:** No; let us put it to the vote.

**Mr. Humphrey:** Let us put it to the vote.

**Sen. Daly:** Let us put it to the vote, and justify the theory that we have given away a vote. That is all.

**Sen. Prof. Ramchand:** You are saying now “Give it to somebody who needs it” and when that person dies, you allow it to go to somebody who does not need it?

**Sen. Dr. Mc Kenzie:** Madam Chairman, I would like to ask the hon. Minister, if I die as a squatter and leave my property to somebody else, how does that person get the succession right to it? Does he have to go through an administration? Does he have to probate my will? He must; because the certificate is in my name and he has to have it changed to his name. How does he get it done? Through the normal probate of the will, or administration, and that is it? Fine! Okay. You could give it to the King.

**Mr. Humphrey:** You see, we are providing land for those who need it. We are settling those who are already on state land, but we are providing new land for those who need it and who are in similar economic circumstances.

**Sen. Prof. Ramchand:** You are providing land for a person to lend that squatter \$5,000 and say: “When you die, I want the lease.” That is what you are providing. There are a large number of “smartmen” in this country who are going to lend money to these people, take mortgage on their land privately, and they will get it afterwards.

**Mr. Humphrey:** Surely, that is the right of the people.

**5.50 p.m.**

**Sen. Mohammed:** Hon. Minister, I think when (b) is looked at—

**Sen. Prof. Ramchand:** I think the Government would have to say, “All ah we tief”. If that is the right of the people, everybody will “tief”.

**Mr. Humphrey:** When a squatter is no longer a squatter, but a citizen who now has legal title to his land, are you saying that he should not, in fact, use what is now his to enjoy—all the rights of the Constitution that every citizen is guaranteed. He is no longer a squatter.

**Sen. Prof. Ramchand:** You have not given him a lease. You have not given him outright possession.

**Mr. Humphrey:** A 199-year leasehold title, similar to any 199-year title from the state. That is the policy of the Government. We are not giving 30 years with an extension of 30 years at the end of the first term. The policy is to encourage ownership.

**Sen. Prof. Ramchand:** Well, then why say 199 years if it is outright possession?

**Mr. Humphrey:** Because, 199 years is as good as ownership and there is a degree of control to ensure certain standards. With leasehold titles, people feel they could do just what they want. They could offend their neighbour; in a housing settlement, they could build garages; they could pollute. With a leasehold title, you cannot do those things because conditions could be put. That is why.

**Sen. Prof. Ramchand:** I do not want to get into argument. That is restricting the right to the enjoyment of the property that they are being given.

**Mr. Humphrey:** You see, they are insisting that it is left to someone in similar circumstances. But, what happens later on, when all these developments that were once shanties are middle-class standard communities? What happens then? Because, that will happen in 10 or 15 years. The squatter goes and borrows \$50,000 at 4 per cent from the Trinidad and Tobago Mortgage Finance and invests that in the house; organizes with all his family and he actually improves his property to the worth of \$100,000. That must pass on now to someone just starting off. Let us be reasonable. We cannot accept that. Put it to the vote.

**Sen. Dr. Mc Kenzie:** No vote.

**Sen. Prof. Ramchand:** Madam Chairman, I withdraw my amendment.

*Amendment (Sen. Prof. Ramchand) withdrawn.*

*Question put and agreed to.*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clause 15.*

*Question proposed, That clause 15 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move the following amendment:

- A. In subclause (2) delete the word "Division" and substitute the word "Agency or the Assembly".
- B. In subclause (3)—
  - (a) between the words "development costs" and "cadastral survey" insert the word "and"; and
  - (b) between the words "cadastral survey costs" and "and all fees and stamp duty" insert the words "to the Land Settlement Agency or the Assembly".

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- C. In subclause (4)—
- (a) replace the word “Co-ordinator” with “Chairman”; and
  - (b) add at the end of the sentence the words “or the Assembly, as the

**Sen. Prof. Ramchand:** Madam Chairman, I have to withdraw my amendment to clause 15(4) as well, because it is the same argument.

**Madam Chairman:** Thank you, Sen. Prof. Ramchand.

The Minister of Housing and Settlements has submitted a number of amendments to clause 15 which have been circulated. Does anybody wish to comment on these? If not, I now propose the question.

*Question put and agreed to.*

*Clause 15, as amended, ordered to stand part of the Bill.*

*Clause 16.*

*Question proposed, That clause 16 stand part of the Bill.*

**Mr. Humphrey:** I beg to move the following amendment to clause 16:

- A. Delete the word “Co-ordinator” and substitute the word “Chairman”.
- B. Renumber clause 16 as clause 16(1) and insert a new clause 16(2) as follows:
  - “(2) With respect to lands vested in the National Housing Authority the Chairman of the Authority shall, pursuant to a resolution of the Board, empower the Land Settlement Chairman to execute all deeds of lease under this Act, on behalf of the Authority”.

*Question put and agreed to.*

*Clause 16, as amended, ordered to stand part of the Bill.*

*Clause 17.*

*Question proposed, That clause 17 stand part of the Bill.*

**Mr. Humphrey:** I beg to move the following amendment to clause 17:

- A. Delete the word “Division” and substitute the words “Agency or the



B. After subclause (3) insert the following new subclause:

“(4) Part VI shall apply in respect of each lot of land within the Designated Areas in the Schedule”.

**Madam Chairman:** We have an amendment to subclause (3) by Sen. Montano, who is not here.

**Sen. Mohammed:** In light of an amendment circulated by Sen. Daly and Sen. Prof. Spence, I have been instructed to ask that the amendments by Sen. Danny Montano be withdrawn.

**Madam Chairman:** Would this be for clauses 17, 18 and 19? Because he did the three in a row, all attached. They were sort of connected to each other. Do you want to take them one at a time?

**Sen. Mohammed:** Yes. One at a time.

**Madam Chairman:** Okay. Minister, sorry. Sen. Montano’s amendment to subclause (3) has been withdrawn and you wish to add a new subclause.

**Sen. Daly:** We have a proposal to clause 17.

**Madam Chairman:** Sorry. Let me just get Sen. Daly’s amendments.

**Sen. Daly:** It is on a separate sheet, an additional amendment.

**Madam Chairman:** Sen. Daly has an amendment to clause 17(3) as follows:

Insert “after the amended Schedule” in line two, the words “by affirmative

**Sen. Daly:** Could I ask that it read “affirmative resolution of Parliament”? It is my mistake. I am sure the Government is accepting it.

**Mr. Humphrey:** Do you mean to add or subtract?

**Sen. Daly:** Yes. “...by affirmative resolution of Parliament...” You gave us a lecture earlier about all the safeguards, Parliament and the Judiciary and the separation of powers, and we just want the Parliament to have a say.

**Mr. Humphrey:** Let me give you a little of the history about arriving at the Schedule. When we started our work, I wrote to every Member of the House of Representatives asking them to assist in identifying squatter areas. Very few responded. We then reminded Members that we needed, in fact, to prepare a

schedule so that all those squatters on state lands throughout the country could be included in the legislation. We then did get a number of areas identified which are in the Schedule.

We ran into difficulty with Tobago because we identified six areas and the Tobago House of Assembly said it only wanted to identify three of those areas, so we conceded to that, because the Tobago House of Assembly can now identify other areas. If it has to be affirmative resolution, it means all those areas which, from time to time, are found—because I am sure Members of Parliament would be able to find addresses of squatting on state lands that are not in the Schedule—we are making provision to enable them to be included in the Schedule without having to come back to Parliament. Now, I do not object to not having the power of removing from the Schedule, but what my advisors are saying is, if the lands are not state lands. I am telling them that if they are private lands, they do not qualify under this Bill anyway, so being in the Schedule makes no difference.

**Sen. Mohammed:** If they are environmentally sensitive.

**Mr. Humphrey:** If they are environmentally sensitive, they do not qualify under this anyway.

**Sen. Mohammed:** That is not the issue hon. Minister. This particular clause was one of great concern for us and, with this proposed amendment where it will now be subject to parliamentary scrutiny, because it will now be subjected to a debate, it certainly allays some of our fears. So, what is the big deal? Bring it to the Parliament where it is debated if it is being proposed to be added to the list.

**Mr. Humphrey:** Recognize that these are existing squatter settlements.

**Sen. Mohammed:** We know what is already existing, but if down the road, you wish to come and add—

**Mr. Humphrey:** No. There is a cut-off date. New squatter settlements cannot be had under this legislation. If the squatter settlements have not been identified as presently exists, they will be included in the Schedule.

**Sen. Mohammed:** But, you see, hon. Minister, we are saying that there are tremendous powers to you. You have powers to bring an area; you have powers to vary; you have powers. All we are asking is let there be a check and balance.

**Mr. Humphrey:** To create squatter settlements? They are there already. If they were not there before January 1, 1998, they do not qualify to be regularised.

**Sen. Daly:** But, if it is on affirmative resolution, if somebody was there before the cut-off period, some Member of Parliament may not have a situation that is wrong. What is wrong with parliamentary scrutiny? What is the problem? You have done your best with the Schedule and if it turns out there are other existing squatter settlements, then—

**Mr. Humphrey:** Have Senators gone through the list in the Schedule?

**Sen. Daly:** That is what is frightening about it.

**Mr. Humphrey:** What is frightening about it? All these are squatter areas here in Trinidad with the three at the end in Tobago, identified by the Members of Parliament and verified by the division which has been working for the last two years. The work has been going on in the Ministry, because under the National Housing Authority, there is a squatter regularisation unit.

**Sen. Daly:** How does it hurt you to find out this has been left out—

**Mr. Humphrey:** All these have been verified.

**Sen. Daly:** Fine.

**Mr. Humphrey:** If there are some that we have not, in fact, identified, what do we do? Come back to Parliament to debate that some little squatter area up in Morvant which was not included in the list by the Member of Parliament should come for debate in the House?

**Sen. Daly:** It may not be debated. The point is, it is subject to parliamentary scrutiny. People who are familiar with the area can look at it and say, “Yes. Okay. This is all right.” It may not be debated, but it means that the list will be subject to parliamentary scrutiny. Why are you afraid of that?

**Mr. Humphrey:** Do you know that from the House of Representatives to the Senate, this list was multiplied by about two? When we were in the House—

**Madam Chairman:** Can we hear Sen. Prof. Spence, please?

**Sen. Prof. Spence:** Madam Chairman, why was the list brought to us in the first place for parliamentary approval? It seems to me that the principle has been established that the Minister is asking for parliamentary approval of this list, therefore, if he is asking for approval of the original list, I cannot see why he should want to refuse addition or subtraction from the list. It is quite straightforward. It is pure logic as far as I am concerned. If you do not want us to add or subtract, why did you bring the list in the first place?

**Mr. Humphrey:** We brought the list so that everybody living in these areas gets the comfort of this legislation and knows.

**Sen. Prof. Spence:** But, you could have done it differently. You did not have to bring the list. You could have worded the legislation in such a way without the Schedule, but you brought the Schedule for us to approve, so we are approving it. But, we are also saying since we have approved this first list, we want to approve any new list to be added on or taken out.

**Mr. Humphrey:** Well, negative resolution. Honestly, I do not see the point of debating.

**Sen. Daly:** Minimum wages. No way.

**Madam Chairman:** I also feel very strongly about the form of the resolution.

**Mr. Humphrey:** You are being given the opportunity to object to regularising squatters who have had a little community there for 15 years—

**Sen. Daly:** The emotion thing “ain’t” working now. We are serious now. We want parliamentary scrutiny. We are hearing this ideology, sociology emotion and we want parliamentary scrutiny. It is either that it is given to us or not. I do not care what is done in future. We spent hours and hours helping the Government. We help the Government with personnel, with amendments and then you turn around and tell us we cannot get parliamentary scrutiny. We are really stupid. We are really doing too much for the Government. Just to be given a little parliamentary scrutiny, it is a big argument.

**6.05 p.m.**

**Madam Chairman:** I suggest that I step down as Chairman at this point and ask someone else to take over the Chair, because if it is going to come to a halt I would like to be able to vote on this.

**Sen. Daly:** We cannot get a little parliamentary scrutiny and already people saying we are helping the Government too much. We ask for a little parliamentary scrutiny and we cannot get it; a little reciprocation. So we are doing everything wrong we should have let the bacchanal take place. I never see more. The Independents are asking you for parliamentary scrutiny. We have done everything to help with the Bill and the bacchanal and we cannot get parliamentary scrutiny. We are stupid then? They are brambing us!

**Mr. Humphrey:** It is amazing. I wonder if the Members have scrutinized the Madras Settlement community here.

*[Crosstalk]*

**Sen. Rev. Teelucksingh:** Madam Chairman, before you leave the Chair, I have one comment. I made an observation which has to do with new settlement areas and the fact that the Opposition, not only now but possibly in the future, will always be suspicious of new settlement areas. This is a very important point and this could be a safeguard having it here. Let us say you identify new settlement areas, which we must do, you are going to have it in the Parliament with major parties having a say. This is not limited; this is not the end of settlement. Those areas are saturated and in the meantime the population is developing. We have lands that I am absolutely certain you have earmarked for the overspill of these areas and general population. If that comes back you are being assured that all the parties will have a say in identifying new areas instead of someone in the Ministry of Housing and Settlements doing it.

**Mr. Humphrey:** What will the role of the National Physical Planning Commission be under that?

**Sen. Rev. Teelucksingh:** Identifying and recommending.

**Mr. Humphrey:** Parliament, therefore, is to take the role of the executive. You are going to amend the Constitution to enable that to happen?

**Sen. Rev. Teelucksingh:** Not really. I think this is participatory government. This is very important. In an issue like that it is very serious. I am very disturbed to hear the Opposition say that you are doing this—this came out in the course of the debate—to be in charge of developing new settlements. If they form the government—I was about to talk about the voting machines. I was about to say how governments in power do manipulate. I remember the voting machines thing and here it is something else is happening. If they get in power the Opposition can also say they are developing settlements in certain constituencies and they know why they are doing it. This is the problem; this is Trinidad. It is one of the checks and balances.

**Mr. Humphrey:** The Government, through many of its agencies, has provided land for shelter for the population. How much of that has been to Parliament to be verified? The National Housing Authority allocates land and applies to the state or to Caroni (1975) Limited for certain lands for housing. You want those to come to Parliament too for positive resolution?

**Sen. Daly:** Maybe. The deficiency there does not alter what we are asking for; simple parliamentary scrutiny. It has nothing to do with the Constitution and the Executive. It also has to do with goodwill and straight dealing. I do not put water in my mouth. It is a very simple thing we are asking for and you have had our cooperation in every respect. An absurd and disorderly parliamentary agenda. So what? You are going to fight us over affirmative resolution and you are talking about politics?

**Mr. Humphrey:** It really makes no difference to me because I did not compile this list.

**Sen. Daly:** Then concede it.

**Mr. Humphrey:** This list was compiled by all Members of the House of Representatives. In fact, between the House of Representatives and the Senate a lot of areas were added because they came late and they were included.

**Sen. Daly:** I never knew this Government was against parliamentary scrutiny. That is news to me. I am stunned! So the whole view of how to deal will have to change.

**Mr. Humphrey:** This list has not been scrutinized by a single Member of the Senate.

**Sen. Daly:** How do you know that?! How can you presume to say that?

**Mr. Humphrey:** I know that. In fact, Members of the Senate hardly even read the legislation!

**Sen. Daly:** Oh! [*Desk thumping*] Withdraw! Withdraw!

**Mr. Humphrey:** No! No! You might have read it—

**Sen. Daly:** I put up amendments! Sen. Prof. Ramchand put up amendments! That is an insult and it should be withdrawn!

**Mr. Humphrey:** I am not going to withdraw it at all! I am satisfied that the way the Senate conducts its proceedings it wastes so much time!

**Sen. Daly:** Let us go, Senators! Let us go!

**Mr. Humphrey:** You go!

**Sen. Daly:** That is pigheadedness! If we are going to trade insults that is a pigheaded insult. [*Crosstalk*] We saved this Government from its incompetent drafting. Pigheaded!

**Mr. Humphrey:** Name one area that any Senator put into this list.

**Sen. Daly:** We do not read the legislation?

**Madam Chairman:** Members, please. Just a moment please. We have a Procedural Motion which has to be moved and we do try to run things according to the Standing Orders. I ask Members of the Committee to lower the tone of the debate.

*Senate resumed.*

#### PROCEDURAL MOTION

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Madam Presiding Officer, in accordance with Standing Order 9(8), I beg to move that the Senate continues to sit until the conclusion of the matter now before the Senate.

*Question put and agreed to.*

#### STATE LANDS (REGULARISATION OF TENURE) BILL

*Senate in committee.*

**Mr. Humphrey:** Madam Chairman, I do not know if Members understand what we have before us. The Minister has no power to create squatter areas. No power whatsoever!

**Sen. Mohammed:** Then why are you so reluctant [*Inaudible*]?

**Mr. Humphrey:** Because of the waste of time that will occur having to bring lists and—[*Crosstalk*]

This schedule relates to existing squatter areas in the country. These have been identified and there may be more that have not yet been identified. All we are doing is adding to the list those areas that were not identified when we were passing the legislation and giving the Minister the power to do that. The Minister has no power after January 1, 1998 to enable any squatter to move on state lands because the cut-off date is January 1, 1998.

**Sen. Mohammed:** It says in clause 17(3):

“Subject to section 19, the Minister may, from time to time, by Order, amend the Schedule by removing areas of land therefrom or by adding areas of land...”

We are very concerned about that.

**Mr. Humphrey:** I am perfectly happy not to have the power to remove, quite frankly. But I am advised that if areas identified here are on private land they cannot be regularised, so they should be removed from the Schedule if it is found to be on private land. To me it does not matter because if it is found to be on private land, the legislation does not regularise them. It does not have the power to regularise squatters on private land so it makes no difference.

**Madam Chairman:** I do not think that it is going to be much use to continue to debate this issue because neither side seems to be moving at all so, I will put the question.

**Sen. Prof. Spence:** Are you going to stay in the Chair, Madam?

**Madam Chairman:** I am advised by the Clerk of the Senate that once I am Presiding Officer I cannot move.

**Sen. Daly:** Then move the adjournment of the Senate because that is a complete betrayal. Total bad faith act. Especially when we told the outside world we are trusting the Government not to force anything to a vote while we had kindly loaned them Sen. Mahabir-Wyatt for the Chair. It is a complete bad faith act.

**Sen. Kuei Tung:** You will have to withdraw that one. There is no bad faith. If you check it the numbers have remained even so where is the bad faith? I think you are really misbehaving now, Sen. Daly. I have done precisely what we have agreed to.

**Sen. Daly:** Not at all.

**Sen. Kuei Tung:** As a matter of fact, if the Presiding Officer was removed, we would have to move the adjournment because you now have 15 and we have 14. And then you would have shown bad faith.

**Sen. Daly:** Not at all.

**Sen. Kuei Tung:** Of course, check the numbers. We have not replaced Sen. Hamel-Smith. You are really going over board. Please!

**Sen. Daly:** We start each day at 15:15. From the moment someone from our side is moved into the Presiding Officer's Chair we minus one.

**Sen. Kuei Tung:** We start with 15:16 if you check the numbers—

**Sen. Daly:** Where is the President?



**Sen. Kuei Tung:** The President is away.

**Sen. Daly:** Oh, I see. [*Crosstalk*]

**Sen. Mohammed:** That is not our fault. [*Crosstalk*] I know I do not have the authority but we are in a crisis situation here and it needs to be dealt with.

**Sen. Mark:** What crisis?

**Sen. Prof. Spence:** I do not think Minister Kuei Tung is correct because if you look at the numbers there are now eight plus six that is 14. If you count the numbers on that side it is 15 so, in fact, it is 15:14. Under normal circumstances it would be 15:15 with somebody in the Chair from the Government side. Therefore, it has changed the voting numbers. They may not have realized it but, in fact, it has changed. Normal circumstances, 15:15 with a Government person in the Chair. Current circumstances 14:15 with an Independent in the Chair.

**Sen. Rev. Teelucksingh:** I would not want to hear about adjournment in the sense that we are coming back again. This is a very important piece of legislation and if there is a deadlock here I think that we need to pause for a while, if even we break for 15 or 10 minutes, we have done it in the past. I will not want to go home leaving this hanging. It is a very serious problem and if we cannot resolve this at this particular moment when tempers are high, then I think we should cool off for 10 minutes. I would suggest that but there is a compromise that we can arrive at. We have done it in the past and we must do it tonight.

**Mr. Humphrey:** I would like Senators who are insisting—for example Sen. Daly—to explain what the fear is. How can the Minister abuse his power by adding to the list?

**Madam Chairman:** I rule that we stand down from this Committee for 15 minutes and we take a break and come back at 6.35 p.m.

**6.20 p.m.:** *Sitting suspended.*

**6.30 p.m.:** *Sitting resumed.*

*Senate in Committee.*

**Madam Chairman:** The Minister has also proposed the addition of another sub-section 4 to clause 17 to read:

B. After subclause (3) insert the following new subclause:

“(4) Part VI shall apply in respect of each lot of land within the Designated Areas in the Schedule”.

*Question put and agreed to.*

*Clause 17, as amended, ordered to stand part of the Bill.*

*Clause 18.*

*Question proposed, That clause 18 stand part of the Bill.*

**Mr. Humphrey:** I beg to move that clause 18 be amended as follows:

- A. Delete subparagraph (I) of paragraph (b) and substitute the following:
  - (1) the Land Settlement Agency, or any State Agency.
- B. After the words "State Agency" add the words "or the Assembly".
- C. Delete paragraph (ii) and substitute the following paragraphs:
  - (ii) an individual entitled to a Certificate of Comfort; or,
  - (iii) by any other person on the basis that the requirements of section 19 have not been complied with, so however, that any such application shall be made before the expiration of the six week period of notice referred to in section 22(3).

*Question put and agreed to.*

**Sen. Mohammed:** Madam Chairman, on behalf of Sen. Montano, I beg to withdraw this amendment.

*Amendment withdrawn.*

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clause 19, as amended, ordered to stand part of the Bill.*

*Clause 20.*

*Question proposed, That clause 20 stand part of the Bill.*

**Mr. Humphrey:** I beg to move, that clause 20 be amended as follows:

- A. After the words "the Minister" add the words "and the Assembly".
- B. Delete the words "or other matters relating thereto" occurring in paragraph (b).

*Question put and agreed to.*

*Clause 20, as amended, ordered to stand part of the Bill.*

*Clause 21.*

*Question proposed, That clause 21 stand part of the Bill.*

**Mr. Humphrey:** I beg to move that clause 21 be amended as follows:

- A. After the words "the Committee" add the words "and the Assembly".
- B. Delete the word "Division" and substitute the words "Agency or the

*Question put and agreed to.*

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clause 22.*

*Question proposed, That clause 22 stand part of the Bill.*

**Mr. Humphrey:** I beg to move that clause 22 be amended as follows:

- A. Delete subclause (1) and substitute the following new subclause:
  - “(1) Within twenty-eight days after completion of the title investigation the Agency and the Assembly shall cause to be published at least once per week over a period of four weeks, in at least two daily newspapers, a notice containing the names of persons who are deemed to be claimants by the Agency or the Assembly and the description of the land in respect of which each claim is made.”
- B. Delete the word "Division" occurring in subclause (3) and substitute the words "Agency and the Assembly".
- C. Insert after the word "Committee" the words "or the Assembly".
- D. After subclause (3) insert a new subclause (4) as follows:
  - “(4) The Assembly shall submit to the Committee on a monthly basis a list of all claims which have not been conciliated or settled at the community level.”

*Question put and agreed to.*

*Clause 22, as amended, ordered to stand part of the Bill.*

*Clause 23.*

*Question proposed, That clause 23 stand part of the Bill.*

**Mr. Humphrey:** I beg to move that clause 23 be amended as follows:

- A. Delete the marginal note and substitute therefor the words "Dispute
- B. Insert between the words "designate", and "the Committee" occurring in subclause (2), the words "or which are already included in the
- C. At the end of subclause (3) insert the words "and in the case of State lands vested in the Tobago House of Assembly, the Assembly shall so determine".
- D. Delete the word "Division" occurring in subclause (5) and substitute the
- E. Delete the words "with a copy" occurring in subclause (6) and substitute the words "with a written report".

*Question put and agreed to.*

*Clause 23, as amended, ordered to stand part of the Bill.*

*Clause 24.*

*Question proposed, That clause 24 stand part of the Bill.*

**6.45 p.m.**

**Madam Chairman:** There is a further amendment to the amendment in clause 4 and also to the numbering. The proposed amendment to clause 24 is as follows:

"Delete this clause and substitute a new clause as follows:

"The Committee or the Assembly shall cause to be entered in the Register referred to in clause 10(h) the names of all persons who are entitled to the statutory lease in respect of land in a designated area, being:

- (i) the claimant whose claim has not been challenged pursuant to section 22; or
- (ii) where the claimant's claim has been challenged, the party in whose favour the Committee or the Assembly or mediator has ruled, or in whose favour the matter has been conciliated or settled at the community level pursuant to section 23".

**Sen. Prof. Spence:** Madam Chairman, do I understand that the Assembly is deleted?

**Madam Chairman:** Yes, apparently the Assembly has said that it does not have the power to carry out judicial functions, that is with the Attorney General's department. It is included in all the steps until it comes to that, which is a legal step, which is why it has to be removed.

*Question put and agreed to.*

*Clause 24, as amended, ordered to stand part of the Bill.*

*Clause 25.*

*Question proposed, That clause 25 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 25 be amended as follows:

- "A. In subclause (1) after the words 'The Minister' add the words 'and the Assembly'.
- B. Delete the words 'and unable to access land on the open market'.
- C. Delete the word '28' and substitute the word '27'.
- D. Add a new subclause 25(4) as follows:
  - '(4) Land in a Land Settlement area may be laid out in accordance with an approved development plan made by the Land Settlement Agency, for purposes not limited to residential use and may include areas set aside for recreation, small scale commerce, community facilities, home-steading and other uses which tend to enhance the community thereby established'.

There is also an amendment by Sen. Prof. Spence that states:

"In subclause (2), insert after the word 'Order', the words 'by affirmative resolution of Parliament.'"

[*Cross talk*]

**Madam Chairman:** There is another amendment to the amendment in clause 25(4), adding the words "or the Assembly" after the Land Settlement Agency consistent with the other amendments which we have made inserting "The Assembly" into the various clauses of the Bill.

**Sen. Prof. Spence:** Is there any relationship in this to the Land Development Bill?

**Mr. Humphrey:** Yes.

**Sen. Prof. Spence:** Do you need to make cross reference?

**Madam Chairman:** Is that Bill law yet?

**Sen. Prof. Spence:** No, it is not law yet. Do we need to refer in that Bill to this?

**Mr. Humphrey:** It enables agencies like the Land Settlement Agency and local government to have the power to actually prepare the plan, but it is a power delegated by the commission.

**Sen. Mohammed:** The Land Settlement Agency would be for the squatter settlements?

**Hon. Humphrey:** The division would have the capacity to do "lotification" and so forth and to award contracts to professionals to do it. You do, in fact, provide orderly settlement for everyone.

**Sen. Mohammed:** Madam Chairman, in light of the proposed amendment to clause 25(2) where it would be subject to affirmative resolution, I withdraw Sen. Montano's final amendment.

*Amendment withdrawn.*

*Question put and agreed to.*

*Clause 25, as amended, ordered to stand part of the Bill.*

*Clause 26.*

*Question proposed that clause 26 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 26 be amended as follows:

- "A. Insert between the words 'permission' and to 'reside', occurring in subclause (1) the words 'by the Land Settlement Agency'".
- B. Delete the word 'Division' and substitute the words 'Agency or the Assembly'.
- C. Insert after subclause (3) the following new subclauses:

- '(4) Without prejudice to this section a person who is desirous of acquiring land in a Land Settlement Area for any of the purposes specified in section 25(4) may apply in writing to the Land Settlement Agency for a lease of that land.
- (5) For the purpose of subsection (4) a person shall include a non-natural person such as but not limited to, a co-operative society, association, corporation or company.
- (6) In determining whether or not to approve the application of a person for a lease pursuant to section 26(4), the Agency and the Assembly shall act in accordance with the Regulations.
- (7) The term of years of the lease to be granted under section 26(4), and the terms and conditions thereof, shall be in the discretion of the Agency or the Assembly as the case may be".

*Question put and agreed to.*

*Clause 26, as amended, ordered to stand part of the Bill.*

**7.00 p.m.**

*Clause 27.*

*Question proposed, That clause 27 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 27 be amended as follows:

- 27        A.        Insert after subclause (1)(b) a new subclause (c) as follows:
- “(c) who occupies land within a Designated Area which has been removed from the Schedule pursuant to section 17”.
- B.        Insert after the words “may be directed by the Minister” occurring in subclause (1) the words “or the Assembly”.
- C.        At the end of subclause (2) insert the words “or the Tobago House of Assembly Act as the case may be” and insert in the margins adjacent thereto the words “Chap. 57:01 and Act No. 40 of 1996”.

*Question put and agreed to.*

*Clause 27, as amended, ordered to stand part of the Bill.*

*Clause 28 ordered to stand part of the Bill.*

*Clause 29.*

*Question proposed, That clause 29 stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 29 be amended as follows:

29 Delete the word “Division” and substitute the words “Agency or the

*Question put and agreed to.*

*Clause 29, as amended, ordered to stand part of the Bill.*

*Clauses 30 and 31.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clauses 30 and 31 be amended as follows:

30—31                      Renumber clauses 30 and 31 as 34 and 35 respectively  
and insert after clause 29 the following new clauses.

*Question put and agreed to.*

*Clauses 30 and 31, renumbered clauses 34 and 35, ordered to stand part of the Bill.*

*New Clause 30.*

**Mr. Humphrey:** Madam Chairman, I propose a new clause 30 which reads as follows:

- |                     |   |
|---------------------|---|
| Fund<br>established | 30. (1) A Land Settlement Fund (hereinafter referred to as “the Fund”), to be administered by the Agency, is hereby established for the purposes of this Act.                             |
|                     | (2) The fund shall be utilised by the Agency for the purpose of carrying out its functions as specified in section 10 and for such other purposes as may be specified in the Regulations. |

*New clause 30 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*



*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New Clause 30 added to the Bill.*

*New Clause 31.*

**Mr. Humphrey:** Madam Chairman, I propose a new clause 31 which reads as follows:

Deposit	31. The fund or any part thereof may be held on deposit with any financial institution in which public monies of Trinidad and Tobago may lawfully be held on deposit.
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*New clause 31 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New Clause 31 added to the Bill.*

*New Clause 32.*

**Mr. Humphrey:** Madam Chairman, I propose a new clause 32 which reads as follows:

Bank Account	32. The Agency shall establish and operate its own bank account for the purpose of this Act and shall deposit therein sums credited to the Fund.
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*New clause 32 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New Clause 32 added to the Bill.*

*New Clause 33.*

**Mr. Humphrey:** Madam Chairman, I propose a new clause 33 which reads as follows:

Audit	33. The accounts of the Land Settlement Agency shall be subject to audit by the Auditor General in all respects as if the accounts of the Agency were the public accounts of Trinidad and Tobago.
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*New clause 33 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New Clause 33 added to the Bill.*

*Clause 34.*

**Mr. Humphrey:** Madam Chairman, I beg to move that clause 34 be amended as follows:

34	After the words “the Committee” insert the words “and the Assembly”.
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*Question put and agreed to.*

*Clause 34, as amended, ordered to stand part of the Bill.*

*New Schedule.*

*Question proposed, That the New Schedule stand part of the Bill.*

Schedule	Delete the Schedule and insert the following new Schedule:
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North Trinidad

Bagatelle South,  
Diego Martin

Scorpion Village  
Upper Carenage

Sea View Hill,  
Carenage West

Factory Road Waterfall,  
off Diego Martin Main Road

Upper Mercer Road, off  
Diego Martin Main Road

L'Anse Mitan, Carenage

Bagatelle Central including  
Savannah Terrace Nos. 1&2  
Upper Bagatelle and Patna,  
Diego Martin

McKie Lands, Port of Spain  
Upper Belmont Valley Road  
into Lady Young Road,  
Port of Spain South

Clifton Circular Road,  
Port of Spain South

Clifton Lane, East Dry River

St. Paul Street,  
Port of Spain South

Rose Hill,  
Port of Spain South

Lodge Place,  
Port of Spain South

St. Joseph Road,  
Port of Spain South

Herman Scott Street,  
Port of Spain South

Irving Lane, East Dry River

Alfred Richards Street,  
Port of Spain South

Annisette Street,  
Port of Spain South

*Tuesday, September 15, 1998*

*State Lands Bill*

[HON. J. HUMPHREY]

Clifton Street,  
Port of Spain South

Joropo Drive, Upper Sam  
Boucoud, St. Anns

Upper Blanch Street,  
Bourg Mulatresse

Between Carrisal Road and  
Damien Bay, Maracas Bay area

Mount Hope Place, Maitagua

Sogren Trace, Laventille

Malick, Barataria

Shende Street Extension,  
San Juan

El Socorro South

Upper Mendez Drive,  
Champ Fleurs

William Street,  
Champs Fleurs

Upper Mount D'or,  
behind the savannah

Farm Road, St. Joseph

Quarry Drive, Champs Fleurs

Mount Hope (back of  
Government Housing Project)

North Elizabeth Gardens,  
St. Joseph

North of Bamboo Drive,  
Champs Fleurs

North of Hutton Street,  
St. Joseph

Bamboo Settlement No. 3,  
Valsayn South

Khalay Village, St. Augustine

Dookiesingh Street, Spring      Caroni\*  
Village via Freeman Road,  
St. Augustine

South of Churchill-Roosevelt  
Highway, Pasea Road  
Extension, Tunapuna

South of Churchill-Roosevelt Highway,  
Mausica Road South, Tacarigua  
Bon Air North, Arouca North

Five Rivers, Arouca North

Printeryville, Arouca South

Race Course, Arouca South

Peytonville, Arouca South

Samaroo Village, off  
O'Meara Road, Arouca South

Old Malabar and India, Arouca South

Maturita Triangle, Arima

Zone 8, Arima

Heights of Aripo

Heights of Guanapo,  
La Retraite Dump Road

Calvary Hill, Arima

Paria Brasso Seco,  
Morne Lacroix

K. P. Lands, Valencia

*State Lands Bill*  
[HON. J. HUMPHREY]

*Tuesday, September 15, 1998*

Alexander Trace, Valencia  
Valencia Long Stretch (N)  
Valencia Long Stretch (S),  
Scientific Area  
Farmlands, Turure  
Blake Avenue, Guaico  
Picton Road Extension,  
Sangre Grande  
Ojoe Road, Hospital Land,  
Sangre Grande  
Ojoe Road, Sellier Road,  
Sangre Grande  
Graham Trace,  
Sangre Grande  
Sahodeen Trace, Vega de Oropuche  
Toco Main Road including  
Mora Trace  
Matura Village, off  
Toco Main Road  
Salibea, off  
Toco Main Road  
Lance Noir, Paria Main Road,  
Toco  
Plantation Road, Valencia  
Clarence Trace, Valencia  
Quash Trace, off Foster Road,  
Sangre Grande  
Piarco Village, Piarco  
Mount Dor, north of NHA project

Mount Hope Road, Mount Hope  
Morvant Old Road, Morvant  
Second Caledonia  
Morvant  
Jean Avenue, Diego Martin  
River Estate, Diego Martin  
Las Cuevas Estate, Las Cuevas  
Ackbarali Trace, Arima  
Alexis Street, Morvant  
Maracas Valley, St. Joseph  
Madras Settlement, Cunupia  
Picton Quarry, Laventille  
Simeon Road, Petit Valley  
Dundonald Hill, Port of Spain  
Beetham Estate, Phase 1V,  
Port of Spain  
Eastern Quarries, Laventille  
Wallerfield, off Churchill-  
Roosevelt Highway  
New City, Valencia  
Upper Leon Street, Laventille  
Streatham Lodge  
St. Augustine  
Big Yard, Carenage  
Churchill-Roosevelt Highway, D'Abadie  
Churchill-Roosevelt Highway, Piarco Old Road area  
Rice Mill Road, Bon Air, Arouca

*State Lands Bill*  
[HON. J. HUMPHREY]

*Tuesday, September 15, 1998*

Central Trinidad

Carlsen Field West

San Francisco Land,  
Caroni Central

Base Road, Arena

Pereau Hill, La Phillipine Estate, Caroni\*  
Gran Couva

California Village California Caroni\*  
(next to the children's playground)

Springvale, Sookoo Trace, Caroni\*

St. Johns Road, Claxton Bay

Lawrence Wong Road,  
Longdenville

Kelly Village, Caroni East

Mac Lean Trace,  
Las Lomas #1

La Paille Village, Caroni

Mappepire Road, Williamsville

Piparo settlement and  
Dindial settlement, Piparo

Corosal Road, Whiteland

Squatterville, Macaulay

Arena Road, Freeport

Bholai Trace, Carapichaima

Brazil Village, San Rafael

Milton Village, Couva Caroni\*

North of Carli Bay Road, Couva Caroni\*



*State Lands Bill**Tuesday, September 15, 1998*

South of Carli Bay Road, Couva	Caroni*
Ben Lomond, Williamsville	Caroni*
Carlsen Field East	Caroni*
<u>South Trinidad</u>	
Teak Village, Claxton Bay	
Bayshore, Marabella	PSAEL*
Harmony Hall Estate, near Lady Hochoy Home, Gasparillo Corner Realize and Cunjal Roads, Barrackpore	Caroni*
Madingo Road, Blocks 1 and 11, Princes Town	PSAEL*
Former Railway Line Road, Gandhi Village, Debe	Caroni*
Digity Trace, Clarke Road, Penal	
Manohar Road, Rochard Road, Penal	
Julien Trace, Rochard Road, Penal	
Platanite Trace, Rochard Road, Penal	
Ramsabad Trace, Rochard Road, Penal	
Sunrees Road, Legal Trace, Oliver Drive, Penal	PSAEL*
Tin-Pan Alley; Lower Barrackpore	PSAEL*
Lily Trace, Siparia	PSAEL*

*State Lands Bill*  
[HON. J. HUMPHREY]

*Tuesday, September 15, 1998*

Gambal Street, Siparia	
Wilson Road, Clarke Road, Penal	
Ramlal Street, Penal	
Ribiero Trace, Penal Rock Road, Penal	
Penal Junction, Penal	
Bunsee Trace, Penal Rock Road, Penal	
Laltoo Branch Trace, Penal	PSAEL*
Snail Trace, Morne Diablo	
Haggard Trace, Penal Rock Road, Penal	
Digity Village & Branch Trace, Penal	
Penal-Quinam Road, Penal	
Lachoos Road, Penal	
Mulchan Trace, Fyzabad	PSAEL*
Hickling Village, Fyzabad	PSAEL*
Sudama Village, Brothers Road Fyzabad	
La Brea Trace, Siparia	
Un-named Trace (back of Fyzabad Composite School) Siparia Road, Thick Village	PSAEL*
Small Trace, Fyzabad	PSAEL*
Standard Road, Fyzabad	PSAEL*

Zachariah Avenue, Thick Village	PSAEL*
Ramroopsingh Trace, San Francique	
Arena Village, Rancho Quemado	PSAEL*
S.T.O.L Road, Lorennotte	PSAEL*
S.S. Erin Road, Palo Seco	PSAEL*
Coora Branch Road, Siparia	PSAEL*
Jacob Settlement, Santa Flora	PSAEL*
Tank Farm Road, La Brea	PSAEL*
School Road, Santa Flora	PSAEL*
Guerra Trace, Quarry Village, Siparia	
Quinam Road, Siparia	
Taylor Avenue, Rito Ville, Siparia	
Robert Hill, Quarry Road, Behind Nello Buaccano Hill, Quarry Village, Siparia	PSAEL*
Alexander Village, Agapito Trace, La Victoria Trace, Santa Flora	PSAEL*
Jacob Alley #2 "Back-a-yard", Los Bajos	PSAEL*
Fly-Over, Santa Flora	PSAEL*
Beach Road, Palo Seco	
Palo Seco Settlement, Palo Seco	PSAEL*

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#4 Road, Palo Seco	PSAEL*
Webber Trace, Palo Seco	PSAEL*
#Nine Road, Palo Seco	PSAEL*
#Seven Road, Palo Seco	PSAEL*
Chinese Village, La Brea	PSAEL*
Point D'or, La Brea	PSAEL*
Pier Road, La Brea	PSAEL*
Belle Vue, La Brea	PSAEL*
Old Jersey, La Brea	PSAEL*
Los Bajos, Los Bajos	PSAEL*
Warden Road, Cap de Ville, Lower Hollywood Road, Point Fortin	PSAEL*
Sobo Main Road, La Brea	PSAEL*
Sobo Junction, La Brea	PSAEL*
Sobo Tank 100, La Brea	PSAEL*
Union Village, Vessigny	PSAEL*
Vance River, Guapo	PSAEL*
Trintopec Quarters, Guapo	PSAEL*
Lime Field Road, Guapo	PSAEL*
Cruse Field, Guapo	PSAEL*
Square Deal Corner, Vessigny	PSAEL*
Guapo, Point Fortin	
Red Road Cemetery, Block Road, Point Fortin	
La Fortune Extension, New Village, Point Fortin	

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Fortune Street, New Village Point Fortin	
Springle Avenue, New Village Point Fortin	
Dam Road Extension, Point Fortin	
Southern Gardens, Warden Road, Point Fortin	
Egypt Avenue, Point Fortin	
Reid Road and Reid Road Extension, Point Fortin	PSAEL*
Lot 10 Village, Guapo	
Southern Main Road, Cochrane	PSAEL*
Alexander Street, Point Fortin	PSAEL*
Seedon Alley, Point Fortin	PSAEL*
Moraldo Street, Point Fortin	PSAEL*
Egypt Village, Point Fortin	PSAEL*
TNA Road #2, Point Fortin	PSAEL*
Reservoir Hill, Point Fortin	PSAEL*
Laptiste Street, Point Fortin	PSAEL*
Parry Lands, Point Fortin	PSAEL*
Egypt Extension, Point Fortin	PSAEL*
Warden Road, Point Fortin	
Old Dam Road, Point Fortin	PSAEL*
Dam Road, Point Fortin	PSAEL*
TNA Road #1, Point Fortin	PSAEL*

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La Fortune Extension, Point Fortin	PSAEL*
TPD behind T&TEC substation Point Fortin	PSAEL*
Hollywood, Point Fortin	PSAEL*
Suzzannah Trace, Mount Stewart Village, off Naparima Mayaro Road	
Good Hope and Bawani Estate, Southern Main Road, Cunapo	
Guatapajaro Road, Caratal	
O'Brien Trace, Biche	
Prudence Trace, Biche	
New Settlement, Biche	
Ecclesville, Rio Claro	
Guayaguayare Old Road, Rio Claro	
Springle Street, Egypt Village	
La Fortune Drive, Egypt Drive, Point Fortin	
Cedar Grove, Mayaro	
Bristol Village, Mayaro	
Main Road, Guayaguayare	
Fairfield Estate, Princes Town	
St. Mary's Village, Moruga	
Blitz Village, San Fernando	
Embacadere, San Fernando	

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La Savanne, Guayaguayare	
Tarouba South	
Cumoto Road, Barrackpore	PSAEL*
Lagoon Trace, Moruga	PSAEL*
Siparia Road, Siparia	PSAEL*
Corinth Village via San Fernando	Caroni*
Friendship Village via San Fernando	Caroni*
Mora Settlement Trace, Guayaguayare	
Diamond/Picton via San Fernando	Caroni*
Hermitage via San Fernando	Caroni*
Stone Road, Piparo	
Butler's Park, New Village, Point Fortin	
Ravine Ranch, New Village, Point Fortin	
Sesame Street, Gonzales Village, Point Fortin	
Salick Trace, Gonzales Village, Point Fortin	
Teschier Village, Point Fortin	
<u>Tobago</u>	
Louis D'or Estate, Louis D'or, Tobago	
Castara Estate, Castara Tobago	
Buccoo, Tobago	

is listed to  
the right of a site name, this indicates that the site is  
currently owned or managed by Palo Seco Agricultural  
Enterprises Limited.

**Sen. Alfred:** I would like to find out why certain areas in Tobago that were put in the old Schedule have been omitted in the new.

**Mr. Humphrey:** Investigations were carried out. In fact, it was discovered that some of the areas identified that were included in the original Schedule were not, in fact, state land.

**Sen. Alfred:** Some, but not all.

**Mr. Humphrey:** In consultation with the Tobago House of Assembly, the three areas that are still in the Schedule are those areas the THA has recognized that should be regularised in Tobago, but remember we can always add, like coming back to Parliament to increase the Schedule. So the THA will continue to do its work, if it finds areas that it did not know about that could be regularised, these could be added to the Schedule.

**Sen. Alfred:** I understand, but I want to submit that after certain discussions that, in fact, these areas are indeed—as a matter of fact, all these areas that have been left out are owned by the state. Now, the Assembly will have its reasons for not including these, but I want to register disapproval, because what is going to happen is that whereas in certain areas—Castara, Buccoo and so forth—persons who are now squatting will be regularised, these people who are on these lands here will not be.

Smithfield, Signal Hill, Roxborough Estate, Blenheim and Mount St. George are also owned by the state.

**Madam Chairman:** Senator, I think you are going through the old Schedule.

**Sen. Alfred:** I know. The thing is, they have been left out of the new Schedule and that has me very worried.

**Mr. Humphrey:** The difficulty is that the Tobago House of Assembly, under the THA Act, has certain responsibilities.

**Sen. Alfred:** I know. There is very little that you can do.



**Mr. Humphrey:** If it is brought to the attention of the Minister that there are squatting areas in Tobago on state lands that could be regularised, then I would consult with the Chief Secretary and do everything in my power to persuade him to include them.

**Sen. Alfred:** I understand. All right, I will do whatever is necessary.

**Sen. Yuille-Williams:** [*Inaudible*] National Housing Authority Lands are not included in your Schedule. Lands in Mon Repos, it is a housing area and there is a squatting settlement within that area, but it is not included.

**Mr. Humphrey:** If you are certain that it is—

**Sen. Yuille-Williams:** Yes, I know it is within the National Housing area, Mon Repos in San Fernando. I am just asking what is the procedure for now, right away.

**Mr. Humphrey:** Any areas that are not listed in the Schedule that any Member is aware of, you come to us and indicate, we will check it out, make sure it is, in fact, state lands and then we have to come back to Parliament with a list. But what we will do is not come with every single one.

**Sen. Yuille-Williams:** Well, that is why I brought one, because that is the only one I saw that is not there.

**Mr. Humphrey:** List a few, we will come back in the future.

**Sen. Yuille-Williams:** I just asked the procedure.

*Question put and agreed to.*

*New Schedule ordered to stand part of the Bill.*

*Preamble.*

*Question proposed, That the Preamble stand part of the Bill.*

**Mr. Humphrey:** Madam Chairman, I beg to move that the Preamble be amended as follows:

WHEREAS the Government of the Republic of Trinidad and Tobago (hereinafter called “the Government”) is committed to the goal of improving living conditions, so that everyone in this society will have access to adequate and affordable shelter, with security of tenure.

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And Whereas the Government is further committed to the objectives of promoting security of tenure and facilitating access to land, bearing in mind the need of the population for serviced land but at the same time recognising the inability of the underprivileged to afford serviced land:

And Whereas squatting is recognised as a phenomenon in Trinidad and Tobago for well over one hundred years.

And Whereas in furtherance of its commitment to improving living standards and to fostering healthy development, the Government is undertaking a programme to regularise certain squatter settlements and to prevent further squatting by providing an alternative solution in the form of land for the landless, with the intention of developing sustainable human settlements:

*Question put and agreed to.*

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

*Long title.*

**Mr. Humphrey:** Madam Chairman, the long title should read as follows:

AN ACT to protect certain squatters from ejection from State Land; to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas.

*Agreed to.*

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

*Senate resumed.*

*Bill reported, with amendment, read the third time and passed.*

**7.15 p.m.**

## DEOXYRIBONUCLEIC ACID (DNA) IDENTIFICATION BILL

### Select Committee Report

#### Presentation

**The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore):** Madam Presiding Officer, I have the honour to present the Report of the Special Select Committee of the Senate appointed to consider and report on a

Bill to provide for DNA forensic analysis, to include a DNA report as evidence, to provide for the use of DNA testing to determine parentage, and other related matters.

#### ADJOURNMENT

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Madam Presiding Officer, before moving to have the Senate adjourned to Thursday, September 17, 1998, may I take the opportunity to inform fellow Senators that we are going to proceed with the debate on the Dental Profession Bill. We are also going to pursue the Indictable Offences (Preliminary Enquiry) Bill, as well as the Bill to confer on co-habitants rights and obligations to give the court jurisdiction to make orders with respect to interest in property and maintenance and to make provision for the enforcement of agreement and for matters incidental thereto.

I take this opportunity, as well, to compliment all Senators on both sides, even though with the cut-and-thrust of the debate, at the end of the day we were able to agree unanimously with this very important piece of legislation.

I thank you in particular, Madam Presiding Officer, for having undergone a baptism of fire in this particular period of your short stay. I thank you for the patience and understanding which you exercised in these circumstances which pulled us through this particular period.

I would like to also indicate to my colleagues that in addition to the bills I had mentioned, we are going to be debating—if not on Thursday, on the following  
DNA Report coming from the joint select committee,  
and one dealing with the National Trust Bill which is to be debated and there are some amendments to the International War Crimes Tribunals Bill. These are matters which we are going to conclude on Thursday, or on the following Tuesday. The Planning and Development of Land Bill report is supposed to come on Thursday and we hope to complete that also. There are a few matters to complete before we end our period in September.

Madam Presiding Officer, I would like to also inform fellow Senators that the President of the Senate is expected back tomorrow, and hopefully, he would be able to join us formally on Thursday at 1.30 p.m., so if all goes well, Madam Presiding Officer, we shall be relieving you on Thursday, if not, you shall return.

*Adjournment*  
[HON. W. MARK]

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With these few words, I beg to move that the Senate do now adjourn to Thursday, September 17, 1998 at 1.30 p.m.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.22 p.m.*