

*Leave of Absence**Tuesday, December 03, 2002***SENATE***Tuesday, December 03, 2002*

The Senate met at 1.30 p.m.

**PRAYERS**[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Madam President:** Hon. Members, I have granted leave of absence to Sen. Dana Seetahal from the sitting of the Senate for the period December 03, 2002 to December 08, 2002.

**SENATOR'S APPOINTMENT**

**Madam President:** Hon. Senators, I have received the following correspondence from his Excellency, the President of the Republic of Trinidad and Tobago:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N.R. ROBINSON, T.C.,  
O.C.C, S.C., President and Commander-in-Chief  
of the Republic of Trinidad and Tobago.

/s/ Arthur N. R. Robinson  
President.

TO: MRS. INDRA SEETERRAM

WHEREAS Senator Dana S. Seetahal is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N.R. ROBINSON, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, INDRA SEETERRAM, to be temporarily a member of the Senate, with effect from 3<sup>rd</sup> December, 2002 and continuing during the absence from Trinidad and Tobago of the said Senator Dana S. Seetahal.

Given under my Hand and the Seal of the President  
of the Republic of Trinidad and Tobago at the  
Office of the President, St. Ann's, this 29th day  
of November, 2002.”

*Oath of Allegiance*

*Tuesday, December 03, 2002*

**OATH OF ALLEGIANCE**

*Senator Indra Seeteram took and subscribed the Oath of Allegiance as required by law.*

**PILOTAGE (AMDT.) BILL**

Bill to amend the Pilotage Act, Chap. 51:02, brought from the House of Representatives [*The Minister of Works and Transport*]; read the first time.

**STAMP DUTY (VALIDATION) BILL**

Bill to validate the cancellation of certain postage stamps, brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 1999. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Trinidad and Tobago Office of the Ombudsman 24<sup>th</sup> Annual Report for the period January 01, 2001 to December 31, 2001. [*Sen. The Hon. C. Enill*]

**ORAL ANSWERS TO QUESTIONS**

**Crime Prevention Measures**

1. **Sen. Wade Mark** asked the Minister of National Security and Rehabilitation:
  - A. Could the hon. Minister indicate to this honourable Senate precisely what measures are being implemented to alleviate the fear of crime currently gripping large sections of the population with particular reference to kidnapping, murder, robbery with violence, rape, carjacking and other serious crime?
  - B. Could the hon. Minister further inform this Senate what kind of resources have been extended by the Government to the protective services with particular reference to the police in the detection and prevention of crime over the past ten months and continuing?

**The Minister of National Security and Rehabilitation (Sen. The Hon. Howard Chin Lee):** Madam President, I beg to move that question No. 1 be deferred for a period of two weeks.

*Question, by leave, deferred.*

**Police Vehicle Fleet  
(Recently Acquired)**

2. **Sen. Wade Mark** asked the Minister of National Security and Rehabilitation:
- A. Could the hon. Minister provide the Senate with the following:
- (i) A detailed description of the recently acquired fleet of vehicles for the Police Service;
  - (ii) The names of the agents acquiring them,
  - (iii) The total landed cost of the vehicles, and
  - (iv) The cost per vehicle to the taxpayers of the country?
- B. Could the Minister state what provisions, if any, have been made for spare parts of these vehicles?

**The Minister of National Security and Rehabilitation (Sen. The Hon. Howard Chin Lee):** Madam President, hon. Senators are advised that upon our assumption of duty in the Ministry of National Security it was observed that the E-999 branch of the Police Service had in its fleet a total of 12 roadworthy vehicles. This fleet comprised a variation of models which, in effect, rendered it somewhat difficult to promptly access spare parts to meet the urgent operation of the unit. The Ministry of National Security, therefore, promptly initiated action to increase the vehicular fleet by acquiring a total of 114 standard type vehicles, as well as 20 Honda 1100 motorcycles.

The vehicles were acquired through the Vehicle Maintenance Corporation of Trinidad And Tobago (VMCOTT), a special purpose company which was established via Cabinet of July 19, 2000 for the purpose of inter alia maintaining the vehicles of the Trinidad and Tobago Police Service.

VMCOTT will be maintaining the vehicles and will provide the spare parts. The maintenance of the vehicles and accessories of the spare parts by VMCOTT will not be difficult in light of the fact that most of the vehicles are of the same model. A list is provided which sets out a detailed description of the recently acquired fleet of vehicles for the police service, the name of the agents acquiring them, the total landed cost of the vehicles and the cost per vehicle to the taxpayers of Trinidad and Tobago.

The vehicles recently acquired by the Police Service were as follows:

- One Vauxhall Police Omega 321;
- 90 Vauxhall Police Astras 141;
- Nine Vauxhall Police Astras 141 with added accessories;
- 14 Land Rover Discoveries; and
- 20 Honda 1100 motorcycles.

The above-mentioned vehicles were acquired by the Vehicle Maintenance Corporation of Trinidad and Tobago (VMCOTT) at a total landed cost of \$18,198,710.81. The cost per vehicle is as follows:

- 90 Police Astra 141s at an individual price of \$131,208.05, totalling \$11,808,724.50;
- Nine Police Astras 141 at an individual cost of \$150,635.40;
- 14 Land Rover Discoveries at \$197,858.97 each;
- One Omega 321 at \$352,242.13; and
- 20 Honda 1100 motorcycles at \$95,600 each.

The total is \$18,198,710.81. I thank you.

**Sen. Mark:** Through you, Madam President, could the hon. Minister indicate whether he is satisfied with the level of maintenance at this time, given the number of vehicles that he has just mentioned being purchased by the state to date?

**Sen. The Hon. H. Chin Lee:** Madam President, the Police Service is extremely satisfied.

**Sen. Mark:** Madam President, can I ask a follow up supplemental? Could the hon. Minister of National Security and Rehabilitation indicate how many of those vehicles that were purchased are currently serviceable and working at the present time?

**Madam President:** I feel that the Minister would have to most probably get that information, so maybe you would need to file another question, Senator.

**Sen. Mark:** Madam President, am I permitted to indicate the supplemental?

**Madam President:** Yes, but I do not think he will have those figures. Mr. Minister, do you have those figures available?

**Sen. The Hon. H. Chin Lee:** I do not have that. I wish to defer that answer for one week.

**Madam President:** That is what I am saying; that he should file another question.

**New Persons Employed  
(WASA)**

- 3. Sen. Wade Mark** asked the Minister of Public Utilities and the Environment:
- A. Could the hon. Minister tell this Senate about the number of new persons employed by the Water and Sewerage Authority (WASA), giving their names, qualifications, work experience, and the respective positions occupied during the period January 2002 to the present time?
  - B. Could the hon. Minister further state whether these jobs were publicly advertised?
  - C. Could he also provide the relevant information and documentation to support the transparency of the recruitment process?

**The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas):** Madam President, I beg to move that the answer to question No. 3 be deferred for a period of two weeks.

*Question, by leave, deferred.*

**INTERRELATED BILLS**

**The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael):** Madam President, Bill No. 1, a Bill to validate certain leases of State lands registered under the Real Property Ordinance, Chap. 27 No. 11, and certain leases of State lands registered under the Registration of Deeds Act, Chap. 19:06, and for matters related thereto, and Bill No. 2, a Bill to amend the State Lands Act, Chap. 57:01 are interrelated. I therefore seek leave of the Senate to deal with them together.

*Question put and agreed to.*

**LEASES OF STATE LANDS (VALIDATION) BILL**

*Order for second reading read.*

**The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael):** Thank you once again, Madam President. I beg to move,

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That a Bill to validate certain leases of State lands registered under the Real Property Ordinance, Ch. 27 No. 11, and certain leases of State lands registered under the Registration of Deeds Act, Chap. 19:06, and for matters related thereto, be now read a second time.

Madam President, State Lands Act, Chap. 57:01 of 1980, revised laws of Trinidad and Tobago, made provisions in section 10 for one, grants of state lands to be registered under the Real Property Ordinance, Ch. 27 No.11 of 1950, revised laws of Trinidad and Tobago. In section 10(2) of the Act, every lease of State lands was to be registered as a deed, that is under the provisions of the Conveyancing and Law Property Ordinance, Ch. 27 No. 12 of the 1950 revised laws of Trinidad and Tobago.

Madam President, the purpose of Bill No. 1 of 2002, that is, the State Lands (Amdt.) Bill to amend the State Lands Act, Chap. 57:01 is to revoke the amendments made by the State Lands (Amdt.) Act, No. 74 of 2000 which was assented to on October 27, 2000. The intention is to amend section 10 of the State Lands Act, Chap. 57:01 to remove the requirement for A, every lease of state lands to be made under the public seal of Trinidad and Tobago and B, every lease of state lands to be delivered to the Registrar General together with a map, plan or diagram of the land leased and to be registered under the Real Property Ordinance, Ch. 27 No. 11.

At the same time, Madam President, Bill No. 2, the Leases of State Lands (Validation) Bill, 2002, a Bill to validate certain leases of state lands registered under the Real Property Ordinance, Ch. 27 No. 11 and certain leases of state lands registered under the Registration of Deeds Act, Chap. 19:06, and for matters relates thereto, the purpose of Bill No. 2 is to validate certain leases of state lands purportedly granted and registered under A, the Real Property Ordinance Ch. 27 No. 11, pursuant to the State Lands Act, Chap. 57:01 and the Registration of Deeds Act, Chap. 19:06.

Madam President, prior to October 2002, all leases of state lands under 30 years were executed by the Commissioner of Lands and registered in the deed of registry. That was prior to October 2000. The deed of registry is an old system of recording legal interest in land. Under the system, the only requirement for the registration of a property was a document purporting that the land is transferred from one person to another.

A detailed description of the parcel of land was not required, nor were maps and plans showing the location and description of the property. This system was

relatively inexpensive to administer and was very convenient and user-friendly to the lessees in terms of the duration of time and financial resources required for completing the process.

Madam President, the State Lands (Amdt.) Act 74 of 2000 amended section 10 of the State Lands Act, Chap. 57:01. The Act now requires that every state lease is to be affixed with the President's signature and seal of the Republic of Trinidad and Tobago; B, that it is registered under the provision of the Real Property Ordinance, Ch. 27 No. 11 with the necessary documents and fees that may be prescribed, accompanied by two plans approved by the Director of Surveys.

So that the State Lands (Amdt.) Act 74 of 2000 legislated that all deeds of lease for state lands were to be registered under the Real Property Ordinance. This created a major problem, Madam President, in that under the Real Property Ordinance, there are no provisions for deeds of lease for state lands held under the old law to be registered under the Real Property Ordinance. It therefore means that all deeds of lease for state lands registered under the Real Property Ordinance as of October 27, 2000 are invalid, null and void. Madam President, this has created an urgent need for repealing—

**Sen. R. Montano:** Just as a point of explanation, could the learned hon. Minister please explain that, because I missed some part of his logic? Why are they void? I did not understand that.

**Hon. J. Rahael:** Under the old law, Madam President, for the benefit of my learned friend, of course, there was no provision that once a deed was registered under the old law it can be registered under the Real Property Ordinance unless one gets a High Court Order in order to do so, and I will come to that.

Madam President, this has created an urgent need for repealing the provision of the State Lands Act 74 of 2000 and to validate, also, all actions purported to be undertaken under the said Act. There are additional reasons why provisions of the amended Act must be repealed. Act No. 74 of 2000 prescribed that each lease of state lands to be registered must be accompanied by a survey map, plan or diagram that must be approved by the Director of Surveys.

Many of the potential lessees cannot afford to employ the services of qualified surveyors whose services do not come cheaply. Madam President, it is generally recognized that there is an acute shortage also of qualified surveyors nationally. This also means that surveying exercises cannot be performed promptly. The

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State Lands (Amdt.) Act No. 74 of 2000 has therefore alienated significant sectors of the population from accessing, benefiting and enjoying the full services from the State Lands Distribution Programme.

Madam President, because of the untenable situation created by Act No. 74 of 2000, national agriculture production and productivity suffered immensely. Many of our farmers had to exist in a situation of insecure land tenure, since they were unable to obtain their deeds. Farmers with insecure land tenure often have great difficulty accessing credit facilities and other programmes that would benefit their development. For example, the Agricultural Incentive Programme or the Farmer Registration Programme.

The provisions of the 2000 amendment were inappropriate, inconsiderate, insensitive and ill advised, particularly because they also required that each and every lease of state land must be made under the public seal of Trinidad and Tobago. What this meant is that the Presidential seal and signature had to be affixed to each and every lease of state lands. This requirement, Madam President, had to be met, no matter how small the parcel of state land, how short the duration of the period of the lease, or how minuscule the value of the lease transaction.

Many of the provisions of Act No. 74 of 2000 have significantly lengthened the waiting period for the completing and processing of state land leases to citizens. This has in turn resulted in a massive backlog of leases which have been offered to members of the public, especially under the Accelerated Agriculture Land Distribution Programme. Madam President, these lease offers have not yet been registered in the land registry because of the problems created by Act No. 74 of 2000 amended.

The current administration's efforts to regularize the occupation of state lands are therefore being hampered by the legal and administrative problems created by the current Act. It has been estimated that over 90 per cent of the 17,000 existing parcels of state land, that is agricultural state lands, do not have valid leases. The Ministry of Agriculture, Land and Marine Resources is currently involved in a programme to regularize all of these leases and to make sure that every occupier has a valid lease and pays rent.

During the period 1996—2000, less than 100 farmers on state lands were actually regularized and obtained their registered lease. After Act No. 74 of 2000, there was a lack of productivity that has been largely attributed to all these delays. Madam President, the system of granting leases of state land is now clogged with



thousands of leases awaiting approval. At the same time, there are also thousands of potential beneficiaries who cannot access and make full economic use of the respective parcels of lands. The Agricultural Revitalization Programme of the Ministry of Agriculture, Land and Marine Resources is being hindered because of the inadequacies of the State Lands (Amdt.) Act of 2000.

The State Lands (Amdt.) Act of 2002 seeks to enact legislation that will repeal the requirement for the President to sign each and every lease of State land. We will then revert to the former position where the Director of Surveys, Commissioner of State Lands, will be delegated the authority for executing leases of state lands for and on behalf of the State.

It is quite evident, Madam President, that very little thought went into the planning, crafting and policy framework of the amended Act of 2000. It would appear that this piece of legislation was hastily contrived. It is now the task of this Government to clean up the State Lands (Amdt.) Act 74 of 2000 and bring back order, sanity and sustained development to state lands distribution programmes. The nonfunctioning of the inept State Lands (Amdt.) Act 74 of 2000 was acknowledged immediately upon its proclamation in October of 2000.

Madam President, Act No. 74 of 2000 has been a recipe for disaster. It has already inflicted extensive social and economic hardship on potential beneficiaries of state land leases. It has also significantly slowed down Government's Agricultural Revitalization Programme by substantially slowing down the Accelerated Land Distribution Programme. It has deprived many potential homeowners from owning their own homes. Members of this honourable Senate are therefore asked to support these new Bills that will bring relief to thousands of citizens and contribute to enhancing our economic and social development of Trinidad and Tobago.

Madam President, Bill No. 2 is a Bill to validate certain leases of the state lands registered under the Real Property Ordinance Ch. 27 No. 11 and certain leases of state lands registered under the Registration of Deeds Act, Chap. 19:06, and for matters relating thereto. What we are doing with this Act is, in fact, validating those leases that were registered after October 2000. The Bill is intended to validate the registration of the leases of state lands which were affected under the Ordinance and under the Act respectively.

You see, Madam President, there are really two systems: The old system, which is a system familiar to most people by which title to land is held and conveyed by deed. The Conveyancing and the Law of Property Act, Ch. 27 No.

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12 governs this system. This is the system where one transaction is taken by another and there is a conveyance by deed. The new system, by which title to land is held, is by a certificate of title and is governed by the Real Property Ordinance, Ch. 27 No. 11, hence it is called the Real Property Ordinance system.

Madam President, the two systems are separate and distinct. To move land from the old system to the new system, hon. Senator, one must make an application to the High Court. Land from the old system cannot be registered under the new system unless that procedure is followed. The State Lands (Amdt.) Act 74 of 2000 sought to have leases of state lands under the old law registered under the new law, the Real Property Ordinance. However, there are no provisions in the Real Property Ordinance to accommodate such procedures. So, Madam President, what should have been done was that together with the State Lands (Amdt.) Act 74 of 2000 was a parallel amendment to the Real Property Ordinance, but that procedure was not followed.

Act No. 74 of 2000, as it now stands, requires leases of state lands to be registered under the Real Property Ordinance but that is ultra vires the Real Property Ordinance and null and void. This Bill, the Leases of State Lands (Validation) Bill, 2002 seeks to validate the leases of state lands registered under the provision of the State Lands (Amdt.) Act 74 of 2000. Although there were no provisions for that to have taken place, the fact is that there were leases that were registered, and what we are doing now is trying to validate those leases.

The Bill, therefore, will validate those leases granted and registered under the Real Property Ordinance after October 27, as I said, but before the commencement of the State Lands (Amdt.) Act 2002. These validations will hold notwithstanding the fact that the grant and registration of those leases were ultra vires the Real Property Ordinance and are null and void. The Bill will also validate all the actions, omissions, rights, privileges, titles, interest, duty and liabilities associated with the grant and registration of the leases.

Similarly, the Bill will also validate all those leases granted by the register under the Registration of Deeds Act after October 27, 2000, but before the commencement of the State Lands Act, 2002. It would also validate all the actions, omissions, rights, privileges, titles, interest, duty and liabilities associated with the grant and registration of the leases.

Finally, Madam President, clause five of the Bill allows for leases of state lands executed before the commencement of the 2002 amendment to be registered up to three months after the commencement of the Act, 2002. That is to say that three months after this Act comes into force, we will allow those that are right

now in the system to be registered and validated. So, we are allowing a grace period of six months during which such deeds may be registered. So, after June 30, 2003, such deeds cannot be registered and must be redrafted and executed in order to be registered under the old law system.

Clause three of the Bill validates the leases to the extent that they would have been valid had the Real Property Ordinance been simultaneously amended to accommodate them. This amendment allows the assumption that the Real Property Ordinance was also amended, so that all those persons who have already gone through that exercise since October 2000 and have had their leases drafted and gone through the entire process and had it registered, although it was contrary to the law, we are now going to validate those leases so that there will be no need for those leases to be cancelled.

This validation Bill is necessary because after the passage of the amendment Act of 2000, a number of state land leases were registered under the old system. That is under the Registration of Deeds Act. It should also be said that such registration, when valid, contravenes, as I said, the provision of the State Lands (Amdt.) Act of 2000.

Clauses 3 and 4 of the Bill seek to validate leases of state lands registered under the Real Property Ordinance and the Registration of Deeds Act after October 27, 2000 and before June 30, 2003. That is the six-month period to which we are referring.

Madam President, I wish to urge Members of this honourable Senate to support the Bills before them. These Bills are intended to bring relief to thousands of citizens and enhance the economic development of Trinidad and Tobago.

Madam President, I beg to move.

Thank you Madam President.

*Question proposed.*

**Sen. Wade Mark:** Madam President, these Bills that are now before this honourable Senate, on the surface, appear to be quite innocuous, but I refer to them as the bikini Bills. They seem to conceal more than they reveal. [*Laughter*] All that glitters certainly is not gold in this particular instance, but before— [*Interruption*] That is metaphorical.

**Mr. Rahael:** That is when you do not know what you want to say.

**Sen. W. Mark:** Madam President, I have a document before me which is entitled *A New Administration and Distribution Policy for Land*. It was issued by the Ministry of Planning and Development on November 19, 1992. I wish to quote for you, and for the record, its conclusion. It says on page 30:

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“A small state such as Trinidad and Tobago must accord a very high priority to the judicious management and utilization of its land resources or perish.”

It goes on to say that:

“All elements of land policy must be designed to ensure that these finite resources are efficiently utilized and husbanded in such a manner as to serve the long-term interest of the national community.”

Madam President, I go on to another quote. I read these quotes because when I come to my contribution on the Bills, I will show the link and the connection.

On page 25, Madam President, of the same very important document which was then issued by the PNM when it was in power between 1991 and 1995, goes on to say on page 25:

“The problems frustrating efforts at dealing with land in Trinidad and Tobago, however, relate not so much to complexity of legal doctrines concerning ownership of property as they relate to inefficiencies. These problems arise solely from gross inadequacies in the existing system of land registration and its institutional support. Therefore, it is this area that the principal efforts at reform will be directed.”

Madam President, I was here at the time when these Bills were introduced in this honourable Senate—the State Lands (Amdt.) Bill—and the *Hansard* record here will show that this Bill was unanimously passed and, in fact, the Government at that time was complimented for this piece of legislation. It was not described as a disaster. It was not described in any kind of negative way—the hyperbole that my friend engaged in a short while ago—but it was complimented.

**Mr. Rahael:** It is Act No. 74 of 2000.

**Sen. W. Mark:** I am talking about Act No. 74 of 2000 which was passed in this honourable Senate on October 05, 2000 and was stoutly supported by the then Opposition, and I may tell you, Madam President, that it was supported in both places, hence the reason it became law.

These Bills, as simple as they may look, hold deep and far-reaching implications for proper management and administration of state lands, whatever its type or purpose. Act No. 74 of 2000, known as a Bill to amend the State Lands Act, was unanimously passed in this honourable Senate, as I said, and it was supported by the Government. Now—well it was Opposition.

What I would like to do, Madam President, is for us to go to the original State Lands Bill, Chap. 57:01, and if you look at, for instance, section 10 of this Bill, which was the original Bill, I quote the relevant section of the State Lands Act, Chap. 57:01 for the record of the Parliament. It says:

“(1) Every grant of State lands shall be issued under the Public Seal...”

That is what my friend referred to as the President.

“...and shall be registered by the Registrar General under the provisions of the Real Property Ordinance, on being tendered to him for that purpose.”

Subsection (2) of 10 says:

“(2) Every lease of State lands under the Public Seal of Trinidad and Tobago shall be registered by the Registrar General in the same manner as a deed, on being tendered to him for that purpose.”

It is this very amendment, this very section which, when we were in Government, we recognized that there was a lacuna in the system. We recognized that we needed to ensure—and I agree with my honourable friend, that under the Real Property Ordinance, there is need for an amendment, because freehold can be easily accommodated under the Real Property Ordinance, but leasehold, from my research, there is a difficulty, and he alluded to the fact that what should, in fact, have taken place when this Bill was introduced that ultimately became an Act, we should have had an amendment to the Real Property Ordinance.

I would have thought that in the interest of proper management, utilization and administration of land resources, we would have had an amendment being brought by the hon. Minister on this particular matter, but we recognize that that has not taken place. Nowhere in the PNM's manifesto, and I look at it, nowhere in, for instance, their public utterances did they make reference to this particular matter.

Madam President, land, as you know, is the basis of development in any country outside of the human resource base, and if I may again engage you, when we look at this policy, we would see, for instance, the misallocation, the indiscriminate utilization of our finite resource called land in Trinidad and Tobago. And here it is we ask the question, and from the information that we have seen here, again I go to page 1 of this document, and it reads that this state, Trinidad and Tobago, possesses a total land area of 5,126 square kilometres, which is equivalent to about 512,600 hectares of land.

Fifty-two per cent of this land area is owned by the State in Trinidad and some 10,772 hectares is, in fact, under the control of the State which represents 34 per cent in Tobago. And it goes on to tell you, Madam President, that over the years, the amount of land that has been utilized in an indiscriminate way for all sorts of development, you would realize that prime agricultural lands have now been misallocated for housing, never to be returned.

So, one would have thought that the Government, if it is interested in an agrarian reform programme, if it wants to give land to the landless, it would come with a policy to do so. We have a difficulty on this side when we look at these Bills carefully, what they can ultimately do. It may not be the intention of the hon. Senators on that side to go that particular route, but when we look at the possible implication, that is why we ask the question, why this change? *[Interruption]*

I hear you. I have listened to my honourable friend that there are hundreds of people who might have been and who are experiencing some difficulty in this regard. In other words, Madam President, what would be taking place at this time is that people might have land. They might want to have that land regularized. They want to get certificate of title but they do not have the capacity to do so via proper survey plans. But why must the national community, why must the national interest be compromised in the interest of inefficiency, incompetence and incapacity by a regime that ought to be putting its house in order to ensure that we have surveyors employed in the Lands and Surveys Department. *[Desk thumping]*

That is the incompetence that we are talking about! Because what they are saying to us, and what the hon. Minister has admitted a short while ago, is that there is a shortage of land surveyors—that is what he just told this honourable Senate—and that people are finding it difficult, there is a difficulty in accessing land surveyors. Well, if there is a difficulty, hon. Minister, through you Madam President, you have to fix your business. *[Laughter]* Put your house in order. Put your house in order!

If you want to outsource, this is an era, you say, of liberalization. This is a period of globalization. This is a period of free market. You want to outsource, please outsource, but what I have a problem with, Madam President, is for the Government to come here and tell this honourable Senate, and I quote the following section that they want to remove, and they have brought no justification for the removal, as far as we are concerned and, therefore we cannot support this measure.

In fact, we serve notice that we would like this matter, because of its importance to the national community, to be sent to a special select committee of

the Parliament in order for us to further deliberate on this matter. Madam President, the government at that time, the United National Congress, proposed the following in clause 3:

“Every lease of State Lands shall—

- (a) contain or have attached or annexed thereto a map, plan or diagram of the land leased, prepared by a registered Trinidad and Tobago Land Surveyor and certified or approved by the Director of Surveys or as may be prescribed;”

Madam President, I ask, what is wrong with this? Why does the Government want to throw this out? As my hon. friend said, he wants to revoke it! Why does he want to revoke it? Why does he want to repeal it? Why does he want to remove it?

Half of the lands in this country belong to the citizenry of this land. It does not belong to the PNM. It does not belong to Dr. Lenny Saith or the hon. Rahael. They are merely trustees and custodians of the public property. And they just cannot go about leasing land to their friends and families and their associates and come to this Parliament and ask us to rubber stamp this thing!

**Mr. Rahael:** That is the Wade Mark I know.

**Sen. W. Mark:** No, no. We will not permit that. We will not permit that. We understand what is behind this measure and I shall expose it as we proceed. But, Madam President, I ask, if you are granted a piece of state land, you know what this Government, this so-called Government of moral and spiritual values, is telling this country?

One does not have to go to the Director of Lands and Surveys to apply again, you know. No. One does not need a map or a diagram. That is too expensive. It is too costly. One simply goes to the Director of Surveys with this new amendment and one will get one's land. So, if you have private property, Madam President, and I get a piece of state land—and you know this country is a lawless country. It is lawless. And you know what? Your piece of private property and the piece of lease land I just got, I put a stake—you do not have a fence—I put a stake in your property because I have a piece of land that the state has given to me.

No plan, no survey plan, no boundaries, no map, nothing! And I just go and stake my land into your property, your private property. You are going to court, because this is a reckless, lawless regime. They are prepared to break the law. I am asking the question, why is the Government seeking to take out of the

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previous Act which we have before us, this particular section? I go on further. It says in subsection 2(b):

“Every lease of State Lands shall—

- (b) be delivered to the Registrar General for registration under the Real Property Ordinance with such other documents and fees as may be prescribed.”

What is wrong with that? Why do they want to remove that and substitute it for every lease of state land under the public seal?

Now, I understand the point that the hon. Rahael was making a short while ago when he said to us, Madam President, that the previous amendment gave to the President of the Republic the right to sign every piece of land that was leased. If they were saying to us, “Hey, too much work for the President of this Republic. We want to cut down from the 50, the 30, the 99 to the 199, 999; we just want to give them up to 30 years, I could understand that.

If they are saying—no, put it another way. The Director of Lands and Surveys has no power at the moment, but if they want to give him some power up to 30 years in terms of land leases, I have no problem, and let the President go from 30 and beyond. No problem.

**2.30 p.m.**

Madam President, you know what the Government wants to do? They want to give land. I do not know if it is pay back time. I have information—and the hon. Minister could correct me if I am wrong—that Caroni (1975) Limited, the transfer that they want to take place, as was mentioned by the Minister of Finance in his budget statement—Madam President, do you remember the statement made by the hon. Minister of Finance? You know I like to quote these days. When you make statements you have to be very sure of what you are saying.

Madam President, I quote page 16 of the 2003 budget statement:

“Mr. Speaker, we have established a new company—Estate Management and Business Development Company Limited—with a mission to manage the lands leased to them by the State for the purpose of stimulating and facilitating new business activity in the areas of light and heavy industrial manufacturing, agricultural estates, housing estates and commercial complexes.”



Madam President, I understand that at the moment Caroni (1975) Limited and the Public Transport Service Corporation does not come under the purview of the subintendant or the Commissioner of State Lands. The Government wishes to transfer 75,000 acres of Caroni lands to this estate company, which will be under the direct control of the Cabinet of Trinidad and Tobago, because they would be appointing the Director of this Estate Management Company.

So here is where the sting is in the tail: If we allow this Bill to pass today and Minister Rahael, as honourable as he may look or may be—I know he is—do you know what is going happen, Madam President? When we talk about leased land, I want you to understand that we are talking about leased land for residential purposes, agricultural purposes, industrial purposes, commercial purposes; in other words leased land covers a wide range of activities. What the Government is trying to do with this amendment, is use poor people, some people who are genuinely affected by this measure. I know of persons who are experiencing some difficulty in securing their certificate of title, so we understand that. But what the Government is doing, Madam President, is that when they transfer the people's lands, the custodian, which is the State, of the people's lands, into this Estate Management Company, Minister Rahael, with the best of intention, when he begins to cut up the land for estate—[*Interruption*—I know you are a famous cloth man, I know you are famous for cloth; I am not talking about cloth now, we will talk about cloth on another occasion. [*Laughter*]

Madam President, I want to tell you what this Government intends to do. Already we have seen the political corruption of that side starting; it has already started. We want to rein them in, because if we do not, the people will.

Madam President, to quote the Minister again, to stimulate and facilitate:

“...new business activity in the areas of light and heavy industrial manufacturing, agricultural estates, housing estates and commercial complexes.”

So what is going to happen when this 75,000 acres of land is transferred from Caroni (1975) Limited, if the workers allow the Government to do it? What would happen is that the Minister of Agriculture, Land and Marine Resources would have the power to lease and not only to lease. [*Interruption*] No, it is not what I see; I am telling you what is to come.

When we pass legislation here—and the Attorney General of all people would know this—it is not for tomorrow, it is not for today, it is for generations to come and we have to be very careful what we do. That is why we are sounding a warning that this piece of legislation requires further consideration.

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Let me just indicate something again, Madam President. We live in an era of proper governance, as it is called. We want transparency. The PNM went about the country “lamblassing” and attacking the United National Congress, when it was in government, for the lack of transparency, the lack of accountability and the lack of openness. They said that we were corrupt; they said all that, but I am now seeing things happening in the Agricultural Development Bank. I am seeing ADB corruption taking place. I see the National Housing Authority corruption taking place. I see URP corruption taking place and I see in this land bill the avenue for corruption.

So, Madam President, in any modern civilization, what we need is proper land management. We need to utilize and manage our land resources properly. One of the reasons that we introduced this and we said:

“Every lease of State Lands shall—

- (b) be delivered to the Registrar General for registration under the Real Property Ordinance...”

And it goes on further to say:

“On receipt of the instrument of the lease with the map, the plan or diagram, as specified in subsection (2), the Registrar General shall register the same in accordance with the Real Property Ordinance and issue to the lessee a certificate of title with a copy thereof to the Commissioner.”

Madam President, do you understand the import, the significance of this section? I do not even know if my honourable friend, John Rahael, understands the significance of this. What we were trying to do was to establish a land registry. We were trying to establish a land register so that, as a citizen of this Republic, if you want to see, if you want to know how your lands are being distributed, if you want to see the names of those persons who are getting lands, the kind of land that they are getting, the size, the rent or the value, you can go to the register in the land registry department and pull up on the data base, for example, John Rahael, he owns 100 acres of land in lease; I am not saying you personally, or Wade Mark, five acres. *[Interruption]* Do you understand the point I am making, John? You understand what I am talking about, so why did you bring this Bill?

In other words, what our argument is: Why is the Government not interested in establishing a land register?

**Sen. Morean:** It is coming.

**Sen. W. Mark:** It coming? You told us an investigation into Project Pride was coming; it “eh” come yet! So what are you telling me about it coming? Man you look like—anyway, let me not go that way. It look like you “duz” come very slow, because this thing here is not coming. That is why we are saying that the Government is fooling the people; they are mamaguying the population and they are coming here for us to rubber stamp.

I want to tell you, Madam President, why I said that. The Minister of Housing, the hon. Martin Joseph, made a very comprehensive statement in his budget contribution. When you hear what he spoke about—I will talk about that a little later on, because I do not want to anticipate the rent restriction, I will confine myself to this alone—he was boasting in his budget contribution. [*Interruption*] I am not going to Mayaro yet. He is well known; he is a citizen of that area now. [*Interruption*]

In his contribution he spoke, for instance, about the incompetence of the government at that time. He said that we had only given out 2,000 titles or maybe 400; the figures are here. On page 3 he said:

“Even so, Mr. Vice-President, only 4,110 certificates of comfort had been issued in a three-year period. Of this number, only nine persons received deeds of lease. It could not be clearer that housing was not a top priority...”

And he went on to indicate what he intended to do. In fact, he boasted that in a short period of 10 months, the then Minister of Housing, Sen. Danny Montano, was able to distribute, at the doorsteps of NHA owners, some 3,000 or less titles or deeds. He said that in the record; in 10 months.

Now this Minister comes here to tell us that he needs an amendment because people are suffering. For the election, Madam President, were people not suffering? They went and worked overnight. Sen. Danny Montano at that time was the Minister of Housing. He left a whole corrupt institution for Martin Joseph to inherit and he is fighting to overcome the corruption that Sen. Montano left; they did not care. There were 150 people to be paid and for the whole of the election they paid 2,000 people and they turned a blind eye. Now they realize that they cannot continue to pay that kind of money, because there is accountability and money does not drop from the sky, so they have to pay. But we would mobilize those people against you. [*Interruption*]

We are saying here this afternoon, that we have grave reservations about this Bill. We believe that the PNM is playing politics with this Bill. They have local government election on their mind, which we understand they want to call in

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April. [*Laughter*] We also realize that by giving out leases without a map—Madam President, I cannot overemphasize the danger of what the Government is attempting to do—the Government is attempting to give out leases to their friends, families, relatives and associates, without a survey plan, without a map, without a diagram and Minister Rahael is coming here to tell us we must support that. How can we support that? That is chaos and confusion. It will infringe on your property rights. I want to know whether this Bill really does not require a special majority, because it will infringe on my private property at the end of the day. State lands sometimes border private property, you know that. [*Crosstalk*]

Madam President, we would like the hon. Minister to rethink this matter. We feel that his intention may be good. He might have genuine cause in trying to help the poor, but we believe that the ulterior motive is what we are concerned about. We would like to see order in this whole arrangement and this amendment does not provide for good governance and order. The Minister has not indicated to us.

Madam President, if I may. If I ask the Minister now—and I will take my seat—could he provide to this Parliament a list or register of all the lands that were leased by the State over the last 20—25 years? I dare him to produce it. He cannot produce it. He would have to go to the Registrar General's Department among all the deeds, be they freehold leases or state leases, and rifle through, in an effort to come up with that information. We were trying to establish a separate register where we would be able to help our citizens to go and look at what is available, what has been given out. Why is the hon. Minister of Agriculture, Land and Marine Resources against that? Why is he against transparency? Why is he against accountability? Why does he not want to have a register established so we can go to the registry and find out who has land, what value or what amounts? We need to know that and that is what the 2000 bill was about.

And the Minister comes here today and tells us that he wants us to support it. How can we support something like this? We cannot. And I think in the interest of democracy and transparency—otherwise we will mount a campaign against the Government on this matter. The Government of Trinidad and Tobago has a duty to refer this matter to a special select committee of this Senate so that we can give it further consideration. We want to support it. Do not think that we do not want to support it, Minister Rahael, we want to support it, but we cannot support the Bill in its current form. Even if you want to bring changes, we want you to maintain certain fundamental features of the current legislation; we want a register.

Madam President, if there is a shortage of land surveyors in the country, as admitted here today, then the point is that the Government has the capacity to employ, either on contract or to have an arrangement, if it is necessary, as an interim measure to have those people engaged so that the population's business could be carried out. But you cannot come to a Parliament and tell us you have a shortage of land surveyors and then, on the basis of that, you toss out the baby with the bath water. You say you want no registration! You want no registry! You want to give out land without any map, without any diagram, without any plan? It is very, very difficult for the UNC to support this measure. We believe that the Government is playing footsie with the population's interest on this matter and land is too important a matter for us to just play footsie or be footloose.

We really believe that the Government should, in fact, utilize the resources of the private sector. I always believe that the state sector should play a leading role in development, but if the state sector is not able to deliver the resources to provide the goods and services to the population, then it is incumbent upon the State to outsource and to train. What is the programme of training, hon. Minister, to employ more land surveyors? What kind of programme do you have? You have not said that. You came with a measure to "mash up de place", to just give away land to friends, family and your associates and you have not told this Parliament how many people are involved. He wants us to support a measure, but he just makes some wild statement, a lot of hyperbole and exaggeration.

He does not tell us, for instance, how many agricultural tenants will be affected. Is it 100? Is it 300? How many residents will be affected? How many people will be involved in the commercial and industrial activity area? How many people are affected? But he wants us to amend something, to repeal something, to revoke a measure that, as far as we are concerned, is a safeguard for the public good of Trinidad and Tobago. We cannot support it.

A matter like this requires consultation, dialogue and discussion. Could the hon. Minister indicate to us whether he had any discussion with the stakeholders? What about the Land Tenants and Rate Payers Association, have you called them in? What kind of discussions have you had? This issue has implications. Have you called in the land surveyors on this matter? The Minister has not given us sufficient information to convince us that this is a matter we should support; we cannot.

I understand the dilemma that the Minister of Public Administration is in, because there is, in fact, a paucity of critical resources in the public service of

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Trinidad and Tobago. We had been grappling with that and he too is going to be grappling with it. We are saying, find ways and means of supplementing critical resources; find ways and means of trying to assist the public welfare, the public good, rather than attempting to do what they are attempting at this time.

When we looked at the Leases of State Lands (Validation) Bill, we realized that it was a consequential amendment. If the State Lands (Amdt.) Bill is passed, we recognize that this will be required.

Madam President, we have a little problem and, again, you can help me. When we look at clause 5 of this Bill which reads:

“Notwithstanding the Stamp Duty Act and any other written law to the contrary, no penalties shall be payable with respect to a lease of State lands that was executed before the commencement of the State Lands (Amendment) Act, 2002 and registered before the 30<sup>th</sup> day of June, 2003.”

I am trying to get some clarification. Why not January? Why not February? Why not December?

**Madam President:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. S. Baksh*]

*Question put and agreed to.*

**Sen. W. Mark:** Thank you, Madam President. I am seeking some clarification from my honourable friend. In clause 5 of the Leases of State Land (Validation) Bill 2002 I read:

“Notwithstanding the Stamp Duty Act and any other written law to the contrary, no penalties shall be payable with respect to a lease of State lands that was executed before the commencement of the State Lands (Amendment) Act, 2002...”

Which I suspect they believe they are going to pass.

“and registered before the 30<sup>th</sup> day of June.”

I ask the question: Why not January 31? Why not March? Why not December 31, 2003? I do not understand the rationale. What is the purpose of June? How did you pick that date, out of a hat? What is the rationale?

You have to operate on the basis of some kind of rationale. The Attorney General must know this. I mean to say if anything would have taught her to be rational, it is the gift to Gift. [*Laughter*]

**Sen. Morean-Phillip:** You are treading on dangerous ground.

**Sen. W. Mark:** I am glad you know that. When you called my colleague a terrorist, were you not treading on dangerous ground?

**Sen. Morean-Phillip:** I read it from the newspaper.

**Sen. W. Mark:** I am reading from the papers too. Madam President, I would not take on the Attorney General at the moment; we will deal with her on the hustings. [*Laughter*] But seriously, we would really like clarification on this, because it does not give us an undertaking or an understanding as to what is the rationale, what is the thinking behind this particular measure. I think the hon. Minister really owes this Parliament an explanation as to why he chose this particular date and not some other date.

We believe that with this measure, if we are not careful, we are going to end up spinning top in mud. I think it is sheer political expediency; the Government does not want to do its homework. You are supposed to be there for five years, you can go before that if you wish but, please, do your homework. Come to the Parliament with something solid; this is political expediency and convenience; that is what it is.

It does not appear to me that the Government really cares about the implications of this measure for the national community of Trinidad and Tobago, because if they do, I think that they would do the correct thing. We are proposing to Sen. The Hon. Dr. Saith, Leader of Government Business, that because of the importance of this measure and because we need to give it some further consideration so that we can have this matter put right, we need to put our legislation right, because we want the best for Trinidad and Tobago. We want the best for the residents, we want the best for the farmers and we want the best for the commercial and industrial entrepreneurs; all in the interest of national development. Somebody else said that we need to put our politics right; I say, put our legislation right.

So we would like to respectfully suggest to the Government, the Attorney General and the hon. Leader of Government Business, that rather than putting this Bill to a vote and we take the position that I indicated we would—We do not want to vote against this measure we want the people to benefit, but we appeal to the Government. We did it when we were there; we always listened. Sen. Yuille-Williams would attest to that on this matter. When something came up and the Opposition had some serious reservations about it, we would go out of our way to try to correct it and to rectify it. This is why I am proposing to the hon.

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Minister, through the Leader of Government Business and through you, Madam President, that we refer this matter to a special select committee. *[Interruption]* Not joint, a special select committee of the Senate. I am very clear on my Standing Orders; I am not on a joint select committee. Let us put our business right within this honourable House.

We believe that if we do so, the whole question of transparency, accountability and openness and a proper system of recording and retrieving of information and data on leases of state land, will become critical, vital and important in the context of people having access to such information. So we honestly feel that this is the way to go. We need to look at it carefully.

In trying to deal with this matter, I just want to indicate, again, that we have some grave misgivings about these Bills. We think it is like the Government trying to take a hammer to kill a fly. We feel that the Government can go about its business differently from what we have before us at this time. We believe that because of administrative inefficiencies within the bureaucratic structure, the Government is attempting to use expediency instead of building capacity and institutional strengthening to accomplish what we consider to be the real objectives and goals that they are about to pursue.

We hope it is not pay back time for their friends and allies who took part in the election and intimidated and terrified supporters of the United National Congress; I refer to the Jamaat al Muslimeen. I do not know if this is pay back time for them in terms of land for their dastardly deeds during that period. *[Interruption]* We do not know. We do not know what is the purpose of this, but what we can tell you is that it is wrong. We do not know. As you make your bed so shall you lie. *[Laughter]*

Madam President, we believe that, for instance, in an effort to eliminate discrimination in state land distribution, you cannot go to the *Gazette*, you cannot go to daily newspapers to get an idea of what land the State has available; these things are done in secret. Why does Minister Rahael not come to this Parliament and say, "Among other measures, we are going to be transparent; we are going to tell you how much land is available, where it is available, for what purposes it is available, how you can apply." This is done in secret. If I or any one of my colleagues want to buy a piece of land to get into agriculture, we have to beg the hon. Minister. I am not a beggar; I am a citizen of this country, I am entitled to land. *[Interruption]* It is not just your friends, your family, your associates and the unholy alliance that you had, who are entitled to land; we are entitled to land. But there is nowhere you can go and access that information.



The Government owes it to the country to have these things published in the newspapers, in the *Gazette*; let us know where the lands are located. So that if I or anybody would like to apply, there would be access. There is nothing like that! And you come here to tie up this Parliament to rubber-stamp a most dangerous and far-reaching measure, that can see lands going to a small clique, a cabal within the PNM and you want us to support that. How can we support that? We will educate the people on this matter because we know what your plans are. We urge the PNM and the Government to reconsider this measure; to send it to a special select committee, let us look at it, let us correct it, let us make whatever changes are necessary so that we have a piece of legislation that all of us can be justly proud of.

I thank you, Madam President.

**Sen. Derek Outridge:** Madam President, I am not so sure that the mischief that these pieces of legislation is supposed to remove, is not creating greater mischief. Under the State Lands Act, Chap. 57:01, it vests the right of ownership of state lands in the President and the President is empowered, through the Commissioner of State Lands, to exercise his rights. This particular legislation deals with certain particular issues. For example, the powers of the Director of Surveys, his role and his functions, the position of what we know as a Commissioner of State Lands and the need for a land management authority. For example, state land is not defined under the State Lands Act of Chap. 57:01 in the laws of Trinidad and Tobago. However, there are various other pieces of legislation which reveal that there are varying definitions in the terms as it appears in the statutes of Trinidad and Tobago.

Madam President, in a discussion paper on state land management issues, a report for the Standing Committee on Agriculture, June 1994, under the executive summary says:

“The State is the major landlord in Trinidad and Tobago, owning over 52 % of all lands in the country.”

The document also refers at 2.3 to legislative framework for land management and that there are 42 pieces of legislation which pertain to specific categories of land and the regulatory aspect of their utilization.

Government passed Legal Notice No. 19 of 1980 to empower the Director of Surveys to carry out the functions of the Commissioner of State Lands, thereby, they amalgamated one office into two very large, important responsibilities. Madam President, what that has done is given the Director of Surveys

responsibilities beyond what he could possibly carry out efficiently. He has a lack of resources. We understand that he has a lack of land surveyors, not land surveyors as my colleagues before had mentioned, because what they really meant is a lack of Trinidad and Tobago land surveyors.

Act No. 33 of 1996 which covers land surveyors, distinguishes land surveyors who can carry out cadastral surveys and what we call ordinary land surveyors. We have over 200 land surveyors in this country, but we have approximately 50 of them who are Trinidad and Tobago land surveyors and those are the land surveyors who can actually sign in respect of a cadastral survey that forms part of a deed. That is the shortage they are talking about. But that shortage of Trinidad and Tobago land surveyors has a lot to do with the administration of Government in terms of appointing a land survey board under Act No. 33 of 1996. In fact, several times the Institute of Land Surveyors of Trinidad and Tobago has appointed their membership to that board and the Government has failed to do so; not this regime, per se, but several other regimes.

As far as I can remember, 1998 was the last time they gave out 22 licences for land surveyors at the National Housing Authority building, with the Ministry of Housing and Settlement. I was the then President of the Institute of Surveyors of Trinidad and Tobago. That was the last time, 1998; we are in 2002, so it also has to do with administration. The University of the West Indies is churning out almost 100 land surveyors and planners, several of them cannot get licences. Many of them are working in the energy sector as well. [*Interruption*] So, there is no shortage of land surveyors, but yes shortage of Trinidad and Tobago land surveyors.

Madam President, as far as I understand the amendment of 2000, which created that every lease of state land would have to receive the public seal, I understand that the backlog was 90 which was awaiting the public seal and that 15 were granted over the last week, so we are talking about a mischief of about 75 in the backlog; 75 of 17,000 of which 70 per cent have no leases. So I am still to understand what mischief this amendment is supposed to remove.

I am very disappointed that we would seek to amend Chap. 57:01 and not come here with a comprehensive land management policy. A comprehensive land management policy has been called for in several documents over the last few years. It started with this 1994 Discussion Paper on State Lands Management Issues—A Report for the Standing Committee on Agriculture. The executive summary states that owing to the Government:

“...owning over 52 % of all lands in the country. These lands are not efficiently managed. The inefficiency has been brought about chiefly by the diffuse nature of the various responsibilities for land management, the inadequacy of resources allocated and the inability/unwillingness of the State to take rigorous enforcement action as and when required.”

It states that the problems have arisen because of the staffing structure of the Lands and Surveys Department, which has been well documented; the lack of an effective structure; the lack of management information; long delays in the process; widespread failure to collect land rent and further resulting problems; a lack of investment in land and agricultural production, leading to the abandonment of agricultural land; extensive insecurity of tenure manifesting from a lack of investment; the rapid fragmentation of agricultural lands and alienation of such lands to other uses; extensive squatting, over 25,000 parcels of state land are used for housing by squatters and worst of all, at the end of it, environment degradation. People build houses in environmentally sensitive areas and without provision for infrastructure. Quarrying and mining leases, which are not properly supervised and protected areas are turned into agricultural land.

So the lack of management of its estate, on the State's part, is having serious economic, social and environmental implications, both for the occupants of the land and the wider national community.

So we are seeking here to remove a backlog of 90, yet we have greater mischief; greater distress for the people of Trinidad and Tobago, which is not being relieved and we are being told here today that we are coming here to approve this legislation because we want to relieve thousands of people in Trinidad and Tobago of distress, yet we have greater distress existing and it is not being brought here. Amendments to this same legislation not being brought here, that could create a comprehensive issue, a comprehensive land management authority to look after the management of the estates in Trinidad and Tobago, the estate of the State.

Madam President, we recall the Planning and Development of Land Bill, which was a sort of back door piece of legislation to try and achieve some form of the management of state lands. Had that Bill been successful, we would have been able to effect some management of state lands. I do not know if we can all recall that there was a Land Administration Bill; a Land Tenure Bill and a Registration of Land Title Bill, which has never been enacted; that was all part and parcel of ensuring that we have legislation that would regulate and bring some sensibility in terms of the management of land.

I understand that the reason it was not enacted was that there was not the funding or resources for it. I wonder if we are going to have the funding and resources for this; that we are going to push through legislation here, just like what happened in 2000—there was an amendment to create this and now they are saying it is creating mischief—that we are not going to create a greater mischief, that we are not going to find ourselves in institutional problems.

There is a document called an Action Plan for the Implementation of the Proposed State Land Management Authority. It was done in 2001 by an organization called the Land Tenure Centre, University of Wisconsin, Madison, a Land Use Policy and Administration Project and written by a Mr. A. A. Wijetunga, a land management specialist. In the document he outlined procedural requirements for ensuring that we had an efficient and operational land management authority. We talk vision 2020; we should talk vision 2020 in respect of land management, a vision for our land management authority.

He mentioned the filling of the post of land commissioner. I understand the post was advertised, that people were interviewed and they had eventually narrowed it down to two people and then they realized that they had to come back to Parliament in order to have an amendment done. So this Legal Notice No. 19 of 1980, which amalgamated the two, perhaps we can “de-amalgamate” it, if there is such a word.

It seems that there is a clear indication that the amalgamation of the two distinct positions of Director of Surveys and Commissioner of State Lands into one individual, has resulted in the holder of the position not being able to devote adequate time and energy to the functions entrusted to him. Yet the mischief we are seeking to remove in the amendment of this legislation is to remove having the President put the public seal in respect of the leases of land and to hand this to the Director of Surveys who has absolutely no time to do anything else. Poor man! He does not have the resources. He does not have the funding. He does not have the time. We should really be splitting his powers and handing them to two people. Leave the Director of Surveys and hand back the control of state lands to the Commissioner of State Lands. I do not know why we are not doing that here today. Why are we not doing that? [*Interruption*]

The Minister agrees with me that it should be done. [*Interruption*] Yes, but we are putting the cart before the horse.

**Mr. Rahael:** We have to put systems in place.

**Sen. D. Outridge:** We are putting the cart before the horse. We have come with this and we combine legislation. Why did we not combine another one, remove that and introduce that as well and be on the way to creating a proper land management authority for Trinidad and Tobago? That is what we should be doing.

Therefore I believe and I have to agree, that we need to take a more serious look at this. We need to take a closer look; we need to take this into another forum where it can be discussed and properly looked at before we can approve this. We just cannot do things willy-nilly here. We must ensure that the lands of the state are protected, that the rights of other adjoining owners are protected too as well; that is what we have to do. Because some 48 per cent of the land in Trinidad and Tobago is owned by private persons and a significant portion of that adjoins state lands, so we have to ensure that we undertake a legal review of the several bodies performing state land management functions.

Madam President, I do not know if you know, but there are a number of bodies and pieces of legislation that have been created since 1994, which have actually removed certain powers of the Director of Surveys in respect of the management of state lands. So that the powers of the Director of Surveys have been eroded over the years, in terms of handling the responsibility of looking after state lands, to several agencies.

For example, the responsibilities under the institutional framework for land management are split. The functional responsibilities have split into a number of agencies. We have the Land and Surveys Division, for the management of all state lands in the State's interest and other lands, acquisition of private lands by the State, surveying and mapping. We have the Ministry of Agriculture, Land and Marine Resources for the development of parcels for agricultural production, selection of tenants and allocation of land, assistance with leases, enforcement, management of forests and national parks. We have the Tobago House of Assembly, land administration in Tobago on behalf of the Lands and Surveys Division. We have the Chief State Solicitor, Attorney General's Department, Ministry of Legal Affairs which processes leases and gives legal advice.

Madam President, we also have the District Revenue Office to collect realty taxes and land rents. We have the Valuation Division for the Ministry of Planning and Development, which advises the State on values of properties for rentals, acquisitions and compensation purposes. We have the Registrar General's Department, which keeps a record of private interest in lands. We have the Administrator General, which processes certain interstate inheritances. We have

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the Town and Country Planning Division, which processes requests for subdivisions and changes in land use designations. We have the state oil companies to manage those lands for which they hold oil and mining rights as owners. We have Caroni (1975) Limited to manage lands vested in the company as owner and we also have other statutory agencies that manage lands vested in them as owner. *[Interruption]*

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

We have the Chaguaramas Development Authority, the National Housing Authority, the Airports Authority and the Port Authority of Trinidad and Tobago. Many of these agencies are operating under separate legislation and, in many instances, the legislation is out of date. In addition, land rental policies across state agencies, show several inconsistencies with one another. So this is only the tip of the iceberg. We have other state institutions that have responsibilities in respect of land.

Mr. Vice-President, we have the Ministry of Public Administration, Property and Real Estate Division; the Ministry of Local Government, municipal corporations. We have the National Insurance Property Development Company Limited. We have PIDCOTT, the Property and Industrial Corporation of Trinidad and Tobago. We have PTSC, the Public Transport Service Corporation. We have Plipdeco, the Point Lisas Industrial Development Company. We have the Environmental Management Authority.

There are proposed entities which are not legally constituted such as the National Physical Planning Commission and the National Parks and Wild Life Management Authority. All these institutions that have certain powers and certain authorities in respect of what they do with state lands, operate, not with any standards and yet some of them require the Director of Surveys to sanction, some of them do not.

What I am saying, Mr. Vice-President, is that we cannot come here and deal with only a small piece of the legislation and seek to pass that and say everything is good and everything in respect of land management in Trinidad and Tobago is okay.

[MADAM PRESIDENT *in the Chair*]

The conclusion is contained in a 2000 document submitted called An Analysis Of The Legal Framework For State Land Management In Trinidad and Tobago under the same Land Tenure Centre, University of Wisconsin, Madison, Land Use Policy And Administration Project, and is prepared by Mr. Kelvin Ramkissoon.

He noted the created responsibility in respect of land management in an indirect way, where the creation of Acts, like the Environmental Management Act, the Tobago House of Assembly Act and the State Land Regularization of Tenure Act, the Agricultural Small Holdings and Tenure Bill, the Planning and Development of Land Bill, the National Parks and Other Protected Areas Bill and so forth, all these agencies have different legislative responsibilities. We have, in fact, a piecemeal method of dealing with the management of land in Trinidad and Tobago; different responsibilities, different functions of these entities and different land management policies.

**3.30 p.m.**

What we have here is an *ad hoc* manner in the operation and resources of land in Trinidad and Tobago, a lack of coherence and cohesiveness in policies. This did not just happen yesterday, it happened over several governments. What it means is, for government to come now and say all this nonsense must stop. We must take the bull by the horn and regularize the whole management in terms of state lands.

We must have statutory enactment and propose pieces of legislation to create a number of instances where the situation, the position of power, or jurisdiction in terms of a Commissioner of State lands be given the responsibility for the management of state lands, and put together a State Lands Management Authority. That is what we need.

In order to do that, the Government must undertake a legal review of the several bodies performing state lands management functions with a view to identifying the conflict in functions and policies practised by these entities.

There must be an identification of the disharmony in policy and the lack of consensus in state lands management functions exercised by the various statutory bodies and other entities with the objective of a harmonized policy. Mechanisms should be put in place and adopted to coordinate and integrate the efforts and functions of these entities to determine a unified policy and system of state lands management. This is very important so the man out there knows that when he is dealing with anybody, that there is a standard.

When he goes there, they are doing one thing, he goes the other place, they are doing another. He has to pay a lot of money. He must know exactly what he is doing with every single body because there is a standard. Standardization is happening all over the world, technology creates that.

That we have a State Lands Management Authority established by statute and a policy-making body comprising the primary stakeholders in the public and private sectors to include technocrats and environmentalists and to mandate, formulate, and supervise state land management functions and to ensure the adherence to a set policy. That is what we need, Madam President.

So I cannot see how we can seek to remove a small mischief and leave a larger mischief existing. If there is anything to come out of today's sitting, or in respect of the amendment of this legislation, is that we have a larger problem and we must not put a plaster on the cut and leave it. We must ensure that there is a cure. So I ask that the Leader of Government Business considers that this matter in respect of the amendments be given a wider forum, that he opens up the net and allows further discussions to take place in respect of the management of state lands so that we can have a cohesive policy and decide whether it is the President, the Director of Surveys, or the Commissioner of State Lands. If that is the position to be created sometime, then why are we making these amendments today?

Madam President, unless we do that, then we will not be on the road to resolving the problems with state lands.

Thank you.

**Sen. Dr. Eastlyn Mc Kenzie:** Madam President, let me confess that I am aware that we need a very comprehensive and unified policy, procedure, and structure regarding state lands in the country. Let me also say that I am very aware that I believe that formulating that unified policy, procedure, structure and standard would take us a long time. I admit that I am aware that we have an immediate problem that we need to solve quickly, and so I say let us consider and begin to set up whatever machinery we have to deal with the total policy regarding state lands in Trinidad and Tobago.

For the people—and I know personally from my own experience and from dealing with people who are suffering because of what is happening—let us try to get rid of this immediate problem now by incorporating some of the measures we have here. I am saying that we should try to deal with it and relieve these people—be it one, be it 15, be it 70—of the problems that they have right now, and let us get on with this part of it.

That is not to say that I do not want to add my bit of concern about certain measures in the allocation of state lands to people, and I want to specifically mention a few of them. I agree that we should have a register of all state lands in the country and I suggest that it be done in categories: state lands to be used for



agriculture, state lands to be used for industrial purposes, for commercial purposes and housing purposes. Let us have them categorized rather than all lumped together where it will be difficult to put our hands on certain things. So let us have a register and a registry of state lands.

Let us have monitoring of the state lands when they are issued to people for specific purposes. I know from my experiences in Tobago, state lands were given out for agricultural purposes, after a little time the cows disappeared, the agriculture disappeared, the houses are there and the people are so bold to divide the state lands and give their relatives and friends. There must be monitoring; there must be some sort of policy where you monitor the lands after they have been given out to ensure that they are used for the purposes for which they were given.

Madam President, I want to go specifically to the Real Property Ordinance (RPO) as mentioned here, and I want to say it is one of the most cumbersome, bothersome things that we have when it comes to the registration of lands, be it private or state lands.

Madam President, I just want to trace from my own research the steps to the RPO as we had them, when the Registrar General's Department was being set up in Tobago and managed by the Deputy Registrar General of Trinidad and Tobago. As an Education Extension Officer, I took the gentleman around from Charlotteville to Crown Point to discuss with the people the department and what it was going to do. One of our main discussions centred on deeds, lands, and RPO, et cetera. I can tell you that after every evening's discussion, the next morning he was greeted with a long line of people with their deeds in pillowcases, big envelopes, and even some of them with what we call in Tobago at that time, the "grip". You will call it a suitcase. Coming back to the RPO, these people were in possession of land for which they have had no title and this is what is happening now. We have people who are in possession of lands and they have no title, no deed, nothing.

How did this RPO system work? These people were trying to get title for lands that they were in possession of. The lands were surveyed, the surveyor gave to the applicant four plans on which he wrote: "To be brought under the RPO." After this, the applicant took this to the lawyer who prepared an affidavit for the surveyor. He has to say in the affidavit, "when I notified the people there were no objections", so everybody was clear and then he had to verify the survey. The applicant had to declare that he witnessed the survey and he had given the seven days' notice to the neighbours. So they had that procedure. These two affidavits

with the four survey plans were then sent to the Director of Surveys for his approval. Subsequently, the approved plans would be returned to the lawyer or surveyor and the lawyer prepares an application based on the requirements of the Act, Chap. 27:11.

However, recently, there have been some adjustments. Judges now have prepared guidelines for the RPO and they have outlined many more requirements than are in the Act. In many cases the requirements are difficult to obtain because if you take the situation in Tobago, you bought a piece of land in the olden days, you paid, you got your receipt and your deed. The owner would then have gone to what was then the Warden's Office to pay whatever, register the deed, and they would take home the deed and put it in their canister. I am not sure you know what that is. It has nothing to do with military things, Madam President. It is just a safe place that you locked away private, important documents. So these people would have taken them there, but what they failed to do was travel to Trinidad and register those deeds in the Red House. They had their deeds in the canister and by the time they were ready to open the canister, cockroaches and other insects ate it, the paper deteriorated and you know what happened after that.

So the judges have added other requirements to the already existing ones that they have in Chap. 27:11. The problem is this, you are not sure that when your application is made to put your lands under RPO that the judge who hears the first part of it is not the judge who is going to hear the next part, or the judge who is going to hear the third part. So judge "A" tells you he wants "X", the people fight and provide "X", by the time it comes back the second time and goes to judge "B" he says he wants "X" and "Y" too. So the person has to go back again and satisfy the second judge. By the time he gets to the third judge he wants "X", "Y" and "Z" too. So this became a very real process and every judge may add; one wants a tie, the next one wants a tie pin the next one wants a cuff link. This is what has been happening, and that is the process for the RPO as it stands now. Sometimes it takes up to four years and I am talking from personal experience of people who have come actually believing—I do not know if they think I could make the law—and asking me do something about this. I think this is an opportunity and that is why I am saying for the time being, let us give these people their deeds and let them go ahead and get whatever they have to. When you are doing the comprehensive restructuring of land management, et cetera, the RPO has to come under it, although this might be a legal matter.

Remember, Madam President, that even while these Tobago people had their deeds and took them to the Warden's Office, they were still paying the taxes in

their old people's names because they did not come here and register anything to change it. That is another problem that ties up with our land acquisition in Tobago.

So many people when you use their lands and you are ready to pay, you have to go in the cemetery to find the owner. You probably have to pay the bones because they do not have title to their lands. We have a serious problem that does not only pertain to what we are dealing with today, and I am saying that I am exposing this that you would look at it in a very comprehensive manner.

Madam President, I would like to say that when people have no title, no deed, or RPO, there is nothing to show to get collateral. You cannot say, "the State gave me a piece of land." The banks and financial institutions need strong, positive collateral. They want to see a legal document so these people cannot get anything. They cannot borrow, they cannot get money to build or anything of the sort, and it is quite a long legal process. I am saying the requirements for RPO are too stringent and I think unnecessarily so. Let me tell you why.

Before you begin actually going to the court, you must publish this intention. You see, Real Property Ordinance, whatever and the Registrar General's signature below. It must be put four times in the newspaper so anybody who wants to object has enough time to sign a caveat. Therefore, I am saying I do not understand why there must be all these stringent requirements.

The second point is even if you issue the certificate; a person who wants to object or file a caveat could still go to the court and ask to nullify it. So why are you making all these stringent rules when people are suffering for titles economically and socially? You have a long, cumbersome, and according to my mother, come round go round system that does not benefit the poor person. The ordinary person is suffering and I am saying I agree that we need a comprehensive policy. I agree that we should try not to do it in a piecemeal fashion.

If there are people who thought since October 2001 when we passed that Bill that everything would have been okay after that, and we have a legal problem that prevents these people from using the land that they were leased and getting the formal document, give them the thing. I am saying let us pass this amendment now. Let it not be the be all and end all of land management. The RPO should be looked at. I am also saying that we could look at the lease under the public seal, and in response to Sen. Mark that every lease as shown on the omission of the map, the plan, the diagram, I am saying from my own knowledge that the lease carries the boundaries and the acreage. The lease says, I lease to John Tom so

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many square metres—or whatever quantity of land—bounded on the north by so, the south by so, on the east by so, on the west by so. You have a deed that tells you everything that the map would show. I am not saying that when you do a comprehensive thing you will not have that.

Madam President, I have been in this land business story since the Registrar General's Department came to Tobago. I went around with the Registrar General, I learnt from him and I must say that I think that the education he gave to us in Tobago concerning these things was excellent. He was an excellent teacher and I owe a lot of what I am saying today to what I learnt from him, and actually from meddling in people's business when they had things under the RPO in getting their deeds, leases and all these types of things.

So this is not to say that everything is fine, this is not to say that I do not fully agree with Sen. Outridge in his closing remarks, especially when you list the number of agencies dealing with state lands. But I am saying that if we were to do the things that Sen. Mark and Sen. Outridge outlined this afternoon, some of these people with the state lands would stop doing agriculture. They would be so bent over and lame.

I would like to hear from the hon. Minister in his winding-up a commitment of a deadline within which this Government is going to take into consideration the points made by Senators Outridge and Mark about pulling all this together and having a unified policy and structure regarding the lease and whatever have you of state lands; a complete overhaul and bringing to this Senate something that we can discuss and comment on and the public could comment on, and all the stakeholders would have a chance to come in.

Madam President, I am going to vote for the amendment. I support what it is saying as an immediate solution on condition that I hear from the hon. Minister an assurance and a commitment to this honourable Senate that he has not come here with his mind made up and we could talk as much as we want, “he ain't hear, and he not listening”.

Thank you.

**The Attorney General (Sen. The Hon. Glenda Morean-Phillip):** Madam President, Sen. Dr. Mc Kenzie has taken the wind out of my sails because she has stated the problems very clearly.

Members would recall that since 1981 legislation was passed with the intention of streamlining the title to lands in Trinidad and Tobago. We had the

Land Registration Act of 1981, and the Land Law and Conveyancing Act of 1981. However, before these Acts could have been put into operation, lots of preliminary steps were needed to be undertaken and one of the major reasons for that as Senators who spoke before would have said, was the fact that the title to lands in Trinidad and Tobago comes from two streams: one, you have old law, land that is held under the old law, that is the common law, whereby in order to establish the title you have to have a deed. So that if you have a deed today, you have to go back 20 years to establish the title to that piece of land. Before it was 40 years, then it was reduced to 30 years, then to 20 years. So it is very cumbersome to establish title to land under the old law.

You also have side-by-side, the system of registration that is under the Real Property Ordinance commonly called the RPO, which provided a simple means of establishing your title in that you have a grant from the State called either a crown grant or a certificate of title, and on the back of that, you endorsed all transactions. The owner kept one, and one is kept in the Registry so that whenever you wanted to do a transaction, the two would be compared to ensure that whatever it says on it is correct.

Now successive governments, and in particular, the last regime, passed a number of Acts with the intention of completing the computerization process of the title to lands so that anybody wishing to verify the title of a parcel of land could go to the Registry and maybe it would have been on microfiche or microfilm and pay something and get the title without going through that cumbersome process of going through those big books.

I know what I am talking about because in my training I went through that, that is why my arms are so strong. You had to pull down those big, heavy books and in one year if you are searching the ward of Diego Martin, you may have four volumes and you had to go through every volume line by line to see whether what you were looking for is contained in any one of those volumes. So it was intended to streamline this whole process, but this computerization process has taken more than what people bargained for. So that lots of legislation has been passed with the intention of facilitating this process, but so far, it has not yet been right.

This Act, No. 74 of 2000, sought to make all leases of state lands registrable under the RPO. When the Act first came into operation, some deeds were registered, but then the Registrar General said it cannot work because these lands did not originate under the RPO so we cannot just register these leases under the RPO, and there is where we had a problem because many people would have done

transactions and you have—contrary to what my friend on the other side says—thousands and thousands of leases and transactions. There are letters on my desk from lawyers who have had transactions going through and they just have to wait. Mortgages are held up and many things are being kept back.

Madam President, people cannot get their leases for those lands in Bon Air, Trincity, and Malabar because of the fact that you cannot register the lease under the RPO. What we have sought to do here is stop that measure because we cannot ask people to wait until we get the system going, or until we get all the necessary legislation. We come here with all the legislation, go through all the filibustering that we are going to face and so on, and spend a long time while people's business would be on hold. So the objective here is to ensure that people can have their deeds registered within as short a time as possible.

There is no sinister motive behind this bit of legislation. We are not doing anything different than what was done before, because when you had the leases being registered under the old law, there is no check or balance that you have removed here by putting it under the RPO. The objective was simply to facilitate the computerization process, which it has not really succeeded in doing, hence the necessity for this amendment.

I do not think I need to respond to anything else, but just to clarify the legal position and to let Sen. Mark know that there is really no ulterior motive whatsoever in relation to this legislation. There is a provision for the removal of the penalty that troubled Sen. Outridge.

What is section 5 doing there? As Sen. Outridge said you have lots and lots of bits of legislation dealing with land, and with respect to the registration of deeds, there is a provision in the Stamp Duty Act which says that if you do not register within two months after execution, you pay a penalty. There is also a provision in the Registration of Deeds Act which says, if you have a deed of gift—and you may have a deed of gift that has been executed for over a year and it is not registered—because of this problem, you will have a penalty to pay. So what this section is doing is saying this is not your fault that you have not been able to register your deeds so we will not charge you the penalty, we will give you a certain time to put your house in order and hence the reason for a cut-off date.

Madam President, that is the gist of what these paragraphs are all about, that we spent the whole afternoon doing. That is all it is about. While we are being accused of not having a legislative agenda, the fact is that we have a lot of cleaning up to do and it is anticipated that these little measures that have been

brought here, within two or three sittings we should have got through about 10 of these cleaning up measures. As it is, we spend a lot of time filibustering, as I said earlier, and doing precious little when we could have gone through this—we have about three or four of them—and there are many more to come. I have a long list of bills for amendments and they are needed in order for the business of the country to be carried on.

Thank you.

**Sen. Prof. Kenneth Ramchand:** Madam President, I did not intend to speak, and if I join the list of filibusterers, I can assure you I will not speak for very long.

First of all, let me congratulate Sen. Outridge on an informed and highly educative contribution. From our debate in this Chamber on the unfortunate Planning and Development of Land Bill, I knew that things were in a mess but I did not appreciate how much of a mess and for how long this mess has existed until Sen. Outridge released all that information.

I wish also to congratulate Sen. Dr. Eastlyn Mc Kenzie on the clarity and passion of her thinking on the plight of people in possession of land with no titles, and on her call for strict monitoring of the use of the land by people who have been granted leases.

Madam President, I support the opinion expressed by hon. Senators that there is a desperate need to make a survey of state lands, describe them by categories, and prepare the groundwork for a comprehensive land policy. I would add to that, that we produce a map of Trinidad and Tobago showing clearly where the state lands are, and this map should be available to all citizens. If there are state lands available for lease or sale, this information should be readily available, not only to insiders and some estate agents, but to every citizen, not only so that citizens may apply, but for all of us to monitor the granting of leases and the use of lands for which leases have been granted.

I have to say as the last of the commies, Madam President, I do not approve of selling state lands and I do not recommend leases of more than 30 years, and may I add that I wish we could reinstate the Aliens (Landholding) Act. State lands should remain available for the use of citizens from generation to generation and for purposes conforming to a national land policy, but I think we should make provisions. The State should set up a mechanism to do over the register periodically and make any necessary alterations to the categories. Because a piece of land which we might think now is incapable of being developed for agricultural

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purposes may, because of scientific developments, be the type of land that we can rehabilitate. So we would need to look at the register every 10 or 15 years and wonder whether certain parcels can move out of certain categories.

Madam President, to go back, I wish this register—because I agree with hon. Senators that we should return urgently to the notion behind the Planning and Development of Land Bill which did not quite make it to the finals. I agree with Sen. Dr. Mc Kenzie that immediate matters should be attended to and, therefore, I intend to support the Bill, but I would like to join her in making a request to the hon. Minister that he should give this House an assurance and a deadline for action on the larger question of the Planning and Development of Land Bill and on a comprehensive land policy.

Thank you.

**Sen. Dr. Jennifer Kernahan:** Madam President, I rise to support my colleague, Sen. Wade Mark, with respect to his grave reservations on these Bills brought to this Senate today. I agree with him that because the question of land and state lands is very sensitive, that extensive ventilation of the issue is necessary so that our people, the people of Trinidad and Tobago, at the end of the day may be fully aware of all that is at stake, and of all the opinions and policy behind these Bills.

I intend to disagree with the hon. Attorney General that the role of the Opposition and Independent Senators is to come to this honourable Senate and very quickly rubber stamp pieces of legislation. Essentially, our role is to represent the people of Trinidad and Tobago and to air their concerns with respect to whatever is happening here. [*Desk thumping*]

Madam President, the question of land ownership is extremely important to productivity, to social stability, social cohesion, food and nutrition security, and I dare to add even to national security. So when we talk about land and land issues, and especially state lands, we have to be very comprehensive in our approach to these issues, and in this context I would like to congratulate my colleague, Sen. Outridge, for his contribution today.

We on this side recognize that every human being born into this earth is an inheritor of the fruits of these lands, and we recommend that many of the social, political, and economic problems that we face in our society today; the unrest, and the alienation that so many people feel in our society today is because of their alienation from the simple right to a piece of land, to housing, to somewhere they can call their own and raise their families, be productive and be part of the social



and political productive process in the society. This is really basically the cause of a lot of alienation.

I know of hundreds of young people over the years in this society who were kept out of the productive process simply because they were unable to acquire land and because of the deadlock they encountered in trying to go through the legal channels to acquire land to build themselves in the society. Because of that in the post-1970 period we had this huge phenomena of squatting, and illegal tenure in many areas in Trinidad including affected private lands.

Madam President, I was listening to a call-in programme recently on the radio and it consisted of a legal advocate answering questions of a legal nature that people might have had, and 90 per cent of the questions people called about were with respect to land issues. So we know that land issues are very sensitive and fundamental to everyone in this society and it is because of that, our administration over the last six years that we were in office, was forced to present a legislative agenda which included a lot of legislation that would seek to alleviate and gave some succour to people who had suffered for years in the wilderness in desperation without the necessary legislation which would afford them the sort of help they needed.

Madam President, some of the legislation that the last administration enacted were: the Land Adjudication (No. 2) Act, 2000 which provided for the adjudication of rights and interests in land. Very quickly I will go through: the Land Tribunal (No. 2) Act which created the land tribunal with the jurisdiction to settle all disputes concerning land, the Registration of Titles to Land (No. 2) Act; the Registrar General (Amdt.) Act, 2000; the Real Property (Amdt.) Act, 2000; the Conveyancing and Law of Property (Amdt.) Act, 2000; the Land Acquisition (Amdt.) Act, 2000; the State Lands (Amdt.) Act, 2000; and the Registration of Deeds (Amdt.) Act, 2000 are some of the legislation that were passed by our administration to allay the pain that so many of our people felt when facing the land market and land issues.

Madam President, the development process in this country must deal with a number of issues vital to the hopes and dreams of our citizens. What are some of the challenges that this Government faces at this time in carrying the development process forward with respect to the issues? I would say one of the major challenges is our quest for sustainable development which has at its core, the harmonious and productive relationship between our land resources and the needs of our people.

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Another major challenge is that we on this side demand and we would continue to demand in the face of all opposition that there must be transparency, justice, and quality whenever we talk about land distribution in this country and the allocation of state resources. I say that this justice and equity are imperative and fundamental in all spheres of our national lives with respect to jobs, housing, the social services, schools, and health service. We demand equity in all these areas, and land distribution and the use of state lands must be a transparent process.

Another major challenge is the rational use of land as one of the key indicators of our success as a people and as a Government; success in its quest for national development. One of the problems we have that I would like to introduce into this debate is the concept that we talk of the use of land, we also have to talk about the concept of biodiversity which sustains the land. The concept of the protection of the land I submit is just as important as all the issues that are aired today with respect to the legal aspects of land development.

Madam President, so I say that the land use is inextricably linked to the protection of the biodiversity that exists on these lands. By biodiversity let me say that I am referring to the protection of our forests, fishes, wildlife, and wetlands of our environmentally sensitive areas. All these issues must come into play as another dimension when we are on the question of the use of land and, inextricably, we must talk about the protection of land because the protection of our lands is fundamental to the use of the land. We cannot have use of the land without protection of the land.

It is my concern that in this country in our quest for development to deepen the process of independence that we have followed several developmental models especially with respect to the distribution of land and how we deal with our people. It is interesting to note what some of our thinkers have to say with respect to this because, as I said before, the use of land is fundamental and it goes to the heart of food and nutrition security, it goes to the heart of the productivity of our people.

Madam President, I would like to introduce the *Black Power Revolution 1970*. This is a series of articles by a number of thinkers and the issues that fueled the Black Power Revolution of 1970. I know some people have seen it fit to designate that whole movement for social equity and justice as terrorist, but I would prefer for us to be reminded that all the gains that we have made as a people culturally, economically and politically in this country have at the heart of it the 1970 Black Power Revolution with which I am proud to be associated.

Madam President, Taimoon Stewart had this to say with respect to the government policy to Food Security and Employment Creation in Agriculture as it relates to land. I quote:

“Why did the effort to generate employment and develop a measure of import substitution of food through the land distribution policy fail? The Crown Lands Development Project, (CLDP) involving the development of 12,000 acres of Crown Land into 1,800 farm units, was a failure. The following summarizes the findings of a study of the small business sector by Crichlow (1994a):

Low productivity, under-cultivation, unacceptably low incomes from the farms and frustrated farmers plagued the project. Crichlow finds that while the rhetoric of state-support for farmers was ever present, in fact, infra-structural support was not given, resulting in unprepared or under prepared land, flooding, bad access roads, lack of potable water and inadequate marketing arrangements. While a line of credit was supposed to be available to farmers, there was such a long delay while the Agricultural Development Bank (ADB) organized itself that critical time was lost. Insecurity of tenure because leases were not delivered and lack of technical supervision left by planters with a feeling of powerlessness...

Crichlow concludes that the state neglect of the CLDP project was due to pressures from support groups who influenced government policies in their favour—that is, the foreign investors, the large planter elitist groups and the small industrial and commercial elite. In Crichlow’s view, it was a cynical continuation of colonial policy of support for the traditional elite. A lack of democratic participation of the tenants led to a divergence between the farmer’s perception of their needs and that of government officials. It was, in fact, little different from the colonial land settlement schemes of the 1930s to 60s.

The rapid growth in the economy in the post 1974 period, accompanied by new and lucrative opportunities for employment (construction, transport), plus the large hand-outs by the state through the unemployment relief programme caused an exodus from the land by these small farmers.”

Madam President, this is in the context of the crocodile tears that are being shed here today for small farmers and the suffering of people. This is an indictment by a very learned economist of the previous regimes are

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mamaguism—for want of a better word and the use of a colloquial word— of our people with respect to land distribution and the development of food production in this country.

I would like to postulate here today that the cornerstone of national development was laid, that succour and relief to thousands of our citizens was implemented when the State Lands (Regularisation of Tenure) Bill was laid in this Senate by hon. John Humphrey.

Madam President, this State Lands (Regularisation of Tenure) Bill was brought to the House on June 04, 1996. The Bill was to secure certain squatters from rejection from state lands, and in designated areas to provide for their acquisition, and also acquisition by tenants and leaseholds for their dwelling houses and matters incidental thereto.

The Minister of Housing and Settlements put the matter to the House in this manner, and I quote:

“Mr. Speaker, 20 years ago, 132 member states of the United Nations met in Vancouver, Canada, to confer on human settlements. From that Habitat Conference came a comprehensive plan for national action to improve the quality of life in human settlements.

This plan reflected the consensus by delegates of the states attending the conference. Sixty-four recommendations are contained in six areas of approach, namely:

- A. Settlement Policies and Strategies
- B. Settlement Planning
- C. Shelter, Infrastructure and Services
- D. Land
- E. Public Participation
- F. Institutions and Management”

He went on to say:

“Mr. Speaker, allow me to quote some of the highlights of the recommendations that came out of the Habitat Conference held in June 1976.

- A. Settlement Policies and Strategies
- ‘...settlement policies and strategies must be conceived on a scale appropriate

to the task and as part of a single concerted effort for the improvement of the quality of life of all people wherever they live and work.’

Madam President, we adopted that in our policies with respect to land and the people of Trinidad and Tobago. We kept faith in our people in the post-Independent period when they asked for these things. That was what the 1970 revolution was about.

“B. Settlement Planning

‘Planning is a process to achieve the goals and objectives of national development through the rational and efficient use of available resources.’

C. Shelter, Infrastructure and Services

‘...the overriding objectives of human settlement policies should be to make shelter, infrastructure and services available to those who need them, in the sequence in which they are needed and at a monetary or social cost that they can afford.’”

Madam President, I would like the Senators opposite to focus very closely on what was said here because the objective of providing shelter is not to pad areas with supporters to win a general election, but as is said, to make available to people these services where they are needed and make them affordable.

“D. Land

‘Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of the society as a whole.’”

This is the gist of our contributions today on this side, that social justice and equity can only be achieved in this country if land is used in the interest of the people as a whole, and not in the interest of partisan politics as designs for Government to stay in office, in perpetuity against the real wishes of the people of Trinidad and Tobago.

“F. Institutions and Management

‘Policies, strategies, plans and programmes cannot be elaborated or implemented without appropriate instruments.’”

The appropriate instrument in this case was the Bill to regularize our squatters, thousands of people who had suffered for years at the unholy—Madam President, the word escapes me. Because we are talking about people, babies who

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were thrown out of the little shacks; we are talking about food that was spilled; beds that were wet; we are talking about workers in this country who give their lives every day to produce for this country and were thrown out into the streets unmercifully due to the policies of the Members on the opposite side who come today to shed crocodile tears about the needs of poor people in this country. I am extremely skeptical about this approach.

When we on this side enacted this legislation, I want to bring to your attention that it was not for some of the people, it was not for urban people, it was not for rural people, it was for all people because we had a regularization process that dealt with people from Bagatelle in the north to Diego Martin, Scorpion Village, Sea View Hill, Factory Road. These are the heartland of the supporters on the opposite side and these are the people who received Letters of Comfort from the United National Congress because we believe in people. [*Desk thumping*]

Madam President, these Letters of Comfort were given to people in central Trinidad, Carlsen Field, California Village, and people in south Trinidad. No one was left behind because that was our philosophy. There is no discrimination, no padding of houses, no cynical manipulation of our people because of the need they have. We treat the people as people because we believe they have a right to be here and they have a right to live and be protected. [*Desk thumping*]

**Madam President:** At this time we would take the tea break. This Senate is now suspended for half an hour. We will return at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. Dr. J. Kernahan:** Madam President, as I was saying, the State Lands (Amdt.) Act signified a virtual revolution in this country with respect to the ownership of land and with respect to the concepts of the right to land, and our people became stakeholders in our country of birth, rather than survivors in the wilderness created by backward anti-people policies.

In addition, under the regime of the United National Congress, it was not just enough for us to ensure that the instruments were created whereby our people would be granted land, we ensured that they would be granted land in a timely and efficient manner and we wanted to ensure that the dreams and hopes of our people were fulfilled according to the expectations of our administration.

It is in this context that we established the accelerated land distribution programme under the aegis of the Land Settlement Agency, and we saw this as

another building block designed to enhance the speed of delivery of land leases to our peoples, to the small farmers of this country, in order to bestow the spirit of productivity to motivate them, to get them into productive work, to get them to produce the food that we, in this country, import so lavishly.

The policy of our administration supports empowerment, security and the enhancement of productivity. The expectation, I dare say, and the fervent hope of the people of this country is that, given all that we have done, all the cornerstones that we have laid on the way to a fully developed nation, all the laws that have been enacted with respect to land and land development in the land market, it is our fervent hope on this side that this Government heeds the cry of the people of this country and continues on the road charted by our administration and move very swiftly to continue to support the work of the Land Settlement Agency and the accelerated land distribution programme. The lives, the faith and hope of thousands of people rest on this premise.

In our quest for rational development, justice and equity for all our peoples, for equitable distribution of the resources of the State, we must be mindful that it is the Government's responsibility to enact laws to bring policy for the protection of the land and for the protection of the biodiversity of our land. This twin-island State, Trinidad and Tobago, is our heritage. It is ours to use and enjoy and it is our responsibility to pass this heritage on to our children and our children's children for their use and enjoyment. Therefore history will not absolve us if we do not take the necessary steps to ensure that the protection of the land is of paramount importance to this generation.

To this end, the Environmental Management Act, 2000 was passed by the previous administration and in order to pass this Act, this administration repealed the 1995 Environmental Management Act and replaced it with the Act of 2000, because it made it possible—I am quoting here from *The Law and You*, prepared by the Ministry of the Attorney General and Legal Affairs of the Republic of Trinidad and Tobago:

“The repeal of the 1995 Environmental Management Act and its replacement with the new 2000 Environmental Management Act makes it possible to constitute the Environmental Commission as a competent superior court of record to hear and determine environmental matters under the Environmental Management Act. This Commission would be able to grant Orders to compel persons to do a particular act or to restrain persons from doing certain acts and pay compensation for environmental damage.

The Environmental Commission represents a crucial piece of armour in our administrative and judicial weaponry to ensure the protection of our environment. It would add to the mechanisms to promote and provide greater access to justice to the citizens of Trinidad and Tobago.”

In spite of these steps taken so far in the interest of the building blocks of national development in the building of a developed society, we are aware that we cannot rest on our laurels. There is still a tremendous amount of work to do. This Government, as the repositories of the hope and faith of the people of Trinidad and Tobago, still has a tremendous amount of work to do with respect to, not only new legislation, but enforcement of existing legislation as a major challenge to our aim of the protection of land.

We have seen some glaring examples which have led to the most dire consequences recently. We know that there are problems of illegal logging activities in the Northern Range. This is one of the factors that has been advanced as a cause of flooding recently. We know that there is unsupervised development construction in the Northern Range. We know that we have the problem of adequately protecting our forest from forest fires, which have decimated the land cover, which have decimated our watershed areas, with dire consequences for the people of this country. We have seen that there is no respect for sanctuaries from encroachment, as the Aripo Savannah. So there are a range of problems with respect to the protection of our land and I submit that this is of vital importance when we talk about land.

I would like to speak about the question of land use, because I believe it is one of the questions that Sen. Outridge raised with respect to a holistic approach when we speak about land in this country. I would like to quote from the *Procicaribe Organization* of February 12, 2002 as to what is happening in our country with respect to land use. I quote as a background to the land usage and the land that we have available to us. It says:

“The combined surface area for Trinidad and Tobago is approximately 5130 sq km. Trinidad, the larger of the two islands, has an area approximately 4814 sq km. The first land use and capability survey for Trinidad was conducted in 1974. Then, 62.1% or roughly 3000 sq km was under natural vegetation, comprising 16 sq km in savannah, 182 sq km swamp and marshland and 2305 sq km in Forest and woodland. Land under agricultural use was estimated at 26.7% or 1289 sq km, permanent pasture at 486 sq km or 10%, while built up areas made up 10.1% or 486 sq km. Of the 1289 sq km devoted to agriculture in 1975, 91.8% or 1184 sq km was used for permanent



field and tree crops such as sugar cane, citrus, cocoa, coffee etc., while 8.2 or 1052 sq km were used in the cultivation of temporary food crops which include vegetables, root crops, pulses and rice paddy (Hardy, 1975).

As early as 1975, land capability studies revealed that agricultural land use in Trinidad did not correspond to land capability guidelines.”

I think this is a point that we have established here today. I continue:

“According to Hardy (1975), only 6% or 758 sq km of the land area was suitable for cultivation, falling within land capability classes (LCC) I, II, III. However, the actual area used for agricultural purposes (1289 sq km), exceeded this requirement by 41%, suggesting agricultural activity on 531 sq km of marginal (LCC IV) or poor lands...”

That is land not really suitable for agriculture. This document went on to speak of land use trends. This is where it gets disturbing and this is why, when we approach the question of land, we have to approach it in a holistic manner. I quote:

“In 1997, total area under forest and woodland was 2161 sq km, representing a 6% decline from 1975. Similarly, changes in agricultural land use have followed the agricultural sector's declining trend of over the past 20 years. Land area under permanent crop cultivation has decreased by approximately 60% since 1975...”

These are the types of crops that keep our land stable.

“...with cultivated land areas for traditional crops such as citrus and sugar for example, declining by 65, and 40% respectively, in 1997, compared with 1975.

On the other hand, the land areas under temporary crop cultivation increase by approximately 30% or 45 sq km in 1997 compared to 1975. Of the 150 sq km devoted to farming of temporary crops such as vegetables, pulses and tubers in 1997, 5 sq km occurred on hillsides along the East-West corridor of the Northern Range, with slopes greater than 100. To date no systematic soil conservation programmes exist to address the land management needs of these sensitive areas.”

This is the land use trend that is reported in Trinidad and Tobago. It is very disturbing and enlightening also because it gives us a very fair idea of the cause of the disasters that we have seen recently. We have a 30% increase of temporary

crops in the Northern Range on very steep slopes and we have a 60% decrease overall cultivation of the tree crops that are recommended if we want to keep our land stable and want to keep our watersheds.

Clearly, what is needed at this time is clear policy on land use, on the use of state land, on the preservation of the biodiversity that is our land, as part of the wider question of the use of state land.

The Environmental Management Authority has produced, over a year, a very compelling study done in six sectors with respect to what is happening with our biodiversity; what are the constraints with respect to the protection of our biodiversity and the sort of interlocking mechanisms that exist, sometimes not always efficiently because of the different agencies that have a responsibility for different sectors. This study has been done in order to bring to the attention of the people of Trinidad and Tobago that it is necessary at this time; it is vital at this time; it is our duty at this time, to take very firm steps to protect our environment from the land use trends that we have seen before and to encourage a spirit of conservation among our young people, of caring for the land that has to sustain us and our generations in the foreseeable future.

The document speaks about Small Island Developing States and the constraints we have with respect to the whole question of preservation of our biodiversity, preservation of our land for our generations to come. I quote:

“In the context of a Small Island Developing State (SIDS), the management and conservation of the country's biodiversity becomes acute, as pressures and conflicts on land use continue to grow.”

We have seen that:

“The balance between population growth, demand and consumption of resources, and land use planning, must assume a critical focus in the management of a finite land space.”

We have been described as land poor because of the very small area that we occupy here. We are 1.2 million people occupying 5,100 square kilometres of land. It goes on to say:

“In this context, sustainable development and use of non-renewable resources, needs to be internalized and reflected in policies, plans and programmes of all sectors of the country's vision for development.”

What the Environmental Management Authority is saying here is what I have been trying to say over the last half an hour, that it is no use speaking about

national development if we are not serious about plans and programmes for the protection of our environment. I continue:

“Attempts made to develop the connections between ecological fragility and economic vulnerability of SIDS, generally indicate that, due to the combination of economic and ecological factors, small island states are among the most vulnerable of developing countries.

For Trinidad and Tobago, our size, variety of ecosystems and relatively good infrastructure, make our biodiversity extremely accessible. This is a double-edged sword for us, as it is advantageous for nature-based tourism, a proposed area of economic growth, but increases the susceptibility of these resources to over-exploitation and abuse.”

So it is clear that as we talk about the development of tourism, of land, of giving land to our people, of sustainable development, of access, of equitable distribution and so on, we also have to talk about how we are going to sustain and protect these lands for our future use.

I have identified major areas for consideration with respect to protection of the land, and in this document I would like to draw to your attention a problem similar to one which Sen. Outridge described when he mentioned that there were so many different agencies and organizations responsible for conservation. This document also identifies a number of agencies and organizations with areas of responsibility for different aspects of our biodiversity.

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

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

*Question put and agreed to.*

**Madam President:** Before I allow the Senator to continue, however, I would like at this point to take the opportunity to allow Senators to pay tribute to the late Mrs. Jean Pierre. I call on the Leader of Government Business.

**CONDOLENCES  
(MRS. JEAN PIERRE)**

**The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams):** Thank you, Madam President, for the opportunity to speak on behalf of the late Eugenia Pierre, fondly called Jean, on her untimely passing yesterday at 3.00 p.m. in the Cayman Islands.

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[SEN. THE HON. J. YUILLE-WILLIAMS]

Today's news would have said so much about Jean Pierre that I need not go into some of the statistics, except to say that between 1961—1995, if you look at her career, it was totally dedicated to the field of sport. Jean was one of the most decorated individuals in Trinidad and Tobago, having obtained the Humming Bird medal in 1974 and the Trinity Cross in 1979 for being the most outstanding player in netball in the world series, and the Chaconia Medal, Gold in 1979 as a member of the victorious team.

For those of us who worked and lived with her, Jean was a friend, a sister, a mother, a player, a counsellor, a physical therapist. If there is one person who influenced the world in netball, it is Jean Pierre. For those of us who travelled across the globe with her, we fondly remembered on mornings when we would go out to practise, we would see every other participating country looking at the practice sessions of Trinidad and Tobago, simply because they wanted to learn her style. That style was innate to Jean Pierre. She created the style.

I remember after one match in Australia which was videotaped, we went inside for an evaluation series and, as coach, she called for the videotape so that she could look over our mistakes. When we looked at that videotape of 60 minutes duration, all we saw were the feet of players. The Australians were not interested to see anything else but what we did with our feet, because they wanted to copy what she had done.

As I have said before, she influenced world netball. As far as I am concerned, she was the greatest netball player we have had and I think she would always remain such. It is hard to catch up to her.

She was an outstanding coach. She coached from schools through to the national teams and even when we took part in the world series and the world team was chosen, she was called upon to be the coach.

But there is something very special about her. She wanted to succeed and to be the best and she wanted Trinidad and Tobago to be the best. I asked her at one time what did she do to become the best shooter in the world, and she said many times she wanted to train and she did not have a pole at her house at that time so she had to use the city courts at the Princes Building, and early in the morning, with the help of a friend or her husband she would climb over the fence to get inside to practise. She would stay there so long that when she was about to leave the gates would then be opened. So committed was she to developing her own prowess.

She always walked—I could remember during the 1979 series—with a

number of seeds in her hand. I asked her one day, why all the seeds, and she said, "Everywhere I see a hole I would throw a seed." That was to help her with her aim. Some of us would never have thought about it, but so committed was she to becoming the best, that she took every opportunity, which means 24 hours a day. She was thinking about the game she had to play.

Jean was a mother to all. She took children, whom she felt had potential, from their parents into her own home. She kept them there at the husband's expense. I always asked her what was his response to that practice and she said, "There is nothing he could say." She took them to the courts herself and I am pleased to say that many of those children became national players. That was the type of person that she was.

On a tour, she was a mother and counsellor to all the players. They would take whatever problems they had to her and she was very quick at recognizing someone who had been troubled, and spent a lot of time working with them.

I managed most of the teams on which she was the coach, therefore, I had to take some responsibility from her. She would always outline what she thought was best for her team and asked the Manager to provide it. She did it because she felt that Trinidad and Tobago must be number one.

In 1979 after the world series and after being crowned the most outstanding player, we have that memorable stadium named after her. I think this is a real tribute to Jean Pierre.

When she thought her active days in netball were over, she decided to take up a scholarship to Miami which Dr. Williams had offered. None of us knew about this scholarship. But she felt that she could not take up the scholarship at that time because she wanted to continue playing. So she waited until her days as an active player were over and then she went to the Ministry of Education to make arrangements for the scholarship.

She went to Miami and spent four years there, obtaining two degrees. She was then lured back to Trinidad and Tobago and became the representative for Port of Spain South and Minister of Sport and Youth Affairs. In both cases she excelled.

When the Government demitted office, her youngest son, Justin, was at school in the Cayman Islands and she decided to go there to be with him. She became the coach and a consultant to the Cayman Islands team—a loss to Trinidad and Tobago.

I knew it was heartbreaking for her many times when we met on the international netball field. She was with the Cayman Islands and we were with

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Trinidad and Tobago. But such was her love for Trinidad and Tobago, that although she could not come to the bench at the time, she would send many notes to us during each quarter, and at the quarter time she would find herself at the Trinidad and Tobago end to give us some much needed advice, to ensure that we did our best to win the series.

Today, we are very saddened at her death. During the last few weeks the Government was making arrangements—she wanted to return to Trinidad and Tobago, I must say—for her to be here to take care of all her medical expenses as well as giving her an allowance so that she could live. Just yesterday about 1.15 p.m. her husband had called to find out how far we were with the arrangements, because she was expected to return by December 19. He spoke to her at 12.00 noon. He said she spoke very well to him and he was very heartened by it, but when he called back at some minutes to three, the nurses said that the doctor was with her. At that time she had passed away. She started to leave us, I think, when her son, Justin, was talking to her about, 2.30 p.m.

It was a very sad moment for all of them. The Government is making arrangements to have her body returned, and I can say at this point that we are standing the funeral expenses for a great daughter of the soil.

On behalf of the Government, I want to extend condolences to her husband, Norman, her three children, Sandra, Maurice and Justin, to her brothers and sisters and to her mother who is now 90 years old. It is very difficult for her to bear this loss at this time, having lost another daughter last year. We want to assure them that we would always be there to give the kind of support she deserves.

I think one of the tributes we can pay to her in terms of sport is to give netball all the encouragement that it deserves. I know many people felt that netball has fallen off a lot. I want to tell you it was difficult to replace her as coach, and those who remained are struggling and working as hard as they can with the team. I am sure that Jean would like us all to give netball the kind of support it deserves because she, together with the others, took Trinidad and Tobago to the top of the world. If we had become famous for one sport, especially where females are concerned, it was in the field of netball.

I think we owe a tribute to Jean. Therefore the least we could say to her for her contribution to Trinidad and Tobago is, thank you. When further developments are known in terms of her burial, they would be announced. Tomorrow her husband leaves for the Cayman Islands and I gave him the assurance that we would be there for the entire family.

I thank you, Madam President.

**Sen. Wade Mark:** Madam President, we on this side of the Senate wish to join with our colleagues opposite and, by extension, the national community in recording our profound sadness and deep sorrow over the untimely and shocking news of the passing of one of Trinidad and Tobago's genuine heroes.

Simple, beautiful, charming and at times unassuming, Jean Pierre was a true outstanding patriot who gave of herself and her many talents selflessly to her country. Not only did she excel on the netball field, but she also made an indelible mark in the arena of politics. As was stated, she was the representative of the people for the Port of Spain South constituency.

It should be noted that Jean Pierre had the great honour to be nominated, fought and successfully won the very seat once held by our illustrious Father of the Nation, the late Dr. Eric Williams. As a former Minister of Sport and Youth Affairs between 1991 and 1995, Jean Pierre worked hard for the people. Popularly known as our netball queen, the nation honoured her by naming a section of the Hasely Crawford Stadium after her.

She lived life. She sincerely loved life and we all loved her. Indeed, if there is anyone deserving of the title "national hero" "national icon", call it what you will, it was Jean Pierre.

She was the recipient of the Humming Bird Gold Medal in 1974, the Chaconia Gold Medal in 1979, and the Trinity Cross in that same year. She was honoured and held in high esteem nationally, regionally and internationally.

On behalf of the United National Congress, the alternative government of Trinidad and Tobago, and our esteemed Political Leader, the hon. Basdeo Panday, who is currently out of the country, we wish to extend our profound condolences to the bereaved family and friends of the late, great and heroic Jean Pierre, a truly wonderful and remarkable woman, gone at the young age of 58 years.

May her soul forever mingle with those of similar minds who have preceded her in the great heavens beyond.

**Sen. Dr. Eastlyn Mc Kenzie:** Madam President, I knew Jean Pierre very well and we were actually friends, because at one time, believe it or not, I was the President of the Netball Association in Tobago. I can vividly remember something she told me that I would hope our young people engaged in sport would follow. Apart from the story of climbing over the gate, she said to me, "Eastlyn, you know what I do? When I go to shoot, every shot I take and miss, I punish myself by running around the court." Where she practised at times was on

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a slope and the ball would go far away and she had to retrieve it. She said she tried her best never to miss a shot.

So we see the type of sacrifice she made and how hard she was on herself to be a perfectionist in the sport. Today I say that she has left a lesson for our young people who may believe that they may not be proficient in all areas, that we could be so proficient in an area in which we have a special talent that the sky could be the limit.

I hope that our young people would learn from the dedication, the commitment, the sacrifice that this beautiful woman, both outwardly and inwardly, had left with us. We heard of the number of awards she has received and there is no need to repeat them.

On behalf of all of us sitting on the Independent Benches, our condolences go out to her immediate family, her relatives and especially her old mother who at 93, and despite the fact that Jean was 58, still thought of her as her little girl.

I remember her saying also that when she went for the trials the first time and she stood there eagerly listening to hear whether her name would be called as one of the national players, when she heard "Jean Moore", she ran straight to her home without stopping, shouting to her mother that she had succeeded in obtaining a place on the national side.

May her soul rest in peace.

**Madam President:** Hon. Senators, I, too, want to add my own words of sympathy to the husband and family of Jean Pierre. We are all aware of her many accomplishments regionally and internationally and the numerous national awards which were showered on her for these achievements in netball.

Today she has been praised by Members of this Senate and I am certain that she would always be remembered as an icon of Trinidad and Tobago and be a role model to our young people.

Personally, I want to say that I remember her as a warm and pleasant person, soft-spoken, dignified and honest in her dealings with everyone. She was always kind, friendly and caring at all times. In fact, she was a friend. Although I knew she was ill, her death came as a shock. Her loss will be long mourned by us all.

I want to extend again my condolences to her husband and her family and I would direct the Clerk of the House to write the family on behalf of the Senate.

Thank you.



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Senators, I would ask you to please stand for one minute of silence.

*The Senate stood.*

**LEASES OF STATE LANDS (VALIDATION) BILL**

**Sen. Dr. J. Kernahan:** Madam President, I was about to bring to the attention of this honourable Senate the various agencies which are in charge of the sacred task of preserving our heritage, our environment, our land. The area of responsibility of the Environmental Management Authority is coordinating environmental management in Trinidad and Tobago. These are:

Agency	Areas of Responsibility
Wildlife Section, Forestry Division	Terrestrial wildlife in Trinidad—mainly focusing on animal species.
National Parks Section, Forestry Division	National parks and other protected areas in Trinidad (proposed and established).
Forestry Division	Forest resources of Trinidad on forest reserves.
Fisheries Division	Marine fisheries resources of Trinidad.
Emperor Valley Zoo	Ex-situ conservation of animal diversity of T&T.
Botanical Gardens	Ex-situ conservation of plant diversity of T&T.
Ministry of Health	Insect Vector control.
Chaguaramas Development Authority	Chaguaramas National Park.
Department of Environment and Natural Resources, THA	Forest resources of Tobago.
Fisheries Department, THA	Marine fisheries resources of Tobago.
Caribbean Epidemiological Centre (CAREC)	Research into epidemic affecting human populations.

CARINET	Identification of Arthropods, nematodes, microorganisms and non-vascular plants.
National Herbarium (UWI)	Cataloging and collection of the flora of Trinidad and Tobago.
Institute of Marine Affairs (IMA)	Research on the coastal and marine environment & aquaculture.
University of the West Indies (UWI)	Training and research
Eastern Caribbean Institute of Agriculture & Forestry (ECIAF)	Training and research
National Institute of Higher Education Science and Technology (NIHERST)	Training and research

I have brought these institutions to the attention of the honourable Senate because the Environmental Management Authority has recommended that they be coordinated, that a comprehensive legislative programme be brought and coordinated by these institutions in order to protect our environment, our land, and our heritage. I say that it is impossible to speak about development and sustainable development without talking very seriously about protection.

We on this side would like to make the point again that the UNC has, in fact, effected a bloodless revolution in Trinidad and Tobago with respect to agrarian reform. We remember that agrarian reform, land reform, is the subject of pitch battles in Latin America. We remember Chiapas very recently.

We have been able to give the people a sense of stakeholdership in their own country; we have been able to fulfill the dreams and aspirations of our people for land and we have done it in six short years. We are hopeful that the Government of the day continues in this clear path that we have charted, the trail that we have blazed; that they continue to deliver to the people of Trinidad and Tobago this sort of recognition and understanding of what the people really want from a government.

I would like to call on the Government at this point to bring comprehensive

legislation to this Senate. Bring a statement of intent. Tell us that they know what they are about when they volunteered to govern this country; tell us that they have a clear policy on state lands; bring legislation to support the fact that they are very clear that they must have a land use policy; that the land use trends that we have seen are unsustainable and that there are plans to revert all these negative land use trends.

They must bring legislation to this honourable Senate that shows that they understand the role of the Land Management Authority; that they understand that Trinidad and Tobago is a signatory to the convention on biological diversity and that the Environmental Management Authority is the agency which they would support in order to coordinate all the necessary policies, programmes and legislation which are necessary in this country to sustain land use.

We ask the PNM to show that they know what they are doing; to show that they are in charge by convincing us that they have that sort of vision for Trinidad and Tobago. Much is spoken of carrying us to a developed country status by 2020. As I said before, it is not going to happen magically overnight. It is going to happen sector by sector, piece by piece, when they come to this honourable Senate and show that they know what development is about; when they have a vision for development. Other than that, it is all hot air.

I would like to make a special plea on behalf of the people of this country, especially the small farmers of Nariva who have been waiting for years for the regularization of their status, the distribution of lands in those areas. All they want is a chance to live, to have land and to produce food for this country. I am calling on the Government to heed the cries of our people, especially the small farmers of Nariva who have written endless letters, who have begged for consultations with the Minister of Agriculture, Land and Marine Resources and who are so far unsuccessful in their attempts to get the ear of this Government.

I thank you, Madam President.

**Sen. Brother Noble Khan:** Madam President, on this subject that we are dealing with, when we think in terms of land, and as simple as it may appear on the document before us—just a couple of pages or so—it opens a great vista from very ancient times. We are very fortunate in Trinidad and Tobago to be influenced with and still continue to have strong cultural, and I would dare say, spiritual heritage with some of these ancient lands. I speak about the Indian subcontinent, the mother continent, Africa, our own indigenous Caribbean and wherever our people may come from, including the Middle East.

The earth has always been held to be sacred. There is a sanctity attached to it, and even in our traditions that we practise today and for which millions of people—I dare say billions of people—are linked, we would find expressions of that sanctity in our services. So when we come to think in terms of our land and even in discussions of our land in this sacred House of Parliament, I think we should always remember that there is an element of dignity with which we should definitely continue to pursue our discussions.

I would like to draw attention to our own country, Trinidad and Tobago, and some of the problems that would have arisen in our linkages with land. Obviously, I would not like to go to the Holy Land where we all know what is taking place, or Zimbabwe, or even on the Indian subcontinent, where these high negatives take place over land.

Land, as we know, is the very basis for our existence and even from the young days when we were exposed to formal education as far as western society is concerned, economics, land, labour, capital, entrepreneur, land is there. In our country, too, we know that those problems pertaining to land have existed with us from very ancient times, the coming of Columbus and even before him, even as recent as the last century. We have heard of the Lions stumbling in St Ann's, Diamond Vale, Westmoorings, and even east of Westmoorings there have been a striving to get more land.

In our traditions which we follow, you may find some of these people in that same area seeking land which, according to their own individual tradition, is a question of how shall we deal with the land and even the claim for land.

Having said that, the question to my mind that is before us—I, too, in my notes had touched on the question of land use and I had made reference to it in my contribution in the budget debate. They were not very expansive, so to speak, but today we have had quite a bit of that here so I would not go into that, but the need for updating our whole approach to land, the case has been well made out, and also, that we should definitely take the necessary action insofar as the environment and our parks are concerned. We had touched on that and I think, as I have said before, the opening of this subject on land has opened a vista to us, but I would not go too far into that again.

I would just remind those who are in the chief decision-making positions to pay particular attention to what has been said today with respect to the environment and also land use. The question of land use is one that I think, although much work has gone into it before, the need for updating is very pressing in many other areas relating to land legislation.

To my mind, in this piece of legislation—I always like to think in terms of when we are moving from one position to another, what is being given off or dealt with, in respect of what is been gained. The clause that is being sought to be amended, the question of the measurement of the land is very important to my mind. I know we are in a position where there are thousands of applications waiting to be processed and there is need for speed, but only this morning I visited a small portion of land, and in our tradition I said a prayer. But even in that peaceful state and in the surroundings that I was in—because close to this piece of land, all around were peaceful lands also, there was a restful feeling that emanated from those surrounding lands.

I had not visited that place for a while, but someone had cleaned it. I enquired of the keeper whether he had done it. He said, no. Then I knew it was somebody who, maybe, like myself, had some connection to that land there. The land is in a cemetery. But what came out of that, even before, the keeper had mentioned to me that someone close by was even making statements as to where the bordering of the land was.

As simple as that is, the last place for us, according to our tradition, is just a small plot of land. The only thing that will sustain is the land after we have all gone. But to my mind, even if we go to the state where we can identify the land on paper, that is by deed, the question of knowing where the land is still boggles my mind, because we know that this has created problems in the past and I cannot see it not creating, if we go the way and open a door that will allow for land to be transferred, that is—we are doing the equation now—to move from one spot to a next. That is where you are in a position to identify what you have and there is no question about where it is established by, let us say, the land surveyors or independent people trained professionally to know where that land is, to put it in a place where we cannot identify it. Because even if you were in a private position and you have land and you want to do any transaction with it, you still have to resort to knowing where that land is by survey.

I did make mention that we have thousands, as we have said and accepted here, of this type of thing before our eyes. How can we deal with that? That is the big question. It seems to be an enigma, a paradox, that here we are talking about land moving from a land where we know, to shift it into a land where we would not know it, specifically.

As ancient a civilization as Egypt is, one of the great evolutions or additions to civilization that they had made was in the question of land and knowing where land was, that is, by developing the system of measurement. That is one of the great sciences that came from that very ancient land from the mother continent.

If we were to move from that establishment, there still is a big question mark in my mind. With respect to the administrative arrangements where the President personally may have to sign it—and we have moved from that area now as far as the vastness of what we are dealing with—it may be possible—and I suggest that we look at it—of transferring some of those powers, or delegating them into other agencies where that function would be carried out. But with respect to the measurement of the land, I have my apprehensions about that. I would like to think that, maybe, the other side would address it and in spite of the pressures that we are under, something could be worked out.

We have heard here from professional, technical advice about the whole question of having land surveyors available. I have a grand nephew who has passed his examinations and he also mentioned the concerns that we are about here. The university, I know for some years now have been on that pattern of having people trained. So if we were to, possibly from an administrative point of view—because there is need to strengthen ourselves at that end—explore that, because I suspect that if we go that way, we might be doing a job like half-picking a chicken and the pickers that will come out of the “pick-mock” would be more terrible than just a “timari stick” in the long run. To this end, I strongly recommend that we look at that aspect of it.

The question of 2020 which I think we all are committed to, the development of our country and following the pattern, that would be established to lead us into that, and even before 2020. If we do not have proper use of our land, the limited space—and we know from some of us who are a little older than others in here, would know. We have seen the degradation and we have heard it here, also, that if we do not have that outlook of our land and treat it with respect that our ancient civilizations brought to this land and have told us how we should deal with it, and though we may give lip service to what we are about, if we do not practise it, again our traditions will tell us where we will end.

To this extent, I strongly recommend that we look at our own traditions because it would be an end that would be much faster than what we are thinking. I did make mention in the past that the ice is melting and the forest is burning. Perhaps the land will just wilt away before our very feet if we do not pay particular attention to it.

Thank you again, Madam President, for allowing me these moments to exchange with you.

**6.00 p.m.**

**Sen. Sadiq Baksh:** Madam President, I rise to make a small contribution on this very important matter. I am sure that the hon. Minister in assuming the responsibility for the department responsible for the release of state lands and all matters pertaining to its administration, in his style would have gone into the department and looked at some of the problems that existed there and continue to exist. Having been responsible for that department for a short period, I recognize that it is not a matter that cropped up on us. It is a long outstanding matter that we could trace back to over five decades. It is an issue that we need to look at in the context of a vision for developing Trinidad and Tobago into a society that would be able to administer not only its resources in terms of land and human resources, but also to allow people to have clear title for the lands that they possess.

I am sure that the Minister would recognize that in the movement towards the modernization of the department, the computerization of the records of all the land in Trinidad and Tobago was on the agenda. I am sure that he would have noted and had discussions with the Director of Surveys to ascertain how far we had reached with that particular matter. I hope that in his winding up he would acquaint us with that. I am aware of the amount of work that went on in that particular department, recognizing all the problems that existed.

We must understand the Leases of State Lands (Validation) Bill and the State Lands (Amdt.) Bill in the context of the way the PNM goes about doing its business. I noted the hon. Minister nodding to the assurances that some date would be given as to when we could look forward to the establishment of a holistic approach to land management in Trinidad and Tobago and the establishment of a land management authority. When we look at the history of the PNM we recognize that those who cannot remember the past are condemned to repeat it. I ask Senators on this side and the Independent Senators to recognize that promises are nothing new for the PNM. They are masters of the art of promising. For the benefit of Senators, I repeat that those who cannot remember the past are condemned to repeat it. This is specifically so with regard to some of the promises made by the PNM, so that the people of this country would know to what they have condemned themselves for the next five years.

Here is a classic from the budget speech delivered to the Legislative Council on Friday, November 30, 1956, by the Chief Minister and Minister of Finance, Planning and Development, the Right Hon. Dr. Eric Eustace Williams. This is in *Budget Speeches, Vol. 157-71*, page 9. Under the heading of External

Communications, Dr. Williams said that the congestion in the harbour in Port of Spain makes the improvement and extension of the facilities in San Fernando an urgent matter.

**Sen. Joseph:** Madam President, on a point of order. Standing Order 35(1), Contents of Speeches by Senators and its relevance.

**Madam President:** Hon. Senator, please try to make your contribution relevant to the topic.

**Sen. S. Baksh:** Madam President, extremely relevant. It is in the context of the promises made by the hon. Minister in terms of getting these things on the agenda. I assure you that you would see its relevance in terms of the promises continuously being made by the PNM. I warn Senators that to take the word of the hon. Minister in terms of bringing to this Parliament a comprehensive land management policy is something we need to look at clearly.

**Mr. Rahael:** Madam President, I think that I need to correct that for the record. I never made any statement or promise like that.

**Madam President:** The Minister has made it clear that he did not make any promises. Please desist from that.

**Sen. S. Baksh:** Madam President, since he did not do that, I would ask him. [Laughter] It is something that we recognize to be important to the development of Trinidad and Tobago. We would like to provide the support necessary, but I take it in the context that we look at the issues raised in the past and the record of the PNM. We cannot erase that with wishful thinking.

As we look at the leases of land we need to recognize that many leases were issued over the years. The PNM introduced probationary leases. Understand that in the context of keeping people on a leash. It is about purporting to give a lease, but telling you, "if we are not around that gone". That is the kind of politics we understand that the PNM is accustomed to. They will tell you that you have a lease, but there would be no documentation or surveys. I hope that the hon. Minister would clear those issues. It is about giving people and telling them that they would get the lease, but keeping them there. I can understand quite clearly why they do not want people with leases to have proper titles, so they would be able to go to the banks and use them as collateral for the improvement of the said lands and agriculture.

If you look at the history of leases in Trinidad and Tobago, you would recognize that over 90 per cent of the leases from 1956 to today given for the



purpose of agriculture, agriculture was discontinued. Those leases are now renewed although they did not stick to the terms and conditions for the 30-year period. We would not be able to attain a vision of 2020 and allow Trinidad and Tobago to develop into a society in which we would attain First World status, if we continue to have this kind of *ad hoc* behaviour.

I was expecting that after one year in office, knowing the Minister as I do, to be very organized—I know that the Minister understands the process of land, land development, acquisition and leases. I hoped that after one year he would have come with a comprehensive plan dealing holistically with land management. I expected a plan showing us how we would use that holistic plan for the land management authority to launch Trinidad and Tobago to First World status.

When I was growing up Frico was a full cream milk powder. Today “freeco” is the policy of the government. Under the PNM “freeco” became a philosophy of government.

**Madam President:** I am trying to listen to the contribution of the Senator, but I am having great difficulty.

**Sen. S. Baksh:** Madam President, the truth will continue to hurt. If you have to find one distinguishing characteristic of the PNM, one difference between the PNM and all other governments, it is “freeco”.

**Sen. Joseph:** With UNC it is “Tieffo”. [*Laughter*]

**Sen. S. Baksh:** Morning, noon and night, it is “freeco” for all. This is the sad reality of the PNM’s style of government. I would have expected the hon. Minister to tell us that the lands he would lease would have proper access roads and drainage. If you lease agricultural lands that have no access roads and drainage, then your agricultural policy would not materialize. You need infrastructure to facilitate that. The PNM made one attempt to provide the people with cows instead of free milk. It gave its supporters lands in Wallerfield and Carlsen Field. Those were leased lands. Those people were so used to “freeco” that they sold the cows that were given to them. The cows were sold and those that were not sold were barbecued.

The other important thing to note about the PNM is their blatant hypocrisy. I understand the hypocrisy of the PNM clearly. I want to quote from a statement by the present Prime Minister on Friday, February 25, 2000. He was referring to the commissions of enquiry. He made some points about fairness, justice and repetition. I want to enter into the record, the points made on that day by the then Leader of the Opposition. He was speaking on a motion standing in his name. He said:

“What is worse is that allegations can be made before the commission of enquiry which judges can go to answer. However, no matter how well they answer those allegations, no matter how comprehensively they can adduce evidence to ascertain their own innocence against those allegations, there is always the risk of residual tarnishing of the image of the particular judge and therefore, the undermining of confidence...”

**Sen. D. Montano:** Madam President, on a point of order, he cannot read statements from the other place in this Senate.

**Madam President:** Hon. Senators, I could not find the relevant Standing Order for that particular matter. However Senator, I ask you to be relevant to the topic under discussion.

**Sen. S. Baksh:** Madam President, very relevant in showing the hypocrisy of the PNM when they bring these matters and tell you it is a small matter.

He went on to quote the six cardinal principles as they are identified by Lord Salmon: “The difficulty and injustice with which persons involved in an enquiry may be faced, can however be largely removed if the following cardinal principles which we discuss in Chapter IV are not strictly observed:”

**Sen. Joseph:** Madam President, on a point of order, I am back to Standing Order 35(1), Contents of Speeches.

**Madam President:** Hon. Senator, the matter under discussion is not commission of enquiry. Will you please get back to the matter under discussion.

**Sen. S. Baksh:** Madam President, the hypocrisy continues.

**Madam President:** Sen. Baksh, I ask you to get back to the topic.

**Sen. S. Baksh:** When the hon. Minister comes to the Senate and purports that the shortage of surveyors is the reason for not being able to identify and demarcate boundaries, we cannot accept that. If that is the case, ask the leasee to find a surveyor. We find surveyors in the private sector and then offset it against the lease. It cannot be the reason that the hon. Minister brought that forward. He led us to believe that we do not have enough trained surveyors in Trinidad and Tobago.

#### PROCEDURAL MOTION

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, in accordance with Standing Order 9, I beg to move that the Senate continue to sit until the debate on these Bills is completed.

*Question put and agreed to.*

**LEASES OF STATE LANDS (VALIDATION) BILL**

**Sen. S. Baksh:** Madam President, the hon. Minister tried to tell us that there is a shortage of surveyors. We continue to have surveyors graduate on an annual basis. The point made by Sen. Outridge is the real reason, that of the licences for people to practise in Trinidad and Tobago. It is an issue we need to address in a manner that would allow surveyors to practise their skill in Trinidad and Tobago. I hope that the Minister would provide all the tools necessary for the Lands and Surveys Department to carry out its work. We recognize that there are over 150 daily paid employees at that department that need tools to carry out their work. It is their job to do the work that is necessary so that we would be able to provide leases for the people and proper titles.

We are interested, as the government in waiting, to ensuring that we provide the framework for bringing in the shortest possible time, the Land Management Authority Bill. We must come up with a comprehensive plan to show the computerization of all the records, so that you can search properties with the proper database. We had digitized the entire country so that you could utilize that information not only for land use development and proper planning, but also to put in place the systems and recording mechanism to allow people to have their titles to their lands.

We look forward to supporting that move.

Thank you.

**The Minister of Agriculture, Lands and Marine Resources (Hon. John Rahael):** Madam President, I thank all the Senators who have contributed to this debate. Although much of what was said was not relevant, nevertheless, I think I need to immediately dispel some of the things said by the Lower Bench opposite.

The question about repealing this Act was initiated by the previous UNC administration. It was on June 13, 2001, that the Registrar General in a memorandum advised the then Attorney General and the Minister of Legal Affairs of the grave consequences of Act No. 74 of 2000. A Cabinet Note dated June 25, 2001 clearly indicated that the Cabinet at the time agreed to the repeal of the State Lands (Amdt.) Bill. I forgive Sen. Wade Mark for not being aware of it.

This Cabinet Note is CS13511 of 2001. It says: "Amending the State Lands Acts without having similarly amended the Real Property Ordinance has led to much uncertainty if not illegality."

As I said in my opening remarks, when the Act was amended they should have

amended the Real Property Ordinance as well. It continues:

“The Attorney General is therefore of the view that legislation should be enacted to validate leases of State land under the State Lands Act as amended by the State Lands Act of 2000. The State Lands (Amdt.) Act, 2000 also requires two plans approved by the Director of Surveys to be attached to each lease of the State land. The preparation of individual survey plans is time consuming and the process is subject to considerable delays given the shortage of surveyors at the Lands and Surveys Department.”

This is the UNC Cabinet Note speaking. When they say that I am not speaking the truth and there is no shortage of land surveyors, understand the context in which it was said. Prior to the reference amendment of the State Lands Act, particularly in the case of renewal of leases, there was no requirement for individual portion plans as reference was made to a general plan. I continue to quote from this Cabinet Note dated June 25, 2001.

“In light of the foregoing, the Attorney General and Minister of Legal Affairs recommends and Cabinet is asked to agree that the Attorney General and Minister of Legal Affairs cause to be prepared, the necessary legislation for the immediate repeal of the State Lands (Amdt.) Act, 2000 and for the validation of leases of State lands that were registered under the State Lands Act as amended by the State Lands (Amdt.) Act, 2000.”

This is something that has been agreed to if you were to listen to what I said, by reading from this UNC Cabinet Note. Sen. Dr. Mc Kenzie made the point that we need to look at everything in a very comprehensive and holistic manner. There is a dire need now to look at this situation.

I will address some of the remarks made by Sen. Wade Mark. I inform him that this Minister of Agriculture, Land and Marine Resources has no power to lease land. The power is with the Commissioner of State Lands, Director of Surveys acting on behalf of the President. That person is a public servant appointed by the Public Service Commission. I cannot cut up land.

Sen. Mark made the statement that lands are not being advertised and people are not aware of when lands are available for lease. Sen. Mark, may I suggest that you start reading the daily newspaper because it is advertised. Earlier this week there was an advertisement by the Ministry of Agriculture, Land and Marine Resources identifying areas where lands are available for persons who are interested in applying for land for agricultural use. It gives the plot of the land and where it is located. Interested persons can apply to the land administrative office

and they will carry out the exercise to ensure that whoever is applying—This is done by the land director. This has nothing to do with the Minister. This Minister does not go around giving out contracts in the airports or overriding Cabinet. We do not do that in this Government.

He asked if I am capable of producing a list of all those who have leases. Just to inform the Senator, I can produce a list of every lease given by the Commissioner of State Lands going back to the 1900s. There is a total of 35,000 leases or agreements. It is in the lease management system. We have such a system. We are moving forward to satisfy all that is required.

When this government came in January this year, I was appointed as Minister of Agriculture, Land and Marine Resources. After speaking with the Director of Surveys, he indicated that his division was treated almost as a bastard. It was thrown from one place to the other. Sen. Baksh would be able to testify to that. They were removed without a location. All the records were stored in inappropriate places. We had tremendous difficulty trying to regularize everything. We were given the old general post office building at Wrightson Road. We had to repair it, put in a vault and new air condition units. There were some comments of surveyors not being able to conduct their searches because the building was under repair and the division had no home. We understand what needs to be done and we are moving to do it.

The former administration passed legislation but it was not proclaimed because there was no system or management structure in place in order to implement whatever the laws required. We are putting things in place.

With respect to surveyors not being licenced, the main problem has been that the surveyors cannot make up their minds as to how they want the board to be structured. For the past two years the profession has been arguing as to whether the Director of Surveys should or should not be the Chairman.

**Sen. Outridge:** Hon. Minister, the composition of the Land Survey Board is spelt out clearly in Act No. 33 of 1996. The Director of Surveys is on the Act on that board.

**Hon. J. Rahael:** The profession is having some difficulty with that. They need to take some responsibility. I am not saying it should not be in place. He also made reference that only 90 leases were sent to the President. Over 2,500 of those leases are awaiting registration. This Act is causing them not to be registered. This is land that has been identified for regularization and already surveyed. By amending this Act, we would be able to move forward so those leases could be

registered and people would have their security of tenure. When you make all these accusations, it is something your previous administration was willing to do.

**Sen. Mark:** Would the hon. Minister indicate whether lands belonging to Caroni (1975) Limited as well as PTSC fall under that arrangement and if they would be included in this particular amendment?

**Hon. J. Rahael:** That is a different matter. It does not fall under this arrangement. This is land owned by state companies. When we talk about the State Management Authority to govern all lands, we would deal with that issue. We are talking about individual leases on individual lands that are state lands. It is not governed by a state company.

Hon. Senators on the Upper Bench would be pleased to hear about some of what we are doing with respect to the implementation of some of the Bills that were passed by the previous administration. They are the Land Adjudication Act, the Land Tribunal Act and the Registration of Titles to Land Act. We have to design a plan to implement these Acts. We have to develop regulations and guidelines for its implementation. Accuracy standards of maps and diagrams have to be included in the new registry. We have to design the organizational structure needed to implement the laws. We have to design information systems to secure the information. We have to develop manuals, plans for operation and a budget. Those things are required to make the law active.

I am pleased to advise that in the budget of 2002/2003 an allocation has been made to design the plan to implement these Acts. We have initiated discussions with the Inter-American Development Bank about funding the overall programme to implement this national land adjudication programme. We are also supportive of a state land management authority. We are putting in place the infrastructure so that these Acts can be proclaimed and we can move forward with them.

They talked about transparency. No other government is committed to transparency as this PNM Government. None! [*Desk thumping*] When you come here you want to talk about transparency and good governance! Stay quiet!

Sen. Noble Khan would be pleased to hear that we have developed the lease management system with information on every lease. That is the agreement, whether it is mortgaged and other transactions relating to state land. This includes information about 55,000 records. We have a state agriculture land information system. We talk about land use. We can access information on all agricultural lands and tell you where it is located; the occupiers; what buildings are on the land and for what the land is being used. I can tell you if the land is being used to

cultivate cabbage, potato, tomato or whatever is grown on that land. All this is based on a geographic information system. It displays the boundaries of all state agricultural parcels.

**Sen. Mark:** We started it.

**Hon. J. Rahael:** If you say that you had started it, you would have had this information. There is also a computerized database of every deed registered in the deeds registry since 1970. This database includes a scanned image of every deed. That is an ongoing process. We are making this information readily available to the public. In the near future, you must be able to go on your computer and look at a map and identify a parcel of land; click on it and you see everything you want to know about that parcel of land. It would tell you the size of the land; who occupies it and what taxes are paid. You talk about transparency, talk about vision 2020! That is vision!

We are implementing a project on a nationwide parcel index map in digital form. This would include the boundaries of each survey plan lodged with the Director of Surveys. Each parcel would be assigned a unique parcel reference number. That is referred to as UPRN. That means this number would be added to the computerized data registry. You would be able to identify a parcel of land and trace the legal document relating to it. That number would go with that deed. Every time it changes hands it would still be that unique parcel. All the information relating to that parcel of land would have that unique number.

**Sen. Mark:** We started it.

**Hon. J. Rahael:** You say you started it. It has not even started as yet. [*Burst of laughter*]

That is the vision of the PNM. He is saying that they started it. It is projected to start in March 2003. We expect it would take us one year to complete that exercise. I am excited about all this. When accusations are made about previous ministers, we would be able to trace that. All these wild accusations can be dismissed when there is transparency in every transaction. That is why I am saying that this PNM Government is committed to good governance and transparency. This project would link together all the land. You would be able to access it through the Internet. The computerized deed registry, the lease management system and the state agricultural land information system mean that you would be able to access information on current occupation of land, land use, details of lease and its value. Can you imagine sitting at home and being able to access all this information? We plan to implement this project by September

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2003. Some of you hon. Senators asked for time. With respect to agriculture, there are 17,000 parcels of land that you would be able to find out the status quo on each.

This is something that the previous administration having recognized their error, came to this honourable Senate and rushed five Bills and only after they passed the Act of 2000 they realized that what they did was ill advised. They went to Cabinet and got approval to repeal it. That is all we are doing and yet, they carry on with a song and dance that they will not support it, there is no transparency and the Minister would cut up land. I tell you already I cannot cut up land. I only know to cut cloth!

Thank you.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5.*

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

**Sen. Mark:** I would like to ask the hon. Minister what happens on June 30 to persons who do not meet the deadline? Why did you choose the 30<sup>th</sup>?

**Mr. Rahael:** We had to give a time. Six months seem to be a reasonable time. This amendment has to go to the other place and we need to inform all those who have submitted their leases to make sure they get them registered. It is no fault of theirs. They have been there for so long. We need to give them some time to get them registered. We think it is sufficient time. We have sensitized the public.

**Sen. Mark:** No problem.

*Question put and agreed to.*

*Clause 5 ordered to stand part of the Bill.*

*Preamble ordered to stand part of the Bill.*

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

*Senate resumed.*

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



**STATE LANDS (AMDT.) BILL***Order for second reading read.***The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael):** I beg to move,

That the State Lands (Amdt.) Bill be now read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.**Bill committed to a committee of the whole Senate.**Senate in committee.**Clause 1 ordered to stand part of the Bill.*

Clause 2.

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

**Sen. Mark:** From what I understand about lands involving Caroni (1975) Limited, when the formal transfer by deed is to take place to the Estate Management Corporation Company, Caroni would not fall in any direct way under this particular amendment and also lands belonging to PTSC. If there is a transfer those lands would be transferred by deed to the company. The State would have direct control.

**Mr. Rahael:** It would go to the Estate Management Company.**Sen. Mark:** This company, but under the direct control of Caroni?

**Mr. Rahael:** That is separate and would come under the Land Management Authority Bill. You could talk about all state lands whether by State management. All those can go under the umbrella of the State Land Management Authority. They would ensure government land policy related to state land is carried out.

**7.00 p.m.**

**Sen. Mark:** Madam Chairman, I am also looking at the whole question on the receipt of this instrument of ease, whether, for instance, the Registrar General's Department would have the authority to register it under the Real Property Ordinance. *[Interruption]* No, I am saying that for instance, when the lease or leases are issued, whether there should not be another clause that would give the lessee, when he or she goes to the Registrar General's office—there should be a

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provision in the legislation to have that particular certificate of title or deed registered by the Registrar General under the Real Property Act.

**Sen. Morean-Phillip:** This is just what we are correcting here. You are not registering under the Real Property Act, you would be registering under old law. They are reverting to what was there before. That is what repealing of this Act 74 of 2000 is doing. Act 74 of 2000 sought to register all these state leases under the Real Property Ordinance. It could not have been done. So all those leases were held up. We now say there is too much to be done to be able to effect that kind of change, so we revert to what was there before, namely registering under the old law.

**Sen. Mark:** But Madam Chairman, I am just trying to find out, for instance—

**Sen. Morean-Phillip:** You do not get a certificate of title.

**Sen. Mark:** I am just trying to find out, for instance, how would the Commissioner of State Lands—for instance, a copy of whatever lease is issued, how would that be then sent to the Commissioner of State Lands so that there would be a—you see, my main concern—[*Interruption*]

**Sen. Morean-Phillip:** Every deed that is registered is in the possession, you could say, of the Commissioner, because it is registered in the Registrar General's office. They keep the original, you get only a copy. All the originals are within the records, yes.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

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

*Senate resumed.*

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

#### **EID-UL-FITR GREETINGS**

**Sen. Wade Mark:** Madam President, before my hon. friend moves the adjournment, which I think he is going to do—[*Interruption*] Oh, sorry. I was not aware. Just anticipating, Sir.

Madam President, with your leave, and with the leave of my hon. friend, we all know that our Muslim brothers and sisters in Trinidad and Tobago and throughout the world will be celebrating the great festival of Eid-ul-Fitr on Friday, December 06, 2002. I therefore, on behalf of the United National

Congress and all our Senators here on the Front Bench, extend to all the members of the Muslim community—[*Interruption*]

**Hon. Senator:** All?

**Sen. W. Mark:**—warmest—all members—all members of the Muslim community, warmest felicitations and greetings and God’s richest blessings on this auspicious occasion. Our country, Madam President, is a multireligious and a multiracial community in which all our brothers and sisters of the various religions dwell together in unity. Our Muslim brothers and sisters have made a valuable contribution to Trinidad and Tobago and are still making rich contributions to our economic, social, cultural and political landscape, and life generally.

I am sure, Madam President, that all of us here would like to express to all of them our best wishes on the occasion of Eid-ul-Fitr 2002. On behalf of the United National Congress, and our political leader who is currently out of the country, the hon. Basdeo Panday, we would, at this time, extend Eid Mubarak to all our Muslim brothers and sisters and to simply close by saying *as-salaam walaikum*.

**Sen. Dr. Eastlyn Mc Kenzie:** Madam President, let me, on behalf of all of us on the Independent Benches, and also especially to our brother, Sen. Brother Noble Khan and his fellow Muslims, wish the Muslim community the best. We recognize the peace that they bring to this nation of ours and on behalf of all of us we say to him and to the wider Muslim community, Eid Mubarak. Thank you. [*Desk thumping*]

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Thank you, Madam President. Before I move the adjournment let me join with the leader of the UNC Panday faction [*Laughter*] and Senators on the Independent Benches in wishing our Muslim brethren a happy Eid-ul-Fitr. I may even, Madam President, visit the home of my fellow constituent in San Fernando West, hon. Sadiq Baksh, for a bowl of sawine tomorrow.

Seriously, I think Sen. Mark made the point, we are a multireligious society and we need, on all these occasions, to be conscious of what this multiracial society brings to us as a nation, and I wish to congratulate all Muslims on this occasion.

#### ADJOURNMENT

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that the Senate do now

*Adjournment*

*Tuesday, December 03, 2002*

[SEN. THE HON. DR. L. SAITH]

adjourn to Tuesday, December 10, 2002 at 1.30 p.m. at which time we will deal with the Bill to re-enact the Rent Restriction Act and the Bill to validate the former Companies Act.

**Madam President:** Hon. Senators, before I put the question, I too would join with Senators in expressing best wishes to the Muslim community on the occasion of Eid-ul-Fitr. I say to the Muslim community, Eid Mubarak.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.11 p.m.*