

*Leave of Absence**Tuesday, February 25, 2003***SENATE***Tuesday, February 25, 2003*

The Senate met at 1.30 p.m.

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

Madam President: Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. Hazel Ann Marie Manning and Sen. The Hon. Rennie Dumas.

MUNICIPAL CORPORATIONS (AMDT.) BILL

Bill to amend the Municipal Corporations Act, brought from the House of Representatives [The *Minister of Local Government*]; read the first time.

PAPERS LAID

1. The Motor Vehicles and Road Traffic (Amdt.) Regulations, 2003. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts and financial statements of the Tobago House of Assembly for the period January 01, 1998 to September 30, 1998. [*Sen. The Hon. C. Enill*]
3. Report of the Police Service Commission, 2001. [*Sen. The Hon. C. Enill*]

JOINT SELECT COMMITTEE REPORT**Presentation**

The Attorney General (Sen. The Hon. Glenda Morean): Madam President, I beg to lay on the Table the report of the Joint Select Committee appointed to consider and report on the Bills entitled:

1. The Constitution (Amdt.) Bill, 2002;
2. The Police Service Bill, 2002; and
3. The Police Complaints Authority Bill, 2002.

ORAL ANSWERS TO QUESTIONS**Government's Divestment Strategy**

15. **Sen. Wade Mark** asked the hon. Minister of Finance:
 - (a) Could the Minister provide the Senate with a detailed outline of his Government's divestment strategy?

- (b) Could he state which state enterprises, statutory authorities and public utilities, his Government intends to divest in order to realize its proceeds from divestment?
- (c) Could he further state, in detail, the total sum expected from divestment proceeds for the 2002/2003 fiscal period?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, in the context of the global economy, the state enterprise sector will continue to be examined and rationalized with a view to boosting economic efficiency and competitiveness. While the state sector retains direct responsibility for participation in strategic areas of the economy, the Government recognizes that the most critical role of the State in economic life is to support the vitality of the private sector and the small business sector.

Accordingly, existing state equity holdings, including the public utilities, will be evaluated and, where state participation is no longer necessary to meet strategic national objectives, divestment will be pursued through a transparent process of competitive bidding or public offering of shares, with an emphasis on the local market. The Government will further ensure the equitable distribution of economic and other benefits accruing to the people of Trinidad and Tobago in respect of newly divested enterprises.

Proceeds from the sale of assets are expected from the divestment of two state enterprises, namely, National Enterprises Limited and Trinidad and Tobago Forest Products Limited.

The total sum expected from divestment proceeds for the 2002/2003 fiscal period is \$320 million. Government is at present conducting negotiations regarding one of the enterprises and further details may compromise the process.

Sen. Mark: Will the Minister provide us with a breakdown of the sums they expect to gain from National Enterprises Limited (NEL) as well as Trinidad Forest Products Limited, in order to realize the \$320 million referred to earlier?

Sen. The Hon. C. Enill: Currently, I do not have that information available.

Sen. Mark: Will the Minister indicate whether the Government has any intention of privatizing the National Gas Company, the National Petroleum Marketing Company and Petrotrin, or of offering public sector participation in those enterprises?

Sen. The Hon. C. Enill: Not at this time, Madam President.

Sen. Seepersad-Bachan: The Minister mentioned a transparent bidding process?

Sen. The Hon. C. Enill: Yes, the divestment will be pursued through a transparent process of competitive bidding or public offering of shares, with an emphasis on the local market.

Sen. Dr. Kernahan: I would like to find out which of the strategic objectives mentioned might be abandoned by the Government after consideration of the present objectives.

Sen. The Hon. C. Enill: I do not quite understand the question. We have said that the Government will retain direct responsibility for participation in the strategic areas of the economy. That was the statement made. That is a policy issue.

Sen. Dr. Kernahan: Madam President, I understood the hon. Minister to say that after consideration of the state ownership enterprises, the Government will consider what divestment strategies to use, based on the strategic objectives of the Government. I want to know which of these objectives might be forsaken after consideration. There is employment. There are other considerations and I want to know which.

Sen. The Hon. C. Enill: Madam President, let me say it this way: as a general philosophy, the Government will continue to examine the state enterprise sector and that examination will be done within the context of economic efficiency and competitiveness. That is an ongoing exercise. What is before us at this time, on the basis of that exercise, are simply the two enterprises we have talked about as they relate to the divestment proceeds, namely, National Enterprises Limited and Trinidad and Tobago Forest Products Limited.

Static Adolescent Programme

16. Sen. Wade Mark asked the hon. Minister of Community Development and Gender Affairs:

- (a) Could the Minister give a detailed breakdown of the following:-
 - (i) the number of persons employed in the Static Adolescent Programme (SAP),
 - (ii) their qualifications,

- (iii) their work experience,
 - (iv) their addresses,
 - (v) their terms and conditions of employment,
 - (vi) the duration of contracts and training provided and by whom, during the period January 2002 and continuing?
- (b) Could the Minister further state whether these jobs were advertised?
- (c) If the answer is in the affirmative, could she produce or provide the relevant information and/or documents to support the transparency in the recruitment process?

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I wish to inform hon. Senators that I am not aware of any programme under the Ministry of Community Development and Gender Affairs entitled the Static Adolescent Programme (SAP).

Sen. Mark: Madam President, I myself saw that. When I submitted my question, it was the Geriatric Adolescent Partnership Programme. It could not be “static”. Let us be serious. I think the Minister is very clear that it is the Geriatric Adolescent Partnership Programme that we are talking about. She cannot come here today and play that kind of game with us.

Madam President: Maybe it was a printing error. We will have to resubmit your question.

Sen. Mark: Madam President, I am sure that the hon. Minister is quite aware that we are referring to the Geriatric Adolescent Partnership Programme. For her to come here and say that there is no programme called the Static Geriatric Programme—which we know is correct—I think she is engaging in semantics.

Madam President: Madam Minister, do you have the answer?

Sen. The Hon. J. Yuille-Williams: No. I answered the question that was forwarded to me.

Future Meetings on Cotonou Agreement (Inclusion of Trade Union Movement)

18. Sen. Wade Mark asked the hon. Minister of Trade and Industry:

Could the hon. Minister inform this Senate what steps, if any, are being taken by his Government to incorporate the labour movement and, in particular, the National Trade Union Centre, as part of his delegation to future meetings of the Free Trade Area of the Americas, (FTAA), World Trade Organisation (WTO) and the ACP and the European Union (EU), incorporating the Cotonou Agreement?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, hon. Senators should be informed that Cabinet, by Minute No. 103 dated January 15, 1998, approved the development of a strategic mechanism to facilitate the effective participation of Trinidad and Tobago in internal trade negotiations, including the provision of the relevant supporting institutional structure.

Based on Cabinet directives, the following mechanisms were put in place:

- (1) The establishment of a Technical Coordinating Committee (TCC) under the chairmanship and coordination of the Ministry of Trade and Industry to advise Government, the Minister of Trade and Industry and the separate negotiating teams, with respect to strategies and positions to be adopted and the implementation and review of various trade and investment agreements.
- (2) The Technical Coordinating Committee is comprised as follows:
 - (a) the Ministry of Trade and Industry;
 - (b) the Tourism and Industrial Development Company of Trinidad and Tobago Limited;
 - (c) the Bureau of Standards;
 - (d) the Ministry of Finance;
 - (e) the Ministry of Agriculture, Land and Marine Resources;
 - (f) the Ministry of Legal Affairs;
 - (g) the Ministry of Foreign Affairs;
 - (h) the Ministry of Planning and Development;
 - (d) the University of the West Indies;
 - (e) the Trinidad and Tobago Manufacturers' Association;
 - (f) the Chamber of Industry and Commerce;
 - (g) the Labour Movement.

A number of subcommittees were created in support of the Technical Coordinating Committee. These comprised of representatives of public and private sector agencies with expertise in the relevant trade disciplines. Separate negotiating teams were also established with the mandate to undertake negotiations for each prospective agreement.

Senators should note that the Technical Coordinating Committee, the Standing Committee on Trade and Trade-Related Agreements, and the subcommittees have been meeting on a monthly basis to devise appropriate negotiating briefs, which will guide Trinidad and Tobago's ongoing participation in the World Trade Organization, the Free Trade Area of the Americas and the Cotonou negotiations.

In keeping with Cabinet directives, the labour movement has been invited to all meetings of the TCC. Accordingly, representatives of the labour movement have attended and made invaluable inputs into the formulation of our external negotiation strategy.

Senators must be assured that the labour movement will continue to play a pivotal role in the work of the Standing Committee on Trade and Trade-Related Agreements and the Technical Coordinating Committee. The views expressed at these meetings have been incorporated into devising our negotiating strategy. The delegations to negotiating meetings are selected from among participants of these committees, *inter alia*.

Sen. Mark: Will the hon. Minister indicate whether the representatives of the labour movement form part of Government's delegation in terms of the Technical Coordinating Team, as well as the other standing committees? Could he further tell us whether these labour representatives actually attend these labour meetings involving the FTA, WTO and the ACP?

Sen. The Hon. C. Enill: Madam President, I will answer the second part of the question first. To the extent that they are members of the sub-committees involved in the particular activity, my information is that they are invited to attend. In terms of the names of the representatives, I currently do not have that information.

Sen. Mark: Are they invited to attend? Does the State undertake the responsibility of financing these representatives because of the importance of the negotiations taking place, which will ultimately affect labour relations in our country?

Sen. The Hon. C. Enill: The answer is yes.

Procedural Motion

Tuesday, February 25, 2003

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, before we move to the Private Member's Motion, I would like to deal with a procedural motion we have before us. I move that the Senate deal with Motion No. 1 under Government Business at this time.

Question put and agreed to.

JOINT SELECT COMMITTEE REPORT

Adoption

The Attorney General (Sen. The Hon. Glenda Morean): Madam President, I beg to move the following Motion standing in my name:

Be it resolved that this House adopt the Special Report of the Joint Select Committee appointed to consider and report on the Bills entitled:

1. The Constitution (Amdt.) Bill, 2002;
2. The Police Service (Amdt.) Bill, 2002; and
3. The Police Complaints Authority Bill, 2002.

Senators will recall that at a sitting held on Friday, November 15, 2002, the House of Representatives agreed to a resolution appointing five Members, together with an equal number from the Senate, as a Joint Select Committee, to consider and report on the bills mentioned. The committee was given the deadline February 21, 2003 to report.

The mandate of the committee was to publish the bills for public comment over the six-week period previous to that date; to consider such public comments and report. The committee was empowered to send for persons, papers and records, sit in public, if so desired, and receive expert advice on evidence.

The committee held eight meetings, four of them public meetings. The committee received a total of 51 written submissions from various organizations and individuals, many of them lengthy, and several highly complex legal issues have surfaced, which require the consideration of your committee. In addition, the technical team, to which all written submissions were forwarded, has not yet completed its analysis of these submissions. Accordingly, your committee is unable to complete consideration of the Bills and report within the time frame given. In submitting this special report to the Parliament, your committee seeks an extension of eight weeks to fully complete the consideration of the Bills before it.

Question proposed.

Question put and agreed to.

Report adopted.

CONSTITUTION REFORM

[Third Day]

Order read for resuming adjourned debate on question [November 26, 2002]:

Be It Resolved that the Government of Trinidad and Tobago articulate its position on the question of Constitution Reform indicating: (a) what areas of the Constitution it considers to be in urgent need of review; (b) whether it proposes piecemeal reform or a comprehensive review; (c) how it intends to involve the population in the process; and (d) what steps it will take to ensure that this crucial exercise is completed no later than eighteen months after the first sitting on October 17, 2002 of the first session of the Eighth Parliament of the Republic of Trinidad and Tobago. [*Sen. Prof. K. Ramchand*]

Question again proposed.

Madam President: Hon. Senators, for your information, the following persons have spoken on the Motion:

On Tuesday, November 26:

Sen. Prof. Kenneth Ramchand

Sen. Robin Montano

Sen. The Hon. Dr. Lenny Saith

Sen. Dana Seetahal

Sen. Derek Outridge

Sen. Garvin Nicholas

Tuesday, February 04:

Sen. Carolyn Seepersad-Bachan

Sen. Prof. Ramesh Deosaran

Sen. Dr. Jennifer Kernahan.

Sen. Wade Mark: Thank you very much, Madam President. I join the debate on this Private Member's Motion on the whole issue of constitution reform in our Republic. Let me say from the outset that we support the Motion, in principle, but we believe, based on our amendment, that there is need to commit this Government, in some concrete way, to a programme of action. That is why we

have submitted an amendment—to ensure that we have a joint select committee established to deal with the whole question of constitution reform within a specific time frame.

Madam President, when we talk about a constitution, you would know that we are dealing with a body of principles and rules by which any society agrees to be governed. To fully understand our Constitution and its suitability or unsuitability to an emerging and modern nation State such as ours, it may be necessary to make a historical analysis of the evolution, over a period of time, of Trinidad and Tobago's constitutional arrangements.

Let me say that any changes to a constitution, and in this instance, the Constitution of Trinidad and Tobago, would require mass participation on behalf of the people. We do not believe in—and what we are seeing taking place in this country—a piecemeal approach to constitutional reform. We believe that, because of the various problems that have developed in the country over the years, particularly in 2000 and 2001 when many challenges were posed to the Constitution, we need sweeping, all-embracing and comprehensive reform of all the institutions governing the nation State of Trinidad and Tobago.

The many constitutional and political challenges experienced in this country between 1999 and 2002 should tell us all of the need for constitution reform. Madam President, you will recall that, in January 2000, a conflict developed between the then Prime Minister and the President of the Republic, when certain Senators' appointments were revoked, which caused difficulty. Then there was the issue of the appointment of a commission to look into the administration of justice in Trinidad and Tobago. There was a delay by the President in the appointment, but he later acceded to the request of the then Prime Minister. All these matters I refer to really put pressure on the Constitution and it tells us there is need to take a second look at it. There was an instance when the President of the Republic refused to swear in a number of ministers because they had been defeated at the polls. These matters tell us there is need for the citizenry of Trinidad and Tobago to look at the question of our Constitution in a more detailed way.

Madam Speaker, I draw your attention to a particular newspaper article which staggered me when I read it some time ago. Again, it dealt with the Constitution of our country, which a lot of people had views on and which I do not want to express at this time because under our Standing Orders we cannot deal with the President's conduct. I am not going there. I am referring to an article in the *Daily Express* of Friday, February 21, 2003, on page 5, entitled "Robby Regrets

Leaving Now”. I want to quote a section of this article, written by Richard Lord, which appeared in a newspaper of this country. I want you to follow what I am saying very carefully. I quote:

“We began by being on the same side, but soon found ourselves on the opposite side, and then we continued on opposite sides for some time (but) the fact of the matter is that we are on the same side again,”

This statement is attributed to His Excellency The President of this Republic. This is a public statement.

Madam President: I agree with that, but I would caution you to be careful lest you bring the President's name into any disrepute in this Senate.

Sen. W. Mark: I am not bringing his name into any disrepute.

Madam President: I agree. Just be careful! I would prefer you to take a different route.

Sen. W. Mark: I am quoting, Madam President.

Madam President: You are quoting a newspaper, Senator. I am just cautioning you to be careful about any reference to the President of the Republic of Trinidad and Tobago in this Senate.

Sen. W. Mark: Madam President, I would be guided by your ruling, but I am attempting to guide the Senate on the need to look at the challenges that we face. If we do not face the reality of our challenges, how are we going to overcome them? Maybe we should have a special constitutional conference and bring these matters to the attention of the national community so that people would understand the conspiracy that may have taken place between the organizations involved.

No one can deny that this nation is in crisis and fast approaching turmoil. Madam President, all our key institutions—and you know it because I saw in the newspapers today that you made reference to it in a recent speech—are under siege and pressure in this country. They are being challenged. We just cannot go on in this way. We have to get out of the syndrome of “victimhood” and get down to the task of rigorous analysis and careful planning or risk the possibility of further fragmentation or even disintegration.

The late Dr. Eric Williams, known to all of us as the Father of this Nation, said, when we were gaining independence as a nation, that our society was freed, but a nation was yet to be formed. We need to face the truth that the present

Constitution is totally unsuitable to a progressive, advanced and forward-looking nation State such as Trinidad and Tobago. The Constitution, in its present form, will not facilitate our survival in this fiercely contested globalized order.

Madam President, you are a medical doctor and you know that in any discipline, law included, there is a dynamic process. It has to change with the times. The Attorney General will agree that laws and constitutions are dynamic processes. We know, too, that competition is the name of the game. Market access, market space, market shares are its drivers. Our economic survival as a nation is being threatened daily by the global reality we face. We, therefore, have to ask the question: Where is our nation going?

When we look at the evolution of our Republic, we have today a Constitution that is nothing more than a glorified version of a modern crown colony system with an elected governor as prime minister, who exercises total and absolute power. No country in this century and in the coming period can afford to proceed along those lines. The State has to be reformed because it is an apparatus that is extremely oppressive and an instrument of domination by one group over another. That is the reality in our country today.

I tell you, Madam President, when we talk about constitution reform, we need to appreciate where Trinidad and Tobago as a society came from. We are transplants—transients. We were imported, all of us; we were brought; some as slaves, some as indentured servants, some otherwise, but we all came here.

Trinidad and Tobago was captured by Britain some time in 1797 and the empire established, first of all, a crown colony government in this country. This was some time in 1831. Prior to that, I think in 1627, James I, Earl of Carlisle was granted patents to have proprietary rights over Barbados and all the Leeward Islands. He was the sole proprietor of Barbados and all the other Leeward Islands during that period. Trinidad and Tobago was like a guinea pig for Britain. They experimented with crown colony government in 1831 and, with the exception of a brief respite between 1941 and 1951, this country has been a virtual prisoner of its own institutions.

Between 1941 and 1951, something revolutionary happened in Trinidad and Tobago and it emerged, within that period, with one of the most advanced constitutions in the entire Caribbean. I will tell you, though, why we are where we are today. We need to exhale democratically in this country. This society is too autocratic in its approach and in terms of its arrangements. We need a constitution to reflect and to express, in a serious way, the dreams, aspirations, fears and hopes

of the people of this Republic. We have to take into account the fact that our society is plural. We have a highly diversified society. When we look at our economy and our society, it tells us we need to pay attention to reformation on a comprehensive basis.

If we are to concretely and objectively analyze our political behaviour and culture today, we need to step back somewhat and look at where we have come from. When the PNM came into power in 1956—we have to understand our historical roots—because under the PNM, Dr. Williams developed a model, which was based on the philosophy of centralization. The reason our 1962 and 1976 Constitutions are so highly centralized is a particular philosophy that guided the then chief minister, the then premier and first governor.

Just as the British felt that their governors, legislature and executive council should have centralized power and control, the same view was expressed by the then PNM through its leader. It had to do with a view. Maybe at that time the view was relevant. Maybe at that time Dr. Williams saw our society as being very fragile and fragmented, with an individualism for which he felt a strong political party and a strong centralized approach to governance would have been the best model. That is why when we look at the history of our country and the inheritance of the 1962 Constitution and the 1976 Constitution, we see a lot of power being vested in one person—one person having total power in this country. That may have been good in 1950 or 1960, but in the year 2003, we have to revisit our Constitutions.

At that time, the view was for a strong centralized organization and party to guide Trinidad and Tobago. The colonial office had a similar view to that of the PNM, which had to do with a lack of confidence. The British imperialists had no confidence in the masses of people in our country. I would also posit that the then PNM, under Dr. Eric Williams, similarly had a lack of confidence in the people—in their ability to take their destiny into their own hands.

When we look at our historical antecedents, you will see that the institutions we have inherited from the colonial period may be Westminster in orientation, but not democratic in substance and content. When we look at what is happening in Trinidad and Tobago, we would realize, Madam President, that the political order is a virtual dictatorship. The imperatives of survival, as I argued earlier, in a period of globalization, demand a shift away from centralized control. We cannot continue in your current manner and form of government.

We believe that too much centralized control stymies and stifles real development. It stifles independence of thought and democracy and hinders

institutional growth and development. The Constitution of our country today is too centralized, too authoritarian and the present arrangement—whoever is in that particular position—has a lot of power and control over the destiny of everybody in the society. That kind of centralized control leads to an obsession by the Executive, particularly by the leadership. Control is the name of the game. They want to control and when a prime minister has the kind of power we have given to a prime minister under our Constitution, we can appreciate the obsession with the issue of control.

Madam President, they want to control you, the President of the Senate. You know that. They want to control the Speaker of the House of Representatives. The ruling party and its leadership want absolute control. They want everyone to be their puppet.

Madam President: I have no problem with your contribution, but I disagree with your statement that anyone is trying to control the President of the Senate.

Sen. W. Mark: I am very happy to hear that, Madam President. Under the Constitution of this Republic, for those in the ruling party—and us, when we were there—because of the nature of the system, the question is control—control of the Speaker of the House of Representatives as well.

Madam President, you will agree that we have just had an election for a new President and you know that the ayes had it. It is control of the Parliament. Our Parliament is a mockery of democracy. It is a rubber stamp. We do not put the Executive under the control it ought to be put. The lack of accountability by this Executive is clear. What we have taking place is almost like a wild animal gone mad in this country. In the service commissions, total control is the name of the game. There is total control of senior managerial personnel as well. You cannot become a permanent secretary without the Prime Minister's approval. You cannot become the Commissioner of Police without the Prime Minister's approval. You cannot become the Chief of Defence Staff without the approval of the Prime Minister. The system needs to be overhauled because it gives too much power to the Prime Minister and, in this instance, to the ruling party, whichever party is in power.

I am arguing that this is not healthy for our country. They have said in their manifesto—which I believe should be an official document because too many times we find promises in manifestoes broken both in terms of letter and spirit—that they want constitution reform. I am waiting anxiously to hear the hon.

Attorney General indicate to this Senate when it will start. We do not want any constitution commission. We want a joint select committee to deal with this issue. We know what commissions have done: Hyatali—report dead; Wooding—report dead, because the PNM did not support it.

There is an obsession with control and this is not good for an emerging democracy. It is a recipe and a potent brew for dictatorship. It is a kind of brew that can give rise to the culture of control that we found in Papa Doc's Haiti; that we found in Guyana under the late Burnham and the late Hoyte. Our Constitution, therefore, must bring our Executive to book. They must be accountable in a serious way. When we look at our Constitution, it is unsuitable, at this stage of our development, for an independent and newly liberated society or nation.

This Constitution is more suited to a crown colony kind of society and we have moved to an independent nation. We cannot continue to be governed by a colonial constitution. We cannot continue to have an elected governor posing as a Prime Minister, one with sweeping and virtually uncontrollable power—a Prime Minister who appears not to listen, not to care. He is in control and he has a mandate.

I want to tell you something, Madam President. It is incomprehensible that an opposition that lost power—although the election was stolen—by 1,200 votes and represents over 285,000 citizens in this Republic, in terms of policy and decision-making, has no say. Whether they are there and we are here or we are there and they are here, the argument is that there should never be a situation where fundamental policy making that will affect the lives of hundreds of thousands of people takes place, leaving out the Opposition which represents half of the country. We cannot proceed along those lines. It is wrong! That will stifle growth and impact on development. It will bring about instability, uncertainty and insecurity in our country because there is this syndrome of first-past-the-post, winner-take-all. It cannot be fair.

Madam President, he cannot go, like our Prime Minister went, to some Caricom meeting and tell the whole Caricom that whoever wants to have political union with him can come. Who has given the Prime Minister of this Republic that power? He cannot go out there and “blah blah” his mouth about a political union with any country—be it St. Vincent, Grenada or Guyana. He cannot do that. He has to come to this Parliament. He must have a referendum on these matters. We hear all kinds of things about natural gas pipelines for the Caribbean and political union with countries that are interested. Who gave that Prime Minister, who is here temporarily, the power to speak on behalf of citizens? He cannot speak on

behalf of the United National Congress. We represent over 300,000 persons and we do not support that. I raise these points to show the absence of accountability; the arrogation of so much power unto one person. It cannot be fair. No country can develop along that line. People must be in charge of their destiny.

If we go back to 1831, when the British introduced the crown colony system of government, 172 years after, is that system still relevant, when we have almost copied most of the things? When the Democratic Labour Party submitted almost 200 proposals to be incorporated in a new constitution, the then Prime Minister threw it out because the DLP was weak at that time, and fashioned and shaped a constitution to perpetuate the PNM. That is what they did. That is why today we are reaping the whirlwind. Madam President, when you made your statement about indiscipline, dishonesty and all sorts of things in this society, we can trace them back to the PNM. Who is more dishonest than the PNM? Let us face reality. I will come to something, which tells you what is going on in terms of that.

We need to be accountable no matter what. Once someone has public trust, no minister should compromise or play around with it. When we put trust in someone, as in the case of the Minister of Housing and Settlement, he cannot use public money to put down housing in St. Joseph, Ortoire/Mayaro and Barataria, simply because he wants to win those seats. That is misconduct in public office. That is misusing public funds. We will test him in court at the appropriate time.

I am arguing that whilst this nation has experienced constitutional independence, we have a renewal of the crown colony system under new conditions. I argue that we need an effective check on the Executive. We have, in this honourable institution, committees called Public Accounts Committee and Public Accounts (Enterprises) Committee, which are supposed to be bodies to look at how Government has expended moneys, given the approvals they got from the Parliament through their annual budget.

2.30 p.m.

Do you know what is happening, Madam President? Those institutions are a waste of time. You get reports from 1990 in the year 2003; what am I doing with that? Not only that, we have a situation where the Executive would come to this Parliament, pass a resolution in the form of a motion, get the authority to borrow thousands of millions of dollars, and once they get that authority you do not see them back here at all. There is no accountability! That is why the Minister of Finance could have gone to Royal Bank and borrowed \$77 million for a programme called CEPEP, paid out \$44 million so far, as you read in the *Sunday Guardian*. Whether it was wages, individual contracts or contractors receiving

that money, they did not come here and tell this Parliament, or us that they were going to borrow that money because that is a guaranteed loan by the State and they have to pay back that. We are talking about prudence, efficiency and economy at the end of the process. Are we getting value for our dollar?

Today I was told if one goes through Don Miguel Road and parts of San Juan you would see that the people on the CEPEP programme have rooted up all the grass they could and they are now painting stones. They are using taxpayers' money to paint stones and the curbs all around. Madam President, when you leave here, go through Don Miguel Road and you would see that they have painted CEPEP in the centre of the road, as though it is a Government campaign for local government election. What kind of accountability and abuse of power is that? That is what is taking place with our money. If we have proper accountability in this country and the Parliament, the Executive could not do what they did. Given our present constitutional framework and arrangement, we do not have accountability. One could go out there and borrow \$1,000,000,000, one can take all kinds of loans, and the Parliament of this country does not know what one is spending the money for. The time has come for us to bring about sweeping, comprehensive constitution reform in this country.

Therefore, policy-making is another critical matter. If you are talking about constitution reform—I believe, for instance, we spend a lot of time debating things here. In London or Australia, a lot of time is spent in the committee, so they bring people before the committee. My view is that every magistrate and judge that is to be appointed in this country should come before a committee of Parliament and let us check the background of that person. We have to be extremely mindful that if we want to develop this country, we have to be open, transparent and democratic and we have to give the people confidence in what we are doing. It should not be a secret society. One should not have to go in a cocktail circuit/circle to drink something and then hear that somebody gets a job. No, no, bring the judge here! Bring the magistrates before us and let us do a proper analysis of their background.

Take an example again; how can the Government talk about policy-making, democracy, trying to bring about a society in which everybody feels that they belong in this society? A constitution, after all, is a body of principles and rules that we agree upon to be governed by. The Government cannot just take decisions because it has power. Might could never be right! If the Government goes out on that limb and says because it has power, it can do what it wants, history is replete to the bones of many a dictator in many countries of the world that went that route

before, because the masses will rise up. Madam President, as you know, in revolution some die in order for some to live.

Madam President, how can you, at this time—do you know what has me upset a little more? My colleagues. [*Interruption*] I do not mean upset in that sense. I am very calm. An area of concern to me, in terms of our democracy, is how can a government take a decision to destroy an industry like Caroni (1975) Limited, without consultation? We represent—

Madam President: Hon. Senators, the speaking time of the Senator 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: Madam President, the key point I would like to leave with you this afternoon is that we need to look at this whole issue: The system of government we have inherited here is a system that the governor is the prime minister. We have a governor who is prime minister, and a governor in the past, was king, as you know, Madam President. We need to change that arrangement. We need to dispose of this system that we have inherited. We have to be careful that, in trying to move forward, we not move backward at the same time.

It is our view that we had a great opportunity between 1941—55 to make Trinidad and Tobago's Constitution relevant to our progress and development. It was the then Prime Minister, Dr. Eric Williams, who brought back, in 1955, the 19th century-nominated council; by insisting on the Senate that we have today. This Senate that we have here was not in existence. We never had that. We had it under the crown colony system. When we had the governor, we had a nominated chamber. But it was Dr. Eric Williams who argued and got 27,000 people to sign a petition to a governor who was coming into the country—I forgot his name—to insist that we must have a wholly nominated Senate of 31 people. That is where the "31" came from: it was under Dr. Eric Williams. Do you know why? He wanted complete control. That is the problem!

Whilst Dr. Williams made a contribution—nobody would argue with that—politically and constitutionally, he brought a system of governance that, at the end of the day, we need to change. This is part of the legacy we have inherited from the PNM. Both our Constitutions: the Independent and the Republican Constitution, have failed to revolutionize our system of government and politics.

Madam President, in Trinidad and Tobago we tend to—I agree with Lloyd again on this statement when he said we continue to wallow in symptoms and blame everyone else for our incompetence, intellectual dishonesty and poverty, our inability to engage in rigorous analysis, and our failure to engage in intelligent debates. We cannot hope to establish developed nation statehood by 2020, if we continue to allow ourselves to be entrapped or imprisoned by the present set of institutions that we have in this country. How can you expect us to go forward with the present institutions and hope for future progress, at a time when we have a dizzying kind of technology change taking place in the world? How can we ever hope to become efficient and cost-effective in the operation of our bureaucracy, if we do not reform our constitution in this country?

We need, not merely a revolutionary transformation of our public sector management system, but also our financial management system. We need to deal with that. We need a President who is directly elected by the people. We think the time has come to get away from the system of an electoral college. We want direct vote: let the people vote for their President in this country. That is why we feel there is need to deal with that question of reform.

I agree with the Independent Senators: we need the right of recall. This Government is incompetent: it is mismanaging our resources. The people should have the right to recall a government if a government is not serving their interest. The people never elected the PNM to put almost half of the country on the breadline. Retrenchment is the name of the game. If a government is not performing, it should be recalled and retrenched. The Government wants to retrench people; I say retrench the PNM first. I feel that there is need for the three arms of the State to have reforms at all those levels.

Madam President, we need to look at the voting-patterns and systems that we have because of the plurality of the system. Sir Hugh Wooding at one time proposed a mix in terms of proportional representation, along with the system of first-past-the-post. Of course, only the people can decide this. We feel that the people ought to be involved in a very direct way in this matter, in terms of reform of our Constitution.

The UNC is committed to constitution reform in this country. We will struggle for constitution reform in this country. The UNC will ensure that this nation gets constitution reform long before the expiration of the PNM. Madam President, I want to give you the assurance that if the PNM fails to bring about reform of our Constitution we will do it when we return to office, in the event that they fail to do it whilst they are in office. The people demand it. The nation needs it, and we

must help to bring it about collectively. This is a wonderful opportunity to bring about that reform. The Opposition, working in collaboration with the Government, can bring about meaningful changes to our Constitution and to our future.

We should never allow our current institutional limitations to constrain our ability to envision a different kind of national governance framework in our society. Fundamental changes are needed to create a framework that is more fair and more equitable than the one we are currently working with. The UNC obtained over 284,000 votes, yet we are not involved in the decision-making process as we speak today. We cannot continue to tinker with incremental adjustments here and there. What is required is a fundamental rethinking of a national governance architecture. That is what is required. That architecture must be rooted and be germane to democracy, to social and economic justice and to sustainability as a nation.

We must put the people of our country at the centre of public life and public policy. Unless we do so, our development goals will continue to elude and evade us. It is naive to expect that institutions that were constructed 40 years ago, in a different national context, can subsist with only minor changes. Clearly, the time has come for reviewing and comprehensively revamping our institutions within a new and more visionary framework that puts the interest of the people at the centre of our deliberations, aimed at substantial institutional change.

Madam President, how many more minutes do I have?

Madam President: You have seven minutes more.

Sen. W. Mark: I think I would like to stay within my time. Few of us in this Chamber would contest that we are in the midst of one of the most volatile and dangerous periods of our history as a nation. New threats to our existence by the PNM regime challenge us, as never before, to find common ground in pursuit of social justice, equality and sustainable development. That is why we extend an olive branch to the PNM. We have to virtually re-event democracy and a viable, equitable, and more just economic system, that is premised less on the imperative of what I call crude, economic growth, and more on a model of genuine, economic development that marries environmental sustainability, poverty eradication and broad-based development for all our people. That is what we are committed to. We must insert in our approach notions such as justice, equity and fairness to all the people of our country.

Constitution Reform
[SEN. MARK]

Tuesday, February 25, 2003

One of the great architects/fathers of the United States' Constitution, Thomas Jefferson, once remarked:

“I am certainly not an advocate for frequent changes in laws and constitutions, but laws and constitutions must go hand in hand with the progress of the human mind.”

As the human mind progresses, we need to make changes to laws and constitutions. He goes on:

“As that becomes far developed, more enlightened as new discoveries are made, new truths disclosed and manners and openness change; with the change of circumstances, institutions must advance also and keep pace with the times.”

Our republic must keep pace with the times and not languish to the backwardness or backwaters of underdevelopment and persistent and continuous poverty.

Madam President, what I am arguing essentially is for a new approach to our society. We believe that as a nation, with all the changes that are taking place, there has to be changes in the overall, supreme law that governs our society. Rules are made and principles are established in order to govern our society and our way of life. We believe that 40 years after Independence, the time has long passed where we must engage in meaningful, comprehensive, all-embracing and sweeping constitution reform that would bring about a renewal, a certain kind of reawakening, recommitment by all the citizens of this country, regardless of race, colour, creed, region, class or religion. We have to renew that spirit of togetherness, because Trinidad and Tobago belongs to everyone, and the new constitution must reflect that kind of ethos.

Madam President, I feel with the support of the Government and certainly with the support of the masses of the people, we can have a new constitution in two years. That is why we have proposed an amendment to the original Motion proposed by Sen. Prof. Ramchand. We hope the Government will support the amendment.

I thank you very much. [*Desk thumping*]

The Minister of Housing (Sen. The Hon. Martin Joseph): Thank you, Madam President. I too, am pleased to participate in this very important debate; even though I am guided by my Leader of Government Business, Sen. The Hon. Dr. Lenny Saith, when he made his contribution, that we really ought not to be debating, we ought to be participating in what can be considered a consultation, as

we look towards finding ways and means of treating with this very important Motion brought by Sen. Prof. Ramchand.

I am tempted to respond directly to the comments made by my friend, Sen. Wade Mark, but, then if I do so, I would be keeping the debate at a certain level. All I would say in direct response to all that he was saying is that he is a little too late. This is five or six years late. Some of those same sentiments should have been made while he sat on this side of the Senate and when he had an opportunity to more greatly influence the outcome of some of these discussions.

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

Mr. Vice-President, let me again put on record this party as government's commitment, as stated in its manifesto, to constitution reform. That commitment is grounded in our Vision 2020, to make Trinidad and Tobago a developed society, in the shortest space of time, but at least by 2020. Certainly, in our attempt to arrive at develop society status; the question about our Constitution as a means of ensuring that that happens, takes a very important role in that regard.

As I indicated—Dr. Saith, when he made his contribution—we intend to listen to the contributions made by the various Senators. I have listened to 10 and I have read nine, because Sen. Mark was the tenth contributor and as a result I have not had the opportunity to read his comments. I just had to listen to them. I read the other nine contributions. It is very amazing, because it provides a wide range of issues and concerns.

[MADAM PRESIDENT *in the Chair*]

What is quite clear, in reading some of these contributions, I will just focus on two areas that show the differences. The first area is the question of the electoral system. What electoral system should we be using? As I read the various contributions, I decided to take a quick look at what obtains in the Commonwealth. I recognize that they identify some nine different electoral systems: first-past-the post, list proportional representation, combination of first-past-the-post and proportional representation, alternative vote system, block vote system, mix member proportional system, single non-transferable vote, single transferable vote, and two-round system; nine different electoral systems identified. It is interesting to see how—in the Commonwealth, among 54 Commonwealth nations—the different types of electoral systems exist. Needless to say, the most common type of electoral system is first-past-the-post, followed by list proportional representation and then the alternative vote system.

One of the major questions that need to be asked and answered as we talk about constitutional reform is the question about the type of electoral system that is going to be most suitable to us. What I do know is that experts say; if it is that you want to correct a problem/challenge of geography, proportional representation provides you with a good option. If you want to satisfy a challenge that deals with diversity as it relates to ethnicity, do not use proportional representation. That is what I do know from the little research I have done. Clearly, the question of the electoral system that is most suitable to us has to be a question that needs to be answered. I just took one area from which, in reading, you get all kinds of diverse views.

We are also hearing a question of a combination. Even in terms of the major scholars who made contributions: Hugh Wooding and Hyatali, I think one suggested first-past-the-post and the other suggested a combination of first-past-the-post and proportional representation. It is something that clearly must engage our attention and must, in my opinion, be answered within the context of our emerging democracy, our society, where we want to be, how we want to get there, and something that must be long lasting for generations to follow. That is just one area.

The second area I wish to pay a little attention to is the system of governance. You are hearing all sorts of recommendations being made as they relate to the system of governance. Some say that we want to have a Westminster type of system, with an elected Prime Minister and Head of State. Others believe that we should move away from that and have something like an American-style system of government; where the President is directly elected. There are all kinds of between. Dr. Saith also raised that in his contribution.

We need to determine what system—can we take pieces from here that suit us that are at variance with other aspects. The question is: can we take various aspects of it, without recognizing the consequences of other aspects? Again, the question of governance must be looked at in a certain detail. I have not read the report of the Independent Senators, but I understand that there is a recommendation that the Prime Minister be elected, and yet the President be also elected by an electoral college. I am not criticizing anything. Even as we look at the various types of alternative forms, we must do it in a very dispassionate way. I think some of the other contributors also made that point: it must be done in a dispassionate way so as to reduce the amount of emotion.

My real point of departure this afternoon really comes from the contribution made by Sen. Prof. Deosaran, when he asked if there is a role for a political party

in the reform process. Most specifically, if I am permitted to quote from the unrevised *Hansard*, Sen. Prof. Deosaran said:

“Unrealistic expectations will not help us solve the challenges that we are facing. Political romanticism and archaic ideals about everybody must have a say, that cannot work...”

It is well delineated in a book he quoted.

“There must be a modicum of representation...”

Meaning a balance of interest in the Parliament, not everybody.

“Just as you do not want an elite to govern you, you cannot have the masses governing you indirectly: one is anarchy; one is oligarchy, but neither is good. I would think, in a society like this, having had the experiences we have had, we should look for good judgment and proper balance in the things that we do.

This brings me to an essential point. Is a political party relevant to constitution reform? The answer is yes. A lot of what happens in Parliament, in our circumstances, is derived from what the party says. I do not want to be too personal or specific, but it happens all across the world. If the General Council suggests so and so, it comes to Parliament as policy, because that is the system under which we operate, so the party is very important. Except in many cases, not in the present necessarily, the party is a one-man thing...”

I want to agree totally with Sen. Prof. Deosaran, in terms of the role of the political party: in this case this political party, in terms of constitutional reform.

Madam President, I want to suggest that our political party has a history and experience with respect to consultations. The question about our manifesto being committed to constitutional reform is something that came out of party consultation, as a manifesto is discussed and developed. Those who have experience with the People’s National Movement would at least support that.

When Vision 2020 was developed, it was developed over a three and a half year period, after consultation with all institutions of the party, all 36 constituencies, the women’s league, the youth league, the legislative group, education committee, research committee, et cetera. It took three and a half years—*[Interruption]* Do not jump me, I am getting to that. We also had consultations with non-party entities and individuals: those who chose to respond. Remember, when we were developing Vision 2020, we were in Opposition and there were many institutions that wanted to contribute, but were afraid to

contribute because of the environment in which we operated during that particular period of time.

We also had 14 entities, organizations and individuals. I will not call all the organizations' names, but they all contributed to the development of our Vision 2020 document that became government policy and is going to help us take this country to developed society status by 2020—and approved by two conventions. Thank you very much Dr. Saith for reminding me. It was first presented to a special convention of the party on January 23, 2000, and then it was accepted at a special convention of the party on April 30, 2000. We have a history of consultation. I want to suggest that same history and experience of consultation will be used as it relates to this Constitution.

In those circumstances, I want to also just make a critical point, because there is an 18-month time frame that is asked in order for this exercise to be completed. I think Sen. Wade Mark said that an amendment has been made to ask for a two-year time frame. He also said an amendment has been tabled about a joint select committee.

The process to be used to ensure the widest consultation is something that we, too, have to agree upon. A particular organization—I hope they do not have a problem with me identifying them in this Chamber—the Constitution Reform Forum, sought a meeting with us. Specifically, they met with the party's vice chairman and myself, in the capacity of general secretary, to raise with us the process for which consultation ought to take place. They are totally disagreeing with any small group, whether it is a constitution committee, or a joint select committee. They believe that mechanisms need be put in place to ensure the widest possible consultation. They have submitted an approach for which they think some civil society coordinating committee, comprising some 20 to 30 representatives of bona fide civil society organizations should supervise a secretariat. They believe this secretariat—how wide it should be? They are totally against all the approaches we used in the past for consultation. They want a wider approach to the whole question of consultation. The entire process should be given the approval of the Parliament; since both Parliamentary parties need to be on board.

Further, the Parliament should vote a special sum to be managed by the secretariat to enable the proper conduct of the process. In this way, the secretariat and civil society cooperating committee would be seen as a creature of Parliament and not of the Government. Even the approach/process that we ought to be using in order to ensure the widest consultation is something that we also have to agree upon.

I wish to submit, Madam President that what we intend to do is to take the advice of Sen. Prof. Deosaran: that the party as an entity, is going to have to be totally engaged in an exercise of this nature, and that this exercise will inform a lot of the questions, concerns and issues that are being raised in this Chamber and the wider society. We are committed to ensuring that the process is one that gives us the best results, and gives this country the best chance of ensuring that it has a constitution that is in the best interest of all citizens; not just now, but as far as possible into the future.

I thank you, Madam President. [*Desk thumping*]

Sen. Ambassador Christopher Thomas: Madam President, I deliberated very much before intervening in this debate, because a number of speakers have echoed the sentiments and viewpoints that I wanted to express. Secondly, because all political parties in our country at the moment, have indicated clearly their interest and disposition to go to constitution reform. Nonetheless, I would like to confirm my support for the Motion before us, and take the opportunity to commend Sen. Prof. Ramchand for what I consider to be an initiative that is timely and most relevant.

A lot of our debate is centered around the question of our inheritance of a Westminster system for our Constitution. This is correct, we have. What we have not done is to provide within that constitutional framework for the kinds of flexibility that would take into account changes in evolution in our society. It is almost ironical that we have inherited a system, externally; a system which is based on a culture that has evolved over time, and one that has left itself open to simple changes in accordance with the dynamics of development and yet, our having inherited that system, we have locked ourselves into a constitution that gives us the greatest difficulty in terms of making changes, as they become clear and evident. Where, on one hand, you have a British Constitution that is unwritten and, therefore, allows itself to flexibility in terms of changes, having inherited that system, we have locked ourselves into a system that gives us more difficulty in making changes that might be desirable.

That brings me to the question of culture, because that system which we inherited has been based on the culture of the society and the culture of the people. Culture and constitution are very important considerations. I want to talk a bit about the culture; in terms of what we have inherited and whether it is suitable to us. I ask myself a number of questions, the first is: does a constitution derive from the culture of a people? Is it an outgrowth of a people's culture, or does the constitution craft the culture? After 40 years of independence and dealing with a

constitution that is external, are we adapting to that external culture, or are we in a search of transition, where we are seeking to devise a constitution of our own, and which must take precedent? Are we in a situation where, as in the past, we have established, I believe the term is a procrustean bed, where you develop a bed to suit the occupant, only to find that the occupant's legs are too long so you have to cut his legs off to fit the bed? Are we designing the kind of bed that will fit the incumbent: meaning the society, people or government?

Let me continue on the question of culture. I would give an example from my experience in the past as to where culture and constitution may in fact converge. As a young diplomat in Caracas, my first assignment—I believe it must have been somewhere during the period 1968 to 1972—there was what we had in this country called a “No-vote Campaign”. A particular party decided not to vote in the campaign. The government, in its wisdom decided to consult through its missions abroad what would be the alternative; has this precedent ever occurred in other countries and how would one solve this problem? The task was for me to discuss this in Caracas. I spoke to a number of people including the political officer of the British Mission, who at lunch first did not quite understand what I was saying. When he did, his response was: “That would never happen in the United Kingdom”. Why? He said the opposition in the United Kingdom is called “Her Majesty's Loyal Opposition”. They understand that they have a function to perform in the Parliament and they are committed to that function.

In the context of that culture of the United Kingdom—I do not wish to be misunderstood in this House—you will not have a no-vote system, you will not have any group, whether opposition or otherwise, abstaining from coming to Parliament. You will not have the election of a Speaker being frustrated, so that the work of Parliament cannot continue. You probably will not have deliberate absence of Members/Senators, frustrating the representation they are supposed to carry out. It may very well be that what we are seeing here is a lack of majesty. In our case it may not even be the President's Loyal Opposition/Party.

Notwithstanding that, what is happening is that we have a system where what the lawyers would call: you seem to be able to abrogate and reprobate at the same time; that is to say, in local parlance: you blow hot and cold. When it suits us, we accept something; when it does not suit us, we do not accept it. This may be very deep-seated; it may not simply be an expression. As you all would remember in our childhood games, if we did not like what was going on, we took our marbles and left. This may be a cultural trait. Therefore, we either have to make a decision that we do have a political culture; or if we do not have a political culture, we

must devise one. That one must come out of what we might call, our customs, our mores, our conventions; otherwise we will be left with a constitution that is inherited and one which we accept when it suits us and which we do not accept except, of course, in the process of following that external constitution. As I said earlier, can we adapt to that culture? We can transform our culture to adapt to that constitution.

My fundamental question is: Are the manifestations that we have been seeing over the last few years indicative of the need for a home-grown political culture? Are we in transition in search of self—meaning political self—I believe the social scientist will call it legitimacy? At the end of the day, are we in search of finding a legitimate instrument through which our governance can take place? Or, are we still seeking to adapt our culture to an external system?

This raises for me another question: Where is the legitimacy in our governance? If all political parties agree and admit that there is need for constitutional reform, then it means that legitimacy of the present constitution is called into question. It means that we are saying that there is need to, if not confront the question of the present constitution, at least review the present constitution to ensure that it becomes compatible with the evolving culture and the dynamics of our culture and the country. We may want to use the word “review” rather than “reform”, if we find reform is too preemptive. What it does say is that there seems to be agreement that there is need for legitimacy in the Constitution. This is the road we seem to be moving on. There seems to be no difficulty in understanding that. As Sen. The Hon. Martin Joseph said earlier, how we go about it is the issue. How we decide to do this, as a country, becomes the central issue.

In that respect, I support Sen. Robin Montano’s call for a joint select committee that will look at this question, and make recommendations accordingly. I would only ask that we look more at the question of review rather than reform, and we seek to do this with a certain, if not urgency, priority, so that we establish a time frame when this particular joint select committee will be established. It is not sufficient to simply say that we will establish one. We should decide on a time for the establishment of that joint select committee.

I see no inconsistency between the establishment of a joint select committee and the larger consultative machinery of which Sen. The Hon. Martin Joseph spoke. I would presume that the joint select committee would not be talking to itself. I assume that they would be using the widest form of consultation/discussions and documentation, in the context of assembling recommendations for the country, the Parliament and the Government.

In the context of that joint select committee's approach, I would like to submit, in addition to the issues raised by my colleagues and others in this Chamber, four broad areas. The first is the role of the Presidency, vis-a'-vis the Prime Minister. The public, and even our best lawyers have agonized over this question. I would urge, on behalf of all, that we have clarity, flexibility and a clear demarcation in relation to the roles and functions of the President and the Prime Minister.

The second area I would look at is the role of the Executive, vis-'a-vis the Legislature. Do we want a Cabinet to monopolize the Legislature in governance, or do we want a legislature to represent the people and to provide effective oversight of the Cabinet? I do not propose to debate these issues here; I simply want to flag these issues that, to me, are fundamental questions that any form of constitutional review must address and engage if we are to look at the ongoing culture of the country in terms of what would be suitable for us in the future.

The third question, Madam President, is local government. During the course of the last two years, some of us had the opportunity to consult, fairly widely, with people throughout the country. One expression remains very dear to me when a particular member of the public said: "Central government has brutalized local government." I believe that local government is the hub of our democracy and governance. Where better can we begin to address the question of winner takes all or at least the defects of that system? Many people have raised the issues: How can we address this question above and beyond partisan politics?" How do we get to a system where communities can be developed where, at the grassroots level, you can have what is called "true and effective development," clear of what you might call "partisan politics"? I believe somewhere we must look within our review or reform of our Constitution to ensure that local government has a certain amount of autonomy. There must be predetermined resource allocation for local government in terms of constituencies and, perhaps, there should also be some kind of full responsibility to Parliament in terms of local government action. There should be more effective oversight in terms of local government action.

My fourth area, Madam President, is the area of people's participation or people's development. In the jargon of the political scientist, I believe Trinidad and Tobago has moved from parochial to subjective to full participant political culture, everywhere. Every discourse in this country is underlined by politics. People have become so sensitive and sensitized to issues, that there are viewpoints throughout the country. No longer do we have the early situation of oracles of authority—although some still seem to think so—and monopolies of

opinions. There are views out there that are substantial and significant. This movement towards participant, political culture is healthy, dynamic and mature. I think we must seek to capture this as we seek to develop and review our constitution. The question of people's participation/consultation/involvement, I believe, is crucial to the development of a new constitution or to the amendment of a constitution.

Let me take a couple of seconds more just to say the following on the question of consultation. It was in 1962, I believe, as a young teacher in Jamaica, I happened by chance to attend my first cocktail reception through the generosity of a student whose father was a politician. Here was I in the midst of important politicians like the former Norman Manley, now deceased. I was privy to a discussion with some of his other political colleagues, when he was defending the question of referendum: why did Jamaica go to referendum? He said: "The only reason I went to referendum is because my cabinet was split on the issue of federation." That thought remained with me. If former Norman Manley's cabinet were not split on the question of federation, we would all probably be West Indians today, without our own choice. The fact that the cabinet was split, meant that he had to find a means to get out of his dilemma. Whether one considers that he did the right or wrong thing, my view is that the consultation with the people on major and critical issues is important and necessary. I want to agree with Sen. Mark when he mentioned the question of consultation.

Madam President, as I said, most people have echoed my views so I would not wish to take up too much time. But if I had to summarize my position on this Motion, and the content of my statement, I would say that I consider it timely that we review the present Constitution of Trinidad and Tobago, in the search for a legitimate instrument for our future governance.

Thank you. [*Desk thumping*]

Sen. Pundit Maniedeo Persad: As I begin I offer you my sincere greetings and, through you, to all Members of the Senate. As I stand to join in the debate on constitution reform, it is indeed important and historic that we consider these issues. As I listened to all the contributions thus far—and like Sen. The Hon. Martin Joseph, I have secured and read all the contributions before speaking—we are finding lots of discussions on how we should manage ourselves as a people and the role of the Prime Minister. We have the Independent Senators' "Meet the People Report" which states public views on the President, Prime Minister, Speaker, Parliament, the Cabinet, and it goes on. On all sides various interest groups are making their contributions.

Without doubt our current situation has occurred and has been impacted upon by the 18/18 tie. Even before that, when the former Prime Minister, as was mentioned, advised on the appointment of individuals who had in fact lost at elections but wanted to appoint them as ministers.

3.30 p.m.

As I begin, I refer to the Constitution which states:

“Whereas the People of Trinidad and Tobago—

- (a) have affirmed that the Nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms...”

I stopped and I thought. We are saying that our nation is founded upon principles that acknowledge the supremacy of God. The question is asked: Whose concept of God? What I am entering here now—and it is said that two of the most controversial areas one could discuss are politics and religion and I am mixing them both here.

The Constitution is telling us that we acknowledge the supremacy of God. Whose concept of God? Now, as a Hindu, I am more conversant with the principles as espoused in my religious systems and, when I think of it, some see God as a supreme being, omnipresent, who is all pervading but who does not interfere in the affairs of man. Others see God as very personal, where God could assume a form.

In Hindu theology we say, “God so loves the world He, Himself, comes in our hour of need.” In Christian theology, we hear, “God so loved the world He sent His only begotten Son”; and then we have God as a mother. The point I am making is, for example, our Muslim brothers and sisters recognize God as a being—and I am subject to correction. My understanding is that the messengers will come but there is no direct interface with God. So when we say our Constitution “is founded upon principles that acknowledge the supremacy of God”, is it the God of Christianity? Is it the God of Hinduism? Is it the God of Islam? What should it be?

Now, I checked on the religious demography of Trinidad and Tobago and I wish to quote from an International Religious Freedom Report of 2001, which I secured through the Internet from the US Department of State and it refers to Trinidad and Tobago and I quote:

“There is no dominant faith among the multiethnic population, which is 40 percent African and 40 percent East Indian; the remainder are of European, Syrian, Lebanese, and Chinese descent. According to the latest official statistics (1990), about 29 percent of the population are practicing or nominally Roman Catholic; 24 percent are Hindu; 6 percent are Muslim; and 31 percent are Protestant (including 11 percent Anglican, 7 percent Pentecostal, 4 percent Seventh-Day Adventist, 3 percent Presbyterian/Congregational, and 3 percent Baptist). A smaller number of individuals follow traditional Caribbean religions with African roots; sometimes these are practiced together with other faiths.”

Now, we are a multicultural society, added to that mix many religions. The thought that I am raising here is that when each of us—with our own cultural and religious traditions—look at the Constitution we may see things in different lights, based on our own backgrounds. How does the State, as a whole, deal and treat with all the various religions in its policy and so forth? All religious traditions—and I know I am treading on sensitive grounds here and I say this with the deepest of respect—that are properly followed should be the engine of life; the central heating plant of our personality; the faith that gives joy to activity; hope to our struggles; dignity to our humility and our zest for living. All our traditions must be nurtured. Our diversity is not a hindrance but a thing of beauty to be nurtured and practised.

There are three issues I wish to raise in this context with regard to what is happening in our country. We already have political divisions. If one looks at all discussions they are highly political, and views are expressed many times, depending on which side of the fence you stand or sit on. If we add to that any measure of religious intolerance, we are going to have recipes for further difficulties. We have some measure of ethnic tension and that could be expected in any multicultural society. We have managed them well so far and, certainly, we do not wish to add any religious tensions.

We need to ensure, as a State, that all religions are afforded the same protection. I am raising this matter because an issue arose a few days ago, which, I think, as I was preparing for this debate, sent me to the Constitution. This is a booklet that is being circulated to schools in the Diego Martin area, which was brought to my attention by a 7-year-old student who came to me crying. Do you know what is stated in here? The booklet is printed by Chick Publications of Ontario, California. The local distributor, I do not know and, certainly, with time, we could find out. It is called: “The Traitor”. It depicts a picture of Kali, an

embodiment of divinity in Hinduism, and it states here among other things—and it is done in a comic form to reach children. Madam President, to my mind, what is being done is nothing short of religious terrorism and here it states:

“Satan created all the gods of India. They are demons who will rob your soul and take you into hell.”

Madam President, this booklet was circulated to a 7-year-old child who, in utter confusion and fear, went to his parents, who were equally confused and they went to their pundit. Then we did some checking. Our blasphemy laws protect God, or the worship of God, from a Christian perspective. In other words, I cannot say anything negative, but others are using the lack of the protection of the law for all religions to be able to malign other religions, and this is something we need to address. This matter was raised before, and not for one moment am I suggesting levelling the playing field, so that we could all criticize each other. That does not make sense. What we need to do is to ensure equality of treatment. If one looks at the rights enshrined in Chapter 1, on page 16 of the Constitution it says:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely—”

And amongst them are the freedom of conscience, religious beliefs and observance.

Now what it does? We are talking about alienation; we are talking about ensuring that every citizen of every orientation and background feel a sense of belonging in our country, and as a State we must ensure our laws, and we are in the process of seeking to ensure as we develop that our country provides that protection to all. We are not perfect. Many people are saying—and having been on a number of these talk shows and listening to people commenting on it—every creed and race does not have an equal place. That is the sort of sentiment that one is getting. How do you get an equal place? Is it by sitting and griping about it? It has to be achieved by doing what is required, and this is one area that, I think, we need to look at. There is no one view on the concept of God. What I am suggesting is the widest possible interpretation: all religious traditions have value in them, and we must ensure through this honourable Senate, and through our legislative system, we do not allow any religion to be denigrated.

I will raise another issue and I do this with the greatest of respect because I want to bring it on the agenda for discussion. As a citizen of this country, our

highest award is the Trinity Cross, which is awarded to persons who have rendered distinguished and outstanding service to Trinidad and Tobago, and the idea of honouring our citizens is excellent. Madam President, there could be no doubt that the Cross is an acknowledged worldwide Christian symbol. It is difficult for many, in good conscience, who may be deserving of such an award to accept it, in particular, I place on record the history. There is a well-known pundit, Pundit Krishna Maharaj of Caroni, a very elderly person who has done yeoman service in the community, and who, because of this conscience issue, has not been able to accept the award. Surely, as we move to constitutional reform; as we move to ensuring an equal place for all—it does not detract from any—this has to be addressed.

I must place on record also, as Sen. Wade Mark mentioned, the Community (Based) Environmental Protection and Enhancement Programme (CEPEP). When it was launched at La Lune, Moruga, last year, the Prime Minister, recognizing the issue that is being raised here, at that time, said that he was going to look at the issue of renaming the national award to make it acceptable to all.

The final issue in this regard, and again I say it with the greatest of respect—We say a prayer in Parliament, and it is a beautiful prayer but at the end we say “Amen”. We are talking about a society that is growing and evolving. As a Hindu, I cannot relate to it. I do not know if Brother Noble Khan could relate to it. I think, Muslims say Ameen. If I as a Hindu or another Hindu were to aspire, and at some point, be able to sit on that Chair, could I say Om Shanti? Will it have the same acceptance? The point I am making and the fundamental issue is that from the perspective of the State we must ensure equality of treatment across all religions. What I am submitting is, as we spoke about historical antecedents of all the experiences, we have forgotten in our discussions, the fact that our colonial masters were basically of Christian origin and, quite naturally, there is nothing wrong with that. It is understandable that they would have brought their own thinking and attitudes into their legislative agenda.

We need to recognize that our society is multicultural and multi-social in many ways, and we need to take cognizance of that in this process of constitutional reform and even in the simple issues that I have expressed. Madam President, I am not for one moment suggesting that any religion be given preferential treatment or anything like that. What I am saying is, as far as the religious traditions go, we need to ensure that in the areas that I have mentioned—a good way to start stopping the alienation is by addressing these simple matters and dealing with them, if the will is there.

Madam President, turning my attention now to another dimension of constitutional reform, it may be that we need constitutional reform, but I respectfully submit that what we need in our society are fundamental reforms beginning with the individual. Sen. Prof. Deosaran, in his contribution, alluded to the fact—I am not quoting but I remember him saying—that our whole society, in many ways, seems to be motivated by spite, and we seem to be motivated by enmity and victimization. That is the sort of feeling one gets at times and, if that is so, we need to reverse it because we cannot as a society move forward. It could be mouthing platitudes many times when one looks at what is happening. We need to have a genuine desire, in my view, to effect the changes that are required, and some of those changes are going to come from within. These changes will not take place in an adversarial manner.

We hear talk about declaring war. Where are we going with that? What are we inciting people to do? Is it merely to get headline news? Will that suit the future of our country and our peoples—a history of peace and development marred only by the 1990 experience? I submit to our leaders that we need to be a little more careful how we address issues. We need to move forward again, as Sen. Prof. Deosaran says, with reason. Sir, I must admit I enjoyed your contribution tremendously. We must have patience.

If one looks at the Hugh Wooding Law Reform Commission and the other one, what is happening? Nothing. Talk, more talk, no results. I think Kirk Meighoo in an article recently said that these constitutional reform talks seem to take a ten-year cycle. Every ten years we will talk about it and then it goes again. Do we want to be part of a process like that now, or do we really want to be involved in a process that is lasting and could make meaningful change for ourselves and for our generations to come? In that regard, is change really necessary? There is an article dated February 21, 2003 by Raymond Ramcharitar in which he quotes Lloyd Best as saying “Don’t change Constitution...”

Madam President: Which newspaper is it?

Sen. Pundit M. Persad: Madam President, sorry, my apologies. It is the *Express* newspaper dated Friday, February 21, 2003 on page 16 and it says: “Don’t change Constitution, educate the people.” And it is an interesting thought. I quote:

“The problem, he said, is not the law: it is in the attitude of the people to power: ‘If the people understood why we need constitutional reform, we wouldn’t need constitutional reform. The country and economy are embedded

in particular social arrangements. People are semi-literate and half-educated—this is not to be insulting...”

Madam President, many of the problems that we have seen—for example, the Crowne Plaza Accord, supposedly made by men of honour, was broken by one party. The country could have been spared much trauma had good sense prevailed. Maybe many of our problems will be overcome not by just worrying about the law, as Lloyd Best says, but thinking about lore. Where really is our sense of culture?

Again, in Sen. Seepersad-Bachan’s contribution, I was really amazed, quite honestly, with due respect when she spoke about the non-acceptance of conventions and why Ministers do not resign. But what happened in the last six years? Was it any different? I think we need to have some sort of intellectual honesty in our discussions. Why raise issues like that when it never happened? It never did! I wish to submit to the Senator that her party was most guilty of flouting traditions.

Finally, Madam President, the current discussion will continue and, I think, it is critical for our nation. The sort of ethnic difficulties that people are attempting to create will not do our country well. It is being done purely for political ends, and while politics is part of life, we are a part of a country. I think Sen. Ambassador Christopher Thomas made a very nice point about doing your duty, because it is our duty. I do not think that there is need for me to repeat that. What I would say is, let us exercise good sense and reason, and look at the long-term good of our country.

I wish to reaffirm the PNM’s position and I will just read into the records from our manifesto:

“The PNM is committed to the widest possible discussion and participation in the process leading up to the Reform of the Constitution for a modern Trinidad and Tobago which must be capable of ensuring the involvement of all its citizens in the running of the country and permit equity in the distribution of resources across a plural society. This will be achieved by:

The establishment of a Constitution Commission, with multi-party support and with the involvement of civil society organizations for hearing the views of the population and for making recommendations to the Parliament of the country with members being allowed to vote on the basis of conscience.”

Madam President, our country has many challenges such as poverty. When the PNM assumed office, 40 per cent of the citizens were under the poverty line. With respect to diseases, we have had our occasion with natural disasters, and as we have seen recently, corruption, crime and a slipping of moral conduct all around. May I suggest, as I conclude, that what our country needs most now is more of the milk of human kindness, honesty and commitment from the cream of our society. My fervent desire is that all those in leadership positions, on all sides, will act in the best interest of our beloved country, as we move forward to achieve our Vision 2020.

I thank you. [*Desk thumping*]

Sen. Brother Noble S. A. Khan: Madam President, before I start my contribution, I would like to endorse what my colleague said with respect to the question of the awards and also on the question of the prayer. These are matters that were raised previously, with the former Prime Minister, when the Equal Opportunities Bill was being drafted. We, too, hope that something will arise that would obviate the expressions that we have just heard and what I am repeating with respect to those problems.

It is reported by the Holy Prophet Muhammad (upon whom make peace), that the greatest striving is the conquest of the self. Also from among the Upanishads, one of the great Hindu scriptures of ancient times, I have extracted a quotation from an English translation and it goes like this: Like two golden birds perched on the self-saying tree intimate friends, the ego and the self, dwell in the same body; the former eats the sweet and sour fruits of the tree of life, the latter looks in detachment.

To some extent, I would like to link the statement that all that we do emanates from ourselves, from each individual. Even as we strive here in this honourable Senate, decisions will be made—and it is said that the Parliament of Trinidad and Tobago passed this law and so forth. It all emanates out of every individual and, I think, these two quotations, which I have mentioned here are from very ancient scriptures. I would like to add another one from the Holy Bible, which might be a little more familiar, which says that if you are to have faith, even as a mustard seed, you could do great wonders. So, here again, we are dealing with the person.

Today, the Motion before us is one that deals with a written Constitution. We have heard that the British has one that is unwritten. I am wondering if they are following the old way, for it was said that we had words and we spoke even before we wrote. With respect to what we have written in the Constitution, some

thoughts came to my mind and I will share them with you. The question of the text, what has it delivered? This again, raises the question of what is before us.

The Constitution has been with us for some time, approximately 40 years, and there was a small shift in 1976 but, again, what is before us today, is it still a riddle? We are debating it now and people have different interpretations, and we have been able to resolve some of our problems that came before us and, regrettably or, at least, we have not discerned within the Constitution how we should rectify it. Of course, the question of conscience and righteousness will be raised and about the bright light that this is supposed to give us, which we could shed.

Definitely, our world is different now and some of the great thinkers would say that this matrix, it just shifts around and we could go into the debate on that, but I do think that this is the time for that. I will leave that for more sophisticated areas of thought and so forth. To this end, therefore, as we come face to face with what is before us, the questions of freedom will arise; of political freedom, of religious freedom, and I dare say we have just had a taste of what could have been, the question of what our Constitution stands for on this element of religious freedom. Basically, religious freedom leads to political freedom because it comes from within our souls, and even if we were to resort to natural religion—what is innate in all of us and what our traditions have developed from—we would see the question of what is before us, the Constitution, a big question mark.

How our society is organized emanates out of the Constitution. Is there a question of marginality of not having access? Obviously, what goes through a person's mind is very difficult to legislate from but, obviously, the Constitution should put to people's mind an element of rest; an element of comfort; and an element of this place that I would really like to belong to and where I could share my life, my thoughts, my soul and my own divinity. And, again, there is a big question mark.

This question of participating, the question of change, the power to do so, where we will face, possibly, questions of circumstances; requirement for adaptation, and the question, I think, my colleague, Sen. Ambassador Thomas has touched on it very beautifully—I, too, in my little memoir here, made a point with respect to it—the element of culture. The Senator had elaborated very beautifully on what I refer to as the ecology of the culture of a society being dynamic. We as a society are always dynamic, subject to change, growth and death; the pathology as one may call it.

What would be our response in this area of the ecology of our Constitution as far as governance is concerned? Obviously, conflict will arise and at different times, even within our own self conflict will arise and give rise to the question of the creativity of how we relate. This conflict that I am speaking about could emanate out of our Constitution and it raises the question of self-representation and our lifestyles; how does it fit in, and the results from that will come and there should be debates within ourselves. As I have said, the conflict could go out and debates would follow and that is part of our society, that is part of our civilization. Elements of political, theological and ideological questions will arise and these ought to provide the basis for the various models that could be derived.

Of course, what we have arising and what will definitely arise is the element of tension, tension of alienation and the question of integration. In any society, every individual is a person and there is no person like myself ever before or ever forward. This is part of our belief system. Each of us is unique and even as we come to form groups, these groups become unique, but it does not make them isolated, even as I am not isolated, so too are the groups. So we build up and we become a society and we become a beloved country of Trinidad and Tobago and, again, I refer to how we should see ourselves in that society.

We have just heard the question of alienation, and I am sure, if we were to look back, recently, what has taken place in the last year or two, we would see evidence of that and how the tension rises. Now, conflict by itself may not necessarily be bad, it does allow for stimulation and hangs on the question of very fundamental and very dynamic areas which could explode. I dare say in making reference that even within the last 40 years, some of our conflicts have broken out into conflagration; some of them may have been inspired by what is global, and we are in a global village.

In the 1970s that was part of the global movement that may have gone wrong. Again, in 1990, conflict was expressed in our society. I am not supporting that type of behaviour but these are real facts. How do we fit into the type of society that we want? If we were to look again, we will have as the prime document our Constitution, to see how it could adjust towards these demands that are upon us and which find expressions in ways that we do not want to go.

On the question of coming a little closer, I think, much has been said with respect to the question of decentralization—since I was a little boy studying in school—and this seems to be a question more of lip service, and there is some element of it which has taken place over time. It seems to me, it is a way of giving something and your hands are still locked with it. We know that social sciences

have come a long way and, within recent times, pretty fast, following Karl Marx and so forth, at the turn of the last century, there is the question of the bursting out of Weber and so forth.

There is one particular study that has influenced me much and I would share it with you. I summarize this in the iron law of oligarchy that was coined at the time, the iron law because it said that it is without exception. I think that the person who had coined that was a German sociologist sometime in 1908—forgive me for not being able to quote directly from it. I am drawing on my memory. I think Robert Michels was his name. Basically, the theory is that when people get into a position of power, they act in such a way, though they might use democratic means and they would use other means, to keep in that power. Well, of course, they will move within all the capabilities that they are permitted to and, one would expect that if this theory holds any validity. So one could understand that against the orchestration of a request for change against this oligarchy of power, that is an important aspect when we are looking for change and making change.

The question now is how do we go about the human freedom that we are committed to. We have signed many protocols with the United Nations and so forth. I have been around for quite sometime but, regretfully, if there is anything in the modern creeping that seems to question if these doctrines are really worthwhile that we pursue—in the practice of it we seem so far away from the goal.

Much has been said within recent times about the development or the evolution of governance in the systems that we have had. My colleague, Sen. Prof. Deosaran made a very sterling case with respect to the question of reason. Of course, we know there was a time of age of reason around the late 1770s, the bursting out amongst the French, English and Germans. There was a whole input and change in governance and much was based on reason. I would also like to add to that question of the reason, time, and this is important too because, historically, our people here in the Caribbean came from the great mother continent Africa, and from South Asia, the Indian subcontinent. These two great areas have been repositories of great spiritual and moral strengths, and they have shared that with the world but, at least, we have not yet seen the effect of these great spiritual forces coming into the West. They are still dominated by the West and their interpretations of Christianity and what has been referred to as the Christian ethics appear to dominate the world, but that is their interpretation of it.

One will find that if one goes to the pure source, one would find it among that tirade what emanates out of the mother continent Africa, that part of Asia too in

the Indian subcontinent, and further to the Middle East. With this drift of these spiritual forces that, I think, we should leave room for those forces to find expressions in our document—and I hope by the grace of God, we will be reviewing and which I support—we will see these elements of it taking place.

When we think in terms of dealing with our primary law, we think in terms of great lawmakers in the past and the influence of Manoo on the Indian subcontinent many centuries ago; of the Prophet Moses, as a great lawgiver; of Confucius in China; of the Prophet Muhammad (and peace among all these great men who have contributed), insofar as the law is concerned, there should be room for some expressions of people who hold close to these faiths and to share within them. I agree that in the past there has always been furore for expressions but, again, I support that there is room now for a re-channelling of some of these great thoughts that have existed in the past and have influenced society and, therefore, we, too, as part of the inheritors of that society—and the desperate people who are here in this land—could possibly draw on those strengths and there should be provisions for that.

When one thinks in terms of the great messengers, the great prophets, the great Rsis and Uttars, what they have left for us, there should be areas for the proponents of the believers in these systems to definitely share in their thoughts, even as we have heard expressed here. Of course, the scriptures would definitely have a great input, because it is from the basis of scriptures that I would think that all law derived. Though, I have said it before, there was the word even before the question of the writing.

Generally, I would think and the questions they have been raised repeatedly, that we should keep these before us—although a document may give it to us and the paper may have it—the question of unity; the question of authority and how we share that authority; of faith; what is our mission; justice, which is the most important aspect of any form of governance; of eternal truth; of honesty, and this will lead to meeting the challenges, as we are at the moment, of social evils where we might definitely be able to build together from a sourced document, a society of which we can definitely be proud. In this thrust for the evolution and growth as we develop our nation, a very important aspect that we see taking place wherever we go is the question of contribution that we are allowed to make and, more importantly, the question of distribution that is made.

I know at the universal scale there might be precious little that we could do, the whole matrix for production of the services made definitely, at the hands of people far more powerful than us—I am speaking here about the North, which

continues to dominate the world. It has been said and within recent times that we have been hearing of us as being specks of dust. How could we share in that? As a little boy growing up one will have tiffs in school and it was said, “No matter how big the bully is you put up a challenge to him.” I am not saying that anybody is a bully; perhaps, “Your fingers might stick him in the eye and you could work him through.” My colleague, Sen. Arnim Smith might understand fully what I am speaking about. So although we are a small nation, we could deal with this matter insofar as the global structure is concerned.

With respect to the local scene, as far as the distribution is concerned, I know we follow a sort of market economy, but a large amount of resources is still represented or finds its way into the hands of the Government where they act as a great distributor, not only through the mechanisms of government and the tax system and so forth but directly. This is a very important aspect that when this is being pursued, again, emanating out of our Constitution, I think, that this is done in a way that we do not hear too much about. Although you will be hearing that some unfairness is taking place, as far as the distribution is concerned, there does appear to be an element of equity. This might be definitely people shouting wolf, as the case may be, but this is something we should definitely keep before our eyes.

With respect to the question of change that I could identify with and, I think, that will come out when we meet—which I hope by the grace of God—from other aspects, the questions that I have mentioned of decentralization; the question of the very representation within the form of how people come into the Parliament and what exists now, there could be a change to allow for the fertilization or expressions of elements of the system, so that there will be more representation and a wider perspective of what the people are, as diverse as we are. I think the world has gone that way. There might be models close by to our country—and I would not burden you with that—maybe like in Suriname and in other parts of the Caribbean area, there may be elements like that but, definitely, there are elements which we could look at, as far as how the representation could be in the Parliament.

Now, with respect to the question of the financial system, if one looks at the whole system, there must be an element of control, but the whole matter is geared to the question of control over elements. For example, within the system of the Constitution, there are certain positions that are referred to outside the political directorate, for example, the Judiciary, the Auditor General, the Ombudsman and so forth, but when it comes to the giving of the resources to these institutions, they are controlled by the political directorate in that sense, for example, the salary of the Auditor General. The President might be in direct charge of the

Consolidated Fund, but the staff—and let us take the Audit Department—are all provided for by the political directorate and, importantly, the numbers. With respect to the numbers, there is also the question of the facilities that you would give to the people. So there you have within it a sort of background control.

Perhaps, here too in the Parliament, I think, I came across that earlier when we were discussing ourselves, the question of what facilities we will have. Perhaps, this might be one of the cherished departments that exist in all organizations and, I guess, in the service and also where some people are treated favourably as against others lower down on the priority list. I think we should look at those elements of creating true independence, insofar as funding is concerned for the salary structure and also for the facilities. These are important aspects that I would think we could address in this area.

The other area that I could think about is the question of Parliament. I have touched somewhat on how we came into the Parliament and whose interest we represent. Definitely, the question of the separation of powers, which I think has been around even before Aristotle, I think we should address that issue. Senators have touched widely on that, so I will not go into it but it is definitely high on the agenda from all the persons with whom you come into contact.

Within recent time—if I may just cut back on the question of distribution and share, I would also like to link that with participation, collaboration, co-operation and consultation. From my own personal experience, when I go outside, I get the feeling that people are very glad to meet me and they want to talk. There is a feeling that they could talk and relate and you feel that honesty of the person when that person is talking. Very often when they make reference to the other people—let us say, the political arm—you do not feel that confidence in them linking with the political arm or those who represent the political arm of our society and, obviously, that may have grown over a period of time.

I know we have a history because of our colonial experience of suspect of the ruling elite, and suspect of who the rulers were before, but one gets a creeping feeling and that it has been transferred to many of our representatives, which I do not think is a good thing. If we are to build a society, where we put our people, we expect our people to work for us, then you are hearing people saying to some extent—one gets that soul feeling that comes to you and that expression is no longer there. I think it is a sad day for us.

Perhaps, as I have said before, when I started my contribution, the question of striving for the conquest of self, which is within us, the ego—I think Freud and

those fellows coined these expressions—but we have known it for quite sometime—our traditions have brought that to us. When one speaks about the nuffs and, perhaps, this is one area that we could look at, you would not find that this could be addressed in any book, in any text and in any constitution, but then again, you will be up against, what I have mentioned earlier, the question of the law of oligarchy, but these are some of the thoughts that I share in that area.

To this end, I must thank you, Madam President, as you have always listened to me with great concern and I feel the element that you are supportive, as you are with the other people but I, particularly, feel so when I am making my contribution and I thank you again, and may God bless us all. [*Desk thumping*]

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, before I move the Motion on the adjournment, I merely want to indicate that on Friday and Saturday, the Hindu community will be celebrating Shivratri and to extend on behalf of the Government, our best wishes to the Hindu community.

Madam President, I beg to move that the Senate do now adjourn to Tuesday March 11, at 1.30 p.m., at which time we would like to do the Motion in respect of the Motor Vehicles and Road Traffic Ordinance; the Municipal Corporations Act; the Summary Courts Act and the Commissions of Enquiry Act.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.25 p.m.