

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE THIRD SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON OCTOBER 17, 2002

SESSION 2004-2005

VOLUME 10

SENATE

Tuesday, July 05, 2005

The Senate met at 1.30 p.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Dr. Linda Savitri Baboolal is at present acting President of the Republic of Trinidad and Tobago for His Excellency Professor George Maxwell Richards who is out of the country. During the absence of the President, the Vice-President will preside over the sitting and Mrs. Magna Williams-Smith will act temporarily.

Hon. Senators, I have also granted leave of absence to Sen. The Hon. Knowlson Gift and Sen. The Hon. Hazel Ann Marie Manning, who are out of the country and Sen. Bro. Noble Khan.

SENATORS' APPOINTMENT

Mr. Vice-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 Her Excellency Dr. LINDA SAVITRI
BABOOLAL, Acting President and
Commander-in-Chief of the Republic
of Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS the President of the Senate has temporarily vacated her Office of Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting as President of the Senate:

Senators' Appointment
[MR. VICE - PRESIDENT]

Tuesday, July 05, 2005

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40 (2) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate with immediate effect and continuing during the period that Sen. Dr. Linda Savitri Baboolal has temporarily vacated her Office as Senator.

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 5th day of July, 2005."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. ROSE JANNEIRE

WHEREAS Senator Knowlson Gift is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

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, ROSE JANNEIRE, to be temporarily a member of the Senate, with effect from 5th July, 2005 and continuing during the absence from Trinidad and Tobago of the said Senator Knowlson Gift.

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 1st day of July, 2005."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D., President

Senators' Appointment

Tuesday, July 05, 2005

and Commander-in-Chief of the Republic
of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MS. ALTHEA ROCKE

WHEREAS Senator Brother Noble Khan is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid in exercise of the power vested in me by section 40 (2) (c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALTHEA ROCKE, to be temporarily a member of the Senate, with effect from 4th July, 2005 and continuing during the absence from Trinidad and Tobago of the said Senator Brother Noble Khan.

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 1st day of July, 2005."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Magna Williams-Smith, Rose Janneire and Althea Rocke.

TRINIDAD AND TOBAGO HOUSING DEVELOPMENT CORPORATION BILL

Bill to establish the Trinidad and Tobago Housing Development Corporation and for related matters, brought from the House of Representatives [*The Minister of Housing*]; read the first time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the South West Regional Health Authority for the financial year ended September 30, 2001. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the South West Regional Health Authority for the financial year ended September 30, 2002. [*Sen. The Hon. C. Enill*]

3. Annual audited financial statements of the Vehicle Maintenance Corporation of Trinidad and Tobago Limited (VMCOTT) for the financial year ended September 30, 2003. [*Sen. The Hon. C. Enill*]

ORAL ANSWER TO QUESTION

**Water Tank
(Foreign Substance)**

- 86. Sen. Wade Mark** asked the hon. Minister of National Security:
- (a) Could the Minister inform this Senate if the foreign substance found in the water tank of Sen. Sadiq Baksh in 2002 was sent to be analysed at the Forensic Science Centre or any other reputable forensic testing centre;
 - (b) If the answer is in the affirmative, could the Minister advise this Senate as to the composition of the same substance; and
 - (c) If the answer is in the negative, could the Minister provide this Senate with an explanation as to why the substance was not sent to a reputable forensic science testing centre?

The Acting Prime Minister and Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, the Commissioner of Police has advised that on Wednesday July 17, 2002, a party of police officers under the supervision of the Senior Superintendent, Southern Division went to the home of Sen. Sadiq Baksh and found the following items: a blue nylon knapsack containing six black plastic parcels with a foreign substance and two US made 120mm M5 mortar bombs each 580mm in length; 520mm in diameter and an approximate weight of 30 pounds respectively.

The Commissioner of Police has advised that the knapsack containing the six black plastic parcels was submitted to the Trinidad and Tobago Forensic Science Centre for examination on July 18, 2002. The Commissioner also explained that the mortar which was found in the water tank was manufactured by a company named Pocal Industries of Scranton Pennsylvania, United States of America and was described as a training mortar. He also indicated that the Trinidad and Tobago Police Service had received information to the effect that the mortar was sold to the Venezuelan Government in June 1998, for the Venezuelan Ministry of Defence.

Information provided by the Commissioner of Police indicates that cocaine was identified within the contents of each of the six black plastic parcels in the blue

knapsack found in the water tank and that the total weight of the cocaine in the exhibits was 433.6 grams.

As you are aware, possession of, or trafficking in narcotics and psychotropic substances and missiles are criminal offences in Trinidad and Tobago. As a consequence, extensive police investigations have been conducted into this matter and these investigations are still ongoing.

Sen. Mark: Mr. Vice-President, I know that the hon. Minister is not in a position to respond in the way that I would have liked him. In light of the fact that the question was on the Order Paper and he indicated that he would respond, can the Acting Prime Minister share with the Senate any information as it relates to the stage of the investigation, having regard to the fact that this development occurred some time in July 2002, and we are now in July 2005. It is a very long time.

Why has it taken so long? Can he brief us as to the stage of the investigation and whether in his opinion, there is need for intervention by foreign intelligence agencies, like the Federal Bureau of Investigation (FBI) or the CIA as the case may be to assist the Government?

Sen. The Hon. Dr. L. Saith: As I indicated to the hon. Senator at the start of the session, the Minister of National Security is unavoidably absent due to a family matter. I was prepared to have the question tomorrow so that supplementals could be answered. I am afraid I do not have the information to answer the Senator at this time.

Sen. Mark: Could the hon. Minister take note of these issues and maybe tomorrow we will get responses from the hon. Minister? I am interested in finding out what were the other substances that were discovered in the water tank of Sen. Sadiq Baksh along with what has been described already. Can he take note of these areas and we can probably ask the Minister of National Security when he is in the Senate tomorrow. I understand his position.

Sen. The Hon. Dr. L. Saith: Mr. Vice-President, I will surely convey the concerns of the Senator to the Minister of National Security. I have a difficulty with a situation where the hon. Senator wants three bites of the cherry. I offered not to answer the question and have the Minister here tomorrow. The question has been answered. I do not think that we could have supplemental questions at another sitting. He can have private discussions with the Minister or ask another question on the Order Paper. In principle, the procedure which is being suggested is not the right one.

Sen. Mark: Mr. Vice-President, may I seek your intervention once more to get from the hon. Leader of Government Business when will we on this side of the Senate receive the written responses to our various questions. I drew this to your attention last week. Time has long elapsed. I would like the hon. Minister of Public Administration and Information and Acting Prime Minister to give this Senate an undertaking, apart from being a messenger and a postman, that these written responses will be forthcoming at the next sitting of the Senate.

Sen. The Hon. Dr. L. Saith: Mr. Vice-President, for someone who was the Leader of Government Business when the UNC was in government, I know that the Senator did not mean that the Leader of the Senate is a postman because he sat here before.

Two of the questions were due some time ago, one to the Ministry of Public Administration and Information on April 03 and I give you the assurance that the answer is now ready and will be submitted before a week. The other one is to the Office of the Attorney General who tells me within a month. The others came up for answer on June 21. As you know, these questions—and perhaps this is why they are written—require substantial information and it takes some time. I am sure that the staff at the ministries are making every effort because the Ministers do not have the information on their desks. I will convey the sentiments of the hon. Senator to those Ministers to see if they can speed up the process to make the information available.

**ASSOCIATION OF CARIBBEAN STATES
(HEADQUARTERS) BILL**

Order for second reading read.

The Minister of Labour, Small and Micro Enterprise Development and Acting Minister of Foreign Affairs (Sen. The Hon. Danny Montano): Mr. Vice-President, I beg to move,

That a Bill to provide for the implementation of certain of the provisions contained in the agreement between the Government of Trinidad and Tobago and the Association of Caribbean States on the Headquarters of the Association of Caribbean States and its privileges and immunities, be now read a second time.

The intent of the Bill is to make legislative provision for those aspects of the Headquarters Agreement concluded between the Government of Trinidad and Tobago and the Association of Caribbean States on August 27, 1997, referred to

as the Headquarters Agreement which needs to be given the force of law in Trinidad and Tobago in order to be effective.

The purpose of this measure is to affirm the conferment on the Association of Caribbean States (ACS) and its officers of certain privileges and immunities which Trinidad and Tobago has traditionally granted to international and regional organizations operating locally. These privileges and immunities are based on the international law and practice on the subject and our legislation which give domestic legal effect to those treaty-based international norms.

The Headquarters Agreement, in addition, grants to the ACS certain facilities, for example, in broadcasting which are not normally granted to international inter-governmental organizations. In recognition of the fact that the organization and its officers enjoy immunities which place them in a privileged position in their dealings with natural and legal persons in Trinidad and Tobago, the Headquarters Agreement provides for certain obligations to be assumed by the organization for the benefit of those nationals of Trinidad and Tobago who are either employed with or provide services to, or otherwise come into contact with the organization and its officers.

The following articles of the Headquarters Agreement are proposed to be enacted by this Bill: Article 3; Article 5, paragraphs 1 and 2; Article 10, paragraphs 2, 3, 5, 6 and 7; Article 11; Article 15, paragraph 1; Article 23, paragraphs 1—3; Articles 24, 25, 26 and 33; Article 34, paragraph 2 and Article 38, paragraph 1.

Clause 2 defines the terms “Association, Government, Headquarters, Headquarters Agreement” and “Minister” as used in the Bill.

Clause 3 provides that the cost of Trinidad and Tobago’s obligations under the Headquarters Agreement would be a charge on the Consolidated Fund. Subclause (2) provides that any sums received by the Government of Trinidad and Tobago from the Association shall be paid into the Consolidated Fund.

Clause 4 enumerates the particular provisions in the Headquarters Agreement that would have the force of law in Trinidad and Tobago. Those are the Articles to which I just referred. Clause 5 would facilitate the entry into residence and departure from Trinidad and Tobago of the diplomatic staff and other personnel mentioned in Article 17 of the Headquarters Agreement.

Clause 6 would permit the Minister with responsibility for foreign affairs, by Order, to amend the Schedule to the enactment so as to incorporate any amendments to the Headquarters Agreement which is set out in the Schedule.

The ACS was established on July 24, 1994 by the Cartagena Convention. The convention was in fact signed in Cartagena, Colombia by 25 independent states of the Caribbean and France on behalf of the French territories of Martinique, Guadeloupe and French Guiana. In addition to the dependencies of France already mentioned, there are 10 non-dependent places which are eligible for associate membership of the ACS. The convention is in force.

The purpose of the Association is to identify and promote the implementation of policies and programmes designed to harness, utilize and develop the collective capabilities of the Caribbean region to achieve sustained cultural, economic, social, scientific and technological advancement; develop the potential of the Caribbean Sea through interaction among member states and with third parties; promote an enhanced economic space for trade and investment with opportunities for cooperation in order to increase the benefits which accrue to the peoples of the Caribbean from their resources and assets including the Caribbean Sea; establish, consolidate and augment as appropriate, institutional structures and cooperative arrangements responsive to the various cultural identities, developmental needs and normative systems within the region.

The Bill is a simple one. It seeks to confer on the ACS those privileges and immunities which are already provided for in the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap 17:01, which I will refer to as the Act, and which have been granted in the past to other regional and international organizations. In addition, in recognition of its unique position as the only inter-governmental organization that is headquartered in Trinidad and Tobago, it provides some additional facilities to permit the ACS to discharge its mandate effectively to the governments and peoples of the Caribbean region. The Bill gives the force of law in Trinidad and Tobago to particular provisions such as those contained in Article 33; Article 34, paragraph 2 and Article 38, paragraph 1 which are intended to afford protection to nationals of Trinidad and Tobago who have dealings with the organization, as it executes its functions as set out in the Cartagena Convention.

Article 3 of the Headquarters Agreement stipulates that the ACS will have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes. The organization,

therefore, has the capacity to contract, acquire and dispose of property and to be a party to legal proceedings.

Article 5, paragraphs 1 and 2, recognizes the inviolability of the Headquarters of the ACS, in conformity with clause 2 of Part I of the Fifth Schedule of the Act. It also accords to the ACS immunity from suit and legal process; recognizes the inviolability of the official archives and premises and grants exemptions or relief from certain rates and taxes.

Article 10, paragraphs 2, 3, 5, 6 and 7, concerns the inviolability of all communications and correspondence directed to the Association or the officials in the Headquarters; the right to use codes and diplomatic bags and subject to the applicable telecommunications regulations; the right to establish and operate at the Headquarters short-wave broadcasting and receiving radio facilities.

Article 11 recognizes the right subject to the laws relating to publications and broadcasting of the Association freely to publish and broadcast within Trinidad and Tobago.

Article 14 recognizes the immunity from legal process of the Association in conformity with clause 1 of Part I of the Fifth Schedule of the Act.

Article 15, paragraph 1, recognizes the exemption from taxation of the Association, its assets and property; income, operations and transactions in conformity with clauses 3 and 4 of Part I of the Fifth Schedule of the Act.

Article 23, paragraphs 1 to 3, provides for the grant of privileges and immunities, including immunity from personal arrest or detention of representatives of member states, associate members and observers of the organization, in conformity with clause 1 of Part II of the Fifth Schedule of the Act.

Articles 24, 25 and 26 provide for the grant of privileges and immunities to officials of the Association and additional immunities to the Secretary General and high level officials designated by the Ministerial Council of the Association and experts. The immunities provided to the officials and experts are functional in character and are in conformity with Part III of the Fifth Schedule of the Act.

Article 26 in keeping with Part II and Part IV of the Fifth Schedule of the Act grants to the Secretary General and other specified senior officers of the Association, their staff and families, similar immunities from suit and legal process; inviolability of the residence and relief from taxes as are granted to a diplomat accredited to Trinidad and Tobago.

2.00 p.m.

Significantly, in recognition of the special position of the Association of Caribbean States (ACS), and in order to keep the financial contribution of member states within manageable levels, Article 24(1)(d) also exempts nationals employed by the Organization from taxation in respect of salaries and emoluments paid or any other form of payment made by the Association.

Article 33 exempts the Association from compulsory contributions to the National Insurance Scheme of Trinidad and Tobago and requires the Association to arrange for the participation in the said National Insurance Scheme of those locally recruited members of staff to whom the Association does not grant social security protection, at least, equivalent to that offered under the laws of Trinidad and Tobago.

Article 34, paragraph 2, requires the Association, without prejudice to its immunities, to carry insurance to cover liability for any injury or damage arising from activities of the Association in Trinidad and Tobago, or from its use of the headquarters that may be suffered by persons other than officials of the Association, or by the Government.

Article 38, paragraph 1, requires the Association to make suitable provisions for the proper settlement of disputes arising out of contracts or disputes of a private law nature to which the Association is a party; disputes involving an official of the Association or any person who, by reason of his official position, enjoys immunity or if such immunity has not been waived.

The idea for the creation of the ACS had its genesis in the Report of the West Indian Commission, which was established by the Caricom Heads of Government in 1989. The commission's report addressed the integration experience in Caricom and sought to project the movement into the 21st Century.

The ACS, I should point out, represents a market of 200 million persons and an aggregate gross domestic product in excess of US \$500 billion. Trinidad and Tobago campaigned vigorously and successfully for selection as the site for the headquarters of the Association. As a member state, possessing one of the most industrialized and diversified economies in the region, this country is in a position to benefit economically, politically and diplomatically from acting as host for the headquarters of the ACS.

The maximization of those benefits is, of course, dependent on the extent to which the members and associate members achieve the goals of cooperation and integration which underpin the formation of this Association. Tangible progress

has been achieved in elaborating multilateral agreements on air transport and sustainable tourism development. Attention is now being focused on greater and deeper cooperation in trade.

There is a new reality of globalization of the international economy and this is part of the process. The Association is here. They have signed the agreement. As I have said, the agreement was signed by the previous administration and I crave the support of Members of this Senate.

Thank you, Mr. Vice-President. I beg to move.

Question proposed.

Sen. Wade Mark: Mr. Vice-President, this particular Bill that is now before us seeks to provide for, as the Minister has indicated, the implementation by the Government of certain provisions of the agreement between the Government and the Association of Caribbean States (ACS), in respect of its headquarters, as well as various privileges and immunities that this particular institution is supposed to enjoy.

I will look at this particular measure before us in a holistic and comprehensive foreign policy and trade framework. As you know, it is not often that we get a chance to deal with foreign affairs matters and foreign policy matters. I think it is important for us to get some answers from the Minister of Foreign Affairs (Acting) on matters relating to some aspects of Government's foreign policy, particularly as it relates to trade.

Mr. Vice-President, I go, immediately, to clause 3 of the Bill, which, as you would see, calls on this Parliament to support and to approve:

“All sums required to be paid by the Government of Trinidad and Tobago for the purpose of meeting the obligations of Trinidad and Tobago under the Headquarters Agreement shall be a charge on the Consolidated Fund.”

I have looked under the interpretation section, which is clause 2 of the Bill before this Senate, to try to determine what the definition of the word “obligations” is. I have not seen the definition of the word “obligations” here. I would certainly ask the Minister to provide this Senate with some understanding of the obligations as outlined in clause 3 of the Bill.

We would like to know what is the nature of Trinidad and Tobago's obligations under the ACS charter. We would also like to know from the hon. Minister: What are the costs, in monetary terms, to satisfy those obligations, which we are not certain about? We have not been told by the Minister what those

obligations are but we are being called upon in the Senate to approve a measure without providing us with the relevant and necessary information. We need to know what those obligations are. We need to know what are the costs involved. We need to find out from the Minister if we have met those obligations. We do not know what they are. If we have not met those obligations, then could he offer this Senate some explanation as to why we have not met them? Could he tell us how the Government intends to meet those obligations as outlined in clause 3 of the legislation?

Are those obligations to be met over a 10-year or 15-year period? We have not been told by the Government. We also ask the Minister what benefits, to date, has Trinidad and Tobago derived as a member of this particular ACS, in having its headquarters located in Trinidad and Tobago, which as the Minister alluded to in his presentation, there was a major campaign to have the headquarters located in Port of Spain, just as there is a big campaign now to get the FTAA headquarters located in Trinidad and Tobago.

Mr. Vice-President, 10 years after lobbying, fooling and mamaguying the population to get this headquarters in Trinidad and Tobago the PNM regime, in a second incarnation, is yet to construct, to establish and to build the ACS headquarters in the Republic of Trinidad and Tobago.

You have lobbied, you have persuaded and you have sought to convince the region and the greater Caribbean for the headquarters, but today we do not have a finished, fully-constructed ACS headquarters. What do we have? For the last 10 years and more, the ACS has been renting. I would like the hon. Minister to tell this Parliament what it has cost Trinidad and Tobago and the taxpayers in rent for the particular office space provided to the ACS?

Why has the PNM regime failed to provide a permanent headquarters for the ACS? Why do we continue to rent? Which landlord, in the PNM's back pocket, is benefiting from 10 years of rents? Who is it? We do not know. Is it Rahael? Is it Hadeed? We do not know. We need to know who the owners of the property are! They have been renting for the last 10 years. Are we going to have a situation where this particular organization rents for the next, how many years to come? We would like the Government to give this honourable Senate some undertaking as to exactly when they intend to construct a new headquarters for the ACS in Trinidad and Tobago.

Mr. Vice-President, we would like to also know from the Government, in concrete terms, how have the ordinary men and women of this country benefited to date as a result of this particular office that we have in Trinidad and Tobago?

We are not aware of the level of commitment that we have undertaken in this particular arrangement involving the ACS. Sometimes you wonder if the ACS is dead or dying. Nobody hears about this organization. We do not know what role it performs, except if we go on the Internet to see what is happening.

I will share with you, however, what I got on the Internet about the ACS. As the hon. Minister indicated a short while ago, a convention established this Association of Caribbean States sometime on July 24, 1994 in Cartagena in Colombia. The aim of this particular arrangement, as he alluded to, came out of the report commissioned by the then NAR government, which was headed by Sir Shridath Ramphal. It had to deal with looking beyond the narrow boundaries of Caricom, particularly, as it relates to market space and market access, and then its major 600-page report, as you would recall, and the establishment, subsequently, of this particular body called the ACS. What is the aim of this particular Association? It was supposed to promote consultation, cooperation and concerted action among all the countries of the Caribbean, comprising some 25 members—a number of associated members as well as a number of observers.

The objectives of the ACS, as enshrined in the Constitution, are based on the following: It is supposed to strengthen the regional cooperation and the integration process with a view of creating an enhanced economic space in the region. One of the objectives of the ACS was to strengthen the regional cooperation and integration process with a view to creating an enhanced economic space in the region. Mr. Vice-President, 10 years after, could the hon. Minister share with this Senate whether the ACS has achieved that objective? To what extent has it done so? The people of Trinidad and Tobago do not know.

Another objective was to preserve the environmental integrity of the Caribbean Sea, which is regarded as the common patrimony of the peoples of the region. Has this been done? To what extent has it been achieved? The Minister needs to share that information with the Parliament today.

Another objective was to promote sustainable development of the greater Caribbean. To what extent has it been established? The Minister has not provided us with any answers to these concerns, yet he has brought a Bill for which he wants our approval.

Mr. Vice-President, that is the disrespect and contempt this regime has for the Parliament. They feel that this is a rubber-stamp arrangement this afternoon so there is no need to provide us with information in the opening statement.

Mr. Vice-President, we understand that there are five special committees established under this particular arrangement called the ACS: one is called the trade development and external affairs committee; another is a committee to address sustainable tourism; the third deals with transport; there is one that deals with natural disasters and the final one that deals with budget and administration. These are the five committees that we understand function under the rubric of this body called the ACS, which to my mind seems to be a dead organization. We do not hear anything about this organization. We do not know what role it is playing, but we are being asked today to approve a measure that would give the Government a blank cheque to the Treasury as it relates to the ACS. This is a direct charge on the Consolidated Fund of this nation and we do not have any proper response so far from Senators on the Government side as to why we must support this measure today.

When we look at, for instance, the special committee on trade development and external economic relations, it is supposed to foster cooperation and integration by uniting the assets of the ACS members and its associate members to build, to consolidate and to enhance economic space for trade and investment in the greater Caribbean. Two areas of vital action, we are told, are the promotion of understanding and the merging of positions in areas of common interest in the principal negotiation processes such as the FTAA and the World Trade Organization, especially, where the treatment of small economies is concerned. That work includes studies on the possible measures that could be taken to implement special and differential treatment.

We have not been told by the hon. Minister how the ACS has assisted the region in promoting and assisting in the negotiation processes, such as the FTAA. What we do know is that the Government of Trinidad and Tobago may have spent millions of dollars but we do not have an exact amount.

Mr. Vice-President, in the days when we did not have electricity and we wanted to play brave and walk in the dark in Tobago, we would whistle so that a “la diablesse” or a “lagahous” or a “douen” would realize that we were passing. This is exactly what this Government is guilty of—whistling in the dark. They expect “la diableses” halfway, so they are whistling in the dark. They expect “lagahous” and “douens” so they are whistling in the breeze and in the dark.
[Desk thumping]

This Government is after the headquarters of the FTAA. They went after the headquarters of the ACS and they got it, but up to this time no headquarters has been permanently constructed for the ACS in Trinidad and Tobago. Mr. Vice-President, I believe 2020 will come and go and the FTAA will not emerge. The

Americans have ensured, through difficulties with Brazil, that that hope and dream of the PNM to bring FTAA to Trinidad and Tobago would really turn into a nightmare. It has already turned into a nightmare for the PNM.

Sen. Dr. Saith: Come back to the Bill.

Sen. W. Mark: You cannot tell me about coming back to the Bill when I am dealing with matters involving the ACS! The ACS talks about the FTAA. Do you want me to talk about the WTO now? I will deal with the FTAA! They are supposed to be helping us in negotiations, the FTAA, the Free Trade Area of the Americas. We want to find answers to very important concerns.

Mr. Vice-President, I will share with you areas of concern as they relate to sustainable tourism. We would deal with transport as well but I will leave that to my colleague, Sen. Baksh, a former Minister of Works and Transport. He would be able to deal, comprehensively, with this question of transport as it relates to the ACS.

There is also the question of natural disasters but as I indicated, the ACS was supposed to establish greater economic political space for the greater Caribbean. Has this happened? Could the hon. Minister share with this Senate whether the ACS has been able to establish or create greater economic political space for this country and for the region? We must know what we are paying money for! We must not just pay moneys to technocrats and bureaucrats! We must get responses! We must get what is called, value added! We must get money for our investment! We must get proper returns on our investments!

2.30 p.m.

Mr. Vice President, they cannot come today and table a Bill just indicating the barest of explanation, and expect us to simply rubber-stamp a matter that they are saying is a *fait accompli*.

I would like the hon. Minister to tell this Parliament about the Association of Caribbean States' (ACS) mandate. What is the mandate of this organization? We would like to know what its programmes are specifically, and not in broad terms; we want specifics on its programmes and we want to know about its performance. Has the Government done an analysis of the performance of the ACS since it was established ten years ago? Where is the report? Where is the study? Where are the analyses? We do not have that before us, but we are being told to give the Government the power of a blank cheque. Why must we take taxpayers' money and pay to people in a headquarters and we do not have a report on their performance, we do not have a report on their mandate and we do not have a report on their programmes?

One commentator has described the ACS as a “medicine in search of a disease”. What is this body doing? I am all for integration. I am for a greater Caribbean, but we must not spend money badly. We must get value for our dollar and we have not gotten from the Acting hon. Minister of Foreign Affairs any kind of argument or submission to convince us that this particular Association is still relevant.

The PNM continues to live in the past. They have not come into the future as yet and they are still stuck in the realm of yesterday; old, outdated, outworn, political ideas, that is what they are couching.

I remember sometime last year the hon. Prime Minister of this country went to the Heads of Government Conference and he spoke about the integration of the southern Caribbean: Grenada, St. Vincent and Trinidad and Tobago. That is dead! So today, he goes to the Heads of Government Conference, the United States of the Caribbean—no consistency, confused; no policy. The Government goes to these conferences and they do not report or seek a mandate from the Parliament. They think this Parliament is an arm of the Cabinet. That is what they see us as, an arm or a party branch of the Executive, so they can do what they want, when they want, how they want, and just come and lay a Bill and expect to get approval for it. They may get a shock today.

Mr. Vice-President, it is not often, as you know, and as I said earlier, that we should get a chance to deal with foreign affairs and policy issues. My understanding is that the very fundamental function of foreign affairs is to protect the vital interest of Trinidad and Tobago. Trinidad and Tobago comes first, and I think the hon. Prime Minister, to his chagrin, has now come to the realization that in any kind of relationship one must look after one’s people first. And just as how I understand he looked at Members in another place and told them one by one, jail is not nice, I heard he behaved the same way in St. Lucia recently when he told these various leaders, “You see Trinidad and Tobago, we feed you all boy, and you all are ungrateful in signing some PetroCaribe arrangement with Chavez when we are the one that feed you.” That is what I was told, I do not know—the Acting Minister of Foreign Affairs is here. He might be able to tell us. By the way, I did not see the Acting Minister at the 229th anniversary celebrations of the United States. I thought as the Acting Minister of Foreign Affairs, he would have been there. [*Interruption*] I went—I saw a permanent secretary for the first time in my life attending.

It is the first time I have been to a celebration and there was the absence of a Minister. I do not know why. I thought it was a big insult to the Americans, I must admit. It was an insulting thing. But, of course, this Government does not care about America. The Government is bigger than America. But of course, my presence there lent very great credibility to the occasion because I am sure that the United States Ambassador is aware that the United National Congress is the alternative government, and he recognized our presence that evening. I was quite pleased with that particular recognition.

Mr. Vice-President, I call on the Acting hon. Minister of Foreign Affairs who is here today to tell us the cost of maintaining this Headquarters since 1996. The Agreement was in 1994, but they began to operate in 1996 in Trinidad and Tobago. We would like to know how much we have paid so far. [*Interruption*] I am telling you, you are small minded. This is a bigger picture. I am not narrowing this down to small this, small that. I am dealing with Trinidad and Tobago. I am dealing with, for instance, the citizens of this country, the taxpayers of this country, the people of the region in getting the kind of benefit and leverage that we are supposed to have gotten with the formation of the ACS body back in 1994.

I want to tell the Minister of Foreign Affairs, through the acting Minister of Foreign Affairs, that the idea of political union is an idea that has lost its vitality. Global politics today, in which we function as a part, is beyond these political union arrangements. We have to recognize that the FTAA is a dead arrangement unlike Jamaica. Jamaica has gone to China. Jamaica has opened an embassy in China. Trinidad and Tobago still does not have an embassy in China. They have one in India and the Indian embassy apparently takes care of business in China when the literature and the research is telling you that the two giants, in the next 20 years or less, are going to be China and India. So we are getting caught up in what I call "small politics" when we are not looking at the bigger picture.

Mr. Vice-President, it has been said that there is a huge gap between rate of change and the rate of learning, and it seems to me, that the Government of Trinidad and Tobago is learning very slowly. They do not understand what is happening around them and the people, of course, suffer as a result.

As I mentioned earlier, there are a number of matters that I believe the Acting Minister of Foreign Affairs ought to share with us this afternoon. We do not get an opportunity to talk about foreign affairs matters and there are outstanding matters the Ministry of Foreign Affairs ought to update this Parliament on today.

We would like the Acting hon. Minister of Foreign Affairs as a matter of accountability, which he is obligated to do under the Constitution, to give us an

update on that matter involving the release of two Bajan fishermen from custody. We are talking about foreign affairs. I have told the President that I was putting my contribution in a context. *[Interruption]* You are Acting Prime Minister, you better behave yourself. Show protocol today. When the Minister is not acting, we could engage in bantering. But today, he is an Acting Prime Minister and he must lead by example, the hon. Sen. Dr. Lenny Saith. *[Interruption]* Not you. I am not referring to you, Senator. Stop begging for me to recognize you. Let me talk to the Acting Vice-President. That is my friend, the hon. Attorney General.

Mr. Vice-President, we would like the hon. Minister to share with us today, what has happened with the cocaine in the diplomatic pouches which floated out of this country into Toronto, into London and into Ottawa? What has happened to that particular enquiry and investigation? We think it is fair for the Parliament to be informed of these developments involving the Ministry of Foreign Affairs that is piloting this Bill today. These are things that took place in the Ministry of Foreign Affairs: Bajan fishermen got away scot free! Cocaine in diplomatic pouches! Give us an update on that. I think it is also important for the Minister to tell us what is the Government's foreign policy perspective as it relates to the global situation. We do not get a chance to debate on these matters.

Mr. Vice-President, in our Standing Orders there is a committee on external relations. The Leader of Government Business, now Acting Prime Minister, has never seen it fit to establish the external relations committee where we can engage with the Minister of Foreign Affairs on a number of important issues, hence the reason I have to raise these matters here. If the external relations committee was in existence, we would have been able to debate that matter at that level.

We would like the Minister to share with us this matter of foreign relations, particularly as it relates to Venezuela. What is the Government's position on this particular development that recently took place?

I want to share with you, the fact that the integration paradigm must go beyond trade and must respond to international situations. This is why I sought to get from the acting Minister of Foreign Affairs our policy perspective on the global framework and the global situation. There should be a holistic and comprehensive approach to these matters. In fact, sometimes, we are not even sure what is the mandate of the Minister of Foreign Affairs in this land, and in this Parliament. We do not know what he intends to do with the ACS. We do not have an idea and we need to get some clarification from him on these matters.

I would also like to go to clause 6 just to get from the Acting hon. Minister an idea of this capacity, this overwhelming authority that is extended to a Minister to

amend the schedule of the Headquarters Agreement to put what he wants, when he wants, how he wants, without referring to this Parliament is unacceptable.

In clause 6, one would see that the Minister may, from time to time, by order—He can amend the schedule for the purpose of bringing the Headquarters Agreement into accord with any amendments made to the Headquarters Agreement under Article 44.

What is the role of Parliament in this whole situation? I would have thought the Minister would want to support an amendment saying that the Minister may, from time to time, subject to an affirmative resolution of Parliament engage in that kind of activity, so that the Parliament could have some control and some influence over this whole process. I want him to give some consideration to a possible amendment in that particular area.

Mr. Vice-President, I saw in Article 6 of the Headquarters Agreement, Protection of the Headquarters. It says:

“The competent authorities shall exercise due diligence to ensure that the tranquility of the Headquarters and free access thereto are not disturbed by the unauthorized entry of any person or group of persons from outside or by disturbances in its immediate vicinity, and shall provide the Headquarters with such appropriate protection as may be required.”

It goes on to say:

“If so requested by the Secretary-General, the competent authorities shall provide a sufficient number of police or military personnel for the preservation of law and order in the Headquarters, and for the removal therefrom of persons as requested.”

Mr. Vice-President, imagine, we are putting an article into a Headquarters Agreement calling on this regime to provide protection and tranquility to the residence, the people—

Sen. D. Montano: Mr. Vice-President, if I may. The Senator is not actually right. The Headquarters Agreement has already been signed. We are not putting anything into this Agreement. This Agreement already stands as it was signed by his administration. We are bringing into force certain parts of this Agreement giving it the effect of law. We are not changing the Agreement as they signed it. It is already there.

Sen. W. Mark: That is not correct because I think that the Member has made it very clear in his opening presentation. If one looks at clause 4, it appears that there are some additional articles:

“Without prejudice to any written law, the following Articles of the Headquarters Agreement shall have the force of law in Trinidad and Tobago:”

These Articles I would like to deal with shortly, and I would like the Acting hon. Minister to indicate to me whether this is a normal arrangement. It seems not to be a normal arrangement. Whether we signed it, it is immaterial. I am arguing that the Government, under this regime, has the responsibility of providing protection to the Headquarters and those people who are in the Headquarters. This Government cannot even provide protection to the citizens of this country against crime and hooligans in this land, but it is supposed to provide protection to the Headquarters and those people who are housed there.

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

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

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, I share with you these concerns. This regime is incapable, it is incompetent and it cannot provide protection to the people of this land. Over 182 persons have been murdered for the year so far; over 94 persons have been kidnapped, and there were over 34 for ransom. Who is this Government going to protect? At the end of this year, December 31, 2005, we could be close to 350 persons being murdered. This Government, since it came into office would have witnessed and supervised the murder of over 1,000 citizens in the last four years. That is their record, but they are going to give protection as I see here.

Mr. Vice-President, I hope, I pray, that the ACS personnel would be provided with the protection because I would not like to see harm come to them when they are in their Headquarters because we are victims and targets of the bandits, kidnappers and murderers out there on a daily basis. I pray to God that these people who are going to be housed in this Headquarters would be able to get the necessary army and police protection so that their lives can at least be more peaceful. I thought that charity begins at home and the Government would give its full commitment to protecting us first.

I would like the acting hon. Minister to explain to us this new facility. We are being told under Article 10 that this particular organization will now have communication—almost like a broadcast licence—facilities and equipment under Article 10. He did indicate that this is unusual and, maybe, he needs to tell us the rationale for this particular capacity that they have now extended to this particular association, and is it going to be extended to other associations?

I am seeing where they can transmit matters and they would be immune from censorship. They want to censor radio stations in the country, but they are going to give a broadcast licence to the ACS and they have unlimited power in order of broadcasting, transmitting and communicating. We do not know what the purpose of this is. We have not been told what the purpose is. Now that the Government is bringing the Headquarters Agreement for final approval they must explain these clauses. If we were on that side, we would have done that. So I look forward to the Acting hon. Minister explaining Article 10 in terms of communication facilities for this particular agency. Also under Article 11, they have freedom of publication and broadcasting. So it is not only communication equipment that they are going to have, but the freedom to publish and to broadcast as well. Let us know. There may be a plausible reason. It might merit justification, but let us know. They just cannot take us for granted and to just repeat that we signed. We signed but we are not there now and we need to get an explanation. If I were the Minister of Foreign Affairs I would have provided the Parliament with a comprehensive explanation on this matter. Maybe, the Minister has a plausible reason but he has to tell us.

Mr. Vice-President, there are various clauses here. I have no problem in granting immunities and privileges to the various members of staff, the Secretary-General and the rest of them because that is a normal privilege that is extended. But I noticed under Article 24, drivers permit. I, as a citizen, have to pay for a driver's permit. But I see where officials of the ACS, they can just knock on the licensing officer's door and be granted free—granting without charge, what does that mean? "Granting without charge, of drivers' permits...". Could the Minister explain that to us? What is going on here? They are not even paying for their driver's licence. They are getting that free. We need to get some explanation.

Mr. Vice-President, may I inform you, it is not only officials but the official's wife, grandmother, children; sons, daughters and dependents. All of them are going to be granted driver's permits free of charge under Article 24(1)(f) of this particular document. Are they going to be subject to a driving test? I do not know. Because, there is no provision here to tell us that they are going to be subject to a driving test, so there might be more accidents on the roads with these

officials.

Mr. Vice-President, I turn to Article 26. Now tell me, this thing is like elastic, it is stretching so long, it is going to burst. It is like “laglee”. Traditionally, when we provide immunities and privileges, we provide it to officials in their particular organizations. We are now being told under Article 26 that an “expert” other than officials of the ACS while they are performing their duties—and in Article 24, almost the same privileges and immunities that are granted to the officials of the ACS are also granted or extended to these experts. They did not tell us—I see no schedule attached to say what is meant by “experts”.

It goes not only to the experts but to their “nennen”, aunts, uncles, grandmother, sister, brother, father, grandmother and grandfather. What is going on here? We need to debate these matters. We need to get some answers from the Acting hon. Minister of Foreign Affairs. There are a number of Articles that are quite disturbing and that need clarification. As I said, I hope the Acting hon. Minister would be able to provide us with some answers to these concerns I have raised.

Mr. Vice-President, I want to spend a few minutes before I wrap up dealing with disasters. The Government was supposed—and we need to get clarification from the Minister. One of the objectives of this Natural Disasters Committee is to achieve ratification of the agreement for response to natural disasters which was signed during the second summit of the Heads of States and or governments of the ACS in 1999.

3.00 p.m.

We would like to know from the Acting Minister of Foreign Affairs, seeing that Trinidad and Tobago is prone to natural disasters—apart from having a government that is a national disaster—whether the Government has signed and ratified the agreement that the Association of Caribbean States formulated as it relates to natural disasters, some time in 1999. Has the Government signed that particular convention?

Here are some of the lofty, noble objectives of this natural disasters committee. Strategic objective number one is to strengthen institutional capacity of disaster management organizations. I think that the PNM needs to be incorporated here early. They need to have some strengthening in this area because their capacity to manage disasters is really abominable. We need to know what has been done. They were supposed to have information and training centres

for disaster relief and prevention in ACS countries since 1999. This is a programmatic outline that I am presenting.

The second strategic objective is the implementation or improvement of mechanisms, tools and conditions for the mitigation of natural disasters risks and losses. One of the things that were supposed to be done from then to now was the updating of the building codes for winds and earthquakes for the Greater Caribbean. I would like to ask the hon. Minister whether any aspect of this project has been accomplished by his Government or by the region.

The other activity that is supposed to be done is the ACS regional workshop on an early warning system because they wanted to put into effect an early warning system for the Greater Caribbean, as has been proposed in Asia after the tsunami. We would like to know what has happened.

It goes on to talk about objectives three and four. All those things that they are supposed to do are written here. When they are supposed to do it, I do not know. We do not know what has been achieved because the Minister has not provided this honourable Senate with any details on the particular subject matter that we are addressing today.

Mr. Vice-President, we need answers. There is a very powerful and scholarly individual who occupies that office today. He is from the Dominican Republic. I think that his name is Dr. Reuben Valdez. He is a very bright and scholarly individual. I congratulate him on his appointment. As you know, the person before him was Dr. Norman Girvan from Jamaica, who is also a very bright and scholarly Caribbean nationalist and patriot.

I would like to know from the hon. Minister, when he is winding up, whether the ACS has provided the country and the region with greater economic and political space that it was supposed to when it was first established, otherwise, we are going to be approving something on which, in real terms, we do not have information.

The Minister owes us detailed information on some of the matters that I have raised, and I am sure my colleagues will raise, before we give the kind of support we would like to extend. Without this clarification and information, we would be hesitant to move forward.

I thank you for allowing me to make this short contribution.

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, I am quite sure, if I were in the hon. Minister's shoes, I would have been taken by surprise as to the scope

of Sen. Mark's contribution and the very challenging questions I have to answer in the absence of the substantive Minister. I do not want to say I sympathize with him because I am quite sure he can handle himself, but there is some justification for the scope of issues raised by Sen. Mark, except that this is a request to implement an agreement which is already signed and that makes the Minister's position even more invidious.

This reminds me about the Anti-Terrorism Bill, which we debated here to some extent a few weeks ago, with respect to two aspects. One is that a large part of the Anti-Terrorism Bill was almost mandatory for us to enact because of the international treaty considerations. So the scope for debate really is not so much to debate, but to clarify and to inform the national population as to what we are getting into.

My more important point in this request for implementation of the agreement is to recall some of the strictures that this Senate was given during that debate and which are quite relevant to today's session. We were told, Mr. Vice-President, that the world has changed; that what used to be normal is no longer normal in terms of matters of national security and in terms of the traditional rights and freedoms to which people are accustomed. We were told further that some of those rights and freedoms have to be modified in certain circumstances, thereby bringing us close, if not directly upon contravening our basic freedoms in section 4 of the Constitution.

I am not speaking as a Venezuelan, a Colombian or a member of the Central American population, some of whom have some presence in the Association of Caribbean States. I am speaking as a citizen of Trinidad and Tobago and I would want to ask, as citizens of this country should ask: How is it that so many of my freedoms are being put under challenge and the justification for that challenge and those freedoms are not diminished for other people? In fact, how is it that other people have so much immunity as they come into the country and go as they want? How is it that the substantive diplomats in the ACS can be free from immigration and customs supervision, except in the rare case which is delineated here? How is it, as a professor myself or as a parliamentarian, I have to be subjected to all those strictures?

The thing about inequality and unequal treatment is not so much that it is unequal, because inequality sometimes is functional. You cannot treat everybody the same way and everybody cannot be given the same opportunity. What I am pressing for and what I would ask the Minister to venture out into—two specific

ones I would make later on—is to justify the differentials in treatment for these ACS officers.

I think Sen. Mark had a point when he asked about the benefit accruing to this country through the ACS. It is in that terrain that the justification would have to lie because we are surrendering, as it were, a number of the normal procedures that we apply so stringently to our ordinary people. It tempts me to go into what is called the Marxist ideology—how the upper class pampers itself, fattens itself with exuberant pomposity at every turn of whim and fancy. In places where there are the depressed masses languishing, not knowing what is going on way above their heads, the gap between the two is so, not only intriguing, but tragic sometimes.

I do not mind giving immunity and freedom of passage to the officials, their spouses and dependents; bringing in furniture, motor cars, luggage, parcels, if there is some justification and some proper monitoring system, the latter of which I find virtually absent. That, you will say, is part of the treaty. Therefore, what I am implying is in such unusual circumstances that they should let the people know what the country is getting into and, by implication, what the immigration officers, customs officers and border controls are now facing.

If you tell me in the Anti-Terrorism Bill that the world is no longer as it was before September 11, and you are pressing us to make so many concessions in the way we are accustomed to live because of such urgency and frightening circumstances, are you not worried, Mr. Vice-President? Let me reaffirm that it is not so much that I am against the agreement but I am pleading, on behalf of the national community, for some justification for the large differentials between freedoms granted to one set of people, who are virtually strangers to the land, and ordinary citizens.

This is no quibbling matter because information to the ordinary citizen is getting less and less. There are so many more important things happening above their heads in terms of information, that the Parliament is deemed irrelevant in that context. I am trying to save the face of Parliament as a “spokesman” for the ordinary citizen. Therefore, while I would agree on implementing the agreement, I want us to be more open with the population and let them know. Sen. Cropper has made that case as well. Let the people know why, especially when their rights and freedoms are in jeopardy. That is all we are asking; and that is all I am asking in this particular instance.

When you look at Article 5 of the Bill, it is highly unusual, but let us make it acceptable by some justification, not just an arbitrary expression of a statement in an agreement: There has to be some justification for the country. It says that:

“No officer or official of Trinidad and Tobago, or other person exercising any public authority within Trinidad and Tobago, whether administrative, police, judicial or otherwise...”

So no police, no judge, no magistrate, no immigration officer, no customs officer could enter the headquarters, even if they suspect there might be drugs there; even if they suspect there might be small arms being smuggled.

I am particularly interested at this point, not just from the theory of citizenship, but I am interested because there are several reports emanating from different parts of the world where a lot of smuggling moves from one diplomatic mission to another, because they enjoy these freedoms of movement and ease of access from one country to another. This is not a matter of a scholarly opinion; this is a matter following on what we were told—that the world has changed and that people need to take stiffer precautions in controlling their borders. The people who come in and out must also understand that. We have heard that the United States is the land of freedom. When you go to that land of freedom, you feel like a prisoner, guilty until proven innocent. Perhaps the Ministry of Foreign Affairs would look into this if they have not heard of it.

The State Department is reviewing all the diplomatic protocol for United Nations officials and, similarly, the European Union. There is good reason for that. The free passage for spouse, dependents and so on, those protocols, have been reexamined because we were told that after September 11 the world has changed. It should change for us too. It should change, not only for our citizens, by telling us that we need these new laws and our rights are being diminished, but for people who move in and out, including those in the ACS.

This is a very relevant point. There was an American writer who said: “Sometimes we have to save the people from the Government.” His most sleepless nights are when Parliament is in session. I do not know whether Parliament as a whole recognizes the responsibility we have for the rest of the country. I believe we do things so mechanically, without feeling an obligation for the higher purpose, and one such purpose is to give the public the information they require to feel comfortable or, if something they are accustomed with is being diminished, they should have justification. I am sure the Acting Minister is capable of doing that.

Article 6 tells us—and it was mentioned—that we have to ensure “competent authority”, which here means the Government. You have to ensure that the place is peaceful where the ACS is. Do you know how many places in this country suffer from noise and a lack of tranquility? The public would want to know how you want tranquility there and in their district, whether it is Westmoorings, Caroni or Morvant, it is noisy.

It might be a minor point, but this country is drifting into two separate camps in terms of opportunities and a feeling of relative deprivation. I do not know if the Government is sensing what is happening in the national community. I do not know if they have their noses so sensitized so as to smell the atmosphere, because we have a restless national community. It is becoming restless, not only because they might be poor or lack resources, but also because they feel they suffer from relative deprivation; that others are having much more than they are having and so they feel cheated. So, when you grant all these privileges, I think, first of all, that the country should know in a wider way what these privileges are and why they are justifiable.

The first point is to look at how the officers, their dependents and their spouses are untouchable. I believe that is a very important point whether it is an agreement already signed or not. When you look at Article 14, the process deepens. It tells you that the property and the assets of the ACS shall be immune from any kind of legal process. You cannot enter whether you are an officer of the law in terms of immigration, customs or police. You cannot search, you cannot confiscate, you cannot expropriate.

But the world has changed! Drug smuggling is an issue in transnational crime. The easiest way, in terms of possibilities, that you can smuggle drugs from one point to another is through the diplomatic process. I do not need to go further to convince anybody about that. There are stories and cases, both at the United Nations level and even in our own domain.

The question I will ask in a few minutes is in reference to Article 29. How exactly does the Government intend to allow such free access, passage and freedoms and to monitor them without violating the agreement? Or is Article 29 just put in there for genuflection purposes, to say they know it is a serious issue and they would look at it? They have to tell us at this stage how they would really monitor these free passages because the world has changed. We are told so. It has changed since September 11 and that the freedoms we used to enjoy can no longer be so. The United States has told the world that. “The way you used to come in and out of the United States can no longer apply.” So, we are folks too. We have

to look after our own borders, especially since—and I cast no aspersions, but merely describe—that we have a heavy Latin American presence in the ACS.

Mr. Vice-President, it is not only the ACS. We have had, I think it was a bill or an agreement where officials of the Caricom Secretariat have these diplomatic freedoms. Then we have the Single Market and Economy in which freedom of movement and the whole concept of ordinary citizenship has changed, not only for those actually living in St. Kitts, St. Vincent, Grenada and Guyana in terms of freedom of movement, even though there are some limits to that now, but eventually it will be in a fuller sense.

There are people who have company attachments, business people, whose residences may be outside the Caribbean. So when you look at all these things together, I do not think we should be paranoid so as to suspect everything that moves, but you are opening your doors wider and, at the same time, you are telling us that the world has changed and you need tighter security because of the imminent dangers, not only through terrorism, but through drug trafficking and smuggling of illegal arms. In the first instance our parliamentarians know what we are getting into. I want us to sit up and not deny the agreement.

Article 17 looks like a real excursion. Everybody can come in. I understand the agreement. I do not want to sound as if I am naive and I do not know about international treaties and protocol. That is the normal thing. We know what a treaty is and we know the rule of reciprocity, but we have been told that the world has changed. This document harkens back to a number of years ago when the world was different from today. That is what that same Government has told us as justification for the Anti-Terrorism Bill and, to some extent, I agree with them. You say that no impediment must be put by this Government in the way of, in and out, upon representatives of the member states, observers, alternates, advisers, experts, staff, spouses dependent members, families and even domestic workers. You understand a domestic worker walking into Trinidad and Tobago with a suitcase because he or she is attached to a mission, ACS, and, from what I read here, unless I could be corrected, such things cannot be searched. Domestic staff and officials of the Association too, representatives of other organizations, not the ACS now, with which the Association has established official relations, as well as spouses and dependent members of the families of those other groups. Really! Really! Really! I am sure the Attorney General with his fine mind is beginning to see some light in what I am trying to say. I hope he is still a scholar and has not

allowed the vagaries of everyday politics to contaminate his otherwise bright sense. That is the struggle a lot of us have.

Sen. D. Montano: Mr. Vice-President, on a point of correction, the hon. Sen. Prof. Deosaran just mentioned that domestic servants were to have diplomatic immunity under the Article. Article 17 is not being enacted in this Bill. It is part of the Headquarters Agreement, but it is not being enacted and, therefore, really falls outside the Bill we are talking about here today.

Sen. Prof. R. Deosaran: Thank you very much, hon. Minister. So, you know the implication of what you have said and of what I am trying to say.

It is not that I am trying to create a harum-scarum situation here. I am trying to take note of the warning that has been given, that the world has changed and the ordinary strictures of border control and our sensitivity about rights and freedoms have to be modified in the face of new challenges. We cannot do business as usual.

On that same Article—I thank the Minister for his correction—it goes on:

“(e) Representatives of the press, radio, film, television or other information media, who have been accredited to the Association at its discretion after consultation with the Government;”

So we have a little phrase there, “after consultation with the Government”. You know how the staff of the Ministry of Foreign Affairs is very busy. They have a lot to do, or the Minister might be very busy. It is just a matter of rubber-stamping the request.

I have nothing against members of the press. Some of them are most honest, with great integrity and commitment to their purpose, but we are speaking about the principle of expansion, which, I believe, is a bit overdone in the circumstances where this country needs to protect its borders. You cannot talk about illegal smuggling and drugs coming in unless you take the measures properly required without overdoing it.

Let us take Article 24 on page 21. All those things are happening. You cannot search the place; at least according to parts of the agreement that are now fully in place and even in those that are not yet, but could be considered in the Bill after the process is finished.

3.30 p.m.

The Association, meaning the officials, shall enjoy immunity from legal processes in respect of any word spoken and written even when such officials have ceased to be officials of the acts performed by them in the official capacity.

“...such immunity to continue Association;”

There might be some words missing there, Mr. Minister. I do not know if that is correct. It shows the long arm of liberality that is given; an escape that is given from answering to a possible charge that might require immunity. Immunity means that you can do something wrong or be suspected of doing something wrong and nobody can touch you. In a sense, no authority can really touch you because you have immunity. They are immune from personal arrest or detention. They are immune from inspection and seizure of personal and official baggage, except in the case of articles of obvious violation of the rules.

Exemption from immigration restrictions—There are exemptions and immunities in the face of a changing world; a world that is now very vulnerable to subversion of all different kinds. Diplomats also have feet of clay. Diplomats can also fall victim to temptation. It has been seen and it will always be so unless we put the safeguards in place. There is room to worry, when the safeguards, in this context, are so diminished and so lowly placed. For obvious reasons there is a treaty, and an agreement. We need to revisit and if we cannot change anything, we can at least tell the public and the national community what it is that we are getting into with this Association of Caribbean States.

Once again, I lament, I urge and encourage the Government, especially through the capable hands of the Minister of Public Administration and Information, to let us have the broadcasting facility, so that the Minister's speech can be aired wide and far. When Sen. Mark speaks, assuming there is more time left for some of us, the country would hear what he has to say. When our Independent Senators speak, as long as they are here, they too will hear what parliamentarians have to say, so we will not depend on the market space for news and statements from us. We need a better system of information delivery. This is yet another case. I keep making the point that there are two things I am enthused about in the short time I will be here; the broadcasting system in order to strengthen our democracy; and our Joint Parliamentary Select Committee. When we leave here, some of us, we would have played a part in setting up two systems that will do our democracy and our people much better than that which we enjoy.

In fact, one of the longest paragraphs on page 22, under Article 24, is the freedoms and privileges these people have to import and bring in furniture and

motor cars. When you look at Article 29; this was really my concern. I am concerned, not just to disagree with the Government. I appreciate—the Minister would know this—what he has to do. As I said with the Anti-Terrorism Bill, somebody has to do it. The Government at some time or the other has to carry out these responsibilities, but it does not save us from not explaining to the country and at least to be fully aware of what we are getting into. When we look at Article 29(2), it states:

“Should the Government consider that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Secretary-General shall, upon request, consult with the Government to determine whether any such abuse has occurred.”

It really depends, as far as the process is concerned, upon the Secretary-General telling his country or having to agree, at least in the first instance, whether such an offence has been committed. This ACS is like another country. This is like the Vatican in Italy. This is a full country we are dealing here with, in terms of these procedures and privileges.

To me, it might be in the agreement but it is rather anomalous to have an officer of an international institution telling a government, which might have good reason to suspect a misdemeanor, whether or not in fact a misdemeanor has been committed. Of course there is a process. Later on we might read about a tribunal with the OAS intervention, but in the first instance I thought the State was the supreme authority in its country, especially in cases where an offence has been suspected. I want to ask the Minister if he is able to do so.

“Should the Government consider...”

How are you going to consider whether an abuse of privilege or immunity has been broken? What mechanism will you have in place? If you cannot search the bags, you cannot inspect things as you normally do; what magic powers are you going to use to reach that suspicion or prima face basis, to intervene or consult with the Secretary-General? There has to be some mechanism in place. I am, therefore, asking, with respect what is the mechanism?

It takes us further to Article 35.

“...the Government may take every preventive measure to preserve the national security of Trinidad and Tobago after consultation with the Secretary-General.”

The Government may take every preventive measure. How will you take these preventive measures? What systems will you have? Are you going to have a new corps called the Diplomatic Police, where, by legislation, you give them special powers of discretion to work together with the security staff in the mission, so that you would not have the ordinary police; the SRPs? We know the SRPs are these days—it is like they are fighting a war. They are gathering guns and ammunition. I warned the Government about taking in these SRPs too quickly. Persons felt I was offensive and all kinds of things, but I know about these things a little bit; I would not say too much. I know about these things. I may not belong to the Government, but this is my country too. When I act or say things, I do it for the benefit of the country, until such time I am proven otherwise. I am always disheartened by the response you sometimes get but, anyhow.

I would like to know what preventive measures are available and whether the Government, in its wisdom or reflection, can generate a new purpose, because the world has changed. We are told that since 9/11 the world has changed and there must be new structures around our borders. As I indicated earlier on, without further elaboration, the European Union is taking such measures, especially with the new entrance into the European Union with Turkey and those other countries coming in. France has taken steps and the Americans, through the state department—you will hear about it just now—are taking strict steps to review all these protocols we are having across the world. Mr. Vice-President, I think the Government is doing what it is supposed to do, but I would like us to move a little carefully because we have been told that the world has changed.

I am going back to Article 23, which is an interesting one, freedom of speech. They are like they are sitting in a Parliament and they can say and write anything at their meetings without being held accountable, because they have immunity. That is all right.

Finally, my concern is that we in Trinidad and Tobago, as a Government and a Parliament, have to be alert to these things. We have to ensure that whilst we have an agreement it is also in our interest, if not as Sen. Mark mentioned; if not in pure economic terms, at least in the interest of national security, because we are faced with drug smuggling and the smuggling of illegal arms. I want to repeat: diplomats also have feet of clay. It has been proven many times. I do not have to tell you about the role of espionage, counter-espionage and these James Bonds, but the world is a different place. If it is said to be a different place for the ordinary citizens, in terms of how our rights and freedoms have to be revisited and even diminished in the interest of some wider purpose, I also believe that the time has

come for such agreements to be looked upon with sharper scrutiny and in the interest of the national security of this country.

Apart from the substantive issues in the agreement, I wish we have some means of letting the public know what is happening at our borders with respect to these spouses, dependents and officials. This has to be taken in terms of the freedom of movement afforded by the single market and economy. We are going to have a different set of border controls and more pressures put upon those same borders.

Mr. Vice-President, I have some remarks I could have made with respect to Caribbean unity, the process and the people involved but I do not think it might be quite opportune.

I want to thank you for listening to me and I hope that Senators share at least, if not all, some of the concerns that I have expressed. Thank you, Sir.

Sen. Sadiq Baksh: Mr. Vice-President, I join this debate on the Bill to provide for the implementation by the Government of Trinidad and Tobago of certain of the provisions of the Agreement between the Government of the Republic of Trinidad and Tobago and the Association of Caribbean States.

I am certain that all Senators in the Senate did not anticipate this type of discussion to be generated by such a routine matter. I say routine matter, mainly because we on this side support the Association of Caribbean States as an organization committed to the development of good policies within the region and as such, I would have to place the blame squarely on the acting Minister for not taking the time to properly go through what we sought to do this evening. Because of the scant courtesy meted to Senators, we are forced to interpret things that are not there.

I am aware that the Minister is the acting Minister of Foreign Affairs, but the Minister, having been a Minister in three other ministries, this is his fourth Ministry and acting in a fifth, I had to conclude that he would be aware of all the workings of the Government and would have come here well prepared to explain to us what was taking place with this particular agreement. That is not new. We have come to understand that this administration really does not think about what they are doing. They come here and expect to be rubber-stamped. They expect that all the Senators here would just sit by, listen to them and pass everything and not take time to study. I assure you that that is not true.

I want to draw to your attention a similar situation that has become the norm for this Government. The Minister came here this afternoon feeling that he could just spend a couple of minutes, say what he wants to say and not explain it properly; the same way this administration took a decision to build an \$850 million stadium and then what do we have? There is oil in the stadium. There are five oil wells in the stadium. The Government did not take time to think about the stadium and where they were putting the stadium. Mr. Vice-President, I pass this on for you to have a look.

Sen. Yuille-Williams: I hate to do you this, but you know \$850 million is not for the stadium. The stadium costs \$295 million; that is for the entire complex. Please do not say \$850 million for the stadium. I know that you know that Senator.

Sen. S. Baksh: Mr. Vice-President, whether \$850 million, \$250 million or \$2 million, you cannot build a stadium in an oilfield. [*Laughter and desk thumping*] The same way the Minister came here this afternoon, hoping to just say something and pass it through, it is the same way they expect to build a stadium. They did not go on the site. They did not investigate it. I am quoting from *Southscape Volume I, No. 2* of July 2005. I will pass it on to you.

Sen. Dr. Saith: What is the name?

Sen. S. Baksh: *Southscape*.

Sen. Dr. Saith: Who is the editor?

Sen. S. Baksh: The editor is Vernon Khelawan.

I draw this to your attention for you to understand what is taking place. Had the Minister come here and told us of the good work of the Association of Caribbean States, the functioning of the committees, all the achievements of the Association of Caribbean States and the performance of the Association of Caribbean States, we would not have generated all the discussion that we are generating now.

I had the opportunity to serve as the Chairman of the Transport Committee of the Association of Caribbean States for two years and I am aware of the work, the principle and methodology that they go about doing their business. I will not vouch for all the things that this Bill purports to bring to the Association of Caribbean States but I draw to your attention that when Trinidad and Tobago attracted the ACS Headquarters to be placed in Port of Spain, I am sure that the administration had a plan. They had a plan to build a headquarters. They had a

plan to do a number of things. When we came to office, we recognized that having the Headquarters of the Association of Caribbean States in Port of Spain was in fact an opportunity to place Trinidad and Tobago as one of the regional natural heads of the diplomatic missions. We had that. We knew that it was important to establish the aviation infrastructure, to be able to facilitate that type of development. We recognized that the construction of the Headquarters of the ACS was also a necessity and as such we started the Port of Spain Waterfront Development Project for the Headquarters of the Association of Caribbean States. Mr. Vice-President, we reached the point of having the designs. We had discussions with the ACS and developed a users' brief. We did a pre-feasibility study and a feasibility study and were in the stage of the award of a design construction plan for the Headquarters of the Association of Caribbean States at the Port of Port of Spain.

It is approximately four years since this administration came into office and they have not kept good on the construction of the Headquarters of the Association of Caribbean States. If we completed the construction of the Headquarters of the Association of Caribbean States, we would have been the natural home of the FTAA. They have been able to judge us on our performance as a country. The world would have been in a position to see that Trinidad and Tobago took seriously the establishment of Port of Spain as the natural home for the diplomatic headquarters of the region. They would have seen that we took it naturally as the home for the financial centre. They would have seen—
[*Interruption*]

Sen. Dr. Saith: I do not want to stop you in the flow but I have just been able to get a copy of *Southscape*. Is it in fact a free newspaper and this is Volume I? I would like to know the circulation. One page?

Sen. Yuille-Williams: The only item.

Sen. Dr. Saith: I just want to make sure.

Sen. S. Baksh: I am sure that he will consult with the editor.

Sen. Dr. Saith: Tell me who the editor is.

Sen. S. Baksh: Vernon Khelawan.

Mr. Vice-President, it all goes to show that this administration, before they go down to the site and see oil flowing like water, they would like to treat this matter just as they treated the Union Estate. That is how they do it. After they “lick” up thousands of acres, they go down to Chatham. The Government has not built one

smelter as yet, but it has expanded. That is performance PNM style! It is the same way; they have not built the Headquarters of the ACS but it is ready to build the headquarters of the FTAA. That is what it is. Mr. Vice-President, the only action taken by this administration to show Port of Spain as the natural home of the Headquarters of the ACS or the FTAA is to put some bilingual signs on the streets of Port of Spain; that is all, cosmetics. When the Prime Minister talked about building skyscrapers, it is only to satisfy his own ego to make Trinidad and Tobago appear like a developed country, when it is not. To make Trinidad and Tobago a developed country, you have to do many other things, including providing the resources necessary for the Association of Caribbean States to do the job that they are supposed to do.

One of the outstanding areas identified by the Association of Caribbean States is the provision of transport. Transport is, in fact the foundation on which you could build sustainable tourism and trade. Without transportation you cannot have trade or tourism, you cannot establish the type of cultural contacts that are necessary. This administration, instead of creating a further platform, so that the Association of Caribbean States could flourish, by ensuring that they keep BWIA flying, they, because of their incompetence, will see BWIA go under. Transport is the foundation stone on which the ACS will flourish. Transportation is the lifeblood of the Association of Caribbean States and the FTAA. Could you imagine an official of the Association of Caribbean States, or the FTAA, living in Honduras, Panama or Costa Rica having to travel north to come to Port of Spain before they can come south? That is the reality. When this administration made half of an effort to establish an air route between Costa Rica and Trinidad and Tobago, Santo Domingo and Trinidad and Tobago and Cuba and Trinidad and Tobago, I supported that. They abandoned it. What was necessary? What they did not understand, they did not let their heads rule their hearts. They did not embark on a marketing policy. They did not embark on a marketing strategy. They did not go out there and advertise Trinidad and Tobago. Or was it that they were afraid to market Trinidad and Tobago and have travel advisories advising citizens not to come to Trinidad and Tobago, because they cannot deal with crime and they cannot deal with the criminal activities taking place?

It is important for this administration to understand that it cannot just say that it supports an organization, air links or additional air routes but then do nothing about it. Just on the score of air travel between Trinidad and Tobago and the rest of the Association of Caribbean States, we have failed the test, in terms of providing the infrastructure to allow the Association of Caribbean States to flourish.

A major fundamental for the continuance and prosperity of the Association of Caribbean States is the establishment of a transshipment port, one in the south and one in the north. The establishment of a transshipment port was identified early, as a target and at a policy level for the Association of Caribbean States. But because of the lack of support and the lack of will from this administration, we have not had any of those transshipment ports established as yet. Port of Spain is the natural home for a transshipment port, to facilitate the transportation and trade between Trinidad and Tobago and the rest of the Association of Caribbean States. We have failed—not only to establish Trinidad and Tobago in the last four years after they started the expansion and to continue that expansion—it took four years to convert Port of Spain from a modern port to now becoming the “Port of Pain”. Port of Spain is now the “Port of Pain” because you cannot get your goods transported from the port.

The container shipping station is almost impossible. What they did—while they speak about the private sector and about getting the business sector involved in the commanding heights of the economy—is that they have not reverted to the Port of Port of Spain running the container stripping station. What we now have is a situation in which the cost to the ordinary citizen in Trinidad and Tobago continues to escalate because of the inefficiencies created by this PNM administration on the Port of Port of Spain. Just by themselves, they have converted the Port of Port of Spain into the “Port of Pain”; not only to the shippers and haulers, but to every citizen in Trinidad and Tobago. The consumers continue to ask why are the food prices rising. The main reasons we have rising food prices in Trinidad and Tobago is first of all, the bad policies of this administration; secondly, the rise in the fuel cost; and thirdly, shipping costs and inefficiencies on the Port of Port of Spain.

As we look at what we have before us, in terms of the Association of Caribbean States, we need to look even further. The harmonization of the regulations in the shipping sector is an important aspect of the development of transportation. We cannot have different policies on different countries that make up the Association of Caribbean States. The harmonization of those agreements must be a priority for this administration. A common air transportation policy and a common agreement are also of absolute necessity. That is not for the Association of Caribbean States, that is for the individual governments including Trinidad and Tobago. Trinidad and Tobago, being a leading member and the Headquarters of the Association of Caribbean States, needs to set the example. We need to set the example by bringing to the table, all the different regional players, to ensure that we now have a common air agreement and air policy

within the region, so as to facilitate greater links between those states and Trinidad and Tobago.

While we do that, we need to establish proper border controls. We must now have a seamless transfer of goods and services and goods and people from different members of the ACS. To do that, we need to ensure that all our border activities, in terms of ports of entry and departure are well organized and harmonized. We need to ensure that we provide the type of security that is necessary, so that you will not have interruptions and a situation of delays, either for the shipping of commodities, or the movement of people to and fro.

Mr. Vice-President, the Caribbean Sea is of special value to every citizen within the region; it is a very fragile ecosystem. You would realize that it is for those reasons the transportation of nuclear waste is something that we do not encourage in the Caribbean Sea. We are opposed to that as a country and a region, because of the fragile nature of the ecosystem. Since we are the keepers of this environment, the Government must set the pace. The Government cannot in one breath, because of the ACS, recognize the importance of the fragile ecosystem within the region but then develop its industrial policy to increase greenhouse gas emissions and the construction of smelters within the Gulf of Paria and the region. That will be harmful to the environment. It cannot say one thing and do another. But this administration continues to do that; they say one thing and then they do something else. The Government said that they are for the environment, but they destroy the environment. The Government said that they are for the ACS, but they do not provide all the resources that are necessary. They do not provide the support. They said that they are for transportation but they work to close down BWIA, because of their inefficiency.

We were promised a comprehensive report on the future of BWIA months ago. From time to time we heard in this Senate, when we raised the matter of BWIA—I raised the matter on the Motion for the Adjournment—in this Senate and the Minister of Works and Transport spoke on behalf of the Government, he said that they were reviewing BWIA with a view to making it more efficient. That was before the \$120 million loan. They on that side forget that we have had almost \$1 billion so far and more to come. We have always said that we support BWIA, but with proper management. We have a situation in which, to make BWIA better, the Government sent home 517 workers. That is their way of making BWIA better.

When you look at the areas within the Bill, you will see a number of areas in which immunities continue to be provided. Crime and criminal activities undermine the freedom and democracy of citizens everywhere, not only in

Trinidad and Tobago, everywhere. I find it absolutely necessary that this administration provides safety, not only for members of the ACS. I am not sure how the Government can convince officials travelling to Trinidad and Tobago that they will be safe. Is it that they are going to live within the confines of the Headquarters of the ACS whether it is rented or not? Will they not walk the streets of Trinidad and Tobago? Will they not go to the same places that we go to purchase the goods and services that we purchase? In providing safety and security for members of the Association of Caribbean States—I want to repeat what my colleague said—we must begin by providing safety and security for the citizens of Trinidad and Tobago. When you provide safety and security for the citizens of Trinidad and Tobago, you would be providing security not only for members of the ACS but for all other visitors that visit our country.

I know how pained our Prime Minister was when he saw what happened in St. Lucia but we warned him. Our Prime Minister continues to fight to provide subsidized oil to Caricom members and then get kicked for it. Do you know that happened? Our hon. Prime Minister is fighting to provide subsidized oil and petroleum products to our Caricom brothers and sisters and they kick us all the time. I want to advise this administration to use that subsidy to subsidize fuel prices in Trinidad and Tobago. Instead of subsidizing our hydrocarbon resources to other islands, the Government should subsidize the transport sector, so that food prices will go down. I know that we are moving away from subsidies worldwide, in terms of agriculture, but not for local consumption. You can subsidize agriculture for local consumption and provide food supplies and security for our nation to the tune of a guaranteed \$2 billion annually. I am simply recommending to this administration, to fix Trinidad and Tobago first and ensure that citizens of our country benefit from this windfall that we are having. I want to advise the administration that maybe they could resuscitate the five wells on the site of the stadium. That will go further in enhancing our exports, not to Caricom, but other countries.

The Association of Caribbean States developed some interesting strategies in terms of disaster preparedness. They collaborated with a number of agencies within and outside the region. They have developed some technical expertise in the working committees, in terms of disaster preparedness, not only in early warning systems, but also in terms of preparing the region for the natural disasters we suffer on an annual basis. Hurricanes continue to wreak havoc within the region and the establishment of proper building codes—as identified early in the life of the Association of Caribbean States—could possibly be one of the methods that we could utilize to brace ourselves against these natural disasters. As they

develop that policy within the region, Trinidad and Tobago is also permitted— The then government and this PNM administration, as far back as when we had the earthquake in Tobago, took a decision that they would implement proper building codes within an already established public service, in terms of having inspectors to go on construction sites. After the plans are approved there are inspectors who will go to ensure that the steel is tied and properly interlocked and that the roof and all the other parts of the home and other buildings are well secured. But, in Trinidad and Tobago, under this administration, it is just about approving the plans but not ensuring that we conform to those plans. Within the laws that we have, after four years of building, when you do not conform to the plan, it is approved. We cannot continue like that. We need to take stock now. We need to ensure that we in Trinidad and Tobago—[*Interruption*]

Sen. Dr. Saith: Mr. Vice-President, on a point of order. The contribution is totally irrelevant to the Bill before us. I have never seen a debate in which we have gone all over the place. What has the approval of building plans—

Sen. Mark: Same lack of preparation. The whole Government is unprepared.

Sen. S. Baksh: I am really amazed that the Hon. Minister really took this ACS Bill for granted. The Association of Caribbean States—[*Interruption*]

Sen. Dr. Saith: I am suggesting, under the Standing Orders, that the contribution is irrelevant.

Sen. Mark: On what basis?

Sen. Dr. Kernahan: How could he say that the contribution is irrelevant?

Mr. Vice-President: Sen. Baksh, could you please keep your contribution confined to the context of the Bill? I think that is what the Senator is asking.

Sen. S. Baksh: Mr. Vice-President, I will adhere to your ruling; you know that I normally do that. Under the Association of Caribbean States, which we are debating now, in terms of all the immunities and the establishment of the Agreement between the Government and the Association of Caribbean States, there are a number of committees. I did not think that I had to go through all of them so that the Senator will understand it, but I will. The committees are: trade, transport, sustainable development and natural disasters. I was raising it in that context. It is easy to make a link between the committees of the Association of Caribbean States. I am quoting from page 11 of a document from the Association of Caribbean States. I can pass the document for you to understand. It is saying basically that a special committee on natural disasters focuses mainly on the fostering of cooperation between the bodies responsible for disaster planning and

response to the region. The committee has four main objectives for the next two years. One of these is to help the institutional strengthening of regional bodies. This includes human resources and project management.

Another main objective is to achieve ratification of the agreement for a response to natural disasters, which was signed during the Second Summit of the Heads of States and Governments of the ACS in 1999. Also, during 2002, the committee would be undertaking its first Inter-American Development Bank funded project to review and update all the wind and earthquake codes in the region. The committee is also providing tools to strengthen nation organization in prevention and mitigation of natural disasters. Also in the works are projects that will seek to develop early warning systems in the region and strengthen the information system of natural and regional bodies.

The connection between the work plan of the Association of Caribbean States and the Bill before us is to show this honourable Senate the work of the Association of Caribbean States and the need for this administration to provide a headquarters for the ACS, the funding and the tools so that they implement these policies. If the Minister wants me to read I can read. I did not want to read and repeat what persons could go on the Internet and see. I wanted to get into the areas where we in this Senate could contribute towards the, not elimination, but mitigation against disasters within the region. I looked specifically at certain aspects. I did not deal with trade. I will not deal with trade and sustainable tourism because it is part of the Association of Caribbean States.

This Bill before us will provide for the implementation, by the Government of Trinidad and Tobago, of the provisions of the agreement. The provisions of the Agreement are what enabled all these committees to function the way they are functioning. How do we expect to really develop trade within the region, when we have not worked on all the other fundamentals? A major part of the establishment of the Association of Caribbean States is to make Trinidad and Tobago a bilingual country. This administration and administrations before this one took a decision in 1987 to make Trinidad and Tobago a bilingual country by 2000. The year 2000 came and went. We now have a committee set up by this administration to make Trinidad and Tobago bilingual by 2020. This committee is headed by an outstanding citizen Ms. Sharon Gopaul, the honorary Member of Parliament for St. Joseph. She is doing an outstanding job. I think that she has placed on the agenda, once again, the need for us to be bilingual. I support that. We on this side support the Government's effort in making Trinidad and Tobago bilingual; never mind they started with the signs. No matter how small it is, it is a good start. We

are not here to tell you that it should be bilingual, but not put up the signs. That is a good thing. We want to ensure that you do the job.

When you establish good transportation links you would then be able to develop trade and tourism. Sustainable tourism is about keeping the product that we have. The Minister wants me to get into the airport. I do not want to get into the airport. I am not raising the Tobago airport again. I am leaving that for you all to handle. There are certain things that I will leave to them now. I drew it to their attention, they planted it and it will grow. Whether it grows or not, that is their business. If they do not want to fertilize it, that is their business. You know what the Senator did not tell you? They had planned to build an airport where the stadium site is located. They had a fixation with airports. They had an airport plan for the same place. Do you remember approximately four decades ago, they had a plan for San Fernando? Since then, nothing has happened. Say what; talk and move on again. This is another day in the life of Trinidad and Tobago.

The Trade and Development and External Economic Relations Committee of the Association of Caribbean States developed a number of good projects and they have a number of commodities that are now available. Two areas of vital—*[Interruption]* You cannot please them on that side, I was going without it. The Senator wants to get the link. He wants to get authentic ACS documents. I can give them to him. I came prepared with all the documents, but I really did not want to. I read them, but prepared myself and planned to stay between transportation, but when the hon. Minister tried to do what he did, in terms of not allowing the Opposition to have its say, he will have his way. I am not sure what is the problem this afternoon? What should have been a routine matter has now reached the stage where we have a number of people starting to look at why they would not support this. We want to support this. We do not want to impede the work of the ACS. The ACS has its headquarters and also its work programmes here. When we see certain immunities granted to an organization, and all the people related—not necessarily the workers alone, but it extended to the nuclear family in every region and a number of organizations that are observers—it is critical to understand that a number of organizations outside of the region have observer status with the Association of Caribbean States. The Minister must tell us whether these immunities are extended to all observers. We have seen in the Bill that all the consultants and all the experts are now excluded. We want to enquire whether all the observers are also excluded. When you are granting immunity to anyone, it is important that you do so after proper evaluation.

Article 5(2) states:

“The service of legal process, including the seizure of private property, shall not take place within the Headquarters except with the express consent of, and under conditions approved by, the Secretary-General.”

That is something that we need to take note of. My colleagues raised those matters for clarification and I raise them with the hope that the hon. Minister would be able to provide answers.

Article 6 speaks about the Protection of the Headquarters.

“The competent authorities shall exercise due diligence to ensure that the tranquillity of the Headquarters and free access thereto are not disturbed by the unauthorized entry of any person or group of persons from outside or by disturbances in its immediate vicinity, and shall provide the Headquarters with such appropriate protection as may be required.”

This would mean providing not only concrete walls and barriers, but also having guards around on a 24-hour basis. It is the only way we would be able to provide the type of security if you follow it to the letter.

We already have an overworked police service. Those who work are overworked definitely, because they are carrying the workload of the entire service. Are we going to put those officers who are already overworked, are we going to create a new group, or are we going to MTS or another state organization? MTS is now a threatened organization. The “CEPEParization” of MTS might be the answer for this. Maybe we might end up with a CEPEP contractor moving in there, the same way that they moved the security at Salvatori Building and put in a CEPEP contractor. There is a CEPEP contractor doing security at the Salvatori Building. The site would be demolished. It is the same way that maybe we would have that. It is incumbent upon the Minister to tell us what plans he will put in place to guarantee the protection of the person and property of the Association of Caribbean States. We would be very interested to hear about that.

“2. If so requested by the Secretary-General, the competent authorities shall provide a sufficient number of police or military personnel for the preservation of law and order in the Headquarters, and for the removal therefrom of persons as requested.”

Today I am not sure where the ACS is currently housed. I knew where it used to be, but I am not sure where it is now. I am not sure whether organizations share like they did in other buildings. If they share with other people, is it that this Article was intended to come into being; when we provide the Headquarters of

the ACS, or is it that we are going to provide it when they are housed with other organizations? How will that impact? Will we only provide security around those walls or the entire building? How will it impact on other people? Will it apply to people housed at that particular building, or only to workers of the ACS? I know it will be only to workers of the ACS. How will you possibly be able to differentiate that?

This is of particular interest:

“...for the removal therefrom of persons as requested.”

Because you have other tenants, and a tenant from another organization behaves in a less than acceptable manner and causes distraction, discomfort or disturbs the tranquility and peace of the workers of the ACS and the Secretary-General, is it that he would have the authority to remove that citizen from another area within the same building for that purpose? I am certain that this was the intent when the Association is housed in an appropriate building as the Headquarters of the Association of Caribbean States developed—taking into consideration having a users’ brief and having all the mechanisms in place, including security cameras, guards and other infrared apparatus. Maybe we might reach the stage of using modern techniques in marking the equipment and the personal property of the members of the ACS. Maybe we might reach the stage of using smart water, where you would be able to use DNA markings on the personal properties of the members of the ACS, so that if they were to remove sensitive transmission equipment and other things, they would be traced using these techniques.

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired, but it is 4.25 p.m. and we take the tea break now and return at 5.00 p.m.

4.26 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Vice-President: Hon. Senators, when we took the tea break, I did mention that the speaking time of the hon. Senator had expired. Could you move an extension? [*Laughter*]

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

Question put and agreed to.

Sen. S. Baksh: Mr. Vice-President, uniting the Caribbean by sea and air must continue to be a key priority of the Association of Caribbean States (ACS). I have no doubt that with the proper support from this administration that it would take place. In fact, we would see the work of the ACS coming to fruition, in terms of some of the good work that the Government did.

Mr. Vice-President, although we have started encouraging persons to support us for the headquarters of the Free Trade Area of the Americas (FTAA), we should really use the ACS as an example. If from today we begin to provide the support that is necessary and do all the things that would make us not look like a developed country, but act like a developed country then, really, the headquarters of the FTAA should find a natural home in Port of Spain with us having had the experience of seeing—from lobbying and getting the headquarters—the policies of the ACS bearing fruit to the benefit of all the people of Trinidad and Tobago. It will serve us well as a country if we prepare ourselves for disasters, natural and otherwise, and if we provide the infrastructure for transport, whether it is by sea or air. In the end, it is to facilitate trade, tourism and contact within the region.

Mr. Vice-President, all of us in this Senate would like to see our trade being boosted to a point where we would be able to provide more sustainable growth for the economy by creating sustainable jobs. We have an ideal opportunity in making the ACS work, and to show that as a nation we could give birth to an organization and nurture it, allow it to flourish and become first class and to really make Trinidad and Tobago a better place for all of us.

We all share the vision for a better society, whether it is in 2020 or before. We all wish that this administration would succeed so that we would all enjoy a safe, prosperous and secure future. I thank you very much. [*Desk thumping*]

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, thank you very much. I, and I dare say we, have had a wake up call from Senators Mark, Baksh and Prof. Deosaran. They have woken us up simply by asking obvious questions—questions that we have been too idealistic or complacent to ask. It is important to look, not only at the details of the articles in the agreement, but I believe that we have drifted into a position where we can begin to think about principles regarding treaties that we have signed; and how binding upon us are the treaties we have signed. Are there any ways in which we can get those treaties modified? Can circumstances arise that will require us to think again about treaties that we have signed? I am sure that the answer is, yes. So I am not going to take as an excuse, not to debate any of the articles—the statement that the agreement exists since we cannot change it. Mr. Vice-President, I will come to that.

The questions that have come up are pertinent. I would really like to know what it has cost us so far to house the headquarters of the ACS. I would like to know whether we are bearing all the cost; what proportion are we bearing; and what proportion the other associating states are bearing. I would like to know. Sen. Baksh tried to give us some of the answers. What has the ACS done for the associating states? What has it done? He has pointed to one of the most obvious things and that is air and sea transport. Has the ACS done anything to improve air and sea transport linking the territories? He also raised the question of language. Has the ACS taken the lead in trying to persuade ministries and governments in all the territories that it is about time that we develop a language policy to make the region itself trilingual?

Mr. Vice-President, we also need to ask what the ACS has done, particularly for Trinidad and Tobago. We never asked these questions. I certainly never asked them when my good friend, Norman Girvan, came as Secretary General. I was just glad to have such a man in the country. We should have asked and we are now asking—I would like to know what is the agenda of the ACS for the next three or four years. What do they propose to do? What are they trying to do for the region? What would be the benefits to Trinidad and Tobago?

Another question that crossed my mind is that we already have a Caricom Secretariat and a Caricom Headquarters. Do we need an ACS headquarters at all? If we do, do we need to allocate responsibilities and say that Caricom would do this and ACS would do that? Have we attempted in any way to bring these two regional organizing institutions into collaboration with one another?

Mr. Vice-President, like Sen. Prof. Deosaran, I am concerned about the immunities and privileges granted; the nature of those immunities, and the extent of those privileges. I am also concerned about the number of persons or classes of persons who qualify like officials, spouses and dependants and expert spouses and dependants. It really seems to me that we have to ask ourselves: Are too many persons benefiting from this? We have to ask this, not only from the point of view of revenues foregone, and from the point of view of what Sen. Prof. Deosaran was talking about like the kinds of things that could happen if people have such freedom of movement and such immunities. I would come to that in a while. We need to ask questions about the immunities and privileges granted.

Now, Mr. Vice-President, as I understand it, we are party to an agreement. I doubt very much that we can repudiate the articles here and now, but that does not mean that we cannot do anything about the articles that we might have second

thoughts about. Let me explain why I feel that we do have options.

For the articles to have the force of law they must come to Parliament. Certain articles and sections of articles are now before us, and they are listed on page 5. These articles have to come to the Parliament for implementation, and it is only then that they would have the force of law. It follows, in my thinking, that if an article did not come to the Parliament for implementation, it does not have the force of law. I see the Attorney General is staring at me as if he is blinded or dazzled by my logic. [*Laughter*] I do not know if he would like to correct me, but I would give way.

Sen. Jeremie: Sen. Prof. Ramchand, thank you. The international law is really an important source of law. It is often used to interpret our domestic laws including, most recently, our Constitution. For example, with respect to the death penalty, what is meant by cruel and unusual punishment is the subject of international law definition. In Trinidad and Tobago, those definitions without law, some years ago, under the regime which is now in Opposition, purported to de-link itself from some of these international bodies. Even the Privy Council, which is a domestic court for all intents and purposes, has construed certain of our international law obligations as what happened in the case of domestic law. In terms of the hierarchy of sources of law, international law ranks very high as a source of law.

Sen. Prof. K. Ramchand: Thank you, Mr. Attorney General. I still have the question. The fact that we have brought these articles here is our attempt to give them the force of law and, therefore, we are implying that before they come here they do not have the force of law. I do not think the Attorney General has addressed that. If they already have the force of law, why bother to bring them at all?

Sen. Jeremie: Mr. Vice-President, through you, when we sign these instruments we undertake as a State—of course, the State is sovereign—to pass domestic laws that are consistent with our international obligations, and if we flout international laws there are sanctions in the international law arena. So the sanctions are not the same because it is a sovereign state. They cannot “lock up” the State of Trinidad and Tobago, but there are international law sanctions which apply.

Sen. Prof. K. Ramchand: Well, Mr. Vice-President, I am a hardheaded man. I would say that we do have an option. If, for instance, these articles were not brought to Parliament for implementation—we have declined to bring them to Parliament—we have not given them the force of law, and nobody could say that

we are flouting them. If articles come up for implementation, the feeling of the Senate is that we are really very unhappy about the doctrine of inviolability. We are unhappy about that and it is the wisdom of this Parliament that something has to be done about it. I have a feeling that we would be quite in order, and we would get the support of right-thinking people saying that they want to look at this again.

In 1999 it did not seem hazardous for us to grant the kind of inviolability that we did then in the circumstances which had arisen. We feel we want to look again at the whole question of inviolability. I feel that is a principle that we ought to think about and the extent to which we have leeway to call for variations or modifications of something that we agree with in spirit. Sometimes the agreement in spirit can be there, but the agreement in letter can be oppressive, and we do have the ability to change the letter. I am going to give way, because I really feel this is how the Parliament should work. People should have the opportunity to crosstalk.

Sen. Jeremie: When we signed these international covenants, no one held a gun to our head. The State, as a sovereign, can enter a reservation with respect to particular clauses, and it is too late under the Vienna Convention. I am sure that the Minister would explain that the reservation needs to be entered at the time the instruments are deposited. So, it is too late to enter into any reservation with respect to an international law.

Sen. Prof. K. Ramchand: Mr. Vice-President, well, something is wrong about that. The most important vow of all is to “love, honour and obey until death do us part” and people have ways of getting out of that if they find that it is not working for them. I find it wrong that if we have a treaty or a law that is not working for us that people can force us to stick to it. When we agree or sign an agreement, it is not that they were holding a gun to our head, but sometimes our heads are kind of empty. [*Laughter*] We did not think enough. I mean, you could do stupidity without people holding a gun to your head. I really feel this is an area that needs to be looked at.

Mr. Vice-President, I want to add to the discussion and support a great deal of Article 5 which is “Inviolability of the Headquarters”. When I read Article 5, as Sen. Prof. Deosaran suggested, I believe that we are dealing with a state within a state, but the ACS cannot and ought not to be a state within a state. [*Desk thumping*] The ACS is part of us and the ACS is funded by us. It is not funded by a foreign government, so it cannot be given the status of a state within a state.

When one looks at the way in which the Government of Trinidad and Tobago has to get approval from the Secretary-General, and not the Parliament, it really infers all kinds of proper relations that should exist. So Article 5, "Inviolability of the Headquarters" is wrong, not only because the ACS is not the agent or the representative of a foreign government, but it is wrong because there are certain practical things as raised by Sen. Prof. Deosaran, like drugs, drug trafficking, arms and ammunition and terrorists.

Mr. Vice-President, the best thing to do is to infiltrate a terrorist into one of these organizations. He would be able to do all the work for you. Do not forget the sex trade. So, you cannot grant that kind of inviolability, not only on the principle that I have just alluded to, but on the practical ground that the world has changed and these kinds of missions or headquarters are a very valuable base for the conduct of many illegal operations that plague our society. If we suspect that somebody in there is dealing in drugs, or there is correspondence in there that would show terrorist links, we must have the right to march in there and search. [*Desk thumping*]

In Article 10(5)(a), I see no reason why the ACS headquarters should have its own short-wave sending and receiving radio broadcasting facilities. This is the age of the Internet. If they want to communicate they can communicate. This was in 1999 and maybe the systems were not developed to the extent that they are developed now. That is one instance of the way time has made a certain provision not only obsolete, but possibly dangerous.

Mr. Vice-President, I know that somebody would come and say to look at Article 11 because Article 11 protects us and it says:

"It is, however, understood that the Association shall respect any laws of Trinidad and Tobago or any international agreements to which Trinidad and Tobago is a party, relating to publications and broadcasting."

I do not think that Article 11 does enough to offset the danger of our own short-wave sending and receiving radio broadcasting. As I have said, I do not think that it is necessary. I do not see why the ACS needs this and why we should give it to them and then have to monitor what they are doing.

Mr. Vice-President, Article 15, "Exemption from taxes and customs duties", I have asked how much it costs us to house the ACS. Have we calculated how much revenue is foregone with respect to exemptions, not only to officials and their spouses and dependants, but also to experts and their spouses and dependants? Revenue foregone is part of our expense. I think it is too much.

Mr. Vice-President, with respect to immunities in Article 23 it says:

“Representatives of Member States, Associate Members and Observers attending meetings convened by the Association shall...enjoy the following privileges and immunities.”

All the stuff that is given to a foreign diplomat; and all the stuff that is given to a senior official of the court, are given to observers and persons attending meetings.

I have never liked the notion that even with foreign embassies, a foreign diplomat can go to a fete and “cuff down” somebody and we cannot arrest him. I have never liked that. I do not see why that should be available to any member of the ACS. Perhaps, we cannot stop it in relation to a foreign government, but we certainly should not grant it by an analogy to our own people. They are our people and they come under our governance. One day when we are all dead, there might be a West Indian Federation again, and we would have one central government. For the time being, I am just pretending that we are a West Indian nation and we should try and abide by the same rules.

I cannot say that the American Embassy should obey the laws of Trinidad and Tobago, because they might cut off a certain kind of aid. We cannot get justice there. We do not have any power to tell the British, Canadian or American Embassies do not treat our people as mendicants. We cannot tell them that. We could tell them that, but our people would still go mendicantly, hanging about outside these embassies. We cannot stop it; we cannot control foreign embassies. We have agreed to let them set themselves up here, and there are reasons why we need to have that association. Certain conventions exist and that prevent us from laying down the law for them. I do not see why we cannot lay down the law for Caribbean nationals.

Mr. Vice-President, the hon. Minister did say that Article 17 was not now before the Senate and, therefore, we do not need to discuss it here and, perhaps, we should not talk about it at all, but that is not true. If you look at clause 5 on page 5, Article 17 is very much part of the discussion. Clause 5 says:

“Without prejudice to the requirements of the Immigration Act, the Government shall facilitate the entry into, residence in and departure from Trinidad and Tobago of the persons referred to in Article 17 of the Headquarters Agreement.”

So we are entitled to talk about Article 17. [*Desk thumping*]

Mr. Vice-President, I think we have all said enough to suggest that some of these articles need to be looked at again. Now, I know we have to observe certain legalities. I feel that the Parliament of a country which is interested in the welfare of that country and is committed by policy to the welfare of the region has a right and a duty to consider the impact of any articles of any treaty affecting the whole region.

There must be a mechanism existing, so that when questions are raised they can be brought to the front and become part of a discussion that would allow us, by consensus, to change the specific articles in a treaty. That seems to me to be a very civilized way of proceeding. If the laws and the conventions say that we cannot do that, then I would have to go along with the saying that the law is a donkey.

Mr. Vice-President, I close by repeating the point that I cannot agree to those articles that grant the inviolability of the institution and the headquarters, because the institution and the headquarters are part of us. They are not a foreign country and, therefore, they cannot be treated like a state within a state.

I agree with the suggestion—I am not the first to make it—that immunities are being granted to too many persons, and the immunities themselves are too expansive. I agree that there is need for the Minister to explain the necessity for these immunities and privileges, and to remind us of those who devise the treaty and who first wrote the articles which are intended. How did they justify it? We need the justification, not only because it is not satisfying to us here, but we need the justification because as Sen. Prof. Deosaran strongly suggested, we cannot develop a society where there are immunities and privileges almost without limit being given to a small proportion of the population; and whereas the rest of the population has to abide by the laws of the country. Those citizens, whether they feel deprived or not—they do not know what they are being deprived of—they are going to see in material terms and in social terms, the effect of that kind of inequality.

If you create a society where the majority of the citizens, for one set of reasons or another, develop a sense that they are second-class citizens—there are things available to others that are not available to them—you are not going to get them to believe that they have a stake in this country; that they belong to this country; and that they should work together to make the country better. In other words, every demonstration of immunity and privilege whittles away at social capital and whittles away at trust. So, with those few comments and warning, I beg to close. [*Desk thumping*]

Sen. Carolyn Seepersad-Bachan: Mr. Vice-President, thank you. I just want to make a brief intervention on this Bill which is before us to provide for the implementation by the Government of Trinidad and Tobago of certain of the provisions of the Agreement between the Government of the Republic of Trinidad and Tobago and the Association of Caribbean States on the Headquarters of the Association of Caribbean States and its privileges and immunities.

Mr. Vice-President, let me say that I support those speakers who have gone before me, including Sen. Wade Mark, Sen. Sadiq Baksh, Sen. Prof. Deosaran and Sen. Prof. Ramchand. I just want to raise one issue that one or two speakers were raising and that is the objectives and the functions of the ACS.

When the Minister was piloting the Bill, he talked about the issue of globalization and integration. When we look at the functions of the ACS, we are talking about the strengthening of the regional cooperation and integration process with a view to creating that enhanced economic space.

Mr. Vice-President, I raise this matter because we have just witnessed—and Sen. Baksh raised the issue—recently in the Energy Summit in Venezuela, there was an agreement and 12 Caribbean countries, including the Bahamas, signed on to this particular agreement which is now termed “Petro Caribe”, and Trinidad and Tobago and Barbados did not sign on to this particular agreement.

I wonder if there is a mechanism somewhere in there that can be used in terms of cooperation to deal with this particular issue. This particular issue is not a political issue, but it is one that is going to affect us deeply. I think Members on both sides of this Senate would be very concerned, and there is need for a solution to this particular problem. I share the concerns of this Government and I can see it on their faces.

I want to say from the outset that we agree with the Prime Minister for not signing the agreement. [*Desk thumping*] We say this because we understand the detrimental impact on Trinidad and Tobago. I want to remind this Senate that exactly 10 months ago, during the debate on a Supplementation and Variation of Appropriation Bill we raised this particular issue on Petro Caribe when it first came up. I remember being very careful to warn the Minister about encouraging this particular agreement, and giving any positive signals that we would be going into an agreement with Petro Caribe, because of the detrimental impact that it would have on Petrotrin.

I heard the Prime Minister saying that on average there are 60,000 to 70,000 barrels of refined products that we sell into the regional market, and it is a

premium market. I do not think that people understand what is meant by that. I also heard the Prime Minister talking about a subsidy, but I do not know what subsidy he was referring to, because all the prices are based on international market prices on the United States Gulf Coast, and because it is based on the United States Gulf Coast, a net back pricing is used, and we get United States Gulf Coast plus for our products sold into the regional market.

What happens is that after the 70,000 barrels, there is a remainder of 80,000 barrels that go into the international market, and that 80,000 barrels would not really fetch a premium price, since we now have to sell it at United States Gulf Coast minus. It is there just to add to the profit line, but it is not necessarily the one that is bringing in the major profit to the company.

The problem with this particular situation is what is going to happen to Petrotrin. Petrotrin has been fighting this particular issue, in terms of products coming into the regional market from Venezuela, the PDVSA refinery. In order to protect that market we had the common external tariff (CET) and that was used to protect it.

It is strange that we are dealing with this matter here today, because the CET was part of the whole integration effort, and here we are dealing with the cooperation effort of the ACS. Part of that integration effort is what allowed us to maintain that CET which protected Petrotrin in this particular market, but now that Petro Caribe has come in, what it has done is, effectively, dismantled the CET, so the CET is no longer an issue. In fact, what we have done is lost the Caribbean market, except Barbados.

Mr. Vice-President, we take Barbados crude and refine it for them and we charge them a refining fee. So with the crude processing arrangement, it is not necessarily that we are losing anything much because of that arrangement since it is for Barbados' benefit. Although, I saw on the newspapers where Barbados is saying that they did not sign because they need ratification, but that is not true. I think it is because they will not give up the crude processing arrangement they have with Trinidad and Tobago because of the benefit to Barbados.

My question is: What can be done now and what mechanism can we use through the ACS to resolve this particular issue? We are talking about almost US \$350 million to \$US 375 million that would have been spent on another refinery upgrade—the upgrade of the Catcracker, the Distillation Unit and the Isomerization Unit. I do not know what is going to happen now with that particular refinery upgrade. Would it be economically justified at this particular

time to spend about \$2 billion? After spending that sum of money and having no market: what would be the position of Petrotrin? Would Petrotrin need to shut its doors? We do not know. I think that these are some of the issues that we need to hear about at some point in time. I do not expect to hear them from the Minister, but from the Petrotrin board and management. They must issue some kind of response to indicate how they will be dealing with this particular situation, and how they will be responding to this new challenge that they are now faced with.

Mr. Vice-President, it was always the case and we always maintain that when the oil prices come down—if you look at Petrotrin's accounts, you would see that we are talking about a revenue line for fiscal year ending September 30, 2004 of almost \$12.3 billion and a net profit line of \$489 million. Presently, that is seriously under threat and Petrotrin continues to spend. The Minister in charge of state enterprises may need to look at the whole issue and, probably, call in Petrotrin to determine whether or not some of the capital expansion programmes should continue.

Mr. Vice-President, 10 months ago we warned the Government about this particular issue. It is clear now and the Prime Minister was right but, clearly, quite after that he played godfather to the Caribbean. I hope we have learnt a lesson. Some of these issues were raised several times over in this particular Senate with respect to integration and cooperation. We must put Trinidad and Tobago first. [*Desk thumping*] At this point in time, this has brought us to a reality check.

My understanding is that the Prime Minister was misled into this particular agreement. He was misled to believe that PDVSA would have been providing crude at a very low price to the refinery, and the refinery would have been allowed to keep its refinery margin thus protecting its profitability, but by PDVSA selling the crude at a lower price, that lower price would have allowed for a lower price for refined products going into the region. That is how they would have achieved this discounted price for energy products going into the region.

Mr. Vice-President, I do not know how true it is, but it is said that they actually back-pedalled. It is clear now and the beast is showing its true colours. We consistently warned several times over and the writing was on the wall all the time. I cannot understand how the Government of Trinidad and Tobago and the Prime Minister walked into that deal with his eyes open.

Sen. Dumas: Which deal?

Sen. C. Seepersad-Bachan: He walked straight into that agreement. You reached the point where you were about to sign the agreement. Mr. Vice-President, through you, we are now in a situation where Venezuela is now an

adversarial partner. The other oil energy company where Trinidad and Tobago was supposed to be cooperating—we had all these hopes and aspirations for cooperation—

Sen. Jeremie: On a point of clarification. Did you say that he walked in with his eyes open or with his eyes closed? [*Crosstalk*]

Hon. Senator: I think that is a good thing.

Sen. C. Seepersad-Bachan: May I stand now, Mr. Vice-President?

Mr. Vice-President: Who is speaking? [*Laughter*] All right, continue Sen. Seepersad-Bachan.

5.45 p.m.

Sen. C. Seepersad-Bachan: I think the important point here is, today, a country which was touted to become a partner with Trinidad and Tobago; a country on which we premised our energy policy on the gas reserves of that particular country—the energy Minister and the Prime Minister, several times over, spoke on many platforms and in public and clearly stated that we could depend on the natural gas reserves of that country. This is what I am saying today. Now, we are seeing the adversarial relationship between these two countries. This is what I was trying to say we should have avoided. [*Interruption*] Yes, Minister, I am trying to respond to what they are saying.

What I am saying is, long before, a year ago, we should have discouraged; we should have never reached to the point where we were last week Wednesday, because this is the position that we are in today. You had a situation where you were about to unitize that cross border field—the Plataforma Deltana field—which was going to be used as part of the supply for your LNG operation. That was part of the plans, Mr. Attorney General. That was in the agreement for years, and we have been trying to get Venezuela to cooperate with that particular cross border field for years. We have been trying to get an agreement; agreement after agreement; they come; they go; they expire, and now it is shown how unreliable this country of Venezuela is.

When we kept telling the Government that, please be very careful about depending on this particular country, they did not listen. When we indicated that you cannot take all your gas and put it towards LNG Train 4; and put it towards the aluminium smelter, with the hope that you would get natural gas—[*Interruption*] I am responding, Mr. Vice-President. [*Interruption*] Mr. Vice-President, can I continue? What I am saying is—because they keep talking about whether they

went in with their eyes open or their eyes closed. I am saying, last week Wednesday was the point where we should not have been. A year ago we should have discouraged this particular issue.

I am asking, in the situation that we are in today—because I am looking at the cooperation that we are talking about; we are now about to enter, to formalize this agreement with ACS—what mechanisms are available? I also want to ask another question, and probably the Minister of Finance would indicate to us. During that same debate there was the establishment of the Caribbean Disaster Fund and we indicated the possibility that that fund could be used to pay for the cost of refined products going into the region. I want to know if that very same \$100 million that was provided would now be used to pay for products coming from PDVSA? I hope I have made the point and I look forward to hearing a response from the Government.

I thank you.

Sen. Dr. Eastlyn McKenzie: Mr. Vice-President, thank you very much. I just need to make four points. You know at one time we had a Senator on the Independent Bench who always spoke about agreements and contracts, et cetera, signed in the golden suite. What he was saying was that so many things happen that the Parliament does not know about at all, until when the agreements are exposed. I think that what has happened is that many of the conditionalities, et cetera, in this ACS agreement between ACS and Trinidad and Tobago, were never known until—in fact, I want to say thanks for having exposed some of them in this Bill. We have never had the terms and agreements put to the Parliament officially, except we would have gone and gotten those things for ourselves. Only the persons engaged in the signing would have known the contents of the agreement. So, this is one thing I think that we need to look at and to ensure that when agreements are being signed, the Parliament knows exactly what we are up against and what we are up for.

The next thing I want to observe is that, we recognize the special perks for those persons who would be working in the headquarters. I want to ask whether our people who work in other jurisdictions within the ACS, get the same types of immunities, privileges and conditionalities, and therefore these are the things that we need to know. If you post me in such and such a place within the countries in the agreement, whether I could have this and that, corresponding with the privileges and immunities that these people have.

Sen. Prof. Ramchand: Mr. Vice-President—

Sen. Dr. E. McKenzie: I am not giving way, sit and wait. [*Laughter*] The final point I want to make is that, now that we have all been exposed to what is happening now, this is an old agreement—1999—operating in a different type of environment. We had no 9/11; we had no people with guns, and so on; we had no Afghanistan; we had no this nor that; no diplomatic pouch; it is a different world in which we are operating a 1999 agreement.

So, my suggestion is that all the signatories to the ACS agreement—I am not saying that we should abandon what we have signed. We have signed; we are part of it; we go as far as is humanly possible. But from now, word could be taken back to the signatories and say: "Look, our Parliament has become very sensitive to some of the terms and conditions we have in this agreement", and we on the prompting and the urgings of the Trinidad and Tobago delegation, whoever goes, say, let us revisit the agreement to make it palatable to a new world order. I would give way now to Sen. Prof. Ramchand and then I would just say thank you.

Sen. Prof. Ramchand: Mr. Vice-President, I was just going to ask my hon. Leader here—[*Laughter*] that is why I can take "buff", right—if she felt that because we were getting the same immunities and privileges in another country, if that would make it acceptable?

Sen. Dr. E. McKenzie: No, no, no. My point was that when you listen to some of the contributions, you got the impression that we alone were the sufferers, the people were taking advantage of our goodwill, and we were not getting anything when our people are in the same position. I am agreeing that too much is being put at stake now for what is happening in today's world, and this is why I am saying that our Government and our country should urge the revisiting of the agreement, to see how people—probably the other Parliaments in the other countries feel the same way and we do not know. So, let us put our minds together and see what could be done to ensure that we feel comfortable with what we are giving up and what we are receiving in return.

Thank you very much.

The Minister of Labour, Small and Micro Enterprise Development and Acting Minister of Foreign Affairs (Sen. The Hon. Danny Montano): Thank you, Mr. Vice-President. Let me try and deal with some of the concerns of the hon. Members of this Chamber. Let me speak first about some of the comments of Sen. Wade Mark. His first concern, I think, was, he was asking what are the obligations of the Government under clause 3, and several of the other Senators

have asked the same question. In other words, what is it costing the State to host the ACS here? Some had asked how much have we spent so far.

I cannot give you that, but what I can give you is this, our contribution to the ACS as a member—all the members, I suppose pay a contribution; not because they are here, but just a membership fee—is US \$43,606 or TT \$274,717.80 per year. Our contribution—because we do not pay the whole cost—as the host country is US \$70,000 which is TT \$441,000. We also pay for the rent of the Ernst & Young building on Sweet Briar Road. I am not sure who the legal owners are, but I believe it is Ernst & Young or one of their vehicle companies. It is 9,637 square feet and the monthly rental including value added tax (VAT), I believe is TT \$132,879, which is more or less the usual cost of that level of commercial office space in Port of Spain. Unfortunately things have reached that level in this country.

He went on to suggest that I should—as part of my contribution—have articulated what the benefits are of the ACS, and what the ACS has done, and so forth. I did speak very briefly, I just mentioned a couple of the initiatives with tourism and the multilateral agreements on air transport, but I really did not come thinking that we would get into a debate to try to justify the existence or our membership in the ACS, or try to justify hosting the ACS. It never entered my mind that I would have to do that. Sen. Baksh indicated in his contribution that I was discourteous by not talking about that. If I have offended any Member by not speaking about that, I do apologize. It never entered my head.

The fact of the matter is, we do have an international agreement that has a life of its own. It has a legal status of its own in the international arena, and when we are talking here about bringing a particular article to give them the force of law in Trinidad and Tobago, we are talking about giving them the force of law that is in terms of our domestic law. We are still bound legally in terms of international law. What we are talking about here is the domestic law, not the international law. We do not exist without these conventions and protocols. So, I do apologize if I did not come prepared to justify the existence of the ACS, it did not occur to me that that was going to be necessary at all.

The Senator did say that the Government has no mandate from the Parliament to sign these treaties, and he was very critical of this. In fact, it has been echoed by a couple of the other Senators. But I would remind the hon. Senator that they signed the Shiprider Agreement which caused a fair amount of concern among nationals of Trinidad and Tobago. That agreement has not been brought to

Parliament, but it did in fact give up a significant part of our sovereignty, because it allowed a foreign State to come into our territorial waters.

Again, that was done—as Sen. Dr. McKenzie said—in the golden suite, to use an expression that was used some time ago. The Treaty of Chagaramas was also signed by the Opposition, and again, it was left to us to bring it to the Parliament, which we did recently as Members would recall. This agreement also was signed by the last administration; it was not signed by this administration. So, it kind of flies in the face of logic to have chastised this administration for an agreement that they signed, without coming to Parliament. But the fact of the matter is that, we have brought the agreement to Parliament here. I kind of missed the point that he was making.

The Senator asked also about the question of Article 10, the broadcast policy. This is new in terms of international conventions and treaties. The ACS, it was felt by its very nature, and again let me just remind that this was agreed to by the previous administration and therefore it is strange that they would now disagree with something they previously agreed to. But the broadcast policy was basically because—and it is to broadcast on short wave. They have the right to broadcast on short wave. If they want to broadcast on the AM or FM bands they have to go through the laws of the State and they have to get the authority or the permission of the Telecommunications Authority and the usual things that would apply to anybody else. In terms of short wave, they felt quite logically that being a regional institution they may want to be able to disseminate their information in that basis by radio waves. The previous administration did not see anything wrong with it and this administration does not see anything wrong with it. It does not interfere with our band usage.

The Senator spoke also about the free drivers' permits and experts to also have immunity, and so on. That really gives effect to Parts 2 and 4 of the First Schedule of the Privileges and Immunities Act, Chap. 17:01. Again, it is just part of the international conventions. Let me just move on.

Sen. Baksh really did not talk about the Bill at all. He went on to talk about all sorts of other things; about not having a building, and the fact of the matter is, they have premises that we have provided for them. The Senator knows very well that the Government is very, very short of building space in the country and has had to rent space for itself all over Port of Spain, in fact, all over the countryside. There is an agreement; there is a contract in place for the construction of the ACS headquarters on the waterfront that is being managed by UDeCott. That is already in process. The demolition of the Port that you have seen is all part of the

complex that is being built, that is what that is all about. That is already in train. He spoke about a whole bunch of other things that really had nothing to do with the Bill, and it was a very poor contribution in that context. It really had nothing to do with the issue at hand.

Sen. Prof. Deosaran spoke for about 40 minutes or so and really had one major point [*Desk thumping*] and that was the issue of the immunities of the diplomats and the privileges that they are afforded under this Headquarters Agreement. He spoke about that, he as a Senator, does not enjoy those kinds of immunities, and I would just like to respond to the Senator, to suggest to him that in the diplomatic world, these immunities and privileges are not seen as perquisites of the job. You as a citizen of Trinidad and Tobago may see it as a perk. If you are working here and did not have to pay any income tax you may feel that was a nice perk, but in the diplomatic world that is not unusual, that is a norm, and it is not a perquisite. It does not really make sense to relate your status as a Senator; where you live and work in Trinidad and Tobago, with the duties of diplomats working in a diplomatic arena. The point that he made about the fact that we live in a different world; that things have changed since 9/11, is well taken—I think that Sen. Dr. McKenzie made the same point—and he is quite right; things have changed. Some things have changed, but some things have not changed; not yet anyway.

The fact of the matter is, again, in the diplomatic world, it may very well be that the United States of America is preparing to review the extent of the privileges and immunities that may be granted to United Nations officials, and so on, but they have not done so as yet. Our diplomats at the UN and in Washington could park their car anywhere they like, and the State cannot give them a ticket or prosecute them for anything at all. We enjoy that in the United States. That is still so. [*Interruption*] That may be, but that is still so. And what governs that? What governs that, Mr. Vice-President, is the Vienna Convention on Immunities and Privileges. That is a convention that was signed in 1961. Most countries have signed it. Those which have not, go along with the conditions of the convention anyway.

The point that Sen. Dr. McKenzie raised—I think it was well made, I think you made the point that Sen. Prof. Deosaran was trying to make, but you made it very well—and that is, we need, as a country, to begin to rethink some of these issues. But I think there was an understanding on the part of Sen. Dr. McKenzie, that we cannot simply, unilaterally, change the conditions of a treaty or international agreement, we can repudiate the entire agreement, but we cannot just unilaterally change a term or a condition.

Sen. King: Mr. Vice-President, could I ask the Minister, through you of course, if Article 44 is irrelevant in the document?

Sen. The Hon. D. Montano: I hope you do not mind if we get into that a little later, I do not know exactly what Article 44 says. I would like to go on with what I was saying. [*Interruption*] Maybe we could deal with some of the details at the committee stage. [*Interruption*] Well, I am afraid I do not know what it is; I have to sit here and read it. I am trying to wind up.

Sen. King: Can I read it for you?

Sen. Prof. Deosaran: If I might help. I think it is very relevant, through you, Mr. Vice-President, because if I recall, Article 44 gives room for amendments as a debate proceeds. And whilst I am on my feet, I think what Sen. Dr. McKenzie was saying, and I was particularly saying is that, given the tenor of the debate and the concerns expressed over the contents; we are aware of the Vienna Convention, and so on, and I think, as I told you, I do not want to sound naive but, I believe this is an opportunity, Mr. Minister through you, for us to show some leadership in trying to invoke some of the required changes as the world moves forward in terms of security. [*Desk thumping*]

Sen. Prof. Ramchand: Mr. Vice-President, may I add that the Minister keeps referring to diplomatic, diplomatic. One of the points I was trying to make is that, I do not really believe that the ACS should be treated as a foreign diplomatic mission. It is part of the Caribbean.

Sen. The Hon. D. Montano: Well, I have not come to your contribution as yet. The point I was trying to make and which I would go back to, is that the recommendation of Sen. Dr. McKenzie is accepted. It is not as if it is rejected, it is accepted, and the concerns that have been expressed here are much appreciated. They are not rejected out of hand. What I am trying to say to you is that we cannot do that here and now. That is the point I am making. Article 44 says that it can be changed—which is what I said—by negotiation, which is the word I used instead of by mutual consent, which is the result of the negotiation; the result is the same thing.

The point also, is if any one of the member states of the ACS disagrees with what we are trying to do with this Headquarters Agreement, then it shoots down our efforts. But the point is well taken; the point is appreciated. But the point I am trying to make is, we cannot do that here and now. The issue is going to be so broad, because it is not specific only to this organization. There are many other organizations: The Inter-American Development Bank (IADB) is an organization

that enjoys many of the immunities and the privileges that we are talking about here; the Caribbean Telecom Union is another one; the Inter-American Institute for Cooperation in Agriculture is another one; the Caribbean Financial Action Task Force is another one; all enjoying the same sort of immunities and privileges; so it is not unusual, and these are not States, these are organizations that do not even represent States.

The logic behind this one—again, now to deal with the point that Sen. Prof. Ramchand was making, while the ACS is not a State in itself, it is a grouping that represents States, like the United Nations. So, that in that context it would have an even higher status than the IADB or the Caribbean Telecom Union, because they do not represent States. They are organizations that have been established by States, but they do not really represent the States directly. This institution represents States directly, and that is why it is being afforded the same level of diplomatic immunity, as if they were a representative of one State. In fact, they are representative of many States.

Sen. King: Like Caricom.

Sen. The Hon. D. Montano: Exactly like Caricom. Sen. Prof. Ramchand, I spoke about the cost of housing the ACS. Sen. Dr. McKenzie, yes, the answer is that the nationals working at the ACS enjoy the same tax benefits as the foreigners. Somebody raised the issue as to whether they would enjoy the same level of immunity, and the answer is, no. They enjoy immunity only insofar as their official functions are concerned. They cannot go to a fete, “cuff down” someone, and feel that they are immune from prosecution; that cannot happen. It is only insofar as their official functions are concerned.

6.15 p.m.

Mr. Vice-President, Sen. Prof. Ramchand also asked about how much revenue is foregone in circumstances where there is exemption from taxes, duties and so on. I cannot give that answer, but again, in the context of the diplomatic environment, do not forget that when we send our diplomats abroad, they do not pay taxes where they go either. They buy their cars and so on, free of any sales tax, duties or anything of the sort. If we have a diplomat in the United States who buys a Mercedes Benz from Germany, he pays no form of duty or taxes on it either. It is part of the international protocols, and if you wish to look at it this way, it is part of the cost of doing international business. I really cannot quantify it for you. Again, that is an established protocol within the Geneva Convention, which we have brought into our laws in Chap. 17:01.

The Senator spoke about observers. There we are talking about official observers, we are not talking about the casual person who wants to come and listen, or who wants to talk with the ACS. We are talking about official observers who may be part of a team, or annexed to a team in some way but have no direct function, persons who are there just to take notes or to observe, in an official way, which is why it has been extended to them.

On the question of servants, again, that is also part of the Geneva Convention which has been enshrined in Chap. 17:01 of our laws in the First Schedule, in Article 38(2). It is not as if it is something new, we already have it in the law. But because Chap. 17:01 does not specifically refer to the ACS, we need to tie-in the ACS to Chap. 17:01. I hope you follow me. There are a number of different ways of doing it, we could have gone on to amend Chap. 17:01 and said that the ACS shall apply to Chap. 17:01. But, what we are saying here, is that it shall apply to Chap. 17:01. Rather than amending this Act, it is being done in this way, but it is six of one, half a dozen of the other. It is not as if it is something new.

Mr. Vice-President, I think I have dealt with most of the concerns, but the one thing that left me a little bit uncertain—oh sorry.

Sen. Prof. Ramchand: Mr. Vice-President, as the Minister is winding up, and as we may have to vote, I would just like to have an assurance that the suggestion, that it is open to us for all the signatories to reconsider articles, that suggestion is well taken, and would probably be followed up.

Sen. The Hon. D. Montano: It most certainly is, Senator, and let me assure you that in my limited functions as acting Minister of Foreign Affairs, it is an issue that I will raise, but not just with respect to this arrangement. There are many others, and I think that we need to look carefully at the security aspects, because there are new implications now. And I think that you are on the right track, I am not quite sure how we will deal with this, because the implications are enormous. We have a lot of institutions here, we have a lot of embassies here, but again, the same issues relate to them, as well. Statements were made here about all sorts of illegal activities within embassies and so on. That is not an issue that we could simply decide that we are going to do this here, that would be reckless; I think that you understand that. But I take the point and I think it needs to be looked at, and we need to start thinking about where we can go with it, but for the time being, we really cannot interfere with what we have here.

Mr. Vice-President, I had some concerns about whether people understood the difference between the international law relationship of the agreement and our

Association of Caribbean States Bill
[SEN. THE HON. D. MONTANO]

Tuesday, July 05, 2005

local law, but, I think I have dealt with it, and I do not think I have to go into that any further. So with those words, I beg the move. [*Desk thumping*]

Mr. Vice-President: Hon. Senators, before I put the question I will allow the Leader of Government Business to do the procedural Motion, please.

PROCEDURAL MOTION

Acting Prime Minister and Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that this Senate continue sitting until the completion of the debate on this Bill.

Question put and agreed to.

**ASSOCIATION OF CARIBBEAN STATES
(HEADQUARTERS) BILL**

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 5 ordered to stand part of the Bill.

Clause 6.

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

Sen. Mark: Mr. Chairman, I had raised a matter of the Minister giving consideration to clause 6, in which it was suggested that the following be looked at, and that is, the Minister may from time to time, subject to an affirmative resolution of the Parliament amend the schedule, and it continues. I suggested for the Minister's consideration, so that in future you do not have a situation where the Parliament is not aware of the kind of amendments that are being proposed to the Headquarters Agreement, at least, the Parliament would be kept abreast, and in that regard, I think we should have the Parliament involved in this exercise.

Sen. D. Montano: Mr. Chairman, we have a bit of anomaly here, in the sense that, an international treaty like this is not required to be brought to Parliament. As I indicated, we have the Shiprider Agreement which has the force of international law and has not been brought here. And I do not think it would be brought by this Government.

Sen. Prof. Ramchand: That could be dangerous. I think we should not go there.

Sen. D. Montano: I agree, but we have a very strange situation. I think we ought to just leave it as it is for the time, it is unlikely that anything is going to change in this agreement.

Sen. Prof. Ramchand: I thought Sen. Mark was pointing out that we do have an option to make any concerns we have about any articles known. Because, if it is stated here that the Headquarters Agreement can be changed, it can only be changed, at the instance of parties to the agreement, and Article 44 said that very clearly:

“Consultations with respect to amendments... shall be entered into at the request of either party, and such amendments shall be made by mutual consent.”

So, there is a mechanism for making—and they envisaged the possibility of amendments.

Sen. Dr. Mc Kenzie: And supplementary—[*Inaudible*]

Sen. Seetahal: Can I say something there before the Minister? Yes, that is so, but what clause 6 deals with really, is after the amendments are made, the Minister then just makes the amendments to the schedule. But if it is that we—it says, "subject to the affirmative resolution", it means that after the amendments are made between the parties, then it could come to Parliament and Parliament could say "No". What I think the acting Minister of Foreign Affairs was attempting to say, was that Parliament should not have that privilege because there would have been an agreement already, and we would, under our international obligations have to give force to it. Therefore, the Minister, giving effect to this, in clause 6, this is my understanding in clause 6, is after all of the parties to this agreement, as the norm is, have agreed and have consulted, and said, “we want these amendments”, then the Minister will just put it into our schedule here, and amend the schedule himself, by order.

Sen. Prof. Ramchand: What I was saying was that the implication of clause 6, if you allow clause 6 to send you to Article 44, when you go to Article 44 you can see that amendments can be made at the instigation of a party to the agreement.

Sen. Seetahal: That is the Executive; at the Government.

Sen. Prof. Ramchand: Also, it should be, the Parliament can instigate the Executive—

Sen. King: To amend.

Sen. Prof. Ramchand:—to propose an amendment to this section. [Crosstalk]

Sen. Seetahal: Yes, they can do that, but we do not have to put that here.

Sen. King: But we would like to.

Sen. Seetahal: What I am saying is, that this clause 6 will not give the Parliament that power. Saying “by affirmative resolution” would not give the Parliament that power; that would have to be somewhere else. [Interruption]

Sen. Prof. Ramchand: Article 44 seems to imply it.

Sen. Dr. Saith: Not necessarily the Parliament. Clause 6 allows the Minister then, to give effect to that. What Sen. King said she wants to do, clause 6 would not allow it. You just cannot get up one day and move a Motion in Parliament saying, “We want to amend this”.

Sen. Prof. Ramchand: Surely, if it was the consensus of the Senate that we did not like clause 5, the Executive could have taken a message from the Senate today, that the question could be raised with the other signatories.

Sen. Seetahal: And that is before the amendments, however.

Sen. Prof. Ramchand: Yes.

Sen. Seetahal: But it would not be when it comes back under clause 6. It kicks in, after you come back with the amendments. It is not by amendment of clause 6. [Crosstalk]

Hon. Senators: Yes.

Sen. D. Montano: I think it is clear now. Can we go ahead with it?

Sen. Mark: May I just add, I did in fact raise—we have not practised it, for whatever reason, we would not get into that. I would want to respectfully suggest, particularly to the hon. acting Prime Minister, who is the Leader of Government Business, that one of the ways of addressing issues before they come into the open, particularly as it relates to external relations and international trade—I want to just refer the hon. Minister and the Attorney General to the Standing Orders of this honourable Senate, section 72(1) which, for some reason, we have overlooked at the commencement of our Parliament. I am making this point in an effort to

avoid repetition in the future. The Minister made reference to the Shiprider Agreement, and we are making reference to these documents, which we, too, as you rightly said, signed. In an effort for the Parliament to have a stronger input into these matters, it means that we can set up the relevant joint parliamentary committees.

I would like to put to the Leader of Government Business, now acting Prime Minister and Minister of Public Administration and Information the invocation, the implementation of these committees, particularly the one on external relations. Because as you would realize, we are into a period in which a number of agreements are being signed, and rather than we come after the fact, before those agreements are signed, at least they can be referred to these committees, so that these committees would have an input before we bring them formally to the Senate for deliberations and the contention could be considerably reduced, if we discussed these things in advance. I just want to put that for the consideration of the Leader of Government Business. [*Desk thumping*]

Sen. Dr. Saith: Mr. Chairman, I am going to check how well it worked in the past, to see how we can improve on it.

Sen. Mark: Is it possible that maybe we could—

Sen. Dr. Saith: It depends on how successful it was; it will last.

Sen. Mark: Mr. Chairman, may I just guide my hon. Colleague. I have been in the Parliament long before he came, and I can tell you since October 1990 when I became a Senator to this current period, for some reason, whether it was the UNC, the NAR or the ruling party now, these committees have never been established, so I do not know what experience you are going to look at. I am the living experience of it, so I am saying if we can give it a chance then we will see how it can work.

Sen. D. Montano: Mr. Chairman, I am willing to give the undertaking on the part of the Government, and we will take it on and look at it. [*Crosstalk*]

Sen. Dr. Saith: About three successive governments did not do it, and I would like to check why.

Sen. D. Montano: It will be taken on board.

Sen. Prof. Ramchand: Mr. Chairman, if I might, just for the hon. Minister to keep up his optimism and fighting spirit in the world, some philosophy, because a thing did not work in the past, it does not mean that it is unworkable.

Sen. Dr. Saith: Senator, I was merely suggesting, if we know why it was not done, then we could do the things to make sure that it is done. People may have had a reason for not doing it, let us find out what the reasons are. It may be that the committees themselves have to be changed in some way. [*Interruption*]

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

Senate resumed.

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

ADJOURNMENT

Acting Prime Minister and Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate be now adjourned to Wednesday, July 06, 2005 at 1.30 p.m. at which time we will take the Bills listed at 2, 3 and 4, on the present Order Paper.

Unemployment Relief Programme (Criminal Activities In)

Sen. Dr. Jennifer Kernahan: Thank you, Mr. Vice-President. I rise to raise this matter on the Motion for the Adjournment of the Senate "The Current Status of the Unemployment Relief Programme in Trinidad and Tobago."

Mr. Vice-President, today in Trinidad and Tobago it is an undisputable fact, that there is a horrifying and unacceptable increase in crime under this regime.

Mr. Vice-President, I quote the *Guardian* dated Tuesday, May 26, 2005 the headline being, "Joseph admits rise in crime." I am not making this up, this is a statement made by the Minister of National Security. In fact, this article by Sean Douglas says and I quote:

“Minister of National Security...has three times in 24 hours admitted that crime is on the rise in Trinidad and Tobago. He first presented figures to the Senate on Tuesday showing a rise from 2004 to 2005 in certain serious offences...He secondly mentioned the figures at yesterday's post-Cabinet media conference. Thirdly, he faxed in figures to media houses yesterday...”

Mr. Vice-President, there is no doubt that we are facing this unacceptable rise in crime in this country, the question is: "Who is going to bell the cat?" Everybody knows what the problems are, and apparently this regime is not prepared to deal with the solutions to the problem. I will submit that there are two aspects to the problem, there is the supply side and there is the demand side with respect to crime. The major fundamentals of crime in this country have to do with drugs, and the drug barons who import drugs into this country. Along with that, the importation of guns into this country which is at an all time high. Then we have the distribution of guns; that is an industry by itself, and finally, the appropriation of these guns in order to corner, as it were, the resources, the market for the resources of this country by the gangs who control these guns.

Mr. Vice-President, this is where the URP comes in, because what is happening at this level of the society is that there is a strong distribution network of the guns that flow into this country. These guns are used to corner the distribution of the resources of this country at the levels of the communities.

Mr. Vice-President, I asked, "Who is going to bell the cat?" I fear that it will not be this particular regime, this Patrick Manning regime, because clearly, for this regime, crime pays, politically. The fear and the terror that is gripping this population at present, is driving everything else off the radar; important issues are not being discussed or not been given a hearing in this country. Like the issue of the roll back of our democracy, the repeal of important legislation brought by the UNC, the vicious land grab that we have been witnessing in our society by certain forces, Caroni's land specifically, all these important issues are being thrown off the radar by the deliberate perpetuation of crime in this country.

Mr. Vice-President, the Minister in charge of the URP programme, like all of his colleagues, is clearly relying on the strategy of continuous denial to lull the population, maybe, into some sense of comfort, but this strategy is clearly not working as, more and more, we are seeing reports in the newspapers that indicate that URP gangs which control guns, and which control the resources given to URP are a fact of life in this country. These reports have come out very clearly, in a number of infamous trials in this country which have made the headlines, and which the population is very much aware of at this time.

One of the major headlines that emerged in recent times, the *Trinidad Guardian*, Wednesday, February 02, 2005 was: "State witness testifies: I was a ghost foreman in URP" and this article went on to say that:

"Murder accused and self-confessed kidnapper Brent Dangle said in evidence yesterday he used to collect \$800 each fortnight for posing as a ghost foreman in the Unemployment Relief Programme..."

Mr. Vice-President, he also said:

"The witness said under the URP programme 'you did not had to work to get money.'"

Dangle, 27, said he was hired as an area foreman and was put in charge of region three which comprises parts of Cascade, St Ann's and Port of Spain.

He said he was his own boss and collected pay although he did not work."

He further states:

"'I had reasonable pay for no work', adding that he never spent one day working in the hot sun."

Mr. Vice-President, the population is convinced that under this regime the URP programme is nothing more now than a mechanism for the perpetuation of violence in the communities, and is being used to intimidate and terrorize citizens. Actually, I have a letter here from a young man, which was given to me in this very Parliament, which I will read a little later on. It is not something I am making up, this terrorism of ordinary citizens is part and parcel of the whole URP experience.

Mr. Vice-President, apart from the fact that the guns and the terrorism, to control the resources that are being pumped into the URP, the number of deaths, murders, kidnapping and so on, that are part and parcel of that whole scenario, the bottom line is actually, that this particular programme is no longer fulfilling its mandate to relieve the most vulnerable sections of the society from the rigours and the problems of unemployment. And this is what it was supposed to be basically.

Mr. Vice-President, this is not something that started under the UNC, as the Ministers of this Government like to say, because I will read an editorial of the *Trinidad Guardian*, Sunday, May 01, 2005 the headline being "URP odour still strong" and we want to debunk this misrepresentation, that these issues are relatively new, started under the URP. I would like to read this article and I quote:

"Government champions of the URP may go down fighting to save the programme, but they have so far failed to remove the bad odour surrounding it.

The propaganda machine cranked up into overdrive as courtroom statements confirmed the URP image as a featherbedding haven for criminals.”

Mr. Vice-President, this is the particular quote that I would like you to take note of, when we say that this is not a UNC phenomena. It says here and I quote:

"Fraud Squad officers recall reports of corruption have been surfacing for the decades since URP was known as 'Special Works'. Ghost gangs have been reported at National Housing Authority projects.

Last week, Marvin 'Mappey' Jones, one of three accused in the fatal shooting on Brian Lara Promenade, told a Port-of-Spain magistrate he was not employed with the URP, but had been collecting pay cheques.

The outspoken Mappey Jones had been brought to court in connection with a killing designated as gang-related. The defendant had no trouble admitting, however, that he also belonged to a 'ghost gang'. This is a long-standing URP institution under which favoured people make it to the payroll without ever having to drive a stroke on the work sites.”

6.45 p.m.

Mr. Vice-President, this same young man, Kirk Walker, whose letter I will read a little later, also made the statement. He actually advanced to me an Unemployment Relief Programme (URP) cheque with his name on it, which he said was forwarded to him in order to shut him up, he also not having worked a single day in the programme.

The Ministers are steeped in denial and, therefore, this article goes on to say:

“Dumas, minister responsible for URP, said his ministry was investigating the Mappey Jones claims. He called on citizens to report wrongdoings, though he is yet to give a hotline number.”

This editorial advocates:

“The Ministry should also be probing ghost gang reports by Brent Danglade. This state witness in the murder conspiracy trial of Jamaat-al-Muslimeen leader Yasin Abu Bakr related in court he used to visit a URP office, sign his name on a register as having worked, and eventually receive pay.”

This article was very critical of the Minister currently in charge of the URP, having quoted him as saying:

“‘The practice of this minister is that when someone is misbehaving, I confront them and then ask for their resignation,’ Mr. Dumas said. He claimed to have ‘cleaned up the system’ inherited from the UNC.”

Therefore, the Minister having admitted to cleaning up the system, this editorial goes on to make certain observations about it:

“Having thereby confirmed his hands-on involvement in the URP management, Mr. Dumas has implied a high level of ministerial and, therefore, political, control of the programme.

Allocations to URP in the last three budgets have grown from \$130 million to more than \$300 million...

For one thing, the URP skullduggery involves public funds under political management. For another, Mr. Dumas can convince nobody that URP oversight, monitoring and accountability are comparable to what obtains in private banks, themselves supervised by the Central Bank.

The public may not trouble to plug their ears against the fast-talking propaganda of Mr. Dumas...but they will continue to hold their noses against the odour emanating from the URP.”

This is what the people of this country think of the URP programme.

A number of other headlines have indicated to us that the pumping of funds, the financing and refinancing of the URP programme, is nothing more than the financing and refinancing of the bloodletting going on in this country. For example, the headline of Saturday, April 23, 2005:

“Ministry: No URP link in promenade killing”

Tuesday, February 01, 2005:

“Teen suspect in URP foreman’s murder slain”

Tuesday, January 13, 2005:

“URP foreman stabbed to death”

It goes on and on, the story of death, destruction and blood in a programme that fails to fulfil its original mandate, that is, to help the most vulnerable among us: young mothers, single mothers, unemployed youth and so on.

It has reached the point where in order to muscle their way into the URP programme, young men are going out there and renting guns; and they are

becoming younger and younger. I know that for a fact, because in the Gonzales area where I used to live, there have been recent reports of some young boys, not older than 16 or 17 years, who have been unemployed for a long time and having looked at the example of the so-called community leaders, they have learned their lessons well.

These young men are going out there and actually renting guns now in order to establish themselves as a force to be reckoned with in the URP programmes. This is what is happening in our country. This is the example they are learning from the communities. These are younger and younger boys who find themselves without parental or community guidance that is necessary to put them on a path to self-development and progress. Their idols and role models are these URP gang members and this is the path they are taking; it is extremely sad.

I want to read very quickly parts of this letter that was forwarded to me by a young man who has been a victim of the threats and violence common in this URP programme, any time you attempt to expose it.

“I am now convinced that the attempt to murder me on Fri. Nov. 19.05 involves persons directly responsible for the management of the URP and CEPEP programmes in Arouca North.”

This was written on May 10, 2005.

“I am not certain if the MP for Arouca North is appraised of this mindless practice by members of his executive whom are associated with this army of criminals in his constituency, but what I am certain of is the fact that some mechanism has been put in place to not only eliminate me but also the charges I have irrefutably levelled against this army of criminals...”

He goes on to say that a death threat on Monday, April 11 was made against him, four police officers and the presiding officer, the magistrate in charge of his case. A threat which stated:

“4 dead walking and comprised 4 live rounds of ammunition.”

This was written:

“In Parliament Chamber
Kirk Walker”

I would like the Minister to investigate this particular charge. This proves irrefutably that there are very serious criminal activities going on in this programme and innocent people are being made victims.

I thank you.

The Minister of Local Government (Sen. The Hon. Rennie Dumas): Mr. Vice-President, the last speaker gave us a very adequate description of the state of the programme under the UNC. [*Desk thumping*] The Unemployment Relief Programme (URP), as run by the PNM, and which as the Senator was so glad to say and to quote, I happen to have the pleasure of having the responsibility to transform from a hot bed of activity, that was used by the UNC to muscle their way into the East-West Corridor and to which they brought the elements of criminal behaviour and other matters, which led to us seeing the Cabinet of that government charging a member with a crime, under their management. I think we are not going to see that under this Government; that is our situation.

Therefore, when you are given a responsibility to clean up a system that has been deliberately established as a criminal bastion of activity of a political party that is bent on raping this country and developing a hoped-for long-lasting hegemony along the East-West Corridor, that has laid the seeds for that community membership and especially its young membership who they had the pleasure of supervising their upbringing, which they conveniently forget—that every current 13-year-old spent seven years under that UNC—let us not forget that. Let us not forget that the 18-year-olds and 23-year-olds who we are trying to rescue each spent six to seven years in their hands. You have a responsibility for that; that is the reality.

Sen. R. Montano: So it is our fault then?

Sen. The Hon. R. Dumas: “Why yuh doh shut your mouth and let me talk, nuh man.”

Sen. R. Montano: So it is our fault? [*Crosstalk*]

Hon. Senators: Hush yuh mouth!

Sen. The Hon. R. Dumas: Shut “yuh” mouth! [*Crosstalk*]

Mr. Vice-President: Please!

Sen. The Hon. R. Dumas: You live a protected life; you do not know anything about this. You come here and try to mash up the country and try to get the children to kill each other! What are you doing?

Sen. R. Montano: No, no, no, no, no!

Sen. Seepersad-Bachan: You did it already.

Mr. Vice-President: Sen. Dumas. Senators, we have had a day with a considerably better tone than this. I would like it to finish in like manner, please.

Sen. R. Montano: Mr. Vice-President, on a point of order. On a point of order! [*Sen. R. Montano raises his voice*] “Yuh doh understand that or what?” Sit down!

Mr. Vice-President: Please.

[*Sen. R. Montano and Sen. Dumas remain standing*]

Sen. R. Montano: When he sits, I will sit.

Sen. The Hon. R. Dumas: This Motion has no point of order.

Sen. R. Montano: When he sits, I will sit.

Mr. Vice-President: Will you please both sit?

Sen. R. Montano: Thank you.

[*Both Senators take their seat*]

Mr. Vice-President: We do not need to have this shouting match; we definitely must do without it, please.

Sen. R. Montano: Point of order, Mr. Vice-President. The Minister has imputed improper motives to me.

Sen. Dr. Saith: Mr. Vice-President, please, please.

Sen. R. Montano: Can I finish? [*Crosstalk*] I am on a point of order.

Sen. Dr. Saith: But there is no point of order.

Sen. R. Montano: How you mean there is no point of order; he has imputed improper motives to me. He said I was here trying to mash up the place. I object to that and he must be made to withdraw that statement, because if I had made it, I would have been forced to withdraw it. Of course, if he does not have to withdraw it, then when I make those accusations in the future, nobody should tell me to withdraw those statements, because I will not. He cannot tell me that I am trying to mash up the place and then say that it is not a point of order.

Mr. Vice-President: Mr. Minister, in the crosstalk I did not grab that point at all.

Sen. R. Montano: He did say it; I am not making it up. Check the *Hansard*.

Mr. Vice-President: I will prefer if we do not use those kinds of remarks. Would you please complete your reply without any aspersions?

Sen. D. Montano: And interruptions.

Sen. R. Montano: Mr. Vice-President, I want the remark withdrawn. I am very serious about it.

Mr. Vice-President: Hon. Minister, if you did make that remark, could you please withdraw it so that we can calm this down. Let us withdraw it and have this sitting complete in a calm manner, please.

Sen. The Hon. R. Dumas: Mr. Vice-President, out of immense respect for you and other people sitting in this House, I withdraw the statement and I will proceed.

Sen. R. Montano: I thank you. [*Crosstalk*]

Sen. The Hon. R. Dumas: I am speaking. You want to tell me when to speak?

This administration is accused of using the URP as a featherbed, that is what the mover of the Motion said; that is the language she used. [*Interruption*]

Sen. Dr. Kernahan: I did not say it to you; I quoted it.

Sen. The Hon. R. Dumas: This administration has repudiated that activity. It is cleaning up the mess left by the last administration. The last administration is guilty of putting guns right through the hills. [*Desk thumping*]

Sen. Mark: What!

Sen. The Hon. R. Dumas: The last administration is guilty of [*Continuous Desk thumping*] whether it is right up to Valencia or right down to Diego Martin; that is the reality. [*Crosstalk*]

Sen. Mark: On a point of order, Mr. Vice-President. I take strong objection to the Minister saying that this party and, by extension, every Member on this Bench, was responsible for putting guns into Laventille. That is a very serious statement and it casts aspersions on every one of us; he is imputing improper motives. He has to withdraw that statement. I was not part of putting no guns in Laventille. I am saying that he must withdraw that statement, Sir, on a point of order. [*Desk thumping*]

Sen. Seepersad-Bachan: Exactly!

Sen. The Hon. R. Dumas: Mr. Vice-President, there is nobody on that Bench who was a member of the last administration.

Mr. Vice-President: I would like you to withdraw that statement and avoid making such sweeping accusations, please.

Sen. R. Montano: Thank you. [*Desk thumping*]

Sen. The Hon. R. Dumas: As an elder, I withdraw it.

Mr. Vice-President, we are going up there and dealing with 60,000 people who we have the responsibility to provide a legitimate means of earning a living so they can feed their family while, at the same time, making a contribution to the development of the society. That is the role of the URP. I do not know where we got this fancy thing that I heard the mover of the Motion quoting. [*Crosstalk*]

Sen. Seepersad-Bachan: We got it from the newspapers.

Sen. R. Montano: You were not listening?

Sen. Seepersad-Bachan: Tell the newspapers.

Sen. The Hon. R. Dumas: Mr. Martin Mathews was describing his experiences in 2001. The newspaper that the Senator quoted was talking about Mr. Mathews operating at a time when he said that he had to join the Muslimeen to get a job in the URP; that was under the UNC administration.

Hon. Senator: Awh hau! [*Desk thumping*]

Sen. The Hon. R. Dumas: “Read de whole paper; doh read piece.” [*Desk thumping*] Go and read the front page; that is what he was saying. It was during the period in which he had to join the Muslimeen to get a job in the URP. When he was put in charge in St. Ann’s, he said that he was a gunman for them and he knew where the guns were hidden. He said it, not me.

Sen. R. Montano: In what newspaper?

Hon. Senator: Awh hau!

Sen. The Hon. R. Dumas: The Sunday of the week before the editorial you quoted. Go back to it, man. What did the newspapers say? “Is” not what you choose to say. We have evidence in the courts given in cases about who carried the guns, where they were carried, where they were hidden and which policemen they were carried for. When those guns were let loose through the society— [*Interruption*]

Sen. R. Montano: On a point of order, Mr. Vice-President.

Sen. The Hon. R. Dumas: You quoted the case, did you not? [*Crosstalk*]

Sen. R. Montano: No.

Sen. The Hon. R. Dumas: You quoted the case.

Sen. R. Montano: On a point of order, Mr. Vice President. I am looking at what my friend quoted from; Wednesday, February 02 and I see “Danglade”. I do not see anybody called Martin Mathews. It is either the Minister must do what we are forced to do in this Senate, that is, if he makes a statement, such as he is making, he must quote it and produce the quotation exactly or he must withdraw it, because we have said this sort of thing before and we have been told, “No, you are not allowed to do that, unless you are actually quoting.” The Minister is not quoting. What is sauce for the goose has to be sauce for the gander. All I am asking is equal treatment. [*Crosstalk*]

Mr. Vice-President: Sen. R. Montano, the Minister referred to a reference made by the presenter of the Motion and he said that the entire article was not read. [*Crosstalk*] He also said that what he referred to is from the Sunday prior to the date from which that paper was quoted. [*Crosstalk*] I do not see that necessitates a withdrawal, because there were no accusations, no aspersions.

Sen. R. Montano: But, Mr. Vice-President, I have the Sunday editorial here and it says:

“Last week, Marvin ‘Mappey Jones’, one of three accused in the fatal shooting on Brian Lara Promenade, told a Port-of-Spain magistrate he was not employed with the URP, but had been collecting pay cheques.”

Sen. The Hon. R. Dumas: Is this part of the debate? What is that?

Sen. D. Montano: Why are we wasting time with this? This is not relevant.

Sen. R. Montano: This is Sunday, May 01, 2005. The article continued:

“The outspoken Mappey Jones had been brought to court in connection with a killing designated as gang-related. The defendant had no trouble admitting, however, that he also belonged to a ‘ghost gang’. This is a long-standing URP institution under which favoured people make it to the payroll without ever having to drive a stroke on the work sites.

Asked about Marvin Mappey Jones’ candid admission in open court, Local Government Minister Rennie Dumas feigned mystification. ‘We need to find out what he is talking about,’ he said.

Dumas, minister responsible for URP, said his ministry was investigating the Mapey Jones claims. He called on citizens to report wrongdoings, though he is yet to give a hotline number.” [Crosstalk]

I am reading the editorial and it is relevant insofar as the Minister is not quoting anybody or anything. The editorial is here. [Crosstalk] All I am asking the Minister to do is either quote accurately or withdraw it; otherwise we will say exactly—[Crosstalk] We have to do it all the time.

Sen. Seepersad-Bachan: We have to do it all the time.

Sen. R. Montano: We have to do it all the time and if we have to do it, you have to do it too, damn it! [Sen. R. Montano raises his voice]

Hon. Senators: Ooh!

Mr. Vice-President: Sen. R. Montano.

Sen. R. Montano: I apologize.

Hon. Senator: Get out! Get out! [Laughter]

Mr. Vice-President: In the first place, the Minister’s response in the Motion is not one that is up for debate. [Crosstalk] I have given leeway for discussion that is now turning into raucous behaviour. It is turning into a debate that is going to start all over and I cannot permit it. Mr. Minister, I am asking you to wind up. You had two minutes when the last interruption took place.

Sen. The Hon. R. Dumas: I had two minutes before the interruption?

Mr. Vice-President: Please wind up.

Sen. Dr. Kernahan: You are not making sense, you might as well wind up.

Sen. The Hon. R. Dumas: Mr. Vice-President, this programme stands washed—[Interruption]

Sen. Dr. Kernahan: In blood.

Sen. The Hon. R. Dumas: Yes, but the blood that has been let loose on this country and on a section of the population of this country by the ambitions of a regime which, hopefully, we have been saved from and will never see in the streets of power. [Desk thumping] The present state of this system is that we provide 19,500 job opportunities every fortnight. [Desk thumping] Mr. Vice-President, 15,500 of them are in the core programmes; 4,000-plus are women in self-management. Unlike the time when women had to be scared as to who managed the programme, women manage themselves; 65 per cent of that

programme is treating with the women in this section of the community; 35 per cent is male.

Hear some fancy things, Mr. Vice-President. I would tell you that this programme now constitutes a delivery system that provides jobs across the society, in all sections, whether we are dealing with the PNM strongholds or the soon to be PNM strongholds in the middle of Chaguanas, in the heart of the UNC. [*Desk thumping*] We had 607 communities in Trinidad and Tobago; in that, 14,000 people are working in every single community. Every single community has, at least, three URP gangs, two maintenance gangs and one construction gang. We have 240-plus special projects providing facilities across the country. If you open your eyes you will see a clean programme that is working to deliver infrastructure, opportunity and services in the communities. [*Crosstalk*] I have with me letters from every single MP who sits here. Every single MP who is a member of the UNC writes to ask to be part of this programme.

Sen. R. Montano: That is why you are in front of the Integrity Commission.

Sen. Seepersad-Bachan: With your brown bag. [*Laughter*]

Sen. The Hon. R. Dumas: If your hands could have been pointed at me, I would be in jail. Your hands were pointed at the ministers you put in place and we know who they all are. You tell somebody from my village that I touch a cent of their money and they will tell you who Rennie Dumas is, what family he comes from. You would not go anywhere near my people and my community and repeat that dotishness you are saying there. [*Desk thumping*] That is the community I am from. You would not repeat that outside. You would not go anywhere near my community and say that. That is why I am in charge of the programme. [*Interruption*]

Mr. Vice-President: Mr. Minister—

Sen. The Hon. R. Dumas: The programme was so stink and nasty in your hands that they had to find a clean and honest man to clean it up. That is where we are. [*Desk thumping*]

Mr. Vice-President: Sen. Dumas, you must wind up now.

Sen. The Hon. R. Dumas: I would love to take the opportunity when it is next afforded by another question, by another motion, to talk about the URP, because it is time the nation begins to hear the truth. It is time we investigate what is happening, not just cast it in the propaganda that you would want. The place is

going to be clean from top to bottom, including some of the things you would like to have us hide; they would come on the table.

Sen. Seepersad-Bachan: The brown bag.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.11 p.m.