

SENATE

Tuesday, June 03, 2003

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

**CELLULAR PHONES
(SWITCH OFF)**

Madam President: First of all, hon. Senators, members of the public gallery and the media, would you please ensure that all cellular phones are switched off.

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence to the following Senator from today's sitting, Sen. The Hon. Dr. Lenny Saith.

**PRESIDENT'S RULING
(QUESTIONS TO MINISTERS)**

Madam President: Hon. Senators, during the last sitting of the Senate, Sen. The Hon. Rennie Dumas, Minister of Public Utilities and the Environment stood on a point of order and, referring to Standing Order No. 17(1)(b), declined to give an answer to part of a question posed by Sen. Wade Mark on the grounds that to do so would be contrary to the intention of Standing Order No. 17(1)(b) and would expose individuals to:

“...possible and unforeseen circumstances or foreseeable activities.”

Hon. Senators, the Constitution places a number of obligations on the Parliament, one of which is law making. Another primary responsibility is to hold the Government accountable to the Parliament. Thus, in section 75(1), the Constitution provides that there shall be a Cabinet for Trinidad and Tobago with responsibility for the general direction and control of the Government:

“...and shall be collectively responsible therefor to Parliament.”

The Constitution also provides for the regulation by each House of its own procedures. Such procedures are contained for the most part, in the Standing Orders. Accordingly, the Senate's Standing Orders have established mechanisms through which the Cabinet can be made to account to the Parliament. These include, but are not limited to, the Committee System, matters raised on the Adjournment of the Senate and Questions to Ministers.

President's Ruling
[MADAM PRESIDENT]

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Questions to Ministers have long been established as the main procedural mechanism by which Parliament fulfils its obligation of calling the Cabinet to account. The proper objective of a question is to obtain information on a question of fact within the official cognizance of the Minister to whom it is addressed or to ask for official action.

There are no express rules that govern the form of replies to parliamentary questions. However, established parliamentary procedure dictates that replies should be as brief as possible and be phrased in such language that does not promote disorder in the House. Hon. Senators, in asking and in answering questions, Senators must act responsibly.

Therefore, Opposition and Independent Senators should pay particular attention to the rules related to Questions to Ministers when drafting such questions; so as to ensure that their questions are in order. If they are not, the Standing Orders place a duty on the Chair to either rule the question “out of order”; or alter it so as to make it conform to the Standing Orders. Also, Government Ministers are obligated to answer questions posed by other Senators under the doctrine of ministerial responsibility referred to earlier.

With particular reference to the Point of Order raised by the Minister of Public Utilities and the Environment, hon. Senators, that Point of Order is dismissed. Standing Order No. 17(1)(b) states that names can only be included in order:

“...to render the question intelligible.”

It does not forbid, outright, the inclusion of names. I have carefully researched this matter and I am satisfied that if names are integral to the subject of the question as well as to the answer, Standing Order No. 17(1)(b) does not apply. I so rule. [*Desk thumping*]

If, however, a Minister feels strongly that, for whatever reason, he ought not to provide an answer to a question, he can refuse to do so and the Chair has no power, under the Standing Orders, to compel him to give the answer. In fact, Standing Order No. 17(1)(g)(i) states:

“A question shall not be asked—

- (i) which raised an issue already decided in the Senate, or which has been answered fully during the current Session, or to which an answer has been refused;”

Hon. Senators, in the interest of parliamentary democracy which is a cornerstone of our Constitution, I challenge all Senators to demonstrate maturity and to act responsibly, both in the manner in which they exercise their right to pose questions on matters of government's stewardship, and in the way they perform their duty to respond to questions.

Hon. Senators, I have been advised that the reply to the question has been circulated. Also copies of this ruling would be circulated.

Sen. Mark: Madam President, I want to find out, through you, if it is possible to seek supplemental questions. Remember, Madam President, when I raised this question last week the hon. Minister, as you indicated, quoted a particular Standing Order. Now that the answer has been supplied in writing, I would like to ask some supplemental questions. I would like to know if I should do it today or whether you would have it done next week.

Madam President: Hon. Senator, since the question is not back on the Order Paper, I do not think that we could ask supplemental questions today. I think maybe we should leave it for next week Tuesday. I will discuss it with the Clerk to see if we can put something on the Order Paper to allow you to do so.

ORAL ANSWERS TO QUESTIONS

CEPEP

(Companies/Contractors Selection)

53. Sen. Wade Mark asked the hon. Minister of Public Utilities and the Environment:

Could the Minister inform this Senate of:

- (i) the number of persons;
- (ii) their names and professions; and their qualifications and experience who comprise the panel established by the Solid Waste Management Company to select the companies/contractors for the Community-based Environmental Protection and Enhancement Programme (CEPEP)?

Vide end of sitting for written part of answer.

Estate Management and Business Development Company Limited

(Details of)

54. Sen. Wade Mark asked the hon. Minister of Agriculture, Land and Marine Resources:

- (a) Could the Minister provide this Senate with the names, qualifications and experience of all the directors of the newly formed Estate Management and Business Development Company Limited?
- (b) Could the Minister state whether the seventy-seven thousand acres of Caroni (1975) Limited lands have been formally transferred to this company?
- (c) Could the Minister further state:
 - (i) date of incorporation;
 - (ii) registered address of the company?

The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael): Madam President, the Estate Management and Business Development Company Limited's Board of Directors are:

Chairman: Mr. Uthara Rao. Qualification: Engineer, MBA Operations and Systems Management, BE Mechanical Engineer, BSc Statistic and Actuary Mathematics. Experience: Project Manager at Point Lisas and Pointe-a-Pierre Refinery Projects, CEO of Carlyle Tyre and Rubber Company, and senior manager at PricewaterhouseCoopers.

Director: Mr. Francis Charles. Qualification: BSc Lands Surveying Sciences, courses in global positioning system and global warming and sea level rise. Experience: land surveying and hydrographic for the Government of St. Lucia, Director of Surveys and Commissioner of State Lands for the Government of Trinidad and Tobago, IOC Hydrographic Surveying Unit, Land and Surveys Division.

Director: Mr. Farad Khan. Qualification: Diploma in Human Resource Management, BSc and MS in Tropical Agriculture. Experience: Agriculture Supervisor at Caroni (1975) Limited, Vet Assistant, Broadway Animal Clinic, sugar cane farmer, private agricultural enterprise.

Director: Miss Alicia Chanka. Qualification: Trinidad Legal Education Certificate, LLB Honours 2.2, Ontario Academic Certificate. Experience: attorney at the Ministry of the Attorney General and Legal Affairs, attorney at Daltons Attorneys at Law, public attorney at Joseph Tam and Company.

Director: Mrs. Wilma Henry. Qualification: Fellow member Associate of Chartered Accountants, member of the Institute of Chartered Accountants of Trinidad and Tobago. Experience: Comptroller of Accounts, Treasury Division, Ministry of Finance.

Mr. Vernon Ramsaran: BSc Honours, Geography and Archaeology.

Commandore Anthony Franklin, Deputy Chairman/Director. Qualification: Master's Degree in Marine Affairs, Management, BSc in Marine Geography, graduate of the Caribbean Meteorological Institute. Experience: Chief of Defence Staff, Advisor to the International Committee of the Red Cross.

Madam President, you will agree that the Board of Directors of the Estate Management and Business Development Company Limited is a well balanced board, bringing to the Estate Management and Business Development Company Limited disciplines of all types to ensure that the operations of the company are well carried out.

Sen. Mark: Madam President, he has not responded to parts (b) and (c).

Madam President: Hon. Minister, there are other parts to the question.

Hon. J. Rahael: Madam President, Cabinet has approved persons for positions on the board of the Estate Management and Business Development Company Limited. The 77,000 acres of land owned by Caroni (1975) Limited have not yet been formally transferred to the Estate Management and Business Development Company Limited.

With respect to (c), the date of the incorporation—the registered address for the EMBDC is Level 15, Eric Williams Finance Building, Independence Square, Port of Spain. Madam President, we seem to have missed the date, but it was done in 2003. If you wish, however, I can get you the exact date.

Sen. Mark: Madam President, I hope the Minister would send it in writing. Could I ask the hon. Minister whether Mr. Rao is also the company's Chief Executive Officer and as such you have an executive chairman in charge of this particular company?

Hon. J. Rahael: Yes, I believe so.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate whether no other citizen of this country would have qualified for such a prestigious post as CEO and the Government had to resort to the Chairman; having

regard to the fact that the Government is not in favour of the executive chairman concept?

Hon. J. Rahael: Madam President, if Sen. Mark was available we would have considered him.

Sen. Mark: Madam Chairman, you see the kind of ridiculousness he comes with? The Prime Minister is here and he is listening to you!

Caroni (1975) Limited Proposed Distribution of Land

55. Sen. Wade Mark asked the hon. Minister of Agriculture, Land and Marine Resources:

- (a) Could the Minister provide detailed information to this Senate on:
 - (i) information on the proposed use of the seventy-seven thousand acres of land at Caroni (1975) Limited?
 - (ii) the set of criteria to be used in its distribution?
- (b) Could the Minister state whether sugar workers and cane farmers would be given first preference in the distribution of Caroni lands?

The Minister of Agriculture, Land and Marine Resources (Hon. John Rahael): Madam President, with regard to part (a)(i), an appropriate portion of Caroni (1975) Limited lands would be utilized for the production of cane. It is envisaged that lands would be utilized to stimulate and facilitate new activities in the following areas: heavy industry, light manufacturing, housing estates, commercial complex and agricultural estates.

In respect to part (a)(ii), the following factors would be considered in the first instance for leases of Caroni (1975) Limited lands: Caroni (1975) Limited workers who accepted the Voluntary Separation of Employment Package: length of service, type and level of skills and agricultural experience. All other applications would be based on technical and financial viability of the various proposals submitted.

With regard to part (b), workers of Caroni (1975) Limited who have accepted VSEP would be given priority for the lease of lands for agricultural purposes.

Thank you.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate whether—apart from agricultural purposes—sugar workers and cane farmers

would be granted leases for residential and commercial purposes? And as I am on my legs, could the Minister indicate whether sugar workers, who have received the offer of VSEP, have been made aware of the relevant criteria for accessing both agricultural and residential lands?

Hon. J. Rahael: Yes, Madam President. It has been articulated over and over that workers who have accepted the VSEP, who do not presently own their own homes would be given priority for the housing that would be constructed. Again, yes, it has been articulated to them the criteria that would be required for agriculture.

Sen. Mark: Madam President, through you, could the hon. Minister indicate to this Senate what are some of the criteria that would be required for any worker, who would be accessing the VSEP, to access agricultural lands as well as residential lands?

Hon. J. Rahael: I do not quite follow, Madam President. I have just answered that question. If they accept VSEP and are interested in agriculture, they are going to be given priority. I have already indicated the criteria that is going to be used: length of service, type and level of skills, agricultural experience and, with respect to housing, those daily-paid workers who do not own their own homes would be given preference in order to acquire a home. With respect to the monthly-paid workers who have been living in Caroni (1975) Limited houses, they too would be given the opportunity to purchase those houses at market value, less 20 per cent; that too has been articulated to the workers.

Sen. Dr. Kernahan: Madam President, could the hon. Minister tell us whether a state land policy for Trinidad and Tobago and, a land use policy in general, have been formulated by the ministry? If not, what basis has been used to develop the projection for the use of Caroni (1975) Limited lands?

Hon. J. Rahael: Madam President, there is a land policy but if the hon. Senator wishes to get further information; if she submits it, I would be happy to respond.

Sen. Mark: Madam President, could the hon. Minister indicate whether the Government has given its blessings to the formation of a private company headed by one Mr. Lloyd Walters and Mr. Raffique Shah to assume control of the Brechin Castle Factory for the 2004 sugar crop?

Hon. J. Rahael: Madam President, although it is another question, the answer is no.

**LNG Plant Negotiations
(Details of Negotiations)**

56. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

- (a) Could the Minister state whether negotiations have been completed for a fourth LNG Plant?
- (b) If the answer is in the affirmative, could the Minister provide this Senate with copies outlining the details of the agreement between the Government and the partners or consortia involved in the fourth LNG Plant?
- (c) Could the Minister further state the price of the natural gas per cubic metre that the LNG purchaser would be called upon to pay?

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I have indicated to Sen. Wade Mark that the hon. Minister of Energy and Energy Industries is out of the country at the moment and I would be seeking a deferment of that question for a period of two weeks.

Sen. Mark: Madam President, let me just indicate what I told the Acting Leader of Government Business. We are prepared to give the hon. Minister one week because this question has been on the Order Paper, as you know, for 21 days.

Question, by leave, deferred.

**HEADS OF GOVERNMENT CONFERENCE
(JAMAICA)**

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Madam President, this is the first occasion on which, as Prime Minister, I am privileged to address this honourable Senate. I am not aware that the Senate of Trinidad and Tobago has been addressed by a Prime Minister before. Today, therefore, is historic and I would like to thank you, Madam President and hon. Members, for this honour that you have bestowed on me.

I choose to address this honourable Senate on the occasion of yet another historic development. This is the celebration of the 30th anniversary of the signing of the Treaty of Chaguaramas establishing the Caribbean Community. The Twenty Fourth Regular Meeting of the Heads of Government of the Caribbean Community will be held in Montego Bay, Jamaica, from July 02 to

July 05, 2003. The incoming Chairman of Caricom, the Most Hon. Percival James Patterson, Prime Minister of Jamaica, has asked Caricom leaders to be present for the several activities and events planned to mark this occasion, including a gala exposition of Caribbean culture in Montego Bay on July 04 at which the National Steel Orchestra of Trinidad and Tobago is expected to perform.

Several important issues to Trinidad and Tobago are included on the agenda. The Heads of Government are expected to exchange views with specially invited guests. The Secretary General of the Commonwealth; the Secretary General of the Organization of American States (OAS) and the Director General of the World Trade Organization (WTO), have confirmed their participation and responses are awaited from some other invitees. The President of South Africa and Chairman of the African Union, his Excellency, Thabo Mbeki, would be making a statement at the opening ceremony and would be available for informal discussions following his statement.

Caricom Prime Ministers and other leaders would be updated with progress reports on assistance provided to Dominica; establishment of the Regional Stabilization Fund—and this is being considered by a committee of Central Bank Governors—and the Regional Economic Transformation Programme. The Government of Trinidad and Tobago would also report on an initiative establishing a Caricom trade support programme to the sum of TT \$100 million, which would become operational in July 2003.

This programme seeks to increase Caricom member states' production and trade capacity, redress the current intra-regional imbalance of merchandise trade in favour of Trinidad and Tobago and would alleviate the impact of the downward slide that most countries have experienced in the last few years.

Progress in the implementation of the Caricom Single Market and Economy (CSME) would also be considered. Trinidad and Tobago has committed itself to be CSME-ready in one year and in this regard a decision was taken to establish a CSME Unit in the Ministry of Foreign Affairs to expedite the process.

Particular attention would be paid to the free movement of persons and the establishment of the Caribbean Court of Justice. The inauguration of the Caribbean Court of Justice is expected to take place in Port of Spain in November 2003. Member states, which have not yet done so, would need to sign and/or ratify the agreement establishing the Caribbean Court of Justice as well as to table relevant legislation in their respective Parliaments.

Heads of Government Conference
[HON. P. MANNING]

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The reports from the Prime Ministerial Expert Group on Options for Governance of the Community; the Task Force and Regional Energy Policy; Developments relating to Regional Air Transport in the Community; Crime and Security in the Region would be discussed in caucus.

The Chairman of the Twenty Fourth Meeting of the Conference of Heads, His Excellency President Bharat Jagdeo of Guyana, had proposed several issues for consideration and these would also be discussed in caucus. These include the formulation of a common agricultural policy; developments in Haiti. Caricom's relations with selected countries and issues emanating from various external negotiation arenas. An Information and Communications Technology (ICT) strategy is proposed for the Community. There will be a report from the sub committee on this subject.

The Foreign Minister of St. Lucia is expected to be elected soon as President of the United Nations General Assembly for one year. This has important implications for the region in the international arena. Trinidad and Tobago would give an update on its bid for the headquarters of the Free Trade Area of the Americas.

Madam President, this conference is taking place at a very important juncture, not only in the history of the community but also in global affairs. Recent development in the areas of economics and politics in the international community could have adverse effects on developing countries and, in this respect, heads would be addressing the challenges these pose for the region.

The Prime Minister of Jamaica has asked Caricom leaders to be in Jamaica by June 28 as the caucus of Heads of Government would take place before the conference actually formally begins. The period of June 28 to July 06 would therefore see the Prime Minister of Trinidad and Tobago and other relevant Ministers away from the country for these important events. Accordingly, Madam President, local government elections would be held in Trinidad on Monday, July 14, 2003.

Thank you.

ARRANGEMENT OF BUSINESS

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I seek leave of the Senate to deal with Private Business instead of Government Business.

Question put and agreed to.

CONSTITUTION REFORM

[Sixth 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: I would like to remind the Senate of the Senators who have already spoken. They are, Sen. Prof. Kenneth Ramchand, Sen. Robin Montano, Sen. The Hon. Dr. Lenny Saith, Sen. Dana Seetahal, Sen. Derek Outridge, Sen. Garvin Nicholas, Sen. Carolyn Seepersad-Bachan, Sen. Prof. Ramesh Deosaran, Sen. Dr. Jennifer Kernahan, Sen. Wade Mark, Sen. The Hon. Martin Joseph, Sen. Amb. Christopher Thomas, Sen. Pundit Maniedeo Persad, Sen. Brother Noble Khan, Sen. The Hon. Mustapha Abdul-Hamid, Sen. Sadiq Baksh, Sen. Dr. Eastlyn McKenzie, Sen. Satish Ramroop, Sen. Parvatee Anmolsingh-Mahabir, Sen. Arnim Smith, Sen. Knowlson Gift and Sen. The Hon. Danny Montano.

[*Prime Minister rises to leave*]

Madam President: I thought you were going to speak.

[*Laughter*]

The Attorney General (Sen. The Hon. Glenda Morean): Thank you, Madam President. I would readily have given way to the hon. Prime Minister.

Madam President, this Motion has been with us for some time and I am hoping that today would be the final day. Let me start off by saying that this Government listens and it is sensitive to the needs of the people. [*Desk thumping*]

Constitution Reform
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This PNM Government, Madam President, understands the importance and value of having a sound structure in place in the form of a body of rules which govern the activities of the citizens and the Executive. When I say this about the Government it is recognized at all levels, at the level of the Government and, at the level of the party.

This Government is not afraid of challenges. It is responsive to the views of civil society and I can say without fear of contradiction that Trinidad and Tobago has a very vibrant civil society. We know that, Madam President, because if you listen to the radio stations daily you would hear that people are alive and aware of what is happening. They are aware of what happens in the Parliament. If a speaker gets up and “gran’ charges” all the time, the people would let him know that. If a Member is sound, the people would let him know that; so that we do have a vibrant civil society.

As far as constitutions go, Madam President, this PNM Government was established on January 24, 1956 from which time it has had a constitution in place; a constitution which has stood the test of time. The Constitution has been amended several times in the course of changing conditions to meet the needs of its membership but the Constitution has been in place. This is not a Government that is a stranger to constitution reform in any way.

Senators would recall that in 2001 there was a greatly publicized challenge to the Constitution of the PNM and, Senators would also recall the manner in which this challenge was dealt with. The party did not just sweep it aside or put it under the table; it listened to its membership just as the Government is listening to the people, and immediately established a task force to deal with what was perceived to be ills with the Constitution. Senators may recall also that this task force gave a report and that report is, in fact, now being considered by the general council of the party.

I say this, Madam President, to underscore the strength of the Government that you have. This is no fly-by-night Government. This is a Government which after having been in power for 25 years lost an election 3/33 and was returned to power—[*Interruption*] No, it is 25 years, I know what I am saying. The PNM lost the election 33/3 and was returned to power by the same electorate in five short years. The electorate flirted with the National Alliance for Reconstruction, they flirted with the United National Congress and they are back with the PNM. [*Desk thumping*] All this was done under the provisions of the present Constitution.

In this debate, with respect to constitution reform, what we have to look at is what is the nature of a constitution; what is it designed to do? The Constitution

can be described as the tool with which the governance of a country is fashioned. It is the tool with which the democracy is maintained. It codifies the most fundamental arrangements for the functioning of institutions within the society. It gives legitimacy for the exercise by some of political power over the rest of the society. I am not original in this definition of a constitution, Madam President. This is borrowed from Prof. Linz in his Treatise on ‘The Failure of Presidential Democracy.’

This may seem like a very simplistic definition but what I am saying is that the Constitution is really the framework which guides and informs all activities between citizen and citizen and, citizen and State. But be that as it may, Madam President, in the course of events one would expect that this tool would need to be reassessed from time to time for its adequacy and efficacy to meet the needs of the changing landscape of any country, or the country for which it is designed to serve.

This reassessment exercise could take the form of a mere modification of the existing structure or wholesale reconstruction of the instrument. The former could be done within a short time but the latter—that is a wholesale reconstruction, or as the Opposition would say, total constitution reform—calls for time-consuming thoughts and efforts. To put it in the words of Prof. Mc Intosh in his book *Caribbean Constitutional Reform* he says:

“Constitutions are lived under and over time and, in due course they would come to suffer temporal dysfunction.”

In such an event, constitutional reform is the means by which the elements of dysfunction—whether this dysfunction is perceived or otherwise—should be corrected.

Now before we embark on this journey of constitutional reform, we need to determine the nature of our Constitution. Is it a parliamentary or presidential democracy? The answer, of course, is the former. We operate a parliamentary democracy. Next we have to define what we mean by the words “constitutional reform”. Is it a revision of the document? Is it an amending of the text? Is it the fundamental act of changing its whole structure from one of parliamentary democracy to that of a presidential democracy?

This is no simple exercise. This very vexed question of constitutional reform is one that is continuing to agitate learned minds within and without the Caribbean region. It is not an exercise that could or ought to be done in haste. I agree with Sen. Mustapha Abdul-Hamid when he said words to the effect that this

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is not an exercise that you can undertake in haste, it is an exercise that calls for widespread national consultation and dialogue. The people must be involved in an exercise of this nature, since such an exercise strikes at the very root of their existence. Madam President, what you are looking at is tampering with entrenched provisions. You may very well be tampering with entrenched rights.

This is not an exercise for experimenting with ideas: the idea of proportional representation sounds good, so we go with that. Or, the American system of an executive president looks attractive, so we try that. It does not work so, Madam President. It is not an exercise intended to provide fodder for academics, economists, or even the political and social scientists among us. No offence is intended to the Independent Senators who may fit the bill. Certainly not.

Jamaica, for example, Madam President, has recently placed the issue of constitutional reform on its agenda, not only of the country as a whole but also of the party, the PNP. They are now looking at moving to republican status. St. Kitts and Nevis, which set up a task force on constitutional reform, put out a booklet to highlight certain issues that, in its opinion, the people should take into account before pronouncing on whether the existing constitution needed to be amended and, if so, in what ways; or to be replaced by an entirely new constitution in the light of past events, current realities and possible future developments.

This is interesting because here it is we are looking at the process now that we ought to undertake for constitutional reform. We ought to look around and see this really is not an exercise where you just jump in, pull out certain sections of the Constitution and decide this is what you want and you have a hodgepodge. In fact, the same issues raised by St. Kitts and Nevis are relevant to our national debate. I might mention that St. Kitts and Nevis drew heavily on our exercises on constitutional reform; Hugh Wooding Commission and the Hyatali Commission, they actually used these reports to inform their discussions.

Madam President, as we are all aware, Trinidad and Tobago is really no stranger to constitutional reform. In the recent past we have undertaken two such post-independent exercises, which both addressed overall, the very matters which are now agitating our minds. These very matters that we are dealing with have been dealt with before by the two previous commissions. It brings to mind the phrase *plus ça change, plus c'est la même chose, déjà vu*; the same thing you are going over and over; it does not change. There was the Hugh Wooding Commission in 1974 in its publication, *Thinking Things Through*, which was referred to by the mover of the Motion and by the other Senators and

addressed the following points. This was what this Commission addressed; human rights and fundamental freedoms, citizenship, the Office of Governor General, Parliament, Executive powers, the Judiciary, Finance, consultations on matters of national concern, offices of national character, ombudsman, amending the Constitution; these are the matters the Hugh Wooding Commission dealt with.

Now let us look at the Hyatali Commission and see what they dealt with. In its publication entitled *Thinking Things Over*, these are the issues that were addressed, there are some differences: human rights and fundamental freedoms, citizenship, the President—by that time we had a president instead of a governor general—Parliament, Executive powers, the DPP—again that was introduced in the 1976 Constitution—the Ombudsman, the Judicature, Finance, service commissions, the Integrity Commission, Salaries Review Commission and consultation. You would note that there were some additional topics.

These two exercises, Madam President, both took years to be completed. This is why when I hear the Opposition hinge its support for the Police Reform Bills on the undertaking and completion of total constitutional reform, it makes me feel sad. I feel sad at the dishonesty because they know that this is an exercise that cannot be completed in the short term. This is an exercise, as I have said, that would take time. I also feel sad because they are prepared to go back on the very legislation that was initiated by them, on the ruse that they want wholesale constitutional reform before they deal with what is needed in the present.

Madam President, we are about to embark on another exercise of constitutional reform with some new topics being added to the agenda. Some of these new topics are power sharing and, I would throw in for good measure, the question of repatriation of our justice system, in other words, our de-linking from the Privy Council and our introduction of the Caribbean Court of Justice. [*Desk thumping*] But this would be left to another debate.

At this point, Madam President, so far as the dialogue is concerned, I would say let the dialogue begin with respect to constitutional reform because the debate has just begun. The Government needs to hear the views of the people in order to articulate a position on any of the topics set for debate. In these circumstances, I cannot divorce myself from the Government and put forward a view of my own with respect to what needs changing in the Constitution. I would be pre-empting the debate if I should do so now. In fact, this is why I consider that the timing of this Motion is somewhat premature. This Motion is seeking answers to the very questions that we should be putting to the national debate. To provide answers to these questions at this time would be to prejudice the outcome of the consultations.

Judging from the contributions made so far, there has been no clear demonstration of a general consensus—note the word “general”—that the Republican Constitution of Trinidad and Tobago is outdated or is not working as it should. Our Constitution has been around for some time—26 years or so—in a society which has had its fair share of development, so it is to be expected—and recent events have demonstrated—that there is need for adaptation of its provisions to keep pace with such development. I have no doubt about that but the question as to how, when and where, needs to be arrived at after consultation.

What is even clearer is that it is not an exercise that is to be undertaken by the politicians involved. This is so, notwithstanding the fact that the ultimate decision of the model to be adopted has to be arrived at by the politicians. The exercise leading up to that decision, in my humble opinion, is not one for the politicians to deal with; it is for the country to decide. In other words, the issue must be de-politicized. It cannot be put into the hands of politicians initially. This is why I disagree with the suggestion of the matter going to a Joint Select Committee of the Parliament. That is not the way to go.

This view, Madam President, was further reinforced when I listened to Sen. Seepersad-Bachan in her contribution, when she expressed her pride, on the last day, with the airport project. She was part of a process where millions of taxpayers’ dollars were improperly transferred all over the world and she is proud of that. We cannot have politicians dealing with this issue because this is what is shaping the future of our country. I do not want to say anymore on this aspect lest I prejudice impending prosecutions. But getting back—[*Interruption*] I have not said more.

Sen. Seepersad-Bachan: Madam President, on a point of order, I am just raising the issue here in connection with Standing Order No. 36(1) in terms of relevance and imputing improper motives. I never said anything about being part of a process. I was not part of any process.

Madam President: What is the Standing Order?

Sen. Seepersad-Bachan: Standing Order No. 35(1), the relevance and imputing improper motives, Standing Order No. 35(5). I was not any part of any process, let me just make that very clear and I never said that. What I said was that we are proud to see an airport at long last after five years being built. That is what I said, Madam President.

Sen. The Hon. G. Morean: Madam President, you need not even rule. I am not going any further. As I have said, I am not dealing with this.

Madam President: Let me make a ruling.

Sen. Mark: You are in charge of the President!

Madam President: There is no need for that, Sen. Mark. I am just taking my time to make a decision.

Sen. Mark: She is on her legs and you are on your legs.

Sen. The Hon. G. Morean: And you are sitting and talking to Madam President.

Madam President: I have listened to what the Attorney General did have to say and I do not think she was imputing improper motives; she thought she was repeating something that was said. However, if as you say that is not what you said then, maybe the Attorney General would just retract that little statement.

Sen. The Hon. G. Morean: Well, let me just say, Madam President, if the goodly Senator got me wrong, I will repeat what I intended and that is that she has been part of an administration in the sense that she was involved with that administration.

Sen. Mark: No, no, no. [*Interruption*]

Sen. The Hon. G. Morean: Where she was the chairman of an enterprise—

Sen. Mark: Madam President, on a point of order. You have ruled and what the Attorney General is doing is challenging your ruling.

Madam President: No, just a moment. I asked the Attorney General to maybe re-explain what she said in the face of the fact that what you said was contrary to what she was repeating. Madam Attorney General, could you just clarify that and continue please.

2.30 p.m.

Sen. The Hon. G. Morean: Madam President, I am moving on unless you really want—

Madam President: The Senator is saying that you imputed improper motives by saying what you said to her. She is saying she did not say what you assumed she said. I am asking you to withdraw what you said or to say it in the light of what she actually said.

Sen. The Hon. G. Morean: The goodly Senator said she was proud of the airport. I said that she was proud of a project where millions of taxpayers' money

was syphoned off. I am not using the exact words I said before, but this is the intent. By implication, I am saying she was proud of that. There is no imputing of improper motives to her as having done anything personally, but by association.

Sen. Seepersad-Bachan: Madam President, Standing Order 35(5)—imputing improper motives; just the mere idea that the Attorney General was referring to money being syphoned off is imputing improper motives. First of all, I do not even know if it is correct to say that about the project. Secondly, I had no part in any moneys being syphoned off.

Madam President: Madam Attorney General, just withdraw that statement, please.

Sen. The Hon. G. Morean: If I imputed improper motives, I withdraw the improper motives, not the statement.

Getting back to the nature of the proposed reform, I would like to refer to Prof. Linz's conclusion in his book *The Failure of Presidential Democracy*. What the professor concluded from his study of the two systems and the variance of the two systems in the form of semi-parliamentary democracy is that, with the outstanding exception of the United States of America, most of the stable democracies of Europe and the Commonwealth have been parliamentary regimes—that is the model we have followed—and a few of the variants of a parliamentary regime—those with a sort of mix—while most countries with presidential constitutions have been unstable democracies or authoritarian regimes.

Madam President: There is the lot of noise coming from the public gallery, could we have some silence there please!

Sen. The Hon. G. Morean: This is his conclusion. He further found that those Latin American countries, which have opted for the American presidential system, have rarely produced political stability. We can testify to that because we are in the region and we have seen the convulsions occurring from time to time.

Sen. R. Montano: Madam President, on a point of order. What the hon. Attorney General is saying is not quite correct. The Latin American republics—

Madam President: What is your point of order?

Sen. R. Montano: My point of order is that she is misleading the Senate. The quote is misleading. It is not correct. The Latin American democracies do not have an American-type presidential system. They do have presidential systems, but their constitutions are not American-type constitutions.

Madam President: The Attorney General is quoting a writer. That is a quotation. It is not in our place to judge whether the writer is right or wrong.

Sen. The Hon. G. Morean: People may agree or disagree with views. That is their prerogative. I disagree with what Sen. R. Montano says, but he can say whatever he wants to say. Some people have singled out specific provisions of the Constitution, which, in their opinion, need changing. In Sen. Seetahal's contribution, she made reference to certain things that need changing, for instance an amendment to the Crossing of the Floor Act, appointing of losers to the Senate, the number of senators who should be appointed as ministers, and so forth.

Sen. Prof. Ramchand mentioned certain aspects of the Constitution he thought needed changing. Sen. Prof. Deosaran called for reason versus passion and for consultation in this exercise and I join with him in this call. I mention this because I said earlier that, as yet, we do not really have a position on what form this constitution reform should take and that is probably as it should be, since we have not yet entered the debate. The dialogue has not really begun.

Others have advocated a comprehensive rewriting of the whole document. In fact, some contributors to this debate would have us move from Westminster to Washington; but whatever view one may take, it is clear—and I repeat it—this is an exercise that would require widespread consultation and mature deliberation. In fact, we have to ask ourselves how far we are prepared to go in formulating a new constitutional arrangement for our country; or if we are to do it at all. Also, we must determine the mechanism we should adopt to bring about that change.

Whatever course we adopt, the need for caution is evident from the convulsions—I say it again—experienced by other countries, which attempt rapid political change. We must bear in mind that the Constitution of Trinidad and Tobago is not just any Act of Parliament to be rewritten or amended at the whim of those who hold political power. This is not so. Constitutions are the highest form of law in any state. They lay down the law by which all other laws are made. Our Constitution contains provisions to guarantee the liberties and freedoms of us all. So, as we engage in the reform process, it is essential that we bear these facts in mind.

This is why, like Alice in Wonderland, I stood in my shoes and wondered when I listened to the contributions coming from the Opposition Senators. It is as if they suddenly became aware of the need for reform. They did not know that before. Where were they over the years 1995—2001? Have they suddenly become aware that the Prime Minister is invested with too much power? They

worked the system for six years and said nothing in this respect and they now wish to bring the country to a legislative standstill unless there is total constitution reform.

Sen. R. Montano: If the hon. Attorney General would read the newspaper over the last 20 years, she would find that what I said in my contribution—

Madam President: What is the point of order?

Sen. R. Montano: She is misleading the Senate again. My point of order is that, for the last 20 years, I have been advocating precisely what I have said in this debate in this Senate. I have not changed my tune and I have been saying the same thing certainly over the last six or seven years. I first made the point 20 years ago.

Madam President: She was not referring to you. She was referring to statements made by other Senators on the Opposition.

Sen. R. Montano: No, Madam President.

Madam President: What do you mean by “no”, Sen. Montano?

Sen. R. Montano: The learned Attorney General said, when she listened to the contribution of Opposition Senators—I am an Opposition Senator—she wondered where they had been and whether they suddenly discovered this thing. I am saying that as an Opposition Senator, she is hitting me, and I have been saying what I said in this debate for 20 years. I have a track record and I have not changed my tune for 20 years. For her to say what she said is wrong. Furthermore, what she has said about my colleagues is also wrong because it is imputing improper motives.

Madam President: We can go back in the *Hansard* to find that Senators said it. I remember the debate very well. Madam Attorney General, if you say, “the Opposition Senators, excluding Sen. Robin Montano”, maybe that will solve the problem.

Sen. The Hon. G. Morean: I am glad to know that Sen. R. Montano does not share that view. I would certainly exclude him, Madam President. He was not part of the administration either.

Sen. R. Montano: Madam President, with the greatest of respect—and I am sorry to be so stubborn—

Madam President: Is it a point of order?

Sen. R. Montano: Yes, Madam President, it is the same point of order. I object to being told that I have suddenly discovered this. I object to the blanket accusation of my colleagues.

Madam President: Sen. R. Montano, just one moment. There was no accusation made. The Senator was simply quoting what was said on the opposite side. I recall myself—we can get the *Hansard* and we can go back to what was said. It was a collective observation. She did not go into detail about any one particular person. I, therefore, rule in your favour. Go ahead, Madam!

Sen. The Hon. G. Morean: Madam President, thank you.

Sen. Prof. Deosaran made a profound statement in his contribution. He has to excuse me for quoting him.

Sen. Smith: Madam President, on a point of order.

Madam President: What is your point of order?

Sen. Smith: The hon. Attorney General is misleading the Senate. I support Sen. R. Montano. I remember clearly saying that the Opposition did not move the Motion on constitution reform. To say that all the Opposition Senators suddenly realized they want constitution reform is putting everybody—

Madam President: Sen. Arnim Smith, please sit down!

The Attorney General did not say anything about moving the Motion. I do not know why you all do not listen. She said—and I heard her clearly—that Senators on that side, on speaking on the Motion, made certain statements, which make her wonder what was happening over the last few years. That is it. I do not see her imputing improper motives where that is concerned. Please continue, Madam Attorney General!

Sen. Smith: [*Inaudible*]

Madam President: I beg your pardon, Sen. Smith. Did you make a comment?

Sen. Smith: I am on my chair.

Madam President: Continue, Madam Attorney General.

Sen. The Hon. G. Morean: In support of what I just said, I am referring to a contribution made by Sen. Prof. Deosaran. I like to refer to him because he really understands the role of the Independent. I am not saying he is the only one, but I am dealing with his contribution now, where he deals clinically with the issues before him and leaves out all the political rhetoric. Here he said that “our institutions are still young and that we are still groping. One example is the level of civility,” but if we go back to the question of convention, it has a lot to do with the capacity of a community to feel shame for doing certain wrong things before

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the law pounces on it. The extent to which we have shame operating in our society will determine whether we have civility.” When I listened, as I said before, I wondered where these people were for the last six years.

Sen. R. Montano: Just for the sake of the record, I object again on a point of order—imputing improper motives.

Sen. The Hon. G. Morean: Another factor we have to bear in mind is that we are the sum total of our experiences. Whether we are looking to change from the Westminster system to the presidential system, we have to look at the pros and the cons in relation to retaining or discarding one or the other. This was adequately dealt with by Sen. Abdul-Hamid and I do not now propose to repeat what he has said. We ought to ask ourselves whether the inherent rigidity of a presidential system is workable in our small island state, bearing in mind our history of parliamentary democracy and our particular social and economic circumstances. Perhaps by some quirk of history or force of circumstances we, the people who make up this society, have been thrown together in this country and we have developed a *modus vivendi*. Whether it originated in colonization or otherwise, a certain socio-political system has evolved.

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

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

Question put and agreed to.

Sen. The Hon. G. Morean: I am saying that a certain system has been evolved and the basic structure has been adapted to our understanding of our needs. This is not to say we are not to countenance change; we are. The basic structure is the Westminster system and the variant of it is our Constitution. Before we think of moving from Westminster to Washington, these are some of the factors that we have to bear in mind. We have to ask ourselves these questions and seek, as far as possible, to arrive at objective answers: What, if anything, is wrong with the Westminster system? What have we identified to be wrong in this system and what is right for us, Trinidad and Tobago, in the system or any system we want to copy? We have to analyze these things.

This calls for mature deliberation. The answers are not easily apparent and this is why we need to obtain the views of the population in a manner consonant with the gravity of the subject matter and, even after the views have been obtained, there is need for an in-depth study of the different recommendations.

What might at first sight seem attractive may not be at all workable or even implementable. A case in point is the exercise with which this Government has to grapple—the legislation of the past regime. We have been going over legislation and a lot of it is not implementable; not the least of which is the Equal Opportunity Act. When you try to put it into effect, you find that there are fundamental flaws.

If we go back to when the Independence Constitution was drafted, Senators will all recall that the government of the day took it to Marlborough House; the Opposition was upset, and rightly so, because for so serious a matter with such far-reaching consequences and implications for the country, consultation was a *sine qua non*. The situation is no different today.

Getting back to the question of consultation, again this Government is no stranger to undertaking such an exercise. The party which forms the Government, the PNM, as I started off by saying, has a constitution which has been in place for over 40 years, so that if this exercise is being undertaken by the Government, naturally the party has to be involved in the process. In fact, most thinkers have recognized the role of the party in the parliamentary system.

Sen. Prof. Deosaran, in his contribution, quoted “Wheare” on Modern Constitutions, which dealt with the party system and the importance of the party system in a parliamentary democracy. His quote was “the political party was perhaps the most important influence upon the working of a constitution.” We cannot get away if this is the system that we are operating.

As I said before, this is an exercise that is not for the politicians. I disagree with this matter going before a joint select committee, which would be comprised of members of the political parties and where each would be coming to the table with its own position on the issues.

In relation to the time constraints, while I support, in principle, the Motion brought by Sen. Prof. Ramchand, the time constraint cannot be rigid. As we have seen, we have this little exercise in relation to the Police Reform Bills that have been referred to a joint select committee. This was done some time last year and we are nowhere near completion of that little exercise; and, that is not in relation to the whole Constitution, but to just one minor aspect. If we are really serious about constitution reform, we will do it in a proper way and not set impossible time constraints. So, in respect of the Motion, I have circulated an amendment.

I thank you.

Madam President: Do you want to read the amendment?

Sen. The Hon. G. Morean: It was just sent to be copied. As soon as I get it, I will read it. Perhaps we could defer the presentation of the amendment for a few minutes.

Madam President: What are you going to do?

Sen. The Hon. G. Morean: I want to examine the Motion itself. While I disagree with some of the recitals in the preamble, we are not really debating that. I know that Sen. Prof. Deosaran made reference to some of the recitals—and he did justice in putting forward his views on what was wrong with the premises on which these statements were made. As far as the recital:

“*Whereas* there has been in the last ten years an increase in the electorate’s ‘dissatisfaction with the existing political establishment, and confusion and uncertainty about what options for meaningful change are open’”;

I have some difficulty in agreeing with this premise, but be that as it may, so far as the actual resolution proposed is concerned, where he says:

“*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;”

I disagree with the Government articulating that at this time. If this were an exercise to get the views of the population on what, if any, aspects of the Constitution need to be revised, then we would really be pre-empting the debate by starting off by saying what we want. We need to find out what the population wants.

I now turn to the amendment, lest I run out of time. My amendment reads as follows:

Be it resolved that this Senate do support the call for constitution reform, which has already been initiated by the Government of Trinidad and Tobago with its introduction into the Parliament of the Police Reform Bills, The Constitution Amendment Bill, The Police Service Bill, The Police Complaints Authority Bill and that the Government do articulate its position on how it intends to continue this process; how it intends to involve the population in the process and what steps it will take to ensure that the exercise is completed within the shortest possible time.

Seconded by Sen. Joan Yuille-Williams.

Sen. R. Montano: Before this goes to the vote—and just so that I understand the procedure—it is my understanding—correct me if I am wrong—that when an amendment is moved, Senators who have previously spoken are free to speak again on the proposed amendment. Am I correct in my understanding of the rules?

Madam President: Yes, but only on the amendment. No reference is to be made to the Motion.

Question, on amendment, proposed.

Sen. Prof. Ramchand: Madam President, it bothers me that people say “constitutional reform”. Please take my word that it is wrong. It is “constitution reform”.

Sen. R. Montano: Madam President, in this event, may I make a contribution on this amendment.

Madam President: Are you comfortable standing?

Sen. Robin Montano: I would prefer to sit, Ma’am. [*Sits*]

Madam President, I listened with great care to what the Attorney General had to say this afternoon and nowhere in the Attorney General's contribution did I hear an articulation by the Government of its position and how it intends to continue the process of constitution reform. Nowhere in her contribution did I hear her discuss how the Government intends to involve the population in the process and what steps it will take to ensure that the exercise is completed in the shortest possible time.

I regret to advise that I am at a loss to know whether or not I can support the proposed amendment. There has been nothing in her contribution and no Government Senator has stood up after the Attorney General and said this is how they intend to do it. We are finding that, instead of a proper debate, we have an amendment to Sen. Prof. Ramchand’s Motion, out of the blue as it were, without any foundation being laid for this honourable Senate to ensure it understands exactly where it is going.

Simple question: How does the Government intend to continue the process? How does it intend to involve the population in the process? What steps will it take to ensure the exercise is completed? Is the Attorney General saying, by her proposed amendment that the Government is going on with constitution reform by the introduction of the Police Reform Bills, the Constitution Amendment Bill, the Police Service Bill and the Complaints Authority Bill? Is that it? Is that what we are here about?

Madam President, if you will give me one moment [*Searching briefcase*] I have a quotation in my briefcase, which I will look for while I am talking. I have been rather taken by surprise with this amendment. If the Attorney General, during her contribution, had signalled to the Senate that she was bringing an amendment and had told us what it was going to say and the reasons she wished to advance the amendment, then one could reasonably reply. The Attorney General has not done this. Nobody in the Government has stood up and supported it.

Just before I stood up, you were about to call on Sen. Prof. Ramchand. This is not how Parliament is supposed to work. We are not supposed to sit here and throw brickbats at each other and say that this is what we are going to do and look to gain. [*Still searching briefcase*]

Madam President: What is happening?

Sen. R. Montano: I will tell you what is happening. I have a quotation from no less a personage than Edmund Burke and if my memory serves me correctly, it comes from 1734. Unfortunately it is in my briefcase. The quotation is apt. I have found it.

This quotation is part of a speech that Edmund Burke made at the general election of 1774, after he had been asked to stand by the electors of Bristol. He delivered an address at the city's Guildhall in which he gave his famous definition of a Member of Parliament's duties. This speech has in fact been quoted several times throughout the centuries. I will only quote a part of the speech today.

“Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation with one interest—that of the whole: where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament. If the local constituent should have an interest or should form an hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far, as any other, from any endeavour to give it effect. I beg pardon for saying so much on this subject. I have been unwillingly drawn into it, but I shall ever use a respectful frankness of communication with you. Your faithful friend, your devoted servant, I shall be to the end of my life; a flatterer you do not wish for.”

The point is: how in the name of heaven can this honourable Senate be asked to give credence to an amendment which the Attorney General in her entire speech did not support and which the Government has not risen—

Sen. Morean: I rise on a point of order. Perhaps the hon. Senator was not listening.

Madam President: What is your point of order?

Sen. Morean: He is misleading the Senate. In my contribution, I dealt with the process that the Government intends to use, namely, widespread consultation. I dealt with the points raised in my contribution. This is not for the Senator to reopen. He is simply to speak to the amendment and not to what I said as to whether it dealt with it *in toto* or not.

Madam President: I remember the hon. Attorney General dealing with issues like consultation and the Bills that have been brought, so I cannot agree. Just continue dealing with the amendment.

Sen. R. Montano: Let me just say that I did not hear an articulation of the Government's position on how it intends to continue this process. I did not hear an articulation on how the Government intends to involve the population in the process and I did not hear an articulation of what steps the Governments intends to take to ensure that it is completed within the shortest possible time.

Unfortunately, I have been taken by surprise and can go no further this afternoon. I humbly suggest and urge hon. Senators to reject the Motion for all the reasons I have given before.

Sen. Carolyn Seepersad-Bachan: Thank you, Madam President. I shall be very short. With respect to the amendment proposed by the hon. Attorney General, I know that in a previous amendment by Sen. Robin Montano there was the suggestion of a joint select committee being set up, which the Attorney General rejected. Now, here she is suggesting that the Government—and I am reading the latter part of it:

“...do articulate its position on how it intends to continue this process; how it intends to involve the population in the process and what steps it will take to ensure that the exercise...”

This is placing the responsibility for constitution reform—the participatory process involving the population—in the hands of the Executive. We are saying that the responsibility for that process should be within this Parliament and this is why a joint select committee was suggested. A joint select committee will be reporting to the Parliament. We are not saying that the joint select committee or the Parliament would be directing and instructing. We are saying that the Parliament through its joint select committee would be facilitating the very same process that the hon. Attorney General is suggesting.

We are in total agreement that it must be a participatory process; that it must involve members of the population so that the population will determine the constitution reform itself. However, in executing that process, we would prefer that the Parliament, which comprises Members who represent all the very citizens of this country and which is accountable to the people of Trinidad and Tobago, should be the one vested with that responsibility.

This is why, on this side, we cannot support the amendment in this form. Maybe the hon. Attorney General would like to reword the amendment to involve the joint select committee in such a way that the Parliament itself will be responsible for the process

Thank you, Madam President.

Sen. Dana Seetahal: Madam President, I have concerns about the amendment and in particular the phrase in the second line, which begins, “which has already been initiated by the Government to which Trinidad and Tobago with its introduction into the Parliament of Police Reform Bills, The Constitution Amendment Bill, the Police Service Bill, The Police Complaints Authority Bill”.

The amendment purports to say that the Government, with the introduction into the Parliament of the Constitution Amendment Bill, the Police Service Bill, and the Police Complaints Authority Bill, has begun constitution reform. At best or at worst, this is a self-serving phrase but, more importantly, it suggests that the concern of those three bills is to reform the Constitution when it is not. The whole purpose and intent appears to me—and I have read the two larger ones—to be to reform the police service and by so doing there is a sideways amendment to the Constitution where the Police Service Commission is to be abolished.

When we read in the amendment that the Senate should support the call for constitution reform, “which has already been initiated by the Government of Trinidad and Tobago” with these Bills, it suggests there is the wholesale constitution reform process going on and there are these large bills already putting the process in effect, when it is no such thing.

Like many pieces of legislation, in these bills there may be something that touches tangentially on the Constitution, but it is not constitution reform and it is not fair and right and it does not convey with accuracy what the Bills are about. I cannot support the amendment as is.

Sen. Dr. Jennifer Kernahan: Madam President, I support my colleague, Sen. Carolyn Seepersad-Bachan when she asked about the rejection of the joint select

committee of Parliament to further this whole question of constitution reform. Since the Attorney General has rejected this as an instrument for the furtherance of constitution reform in this country and has said that the Government intends to continue the process, what alternative instrument does the Government intend to use to further this process? Will it be a partisan process? Will it be mass meetings by a particular political party? How will we ensure the articulation of views of all members of the different political parties and of the population? Who will direct this process and how? The Attorney General must articulate this in this amendment.

We cannot support this amendment, Madam President. Thank you.

Sen. Brother Noble Khan: Madam President, it seemed to me, when I had my first look at the original Motion, that this would have been a comprehensive exercise of which the nation would be aware and the concerted efforts which the hon. Attorney General mentioned in illustrating the position of the Constitution in that vein. What is before us here—to use a local expression, with due respect—is taking salt fish skin when you are making a buljol and throwing it out. What is before us forms no part of constitutional reform per se. It is just by the way. From that aspect of it, I do not think what the hon. Attorney General said followed as a sequence, but is something more substantial. From that point of view, I am in a very ambivalent position as to what way we are going if we were to adopt this.

I thank you.

Sen. Dr. Eastlyn McKenzie: Madam President, when I look at the amendment, I must compare it with the resolution of the Motion as presented by Sen. Prof. Ramchand. I note that the amendment omits two parts of the original resolution. They are the areas in urgent need of review and whether the exercise would be done piecemeal or in a comprehensive fashion. That came about because of the fact that the amendment speaks of a continuation of a process. When I got mine, I bracketed off completely the words after “reform” up to “Complaints Authority Bill”. [*Interruption*] That is my own thinking.

Madam President: Can I get that again?

Sen. Dr. E. McKenzie: “which has already been initiated” right down to “Complaints Authority Bill”. I said it would read:

Be it resolved that this Senate support the call for constitution reform and that the Government articulate its position...

And, therefore, the word “continue” would come out also.

Sen. Prof. Ramchand's Motion—I am not going to talk on the Motion—actually gives the exercise to the Government of Trinidad and Tobago. If I listened well to Sen. Seepersad-Bachan, she now wants to give the position to the Parliament. I do not agree with that. In other words, she is saying that the Parliament—probably I do not know how—maybe through the Speaker or the President, or maybe we will have a Motion to say how the Parliament will push the exercise; structure the resources, et cetera. This is my worry about Sen. Seepersad-Bachan's contribution. I understand what she is thinking, but I am looking at the reality of the process and I do not see it. I do not agree with the amendment dealing with the section I have said should be excised.

How does it intend to involve the population in the process? Because of the fact that the Attorney General had “continue” in the amendment, she probably thought that already a process of consultation and visits to communities was in progress and probably this is the misleading thing about the “continue”. How does it intend to involve the population? Again, there has been this process of consultation and visits to communities and locations and people writing in and so on.

The steps it will take to ensure that the exercise will be completed in the shortest possible time: I am not sure that the Government itself could dictate that. We heard where the police bills were given a deadline and we have heard of an extension and I have chatted with Opposition Senators—I do not chat with the Government Senators as much as I chat with the Opposition Senators. I asked them: Do you think that the request for an extension is legitimate? They said “Yes”, because of the experience they have been having with the joint select committee and because of all the work.

I do not agree in full with the amendment. I also spoke, when I made my contribution, about the reservations I had about the resolution coming from Sen. Prof. Ramchand.

I would not support the amendment as it is.

Sen. Morean: You said, “as it is”. Please say what changes you require.

Sen. R. Montano: Madam President, on a point of order, if there is going to be further changes, then that becomes a further amendment which will necessitate further discussion by Senators who have not spoken on the further amendment.

Sen. Dr. E. McKenzie: Madam President, I would not support this amendment as it is because I would not support the aspect of the phrase from

“which” right down. Because it is there, we have the word “continue” and that would have to be changed. I cannot say to the Attorney General what she should do with her amendment.

Madam President: Anybody else wants to speak on the amendment?

The Attorney General (Sen. The Hon. Glenda Morean): I have listened to the contributions and I think of all the contributions made, I need only respond to Sen. Dr. McKenzie's contribution. I have no problem with the fact that Sen. Dr. McKenzie would support the amendment without the words from “which” to “Authority Bill” and then the word “continue” being replaced with the word “commence”.

I have no problem agreeing to the amendment as follows:

Be it resolved that this Senate do support the call for constitution reform and that the Government do articulate its position on how it intends to commence this process, how it intends to involve the population in the process and what steps it will take to ensure that the exercise is completed within the shortest possible time.

Seconded by Sen. Joan Yuille-Williams.

3.30 p.m.

Madam President: Hon. Senators, we have an amended amendment and it will read:

Be it resolved that this Senate do support the call for constitution reform and that the Government do articulate its position on how it intends to commence this process, how it intends to involve the population in the process and what steps it will take to ensure that the exercise is completed within the shortest possible time.

Sen. Robin Montano: Madam President, may I remain seated?

Madam President: Yes.

Sen. R. Montano: Madam President, we go back to, unfortunately, the beginning. Even though the amendment has now been changed to read:

“...that Government do articulate its position on how its intends to commence this process...”

With the greatest of respect, one would have expected that during the Attorney General's contribution, or at the very least, some other Member of the

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Government would have stood and give this Senate an indication of what the Government's position is and an articulation of its position and of how it intends to commence the process. What we are getting here is, with the greatest of respect, some very nice words that do not mean anything. For example, when is the Government being called upon to articulate its position? As far as I am concerned, if the Senate passes this resolution, the Government must be called upon to articulate its position now. If the Government is going to be called upon to articulate its position, ought not the Government to be called upon to articulate its position in a situation where there can be a debate on the position? With the greatest of respect, what seems to be happening here is that Parliament is being circumvented. We are being told: Oh, vote for this and after you vote for this we will tell you how, but there will be no debate on it in Parliament. You only have to look at it to see that is wrong. It is in fact a denigration of the parliamentary process. It shows, unfortunately, a great lack of understanding of the parliamentary process.

Let us assume, but not accept—for the sake of argument—that we pass this Motion this afternoon, as amended, what next? The Government can take its own sweet time: tomorrow, next week, next month, next year and they now articulate a position and then what? Where is the debate? When do Senators get a chance now, in these hallowed halls, to say to the country: “Look here, I do not agree with the Government on this, but I agree with them on that and do not agree with them on the other”? When do we, as Parliament, get a chance to say to the Government, no or yes, to either approve or disapprove? We do not get a chance. What happens here is that by a sleight of hand, almost, the Government slides out of any real parliamentary debate. There will be a debate in the country, one has no doubt, but this is supposed to be the Parliament. Coming from the French verb *parler*, to talk. This is where our issues and national issues are to be debated. The debate is supposed to be at a certain level. How are we to debate this if we pass this Motion as amended? We would not be able to debate because there is absolutely nothing coming down that has told us, either this afternoon or at any other time, exactly how the Government proposes to do this.

If Senators sit here this afternoon and pass this Motion, what we will be doing is contributing to the denigration of Parliament. We will be contributing to Parliament becoming irrelevant. With the greatest of respect, we cannot do that. This is a very serious—

Madam President: Hon. Senators, the place is becoming too rowdy.

Sen. R. Montano: I urge Senators this afternoon; this point is more important than Senators might conceive at first blush. If we pass this amendment this afternoon, effectively, what we are saying is that as the Parliament we are giving up our responsibility. This amendment strikes at the very root of our democracy because it will cut off and stifle further parliamentary debate. We will be giving up, voluntarily, authority to the Executive. That is not how it is supposed to be. The tail does not wag the dog. The dog must wag the tail. In this case, Parliament is the dog and the Executive is the tail. We must retain our authority. In these circumstances, I beg hon. Senators—this has nothing to do with party politics, but it has everything to do with the democratic process of this young nation which we are trying to build. I urge hon. Senators, as much as we might like to, it has nothing to do with whether we trust or distrust the Government, but this now goes to the root of our democracy and Parliament's rights. We must not give up our rights, not now, not ever, never. Parliamentary democracy that we adhere to, dictates that the Government must be called upon in Parliament to account. If we pass this second amendment as it is so phrased this afternoon, I regret to advise hon. Senators that what we would have in fact done is we would have contributed to one more degradation in the parliamentary notch.

Thank you very much.

Sen. Amb. Christopher Thomas: Madam President, I am a little confused about our process at this time. I will speak to the amendment, but I would simply like to preface that by saying that when we started the debate on this Motion, the understanding was that we would have a debate on all sides of the Senate, in relation to constitution reform. What we have had is a debate by the Independent and Opposition Senators in relation to this. We have not heard too much from the Government on this matter. In my view, if this amendment is passed in its present form, it will truncate the debate.

We are in the process of debating constitution reform. What this amendment seeks to do is to divert this. More properly, if it is accepted as it is, to whom does the Government inform? The resolution says: to commence this process, to articulate its position on how it intends. To whom does it articulate the position? Are they coming back to the Senate to discuss this? It seems to me that what we are doing here is not dealing with the debate as we started. I would think that perhaps, what is missing in this amendment—I may be wrong—is that when we say articulate its position on how it intends to commence this process—is to articulate the position or come back to this Senate and say to this Senate what it proposes to do. Unless you do that, then you have truncated and diverted the debate.

Sen. Carolyn Seepersad-Bachan: I do not mean to be very long. I want to support Senators Robin Montano, Amb. Thomas and Dr. Jennifer Kernahan. What we are saying really, is that at the end of the day, the Parliament has to account to the people of this nation. The Parliament must be responsible for this process. Just to add to that, there is nothing wrong with setting some deadlines. Are we serious? I am appealing to all senatorial colleagues, if we are really serious about constitution reform in this country we would not make attempts, as Sen. Amb. Thomas said, to truncate or divert it. If we do not have the time, if it does not fit in the deadline—there is nothing wrong with putting a deadline in this amendment. If there is need to extend that deadline, we so do.

In terms of the resources that Sen. Dr. McKenzie spoke about, I fail to understand why we, at the end of the day, cannot request from the Executive the necessary resources. We want to facilitate this process.

According to Sen. R. Montano, give the Parliament the power that it deserves.

Sen. Prof. Kenneth Ramchand: Madam President, we began the debate on this Private Members' Motion on November 26, 2002. Here we are at last, seven months later, coming to a close. From what I have heard today, we have not gotten anywhere. I think that this important issue has been left under a weak and intermittent flame for so long that it is neither cooked nor raw. As far as I am concerned, it is spoilt.

Private Members' Motions, by their nature, allow full discussions of matters that are of great national concern and that may not be on the Government's agenda. Private Members' Motions are useful even when the subject of the Motion is on the Government's agenda. For example, there is a Private Members' Motion on the Order Paper, urging the need to set up a technical university of Trinidad and Tobago. This Motion has been languishing for the last seven months. Meanwhile, the Government has moved rapidly and fixed an opening date for the University of Trinidad and Tobago, but the Motion is still important.

We in this Chamber will have an opportunity to hear the Government's ideas of what a university is and what a university is for. We will be able to conduct a debate on the subject which may help to inform the making and shaping of that university. That is the value of Private Members' Motions. I want to suggest that we have to revise the Standing Orders to permit these debates to take place over a shorter period, so that people can remember and respond to what they hear so that there will be continuity in our efforts and so that each debate will have the character of a serious attempt at dialogue.

By the end of the fourth day: March 25, 2003—four months after the debate began—there had been 19 speakers: 8, out of a possible 10 Independents, somebody was absent and we got an extra; 6, out of a possible 7 Senators for the same reason; and 5, out of a Government 15. So Sen. Amb. Thomas is right; the Independents and the Opposition are debating, but we are playing sticks with windmills over there. [*Desk thumping*]

Madam President, I have other grouses. It was my hope that we would have more of a panchayat than a debate. I suggested at the start, that we should regard the Motion as presenting an opportunity for us to talk and find out what it is we really want. Desperate for a free discussion, I proposed that Senators be allowed to speak in accordance with their knowledge and their conscience, even if they were obliged to vote as required by the party.

The resolution called upon the Government to articulate its position on the question of constitution reform, indicating—unless the idea of reform has been rejected—what areas of the Constitution it considers to be in urgent need of review, whether it proposes piecemeal or comprehensive review, how it intends to involve the population and what steps, et cetera. I do not know how people can misunderstand so. The resolution did not ask the Government to make an announcement to the nation. It did not ask the Government to tell the Senate “This is what we are doing.” What we are saying is, “Think, tell us what you might be planning to do, and let us respond to you”. Let us collaborate with you. The resolution asks the Government to speak to Members of this Chamber, to speak first and plenty and tell us what they have in mind. Not an announcement to the nation of decisions taken, but submission to the Parliament of proposals and procedures they have in mind. Their plans, however tentative. This would have enabled those of us who are not blessed with executive power, to make a contribution to a most important exercise.

How do I know that the Government has plans? I know that the Government has plans because the political party that formed the Government told us in their manifesto that if they became the government, they would embark upon constitution reform in a certain manner and with certain noble intentions. The Government should not come here and say that it is a blank and it has no ideas but will sit, wait, listen and then respond. Why did they put that in their manifesto? Why did they deceive the nation?

I make no apologies for referring to a political party in my preamble. There is no protocol or code that says it is improper to refer in the Motion to the political party that forms the Government. We know the political party that forms the

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Government; they wear their balisier ties every day in here. [*Desk thumping*] If I did not refer to the PNM, do you think that would have stopped everybody else from mentioning the names of political parties? The debate I would have liked us to have, did not take place.

The Leader of Government Business flattered to deceive. This is what he said:

“We welcome the Motion, Madam President. The 18-month period is perhaps as good a way to go as any, although I will prefer to see the Motion suggesting that we should proceed with the matter as one of urgency, without setting an 18-month deadline. Even dictators sometimes find it difficult to change a constitution in 18 months.”

Is his pardner, he knows. He continued:

“I think the intent of the mover of the Motion is that he wants to see us proceed with this exercise with some urgency.”

I felt nice when I heard that the thing would be taken seriously.

The Leader of Government Business—I tried to “samfie” him, by interpreting him in an encouraging way—corrected me. He said he was not removing the whip. He drew an iron curtain, reminding us that the Members on his side have various institutions within the Government and the party to make their views known. So when they come here they must shut up, but they go in their party and their private meetings and talk. When they come here, they would not tell us anything, it is the secret, this is the Kremlin. Then he turns around and tells us that the Government had no preconceived ideas and could not come up with definite statements, but would listen intently and take on board what is said. They will take on board what is said. They castrate the Motion. They knock off A and B, accept C and D, but do not tell us anything about what they mean by C and D—no information, no plans.

Madam President, listen intently. I once went to a conference where a great Indian writer was asked to say what is the function of the writer. He went up and said: “The function of the writer is to listen to the silence.” That is what the Government wants to do. They are not hearing us. Sitting there like Buddha, without saying a word, while we talk our mouths out. That posture: I will listen and take it on board; that posture: I use that when I have to listen to advice from woman, child, priest or pundit. I sit and let them talk. I know what I am going to do, so I let them talk. If I know what I am going to do and you are trying to give

me advice, I will sit quietly and listen. I know what I am going to do, so that will not worry me. That is what the Government is doing to us.

The hon. Minister promised that at the appropriate time in our discussion on this issue we will make a comprehensive statement on all the questions raised in the Motion, which will clearly set out the Government's position.

Where is that? Where is it?

“At the appropriate time in our discussion on this issue we will make a comprehensive statement on all the questions raised in the Motion, which will set out clearly the Government's position.”

So I get what?

“*Be it resolved* that this Senate do support the call for constitution reform and that the Government do articulate its position on how it intends to commence this process; how it intends to involve the population in the process and what steps it will take to ensure that the exercise is completed within the shortest possible time”

That is what we get. Nineteen of us had our say. Some of it was interesting, useful, caring and well-intentioned. You know the way we work our Constitution, and given the power of the Government to do what is want, our only hope of having an influence is to make comment and offer advice on what is proposed by the Government. That is the only way we have any kind of say in here. The Government knows what it is going to do, it has its built-in majority, it comes with what it is going to do. You can cut off an edge here and trim it there, that is about all, but we have to know what it is. We cannot just sit here belting out what we believe and the Government sits there like Buddha, listening to silence

Madam President, throughout this exercise, I for one did not feel that we were engaging with the Government. They were not prepared to give us anything to respond to. They wanted to sit quietly and listen. There were some lively exchanges, but these were spurious. There was little sense of give and take on the issue of constitution reform. Today, seven months after the debate began, I do not know if am moving to the east or the west. I do not know if I am winding down or winding up.

Madam President, before I touch on some of the concerns that emerged from several contributions to the debate, I would like to go over some of the main points I thought I had made in my opening contribution. I have already spoken of the kind of debate and the spirit I had hoped for in the debate. This is what I said:

“Can we have a rational discussion in which we listen respectfully to one another and lend our minds to one another, as we seek to accumulate notes

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towards the inventing of a constitution, in keeping with who we are and what we want to be?"

I depend a lot upon reason. I said: "Can we have a rational discussion?" Rational discussion. Like Rousseau, I could tell them what to do with their reason. A great philosopher said that reason is and ought always to be the slave of the passions. Nothing lasting, beautiful or true is ever done in the world, if passion does not drive it: a Minshall mas, a Lara century, a Naipaul novel, a McBurnie dance or a Mavis John rendition—passion, passion, passion. A passion disciplined by intelligence and reason, but it starts with passion. I am very passionate about the fact that this debate—which I hoped would offer us a vision of a new society, as we work towards a new Constitution—just "poopsed". If we do not come to constitution reform in our country with passion, then you have no idea of the critical significance of constitution reform for the making of a civilisation.

I have to go back to what I said because the newspapers did not hear me, they did not print it. The radio did not talk about it—nobody spoke about it. I was talking in the wind, so I will say it again. If the Government can answer the questions posed in the resolution, early in the debate—in this kind of Motion they do not have to play cat and mouse to make rebuttal or to have the last say—talk your talk, say what you have to say. If the Government can be forthright with us about its plans, then the Independent and Opposition Senators and the public will be able to clarify their thinking on the subject and would be put in a position to contribute to this work of national collaboration.

The Constitution is the supreme law of the land. It has bearings on the personal, social, economic, cultural, political, moral and spiritual life of every person in Trinidad and Tobago. If the Constitution is to be changed in any way, every one of us has to know, witness or take part. That knowing, witnessing and taking part begins here. [*Desk thumping*]

There is an important aspect of making or reforming a constitution. It is a very important aspect that we have to carry out. It happens in every country, where a so-called superior power operates on a so-called inferior power and begins by making the laws. While the laws are being made, something goes underground: the life of the people, their secrets and mysteries go underground. That is the lore of a people. If the Constitution is the law and the sacred text, we have to remember that when people live in a place, their ways of feeling, seeing, thinking and doing, their self-expression forms a kind of knowledge and an order of practices and precedents that we call the lore of the community. That lore is a guide to the living, a guide that is very often more potent

than statute. It is an alternative or underground code in times of colonial oppression. It remains in the bank, waiting to be drawn upon, when the time comes for us to devise our own forms of governance.

It is 2003, the time has come. The fellows who framed the Constitution, the so-called Independent Constitution of 1962, had no notion of the reality they were living in. They had no sense of self. They just took what was given to them and they said "Right". I read that boring Queen's Hall thing—not a single person got up and said: "A-A! Why are we having this model? Where did we get this?" What we have done is we have looked at the British practice and devised a system of governance based on that, then we wrote a constitution. They do not have any written constitution. They devised or evolved a system of governance which was buttressed, defended, supported and in many ways contradicted by the culture of the place. We do not have that culture, history or tradition. How are you going to take that institution that evolved in a particular context and try to use it here and say we are independent, pull down the union jack and put up our flag? The Independence Constitution of 1962; and then the Republican Constitution of 1976—a commission makes recommendations, the Prime Minister of the country goes to Parliament and for two consecutive days and for nine hours, rants against the thing. He said: "The purpose of this Constitution is to destroy my party and my government. I do not want it." He gets a few hacks to write a new Constitution. That is the Republican Constitution. When people come here and say we have good Constitution and it is working well and they are not too sure that we need any kind of radical reform, they could only say that if they do not feel that there is or ought to be an organic connection between a constitution and the way a people live. The backlog we have and the backlog in countries like this is to bring the inherited constitution in line with the ways of seeing, feeling and thinking, the values and heritages of the people.

I think I was groping towards something like this when I pointed out the source or bank from which we could begin to create our own institutions. What I said was: emancipation gave to the majority of the population neither vote, nor land, nor money in compensation, nor even cash to make a new start. When you jail a fellow for 20 years and he is set free, he is given a few dollars. These fellows were people locked in slavery for so long, then slavery was abolished and they were not given even five cents. There was not an apology. When a rudimentary labour movement asked for a better wage, the plantation, out of bad mind, sought cheaper labour from other sources. I am glad, I got to come here. I do not think I would really like to be in Uttar Pradesh forever. I would like to visit

it. I am thankful for the *kala paanee*, but I know that my coming here was due to the bad-mindedness of the plantation. They did not want to give any kind of wage to free African labour. That is how some of us came, but that is not the point. That is what they were trying to do.

This emancipated population was not given anything at all. The only thing they could do was to show their possibilities, display their power and threat in cultural expressions in performance, festival, carnival, canboulay, hosay, playing dragon, playing jab jab, moko jumbie, pierrot grenade, tambour bamboo, stick fight and in the freedom of the jamette underworld, where female liberation was an everyday fact. These people were given nothing and they started to create out of nothing. That bank is what has to feed our institutions if we are going to be authentic and original. We want to be ourselves for ourselves. That is where we have to go. These people were not sent to QRC or Cambridge. They sat right there in their landscape and made their music, song, dance and story. The indentures did the same thing later.

Madam President, we have a right to make a constitution after our own fashion; to suit the facts of our history and our own projections about our future. When we do so, I propose that certain provisions in the new Constitution should relate to, or may even be invented from the work of the artists, craftsmen, craftswomen and cultural practitioners in our country who very often represent us at our best and most original and who propose the most fearless courses for our emergence as an independent and inventive people. That is why I am passionate about constitution reform because I know the Constitution we have now has very little to do with the way we live. You could work it in a legalistic way. I heard some people saying you do not need a Constitution if you have a good heart. If we have goodwill we will work it. It is just like saying we do not need police. If we made everybody religious, nobody will commit crimes. You carry out your crusade, I just want police. Of course, the two things go together. We want moral and personal reform, but our lives are framed by certain structures and one of them is the Constitution. I am not abdicating from constitution reform to become Benny Hinn.

Madam President, I was surprised that neither press nor Parliament seems to understand the importance of my use of Toussaint. I turn again to this former slave who Wordsworth called “the most unhappy man of men”. William Wordsworth said:

“Thou has left behind

Powers that will work for thee, air, earth and skies;

There is not a breathing of the common wind

That will forget thee. Thou has great allies;

Thy friends are exultations, agonies
 And love and man's unconquerable mind."

That was Toussaint: the first black man to invent a constitution. He was the first black man to carry out constitution reform. He had to use guns because he and his people were utterly deprived of every human right that one could have. They were enslaved peoples so they could not go for judicial review. They could not get Sen. Seetahal to fight their case. They had to fight their case for themselves. "Every man Jack" had to fight for freedom and constitution reform.

Incidentally, Madam President, a sound colonial education is a wonderful thing, if you have a bad-minded kind of mind. I learnt this poem by heart just for practice when I was little. I did not know who Toussaint was, but I read it and I liked how it sounded so I learnt it. I forgot it and many years later, I came across a book called the *Black Jacobins*. When I read what they did to Toussaint, the lines came thundering back:

"Thou has great allies;
 Thy friends are exultations, agonies
 And love and man's unconquerable mind."

If we have a proper constitution and a proper country, you will absorb and take all these things and make your life so much richer. My bad mind just swallowed that poem and at the right time, it came back up.

I used Toussaint and the San Domingo Revolution as a background for understanding certain fundamentals about making and reforming constitutions. I used it to highlight the inadequacies of the framers of the Independence Constitution of 1962 and the Republican Constitution of 1976. I used slave societies as the extreme case of being deprived of fundamental human rights and political rights. I used slave rebellion as the first and most drastic call for constitution reform. I used slave rebellion as an example of people participation in the liberation process.

I looked at Toussaint's decision to write a constitution, not by imitation. He never told them to bring him the French or the American Constitution. This 40-year old black man who had been a slave for so long just sat and said he would write a constitution. Out of memory, experience and dreams of what he would like for his people, he came up with a constitution. Out of his vision of the kind of society he wanted to belong to. I was using Toussaint and the San Domingo Revolution and the constitution that Toussaint wrote to talk about the making of a constitution and the creation of a just and equal society; the constitution. Not Just

as a as a written text but, a vision of a society we desire. All of this was lacking in the framers of the 1962 Constitution and lacking in those who framed the 1976 Constitution.

Our debate restricted itself wisely, but sometimes wisdom is cynicism so if wisely, cynically. Our debate restricted itself to a number of broad, recognizable issues and to certain specific amendments to particular sections such as crossing the floor, the number of constituencies, election of a Speaker and President. This combination pointed clearly enough to the fact that we all feel that there is a crying need—Sen. Dr. McKenzie, I know you do not think so. This combination pointed clearly enough to the fact that we all feel that some kind of review of the Constitution is necessary.

Some of the issues that came out in the debate are important: the urgent need to educate the public as to the Constitution—you have to know the Constitution to know if it is bad, the relation between local and central Government, possible modifications to the structure of government and to the electoral system, which would involve us in a lot of research. What is proportional representation? What is coalition? Are the given stories about PR and coalition true? Do coalitions necessarily mean instability? Are there not different kinds of coalitions? You could form a coalition long before or after the election. There is a coalition party or there can be coalition government. We have not begun to scratch the surface, but we have all kind of gunk coming from all over the world tying up our heads, some saying PR is good, some saying PR is bad, coalition is good, coalition is bad, ping-ponging away. The only way we can stop ping-ponging is to sit, tie ourselves down and read everything and think about it. We might very well have to go into it in this way.

Everyone, except the Government of course, recognizes that Executive power is too great. I know they recognise it too. It is because that power is so great that they just cannot say it out. A problem for a constitution is how do you limit or control the power of the Executive, the Cabinet and the Prime Minister. There is a very interesting piece by Lloyd Best in which he shows in the most dramatic terms, that while the colonial office was rapidly trying to put power in the Legislative Council and to lead us to self-government, Dr. Williams expedited and then began reversing the process and going back to rule by a governor who was going to be he. By 1959 when he achieved Cabinet rule for Trinidad and Tobago, he was the old colonial governor, monarch of all he surveyed, the Trinity: three in one, Father, Son and Holy Ghost. We have to look at the question of executive power.

In the debate we came up with items about the Westminster model. We came up with the oversight role of Parliament. We did use the phrase: separation of

powers. I think it is better to speak about the independence of the powers. I have been advised that it is better to speak of the independence of the powers, the independence of the Judiciary, the independence of the Legislature and the independence of the Executive because we cannot really separate them—it is hard, and besides that, they have to come together and work together. As the Hyatali Report puts it: “Three distinct powers in mechanics, jointly impelling the machine of government in a direction different from what either acting by itself would have done”. I know that the power of the Privy Council over the Judiciary is not consistent with the independence of the Judiciary. In terms of secular government, it is like the Queen or governor having a power of veto over you.

Madam President, we had a lot about the question of representativeness, the way to devise an electoral system to ensure that all interests are represented and secondly, a way to improve the quality of representation to ensure that the person who represents has a relationship with the people he is representing. It is not just that every interest must be represented, it is the quality of the representation. We do not want a representative doing his own thing and we do not want a representative doing everything for us. You need a responsible representative in touch with you in your milieu, and understanding your needs.

We did not talk a lot about the political party, but there were two very significant moments dealing with the political party. Madam President, I just need to know how much time I have.

Madam President: You have four minutes more and then 15 minutes.

Sen. Prof. K. Ramchand: Sen. Prof. Deosaran made a very interesting comment when he said maybe the real reform has to be a reform of the political parties and if you reformed the political parties, the need to reform the Constitution might not be so great. I nearly hit him one backhand. Of course, I do not agree with that. You have to reform the party, but you have to reform the Constitution too. Sen. Prof. Deosaran was quite aware that the party could be commandeered by the leader and become a one-man show. He said that, but he said it in a way that the other side did not realize that he was saying that that is what has been happening. He said not in every case, so they made themselves the exception. I would say in every case, that is what happens. I cannot think of any political party in the Caribbean where the leader did not become God and king.

Of course, the Minister of Housing jumped on that. Sen. Prof. Deosaran was his boy. In his contribution, the Minister of Housing did not comment on Sen. Prof. Deosaran’s statement about the need for party reform. He forgot that. He

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affirmed the role of the party as posited by Sen. Prof. Deosaran. Sen. Prof. Deosaran said the voice of the community could be heard in the party—all the voices could be heard there. Do not expect to make your voice heard in Parliament, but you could make your voice heard in the party. I think he meant the party group. Sen The Hon. Martin Joseph did not comment on the need for party reform. He affirmed the role of the party as posited by Sen Prof. Deosaran and spoke of the history and experience of his party, with respect to consultations. He gave a brief history of how Vision 2020 was developed over a three and one-half year period after consultation with all the institutions of the party. The process he described was almost exactly like the process that Dr. Williams described when he talked about how the party gave its opinion about constitution reform at the time of the Wooding Commission.

There is an organization here—

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. Dr. E. McKenzie*]

Question put and agreed to.

Sen. Prof. K. Ramchand: I have some things to say about the political party, ethnicity and race, but I am going to leave that for now because there is something else I want to say, which I think is very important. Everyone goes around saying they cannot understand Lloyd Best; they do not know how he writes like that. If you do not understand a man, either he is on a different wavelength from you, he is thinking different from you, you have resistance to what he is saying, you are too lazy to read him twice, or you do not have the time to read him twice. There is no writer who will get me to say I do not understand him. I would read him 20 times to make sure I understand him, then if I feel so, I would say it was not worth all the trouble, I am not reading him again. I will read him well and make sure I understand him. I do not have a problem with Lloyd Best.

I want to advance a model for constitution reform and particularly for governance that Lloyd Best has been writing about for 40 years. What he says first is that the proposal would not shock you, it would not cause any trauma, it has the merit of familiarity. You have two Houses now and you will continue to have two Houses. You understand the word “government” we will continue to use the word “government”. You understand the word “Parliament” we will continue

to use the word “Parliament”. What has happened is that although we have these terms, they have somehow got intertwined in a way that one cancels out the other. So what we must admit is that we have government without parliament. And what we need to do is to reform your two Houses. You may not have to change the Constitution—you will, but it is not a frightening change. The first thing Best calls for is a House that he calls the “House of Government” which replaces what we now erroneously call the House of Representatives. He says that you have to look at how the system works and be brave enough to say: this is how the system works. If you really understand how the system works, you will know that all the people on the Government side are aides of the Leader in the House of Representatives and all the people on the Opposite side are aides of the Leader of the Opposition. He asks “What is the big thing now about having an election for 36 people? Let the three leaders of accredited political parties go up for election and you get seats in the House, in proportion to the number of the national votes you get. In that way you could really choose your people to come in the House”. He says that this is no different from what we have now. All those persons in there only got nominated to stand for election because the leader said yes. All of them are there because the leader said he wants them there. The leader is the king. Let us just accept him as king. Have the three would-be kings fight out an election and then let the kings choose their aides to go in the house of government with them.

We are confessing this in fact is how the system works. But, we are going to ride with it and make use of it because we know that at present neither house, cabinet nor party can block the leader. He is the embodiment of the Trinity, the all in one. He is like the governor under the earliest proprietary government. He is like the governor under planter government. He is the governor in crown colony government. He is the man who governs without Parliament. The Prime Minister does not need Parliament; he is the king. Everyone has to do what he says. That is the fact. That is how we are now, so why not face it? Let us have a house of government where we have the king and the two other would-be kings debating all executive matters. Let them fight it out. When they are finished they would have to come to the other House which, Best hopes can be what the Senate might have been. Maybe those who dreamt of a Senate as a place where people discussed things in a civilised way and they gave talk and compromised. Intelligent people having a second look at legislation coming from the Executive.

Incidentally he says we all should be happy with this kind of leader because that is what we have had forever and ever. We like the man who say: “Who doh like it get to hell out ah here.” We want the man who can give gun talk, the “bad John” politician, have him in the House, but he has two other “bad Johns” with him.

In the West Indian tradition, the house of government can also be called the “House of the Executive”. Best goes further. The big man appoints the president, so why are we going through that farce? Make the elected leader Head of State and Head of Government one time. Let him be an Executive President. Why go through the farce of having him appoint a President? Let him be what he is: let him be God. Save some money.

If you noticed, the only President who challenged that was President Robinson. What he did was to point out the kinds of anomalies in the system, by the way in which he behaved. He has done us a good by showing us that this is a very thorny matter.

Madam President: Sen. Prof. Ramchand, would you like to complete your contribution before we go for tea? You have seven minutes.

Sen. Prof. K. Ramchand: If all I have is seven minutes, yes. Make it 10 “nah?” [*Laughter*] Let him be Head of State and Head of the Government. You would get the Cabinet from there too. You have the other leaders there who are the alternatives, where the Executive and the country see and hear what each party has to offer. When they pass their legislation after their debates, they come to the second House, which he calls “the House of Parliament”.

But first, we must recognize the way the system works. The Senate, as a whole, is the tool of the leader.

4.30 p.m.

Madam President, the Prime Minister controls the Senate; he has 16 people over here; and he has appointed the President of the Senate. So why do we not recognize that, but this time do not accept it, do something about it and recognize the way the system works. The majority of Senators are aides to the leader but look—and I thank him for seeing that—look at the Independent Senators. The Independent Senators are a kind of trace of what he wants. You want independent people in here, and to the extent that the Independent Senator is truly independent, that is the kind of person that you want in the Parliament. Members of the Parliament will debate matters that come from the House of the Executive, and this is where the decisive vote will be taken. If you cannot pass through the Parliament which is the Legislature then, “Your coo-coo cook.” So he will have to persuade them; but who is not there and how does he get there?

A percentage of the persons are to be elected by constituency—they are serving their constituency; and a percentage of persons are to be elected by certain designated interest groups, and they could be changed every three years, for we

might say, “Well, we thought credit union was very important and we needed a credit union representative” but no, it is not so again. These group elections would have to be supervised, and voters will choose people to come and represent their interest. Since the plan calls for Local Assemblies, the chairman of every local authority should be ex officio, a member of the Parliament. This makes for a bond between local government and central government, because the ex officio member—the one who comes from the local authority—knows exactly what is going on in the authority; he is guided by the authority and he knows the region. When these people meet in the Legislature, all the interests in the country would be represented.

Initially, you will find that the parties, of course, will have influence, and you would not have the degree of independence that you want but, in the course of time, your loyalty to the interest groups; your loyalty to the local authority; and loyalty to the constituency that put the representatives there would become something that would make them jealous of their independence, and make them resistant to takeover by the king. This would be very good for democracy. At certain times, Best proposes, you would have a joint meeting of the two houses, which he wants to call a “panchayat” or whatever we want to call it. If you had the arrangement just described, he says, many of the problems we talked about in isolation like representativeness and the power of the Executive become solvable in relation to the model. Some of them will fall into place automatically.

If you want to develop into a society, where the people have a say in the way in which the country is run, and where the government feeds upon place; feeds upon persons; and feeds upon art and craft, and skills, this is a kind of model. I hear people say it is American, but the American system is nothing like this. This is a model by a much neglected and abused visionary, and after I read it I said, “Well, I do not care what the Independent Senators report says. My mission now is, I going all over the place trying to persuade people—young children in the sixth form—that this is the kind of model that we want.” Of course, it is a rough and general model, people such as lawyers will have to sit and technically work it out, but it seems to me that if we are talking constitution reform, we have to make our own constitution and develop our own system of governance.

I thank you. [*Desk thumping*]

Madam President: Hon. Senators, we will take the vote when we return from the tea break. The Senate is now suspended for the tea break and we shall return at 5.10 p.m.

4.37 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Sen. Morean: Madam President, with respect to the Motion, I would just like to move an editorial modification and that is to put the words “within the shortest possible time” after the word “articulate”.

Madam President: I need a little guidance here, because this is now an amendment to the amendment.

Sen. Mark: Madam President, this is not an editorial. Madam President, if I may, I am sorry that I sat whilst you were in the Chair. I think that the Attorney General has responded, and what is before us is what we have to vote on.

Madam President: I am advised that any addition to this would be, in fact, an amendment.

Sen. Morean: Very well, Ma'am.

Madam President: Ladies and gentlemen, first of all, there are two amendments: one is an amendment proposed by Sen. Robin Montano with respect to Sen. Prof. Kenneth Ramchand's Motion No. 1 and it reads:

Add a second resolution to read:

And be it resolved that this Senate appoint a Joint Select Committee of Parliament to formulate a new Constitution for the Republic of Trinidad and Tobago and to receive comments from the public on Constitutional Reform and to submit same to this Parliament no later than December 31, 2003.

Sen. Mark: We want a division.

Madam President: Are you asking for a division?

Sen. Mark: Yes, Ma'am.

Question, on amendment, [Sen. R. Montano] put.

The Senate divided: Ayes 9 Noes 20

AYES

Mark, W.

Baksh, S.

Kernahan, Dr. J.

Seepersad-Bachan, Mrs. C.

Smith, A.

Montano, R.

Thomas, Amb. C.

Seetahal, Ms. D.

Khan, Brother N. A.S.

NOES

Yuille-Williams, Hon. J.

Morean, Hon. G

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Titus, R.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, S.

Hackshaw-Marslin, Mrs. J.

McKenzie, Dr. E.

Ramchand, Prof. K.

King, Mrs. M.

Quamina, Dr. D.

Anmolsingh-Mahabir, Mrs. P.

Senator Prof. R. Deosaran abstained.

Question negatived.

Madam President: There is another amendment which is the Attorney General's proposed amendment to Sen. Prof. Kenneth Ramchand's Motion No. 1, which says:

Be it resolved that this Senate do support the call for constitution reform and that the Government do articulate its position on how it intends to commence this process; how it intends to involve the population in the process and what steps it will take to ensure that the exercise is completed within the shortest possible time.

Sen. Mark: Division.

Question, on amendment, [Sen. The Hon. G. Morean] put.

The Senate divided: Ayes 15 Noes 13

AYES

Yuille-Williams, Hon. J.

Morean, Hon. G

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Titus, R.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, S.

Hackshaw-Marslin, Mrs. J.

NOES

Mark, W.

Baksh, S.

Kernahan, Dr. J.

Seepersad-Bachan, Mrs. C.

Smith, A.

Montano, R.

McKenzie, Dr. E.

Ramchand, Prof. K.

King, Mrs. M.

Quamina, Dr. D.

Seetahal, Ms. D.

Anmolsingh-Mahabir, Mrs. P.

Khan, Brother N. A.S.

Senators Prof. R. Deosaran and Amb. C. Thomas abstained.

Question agreed to.

Madam President: So, the Motion, as amended, has been accepted.

Sen. Mark: Division.

Question, on amended Motion, put.

The Senate divided: Ayes 22 Noes 6

AYES

Yuille-Williams, Hon. J.

Morean, Hon. G

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.
Abdul-Hamid, Hon. M.
Titus, R.
Kangaloo, Hon. C.
Sahadeo, Hon. C.
Ramroop, S.
Hackshaw-Marslin, Mrs. J.
McKenzie, Dr. E.
Ramchand, Prof. K.
King, Mrs. M.
Quamina, Dr. D.
Thomas, Amb. C.
Anmolsingh-Mahabir, Mrs. P.
Khan, Brother N. G.A.S.
NOES
Mark, W.
Baksh, S.
Kernahan, Dr. J.
Seepersad-Bachan, Mrs. C.
Smith, A.
Montano, R.

Senators Prof. R. Deosaran and D. Seetahal abstained.

Question agreed to.

Be it resolved that this Senate do support the call for constitutional reform and that the Government do articulate its position on how it intends to commence this process; how it intends to involve the population in the process and what steps it will take to ensure that the exercise is completed within the shortest possible time.

*Adjournment**Tuesday, June 03, 2003***ADJOURNMENT**

The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I beg to move that the Senate do now adjourn to Tuesday, June 10, 2003 at 1.30 p.m.

Sen. Mark: Madam President, if I may, I would like to ask the hon. Leader of Government Business, what is the “Order of Business” when we meet on Tuesday?

Sen. The Hon. J. Yuille-Williams: Madam President, we will complete the Kidnapping Bill. I think there are about eight persons still to speak on that Bill.

Madam President: Hon. Senators, there is a Motion on the adjournment, Sen. Mark.

**Removal of Farmers
(Ramgoolie Trace)**

Sen. Wade Mark: Madam President, Friday, May 02, 2003 will go down in our history books as one of the darkest hours for our hard-working and toiling farmers. It was a day of virtual infamy; it was a day of shame; virtual sacrilege; and desecration of virgin and arable lands by a heartless, ruthless, brutal and senseless PNM regime. On that fateful and eventful day—and acting on the instructions of the so-called “PNM voter padding strategist”—some 30 acres of lands, housing approximately 40 farmers, producing a rich variety of crops were brutally smashed, bulldozed and destroyed by this so-called caring and delivering PNM regime.

What it took farmers and their offspring to produce in 40 years, this evil PNM regime literally flattened, destroyed and buried in a mere seven hours. Crops such as cabbage, tomatoes, plantain, cucumbers, pumpkin, pigeon peas, corn, sorrel, green fig and dasheen bush; and not to mention such trees as avocado, ordinary plum, governor plum, cashew, coconut and mango were all destroyed by this heartless regime, and this came under the instructions of the Senator, the Minister in charge of Housing, Sen. The Hon. Martin Joseph.

Madam President, this action took place under the full glare of the riot police, armed to the teeth, with an assortment of weapons, and they were assisted by the National Housing Authority’s (NHA) in-house private security, and without warning, consultation and discussion with the farmers or their representatives, the PNM imposed its ugly hands on the farmers’ land. It was a very dangerous display of brute force by the PNM, and its main perpetrator, the Minister of Housing, Sen. Martin Joseph.

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[SEN. MARK]

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The purpose of the PNM's merciless assault on these poor farmers was simple and straightforward and that is the PNM must make way for the construction of high-rise, low cost apartment blocks for their PNM friends, family and supporters. The PNM appears to be in a great hurry, so much so that the NHA has virtually taken over the function of the Ministry of Agriculture, Land and Marine Resources. Even the Minister of Agriculture, Land and Marine Resources stated to the farmers that he was very ignorant of the kind of Gestapo tactics employed by the Minister, his colleague, in laying claim to the 30 acres of land.

Madam President, the Government of Trinidad and Tobago acted irresponsibly in this matter. The reckless, lawless and high-handed action of the NHA, led by the hon. Minister of Housing, was further compounded by the fact that the Environmental Management Authority (EMA) is yet to conduct an environmental impact assessment study of the area, with respect to the proposed housing scheme. What this means is that the EMA never granted approval to the NHA to conduct its unlawful and high-handed activity against these farmers. How could the Government encourage citizens to uphold the law when that very PNM Government is openly violating and flouting the very law?

The NHA, which for all intents and purposes, has now replaced the Ministry of Agriculture, Land and Marine Resources is boasting in paid newspaper ads that it has in its possession, "documented proof that little farming has taken place recently in this area". How does the NHA know that? Has the NHA replaced the Ministry of Agriculture, Land and Marine Resources?

Further, the new NHA warlords have also been peddling a series of lies and half-truths in its paid advertisement on the Ramgoolie Trace farmers issue. In a blatant mistruth in one of its ads, the NHA has alleged that these lands have been earmarked for housing development since 1997. That is a blatant untruth! I challenge the Minister of Housing to produce the proof to this Senate where that decision was taken. I dare the Minister to bring that proof here. This soil was, and is still rated, as some of the best soil throughout the world for agricultural purposes, but does the PNM really care? After all, this PNM is supposed to be a caring and delivering government, but caring for whom? This PNM government cares about its friends, family and close associates but, certainly, not the toiling farmers.

Madam President, with your leave, I wish to refer to a letter issued by the University of the West Indies, under the pen of Professor of Soil Science, Mr. Nazeer Ahmad of the Faculty of Science and Agriculture Department of Food

Production. This letter is dated May 20, 2003 and the subject heading reads: "Appropriate Use of the Lands of the St. Augustine Nurseries". Prof. Nazeer Ahmad was writing in response to the bulldozing of these lands for the construction of low-cost housing, and he went on to describe some of the features of this piece of land and I quote:

"These features are characteristics of the lands of the St. Augustine Nurseries. The particular soil is very responsive to good management and requires only moderate fertilizer application for high yields. It can be tilled at any time, even after heavy rainfall and it can be productive all year with supplemental irrigation in the dry season.

The River Estate Series is distributed on the alluvial flats of the westerly sheltered valleys of the Northern Range i.e. Tucker, Diego Martin, Maraval, Santa Cruz and Maracas."

He went on further to state:

"The total land area occupied by this soil is only 7,800 acres and most of it unfortunately is presently in non-agricultural use.

In the circumstances, it seems imperative that whatever areas of the River Estate Series is still in agricultural occupation be kept as such and used intensively for food crop production at a level at which other soils in the State are not suited. Low cost housing is a gross under-utilization of land of this quality.

Suitable land for housing development occurs east of the Piarco Road in the East-West Corridor. The soils which occur there are very stable and therefore can support buildings. These areas are also not subject to wet season flooding and on the other hand, the soils have low suitability for agricultural use."

Madam President, this raises the issue of a land-use policy for this country. Is there such a policy? Does this reckless PNM regime have such a land-use policy? Does the policy facilitate the indiscriminate destruction of rich arable agricultural lands for housing development? I would like the Minister of Agriculture, Land and Marine Resources to speak on this issue and to explain to the country what is the position. It is abundantly clear that the PNM regime is on short-term political gains, and not genuine sustainable national development. The PNM, under Sen. The Hon. Martin Joseph, is about house padding and, consequently, voter padding for the next general election due in the year 2007. [*Desk thumping*] This Minister

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and his regime are prepared to be lawless and even reckless, in attaining this goal at any cost.

There is no support for this housing scheme. Some residents were either duped by the NHA and these residents were forced to sign a petition, which was vulgarly used by the NHA for propaganda. The residents of Valsayn, Curepe and surrounding areas have issued a particular bulletin. These residents are up in arms against this blatant use of prime agricultural lands for cheap political ends, and they have issued a bulletin to that effect. This misuse and naked abuse of state power must be curtailed, if not halted. What the NHA and the Minister of Housing are doing is wrong, illegal and unlawful. They must be stopped now.

The PNM and the Minister of National Security and Rehabilitation should not be using the members of the police service to intimidate, harass and brutalize decent, hard-working and defenceless farmers in our country. The police service should never be used in any political or partisan way; it is wrong and it is dangerous. The police are there to protect and serve the people, not to brutalize the people; not to intimidate the people; and not to harass the people.

What do farmers want in order to have this matter settled? The farmers would like to save the St. Joseph Farm; they want to get the evil clutches of the PNM away from their land and, therefore, they are demanding—and we are supporting—the immediate reinstatement of these farmers on the land which they have occupied for the past 40 years. The farmers want immediate compensation for the millions of dollars worth of crops destroyed by this regime; and the immediate issuing of standard agricultural leases, in order to ensure security of tenure. The farmers are not interested in the 15 acres of land north of their current location. The farmers would like to remain where they are and they intend to remain there.

Madam President, this is a very serious matter and farmers are prepared to fight and even die for their lands. Let us hope that good sense would prevail and that the blood of farmers would not have to be permanently stained on the heartless breast of this unconscionable PNM regime. The ball is in the PNM's court, and how they would play it would be determined by the final outcome of this unfortunate but, PNM imposed drama. The Government should settle this matter now; reinstate the farmers on their land, and not north of their current location; compensate the farmers now; issue standard agricultural leases to the farmers now; and the PNM should find new locations to construct or develop low-cost apartments, and halt its attempt to use rich agricultural arable lands for house padding and voter padding.

We will do what we have to do. We will bring this matter to the attention of the entire country. The Minister of Housing, Sen. The Hon. Martin Joseph, must take full responsibility for whatever happens at that particular site, because he is the Minister that gave instructions to the police to brutalize, harass and bulldoze 30 acres of land that were planted and have been farmed on the part of farmers for the last 30 to 35 years.

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

The Minister of Housing (Sen. The Hon. Martin Joseph): Madam President, first of all, let me assure this honourable Senate that there is a land policy developed by the PNM administration, and that land policy takes into consideration the proper use of state lands to be used in areas that are more suited for a particular activity.

Secondly, the Ministry of Housing does not take lands from whatever activity, and translate it into housing; that is an exercise done by other state agencies; so to accuse the Ministry of Housing of taking agricultural lands is something that we cannot do. Lands are moved from various types of activities. In the particular instance which Sen. Mark is talking about—the question of Ramgoolie Trace—let me just provide this honourable Senate with some information as it relates to the circumstances.

The site located off Ramgoolie Trace, Curepe is expected to yield 368 units, comprising a mix of single-family units, duplex units, townhouses, condominiums and all associated ancillary facilities. It is intended to be a middle to upper income development, which would greatly assist in alleviating the demand for shelter along the East-West Corridor.

In 1997, discussions commenced for the preparation of a comprehensive development plan for lands at St. Joseph, off the Uriah Butler Highway, and occupied by the Ministry of Agriculture, Land and Marine Resources and the University of the West Indies, to make provision for the impending relocation of government offices out of Port of Spain, and other agencies that require office accommodation.

In January 1998, a multidisciplinary team of senior public officers from the key agencies completed the report, which guided the preparation of the plan. Planviron was subsequently engaged by the Urban Development Corporation of Trinidad and Tobago (UDEcOTT) to prepare the development plan for the St. Joseph area. Included in the defined area was a squatter settlement known as “Bangladesh”, which was incompatible with the long-term objectives for the office campus.

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By letter dated May 01, 1999, the Chairman, Land Settlement Agency, requested that UDeCOTT, in the preparation of the terms of reference for the scoping exercise for the St. Joseph area, allocate 50 acres within the site for the relocation of 150 squatter families from the Bangladesh site.

Subsequently, the lands located off Ramgoolie Trace, off the Southern Main Road, Curepe, which had been initially earmarked for housing in the plan, was identified for the relocation of the squatters by the Land Settlement Agency in a report dated October 16, 2000. This site was then incorporated into the development plan for the St. Joseph area which was prepared by UDeCOTT.

A notification layout plan for the Ramgoolie Trace site was subsequently prepared on March 28, 2001 by the Land Settlement Agency for the relocation of the Bangladesh squatter site.

In response to an application submitted by the Land Settlement Agency, the Town and Country Planning Division granted outline planning permission for the subdivision, of approximately 20 acres into lots to be used for residential purposes, community centre, nursery school and recreational facilities.

In 2002, the decision was taken by the then Minister of Housing that Ramgoolie site should not be used for the relocation of the Bangladesh squatter site but, instead, it should be a middle to high income development in keeping with the existing surrounding development, namely the Valsayn and Curepe neighbourhoods. This site was then renamed Farm Grove, Valsayn East. The Land Settlement Agency subsequently prepared the engineering and design drawings for the site. Dr. Carson Charles was head of the Engineering Unit at that time.

A survey by the Land Settlement Agency found that there were approximately 35 people claiming to occupy the site, and the number continues to rise on a daily basis. Checks are being carried out by the Land Settlement Agency to determine the status of these squatters with a view to relocation of the bona fide squatters to facilitate the development of the site.

By letter dated April 14, 2003, the Authority (NHA) was granted permission by the Director of Surveys to enter the Ramgoolie site for the purpose of fulfilling its obligations, pursuant to the directive of Cabinet and the provision of the Housing Act. A contract was subsequently awarded for the development of the site.

When the developer was given possession of the site on April 17, 2003 site visits revealed that the site was parched and overgrown with razor grass. I was talking to a Senate colleague during the tea break—I will not call his name—and he, himself, was

surprised when he heard the number of crops that the farmers were claiming that they had on the site. There was a scattering of coconut, green fig and peas trees in various stages of maturity. The only significant sign of successful cultivation was a pumpkin patch.

The Authority (NHA) met with those persons who claimed to have had their crops destroyed. These persons were informed that the Ministry of Agriculture, Land and Marine Resources would carry out a crop count for purposes of compensation. The count was completed, and the authority is awaiting the final report from the Ministry of Agriculture, Land and Marine Resources.

It is to be noted that the farmers are claiming compensation for a total of 19,330 crops which includes coconut, papaw, cherry, avocados, mango, plantains, breadfruit trees, 6,000 bodi, 5,100 dasheen plants, 3,000 cabbage and 5,312 cucumbers. It is evident that it is impossible for the crops described to be accommodated on the parcel of land that the farmers occupied.

The authority has held three meetings on the site with the farmers, one such meeting was held in collaboration with the Minister of Agriculture, Land and Marine Resources on May 24, 2003. At that meeting, the farmers requested the Minister of Agriculture, Land and Marine Resources to appeal to the Minister of Housing to rethink the housing project on that site. As planning permission had already been received to change the use of the land from agricultural to residential, and as a contract had already been awarded for the development of the site, this option was not feasible.

After deliberation, the Minister of Agriculture, Land and Marine Resources and the National Housing Authority agreed to make an offer of comparable land, north of the site, which would be ideal for crop cultivation. This would provide a balance in the efficient use of the island's scarce land resources, and would allow the NHA to proceed with its housing project, which was identified, as critical to meeting the high demand for housing in the East-West Corridor. The location of the site at Ramgoolie Trace is ideal, as it is situated between two built-up areas, Curepe and Valsayn. It is, in fact, an in-fill project rather than an isolated development.

On May 28, 2003 the Curepe Farmers Association (CFA) was made an offer of the following:

1. Fifteen acres of prime agricultural land, north of the site at Ramgoolie Trace;
2. Full title to the land, ensuring security of tenure; and
3. Compensation for bulldozed crops based on an agricultural survey conducted by the Ministry of Agriculture, Land and Marine Resources.

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The Curepe Farmers Association's representatives agreed to put the offer to their full membership and give a response to the NHA by May 29, 2003. A faxed response was sent to the NHA at 3.45 p.m. on May 29, 2003, rejecting the offer outright. The association demanded that full title be awarded to them at the Ramgoolie Trace site, with full access to electricity, water and roads. The association also demanded full compensation for bulldozed crops. The NHA felt that the offer made to farmers was more than generous, and that their response indicated a determination to deliberately thwart the housing project. Management then agreed that the situation warranted a response, which would indicate its intention to start its housing project as preparatory work, was already underway.

On Saturday May 31, 2003, a crew of NHA workmen started groundwork for the erection of a fence around the site at Ramgoolie Trace. This action angered the Curepe Farmers Association who then called on its membership and residential squatters to strenuously prevent the erection of the fence from taking place. The NHA staff were abused and terrorized by these persons until police officers were forced to arrest one of the rioters. Work on the fence was halted, and a 24-hour security was provided to protect the preparatory work that had been done. This was to no avail, as all the holes drilled for the fence posts have now been filled in by the agitators.

In summary, it is clear that persons opposed to the Government's housing programme are aiding and abetting the farmers at Ramgoolie Trace. The NHA's offer in collaboration with the Minister of Agriculture, Land and Marine Resources was designed to settle the matter amicably and to everyone's satisfaction. It is inconceivable to think that a more than generous offer would be rejected outright by persons who have no legitimate claim to the state land on which they were squatting.

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

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.55 p.m.

WRITTEN ANSWER TO QUESTION

CEPEP

(Companies/Contractors Selection)

53. Sen. Wade Mark asked the hon. Minister of Public Utilities and The Environment:

Could the Minister inform this Senate of:

Written Answer to Question

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- (i) the number of persons;
- (ii) their names and professions; and
- (iii) their qualifications and experience who comprise the panel established by the Solid Waste Management Company to select the companies/contractors for the Community-based Environment Protection and Enhancement Programme (CEPEP)?

Pursuant to Madam President's ruling earlier in the proceedings the Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas) caused to be circulated to Members of the Senate the following:

Names and positions of panel members established by SWMCIOL to select companies/contractors for the Community-based Environmental Protection and Enhancement Programme (CEPEP).

Carlston Clarke – Project Officer, Support Services at SWMCIOL

Pedro Britton – Internal Audit Officer at SWMCIOL

Gina Wharwood – Manager of Projects at SWMCIOL

Ray M. S. Brathwaite – Executive Chairman at SWMCIOL

Charmain Baptiste – Contracted Consultant

Jacqueline Lazarus – Contracted Consultant