

Leave of Absence

Tuesday, December 21, 2004

SENATE

Tuesday, December 21, 2004

The Senate met at 10.00 a.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Danny Montano and Sen. Mary King from today's sitting of the Senate.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Danny Montano is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Danny Montano.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 21st day of December, 2004.”

Oath of Allegiance

Tuesday, December 21, 2004

OATH OF ALLEGIANCE

Sen. Joan Hackshaw-Marslin took and subscribed the Oath of allegiance as required by law.

PAPERS LAID

1. The Caribbean Community (CARICOM) Dominican Republic Free Trade (Amendment to the Schedule) Order, 2004. [*The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift)*]
2. Seventy-Second Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
3. Seventy-Third Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Sen. The Hon. C. Enill*]
4. Annual Report of the Judicial and Legal Service Commission for the year 2003. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]

VENTURE CAPITAL (AMDT.) (NO. 2) BILL

**Third Interim Special Select Committee Report
(Presentation)**

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I beg to lay on the Table the Third Interim Report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled, the Venture Capital (Amendment) Bill (No. 2), 2004.

ORAL ANSWERS TO QUESTIONS

**Ministry of Community Development, Culture and Gender Affairs
(Cost of Advertisements for)**

15. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

Could the Minister provide a detailed account of the cost of all advertisements utilized by her Ministry for public relations purposes in the various print and electronic media for the period January, 2002 to March, 2004?

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I am happy to give

the answer to question No. 15, which relates to the cost of advertisement for public relations purposes for the period January 2002 to March 2004.

Expenses incurred will mainly be to inform and to educate the population about the programmes of the Ministry so that the entire population would be able to participate.

Madam President, the answer is quite long and it would take some reading, but it is one for an answer.

DATE	DETAIL	MEDIA	AMOUNT
January 2002	International Women's Days	Trinidad Express Newspaper	\$20,007.93
August 2002 September 2002	Live Broadcast, Anaculture: Carenage, Erin, Moruga Caparo, Debe, Maraval	National Broadcasting Network (NBN)	\$52,925.00
September 2002	Advertisement Spots—Best Village	National Broadcasting Network (NBN)	\$20,999.00
September 2002	Media Services, Best Village Symposium Live Coverage of Best Village	National Broadcasting Network (NBN)	\$55,200.00
September 2002	Centre Page Advertisement—La Reine Rive, Best Village Advertisements	Daily News Limited	\$13,457.00
September 2002	Documentation of Signal to Best Village	Information Channel	\$13,225.00

DATE	DETAIL	MEDIA	AMOUNT
September 2002	Best Village Advertisement	Trinidad Express Newspaper	\$28,682.00
January 20, 2003	Advertisements, re-Carnival 2003—Junior Carnival Parade	The Wire	\$351.00
January 20, 2003	Advertisements re-Carnival 2003—Junior Carnival Parade	Trinidad Express Newspaper	\$714.00
January 20, 2003	Advertisement re. Carnival 2003—Junior Carnival Parade	Trinidad Express Newspaper	\$930.00
January 20, 2003	Advertisement re. Carnival—Junior Carnival Parade	Newsday	\$423.00
January 20, 2003	Advertisements re. Carnival 2003—Junior Carnival Parade	Newsday	\$423.00
February 05, 2003	Advertisements—Judges and Registration	Trinidad Publishing Co. Limited	\$5,376.00
February 05, 2003	Advertisements—Judges and Registration	Daily News Limited	\$5,875.00
February 05, 2003	Advertisement—Judges and Registration	Daily News Limited	\$2, 937.00
February 05, 2003	Advertisement—Judges and Registration.	Trinidad Express Newspaper	\$11,870.00

DATE	DETAIL	MEDIA	AMOUNT
February 05, 2003.	Advertisements— Judges and Registration	Trinidad Publishing Company Limited	\$4,858.50
February 24, 2003	Advertisements— NCC	Trinidad Express Newspapers	\$3,580.50
March 18, 2003	Advertisement— NCC	Trinidad Express Newspapers	\$8,303.90
March 24, 2003.	Advertisement— Carnival 2003	Citadel Limited	\$10,600.00
March 28, 2003	Advertisement in Magazine—Fire and Life Safety	Trinidad and Tobago Fire Services Association Magazine	\$500.00
March 28, 2003	Thank You Carnival 2003	Ample	\$ 15, 675.85
March 2003	International Women’s Day	Citadel Limited Daily News Limited Radio 90.5	\$8,623.00 \$8,502.49 \$2,380.00
March 2003	Live Broadcast of La Reine Rive	National Broadcasting Network (NBN)	\$20,700.00
March 31, 2003,	Press Ad re. Carnival 2003	Ample	\$2,800.00
April 08, 2003	Advertisement— Design of “Thank You” —NCC	Keifel A Agostini	\$400.00

DATE	DETAIL	MEDIA	AMOUNT
April 2003	International Women's Day	National Broadcasting Network (NBN)	\$15,500.00
May 2003	Best Village—Tobago Launch 2003—Signal to Best Village	National Broadcasting Network (NBN)	\$15,300.00
June 2003	Promotion package—Traditions of Carnival Radio Promotions- Re: Food and Folk Fair 2003	Citadel Limited	\$27,820.00
August 2003	Advertisement — Best Village Programme	103 FM	\$5,060.00
August 2003	Advertisement— Best Village Programme	103 FM	\$5,060.00
August 2003	Live Broadcast—Anaculture—Moruga	National Broadcasting Network (NBN)	\$19,250.00
September 09, 2003	Advertisement—Pan Trinbago and National Carnival Commission	Trinidad Express Newspaper	\$3,548.90
September 09, 2003	Advertisement—Pan Trinbago and National Carnival Commission	Newsday	\$2,000.00

DATE	DETAIL	MEDIA	AMOUNT
September 09, 2003	Advertisement— Pan Trinbago and National Carnival Commission	Newsday	\$3,003.00
September 09, 2003	Advertisement— Pan Trinbago and National Carnival Commission	Trinidad Publishing Company	\$4,144.00
September 2003	Advertisement— Best Village Programmes— Live Broadcast Anaculture	National Broadcasting Network (NBN)	\$86,127.70
September 2003	Advertisement— Best Village Programmes	103 FM	\$9,660.00
September 2003	Press Advertisement— Junior Best Village & Folk Fair	All Media Projects Limited (AMPLE)	\$49,515.72
September 2003	Re: Broadcast Best Village 23 Spots 9/7— 31/7/03 Re: Broadcast Best Village 31 Spots 1/8/03- 31/08/03 Live Broadcast Anaculture	Citadel Limited	\$140,486.13

DATE	DETAIL	MEDIA	AMOUNT
September 2003	Gender Policy Public invitation re Participation in Consultations across the country	Express Newspaper	\$32,751.54
		TTT&TV 6	\$64,815.73
		98 FM & 103 FM	\$3,680.00 \$5,129.00
		95.1 FM	\$5,317.60
September 2003	Advertisement— Public Relations— CDF	Ocean Corporation	\$99,762.50
October 10, 2003	Advertisements	Trinidad Publishing Company Limited	\$1,937.50
October 10, 2003	Advertisements	Trinidad Publishing Company Limited	\$1,537.50
October 31, 2003	Live Capsule Miami Carnival.	National Broadcasting Network	\$2,500.00
10/31/03	Carnival Launch PKG on 98.9 FM	National Broadcasting Network	\$2,000.00
November 2003	Broadcast of Sangre Grande & Point Fortin- Anaculture	National Broadcasting Network (NBN)	\$10,350.00

DATE	DETAIL	MEDIA	AMOUNT
November 26, 2003	Advertisements	Trinidad Express Newspaper	\$1,074.30
December 23, 2003	NCC Newsletter issued in September 2003	Hayden G.A. Louis	\$950.00
December 23, 2003	NCC Newsletter issued in September 2003	Kendra Ann Louis	\$500.00
December 2003	Advertisement—Best Village	National Broadcasting Network (NBN)	\$11,371.20
December 2003	Advertisement—Best Village	103 FM	\$19,780.00
January 2004	Live Broadcast of Anaculture—Ste. Madeline, Mayaro, Lopinot—Advertisement—La Reine Rive	Citadel Limited	\$74,603.44
January 2004	Broadcast of Anaculture—La Horquetta, Prizgar Lands, Point Fortin, Wharf Trace—Broadcast La Reine Rive 2003—Broadcast Junior Best Village	National Broadcasting Network (NBN)	\$69,625.00
January 2004	Advertisement—Public Relations—CDF	Ocean Corp	\$7,360.00

Oral Answers to Questions
[SEN. THE HON. J. YUILLE-WILLIAMS]

Tuesday, December 21, 2004

DATE	DETAIL	MEDIA	AMOUNT
January 2004	Advertisement— Public Relations— CDF	Ample Corp	\$41,400.45
January 15, 2004	Advertisement re-Concessions 2004	Daily News Limited	\$1,234.00
January 15, 2004	Advertisement— NCC	Trinidad Publishing Company Limited	\$984.00
January 15, 2004	Advertisement— NCC	Trinidad Express Newspaper	\$952.00
February 2004	Advertisement— Re: Folk Festival	Trinidad Express Newspaper	\$1,288.58
February 19, 2004	Advertisement— Midnight Robber (Full Colour)	Daily News Limited	\$4,000.00
February 19, 2004	Ad 33 x 7 Full Colour—NCC	Trinidad Express Newspaper	\$5,348.90
February 2004	Advertisement— Re:Folk Festival	National Broadcasting Netowrk (NBN)	\$11,500.00
February 2004	Advertisement— Re: Junior Best Village	Daily News Limited	\$56,157.74
March 2004	Advertisement—re: Junior Best Village—La Reine Rive, Folk Festival, Folk Festival Finals	Trinidad & Tobago News Centre Limited	\$119,057.20

DATE	DETAIL	MEDIA	AMOUNT
March 2004	Advertisement— Public Relations— CDF	Ocean Corp.	\$117,472.50
March 2004	Advertisement— Public Relations— CDF	Star Communication	\$43,470.00
March 2004	Advertisement— Public Relations— CDF	Corbin Communication	\$7,228.14
March 10, 2004	Advertisement on Parade of bands and Dimanche Gras— Carnival 2004	All Media Projects Limited	\$2,160.00
March 10, 2004	Advertisement on Parade of bands and Dimanche Gras— Carnival 2004	All Media Projects Limited	\$6,350.00
March 10, 2004	Advertisement on Parade of bands and Dimanche Gras— Carnival 2004	All Media Projects Limited	\$23,722.50
March 23, 2004	Press Ad: Full colour —re Thank You	All Media Projects Limited	\$4,500.00

Sen. Mark: Madam President, in the Minister's contribution she made mention to a number of live broadcasts, but she did not indicate to the honourable Senate exactly which media; whether it was print or electronic that were involved. Or, if the case of electronic which media was it. Was it the National Broadcasting Network, was it Citadel? She did not give any information on that

Madam President, as I am on my legs, I wonder if the Minister could kindly inform the Parliament as to who are the owners of this All Media Projects Limited.

Sen. The Hon. J. Yuille-Williams: Madam President, I gave the date, the details, the media houses and the amount for every date done. So it is not fair to say I left out the electronic media. I called them out.

Secondly, I cannot tell the Senator who owns the All Media Projects Limited. I do not know the directors and so forth. I have not looked into that.

Sen. Mark: Madam President, could the hon. Senator indicate whether this organization called Ample—when employing such an organization, whether all organizations involved in that business are given an opportunity to at least tender, or is it something selected by the Ministry? In other words, we would like to know the process involved in this.

Sen. The Hon. J. Yuille-Williams: Madam President, when I went to the Ministry I had not gone through the process for each one on selecting. I had All Media; I had Ocean Corporation, Star Communication, Corbin Communication. These are what I see coming up here; a number of advertising agencies of the news.

I could not tell the Senator exactly what the process is when you would need to get information out fast. One of the things Members of Parliament always say is they do not know what is happening. From the Ministry we really try to get the information out, and I hope Members would have appreciated our attempts because if you want the entire community to be involved you have to put it out there and we try to use all of them. This is as much as I can say on this.

Sen. Mark: Madam President, the Minister did not indicate—maybe she did not have it. What is the total cost of advertisements for both the print and electronic media for the periods under review?

Sen. The Hon. J. Yuille-Williams: I said the cost of all advertisements. I know totalling the costs was not done, but I can sit here and do it for the Senator and by the end of the day he can have that answer. I am sorry about that.

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

**Point Lisas Port Development Corporation
(Acquisition of Fantuzzi Crane)**

- 16.** Could the hon. Minister of Trade and Industry and Minister in the Ministry of Finance provide a copy of the internal audit report which investigated all the circumstances surrounding the acquisition of the Fantuzzi Crane by Point Lisas Port Development Corporation (PLIPDECO)?

**Point Lisas Port Development Corporation
(Forensic Audit for Fantuzzi Crane)**

- 17.** Could the hon. Minister of Energy and Energy Industries indicate whether the Government of Trinidad and Tobago is prepared to conduct a forensic

audit independent to the PLIPDECO Board's audit to determine all facts surrounding the purchase of a Fantuzzi Crane?

The Minister in the Office of the Prime Minister (Social Services Delivery) (Sen. The Hon. Christine Sahadeo): Madam President, I kindly request that the questions Nos. 16 and 17 be deferred to the next sitting.

Madam President: These were deferred from last week to this week and the Senate did get a sort of commitment that it would get the answers this week.

Sen. The Hon. C. Sahadeo: Madam President, regarding the issues of these questions, I am awaiting legal opinion on certain issues therein and, therefore, I have not received those as yet. And again, I have to ask for deferment to the next sitting.

Sen. Mark: Madam President, if I may, with your leave, as you are well aware these are questions that have been on the Order Paper for about three months now or even beyond.

I find it very disturbing and very disappointing that having given a commitment when the answers were due at the last sitting of this honourable Senate, we are now being told that the hon. Minister requests some more time because of some legal opinion. This has been outstanding for four months so, the Minister did not know that she needed legal opinion during that period.

Madam President: Hon. Minister, I must say, I am not very pleased with that and I really hope we would have the answers.

Questions, by leave, deferred.

General Hospitals (Contracts Awarded for)

39. Sen. Sadiq Baksh asked the hon. Minister of Health to inform whether:

- A. The contract/contracts for the new Scarborough Hospital and the San Fernando General Hospital upgrade were awarded by way of public tender?
- B. If the answer to (A) is in the affirmative, could the Minister provide:
 - (i) the full names and addresses of all companies that submitted tenders;

- (ii) the countries of incorporation of these companies; and
 - (iii) the amount of the bid submitted by each company?
- C. Could the Minister also identify the company/companies to which contract/contracts were awarded in each case?
- D. Could the Minister advise whether at the date of the award of the contract/contracts:
- (i) any money was owed to any of the company/companies or associate companies that submitted tenders by the Ministry of Health; and
 - (ii) if the answer to (i) is in the affirmative, what was the total sum owed?

The Minister of Health (Hon. John Rahael): Madam President, the response to question 39A:

The contract for the construction of the new Scarborough Hospital and the San Fernando General Hospital upgrade was awarded by public tender in conformity with the Government of Trinidad and Tobago and the Inter-Development Bank Loan Contract.

The full names and addresses of all the companies which had pre-qualified and submitted tenders for the new Scarborough Hospital are as follows:

1. Northern Construction Limited/Calmaquip Engineering Corporation
Joint Venture—Northern Construction Limited,
67-69 Southern Main Road, Point Lisas.
2. NH International (Caribbean) Limited
Ugland House, PO Box 309,
Georgetown, Cayman Islands.
3. Kee Channoa Limited
Corner Warren & Smart Streets, St. Augustine.
4. Lange Ballast Contractors Limited
Paria Avenue, Lange Park, Chaguanas.
5. Rizzani De Eccher s.p.a.
Via Melegnana 109,
33100 Udine, Italy.

The countries of incorporation of these companies as listed above are:

1. Trinidad and Tobago/United States of America
2. Cayman Islands
3. Trinidad and Tobago
4. Trinidad and Tobago
5. Italy

The amount of the bid submitted by each company is as follows:

1. TT\$99,990,442.31, inclusive of VAT
2. TT\$135,912,829.52, inclusive of VAT
3. TT\$172,273,473.37, inclusive of VAT
4. TT\$199,966,512.28, inclusive of VAT
5. TT\$169,520,031.50, inclusive of VAT

10.30 a.m.

In the case of the San Fernando General Hospital upgrade, the full names and addresses of all companies which had pre-qualified and submitted tenders are as follows:

1. Northern Construction Limited/Calmaquip Engineering Corporation
Joint Venture—Northern Construction Limited,
67-69 Southern Main Road,
Point Lisas.
2. NH International (Caribbean) Limited
Ugland House, PO Box 309,
Georgetown,
Cayman Islands.
3. Asta Engineers Limited,
1A, Hillcrest Avenue,
Cascade, St. Ann's.
4. H. Lewis Construction Limited,
LP #5, Sinaswee Street, Bank Village,
Carapichaima.
5. Hookmally Ali Limited,
4-6 Alexandra Street,
Vance River, La Brea.

6. Kee Chanona Limited,
Corner Warren and Smart Streets,
St. Augustine.
7. Lange Ballast Construction Limited,
Paria Avenue, Lange Park,
Chaguanas.

The countries of incorporation of these companies are as follows:

1. Trinidad and Tobago/United States of America
2. Cayman Islands
3. Trinidad and Tobago
4. Trinidad and Tobago
5. Trinidad and Tobago
6. Trinidad and Tobago
7. Trinidad and Tobago

The amount of the bid submitted by each company is as follows:

- (1) \$30,939,715.47
- (2) \$33,634,882.69
- (3) \$35,215,953.78
- (4) \$37,130,421.83
- (5) \$49,002,615.50
- (6) \$34,831,403.72
- (7) \$36,270,130.81.

In both cases, the contract was awarded to NH International (Caribbean) Limited.

The Ministry is not aware of any moneys due or owing at the time of the award of contract except for a release of retention of \$581,022.45 on the Princes Town District Health Facility to NH International (Caribbean) Limited.

D(ii) is, therefore, not applicable.

Thank you, Madam President.

Sen. Baksh: Could the Minister inform this Senate whether the awarded contractor was in fact the lowest tenderer on both occasions?

Hon. J. Rahael: With respect to the new Scarborough General Hospital, the answer is, it was not awarded to the lowest tenderer. As a matter of fact, it was awarded to the second lowest tenderer. With respect to the San Fernando General Hospital,

again it was not awarded to the lowest tenderer; it was awarded to the second lowest tenderer.

Sen. Baksh: Madam President, will the Minister inform the Senate whether it is the new policy of the Government of Trinidad and Tobago to award to the second lowest tenderer instead of the lowest bid?

Hon. J. Rahael: I am not aware of any policy with respect to the lowest or any other bid. Obviously, we cannot just have a carte blanche policy. Much depends on other factors when it comes to awarding tenders. Someone may not be in a position to satisfy certain things based on the tender document presented.

Sen. Baksh: The Minister stated that they were all pre-qualified, meaning that they had the manpower, the management and the equipment to carry out the job. Would the Minister not agree that the Central Tenders Board, having pre-qualified all contractors, the normal practice would have been pre-qualification?

Hon. J. Rahael: Madam President, pre-qualification is one thing. When you are assessing awards to give a tender, it is a separate thing. It does not necessarily match that it would be the lowest tender.

Sen. R. Montano: I have two supplemental questions. Is the Minister aware that it has been reported that there have been massive cost overruns on the Scarborough General Hospital? If he is aware, what has he done about it, if anything at all?

Hon. J. Rahael: Madam President, first of all, I am aware. Secondly, in order to respond to the second part, it would require certain enquiry and information.

Sen. R. Montano: The Minister says there will have to be a certain enquiry. Is he then contemplating a commission of enquiry?

The last question I have is: Is the Minister aware that the former Minister of Health owed NH International approximately \$14 million from a court matter?

Madam President: Sen. Baksh, question No. 40.

**Piarco International Airport Project
(Cost of Commission of Enquiry)**

40. Sen. Sadiq Baksh asked the hon. Prime Minister:

Could the hon. Minister provide this Senate with the total cost of the Commission of Enquiry into the Piarco International Airport Project, giving

a detailed breakdown of each item of expenditure, including amounts paid to commissioners, witnesses, experts, advisors and staff?

The Attorney General (Sen. The Hon. John Jeremie): Madam President, the answer to question No. 40 is not yet ready. In the circumstances, I ask this honourable Senate for an extension of time, perhaps until the next sitting, to allow me to compile the figures. The difficulty is that the commission of enquiry ran for a very long time—somewhere close to 10 months; almost a full year. There were several commissioners. A detailed account has to be made in terms of what was paid to each of these persons. There were numerous witnesses from all parts of the world and accounting has to be made in respect of that as well; likewise in terms of the expert advisors and staff of the commission. It is a massive undertaking, but the Government is moving with expedition to answer the question.

Question, by leave, deferred.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Wade Mark:

Water and Sewerage Authority (Detailed List of Debtors)

6. A. Could the Minister of Public Utilities and the Environment provide this Senate with a detailed breakdown of the names and addresses of all the residential, commercial, industrial and other charitable users owing the \$500 million plus arrears to the Water and Sewerage Authority as at the end of February 2004; and
- B. Could the Minister provide this Senate with details on the sums of money owed by each residential, commercial and industrial customer as well as each charitable organization (customer) to the Water and Sewerage Authority as at the end of February 2004?

Vide end of sitting for written answer.

STATEMENT BY MINISTERS

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I seek leave of the Senate for this agenda item to be deferred to a later stage in the proceedings. I propose to make the statement when we resume after lunch.

Question put and agreed to.

CARIBBEAN COMMUNITY BILL

[Second Day]

Order read for resuming adjourned debate on question [December 14, 2004]:

That the Bill be now read a second time.

Question again proposed.

Sen. Robin Montano: Madam President, if I appear somewhat testy and annoyed this morning, you must forgive me. My office was broken into again last night. I am absolutely fed up. Through you, I wish to say to the Government: Do not bother breaking in again. If they want to know anything, they can come to my office and I will give it to them.

Madam President: Hon. Senator, you are imputing improper motives.

Sen. R. Montano: Yes.

Madam President: Well, I am saying do not do that. Please make your contribution on the Bill. We sympathize with you, but you cannot impute improper motives to the Government. Please make your contribution.

Sen. R. Montano: Then I impute them to the PNM, because nobody else is doing it. I am fed up with it.

Madam President: Sen. Montano, it is a matter for the police. Leave it in the hands of the police to find out who; but do not impute improper motives to anyone here.

Sen. R. Montano: Well, Madam President, if it walks like a duck, talks like a duck and quacks like a duck, you had better believe it is not a pussy cat! Let me get on with my show.

Sen. Jeremie: Madam President, I want to express sympathy with my colleague.

Madam President: We do too.

Sen. Jeremie: In respect of my former practice, I have suffered the same fate as Sen. Montano a couple times and this is unavoidable. I do not think that the hon. Senator really thinks that I am breaking into my own office.

Sen. R. Montano: Madam President, nobody gets touched in my office, but me. If it is political terrorism, take terrorism! Let me get on with the Bill.

Caribbean Community Bill
[SEN. R. MONTANO]

Tuesday, December 21, 2004

I was most disappointed with the presentation of the hon. Minister on this Bill. His presentation, in essence, was, in one sentence, that Prime Minister Basdeo Panday signed the Bill, therefore we should support the Bill. I always say, if a person cannot make his point in one sentence, he cannot make it at all. This was the summation of the 30 or 50 minutes that he spent presenting the Bill.

When we asked pointed questions, the reply was that we supported it and that was that. I had to ask myself if I was living in a Trini Wonderland—an Alice in Wonderland type of affair. Because I supported something three and a half years ago, must I be bound by it today? Has the world changed in the last three and a half years? Let me think. [*Puts forefinger on forehead*] Think! Think! Think! I wonder: has the world changed? Think! Think! Think! Yes. And for the benefit of some people, let me think again. Think! Think! Think!

Yes. Hallelujah! The world has changed! Since June 2001, it has changed and it has changed for the worst. After June 2001, what happened? Think! Think! Think! Oh yes, there was a disaster called September 11 and what happened to the Eastern Caribbean states and the other countries in Caricom that depend on tourism for their livelihood. Let us think again. Think! Think! Think! Oh yes. Their economies went through; their economies were completely devastated because the travelling public from Europe and North America stopped travelling. So tourism crashed and their economies crashed and they still have not recovered from it.

What else happened? Have there been any natural disasters this year that have affected their economies? Oh yes. [*Interruption*] You want me to think again? Good idea! Think! Think! Think! And then what happened? We had four major hurricanes go through the region this year, the last one totally devastating the neighbouring island of Grenada. We got away by the skin of our teeth, no thanks to the warnings given to us by the Meteorological Office or the National Emergency Management Agency (NEMA), that are totally incompetent. But that is another story.

The economies of all the islands to the north of us have changed. The global position of the world has changed, therefore one would assume that before they bring a treaty that was signed three and a half years ago, but not ratified by the Parliament, they would revisit it. It has not been ratified and the normal procedure is that when a treaty is signed it is brought to Parliament, ratified and then the necessary law changed.

One would have thought that if they had not brought the treaty to Parliament before, they would bring it now and say to the Parliament that they would like us

to ratify the treaty, especially given that three and a half years had gone by. Incidentally, Madam President, now would be an appropriate time to tell you that under the provisions of Standing Order 51(1) of the Senate, I propose, at the appropriate time, to move a motion that this Bill be referred to a select committee of the Senate to go through the provisions of the treaty in detail to make sure that it is definitely in the interest of Trinidad and Tobago.

As a Caribbean man, while I applaud all efforts at Caribbean integration and while I agree that charity means that we must help those less fortunate, I also believe that charity begins at home and that before we start looking outside to pull up the other islands, we should pull ourselves up. I have no problem with giving the Grenadians money. Who could look at the disaster that befell them and not want to help them? Every reasonable and right-thinking person would say that we must help; but charity begins at home.

What about the people in Delaford? What about the people in Caparo and other places in Trinidad and Tobago? I hear cries coming every single day across the country from places that have been affected adversely by the flooding that has befallen us here in Trinidad.

I hear cries of: Help, you are not doing enough. Instead of saying: "Okay, let us see what we can do", we hear politics being played. "This regional corporation is playing the fool and that one did not put up the thing properly", and so on. We never hear anything like that when it comes to the islands; that they did not put up the proposals properly and so on. When it is our people, we have to dot every "i" and cross every "t". They are more interested in helping people outside than in helping people inside. When they come to the Parliament where we represent the people of Trinidad and Tobago and we ask pointed questions, for example, the Minister said that these policies will redound to the benefit of Trinidad and Tobago, and I asked how, he said he would answer that when he does his reply.

I missed something. I really missed something. What does "debate" mean? It means you present your case and you answer the questions. When you tell me that these policies will redound to the benefit of Trinidad and Tobago because of (a), (b), (c) and (d), we on this side and the country, more importantly, will say that the Government is saying that these policies will redound to our benefit because of this. Then those on this side of the Senate can say: I agree with you about (a) and (b), but I do not think (c) and (d) are going to work because of this and that. I will think again. That is a purpose of the debate.

Instead, what do they do? If they answer at all, they say they will tell me in their reply, when I have no chance whatsoever of saying to them that it is not a

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good idea. What is the point? It is an abuse of Parliament. The whole idea of debate is to do just that—debate. Tell us what you are thinking and why.

In my very first speech in Parliament in 2002, I said that we would support every single measure that is for the benefit of Trinidad and Tobago. We will oppose every single measure that we believe is not for the benefit of the people of Trinidad and Tobago, and that is the way it should be. We will, whenever and wherever possible present alternative solutions to problems and that is what we have tried to do.

They come basically treating us as if we are a rubber stamp. We are not. We are the dog and the Government is the tail; not the other way around. The tail does not wag the dog. *[Interruption]* No. Madam President, through you, if the hon. Minister is so silly that he does not understand, I will not bother to explain it to him.

The hon. Minister says that this is designed to bring the Caribbean closer together in a single market and a single economy. How can we have a single economy, when we have trade disputes with Barbados that are still ongoing? What about the issue of the Barbados fishermen and the Minister who is supposed to have freed them? We have not heard boo about that. It is as if it has gone dead. How difficult could it be to discover who the Minister is? They can check the phone company and get an anonymous cell phone/telephone user making a bomb threat to the Red House and they cannot check on each Minister's phone, from the Prime Minister down, to see who made the telephone call to the police prosecutor at the appropriate time. You cannot do that? Is it that you cannot do that or do not want to do it?

Sen. Dumas: There was never on official record that any Minister made that phone call. Again, he is imputing improper behaviour.

Sen. R. Montano: Very well, Madam President, so no Minister made that call. That is even more serious. Is he saying that the police sergeant did it on his own? He did it completely on this own, right? If that is the case, the man should be fired. Somebody has to pay for that. Who did it?

Sen. Dr. Saith: Wade Mark. *[Laughter]*

Sen. R. Montano: Good joke! Cute! Very funny! Score one! Ping! The Leader of Government Business scores a fantastic point; it is a cute point, but it does not deal with the serious problem of who did it. If it was not a government Minister, who was it? We cannot find out. *[Interruption]* Good idea. Think! Think! Think! Do you know what? All the evidence points to a government Minister. Think! Think! Think! *[Interruption]* In the street they are saying it is the Prime Minister.

Madam President, the Caribbean Court of Justice (CCJ) is referred to in this treaty and we have none. For the record, the Caribbean Court of Justice, as long as there is a United National Congress, will never ever replace the Privy Council. Put that in your pipe and smoke it! We are still considering whether or not we will support it for original jurisdiction. Let that go up and down the islands. Let it go to Barbados and to Jamaica that the United National Congress will not support the CCJ replacing the Privy Council. [*Interruption*] That is a fact. Yes, I speak for the UNC when I say that. They can laugh all they want. That is what the leader has been saying and that is what my party has been saying.

No right of movement without giving a service, so what is the concept of CSME? What are the services to be rendered? Fishing? How will it affect Sen. Titus and Sen. Dr. McKenzie and their people in Tobago? I do not think the Minister really understands that the single market is not a single economy. A single market involves the movement of goods and services.

The Minister spoke about non-discrimination and proudly referred us to the section in the treaty. However, when I read the newspaper and listened to the news, this Government recently announced they were establishing a grant fund for Caricom countries and Caricom investors at no interest rate. That does not apply to investors from Trinidad and Tobago. Here we are, Trinidad and Tobago, establishing a grant fund for Caricom investors at no interest rate, but our people cannot access the fund. Why? One hundred million dollars! And our people cannot get it. Why not? Whose money is it? Then you have people like this two-by-four Prime Minister of St. Vincent and the Grenadines coming here—

Sen. Dumas: Madam! Please.

Sen. R. Montano: Are you on a point of order?

Sen. Dumas: Yes.

Sen. R. Montano: What is your point of order?

Sen. Dumas: You are standing in the Parliament of Trinidad and Tobago disparaging another Prime Minister.

Madam President: All right! Mr. Minister. Mr. Minister, sit down! [*Crosstalk*] Senators! Mr. Minister, let me remind you that when I stand, you must sit.

Sen. Montano, please do not impute improper motives to any Prime Minister whether it is our Prime Minister or any of the other Prime Ministers.

Sen. R. Montano: I am not imputing improper motives—

Madam President: Or calling him names.

Sen. R. Montano: Madam President, when Winston Churchill called Adolf Hitler names in the Parliament of England, which is the mother of all Parliaments, I did not hear people calling him up—

Sen. Jeremie: Madam President, I think that the Senator is referring discourteously to the internal affairs of a territory within the Commonwealth. I ask you to just reassert yourself. [*Crosstalk*]

Madam President: Sen. Mark, please! Sen. Montano, will you continue? Please do not call any Prime Minister by any name.

11.00 a.m.

Sen. R. Montano: Madam President, when Winston Churchill called Adolph Hitler names in the Parliament, was he wrong?

Sen. Dr. Saith: Madam President, on a point of order. I do not think one objects to the Senator calling the name of the Prime Minister. He can say: The hon. Prime Minister of St. Vincent. He should not say two by four Prime Minister.

Sen. R. Montano: The hon. two by four Prime Minister. Is that acceptable?

Sen. Dr. Saith: I am on my feet. Please, I implore the Senators to try and restore the dignity of the Senate. What is happening is that this is not being done.

Madam President: It is exactly what I am saying. You can say, the Prime Minister, but please do not add any adjectives to the person's name. Thank you.

Sen. R. Montano: The Prime Minister of St. Vincent and the Grenadines—I can think of a thousand adjectives, all of them derogatory, but I am not allowed to say it here, although I have said it outside and will continue to say it outside—is interfering in our internal affairs. I take great umbrage when this Prime Minister of this little two by four island comes here and says to us—he has the full backing of our Prime Minister to bell the cat—you all have nothing to fear. Who asked you?

Sen. Mark: Who “de” hell is he?

Sen. R. Montano: Who do you think you are? You are about union this, union that, union in Arima. He addressed our university students. Do not think that we do not know about all your unions, Mr. Prime Minister. We do.

Going back, before I was so distracted. I asked the Minister a direct question of the grant of \$100 million to Caricom investors. Is this consistent with the provisions of a

single market and economy? Is this consistent with nondiscrimination? Trinidad and Tobago's businessmen cannot access this fund at no interest, or can they? If they can, how can they? Have you told them? \$100 million!

He spoke about the movement of goods and services and skilled persons. In that context we might want to view the proposals that were raised on the question of political union. This debate about political union was initiated by our Prime Minister. First it involved Barbados, Guyana and Trinidad and Tobago. It then went flat. Now there is talk about a union with Grenada, St. Vincent and the Grenadines and Trinidad and Tobago. Why? What is the *raison d'être*? What advantage to Trinidad and Tobago is there for a union, other than the obvious, votes for the PNM? Leaving aside the obvious about votes, what advantage is there for a union? I do not know. Who gave him the mandate?

We are going with the CSME because the UNC signed this three and a half years ago. Of course, the world has not changed at all! You signed it three and a half years ago, so you are bound by it. You only have to look at it to see that has to be nonsense. It is wrong!

Incidentally we were told, when the flacks started about political union, that the Prime Minister was "flying a kite". Is this how foreign policy is done in Trinidad and Tobago, you fly kites? Hey Knowlson, Patrick here, let us go and fly a kite in the savannah and see what happens. Is that how it works? The Government is flying a kite about political union. There are serious consequences. The Government cannot look after the people of Delaford, Caparo, Penal/Debe or anywhere in Trinidad and Tobago but it is going to fly a kite about political union. Is it a way to go? Is it that he wants to be the father of the Caribbean? Dr. Eric Williams was the "Father" of the nation. He tried once to take over that title and there was a furore. Is it that he is trying to go one better?

What is missing is the substantial policy framework and initiatives to make the institutional framework work. The Government has no policies. We have had no clear statement of policy in this debate or at any other time. This is our policy. This is the framework. These are the institutions we are using to make this policy work. The Government does not have that. The institutional and legal framework will not work if there is not an environment based on incentives and competitiveness that allow us to use and utilize the opportunities that will be created by this framework. That is why I was asking the Minister earlier to state how we will benefit.

I wish to state again that we are not against Caribbean integration, but Trinidad and Tobago must come first. After Trinidad and Tobago, then let us go outside and look after the other islands. I have no problem with that. My message to the Prime Minister of that two by four island is just that; Trinidad and Tobago first. I am not interested in a union with you, unless and until I know that my people are living well, all my people are above the poverty line, all my people are not suffering, my people are not being discriminated against and things are right in our little republic. Right now you can jump high, you can jump low, things are not right in Trinidad and Tobago. There is too much wrong. Even if you want to be as kind as possible and say: Okay, give the Government its due, it is trying.” I do not believe that. Very well, but they are not trying hard enough. Even if I were to accept that they are trying, they are not trying hard enough. They need to try harder. This is too important and critical. It is not good enough to just stand on the regional stage which, albeit, is bigger than the local one, and puff your chest and say: “Well you know I am the godfather of the Caribbean. You want \$100 million? Here it is. People of Caparo you cannot get any money because you have done it wrong. Your representatives have filed the things wrong. People of Delaford we are looking into that. Do not worry, you are going to get the things fixed up. It will be fixed. What Tobago wants Tobago will get.” This time Tobago did not get anything. Then you stand on the regional stage and everybody says: “Oh thank you, godfather. Thank you so much for all this money you are taking from your people in Trinidad and Tobago and giving to us.”

I once saw a movie that starred—I cannot remember the name of the movie—Ringo Starr, the former drummer of the Beatles. At the end of the movie Ringo Starr and Peter Sellers dropped a million dollars into a sewage plant and told people: “You want to get money, go on.” People jumped into the sewage plant. Peter Sellers and Ringo Starr stood and laughed at how people will jump into, you know what, just for a buck. This was about 20—30 years ago. The point was a powerful point. People will do anything and will tell you that you are the greatest thing since sliced bread, if you are giving them money. Giving money is not leadership. Leadership is showing the way. Leadership is coming up with definite policies and ideas and making things better first for your people and then the rest of the world.

If I am saying anything here that can be misinterpreted as saying that I am not for giving help for disaster relief, no, that is not what I am saying. I believe we should give help for disaster relief, but for every dollar we spend on the Grenadians, we should be spending at least the same amount for the people of Central Trinidad. For every dollar

that we spend in St. Vincent, we should be spending the same amount in Tobago. If we cannot afford to do both, then our people must come first. That is what I am saying. I applaud the efforts to help those less fortunate than ourselves. I think that it is right, but it can only be right if you have. It is like a poor man taking a meal home for his children who are starving and then giving the meal away to somebody else and telling his children to go ahead and starve. No! Look after your children first, then after that you help.

There is also a further argument that Caricom has reached its limits and that Caricom, as it stands now, really has nowhere else to go. There is an argument that we have to start thinking, if we want to take Caricom further, with a new vision and a new light. When we look at the European Union and see how they have taken 40 years to bring their countries all into line and how long it took them to bring in a single market, then a common currency—even now they do not have a single economy. Today the Europeans do not have that. Their union is much more sophisticated, wealthy and powerful than ours. We see the problems they have. I remember well how they developed.

I remember when they first started, the United Kingdom was not part of the union. When the United Kingdom joined the union, there was a big argument inside the United Kingdom, as well as inside the union. People paid attention and they did it slowly and carefully. When they expanded it, the other countries had to meet a certain standard. Here, nobody has to meet any standard. Are you going to tell me that St. Vincent and the Grenadines meets the standard? What standards do they have? They are bankrupt! They depend on this Government for a handout. When tomorrow morning comes they would say: “Oh no, we do not.” Really? Then do without it! Turn to Trinidad and Tobago and say: “We do not want your money. We can do without it. Let us show you how great we are, we can stand on our own.” Yeah right! That is the day you see snow fall in Castries or Kingstown. I know I got it wrong. Castries is St. Lucia.

We are not approaching Caricom with intelligence. We are not dealing with the matter with intelligence. We are allowing emotions to tug at our heart strings. We are not thinking of what is in the best interest of Trinidad and Tobago. I have often said countries do not have friends, they have interests. The Minister of Foreign Affairs of Trinidad and Tobago owes it, not just to the Senate, but more importantly to the people of Trinidad and Tobago, to come with a clear and lucid statement as to how this treaty will benefit Trinidad and Tobago. Not with mumbo jumbo like—I started to write something he said, “the dynamics of the regional integral movement requires—” Not that mumbo jumbo, but plain, simple English,

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so that anybody can understand. I said it once and I would say it 1,000 times. When a man is not clear, it is usually because he does not want you to understand what he is saying. This is a challenge to the Minister, come with plain language in point form. You do not need a chapter or a book to explain: one, two, three, four. Tell me what the points are. Either they are good and they stand on their own or they do not. The Minister cannot do that and he would not do it.

Most people expect that this Bill will be passed and nothing will happen. So, it is passed and nothing happens. In this Christmas week, here we are spending time—I cannot believe that I heard a muttering that we brought them. That has to be the craziest logic ever. We brought them because we refused to pass this Bill, just like that. We brought them because we insisted on our right to review the Bill. We brought them because we refuse to be a rubber stamp. That is the attitude. How in the name of Heaven can we build a democracy? How can we build a republic that we will be proud of? This is a great twin island republic. We should be proud of ourselves. So we are small. We are a speck on the map, so what! I am proud to be a Trinidadian. I am proud to be a citizen of this country, but I am also a democrat and I refuse to give up my rights. I refuse to abdicate them to anybody. I refuse to be dictated to by anybody.

Sen. Mark: Manning wants to interfere with the Catholic Church.

Sen. R. Montano: If I said that I would be deemed irrelevant to the debate. My point is a simple one. How will we benefit? The answer is that we will not benefit if we do not put the proper things in place. We will not benefit if we do not put the institutional and legal framework in place. They can argue that they are putting the legal framework here, but where is the institutional framework? The institutional framework should be set up in such a way that it comes first and says: Here is what we are going to do and this is how it will work. Would it not be nice to hear the Minister of Foreign Affairs say: These are the tangible benefits to the people of Trinidad and Tobago and next December I will come and show you specifically how the ordinary man has benefited. I will show you how he got A, B, C.”

Last week I attended one of the thousands of office Christmas parties that are in Port of Spain this time of year. I turned to someone and said: “Well, I see bpTT has a big gas find, is that not good?” He looked at me and said: “Who are you trying to fool? I am not going to see any of that money. I am not going to benefit from it. My business is down from last year. I am not having a bad Christmas. I am not going to see any benefits. So what do I care if the money comes in? The money is only going so in any case. It is going to “misappear”, as my five-year-old daughter would say.” He said: “I

am not going to see any benefit.” That is how the average man thinks. In tangible terms, how is this treaty—this feels like a million-page treaty—going to benefit us? Do not tell me that I signed it three and a half years ago. So what!

Madam President, we cannot run a country like this. We cannot expect that our country’s Parliament is just here as a rubber stamp. We need a government that is transparent, open; that comes and explains its policies clearly, lucidly, to the citizenry of Trinidad and Tobago so that everybody can understand and know. If the Government does not do that, then it has a recipe for confusion. We have a Government that will, of necessity, incur ill will because people will not understand. People will suspect the worst; they always do; often they are right. Assuming but not accepting that the intentions are the purest, like the driven snow, you come to us with everything on the table and tell us what you are doing and, more importantly, why. If the Government does not do that expect opposition, expect people to dig in their heels.

Show us, Mr. Minister, through you, Madam President, in real and tangible terms, what the benefit is and then we can support you. Thank you.

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I rise to make a very short intervention in respect of certain legal questions posed by Senators Robin Montano and Mark on the last occasion.

There is implied in his general question: why are we looking at the treaty again, now? It is a criticism of the State and the Government in relation to the enactment of the treaty. The argument which he has put forward is that three and a half years ago it might have been relevant to sign the treaty, but it is not relevant today, or that we ought to examine whether it is relevant today.

Madam President, I would like to remind my colleague that in international law in particular there is the doctrine of state continuity. That means that states continue, even though governments change. What it means as well is that international obligations, freely undertaken by a state at any given point in time, the bias should be towards recognizing those international obligations and not derogating from them. The treaty was signed and the Government has reviewed its position on the treaty and has seen nothing offensive in it, which would cause the Government to resile from the commendable position which the colleagues on the other side took.

Sen. R. Monatno: A point of explanation.

Sen. The Hon. J. Jeremie: No, I am sorry, I would give you on a point of order.

Sen. R. Monatno: The next time you want a point of explanation I would not give you it.

Sen. The Hon. J. Jeremie: Sure. Madam President, with respect to the doctrine of state continuity, we are bound by the treaty. The Government sees its position as being a responsible Government. It has embarked on a course of action which will bring the treaty into domestic law. That is what we are here to do.

The Minister of Foreign Affairs will speak shortly on the benefits: the more substantive points which were raised, in relation to the benefits which are to be derived by Trinidad and Tobago from its accession to the Caricom Single Market and Economy (CSME).

There were a couple of references in Sen. R. Montano's speech with respect to clause 5 of the Bill. If I can categorize the references, the first reference is a reference which I will describe as a reference to form, that is to say, how can we speak about the Caribbean Court of Justice in relation to this legislation? I am sorry. There was also another point which I neglected to express a view on. I thought I heard him say that the Opposition would not lend its support to the CCJ.

Sen. R. Montano: Yes.

Sen. The Hon. J. Jeremie: All I can say on that is again, it is the UNC which signed us to our international obligations in respect of the Caribbean Court of Justice. The further point is that if you look at the doctrine of state continuity they did not commit the UNC to joining the Caribbean Court of Justice; they committed the State of Trinidad and Tobago to join the Caribbean Court of Justice. The Government is simply giving effect to its international law obligations. The bias ought to be to do that, unless there are compelling reasons for us not to do it. We see no compelling reasons. We see that there is ample talent in the Caribbean Court of Justice. I am very sorry to hear that there will be no support for it on the other side.

In any event, that was the intervention. There is also a substantive point which I believe was raised by Sen. Mark, in relation to clause 5. He raised two points. The first one related to clause 5(2) and the second related to the question of whether the CCJ would have jurisdiction in respect of the fishing rights and disputes and maritime delimitation disputes now engaging the arbitral tribunal between Trinidad and Tobago and Barbados. When the CCJ is properly established—I am answering his question—it will have an exclusive jurisdiction over questions of interpretation of the Revised Treaty, as well as dispute settlements between member states in respect of matters provided for in the

Revised Treaty. Article 60 of that treaty provides for the development, management and conservation of the fisheries resources in and among the member states on a sustainable basis. It is only in that limited respect that the CCJ is going to have any sort of jurisdiction in the future, in respect of managing the region's fishing resources in particular.

On the specific question which the Senator raised: whether the court will have jurisdiction in respect of the matter which is now before the arbitral tribunal. The answer is obviously no. It is no because that matter is already before a court, which is properly seized of it. As a matter of fact, I can report to the Senate that the procedural hearings have been completed and we are now at a stage where we have actually started to look at the substantive issues between the parties. Barbados has put forward what is the equivalent to our statement of claim and Trinidad and Tobago is in the process of responding to that statement of claim. That matter is not going to be even obliquely affected by this reference in Article 60. It is far advanced and it should be dealt with comprehensively and disposed of by the International Court sometime around the time of the general election in Barbados, which are due late next year.

In relation to clause 5(2), evidence in legal proceedings, the question raised by Sen. Mark was whether it is normal to have the secretary general attesting to instruments of the CCJ and the Caricom Single Market and Economy (CSME) without proof of the official position of the secretary general. That is a normal clause which is to be found in most international organizations. For example, in respect of the United Nations, the Secretary General of the United Nations has the same power to bind the United Nations by the seal. That is because these entities are jurisprudential entities in international law.

The last point, which is of a legal nature, relates to clause 8 of the Bill. That clause is in Part III, under the heading "General". It states:

"In the event of any inconsistencies between the provisions of this Act and the operation of any other law, the provisions of this Act shall prevail to the extent of the inconsistency."

Sen. Mark's question was: What of the Constitution? The Constitution provides for itself, what happens in the event of you passing a law, which is inconsistent with it. The law is void to the extent of the inconsistency. All that this clause does is to incorporate into domestic law a norm, which is taken from international law. It comes from the doctrine of state continuity. If you undertake an international obligation, your domestic law is going to be read, unless the contrary can be shown, subject to the international law obligation. That is not to say that you do

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not have, where there is a clear conflict, to legislate and expressly deal with the inconsistencies. To the extent that there is room for the courts to interpret it, the courts are going to interpret it in favour of the international law obligations and in favour of the doctrine of state continuity.

Madam President, with that short intervention, I think I have dealt with the few points of legal substance which were raised by Senators opposite. Thank you.

Sen. Prof. Ramesh Deosaran: Madam President, I believe in this century, at least in the first quarter of this century, these two related Bills will still remain the most significant that this Parliament has faced. When you are changing your borders that is a very significant step. A country cannot take too lightly any legislation to change its existing borders. The implications are extremely serious. Further than that, you are opening your borders to a kind of traffic, both in terms of people, goods and services and certainly that emphasizes my point about the significance of this piece of legislation that we face. It, therefore, means that it is extremely essential that we pay very close attention, not only to the spirit of the pending legislation, but to the letter therein.

I cannot help but notice with some sadness, once again, the paucity of attendance in our public gallery. Having said what I just said and when one reads the contents of the two related Bills and more so the fine print in the treaty itself, I am aghast that, apparently, there is so very little attention given to the matter before us in this Christmas season. It is with very deep regret. Sometimes I wonder—the kind of attention paid to matters such as conjugal visits to the prison—if that same amount of attention both quantitatively and qualitatively could be exercised in matters of this nature. Having said that, we would have to relate the Bills to the kind of democracy we have in this country and in the region.

When the Minister made his presentation, in my view, it was quite an impressive presentation. He spoke as a professional in the diplomatic service. Within the parameters in which he has been functioning, I think it was a good presentation. I hope, however, that in his summary, he would explain some of the matters which have been raised and, of course, one or two that I will raise. I must say the earnest manner in which he made his presentation is, in my mind, worthy of some note.

Madam President, every leader in a country and every government must have a vision for its people. That goes way back into history, be it Alexander the Great, Genghis Khan and in our case, as we have seen, people like Dr. Williams, Alexander Bustamante, and so on. I better stop there because I do not think the

evidence will be too much on our side when we speak about visionary leaders in the Caribbean.

I am saying that, because the way forward for the Caribbean, in terms of economics and as an economic bloc, is really a common market. Ideally, there is no better substitute. I use the word “ideally”. It was in 1989; it was called the Grand Anse Declaration and the intention was made to establish the single market and economy. There was a lot of quivering and vacillation. In Jamaica, in 1990, the Heads of Government set 1993 as the year for moving into the single market and economy. In that same year, the Heads of Government decided on monetary integration. To cut what will remain in history as a very exciting journey by the Heads of Caribbean Government, in Nassau Bahamas on July 05, 2001 the treaty was signed.

There is need for a vision by a leader and a government for its people. The question is: Upon which pillars does such a vision rest and how far are the practical issues from the ideals? We get into the advantages of a single market and economy. Having said that I was impressed by the Minister’s presentation, I must admit that I expected to hear some more from him in his original presentation about the advantages because that is where the case will rise or fall, I believe; not so much on something sounding good and something about which we should feel nice. I think in matters of legislation and matters of national policy, the evidence should also be properly delineated. I still look forward to the Minister’s contribution in this regard. May I, in terms of my own responsibility, suggest what some of the advantages could be, so that at least our population will begin to think about whether we are getting a good bargain or whether the exercise is a cat-in-bag mission?

First of all, one of the very strong advantages is the increase in market size. That has been demonstrated by our production of beer, primarily, and garments. With an increase in the market size, which is accompanied by a parallel condition of removing bureaucracy by a common market arrangement, there can be savings which can be used, in my view, for research and development and improving technology, which will help these agencies and companies and economic entities in the Caribbean move further into the international arena. I would like to hear some comments from the Minister in this regard or in such examples.

A single market, if not so much the economy, will also facilitate the development of certain key services, especially those in the financial services, the engineering field and agriculture, given the spread of the economy across the Caribbean and the demand for such services.

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A third advantage could really be the opportunity to franchise your products and to lead into brand names, which will gain economic benefits to the region as a whole and in competition for the outside world.

A fourth advantage, in my view, is that by having a single market and economy structure, it will assist Caribbean governments to save money by having common trade representations and offices abroad, so we will not have what is an obvious duplication of representation where each island has to set up a big building at vast expenditure which is really a drain on the resources of those small countries. Of course, we have an example in our case, where there has been some controversy over the expenditure in our London office. I think there can be savings if there is a common market arrangement; at least, in the first instance, in trade representation, and then the diplomatic arrangement can come, depending on the extent to which we have political alliances.

One of the sore points in this movement, however—I think it was echoed by the distinguished Sen. R. Montano but it led me to think, think and think about the common external tariff. The common external tariff is a necessity, except that for poor countries it will mean higher tariffs in the first instance. Without going into detail, that is a serious implication to consider because it will implicitly lead to subversion of the treaty by the pressures being put upon these smaller countries. For example, there will be what is called trade diversion. It will not be done wilfully. The cheating will be done because of pressure on these small island economies, which will mean that the expenditure will likely go to the high cost goods within the Caricom region, thereby bypassing the lower priced goods from outside the region. That is one example.

11.45 a.m.

Madam President, when I spoke about the effectiveness of this treaty and the supported legislation, or the facilitated legislation, this would depend upon the kind of democracy we have in this country and in other parts of Caricom. In the first instance, in 2001, a Bill like this should have never moved forward, especially in this present atmosphere, without a bi-partisan approach to it. I consider it very unfortunate that the Opposition has seen itself in such an inevitable position so as to show lukewarm support thus far. They have outlined the conditions with respect to the select committee. I would make a comment later on with respect to that matter.

I was also surprised—I do not mean this in any derogatory manner—when Sen. R. Montano was talking about the Caribbean Court of Justice in his

contribution when he made a serious point that if the Opposition does not support the Caribbean Court of Justice there would be serious implications. Again, this suggests the role of a bi-partisan approach to matters of such monumental importance. Why is there not a more visible, useful, bi-partisan approach to such matters which affect not only PNM supporters, not only UNC supporters, not only people of East Indian descent and not only people of African descent, but the entire country? In the first instance, we are talking about institutional changes—change in the borders and, in the second instance, change in our mode of jurisdiction, and we have not yet reached any significant point of common ground.

Madam President, what is the reason for the dilemma that we find ourselves in and that is, not being able to move forward on a matter that sounds, in an idealistic sense, so very useful to us? I, therefore, take our minds back to the federation. The federation was formed in the midst of splendour, pomp and ceremony—a governor, a federal court, federal ministers of this, that and the other and a federal prime minister, and within a very short space of time—treaty or no treaty, legislation or no legislation, offices or no offices—there is only Federation Park left to remind us that if we are not careful of moving forward with such important issues the end would be tragic. That is one aspect of it. The second aspect of it is that it would be embarrassing and, moreso, financially expensive for small countries like ours. I am therefore saying that we need to put the proper legal and political infrastructures in place so that we could sustain the effort once we start moving forward. I, therefore urge the Government to think, think and think.

It took Prime Minister Bustamante one swoop to call a referendum in Jamaica and that sent the whole federation crashing. He had a colleague in Trinidad, Dr. Williams, who took a mathematical approach to this matter and this remains in the history book, and that is one from 10 leaves zero. That is the nature of the politics. After spending years to build something with one million meetings and great expense and so forth, that is how it ended up. It ended by a simple mathematical conclusion that one from 10 leaves zero. All we have now is Federation Park to remind us of that tragedy. Are we going to walk that route again? In terms of the moment, it is difficult to be carried away by what is idealistically required, and this is one such example. It sounds nice and it feels nice, but I am wondering whether we have learnt anything from our experience.

One of the reasons for this deficit, which I would call a “civic deficit”, is the lack of information and the incapacity to join together for a common purpose, at least at the parliamentary level. To me, this civic deficit comes significantly from the lack of

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information to the rest of the population. This is a democratic deficit—lack of proper information on a matter like this. It means that the politicians at the top—I say so generically—could do what they want without the population having any leverage to express itself as to the direction our country should take. That is why one fellow could say that one from 10 leaves zero. Everyone clapped and then they sang calypsos about it, forgetting the essential purpose of the movement.

This gap of information which affects a matter like this—this is a regional matter—emanates from the way the media is organized in the Caribbean. Madam President, in my view, it is shocking to find that there is no well-established Caribbean media house that could keep telling us in Trinidad and Tobago what is happening in Jamaica on a daily basis, and what the Parliament in Jamaica is doing, not only with respect to this Bill, but other legislations which have a real regional implication. Sometimes the British Broadcasting Company (BBC) gives us more news about the region than any agency in the Caribbean. Is that not an embarrassment to both the government and the private sector to leave that big gap? They are now speaking about cultural imperialism. To me, this is a shameful gap that we have to live with.

We had the Caribbean News Agency and it collapsed. Where is the replacement? Why was there not a replacement? The Caricom Heads of Government spoke a little about this matter, but it was a genuflection rather than a considered view to fill a gap to provide information for the Caribbean people that would have led the way towards sustaining an issue like the one that we are faced with today. The people are none the wiser as to what is happening. This is not only reflected in the Public Gallery, but also in the debates in the media. They just do not know.

The University of the West Indies (UWI) held a conference once or twice on this matter. I attended one of these conferences. This issue is not as straightforward as is documented here. [*Desk thumping*] It sounds nice and it feels good. I do not doubt that. In terms of sustainability, the implications are very serious, and also in terms of the economic disparities among the poorer countries and those that are relatively rich. I am not saying so to kill the dream; I am not saying so to tarnish the vision. I am for the vision; I am for the dream, but there is something called taxpayers' dollars and affordability. If all the dreams that we have could be realized then life would be sweet, but that is not how it is. There is a question of affordability and whether we have the economic and social infrastructures to support the proposal.

I am still optimistic, I think we can make a try. Certainly, in a Parliament, we are supposed to be frank in order to help the Government in its journeys toward

difficult waters. This is a very difficult challenge, and I am aware of that challenge. So it is not that I am sounding here and there pessimistic, but I am really using my office, for whatever it is worth, from my own readings of the issue and what I have heard from other persons who are so-called experts in this area, to lend some advice as to if you are moving, how to move cautiously.

Madam President, when the Government announced its plan for the Caribbean New Media Group, what struck me with that proposal was the word “Caribbean” and the word “new”. It is my view—if what I think this new establishment is intended to do—that if this media house is going to cater for the wider Caribbean on fundamental issues of the day such as the one that is before us today, I think the Government of Trinidad and Tobago would have taken a significant and a very welcomed step in a proper direction. [*Desk thumping*] If the business community challenges the Government as to not surrendering the company to a private enterprise, I also believe the business community, in the regional sense, should have put its money where its mouth is and opened a media house to serve the Caribbean people when the Caribbean News Agency collapsed. Once again, is this the case where the private sector in the Caribbean is risk averse? They ought to put their money where their mouths are. Whilst I understand the point that we are making about the Government remaining in control over the media, we must also take the parallel point that the private sector should have filled the information gap left by CANA a few years ago. That would have served a particular purpose of enlightening the Caribbean population as to the matter at hand.

I believe the important point here—I do not want to leave this matter by barely passing reference—is that if the Government has to establish a new media house it should try to cure some of the electronic ignorance that we are faced with on a daily basis. If the purpose of the new company is to raise the level of debate on issues of the day in a professional and impartial way, it would be supported. It is not necessarily by definition that if the Government owned a media house it would be biased. A sterling example is the BBC in England. The BBC has a professional board of directors and so forth. We know what happens when things do not go right in the boardroom. We have seen an instance of that about a year ago and that is so because of the intended independence and the public support for such independence.

In terms of news of this kind, debates of this kind and with respect to the treaty and what it implies, the Government could show some proper vision and leadership by establishing the media house, but keeping a far distance from it. In other words, it should not be business as usual by having a ministerial appointed

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committee, or a ministerial appointed board, because public suspicion would subvert the good intention. I would have preferred something like a public broadcasting corporation or a national broadcasting corporation, and pass legislation accountable to Parliament so as to preserve the independence and the intention of this particular new media house. The Government will save itself from having to go to court through litigation for bias under section IV of the Constitution, and preferential treatment, real or perceived. Most of these matters are sometimes perceived, but it takes a big expense account to just prove that this is a perception and not a reality. A government must remain neutral in such matters in order to protect itself from false accusations and misleading perceptions. I do feel a bit strongly on that matter. I do not know if anyone will take me on or think, think, and think about it. I want you to mark my words; this issue would be raised again. This is a very significant move, and I commend the Government for it. I would like to see the manifestation of that move within a particular civic context rather than a more political context.

I do not want to touch too much on the question of a common currency, but that would be the biggest problem down the road. In 1990, they decided upon the establishment of a common currency. Sen. R. Montano referred to his office being broken into, and my office was broken into twice. The significant thing about that is that it was done by a security guard at the university. So the people that you are hiring are the very ones that do what you are trying to avoid. We are really in a tight spot here. That is why I had reason to commend the police commissioner—just as a passing remark—for putting a freeze on recruitment, because we need a higher caliber of recruits, not only academically qualified, but in terms of character and values. That is the haunting issue in this country. People have certification without character. This is an epidemic. They have a piece of paper and they expect you to infer that there is good character behind it. There is a great discrepancy in this country between certification and character. As a teacher and a principal, I am quite sure that Sen. Augustus will want to agree to that matter. We who are in education are alarmed about this matter. The Minister of Education has pronounced several times on this matter and it is a big job. Where it starts is far beyond the reach of public policy. Madam President, a few days ago, you mentioned this matter, and I think you are on the ball as well. This matter does concern all of us and it worries us.

I am hoping that the Government will pay attention to the implications of the open-door policy, the open borders and the kind of traffic that we expect from all the other islands that would arise from this intended legislation. For example, if

you look at the Bills, we are going to make our borders open to human traffic—of course, in the first instance, of a particular kind—skills, qualifications and so forth. We have a definition here of a “national” which is in accordance with the treaty.

Madam President, in terms of the Bill, a national would no longer be a person like what we have now, for example, someone of East Indian descent, African descent, mixed, white or Syrian. There will be a multiplicity of nationalities. We would have to speak to people of St. Vincentian origin, St. Lucian origin and Barbadian origin, assuming Mr. Arthur decides to come this way. There will be a complexity of nationalities that we would have to deal with. I am not going to call the exact clause in the Bill, but when you read that clause you would recognize the expansion we are heading into.

Of course, as I said, this is the price we have to pay for the advantages that I have alluded to earlier with respect to a wider market and a greater range of skills. Certainly, especially if you are an energy producing country like ours—I am sorry the Minister of National Security left at this juncture. I would like the Minister to give this country—since the borders have been opened and human traffic for certain criteria are being opened—the assurance that there would be security at our points of entry in the immigration services, customs and particularly our ports.

Madam President, this is not a matter to be taken lightly. We have a habit in politics—I think the reason for it is because we are so busy with day-to-day things—to lose touch with the long term implications of certain policies. We have to be careful of matters of crime and national security alongside our discussion with respect to these two Bills. I would like to hear the Minister of National Security articulate some assurances. The Minister is aware of the matter. We want to hear that the Government is going to attend to this matter in such and such a way. That is all we can expect at this moment. The Government ought to be sensitized in some way or the other. This open-door policy is going to have serious ramifications especially when one reads the definition of “member states” and what is a “national”. People could come through the backdoor in several ways to injure and hurt your country—drug trafficking and even terrorism—and by the time we are aware of the matter, they would have disappeared because at that time it would be easy to appear and disappear.

I know the Minister of Tourism has a very keen interest in this debate. I think he was here first this morning. *[Laughter]* It shows you how his interest has been shaped. I would like to hear the linkage between tourism and the security issues that we are dealing with, like the ports of entries and so forth.

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We have just launched a graduate programme at the university in trying to select courses. We went to Oxford University and a number of other universities to see what is contemporary and what is useful, not only for today, but for the next 15 or 20 years. When persons are trained—some of them would be trained relatively young—you want them to have sustainability in dealing with the issues that would arise from time to time. Two of the courses that we have decided on at the sacrifice of others are: Economies of Crime, which will deal with the question of border opening and matters flowing from this document as to how it would affect our national security. The other course is Crime on Public Policy, which also relates to what we are doing here; what kinds of preventative policies or mechanisms are being put in place so as to facilitate the free movement, both of good services and people, and at the same time to make sure our national security is being taken care of.

Madam President, there is to some extent a spirit in the Caribbean towards unity, and that will always be there. As I said before, countries do not develop purely on the basis of a vision or on a goodwill spirit. Given the role of politics and the dependence on taxpayers' money, we have to make certain priorities and choices. I really believe the way forward is toward Caribbean unity; I really believe so. I am a bit reserved on—I hope the Government forgives me—the pace at which we would do it, and what we would prioritize, at least in the interests of Trinidad and Tobago. I believe that should be the Government's first priority. I do not think that is a matter of selfishness. There is a principle which is clearly annunciated and practised by the European Union, and that is you cannot strengthen the weak by weakening the strong. We do that many times in trying to help, and we weaken those institutions and sectors that are strong, and the process that is used weakens the strong in such a way, and they are never able to recover from that.

So it is not a matter of selfishness; it is a matter of good thinking and practical politics. I made reference to this matter in my budget speech with respect to the Government's social sector policies, and in a commendable way, I would describe it as "compassionate pragmatism". You could feel sorry and you could lend a hand, but you must be pragmatic to know where the limits are and what the feedback could be. I say so from my own experience.

Some years ago, we had a human rights organization in the Caribbean called Caricare. In fact, Caricare no longer exists. Caricare was from 1986 to 1992, and at that time, and even up to today, they are Members of Parliament across the Caribbean. Mr. Tillman Thomas is the Leader of the Opposition in Grenada, and

he was on the executive. There are persons in the Parliaments in Guyana and Jamaica and even in our own Parliament who were part of Caricare. Mr. Russell Martineau was also a member of the executive. I had the honour of being executive director. I am making the point because we travelled all over the Caribbean meeting government officials and civic organization, and the spirit for unity was there, but they did not know how to achieve it; they did not know what the mechanisms should be or could be. These documents seek to provide such a mechanism. There is still a far distance between what the people want and how to get there because of the lack of information.

Once again, I commend the Government for its Caribbean New Media Group, but if the purpose is what I think it should be and that is to lift debates on public affairs to an unprecedented level in such a way that your market share would still be achieved then that could be done, not only for this country but, moreso, for the region. The region is thirsty for knowledge about the sister and brother islands. It is a vacuum; it is a democratic deficit; it is a lamentable situation. I believe this is an opportunity for our Government to show proper leadership.

When I speak about cheating and the subversion of the treaty, if it does become manifested—we have had several cases even apart from the treaty, because of the vulnerability and the weaknesses of some of these islands like the smaller islands—economic improvisements—they are sometimes forced to make bi-lateral agreements, in spite of the Caricom Treaty. I am not only speaking about Haiti in that purely political sense where there is no unity and no consensus. That is just a symptom of how different we are in the Caribbean.

More than that, when it comes to whaling, when we should rise up and take some steps to preserve excessive whaling in the Caribbean waters, we bow to the knees of the Japanese. One or two islands would surrender to the wishes of the Japanese, in spite of the fact that they are violating our territorial waters in that particular respect. The same thing happens with respect to shrimp fishing—the nets that are used to drag the ocean floor. There is no Caribbean unanimity on such matters because these countries are poor. Their agricultural crops are going down like their bananas and other crops are being diminished on the international markets, and they are forced to surrender to the demands of the larger countries with respect to these two instances that I have pointed out. I am not even talking here about the Shiprider Agreement to show the dissension that exists within the Caribbean. I am merely saying that with that tendency, we have to be careful as to how we enter into practising the treaty, and not be caught with our pants down filled with excitement, but to find the dream not being fully fulfilled in the way that we intended it to be fulfilled.

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In studying the issue, I referred to a book entitled *A report of the West Indian Commission*. This book arose because of extensive consultations across the islands—14 of them—and the representatives of the six million people from these islands. There are two sections that should capture our attention. On page 109 it asked that the Caricom governments implement the common external tariff (CET) speedily. This is one of the recommendations that they have recognized. I believe this is the spirit in which my contribution is being undertaken. The creation of a single market and economy is an evolutionary process and the full benefits would be derived from the whole package of measures that are to be implemented. We ought to tell the people—if we insist on going that route—that they will not get paradise overnight, it would be incremental; and you would have to structure the stages at which such incremental achievements would be laid down—whether we would get more employment, or would we have to suffer a loss. I think Sen. Montano was making the point and it is a valid point. Will this weaken us? To what extent will this weaken us?

At the initial stage, there will be some trauma, and how the trauma would be divided is a policy issue and that could be linked to the manner in which we enter into the arena incrementally. How much pain can this country suffer? This country would have to suffer some pain because we would have to subsidize some of the countries in order to have a common market. In order to have your common tariff, in some instances, there must be some subsidies. If you listen to the country now, I must tell you that the country is not in a good mood with respect to giving other islands subsidies. I am not saying so because this is my view, but I am going to show you some pieces of evidence in a while. The best politician amongst us does not move according to his or her personal dreams, but he or she moves according to how the public thinks and feels, and that is why it is called a democracy and not autocracy. If it were an autocracy, I think you could disregard the people's view and say that your idea is better, you are the leader and you know best, but that will not work in a vibrant democracy.

There are other recommendations which support my point about the need for an incremental approach. You see, we have made several references—I think the Minister is a learned Minister in these matters. I do not think that I need to instruct him on matters about the European Union. I know the Minister is well read and well experienced in foreign affairs, but for the benefit of the country, and for my own sense of responsibility, I want to make reference to an article in the *Economist* dated December 04, 2004. I am just going to quote one particular passage to show you the need for an incremental entry into the single market and economy arena. The article deals with the difficulties European countries are

having with respect to establishing a single market. It is correct to say that they started this process a long time.

Madam President: Hon. Senators, the speaking time of the hon. 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. R. Deosaran: The European Union is saying that the wrangling over the directive toward a single market shows how hard it has proven to complete Europe's much wanted single market, and it gives the reasons for it. One of the problems facing the European Union is that there are so many countries that are rich and powerful. That is one of the reasons. This means that there are poorer countries in the bloc. In a sense, it might be easier to form a single market because there will not be so much rattling and wrestling, except in our case where there is such a gross disparity among the Caribbean islands. That is the difference.

Madam President, as I head towards my conclusion, I think the question of information is very vital, but there is a point I want to leave for reflection. I see so many steps being taken that do not reflect, what is in my view, an appreciation for what is democracy. Democracy is not only about getting decision. Briefly, I will tell you that democracy is about the process that you use toward coming to such decision. That is why democracy is so untidy, sometimes it is even inefficient, but it is the price that we have to pay for giving everyone as far as possible, a chance to have a say in the system. If we want that system we will have to live with the untidiness and sometimes the inefficiency. That is inherent in a democracy. If we want an efficient system—clear, firm, law and order—we could have a dictatorship.

It is said that in the Russian Constitution and the American Constitution there is freedom of speech, but in only one country there is freedom after. That is the lesson. It means that whenever there is a government, the government has to be there through the consent of the people. When a government makes certain decisions—important decisions such as the one facing us—there has to be some reconnection to the people, before it comes up again for the Government's action.

Madam President, I believe there is a link missing with respect to these two Bills. There has not been enough contact between the Heads of Governments and

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their respective population. That is why there will be some resistance. The politicians could move this way, and this would not be overnight because these polices are not rooted in popular understanding. I do not think that we should suffer the fate that the federation suffered some years ago. This is the bulwark against such possibility. Democracy is therefore secular. What we have across the Caribbean—that is why we have such weak public institutions—is that the Parliaments are weak and the checks and balances of executive power are weak. This is not because of the people who occupy them as incumbents, but they have inherited the system. There are no checks and balances over executive power in the Caribbean. Parliament is really what it is today.

I have to beg for some attention. In fact, if they listen to me and implement anything, I should be happy like pappy, because they are doing me a favour. I do not think parliamentarians should be done any favours. They should stand in their own right through the Constitution and the balance of power that is required in a democracy, so that there would be checks and balances on the role of the Executive and vice versa. The strength of the American democracy is not because there is a president elected by popular vote, but the strength of the American democracy rests on the nature of the checks and balances. That is the option they took when they became detached from the British Government. So when we speak about accountability and transparency, we have to put it into action in the ways that I am speaking about. In other words, I think we have to turn to constitutional reform quickly.

We cannot continue in this way with a half day sitting of the Parliament; we cannot continue meeting with such important Bills—and there are mountains of them coming—with a half day Parliament. [*Desk thumping*] Certainly, if you want to deal with these issues fundamentally, strategically and to the satisfaction of the population that we represent, we must have a Parliament that is close to being a full-time Parliament. I think we are cheating the system. I am not going to say that the Government is lazy, but I am very much apprehensive about the tardiness in moving towards a modern democracy by refurbishing and restructuring our parliamentary lives. What is the delay? [*Desk thumping*] This has nothing to do with the UNC or the PNM, but this has to do with the future of the country. In this particular instance, it would have served us better if our Parliament was structured quite differently, in terms of popular support.

Madam President, my final word is that as an incremental step and after some consideration as to the production capacity, the multi-sectorial status of these three countries—I would refer to these countries—looking at their trade

imbalances; their potential for industrialization and the labour markets, I want to submit to the Government that this is a first step to this arena of a single market and economy. A union should be formed moreso with Barbados, Guyana and Trinidad and Tobago. Sen. R. Montano was right, and after that you set certain criteria for the new entrants. The new entrants would have to learn to discipline themselves. They cannot spend willy-nilly—budget debt ratio out of hand—and expect to join and put pressures on these countries which have a greater form of discipline.

Finally, I submit to this Government, as an incremental move to this area, to consider the alliance of a single market and even a political union thereafter with Barbados, Guyana and Trinidad and Tobago.

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

Madam President: Hon. Senators, at this point we shall suspend for lunch. Lunch is being provided for Senators in the lunch room. We shall now suspend and we will return at 1.30 p.m.

12.30 p.m.: *Sitting suspended.*

1.30 p.m.: *Sitting resumed.*

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

Mr. Vice-President: Hon. Senators, earlier in the proceedings leave was granted for a statement to be made at this time.

**NATIONAL BROADCASTING NETWORK
(WINDING UP OF)**

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I am grateful for the opportunity to make the following statement, on behalf of the Cabinet, to this honourable Senate.

As we had previously indicated, the Government recognized that with mounting losses and disastrously declining market share, as well as many other deficiencies, return to viability of the National Broadcasting Network (NBN) was no longer possible. Cabinet, therefore, agreed on November 06 2003, to wind up the company and to start afresh by creating a new broadcasting entity. The way forward required, inter alia, a manpower separation plan for NBN and the preparation of a business plan for the new company.

The Government acquired the services of BBC Technology to prepare a business plan. This included an expanded mandate for the new company to become an active contributor to the development of the local and Caribbean

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broadcasting industry. The new entity will, therefore, be appropriately called “The Caribbean New Media Group Limited”. With the sensitivity required, the Government deferred the incorporation of the new company pending resolution of the manpower separation issue involving NBN and the three representative labour unions: the Electronic Media Union of Trinidad and Tobago (EMUTT), Union of Commercial and Industrial Workers (UCIW), and the Senior Staff Association (SSA).

Mr. Vice-President, the facts must be made clear, especially regarding the sequencing and timing of events. As early as November 06, 2003, Cabinet agreed to the new direction. On January 15, 2004, just about six weeks later, Cabinet agreed to the terms and conditions that the employees of NBN would be offered an enhanced termination of employment package (TEP). This included:

- (i) severance payments prescribed under the collective agreement in existence between NBN and the three representative labour unions; and
- (ii) a monetary enhancement with an overall average of 25 per cent over and above the severance and other benefits such as health insurance, employee assistance; financial counselling, outplacement services and retraining awards.

Immediately subsequent to this, extensive discussions took place on the matter of the enhanced termination of employment package (TEP) between NBN and the three labour unions, with a view of reaching agreement with the proposed terms and conditions. Unfortunately, difficulties arose and the three unions, themselves, referred the matter to the Industrial Court as an industrial dispute. The hands of the Government were then tied and we could do nothing further, but await the decision of the court; that decision came 10 months later.

By judgment dated November 08, 2004, the Industrial Court held NBN’s position on the enhanced TEP negotiations involving EMUTT and UCIW and declared that the company’s offer was not unreasonable and that it had not acted in bad faith. The judgment also suggested that the ruling should not preclude further possible discussions between the parties towards reaching an amicable accord. The board took its cue from the court and agreed that, subject to Cabinet’s approval of the new terms and conditions of the enhanced termination of employment package (TEP), it would take steps to initiate discussion with the unions with the view of obtaining their agreement.

The judgment with respect to the other union, SSA, was only handed down on November 25, 2004 and did not depart radically from the judgment received on

November 08, 2004. As you would recognize, due to no fault of the Government, time had elapsed and there arose the need for new terms and conditions of the enhanced TEP. These had to be somewhat different from the original offer due, primarily, to a later date of departure of employees and a revised proposal for collective agreement for the period 2002-2004.

The Cabinet also noted that the matter involved complex policy issues, especially on the question of governance, where three possible scenarios were available:

- (i) complete private ownership;
- (ii) a mix of public and private ownership, including employee participation; and
- (iii) full Government ownership.

The matter was before Cabinet and was deferred on December 02, 2004 for two weeks to enable ministers to analyze the issue. Consequently, Cabinet at its meeting of December 16, 2004, made its final decision which included:

- (i) an enhanced severance by between 25 to 30 per cent;
- (ii) continuation of health insurance for an additional period of 12 months;
- (iii) employee assistance;
- (iv) financial counselling; and
- (v) retraining.

These decisions have been communicated to the board of the National Broadcasting Network (NBN), which had been requested to develop a plan for operationalization with particular reference to the following: the time frames for the separation plan; the accommodation for the new company; and the number of television and radio frequencies to be transferred to the new company.

The board has now proposed, in respect of the manpower separation plan for NBN, the following:

- (i) date of offer, December 28, 2004;
- (ii) close of offer, January 05, 2005;
- (iii) notice of acceptance, January 07, 2005;
- (iv) date of release, the final day, January 14, 2005.

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We have no doubt that the workers will see the wisdom in accepting the package, the total cost of which amounts to \$32 million; further evidence of the fact that the Government continues to act in good faith. The other two matters, namely, accommodation and the transfer of radio frequencies, will be considered by the board of the new company when it becomes operational.

Mr. Vice-President, the future is ahead of us. The new company, CNMG, will be 100 per cent State owned, but the ownership structure will be the subject of continuous review. The organization will have a mandate to operate on a commercially viable basis. The Government will provide \$71.5 million to finance its first year of operation, which will include the purchase of equipment at an estimated cost of \$50 million.

The Government is committed to ensuring that the employees of the National Broadcasting Network receive a fair deal. This matter has been affected by miscommunication and this has led to anguish on the part of employees; this we deeply regret. I have, therefore, outlined the time frame which underpins the decision process in order to illustrate that the Government has acted with due diligence in the matter.

The new company will be faced with two major issues if it is to become commercially viable; the first is the quality of its programming. The second is to ensure that the company is managed in such a way to assure the public of its credibility and integrity. The Government will do all in its power to facilitate this objective.

Mr. Vice-President, I thank you.

Sen. Mark: Will we be able to debate the statement, because it has some far-reaching implications?

Mr. Vice-President: Not that I know of and, certainly, not now.

Sen. Mark: But would we be able to debate it at some time in the future?

Mr. Vice-President: That information will come to you in due course.

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Sen. Sadiq Baksh: Mr. Vice-President, I join the debate at this time, after lunch, having been able to give a lot of thought to all that took place here this morning and after also giving some thought to the thinking in 2001, when we participated in the furtherance of the dream for a Caribbean Single Market and Economy.

At that time, when we looked at the desirability for the unification of the region, we saw it as an important step, not only in Caribbean unity, but also in the economic viability of the region. At that time, the then Prime Minister of Trinidad and Tobago was, in fact, the Chairman of Caricom. Immediately on the signing of that Treaty, two senior members of Cabinet had the responsibility of chairing two committees to further put in place the machinery that would make that dream a reality.

The then Minister of Finance chaired the committee on the establishment of a single currency as a prerequisite for the establishment of the CSME. I am aware of the discussions that took place at that level and I am also aware of the pitfalls that were seen, at that particular time, in terms of the unification of the currency within the region. The then Government had to deal with the issue of a currency in Guyana that would have been trading at Guyana \$145 to US \$1.00, at that time, to a situation in Barbados of Bd \$2 to US \$1.00 and the consideration of the possibility of Haiti becoming a member of the Caribbean Single Market and Economy. Within that context, discussions started to take place and also the looking at the possible necessity for the dollarization of the economy.

When you had to look at a basket of commodities within the region and having to come up with a single currency to be traded in every member State, that would have been one of the key pillars upon which any unification had to be considered. At that time, we saw that we needed to get all the member States together to come up with a solution to that particular problem. Then we went out of office and we had another administration. I would have thought that the Minister of Foreign Affairs in making his presentation, as precise as he did, would have alluded to some of the steps taken since 2002 to further the discussion and to allay the fears, in terms of Trinidad and Tobago, and to reassure us that we would not face a devaluation in a situation where you have the unification of the currency within a Caribbean Single Market and Economy.

I am still hoping that somebody on the other side will respond to this very important issue so that it would assist us on this side to fully understand the work that went into making that dream a reality. I am happy that the present administration shares the dream that we had, but I assure you that we put in the hard work necessary to make that dream a reality and we want to know how far it has progressed since then.

I, then, had the responsibility for the transportation policy for a future CSME. We held discussions with Air Jamaica, BWIA and Liat, with the possibility of having a regional carrier. A prerequisite to the establishment of the CSME would be the provision of efficient transport, and not only air transportation, but we saw

multimodal transport as a prerequisite. We saw agricultural produce coming out of Blackbush in New Amsterdam, coming down the New Amsterdam River and then being transported throughout the region, as a prerequisite for the improvement of the quality of life of all the citizens in the region. I am not sure what happened since then. When the Government came into office did it put in place a system that would further the desirability for a regional carrier? Is that part of the agenda for the coming into effect of the CSME?

In addition to that, we looked at sea transportation. Sea transportation to serve the region would have taken us back to a similar situation, when we had the *Federal Maple* and the *Federal Palm* stopping off in every member State. Mr. Vice-President, why integration? Integration is about the free movement of people, produce and products throughout the region. What has this administration done since coming into office, from 2002 to now, to further the improvement of the sea transportation link between member States, in the proposed Caribbean Single Market and Economy?

In terms of road transportation, we saw people, possibly, flying from the interior in Guyana, coming to Georgetown, taking a boat or plane or driving a vehicle onto a row row ferry service coming between Guyana and Trinidad and Tobago, and the vehicle would be able to dock in Port of Spain and drive to a destination in Trincity or San Fernando and deliver its product or produce.

Those were three major areas we looked at and we also considered what was going to be necessary for the unification of the procedures and policies and the regulatory framework that would facilitate such a provision. What did this administration do since then to improve and move forward that kind of policy?

Mr. Vice-President, if I am to base this administration's performance on what we left, I would find it difficult to believe that they would have improved it in any way at all. In the area of air transportation, can I really expect an administration that cannot provide aviation fuel in Tobago to establish a regional policy on air transportation? [*Desk thumping*] I find it extremely difficult. I find it even more difficult to understand how the unification of a transportation policy could take place in the region when you have a Minister of Works and Transport that says he wants to phase out 12-seater maxi-taxis.

The 12-seater maxi-taxis are the vehicles used in Grenada to navigate the roads in Gouyave, Grenville and other areas. In St. Vincent, in Carriacou and Mesopotamia you only use 12-seater maxis. Is it that we are already creating a situation that is not taking into consideration the Caribbean Single Market and Economy to say that we will phase out 12-seater maxi-taxis, when that is the

major mode of transportation in the islands? So if you are using a row row ferry service coming in from those areas, when you reach into Port of Spain you will find yourself stopped by an artificial barrier created by an administration which made policy that did not take into consideration the reality of the CSME, but comes to the Parliament to try to push it through. We have an administration that talks, but does not have any real clue about converting that talk into action; converting that word into deed and making that dream a reality.

In terms of sea transportation, when we were in office and were planning for the CSME, we held discussions about using the Port of Port of Spain as a major transshipment port in the region. To ensure that bigger carriers would be able to dock in Port of Spain, we dredged the harbour to facilitate Post Panamax vessels so they could be broken down into smaller quantities and shipped to the other islands; the same thing would have also been possible in North Jamaica. So you could see a service taking place where the practical, harsh reality of a transportation network would facilitate travel for citizens but, more importantly, for goods and services to be transported around the region. I want to hear from this administration how far they have gone forward, in terms of the sea transportation link for the bringing into force of the CSME.

I only anticipate more problems, in terms of regional integration, with the CSME, based on the present performance of this administration. At present, a Caricom national coming to our ports of entry at Piarco or Port of Spain is subjected to some of the most inhumane treatment you can think about. Being armed with a passport, money and a return ticket to Guyana can still land you in extreme difficulty at our port of entry at Piarco. Under the CSME, where a person is allowed entry without a passport, return ticket or money, can you imagine the problems he would have? They would show him how they want to facilitate Caribbean integration and ship him back to Guyana. I can anticipate that, based on the current performance of this administration. All that would happen is that you would free it up in words, and in deeds you would ship them back; you would show them all about Caribbean integration and CSME and ship them back. That is how you would do it.

The procedures necessary to allow a vehicle leaving Port of Spain to go to other parts of the region will be even more cumbersome or worse, in that, we do not have a licensing regime for private vehicles anymore. You could leave Trinidad and Tobago in a private vehicle without a sticker showing a registration and travel to Grenada; whereas all other Caribbean territories have a licence display sticker showing the year in question. In other words, any vehicle could go;

that is part of our system. Are we ready for the unification of these things in the time frame set out here? All these things should have been in place before coming to Parliament. At least, we should have had the management structure of the CSME in place to show us, in a detailed way, how it will operate with Trinidad and Tobago and all member States.

The establishment of the management of the CSME is not only in terms of transportation and a Caribbean single currency. How will it be administered? When I look at the committee that will manage the whole Caribbean Single Market and Economy, I see it as cumbersome and bureaucratic, not to mention the cost. Who will bear the cost? How will it be borne? Is it that we expect Trinidad and Tobago to carry the brunt of it? Or will Trinidad and Tobago, Jamaica and Barbados carry the brunt of it? Where would the manpower come from to manage all these committees and the entire transition from where we are today to the CSME? I expected somebody on the other side to show how it would be managed and implemented and say where the manpower would come from to do all the things we expect. Most of all we have not seen a projected budget for its establishment and management and payment for the manpower required to administer the CSME.

We have not heard a clear position in terms of the machinery that will be established to have a functioning CSME within Trinidad and Tobago and the region. Jamaica, Barbados and Trinidad and Tobago are expected to have all the legislation in place by December 31, 2004 so as to facilitate other members coming into the organization by December 31, 2005, to have the full CSME in place by January 01, 2006. We have not been told what would be put in place to maintain the CSME in good order when it comes into being in 2006. Having the management, manpower and machinery in place, you need to maintain it; to have it monitored on a daily basis to ensure that wherever there are kinks in the armoury, you will be able to iron them out smoothly so that it will not suffer the same fate as the Federation, as the hon. Senator mentioned, with only Federation Park to show, for all the hard work that went into the establishment of the CSME.

We must have proof, from the other side, of the coordinated effort of all Government departments. The department responsible for trade and commerce must be, especially, geared up to facilitate the CSME. At present, we will be moving from a system where we will be collecting duties at our borders, where we will have customs and immigration officers. In 2001 we envisaged the establishment of "smart" borders. At present, with all the travel restrictions in place, we have long queues and processing times and we have a lot of

inefficiencies, in terms of entry requirements. We saw it important to have the establishment of a “smart” border, in that, goods coming into the country would be scanned and not have to go through that long process, because we will be operating like within an internal state with the establishment of the CSME. Do we have anything in place for transshipment? What about goods coming into Trinidad and Tobago from Guyana, Jamaica or Barbados to be transshipped to other destinations outside the CSME? What thoughts went into how we deal with those issues?

The harmonization of all the policies, procedures and regulatory framework of all the member States participating in the CSME, in the future, but, more importantly, those that will need to have their legislation in place by December 31, 2004—Jamaica, Barbados and Trinidad and Tobago—should have already been in place before coming to Parliament, so that it will be able to push forward, in terms of the establishment of the CSME. Based on all that I have said this afternoon, unless someone on the other side can assure us that all these issues were taken into consideration and that it is not only because we signed it in 2001 we should now rubber stamp it, they need to show us what they have done to improve on the foundations that we left to facilitate the implementation of the CSME.

Having said all that, we must fix Trinidad and Tobago first, before we enquire about whether Jamaica or Barbados has it in place. We must not allow ourselves, as a Parliament, to fall prey to exactly what the hon. Prime Minister fell prey to, in terms of trying to fix all the other Caribbean territories first. If you look at the University of the West Indies, Ansa McAL Centre poll during the last week, you will recognize that for the first time in the history of Trinidad and Tobago it is almost unanimous—this is not a PNM thing; it is not a UNC thing—84 per cent of the people polled, across the board, said that the Prime Minister should fix Trinidad and Tobago first before fixing any other Caribbean State.

We have no problem with Caribbean integration. We have no problem with the Prime Minister assisting any other Caribbean territory. We want him to fix Trinidad and Tobago first. We want him to ensure that he will put an aviation line from Petrotrin in Pointe-a-Pierre to Tobago, before he sets a pipeline from Pointe-a-Pierre to Grenada. You cannot expect to run out of aviation fuel in Tobago and then talk about sending gas to Grenada; that is just not practical; whether CSME or not, that is the reality: fix Trinidad and Tobago first.

Mr. Vice-President, I do not understand this administration. They are talking about setting up a news network to serve the Caribbean. You have the National Broadcasting Network (NBN) that could serve Trinidad and Tobago good and

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proper, but you want them to serve the Caribbean. “Yuh setting dem up yuh know; telling dem dat dey eh good for a small place like Trinidad and Tobago, but dey better for a big ting.” You want them to take on the whole CSME. “Show dem how yuh care; fire dem and tell dem yuh giving dem a bigger job.” [Laughter] I really cannot understand this administration. “Yuh fire the whole staff at TTT and then tell dem yuh giving dem a bigger job to cover de Caribbean.” [Desk thumping] [Laughter] I cannot understand that. This cannot continue. You cannot say one thing and mean something else; you cannot fool all the people all the time. It is the thing you did with BWIA. “Yuh fire 517 ah dem and tell dem yuh making it better.” “Yuh know wha happen?” “Dey cyar fly now.” [Laughter] “Yuh coulda fire all of them and make it de best.” [Laughter] If you fired 517 BWIA workers and you made it better; fire all and make it the best airline in the world. [Crosstalk]

That is the policy of this administration. “So yuh fire everybody at Trinidad and Tobago Television (TTT) and tell dem yuh give dem a bigger job; and dey expect TTT workers to thank them for dat.” I really cannot imagine that; I cannot understand that. That is why I warn this Government that it must put in place all the systems necessary so the CSME will function and will not be another Federation, but make Trinidad and Tobago better for all of us.

I thank you.

Sen. Dr. Eastlyn McKenzie: Mr. Vice-President, I have looked at the Bill before us and I noted some points. I would like to pose some questions to the hon. Minister of Foreign Affairs. I noted that 14 countries signed the Treaty. As of today, or expected by the end of this month, how many would have passed the relevant legislation, as we are doing today? I want to know also, what do we do if this Act is proclaimed and the Caribbean Court of Justice (CCJ) is not in force? For example, we noted that when Tobago had the dispute with Barbados over the fishing problem, the matter was referred to an international court. In fact, we got an update from the hon. Attorney General. We saw the backlash from that, because goods coming out of Trinidad and Tobago attracted higher duties and restrictions, et cetera, from Barbados.

What would happen then if something were to happen, our Act is proclaimed, we do not have a CCJ in force and we have another problem, be it between Trinidad and Tobago and Barbados or some other territory? I also want to find out if there will be any penalties if a country that has signed, as we have, opts out of the Treaty agreement, or the passage of the legislation is delayed. If out of these 14 countries, by the end of 2004, we have eight passing the legislation, is

there any punishment for the next six or does the whole thing become null and void? I would also like to know whether the Community has set up the regulations to have the Treaty working.

Mr. Vice-President, I looked at some of the literature on the European Union, its formation, history, et cetera, and that prompted me to ask this next question. Will the implementation of the Treaty be done in stages? Would we have a sort of staggered implementation? For example, will we have the movement of people first and then we have something else and so on, because we have very many aspects to the Bill? I ask again, as I read in the European Union's history, whether a country within the Community could come on stream at a later date? For example, when the European Union started they had six; then four more and then it increased. In fact, from my research, there was one country—I think it was Norway—actually signing, doing everything else and when they took it to the people, the people voted against it in a referendum and they had to back off and could not become a part of it. I would like to know what happens in a case like that.

Is there any provision that a community could become a part of the Treaty? In other words, could Dominica say, "Well, look, I am only interested in the trade aspect of it, but I do not want my people to go and I do not want your people to come."? Is there that type of option? For example, I believe some countries would say, "We do not want our people to leave because you have higher salaries in Trinidad and Tobago; all of them will come to Trinidad and Tobago and we will have a brain drain in our country and we would not have any teachers, nurses and so on." Could countries do that?

Mr. Vice-President, I noted that the countries were categorized; there were lesser developed and more developed. Would the difference in economic development of these individual States affect the implementation of, let us say, the industrial policy, manufacturing policy?

I want to support Sen. Baksh in the question of the regional airline. It is ironic; we cannot move people between Trinidad and Tobago whether by air or sea. Right now we have the wet lease going on; part of it has actually gone. Just recently the *Panorama* was sent to Grenada with relief supplies and we had to shut down the sailing to Tobago. There had to be an announcement and people had to be inconvenienced, regrettably so. I am wondering what will happen. I am also wondering how we are going to solve disputes, if we have them cropping up. Let us say the Bill is passed today; the President makes the proclamation;

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everything is done; we have a dispute and we have no CCJ. Do we still go back to the International Court or whichever agency deals with it?

The Treaty that we are looking at affirms that the original jurisdiction of the CCJ is essential for the successful operations of the CSME. I am wondering whether we are not jumping, putting some things that should be put before. In view of this Treaty, have the organizations and institutions of the Caribbean Community and the Common Market been restructured and have their functioning relationships been redefined as stated in the Treaty? In fact, that is one of the foremost objectives of the Treaty.

I have noticed there are some countries within the Community—I think it is Barbados—that when we look at the regional news, after the TV6 news, we see some individuals, business people in Barbados and where have you, advertising who they are, what they do and talking about the CSME, how great it is and that now they would be able to do this. I ask our hon. Minister of Foreign Affairs whether we have that type of advertisements in those other countries, too. Do we say, “Well, look, I am so and so”, or “We are so and so and we do this very well and I am proud that we are going to be a part of it.”? I do not know, because I have not been in those places to see.

Mr. Vice-President, I also noted the organizational chart of the CSME. We have at the top the “Conference of Heads of Government”. Obviously, that is where our Prime Minister would be. Then we have “Community Council of Ministers” and we have different subheads coming under. We have a council of finance and planning; a council for trade and economic development; one for foreign and community relations and one for human and social development. Have we in Trinidad and Tobago begun to set up these councils? I would like the hon. Minister to throw some light on that.

I want to draw, for a few minutes, a sort of reference to the European Union and how long it took them to get where they are today. Actually, I read last week—I think it was Turkey—was trying to get in and they were hoping that their case would be accepted, because they are trying to add to these 24 countries. These countries started, actually, on one area of interest. These countries started in 1950/1951 and there were just six of them. They just started with coal, steel production, trade and nuclear energy. As time went on, they added more areas and more countries joined. That is why I posed the question whether we could not think of saying that, probably, the more developed countries could begin. As Sen. Prof. Deosaran said, they, probably, could start with three or four countries and

then, with time, you expand, you increase and more countries come in, rather than starting all at the same time and people feel that they are getting squeezed.

Not everything that the countries now in the European Union did in the 1950s they succeeded at; at times they failed, but when they failed it did not mean that the whole thing broke up, as Sen. Prof. Deosaran hinted with the Federation. Not because you fail at, probably, another step towards the CSME, that the whole thing has to collapse. Trinidad and Tobago has to be very careful it does not give the impression that our country, as being more developed and having more resources, et cetera, that without us, “You people will be worse off or you people will have no CSME, because we are the real force between the whole thing.” We have to tread very carefully how we deal with the situation and deal with it in a very diplomatic way.

After the steel, et cetera, the European Union continued the free movement of goods, people, capital and services. We have started the other way: with goods, people, capital and services. They started in an area of interest that caught the attention of the other countries and we have to be very, very careful about that. Along the way, other countries joined. In 1994 Norway negotiated; they signed the accession Treaty in 1994, but the voters rejected the membership in a referendum; so we have to look at that.

From my research, as the world changed—as Sen. R. Montano said—and things did not remain the same, the European Union added more areas in their whole functioning. Their community expanded in environment; research; education and training; they went on to action in foreign security, then justice and home affairs policy. That dealt with a very important point that Sen. Prof. Deosaran made about immigration, asylum, judicial cooperation, civil and criminal matters, police cooperation against terrorism, drug trafficking and fraud.

I want to say two things to the Government: one, we could stagger how the whole thing is implemented; two, we could allow countries to join along the way. We could expand our interests from what we have prescribed in the Treaty as we see what is happening globally. I do support the whole question of Caribbean integration, but I do not think that we should do everything all at once. I think we have to tread very carefully and we have to actually set up our systems one at a time, even if we do them on a pilot basis, see how they go, review, revamp, restructure, but, please, I would hope that we would get it right.

Thank you, Mr. Vice-President.

Sen. Mark: Mr. Vice-President, a short while ago we were circulated a number of Articles that were not contained in the original Treaty. I will like you to guide us as to whether Senators will have the right to speak on these new articles. I do not know if you have a copy, Sir, but I think you should get a copy of these Articles that have been circulated. They were not incorporated in the original document. I think Senators have a right to speak on these matters.

Sen. Jeremie: Mr. Vice-President, my understanding is that the Articles to which Sen. Mark refers are, in fact, pages of the Schedule to the Act. The Schedule to the Act is the Treaty. The original Treaty is lodged, as all these treaties are, in the Ministry of Foreign Affairs. I think the extradition Act posed a problem in relation to the listed countries there as well. Photocopying and typographical errors are made, in terms of the transcription of the Treaty into what comes before the House. That has, in fact, occurred in some cases and there are some pages missing in some bundles. My understanding is that has now been clarified, that is to say, the missing pages have now been circulated and they ought not to pose a problem.

Sen. Mark: Mr. Vice-President, I agree with my colleague; all I am asking is seeing that this Treaty forms an integral part of the legislation—except if the Attorney General is saying that the Treaty is of no value and we are just dealing with the Bill, but I got the impression that the Treaty is part of this debate. We have about eight pages here that went missing and we have just discovered them. I am asking whether Senators who are to speak and those who have already spoken would have a chance to deal with these matters. Do you want us to deal with that in the second Bill?

Sen. Dr. Saith: Mr. Vice-President, my understanding is that only in some copies were pages missing.

Sen. Mark: My own is here and they are missing.

Mr. Vice-President: Sen. Mark, please allow the Minister to finish.

Sen. Dr. Saith: In some copies a few pages were missing. Because we do not know who have the ones that have fallen, we have circulated them so that Senators know what the missing pages are. We are trying to ensure that as we pick up a problem, we do make it available to the Senators.

Mr. Vice-President: Hon. Senators, I certainly agree that any speaker to come could speak on the matter. In terms of those who have already spoken, time permitting, it will be considered.

Sen. Brother Noble S. A. Khan: Mr. Vice-President, thank you for allowing me these few moments to share my thoughts on the matter before us. The scope of this Bill is expansive though only comprising seven pages. It covers a wide spectrum of the role of governance and its implications, as it states, and goes beyond our own country.

Let me, at the outset, express my feeling on the reassurance in the operations of the Senate, which derive from the action which the President took and allowed for the present debate. The President's action eliminated any suspicion of an attempt to foist or to surreptitiously impose this Bill on the Senate. Regrettably, within the last few moments, we saw the emergence of an issue that was, obviously, a slip up. I would not like to think in terms of it being just plain contempt or taking the Senate to be just in passing. My own feeling, however, is that the action taken by the President would be a landmark in the parliamentary history of our country.

Mr. Vice-President, I also extend congratulations to the hon. Minister of Foreign Affairs on his presentation of the Bill and to his ministry and those in the past that were instrumental in this Bill being here today.

I have always felt that our country has a bigger role to play in the regional and international scene, on the global stage. As small as we are, we have many blessings, among which is our diversity, drawing as we do from the great civilizations of the world; perhaps, more so than any of our Caricom partners; but importantly, how we have managed our differences, in the widest possible way, in aspects of the faith-based systems and the various areas of arts, culture and other areas of human endeavours, which we find interacting in our country.

2.30 p.m.

I would particularly like to add that the non-governmental sectors have contributed substantially to this. After all, there is connectivity between our lives, there is an interrelation. Someone said that no person is an island. I take this as entire and to oneself and even every island is connected to a continent, or is part of a mainland. Looking at it dispassionately, no island, no nation, and no individual is independent, that is, no one is unrelated to life outside of oneself, we are all interdependent.

In this thrust therefore, our Ministry of Foreign Affairs must stand as a flagship if we are to make a thrust forward. We are amending the 1973 Treaty of Chaguaramas after 30 years. A long time has elapsed and questions will arise, why now. Where do we get the feedback? Where do we get answers? Where can

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we put in controls? These questions are not strange; one could expect that they would have arisen.

We do recall earlier by some of the previous speakers who had contributed to the debate, and the hon. Minister has indicated that these are likely to emerge as the debate continues. Problems emerge everywhere; they are the dynamism of any living organism and a fact not unknown. Some may say that the great problem facing humankind is that there is a great disparity in the balance between our spiritual and material selves. If there is no balance, there is disharmony, and this is not desirable.

Some may claim that the means by which we pursue our existence are beyond our spiritual ends for which we exist or live, and the pursuit for the answer to ascertain the real cause of the emergence of these problems which may be negative, may start by having a look within ourselves with our hearts and souls. This prescriptive approach can definitely be one which we can consider.

Mr. Vice-President, as I indicated earlier, the revision of the treaty has far-reaching effects. As you know, decisions and actions are not taken or made by states or private companies, NGOs, and Community-Based Organizations (CBOs), but by people in those organizations. It is widely held that people are indispensable to organizations, they make organizations and it is the people who are to implement the Revised Treaty superseding the original 1973 Caricom Treaty. This is inescapable, and some may say that community equals people. This Bill would not have been before us if there were no people. The Bill deals with resources: people, men, methods, money, materials and machines to use a matrix which may be a pike, but still has some relevance.

Mr. Vice-President, with due respect, let us remind ourselves that very often when difficulties arise, it may be that resulting trouble is not so much that we do not have enough, but it may be that we are not good enough, possibly not being able to meet the challenges by being properly equipped. It may be that the tools are not available and even the availability of technology of science, intelligence and of genius are lacking and it may be that it is our moral selves which cannot match or are able.

It has been said that as individuals, there is a start to living which will arise above the narrow confines of individualistic concerns of self towards the broader concerns of humanity of living for the sake of others. That is concisely put. This is a way in which we can possibly address and reinforce ourselves.

When we speak of love, not some narrow sentimentalistic response which very often we can identify with, and speaking of that singular potent force

espoused by all the great faiths and which has been the supreme unifying principle of life that emerges from the eternal fountain, the Creator. I do not wish to sound pedagogic, but this is enshrined in our Constitution and there is a nexus between what I am saying and what is before us—that is the position of the Creator—and you may recall that this Bill may have relationship to specific sections of the Constitution by one of our colleagues. The Creator, from whom we can draw, has always been there and our country has rich traditions of the way to Him, and we can foster and build upon this connection for our development.

The long-range goal of Caricom can be viewed as seeking the betterment of Caribbean people and the share of the wealth will be a primary technique of doing so justly. One wonders in this era about small groups of people who are living superfluously and dealing inordinately with wealth while others more numerous, live in abject and deadening poverty. Would this contribute to this laudable goal of equality? There is need to address that gap.

We must look at the indices of success in these 14—15 countries as we expand at the individual level. We must look at our salaries, our bank accounts, local, regional, foreign and beyond, our size of automobiles and so forth. Could we not manage these indices? What about the quality of service to our citizens, and our quality of service to humanity? Would Caricom and its Revised Treaty address freedom? This is an important concept. Remember to rob one of one's freedom is to take away that person's essential basis of selfhood. This is easily achieved by the endemic unemployment rate, lack of basic facilities, for example: water, housing, medical, education, leisure and so forth.

Mr. Vice-President, while not exclusive to Caricom, injustice can go to greater heights: how we treat with one another, discrimination, race, class, creed and whatever differences that exist. On the question of differences, they do exist, they are natural, it is a feature of humanity, but what we have to do is build on the positives of those differences and they ought not to be used in any despicable way. Our differences are our strength.

Can we take Caricom leaders away from the culture of debt or the morass of helplessness which so many seem to feel we are heading into and may very well be ending up with national debts that cannot be managed? Increase in widows and orphans, growing poverty, a population which is encompassed, psychologically deranged and physically handicapped in numbers with which we cannot really deal.

I would also like to address the question of state governance. We are told that the Revised Caricom Treaty deepens the processes and benefits are to be

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envisaged. We hear of increased trade in and outside of the region: markets, economy, movement of resources, labour, capital, machines and capital goods. The old labels of land, labour and capital seem to have been replaced but the soul still remains. We are still impoverished as before.

What and who directs the wider world economy? This is an important factor: the International Monetary Fund (IMF), the World Bank, various trade groups, World Trade Organization (WTO), giants from the north. And who from the south, sharks? How do we benefit both geographically and politically? We are motley specks in the sea.

You will recall, Mr. Vice-President, and I think it was a gentleman from France who had referred to us in this matter. I recall too, that one of our great teachers had referred to some of our islands as “monuments of backwardness”. Would Caricom be telling anyone to go to France?

Last week I spoke to two persons belonging to our Caribbean family from Martinique, which in theory, is part of the Republic of France. Beautiful people, and full of life in the spirit. The feedback for them was great physical development, but a lack of what we may call soul. Venezuela was once a threat; one wonders if that still exists. What is the new situation? El Presidente Chavez and his manoeuvres with Dr. Fidel Castro. I seem to feel that if there is a living hero in the Caribbean, it is Dr. Fidel Castro. Was he not referred to at one time as the symbol of the revolution in the West? Later on it was espoused that Castro's model was not the way to go. Changes some would say were gymnastics. Of course the world is dynamic and in our local parlance: “Whey ain't pass yuh, ain't meet yuh yet.”

I guess that diplomacy will have to deal with these dynamics. There may be changes in growths and growth paths, possibly sustainable, or maybe pathological or even fatal. These are things that we have to look at. I also recall a past leader from North making references, perhaps drawn from the Hollywood stage, words to the effect and in a true cowboy style that you cannot be in my backyard and do things that I do not like. You would recall Grenada, Panama, Nicaragua, and Haiti all within the Caribbean basin.

Despite the formal constitutions that established the independent territories of the Caribbean area, it is generally felt that the leadership style of the area is highly autocratic and there leaves much to be desired insofar as the actual working of the democracies. I would like to think in terms that when we use democracies here we are apostatizing.

Even Trinidad and Tobago calls for constitutional changes and practices and this is primary and should be of top priority. This question of governance has implications for the success of the Caribbean area considering the global scene.

Again, I repeat, there is need for addressing constitutional change in governance and governmental practices. One gets the feeling that the big brother syndrome will be a permanent variable. The Bill refers to the economy and the question of being economically viable has been with us for as long as one can remember and questions of our very survival are still very relevant.

I would like to think, too, that even in our coming together as a nation, we can look back maybe a century or thereabouts to see how this affected us and particularly the next partner of our two islands which is in a very prostrate stage. One of our colleagues, Sen. Mary King has already given a very insightful contribution with respect to the economy.

To the man-in-the-street, our own Caribbean men and women and our Caribbean children, I would expect, like myself, that they have much hope but I would not be surprised that this hope is tainted with a great deal of cynicism obviously not without some reason. The question is who is to benefit? Will it be us?

In addition, we in Trinidad and Tobago are deeply involved in Caricom. Trinidad and Tobago has been one of the architects and with us there is the current claim that the windfall from our oil and gas is not reaching down. There is talk at this time of ham, lamb and jam for some but not for so many like the dispossessed and the poor. For those of us who have some elements of soul, heart, or feeling, can pay particular attention to what I have said: ham, lamb and jam for some but not for so many, the dispossessed and the poor.

One wonders what implications this has for the poor in our land, and by extension, to those of this group in the other Caricom countries. If there is one thing that binds us, it is the binding of poverty throughout the Caribbean area. The idea of Caricom in its various forms, federation, et cetera has been around for some time and I am sure that for some of us, particularly the older ones, and I am sure you too, Mr. Vice-President, it brings to mind a bitter taste.

We can think in terms of arithmetic. When I started off, it was not around, it was new maths and binary where you count zero and one and there was a famous mathematician in our time, who, in his computation said one from 10 leaves zero. Perhaps he had anticipated binary. Then again we may have to consider the question of analogue and digitals which today are very much high profile in the age of technology and particularly concepts of the computer types.

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There are some institutions that have been basic for many years and added identification to Caricom. These are the things that make us a people; our slavery, indentureship and colonial heritage, University of the West Indies and other institutions, education, cricket, diet—I am sorry our dear friend and colleague Minister Montano is not here—yam, cassava, maize. Also the culture and the arts, things that bind us as a people and, of course, one of the invisibles. We think in terms of ganja that really stretches throughout the islands.

Mr. Vice-President, my own feelings are that we can succeed, we must succeed, but like everything else, success comes with striving and sacrifice. I remind us of certain areas for change which should begin with each of us. I am sure all of us would have thought about them at some time in our reflection but this will obviously take some elements of commitment.

Mr. Vice-President, within the last few months our beloved country has been blessed with a flourish, an emergence of strong spiritual forces from ancient traditions such as Hinduism, Islam, Orisha and Bahai and we are now in the celebrations of the birth of the Christ Child for which our Christian brothers have a special attachment and for which the rest of our nation identifies as it has done for so many decades. This we do in our unique way exemplified by practice.

Peace, justice and love are universal and are included among the attainable objects which we all seek. There could be no peace without justice and neither could there be justice without peace, and the bridge to bind them is love, the love to which I have alluded before. If we are to have peace on earth and goodwill to all men, so relevant at this time, these are non-conditional affirmations of the sacredness of our human lives. Let us therefore remember to put relevant practices in our lives and by extension, into the Revised Caricom Treaty by way of the Bill which is before us.

Everybody is somebody because that body is a child of the ever living God. Mr. Vice-President, with your kind permission I express my support for the Bill.

Thank you, and may God bless us all.

Sen. Carolyn Seepersad-Bachan: Mr. Vice-President, I am pleased to participate in this debate on this particular Bill, an Act to give effect to the Revised Treaty of Chaguaramas including the Caricom Single Market and Economy (CSME) and matters relating thereto.

I would like to join with colleagues on this side of the Senate and also express that the two most important Bills which, in my humble view, are the most

important on this legislative agenda are here before us within the week of Christmas and almost in a hasty fashion we want to rush them in this manner.

Mr. Vice-President, I was amazed when I listened to Members on the other side during their interruptions and so on, and when we hear about how the UNC signed this agreement in 2001, et cetera, and I wondered if everything the UNC signed we have to say thank God for it because that is what this Government works with.

They have no ideas, they cannot indicate to this Senate what are the benefits, the values or why they are supporting this particular agreement. Like my colleagues here and those in the other place, we do agree with the concept of a single market and economy and that is why we signed the agreement in 2001.

The objective of the Revised Treaty, was to allow for the pooling of resources among smaller countries in order to gain that critical mass especially with what is taking place in the global context and, of course, the prerequisite is this regional cooperation among countries.

Mr. Vice-President, in terms of the benefits of this particular agreement of this single market and economy in terms of increasing the bargaining power, the pooling of expertise and resources, the increased employment, et cetera, will not just take place because we signed an agreement and this is what I think is important, and some of my colleagues tried to elaborate on this.

What has happened from 2001 since the signing of this agreement? This is my concern. After signing that agreement in 2001, of course, now that you understand that you have made a commitment, and you understand what we are about, what is the mindset where Trinidad and Tobago is to pursue in terms of global trade? How have we responded as a country to this commitment of the Caribbean Single Market and Economy? How have we responded in terms of the mechanisms and the measures that are to be put into effect to bring this about?

We can see a long list of benefits and objectives for the CSME, but there are things we must do to maximize the benefits of this particular agreement and this is what I have a serious problem with in terms of this Government's response like in many other issues.

Mr. Vice-President, to this day, other than the private sector, there has been really no response on the Government's part with respect to the CSME other than a couple of public relations campaigns and lots of glossy advertisements.

First of all, it is important for us to understand at this point in time that the Caricom Single Market and Economy is a necessary condition, but it is not

sufficient in the global context. That is why when the United National Congress (UNC) proceeded with the agreement with other trading blocs including the Mercosur, India and China, because at that time it was envisaged and still is, that India and China will become the next industrial centre in the world and hence, we have to look beyond Caricom.

As I said, Caricom is necessary but it is not sufficient, and this is why the UNC proceeded with other hemispheric spheres around the globe. You will recall that during that time Trinidad and Tobago was termed the tiger in a sea of pussycats in the Caribbean Sea. I do not know if you recall also that during that time when we talked about the ascendancy to the ancient tigers that Trinidad and Tobago was being referred to as the economic tiger in this Caribbean Sea.

Mr. Vice-President, between 1995 to 2001, if you look at the economic climate of Trinidad and Tobago, and my colleagues on the other side would bear testimony to this; there are a number of locally-based conglomerates in the Caribbean which emerged. We almost saw the nature of a multinational headquarter in Trinidad and Tobago but having its starting point here.

After the signing of the agreement, the private sectors were the ones which led the initiative to realizing the Caricom Single Market and Economy, and if we look at what has happened over the last couple of years, we will see conglomerates like the Republic Bank for example, moving forward in the Caribbean and actually going across the borders. So in fact, today, as we write this treaty into law, what is happening is that we are establishing the rules to facilitate the process, but the process began because we have had other companies like Grace Kennedy from Jamaica which has been going across the borders and setting up cross companies of a Caribbean nature. So in effect, you are writing into law the rules that would facilitate it, but it has already been happening. That is why we need to commend the private sector.

Mr. Vice-President, the Leader of Government Business is still not trying to appreciate the points we are trying to make on this side in terms that you are writing into law today this treaty. We come with this Bill, which has about six clauses and the real beef of it is in the treaty.

Whereas we agree with the concept of the treaty, when we write this into law what have we put into place? What are the mechanisms? What are the measures we have put in place to support this particular agreement? How are we taking advantage? Where are the competitive structures we need to put in place to realize the benefits? Are we not putting the cart before the horse? Is it because the Government failed over the last four years to do its homework and get the implementation right?

The problem here is not whether we support or do not support the Bill. The problem is a management one. What have we been doing? How? How, is what is important in this day and age and it is a problem with this Government, and they fail to understand this. Writing this into law will do nothing. None of these benefits can be realized unless you put the mechanisms and measures into place to bring them about.

Sen. Dr. Saith: Mr. Vice-President, I thank the hon. Senator for giving way because I am a little confused. If you say that you support what is in the treaty conceptually, but you have passed that. You have signed the treaty, you have bound yourself to that, so how do we get this dichotomy between the change that we support what is there but you signed it. I agree with you when you ask how do we implement these rules that we have agreed to follow.

Sen. C. Seepersad-Bachan: I thought I made this clear. We signed the agreement in 2001. Of course after 2001 would have been a grace period which would allow countries to respond knowing this commitment before you made it into domestic law. As a result of that—[*Interruption*]

3.00 p.m.

The Attorney General will get an opportunity to respond when the Minister is concluding. My point is, after signing the agreement, of course we had to come back and do our homework and establish the necessary mechanisms, provide the institutional capacity, provide the competitive structures to realize those benefits. That is not happening, and that did not happen over the last four years. This is the point that we are making on this side of the House. In fact, what has happened, you would have changing circumstances.

I want to make this point, because this agreement is very wide; it is very general; it can be very powerful and it can be subjected to a lot of interpretation. I would give you one example and it is one that has been alluded to several times on this side, and that is the issue of political integration. I am sure the framers of this agreement, the signatories to this agreement, did not envisage a political union as it is being envisaged today by this particular Government, and that is the problem that we have. Let me give an example: You provide a vehicle—

Sen. Dumas: You had one in mind, not the exact one.

Sen. R. Montano: Why you do not keep quiet?

Mr. Vice-President: Senators, please, let us desist from the crosstalk as it is happening now. It is only going to keep us back some more.

Sen. C. Seepersad-Bachan: Thank you, Mr. Vice-President. But I know my colleague on the other side is a bit perturbed.

The agreement is a wide-ranging agreement and it is a vehicle to be used with a particular purpose in mind. At least, this is my view, that the framers and the signatories of this particular agreement, would have had as its intention—the intent of the agreement, but when you take the agreement and put your own interpretation to it, or you use it for a different vehicle—for example, you may provide a vehicle, Sen. Dumas, through you, Mr. Vice-President, let us say for a home or for a charitable cause and the next thing you know is that vehicle is being used by bandits to carry out robberies, et cetera. That is the point I am trying to make, that when you take this, it can lead to abuse of the agreement.

This is the problem that we have when we look at this particular agreement. As an example of what we are saying, double taxation agreements, Article 72:

“The member states shall conclude among themselves an agreement for the avoidance of double taxation in order to facilitate the free movement of capital in the community.”

Has this been accomplished? I am sure it has not been. This is why I am saying that there was an agreement, yes, but now that we are putting it into domestic law, how have we responded and how have we protected the interest of Trinidad and Tobago with respect to this particular agreement? This is the issue that is before us today.

Sen. Dr. Saith: Mr. Vice-President, I am not trying to be difficult, but I am really trying to follow the logic in the Senator’s argument and it is only for that reason I am asking these questions. If we accept that this treaty sets the rules for all the things that they would like to see as a community, do you accept that now, when you come to implement each one of those individual things, you have to have legislation? If it says this is the rule for the court, then you would have to come back in each country and have a Caribbean Court of Justice. If it says this is a rule for movement of people, then you need to have the legislation, and each country would do that in its own time. I am just trying to get the concept. These are the rules of the game but in doing each one of these things that we say we could do: political union, cricket team, each country would have to come each time to the Parliament to get its approval. I am just trying to follow that argument.

Sen. C. Seepersad-Bachan: I thank the Minister for bringing up the issue. Again, it is probably differences in approach I would imagine that if I have signed

a particular agreement that one of the first things I would try to do is to achieve these various agreements, for example, the double taxation agreement, and then bring it into law. This is why I am asking whether we are putting the cart before the horse, because what may happen now is, you have all of this now—this becomes law—but have you put your mechanisms in place to protect you? For example, Intellectual Property Rights, you want free movement of people, what has happened there? The other countries intellectual property rights legislation is behind schedule. Are we now exposing our Trinidadians to violations of IPR when we are advancing the IPR?

So, you see, there are differences in approach that we are talking about. Another example here that my colleague is pointing out to me, is Article 91, the quantitative restrictions:

“Save as otherwise provided in this treaty.”

In particular, Articles 88, 89 and 90 and schedules 2 and 4. Barbados is a signatory to this particular agreement and Barbados put restrictions on us.

The point I am trying to make is, we are not against this agreement; we are not against the Caricom Single Market and Economy, because we need that greater voice; we need a trading bloc. We must be in a trading bloc, but we must look beyond that and because of where we are today, we need that critical market. I do not think any citizen of Trinidad and Tobago would argue with that, but the point is, since the signing of the agreement today, December 2004, what have we put in place to facilitate this agreement? Most importantly, what have we put in place to protect Trinidad and Tobago’s interest? As my colleague, Sen. R. Montano said this morning, it is not that we are friends, you know, but countries have interests and that is what we have to be concerned about.

Just coming back to some of the issues, as I said, where are the competitive structures to maximize the benefits of this particular agreement? There are other areas—and I just want to briefly mention them—for example, we talk about the customs law—there was a model law—do you know that that has been thrown out and the OECS has put in their own model law? So where are we today with that? This is an important aspect of this particular agreement.

You heard from this side and in the other place, the issues of the monetary union, the single currency, and so on. That would have led to the harmonization of your monetary policies, and so on. What happens in terms of the monetary policy tools? Where are we with all of this? What discussions have taken place? Are we any closer? But here we are, putting this into law today.

The institutional capacity to support the CSME, the funding—we heard a lot about the funding—if we want the CSME to be an independent body and not be, at the same time, at the whim and fancy of the capricious behaviour of the individual member states, where are the funding mechanisms for the CSME?

The Minister asked—and this is just one example. We talked about one of the benefits of this particular agreement as being the free movement of capital, but let us look at how we can achieve free movement of capital. Let us look at how we can achieve free movement of capital if we really wanted free movement of capital. Recently, Ernst & Young and the Caribbean Association of Industry and Commerce (CAIC) held a seminar and they looked at the whole issue of the regional exchange. Today, what happens is, we have this sub-optimal solution of this cross-listing across the three national exchanges and they are now looking at, well, what has happened to the concept of the regional exchange. Why? Because when we look at the free movement of capital, what was the objective of free movement of capital? It was to be able to ensure that we had a portfolio for investments, better trading, more opportunities in secondary markets, widening and deepening—and this is something that we have been talking about, the widening and deepening of the capital markets, and hence the regional stock exchange.

Every regional trading bloc you go to across the globe has gone into some form of a regional trading exchange. It can take on many different forms. I was surprised to see that to this day—I mean, it was something that was spoken about in the very first budget debate in this House, where the Government mentioned in passing, the regional exchange, and that is one of the vehicles that you need to get the free movement of capital. Think about bond trading activity, for example, and look at the scope that we would have across the region for that. But we continue to work with this less than optimal solution.

There are many different ways that we can achieve that regional exchange, for example, the ownership structure, either we integrate the three exchanges or form an entirely new exchange. One of the solutions being put forward right now by the CAIC and Ernst & Young—and Ernst & Young and the CAIC is another example of how the private sector, the brokerage firms and so on, came together and said, “We need this. Everybody else is doing it. We need access to a strengthened capital market; a diversified capital market.” What has happened? Here it is, the private sector coming together to say, “How can we lead this initiative? How can we advance this initiative to ensure the formation of this regional exchange?” What has been the solution in the absence of the governments coming together to do it? They have decided they would look at the

new OECS exchange because it is electronic in nature and it can allow for a wider training capacity, and so on.

It is amazing, because they recognized that in order to get the regional exchange going you must have the common currency; you must have harmonized legal and regulatory requirements, again depending on the Government, to put these things in place. Of course, you would also need the Common Trading and Settlement Procedures. But it was amazing when I read that the CIAC and Ernst & Young had proceeded, as a private sector initiative, to advance this particular project.

This is the example that I have been using. These things were not recognized today; they were recognized four years ago when we signed the agreement, that these are some of the vehicles that must be put into place to facilitate the agreement. But, as I said—and I think this is why we always seem to have this difference in approach—the Government always feels by putting something into law, it is there; by putting it into black and white. My colleague, Sen. Baksh, always used to make the point about deeds: When is the deed actually accomplished? The deed is actually accomplished when you implement and when you facilitate, and that is not happening.

I also want to echo the sentiments of my colleague, the Member of Parliament for St. Augustine, Mr. Winston Dookeran, who said Caricom is not a panacea for our problems, and it would not be, because if we look, as I indicated earlier, at what has happened, the private sector has gone beyond our talks about Caricom and the Caricom Single Market and Economy. They have demonstrated the Caricom Single Market and Economy concept, because they have gone beyond the borders and they have moved backwards.

Probably one of the areas the Government should look at in terms of advancing this particular project is supporting the private sector, since they have led the initiative to advance this cause. This may be an expedient way of getting the Caricom Single Market and Economy off the ground. I say this because I think in that way one of the things that it would facilitate, and which is lacking in this whole approach, is a consultation process, and I know that this agreement speaks to consultation, yet it does not happen. The Government has to understand—I mean, just the mere idea of pushing these two Bills through at this time of the year in such a rushed fashion, without consultation—yes, it is the UNC that signed the agreement, but how much consultation has actually taken place with the citizens of this country?

As Sen. Baksh indicated, when Ansa McAl did this poll, how many of them knew the importance of the Caricom Single Market and Economy to us? No citizen understands that. It is irrelevant to them. Yet they do not understand the power that exists in this particular agreement. I want to take this point, because probably if I read this agreement four years ago, I would not have come to the same view, because there was a different context at that point in time, We must understand the context today, when we talk about political integration, and we read the agreement.

When you read through the agreement, every article you go through here, some Council of Ministers, whether it is the trade Ministers or whether the external affairs Ministers, these Ministers can adopt measures and implement. I was a little interested in this issue because I read through each of the articles and each one says that the Council of Ministers, whichever relevant organ that is; the organ could make the recommendations to the relevant Council of Ministers, and this Council of Ministers can adopt—for example, COTED—the necessary measures. What has happened in this particular context? This is why I was glad to hear Independent Senator, Dr. Eastlyn McKenzie drawing the parallel with the European Union. In my humble view, what is going to be the final effect when we write this into law, is a marginalization of Parliament; not only Parliament of Trinidad and Tobago, but the marginalization of Parliaments throughout the region. Because what is there in place to ensure that every time you adopt measures—and then what you come to this Parliament to do is to ratify, and if you listen to the disposition of the Prime Minister, you will hear that.

This is why the Prime Minister can make comments on energy policy; he can talk about the gas pipeline, although the gas pipeline may not be to the benefit of the citizens of this country. I have made the point several times over. The gas pipeline is just another way of exporting our energy resources, when we know very well, that if we go further downstream, down the value chain, we maximize the value to be derived.

In fact—and I will say this again—it probably makes more economic sense for the Prime Minister to use that same gas—because, as you know, we only have 15 years of proven gas reserves remaining, and if we use that gas further downstream, the value we generate from it would be enough to help pay for energy costs in the Caribbean region and still keep some of it at home. It makes no economic sense to be selling gas up the islands below international world prices. That is what I cannot understand, when the interests of the citizens of Trinidad and Tobago are being compromised with these types of decisions.

In an issue like this, the public would have had an opportunity to make a comment. It is their natural resource. They are the owners of this natural resource and they would have been able to make a statement or express an opinion that, "Listen, this is the way we want to use our natural resource". But the current administration continues with this so-called dictatorial approach: "Well, we talked together as Prime Ministers in the region and it is our view that this is the way we should go."

This is the problem that we have. This administration has been one that has usurped the authority of this Parliament several times over and we have had no problems with that. This is why I am telling you that I am seeing this agreement as nothing more than where the executives of the various member states come together, take their decisions and then just pass them to their Parliaments for ratification.

For example, I looked at investment incentives in this particular agreement; what happens to all the investment incentives that we use in the energy sector for foreign direct investment in this country? Is that now subject to the Council of Ministers for their decision—the Trade and Economic Policy Council of Ministers? Where does that happen? What happens when we start getting a budget by the Prime Minister which announces all the initiatives undertaken by the Caricom region? There is really no room for debate in this Parliament anymore, because it would just be coming here for a rubber stamp at the end of the day.

That is the problem I have with this particular agreement, especially when we talk about political integration. I, too, would like to bring the analogy with the European Union. You know, when we look at the terminology of the European Union, you see a lot of parallels between this treaty and the European Union. You see the Council of Ministers; you see the various organs; similar bodies. But in place of the treaty, what has emerged recently in the European Union is, what is called, the constitutional treaty, and that is the European Union Constitution. I am sure most of you would know that there is a European Parliament which is elected by the citizens of Europe. So they have a European Parliament, which is what we do not have. There is no Parliament envisaged across the Caribbean region.

I just want to look at some of the areas that emerged out of this new Constitution. The objective of the Constitution was to really replace several of the overlapping treaties. You remember they had a lot of treaties and protocols that were signed and one replaced the other, so in order to replace these overlapping treaties and protocols, they came up with the European Constitution. But if you look at the

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Constitution itself, for example, you would see that a lot more power in this Constitution is being given to the European Parliament, where the Parliament will determine the budget for the European Union; the Parliament becomes the actual co-legislator and no longer will the European Council become the co-legislator. How they nominate, the powers of the European Parliament will be strengthened.

What is also very interesting is to see in this particular document, the role of national parliaments in the European Union, because it was recognized that the national parliaments themselves were being marginalized. As a result of that, the member states' national parliaments are given a new role in scrutinizing the proposed EU laws and are entitled to object if they feel a proposal oversteps the boundary of the Union's agreed areas of responsibility.

You see, as the European Parliament acquires the legislative power with the council—it is now on par with the council—what I think this is attempting to do, is to ensure that the citizens themselves have their say in the Union and in the laws as they go forward, and I am not seeing that step being taken, and how that will fit into this whole arrangement.

There was also something that the Attorney General mentioned. He mentioned it several times throughout the debate. One is that the international agreements take precedence over your national laws.

Sen. Jeremie: I never said that. What I said was that the international law obligations, generally, should be read consistent with your domestic law, if there is an inconsistency and ambiguity, your domestic law should be construed in accordance with your international law obligations. So that the only reason that we are here is because we have a sovereign Parliament and international law does not automatically become domestic law without more. We have to legislate for it. But if there is an ambiguity, the international law is to be read as being the defining provision.

Sen. C. Seepersad-Bachan: Let me just look at this, because the Attorney General mentioned this in the context of clause 8:

“In the event of any inconsistencies between the provision of this Act and the operation of any other law, the provisions of this Act shall prevail to the extent of the inconsistency.”

Is this what this is saying? I will depend on your legal—

Sen. Jeremie: Yes, in part.

Sen. C. Seepersad-Bachan: The point I am making here is, I saw this same clause in the European Union. It was something that was hotly debated,

apparently, among several member countries in the European Union, and one of the things they said it was—exactly as you said—where as far as the extent of the inconsistency exists—and I am not a lawyer—they try as much as possible to honour their international obligations.

Sen. Jeremie: You see, if you bring the international law rule into your domestic law expressly, then you solve the problem.

Sen. C. Seepersad-Bachan: It was a point that was hotly debated, because we are talking here about an agreement and there are several provisions within this agreement which you are writing into law, and there may be some inconsistencies. Of course, you will do the right thing and try to ensure there is consistency. You would bring to Parliament the relevant legislation. But during that time that the inconsistency exists, which one will take precedence?

Sen. Jeremie: There will be a Caribbean Court of Justice pretty soon, whatever you say. I know that you have said this morning that you will not support the Caribbean Court of Justice in its final appeal jurisdiction, and that the question is still open as to whether or not you will support it in its original jurisdiction—

Sen. R. Montano: The jury is out on that.

Sen. Jeremie: We think that we will be able to convince the Parliament to support the court in its original jurisdiction, and the court will have to determine as any court does, what happens in the case of inconsistency.

Sen. C. Seepersad-Bachan: Mr. Vice-President, I do not know which Parliament the Attorney General will be speaking to, and which Parliament he is going to convince of the Caribbean Court of Justice, but I know the Opposition members in this Senate and in the other place have already indicated that they are not supporting the Caribbean Court of Justice. As my colleague has indicated, the jury is out.

On that point, when the inconsistency exists, this is why I asked the question. However, the point I was really trying to make is—I cannot find it right now in the document itself because I wanted to quote it directly—it is still a hotly contested issue in the European Union. The reactions from the various countries are that they do not agree that when inconsistency takes place that the European Union law, or the international law, should take precedence. That is the point I was just trying to make. I am not in disagreement with what the Attorney General is saying, because, of course, if you sign an agreement, you should try to honour that particular agreement. I am just saying it is still under debate in a bloc like the European Union.

Why I was making this particular point about the European Union is that I was really concerned, because, as you say, when you change the context—and I always say, any decision that is taken, the context within that decision must always be considered as part of the decision. Hence, when the context changes, we must understand what it means. Therefore, when you read this agreement within this new context, these are the things that we must look at. When we adopt measures that would only be coming to the Parliament for ratification, would we be further marginalizing the Parliament of Trinidad and Tobago? What would we put in place?

This is why, when I was going through this document on the EU and looking at some of the procedures they have put in place, like under the European Union Parliament and together with the national parliaments, for example, the various committees of the parliaments that can inform decisions, I was very surprised when I opened the Standing Orders this morning and I went to the Clerk—I mean, I have seen it before, and I am referring to page 71 of the Standing Orders of this particular House, Standing Order 72, Joint Parliamentary Committees. Standing Order 72(1) states:

“At the commencement of each Parliament, the Senate (with the concurrence of the House of Representatives) shall appoint the following Joint Parliamentary Committees:

- (a) Banking, Finance and Estimates;
 - (b) External Affairs and International Trade;
 - (c) Labour, Industry and Commerce;
 - (d) Food Security and Agricultural Development;
 - (e) Constitutional and Legal Affairs;
 - (f) Education, Health and Social Services;
 - (g) Tertiary Education, Research, Science and Technology.
- (2) The Senate shall, for the purpose of these Committees, appoint not more than three members...”

It goes through the procedures for the appointment of these committees.

It is apparent, I know, that these committees were never appointed in this House or in any other session and I tried to find out from the Clerk, “When do you think that this particular Standing Order went in?” The guess is—because I

cannot be too sure; I was not around at that point in time—it was amended some time in 1989. When the Standing Orders for this House were amended in 1989, this particular clause went in. I wondered, when you go back to the history of Caricom, if it is possible—you remember when the first treaty was signed in Grand Anse in 1989—

Hon. Senator: Chaguaramas—

Sen. C. Seepersad-Bachan: That was the first one, but there was one that was signed in Grand Anse in 1989 and then it was further revised. I wondered if probably in 1989 when this was signed, it was envisaged because it was probably comparing it with other such bodies across the world, for example, the European Union. If you look at the agreement itself, you would see that these are the areas you are looking at, whether it is banking, finance and estimates, the finance and planning committee; there is an external affairs and international trade, so I do not know if that is to parallel the economic trade, COTED. Then there is one on human resource, health and education, which is the council of community ministers.

So if you look at the various councils that have been established under this agreement, there is a parallel between these joint select committees. These joint select committees may have never been appointed before this time or in any session because there was really no need for it at that point in time. You had the normal parliamentary debates; you came with your budget to the House and had your debates, and so on, but I wondered—and I checked with some of the Independent Senators whether they could have shed any light on it—what motivated it? What was the objective of establishing these joint parliamentary committees in this particular Standing Order? I wondered if it was, recognizing what they had signed at that time in 1989, envisaging that there were areas in which they would set up these councils, that across the region, to get the involvement of the national parliaments and to ensure that there was not further marginalization of the Parliaments themselves, that this is how Parliament will inform.

I see Sen. Dr. Saith shaking his head, but I want to make this point, because it is something that I wanted to move as a Private Members' Motion for some time. Last year in June, the Commonwealth Parliamentary Association held a workshop in Trinidad and several Members on both sides of this House attended. It was held at the Hilton Hotel and it was set up to look at WTO and Parliaments. Going through the documents that were given to us then, one of the things recognized by parliamentarians was that there was a marginalization of parliamentarians in terms

of trade agreements. Because of all these agreements that are being signed between governments in regional trading blocs, for example, the World Trade Organization, what was happening was that a lot of commitments were being made on behalf of the citizens of the country by the governments, the executive of the day, and then these agreements were coming to the Parliament just for ratification. So the parliamentarians, being the people's representatives, no longer have any say with respect to these commitments that countries are making on behalf of their citizens.

One of the things that happened—I know CPA did not advance it, but present at that conference was the International Parliamentary Union (IPU), and they presented a paper and they advanced a position to the World Trade Organization to establish something similar to the European Union, with a Parliament, where parliamentarians would have their say. I think at the last WTO conference, recognition was given to the IPU in terms of the parliament.

Sen. Dr. Saith: Thank you again, Senator, and I really follow what you are trying to say because, unlike your colleague you bring your intellect to your contribution, or you think before you talk. Perhaps you can talk to your colleague, Sen. R. Montano who, I believe, was in the Senate in that period of 1986 onwards.

Sen. R. Montano: You know I was there.

Sen. Dr. Saith: I believe he was there when those rules—and perhaps Prof. John Spence, who will give you some of the background. You said I was shaking my head. I think you could get the background from them as to how those committees are set up. I do not think it had anything to do with Grand Anse.

Sen. C. Seepersad-Bachan: Thank you, Mr. Vice-President. But even if it did not have anything to do with Grand Anse, I am trying to make the connection with what is happening today and probably the value of these committees and their contribution towards this thrust of the Caricom Single Market and Economy.

I was making the point about the WTO. It was recognized then and it was suggested then at that particular conference, all Caribbean parliamentarians who were there, both members of the Government and Opposition, that probably what needs to come before the Parliaments of the various countries is that, like the US—you know, we say that the US normally makes a lot of commitments to WTO, but if you look at the US congress, you would find the US congress has a committee on trade. If you go to the UK Parliament, you would see that they have a joint select committee on trade. What they do is, when decisions have to be taken, before commitments can be made at these negotiating tables, they go to

these joint select committees for guidance, and that is what informs their position at the negotiating table.

Why I make that point at this time, to me, it all ties up; it is all relevant now as we try moving towards the CSME and in the structure of this particular agreement where we are talking about the Executive, you are seeing the Executive coming through, all the Council of Ministers, the various bodies and the organs, and in order to give back the Parliament some role in this whole issue, I am just looking at the parallel approach that we have these various joint select committees. As I said before, I know the CPA would have sent out the recommendation by now, which was a recommendation that was coming from the parliamentarians at that seminar, that we have these joint select committees that will inform trade. The same way you have a joint select committee on ministries (Part I) and so on, we have a joint select committee on external affairs and trade, and in that joint select committee, matters of trade, any positions to be adopted and to be committed at a negotiating table, would come before that particular committee and the position is informed by the deliberations of that joint select committee.

The reason I am saying this is because the Jamaica Parliament as well adopted a similar approach and annually they have a debate on trade issues before they take any sort of negotiating position. I make this point and I hope that the parliamentarians in this House appreciate the point and I get some support with respect to this issue.

One of the issues raised by the IPU was that the parliamentarians were the people's representatives and when we make commitments on behalf of the citizens, that consultation that must take place can only take place through parliamentarians. For example, the same way the joint select committees are able to hold public meetings to have public consultations, on issues like these they are required to execute the public consultation process. They are charged with that particular responsibility.

This is what I am seeing here and I take the point that the Minister is saying that that may not have been the purpose of these joint parliamentary committees as established in Standing Order 72, but all I am saying is that, the functions of the various councils within this agreement—and probably it is time that we look at establishing these joint parliamentary committees so that we can advance the thrust. My concern mainly being, that we must have a consultation process. This is why I also want to support my colleague, Sen. R. Montano in his proposal for the amendment that this issue go to a select committee for a full debate to flesh out the issues with respect to this

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particular Bill, because I think this is too much of an important issue. It reshapes, I think, the economic sphere; I think it reshapes the Caricom Community. I feel that they are two very important Bills and I hate to see the way we are trying to rush these Bills; I do not know for what reason—

Mr. Vice-President: Hon. Members, the speaking time of the Senator has expired.

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

Question put and agreed to.

Sen. C. Seepersad-Bachan: Thank you, Mr. Vice-President. I did not realize that the time went so quickly.

There are a number of other issues that I wanted to raise with respect to this particular Bill. One is, for some reason this Government seems to think that we must have this integration to be able to have a Single Market and Economy. What has happened to this particular Government is that they continue to think inside the box. We have signed a very general agreement in 2001, but there is so much more that can happen if we think outside the box.

I was interested to see, when I looked at some of the other trading blocs that have emerged, for example, the recent Asian trading bloc and the South American trading bloc, and you will notice that there is no need for this integration. I know that there are a number of economists—you know, economists always have different views and you get one classical view; then the next view, and so on, and there is this view that we must have integration to be able to ensure a successful Single Market and Economy. But there is a new thinking in this century, that there is no need for political integration to ensure that we have a common market. We need to think outside the box, because as we try to create more political space in this global world, we must look at examples like the Asian trading bloc—and I would not have time to go into it—which has started looking at all the thorny issues with the regional trading bloc.

This is probably going to be the second largest trading bloc in the world in this century after the European Union, and everybody is now hurry to start talking with them. You would see that Jamaica has started and signed an agreement with China. I am not sure where we are with this particular bloc. But once this takes place and China and Japan join this Asian trading bloc, they would no longer depend on the North American markets and everybody would want to start doing business with them.

This is why I mentioned when I started my contribution about China and India, because once China, India and Japan join into this bloc, we are talking about a very powerful bloc here, and NAFTA would be nowhere near that area, and so too would be the FTAA, in terms of size of market and so on. But what was interesting about this particular trading bloc, and the South American trading bloc that I was looking at, is that it has gone beyond thinking that we must become non-sovereign by having this political bloc. The Asian bloc has not traded off its sovereignty, yet they were able to achieve that successful common market with common economic policies, and even common fiscal policies and to some extent—I am not sure they will go with the monetary policies, but they are, because they are looking at a common currency, and so on.

It is interesting to look at this particular issue, because I do not think it is necessary for us at this point in time. I do not see the need. Nowhere in this agreement is it necessary for us to forge this political union. In fact, it is not being supported across the Caribbean. If you look at it, it is only very few countries, which are Grenada, St. Vincent and the Grenadines and our Prime Minister who seem to be behind this political integration. This is why there are so many questions as to what are the motives for this particular move. It is not a necessary condition to be able to achieve a single market and economy, and this is something that I think we need to have an appreciation for. It is something that I hope we can continue to look at in terms of sovereign regional states existing within a trading bloc, because what is happening in any event, we have a lot of them moving off and signing into other trading blocs.

Where would it all end? I see the Minister of Foreign Affairs looking at me. I hope he could shed some light on this particular issue, because they have signed the agreements and they have moved forward and they have not given up any sovereignty. There is no need for political integration, hence the reason I fail to understand.

So I think we need to think a little outside the box. There is this new thinking that there is no need for this political integration; there is no need for us to trade off our sovereignty in order to achieve these common policies. I raise a parallel again. In the corporate world, when they wanted to expand market space and improve competitiveness and efficiency, one of the things that you felt you had to do was to align yourself with another company and buy it out: Texaco to buy out Shell, or somebody else to buy out somebody else.

Today it is interesting to see how many alliances, partnerships, we have existing among the corporate world and there are no major takeovers. There is no

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need for that takeover, because you can have that alliance; you can have that kind of cooperation. I always remember this took place, I think, during 1995 to 2001 between Texaco and Shell in the Caribbean region. Texaco and Shell, which most people did not know, had an alliance that allowed them to share services, provide technical support, maintenance, and so on, and there was no need for a takeover.

This is the point I am now trying to make, that new concepts have emerged that allow the partner to achieve the same benefits you would have achieved if you merged, yet you can still maintain your independence. You can have your individual identity. Companies did not give it up. That is my point.

The second point I am trying to make is that, what is important is the interdependence, and that has proven to be more successful, as opposed to having this integrated unit. So there have been more benefits to be derived from that interdependence and this is the sort of thinking that has emerged into even these issues of trading blocs. It is the interdependence between countries within the regional trading blocs.

I wish I had some more time. I know I am almost out of time, so I would not have time to raise the issue here to introduce the Asian trading bloc and the South American trading bloc, which are two models I think we need to look at and see how best we would like to fashion our own regional trading bloc on, and to look at the benefits of those trading blocs. So as I indicated before, I hope to hear from the Minister. I know several questions have arisen throughout this debate in terms of our response and in terms of getting ourselves prepared for the Caribbean Single Market and Economy.

In addition, I am of the strong view that this particular Bill, before it is written into law, out of respect for the citizens of this country, I feel the Government owes the citizens of this country a proper consultation on the issues involved and for the governance of this particular regional trading bloc and the operation of the Caricom Single Market and Economy—yes, you may have consulted with the Chamber of Commerce and the Petroleum Dealers Association and whoever, but I think the layman in the street needs to understand the importance of the CSME, the benefits; how they would be realized; what is the Government's implementation plan. Because there has been no plan outlined to this day to tell us how we are going to achieve the benefits of the CSME.

On that note, I would like to ask the Minister if he would respond to some of those issues and I hope we will get support for our proposed amendment by my colleague, Sen. R. Montano.

I thank you, Mr. Vice-President. [*Desk thumping*]

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I am not at all happy that this debate is being conducted in such a hurry with so little time to consider what people are saying and to carry out readings and research suggested by what one is hearing during this debate. It took a long time to go through the Revised Treaty of Chaguaramas and to try and understand it. It took a long time to go through the document: “Time for Action” produced by the report of the West Indian Commission. It took a long time to read up the whole history of the formation of the European Common Market, and it is taking a lot of time to read up about other trading blocs that are being formed in other parts of the world.

We are not doing that in order to copy; we are reading that to see what are the kinds of problems and what are the kinds of principles that would be involved, to look at what they are doing from their perspective, and to see what it is we need to do from our perspective, and whether we can integrate some of the things that other countries and blocs are doing. I think that this is such an important debate. The only thing that is consoling me is that the Treaty of Chaguaramas is so vague and woolly that nothing will come of it, but I would like something to come of it and that is why I wish we had more time to go into all the implications of what we are debating today.

I am, of course, going to support the legislation because I trust that any decision we take would be a decision in principle in support of the idea of the Caribbean Community and I trust that we would have the opportunity when the fine-tuning is going on, to make very specific proposals and amendments, and I trust that this process will take place very slowly over a number of years.

As a background to what I have to say about the Community, I would like to indulge in a bit of nostalgia. Once upon a time there was a Federation of the English-speaking countries in the Caribbean. Guyana did not join, but the English-speaking territories decided that they had a lot in common, enough in common, to make it possible for them to form a nation. This was not the formation of a trading bloc; it was an attempt to form a nation out of people who felt that they had a common history and lots of other things in common.

This idea of federating the so-called English-speaking territories was an old one and there were a lot of administrative reasons for it when it was proposed by the colonial powers, but the real thrust for the formation of a federation which would have been the formation of a nation, that real thrust came from West Indian people. So we went ahead and for 20 or 25 years it was in the air. People were going back and forth—Montego Bay—all over the place, trying to work out a federation.

I think you know, Mr. Vice-President, and everybody knows, that the idea of forming a West Indian nation was one of the most inspiring ideas that ever hit the English-speaking West Indies. It was responsible for efflorescence in art, music, dance, drama, literature. It was the golden age of the arts in the Caribbean, and we are still basking in the achievement of those artistes who were inspired by the idea of a West Indian nation. Nothing, since the death of the Federation, has developed in the arts in the West Indies to match what happened in the 1950s and 1960s.

It was not only in the arts, it was in the social sciences. This was the period of the new world quarterly of Best, of James, of Millette, of Girvan, of Bedford, of Govia. So it was not only the arts.

I am going on about this because I want to put in perspective what we are trying to do today. Now, the Federation crashed, and it crashed over a number of issues which are still very alive. There was the question of freedom of movement of peoples. Some of the islands were scared that they would be swamped by migrants from the other places. There was the question of, what in those days we called, a customs union. Some people were afraid that if we had a customs union they would lose out.

The disparity in economic development between the different territories was clearly recognized by everybody. Nobody tried to pretend that we could have a single economy. We knew that there was a great disparity between the economies of the different territories and people were scared of what that disparity would produce. There was a great unwillingness by the Prime Ministers in the different islands to surrender power and control to the federal government. Before the federal government went into place it had been emasculated because each island was preserving financial control, political control, what it called, its sovereignty. According to Sparrow, this was a chance to form a nation but—I cannot remember his exact words—federation boil down to only this; is dog-eat-dog and survival of the fittest.

Perhaps the most shameful thing that happened after the Federation crashed, before the corpse was even cold, the British government granted independence to all the islands. Within three years everybody was independent; everybody was a nation and then they looked around and nobody wanted a federation again, but everybody was saying, “you know, we should have trade; we should combine”, so they invented this thing called Carifta, and they invented another thing called Caricom—trading arrangements, just schemes by each island to grab one another's US dollars, Carifta and Caricom—nothing more than a scramble for one another's US dollars.

4.00 p.m.

Nothing constructive or sincere about those issues has been done since the death of the Federation. We have not got a radio station or radio stations broadcasting throughout the West Indies. I cannot tune into something in Jamaica or Barbados—there may be a special broadcast, but I cannot casually and automatically tune into broadcasts from those other countries. There is no radio station which is committed to being a West Indian radio station. There is no newspaper that is committed to being a West Indian newspaper. There is no magazine that is committed to being a West Indian magazine. There is no shipping service around the airlines. There is no airline that belongs to the region. Every island makes its deals with some foreign country. So Barbados has an airline, St. Lucia has an airline; everybody has an airline but we do not have a national airline. We do not even have a regional tourism thrust. So that is the condition we are in and that is the background to what we are now trying to do.

Mr. Vice-President, I have to say that I am a die-hard federalist or I have been, but I really think I have been beaten into the ground now and I suppose I have to accept the verdict of the West Indian Commission that there really is no possibility of a return to federation. On page 14 of the *Overview of the Report of the West Indian Commission*, it says:

“In giving form to ...”

the question of Federation

“we have made the decision not to revisit...”

what happened between—

“1958—1962. We feel, and we believe that the people also feel, that that enterprise was an honourable episode in our progress as a people, but that it must be allowed to settle in its niche in history. There are lessons to be learned from the experience but those lessons have to be applied in our much changed context in radically new ways.”

I reluctantly accept that we might never be able to set up a West Indian Federation. I think this has been accepted even by people who are talking about Caricom because we have gone beyond thinking in terms of the English-speaking West Indies. We are thinking Caribbean, we are thinking South America. We are not thinking nationhood; we are not thinking politically. I do not know where anybody got the idea that there was anything about political union. It is not there. As I said, there is still a part of me that is sorry about this but I can face the facts.

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I do not think we would have that. There is still a question of whether you are willing to surrender some of your sovereignty; there is still a question of whether you are going to be frightened about people from other islands coming to your island; and there is still the fear of businessmen that competition—everybody seems to think competition is a wonderful thing. I do not like competition. If I could make 600 for 2 declared and bowl you out for 21, I am happy. I do not know why people like competition so much.

Mr. Vice-President, I want to look at four or five topics. The first of them is the single economy. I really do not know what people mean when they speak about our territories or what they mean by the phrase “single economy”. The ordinary meaning of the phrase “single economy” must include a common currency; it must include some central authority that is overlooking an economy that belongs to all of us. But we hear about freedom of movement of goods produced in the region, freedom of movement of the producers of goods in the region.

Mr. Vice-President, I am very clear about this. I want freedom of movement of the producers of goods in the region; I do not want freedom of movement of any and everybody. I do not want people to come here without work and looking for work. I am quite happy with our present arrangements for people getting work permits. I am quite happy with people coming here and working and applying for resident status. If the Archbishop wants to get resident status he can apply in due course, and then he would satisfy the Prime Minister. Right? He would be a local.

These things come up. Freedom of movement of goods, freedom of movement of producers of goods; a common currency.

I have been thinking about this common currency. Can we get a common currency? Can there be such a thing as a Caribbean dollar? What is going to happen to some of the poorer economies? What is going to happen to some of the rich—how can you get—or are we going to get a dual dollar, everybody keeps their own dollar but there is a dollar for international purposes? I think I have heard that before by somebody who was certified to be not sane/not insane. So what is a common currency and what are the implications of such a common currency? If you refuse to think about that and you are going ahead with your single market and economy, one day you are going to bounce your head, and what about the common currency? And all that you have done before you bounce your head would be worthless. So why do we not face the question of the common currency now and if we decide it is impossible, let us cut our cloth to suit what we can do. Do not look as if you are sure that in due course you are going to get a

common currency. I think the arrangements we make now should be made in light of a very frank exploration of the possibility of a common currency and it also should be done in light of an honest assessment of how much sovereignty you are willing to surrender to create a central financial authority in the region. If you are saying no, we want to control our own economy, then you know you are dealing with a limited kind of trading association, and do not come and “conffle” people with a Caribbean Community Bill and so forth. It is not community! If it is not community say it is not community; if it is trade, say it is trade. That is an ambiguity that worries me and it is an ambiguity that mamaguys me because I want community; stupid enough to want a community but smart enough to know we cannot get it.

Mr. Vice-President, a single economy calls for parties to that agreement to have a single economy, to have economies that are roughly a similar stage of development. How can you have a single economy when there are the kinds of disparities that exist between the different economies in our region? If you say you cannot, what then can we do? We have to do things to help the weaker economies to become more viable. Are we willing to set about establishing programmes that will assist what the document calls the “less developed countries”? It is amazing you are talking about a single economy and before a document even gets going you are telling us: “but you know some are LDCs, less developed, and some are more developed”. That is a problem and the problem is not just to say well, some are more developed than some. When you say some are more developed and some are less developed, you have to say, what are we going to do about this? What can we do since we recognize that some are less developed and some are more developed? We certainly cannot jump into our single economy. So you have to take steps to bring these economies more in line with one another.

I really am puzzled about this single economy and I hope the experts will explain, given the great disparities, and given our refusal to think about a common currency, and given our blindness or pretended blindness to the fact that we are going to need a central financial authority; given all of that, how can one talk about a single economy.

The second thing I want to talk about is the institutional arrangements. If one compares the institutional arrangements in the Revised Treaty with the institutional arrangements in the *Report of the West Indian Commission*—and when I quote I will be quoting from the *Overview of the Report*. If one compares those two, one is going to see some significant variations. I have to say in passing that I do not understand why the *Report of the West Indian Commission* was never

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debated in all the Parliaments of the English-speaking territories. Why that was not used as the base for further thoughts on the subject of Caribbean Community? I suspect that people have read it and it has influenced the Revised Treaty; but this thing came out, it plunked there, it made a splash, the splash died down and it is as if it never happened. It is a very important document! It took a lot of time and there were a lot of intelligent people, it is lucidly written, and it has a vision, and we ought to have debated this in all the Parliaments of the region.

In the *Overview of the Report* there is a chart on page 46, of Caricom structures of unity. They agree with the Revised Treaty. At the top is the Heads of Government. They agree that after that there is a Council of Ministers. The Chaguaramas Treaty calls it Community Council of Ministers. The Report calls it Council of Ministers but this document is very clear about where the Council of Ministers is going to come from and how they are going to operate. Page 24 reads:

“One of the ways in which institutional arrangements can help to encourage attitudinal change is by reflecting at ministerial level in every CARICOM country political responsibility for CARICOM affairs. Making the furtherance of the goal of the Treaty of Chaguaramas the responsibility of a specific Minister...in each member state of CARICOM...”

They are saying that you have a Cabinet in Trinidad and Tobago and that Cabinet includes a minister responsible for Caricom affairs. So he can speak about what is going on in Trinidad and Tobago and he is a member of the Cabinet. It is only the Cabinet that does not know what is happening here. He can speak about what is happening in Trinidad and Tobago to his colleagues in the other islands and he can speak to his fellow Cabinet members in Trinidad about what the Caricom Community is aiming at. This is from the report, as a very positive and dynamic role for the ministers responsible for Caricom affairs. It does not just set them up and say okay, you all are out there, I am the Minister for Caricom Affairs in Trinidad and Tobago Government and I will be talking to you about it at every opportunity and I will be telling the other people with whom I liaise as Minister for Caricom Affairs that this is what is happening in Trinidad. That way, we can work towards something. I do not see any indication in the Revised Treaty of Chaguaramas that is how the Council of Ministers would work. It is possible that is what is intended. If that is what is intended I will be glad but, I would like clarification.

“In making a reality of integration, we feel strongly that there needs to be a central directorate deriving its authority from the decisions of CARICOM Governments taken collectively...”

Mr. Vice-President, that is the second thing I want to look at in the parallels. The West Indian Commission recommends the formation of a Caricom Commission which will be a central directorate. It will be a directorate free of the notion of domestic responsibilities and allegiance and that Caricom Commission will have two mandates. So it is saying that we need to form a commission not made up of people who are in the political parties or who are in the different governments; an independent Caricom Commission which will not take the powers away from the different territories but will be above the party struggles or the island competition. It will try as far as possible to rise above that and think in terms of Caribbean Community. Its two principal mandates are:

“to further the process of integration among the members...

and

“to develop relations between CARICOM and the wider community...”

That proposal is nowhere to be seen in the Revised Treaty of Chaguaramas. I would like to know why that idea has been dropped. Is it dropped because of the fear of losing sovereignty? Is it dropped because cynically people say nobody is going to be independent and, therefore, it is a waste of time to have it? The intention of the Caribbean Commission, as proposed by the West Indian Commission, is to close or bridge the implementation gap. The Commission in its survey of what has been happening in Carifta and Caricom, says that the major fault is the lack of implementation. The Heads of Government make decisions at their conferences but when they go back to their islands there is no implementation; and what the Caricom Commission would do, it cannot force them, but it would try to drive the process of implementation. In this work it would have been helped by a Caricom Assembly.

The argument of the West Indian Commission is that there is need for a body that will include not only parliamentarians—you cannot not just have an assembly of parliamentarians, you need to bring into the Caricom Assembly NGOs, academics, writers, a whole set of people who are not normally in Parliament and the Caricom Assembly, in conjunction with a Caricom Commission, will have the double task of implementation and of bringing about satisfactory consultation between the people and those who run things. That is another gap that I see, or a difference that I see, between the Treaty of Chaguaramas and the recommendations of the West Indian Commission, and I would like to understand what was the reasoning behind not including the Caricom Commission or the Caricom Assembly. Similarly, the Caricom Charter of Civil Society as proposed

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by the West Indian Commission has been completely ignored. What all of this tells us is what I had been saying earlier. There is an ambiguity. People cannot make up their minds whether they are interested in a trading bloc or whether they are interested in some kind of political association. Make up your minds. I do think that minds have been made up or if minds have been made up, they are trying to mamaguy us with the thought of integration when, in fact, all they are really interested in is trade. Make up your minds!

I noticed that the Treaty of Chaguaramas is going to depend very much on the Caribbean Court of Justice. To me this is a kind of opportunistic thinking. The Caribbean Court of Justice when first proposed was supposed to be a court, an appellate jurisdiction. We want to take that instead of going to the Privy Council and now you are telling us that the Caribbean Court of Justice will have another dimension. It will have an original function as a court of regional jurisdiction, so the Caribbean Court of Justice will help to create Caribbean Community law.

I have no objection to finding a way of creating laws that are binding on those people who make decisions about the future of Caricom, who at the Heads of Government conferences make decisions which ought to be implemented. If the Heads of Government make decisions then we ought to find a way by agreement to have a kind of law about this so that people have to follow the law, and that is spelt out very clearly in the report of the Commission. The *West Indian Commission* speaks of a Caricom Supreme Court. This Supreme Court has to do with Caricom affairs. We are not confusing the issues. We are not trying to replace the Privy Council. The Caricom Supreme Court has to do with Caricom matters.

“The question of the establishment of a Caribbean Court of Appeal as a final court of appeal ...”

cannot be ignored.

“...a decision was taken.

...We believe the Caricom decision was the right one even in the context of an appellate jurisdiction alone; but...an original (jurisdiction) is now overwhelming—indeed it is fundamental to the process of integration...”

Mr. Vice-President, I really think that people who are planning or revising, because I do not think this treaty as it stands can work, we have to revise it further, that when we come to revise the Treaty of Chaguaramas we have to go back to a Caricom Supreme Court. You can have your Caribbean Court of

Justice—argue that one out with the UNC. But everyone will agree that we need a Caricom Supreme Court and we need to do some kind of law-making that will make obligatory some of the decisions of the Heads of Government. If you do not do that, you are not going to progress.

Mr. Vice-President, there are lots of other things that one can say. Just to review, I really wish we had more time to give more thought and do more research on this whole question. I am not happy at all with the institutional arrangements. I am very confused about how we could have a single economy given the state of the different states of the economies in the region. I have great reservations about the freedom of movement of people.

Mr. Vice-President, do you know in the colonial period we had a common passport; we had freedom of movement, and Common External Tariff? We had all of that. But this is not the colonial period and we really have to think about it in our own form. I believe that there are certain areas of corporations such as agriculture, airlines, shipping, that need to be gone into in detail. Needless to say, I take the opportunity to remind the Government that we want the Planning and Development of Land Bill. Every island in this association should have a planning and development of land bill so that we can look at what we have before we plan any single thing. It is fundamental to our own economy and development and it is fundamental to the development of the whole region that every territory has that.

Mr. Vice-President, I do intend to support the Bill. It is true I cannot make out whether they are trying to set up a trading bloc or whether this is the step towards some kind of political union but I am going to support the Revised Treaty of Chaguaramas. I am going to support it even though it begs the question of what can we agree is the most constructive and enabling balance between island sovereignty and a form of regional cooperation meaningful to the ordinary people who are trying to find a balance between those two things. I thank you.

Mr. Vice-President: Hon. Senators, the Senate will now be suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MADAM PRESIDENT *in the Chair*]

Sen. Dr. Jennifer Kernahan: Madam President, thank you for giving me the opportunity to make my small contribution on this Bill before us today.

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I would like to add my voice, first of all, to those who have criticized the unseemly haste with which these two pieces of legislation are being rushed through this Parliament, at a time when most people of this country are distracted with the festivities of the season. Since it seems that most of the Government Ministers do not seem to have a voice on this matter, the debate is one-sided and, therefore, it is going to be non-existent outside of the Parliament; it seems to me that is typical of the way the PNM operates and misleads this country. Without debate and the flow of information that comes from the Parliament to the outside, at a time when people are receptive to major life-altering issues being debated here this afternoon, we are asking people to be followers instead of leading them in a particular direction.

You do not know what you are talking about. We do not know what the issues are; people do not have a clue how the issues debated here will affect their lives and their children's lives and you are asking them to accept leadership based on that. This is a total abuse of leadership when the Government chooses to operate in this fashion. I believe that most of our parliamentarians here this afternoon are totally unsatisfied with the way we conduct business in this Senate.

Caribbean integration has historically been a dream of all Caribbean peoples from Cuba to Guyana. There are differences between us and there are similarities, but our mutual interdependence in this archipelago makes it imperative that we work together to forge a better future for the Caribbean, in the face of very great challenges that are upon us in this 21st Century. This dream of an integrated Caribbean has been immortalized in Stalin's calypso, *Caribbean Man*, that called on Caribbean politicians to get their act together and follow the lead of the people of the Caribbean in deepening the integration process, which has been started. We have a number of Caribbean institutions that are important to our people and the people to people institutions are and will be an important part of that integration process.

The formation of trading blocs, the issue of globalization and the integration movement are now buzzwords even by major players on the international economic scene. With all this talk about integration and trading blocs being formed, given in the context of the whole globalization process, our concern must be that our people's dream of true unity based on mutual respect and equal access to developmental opportunities, social, political and economic, must not be sabotaged or subverted either by the megalomania of politicians who are interested only in the imposition of their regimes on Trinidad and Tobago and perpetual power or, on the other hand, by the imposition of international trading institutions, like the World Trade Organization (WTO) and the Free Trade Area of

the Americas (FTAA), which deepen inequality and perpetuate poverty in our region.

These are the two challenges that we face when our people's dream of unity and integration are spoken about by selfish politicians who would use this dream to perpetuate themselves in power. We have suddenly jumped from talking about the Caribbean Single Market and Economy (CSME) selectively, straight into talking about our country's commitment to political union with Grenada and St. Vincent and nobody knows how that divide was crossed. There was no mandate from anybody, least of all this Parliament, plus certain statements were made by our Prime Minister that Trinidad and Tobago is committed to a political union with Grenada, St. Lucia, St. Vincent and the Grenadines. We are seeing quite clearly that this rich, warm solidarity, feelings and mutual respect that exist among Caribbean people are being used and subverted for purely political ends by a Prime Minister who has absolutely no mandate to talk about political unions. This is our dilemma in the Caribbean. We have to be very, very wary of the politicians who are purporting to lead the integration process at this point in time.

So when we come to this Parliament to debate this Bill today and people tell us, "Well you signed it then," the world has totally changed within the time of our signing in June 2001 to now. The world is a different place. If you recall, Madam President, it was precisely in June 2001, at the time of the signing of this CSME Treaty, that the FTAA agreements were first brought to the notice of the world. After years of negotiations since 1994, the world was finally apprised of what was in store for us under the Treaty of the FTAA. In one stroke of a pen the whole dynamics changed; there was a paradigm shift in terms of how the integration was to proceed and what were the implications for the integration process.

Right away you had the whole question of a rules-based trading system being imposed on that integration process. Is it for good? Is it for bad? Will it retard the process? Will it advance the process? Does it mean that the peoples of the Caribbean will reap the fullest benefits from integration or that transnational companies would use the whole integration process to facilitate deepening their grip on the economies of the Caribbean? These are the questions that would have been posed in June 2001 at the signing of the CSME agreement and the advocacy of the FTAA. We have to take into consideration that whatever we do here, the development of the integration movement cannot be looked at in isolation from what is happening in the wider economies of the world.

Within the Caribbean, we have a rich diversity of language, culture and political histories. We have economies that are widely differing. For example, we

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have a socialist economy in Cuba where the State takes the leading role in owning the commanding heights of the economy and determining the economic direction and we have other States that have all different levels and types of democratic systems. In fact, we have a member State of Caricom, Haiti, which has no political system at all to speak of at this time. Law and order have broken down; the Haitians are suffering terribly; the commandoes and soldiers, for all intents and purposes, are in charge of the country. Therefore, right in the Caribbean, we have tremendous diversity of economics, culture and politics and these are the issues we have to take into account when we speak of an integrated economy and even political union.

We have economies since 2001 that have practically failed. One of our member States, Grenada, has been practically decimated by natural disaster; Dominica is in a serious crisis. We have countries whose political processes have been plagued by problems as ours has been plagued by problems of constitutional reform. Issues of constitutional reform have been raised in countries like ours after the 2000 18/18 deadlock. A lot has changed between 2001 to now, politically, socially and economically, in all the countries of the Caribbean. Therefore, we have to understand that it is not a question of us coming to this Parliament today to rubber stamp treaties or just pay lip service to what has been done four years ago.

The world has changed; nothing is static; everything is in a dynamic situation and we have to understand how this dynamism, this flow, affecting what we have committed ourselves to and to what extent we are to involve the masses of the people in this debate, in order to ensure that when we do legalize this Treaty and have this framework set up, we are not to be doing the opposite of what we purport to do. I am convinced that without the type of debate that all my colleagues have called for on this side, we will be in a counterproductive mode. I will elaborate on that a little further.

Madam President, although we have this sentiment for Caribbean integration, one of the things that has not evolved to a very large extent over the years—and I believe that is why this Government can insist on railroading these two important pieces of legislation in this hasty fashion through this Parliament—is that we do not have the strength of the people to people voices, community voices, the strength of those institutions that would raise their voices in protest at what is happening here today. The struggles that ordinary Caribbean people face every day in these islands, as we struggle to carve a future for ourselves and our children, are deeply affected by what happens in Parliament. In order for people

to understand all the different ways that it is going to affect them, how their lives will change and how their relationship with other Caribbean peoples would develop and grow, sometimes it is not going to be all peaches and cream; it is going to be very traumatic.

For instance, have we, really, raised the level of debate that will enable people to understand that some of the Articles in this Treaty are going to mean, sometimes, loss of jobs in a lot of Caribbean islands? It is going to mean close proximity to peoples of other cultures, religions and different political cultures. It is going to mean living side by side with people who have totally different histories, work ethic and attitudes to social development. A lot of friction can be generated by the sort of integration, communication and movement that we envisage and are going to legislate here this afternoon.

We are talking about Article 46, Movement of Skilled Community Nationals. This is going to mean that other professionals are free to come into Trinidad and Tobago, and vice versa, we can go into Barbados, Jamaica or wherever and, as professionals, we can set up shop; we can establish ourselves as professional workers and develop our careers. Madam President, this is potentially conflictive in the sense that if our Caribbean peoples are not ready for this sort of movement, in the first instance, of skilled people from island to island, people can ask why certain nationals are coming in and doing better than they are, making more money than they are or having access to services and so on that nationals of the country do not have access to. There are all sorts of implications to this sort of movement; therefore, we believe that these Articles have to be put through public opinion. You have to sensitize people that this is what will happen, "You are going to see certain things happening in your country; you are going to see people being able to come in and set up shop."

There is an Article on the setting up of micro and small business enterprises; persons can move from island to island and set up businesses—Micro and Small Economic Development. Right now, as my colleague Sen. Baksh said, you are hearing this cry from people who might not understand the process saying, "Fix Trinidad first." Therefore, these same people are going to see certain developments with respect to foreign nationals coming in, making certain developments and advancing in certain ways and they are going to ask why this is happening. Unless you sensitize people beforehand that this is one of the options, one of the spin-offs in the development of this Caribbean Single Market and Economy integration movement process, then people are going to be concerned and upset. As Sen. Prof. Ramchand said, these are the fears that people have had

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since the time of the Federation and this is not abstract; you have had violent confrontations coming out of that.

In the 1937 labour strikes, one of the major problems that Butler and they had was to get people together to oppose the oppression of the international regimes that were here at that time, because people felt that Grenadians and people from other islands would come in this country and work for less pay than Trinidadians were prepared to work for. It was a real struggle to get people together to work harmoniously to fight for better wages and improved conditions, because there was this dichotomy, this competition between labour of Trinidadian origin, labour of Grenadian origin and labour from other islands. So it should be managed delicately and sensitively, with the maximum flow of information and education process on a continuing basis on radio and television, in the communities and schools. This is what school children should be debating at this point: the pros and cons, benefits and setbacks that are going to accrue from the whole Caribbean community integration process.

This is what should be on the lips of all young people coming out into the marketplace, because they are the ones who are going to be affected by the movement of labour, capital and jobs. Are we going to find a situation where Caribbean neighbours are going to be following the highest paid jobs in certain islands, putting pressures on social delivery services in any particular island, not necessarily just Trinidad and Tobago? In other islands you might find that as the globalization process evolves, big companies might be going to certain islands and, therefore, labour will follow wherever these companies set up shop. You may find a situation where there is a flow towards particular areas where the globalization process is most developed. How are people going to deal with it?

Madam President, it is life altering for the Caribbean. It has very grave implications for the very concept we are trying to foster: the unity, love and solidarity of Caribbean peoples. If it is not handled very delicately and sensitively, with a lot of information, we could find ourselves achieving just the opposite: a lot of friction, discontent and opposition at the ground levels among our people. These are some of the issues that we have to be cognizant of and we have to think about when we, in this Parliament, pass legislation as wide reaching as this.

In the whole question of the macro issues that we in the Caribbean face as a region, as the globalization process unfolds, we have the question of the unequal international economic order, in terms of trade. We have obstacles, especially with the legalization of international property rights. We have obstacles with access to information, knowledge and technology. There are disparities and

symmetries among bigger and smaller countries that are less developed economically and so on. We have the impact of the policies of structural adjustment that have taken their toll on smaller Caribbean countries, especially those that have depended mostly on tourism for their income and livelihood. We have the impact of the 2001 terrorist intervention that has decimated the tourism-centred economies of the Caribbean. These are some of the macro issues that Caribbean countries face in this brave new world.

When we talk about the Caribbean Single Market and Economy, we have to think about how these issues are going to be impacted on by its establishment. Certain Articles in this Treaty recognize the existence of economies that are more vulnerable and the need to set up a fund in order to fund these economies. We have to ask ourselves what it will cost the Caribbean and, specifically, what it will cost us in Trinidad and Tobago with respect to setting up of the CSME, because we have many small, vulnerable economies in Caricom. We have countries that are larger, like Guyana, blessed with huge, fertile tracts of land, but they are still very poor and vulnerable. Therefore, if we are to bear the brunt of the cost of setting up this CSME, what will it cost us? This is an important piece of information that we need to know and we need to debate and understand. What is it going to cost us?

Although we understand that it is important, that this is the general direction in which we have to go, people of this country must understand what are the costs, so that in future we will not have a situation where we would say, "No one told us that it would be like this, that it would cost so much and that it would have certain impacts on different aspects of our economy," which I will proceed to ask questions about.

For instance, at the micro level this CSME will have a major impact on security. At this point in time in Trinidad and Tobago, we have a huge problem of securing our national borders. We are talking about an integrated economy and CSME. How is this going to impact on our national security? Is this going to enhance our national security? Is this going to pose more pressure on our national security? Right now our armed forces: police, coast guard, soldiers seem unable to deal with the flow of drugs and guns into this country. Every other young person in this country has access to a gun and illegal firearms. How is the establishment of the CSME, the free movement of people, labour, capital, goods and services, containers or whatever coming into this country going to impose on security? What plans do we have to ensure that our national security is not compromised in the whole process?

At the micro level we have the issue of health. These are the questions that we felt various ministers of Government would have risen in this debate to undertake to inform the national community and us on this side how the establishment of the CSME would impact on their particular ministry; what are the plans to accommodate this whole new area that we are entering into so blithely without any discussion. Security is a major issue as is health. We have a situation where the Ministry of Health is in crisis; the Joint Select Committee hearings have indicated that to the national community. There is this total lack of communication between the Ministry of Health and the Regional Health Authorities (RHAs). There is a lack of maintenance of basic infrastructure in the health sector. There is the flight of doctors, nurses and professional medical personnel. In the midst of that, we are saying that we are borderless, that peoples of other Caricom countries are free to come in and set up shops and businesses and settle here with their families. How is this going to impact on the health sector? What are the studies being done as to project the next 10, 15, 20 years? What are the changes we have to make in the health sector to accommodate the expected influx of peoples into our economy? What is the expected influx? What are the projections? How does it mesh with our projections for the growth of our population and the problems we have right now in health?

We have the issue of HIV/AIDS. With a seamless, borderless community, we know for a fact that this is going to promote integration at all levels among people. How is that going to impact on the spread in the population of HIV/AIDS? What are the Government and the Ministry of Health planning to contain this scourge of the 21st Century, with respect to the health of our people?

Sen. Baksh dealt with the question of transport and I expected that the Minister of Works and Transport would have participated in the debate to explain some things to the Senate, with the massive traffic jams that our nationals face every day on the road to get to their places of work, school and so on, and with the serious problems we have with the carnage taking place on our roads. Just recently we lost one of our eminent artistes, a young talented daughter of the soil, Onika Bostic. It is such a loss to this country, because we know that the carnage taking place on our roads is directly related to economics: the fact that people have to work so much harder and rush so much more to maintain a decent standard of living because of the inflationary process, the hardships we are undergoing every day and bad management; everything is directly related.

We see the way maxi-taxi drivers drive on the roads. When you sit and think about it, you have to understand what they are going through. The average maxi-

taxi driver has to give the owner of the maxi \$300 before he can get a cent for himself. So when you see them rushing on the road and risking the lives and limbs of passengers and pedestrians and you tend to condemn them, they are undergoing extreme economic hardships; that is one of the issues we have to face. So when we talk about the CSME and we have all this carnage taking place on the road, all these massive traffic jams and all these problems in coming to any sort of vision for opening up the various arteries and getting people safely to and from their places of business, schools and so on, it is sort of mind boggling to understand how we are going to deal with it. We cannot deal with what we have now and we are talking about opening up our borders to the wider world; it is going to be even more chaotic than it is now.

With respect to even social delivery systems, I expected the Minister of Social Development and the Minister of Community Development to tell us how the CSME is going to impact on the delivery of social services and community life in our country. How is the CSME, the movement of people, the envisaged growth in the economy, increased movement and the provision of housing and community services going to be impacted? How are we going to deal with these things? What are the plans to deal with them? These are the sorts of issues that must be articulated if our people are to understand the impact of what is envisaged in these treaties.

Between 2001 to now dramatic changes have taken place nationally and internationally; therefore, we cannot rest on our laurels of having signed the Treaty, we have to move on. This is the problem that the PNM Government has; it never moves on; it always looks back. You did this and you did that, but the world has changed, has come full circle. Since 2001 we have had massive increases in all kinds of social, political and economic problems. We have the whole globalization process to deal with and you are still looking back at signing a treaty in 2001, when the world is so different in 2004. I have serious reservations as to whether this Government is capable of leading this integration process.

We have a situation where this Government is unable to unite and lead 1.3 million people in this country. We have seen the tactics of division, discrimination, political bias and victimization that have brought us to our knees. We have gone back 50 years in this country, since 2001; that was when we were on the upswing. People should be ashamed to talk about 2001; that was when we were on the upswing in this country. People had hope; people could see their future; young people could see where they were going. [*Desk thumping*] Now everybody is despondent; our young people are committing mass suicide in this country.

Hon. Senators: Ooh!

Sen. Dr. J. Kernahan: You do not understand what is happening with all the young boys with guns in this country, running about killing themselves every day? Is that not mass suicide? They are very nonchalant and unconcerned about the enormity and tragic reality of this country and about what is happening. [*Crosstalk*] When you talk about 15-and 16-year-old boys who have no value for their lives or other people's lives, you can understand that they have no hope in this country under the PNM Government and that is why they act the way they do. Their solution is to gun them down in droves, by threes and fours and so on; you gun them down all over the place. Your terror squad guns them down and that is the end of the problem; so you feel, but we are multiplying the problem and building serious problems for ourselves in the future in this country, if we continue under the mis-leadership of this Government.

I have absolutely no confidence that this Government can lead the integration process in the Caribbean, because it has shown itself inept, incompetent and unable to lead 1.3 million people. I do not understand how this Government hopes to take a leading role in the integration process, where you have to lead over 7 million people in the Caribbean region.

Sen. Mark: You want to lead the Caribbean, but you cannot lead your own country.

Sen. Dr. J. Kernahan: It is important at this point in our people's history, given the globalization process and the fact that so many international laws and regimes are going to be imposed on us through the Free Trade Area of the Americas (FTAA) that will spell hunger and poverty for millions of people in the Caribbean. It is important for us to be united economically, socially and culturally. It is important for us to have this sense of solidarity. It is important for us to understand that other regions of the world have based their strength and economic progress on an integration process. But we must be ever mindful of integration in whose interest. This is where we have to pose the questions and focus very pointedly. Integration in whose interest? With the CSME, are we going to establish an integration process in the interest of the foreign multinational corporations? Are they the ones going to walk away as beneficiaries of this whole process or are the peoples of the Caribbean going to walk away as the beneficiaries? That is where Government policy will determine which way the process goes.

Madam President, it is very difficult. We understand that with globalization these strong multinational institutions are very powerful and it is not always easy

to deal with the implementation of these policies being imposed on us, but if we sit back, as this Government has done, and say that we have no choice, we have to go with the flow and that there is nothing we can do about the process, then we are defeating ourselves before we even start. This is the crux of the matter. We have to understand that the implementation of the integration process must be done, first and foremost, with the peoples of the Caribbean as the primary beneficiaries. We have to understand as, for example, the Venezuelans have done, that there are other alternatives to the integration process. There is a new ideological role we have to walk when we talk integration, if our peoples are to benefit from this process and it need not necessarily be all in the interest of the multinational corporations.

I will like to quote from this document, *A Perspective of the Bolivarian Republic of Venezuela*. This is a document done for a Free Trade Area of the Americas seminar by a representative of the Venezuelan embassy. This is the Venezuelan perspective on the FTAA with respect to Caricom and what our options are with an alternative integration process. I would like to quote, firstly, how they see the FTAA and then with respect to Caricom. It states:

“Last but not least, we are concerned that the FTAA is not only a trade agreement. In the different negotiating groups the underlying concept is the establishment of a supranational legal and constitutional order that will finally prevail over the current national order. Profound restrictions in the exercise of national sovereignty will affect all countries of the continent. In the case of Venezuela, these restrictions will be directly incompatible with the basic doctrines that sustain the Constitution of the Republic of Venezuela. The potential conflicts between the judicial regulations of the FTAA and the doctrines of the sovereignty of the States represent an issue that demand a debate.”

They are also saying that the whole question of how the FTAA is going to impact on the Constitution and national sovereignty of Venezuela deserves in-depth debate. This is what we are also saying here this afternoon. We are talking about the Caricom Single Market and Economy and how the imposition of FTAA agreements, potentially, in the next few years on the CSME will affect national sovereignty. The Venezuelans are saying that these issues must be debated and solutions found.

The document also says:

“The advances achieved in the negotiations in the Andean Community of Nations, Mercosur and Caricom are the expression and the concretion of ALBA...”

which is the Alternative Regional Organization.

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“This pre-recognizes Latin America and Caribbean integration to face the challenges, risks and threats posed by the trade integration with countries of a greater relative development.”

So the Venezuelans have recognized that an alternative regional integration process is possible, necessary and vital. [*Interruption*]

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

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

Question put and agreed to.

Sen. Dr. J. Kernahan: Thank you, Madam President. The Venezuelans and Cubans have recognized that alternative regional trading blocs are possible, necessary and vital if integration for the people is to be achieved and not integration solely in the interest of international multinational corporations, which then give free reign through any particular bloc such as the CSME. With the emergence of the FTAA, we have to understand that the implementation of these policies, as within Caricom, is going to be done against a backdrop of different sized economies and no decision for any urgent talks or measures to reduce the profound effects and imbalances that currently exist are being contemplated in the FTAA at this point in time.

The harmonization of the role of the State and the role and dynamics of the marketplace must be discussed and propagated throughout the national and Caricom communities, in order for the integration process to be successfully carried forward in the interest of the people. We cannot have a situation where we accept that the dynamics of the marketplace are the only ones to guide the economic development of these Caribbean nation States and expect that this is going to work in the interest of the ordinary people. Mexico is a very stark and glaring example of one of the countries that has suffered the most damage, even as part of the North American Free Trade Area (NAFTA), and what their integration with the United States and Canada has done to the Mexican economy.

It is glaring; it is evident that the Mexicans have suffered horribly. Millions of small farmers and workers have lost their jobs. The environment has suffered tremendous damage with the flow of these multinational corporations to where there is cheap labour. They have damaged the environmental integrity of these

countries. When they are finished they move on to a market where there is, potentially, greater profits because of lower wages and lower levels of legislation; they just move on through the territories. If we are not careful, if we do not understand the dynamics of how these multinationals operate and the lessons of Mexico and other countries which have been directly affected by this sort of integration, over the last 10 years, we in the Caribbean are going to suffer the same fate.

We are talking about multinationals setting up shop in Trinidad and Tobago but when they have threatened our environment to the extent where they dump all sorts of harmful chemicals, when they have destroyed our eco-systems and our animal, plant life and biodiversity, they move on to other countries where the pickings are better and they do the same thing there. This is what is happening in other countries and we must be very careful that we do not provide, through the CSME, a vehicle for the facilitation of this sort of inhumane activity on the part of multinational corporations. Our model of integration, our CSME, although we understand that it is important for the future of our Caribbean peoples to stand together—as they say, if we do not hang together, we will hang separately—we also have to understand the ideological direction in which this whole integration process must proceed, in order for our peoples to benefit and to secure our future in this age of globalization. We are concerned that the Caricom Single Market and Economy must be used as a genuine tool for development and not as a weapon of mass destruction by international capital in the Caribbean nation States of this hemisphere.

If we look at the whole question of services, we are also concerned that with the imposition of the Free Trade Area of the Americas, there is a chapter of services that opens vast areas to private investment. Most of the services that were previously under the domain of the public service will be open to private investment. We are talking about water, health and education; under the FTAA these are called services and they are to be delivered by private companies instead of being part of the public service. These services will now be structured as private contracted relationships between commercial enterprises and paying customers. Once this has been effected, they will no longer be claimed as rights. For instance, water will no longer be a right; you will have to pay for that between yourself and a private provider. Education will no longer be seen as a right; you will also have to pay for that between yourself and a private provider. All these are important issues that must be brought to the public domain if we understand what are the implications for the CSME and what implication the FTAA will have on the provision of these services as part of the new globalization process.

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These are some of the issues that have not been brought to the people of this country; the issues of sovereignty, services, the rights of multinationals over the sovereign rights of Caribbean States; what is going to be the relationship between the sovereignty of the FTAA and Caribbean nation State as individuals and under the Caricom Single Market and Economy. I believe that if our people understand that the process needs to be developed, deepened and expanded, at the same time, we must understand that there are certain risks, challenges and issues that have not been raised in the public domain at all. They will be brought to us like a “thief in the night”, because all we have heard, with respect to the FTAA and this country, is that we want our country to be the headquarters. We have not heard about the cost benefits, what it will cost us to have the headquarters of the FTAA here or the cost to other countries which have, for example, been affected by the World Trade Organization rules, the same rules that are going to be propagated by the Free Trade Area of the Americas.

We have not heard what are the possible challenges to our environment, health and education system. All these are things that need to be debated, not only in the wider society, but also in this Parliament, if this Government is serious about leadership. If you want to lead people, you have to inform them. You do not just impose things on people like “a thief in the night”. When everybody is distracted and festive you pass important legislation that will alter the lives of people; this is highly unfair; it is wrong and shows a total lack of leadership. It shows a lack of confidence in people. Even though this Government always portrays itself as being for the people and “We care,” it shows a lack of confidence, because if you are confident that people will follow you, you will explain to them what they are following. You will explain to them the pros and cons; the benefits, setbacks and drawbacks and where it will hurt. You have to tell people where it will hurt; do not just give us all the propaganda about where it will help and how many thousands of jobs will be created. Tell us the jobs that will be lost. Tell us what we are going to lose by being part of the FTAA agreements being signed. Explain to us what you are signing and tell us how it will affect the CSME; how it will affect this new regional body that we have committed to establishing for the benefits of our people.

My major problem is integration for whom? Will it be integration to advance the cause of Caribbean unity? Will our people be more united or feel closer to each other? Will our relative strengths and weaknesses complement each other? Will we help each other to reach a level of development, where all Caribbean peoples are proud to stand together as one, and advance our economies or will we

be decimated and fragmented by the powerful multinational companies that will use the CSME as a tool to facilitate their rape of this region? This is my concern.

I thank you.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, the debate has been so roundabout that it is very difficult to envisage where one should start in replying. I will try and find my way through it all, because I was not so sure whether we were discussing the FTAA—particularly from the last speaker—the Caricom Single Market and Economy, the World Trade Organization or whatever.

I will like to take the session back to some beginnings. I will do this by pointing out the battery of legal luminaries that formed the team of the UNC, which engaged the question of the Caricom Single Market and Economy. We are talking about a team led by the then Prime Minister, Mr. Basdeo Panday and, of course, the then Attorney General, the Member for Siparia, the Member for Point Fortin, and the Member for Couva South, among others. The exercise at hand, at the time, was to see to the establishment of the CSME and, of course, this exercise took them through a number of venues and meetings, such as the Seventh Intercessional Meeting of the Heads of Government of the Caribbean Community, which was held in Georgetown. That team was headed by the then Prime Minister, the Minister of Foreign Affairs, the Minister of Trade and Industry, permanent secretaries of different ministries, export promoters and all of that. The main issue for that meeting was to discuss the status of the implementation of key decisions. For example, free movements of skills, of university graduates and multilateral air services agreement.

The series of engagements continued almost unimpeded. I will not tire this Senate, at this late hour, with the number of sessions that were attended, but there were other venues like a Special Consultation on the Caricom Single Market and Economy; that was in 1996. The purpose of that encounter was to develop coordinated and focused approaches towards achievement of the CSME before 2000. The list of meetings goes on: The Seventh Meeting of the Conference of Heads of Government of the Caribbean Community. The main issues then discussed were agricultural development, strengthening of the community's institutional arrangements for regional development, promoting the community's external trade and developmental relations.

6.00 p.m.

Of course, the team was always headed by the illustrious Prime Minister at the time, the hon. Mr. Basdeo Panday, and I must say they did a good job. The

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frequency of these sorties would attest to the fact that they were actually interested in this exercise, so they must be commended for it.

At the end of it all, one would have to ask the questions: Was this just an academic exercise in which they were engaged? What was the intention behind this massive presence all over the Caribbean? It seems, from the questions which they are asking this side to respond to, that they themselves did not think those things through. We heard this morning, "Think! Think! Think!" I am wondering what they on that side were thinking that the question of even educating the public never occurred to them. They seemingly did not think. I would not dwell too long on this, Madam President. If anybody needs to refer to this document, I can make the contents available.

I will go on to the specifics. Questions were raised by Sen. Mark and I will deal with some of those posed, which were not answered by the Attorney General. Sen. Mark, in his contribution, raised the question of the lack of public awareness of the revised treaty, the CSME and its implications.

I recall that in the other place we made mention in fairly great detail of the orientation of the CSME Unit insofar as the public education programme is concerned. There is a unit established as an entity of the Ministry of Foreign Affairs, which is charged with the public education programme as far as the CSME is concerned. The object of that unit and the public education programme is to sensitize the public at large to the implications of the CSME for the people of Trinidad and Tobago and the wider Caribbean.

That unit connects with a number of other state organs and agencies. Indeed, a number of institutions have been serviced by the unit insofar as presentations go and I will recite a few of them. They include the Cabinet of Trinidad and Tobago, the Couva/Point Lisas Chamber of Commerce of Trinidad and Tobago, Division of Finance and Planning, the Tobago House of Assembly, the business studies class at Roytec, the American Chamber of Commerce of Trinidad and Tobago, the Small Enterprise Business Association, the Association of Local Government Bodies of Trinidad and Tobago, the Credit Union League of Trinidad and Tobago, the Media Association of Trinidad and Tobago, the Trinidad and Tobago Chamber of Industry and Commerce, the Trinidad and Tobago Institute of Architects, the Bankers Association of Trinidad and Tobago, the South Trinidad Chamber of Industry and Commerce, the National Network of NGOs of Trinidad and Tobago, the Association of Trinidad and Tobago Insurance Companies and the list goes on. To argue that there is not enough public communication on this matter is not telling the story as it should be told.

As a matter of fact, we have also been to the schools of Trinidad and Tobago, sensitizing school children. It is one thing to sensitize the children and the principals, but we at the CSME Unit cannot go into the classrooms and teach. If they want to follow it through, then the principals have to take it further: go into the classroom, do some competitive essays; do some term papers and let them become involved in this whole process of what the CSME holds for them. This is what we mean by professional sensitizing.

The response that we have had media-wise could be found in the *Business Guardian* of Thursday, November 25, 2004, which poses the question: Do you believe that Trinidadians and Tobagonians stand to benefit employment-wise from the Caribbean Single Market and Economy? The response, Madam President, was 68 per cent saying yes, 15 per cent saying no and 17 per cent saying they do not know. We will take care of the 17 per cent in due course. That deals with the question of public sensitization.

Sen. Mark referred to the question of the Caribbean Court of Justice (CCJ). The CCJ seems to have some kind of enigma for the other side. I do not know why. It is their baby which we have nurtured. It is a good thing for Caricom. I would take the others back to the Report of the Nineteenth Meeting of the Conference of Heads of Government of the Caribbean Community, at which the question of the court was discussed. Indeed, Sen. Prof. Ramchand mentioned the metamorphosis of the Supreme Court nomenclature to the Caribbean Court of Justice. It did come up at that meeting and in the question of using the name suggested in *Time for Action*, it underwent a change from Supreme Court to the Caribbean Court of Justice. This is what it says:

“230. With regard to the matter of the seat of the Court, Member States expressed support for Trinidad and Tobago to host the seat of the Court, provided that that Member State participated in both the original and appellate jurisdictions. It was stated that participation by Trinidad and Tobago in a limited way would compromise the integrity and reputation of the Court.”

It did not end there. The report continues—and the delegation was headed by none other than Basdeo Panday—

“Trinidad and Tobago reaffirmed its offer and continued willingness to host the seat of the Court and undertook to withdraw its offer in the event that it could not secure the required parliamentary approval for full participation in the Court.”

In other words, they were anticipating our negative, but we endorsed it as well, so the ball is back in the court of the UNC and the Opposition. I would hope that they

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would see the virtues and the attributes of the Court in terms of the role the Court would play in this whole CSME enterprise. Again, they might have to rethink that with their leader when the time comes. Because of the distance that the conference went to support him, his credibility is at stake and I am sure he would not want to see that lack of credibility continue. So, think, think, think!

Now the question of political union has arisen, Madam President. I do not know how this has seeped into the CSME. Nowhere in the wording are the words “political union”. The other side is saying that it is not there; that nobody gave the Prime Minister of Trinidad and Tobago a mandate. That may be so, but at the same time nobody said you cannot think outside the box. So if he floats it as an academic topic, to sensitize the people of Trinidad and Tobago as to the implications of a political union—the other side does not seem to be against it because they even suggested that the union may include Guyana, Barbados and Trinidad and Tobago. Basically, they are saying they are not against political union. I applaud them for that.

Sen. R. Montano wondered whether Caricom had not reached saturation point. On the one hand, he was saying that Caricom apparently is saturated, yet at the same time, he was saying that we must look outside of the Caricom to the European Union to see whether we could do some adaptation as far as flexibility goes. Indeed, that in itself is not a bad thing. Of course, the origin and history of the European Union are quite different from that of Caricom. One might not be able to make such an easy transfer as it looks to the other side.

Sen. Prof. Deosaran made some very interesting observations. In fact, he tickled our memories in a way when he posed the good question of openness of borders. I believe that we need to look at the points he made with respect to security. We on this side are very flexible in terms of objectivity in the whole exercise.

We were dealing with the question of the advantages that can flow from the CSME introduction. I think this is where Sen. R. Montano thought that I might have chosen that time to intervene when he raised this matter. Sen. Prof. Deosaran also made some very good observations in this regard. I would just very quickly illustrate some of the advantages that can flow to Trinidad and Tobago from a single market implementation. These would be things like the increased inflow of new capital, entrepreneurship and technology among member states. We would be looking at a larger market beyond Trinidad and Tobago and, of course, the opportunities are there for economic, financial and investment decisions. We can also see an improved services sector. We can see a greater opportunity for travel,

study and work in Caricom countries. We must not feel that because we happen to be a fairly large country within the region, travel to the other countries could not provide a learning experience.

We can see, from all of this, an improvement in the standard of living and better choices and better prices for the consumer. These are some of the immediate benefits and advantages that can flow to nationals of Trinidad and Tobago.

On the question of a common external tariff, the treaty deals extensively with that. We are dealing with a situation where, according to our good friends opposite, the whole process is a revolutionary one. We cannot expect a treaty to last 24 hours. If you introduce a treaty and bring it within your legal system, then, like a constitution of a country, you would want to see it evolve. This is what we are facing with the CSME and the revised treaty.

The question of a bipartisan approach, while we may not have a formally constituted bipartisan mechanism, the fact is that we on this side of the Senate were able to support them when we were in opposition and now that we are on this side we have taken the project. This is clearly indicative of an open bipartisan approach to the whole question. We ought to build on that; we ought to move that forward and see whether we can arrive at a consensus on either side. If we were to look at it from that perspective, we would not be making a mistake.

It is clear that within the Caricom family there is need for greater communication in the media. Those of us who were familiar with the old CANA from very close up, we were quite troubled that it disappeared. I believe that this is one area of entrepreneurship in which the private sector can find a niche.

Sen. Baksh posed some very interesting questions and I can only attempt to respond within the context of the evolutionary process of the CSME, as we see it. It is not short-term. There are a number of committees established; there are a number of councils established, for example, the Council of Finance and Planning, the Council for Social and Human Development, Transportation, et cetera. I believe that in the course of time those councils would address most of the issues that you have raised under the direction and leadership of the Caricom Secretariat. Do not despair! If they fail to do that, we would make sure that we get them working on those issues.

On the question of the cost of the CSME, I do not know if it would carry a separate cost to be a burden to Trinidad and Tobago. There is a budget structure for participating members of Caricom. Each country has a share. The shares of

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Trinidad and Tobago in the budgetary process are about 24.22 per cent. To the extent that that remains a quota, I believe that it would continue to be manageable, particularly from the standpoint of other assistance that they give in the region.

This brings me to the question of the Caricom trade support mechanism. This vehicle, to assist the Caricom countries, was established last year at the Caricom Heads of Government meeting in Montego Bay. When one does the arithmetic and one sees the benefits that were accruing to Trinidad and Tobago in terms of the flow of trade, in order to keep those enterprises going, it was absolutely necessary to infuse and inject some capital so that the production centres in Trinidad and Tobago could continue to feed into the marketplace in those countries. It is not a question of giving anything away; it is a question of self-interest, as so often described by the other side.

I believe we have said time and again that in the medium run Trinidad and Tobago would convert itself into a major transshipment hub, not only for the Caribbean, but for the rest of Latin America. I believe that we have the on-site facilities. We have our port assets and it would not be long before this could be all mobilized and energized to feed into Latin America. A lot of that is possible.

Sen. Dr. McKenzie raised some interesting points. She was wondering whether you could have half membership. I am only paraphrasing it. Once you sign the treaty, you are a member. So if at the time of signature, you did not enter a reservation, the fact that you signed means that you sign on for the totality of the provisions of the treaty, so that the question of having one leg in and another out is not applicable. You either belong or you do not.

Of course, the timing of the implementation of the CSME in its final form would naturally correspond to the stage of economic development and progress of each member country so that, indeed, those who are more advanced—and this is the terminology in the treaty—would naturally be expected to get there before the lesser developed countries.

The Attorney General dealt with the Barbados fishing dispute—the boundary dispute—which is being dealt with in another forum.

I believe I dwelt in enough detail on the other organs of the community, such as COFKOR, COTED, COFAT—

PROCEDURAL MOTION

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

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sit until the completion of the debate on this Bill and the other Bill listed for debate today, that is, the Caribbean Community (Removal of Restrictions) Bill.

Question put.

The Senate divided: Ayes 22 Noes 6

AYES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Joseph, Hon. M.

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, Hon. S.

Hackshaw-Marslin, Mrs. J.

McKenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

Seetahal, Miss D.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Ali, B.

NOES

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Mark, W.

Baksh, S.

Kernahan, Dr. J.

Montano, R.

Seepersad-Bachan, Mrs. C.

Augustus, R.

Question agreed to.

CARIBBEAN COMMUNITY BILL

Sen. The Hon. K. Gift: Madam President, it would be fair to say that, in spite of the non-passage up to now of the law, the CSME is fully functioning. Were it not so, we would not have seen, at the development of the impasse with Barbados when some sort of measures were being attempted against Trinidad and Tobago's products, that it was taken to the Council of Trade and Economic Development (COTED) and the Government of Barbados was rapped very harshly on its knuckles. While we may not have read about it here in the headlines, COTED is working as one of the organs of the community.

The question of alternatives to the political union was raised by a number of colleagues on the other side, but Trinidad and Tobago is pursuing those alternatives—trading blocs as opposed to Caricom. We have very strong bilaterals going in the Far East. We have signed investment promotion and protection agreements with China, Japan, South Korea and we are about to do the same with India. We have, on the waiting list, to visit the Heads of Government of Chile and Bolivia, countries from the Andean Group and Mercosur—so we are evaluating our options. We believe that we are not stuck to Caricom, but that the field is larger for Trinidad and Tobago based on our natural resource assets at the moment. That point is well taken and, just for information, we are indeed pursuing those options out there.

The question was posed by Sen. Dr. Kernahan: integration in whose interest? I believe that it is clear that the integration we are proposing is in the interest of Caricom. It is not led or driven by any big conglomerate multinational out there. I believe, if I might use that terminology, that it is really a grassroots initiative. If we begin to look from within with the purpose of radiating to a larger pond out there, I believe that you could not fault Caricom leaders for taking that course of action.

As far as the regional initiatives go, Madam President, in those options I mentioned, we are also pursuing vigorously relations with Cuba—we have signed trade agreements with Cuba—we have one with Costa Rica, the Dominican Republic, Venezuela and Bolivia and Chile are next in line. We have covered the whole gamut of arrangements out there. I believe it would be fair to say that the interests of the people of Trinidad and Tobago are well taken care of by the Government of the day and I urge my colleagues on the other side just to take note of the points raised because we are still in the process of experimentation with the treaty. It is still young; it is a long-term document and in the final analysis the people of Trinidad and Tobago stand to benefit enormously from this initiative.

I beg to move.

Sen. Ali: Madam President, I was hoping that the hon. Minister would address my remarks about that Schedule IV, the special provisions for the protection of Guyanese petroleum products. I am asking because one of the missing pages addressed the question of disadvantaged countries. In my previous notes, I had looked at it and I assumed that Guyana, being an MDC, was not a disadvantaged country. This is one of the reasons I posed the question why it is there. I would like to get a reply.

Madam President: I do not know if we can do it now. He has already moved. Perhaps we can do it at committee stage.

Did you want to say something?

Sen. Seepersad-Bachan: The Minister started talking about bipartisan. Is there any comment on the joint select committees of Parliament that were mentioned—the whole approach?

Hon. Senator: That is not relevant.

Madam President: Hon. Senators, the Minister has wound up his presentation, so I think that we will try to deal with any other question at the committee stage.

Question put.

Sen. Mark: Madam President, under Standing Order 51(1), I beg to move, on behalf of this Bench, that this Bill be referred to a special select committee so that we can have greater discussion. There are a number of areas that we need to clarify.

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6.30 p.m.

Madam President: Sen. Mark, the Bill has to be read a second time before you can move that Motion. [*Interruption*] That is after I put it to the vote. The Clerk has not yet read the Bill.

Question agreed to.

Bill accordingly read a second time.

Sen. Wade Mark: Madam President, under Standing Order 51(1), I beg to move that this Bill, because of its importance, be referred to a select committee of this Parliament for further edification, clarification and elaboration.

Question put and negatived.

Bill committed to a committee of the whole Senate.

Senate in committee.

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

Clause 5.

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

Sen. R. Montano: How can we pass a law that refers to an entity that does not exist in law? According to clause 5(1) and (2)—let us just look at 5(1) for the time being:

“For the purposes of all legal proceedings, any question concerning the interpretation or application...to be referred to the Caribbean Court of Justice...”

How do we pass a law that refers to an entity which is not established under our laws?

Sen. Jeremie: The package of legislation which is before us is essentially that. The Caribbean Court of Justice is an integral part of the package of legislation. It is not intended that the proclamation of this Act will be done before the—proclamation is the final stage, as you know. The Act will come into force upon proclamation. It is not intended that that will happen until the Caribbean Court of Justice—despite my friend’s protestations to the contrary—is brought into force.

Sen. R. Montano: You are missing the point. Here we are, passing a law that is supposed to stand on its own. It is supposed to be good and complete on its

own. We are passing a law that refers to a Caribbean Court of Justice which this Senate has not approved. Now it is almost anticipatory. In fact, it probably is anticipatory and it is presuming that we are going to rubberstamp the Caribbean Court of Justice.

In my contribution I said we are not supporting the CCJ on appellate jurisdiction and we have not made up our mind on original jurisdiction. It seems as if nobody is listening. The Government is saying that it is going to do this. Really? In other words, the Parliament does not mean anything. Parliament is a rubber stamp. Why am I, on this the shortest day of the year, three or four days before Christmas, wasting my time? My vote is irrelevant. The opinions of all the Senators here are totally and completely irrelevant? What is the Government going to do? The Government is saying that it is not going to be proclaimed. If it is not going to be proclaimed until this, why are we rushing all this? What is going on here? Why should we—

Madam Chairman: Senator, give the Attorney General a chance.

Sen. R. Montano: Let me finish! Why the rush? Is there a good reason that we have to pass this tonight? That is why I voted “no” to the adjournment. As far as I am concerned, why am I rushing this? This is an important Bill. The Government is telling me to vote for this, but it is in the Caribbean Court of Justice.

As I remember the law, I cannot pass a law that refers to something that does not exist in my law. Then the Government tells me: “You know what? Go ahead and pass it because it is a package of legislation.” Let us assume but not accept that the CCJ legislation fails totally. Let us assume but not accept that the CCJ legislation comes out and we decide that we are not supporting original jurisdiction and the Independent Senators decide that they are not supporting original jurisdiction either, assuming but not accepting, then what is the Government going to do with this? What is the purpose to the Bill if there is no CCJ?

Madam Chairman: Let us now give the Attorney General a chance.

Sen. Jeremie: Am I now allowed to speak?

Madam Chairman: Yes, please go ahead.

Sen. Jeremie: Thank you. I think sometimes we forget ourselves in this Senate. In the law-making process in this country, there is a bicameral system, as

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I understand it. I taught at the university for a number of years. I am sure Sen. R. Montano appreciates this point. The law is passed in the House of Representatives and the Senate and the final check is the authority of the President. It does not come into force until the President sanctions it.

The Senator has asked a question. There is a question on the Order Paper, might I remind the Senator of that? The question was with respect to the laws which have been proclaimed since 1976 and not brought into force. It is because laws do not come into effect when they pass the House of Representatives. They do not come into effect when they pass the Senate. They come into effect when the President gives his sanction to it on the commencement date. The point is that this legislation, as several other pieces of legislation, is not anticipatory. It will come into force when the CCJ comes into force. If the CCJ does not come into force, as has happened before, then the legislation will obviously stay and not become law. It does not become law until the President signs to it.

Sen. R. Montano: Why did we not do the CCJ legislation first?

Sen. Jeremie: These are the building blocks. Some persons have gone ahead and passed the CCJ legislation. The CCJ has no work to do until you give it the Caricom Single Market and Economy (CSME) jurisdiction, the original jurisdiction and the appeal jurisdiction. You said you are not giving it the appeal jurisdiction. We say we have the votes to give it at least the treaty interpretation jurisdiction. We are starting where we are supposed to start for the foundation. That is why we are here. That is my last word on it. I have absolutely nothing further to say on it.

Sen. Mark: Madam Chairman, you would recall that during my contribution I raised this particular issue. I am not convinced, at the moment, that there is need for us to support a measure which, according to Standing Order 37 of our Standing Orders, is wrong to anticipate legislation. What we are doing here—I understand what the Attorney General is saying. The Attorney General should have brought the CCJ Bill before this particular piece of legislation. Madam Chairman, we are a bit constrained on this side to support the measure.

Madam Chairman: We would put it to the vote. Anybody else wants to say anything?

Sen. R. Montano: Yes, Madam Chairman. *[Interruption]* What do you mean by “again”? As I understand the rules in committee stage, you can talk as much as you want.

Sen. Dumas: No.

Sen. R. Montano: What do you mean by “no”?

Sen. Dumas: As much as all of us want.

Sen. R. Montano: As much as all of us want. With the greatest of respect, we have not been given a proper explanation. We are getting some sort of convoluted explanation that is not taking us anywhere and it is not explaining a simple question. How, in law can we, go as law-makers—let us, everybody here, as law-makers—and pass legislation that refers to something that does not exist? That is bright! That is really bright!

Sen. Dr. Saith: Madam Chairman, two points. I would like to remind Sen. R. Montano that the Parliament is not “he” alone. He keeps talking about “unless I approve it”, or “my vote is wasted”. It is a collective group of people.

Secondly, he well knows that legislation has been passed. The Telecommunications (Amdt.) Bill, as you remember, was passed by that government. The President was only able to proclaim certain portions of it, while certain other things had to be done, which were done when I brought it. It is not unknown that you seek to put the framework legislation in place, which is what we are doing, while you do the building blocks.

To put the Senator’s minds at rest, in January he will have an opportunity to debate the CCJ Bill.

Sen. Seepersad-Bachan: Madam Chairman—

Madam Chairman: I think we are getting repetition. I am going to put it to the vote.

Sen. Seepersad-Bachan: When we talked about the Telecommunications (Amdt.) Bill, it could not be proclaimed because there were parts that had to be implemented by the Executive. In this case it is a law. I cannot understand why—

Madam Chairman: The Attorney General has explained it to the best of his ability. We are simply repeating the same thing over and over. Let me put this to the vote and move on from there; otherwise we will be here all night talking about the same thing.

Sen. Dr. McKenzie: I asked the question: If there is a dispute and you have to refer the dispute to the CCJ and there is no CCJ, what do you do? I realize that we do not have a CCJ and we are passing the rule. I asked one of my colleagues for an

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[SEN. DR. MCKENZIE]

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explanation. What I have been told is because it is a package, if the CCJ does not come into being because we cannot find the special majority then, if there is a dispute in this Bill, it does not go to the CCJ, it goes back to the normal ordinary court.

Sen. Seetahal: What I meant was this Act would not be in effect, so there would be no dispute on this Bill. The Bill gives effect to the treaty. The treaty will be nonfunctional. Other matters such as the freedom of movement of peoples, if there is a dispute on that, it will go to the local courts until such time as we have the CCJ. I was explaining that we have five pieces of legislation: the Caribbean Court of Justice Bill, the one we are now dealing with, the one with the treaty, the Caribbean Community (Removal of Restrictions) Bill, the Caribbean Community Bill, I think that was also connected and the Costa Rica Bill. Those Bills all work together. Really and truly, you have to start off with one at some point. I do not think we could have an agreement to do all five together, which would really be the best thing. Pending that, we would do one by one and they would all come into effect on a given date. That is how I understand it.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Sen. Mark: Madam Chairman, I also indicated during my contribution that if you read clause 6(1) carefully you would see where the treaty is amended in accordance with the particular Article. It states that the Minister shall, by Order, amend the Schedule accordingly.

I think the Parliament has a very important responsibility, particularly given the direction that this Bill is taking us and this whole process of the CSME. Therefore, I would like to suggest that there be an amendment to clause 6(1), which says:

Where the Treaty is amended in accordance with Article 236, the Minister shall, by Order, amend the Schedule accordingly subject to an affirmative resolution of Parliament.

In this regard, if you go to the particular treaty and Article 236, what we are saying is that the Minister ought to come back to the Parliament and get the Parliament's approval for his decision in amending a particular Article of the

treaty. I am suggesting for the Attorney General's consideration and the Minister of Foreign Affairs, an amendment that would subject this particular amendment to an affirmative resolution of the Parliament.

Sen. Jeremie: I have considered it, but it is really a foreign affairs policy matter. The Minister of Foreign Affairs will speak to you about this.

Sen. Gift: This is part of the international arrangement as it applies to the question of amendment of treaty and indeed other colleagues across Caricom—

Sen. R. Montano: But!

Madam Chairman: Allow the Minister to finish speaking!

Sen. Gift: Other colleagues across Caricom are also on the same wavelength with us in Trinidad and Tobago with this wording; that is where the treaty is amended. According to Article 236, the Minister shall, by Order, amend the Schedule accordingly. We are talking about the amendment of a Schedule, not changing a law.

Madam Chairman: Anybody else?

Sen. R. Montano: Yes. With the greatest of respect, how can this be a foreign policy initiative? This is where you are talking about changing the law. You are saying that the foreign ministers of the various member countries can and you have decided and all of them have decided: We are not going to refer any amendment to this treaty back to our respective communities. We are just going to go and we will sit in our little caucus and we are going to change it. That is foreign policy? In a month of Sundays that cannot be policy! That can be the policy of a government that does not want to have to explain things to a Parliament. That can be the policy of a government that simply does not want to account to Parliament. That cannot be foreign or legitimate foreign policy.

Madam Chairman: Let me put the amendment to the vote.

Question put.

Sen. Mark: We want a division on that.

The committee divided: Ayes 7 Noes 21

AYES

Mark, W.

Baksh, S.

Kernahan, Dr. J.
Montano, R.
Seepersad-Bachan, Mrs. C.
Augustus, R.
Ali, B.
NOES
Gift, Hon. K.
Jeremie, Hon. J.
Yuille-Williams, Hon. J.
Joseph, Hon. M.
Enill, Hon. C.
Manning, Hon. H.
Chin Lee, Hon. H.
Dumas, Hon. R.
Abdul-Hamid, Hon. M.
Titus, R.
Kangaloo, Hon. C.
Sahadeo, Hon. C.
Ramroop, Hon. S.
Hackshaw-Marslin, Mrs. J.
Saith, Hon. Dr. L.
McKenzie, Dr. E.
Deosaran, Prof. R.
Ramchand, Prof. K.
Seetahal, Miss D.
Anmolsingh-Mahabir, Mrs. P.
Khan, Bro. N.

Question, on amendment, negatived.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clause 7.

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

Sen. Mark: We have read about the development of a Regional Development Fund to drive the Caricom Single Market and Economy (CSME). I asked the Minister to provide us with some explanation as to what this fund is going to be about and what is the anticipated budget of this Regional Development Fund.

Sen. Gift: Madam Chairman, I do not see the connection between the question and the Bill before us.

Sen. Mark: We have been told that Trinidad and Tobago will be funding this entire treaty. It is connected because there is a Regional Economic Development Fund arising out of this treaty. There is a connection.

Sen. Gift: Madam Chairman, I believe the Senator has a misconception about something. The Regional Development Fund, as envisaged by the documentation he has been referring to, has nothing to do with what we are deliberating on.

Sen. Mark: Could you clarify it for us?

Sen. Gift: What that envisages is upon inception, in order to stimulate economic activity among the needy countries along the line of the European Union, you could have an entity set up to do that. Insofar as the Bill before us is concerned, the two things are totally disconnected and unrelated.

Question put and agreed to.

Clause 7 ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Schedule.

Question proposed, That the Schedule stand part of the Bill.

Sen. Mark: Madam Chairman, as you know, this is a very important Schedule. I suggest that we go through each Article to ensure that this thing is extremely clear to this honourable Senate—as well as the various annexes. There are some areas that I need some clarification on. Maybe the Minister, as we proceed—this is a very important document and we are not prepared—

Sen. Dr. Saith: Madam Chairman, I beg to move that we take the Schedule as one.

Sen. Mark: When “yuh” say as one, “whey yuh” mean?

Sen. Dr. Saith: As the Schedule.

Sen. Mark: We are taking it as one but we have to go through the Articles.

Madam Chairman: Sen. Dr. Saith has moved that the Schedule be taken as one unit.

Sen. Mark: I moved before him.

Madam Chairman: You moved a Motion?

Sen. Mark: Yes! I move that these Articles be thoroughly scrutinized in accordance with our Standing Orders.

Madam Chairman: We have the Motion by Sen. Mark that the Schedule be taken clause by clause.

Question put.

The committee divided: Ayes 6 Noes 22

AYES

Mark, W.

Baksh, S.

Kernahan, Dr. J.

Montano, R.

Seepersad-Bachan, Mrs. C.

Augustus, R.

NOES

Gift, Hon. K.

Jeremie, Hon. J.

Yuille-Williams, Hon. J.

Joseph, Hon. M.

Enill, Hon. C.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Titus, R.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Hackshaw-Marslin, Mrs. J.

Saith, Hon. Dr. L.

McKenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

Seetahal, Miss D.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Ali, B.

Question negatived.

Question put and agreed to.

Schedule ordered to stand part of the Bill.

Sen. Mark: We have to deal with the questions. Not because Dr. Saith says we take it as a whole, we ignore questions.

Madam Chairman: I am sorry. The question was put. It was an honest mistake on my part. I thought that was it.

Sen. Mark: But it was very clear. Dr. Saith said that we take it as a whole, but we can query it. We have to go through it on an Article by Article basis. You cannot stifle us and railroad your way.

Madam Chairman: Sen. Mark, that is not necessary, please.

Sen. Mark: I am disgusted!

Sen. Dr. Saith: Madam Chairman, I do not want Sen. Mark putting words in my mouth. When he made his contribution, I moved that we take it as a unit. He

Caricom Community Bill
[SEN. THE HON. DR. L. SAITH]

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said: "My Motion was first." The minute his Motion was defeated there was no need for my Motion.

Madam Chairman: That is exactly what I thought. Therefore, that is why I went ahead. [*Interruption*]

Sen. Dr. Saith: Let me finish please! You have put the matter to a vote. We have already voted. I do not think we should allow Sen. Mark to use another way of prolonging this exercise. He had the Schedule for three weeks.

Sen. Mark: Madam Chairman, are you saying that we are not allowed, in this Parliament, at committee stage, to raise issues on these Articles because Sen. Dr. Saith is saying that we must take it in toto? What kind of dictatorship do we have here?

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

Senate resumed.

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

**CARIBBEAN COMMUNITY
(REMOVAL OF RESTRICTIONS) BILL**

Order for second reading read.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, I beg to move,

That a Bill to amend certain laws to facilitate the implementation of the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the Caricom Single Market and Economy, be now read a second time.

Madam President, it has been noted that Trinidad and Tobago has the fewest restrictions to remove among Caricom member states. Those identified to date are to be found in the Tourism Development Act, No. 9, 2000; the Customs Brokers and Customs Clerks Act, Chap. 78:03; the Immigration (Caribbean Community Skilled Nationals) Act, 1996 and the Foreign Investment Act, No. 16, 1996.

We have thought it desirable in terms of saving parliamentary time and tidying up the relevant statute to bring a Bill to amend certain laws to facilitate the implementation of the Revised Treaty of Chaguaramas, establishing the Caribbean Community, including the Caricom Single Market and Economy (CSME).

Part I of the Bill provides the short title and interpretation.

Part II would amend the Tourism Development Act, by introducing definitions of “Member State” and “national”. It will also allow nationals of other “member states” to benefit from tax exemptions on dividends, and would preserve incentives for certain tourism projects from nations of the community.

Part III would amend the Customs Brokers and Customs Clerks Act to introduce the definitions of “Member State” and “national” and facilitate nationals and other member states who wish to operate as customs brokers or customs clerks in Trinidad and Tobago.

Part IV would, in relation to the Immigration Act, introduce the definitions of “Member State” and “national” and mandate immigration officers to permit eligible nationals of other member states to enter Trinidad and Tobago to exercise rights or privileges conferred on them by the Immigration (Caribbean Community Skilled Nationals) Act, 1996 and from December 31, 2005, the entry of persons seeking to exercise in Trinidad and Tobago the right of establishment or the right to provide a service.

Part V would speak to the Immigration (Caribbean Community Skilled Nationals) Act, 1996. It introduces the definition of “national”, removes the provision that grants entry into Trinidad and Tobago of persons eligible to practise their professions, occupations or vocations on a reciprocal basis.

This part also seeks to amend the Act, to extend eligibility under the skilled nationals regime, from citizenship of member states to nationality of such states in accordance with the Revised Treaty.

Part VI would address the Foreign Investment Act, 1990. This Part introduces definitions of “national” and “Member State” and the redefinition of “foreign investor”.

In respect of other restrictions that may come to light, subsequent to our consideration of this Bill, it is to be noted that section 34 gives the Minister with responsibility for Caricom affairs, the power to amend, by Order, any written law, to facilitate the implementation of the Revised Treaty of Chaguaramas including the Caricom Single Market and Economy. Any Order so made, shall be subject to negative resolution of Parliament.

Madam President, Parts II, III, IV, V and VI are simply intended to remove restrictions in existing legislation that are inconsistent with Trinidad and Tobago’s obligations under the Revised Treaty of Chaguaramas.

It may be argued that it is not necessary to enact this Bill because the Caribbean Community Bill already provides in clause 8, that in the event of any

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inconsistencies, between the provisions of that Act and the operations of any other law, the provisions of that Act shall prevail to the extent of the inconsistency.

It is to be borne in mind, however, that since the Caribbean Court of Justice has exclusive and compulsory jurisdiction, with respect to the interpretation or application of the Revised Treaty, if these provisions remain in Trinidad and Tobago's statute they could give rise to unnecessary litigation which would have to be decided by the CCJ. Since we know and accept that the provisions are restrictive and, therefore, inconsistent with the applicable provisions of the Revised Treaty, it makes sense to remove them from the statute books once they are identified.

Madam President, I beg to move. [*Desk thumping*]

Question proposed.

7.15 p.m.

Sen. Wade Mark: Madam President, I rise to speak on a Bill that was designed to facilitate the implementation of the Revised Treaty of Chaguaramas, by removing certain provisions in the legislation of Trinidad and Tobago.

The heart of this PNM Government is extremely dark and hard. It is now 7.15 p.m. and given the fact that we were told by the Attorney General, a short while ago, that these matters are more academic than serious; having regard to the fact that laws are being passed here and there are other laws that are yet to be brought to this Senate, this means that these laws would just remain on the statute books before we could have any proclamation. So we are now dealing with a second Bill which could have the same fate as the previous Bill that we have just addressed.

Fundamental amendments are being proposed to various pieces of legislation in the Bill before us. The Minister, who I am sure is exhausted and fatigued, has not given us any direction with respect to this Bill. The Minister has not provided this honourable Senate with any kind of justification for the proposed changes in the various Acts that we are being asked to support. The Minister did not indicate the implications with respect to these amendments that are before this Senate. He has not even given us an appreciation of the policy, with respect to these pieces of legislation as they currently stand, vis-à-vis the proposed changes.

What we have been asked to do in this Bill is to make amendments to the Tourism Development Act, No. 9 of 2000, the Customs Brokers and Customs Clerks Act, the Immigration Act, and the Immigration (Caribbean Community

Skilled Nationals) Act of 1996. We are also being asked to address the Foreign Investment Act, No. 16 of 1990. We were not told why the proposed changes to these Acts. Why the Tourism Development Act? Why the Customs Brokers and Customs Clerks Act?

Madam President, are you aware that there are 400 amendments that are required in order to give effect to the Caricom Single Market and Economy (CSME)? We were told, by no other person than the hon. Prime Minister of Barbados—when he recently attended a very important Caricom Intercessional Heads of Government Conference in Trinidad and Tobago—that 400 amendments are required to give effect to the CSME. We were not told why these Acts have been advanced for amendments, even though we were told that some 400 amendments are required. Why has the Government chosen these five pieces of legislation for amendments? The Minister of Foreign Affairs did not tell us because he is too tired and fatigued to explain to this honourable Senate, why we are being called upon in this Senate to amend these Acts.

Why are we being called upon to amend the Tourism Development Act, No. 9 of 2000? Has the PNM changed its mind about this Act? They were not in support of the Bill when we brought it in the year 2000, but we are now being told that they are in favour of it because they are now making amendments to this Act.

In spite of what the hon. Minister told us earlier about the CSME unit, that unit is a half-dead body; it does not function. Nobody knows about the existence of that unit. The Ministry of Foreign Affairs does not even have a website on the CSME. The citizens of this country are not aware of this measure that is before this honourable Senate.

Madam President, in this thrust to go forward, to bring about the PNM's political agenda to stay in power, they are using Caricom and this integration process as a cover up. In clause 4 of this Bill, we are being told that there is going to be a revolution with respect to the definition of a “national” of this Republic. The Minister stood here and he did not say anything about the implications of this measure. The Minister spoke for five minutes and then he took his seat. The Minister is too busy to explain to this honourable Senate, what are the implications with respect to these changes in the legislation.

I want to refer to clause 4 of the Bill and you are going to see what we are being asked to agree to this evening. Madam President, according to this measure, “national” now means, not only a citizen of the Republic of Trinidad and Tobago,

but also a citizen of another member State. There are 15 member States within Caricom, and given the changes that are being suggested, a “national” is not only a citizen of this country, but a national could mean a citizen of another member State. What is the implication of this?

Madam President, someone asked the question earlier—the Minister of Foreign Affairs either forgot to answer the question or in his fatigue, he did not remember—about how many Caribbean member States have passed similar legislation to what we are deliberating on today. The Minister did not tell us anything with respect to this matter. Maybe later on tonight when he rises to speak again, he will tell us something more on that particular question.

“‘national’ means ‘a person who—

(b) has a connection with—

- (i) Trinidad and Tobago of a kind which entitles the person to be regarded as a resident of Trinidad and Tobago, within the meaning of the Immigration Act.”

Madam President, with respect to the Immigration Act, a resident carries a specific connotation and that is outlined in section 5(1) of the Act. Who are the persons qualified to be residents of this Republic? With respect to the clause in this Bill, it is inelegant drafting. What is meant when reference is being made to a “national” who has a connection? What is meant by “a connection with Trinidad and Tobago of a kind which entitles the person to be regarded as a resident of Trinidad and Tobago...”?

Madam President, with respect to the Immigration Act, let me share with my colleagues what “national” means.

“5. (1) The following persons not being citizens of Trinidad and Tobago are residents of Trinidad and Tobago:

- (a) a person who was entitled under the former Constitution to be registered as a citizen;”

Madam President, does a Caricom national qualify under this section?

“(b) a person to whom permission has been granted by the Minister under section 6 to become a resident;”

Is that person a resident? And it goes on:

- “(c) a person other than a person described in paragraph (a) or (b) who immediately before the commencement of this Act...was deemed to be a

person belonging to Trinidad and Tobago by virtue of section 2(2) of the former Ordinance;”

- (d) a person who applies for and is granted permission to become a resident under section 50(1);
- (e) the child of a person who is a citizen of Trinidad and Tobago or who by virtue of this section is a resident provided that such child is a minor or is dependent on and living with his parents;
- (f) such other persons on whom the Minister may confer the status of a resident.”

Madam President, the Immigration Act is very clear with its interpretation and definition of who is a resident and who is not a resident and, therefore, this particular clause does not clarify exactly who is who in this particular context. I hope that the Minister would provide us with some clarification with respect to this matter.

I now move on to clause 9 of the Bill which says “national” means:

- “(ii) another member state of a kind which entitles the person to be regarded as belonging to it for the purposes of the laws of that state relating to immigration or if it be so expressed in those laws, as being a native or resident of that member state...”

That is confusing. We are confusing the immigration authorities because it is not clear. It goes on to say:

- “(c) is a company or other legal entity—
 - (i) incorporated or constituted in Trinidad and Tobago in conformity with its laws.”

Are we referring here to the Companies Act of the country? It says here:

- (ii) “incorporated or constituted in another member state in conformity with its laws which that member state regards as belonging to it;”

Madam President, can these companies seek redress under our Constitution? We are told that a company or other legal entity is formed for gainful purposes. I do not understand what that means. It went on to talk about registered office and central administration and carrying on substantial activity within the community and so forth. It goes on:

- “(2) For the purposes of the definition of ‘national’, a company or other legal entity is—

- (a) substantially owned if more than fifty percent of the equity interest therein, is beneficially owned by nationals mentioned in paragraph (a) or (b);
- (b) effectively controlled if the nationals mentioned in paragraph (a) or (b) have the power to name a majority of its directors or otherwise legally, to direct its action;”.

We are being told that sections 6 and 9 of the Tourism Development Act are repealed and replaced. Now, the previous regime—especially my dear friend, who acts as Prime Minister from time to time, and who is the Minister of Community Development, Culture and Gender Affairs—had serious reservations about this measure that was introduced and debated and passed in the year 2000. I want to know if there was a change of heart by her good self. I know you have a good heart. I do not know if you have had a change of heart. There are only dead persons who do not change their minds. *[Interruption]*

I want to refer you to clause 6 of the Bill which says:

“Tourism projects the incentives for which will be reserved solely for nationals of Trinidad and Tobago and other Member States are—

- (a) Accommodations facilities under twenty-one rooms;
- (b) transportation services;
- (c) ground tour operations or destination management companies; and...”

Madam President, if you look at the amendment to the Tourism Development Act it says:

“Tourism projects the incentives for which will be reserved solely for nationals of Trinidad and Tobago and other Member States...”

This amendment is extending these tourism projects, not only to nationals of this country, but also to nationals of other member States.

Madam President, you will know that Tobago which is now gripped in a major election to be determined on January 17, 2005, has been classified as the No. 1 tourist destination in the Caribbean. When this Act was passed by the then UNC administration, we sought to give incentives. We provided loans through the Small Business Development Company of Trinidad and Tobago to nationals of this country, particularly the people of Tobago, to get involved in accommodation facilities including the construction of 21-rooms facilities. The Government has

brought measures here and somehow the research was not properly done. Who is going to benefit from this particular measure?

Madam President, do you know what is happening in Tobago? *[Interruption]* You all are going to be in trouble on January 17, 2005. Do not worry. It is only a matter of time. In Tobago, particularly foreigners from some European states—I will not call those states at the moment because we want to attract these tourists to Tobago—are going to Tobago and claiming resident status and taking advantage of these incentives that were designed for nationals of Trinidad and Tobago, and putting up guesthouses with 21 rooms and under. These foreigners are going back to their destination and renting those apartments to tourists coming from Trinidad and outside of Trinidad. In light of this kind of exploitation of our product by foreigners—not Caricom nationals—they are taking advantage of these incentives. I want to know what the Minister of National Security and the Minister of Foreign Affairs are doing about this matter.

The Government wants to get support for this measure, and at the end of the process, who is going to benefit? Who is going to benefit from the tourism product? After all, the objective is to improve the quality of life of the citizens of this country, and this measure is not going to benefit the citizens of the Republic of Trinidad and Tobago. This measure is not going to benefit the citizens of Trinidad and Tobago, and I dare say, not even citizens from Caricom are going to benefit from this measure. These are the matters that I would have liked the Minister of Foreign Affairs to explain to us. What measures are being taken to ensure that when this Bill goes into effect that the persons who are supposed to benefit from this measure would benefit? I do not know. I did not receive any assurances.

With respect to transportation services, who are going to benefit from this facility? Many hotels in Tobago have their own transportation network. If you are talking here about the small taxi-drivers, then the Minister did not indicate to us how these taxi-drivers are going to benefit from that arrangement. In fact, we had put certain measures in place to ensure that the small person in Tobago benefit from this transportation services.

Madam President, when the Tourism Development Bill was passed, section 24(1) says that the holder of a permit may upon the production of the permit to the Comptroller import into Trinidad and Tobago, subject to the terms of the permit, building materials and articles of tourism equipment as specified in the permit at approved rate of duty or free from duty. That is what we offered the small people who are in the business sector. It then went on to outline a number of other

provisions that the small man would be entitled to under this Tourism Development Act.

I do not get the impression that sufficient work is being done to preserve the tourism product, particularly in Tobago. There is an environment crisis in that territory. We do not know what the Government is doing about it. If we are going to develop a product, which is the tourism product, then we are going to extend this facility to Caricom nationals. If we do not preserve the national product, what are the people going to benefit from at the end of the day? How are these measures going to redound to the benefit of the people in Tobago, and not to mention Trinidad?

We have a lot of potential in this country for the development of tourism, especially eco-tourism. The Minister of Tourism should tell us, what is the master plan for the development of tourism in Trinidad and Tobago? We had a master plan. We do not want to hear about 100,000 persons arriving in Tobago and so forth. That is not sufficient. The question here is who are the persons benefiting from these measures? Is it the foreigner who has built this 21-room facility in Tobago? It is certainly not the ordinary people of Tobago. This brings me immediately to the question of what is being described as a “foreign investor” in the Foreign Investment Act.

Madam President, the time has arrived for us to look at how this Act is working. Is the Foreign Investment Act, No. 16 of 1990, which repealed the Aliens (Landholding) Act, working in the interests of the citizens of this country? Under this particular legislation, again, the definition of “Member State” and the definition of a “foreign investor” are given.

I want to tell Sen. The Hon. Dr. Lenny Saith that we need an efficient service, owned by nationals of this country, to take persons between Trinidad and Tobago on a very efficient basis—whether it is the air bridge or the sea bridge. [*Interruption*] I want to ask the hon. Minister of Public Administration and Information—it has been drawn to my attention that this Christmas gift that arrived today in Tobago—the *MV Sonia*—to investigate why the citizens and taxpayers of this Republic are being called upon to pay US \$25,000 per day for this boat called the *MV Sonia*.

Madam President, if you want to wet lease a boat to promote tourism between Trinidad and Tobago that could be done in three ways. You could wet lease a vehicle by going and negotiating directly with the owner as the UNC did in the case of the *Beauport*; you could go through a broker who understands the market better than us; and the worst option that one could ever adopt is to go through a shipping agent.

We understand that the Government has gone through an agent called the International Shipping Partners. The owner of that vessel whose name I have here with me—I am going to make it available to Sen. The Hon. Dr. Lenny Saith. Do you know what the owner is charging us? The owner is charging ISP of US \$11,000 for that boat. We must be the 21st Century fools to take the ISP at US \$25,000 a day. If the Government had gone directly to the owners it would have cost the taxpayers of this country US \$11,000 a day. So we are paying ISP of US \$25,000 a day. Are you telling me that the Minister of Works and Transport did not know about that? We did it with the *Beauport*. We went and negotiated with the owners of the *Beauport* and the same ISP cost US \$15,000 a day because we negotiated with the owners of the *Beauport*. We want the Minister to investigate this matter. This is a serious matter. I am not accusing anyone thus far. I am investigating the matter further. I do not want to cast any aspersions. What I can tell you is that this does not sound right. How the Government could be paying US \$25,000 a day and the owner is charging these fellows US \$11,000? We in Trinidad and Tobago did agree to that.

Madam President, we were told a blatant lie and that was this arrangement was only for six months. In last week Tuesday's *Business Express*—I have a copy with me now—it says that this arrangement is for two years. This arrangement was signed on the dotted line for two years. This is just to influence the people of Tobago to vote for them.

This boat is not a new boat. This boat has changed its name five times. It had all kinds of funny names; and it also had different flags like Greece and Italy. This boat used to sail in Naples and the owners of the vessel are the Thomasos brothers. They were the first owners of this boat, and they are now the managers. [Interruption]

I have some more information with respect to this matter and it is very juicy. I just want the hon. Minister to cause an investigation into this matter. The Minister of Works and Transport must take full responsibility for that debacle that has taken place. The Minister cannot tell us that he did not know that the owner charged US \$11,000, and ISP charged Trinidad and Tobago US \$25,000 which is US \$14,000 on top of the US \$11,000. What the hell is going on here? Madam President, I am sorry. I am very passionate about this matter. I hate corruption; I hate the smell of corruption. [Laughter] It pains me because people are suffering in this country. Madam President, I would just leave that matter with my dear friend.

With respect to the Foreign Investment Act, we are of the view that this Act has been working in the interests of our country. I do not like the expressions that

are in this Bill. Again, under clause 13 of the Bill, there is a section that deals with the meaning of a “national”. I do not like the expression that a “national” means a person who has a connection with the member State of a kind which entitles that person to be regarded as belonging to or if it be so expressed as being a native or resident of such a member State—

Madam President: I just want to point out that you are reading from the wrong Bill. There is no clause 13 in this Bill.

Sen. W. Mark: Madam President, I was making the point that with respect to the Foreign Investment Act, I think that the time has come for the Minister of Foreign Affairs to let us know how this Act has been working for Trinidad and Tobago, or whether we need to tighten up the Foreign Investment Act. I have no difficulty in a liberalized global environment where foreigners have to come and invest in our country in order to generate opportunities, especially employment opportunities. I have a difficulty when we allow foreigners to come into our country and actually hoodwink the bureaucracy. I believe the Foreign Investment Act is facilitating that arrangement. I think the Minister of Tourism is in a very good position to tell us what is happening, particularly in Tobago with the accommodation business.

When we go to the Immigration (Caribbean Community Skilled Nationals) Act of 1996, again, we were told what is the meaning of a “national”. It went on to say that “national” means a citizen of a qualifying Caribbean Community state with a connection with a qualifying Caribbean Community state.

Madam President, as you are aware, under this particular Act, there is a category of workers who are now qualified to enter our country.

Madam President: Hon. Senators, the speaking time of the Senator has expired.

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

Question put and agreed to.

8.00 p.m.

Sen. W. Mark: Madam President, under the Immigration (Caribbean Community Skilled Nationals) Act, the part dealing with immigration, a number of persons have qualified to enter our country to date and those persons have been clearly identified in the particular treaty. We are talking about university graduates, sportsmen, musicians, artistes, et cetera. We also understand that the

Prime Minister of Dominica has been given the mandate by Caricom to look at the facilitation of other categories of personnel within our region to begin the free movement of labour in this particular context.

I would like the Minister of Foreign Affairs to let us know what categories we are talking about here, because we already know that on the statute books certain professionals are given the all-clear to enter Caricom Member States. I agree that to give full effect to this CSME, you must move to another level in terms of the free movement of labour because that is an area for which the Caribbean Congress of Labour has been agitating—the free movement of labour.

The question really is, what is this mandate that has been given to the Prime Minister of Dominica? When is he supposed to report to the Heads of Government, and exactly what are his terms of reference as it relates to the movement of a new or a second layer of personnel from different member States within the Caricom family? That is an area I would like the hon. Minister to provide some clarification on for us because there is a measure in section 12 of the Act to which I will refer you.

If you look at the Act here, you will see under the Immigration (Caribbean Community Skilled Nationals) Act of 1996, clause 24 repeals section 12 of the Act. I notice in the amendment, Madam President, that there is no definitive time frame for the implementation of these measures because section 12(1) says:

- 12(1) “A qualifying Caribbean Community state’s reciprocal rights and privileges comprise the rights and privileges conferred by the law of that state on the holder of a passport issued by the Government of Trinidad and Tobago who would, in relation to that qualifying Caribbean Community state, satisfy conditions analogous to those required under this Act.
- (2) A passport holder referred to in subsection (1) is a holder of a passport issued by a qualifying Caribbean Community state who satisfies the conditions of this Act for any right or privilege conferred by this Act.”

This particular section has been repealed because we had some concerns about it. And this is why we asked the question how many of the member States of Caricom are engaged in the exercise we are engaged in at 8.05 p.m. on December 21, 2004? I understand that only Barbados and Jamaica have gone through this particular process.

We were worried that this measure that we are about to deliberate and take a decision upon shortly would put Trinidad and Tobago citizens at a disadvantage because if you do not have reciprocity when you implement legislation, you can have a situation where nationals from other member States can access Trinidad and Tobago's economy without us having the same reciprocal rights because of the fact that they have not implemented the legislation outside of Barbados and Jamaica. [*Interruption*]

What I am saying, Madam President, my understanding is that we need to plug these loopholes in order to avoid the wholesale exploitation of our environment. I am talking about nationals from Caricom Member States who are now classified in this legislation as nationals of the Republic of Trinidad and Tobago and, therefore, all I am asking the Minister of Foreign Affairs to do is clear the air on this matter.

I have no problem with Jamaicans coming here to work once Trinidadians and Tobagonians can go to Jamaica and work. I have no problem with Barbadians coming here to work once we can work in Barbados and they do not look at us “coki-eye” at the airport.

Madam President, our first line of communication when we visit any country is the immigration and if you do not get a proper reception—and I have heard about many nationals of our country who did not. I am not calling any names because I do not want to get into any hanky-panky conversation with anybody, but I have learnt and received information about the shabby treatment that nationals of our Republic of Trinidad and Tobago receive when they go to other countries even though they are qualified. And I want to make sure that whenever we entertain our colleagues and friends from other territories, they do likewise to our citizens and nationals when they go in those countries to work. It cannot be a one-way street; it cannot be a free for all. That is the point I am making.

I would like to see us as one family, but at the same time do not take advantage of me. “I ain't no bobolee.” And I would like the Minister of Foreign Affairs to give us the assurance tonight that in terms of this particular measure that there will be reciprocity and we do not pass carte blanche legislation tonight and allow persons to take advantage of our hospitality, but we cannot take advantage of theirs.

Madam President, I think I have made my point, I have made my mark, no pun intended, and I think that the Minister of Foreign Affairs would be able to provide us tonight with some clarification on some very essential points as outlined earlier in my contribution.

Madam President, I know that later on in the proceedings we will exchange felicitations for the season, so I will reserve my peace for you and your family, Dr. Saith and his family, and, of course, I cannot leave out Sen. Yuille-Williams and also my friend Dr. McKenzie on the Independent Bench.

I hope we will be able to get the necessary clarification, and at the end of the day we want to fix Trinidad and Tobago first.

Sen. Yuille-Williams: Madam President, I heard Sen. Mark talking about people coming to Trinidad and Tobago and he was giving the impression that anybody can just come into the country like that. We are talking about skilled persons coming in, and it is only if we do not have those skilled persons here then they will be allowed to come in. That is one of the reasons you would have heard us saying that we have a community skills bank where we are actually registering persons all over Trinidad and Tobago.

We are safeguarding that at the ministry so we will know people who are registered with skills. We have that registry. People cannot just come in. Unless there is a need for them, they just cannot come. That is why we have the bank and I am just as concerned as you are. No way is it going to happen like that.

Sen. W. Mark: My only point, Madam President, is to ensure that there is reciprocity. That is my only principle and point. I want to thank you very much, Madam President, and of course, as I said I will reserve felicitations for the season later on.

Sen. Dr. Eastlyn McKenzie: Madam President, the only point I wanted to make, was just made by Sen. Mark and it was the question of who will be able to come and it has been answered by Sen. Yuille-Williams.

I want to ask another question and that goes back to the Caribbean Court of Justice (CCJ). If a state—let us say one of the member states—passed its laws and has access to the CCJ and there is a dispute between that state and Trinidad and Tobago, who would not have had access to the CCJ, could they take us there?

Just give me one minute to answer Sen. Mark on the question of Tobago and the all-inclusive matter. I am so sorry that he mentioned the Tourism Act of 2000 because he knows very well that four Tobagonians voted against a word as an amendment to the Act, and two persons on his side were fired. So I do not want to go there, Senator. *[Laughter]*

However, I just want to make a comment on it. I think the whole question of foreign landownership in Tobago began with the repeal of the Aliens

(Landholding) Act, which opened the door for foreigners to have free passage to come and buy lands.

We must also look at the flipside. It also said to us that some Tobagonians, who had inherited lands from their parents, willingly sold some of the lands, bought a motorcar and smashed it the next day. So it was on both sides. We have been arguing about two things; one is that some of these people who bought lands and gave the idea that they were going to set up certain types of businesses changed their minds and set up business in competition with the Tobagonians and that caused a lot of conflict and that is why we were saying that the Tobago House of Assembly should not recommend those tourism projects that would get the incentives, but should approve them and there is where the confusion came in 2000.

What we have now is that some of these people have set up not only big plants, sometimes it is a house. They have a house but live abroad for a certain number of months, they employ a caretaker but send people from Germany, Italy and wherever back there and those people would stay at their house, but it is all-inclusive so they pay for this abroad and so the money never comes back to Tobago. This is the type of situation we have.

I just want to show Sen. Mark where the fallout came with that, and I do not want him to put a generalization on all the foreigners who have come in, because some of them have been doing very good work: voluntary work, charitable work, genuine work, raising funds and helping us in Tobago, whereas some of them are on a strict business deal.

Madam President, the answer to the only question I had was given by Sen. Joan Yuille-Williams, and I just continued to give a response to Sen. Mark.

Thank you very much.

Sen. Basharat Ali: Madam President, I intend to make a very short intervention. Some of my queries and the cobwebs in my mind at this late time in the evening have been explained by the hon. Attorney General in terms of understanding what certain references were.

There was the question of the reference to the Caribbean Community (Movement of Factors) Act, 2004 which he has endeavoured to explain to me and which occurs in Part IV, I think, of the Bill. I had also asked him about the exclusion of the Bahamas from qualifying Caricom states because in the original Act, No. 26 of 1996, the Immigration (Caribbean Community Skilled Nationals)

Act, and its subsequent amendments, there is no mention of the Bahamas. I understand that country has not made up its mind about putting that into effect, and that is why they are not included in Schedule 1 of the Act.

I think Sen. Mark has addressed the repeal of section 12 of the Act, so I will not go into it again. Perhaps we will get some further explanation as to how that works. From my reading of the Immigration (Caribbean Community Skilled Nationals) Act, and its subsequent amendments, I believe that I am correct in saying that so far the category of skilled people who have been included are university graduates and there is a long section on that in the 1996 original Act, and subsequent to that in the 2003 Act, the inclusion of those categories of personnel of musicians, artistes, and media workers

What I seem not to have found up to now are provisions for non-university skilled persons, and so far I have not seen anything addressed to that. I am speaking specifically of craftsmen, technicians, technologists, operators, et cetera and I have a little problem with that because I would like to know how we keep track of such people in Trinidad.

Recently on television, I was listening to the Executive Director of the National Housing Authority (NHA) speaking on the availability of skilled persons and I think he was speaking primarily of craftsmen. He said as the economy heats up, we will need more of those people so my question is: Who is importing such labour? Is it the contractor who has NHA contracts, and how are they coming in if they are? If they do not have that certification they cannot come in. So is it the contractor who has to get work permits for them or otherwise? I am not clear on it and I seek an answer to that.

I note that in accordance with the treaty, there is a right of establishment of services under the treaty and I presume that contractors, even self-employed ones can come in provided they meet certain criteria. I do not know whether those criteria have been established yet and I think it is a very grey area because anyone can then say he is a self-contractor or independent contractor and come in.

How are we then judging those categories of people who have a right to establishment of a service in this country and under those circumstances will have indefinite residence in the country? I would like to know how they are handled. I know in Trinidad and Tobago there is a process of prequalification, whether it is the Tenders Board that prequalifies them or any other firm that is looking to get skilled people and sends out a request for proposal. The first thing they ask for is prequalification.

So how are persons in that category registered, and how do we keep track of the method? I ask these questions specifically because I know in the previous boom years there were many so-called “undocumented” workers; I think that is another word for “illegal” immigrants who came here. I do not know if we have any record of them, but whether they are here as independent contractors or skilled workers, they are people who need to pay taxes because they are a part of the social burden of this country and I really would like the hon. Minister to clarify that position for me.

That is about all I have to say at this late hour and I leave the rest for my colleagues.

Thank you.

The Minister of Tourism (Sen. The Hon. Howard Chin Lee): Madam President, I rise today to make my contribution to the Bill, an Act to amend certain laws to facilitate the implementation of the Revised Treaty of Chaguaramas established by the Caribbean Community including the Caricom Single Market and Economy.

I rise as well to make my contribution in discussing the amendments to the Tourism Development Act, 2000, but before doing so I wish to give a brief history of the Tourism Development Act, 2000, the purpose and objectives of creating this amendment, as well as the necessary amendments that are taking place in the Tourism Development Act.

In 1965, the Hotel Development Act was written into law and at that time, it was felt that tourism mainly incorporated hotels and areas relating only to hotels and, therefore, certain incentives were provided for hotel investors such as capital allowances, accelerated depreciation, and duty-free incentives on imported items and those were done to encourage the investor or the private sector investment in the areas of hotel development.

In 2000, the previous government, in recognizing that tourism is not only about hotels but rather about other ancillary tourism services such as conferencing, tours, dive operations, as well as other tourism amenities decided to increase and include these areas of business into the Tourism Development Act.

Another major incentive was provided for in the Tourism Development Act and that was to allow tax free on interest rates or on interest borrowed for official tourism projects. That particular section, which is section 38, unfortunately was poorly written because the previous administration in its haste to get this amendment passed for whatever reason, made a mess of things. We, on this side

will be bringing to Parliament a Bill to amend the Tourism Development Act, which will allow the particular incentives under section 38 to become applicable and to allow persons investing in this industry to get these particular incentives provided for in the Tourism Development Act.

One of the problems under section 38, has to do with the fact that persons who wanted to build or expand, or to build what they call an Integrated Resort Development (IRD) had to borrow money in many cases to start their project, and at the end of it, they were then given final approval by the Minister and I think TIDCO was the body that was responsible in ensuring that they met the mandate of the Tourism Development Act.

The Act said that these particular incentives were allowed only upon final approval. So when the time came for accessing the tax-free on interest rates, it was not possible because it was not retroactive from the time they were given final approval. So many persons were literally caught with their pants down, meaning that persons who invested in the industry and those who expanded their hotels almost went bankrupt because they were not able to access a particular incentive which was promised to them under the Tourism Development Act. So shortly, I will be bringing to Parliament a Bill to amend the Act which will not only reintroduce and ensure that persons who were promised that particular tax-free incentive get it, but as well, we wish to reintroduce the capital allowance and accelerated depreciation.

With regard to the particular amendment listed in this Bill, it speaks about citizens of Trinidad and Tobago, or of another member State which would be allowed these incentives I just mentioned, as well as the duty-free allowances for investments in the industry.

Madam President, one of our problems today is that the tourism industry, both in Trinidad and in Tobago, is one that is still in its embryonic stage and what I mean by that is we are now seeing a total room stock of roughly 5,000 rooms between Trinidad and Tobago and as the year 2004 comes to an end we are witnessing for the winter season in Tobago full occupancy levels. I have spoken to many of the proprietors both local and international and they have all indicated to me that the winter season for 2005 in Tobago will probably be one of the best ever in the history of the island.

8.30 p.m.

They have also indicated that their occupancy levels are extremely high and that they have to cancel many bookings of tour operators and travel agents to

whom they have made promises. What does that mean? It means that the airline industry, the new airlift that is now coming into Tobago, such as Lauda Air, which was recently introduced; you have Martin Air, Virgin Atlantic, British Airways, all now depending on room occupancy and room stock in order to facilitate new flights and new arrivals.

Recently, on my trip to the World Travel Market, I met with Virgin Atlantic and they have indicated to me, apart from the fact that they are now twinning with Grenada, that they would like to add an additional flight to Tobago. They said, however, they were unable to do so at this time. One of the reasons they gave was that there are not enough rooms in Tobago to allow them to fill another plane flying twice weekly. Then also, because of the problems in Grenada and the fact that many hotel rooms are out of service, they were not able to twin at this time to start in June 2005.

It then occurred to me that, as we develop tourism and we speak of Tobago because Sen. Mark was talking about Tobago, one of the imperatives is that we concentrate on increasing the size of our room stock and ensuring that there are enough rooms that can match and synergize with the number of flights coming into Tobago. Because if there is not an increase in rooms in the short term, we will have some problems with the airlifts coming into Tobago, with them feeling somewhat despondent, that perhaps there are not enough rooms to ensure that they have a high load factor on a regular basis. If that is not maintained, the lifeline of tourism, the umbilical cord, if you will, of the island, will have to be cut, because they will not meet their required loads; they will not, therefore, meet their profits and they may cancel their flights. As I said, one of the imperatives is to ensure that in the short term we can expand and increase the room stock in Tobago.

This Act speaks of allowing citizens of Trinidad and Tobago or of other member States to basically—it allows under Part II, clause 4(b)(ii):

“another member state of a kind which entitles the person to be regarded as belonging to it for the purposes of the laws of that state relating to immigration or if it be so expressed in those laws, as being a native or resident of that member state;”

Meaning, simply, that not only nationals of Trinidad and Tobago can become part of this investment programme but also people belonging to the member states.

It speaks of the kinds of investments which would be allowed under this new amendment. It goes on to say at clause 4(d)(2):

“For the purpose of the definition of ‘national’, a company or other legal entity is—

- (a) substantially owned if more than fifty per cent of the equity interest therein, is beneficially owned by nationals mentioned in subsection (1)(a) or (b);
- (b) effectively controlled if the nationals mentioned in subsection (1)(a) or (b) have the power to name a majority of its directors or otherwise legally, to direct its actions;”

It goes on to say at clause 6:

“Section 9 of the Act is repealed and replaced as follows:

- 9. Tourism projects the incentives for which will be reserved solely for nationals of Trinidad and Tobago and other Member States are:
 - (a) Accommodation facilities under twenty-one rooms;
 - (b) transportation services;
 - (c) ground tour operations or destination management companies;
 - (d) dive operations.’ ”

Therefore, we do not object in anyway if there are particular persons from member States who are interested in investing in increasing the size of the plant in Trinidad and Tobago. And vice versa, we do not object to Trinidadians being given the opportunity to invest in member States in the hotel and tourism industry, because in today’s environment, as we talk about tourism and investment, we do not only talk about the capital and the money that is necessary to invest in the plant, which, of course, Trinidad has much more than the other countries, but we also speak of the expertise, the management, the ability to either franchise or own a hotel outright.

I just happen to have with me—and I just wanted to speak a bit about the hotel industry and the different kinds of investments one can have in the industry. Basically, there are three types of hotels that one can invest in. One is called a chain-managed hotel, another one can be a franchisee-managed hotel and another one can be an independently managed hotel. If you would permit, I just want to read the distributions of what these particular types of hotels are.

Madam President: Tell us what you are reading from.

Sen. The Hon. H. Chin Lee: It is called ‘*Hotel Investments, Issues & Perspectives* and it is written by Lori E. Raleigh.

“Chain-managed hotels are operated directly or, in some cases, indirectly, by the parent company of the chain (i.e., Hilton, Holiday, Marriott, or Sheraton). These properties are either partly or wholly owned by the parent company. Investment is generally restricted to ownership of stock in the parent company, with each hotel being subject to a different real estate ‘deal’.

Franchisee-Managed Hotels. Franchisee-managed properties are identified by a chain’s name but are not operated by the parent company. This segment includes the professional management companies that operate groups of properties under different banners, as well as the many chain-affiliated hotels operated by individuals. Investments can be made either in groups of hotels or in individual properties and can take many forms since the companies are using all sorts of financing devices, techniques, and methods, including the use of the public markets.”

Then you have the independently managed hotels of which there are some in Tobago. There are some franchise hotels and also some chain hotels. I continue to quote:

“Independently managed properties are not affiliated with a chain, or they are associated in name only and not under the chain’s supervision or control. This segment includes several loosely identified groups which share a common label but remain independent in management style and operation. Investment in this segment is normally limited to the individual property.”

My point here today is that when one thinks of hotel development, one is not only speaking of the independently-managed hotels, which I believe is what Sen. Mark is thinking of when he said that the only persons to gain are persons on the island, but rather, today, in our complex world, we deal with the investor, the manager and in some cases with the franchisee. That would require expertise, not only from Trinidad and Tobago but, perhaps, either from the region, which, at this time, is far more experienced than we are in the hotel and tourism industry. That is why I said we are very much in our embryonic stage and there is a lot that we can learn from the member States. Those who have done it, who have succeeded at it and those who have built such a management and technical capability, they could bring that expertise to Trinidad and Tobago and, at the same time we could use our local capital to invest.

So there are a lot of synergies between the franchisee, our Caricom member States, as well as the capital that can be provided for in Trinidad and Tobago. In fact, as the CSME is formed, what I see as well are people in Trinidad and Tobago becoming a part

of this tourism industry, and not only in Trinidad and Tobago, but certainly in the member States where, obviously, we would be allowed the privileges that they would be given under our particular Tourism Development Act, 2000.

The Senator over there asked what is the master plan and where are we going in tourism. We, on this side, are very optimistic about the future. We have to refer at this time to figures and statistics because that, perhaps, is the best benchmark that we can use. As mentioned in my previous debate, we are now exceeding—in 2003 we have exceeded the 407,000 mark. In Tobago in 2003 they reached the 69,000 to 70,000 mark. In closing in 2004, the figures are looking very healthy. Tobago would most likely close in excess of 100,000 arrivals and the combination of Trinidad and Tobago will close over 500,000.

What does that mean? It means that the occupancy level of hotels is extremely good. We are now seeing business and conference tourism in Trinidad, going beyond our expectations. In fact, today a friend called me to see if I could get a room at the Hilton, because the Hilton is fully booked. I am sure that many of you have had similar experiences where some of your friends or relatives could not stay at the Hilton because it was fully occupied because of the number of persons now coming into Trinidad to do business, for conferences, and so on.

We also see Trinidad becoming a brand entity because the name, Trinidad and Tobago, when said abroad, is a known name, and known for all of the right reasons. For that reason, part of our 2005 drive would be to ensure that the marketing of brand Trinidad and Tobago is done on an international level. It is not done to have name recognition, but it is done in areas such as our source destinations, areas where we capture an audience, areas where we can convert marketing to bodies. Those are the areas we intend to focus on for 2005. We also see tourism investment as a major part of our portfolio. Already, as you may be aware, the waterfront project, which would include a major conference centre as well as a business hotel, is well on its way, and with that added inventory, I am certain that that would create a greater impetus towards developing conference tourism in Trinidad and to also ensure that leisure tourism continues apace in Tobago.

That is pretty much what I wanted to say in terms of the CSME and what it means for Trinidad and Tobago. Today's business world is about survival of the fittest; it is about conglomeration; it is about synergizing between entities and I see the CSME only as creating an improvement for the hotel and tourism industry, as bringing expertise that we do not traditionally have in Trinidad and Tobago and also opening up whole new possibilities in the region.

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

Sen. Sadiq Baksh: Madam President, as I join the debate on a Bill to amend certain laws to facilitate the implementation of the Revised Treaty of Chaguaramas, there are three main areas that I would like to focus on. Seeing that the previous speaker, the Minister of Tourism, raised the issues in terms of special areas to allow for non-nationals to participate in—in fact, the main reason Sen. Wade Mark raised the question on the tourism master plan—we would like to enquire whether the Government in its master plan, or if not a master plan yet, at least in its thinking, how many rooms would you really like to see in Tobago? Is it that we are going to cater for high end tourism in Tobago, for which it is ideally suited, especially with the eco-tourism thrust? Or is it that we are going to have a free-for-all and destroy the same product that we now enjoy? That is a very, very important issue. We need to know what is the policy of the Government of Trinidad and Tobago as to the preservation of the prime product that now commands the attraction of people from all over the world. We have a serious interest in that.

We also want to know that if in its master plan, it would address the lopsided development of tourism in the west of Tobago and not consider the east of Tobago. So you have a situation where employees who work in the west, normally come from the east because there are no opportunities in the east of Tobago to ply their trade. That is an important aspect that we need to know.

In terms of aviation infrastructure, you cannot think about additional rooms if you do not have the aviation infrastructure to facilitate free movement. It is not a question of only hotel rooms. It would redound to the similar situations we have, where we have airplanes and guests but no aviation fuel. You cannot allow that to happen. You must plan properly.

In addition to that, there are many loopholes now taking place within the tourism development sector, especially in Tobago, but also in Trinidad. I draw to your attention one important issue, which is the issue of transfer tax on properties. Developments in Tobago that come up for sale on the market are no longer transacted with a deed. You just purchase shares in the organization and now own a property as part of that share allocation. So you have a block of shares that now allocates and transfers into a cottage, a bungalow or facility. That is what is taking place and we have examples of it. It is quoted on the internet. Just go to Stone Haven and you would see the same thing. At Stone Haven you could purchase a bungalow without paying any transfer tax and own it legitimately as part of a company share. The Government does not appear to understand what is taking place with the harsh reality in the country.

In terms to have dive operations, in the strict terminology of dive operations, you would think about Manta Lodge and the other facilities in Tobago, but you are now opening up dive operations in the industrial sector in terms of oilfield operations and oil exploration that come under the tourism thrust. Later on in my contribution I will show you how this is not a Caricom national Act; it is a Caricom international Act, and I would show you how international players would be able to come in to dive operations and other facilities in the region. So in terms of that particular issue, we need to look at it seriously.

In terms of transportation services, we were looking at it under the tourism projects, but this could also be used as transportation for the oil companies and for other organizations in the country, and immediately you see ground transportation services as a key sector within the economy being opened up to international players under the guise and the loophole that we are now creating as a result of the Caricom (Removal of Restrictions) Act.

In terms of ground tour operators and destination management companies especially, this is an area that could create new opportunities, especially in information technology. You now have people who would be able to sell rooms without owning a single room. They would just be able, in terms of informatics, to know the rooms that are available and they could sell those rooms at a premium price. So this is an opportunity and a new area for what should be the Government's approach to the new economy of Trinidad and Tobago.

Another area of concern to me and should be of concern to the Government and the country as a whole, is the area of the Customs Brokers and Customs Clerks Act. This Act, Chap. 78:03, is an Act which will now allow customs brokers throughout the region to access opportunities in Trinidad and Tobago, but we are placing nationals of Trinidad and Tobago at a serious disadvantage. This is why I make the point that the Government does not appear to understand the reality of life in Trinidad and Tobago.

To become a customs broker, you need to either go through the system to be an apprentice, a grade I clerk, grade II, grade III, and then you have a bureaucratic suppression in Trinidad and Tobago at the brokers' level, so nobody could become a broker in Trinidad and Tobago. It is extremely difficult. It is easier to become anything else in Trinidad and Tobago except a broker. But in Grenada you could start to work at independent agencies as an apprentice and in three to four years, if you study diligently—they hold the examination twice per year—you could become a customs broker in Grenada.

Do you know what would happen? We would have some grade Is leaving for Grenada, become a customs broker and come back here. So it is a loophole which

would allow nationals to do that, and knowing Trinidadians as I do, they would all go to Grenada and return as customs brokers, repatriated here.

The point I am making is that before they acquire that, we could have an influx of customs brokers because we have had a shortage of customs brokers for over four decades. If it is a deliberate act by the Government to export people, I have no problem with that, if that is the intent, but if it is a fluke or a loophole, I am not interested in it.

Sen. Yuille-Williams: I like what you are saying there and I think that is the same thing we are not getting over. We are getting scared. That is what I was saying. I am serious about it, because I probably was at your stage at one time and I had to read to understand the whole thing. I understand the whole problem of the broker system myself because I have a nephew who is a broker at grade I or grade II and I know the difficulty getting in there. If they could go to Grenada, we have to make a decision here. We have to look at that system and ensure that our people reach to the stage of broker, not get scared if they run, because if we have the brokers, then those do not come and we do not have to go. So it is our system we have to correct. Just be fair to the thing. It will work. What are we afraid of? We must train. That is what we are doing now. There is a vacuum for brokers and this is the time that we are going to qualify our brokers. If the Brokers' Authority does not want to do it, as a Government we have to move in; break the back of it, train our brokers and Grenada brokers cannot come. We would have no place for them.

Sen. S. Baksh: Madam President, if any Member on that side said that was the reason we are doing this, I have no objection to that. I have experienced this with customs brokers for decades, so I understand this clearly, but I was talking under the premise that the Government did not know that; it did not recognize that, and if it did, it did not have to go in a backhanded way to resolve an issue that we have in Trinidad and Tobago.

I now want to link all of this from the Immigration (Caribbean Community Skilled Nationals) Act to the Immigration (Caribbean Community Skilled International) Act, and I would show you how. We seem not to be aware that there are many islands within the community that now provide economic citizenship. You can now purchase citizenship in many of the Caricom countries. So we could have someone from Russia, or anybody, who wants to come and participate in any operation in Trinidad and Tobago—Jamaica or otherwise—going to one of the states offering this service internationally and becoming a citizen of opportunity with the sole purpose of using Trinidad and Tobago as a feeding ground for their skill. I want to know if the Government—I am sure the

Minister of Foreign Affairs will reply to that—whether those factors were taken into consideration so as to negate in some way, or to put some safeguard to stop that very important loophole of economic citizenship, and not allow this Immigration (Caribbean Community Skilled Nationals) Act to be an international Act, to allow international mafia and terrorists to be able to access legitimate opportunities using illegal gains to do so. That is an important part that I wanted to raise.

It is really these key points that I wanted to raise which I thought that the Government did not see at this time and I just wanted to put them on their guard as to what could take place.

Thank you very much.

Madam President: Hon. Senators, at this point we are going to take a break. There is dinner provided. So I am going to suspend the sitting until about 9.30 p.m.

8.55 p.m.: *Sitting suspended.*

9.30 p.m.: *Sitting resumed.*

Sen. Prof. Kenneth Ramchand: Madam President, I would be very brief. I share the concern about foreign investments and the loopholes that would allow foreign investors to gobble up opportunities that ought to be reserved for Caricom citizens, and because I share that, I am going to opportunistically repeat something that I have been saying in this Senate for many years, that the greatest sin perpetrated on the people of Trinidad and Tobago was the withdrawal of the Aliens (Landholding) Act. I want to suggest again to the Government that we bring back an Aliens (Landholding) Act.

This is a matter not only for Trinidad and Tobago, but I believe what we are trying to do in Caricom would be negatively affected if all the Caricom territories did not have similar legislation to the Aliens (Landholding) Act. We just cannot afford to have one country not conforming to a policy about alien landholding. So as far as we are concerned, I hope very much that we would reintroduce an Aliens (Landholding) Act and I hope that we would encourage our Caricom partners to do so.

Secondly, Sen. Dr. McKenzie has been reassured by Sen. Yuille-Williams, but I want to say it because I want it recorded in *Hansard* that I am insistent upon reciprocity. We are going along with an exercise to remove restrictions, but I do not believe that we should put this into effect until other people have passed

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similar legislation. I understand that Sen. Yuille-Williams has given an assurance on this, but I just wanted to put my name down as somebody who is asking for it also.

I have some reservations about the new subsection (1B) of section 9. It reads as follows:

“...shall allow to enter Trinidad and Tobago:

- (a) a national of a Member State who is seeking to exercise in Trinidad and Tobago the right of establishment or the right to provide a service conferred on him by the Caribbean Community (Movement of Factors) Act, 2004.”

Is this different? It is a different number. Madam President, I think I am reading from the old—

Madam President: We have a revised Bill.

Sen. Prof. K. Ramchand: Yes, it is clause 13. I am sorry. Subsection (1B) is on page 12 of the new Bill, and I think the wording is the same. My concern is the conferring of a right to provide a service without any obvious limitations on the nature of the service. I cannot think of very many services that could be provided by other Caricom states that Trinidad and Tobago cannot provide for itself. If there is a special instance, then we could accommodate it, but I believe that the default position should not be that we confer the right to provide a service, unless we limit the kind of service in a very specific way.

I have talked about this to the Attorney General and one or two other people and I am assured that if a man comes in to say that he wants to provide a taxi service, that he would not get much encouragement. But I really wanted us to be a lot more specific and explicit, that you cannot just come and say you want to offer any service and be a self-employed person here.

Sen. Jeremie: What clause are you on again?

Sen. Prof. K. Ramchand: I am on page 12 of the new Bill and it is subsection (1B), the third paragraph:

“Notwithstanding...subsection (1), and subject to such requirements...shall allow to enter Trinidad and Tobago:

- (a) a national of a Member State who is seeking to exercise in Trinidad and Tobago the right of establishment or the right to provide a service

conferred on him by the Caribbean Community (Movement of Factors) Act, 2004.”

I do not like that; that is a right that is automatically conferred, because I believe the nature of service is so variable that almost any and every body could come and say, “I do not have a job but I want to come and provide a certain kind of service.”

Sen. Jeremie: It would be limited by the Caricom (Movement of Factors) Act, which is one of the pieces of legislation that is to come.

Sen. Prof. K. Ramchand: Okay. So I will just take it on faith that it is limited.

Finally, I do not know what we can do about it, but I find that Trinidad and Tobago is suffering from a shortage of skilled agricultural workers and agricultural workers. I believe we have to find a way of dealing with this problem. I do not know if the Caribbean Community Treaty might be a way of bringing them in. How to do it, I do not know. I would prefer that we could embark upon a programme to encourage people to understand the importance of agriculture and set up proper training institutions for our own citizens. But it is a concern of mine, and if there is going to be a loophole for people to come and perform services, I would not mind agricultural workers using the loophole even as a temporary measure.

Sen. Mark: The Government “lick up” 10,000 Caroni workers. Train them.

Sen. Prof. K. Ramchand: I get the feeling that the people here whom we would like to become agricultural workers, have got so—I would say—corrupted by the urban lifestyle, the western lifestyle and the now-for-now culture, that respect for hard work has gone. I have a feeling that a lot of displaced agricultural workers would be quite happy to accept other kinds of jobs away from agriculture. It is an educational problem; it is an attitudinal problem and I do not know if this is the legislation that can deal with it but, again, I am opportunistically trying to get in the point.

Those are the four little things I had to say arising from this Bill. I thank you, Madam President.

Sen. Brother Noble S. A. Khan: Madam President, I know I made a contribution on a Bill before which is very similar to this, which seeks to impact on the one that has been passed. This Bill before us is to amend certain laws to facilitate the implementation of the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the Caricom Single Market and Economy.

Straight away, it does bring to mind against the background of the Caribbean—I am sure some of us could remember an island called Anegada, which is somewhere in the westward passage between, I think, Puerto Rico and Santo Domingo. This has been used as an example for obviously something that did not go too well. If I remember correctly, it was an island in which, through negotiations, et cetera, you had investors coming in and the end result of it was what Anegada had turned into—it did not go down too well.

This feature was in existence even before we opened the doors. As recent as 1972/1973 in the time of Michael Manley, there was the whole question of the Montego Bay area being de facto forbidden to the “natives” of Jamaica, and we know how proud they are. Through some negotiations by Mr. Manley, he was able to get little entrances towards the sea in the north coast. But I am sure that there are other areas in the Eastern Caribbean that have met that fate. I think that even in our own country, some of us would recall when this approach started to take place, the late true “Father of our Nation” had ensured that beaches were purchased by the Government for our access.

This movement that we see taking place here could definitely be a sort of re-emergence of this type of behaviour. Some of us may have heard—I myself do not have experience of it, but we would have seen it in the press—what has taken place in Tobago, where the Dutch, Germans and other foreigners, occupy choice lands.

I strongly support what Sen. Prof. Ramchand has said, if just for the memory of these areas. As citizens of Trinidad and Tobago and as Caribbean people, we should ensure that we are not aliens in our own land, or second and third class citizens.

Obviously, therefore, there would be a need for streamlining what we are about. One gets the impression that what we are doing here is with such haste that some may even claim to be very vulgar. Questions again would arise: Who is to benefit and at what cost? But the old people would tell you that very often molasses have been set for flies and that, in itself, carries its own message. In Jamaica you would say: When your neighbour’s house is on fire, wet yours. But in a more poetic language I do remember: “Dem say dat when they shave your neighbour beard you wet your face.” I think the same message carries.

One gets the impression that there is no structure in what we are about, no anticipation of what is taking place. There seems to be a lack of a conceptualization of what we are about, but a willingness through this initiative,

again, to open the doors to which I have alluded to before which, obviously, was not what one would expect as a developing people, breaking the chains of slavery, indentureship and colonialism. One also gets the impression, if we were to take some islands of the north, the type of leadership that exists and that question of: “I am monarch of all I survey; I am the boss”—Sparrow again—this sort of approach that you would have emerging, very particularistic selections of taking decisions that, again, could be fraught with a type of behaviour that may not be desirable.

These are very important when we think in terms of the doors that this law seems to open. I would like to think in terms of beyond Caricom. What about these investors? I do recall the true father of our nation referring to international pickpockets and questions will arise, even in my own simple mind, about the pockets from whom the pickpockets take, in other words, in which a pickpocket will find whose pockets he put in. These are some of the things that come to mind. As we know, “who have more corn, feed more fowl”? It is scary. It seems to me to be very frightening when we think in terms of what could be in store for us.

Very often we are told that when the foreign investor comes—and this may be more prominent in the smaller islands—they buy up the best, not only land or what is available, but also the available skills. If we were to look at our own country, our people who have excelled in their professions, our scholars and so on, you may find a high percentage of them on the payroll or in the employ of the foreign investors. Just think in terms of any negotiation, be it local or otherwise, when you see that interfacing taking place, how our own people act against our own interest. We have seen also within recent times, types of businesses that have been emerging.

Some time ago I walked down Frederick Street and just before Duke Street, someone was behind a wall and as I came down—a lot of people know me—we stood up and talked and across the road they were renovating a building. Well, I got a whole profile of it. It turned out to be a casino. The irony of the whole thing is, the casino was named “The Laughing Buddha”. If you think in terms of Gautama, the Buddha, you would think of a person whose image and teaching have an influence, I would dare say, on almost one half of the people that exist on the face of the earth today. But look at the way we honour him down here, laughing in front of a casino. I also understand that later on a hotel will be built down the road. I am not sure if that is so, but that was what my informant told me and you definitely see the appearance of the casino, with a downtown hotel at the corner of—some of the older folks might know it as La India. There is a shoe store there now but I understand the long-range plan would be to put up a hotel.

So one could see a linkage of something taking place in our land that may not very well be something that is desirable, the question of casinos. Well, the hotel, you know how that could jiff out. Again, it brings to my mind what we see in this law here, when we think about professions and the question of accreditation. Even that, the gates have been opened long ago, because very often you hear about some of the professions, practitioners, who are obviously not people from our own land. I speak in particular of countries to the west of us, like Colombia and Venezuela.

So these are some of the things that scare me when I think in terms of what we are about; what are the checks; what are the balances; where does our moral responsibility lie; where the dollar stops and we start thinking about ourselves, particularly our young children. I am sure that all of us here and the majority of our people, would think in terms of wanting to build a better country. Our Minister of Tourism, in one of his rare occasions, has treated us with quite a taste of what he proposes to do, and I would like to make mention of the use of culture in the area of tourism. I know we have a Minister of Culture and she is very energetic and one feels a comfort with her, but the question of linkage—because I think on the international scene the use of culture in an economy comes second after killing people; the machinery for armies and things like that. So we should think in terms of how we are using culture in our thrust for development, because we are talking about the arts and cultivating our own inner creative ability.

These are some of the things that I would like to think we could consider, because I do not think it would all be “thingo perry” as we would say. Sen. Prof. Ramchand mentioned agriculture and my memory went back to an experience I had many years ago and it might be interesting to know. On the question of movement of people, I never got the feeling that there is no great urge for people, particularly from Jamaica, to come to the south. I do remember making a contact with a person in a shanty town not too far from the university, and we struck up a relationship and some boys from the campus would go over there so I could negotiate to buy, of all things, Creole fowl, so they could cook. I used to go with them, and the person who was the main contact over there, had a business. He used to make chillum in which they smoke the herb, and very often when you go, he would offer you. He liked the companionship, but I never really took him up on his offer. He wanted to come south. I told him when we are going we would take him with us.

But the other part of that is the question of agriculture and the use of some of these negatives. In the west, there is the question of cocaine. You have, of course, the

agriculture that exists through the land—the invisible. I made mention of them, the question of ganja, right up, I understand. They say if you close off what is taking place in the east, they would just bring in a supply from somewhere else, so efficient are these types of things. I do not know if that might have a direct relationship with what exists in modernity, and as we go forward in these areas of our developmental thrust. Against this background we are talking about movements of people and I do not want to think in terms of two negatives, but unless we take these into the mix, I do not think that we would make it so well. The net effect is that we might have a negative underline and it might affect our young people.

I am speaking particularly in the area of the HIV/AIDS epidemic and how we are handling it, and the thrust that we have to establish. I do think, from what I have heard and what I envisage, that there would be accreditation systems and all of that, but I strongly recommend, against this background of our own personal experiences and what we know is taking place on the ground, that as far as the plugging of these loopholes, as was mentioned by previous speakers, that we take cognizance of those as we go about trying to give effect to this Caribbeanization, as has been mentioned before.

Thank you, Madam President.

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I am not going to make a contribution, I just wanted to respond to something that Sen. Basharat Ali had said. Before that, I wanted to say that I am a member of the Legislative Review Committee and some of the same concerns they are having, we had. It is natural; it is normal. In fact, this legislation is here this late—and I say, this late, after some of the islands had already done theirs—simply because we questioned and looked at things. That is not to say that it was sent to us by the Caricom Secretariat and we accepted all of it just like that; we did go into certain concerns. We had the same concerns and we asked the same questions and that is why I was able to respond to some of the things, because those are things that really affected us.

One of the things we recognized—and I took these words from the UNC administration: “We have gone this far, we can't turn back now”—is that we cannot turn back at this stage and, therefore, “why” is out of it. The question is how we do what we have to do, and move on. As most people said here, when we look at what has happened to the world—and Sen. R. Montano told us to “think, think, think, we are no longer out there alone”—all these trading blocs all over the world—and I see America is having a trading bloc now from Canada right down

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to Argentina, and South Africa is a large bloc. When we look at all of that, we really have to recognize that we cannot stay by ourselves in small entities. There is no way you could sit in this day and age and say “each of you stay by yourselves”. We will be wiped out, and I think Trinidad will have the most to lose because we are selling 70 per cent out there.

So it is how we do what we have to do. Therefore, when I spoke to Sen. Dr. McKenzie about persons coming in with skills, I had to look at that also. For example, I had asked a very silly question at one time, whether a man who appeared at the airport with a guitar and started to sing, was an artiste or musician. I was being ridiculous myself. We had to go through to find out who is accrediting them; where it is done and how it is accepted. Even when they get here, the immigration still has some control on whether that person is admitted. Minister Chin Lee did not say, but I asked about the case of the taxi drivers in the service, whether just a driver’s licence would put you down as a taxi driver and you could come in. Those are questions that we went through to ensure that we are not just opening our borders, as some people feel, and everybody could come in. Far from it.

There was a certain level of comfort you had and you now look to see how it is done. In fact, just to access the money from our tax for the sponsorship of the artistes—that \$1 million that we were given—we now set up a register within the ministry to see who are the people we can register there, so that the sponsors could claim. Not everybody who says he could draw or sing is an artiste.

So there is a certain amount of control, and if we want to get ridiculous we could carry it to the extreme, but when you want to get serious, you would expect that each one of us belongs to this country and there is no way you would just sit and go into legislation which would allow you to be dominated like that. Therefore, we felt that there were enough controls in there.

But one of the things that really helped us—and I think when you are talking about the Caribbean Court of Justice, if you look through the schedule, I would say read the schedule at a time. Take different parts of this schedule and it will help. When we looked at Article 46, it talked about the movement of skilled community nationals, but Article 47 is the one that gave us a lot of hope. It is about restrictions to resolve difficulties or hardships arising from the exercise of rights. That was important to us, because the framers knew that there were going to be some problems with that and Article 47 deals with it. Somebody was asking about the Caribbean Court of Justice and whether or not you could apply to it. It says, the member state, at the time of an application, if you have a problem,

should submit it to the Council for Trade and Economic Development (COTED) or the Council for Finance and Planning (COFAP).

So if you had problems or you are suffering hardship as a result of whatever is happening, you could apply there to have it resolved. This Article takes you through the process. So it is not automatic and they have made provisions in this schedule for it. When we went through it in detail at the legislative review, we felt comforted that this was built into it and there is a certain amount that the member states can do.

Therefore, I would advise Sen. Ali to read this carefully and go through the different articles. I found it most interesting reading and I think it took a long time to bring it to this stage and we should not take it lightly. There is a lot of protection in it.

When Sen. Baksh talked about the agricultural workers, it is the same thing like the brokers. Here is an opportunity to prepare our people. That is one of the things we have to realize. We are into this, but we have to train our people; we have to prepare them. Those of us who have seen the ocean, we are not afraid of the lagoon, and I am getting a lot of fear inside here this evening. Just prepare the people. Prepare the brokers. There are many agricultural workers. Train them. We have a skills bank and the purpose for that bank is, we want to see who are the people out there with skills. That is part of the work of the Ministry. We have a unit there. There are a number of those people at that level who feel threatened, but our education programme is comforting them—NESC, in terms of the education and developing that human resource base, you have to go after it. In fact, it might force us to go where we needed to have gone, and that carelessness that we feel that everything is nice and dandy and we are not about to study or train ourselves, probably it would press us a little more to accept that kind of training.

So I am comforted with what I see inside here and it has given us the opportunity to do a lot more for the people, especially those at the lower level. Our sole traders were kind of nervous that they might have been wiped out and we are now telling them how to handle what they have to handle and that kind of thing. It is a long way to go and it is going in steps. It is not overnight. We just have to follow the process. We cannot hide anymore. We cannot talk about Trinidad and Tobago alone and we are going to lose. In fact, we have a lot to gain. Our sales out there have reached 70 per cent. We have the most to gain out of it if we do it well.

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Here is an opportunity to enter into the big space. We are in the game, you know. We are in the big league and we have to face it without fear. Therefore, I am saying, if you read the schedule carefully—I know Sen. Mark wants us to go through article by article; we should have done that before, but if you read the schedule and this schedule would take for this and for other pieces of legislation which will come, and I am quite sure at the end of it all, we would be quite satisfied. We would do it with our eyes wide open and we have opportunity in here in case of any negatives that we may feel, there is an opportunity, even in the Caribbean Court of Justice that we talked about, so that you can apply and appeal against anything that a member State is dissatisfied against.

I just wanted to raise that to let you know why I can sit here as a member of the Legislative Review Committee and feel comforted with the legislation being passed.

Sen. Seepersad-Bachan: I just want to respond to one comment that the Minister made. Madam Minister, this is the point I was trying to make earlier in my contribution. No one is against the CSME. We are for a regional trading bloc, because if we do not get into a regional trading bloc we will be left behind. This is why I kept saying we are for it. My point that I was making this afternoon is that from 2001 to now, we are writing this into law and it is exactly what you just spoke about. How have we prepared people in terms of—and you started by talking about it. For example, how are you going to deal with the threats to our sole traders as we bring this into law? Are they properly prepared so that they are not threatened? What about some of the loopholes that Sen. Baksh talked about this afternoon?

10.05 p.m.

I want to appeal to the Government, since the hon. Senator made this comment this evening, it was the concern I had when I was making my contribution because it is not a legislative problem. It is a management problem and process. This is why I was saying this afternoon that there needs to be in place some sort of plan. The Government needs to outline a plan of action that says this is how it is going to prepare Trinidad and Tobago in response to what is being written into law. When the agreement was signed we knew that these were the commitments that we were making. We knew what it was bringing for us but where are we responding to those agreements—because we do not want to open up everything and then we are not prepared. That was my concern, how prepared are we?

Sen. The Hon. J. Yuille-Williams: Yes, the preparation has begun. I want to make one comment. From where I sit, this is not just Government. This is all of us and one has a responsibility to assist in preparing one's people because one knows what is happening. When I say "one's people", I mean nationals of Trinidad and Tobago. Yes, we are talking about a Schedule. I have started at my Ministry, other ministries have started, NGOs have started. I know about it. We have all started to educate. There are 1.3 million people in Trinidad and Tobago. It is a national effort with the preparation and we do not just sit back and say, "Let me see your schedule alone". It happens that way. This is one of the good things that will bring Trinidad and Tobago together so we look forward to the kind of assistance from people, that they want to help. The training has started. I did not want to go through all that every ministry is doing but we have started.

Sen. Seepersad-Bachan: Madam President, I am not going to continue this. All I wanted to ask support for this afternoon—and I raised the issue about the Joint Select Committees of Parliament which were established. You are asking us to help you prepare. We need to deal with the participants out there and we can only do it through this House. What other avenues would we have? How can we do it if we do not come together in a joint select committee, which is what was established, so that we can consult with the public outside? That is my point and that is the only way we can prepare and this is why I made the suggestion this afternoon.

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, my winding up has been facilitated by the multiple interventions of colleagues on this side, but let me start by responding to Sen. Mark, who enquired as to the status of the enactment of legislation among Caricom membership to deal with the matter before us.

I would like to inform the honourable Senate that as far as the enactment of the Revised Treaty provisions is concerned, Belize, Barbados, Jamaica, St. Vincent and Suriname have already done this.

On the question of removal of restrictions by other States, Belize will be removing all restrictions by the end of this year. Barbados and Jamaica have just passed legislation similar to ours to remove their restrictions, and as time advances a few other member States have removed some restrictions with the hope of completing the process later next year.

The question was posed as to whether foreigners were exploiting the local situation in Tobago, and I believe Sen. Dr. McKenzie dealt with that quite satisfactorily. The question also of where does the small man lie in this whole

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transportation network, and I got the impression from Sen. Chin Lee that in Tobago, at least, there is no need to be worrying about that because the small man is still holding his own in that situation there. Who is benefiting? Naturally, the people of Trinidad and Tobago in the context of the implementation, will be the ones benefiting from these changes.

Sen. Mark also raised the question of Caricom skills. I am wondering what was the mandate given to the Prime Minister of Dominica insofar as broadening of the band. As far as Caricom Heads are concerned, no one Prime Minister, no one Head, has the capacity to expand these categories. In fact, if we read the article in the Treaty, we will see that the five or six categories listed, they have been listed as a first step. That is to say, given the expectation that in time there would be an amplification of those categories but it is not for one Head or one Prime Minister to see about. So that, indeed, the Dominican Prime Minister would have to report back to Heads insofar as ideas regarding the widening of the groups are concerned.

From what we see before us therefore, it is not a one-way facility considering especially that other member-countries of Caricom are on their way in approving various legislation to give effect to the Revised Treaty.

As far as the tourism master plan is concerned, I believe Sen. Chin Lee dealt to some extent with that, but I suppose that can also be amplified later on.

The question of returning of the Aliens (Landholding) Act to the law books of Trinidad and Tobago, I am not too sure how that will proceed but as a Tobagonian, I feel very close to that suggestion.

Sen. Bro. Khan raised the question of whether exploitation is a possibility regarding how the beaches are utilized. I remember very well the analogy he drew in the case of Jamaica, having myself lived and studied there. I believe it is something one has to watch in these parts but, certainly, I know from our record, I do not see the question of closed beaches being legislated against the citizens of Trinidad and Tobago. I believe that from recent experience, the Government certainly has the solution to that problem.

I am in total agreement with the Senator, as well, that we can put greater use to our cultural products insofar as marketing and promoting tourism.

Madam President, since we all seem to be singing from the same choir book, I believe in the final analysis Trinidad and Tobago stands to benefit from the implementation of these new laws, and with that, I beg to move.

Question put and agreed to.

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Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Madam Chairman: Hon. Senators, to facilitate time we will take the clauses in parts. So that we will say Part 1 and do two clauses at the same time.

Clauses 1 and 2 ordered to stand part of the Bill.

Clauses 3 to 6.

Question proposed, That clauses 3 to 6 stand part of the Bill.

Sen. Prof. Ramchand: Madam Chairman, “Section 2 of the Act is amended” by doing so and so. So 2(a), 2(b); then we come to the definition of “national”. “National” means a person who is a citizen. (b) has a connection and then (c) is a company. So national means a “person who is a company”. Is that okay?

Question put and agreed to.

Clauses 3 to 6 ordered to stand part of the Bill.

Clauses 7 to 10 ordered to stand part of the Bill.

Clauses 11 to 14.

Question proposed, That clauses 11 to 14 stand part of the Bill.

Sen. Jeremie: Madam Chairman, there are some typographical errors here. In clause 13(b), (1B)(a) where it refers to the Caribbean Community (Movement of Factors) Act, 200; it should be the Caribbean Community (Movement of Factors) Act, 2004 because there is no Act of 200, and wherever that appears—it appears in (b), (c) and in clause 14 subclauses (15) and (16).

In the side note to clause 13(b) (c) where it refers to Act 26 of 1996, that should come out.

Sen. R. Montano: Can you just explain something to me? As I understand it, you cannot just come with a piece of legislation and say it is a typographical error. Where there is a typographical error you say there is an amendment. If the legislation is passed with the so-called typos, the typos become the law and you cannot just go and change them afterwards. These are amendments that you are proposing. I have no problem, but these are amendments.

Sen. Jeremie: Madam Chairman, if one looks at Standing Order 58, it says:

“Correction of errors or oversight may be made by the President before the question for the third reading of the Bill is put from the Chair.”

The dates are clearly errors.

Madam Chairman: I think the point that Sen. R. Montano is trying to get across is, was it passed in this form in the Lower House or did this error occur after it was passed?

Sen. R. Montano: That is my point. If it were passed like this in the Lower House I have no problems, but it means it has got to go back. There is no such thing as a typographical error as such.

Sen. Jeremie: There are typographical errors. The Law Revision Commission is entitled, even without coming back to the Parliament, under the Law Revision Act, to correct typos on their own without recourse to Parliament.

Sen. R. Montano: For example, in the Bill that we did just now with the deletions that were not put in the pages that were missing. If the Lower House passed that Schedule with those pages missing that has to go back to the Lower House. I hope you understand that.

Sen. Jeremie: I am not on that.

Sen. R. Montano: I know you are not on that. I am just mentioning it. The issue I am on is a very simple one. You cannot come and say that this sort of thing is a typographical error, and I agree that errors can be corrected but this is not a typographical error as such. This is an error and I have no problem in correcting it.

Sen. Jeremie: The point is, if we as a Parliament do not correct it, the Law Revision Commission outside of the Parliament can do it.

Sen. R. Montano: I agree we should correct it. It is either we are doing things properly or we are not doing it at all.

Sen. Jeremie: Madam Chairman, there are two options which we are prepared to go with. It is either we leave it as is—you cannot have your cake and eat it too, and leave the work for the Law Revision Commission or we take the initiative here to say that these are typos and we clean up the Bill.

Sen. R. Montano: There is a third option that we do it properly and we pass the amendment. You have the majority so you will get your way but I just want it on record that we do not agree with that process.

There is a danger in doing things badly because if and when we do things in this slap dash fashion, because everybody wants to see that it is done, one of these days and the matter goes to court and the issue becomes important enough in the courtroom and then a lawyer gets up and says look at what happened here, the judge says yes. So for crying out loud, let us do it properly in the first place. But you have the majority. I put on record my objection. I put on record my concern. My conscience is clear.

Question put and agreed to.

Clauses 11 to 14 ordered to stand part of the Bill.

Clauses 15 to 26 ordered to stand part of the Bill.

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

Senate resumed.

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

VENTURE CAPITAL (AMDT.) (NO. 2) BILL

Third Interim Special Select Committee Report (Adoption)

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

Be it resolved that the Senate adopt the Third Interim Report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled, "The Venture Capital (Amdt.) Bill (No. 2), 2004".

The purpose of the Motion is to save the work of the committee, and I do so by reporting progress on the Bill in accordance with Standing Order 51(2).

I beg to move.

Question proposed.

Sen. Robin Montano: Madam President, I have no problem in adopting this report. However, there is a matter that the Senate should pay attention to. It is that these select committees of Parliament are operating without proper resources. The resources are inadequate and it is something that is hampering the work of the committees.

I request and require through you, Madam President, that the committees, including this committee whose report we are considering, be given full and complete resources. We cannot do the work properly, that we are mandated by the law of this country to do.

Madam President: I think that there are some facilities being prepared if I am not mistaken. Do you mean like rooms for the chairman and that kind of thing?

Sen. R. Montano: No, Madam President. I am talking about not just facilities. I am talking about resources, things like staff, research officers. I cannot think of all the resources we are lacking now. They are myriad and we are lacking and it is clear that the select committees are very important to the work of the Parliament and towards the democratic process.

Starving the committees is, in effect, starving our democracy.

Madam President: I shall make a note of that.

Question put and agreed.

Report adopted

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, before I move the adjournment of the Senate, let me first of all say on this last working day of the year, special thanks to yourself and my colleagues for the long day they have put in and the way they have manfully and womanfully stuck to the task. I really appreciate what we have done today and I want to tell them that I do recognize their contributions.

Madam President, let me also take the opportunity to extend season's greetings. One thing about Christmas and New Year, it also signifies the end of a year and we start a new year. I extend to you, Madam President, and to your family season's greetings and best wishes for the New Year. And to extend that also to my colleagues, their families, to our parliamentary staff and their families and when I say parliamentary staff I mean everybody including our Hansard reporters and all the others who give yeomen service throughout the course of the year and without whom our work would not get done. To the protective services who are here with us every Tuesday and the other days, I also wish to extend season's greetings, and to the media, a small contingent that is left.

Madam President, I do not think they recognize how important they are to us, because they really in a large way, influence the flow of the debate. The debate before 4.00 p.m. is different to that which takes place after 5.00 p.m. and I think a lot of that is the influence of the media on us.

Season's greetings and best wishes to them, and I look forward to a very productive session when we resume.

I beg to move that the Senate do now adjourn to a date to be fixed.

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10.35 p.m.

Madam President: We have two matters on the adjournment, one of which is being taken. [*Interruption*] I was informed that one is being taken and that is the one to the Minister of National Security. Is that Sen. Baksh's Motion?

Hon. Senator: No.

Demonstration by CEPEP Workers

Sen. Wade Mark: Madam President, I thank you for allowing me to raise this matter.

On Tuesday, December 14, 2004, a demonstration took place in Port of Spain. As you are well aware, citizens do have the right under our Constitution to march, with the necessary police permission. In this instance, a group of maybe 2,000 or 3,000 Community-based Environmental Protection and Enhancement Programme (CEPEP) workers—I have nothing against CEPEP workers because they are struggling to earn a decent living—were innocently misled by a group of contractors into having what they called a “thanksgiving rally”. That was held first at Woodford Square and then it proceeded to Lord Harris Square.

The real purpose of this demonstration had nothing to do with a thanksgiving rally but everything to do with a clear and calculated attempt by these 110 contractors to harass and intimidate members of the media in this Republic. We thought it quite offensive.

This particular demonstration by the workers under the influence of these contractors was well organized. I could not even get a place to park on that Tuesday because there were buses lining the whole of Abercromby Street. It was well organized and orchestrated by these contractors using the workers. I met many of the CEPEP workers out there and when I approached them and asked what it was about, they said, “They just told us to come. If we didn’t come, they would dismiss us from the job.”

I refer to an article in the *Trinidad Guardian* of Wednesday, December 15, 2004, page 3, headlined, “Media under fire during Cepep rally”.

“The media got a tongue-lashing from Cepep workers yesterday, during a rally and march to highlight the benefits gained from the programme.

After a demonstration at Woodford Square, Port of Spain, they marched to the rear and front entrances of the *Trinidad Guardian* at Abercromby and St. Vincent Streets.

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Waving placards, they shouted protests against articles published by the newspaper.

The march then continued up Abercromby Street to Power 102FM, where the workers called out to radio talk show host Ricardo ‘Gladiator’ Welch.”

Madam President, the police had a duty on that day. Whilst they had given permission to the CEPEP contractors to allow the CEPEP workers to march, they failed in their duty to stop the CEPEP contractors from using the workers to harass and intimidate the media.

We, on this side, have difficulty because we live in a democracy and whether run by the UNC or the PNM, it is wrong to use workers as these CEPEP workers were used to intimidate the media. I am saying that it was a deliberate plot by these contractors, who can only be described as thugs, to harass the *Trinidad Guardian* workers who wrote an article, entitled “Slavery in Grenada”. I understand that Ricardo “Gladiator” Welch has been making comments on his radio programme on what was taking place with these workers in Grenada.

We have a right to freedom of expression and when you use CEPEP workers—and this is the danger—it is like a brown shirt army and that army will clash with the masses of people one of these days. It is not the workers. They are being used and in this article many of the workers, when confronted, said they were forced to come. So Mr. Ray Braithwaite, who is the chairman of SWMCOL and who is in charge of CEPEP, essentially, has remained silent. He might have been the major culprit in this whole bacchanal. The reality is that the Minister of Public Utilities and the Environment, Hon. Penelope Beckles, must take the responsibility because that programme falls under her Ministry.

What happened on Tuesday, December 14, 2004 is a dangerous development in this country. I do not believe that workers ought to be used by contractors and, what is even worse, is that it is our taxpayers’ dollars that finance these contractors, who are exploiting these workers in the worse form. They took these workers off their jobs from 6.00 a.m. They left Port of Spain around 2.00 or 3.00 p.m. They forced these workers to work on the Saturday to make up for the time spent on the protest on the Tuesday. These are criminals posing as contractors in this country.

This is a dangerous development and the Minister of National Security must be held accountable for the action of the police. They gave them the right to march; let them march. They have a right to march, but when they go to a radio station and they are shouting to the radio talk show host, “Come out here, we will

deal with you, Ricardo Welch”, they are threatening someone. He could not come out from that station.

I listened because someone called me that morning and told me to turn on to 102FM. A Baptist lady from Cocorite told him not to come out from the station because there might be criminal elements who might want to harm or destroy him. Nobody from the government side said anything. Nobody condemned the action by these contractors who organized a march, brought thousands of workers into Port of Spain, to harass the media. Do you know what the message is, Madam President? Do not mess with our jobs because the next time it might be worst.

That is a dangerous course. That is state-sponsored terrorism in this country. We condemn it and I am surprised that the Minister and the Government failed to make a statement. Up to this time, the Government of Trinidad and Tobago, who has responsibility for CEPEP, for which they use taxpayers’ money, conscious of this article in the *Trinidad Guardian* dated Wednesday, December 15 and headlined “Media under fire...” which says exactly what took place, has not said a single word. Silence is agreement. You did not condemn the action of the contractors, who took these workers off their job on a working day to intimidate the *Trinidad Guardian* on St. Vincent and Abercromby Streets and to intimidate and harass the “Gladiator” at Power 102FM. That was the purpose of the rally. The thanksgiving was a cover. There was nothing to thank anybody about except to harass the “Gladiator” at Power 102FM and Sasha Mohammed who wrote an article.

The Government has embarked on a dangerous course because the programme falls under the Government and it ought to have condemned the action of these contractors the same day it took place. It is almost one week later and no statement has been issued by the Government under whose portfolio the programme falls. To my mind, if the Government has not condemned that statement issued by these people, through their intimidation and harassment, it means that they were consciously part and parcel of this development. I describe it as state-sponsored terrorism. The Government is taking a dangerous road and I warn them that if they continue down that path, they will clash with civil society. People will not allow contractors to use workers to intimidate them. Today it is the media; tomorrow it might be the Opposition. They might come to the Opposition office in Port of Spain or in front an MP’s office because they would say we are criticizing them. I warn the Government that that course is dangerous; that they should pull back before it is too late and take the opportunity tonight to condemn the action of these criminals, posing as contractors, who use workers to intimidate people in this country.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, I am required to respond to a Motion on the Adjournment that reads as follows:

The failure of the police to stop the harassment and intimidation of media personnel employed at Power 102FM by CEPEP workers during their march on Tuesday, December 14, 2004.

Madam President, according to the records of the Trinidad and Tobago Police Service, there was no report from personnel at Power 102FM regarding harassment and intimidation of their staff by CEPEP workers on Tuesday, November 14, 2004. However, the management of Power 102FM has confirmed that no such incident occurred, nor was any request made for police assistance.

According to the information received from the Trinidad and Tobago Police Service, Mr. Dariel Marcelle, co-ordinator of CEPEP applied for and was granted permission to engage in a peaceful march on Tuesday, December 14, 2004, between the hours of 8.00 a.m. and 9.30 a.m. The approved route of the march was as follows:

Commencing at Woodford Square, proceeding west along Hart Street, south along St. Vincent Street, east along Independence Square, north along Abercromby Street, ending at Lord Harris Square.

The report from the police service indicates the following sequence of events:

The march left Woodford Square at approximately 9.20 a.m., comprising what they estimated was 4,500 participants. As required, a party of police officers accompanied the march, Supt. Waldron led this team assisted by ASP Gopersad and including 12 officers of the Inter-Agency Task Force as well as officers from Traffic Branch and other stations within the Port of Spain Division.

The march arrived at Lord Harris Square at approximately 9.55 a.m. and was addressed by the coordinator and other persons affiliated with CEPEP. At no time during the march was there any form of altercation, harassment or intimidation warranting police intervention. Furthermore, at no time was any such report made to any police officer by Power 102FM or any other media personnel.

I am not so sure, but this is the information that was provided on the basis of all the things that Sen. Mark talked about CEPEP contractors, et cetera. The police are not aware of that. We are not aware of that.

As it relates to the specific matter of intimidation of Power 102FM, as far as the police record is concerned, there was no such intimidation. They were not requested to intervene on any matter.

Thank you, Madam President.

Christmas Greetings

Madam President: Hon. Senators, I know in the usual tradition that you would want to bring greetings. Sen. Dr. Saith has already done so, so I will allow you to do so and then I will follow.

Sen. Wade Mark: Madam President, as 2004 rushes out, we take the opportunity to extend to you and your family, to my colleagues on the other side and their families, my colleagues on the Independent Bench and their families, all parliamentary staff, including the policemen and members of the media, warm season's greetings and a positive, productive and rewarding 2005.

We on this side hope and pray and struggle to ensure that in the not-too-distant future we can look forward to celebrating Christmas and the New Year, confident and conscious that in Trinidad and Tobago we would have worked towards the elimination of poverty, inequality, victimization, discrimination and alienation.

We hope that the scourge of crime in which over 250 citizens have expired so far would be considerably reduced in the future and that the 400,000 citizens who live under the poverty line and who receive less than US \$1.00 a day would be able to have a better life in the future.

In these times, and given the climate we are in, I cannot be happy this season. When people are poor, helpless, hopeless and defenseless, we cannot be happy. However, we would like to wish you, the people in this Parliament, and everyone who has supported us, the best for the season, but our hearts go out to the poor, downtrodden, exploited and oppressed masses in our Republic. We wish them the best and we hope that they would join us in the struggle in the not-too-distant future, so that we could rid the country of this evil called the PNM. Long live the UNC!

Sen. Dr. Eastlyn McKenzie: Madam President, on behalf of all nine Independent Senators and their families, I take the opportunity to wish a merry Christmas to you and your family, to Members of the Government, Members of the Opposition, parliamentary staff, security personnel both inside the Parliament Chamber and outside, members of the media and the hard-working members of

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staff downstairs. I especially have a fondness for our Parliamentary Attendants—they know who they are. We note the improvement in their appearance with their lovely jackets. They look very nice. On behalf of all of us on the Independent Bench, a very healthy 2005. I pray that all of us would be in good health to come back here to work as hard as we possibly can.

May the season be a good one for every one! May we share the joy and whatever we have with those who are less fortunate and really rejoice in what we have! For those who have not been very well, we wish they would be restored to full health. We can see them coming back. We are seeing the pinkness in some cheeks and the bounce in some steps and the throw-back of some shoulders and we feel extremely happy about that.

So, on behalf of all of us and to all members of the public who listen to and read about us, we say a very special Christmas—holy and peaceful—and may 2005 dawn on all of us with hope and a yearning to strive for excellence. May God bless us all! Thank you.

Madam President: Let me join with the previous speakers in wishing all of you season's greetings. With Christmas only a few days away—nearly a few hours if we had gone a little longer—I do hope that you will have a very happy holiday.

We are also coming to the end of the year and, on reflection, I think that we have had a reasonably good year in the Senate. Generally, I feel that we did what we thought was best for the nation even though we may have differed in our views, et cetera. It is important that, as we go into the New Year, we attempt to maintain the dignity and integrity of this Senate.

The population must not lose faith in us, since what we do here impacts on the lives and psyche of the people. What we say here and how we act in this Senate is closely monitored by all and I think we all realize that. So, in 2005 let us be leaders and exemplars. I pray that this Christmas would be a peaceful and a happy one for each and every one of you and for your families and that the New Year will bring you health, wealth and happiness. Be safe. Do not overindulge and may God bless you all!

I say to the staff, media and police officers, who are here every day, I wish you a very merry Christmas and a happy new year. I do not know what we will do without the staff. They keep us functioning here week after week and are always there to help us. I am here nearly every day and I am always calling on them for information and help and I really want to wish all of them, members of staff and

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others here with us every day, all the best for the Christmas season and may you also enjoy health and happiness in the New Year.

Hon. Senators, I do hope that when you leave here you are going straight home to your families [*Laughter*]; that you are going to enjoy the season with your families and that we will see you back in the New Year all refreshed and ready to work.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 11.00 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Wade Mark:

**Water and Sewerage Authority
(Detailed List of Debtors)**

6. A. Could the Minister of Public Utilities and the Environment provide this Senate with a detailed breakdown of the names and addresses of all the residential, commercial, industrial and other charitable users owing the \$500 million plus arrears to the Water and Sewerage Authority as at the end of February 2004; and
- B. Could the Minister provide this Senate with details on the sums of money owed by each residential, commercial and industrial customer as well as each charitable organization (customer) to the Water and Sewerage Authority as at the end of February 2004?

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): The disclosure of information with respect to the breakdown of the names, addresses, and sums of money owed to the Water and Sewerage Authority by its residential, commercial, charitable users and industrial customers, as at the end of February 2004, would amount to an infringement of a person's constitutional right to respect for his/her private life as guaranteed under section 4(c) of the Constitution.

Further, such disclosures would also be unlawful under section 3 of the Freedom of Information Act, 1999, because certain personal information, including a person's name and address or information relating to financial transactions in which the person has been involved, are exempted from disclosure by virtue of sections 3 and 4 of the Act. Thus the names and addresses of

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customers and the individual amount of monies owed by each customer would not be disclosed, since disclosure would constitute an invasion of individuals' private rights.

However, the aggregate number of customers and the aggregate amount of money owed by each group of customers is provided in the table below:

Customer Category	No. of Customers	Amount owed to WASA as at February 2004 (\$)
Residential	253,811	301,152,178.64
Commercial	6,527	92,108,159.16
Industrial	561	30,568,207.55
Charitable Organizations	1,461	1,718,143.48
TOTAL	262,360	425,546,688.83