

*Leave of Absence*

*Tuesday, June 14, 2005*

**SENATE**

*Tuesday, June 14, 2005*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence from today's sitting of the Senate to Sen. The Hon. John Jeremie who is ill.

**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 PROF. 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 John Jeremie 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 John Jeremie.

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 14<sup>th</sup> day of June, 2005.”

*Oath of Allegiance*

*Tuesday, June 14, 2005*

**OATH OF ALLEGIANCE**

*Mrs. Joan Hackshaw-Marslin took and subscribed the Oath of Allegiance as required by law.*

**FINANCE (SUPPLEMENTATION AND VARIATION OF  
APPROPRIATION) BILL**

Bill to supplement and vary the appropriation of the sum the issue of which was authorized by the Appropriation Act, 2005; brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

*Motion made*, That the next stage be taken on Wednesday, June 15, 2005. [*Sen. The Hon. C. Enill*]

*Question put and agreed to.*

**ADMINISTRATION OF JUSTICE (MISCELLANEOUS  
PROVISIONS) BILL**

Bill to amend the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11:12; the Bail Act, 1994; the Negotiable Instruments (Dishonoured Cheques) Act, 1998; the Forgery Act, Chap. 11:13; and the Electronic Transfer of Funds Crime Act, 2000, brought from the House of Representatives [*The Attorney General*]; read the first time.

**SUMMARY COURTS (AMDT.) (NO. 2) BILL**

Bill to amend the Summary Courts Act, Chap. 4:20, brought from the House of Representatives [*The Attorney General*]; read the first time.

**CRIMINAL PROCEDURE (AMDT.) BILL**

Bill to amend the Criminal Procedure Act, Chap. 12:02, brought from the House of Representatives [*The Attorney General*]; read the first time.

**CORPORAL PUNISHMENT (OFFENDERS OVER EIGHTEEN) (AMDT.) BILL**

Bill to amend the Corporal Punishment (Offenders Over Eighteen) Act, Chap. 13:04 by removing the time limit of six months within which a sentence of flogging is to be carried out, brought from the House of Representatives [*The Attorney General*]; read the first time.

**PAPERS LAID**

1. The annual report of the Law Reform Commission of Trinidad and Tobago for the period January, 2002 to January 2004. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]

2. The report of the Elections and Boundaries Commission on the Tobago House of Assembly Elections held on January 17, 2005. [*The Vice-President (Sen. Rawle Titus)*]
3. The seventy-fifth 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)*]
4. The seventy-sixth report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Sen. The Hon. C. Enill*]
5. The annual report and financial statements of the Regulated Industries Commission for the period April 2001 to December, 2002. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. L. Saith)*]

**ORAL ANSWERS TO QUESTIONS**

**National Housing Authority Housing Project  
(Green Street, Tunapuna)**

*The following question stood on the Order Paper in the name of Sen. Sadiq Baksh:*

- 69.** (a) With respect to the National Housing Authority (NHA) Housing Project located at Green Street, Tunapuna, could the Minister of Planning and Development provide this Senate with:
- (i) a detailed status report on the project;
  - (ii) a list of the firms that tendered for the project and the details of their tender price;
  - (iii) the name of the contractor to whom the contract was awarded and the tender price; and
  - (iv) a detailed breakdown of expenditure incurred as at March 23, 2005?
- (b) Could the Minister also inform the Senate of:
- (i) the number of houses and/or apartments to be constructed; and
  - (ii) the number of houses and/or apartments that have been completed as at March 23, 2005?

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam President, I have come to the Senate this afternoon to seek a two-week deferral of the answer to this question in circumstances where I have already spoken to the hon. Senator opposite and he is in agreement, so I am asking the Senate for a two-week deferral so that this question may be answered properly.

Thank you.

**Madam President:** Hon. Senators, an agreement was reached between the two Members.

*Question, by leave, deferred.*

**Sen. Wade Mark:** Madam President, before I put my question, I just want to seek your clarification on a particular matter.

As you are aware, we have established a special select committee to look into the vesting of Caroni (1975) Limited lands and I have been reading in the newspaper, reports where lands of Caroni (1975) Limited are being appropriated and construction apparently is apace.

**Madam President:** Senator, why are you bringing that up now under questions?

**Sen. W. Mark:** I am asking you where shall I raise it. [*Laughter*]

**Madam President:** Well, let us continue with the questions and I will see where it can be raised. All right?

**Sen. Mark:** Thank you very much, Madam President.

### **St. James Medical Complex (Removal of Patients)**

**82. Sen. Wade Mark** asked the hon. Minister of Health:

- (a) Could the Minister inform the Senate whether there are any plans to remove patients from the St. James Medical Complex to the privately run senior citizens' homes?
- (b) Could the Minister further state whether there are plans to convert sections of the St. James Medical Complex into office accommodation for use by the North West Regional Health Authority?

- (c) Could the Minister also inform the Senate whether any of the Directors on the Board of the North West Regional Health Authority has any interest in senior citizens' homes in Trinidad and Tobago?
- (d) If so, could the Minister provide the name(s) of the directors, the names and locations of the senior citizens' homes as well as their respective addresses?

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I do have the answer and with Sen. Mark's permission I will give it.

**Sen. Mark:** Yes, go ahead.

**Sen. The Hon. Dr. L. Saith:** Madam President, the answer to part (a) is yes. There is a programme to relocate some patients from the St. James Medical Complex to privately run senior citizens' homes.

The Ministry of Health is engaged in the Health Sector Reform Programme which was initiated in 1994. Extended care is part of that programme and it falls under the National Health Services Plan, section 4.0 which details the hospital service plan and section 4.2.2 which makes provision for extended care service.

At present, public institutions provide the majority of services for extended care for the elderly, mentally ill, and the physically and mentally handicapped. Under the National Health Services Plan, these institutions will be replaced by smaller private facilities distributed throughout the country. Where possible, extended care would be provided in the patient's own home using the additional resources as opposed to primary care.

Where patients can no longer be cared for in their homes, it is proposed that they would be looked after in small nursing homes run by non-governmental organizations or the private homes with some public sector financial support. In this regard, work has been initiated in the Ministry of Social Development and non-governmental organizations to look at detailed ways of achieving institutional care.

The pilot phase of implementation is being effected through the Project Administration Unit in the Ministry of Health by the Co-ordinator, Community Care Programme. It consists of the following processes:

- (a) A development of instruments for the screening and assessment of patients. These instruments are used to determine whether or not a

patient could be considered for community-based care and, if so, the level of care required.

- (b) Using the instruments developed, long-stay patients at the Port of Spain General Hospital, St. Ann's Hospital, St. James Medical Complex, San Fernando General Hospital, and Sangre Grande Hospital were individually assessed.

These patients included children, chronically ill adults and geriatric patients who had been institutionalized at secondary care institutions for many years and have been identified by the institutions as candidates for community care.

- (c) Instruments for assessment of community-based facilities were developed. These are used to determine the suitability of facilities and the level of care which can be provided.
- (d) Facilities have been assessed using these instruments.
- (e) Patients requirement and facilities assessments were matched to determine placement of patients.
- (f) Contractual and fiscal financial arrangements are now being discussed with the Ministry of Social Development prior to placement of those patients identified.
- (g) Patients have been identified for placement from all institutions including 11 patients from the St. James Medical Complex.

With respect to part (b) of the question, there are no plans to convert sections of the St. James Medical Complex into office accommodation for the North West Regional Health Authority. However, under the National Services Health Plan of the Health Sector Reform Programme, a district health facility is to be constructed at the St. James Medical Complex.

This facility will occupy the ground floor of the currently unoccupied eastern block of the complex. The County Medical Officer of Health, St. George West would be administratively responsible for the St. James District Health Facility.

With respect to part (c), there are no directors on the Board of the North West Regional Health Authority with any interest in senior citizens' homes in Trinidad and Tobago.

**Madam President:** Question No. 83 please, Sen. Mark.

**Sen. Mark:** I was not even aware that he has ended, Ma'am.

**Madam President:** I thought you did not want to ask any questions. Okay, continue.

**Sen. Mark:** Madam President, I want to ask, through you, whether the Minister can share with us how many patients would be involved in this transaction. And may I follow through by asking the hon. Minister if evidence is provided on the question of directors of the North West Regional Health Authority who are directly involved in senior citizens' homes, whether, for instance, the Government would take the appropriate action in the circumstances.

**Sen. The Hon. Dr. L. Saith:** Madam President, I indicated that in respect of the St. James Medical Complex, I think there are 11 patients involved, and with respect to the information, if he provides it to the Minister of Health, I am sure the Minister would take appropriate action.

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

**Official Government-Rented Buildings  
(Details of)**

**83.** (a) Could the hon. Minister of Public Administration and Information state:

- (i) How many buildings or parts of buildings in Trinidad and Tobago are being rented by Government for official purposes in respect of the period January, 2002 to April, 2005?
- (ii) What are the addresses of these premises and the square-footage of each rental space?

(b) Could the Minister also state:

- (i) What is the rent being paid for each of the rented space?
- (ii) Who is the owner of each of the rental spaces, and to whom is the rent being paid?
- (iii) For each building or part of a building, when did the lease or rental begin and when does the lease end?

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, although the question may be short, the

information required is voluminous and the ministry is still collating it. I therefore ask that the question be answered in two weeks' time.

*Question, by leave, deferred.*

**Sen. Mark:** Madam President, as I was saying earlier, the Senate took a decision to establish a special select committee to look—

**Madam President:** I was calling you to speak with you.

**Sen. Mark:** Okay, Madam President.

**Madam President:** I looked at the agenda and I also discussed it with the Clerk of the Senate, and there is no way on the agenda where you can raise the matter, Senator. But you can speak with the Minister and get the information, or you can bring a question or a Motion on the Adjournment; but on today's agenda, there is nowhere that particular matter can be raised.

**Sen. Mark:** Madam President, as the President of this Senate you took the responsibility of initiating, given the decision that we took, and I would find it a bit difficult to really discuss this matter with the Leader of Government Business. I believe that you, as the President of the Senate, ought to pronounce on this matter.

If, for instance, a select committee has been established by this Senate under your direction and there are violations occurring—I am saying that evidence is emerging in the newspapers and no one has so far denied it.

**Sen. Dr. Saith:** Madam President, as I understand it, the committee is meeting. There were about four or five meetings so I do not understand how a newspaper report is relevant to the committee meetings. The committee is meeting and dealing with the matter.

**Madam President:** Can I just get this clear? You are saying that there is a violation of what is occurring in the committee because there are publications in the newspapers?

**Sen. Mark:** No Ma'am, let me explain. What I am simply saying is that whilst the committee is conducting its work, all activities surrounding the vesting of Caroni (1975) Limited lands must cease. What I am bringing to your attention, is that evidence is emerging that there is, in fact, activity taking place on Caroni (1975) Limited's land and as the President of the Senate, you ought to take some action.



**Sen. Dumas:** That is a motion.

**Madam President:** I understand what you are saying. Of course, I cannot go by what is in the newspapers. I will have to enquire myself and see if anything is being violated and I will certainly deal with that.

**Sen. Dr. Saith:** Madam President, the land now belongs to Caroni (1975) Limited and until that vesting Bill is passed, Caroni (1975) Limited will continue to carry out whatever activities it needs to carry out with respect to the lands.

**Sen. Prof. Ramchand:** Madam President, is it Caroni (1975) Limited that has allocated acres for the building of a stadium?

**Sen. D. Montano:** Madam President, if I may, as you very well ruled, this is not a debate and it cannot be done today. What should happen, if any Member should write to you to raise it in some other forum, that may be done, but it cannot be done at this time.

**Madam President:** Yes. As I have said, I will enquire myself as to what the article said, what the situation is, and I will report back to the Senate.

#### LAND ACQUISITION

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine):** Madam President, I beg to move,

That this Senate approve the decision of the President to acquire the lands described in Appendix III to the Order Paper for the public purposes specified.

Madam President, it is the role of this Government to formulate public policy and initiate programmes and projects that will increasingly benefit the citizens of Trinidad and Tobago. Time and time again we have brought initiatives to this honourable House that have resulted in the increased access of public goods and services to the people of the Republic of Trinidad and Tobago.

Our objective is to ensure the future survival of this nation and deliver an increasing standard of living to all our people. The Public Sector Investment Programme outlined in the 2005 Budget, clearly signals the Government's intention to use the resources of this country for attaining sustainable national development and improving the quality of life for all citizens.

Madam President, the Land Acquisition Act, No. 28 of 1994 allows for the acquisition of private lands for the implementation of development projects. The Land and Surveys Division of the Ministry of Agriculture, Land and Marine

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Resources utilized over \$3.4 million during 2004. In this regard, a total of 22 projects were identified and are at various stages of processing.

It must be understood that in order for this Government to effect the necessary development and bring the improved standard of living to our citizens, acquisition of private lands very often becomes a necessity. It is true that Government controls approximately 53 per cent of this country's land resources; however, the most appropriate location for the development projects cannot always be found on lands owned by the State.

Madam President, for these reasons it frequently becomes necessary for the State to acquire privately-owned land to establish public facilities. Today this Government is presenting a Motion before this honourable Senate that would impact on six significant projects. These projects would impact on the social and economic development of Trinidad and Tobago and are outlined in Appendix III of the Order Paper.

In Appendix III, 1 the Government is seeking approval of this Senate for the acquisition of 1.098.6 square metres of land situated at the Southern Main Road, Marabella as specified on the Order Paper. These lands belong to H. V. Holdings Limited and the Director of Surveys, on September 13, 1999, signed the plan of surveys for these lands.

Madam President, this parcel of land was acquired for the purpose of constructing the Marabella Police Station. We are all aware and this Government is giving top priority to community safety and crime reduction. In this regard, Government is committed to the provision of adequate resources for the police as a major strategy for achieving these objectives. This includes the construction of modern police stations throughout the country.

Appendix III, 2 of the Motion before this Senate, deals with the acquisition of 8.0875 hectares of land at Shipping Road, Felicity, in the borough of Chaguanas. This parcel of land formerly belonged to Binarsari Batchasingh. The purpose of this acquisition is to enhance the conservation of the natural resources of the area.

Madam President, it is well established that this Government is committed to the conservation of our environment and is committed to protecting our biodiversity and our environment wherever these resources come under threat. It is in the interest of our environmental sustainability that we acquire this parcel of land to ensure that the integrity of the environment in this general location is sustained. This Government is also ever mindful of the impact of continued

human activity on the environment; therefore, concomitant with this development, the State has also undertaken to effect such conservation steps as are deemed necessary.

Appendix III of the Motion deals with the acquisition of 18.1 square metres of land at Ramdhanee Village Street, Claxton Bay. The purpose of this acquisition is for constructing an agricultural access road to service existing farmers and other citizens in the general vicinity.

It is the well-established policy of this Government to give priority to the development of our agricultural infrastructure to facilitate our expanding agricultural development programme. This access road will not only facilitate the farmers in the general area, but also the residents in that location.

Appendix III, 4 of this Motion deals with the acquisition of 14 parcels of land comprising 4.2384 hectares. These lands are situated between Store Bay Local Road and Lighthouse Road, in the island of Tobago. The purpose of these acquisitions is to facilitate the extension of the runway at Crown Point International Airport.

Madam President, we are all aware of the critical importance of an adequate airport facility to the economy of Tobago. Tourism is the major economic activity in Tobago and as such, adequate air transport is vital if Tobago must maintain its competitive advantage. It is important to note that in 2004, tourists' arrival in Tobago reached the hundred thousand mark.

Appendix III, 5 deals with the acquisition of four parcels of land comprising 4.3549 hectares. These lands are located in the ward of Blanchisseuse for the construction of the Blanchisseuse/La Fillette Secondary School. Public education and, in particular, universal education are major policy objectives of this Government.

**2.00 p.m.**

This Government is determined that not even the people of Blanchisseuse/La Fillette must be denied secondary educational opportunities. May I say that when this building was to be placed in that area, we did have objections, but the school is already built so we had no choice but to come here for the acquisition.

Finally, Appendix III, 6 of this Motion deals with the acquisition of approximately 17.19 hectares of land at Bacolet in Tobago. The purpose of this acquisition is the construction of a multifaceted sporting facility. The building of

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this facility is not only critical to the development of our sport, but also for social intervention for the development of our youth. We are also aware that the Tobago House of Assembly is embarking on an all-important Sport Tourism Programme which will tremendously expand the tourism industry on the island. What I have sought to demonstrate is that this Government is committed to providing new and improved social and economic facilities to all the citizens of this nation. We are committed to the continued development of Trinidad and Tobago. You would observe that the acquisitions and the related developments are located throughout the country. There is no discrimination or favouritism in the allocation of these projects. These projects are based on the needs of the people.

In accordance with Act No. 28 of 1994, section 3 notices of intent to acquire lands in respect of these projects have already been published. In all these instances, the section 4 notices giving the State the right to enter the lands to commence work on the projects were also published within the stipulated time. In all six instances, the appropriate authority commenced work in establishing the respective facility. Today, all the physical construction has been completed. These are manifested by the operation at the Marabella Police Station and the new high school at Blanchisseuse. These facilities have brought tremendous relief and improvement to the social and economic well-being of the respective communities.

The State has also sought to meet its responsibility to the citizens whose lands have been acquired. In accordance with the provisions of the Land Acquisition Act, No. 28 of 1994, the State invited claims for compensation in respect of lands acquired upon publication of section 4 notices. In all cases where the claims have been investigated and verified, 80 per cent of the compensation, as allowed by law, has been paid. In these six cases, a total of \$1,256,434 has been paid in the settlement of claims. Cabinet agreed to the formal completion of the acquisition of these lands. Cabinet also recommended the transmission of these matters to Parliament for the publication of the section 5 notification which would signal formal acquisition and bring closure to these matters.

The delays in finalizing acquisition were—in one case there were delays caused by the transfer of the Land and Surveys Division of the Ministry of Housing and Settlements back to the Ministry of Agriculture, Land and Marine Resources. You would realize that at one point in time, sometime in 1998, the Land and Surveys Division went with a certain minister to every ministry he went to. He went to Planning, the Land and Surveys Division went with him; he went

to Housing, the Land and Surveys Division went with him. It is only recently that the Ministry of Agriculture, Land and Marine Resources got back the Land and Surveys Division and we now have a Commissioner of State Lands on board. So we would be improving that section of the Ministry to bring relief, not only to land acquisition, but to poor farmers in this country. There was also the reluctance of our friends opposite in 2001. We had no Parliament for almost a year, so you would understand that these matters could not have been raised at that point in time. The situation with this Motion is that we are ready to pay the landowners the remaining 20 per cent for lands acquired by the Government for public purposes.

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

*Question proposed.*

**Sen. Dr. Jennifer Kernahan:** Madam President, thank you for giving me the opportunity to reply to the hon. Minister on this Motion. I am very happy to see the Minister here this afternoon presenting this Motion to this honourable Senate on the acquisition of lands for a number of purposes, only one of them to do with agriculture and agricultural access roads. I was happy to hear the Minister talk about the policy of Government being to secure the future survival and increased standard of living and increased quality of life of our people, and I was also happy when I read an earlier presentation by this Minister on Thursday, December 09, 2004 when he promised us that we would be having lower food prices in 2005. At this moment I am not sure how reassured I could be, based on the Minister's statement this afternoon, because, as we have said, history has shown in 2005 we are experiencing skyrocketing food prices. So I am not sure that the Minister's assurances of quality of life being improved and securing the future, and so on, are not to be taken with a grain of salt.

One of the major issues before us this afternoon, based on the Minister's presentation of this Motion, has to do with the acquisition of land for a number of purposes and, obviously, when you acquire lands, you acquire them for development purposes; you have lands being acquired in different areas; different regions; different counties; and so on, and you are going to develop these lands and there are implications for land development. I would have liked the Minister to explain to us, on what framework are these planned developments of land taking place? Because we have a situation where the last National Physical Development Plan was presented to this Parliament in 1984 and we have not had one since. We are aware that our economy and our country is described as a land-poor economy and, therefore, any land development and any acquisition of land must be based on a very strong framework.

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First of all, you need to have a plan for the development of land, because you just cannot acquire lands; you come to Parliament one day and say: “I am going to acquire these lands for such and such a purpose”, outside of the context of any presented plan for the development of lands in this country. This Minister has come to this Parliament and says, okay, in Marabella, for example, that he is going to acquire 1,098.6 square metres of land for the construction of a police station. In any rational society, this Minister might have been able to tell us—for example, if we had the Planning and Development of Land Bill enacted into law—what is the plan for development of that particular area; how would the development of this particular piece of land fit into the local planning in that particular area; what type of lands we are looking at—

**Sen. Dr. Saith:** Madam President, on a point of order. I think the questions the hon. Senator is asking she should ask of herself. She was Minister of Agriculture when all these properties were gone into by the State. So to ask us whether it is part of a master plan—

**Sen. Dr. J. Kernahan:** What is the point of order?

**Sen. Dr. Saith:** It is irrelevant.

**Sen. Dr. J. Kernahan:** How is it irrelevant?

**Madam President:** It is not really a point of order, but maybe a bit inconsistent if it happened, as he said, under your—

**Sen. R. Montano:** Madam President, that is not your job! [*Crosstalk*]

**Madam President:** I am just asking a question, Senator. You are always trying to tell me my job.

I do not know where you are leading. If we are repeating what happened under another administration, I am not too sure where we are going. So let us continue.

**Sen. R. Montano:** No, no, no. You go on. You do what you want.

**Sen. Dr. J. Kernahan:** Madam President, this Government is in office right now. This Government has brought a Motion to this Parliament for the acquisition and development of certain lands. This Government has neglected to bring the Planning and Development of Land Bill to this Parliament to establish a framework for the development of lands and development projects in this country. [*Desk thumping*]

A National Physical Development Plan deals not only with lands and development of lands, it deals with infrastructure; it deals with everything to do with how you develop a particular area: lands, roads, all the infrastructural development. It has to do with development of lands for cultural and social activity and agricultural production. A National Physical Development Plan deals with everything. I am saying that since we do not have a National Physical Planning Development of Land Bill, or a National Physical Development Plan, within what framework is the Minister presenting these lands for this particular type of development?

I am asking: If we did not do it, what has he done? How has he developed this framework at this particular time to justify the development of these particular lands in this Parliament? I am asking: What have they done? If he is saying we did not do it, what has he done? This is the point.

**Sen. Dr. Saith:** Madam President, the Senator is saying: "Tell us what was the basis on which you selected this site for the school and police station and built them." I am saying to the Senator, the UNC government selected the site; they built the school. She was a member of that government. Could she tell us what was the basis on which they did this, instead of asking us what is the basis? What is the relevance now, of the questions that she is raising? Tell us, if you had a plan.

**Madam President:** I think what Minister Saith is trying to say. *[Interruption]* Could you listen to me, please, Senator? I am talking to you. What he is trying to say is that, in fact, these projects occurred under the last administration, so the questions you are asking are most probably irrelevant to the present time.

**Sen. Dr. J. Kernahan:** Madam President, the hon. Minister is very well aware that our projects, our justifications, our rationales, were not written in stone. *[Laughter]* We have the issue of the Biche High School which is an institution that has been there, unoccupied, for the last three years since this Government came to power. They have refused to let the children of Biche into that high school because they have revamped the whole issue of the Biche High School and they have decided it is not fit for human occupation. So it is not written in stone. Therefore, if they came and met certain development projects in train, they have to re-justify them. They have to tell us now: On what basis are you going to justify these developments? How is it integrated to national development, to regional development, to area development, and so on? Because they do not agree with many of the things we did. So how come these particular

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projects now are written in stone and I have to come back and justify what we did then? They are in charge. You are the Government now. You come and tell us, in this particular instance—

**Sen. Dr. Saith:** Madam President, again, on a point of order—relevance.

There is a school in Blanchisseuse built by the UNC government. They went in and took the people's land and built the school. We now have to pay for that land. What is the relevance of why that site was selected? That is for you to justify why you selected that site. But you did it and the people have to be paid. What is the relevance?

**Sen. Dr. J. Kernahan:** Madam President, I was not talking about the school in Blanchisseuse, I was talking about the Marabella Police Station. [*Desk thumping*]

**Madam President:** No, but if you are talking—[*Desk thumping*] You see, I am trying to make sense of this whole thing. If you are talking about the Marabella Police Station, that station is already built. Similarly, the school is already built. So what you are trying to do here is to regularize this, not to ask how you are going to build or what are your justifications for building. On those grounds then, you are irrelevant. You are not talking about the Motion.

**Sen. Dr. J. Kernahan:** Madam President, all I am trying to say—and I would repeat it—is that this Government has brought a Motion for certain developmental projects.

**Hon. Senators:** No. [*Crosstalk*]

**Sen. Dr. J. Kernahan:** To acquire land for these developmental projects—

**Madam President:** Let me try and sort this out. The Motion is for regularizing land that has already been used by the Government and they now want to pay the people for the land. You have buildings on that land now, Senator, that were already built. They are not now going to develop this land. Do you understand? That is where the irrelevance lies.

**Sen. Dr. J. Kernahan:** Madam President, we are back to the question of the National Physical Development Plan and development of land. I am saying that we are asking this Government—[*Crosstalk*] Madam President, they are trying to get away from the point that I am making. We are asking this Government to bring the National Physical Development Plan to Parliament and the Planning and Development of Land Bill. [*Desk thumping*] This would be a step forward. I am



trying to move forward; I am not going back to the fact that these lands were acquired and these buildings were built, and so on.

If you bring the National Physical Development Plan to Parliament and you bring a framework within which land development can take place, we will understand that, okay, you have this particular region and it is earmarked for this type of development, and within that context we have the school; we have the police station; we have access roads, and so on. Bring a holistic plan to Parliament. Why are you reneging on bringing a plan to Parliament within the context of which we can understand these things? We did not develop these lands or these issues in a vacuum; we were developing these projects in the context of a holistic plan that everybody could understand. That is the point.

This Government refuses to bring any plans to Parliament. For example, they brought this policy development paper for Caroni (1975) Limited without any reference to what was the overall plan. So when you do not have a plan, do you know what is the purpose of that? When you do not bring a plan to Parliament; when you do not bring the overall context; when you do not bring a legal document which the Parliament would approve, then you can jump up every Monday morning and change your plan, and nobody can fault you. Nobody can say this or that is not in the plan, because you do not have a plan.

This is the whole question of why the policy paper on Caroni was totally rejected on this side, because it was—

**Sen. Dr. Saith:** Madam President, on a point of order.

**Sen. Dr. J. Kernahan:** What is the point of order?

**Sen. Dr. Saith:** Relevance.

**Sen. Dr. J. Kernahan:** It cannot be irrelevant—

**Madam President:** Senator, you have to sit. It is a point of order.

**Sen. Dr. Saith:** Madam President, we are debating a Motion to acquire lands that the State has already entered onto and erected buildings. What is the relevance of the future National Development Plan to this Motion? Therefore, I submit that the discussions that the hon. Senator is engaged in are irrelevant to the Motion before us. [*Crosstalk*]

**Sen. Dr. J. Kernahan:** He cannot stand there and talk all evening about relevance—

**Madam President:** Senator, I have to agree once more with Minister Saith, that your line of discussion is irrelevant to the Motion before us. [*Crosstalk*] Are you listening to me, Senator? I have to agree with Minister Saith that your line of discussion, as far as this Motion is concerned, is irrelevant, so you either take a different line of discussion or you just would not be able to continue.

**Sen. Dr. J. Kernahan:** Madam President, I do not know why the Minister refuses to deal with the reality of the situation, because the point I made—and it was a very relevant point—was that the acquisition of this land was made within the context of a plan and a framework. Therefore, if you have ditched the plan and the framework, tell us what is the new plan; what is the new framework. This is what I am asking.

**Sen. R. Montano:** That is the point, exactly. [*Desk thumping*]

**Sen. Dr. J. Kernahan:** If you had ditched the old plan and the old framework, then how does this fit into our future? Where is your plan? That is what I am asking. They cannot stop me from asking that.

**Sen. R. Montano:** You do not acquire something in a vacuum.

**Sen. Dr. J. Kernahan:** That is it. We acquired these lands and these institutions within the context of a certain development plan. We had a vision, for example, for the development of the Marabella area—

**Madam President:** You asked your question. Come back to the Motion.

**Sen. R. Montano:** Mickey Mouse! Mickey Mouse!

**Sen. Dr. J. Kernahan:** Madam President, I am talking about the Marabella Police Station here. I am saying that these lands were acquired within the context of a plan and a vision for the development of our society in these areas. We had a plan for the vision of the multifaceted sporting facility—[*Crosstalk*]

**Madam President:** Give the Senator a chance.

**Sen. Dr. J. Kernahan:** These were not plucked out of the air. They were developed based on a framework. So I am saying if you ditched the plan and the framework, bring a new plan to us and tell us: In this area now, you all have already acquired this; you all have already built this and you have to go in and pay people. Give us your vision for the development of this area. How are we going to look at the overall vision for the development of these institutions and buildings in these areas?

We have an Environmental Act now that governs any development and there are rules and laws that govern development. I would like the Minister to tell us at this point in time how have the construction of these facilities impacted on the environment within their new planning and their vision for the development of these areas? How have they affected the environment and the ecology, and so on? Come and tell us what is the new vision, because we are lost. We do not know what is the new vision for development in this country. Everybody is waiting with bated breath for a new vision for development in this country. This is what I am saying.

You are saying we have taken this out of context; you are saying the old plans that we had are no longer relevant. I am just asking for new answers, a new framework, a new vision in this country for development. This is basically what we are asking, and they are saying, very cavalierly, that you will get it. Sen. Mark was just talking about all sorts of development projects that are taking place on lands for which there is no legal framework for development in this country and that is a very serious thing.

This Government has a tendency to be very lawless; to be very cavalier about serious things, and when you ask and you make serious observations, they want to shout you down and put you down. But these are questions that people are asking and we have to get answers, because the people put us here to get answers from this Government. We are saying that all the promises that they are making in 2005/2006, to bring development plans and land use plans, and so on, to this Parliament for ratification and approval by this Parliament, they must be done now and we are demanding answers now.

It is not good enough to come here and say: "Well, this is what you did", because we did it within a concept, within a framework and we did it with a vision. If you want to come here and continue these projects and you have ditched our concept, our vision and framework, bring a new one. That is all we are saying.

Thank you, Madam President. [*Desk thumping*]

**Sen. Dr. Eastlyn McKenzie:** Madam President, I want to confine my contribution to the whole process of acquisition and the pains that the people whose lands have been acquired have been experiencing. But I am a little mellow because I heard the hon. Minister say that the people have actually been paid 80 per cent of their settlement. I must say that this is a giant step forward from seven to eight years ago when the question of acquisition came up for debate in the Senate.

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As far back as 1998, questions were asked about the whole acquisition process and why people had to remain so many years before being paid for their lands that were acquired. I remember posing the question in 1996 or thereabouts to the then Minister of Agriculture, Land and Marine Resources, then hon. Reeza Mohammed. Then in 1998 we had some action. In fact, the main problem at that time that was cited by him was that of surveying of the lands, and a promise was made that a surveyor would have been posted in Tobago and they would have employed the services of private surveyors to speed up the process. Later on when the minister was changed and we had another minister, I posed the question again. The problem then, in addition to surveying, was one of the land title. I think that has been the main problem of the land acquisition process, especially in Tobago and in places like Blanchisseuse. It did not help very much when people sought to have their titles settled by going with the Real Property Ordinance, because then you had some rules and according to the scheduling of the cases, part was heard by one judge; the other part by the other judge; this one asked for certain documentation; another one would ask for different documentation, and you actually had to go back.

What was disturbing was that people suffered and people have been suffering. We have had people in Tobago whose lands were used—not acquired—and entered upon. We actually had that Roxborough Bloody Bay Road dividing people's lands in the 1950s and up to now they have not been paid because of the fact of land title and the settlement.

Let me just briefly say what happened at that time. There was no land registry in Tobago and, therefore, when people did their transactions for land, they even got their deed and they would take it to the Inland Revenue Department—what was then the Warden's Office—and have the land registered; have their assessment on roll; have their numbers; pay their taxes, and they locked up their deeds. Then moths ate the deeds. They were never registered here in the Red House, so the Red House would have had no record of those lands and the titles to those lands. So whenever the Government tried to acquire their lands, they could not find the title. So these people who would have been living on the lands for the number of years would have said: "Well, we have been here for 40 years and we will try to go through the RPO." It did not help. We tried to solve the problem.

In 1999, the then government sent a team to Tobago. We advertised in the newspapers; we asked all those people in Tobago whose lands were used, entered upon or acquired and were not paid, to come to a meeting. They came to the

meeting only to realize that the list that the Government had given to me for my questions, asking about how many people whose lands were taken and were not paid, et cetera, was completely out of order. When the list was telling me: “You have seven pieces acquired and not paid for; 28 not acquired and not paid for”, when the people came to Tobago, we had something like 50-odd people. So there was a disparity. We tried to bring it together. I asked the question again. We had 15 acquired; 26 not yet acquired; none paid for. Last month, Madam President, you would know that I asked this hon. Minister the question and he brought me a list of 120 persons whose lands have been used, entered upon or acquired and not yet paid for.

I want to say that I have begun to see a little light at the end of the tunnel, [*Desk thumping*] because I have been asking questions, not only of the Ministry, but also of the Registrar General's Department. In fact, I had people there who were helping me. Hon. Sen. Sadiq Baksh would have known. When he was in charge of that portfolio, he actually came to Tobago and assisted and met with landowners, and so on, and also Sen. Carol Cuffy-Dowlat and Sen. Virimala Tota-Maharaj. We have been working for years on this, and I must say that this has been the most promising note that I have heard over the last, nearly 10 years, [*Desk thumping*] where we can come and say that although the thing has not been finalized, these people have been paid up to 80 per cent of what is due to them. I do not know that Minister Gift could say that, because I know of his problem. In fact, his name was on my 1995/1996 list.

So I want to ask and plead with the Government, because my last report from the Registrar General's Department when the hon. Minister Danny Montano was there—in fact, I do not want to say it loudly, but that is the kind of person I am. Before he was moved from that division there was a lot of work that was done. He was actually meeting with the lawyers in Tobago who have piles and piles of people's requests for RPO and land titles, and so on. The people were actually weeping because of how far along the way he had gone, meeting with the lawyers and the people in Tobago and carrying the process forward. But I was happy to see that the person who has succeeded him is one who listens, is very competent and who would also understand. That has brought some hope to the people. I am pleading with the Government and I ask Sen. Danny Montano to continue with the hon. Minister, Christine Kangaloo, to carry the process further, as speedily as possible.

I am pleading for help for those people who cannot afford a surveyor. If the Government has taken my land, you are responsible for surveying it. And if you

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have to post a surveyor in Tobago or employ private surveyors, get the process done. Promise me. As Sen. Robin Montano likes to say: Give me a benchmark; tell me that in six months, nine months, 80 per cent of these lands would be surveyed. Set yourself a target and stick to it. Even if you have to use money, it would be well spent.

The other point I want to make is for Sen. The Hon. Christine Kangaloo to carry on the process where hon. Danny Montano left off. Because in chatting with the lawyers who have been dealing with him and the Land Registry Department, we have been getting very favourable feedback on the amount of work he did in pushing the process forward. It all has to do with solving the problem of the land title.

Finally, I want to hint to both Ministers, of the kind of research that I had done on a system that they have in Guyana. I actually mentioned this to the hon. Attorney General because I know that his department would have had to come in. Because of this hand-me-down process that we have in Tobago, where your parents left the land; you lived on it; your children lived on it and you pay your taxes in your great-grandfather's name—in fact, we have people who have just moved titles from 1906. What they do in Guyana is publicize in the different districts—let us say, Charlotteville—and they would put up a notice and advertise it and say: “Listen, the judge is coming to this district to settle the question of land titles. All those people who have land titles in query, come to the school; the community centre, wherever the meeting place is.” They would come with their documents; their tax receipts; their witnesses, and so on, and they would listen and the judge would say: “Okay, we now have the lands of Eastlyn McKenzie. Any objections?” I mean, it is a more formal thing but I am cutting it short. If nobody has an objection, the judge would say: “Well, let me hear your support.” The witnesses will say: “Well, I am 70 years old. This person has been living on the land for all the years I have known her.” There has been no query. “Bam”, they stamp it; they give you your RPO or whatever certificate for the land title, and it is settled. I would advise that you look at the system in Guyana and see how it works and how we could modify to suit what is happening, because you cannot resurrect the dead; not since Lazarus.

When I knew that the Motion was coming, and before I heard the hon. Minister, I was really warm and hot, but after I heard him, I must confess that I am a bit satisfied that action is being taken; that we are moving the process forward. But I make a plea for all those people, not only in Tobago, but in

Trinidad, Blanchisseuse, and those same areas where you have people groaning under the weight of not having been paid for their property; take it on as a special project, I beg the Minister, and let the people feel happy. If you do so many more this year, I am sure that people would feel that action is being taken.

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

**Sen. Sadiq Baksh:** Madam President, I join the debate on the Motion to approve the decision of the President to acquire lands described in Appendix III and hasten to inform the hon. Minister and this Senate that we, on this side, would not object to the acquisition of these lands for the purpose of the development of lands.

During the debate, my colleague raised some important issues and we were led to believe that all the acquisition and the construction of different pieces of infrastructure took place only within recent times. I hasten to inform this honourable Senate that the Marabella Police Station was constructed and completed over 15 years ago by Keystone Construction Company under the PNM administration. So we are supportive of the Minister coming to complete the formalization of the acquisition of all these lands for the purposes described.

But I would have thought that the Minister would have confined his entire presentation to the acquisition of the land. He went on to speak about the expansion at the Tobago Airport and the Government's recognition now of the importance of tourism to our sister isle of Tobago. We have no objections to that, but the Minister must tell us how he expects this administration to expand the airport in Tobago when he cannot repair a runway in Trinidad. That is not possible at all. This extension of the runway in Tobago took place a long time ago, in fact, since the PNM and this administration was planning Project Pride—long before that.

The point I am making is that the present site in Tobago, having acquired the lands—I told you this before but I need to repeat it because six months later—this project was supposed to be completed three months after February 03, 2004, and on that occasion the Prime Minister informed the nation that it would be on time and within budget. I challenge anybody on that side to say that this is not true or irrelevant. The point is that two weeks ago when I visited Tobago on the evening of Indian Arrival Day, the hole in the ground remained; less muddy than the last time I spoke, but it is as though some of the bricks that they planted started to grow. That is possibly the reason for the Minister of Agriculture, Land and Marine Resources bringing the acquisition here for us, because the Airport

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Development Project in Tobago cannot be a civil engineering project; it must be an agricultural project, one in which they planted some bricks, some grass and some steel and expected, somehow, to get a new airport in Tobago. [*Desk thumping*]

That is the harsh reality and that is why I, like Sen. Dr. McKenzie, recognize that the Minister of Agriculture, Land and Marine Resources came here with extremely good intentions and I know, from the interaction I have had with him that he would try his best to shorten the list of persons who are currently awaiting payment for the acquisition of land. But when he stepped out of line—and I know he did not do that intentionally; he did that, basically, to bring the politics into it—and talked about the airport, it is the wrong piece of politics you are bringing into this Parliament. Because this current administration faces the greatest challenge, and I am well informed that having proven to the country that they cannot build an airport in Tobago, and proven that by not being able to repair the runway in Piarco, we now stand to pay \$94 million to repair the job that was supposed to cost \$20 million at the Piarco Airport.

**Sen. Mark:** Imagine that. Lenny, I “ain’t” hearing you on that.

**Sen. S. Baksh:** I go further. I warned the administration that having had so many failures as far as an airport is concerned—Madam President, you would recall that this same administration spoke about building an airport in Piarco for 40 years. They did not accomplish it, and now we are in the Tobago situation where they would need to acquire further lands.

I want to ask the Minister to resolve the situation with my colleague, Minister Gift, and other people. In addition to Minister Gift there are many other people who fall into the same category in Tobago. So I take the opportunity now to draw to the attention of the Minister that in moving to acquire the lands for the future expansion—because I want to assure this Parliament and the national community that when the UNC returns to government we will complete the job in Tobago. [*Desk thumping*] The Crown Point Development Project will become a reality.

I want to encourage the Minister to move apace in settling all the outstanding acquisitions and I have confidence that he would do that. I also want to go further to challenge him to work towards acquiring the other lands necessary for the development of the Crown Point Airport; that he should move fast to acquire the lands necessary for the extension of the Solomon Hochoy Highway, from San Fernando to Point Fortin, because it is a project that this administration said that it



would do, and I have no doubt they would do it. I do not know when, but in the meantime I want to ask the Minister to acquire those lands.

As we are on acquisition, I want to ask the hon. Minister to acquire the lands necessary at the Uriah Butler/Churchill Roosevelt Interchange for the construction of that overpass. [*Crosstalk*] Madam President, in all the crosstalk, the hon. Minister could do that to somebody else but not me. Where Grand Bazaar now stands, there used to be the National Brewing Company which was given by his administration, and it changed hands afterwards. When you are talking about infrastructure development in Trinidad and Tobago and land acquisition, it is that administration that completed the designs for a full cloverleaf intersection at the Uriah Butler/Churchill Roosevelt Highway as far back as 1970. You talk about vision? That was vision; real good vision. [*Desk thumping*]

**Sen. Mark:** Since 1970 Sadiq, “boy?”

**Sen. S. Baksh:** Yes, since 1970. We are not talking about the new 2020 vision. In 1970 the then government had a 2020 vision. It was to build a full cloverleaf intersection after a transportation study was done in 1967. So it was well done. They had a feasibility study and a transportation study that backed the construction of the cloverleaf intersection. But it was that administration that gave the lands first to Nestlé, so one of the layers of the construction could not take place and then they, themselves, gave it to the National Brewing Company. So you now have two segments not possible anymore. That is why we had to look for a creative alternative solution to provide a free flow interchange at the Uriah Butler/Churchill Roosevelt Highway—

**Sen. Dr. Saith:** Irrelevant.

**Sen. Mark:** Very relevant.

**Sen. S. Baksh:** Madam President, the acquisition of all the lands necessary for the development of Trinidad and Tobago will find support from this side when the Government brings it, because we are committed, like they are. But, you see, the difference is that performance never matters with that side. So you will talk about it; you will plan about it; today we will say that we will acquire the lands. The multifaceted sporting facility is the Dwight Yorke Stadium that was constructed by this administration, so we will never object to the acquisition of those lands to facilitate the completion and the payment to the citizens, especially the credit union that owns those lands.

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It brings me back to a very important situation. The policy objectives of this Government—and any government—must be to set in place an administrative framework that would facilitate not only land acquisition, but would allow citizens to benefit from the market value of their land when it is acquired. What I have found is that when we go for valuations—I am not talking about this administration, I talking about all the past administrations—is that they would acquire the lands, as we did in this case with the Marabella Police Station 15 years ago, and the price of land in Marabella at that time would have been about \$3—\$4 per square foot, but today those same lands are sold in the vicinity of \$150 per square foot, if you could get it.

Land is a finite resource and as it becomes more and more scarce, market forces come into play. So that if 15 years after the event you are now going to pay, after inflation and taking into consideration the value of money now, you have a serious disparity between the value at that time and now. We need, as a government in waiting, and as a Government in place now, to set in place systems that should not allow citizens to be guessing what value they would get and, secondly, when they would get paid.

It is for all those reasons that we recommend to the Government now to build on what Sen. Dr. McKenzie said in terms of having the human resources available, in terms of land surveyors to survey the lands; that you have valuers in place so that the valuations could be done properly; that on an annual basis you have an allocation necessary first to reduce the backlog, because a fundamental issue comes into play. It is easy to be right and even easier to be wrong, but extremely difficult to be fair, and when citizens of Trinidad and Tobago who have been waiting up to 40 years for payment see people who, though late in terms of having been acquired 15 years ago, now getting the final acquisition to complete the payment—they have received 80 per cent and the further 20 per cent—including some when we constructed the Solomon Hochoy Highway—as far back as that—they are now asking the question: “There are some who, 15 years now, got their lands acquired and are finally going to be paid off, but we have been waiting 40 years due to no fault of our own.” Although in some cases the title is the problem, but there are documented cases in which just the availability of funds on an annual basis is not sufficient.

We have found ourselves in a situation where we have funds available and if we have the funds available, then I want to recommend to the administration to set up a queuing process in terms of the first acquisition, so the first person whom we acquired land from on the waiting list should be paid first, and then in a

systematic manner pay off all the people in the backlog, and at the same time work at a policy level, that all new acquisitions from today—and I have no doubt that the Minister would have that kind of intention—would be properly searched, surveyed and, in fact, valued and have funds available to pay people, so that this process would not continue ad infinitum. So while we bring to an end those that are in waiting or in a queue, we stop today and make a decision at a policy level that all future land acquisitions will be at current market prices; it will be settled expeditiously, in the same manner as when a private citizen purchases land and pays 10 per cent down and 90 days to satisfy the title requirements. In this case the Government may say, not three months, maybe six months, and people would be able to understand that. Or get the private citizen to survey and pass on the cost to the Government and expedite it.

We must move Government from the archaic way of thinking and bring them into the modern era where modern business practices must be taken into consideration to facilitate the free flow of the system and also to allow citizens to benefit and the State to be able to have its way in terms of the developmental process. So having drawn those things to your attention and made recommendations to the Government, we have no real objection in supporting the Motion to finalize the acquisition of all these lands for public business.

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

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I did not intend to intervene in the debate but having listened to what appeared to be a reasonable contribution of Sen. Baksh, I thought I would just place on record some ideas on what he said.

Let me start off by saying that I will not ever doubt Sen. Baksh's ability to talk about airports. He has the record and I think he recently indicated that all that went wrong at Piarco was his fault.

**Sen. Baksh:** Madam President, I hasten to correct the hon. Senator. He tried to attribute words that are not mine. I assure the Minister that I was responsible for the construction of the Piarco Airport Development Project and no one, but no one, had any authority to award contracts to anybody. Neither did I. It was an Airports Authority project and after the investigation it went to NIPDEC.

**Sen. The Hon. Dr. L. Saith:** I accept his correction but the fact remains, as Minister, he did preside over an airport that went from \$400 million to \$1.6 billion—

**Sen. Seepersad-Bachan:** That is the first project that ever did that?

**Sen. Mark:** Dr. Lenny Saith—that is the debt forgiveness man—[*Crosstalk*]

**Sen. The Hon. Dr. L. Saith:** I just want to indicate that I defer to Sen. Baksh when it comes to building airports. That is all I am saying.

**Sen. Mark:** The debt forgiveness man—\$30 million!

**Sen. The Hon. Dr. L. Saith:** It is \$30 million now? It was \$80 million on the platform. [*Laughter*]

Madam President, again, I defer to his expertise on paving, because the hon. Senator was in charge of the Solomon Hochoy Highway—

**Sen. Mark:** \$27 million—the Piarco Airport!

**Hon. Senator:** Who is that?

**Sen. Mark:** The sweetbread man.

**Madam President:** Please, Senator.

**Sen. Mark:** Sorry, Madam President.

**Sen. The Hon. Dr. L. Saith:** May I proceed now?

**Sen. Mark:** Yes, go on. We are waiting on you.

**Sen. The Hon. Dr. L. Saith:** He had a lot of experience in bad paving which occurred on the Solomon Hochoy Highway, and I am not attributing it to him, I am saying these are the vagaries of the construction industry. [*Interruption*]  
Madam President, I do not need to be cheered by the hon. Senator.

**Madam President:** Senator, I do not know if you realize your voice, you have a very—

**Sen. Mark:** Sorry, Ma'am, sorry.

**Madam President:** When I have to listen to you on this side, I cannot hear what is going on, on this side.

**Sen. Mark:** I am sorry, Ma'am.

**Sen. The Hon. Dr. L. Saith:** Madam President, I do not think the Senator realizes the noise that he makes—[*Interruption*] Empty barrels, but he makes noise.

**Sen. Mark:** \$27 million—

**Sen. The Hon. Dr. L. Saith:** It is \$27 million now?

**Sen. Mark:** Yes.

**Sen. The Hon. Dr. L. Saith:** I am saying that these are the vagaries of the construction industry and you get contractors who perform and who do not perform. Therefore, I am sure the Senator realizes that, to a large extent, some of the difficulties faced during his time and being faced now, are functions of the construction industry as they exist in Trinidad and Tobago.

**3.00 p.m.**

I want to correct one of the statements that the Senator made about a cloverleaf design for the intersection in 1970. As the person in charge of Trintoplan at the time, there was no cloverleaf design for that intersection. We recommended the southern link to come south of the Churchill Roosevelt Highway and to connect lower down. [*Interruption*] That is just for the record.

I want to come to Sen. Dr. McKenzie. [*Interruption*] Mark? Mark is not deserving of any consideration. [*Laughter*] From 1991—1995, I had the experience of being the Minister of Planning and Development and was responsible for land acquisition. Prior to the new Land Acquisition Act it was even worse. People's lands were acquired and no payments were ever made or made for a long time. I think this is the law now. The minute you moved in, as long as the title could be proven, you got 80 per cent of the value at that time. The question of market value did not really come in. When you moved in within a fixed period you were paid 80 per cent.

That dealt with people having to wait a long time and the question that land goes up in value. You got your money at the time so that you could invest it. The remaining 20 per cent did carry a certain amount of interest. The law provides for compensation in a speedy manner. As long as we follow that law we will be able to deal with the problem.

The real problem is: Whom do you pay? That is where the question of title comes in. It is a little easier in Trinidad because titles are easier to locate. I am sure that the honourable Ministers will give Sen. Dr. McKenzie the assurance that we have to find a way to speed up this question of determining title. The suggestion made about Guyana is one that perhaps, the Government needs to take on board as to how we speed it up.

**Sen. Prof. Kenneth Ramchand:** Madam President, before I say what I have to say, I commend my colleague, Sen. Dr. McKenzie for the resourcefulness and energy—[*Desk thumping*]*—*with which she pursues matters like these for all citizens and especially, ordinary citizens who are sometimes not aware of their rights and do not have the financial means to get legal help. I thank her for her efforts.

We are dealing with compulsory acquisition of land. As I understand it, there are procedures which attempt among other things to make sure that the compulsory acquisition is necessary for a public purpose. That public purpose is clearly defined and described so that the owner of the land can see what his land is needed for.

The second thing that the procedures seek to ensure is that the owner is adequately compensated. There is a process of negotiation bearing in mind the market value of the land and if possible, the compulsory acquisition—although it is called compulsory acquisition—is eventually done with the agreement of the owner. That is the ideal situation where you get him to agree. He does not want to part with it, but he gets to understand that we have to take it.

I began like that because one of the proposed acquisitions here, the owners brought their case to me and asked me to speak about it and ask questions about it. Let us look at the six that are set out here and the highlighted things. Construction of the Marabella Police Station; an access road; extension of the runway; construction of the Blanchisseuse/La Fillette Secondary School and the construction of a multifaceted sporting facility are very clear.

Let us look at (2) which says “conservation”. In his presentation, the Minister did not make it clear to us what there is to be conserved. Is he conserving a lake, a waterfall or a swamp? What does the Government want to conserve there? What is threatening it? Why does the Government have to step in to acquire this in order to conserve it? Can the owner not conserve it? Can he not be given instructions about what he can or cannot do with this? Why does the Government have to acquire it in order to conserve it?

If the Government does acquire it for conservation, I think that the Minister has to tell us all these things and what it is going to do to conserve it. All we get is “such conservation steps as are deemed necessary”. That is not good enough.

I have been told that this particular parcel comprising 8,875 hectares has been sought for quite a long time, for more than 10 years. The initial acquisition had to

do with the wish to use it as a dump and it was used as a dump before any acquisition was completed. If you think about it, these people are owed rent. The price of \$60,000 that was being proposed was way below the market price at that time and it is certainly way below the market price at this time. I find it strange that a piece of land that was being used as a dump is now being acquired for conservation and we are not given any explanation.

I am going on what I have been told and some of the documents that I have seen. I will like this matter to be looked into. Let us see whether the proper procedures are being followed; this conservation project is a necessary one and some suitable or appropriate arrangement can be made with the owners either for the sale or whether certain regulations can be put to the owner. That is all I am requesting on this piece of land.

Thank you.

**The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano):** Madam President, let me speak to the question of the titling of land in Tobago. [*Cell phone rings.*]

**Madam President:** Someone's cell phone.

**Sen. The Hon. D. Montano:** Let me thank Sen. Dr. McKenzie for her very kind comments and to assure her that even though I am no longer the Minister of Legal Affairs, we on this side act as a team. I still have an interest and will be involved in solving some of the problems. Let me give you that assurance.

Let me give you some background as to what happened. I think that successive governments understood that there was a serious problem especially in the sister isle of Tobago with respect to the titling of land, as described very appropriately by Sen. Dr. McKenzie. With each year and each passing generation, the problem becomes increasingly acute. I think that it is fair to say that the residents of Tobago are more or less settled in their minds about what they own or do not own. Proving it is a major problem. It is not only a problem when it comes to the State trying to acquire the land; it is problematic for almost any form of land transaction in Tobago.

In 1999, the then Chief Justice assembled a team of lawyers and attorneys to decide what could be done to expedite the sourcing of titles to properties in Tobago. In order to make sure that when applications came before the court, the court exercised its discretion in a uniformed manner, they came up with what was described as the "Judges Rules". This was to bring property in Tobago that had no

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formal title attached to it under the auspices of the Real Property Ordinance. The Judges Rules which are described in this document run to six pages. If you go through them you would see that any prudent attorney would find it difficult to take short cuts. The rules are not unreasonable. It is just that they are long, complicated and it becomes very expensive to bring the property under the Real Property Ordinance.

Clearly something had to be done to make things work faster. In 2000, Senators on that side would recall that the then administration brought a bundle of three Bills; the Registration of Titles to Land Bill; the Land Adjudication Bill and the Land Tribunals Bill. The two Bills that are pertinent to this issue are the Land Adjudication Bill and the Land Tribunals Bill.

They were all passed in 2000, but never proclaimed because all three Bills needed some amendments and regulations. The Land Adjudication Bill made provision for the setting up of a number of offices. There would have been an adjudication officer. The minister responsible could by order declare any area in the country to be an area for adjudication and he could describe it in a very general way. There would be one adjudication officer; several demarcation officers; recording officers and survey officers. These people would identify specific boundaries and markings. They would say your land runs from point A to B to C; get a map and draw it up. They would work on the ground and effectively work out who owns what. The report of the demarcation officer would then be sent to the adjudication officer who would declare that that land was owned absolutely by the person making the claim.

If anybody had a quarrel with it, at the point before it was settled with the demarcation officer, it could be dealt with. If someone came afterwards and said that you were on his land, he could then make an appeal to the land tribunal. That is how the whole system worked. To articulate exactly what it was for section 16(1)(b) says:

“(b) a person who without documentary title is in open and peaceable possession of a parcel of land other than a parcel which is State land and has been in such possession whether by himself or through his duly authorized agent or his predecessors ... for a period of 30 years or more, shall declare the title of such a person to be absolute and record it as such;”

That was an Act of 2000. The problem is that we do not have the Act in force. We have some amendments and the regulations. My understanding is that they are



now ready to come to Parliament; we can debate and pass them and then set up the system.

The difficulties that Sen. Dr. McKenzie outlined are even more complex than you might think otherwise. In Tobago, because you cannot produce a title document to your property, you can only sell it if the person willing to buy it is willing to accept a less than perfect title and can pay for it in cash right away. Without a perfect title the banks and the trust companies will not finance you and take the land as security. This has impoverished the residents of Tobago to the point where foreigners are coming and because they are spending Euros which are seven or eight to one of ours, they can afford to pay cash. The foreigners are in a position to pick up the prime pieces of real estate in Tobago because we are not in a position to do it. That is the crying need to get this system fixed as quickly as possible.

On a couple of occasions I met and spoke with one of the attorneys whom Sen. Dr. McKenzie spoke about and he gave me a list of 114 applications to bring land under the Real Property Ordinance. That is just one attorney operating in Tobago. It is a serious problem.

One of the things that I tried to do, recognizing that we had to wait for these regulations and amendments; it was going to be a while before that was finished; then, you had to come to Parliament, I said, "Let us find some other way". Is there some way that we could take a short cut on the Judges Rules? Maybe, we could go half-way and then perhaps, give the owners a provisional title. Everybody said that sounded like a good idea. We went to the Law Association and asked: Will you work with this? The Law Association wrote back and said that they would work with it. Having a financial background, I felt that even though the lawyers might accept it, I felt pretty sure that the banks would not accept it. I wrote to all the banks and trust companies, everybody in the country operating with mortgages, they wrote back saying, "We will not accept a provisional title". The only way is this way.

With all due respect to Sen. Dr. McKenzie who spoke about the system in Guyana, the system as it was drafted in 2000, is a combination of different systems, including Guyana, but specifically Belize. Apparently, the system that we have is closest to the system in Belize. About two or three months ago, officers from the Ministry of Agriculture, Land and Marine Resources and from the Ministry of Legal Affairs returned from a site visit to Belize to see how their system is working, the problems and the pitfalls, so we will not make the same mistakes. We will do it efficiently and quickly.

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The Senator should know that the Ministry of Legal Affairs is not the lead ministry in this project. It is the Ministry of Agriculture, Land and Marine Resources. The Minister has kindly allowed me to speak because we work closely on it. Because it was a titling issue it involved the ministry, so we work as a team. The Minister was quite happy to give me a few minutes to explain things as they are. The only way that we can now go is to proclaim this bundle of legislation; do the amendments; get the regulations in place and get things going.

You know that machinery of Government does tend to move slowly. As much as you would like to do something, I cannot say that it will happen in three or six months. We now recognize that we are so close to having it done, there is no point in trying to take any short cuts. We might as well stay with this and recognize that it is an urgent issue. It requires urgent attention and this Government understands it. I am very happy to say that in this instance, we are happy to build on the work that was done by the previous administration. It was a good initiative; we are building on it and taking it forward. That is what true governance is all about. I am very happy to be a part of this initiative and exercise.

With those few words, I thank you very much.

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine):** Madam President, indeed, I am pleased to be here this afternoon in this honourable Senate to listen to some of the debate that took place when I only came to acquire and pay for six parcels of land. I have no doubt that when the other side came into office in 1995, they had to do the very thing. It took some time to do so. As indicated by my colleague, that 80 per cent payment for land as soon as the notices are placed in the newspaper, once titles are approved, only 20 per cent is left to do so.

Sen. Prof. Ramchand asked about a parcel of land that was acquired in the borough of Chaguanas for conservation, probably, he did not read all of it, but the date of the Director of Surveys was September 22, 1999. I also queried this. Obviously, we were not in office and this parcel of land was used as a dump site. It was getting rid of some of our species of fish because it belonged to the Caroni Swamp. My information is that certain birds were killed and the Environmental Management Agency thought it fit that the State should acquire the land. If that was the reason, the owners had a choice to say that they were not accepting the Government's offer of the valuation for the land because that is part of it. If I own property and the State is going to acquire it, the State will do their valuation. I can do my valuation and negotiate with them. Someone raised the issue that a

colleague of mine has not been paid as yet. He chose not to take the amount of money that was offered to him. He had his valuation done and he has that opportunity to go to the courts of Trinidad and Tobago to get recourse.

**Sen. Mark:** Madam President, on a point of order, I think that the hon. Minister is misleading the Senate when he says that the hon. Minister of Foreign Affairs chose to take the matter to court, when he knows that it was on the instruction of the Prime Minister that Sen. Knowlson Gift had no choice but to go to court. He knows for a fact that about \$6 million was offered by the former Attorney General to the hon. Minister of Foreign Affairs.

**Madam President:** I think that what the Minister was trying to say is that it is now before the court. Please continue, Minister.

**Sen. D. Montano:** Madam President, on a point of order. That kind of scandalous statement should not be allowed under the guise of an objection of a Standing Order. That is scandal.

**Hon. J. Narine:** Madam President, it is amazing. I called no names. I said a colleague of mine has his matter before the court. That is his choice. This is not a democracy any more, since you came here? It has to be. I am insisting that I am not misleading the Senate. That is the procedure and it is available to any citizen of this country. I hope that I have satisfied your request.

**Sen. Prof. Ramchand:** Madam President, I am grateful to the Minister for addressing it. I just want to be sure if the owner has in fact accepted money and got 80 per cent or whether the matter is still open and the owner has recourse to the court to stop this compulsory acquisition with which he does not agree.

**Hon. J. Narine:** Madam President, I am giving the information that I have in this matter. I am not a legal person. They have received the 80 per cent payment according to what I have been told. After today we will go with the section No. 5 notice to pay the rest of 20 per cent. I am not a legal person. I do not know whether at this point in time they have any recourse. They signed the documents at the time when the transaction was taking place in 1999.

**Sen. Prof. Ramchand:** I will still like to know whether the report of the EMA would be available because I am not satisfied with the description that has been given about why it is being conserved. I will like to have access to the EMA report. [*Crosstalk*]

**Madam President:** Senators on both sides, I am trying to listen and make some sense of what is happening here and I cannot hear anything because of the raised voices on both sides.

Mr. Minister, you were asked a question as far as the EMA report is concerned. I do not know if you can give the answer.

**Hon. J. Narine:** Madam President, I am simply giving the information that I received on this matter. I am telling the Senator that this is the situation. If enquiries are made under the Freedom of Information Act he would get the information. I am only saying this because that is the information I got word of mouth. I am relaying this to indicate to you that in 1999—

**3.30 p.m.**

**Sen. Dr. Saith:** Madam President, perhaps I could help a little. I think the hon. Senator has made a case. I think the Minister is at a little disadvantage because he does not have the information here. He indicated that the person has already been paid 80 per cent and has, in fact, collected the money. I think, in those circumstances that it is for the person to ask for the environment report and not, really, yourself, Senator.

What we can agree on is that the Minister would go back and get the facts and your “client” could approach the ministry and get whatever information there is. But if he has already accepted 80 per cent of the money he has, in fact, agreed to the acquisition and the value of the land.

**Sen. Prof. Ramchand:** Madam President, I have just been told—I cannot remember—that there is going to be a problem about there being an EMA report for 1999 because there was not an EMA in 1999.

**Madam President:** Sen. Dr. Saith has said that any further information would be passed on. Mr. Minister, please continue.

**Hon. J. Narine:** Thank you very much, Madam President. In replying to some of the other statements made, Sen. Baksh did say that it was a UNC project. I am saying that, from time to time, as governments change these things will happen. The past government did some projects and a new government will have to do the acquisition of lands and so on.

Sen. Baksh also said that they built a terminal—[*Interruption*]—an airport, but it is really a terminal building, which cost \$1.6 billion. [*Crosstalk*] May I have your protection please, Madam President? I am still looking for the other two

airports. The first time the airport was supposed to cost \$445 million but it cost \$1.6 billion. *[Interruption]* I have no doubt that Sen. Baksh will have money to build two other airports and then whenever the will of the people is that they get back in office he would bring back that money from all over the world and build the airport in Tobago. *[Interruption]* Thank you very much. The people of Tobago are assured that the money for the three airports would be returned to Trinidad and we would get an airport in Tobago. So I have no problem with that. I am certain that is how you were thinking because of the bank accounts all over the world. *[Laughter]*

Madam President, I mentioned the Grand Bazaar because that building was built in their time. That building has no Town and Country Planning permission, up to this time. I remember the local government authorities complaining and the hon. Senator, who was then a minister of government, gave them privileges to complete the building. *[Interruption]* That is so! So to come here today and talk about Stag—*[Interruption]* It is state land. If that building was started in their time without planning approval then it is an illegal building up to this day. Do you understand, Madam President?

**Sen. Baksh:** Madam President, on a point of order. The hon. Minister might not be doing it deliberately but he is misleading this Senate. The construction of Grand Bazaar was started long before 1995. It was completed around 1995. I think the Minister is not properly informed. *[Crosstalk]*

**Hon. J. Narine:** My information is that—

**Madam President:** Hon. Senators, I am really wondering how we have reached to the airport, Grand Bazaar, et cetera. *[Interruption]*

**Sen. Mark:** That is what the Minister is talking about!

**Madam President:** No, that is not necessarily so, he is answering—*[Interruption]* Sen. Mark, will you give me a chance to speak? You are not giving anybody else here a chance. Let the Minister answer the questions that were raised and let us get this thing finished, please.

**Hon. J. Narine:** Thank you, Madam President. I was just responding to some of the things that were said. If I am not allowed to do so, I am sorry. I am going to take my time to respond to all these things.

With respect to the funding for acquisition, during their time in office a meagre sum of \$2 million was given. As a matter of fact, last year we expended

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the money that was given to us. This year we got \$4 million and we are getting in the Midterm Review an additional \$8.6 million, because we have other lands that are now available so we have to come to Parliament. We have to pay the 80 per cent that we owe to the people so that will come up in tomorrow's debate.

With respect to the valuation of which they spoke, persons do not have to accept the valuation of the Ministry of Agriculture, Land and Marine Resources or from the Ministry of Planning and Development. Persons can do their own valuations and negotiations. That is the situation. There are 16 areas that you will see tomorrow in the Midterm Review that we have to pay for at this time. We are moving rapidly to develop this country with a Vision 2020.

I heard a Senator this afternoon say that they had a vision. What vision could any government have to build a school to put 800-odd children between Blanchisseuse and La Fillette in the forest where no one lives? What type of vision is that?

**Sen. R. Montano:** Tell that to the people of Biche! I mean, Oh cranky!

**Hon. J. Narine:** That is a different thing. That school is breaking down every day. Madam President, I am saying to you that if you have the opportunity to visit that school, you would see the cracks. You cannot even walk to the school at this time. The walkway is totally gone. [*Crosstalk*] That has nothing to do with this and I will not respond at this time.

**Sen. Mark:** I challenge you to carry Madam President.

**Sen. Seepersad-Bachan:** Well carry—

**Hon. J. Narine:** Sen. Dr. McKenzie raised certain questions and I want to thank her, because it took the Government—even before the last government—23 years to get a Commissioner of State Lands. Why? They came here in 2000 and there was no position on the permanent establishment of the public service. We had to get that done and we did it.

I came here and told this Senate that the Director of Surveys was doing two jobs for a number of years. I came to this Senate and said that in their five-year period, an average of 60 or 70 leases were done through the Ministry of Agriculture, Land and Marine Resources. [*Interruption*] Sen. Mark has asked: How many did we do last year? We did 396 leases, Madam President, so that we are clearing the backlog that they left.

We have had persons who for 10 and 15 years have had no renewal of their leases, who had no new lands given to them, and who had no transfer of lands

from family to family. Sometimes when someone dies and they lodge the legal documents in the Ministry, they are not transferred. This Government is rapidly doing the transfers and I assure Sen. Dr. McKenzie that we are doing everything that should put persons from Tobago, who do not have land titles, in a better position to have their lands registered.

We are now reviewing the three Acts: the Land Adjudication Act, the Land Title and Registration Act, and the Land Tribunals Act, which were passed in 2000. We intend to put a Land Management Authority in place so that there would not be the confusion of everybody in different agencies doing land transactions. It will come under one body so that all lands in Trinidad and Tobago will be under that body of persons who will be there to adjudicate lands in Trinidad and Tobago. I give you the assurance that this will happen.

The first Senator who spoke mumbled, fumbled and did not know what we were speaking about today, but I forgive her, because as a former Minister of the Ministry of Agriculture, Land and Marine Resources, I now know why I have inherited after six years, a total shutdown of the agricultural sector in this country. [*Crosstalk*] No agricultural access roads have been built. [*Crosstalk*] Madam President, \$2 million for agricultural access roads cannot do anything.

With respect to water management, today we got \$10 million and we are going to receive another \$35 million; \$20 million of which will go to agricultural access roads and water management. [*Desk thumping*] You will debate that tomorrow. I am not going to expand on that because it is a fact.

**Sen. R. Montano:** So no more flooding?

**Hon. J. Narine:** Do you want to talk?

**Sen. R. Montano:** Madam President, is the Minister then saying that there is going to be no flooding this rainy season; that all is right in the agricultural kingdom of Trinidad and Tobago and that everything would be great?

**Hon. J. Narine:** It certainly would have less flooding. But we cannot stop flooding! [*Crosstalk*] I understand that it is the neglect over the years that created the problem from year to year—[*Interruption*]—That is why I am giving a period of gestation. [*Interruption*] Hello, we are paying \$6 million and more for relief of the flooding. If we can utilize the funding given in the budget and the funding given to agriculture now, which is an increase of about 300 or 400 per cent to

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what they gave, then we can alleviate the flooding.

We have two seasons: a dry season and a wet season. During the dry season there is a lack of water. The lack of water is because they did no water management. There was no ponding. They allowed the Oropouche Lagoon to have salt intrusion. I remember Mr. Sudama begging the UNC to fix the Oropouche Lagoon. Well, we have done it! We have done the Trinidad Sluice Gate. [*Desk thumping*] We have done the two miles of embankment. We have done dock ponds. We have done irrigation channels. It will take about five to six years, however, for it to leach. Madam President, because of the salt intrusion—persons cannot understand that—you need the rainfall for about five years to wash out the salt, and then you have to treat the land because of the salt content in the land.

Madam President, I am asking the Senator to really read what I have said. [*Interruption*] I cannot change that. It is nature that will do that over a period of time. I am certain that Sen. Mark knows that when I do research, I do it properly, from even in the trade union movement days. What did not happen for a six-year period with the deterioration of agricultural access roads and no plans for water management, because they did not build a single pond—Last year we built in La Savan, Moruga 42 ponds for 42 farmers. This year we are doing 40 ponds and next year we will do 33 ponds and we still have more to do. During the period if we were able to provide 150 farmers with water for the dry season, obviously we would have vegetable products coming to the markets on a daily basis instead of waiting for six months. We want all-season agriculture in Trinidad not just on a six-month basis. [*Interruption*] I am sorry I did not bring some of the pictures to show you the dilapidated conditions that we have for agriculture in this country. [*Interruption*]

**Sen. Mark:** We do not want any picture; this is not a cinema.

**Hon. J. Narine:** It is really amazing that when you are in opposition you have all the answers but when you were in government you had none. [*Crosstalk*] I am certain we are going to come back to this honourable Senate with additional lands that we have acquired to do improvements for the people of Trinidad and Tobago. We are pleased, in some cases here, that some of the lands that we have acquired have benefited people and we are acquiring additional lands to do other things.

I give Sen. Baksh the assurance that we are going to take a highway straight through to Point Fortin. We are going to take the Churchill Roosevelt Highway into Manzanilla. We are going to take the Bypass Road from San Fernando into Mayaro. All that he did not do, we are going to do. [*Interruption*] We are not



saying it was not your plan. We have a plan and we are going to execute it.

Thank you, Madam President, and I beg to move.

*Question put and agreed to.*

*Resolved:*

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. A parcel of land comprising 1,098.6 square metres more or less, situate on the Southern Main Road, Marabella, south of the Marabella roundabout, between the San Fernando Bypass and the Southern Main Road in the City of San Fernando in the County of Victoria and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 13th September, 1999 and filed in his office is required for a public purpose: Construction of the Marabella Police Station.</p> <p style="text-align: center;">SCHEDULE</p> <p>The parcel of land comprising 1.098.6 square metres more or less, situate on the Southern Main Road, Marabella, south of the Marabella roundabout, between the San Fernando Bypass and the Southern Main Road in the City of San Fernando in the County of Victoria and said to belong now or formerly to H.V. Holdings Limited.</p> <p>The parcel is more particularly shown coloured raw sienna on a Survey Plan filed in book 1243, folio 22, in the vault of the Land and Surveys Department, 118, Frederick Street, Port of Spain.</p>	<p>Construction of the Marabella Police Station</p>

DESCRIPTION LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>2. The parcel of land comprising 8.0875 hectares more or less, situate at Shipping Road, Felicity, in the Borough of Chaguanas in the County of Caroni and said to belong now or formerly to Binarsari Batchasingh and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 22nd September, 1999 and filed in his office, is required for a public purpose namely: Conservation.</p> <p style="text-align: center;">SCHEDULE</p> <p>A parcel of land comprising 8.0875 hectares more or less, situate at Shipping Road, Felicity in the Borough of Chaguanas in the County of Caroni and said to belong now or formerly to Binarsari Batchasingh.</p> <p>The parcel is more particularly shown coloured raw sienna on a Survey Plan filed in book 1243, folio 24, in the vault of the Land and Surveys Division, Red House, Port of Spain.</p> <p>3. The parcel of land containing 18.1 square metres more or less, situate off Ramdhane Village Street, Claxton Bay in the Ward of Pointe-a-Pierre in the County of Victoria and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 6<sup>th</sup> June, 1998 and filed in his office is required for a public purpose: An Access Road.</p> <p style="text-align: center;">SCHEDULE</p> <p>A parcel of land comprising approximately 18.1 square metres more or less, situate off Ramdhane Village Street, Claxton Bay in the ward of Pointe-a-Pierre, in the County of Victoria and said to belong</p>	<p>Conservation</p>

DESCRIPTION LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>now or formerly to Mahadeo Sarjoo.</p> <p>The parcel is more particularly shown coloured raw sienna on a Survey Plan filed in book 1140 as folio 42 in the vault of the Land and Surveys Department, Red House, Port of Spain.</p> <p>4. The fourteen parcels of land together containing 4.2384 hectares more or less, situate between Store Bay Local Road and Lighthouse Road, Crown Point, in the parish of St. Patrick, in the ward of Tobago and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 1st September, 1998 and filed in his office, are required for a public purpose: Extension of the runway at the Crown Point International Airport</p> <p style="text-align: center;">SCHEDULE</p> <p>Fourteen parcels of land comprising together approximately 4.2384 hectares more or less, situate between Store Bay Local Road and Lighthouse Road, Crown Point, in the Parish of St. Patrick, in the ward of Tobago and described as follows:</p> <p>(a) 0.1796 of an hectare said to belong now or formerly to J.L. Pereira;</p> <p>(b) 0.1796 of an hectare said to belong now or formerly to J.L. Pereira;</p> <p>(c) 0.4546 of an hectare said to belong now or formerly to James Rowe;</p> <p>(d) 0.1830 of an hectare said to belong now or formerly to W. Romeo;</p>	<p>Extension of the Runway at the Crown Point International Airport</p>

DESCRIPTION LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(e) 0.3117 of an hectare said to belong now or formerly to John Dopson; hectare said to belong now or formerly to James Romeo;</p> <p>(f) 0.5514 of an hectare said to belong now or formerly to Alvin Tucker Trust Ltd.;</p> <p>(g) 0.1052 of an hectare said to belong now or formerly to Selma and Karlene Ayee;</p> <p>(h) 0.0819 of an hectare said to belong now or formerly to N.A. Bishop;</p> <p>(i) 0.0816 of an hectare said to belong now or formerly to N.A. Bishop;</p> <p>(j) 0.1646 of an hectare said to belong now or formerly to H.R. Inglefield;</p> <p>(k) 0.2024 of an hectare said to belong now or formerly to Simeon Alexander;</p> <p>(l) 0.4629 of an hectare said to belong now or formerly to Mary Alexander; and</p> <p>(m) 0.9713 of an hectare said to belong now or formerly to John Victor Outridge.</p> <p>These parcels are more particularly shown coloured raw sienna on a Survey Plan filed in book 1140 as folio 41, in the vault of building, Wrightson Road, Port of Spain.</p> <p>5. The four parcels of land together comprising 4.3549 hectares, more or less, situate on the southern side of the Paria Main Road at the 112.4 km mark, in the Ward of Blanchisseuse, in the county of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 3<sup>rd</sup> July, 2002 and filed in his office, is required for a public purpose: Construction</p>	<p>Construction of the Blanchisseuse/ La Fillette Secondary School.</p>

DESCRIPTION LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>of the Blanchisseuse/La Fillette Secondary School.</p> <p style="text-align: center;">SCHEDULE</p> <p>Four parcels of land together comprising 4.3549 hectares, more or less, situate on the southern side of the Paria Main Road at the 112.4 km mark, in the ward of Blanchisseuse, in the county of St. George</p> <p>And described as follows:</p> <ul style="list-style-type: none"> <li>(a) a parcel of land comprising 3.3m<sup>2</sup> said to belong now or formerly to Winfield Harold Scott;</li> <li>(b) a parcel of land comprising 6086.8m<sup>2</sup> said to belong to now or formerly to James Edward Camacho, Herbert Frederick Mendes and heirs of Malcolm Arthur Mendes;</li> <li>(c) a parcel of land comprising 3.6025 hectares said to belong now or formerly to James Joseph Penco and Herbert Frederick Mendes and heirs of Malcolm Arthur Mendes;</li> <li>(d) a parcel of land comprising 1434.4m<sup>2</sup> said to belong now or formerly to James Edward Camacho, Herbert Frederick Mendes and heirs of Malcolm Arthur Mendes.</li> </ul> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in book 1243 as folio 55, Survey Order No. 169/2000 in the vault of the Land and Surveys Department, Old General Post Office Building, Wrightston Road.</p>	

DESCRIPTION LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>6. The parcel of land containing 17.1859 hectares more or less, situate at Bacolet Estate, Tobago, in the ward of Tobago in the parish of St. Andrew and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated the 28th day of June, 2001 and filed in his office, is required for a public purpose: The Construction of a Multifaceted Sporting Facility.</p> <p style="text-align: center;">SCHEDULE</p> <p>A parcel of land comprising 17.1859 hectares more or less, situate at Bacolet Estate, Tobago, in the ward of Tobago in the parish of St. Andrew and said to belong now or formerly to Mt. Pleasant Credit Union Co-operative Society Limited.</p> <p>The parcel is more particularly shown coloured raw sienna on a Survey Plan filed in book 1243 as folio 48, in the vault of the Land and Surveys Division, Red House, Port of Spain.</p>	<p>The Construction of a Multifaceted Sporting Facility</p>

**ANTI-TERRORISM BILL**

[Second Day]

*Order read for resuming adjourned debate on question [June 07, 2005]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam President:** Hon. Senators, last week three Senators spoke on the Bill, they were: Sen. The Hon. Martin Joseph, Sen. Wade Mark and Sen. Dana Seetahal.

**Sen. Robin Montano:** Madam President, when I first got wind of this Bill, I thought it might serve a bit to help us understand whether or not this modern-day scourge of terrorism is, in fact, just that. I was not very surprised to find out that, in fact, terrorism is, at least, three hundred years old.

I have here a copy of the *Times Review Books* of Saturday, February 05, 2005. It is reviewing a book by a chap called Peter Ackroyd. The headline is and I quote:

“This evil example

Two centuries before Osama bin Laden there was John the Painter—a radical, dandy and arsonist whose ‘combustibles’ struck fear in the heart of British Empire.

Peter Ackroyd on the making of the first modern terrorist.”

Madam President, what is interesting is the first paragraph of the article which says:

“Those who speculate on the patterns of human history will find some interesting evidence in this book. After several incidents of incendiarism, the equivalent of modern terrorism, the British Government panicked. It suspended habeas corpus, allowing the courts to imprison suspects without charge, and a High Treason Bill was rushed through Parliament. The Bill condoned indefinite detention for suspected terrorists on the grounds that ‘it may be inconvenient in many such cases to proceed forthwith to the trial of such criminals, and at the same time of evil example to suffer them to go at large’. The year was not 2000, or 2005, but 1777.”

I would like to think that we have come a long way since then but my daughters very kindly gave me a very interesting book around Carnival of this year, which was printed only last year by a chap called Andrew Cook. The book is called:

“M” MI5’s FIRST SPYMASTER”

It deals with the rise of a chap called Sir Richard Melville who was the founder of MI5, the modern-day British intelligence. It speaks a lot about the terrorism in the late 19th Century and also in the early 20th Century. Madam President, I will give you one quote that is most interesting because this goes to the heart of the matter and the heart of this Bill as well as other police reform bills and all other statements by the Government. At page 130 the author says:

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“Around the turn of the century...”

He is talking about the 20<sup>th</sup> Century. The quote continues:

“Special Branch had done such a good job that the general public were no longer threatened by terrorism. Fenian bombs were a thing of the past...”

The Fenians were an Irish terrorist organization. I continue to quote:

“the wilder English elements were mutinous but had never succeeded in doing any harm, and foreign anarchists could hardly make a move without its being reported, and knew it.”

In other words, the early special of the English Secret Service, the predecessor to MI5 had done an excellent job of covering the terrorists and tracking them in many cases. The book is replete with examples and stories of how many terrorists were arrested. In other words, it was good, old-fashioned police work down to the bottom.

It is with this historical background in mind that I read this Bill, and I read it with a sinking heart. The Bill is more or less very similar to what was produced in England and had a lot of controversy. Indeed, the *Sunday Times* of January 30, 2005 in a headline, talking about the English Terrorism Bill, says:

“Just like that Clarke pulls a police state out of the hat.”

Just like that Minister Martin Joseph pulls a police state out of the hat with this Bill; a most dangerous Bill.

I would like to pause for one moment to ask the Minister a simple question that requires just a yes or no answer. Through you, Madam President, I ask the Minister: Is he aware that this Bill infringes sections 4 and 5 of the Constitution and, therefore, requires a special majority? I pause to give him a moment to reply.

[*Sen. R. Montano takes his seat*]

[*Pause*]

**Madam President:** Hon. Senator, please continue.

**Sen. R. Montano:** Madam President, he knows that I am right and that is why he would not respond. [*Desk thumping*] I am giving him the opportunity. Now, let me take you through. Let us just look, for example, at clause 8, which says:

“8. (1) A person who knowingly—



(a) acquires or possesses terrorist property;

...commits an offence...

(2) For an act to constitute an offence under subsection (1) it is not necessary to prove that the property was actually used to commit the offence.”

Oh, good grief! You cannot be serious! Let us go to clause 9, which starts off very reasonably, I quote:

“9. (1) Any person who knowingly—

(a) supports; or

(b) solicits support for.

the commission of a terrorist act, commits an offence...liable to imprisonment for twenty years.”

I do not think that any right-thinking person could argue with that. But, look at:

“9 (2) For the purposes of subsection (1) ‘support’ includes but is not limited to—

(a) an offer to provide or the provision of expertise or a skill;”

In my reading of this it means that if an attorney defends a person accused of terrorism and that person is found guilty, the person would have supported a person who has committed a terrorist act. The attorney would be guilty of doing this. That is what the law would be. But if even you want to argue how many angels could dance on the head of a pin, we can turn to the really offensive clause. I quote:

“23.(1) Subject to subsection (2), a police officer may, for the purpose of preventing the commission of an offence under this Act... apply *ex parte*, to a Judge in Chambers for a detention order.”

Let us stop a minute. Any police officer can now go before a judge in chambers and say: I believe that “X” is engaged in the commission of a terrorist act. He can say all sorts of things, real or imaginary and, frankly, it is the imaginary things that bother me. A judge will look at this thing *ex parte*, which means, Madam President, behind the accused’s back and the next thing is that the person can be locked up. I continue to quote:

“23. (4) ...provided that the maximum period of detention under the order does not exceed fourteen days.”

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Madam President, in the first instance it is 48 hours but it goes to 14 days. A citizen of this country can be locked up for 14 days just like that. I continue to quote:

“23. (3) A judge may make an order under subsection (1) for the detention of the person named in the application if he is satisfied that the written consent of...”

Wait for it! “Ta da ta da”, a politician.

“the Attorney General was obtained...”

Madam President, I do not wish to cast or appear to cast improper motives on any office holder, certainly not on the present one, neither do I wish to talk about things that have happened in the very recent history of Trinidad and Tobago.  
[*Interruption*]

**Sen. Bro. Khan:** Tell us! Tell us!

**Sen. R. Montano:** No, I refrain from commenting. I would not like to say the stories that I have heard. What I will ask is this: Are we really serious when we want that sort of thing? Do we really want an Attorney General to have this kind of power over a citizen of this proud little republic?

**Sen. Mark:** Under no circumstances.

**Sen. R. Montano:** I am sorry. Quite frankly, I personally do not trust this Government. I personally do not trust this Attorney General. I personally do not trust this Minister of National Security. Even if you were to say to me that they were the cleanest of the clean; the most honourable of the honourable, I would still say very well, what about the successor tomorrow morning? That we have had attorneys general that I have trusted in the past is perfectly true. That we have had attorneys general whom I personally have had great doubts about is also true. We do not need to call their names. But, Madam President, we cannot be serious.

Madam President, listen to this. Clause 24 says:

“24 (1) Subject to subsection (2),...”

Remember any police officer, you do not have to be below a rank, can go before a judge in chambers. I continue:

“a police officer of the rank of Inspector or above may,...apply *ex parte* to a judge in chambers for an order for the gathering of information from named persons.”

**4.00 pm.**

And then when you go into it you will see in subclause (9):

“A person shall not be excused from answering a question or producing a document or thing on the ground that the answer, document or thing, may incriminate him or subject him to any penalty or proceedings.”

So a police officer can say that Robin Montano has information and Robin Montano cannot come and say. What about my constitutional right to remain silent? What about my constitutional right against self-incrimination? No, no, no all that is gone, and I am sorry that the Minister has left the Chamber because I was going to pause again. In fact, I will pause and ask any Member of the Government: Are they aware that this infringes the Constitution?

**Madam President:** It is not necessary for you to do that. I am sure somebody will reply in the course of the debate.

**Sen. R. Montano:** With the greatest of respect, Madam President, it is necessary.

**Madam President:** Well, let us leave it for them to reply.

**Sen. R. Montano:** No. And school is not out; school is clearly in. Either they do not know it betrays an ignorance which is frightening or they know which is even more terrifying. If they know and yet they are doing this, then dark and ugly suspicions arise that ought never to arise. Subclause 24 (7) says:

“A person named in an order made under subsection (3) shall answer questions put to the person by the Director of Public Prosecutions or the Director of Public Prosecutions’ representative, and shall produce to the presiding judge documents or things that the person was ordered to bring, but may refuse to do so if ...would disclose information that is protected by the law relating to non-disclosure of information or privilege.”

But one is not excused from incriminating oneself. Look at it again: Jurisdiction and Trial of Offences in clause 25(4). But in subclause (3):

“Where the Attorney General receives information that there may be present in Trinidad and Tobago a person who is alleged to have committed an offence under this Act, the Attorney General shall—

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(a) cause an investigation to be carried out...”

And do other things.

“(4) In furtherance of subsection (3), in deciding whether to prosecute, the Director of Public Prosecutions shall take into account—“

Amongst other things—

“(c) international relations.”

Can somebody please explain to me why the DPP would be worried about international relations in the question of a crime? What has international relations got to do with execution of a crime? But here it is in black and yellow. Then clause 34 in Part 8, Seizure and Forfeiture of Terrorist Property:

“(1) Any customs officer, immigration officer or police officer who has reasonable grounds to believe that property in the possession of any person is—

- (a) intended to be used for the purpose of a terrorist act; or
- (b) terrorist property,

may apply to a judge in chambers for a restraint order in respect of that property.”

Are you really serious? In other words, I may have gone to Australia and may have rented my house to somebody and the next thing I know the police officer gets a restraining order and it is valid for a period of 60 days and for a further period of 60 days, and if that were not bad enough in clause 36 it says:

“(1) Where on an *ex-parte* application made by the Director of Public Prosecutions to a judge in chambers, ...”

*ex-parte*, behind the back of the person involved.

“the judge is satisfied there are reasonable grounds to believe that there is in any building, place or vessel, any property in respect of which an order of forfeiture may be made under section 37...”

And section 37 says:

“(1) The Attorney General may make an application...for an order of forfeiture in respect of terrorist property.”

The judge may issue a restraint order restraining the person from otherwise dealing with the property but that is on the application of the DPP but subsection

(2) says that on an application made under subsection (1) the judge may, at the request of the Attorney General, and if the judge is of the opinion, may appoint a person to take control of and manage the property.

So the DPP moves, the Attorney General moves. Why? And listen to this, the worst one of all:

“37(4) Where a judge is satisfied, on a balance of probabilities, that the property which is the subject of the application is terrorist property, the judge shall order that the property be forfeited to the State to be disposed of as directed by the judge.”

Madam President, the citizen is here in danger of losing his property on the balance of probabilities; not beyond reasonable doubt, not on anything other than—yes, 51/49, on the balance of probabilities yes—his properties could be good—so he loses and yet this Bill contains no note that it is infringing the Constitution. And when the Minister made his presentation he did not refer once to sections 4 and 5 of the Constitution and to the rights of the citizen to freedom of speech, freedom of movement, the right to own property. No.

On a balance of probabilities passed in a Bill which, according to the Minister, does not require a special majority. The Minister wants to take away our property on the balance of probabilities.

Madam President, as you are aware, the pop singer, Michael Jackson was yesterday acquitted of very serious charges involving child molestation before a jury of his peers in California. The jurors had received very clear instructions from the judge and the judge basically said to them, using my words, you cannot convict unless it is beyond a reasonable doubt.

America being the place that it is, at least one of the jurors I saw on television this morning, American television cable, said that if it was a balance of probabilities he probably would have convicted Mr. Jackson. But beyond reasonable doubt there was no way he could vote for conviction and that is the point. Our legal system is: It is better for ten guilty men to go free than for one innocent man to hang. That is the principle that governs our criminal law and yet here, a citizen on the balance of probabilities, not beyond reasonable doubt, can lose his freedom, and they are absolutely serious about this?

When a government comes to present any Bill in Parliament it ought to give us the philosophy behind the Bill, the problems the Bill is meant to address and

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the reasons why we should support it. Unfortunately, the Minister did nothing of the kind but merely did a very simple recitation of the Bill's clauses. All he said to us was, "This is the Bill and we look for your support."

I have tried to explain to this Government before and I will do it again. The job of an Opposition is not to oppose for the sake of opposing. The job of an Opposition is to look at things in a critical manner, to oppose where it sees danger and to support with critical support where it sees right. In a thousand years you cannot look at me and tell me the provisions of this Bill, as it is, are right. This Bill infringes too much of the Constitution. There is no good reasoning behind it and, frankly, I am worried. And I am worried because of the Government's link—we say "links", they say "alleged links", it does not matter—with known terrorists. If they say with whom, let me turn to something I got off the Internet three years ago. It was off the US Information site. It is dated April 11, 2002, Washington File and it deals with a statement of Major General Gary D. Speer, United States Army. Major General Speer, Acting Commander-in-Chief—this is evidence that he gave before the 107th Congress House Appropriations Committee on Internal Relations, Subcommittee on the Western Hemisphere, Subcommittee on Foreign Operations. I believe that this committee was chaired by Sen. Bob Graham of Florida.

He says:

"I have served as the Acting Commander in Chief of the United States Southern Command since October 1, 2001."

Then he talks a lot about terrorism, transnational threats, the problems with Caribbean nations and then he comes to a part of his testimony. Remember he gave this testimony on April 11, 2002. He says:

"The recent bombing outside the U.S. Embassy in Peru preceding President Bush's visit is indicative that other domestic terrorist groups pose threats to the United States elsewhere in the hemisphere. These include, but are not limited to, the Sendero Luminoso (Shining Path) and Tupac Amaru Revolutionary Movement (MRTA) in Peru and the Jama'at al Muslimeen in Trinidad and Tobago."

I found this out in September 2002 and I made noise about it. You would recall in September 2002, we were in the midst of an election campaign.

*Saturday Express* of September 21, 2002, in his testimony he testified about links with Al Qaeda.

“Prime Minister Patrick Manning said as chairman of the National Security Council he was not aware of any links between the Jamaat-al-Muslimeen and Osama bin Laden’s al Qaeda network.

But even if such a link was proven, he said, he would still accept support from the Muslimeen.”

When he was questioned about it:

“He said: ‘Is that so? I am not aware of that (report). I am chairman of the National Security Council and I have no such information. Even if that were so that does not mean that you reject support from whatever quarter it comes in terms of votes. You don’t.’”

Frightening, absolutely frightening. And then in the *Trinidad Express* of Thursday, September 26, 2002:

“Decline in kidnappings due to truce, says Jamaat leader.”

Jamaat al Muslimeen leader Yasin Abu Bakr yesterday said the recent reduction in kidnappings was due to the truce he brokered among ‘community leaders’ earlier this month.”

The article goes on to say:

“Meanwhile the Muslimeen is viewed by the United States military as a threat to the United States in this hemisphere.”

And the *Express* itself reported what I have just read. Absolutely frightening!

So you have a situation where a government comes to Parliament with a Bill purporting to deal with terrorism, but the Bill is laden with infringements on the constitutional rights of the citizenry. No reason or excuse is given as to why we should be giving up our rights. The Government goes further, and it tries to pretend that the Bill does not require a constitutional majority when it, very clearly, does. Assuming, but not accepting, that this Bill passes in the Senate this afternoon, and I pray to God it does not; this Bill did not pass downstairs with the required majority, and it will not get the required majority up here. Why are they trying to pass this Bill? Are they trying to pass this Bill to try to do something and only to have it overturned because I promise, as sure as night follows day, that it will be overturned in the courts. What is the purpose of this? Or, is this

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really a distraction? Is this a distraction like the announcement that they were going to hang that wretch Pitman knowing fully that they could not? And I am not here debating whether Pitman should be hanged or not; I am debating whether capital punishment or anything else—I am debating on the question of due process, and the four others yesterday. Is this what it is, a mass distraction to turn around—

**Sen. Dumas:** On a point of order. The Senator is imputing improper motives to the Government of Trinidad and Tobago. [*Crosstalk*]

**Madam President:** I would have thought that you would have said, Minister, that he most probably was going into territory which is before the courts rather than anything else. [*Crosstalk*]

**Sen. R. Montano:** Am I going to get a chance to reply to you?

**Madam President:** I must say I do not know which part of the contribution you were saying was imputing improper motives. Maybe, I missed it. Tell me.

**Sen. Dumas:** Madam President, when the Senator comes to the Senate and suggests that the Government or agencies of the Government, by reading the warrant is doing that fully knowing that it cannot carry out those sentences as a ploy of distraction, is imputing improper motives on the State. [*Crosstalk*]

**Madam President:** Yes. I think under those circumstances you need to watch how you put that. You cannot say how the Government did that with that purpose.

**Sen. R. Montano:** Madam President, if I were imputing any improper motives to anybody let me humbly apologize. However, let me say this, the question is being asked and whether it is asked in this Senate which is supposed to have unqualified freedom of speech greater than outside, the question, in fact, is being asked outside: Is this a distraction? And it is a question. If this Bill, which cannot legally become law, because it infringes the Constitution; if this Bill cannot be passed—and I defy anybody in this Chamber this afternoon to show me how this Bill does not infringe the Constitution. I defy anybody. Sections 4 and 5 of the Constitution—I defy you to prove to me, but if I am correct, that is to say, that the Bill does infringe the Constitution, then why are you bringing it? I can think of one reason; distraction. Give me another reason and I will withdraw the statement. Give me another reason why you are bringing this Bill if you know it cannot be passed and do not tell me you know it can be passed. Do not tell me you believe that this Bill does not infringe the Constitution. [*Crosstalk*]



**Madam President:** Senator, you do not speak across the Chamber, you speak to me.

Minister is it a point of order? The Member said he is not giving way.

**Sen. R. Montano:** You will get a chance to talk. Come and show me how this Bill does not infringe the Constitution. Show me with clear, cold logic; show me with legal arguments; show me with law. Show me how the taking away of people's rights does not infringe sections 4 and 5. But you cannot do that, so I come back again.

I complained in this Senate recently when we were doing a motion on education that we were not dealing with the real issues and the real problems of this country; that we continue to be side-tracked with all kinds of frivolities, all sorts of airy-fairy things. Listening to the motion that was debated earlier this afternoon, and to the hon. Minister in his winding up, you would have believed that all is right in the kingdom, everything is going well, and yet outside you hear just the opposite. You hear people complaining about rising food prices, you hear people complaining about flooding, you hear all sorts of things.

The worst hurricane season for a long time is expected this year. We have heard no statements from the Minister of National Security concerning the readiness of the country to deal with it and only \$10,000 has been allocated to NEMA. Hurricane Ivan formed below the 12-degree line and came straight to Trinidad and Tobago veering off only at the last minute, saved literally by the hand of God. The Atlantic Ocean is warmer than it ever was before. The experts are now predicting a season even worse than last year and hurricanes worse than Ivan are being predicted.

If they form below the 12-degree line we can get hit but one hears nothing about this from the Minister of National Security. Why are we debating—and the relevance of this Bill is my question: Why are we not dealing with the important issues that are affecting our citizenry? [*Desk thumping*] As I said on the education debate, something like less than 3 per cent of our high school graduates are getting two or more O'levels. In other words, 97 per cent of the high school graduates, more or less, are getting less than two O'levels and we have no crisis in education. What are you doing about it? Why are we debating this Bill? What about the health system? It seems to be crumbling around us but we seem to be doing nothing about it.

Do you know the contract of the Technical Assistance Procurement (TAP) firm for the Ministry of Health came to an end on June 12 and no TAP firm has been

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re-appointed. Why? But it is not making headlines; we are not dealing with it, we do not know what is happening. But we are debating this, a Bill that cannot stand in law.

As I said, whether or not it passes here this afternoon, is irrelevant. This Bill cannot stand. So why are we not dealing with this myriad of problems? We have traffic jams killing us, strangling us, choking us. We keep on hearing they are going to build the overpass/underpass or whatever they want to call it, but nothing is done. We have a Government Minister complaining that implementation seems to be a major problem for the Government and yet nobody addresses even this cry for help from their side, and we are debating this Bill that cannot be passed.

We see a police service going into rack and ruin; police barracks and police stations where the toilets are rat and snake infested; do not talk about cockroaches. Yet, we are spending \$850 million on a stadium in Toruba. Why are we not fixing our home first? We spent, God knows how many millions to help the poor people in Grenada—I have no problem with that, but does charity not begin at home?

I am pro-Trinidad and Tobago first; everybody else second. So I ask, why are we debating this Bill this afternoon when we are not dealing with the problems of the country in a sober and serious manner? Because we are not. [*Interruption*] That is a classic example of what I mean; that last comment. No question of listening to the other side, no question of saying you may have a point; let me see how I can address your concerns. Just straight arrogance: Who do you think you are? You have no rights. This has been the complaint of the supporters of the United National Congress. It is as though half of the country which did not vote PNM have no rights.

Madam President, let me tell you that despite their best efforts, we still live in a democracy; despite their best efforts, the UNC has survived, will survive and despite their best efforts, the UNC will beat them at the next election.

Madam President, it is with great regret and not little sadness that I must tell you that we one this side cannot support this Bill.

Thank you very much.

**Madam President:** Hon. Senators, we shall now take the tea break and return at 5.00 p.m. May I remind Senators please, to try to get into the Chamber at 5.00 p.m.

**4.20 p.m.:** *Sitting suspended.*

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

**Sen. Prof. Ramesh Deosaran:** Madam President, I found that the definition of the word “terrorist” was missing even though “terrorist act” was clearly defined, meaning that we should deduce what a terrorist is. That, to me, is not a critical issue, except that if you insert the definition of “terrorist” in the Act, it might give us a more effective guide as to when a terrorist act might be committed. It will sensitize the relevant agencies, and even the public, more precisely on what to look for in terms of behaviour.

Briefly, a terrorist is a person who uses force or fervour, violence and intimidating methods of coercing a government or a community. Having said that, and getting into the Bill itself and the different provisions, I cannot remember, in recent times, when a bill as critical as this one has come before the Senate. It is critical for the following reason, that terrorism is a most dangerous thing to happen to any country or community and I think that the Government is correct in looking after that challenge in terms of legislation.

The question that has arisen in the debate so far is: Are the provisions in this Bill disproportionate to the challenges of terrorism? On the face of it, I do not think so, if the threat of terrorism is real and/or imminent. If the threat of terrorism is very distant, the question will arise as to whether or not we need these sharp pieces of legislation, especially in terms of section 4 of the Constitution—the guarantees that we cherish so much and whether these guarantees are justifiably violated. I believe that the issue at that point would not be whether or not our freedoms and rights are violated. I think that if the reason for so doing is justifiable, this would not be the first time we would be considering such a violation. So we really have to establish whether or not terrorism is a serious threat to this country and, from our past experiences, what kind of safeguards we should take.

You see, Madam President, the reason I say that this is one of the most critical pieces of legislation that have come before us is that it reaches so deeply into the freedoms that we cherish so much—privacy, information, property, speech and the security of the person—which get implicated in the clauses governing detention; up to 14 days in one instance.

People are duly worried as to the justification for the Bill, but the Minister of National Security himself has an onerous responsibility to carry out. I appreciate that because, from where I stand, it is not a case where the Government or the Minister jumps up one morning and decides to inflict this legislation upon us. As

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he rightly puts it—and those of us who know something about these matters would know—the legislation has a history through the United Nations Security Council, by Resolution 1373. There are 12 supporting conventions under that treaty, which, from a government-to-government point of view, must be carried out, unless, as is the prerogative of states under certain conditions, this country seeks what is called a derogation that would enable us not to put in the sharp strictures that we have in this Bill. We have sought no such derogation, but it is an option.

I think that the Minister is carrying out his responsibility and that all of us should, in the first place, respect that responsibility. I would also deduce, in that same context—and I might venture into stormy waters here—that even if the UNC were in power, their Minister of National Security would also have to execute that same responsibility. As to whether or not he or she would seek a special majority, three-fifths or two-thirds, that is a moot question for now. In the principle of representation and honouring an obligation from the United Nations Security Council, I see little alternative than for the Minister to bring forward what he has today.

Before I get into the specific clauses about which I have some comment, I want, in that same vein, to contextualize this piece of legislation and stay away from any rapid response and conjecture. This matter is too serious for such adventurism.

The legislation, some of it, has been enacted in other parts of the world. In England, in particular, the judges and the House of Lords are having a stormy time with it. Their focus seems to be more on the detention of suspected terrorists who are immigrants and refugees. That is where most of the debate is in terms of detention.

I do not think that the objections that we have heard from the United States Supreme Court or from the House of Lords really destroyed or demolished the entire Bill. There are one or two areas of concern, one of which I have just mentioned.

It is interesting to note that, because we cannot hide our heads in the sand and say there are no threats of terrorism. We had something in 1990, in this same Parliament, that I believe was a terrorist act. I believe—and I have said so publicly—that it was badly handled by the administration at that time and that it exposed the weaknesses of our judicial system, that it cannot come to terms with

serious challenges that face it. The Judiciary sometimes shoots itself in the foot by so many monumental details, and it shows us more motion than a hula hoop dancer; one motion over the other, without having proper conclusions to build and to gain public confidence in what is an independent arm of the State. Of course, I do not have to elaborate, but that is the position we are in today with respect to confidence in the Judiciary.

However, if we look at several of the clauses, Madam President, we see the Executive having to bring the Judiciary more and more into procedural matters. For example, the police officer has to seek a consent order and then get the judge to intervene. Several times we see this and this was one of the bothersome issues raised, especially in England, in their legislation. We are bringing the Judiciary more and more into the Executive domain.

At the same time, the argument for that is that it will give the public greater confidence in knowing that the procedure is fairly carried out. You might see, therefore, Madam President, in several steps throughout this Bill, that there are dilemmas in terms of knowing which authority should decide what. Such a dilemma is expressed in the case of having the Attorney General do this or the Director of Public Prosecutions, or the Minister himself. It is not an easy task with which we are dealing here. It is a matter of serious responsibility and it is in that light that I am making my contribution.

If we look at the contents and the implications of these clauses, especially clauses 23, 24, 25, 32 and 33, the provisions are so serious in terms of section 4 of the Constitution that I would like to submit that I believe that it would help the Government too, if there is a proper preamble to paraphrase some of these Bills and give them out for public edification. There are some clauses here that are a nightmare for a layman to read. There is something about privilege where in one subsection it gives it and in the other subsection it takes it back and then someone has to decide when to give it and when to take it back.

I think it would be helpful to the national community. It would also help the Government to clarify its position and to take away some of the ambiguities so that, perhaps, there would be a more enlightened debate—if a debate has to happen—especially for a bill like this, which touches so closely and goes so deeply into what has been called our fundamental rights and freedoms. If there is a special select committee, this publication would assist in the deliberation of the committee; and for the people who want to send memoranda and have hearings, it would facilitate the process.

One of the important statements made by one of the House of Lords spokesmen—in fact, he was a former member of the Cabinet—was that it was very important in legislation dealing with terrorism, where you enter into the realm of people’s human and civil rights, that the process be as important as the outcome. The way you go about the legislation, the way you arrive at conclusions—that process is very important. It is important, not because we are a democratic society—and there it is imperative without having to say so—but it is important, in the context of such a legislation, to let people know you are hiding nothing; that there is nothing really to be afraid of, and if there is something to be afraid of, let them know what it is and ask how they feel as a public and what you should do as a government.

The Government must speak to its people and it would not speak to its people through this Bill. This is a foreign language to the ordinary citizen. It is a foreign language to some of us here. How can we enact something like this without having some slight assurance that the public has access to a more intelligible piece of literature? Put it in the libraries and I think it will help stimulate public edification and civic affairs.

I am not saying that it should go the way of the advertisements on the Police Reform Bills, but perhaps some of that will help in this case. I am saying this, not to keep back the process, but to build public confidence in what is called transparency, first of all, and to give the public the confidence that the Parliament knows what it is doing.

There are very serious pieces of punishment here—life imprisonment and the death penalty. One member of my staff was looking at the Bill and where there were the words “death penalty” written in two clauses, she put, “Ha! Ha!” She was laughing. I asked why she put “Ha! Ha!” She said that the death penalty was now a joke. There are implications for public policy—the way the Government handles public policy for public confidence.

Anyhow, I think somebody said that jail “ent” nice, but when you look at the figures for prisoners who return to jail two, three and four times, about 60 per cent of them return to prison, it leaves us to wonder, naturally, if jail is really nice for someone to go back three, four and five times. *[Interruption]* And they do not want to come out, too. I am glad that the hon. Minister made that remark. She might convey the sentiments to the originator of that statement.

When the Bill was first introduced, as a form of public duty, the Centre for Criminology and Criminal Justice at the University of the West Indies, with

which I have something to do, organized a public forum, which was important for two reasons. We proposed four questions to be answered by the panellist and the public. One question was: Has the Bill gone far enough and are the powers given to the Minister of National Security, Attorney General and DPP too little, enough or too much? This is a fair question to ask because this sits at the core of the legislation.

Secondly: Under this Bill, is there room for abuse of these intended powers or should the discretion and integrity of the relevant office holders be relied upon? Thirdly: Should the Bill now get the full support of citizens and Senators in the interest of national security? The last question was: Should the Government now put out the Bill for public comment, conduct public parliamentary hearings and then move forward?

This forum was held at the university on Saturday, March 12, 2005. The Government had a spokesman in the person of the junior Minister of National Security. There was an Opposition person and my good friend, Mr. Allan Alexander, kindly consented to chair it. These four questions are still very vital for the debate.

It is a pity—let me repeat what I have said so many times in this Senate—that a bill such as this has implications to be seen purely through the eyes of either someone being PNM or UNC. I do not think that the terrorist will pick us out in that discrete manner, and I am hoping that we could come to some resolution at the end of the debate because terrorism is real and we have to argue or justify the reality of terrorism in such a way that if we have to pass the legislation, people must be satisfied that the criteria for such seriousness are properly met.

When you look at clauses 23 and 24 as I said before; even 25 and 32, we have to consider several things. We are bringing this legislation here in what is called the Westminster system, where the Judiciary is a separate, independent arm of the State. A similar type of legislation has been passed in the United States and in England—not identical, but similar—so we cannot say that because they passed it, we have to pass it, too, for several reasons: one being that the Judiciary functions differently from ours in several respects; another is that the judges, for example, before they go to the Supreme Court, are publicly screened by what is called a Congress—a special committee. Even on the lower rung, the Federal Jurisdiction or District Jurisdiction, the judges either have to go up for election and face the people or to face a tribunal to account for performance periodically or upon complaint by a citizen. It is not the incestuous tribunal to say that you

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have judges sitting on it to judge judges. It is comprised of different people—respectable, from the community; so it is not incestuous.

What these things do is that they help public confidence. We do not have that kind of structure, so I think we lack the checks and balances over the Judiciary. While I do not want to dilute the separation of powers or the independence of the Judiciary, we certainly need to have a closer look at overseeing the Judiciary in a very careful way.

Of course, in the United States as well, there are these congressional hearings where the Judiciary comes up very often for scrutiny. In the British House of Commons, there is a similar degree of scrutiny. We do not have such scrutiny of the Judiciary in our parliamentary system and while we might pass the laws, we lack a set of countervailing structures that would keep the safeguards in place, especially with what is seen as draconian measures even though they might be justifiable.

In that context, I would like to refer, not elaborately now, to our Constitution, section 14, page 23. If we read Part V, one gets the impression that whilst we want to safeguard people's rights and liberties, sometimes there is an inordinate degree of permissiveness in the way appeals are being filed and the facility with which motions are brought to the Judiciary.

I am careful in saying so because people's rights are involved. For example, if a case has to be brought before the United States Supreme Court, the Supreme Court screens the case to determine the merit. We have a clause lower down that says if the matter is vexatious and frivolous, it will not be heard; but that is rarely used. We are too axiomatic, if I might use that word, in accepting motion upon motion, even when the intent is filed and not the substantive motion. This is not to deny anybody's rights, but the public interest is served by expeditious hearings. I do not think they are getting that. It is not to deny anybody's rights, but it is to look at the public's interest. We need to have all these things moving. For example, a person can just allege that any of the provisions of this chapter has been, is being or is likely to be contravened.

Now look at the scope of those allowances. A person can just have a hunch, file a motion and hold back the substantive issues for months. The witnesses go astray and the victims want to know and cannot understand what is going on. You can have these things, but have them done expeditiously.



I do not wish on this occasion to elaborate. Perhaps another time might come, as I suggested several times before, that our procedures—the way our judicial and legal systems are operating, most of those things are so archaic that actually they are against the public interest. That is why I enjoy reading a book entitled, *The Law: The Science of Inefficiency*.

I come back to the issue of terrorism and how we have to be careful—and I think that the Government is aware of that. Before the terrorist attack on the United States Twin Towers, a select committee of the United States Congress was considering whether or not Qaddafi or Saddam Hussein would attack the United States—before that attack took place; in 1996. I want to quote a few lines from that occasion. It is taken from a book called *Terrorism Today* and it is on page 26. I quote just to help us understand that you cannot take things for granted. You must have your legislative apparatus; you must have your institutional capacity to deal with these crises, so the Government perhaps is undertaking to do that, subject to the qualifications I have.

“The fact that it is possible for terrorists to mount an attack on a U.S. city with nuclear, chemical or biological weapons, as in the action of such renegade despots as Saddam Hussien or Muammar Qaddafi, seems to worry few. According to the findings of a nationwide...Research Centre survey, the public interest or concern on this issue is low.”

Nobody expected anything to happen.

“Senator Richard Lugar made this the central issue of his failed Republican presidential campaign in 1996 and did not get much interest from the voters.

Sentiment was mixed in the wake of early terrorist actions in the United States as to whether civil liberties will have to be curbed in order to combat terrorism in this country. By an almost two-to-one margin, Americans first believed that it will not be ‘necessary for the average person to give up some civil liberties’...”

The Americans were against giving up any kind of liberty to strengthen its intelligence services and its methods of gathering intelligence to curb terrorism.

So it went on, the main point being that you cannot wait for terrorism to hit you before you get busy. If you need to have draconian measures, we should be assured that these measures are necessary. Draconian measures are necessary. It says so in the Constitution; but under certain conditions—the two-thirds and three-fifths majority. It is not a matter of draconian measures; it is a matter that you must be able to justify it.

Madam President, the other issue that came out of that public forum at the university—and I witnessed it with sadness and those who were there would confirm it—is the lack of trust people have in politicians and the institutions responsible for their protection and safety. I say that because much of what is in the Bill would rest on the integrity of those agencies. If integrity in those agencies, like the police and so on, is diminished, so too will their belief in the legislation having any effectiveness. In fact, they would be afraid of the legislation. I believe that is what is dimming the atmosphere—fear of the legislation. People have little trust in government.

When I say so, I do not mean the PNM Government—in governments over the years. People just do not trust their government. I am always looking forward to governments behaving in a certain way—patient, looking at process, being sensitive, not using their majority at all times to impose things on other people, thinking about the sensitivities of the population, about other groups that may not have a majority in Parliament—so as to build this trust.

I walked with a book—I will not quote from it—to show you how important trust is in governance. Sen. Montano always speaks about governance. I think he has to elaborate more fully on it, because it is much more than what he has been saying. I am sure he knows that but, of course, at some other opportunity, we will have a fuller engagement as to what really is governance as against government.

I quote the title of this book, which is called *Trust*. It is a classic in the social sciences. Francis Fukuyama. It is a prominent book in the social sciences, but it makes an argument for trust in government being the critical factor in having people follow policies in spite of whatever obstacles there are. That was one of the reasons I was suggesting that you paraphrase the Bill and publish it to let them know what you are trying to do and why you are trying to do it. You do not want to go carelessly persecuting people endlessly. It is a responsibility that you had carried out, but the question of trust is vital. Without substantive trust in a government, its policies would be obstructed and it would end up being ineffective.

I always hope that our Ministers, particularly those in the front line of public contact—some of them do it; I was speaking to one just last week—I am reluctant to call names, but there are three Ministers whom I admire very much for their sensitivity, their spirit of accommodation and listening. I wish I could call their names, but I might embarrass them. I do not want to embarrass them. I am always thrilled because that is the way forward. They always have the power. They do

not have to prove it. Power is respected if people know you have it but you are not using or abusing it.

**5.30 p.m.**

I am looking for Ministers to be polite, not spiteful; helpful, not vindictive. Sometimes I am very, very disappointed, because with trust you build reciprocity. It generates its own light by mutual respect. With respect, I wish to submit to Ministers especially, that they would express some of these qualities much more visibly and not keep them to themselves.

This Bill is curtailed by a lot of suspicion, but I venture to say if we had full broadcast of parliamentary proceedings, a lot of the concerns and fears would have been diminished. People would have heard the Minister of National Security speaking and they would have understood that he is responsible for executing obligations under a particular treaty and its conventions. They have not heard that anywhere. I have not seen that printed anywhere in the newspapers. I know that he does not like publicity. He is very modest and gentle and does his work, but at the same time it is for the public. The public must know what is going on, and in this critical piece of legislation I am quite sure that would have helped.

The controversy continues over crime and the Minister has referred to people becoming very fearful; sometimes irrationally so. It is really not irrational because it is complicated, in the sense that fear has nothing necessarily to do with the crime statistics. What happens is that, as public confidence in the institution diminishes, the fear over crime increases. It is not only responding to crime itself; it is the lack of trust in the institutions that are supposed to look after them. When that trust and confidence gets diminished, their fear over crime gets accelerated. It is not only a Ministry of National Security matter; it is the agencies which are responsible for looking after our safety. If there is little confidence in them, the fear is aggravated. Especially with such heavy laws and such serious penalties, I think we have a formula to create fear much more than what it is.

The terrorist motto is to kill one and frighten 1,000. They know well how to do that. We do not have to add to their success by shooting ourselves in the foot, by having weak institutions, having public confidence lost and people mistrusting our agencies. We have to do our job beyond the legislation. We have to strengthen our institutions and make sure our agencies are efficient and effective. The laws themselves—we know that everybody has been saying that—will not work; especially laws like these which need process, systems and institutional integration.

What I have not heard in the debate, or seen in the legislation or even from the Minister is—terrorism is there and that there are terrorists—why are there terrorists. What is it that causes somebody to commit suicide by exploding himself or herself? What is it that drives someone to shoot innocent people or put bombs on buses? To put it simply, it is not that they are pathological; that is too simple. They are driven by grievances over land disposition; grievances, exaggerated as they might be, over cultural deprivation, ethnic conflict and religion which comes close to fanaticism, that is your belief is fundamental and predominant over all others. Little things provoke grievances. Sometimes the grievances, one can say, are legitimate. There are many people who believe the grievances of the Palestinians in the Middle East have some basis in the legitimacy, starting from 1948 conditions where they separated the land. The point in this is the wider picture. I was hoping that the Minister of Foreign Affairs could contribute because this Bill has a lot of international ramifications and his expertise will be welcomed in elaborating on the minor point I am making with respect to terrorism, the justification and implications of foreign policy by the United States Government and the extent to which we are drawn into that orbit and we have to do things which otherwise we would be reluctant to do.

There are terrorists in Peru, the Philippines, Bolivia, Russia and Spain and each terrorist has literature with causes and why. Very briefly, in this country particularly, we should have a mechanism and a disposition to respond to people's grievances quickly and fairly and do not let the grievances germinate and grow over time to get into unmanageable proportions, even though we have the police, the army and the prisons. Terrorism needs, apart from legislation and the rule of law, certain fundamental civic interventions and a proper mode of governance to deal with it. When you ask the question why lock them up, you should also ask the question why terrorism and why a terrorist. In answering the question you would help stop the flow of further terrorism because the reasoning would be tackled properly, to whatever extent that you can handle it.

This has been done. I was in Canada studying at the University of Toronto. I was in Montreal for some time and the extent to which the Canadian Government, through its Constitution, has neutralized the terrorism that would have come from Quebec, is admirable. If they did not do that through their Constitution and through the representation system that they are allowed to be in the House of Commons, Quebec would have been infested with terrorists but they used the Constitution and the system of accommodation. It is not just jailing them and shooting them, you have to stop the flow. I would say the same thing for the Muslimeen case. You have to stop that at its roots.

Madam President, it worries me a lot. Many young people are just filtering by the droves down to Mucurapo. Whilst we are dealing with the thing in the court and the motion here and the motion there, I want to submit that the factory is actively working.

The matter of foreign policy is important because—I do not mean to be disrespectful—the United States knows when it has to refuse a treaty. They will not sign the Kyoto Treaty over environmental matters. It will not sign the full treaty for the Caribbean for the Criminal Court of Justice. It works in its own interest when it is ready. Nothing is wrong with that. It seeks its own interest. We have to take an international position, if not individually, through Caricom, to make a stand too and perhaps draw a line where it is not in our total interest, because it is connected to something else I want to say.

We are speaking about gun trafficking. The Minister has a heavy problem on his hands. The question of drug smuggling and drug trafficking is so monumental that whatever you try to do, the thing is so internationally configured, that it will take a monumental effort, if at all to deal with it. Do you know where the supply side of the guns comes from? They come from the large countries that manufacture the guns: France, China, Brazil, United States of America and Germany. There should be some strictures at the international level and the United Nations level to put a cap on these manufacturers of arms and the same thing on the demand side for drugs. All the drugs and guns or most of the drugs that come from South America are linked to terrorism, to the point where Colombia has what is called, not just terrorism, but narcoterrorism. Drug money fuels terrorism; whether it is the Al Qaeda from Afghanistan or wherever. If you stop the drug flow and the illegal gun trade to some extent, you will come close to stopping the terrorism movement, to some extent. The demand side is in North America. The demand side is where the drugs leave South America to go to its transshipment point. It goes to North America, where they consume drug as if it is going out of style.

Madam President, I want to deal briefly with a few of the clauses. When we look at clauses 23 and 24—I do not know if the Minister has noticed it or if there is a reason, why do you have an inspector? It states:

“...a police officer of the rank of Inspector or above...”

But in clause 23, it states a police officer. Is there a difference between getting an order for detention, as against getting an order for getting information? I do not

know if there is a proper intent in that. If there is, I would be happy to hear it, but I think there should be some consistency in the line of that authority.

The other thing that is one of the worrisome clauses of the Bill, is clause 23(4) which states that the detention must not exceed 14 days. That is plenty detention, outside a state of emergency. When I look at the Preamble—I do not know if the Minister looked at it—it indicates five days in reference to this clause. But in the Bill, it states 14 days. I believe that the Preamble should be corrected. When you have 14 days and other such related instances, in terms of punishment and deprivations, I think we are close to a virtual state of emergency, given the kind of laws we are embarking upon. If you examine it, it puts us into a virtual state of emergency. That is why we need these checks and balances and care by the role of the judge.

What can we do? If you look at clause 37(4), you will see an example of how we can temper the legislation. Clause 37(4) tells you:

“Where a judge is satisfied, on a balance of probabilities,…”

We are dealing with people's property. Balance of probabilities, as we know, is a lighter standard than reasonable doubt. I want to suggest, if not reasonable doubt, there is another term that is known, given people's property; you are dealing with depriving people of their property. If you look at the preceding clauses you will see that you still have to be careful, in terms of proof and taking that step over people's property. I want to suggest, rather than a “balance of probabilities”, we say the preponderance of the evidence. You have to be really sure, almost, because it is property that you are dealing with. I do not think that people's property should be taken away so lightly on a balance of probabilities. What this particular section does is that it aggravates concerns over the other instruments of control that the legislation contains.

I think that clause 32(1) was going quite good until it came to the question of privilege. People must understand what these things really mean because we are demanding that people provide information here and several other places, correctly so, to help the investigation—but this question of privilege? Clause 32(2) states that:

“...a person shall not be required to disclose any information which is protected by privilege.”

I understand what that means in certain professions; the legal profession.

If the Government is very serious about terrorism and saving lives, saving buildings from being blown up and saving a country from being overtaken, is it still going to have this privilege as absolute as the legal profession would wish it to be? I really believe it is not fair. I am tempted to go further, as defending certain people, because I am quite sure the lawyers must be worried about defending people who are guilty of the most atrocious crimes, just because they feel they have a right to a fair trial. A fair trial can never be against the wider public interest, but that is another issue for another time. It just suggests how far we are behind serving the public interest, by relying on all these archaic slogans, one after the other, which do not do our justice system any good.

I would like to see whether a second look can be taken on the matter of privilege. I know it is a tough one. I am not saying that the Minister would have an easy time, but he ought to convince the rest of the country that information, where it can be used to save lives, must be given, regardless of whose privilege it abrogates.

**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:** Thank you, Madam President and thank you colleagues. Briefly, I refer to clause 32(3) and I wish to point out to the Minister that maybe a word is left out. Does it not mean that civil or criminal proceedings shall “not” lie, or is it “shall lie”?

**Sen. Dr. McKenzie:** I put in “not”.

**Sen. Prof. R. Deosaran:** Clause 23(7) to (10) is really where the public nightmare enters in terms of intelligibility and implications for the safety of the person and all the other challenges to section 4 of the Constitution. That is why I would encourage the Government to paraphrase this section of the Bill particularly and let the public know. Maybe they can print it in the papers, paraphrase it and let them know what you are about. State what the challenges are, the treaty and the conventions. Let them know what you are trying to do. I believe that will help allay some of the concerns.

There is another issue here which is stated in one of the documents dealing with financial institutions. We have to look to—if not legislatively, but

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administratively—the officers who get information and do nothing about it. We had that problem with the domestic violence legislation. Reports are made and the policemen are either lazy or indifferent. I think the Minister and his Cabinet could look at putting something here, very clearly, that officials who receive information and do nothing proper about it or appropriately, should be liable to some kind of punishment, sanction or penalty. [*Interruption*] Thank you.

We are asking the public to give information. We are compelling them through law. We are giving them sanctions. We must be careful that we do not put the onus for information disclosure too heavily on the public, as if we are relieving the police of what they should do in their ordinary course of investigation. We still have to let the police know, yes we are putting these pieces of legislation to get information, but you as police officers or intelligent services must also be vigilant, you must not surrender and wait and sit back for the public to bring it to you. I want a message to be sent to the officers. I think the Minister would appreciate what I am saying. You must keep the tempo up, even in the agencies, with or without this piece of legislation.

There is a little troublesome issue in clause 33, where it involves the Minister directly. Knowing this Minister as I do, I am quite sure he would want to stay as far as possible from trouble. This will put him in some difficulty. Knowing the courts as we do, with respect to motions and judicial reviews as I alluded to earlier on, I was wondering if it is, not more convenient so much, but better procedure if the information is not given to the Commissioner of Police first and then on his verification, passed on to the Minister? This is no reflection on his integrity, but the Minister being a politician in the public eye, can be saved from any kind of embarrassment or suspicions about actions that he might be taking. Such matters would have to be first vetted by the Commissioner of Police.

There are people who may want to see the country go down, see the country mash up, or see terrorists take over and they might have the information and be unwilling to give it to a Minister. They might be more easily disposed to giving it to the Commissioner of Police, I would hope.

I think I have tried to play a role in this debate, as responsibly as I could. I thank my colleagues for listening to me but I am still bothered by the requirement for a special majority, looking at how the Bill enters into the terrain of our rights and freedoms. I am praying and hoping that the Minister could give some assurance that all is well, as the Bill now stands.

Thank you very, very much, Madam President.



**Sen. Dr. Jennifer Kernahan:** Thank you, Madam President, for giving me the opportunity to contribute to the Bill before us, the Anti-Terrorism Bill, 2004.

With all due respect to my colleague and friend, Sen. Prof. Deosaran, we are here today actually to roundly denounce, reject and expose this most draconian piece of legislation; this anti-democratic piece of legislation that this regime has had the effrontery to bring to this Parliament, precisely because we do not trust this Government. [*Desk thumping*]

This Government has had a history of vindictiveness and anti-democratic action. Every Monday morning the Prime Minister of this country is in court defending a discrimination suit that a citizen has brought against him. This regime has had a history of attacking independent, constitutionally protected organisms in this country, such as the EBC and the very Parliament that we sit in today. We do not trust this Government. This is the fundamental reason we are going to reject this Bill totally.

If there were any doubts by any citizen of this country, about the absolute ruthlessness of this regime, and its subservience and willingness to genuflect before the wishes of the imperialism of the North and the whole globalization process—[*Interruption*]

**Sen. Mark:** Big business!

**Sen. Dr. J. Kernahan:** —then all doubts must surely be dispelled by the bringing of this Bill to Parliament.

**Sen. Mark:** Imperialism of the North!

**Sen. Dr. J. Kernahan:** The real underlying story is the fact that the aspirations to world domination, by northern imperialism, dovetails very, very nicely with the aspirations to total domination of this country by this PNM Government. This is why they are so anxious to bring this Bill to Parliament.

I take issue with anyone who claims that this Government is incompetent and is unable to control crime and is helpless in the face of the spiralling crime wave. As far as I am concerned, nothing is further from the truth.

If we look at history, we would know that the objective of this regime is absolute power. The objective of all dictatorships is absolute power. You must have absolute power if you are to plunder, rape, and pillage the economic resources and control of land in any country. For the foreign sources and their local counterparts, they want absolute control to be able to do what they have to. This is

the objective of all dictatorships all over Latin America. Latin America has had a series of dictatorships funded and financed by foreign powers, precisely to rape and pillage these countries. We have seen it with Papa Doc in Haiti. We have seen it with Pinochet in Chile, a brutal dictatorship that cost the lives of over 30,000 Chileans. We have seen it in Ecuador, Uruguay, all the Latin American countries. We have seen it in Guyana and Haiti. If we are not careful and vigilant about our democracy, we will see it right here in Trinidad and Tobago.

I put it to my colleagues in this Senate today and the people of Trinidad and Tobago, that the violence, crime, fear and instability that we are experiencing in this country today is really a well concocted plan. This is why the Prime Minister said recently that crime is temporary. He knows what he is talking about. What we are seeing here is an expansion of the oligarchy clique—

**Sen. Seepersad-Bachan:** “Yuh” denying it?

**Sen. Dr. J. Kernahan:** —an expansion and institutionalization of this clique of organizations that are being set up, in order to transfer resources from the poor to the rich. This is why we have organizations such as the NLCB, NIDCO, NEDCO and CEPEP. All these are mechanisms that are being institutionalized in this country to transfer resources. That is why, in the midst of so-called plenty, in the midst of oil boom and high oil prices the United Nations found that 40 per cent of our people are living under the poverty line and that is why we have this desperation in the communities, poverty and the widening of the income gap. This is because all the wealth that is being generated in the society is being transferred, firstly out of the country, by the foreign investors and what is left here, is transferred from the poor to the rich. You cannot do this without terror and rolling back democratic laws and institutions because no dictatorship could establish itself and take hold in an atmosphere of calm, where the people are looking at their politicians, analyzing, talking and debating. No dictatorship can establish itself under those conditions. You have to have an air of instability, crime and a lot of violence, so that you will use the crime instability and violence so that people will call for draconian legislation. This is what you want. The Government has to have this draconian legislation in place in order to subjugate the people when the inevitable comes and they start to rebel, riot and express their dissatisfaction in all sorts of violent ways. The Government has to have that legislation in place. It does not matter to the Government that there are many guns in the country, many young people are dying and our human resource is going down the drain, because it is all a means to an end.

In addition to the crime and violence, we have to link the fact that we have had a repeal, by this Government that we do not trust, of all the democratic legislation that the UNC government has brought to this Parliament. They refused to implement the Equal Opportunity Act and the Freedom of Information Act. They are repealing the Judicial Review Act. It is obvious that when they repeal all these democratic laws you cannot question them. This is exactly where we are going. It is a naked abuse of power that we have experienced in this Parliament that is why we do not trust them. We have seen parliamentarians being gagged. We have seen a virtual witch hunt against members, friends and supporters of the UNC.

We have seen this Government, which we do not trust, exhibit a blatant failure to protect workers. They have refused to bring the OSHA Act. We have seen a targeting of institutions, of people, that have been built up with blood, sweat and tears over the years in order to grab land and resources. That is why I can make the link between what is happening in Caroni (1975) Limited, Orange Grove, the Breakfast Shed issue and the Peoples' Mall issue. If you look at these things, they are all part of a whole scenario of rolling back the gains that our people have made over the years in accumulating resources, establishing democratic institutions and in expanding the democratic process.

Madam President, we have reached a stage in this country where there is virtual financing and support by this Government for the gangs and the guns in the communities. We have just seen that this Government is going to pump—after all the evidence that the URP gangs are controlled by gang leaders and they are killing each other for turf in these areas. Even people who are apologizing for this Government have had to come out and admit in the *Express* editorials that there is enough information to substantiate these allegations.

We have over \$200 million being voted into URP, to do what? We are going to finish off all the young people in this country. We are going to have them self-extermiated in this country. Are we going to pump more money into that system? This is not thoughtless, they know what they are doing because these are the paramilitary forces that are going to be used eventually to terrorize the political Opposition, especially to corrupt the election process and make it impossible to have free and fair elections in this country when the time comes. [*Desk thumping*] It is not something that they do not know what they are doing, they are incompetent or helpless. They know exactly what is happening and they are allowing it to happen. That is why the Prime Minister said that crime is temporary. Maybe he has some idea that at some point he will pull the plug. I do

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not know; maybe it will work, maybe it will not work. Maybe we would have crossed that line and nobody will be safe, not even the Members of the PNM. Let us see what happens.

We are clear and unequivocal that this piece of legislation, which is worthy of Nazi Germany, must never disgrace the law books of Trinidad and Tobago. We are clear of that because this piece of legislation is against sections 4 and 5 of the Constitution which my colleague, Sen. Robin Montano, so eloquently went through. It also contravenes a number of Articles in the Universal Declaration of Human Rights to which I would like to sensitize my colleagues. As far as I am concerned, this piece of legislation contravenes Articles 3, 12, 17 and 28 at the very least. Article 3 states that everyone has a right to life, liberty and security of person.

Article 12 states that no one shall be subjected to arbitrary interference with his privacy, home, family or correspondence, nor to attacks upon his honour and reputation and that everyone has the right to protection of the law against such interference or attacks.

Article 17 states that everyone has the right to own property alone as well as in association with others and that no one shall be arbitrarily deprived of his property.

Article 28 states that everyone is entitled to social and international order in which rights and freedoms set forth in this Declaration can be fully realized.

I am sure that this draconian piece of legislation before us violates many more of these Articles, but these are the ones that jumped out at me most when I looked through this document.

We on this side believe that we have to be very clear that legislation must have the objective of promoting and improving the security of our citizens; there is no doubt about that. There is need for legislation to promote and protect the security of our citizens, improve the quality of our life and our political and social environment. I cannot understand this piece of legislation, in the context of this Government sitting for over four years and presiding over total chaos in the society. This Government has no commitment to the security of this country, obviously. On the one hand, the Government refuses to deal with crime, criminals and gang leaders. There are all sorts of reports in the newspapers that gang leaders have direct access to the Prime Minister and all these things. The Government continues to finance gangs that are obviously runaway and totally out of control,

yet it tries to convince me that it is so concerned about my security and brings this draconian piece of legislation which is going to violate every single human right that I enjoy right now under the international code. [*Desk thumping*] I simply do not believe it. I do not trust the Government and I do not believe it. The Government has ulterior motivations.

Madam President, we cannot and must not accept that this regime imposes this millstone of terror and fear around the necks of the present and future generations. For what? Because some foreign power says that we have to do it? If as Senators, we allow this piece of legislation to pass; our children will never again breathe free air in this country. We will, henceforth, live in fear and trembling, because at any point in time, based on the provisions of this Act, anybody could make a declaration against a citizen or on a balance of probabilities you can lose your freedom or your property. Especially, given the history of this country, the Government and the proven history of vindictiveness and wilful disregard for individual and institutional rights in this country, we cannot accept this piece of legislation.

We, today, live in a brand new world, the post-September 2001 world. In this brand new world, we have seen how United States imperialism has used the pretext of the September 11 attack, which many observers have labelled as a possibly self-inflicted wound, to promote certain theories around the globe and we are just part of that whole scenario. They are promoted the theory of preventative war. They have imposed their own definition of terrorism on the world and this is the definition that we are looking at today. They have promoted the whole question of preventative war. They have used it illegally to invade a sovereign state, and we are seeing the results of that right now in Iraq; a never-ending war that is costing the lives of thousands of Iraqis. Nobody knows how many Iraqis have died in that war, or will continue to die. We have seen that the pretext under which they entered Iraq in the first place, was completely false, because there were no weapons of mass destruction.

This particular Government has embarked on a plan to enforce its will on the world based on the so-called anti-terrorism threat. We have seen that they are prepared now, in connivance with local jurisdictions, to smash any idea of political resistance to what is happening with respect to the institutionalization of globalization in the developing countries and we have seen their stated intention to abrogate to themselves the right to enter any country in any part of the globe to intervene in any corner of the globe, to root out what is its own definition of terrorism.

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Over 60 countries in the globe have been named as possible targets for anti-terrorist activity; Iraq being the first one to feel the full wrath of this preventive war. Cuba was named as an outpost of tyranny and also Venezuela. This fig leaf of preventative war and anti-terrorism has been exposed for everyone to see. What have been exposed are the real reasons for the intervention in these countries or the threat of intervention in these countries. The real reasons, as have always been in all the other countries in which dictatorial regimes have been set up and financed and supported, is the control of natural resource; the control of oil in Iraq and oil in Venezuela. We in this country are the third largest exporter of oil — [Interruption]

**Sen. Dr. Saith:** Are we debating the Bill?

**Sen. Joseph:** On a point of order. Are we debating the Anti-Terrorism Bill or the United States policy? What is the relevance of the whole—

**Sen. Mark:** She is very relevant.

**Madam President:** Sen. Mark, let me make that decision, please.

**Sen. Mark:** Yes Ma'am, on the basis of the Bill.

**Madam President:** No, I think she has gone a little too far. I was beginning to wonder when you would come to the end of that aspect of your debate. I think you are being irrelevant at this point, Senator.

**Sen. Mark:** I think she is quite relevant.

**Madam President:** Too detailed.

**Sen. Dr. J. Kernahan:** Our country exports a major quantity of oil to the United States and, therefore, we are also part of this network of control and domination. This, therefore, explains the indecent haste by this Government to impose this predatory Bill on the people of this country.

I would like to look at some of the clauses in this Bill which is motivated by the Homeland Security Act in the United States. Even the Senate there did not debate that Homeland Security Act. The purpose of this Bill is touted to be to criminalize and to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities. In the first place, I wondered, as I looked at this, my first question is the irony of this Bill, which is instigated by the Homeland Security Act because these people have built their entire empire on consistently violating every single clause in this Bill. Every single clause in this

Bill has been violated by US imperialism in building their empire. How do you criminalize terrorist activity? Terrorist activity is already criminal activity. Laws already exist for the punishment of criminal activity in this country. How do you criminalize terrorist activity? There are many laws in this country that prohibit everything that is defined as terrorist activity.

The danger of this Bill, however, is that given the vague and wide definition of a terrorist act in this Bill, it means that any acts of protest or dissatisfaction by popular dissents, trade unions and civil society, may be construed as terrorist activity. This is the danger in this Bill.

Flowing from the wide definition of a terrorist act, terrorist property and all the penalties attached to terrorist activity, this is where every single member of the society is in permanent danger of being incarcerated for reasons that he might not even be aware. It states:

“‘terrorist act’ means—

- (a) an act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause—
  - (i) loss of human life or serious bodily harm;”

This is so vague. There are so many acts that can cause or are likely to cause serious bodily harm. It continues:

- “(ii) damage to property; or
- (iii) prejudice to national security or disruption of public safety including disruption in the provision of emergency services...”

This definition would outlaw and label, as terrorist, all workers’ strikes and all actions that workers take from time to time to press their cause for higher wages and better conditions, because you are talking about prejudice to national security and the disruption of public safety. You can define anything that people do and their strike conditions as being prejudicial to national security.

I remember distinctly, when the people of Bamboo Settlement erected their strike camp and were protesting. The then Minister, Sen. The Hon. Rennie Dumas, said these people were threatening national security, simply by the fact that they were outside in numbers protesting against the conditions in that community. This Government can invoke this Act, if the Bill is passed, and brand them as terrorists and lose them in jail for 20 years.

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“‘terrorist property’ means—

- (a) proceeds from the commission of a terrorist act;
- (b) property which has been, is being, or is likely to be used to commit a terrorist act; or”

If people of Bamboo Settlement—as we have established now—are terrorists and if they were having one of their meetings under the house, on the premises of one of their members to discuss their struggle, this property, would it not be branded as being likely to be used to commit a terrorist act? The owners of this property can lose their property, simply on the basis that “terrorists” are using their property to commit a “terrorist act”.

It continues:

- “(c) property which has been collected for the purpose of providing support to a proscribed entity or funding a terrorist act;”

How do you prove these things? All these definitions are almost impossible to prove, so it is just a question of what a judge will believe or not—it is very subjective. All these definitions are not prone, or do not lend themselves to be easily proven and, therefore, they lend themselves to be very subjective. In a small society like this, this is very dangerous. We know very well what it is in a small society to experience discrimination and people can subjectively now, without any objective proof, take your property and your liberty, brand you as a terrorist, lose you in jail and that is the end of you.

Madam President, I would like to look at clause 4 of the Bill, which states:

“A person who, directly or indirectly, provides or makes available financial or other related services intending that they be used, in whole or in part, for the purpose of committing or facilitating the commission of, a terrorist act commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”

What is the meaning of “indirectly”? I do not know. If I give my daughter \$1,000 and she passes this money to a friend who uses it for an act that may be described as a terrorist act, then indirectly I am responsible for that terrorist act? Directly or indirectly, am I responsible for the commission of a terrorist act? What is that? When they put all these “directly” and “indirectly”, anybody is liable to be implicated in anything that a police officer or an officer of the law chooses to say, or any allegations that they choose to make against the victim.



Clause 5 states:

“A person who collects, provides, or makes available property having reasonable grounds to believe that the property will be used to commit a terrorist act, commits an offence...”

I can make my property available to a friend of mine. That person may not be under the definition of a terrorist but that person may have a friend who is described as a terrorist under this Bill. This property will now be called terrorist property and I can lose my property? This Bill is impossible! This Bill goes way beyond establishing any sort of security for citizens. This Bill actually imprisons our citizens. This Bill threatens our citizens and this is not the purpose of legislation. The purpose of legislation is to provide security, comfort, to improve the quality of life, to improve the economic and social life and to make life better for our citizens. This Bill definitely does not do that. This Bill threatens the life, property and future of every single citizen.

#### PROCEDURAL MOTION

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that the Senate continue debate on this Bill until 7.30 p.m.

*Question put and agreed to.*

#### ANTI-TERRORISM BILL

**Sen. Dr. J. Kernahan:** Madam President, if I had thought for a moment that the perpetrators of this Bill really were genuine and had the security of populations and our country at heart, and if they had a history of fighting against terrorism over the world, then it just might give this Bill some legitimacy. When you look at both the instigators and perpetrators of this Bill, none of them have such a history.

Is this Bill not part of an international convention? This Bill did not originate here. This Bill is part of an international convention. It is part of the thrust of the Homeland Security Act that is being perpetrated and implemented all over the world. Is the Government saying that this Bill came from our country?

**Sen. Mark:** No, I do not think so.

**Sen. Dr. J. Kernahan:** If there were any questions of the genuine and sincere appreciation for the fight against terrorism, exhibited by this Government or by the people who instigated this Bill, I would probably try to look at it, because terrorism is the scourge of the 21<sup>st</sup> Century and it must be fought on all fronts.

The problem is that we cannot have good terrorists and bad terrorists. All terrorists are bad terrorists. What is happening in this hemisphere right now is that some terrorists are considered good terrorists and some are considered bad terrorists. I will explain what I mean.

This country is very interested in the case of Posada Carriles. I am sure the Minister of National Security knows what I am talking about. On October 06, 1976 this individual, based in Venezuela, directed two Venezuelan nationals: Freddie Lugo and another one, whose name I cannot recall right now, to place a bomb on the Cubana Airlines, which flew from Trinidad to Barbados. Those two perpetrators, directed by Carriles—I know the Minister of National Security knows everything I am talking about—flew from Trinidad and Tobago to Barbados, where they planted the bomb in the plane and they left Barbados and came back to Trinidad and Tobago. When the plane took off from Barbados, it blew up mid-air, 73 people aboard were killed. This included some Koreans, Guyanese and the full Cuban fencing team, which had just won gold medals in the Central American Games. That was a very sad moment in the history of this country. It was proven, under investigation by the Trinidad and Tobago Police and the Venezuela Police, that Posada Carriles was the one who gave instructions to his two henchmen here to place that bomb on the plane. Posada Carriles was subsequently imprisoned in Venezuela. His trial was going on and he somehow escaped from jail; walked out the front door of the jail, got into a waiting plane and was flown to Honduras. At that time, the United States gave no information—although Trinidad and Tobago and Venezuela asked—on the bombing of that plane.

Madam President, I was privileged to be in Cuba last week for an international conference against terrorism and certain declassified documents that were released in that conference showed that even before the bombing incident took place, and the day after the CIA knew everything about that particular incident. They were aware of what those terrorists were about to do and the day after, they had the full details of everything that they did. In fact, when they were in Barbados the terrorists visited the embassies there and they came here and visited our embassies, so people were fully aware of what was happening.

If you look at that incident, in clauses 30 and 31, this Bill asks us to cooperate—mutual assistance in the apprehension of criminals. They do not adhere to these issues. Posada Carriles was subsequently all over Latin America, continuing his terrorist activity. Recently, he went to the United States and in

spite of the Homeland Security Act—the Act forbidding any terrorist refugee in the United States and in spite of the fact that there are more than 180,000 people who worked for the Homeland Security, 22 bodies, all the people who work against terrorism—nobody knew that Posada Carriles was in the United States. When the story broke, he asked for refugee status and the Venezuelans are asking for him to be extradited to Venezuela and he is being harboured in the United States. What can we conclude from this with respect to clauses 30 and 31 of this Bill? This is hypocrisy. How can that Government ask us to do things which it is not doing? That Government is harbouring known criminals and terrorists; people who have been proven to perpetrate the most atrocious acts of terrorism in the whole of Latin America, especially Cuba.

I have excerpts from a particular book, a *New York Times* best seller by John Perkins: *Confessions of an Economic Hit man*. In this book, all these declassified information and issues have been exposed; the activity of terrorists all over Latin America, including Venezuela with the connivance and knowledge of the instigators and perpetrators of this Bill. How are we to give over our life, liberty and future to people who openly condone, instigate and promote terrorism and finance terrorists? It is impossible! It is too much hypocrisy and we cannot do it.

The Cubans have had—this is another blatant case of the hypocrisy of the perpetrators and instigators of this terrorist Bill. This document is a *Special Address by Dr. Fidel Castro Ruz, President of the Republic of Cuba, at the 'Jose Marti' Anti-imperialist Square, May 20, 2005*. This details the history of the Cuban Government's attempts to fight against terrorism in this hemisphere. They had talks with the FBI of America. They invited the FBI to Cuba. They showed them videos and films. They gave them documents about all the terrorist activities that are taking place against Cuba, from Miami. They were given all the information that they needed to apprehend terrorists in the United States, samples of telephone conversations, which indicated that these people were involved in terrorist activities against Cuba and other countries. They asked: “What are your sources? How do you know your sources are verifiable?” They said: “Our sources are very sensitive but we will give you all the information. We cannot give you the sources.”

### **6.30 p.m.**

Madam President, do you know what happened after Cuba gave the FBI all this information on terrorist activity emanating out of Miami? On September 12, five Cuban nationals, the ones who were compiling all the information and

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penetrating these terrorist groups and sending the information back to give to the United States of America and so forth—some of these terrorist activities were taking place in the United States of America. They were blowing up ships and so forth—

**Sen. Dr. Saith:** Madam President, on a point of order. We are debating a Bill, as I understand it, about steps that the Trinidad and Tobago Government wishes to take to deal with terrorism in Trinidad. While it is good to get some additional information about Cuba, we all had copies of Fidel Castro’s speech and I really think it is irrelevant. I think the contribution is irrelevant. It is relevant for Cuba. *[Laughter]*

**Madam President:** Senator, do you think that you can please come back to the Bill? You are really going too far, just as you did in the beginning. You could make a reference. There is no harm in so doing but, please, come back to the Bill.

**Sen. Dr. J. Kernahan:** Madam President, the issue is, for example, clause 9 of the Bill:

“Any person who knowingly—

- (a) supports; or
- (b) solicits support for,

the commission of a terrorist act, commits an offence...

For the purposes of subsection (1) ‘supports’ includes but is not limited to—

- (a) an offer to provide or the provision of expertise or a skill;
- (b) an offer to provide or the provision of falsified or forged documents;  
and
- (c) entering or remaining in any country,”

Madam President, clause 9 of the Bill prohibits this kind of activity where people solicit support for terrorists and terrorist activity. This is why we cannot trust this Government. Instead of locking up terrorists; instead of depriving them of their freedoms—

**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:** Madam President, instead of locking up terrorists, what we have seen in our history is that persons who fight against terrorism are locked up, and this is the concern that we have. We have our own definition of terrorism and we would like to share that with you. We have fought our way through slavery, indentureship, colonialism and post-independence period. It would be inexcusable to give up all the democratic rights and freedoms that we have fought so long and hard for, to return to a stage of passivity and servitude which this Bill is going to bring to the people of Trinidad and Tobago.

Madam President, we have our own definition of terrorism. Why should we accept a foreign definition of terrorism? We have a situation here where people, not only in Trinidad and Tobago, but people who are serious about justice; who are serious about improving the quality of life of the people on this planet and so forth—we define “terrorism” as all acts of terror against the population; against the land, that are perpetrated by those in authority.

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

The naked and exploitative extraction of wealth by stronger economies over weaker economies is an act of terrorism. When you have examples of imperialist countries—their multinationals—who come into our country and ravage our forests; pollute our seas; pollute our environment; and pollute our rivers, that is an act of terrorism. [*Desk thumping*]

Mr. Vice-President, I was thinking about this and yesterday I happened to see where Gary Aboud mentioned environmental terrorism and I totally agree with him. There is the perpetration of environmental terrorism over the peoples of not only Trinidad and Tobago, but the whole hemisphere.

Mr. Vice-President, you may know that the last war between Ecuador and Peru was fought because multinational countries moved into their rainforest and so on because there was oil there, and the native tribes fought with spears, knives or whatever they had at their disposal to protect their land against the environmental terrorism of the multinationals who came to rape their land and to take their oil.

Mr. Vice-President, the violation and desecration of our mountains, deforestation, the indiscriminate mining and so forth—when you go to the Northern Range you would see the indiscriminate mining that is taking place, the hillsides being ravaged and so forth and that causes a lot of flooding. All of that is environmental terrorism perpetrated by persons who are supposed to know better.

We have our own definition of terrorism. When we look at this society and we see the issue of child labour is not being dealt with; the issue of child prostitution is not being dealt with; and the issue of street children is not being dealt with in spite of a country that is so rich in resources, money and so forth, that is also terrorism against the people of this country. Mr. Vice-President, do you know why? By the very definition of terrorism in this Bill which causes death and destruction to property and so forth, all these things cause death, terror, destruction and pain. All these things can be considered terrorist activities against people.

We have our own definition of terrorism, and we consider the wilful conversion of this country into a narco-state; a money-laundering state—in the Caribbean, the statistics are that over \$50 billion is laundered through these states every year, which is more than the combined budgets of all the Caribbean countries put together. We are being turned into narco-states with all the attendant violence, destruction, death, crime and loss of human resources. That is our definition of terrorism.

Mr. Vice-President, we have a situation in our country where the national security is non-existent; where our Minister of National Security is described as being a very reticent and a very quiet person—

**Hon. Senator:** A very decent person.

**Sen. Dr. J. Kernahan:**—very decent person who does nothing to guarantee our national security, and paramilitary groups are operating openly in the society. Mr. Vice-President, recently, I thought I was in Falushia. There was this funeral of a gang leader in Diego Martin and there was a 12-gun salute at his gravesite. There were no police there; and no arrests were made. This is a narco-state.

**Sen. Seepersad-Bachan:** It was reported in the newspapers.

**Sen. Dr. J. Kernahan:** Paramilitary groups are openly defying the law; defying the Minister of National Security; and instead of being rounded up and put away, they are being given more money—they are being refinanced to escalate their businesses and so forth. Just now, instead, we are going to see them escorting these coffins with masks on their faces and guns as we see in Iraq. This is what we are coming to. It is going to happen sooner or later, because nobody is doing anything to stop this process. I know exactly why they are not doing anything to stop this process.

As I said, these paramilitary groups will be used in the future, to corrupt the election process and to ensure that free and fair elections do not ever again take place in this country. [*Desk thumping*]

**Sen. Seepersad-Bachan:** That is right.

**Sen. Dr. J. Kernahan:** That is why they are being given a free rein in this country. Mr. Vice-President, when we see laws that expand the freedom and democracy being repealed and not being brought to Parliament, we know why. We say that is terrorism; that is state terrorism.

Mr. Vice-President, these acts that have been described—these acts of massive transfer of resources from the poor to the rich; the whole question of young single mothers who are being left to fend for themselves in the society; who are not being supported by this society; and who are the source of future terrorists—future gangsters and so forth—because they are left to bring up boy children alone in this society without any support; that is terrorism. That is our definition of terrorism.

As Prof. Ramchand said a few weeks ago, we have to see things through our eyes; we have to define for ourselves what is terrorism; what constitutes proper behaviour; what constitutes improper behaviour; to what extent we must protect our society; and to what extent we must have legislation that would protect us but not serve as a millstone around our necks that would take away all our freedoms and so forth.

Mr. Vice-President, to close, I would like to read—you know, people get very wary and very upset when they hear the truth. When I said that our sister Caribbean country—Latin American country—Venezuela was targeted as an outpost for tyranny and so forth, because they have oil and that is the ultimate objective of American imperialism—this is what this former economist who worked for multinational organizations wrote in his book *Confessions of an Economic Hit Man*. I read:

“Bush administration officials acknowledged Tuesday that they had discussed the removal of Venezuelan President Hugo Chávez for months with military and civilian leaders from Venezuela...The administration’s handling of the abortive coup has come under increasing scrutiny.”

Mr. Vice-President, this was a report in the *Los Angeles Times*. So it gives the lie to all the speculation about if they knew; if they sponsored terrorist activities; if they sponsored insurrectionist activities; and if people are being paid to do certain

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things. This report gives the lie to it because the *Los Angeles Times* printed this in their newspaper.

Finally, I would like to read another extract from this very eye-opening book. This is an extract from the *New York Times*, which after the Middle East situation, gave a historical rundown on the role of the United States of America in insurrectionist and terrorist activities, and I quote:

“The United States...supported authoritarian regimes throughout Central and South America during and after the Cold War in defense of its economic and political interests.

In tiny Guatemala, the Central Intelligence Agency mounted a coup overthrowing the democratically elected government in 1954, and it backed subsequent right-wing governments against small leftist rebel groups for four decades. Roughly 200,000 civilians died.

In Chile, a CIA-supported coup helped put Gen. Augusto Pinochet in power from 1973 to 1990. In Peru, a fragile democratic government is still unraveling the agency’s role in a decade of support for the now-deposed and disgraced president, Alberto K. Fujimori, and his disreputable spy chief, Vladimiro L. Montesinos.

The United States had to invade Panama in 1989 to topple its narco-dictator, Manuel A. Noriega, who, for almost 20 years, was a valued informant for American intelligence. And the struggle to mount an unarmed opposition against Nicaragua’s leftists in the 1980s by any means necessary, including selling arms to Iran for cold cash, led to indictments against senior Reagan administration officials.”

Mr. Vice-President, this information has come out of declassified documents. It is no longer propaganda, hearsay or suspicion. These are declassified documents that came out of the State Department and so forth that provided information for these sorts of statements.

Mr. Vice-President, when we are going to give up our rights, our civil liberties—the future of our children, their rights and their civil liberties—to promote states and to please states that promote terrorism; that promote insurrection; and that promote dictators and dictatorial regimes all over Latin America and the Caribbean, we have to think very hard about what we are really doing. This Government is of no help because it is in collusion and they are very happy to do the bidding of their master.

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



**Sen. Mary King:** Mr. Vice-President, thank you. The Bill before us is a very serious Bill. The Bill is worrying on some grounds. We are certainly concerned about the infringement of human rights which have already been mentioned by several Senators who have already spoken on the Bill. I certainly agree that the Bill will need a special majority.

The brief intervention I want to make is merely to point out some points in the Bill which, I think, could be elaborated upon and, perhaps a gap or two filled.

The Bill is certainly a very necessary addition to our existing legislation, as it relates to criminal acts, terrorism and all the other global ills that have suddenly come upon the country. I do think that the gaps that I want to mention are worth mentioning, so that we do get the best Bill that we possibly can.

I think everyone here knows that Trinidad and Tobago is not immune to terrorism. We have had our experiences. Some of us had been involved at various levels; some of you probably in this Chamber. I was on the board at TTT at the time and I had a terrible time. It was very trying, both for board members and staff. I really feel that we have to deal with issues like this.

One of the things that I would like to see included in the Act, when it does come, is that besides defining a “terrorist act” and besides defining “terrorist property”, I think that we have to include a “terrorist organization”. It is not included in the Bill and I think it is a very serious lapse in not having that contained in the Bill.

In the United Kingdom Act which has a very draconian set of measures, the Home Secretary can prescribe an organization, he believes, to be concerned with terrorism, and once prescribed, membership of that organization—professed membership of and support for such an organization—becomes an offence which is punishable by up to 10 years in prison. I feel that we must include “the organization”.

**Sen. D. Montano:** We had it in here but this came from the other place.

**Sen. M. King:** Well, I think, it should be put back in. That is one of my comments. Also in the United Kingdom Act—we have had some complaints here today about the draconian measures in this Bill. If one were to read through the United Kingdom Act, there are many more draconian measures. They actually have the powers to arrest without a warrant, and to hold the person up to 48 hours without a warrant. I think we have been protected in that case in Trinidad and Tobago because we have ensured that the police apply to a judge in

chambers, before a detention order would be actually released. I think we do have some protection there.

We also have a protection in clause 24 where a police inspector may apply to a judge in chambers for the gathering of information from named persons. That is also with permission of the Director of Public Prosecutions. So we have really given some protection here which have not been given in many other countries.

As a matter of fact, I lived in Ireland for a long part of my youth—for most of my youth in fact—and in the Terrorism Bill in the United Kingdom—you know that Northern Ireland is a part of the United Kingdom—they have a clause which says: The wearing of clothes in public that arouses suspicion that you may be a supporter or a member of a terrorist organization such as the IRA is an offence. So if they see you wearing clothes, which had some symbol that may be associated with that, you can actually be arrested and charged with terrorism. We are comparing countries at the moment.

Mr. Vice-President, also, for scheduled offences in the United Kingdom, you could be tried without a jury. Now that would never happen in this country. I think that terrorism is being taken very seriously in many countries, and I think that we have got to do likewise, if we are serious about containing and ensuring that we have some kind of peace, quiet and some law and order.

There are a couple of definitions which I have not seen in the Bill and which I would like to have included. One such definition is “terrorist act”, actions which create a serious risk to the health or safety of the public”. We have not really looked at a serious risk to the health and safety of the public. So I would like to see that included.

There is another definition which is the “collection or processing of information useful for a terrorist purpose is an offence”. We have not looked at the collection and gathering of information and I think it is very critical to a serious Bill on terrorism.

I would like to just conclude by agreeing with every Senator who said that this Bill should require a special majority. I presume the select committee would take that into consideration.

Thank you very much. [*Desk thumping*]

**Sen. Parvatee Anmolsingh-Mahabir:** Mr. Vice-President, thank you for allowing me to make a brief contribution on the Bill before us, the Anti-Terrorism

Bill, 2004. Mr. Vice-President, the world stage of which we are a part, has been dramatically altered since September 11, 2001. A return to normalcy, as I see it, lies in the far distant future if, at all, possible. It is against this background that I make a brief contribution today.

In the light of global security threats, there is without doubt the need for security legislation, especially, when we recall, not only 9/11 but what has happened in Bali, Spain and Japan. We, too, must not forget what happened in Trinidad in July 1990.

At the global level, other states are strengthening their capabilities to deal with terrorism, and Trinidad and Tobago must not be left behind. We, too, must put legislation in place.

However, I share the views of my colleagues who have spoken before me that some of the clauses in this Bill impinge on the rights that are entrenched in our Constitution, and will require some kind of special majority or they may have to be redrafted altogether.

Mr. Vice-President, if we are to curb terrorists, apart from legislation, other strategies and mechanisms must also be put in place. There must also be adequate real-time intelligence.

I am informed that at present there are about eight or nine agencies dealing with intelligence and national security. The Minister can correct me if I am wrong. I will enumerate:

- (1) the National Security Council;
- (2) the Security Intelligence Agency;
- (3) the Strategic Services Agency;
- (4) the Counter-Drug Crime Task Force;
- (5) the Organized Crime and Narcotics Unit;
- (6) Special Branch;
- (7) the Defence Force Intelligence Unit;
- (8) the Joint-Operations Command Centre; and
- (9) the Customs Preventative Unit.

And perhaps others that I do not even know about.

There is no coordination and real-time disposal of crucial data. As a result, our crime-fighting policies and plans become ineffective very quickly. Is there any wonder then that crime is wreaking havoc in our country? The question must be asked. Do we have strategies and mechanisms in place to deal with terrorists? Are all these agencies properly equipped?

Mr. Vice-President, Trinidad and Tobago is perhaps the second largest recipient of American direct investment in Latin America. This investment is highly visible, in sophisticated capital-intensive plants in the energy sector. This coupled with the fact that in security terms, Trinidad and Tobago is classified as a “soft state” and this makes us a prime target.

It is known that terrorists, by virtue of their strategy and tactics, do not usually attack hard targets but soft ones to inflict maximum damage and extract maximum publicity. Their “watchword”, as mentioned by my colleague, Sen. Prof. Deosoran is: “Kill one and scare thousands”. The attacks in the past on the United States Embassies in Kenya and Tanzania are obvious examples of this.

Mr. Vice-President, without doubt, legislation against terrorism has a crucial part to play in all of this. If this is not done, we run the risk of being well prepared for the last war, but ill-prepared for the present one. However, while I agree that we need legislation to deal with terrorists, and that we do need protection in this hostile, turbulent world, this protection must be multifaceted, holistic, organic, coordinated and, above all, grounded in the rule of law. [*Desk thumping*] We must never reach the position where we have to tell the populace, in order to save your freedom we had to destroy it.

Mr. Vice-President, if we were to sell our freedom for security, in the end, we will lose both freedom and security. That is why it is incumbent on all of us to ensure that the ensuing laws are well drafted with the necessary safeguards put in place.

We must do our homework properly and not rely on the avenue of the judicial review to safeguard the nation’s fundamental rights and freedoms.

I thank you. [*Desk thumping*]

**Sen. Angela Cropper:** Mr. Vice-President, thank you very much. As usual, by the time the procedure comes down to No. 44, the hour is late, we are all tired and restive and, probably, all that needs to be said has been said. Nevertheless, I intervene in this debate because I think that on occasion it is important that one states one’s position on things that are as fundamental as this Bill is, even if in doing so, one might not say anything that has not been said before.

There is much that has been said about the contents of the Bill; the significance of the Bill that I agree with, but I would like, to say at the outset that I think it is the duty of any government to seek to protect the society from terrorism of any kind, whatever its origin and whatever its nature. In that respect, I feel that it is important for us to recognize that the Government has sought to do something in relation to terrorism which is a concern that we all have. Of course, there are many other concerns that we do have, and one wonders really, as has been said before, whether in the order of the list of priority things that we should be attending to in the society, how does this one come to have the priority that we are giving it now, and the allocation of state resources, staff resources and parliamentary time and so forth.

I want to make some references to the introduction of this Bill, by the Member, because I was struck by the fact that the Bill itself is predicated on our concerns about terrorism as a whole at the global level, and it is also predicated upon our intention to give effect to many of our obligations that we have subscribed to through international treaties. But I would have liked very much to hear in the introduction of this Bill by the Minister, an assessment of our own situation here in the country, about the nature of the terrorist acts and the nature of the situation that has been terrorizing the population of Trinidad and Tobago.

It seems to me that there is much in this Bill that seeks to augment, enhance and fill gaps in the standing body of criminal legislation that we do have. I would very much have liked to hear from the Minister the way in which the existing body of criminal law is found to be inadequate or ineffective in dealing with the kinds of situations that are contemplated here, so that we could assess the provisions of this Bill in the context of all the other legislation that we do have already on our books, and which also cater to some of the acts that could be caught within the ambit of this Bill.

I do believe and I feel especially that a Bill of this significance, which as many speakers have said, goes to the heart of some of our fundamental rights and liberties, and our accrued legal rights that there should have been some better exposition of the rationale from our own national perspective about why we need legislation of this kind.

I think that was very necessary, given the points that have been made that this Bill, fundamental as it is, calling into question or seeking to negate some of our constitutional rights, was not preceded by any open debate and discussion within the society.

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We have heard in other sittings of this Chamber and for other pieces of legislation that we would still have to come back to a Private Members' Motion of attempts by our Government to educate the population about the contents, purpose and rationale of Bills that it sought to bring to the Legislature.

One would have thought and expected to see that pattern of public information and public education repeated from Bill to Bill, not only for a particular interest and as it suits the Government to do so.

I think that I would very much like to support the proposal already made by Sen. Prof. Deosaran that this Bill really does need to have far more attention and far more clarification of its provisions; and far more discussion and debate than our procedure here allows and, therefore, I feel that might be accomplished in the context of a joint select committee.

Apart from all of the provisions that have been repeatedly cited and questioned here in the debate on this Bill which I will not, given the time, go into and repeat, there is just one aspect that I feel has not been mentioned that I would also like to put on the table and that is especially the provisions at clause 25(3)(c), which seem to me, proposes that functions previously exercised by the Director of Public Prosecutions are now, according to this Bill, to be exercised by the Attorney General.

Again, we see a similar tendency in clause 33(1) which requires disclosure to the Minister on a matter that one would ordinarily have expected would be required to be disclosed to the police. I do wonder about this mixing of functions; this mixing of very subtle functions in our system here, and whether we do not need to question the allocation, or the provisions in some of these clauses and the rationale for changing the functions of these officers of state for these issues.

It seems to me that we are in danger here of politicizing the legal process and, I think, that is something that we should be very careful about and view with very great concern.

Perhaps, the most reprehensible thing to me—given everything that has been said about the faulty drafting of this Bill, as well as the nature of the provisions and the way in which it seeks to vitiate some of our constitutional rights—is what occurs at clause 32(3). It has been read out already:

“Civil or criminal proceedings shall not lie...”

Clearly, given the sense of that clause, it is intended to mean “shall not lie”. What bothers me is the carelessness, negligence and seemingly indifference to the

paperwork that would allow a clause, as important as that, bolded in the context of the text itself, to have actually been debated and come to this Upper Chamber for debate in that form.

Very recently, we have seen that bundling the paperwork—

**Sen. Joseph:** Thank you very much, Senator, for giving way. It is not that I am trying to make any excuse, but this particular clause came from the other place. It was an amendment made in the other place and, as a result, perhaps that may have accounted for this. It is only a typo, but this came from the other place.

**Sen. A. Cropper:** Thank you very much for that clarification, Minister. I think whatever is the origin, the fact that it could be included in legislation that is brought before this Chamber, makes the point that I am making here, which is that we need and we cannot afford to be so careless and negligent in the paperwork where fundamental rights and liberties of the citizen are concerned.

We have seen only recently that bundling paperwork could have led the State into an act that would have been irreversible. I think, therefore, that the same care that we would advocate in matters in life and death is the care that we need to advocate in matters of constitutional rights and liberty. [*Desk thumping*] I believe that kind of negligent, careless drafting is something that really does not befit this Parliament and we, as citizens, deserve better and we should demand better.

I think, fortunately, we have the opportunity to recover from that in this particular case. I do hope that we take the opportunity, in the context of a joint select committee, to recover not only from that grievous error, but also from many of the criticisms and points that have been made in the debate here. I very much look forward in that process to seeing the possibility of some very open societal process through which we can openly ventilate the rationale for this Bill; the nature of the provisions that it seeks to address; and also some of the concerns that have been expressed here by the Independent Bench and others.

Thank you very much. [*Desk thumping*]

**Sen. Brother Noble S.A. Khan:** Mr. Vice-President, thank you very much. This has been said, and by the interest that has been thrown on it, that it is a most important piece of legislation. It does remind me that at the turn of this century—the introduction of this second millennium—the whole question of peace; the whole question of forging a better world dominated the scene, particularly, at the United Nations where preeminent world spiritual leaders met. That was in 2000 and 2001 was to come. Even then what was anticipated by that meeting was that

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there is need for an element of what I may term “spirituality”, in the affairs of things parliamentary and things in which the governance of the world and, by extension, the states of the world would have been influenced.

It may appear to be a very tall order to think even in looking in hindsight of what had preceded in the last century, preceding the entrance of 2000. I think that possibly nowhere else, as far as backward time is concerned, had we seen any amount of violence that took place in that last century. One could understand the interest that was shown towards that end that this should not happen again but, regretfully, we have seen the emergence of increased “terrorism” taking place.

Mr. Vice-President, one would ask, and I am sure in the consideration of what is before us, why the emergence of this. We know for a fact that it is there; this is real; but why the emergence of this? Some would say, possibly it is the latest brand of a Western product, or a reaction to a Western product. Some may even convince themselves that is so, when we think in terms of the political, moral and cultural violence that became enforced.

That violence has seen the exclusion, rejection, betrayal and, at times, prison of desert republic, or, I should say, deserted republics; the contemptuous rejection of vision for the future; the refusal to call into question the past and its sacred traditions, which is a most important factor of our sacred heritage; the absence of freedom; the lack of what has been termed “democracy”; the capricious treatment meted out by the security forces or any one daring to voice difference of opinions—they may have implications; the creeping absence of independent judiciaries, of systems of law and order; employment; poverty; and illiteracy and so forth; economic systems that bode wholesale disaster, more so in human terms, making the dream of emigration, leaving one’s country, the choice of a job, a dream of the promised land.

Now, one could think in terms of this sort of environment emerging; one could think in terms of the sort of reaction which allows for the emergence of what we are seeking to make legislation for. Very often, one would think in terms of which politics could concede—the fantasies of powerlessness but, nevertheless, know how to proceed. It is an irony.

One could look in the world scenario at the question of being in bed, as some would say, or being partners in one day and then enemies the next day; one would think in terms of countries in the near East, Middle East and on the borders of the Far East; one would think in terms of the intellectual reaction—clash of



civilizations and what is taking place; one would think in terms of some of the eternal truths which should guide, not only any society, but the world at large. We speak about truth itself, justice and peace—notwithstanding where a society may be, or the way of civilization as some may claim to have developed. The question of truth, justice, and peace transcend time and space, but we are thinking here of eternal truths.

These are some of the things which I share with hon. Senators. As a new nation, just a few years old, one would think in terms of where our democratic values lie; how do we empathize, not only without ourselves as a small nation, but with the rest of the world; and one would think in terms of the haste—apparently a claim has been made in the address by the hon. Minister, and one could understand his claim, that wide participation has taken place insofar as this document is concerned.

**7.15 p.m.**

One would think too, in terms of what his address was—I seem to recall not very many being referred to—legislation particularly when it impeaches on what has been guaranteed within the Constitution should be widely shared and discussed. This is an important aspect of our very being, because on the one hand, if we are impacting on something which to some extent, outside there, though it is on the world stage and you switch on CNN and the other television stations and what have you, and see what is taking place in the world, the question of how close it is to us still seems to be distant. Of course, we can refer to our own common knowledge. They say, when you shave your neighbour's beard, wet your face. So, this might be a good example of not waiting for something to happen, but to be prepared for it. When we look at this piece of legislation we could think in terms of that.

Again, like past speakers, I would like to think in terms, if by introducing this piece of legislation as it is—and I get the impression that, even now, the last speaker had mentioned the manner in which it had been prepared. There seems to be some truth and I support her claim, and that there should be some form of overlooking what is before us.

Some would even say that we are heading towards a culture of death and we should definitely think in terms of how we would address that and hence we see this piece of legislation. Even some of the negatives that exist on the world stage that have given rise to some of these phenomena which are being dressed in the form of an Anti-Terrorism Act, may be fostered or cultured by even how we

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ourselves are pursuing our own governance and the sharing and distribution of our country. It is very important. So though this may appear to be strongly influenced by what is taking place in other parts of the world, we must also think in terms of the experience that caused the emergence of these forms of social behaviour and organizing into groups that could be very sophisticated, the instant communication. Some may even say, perhaps, they are here already, as some have claimed in our debate here today. But the cocktail that is before us, I would still think that it is fraught with suspicion and, there is definitely need to address the question of the form of how the legislation is brought before us.

In part of the document that is before us, I would just like to mention Part I, Preliminary, clause 2, page 14, just before the "Offences", it states:

"for the purpose of advancing a political, ideological or a religious cause;"

What I am taking exception to are the words—and I would like to make mention on the question of "religious cause". I would also like to make reference to the Decalogue of Assisi for Peace. This was issued on Thursday, January 24, 2002 by the leaders of the religions of the world who gathered in Assisi for prayer service for world peace. I would not burden you, but it is an extremely good document. I would just make reference to one, as a Decalogue, there are ten commitments and I quote:

"We commit ourselves to proclaiming our firm conviction that violence and terrorism are incompatible with the authentic spirit of religion, and, as we condemn every recourse to violence and war in the name of God or of religion, we commit ourselves to doing everything possible to eliminate the root causes of terrorism."

It is important in this statement, the root causes of terrorism. Though there is a document here and it addresses a social problem, this brings to attention the question of the root causes of terrorism and some suggestions that follow in the other nine statements in the Decalogue of Assisi for Peace. The point I want to make here and I am quoting now from the law:

"for the purpose of advancing a political, ideological or a religious cause;"

It seems to my mind that using a religious cause even from this definition here and, as far as I am aware, the religions of the world are totally against any form of violence as a method of change or to push any idea that people may wish to. I raise a strong question on "or religious cause" on this. If we could find some other words, possibly when it goes to the other committee that would be looking at it,

because it seems to me to be incongruous, because, as far as I am aware in our country, all the religions—When the attack happened on September 11 in America, the next day the IRO issued a statement condemning what had taken place.

The following day the Muslim community issued a document that condemned it, the terrorism and what had taken place on that. Still we continue, as far as I am aware, we have not changed from that position. So, the question of this appearing as a religious cause, when the time comes, I would like you to look at it to see what you could possibly use to remove that emblem, because as far as I am aware, none of the great religions of the world would be advancing, using these techniques for advancing that. There might be some way of getting around it but, definitely we would have problems with that.

Again, I would like to mention too, that it may be that the technique—I would not like to read anything other than what is before us—that this might be some other way of getting things into the law—where other action could be taken and which would be threatening what is ensured for us under our Constitution. Out of a position of caution, if we are making law, we should be very particular how we go about it and more particularly how we get it passed.

Basically, these are some of my comments on it. I would like to end with a quote that was given by the late Pope John Paul II, in his address in Assisi. This was supported by all who attended, there were very pre-eminent world leaders from all the great religions of the world who had met in Assisi on January 24, 2002. There were echoes in our country here through the IRO when this had taken place. The late Pope said:

"Violence never again; war never again; terrorism never again. In the name of God may every religion bring upon the earth justice and peace, forgiveness and life, love."

He had ended with that and I too would like to end my contribution with the echoes of his statement.

Thank you.

**Sen. Sadiq Baksh:** Mr. Vice-President, as I join the debate on an Act to criminalize terrorism, to provide for the detection, prevention, persecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists assets, I start by quoting from a document called *Afrikan Option*, April/May 2005 issue, No. 22 by Jawanza Makalani. I quote from page 7:

"It would appear that the Patrick Manning administration, in its haste to drink 'Bush Tea' for America's 'terrorism fever' is prepared to make Trinidad and Tobago a visible target for anti-American terrorist groups, by the publicity that is being generated from the Anti-terrorist Bill. ...the Manning administration rushed a similar Bill through the Lower House in this country.

There is also a rather comical utterance..."

and I would not attribute this to my colleague. The utterance of Minister Lenny Saith, and I quote:

"'Poverty is a breeding ground for terrorist activities' hence the reason for such a Bill. Perhaps Minister Saith is acknowledging..."

**Sen. Dr. Saith:** I am glad you gave me the opportunity. I never said that is a reason for the Bill.

**Sen. Mark:** You never said that?

**Sen. Dr. Saith:** I never said that at all. I saw it. It is not the first time.

**Sen. Seepersad-Bachan:** But he is reading it.

**Sen. Dr. Saith:** You are reading and I accept that you are reading. I am not saying that it is your view, I am just saying what you are reading is not correct. May I point out that my speech is on record and I never even mentioned a Bill. I talked about the things that could cause terrorism, including some of the things the Sen. Prof. Deosaran or somebody else mentioned.

**Sen. Mark:** The Americans would blow you away on that one. We drinking bush tea for Yankee fever. [*Crosstalk*]

**Sen. S. Baksh:** Mr. Vice-President, I started off by saying I will never attribute the things said here to the hon. Minister.

**Sen. Dr. Saith:** No, I am glad you gave me the opportunity to correct that.

**Sen. S. Baksh:** I would always give the Minister that opportunity, but in this case, it is what was reported and I would make a point later on to show that these are some of the things that affect us in a negative way. I have no doubt that the intention of the Minister and the Government has nothing to do with this. It is in keeping with Trinidad and Tobago, in a particular setting.

Trinidad and Tobago is a country which attracts a lot of foreign investment from the United States and other parts of the world, and basically we need to be in

line, to some extent, in terms of the preservation of the assets of countries away. But basically, we need to do that in a manner that would be palatable to all sectors of the country. I will read that over because I am not sure where I stopped. I quote:

"There is also the rather comical utterance of Minister Lenny Saith, who said that: 'Poverty is a breeding ground for terrorist activities', hence the reason for such a Bill. Perhaps Minister Saith is acknowledging that there is a high percentage of poverty in our land which conflicts with Mr. Manning's figures on unemployment. Should Mr. Saith be correct in his assessment on terrorist recruitment policies; then the hills of Belmont, Gonzales, Laventille, Cocorite and Morvant will soon become infested with Terrorist Recruitment Centres."

Mr. Vice-President, it went on further to state:

"Clearly this Bill is designed to create an atmosphere of oppression... It is further meant to erode the principles of democratic freedom which we now barely enjoy in Trinidad and Tobago..."

**Hon. Senator:** Barely, barely.

**Sen. Seepersad-Bachan:** Barely now enjoy?

**Sen. S. Baksh:** Not my words. Not my words, Mr. Vice-President. The article concludes by summing up:

"It is the duty of all concerned citizens of this country who desire to have a say in our democratic process to state their objections to this attempt to place the citizens and by extension this nation under siege via this oppressive anti-terrorism Bill."

I did not choose to read the entire article, because, again, that would basically not contribute to what we want to establish in Trinidad and Tobago.

The major concern I have—I am no longer quoting from someone else—is that this Bill and this Act is not about the safety and security of the citizens of Trinidad and Tobago, and that is a fundamental point.

**Sen. Dr. Saith:** Mr. Vice-President, I did say that we were going to stop at 7.30 p.m. Unless the Senator is only going to take a couple minutes more, I am prepared—

**Sen. S. Baksh:** Mr. Vice-President, I have a bit more to say. I am not normally long, but a little longer today. Basically, because of some letters that I

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received from citizens. This person brought a letter to me today, borrowed money to come to hand deliver this letter. I really did not plan to speak on this Bill until I got this letter.

**Sen. Dr. Saith:** Would you like another half an hour?

**Sen. S. Baksh:** It would take the full amount of time today.

**Sen. Dr. Saith:** Mr. Vice-President, before I move the adjournment—

**Sen. Prof. Ramchand:** I want to ask a question before the moving of the adjournment. Surely, it would not take more than another two hours to finish off the debate. Why can we not just finish it off?

**Sen. Dr. Saith:** Mr. Vice-President, just as an aside, I am glad to see the US Government also agreed with your writer, because they also criticized my statement. [*Laughter*]

**Sen. S. Baksh:** I am not working on an anti-American agenda.

#### ADJOURNMENT

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President, I beg to move that the Senate be adjourned to Wednesday, June 15, 2005 at 1.30 p.m. As indicated at the start of the sitting, we would begin the debate on the Finance (Supplementation and Variation of Appropriation) Bill, 2005, and take it to its finality tomorrow.

*Question put agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.33 p.m.*