

*Leave of Absence**Tuesday, March 13, 2007***SENATE***Tuesday, March 13, 2007*

The Senate met at 1.30 p.m.

PRAYERS[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. Vice-President: Hon. Senators, I must inform you that I have given leave of absence to the Hon. Satish Ramroop who is ill.

APPOINTMENT OF MR. VICE-PRESIDENT

Mr. Vice-President: Hon. Senators, I wish to inform you that the President of the Senate, the Hon. Dr. Linda Savitri Baboolal, is at present Acting President of the Republic of Trinidad and Tobago for His Excellency the President, Prof. George Maxwell Richards who is out of the country. During the absence of the President, the Vice-President of the Senate will preside over the sitting.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from Her Excellency the Acting President, Dr. Linda Savitri Baboolal:

“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: MR. OVERAND PADMORE

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 President of the Senate:

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,

Senator's Appointment
[MR. VICE-PRESIDENT]

Tuesday, March 13, 2007

OVERAND PADMORE, to be temporarily a member of the Senate with immediate effect and continuing during the period that Senator 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 13th day of March, 2007."

“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: MR. NILEUNG ROLAND HYPOLITE

WHEREAS Senator Satish Ramroop is incapable of performing his duties as a Senator by reason of illness:

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 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NILEUNG ROLAND HYPOLITE, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Satish Ramroop.

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 13th day of March, 2007."

OATH OF ALLEGIANCE

Senators Overand Padmore and Nileung Roland Hypolite took and subscribed the Oath of Allegiance as required by law.

SECURITY ASSISTANCE (CARICOM) BILL

Bill to provide for the implementation of the Treaty on Security Assistance among Caricom Member States and for matters connected therewith [*The Minister of National Security*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings.
[*Hon. M. Joseph*]

VISITING FORCES BILL

Bill to provide for the presence, activities, privileges and immunities of members of visiting forces and for matters connected therewith [*The Minister of National Security*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings.
[*Hon. M. Joseph*]

VISITING POLICE FORCES BILL

Bill to provide for the presence, activities, privileges and immunities of members of visiting police forces and civilian personnel and for related matters [*The Minister of National Security*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings.
[*Hon. M. Joseph*]

Sen. Mark: Mr. Vice-President, under Standing Order 48(1) we need a clear 15 days, and whilst I must admit to you that we were informed last Tuesday that we were dealing with these matters once they were completed in the other place, when we looked at the weighty nature, particularly the matter of the Security Assistance (Caricom) Bill—it is a very weighty and far-reaching piece of legislation, particularly studying the treaty—I would like to suggest to the hon. Leader of Government Business that that particular Bill be deferred until next Tuesday and the two other Bills, we are willing to bend backwards to accommodate the Government in light of the Cricket World Cup series. But as it relates to Bill No. 1, which is very weighty and has some far-reaching foreign relations implications for Trinidad and Tobago as a sovereign and independent State, I would like to respectfully suggest to you, and through you to the hon. Leader of Government Business, seeing that we are not within the timeframe of 15 days, if he would be so kind to consider leaving Bill No. 1 for the next sitting of the Senate and I would be prepared to negotiate with him on those two other Bills. I would like to ask, through you, for his consideration on this matter.

Sen. Dr. Saith: Mr. Vice-President, I regret that the Bills have to be taken as a package. There is no point doing two and leaving one out. In that respect, I do not think I could accede to the request of the hon. Senator. I must say, however, that in the other place where the notice was, I think, one day, the hon. Senator's party was able to study the Bill, make very positive contributions and I would have hoped that that would have expanded to the Members of the Senate as well.

While I recognize that there is a 15-day period, I think it is well-established that it can be weighed in circumstances that require less than 15 days and I am suggesting—we indicated a week ago that we would do it—that I would wish that we continue to do it today.

Sen. Mark: Mr. Vice-President, in light of the Minister's intransigence on this matter, we are not agreeing, first of all, to these Bills being taken conjointly. We are of the view that these Bills are very serious, far-reaching and they ought to be taken separately. Therefore, in accordance with Standing Order 48(1)—

Sen. Dr. Saith: Mr. Vice-President, please, may I indicate that what is before us now is not whether we take them as one; what is before us now is whether we waive the Standing Orders to debate it later in the sitting.

Sen. Mark: Mr. Vice-President, it is precisely against that background that I rose to seek the hon. Minister's intervention, because what I am saying is that these three matters that are before us are too weighty to be taken conjointly. They are three separate Bills; except one person is going to speak for three hours. It is one hour for three weighty Bills, and all I am asking you—since the Minister says he is not interested in hearing us, we are simply saying we will not be able to cooperate under Standing Order 48(1).

Sen. Dr. Saith: Mr. Vice-President, I think the Senator's choice of language is unfortunate. I have never said that I am not interested in hearing the Senator; I am always interested in hearing the Senator. All I am saying is, what is before this honourable Senate is a simple Motion which says: Can we take this later on in the sitting? When we are taking it, then the appropriate Minister will make his suggestions that it be taken as a whole and we will vote on that again. As of now, the matter before us is a very simple one.

Question put.

The Senate divided: Ayes 23 Noes 5

AYES

Saith, Hon. Dr. L,

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Piggott, Hon. A.

Visiting Police Forces Bill

Tuesday, March 13, 2007

Manning, Hon. H.
Chin Lee, Hon. H.
Dumas, Hon. R.
Abdul-Hamid, Hon. M.
Kangaloo, Hon. C.
Sahadeo, Hon. C.
Hackshaw-Marslin, Mrs. J.
Padmore, O.
Hypolite, N.
Mc Kenzie, Dr. E.
Ramchand, Prof. K.
Deosaran, Prof. R.
King, Mrs. M.
Anmolsingh-Mahabir, Mrs. P.
Khan, Bro. N.
Ali, B.
Cropper, Mrs. A.
NOES
Mark. W.
Gopeesingh, Dr. T.
Kernahan, Dr. J.
Ahmed, Mrs. R.
Juteram, A.
Question agreed to.

PAPERS LAID

1. Annual financial statements of the National Infrastructure Development Company Limited for the year ended September 30, 2005. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]

2. Annual report of the Trinidad and Tobago Securities and Exchange Commission for the financial year ended September 30, 2006. [*Sen. The Hon. C. Enill*]

ORAL ANSWERS TO QUESTIONS

Details of Carifesta

18. **Sen. Wade Mark** asked the hon. Minister of Community Development, Culture and Gender Affairs:
 - A. Could the Minister provide the Senate with a detailed breakdown of the cost involved in the staging of Carifesta in Trinidad and Tobago in 2006; and
 - B. Could the Minister also provide the names of the organizers of this event and the respective fees and/or commissions paid to each organizer?

Sen. Mark: Mr. Vice-President, did she run today or is she sick?

The Minister of Public Administration Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, the hon. Minister is away on parliamentary business. She is attending a conference and I would therefore ask that the question be deferred for one week.

Question, by leave, deferred.

BWIA

(Restructuring Report on)

25. **Sen. Wade Mark** asked the hon. Minister in the Ministry of Finance:

With respect to the restructuring report which addressed the various options and concerns with regard to the future of BWIA, could the hon. Minister in the Ministry of Finance provide the Senate with:

 - (i) the name of the firm or group of consultants that produced the said report;
 - (ii) the cost to the Government of Trinidad and Tobago for producing the report; and
 - (iii) copies of the report?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Vice-President, the Report was produced by the Board of Directors of BWIA in consultation with the Chief Executive Officer and using the additional expertise from the Consulting Teams.

There was no additional cost involved in producing the Report. It is essential that the Report should remain confidential since the Airline Industry is very competitive and the publication of the Report will undoubtedly risk exposure to competitors and thereby prejudice the Business Plan.

Sen. Mark: Mr. Vice-President, may I ask the hon. Minister whether he can give us an abridged version of these Reports, having regard to elements that might be confidential in the context of competitiveness?

Sen. The Hon. C. Enill: Mr. Vice-President, that was already done. A written question was asked that basically required the same information and we did do an abridged version indicating, if I recall, that there were three matters considered in the process. One had to do with Restructuring; one had to do with a New Entity and one had to do with a number of other things. That written Report was produced last week and there is information there, including the fact that there is a determination as to what year that airline would, in fact, break even. So the Senator is asking for something that is already available to him—a question that he has asked.

Sen. Mark: Mr. Vice-President, through you again, could you just reiterate the name of the Group or Firm of Consultants for us?

Sen. The Hon. C. Enill: Mr. Vice-President, I answered that on the last occasion—Catalise, I think it was.

Caribbean Airlines (Information Concerning)

26. Sen. Wade Mark asked the hon. Minister in the Ministry of Finance:

With respect to the new company known as Caribbean Airlines, could the Minister advise this Senate of:

- (i) the date of its incorporation;
- (ii) the names of the Chairman and Directors;
- (iii) the qualifications of the Chairman and Directors;
- (iv) the number of employees; and
- (v) the value of Government's capital injection into the new airline?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Vice-President, the answer to this question is not yet approved and, therefore, I would undertake to have it ready by next week.

Question, by leave, deferred.

**Ministry of Finance
(State Enterprises and Statutory Authorities)**

- 57. Sen. Dr. Tim Gopeesingh** asked the hon. Minister of Finance:
- A. Could the hon. Minister of Finance provide the Senate with a list of all State Enterprises and Statutory Authorities which fall under the purview of the Ministry of Finance; and
 - B. Could the Minister also inform the Senate which Minister in the Ministry of Finance has responsibility for each State Enterprise and/or Statutory Authority?

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Mr. Vice-President, the answers to questions Nos. 57 and 59 are not available at this time.

Sen. Mark: Yes, but tell us when it would be available. You just cannot rise and say it is unavailable. Mr. Vice-President, may I ask, through you, when would these questions, which have been on the Order Paper for some time now, be ready? Could you ask the hon. Minister to give us a period of time?

Sen. The Hon. C. Sahadeo: Mr. Vice-President, within two weeks the answers would be available.

Question, by leave, deferred.

**State Enterprises and Statutory Authorities
(Names of Chairmen and Members)**

- 58. Sen. Dr. Tim Gopeesingh** asked the hon. Minister of Finance:
- Could the hon. Minister of Finance inform the Senate of the names of all Chairmen and Members of the Board of Directors of State Enterprises and Statutory Authorities?

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Mr. Vice-President, State Enterprises are limited liability companies and the names of all chairmen and members of the boards of directors can be obtained from the Registrar of Companies. Thus, the information sought is already in the public domain and is therefore in violation of Standing Order No. 17(1)(g)(ix), which states that:

“A question shall not be asked the answer to which can be found by reference to available official publication.”

Chairmen and members of the boards of directors of statutory authorities, as detailed in the Statutory Authorities' (Declaration) Order and its subsequent amendments, are:

Statutory Authority	Name	Status
Cocoa And Coffee Board		
	Mrs. Jacqueline Rawlins	Acting Chairman
	Mr. John Devaux	Member
	Mr. Stefan Saunders	Member
	Mr. Fitz-Clarence Waldrop	Member
	Mr. St. Clair McKenna	Member
	Mr. Kamaldeo Maharaj	Member
	Mr. Elbert Johnson	Member
	Mr. Yograj Gurdath	Member
Sugar Industry Labour Welfare Committee		
	Mr. Lennox Rattansingh	Chairman
	Mr. Deosaran Jagroo	Member
	Mr. Chabilal Budri	Member
	Mr. Ashmead Mohammed	Member
	Ms. Ann Marie Seegoolam	Member
	Mr. Winston Cummings	Member
National Lotteries Control Board		
	Mr. Louis Lee Sing	Chairman
	Mr. Alphonse Skerrette	Member

Statutory Authority	Name	Status
National Lotteries Control Board	Ms. Cherryl Guide	Member
	Ms. Lyndsay Parmashwar	Member
	Mr. Carl Groome	Member-THA
St. Michael's School For Boys		
	Rt. Reverend Calvin Bess	Chairman
	Ms. Andrea West	Member
	Mr. Roland Maundy	Member
	Mr. Robert Shurland	Member
	Mr. Vernon Clark	Member
	Ms. Eulyne Dove	Member
	Mr. Kenrick Francis	Member
	Ms. Sonia Noel	Member
	Ms. Alison Salandy	Member
	Mr. Joseph George Jr.	Member
	Mr. Kelvin Nancoo	Member
	Ms. Claire Blandin	Member
	Ms. Nicole Patrick	Member
St. Dominic's Children Home		
	Dr. Dorrell Philip	Chairman
	Ms. Ruth Polo	Member
	Sr. Helen Scott	Member
	Sr. Catherine Therese Mc Comie	Member
	Ms. Marilyn Yearwood	Member
	Ms. Eunice Gittens	Member

Statutory Authority	Name	Status
St. Dominic's Children Home	Mr. Darryl Nunes	Member
	Judge Stanley John	Member
	Sr. Therese Antoine	Member
St. Mary's Children's Home		
	Rt. Reverend Calvin Bess	Chairman
	Ms. Patricia Martin	Member
	Ms. Margaret Phillip	Member
	Ms. Karen Pierre	Member
	Rev. Jemmott Hazlewood	Member
	Mrs. Brenda Fraser	Member
	Rev. Kenley Baldeo	Member
	Mr. Fitzroy Thomas	Member
	Ms. Merle Gay	Member
	Ms. Yvonne Guisseppi	Secretary
	Ms. Wilma Donald-Brown	Member
	Ms. Claire Blandin	Member
St. Jude's School For Girls		
	Sr. Antoinette Dickie	Chairman
	Ms. Shanta Maraj	Member
	Sr. Petronilla Joseph	Member
	Ms. Sharon Ahye-Romeo	Member
	Mrs. Grace Smith-King	Member

Statutory Authority	Name	Status
St. Jude's School For Girls	Mr. Mark Chang	Member
	Ms. Joanne Julien	Member (Secretary)
	Sr. Katrina Charles	Member
	Sr. Joanne Browne	Member

Sen. Dr. Gopeesingh: Mr. Vice-President, I am not sure whether I heard the Senator correctly; that if anyone asks a question in Parliament in particular reference to some of these state enterprises, we could get the information from a search in the public domain. It means, then, that a Member of Parliament has to pay money to go and do a search for information which is readily available. I think this is untenable that a Member of Parliament is asking a question and the Member of Parliament has to pay money to go and obtain a search to get the information which could be readily available in Parliament, if the Minister is honourable enough to give the information. Why should we have to go and pay money to get a search?

Sen. Mark: Mr. Vice-President, I would like your interpretation of the particular Standing Order, because I think it is a clear misrepresentation and misinterpretation of that Standing Order. I would like you to rule, maybe some time later on in the proceedings, on the interpretation of this and its application, because I think the hon. Minister has abused this particular Standing Order in denying this Parliament information that we have properly requested. So I would like you, Sir, at the appropriate time in the sitting, to give your ruling on the interpretation of this particular Standing Order.

Sen. Montano: Mr. Vice-President, on a point of order. Sen. Dr. Gopeesingh has imputed improper motives to Sen. Sahadeo. He said if she was honourable enough. That is not so—

Sen. Dr. Gopeesingh: Okay. I withdraw that comment. [*Crosstalk*]

Sen. Montano: The Standing Order is very clear; it is very clear. There is no opinion on the part of the Minister whether she should or should not answer. The Standing Orders dictate that she must not answer when it is in the public domain. The Minister did not make that rule. The rule has existed for many years when they were in government; when they were out of government and it is the same rule that has guided us all these years.

2.00 p.m.

Sen. Mark: Mr. Vice-President, I would like you at the appropriate time in the proceedings to give us an interpretation of the relevant Standing Order that was quoted by the hon. Minister and tell us how it is to be applied, so we would be guided by you and not him. I am making a request.

The following question stood on the Order Paper in the name of Sen. Dr. Tim Gopeesingh:

**State Enterprises and Statutory Authorities
(Breakdown of Financial Allocations)**

- 59.** A. Could the hon. Minister of Finance provide the Senate with a detailed breakdown of the annual financial allocations made to all state enterprises and statutory authorities for the period January 01, 2002 to December 31, 2006?
- B. Could the Minister also provide the Senate with a detailed breakdown of the profits/losses for these state enterprises and statutory authorities over the same period?

Question, by leave, deferred.

WRITTEN ANSWERS TO QUESTIONS

Mr. Vice President: Hon. Senators, I must bring to your attention that replies to Questions. Nos. 4 and 5 on the Order Paper have been received and would be circulated during the course of the sitting.

The following questions were asked by Sen. Wade Mark:

**Urban Development Corporation of Trinidad and Tobago
(Details of Projects)**

- 4. (a)** Could the hon. Minister of Planning and Development provide the Senate with the following information from the establishment of the Urban Development Corporation of Trinidad and Tobago (UDEcOTT):
- (i) The number and names of projects undertaken by UDEcOTT;
 - (ii) The types of financial arrangements governing each project;
 - (iii) The cost of each project; and

- (iv) The names and addresses of all contractors engaged by UDeCOTT in the execution of those projects?
- (b) Will the Minister further state whether the accounts and financial statements of UDeCOTT have been audited as is customary and the names of the auditing firms engaged for these projects;
- (c) Could the Minister also state whether UDeCOTT has been in full compliance with the provisions of the Central Tenders Board Act;
- (d) If the answer is in the affirmative, could the Minister provide a full account of the process involved; and
- (e) If it is in the negative, will the Minister provide details of the tender procedures employed by UDeCOTT in the award of contracts?

**Urban Development Corporation of Trinidad and Tobago
(Procurement Procedures)**

5. Could the hon. Minister of Planning and Development provide the Senate with a detailed understanding of the procurement procedures adopted by Urban Development Corporation of Trinidad and Tobago (UDeCOTT) with respect to the Tarouba project as well as all the other projects undertaken by UDeCOTT from the period January 01, 2002 to October 30, 2005?

Vide end of sitting for written answers.

**VISITOR TO THE SENATE
(HON. DR. ROSEMARY MATHURIN)**

Mr. Vice-President: Hon. Senators, before we go into what would be considered the meat of the matter for today, I inform the Senate that visiting with us from St. Lucia is the President of the Senate, Dr. Rosemary Mathurin. She is here on an official visit and is here for the day. She is sitting with us as an observer this afternoon. I would like you to welcome her, please. [*Desk thumping*]

SECURITY ASSISTANCE (CARICOM) BILL

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, I beg to move,

That a Bill to provide for the implementation of the Treaty on Security Assistance among Caricom Member States and for matters connected therewith, be read a second time.

RELATED BILLS

The Minister of National Security (Sen. The Hon. Martin Joseph): In moving the second reading of this Bill I seek leave of the Senate to debate along with this Bill, the Visiting Forces Bill and the Visiting Police Forces Bill as they are related.

Sen. Wade Mark: Mr. Vice-President, I object to those three Bills being read jointly at this time. I request of the Government to postpone debates on the Security Assistance (Caricom) Bill. We would be reluctantly prepared to deal with the Visiting Forces Bill and the Visiting Police Forces Bill conjointly. Under no circumstances are we prepared to deal with those three Bills simultaneously. They are too weighty and have far-reaching implications for this sovereign and independent republic. I would like the hon. Minister to reconsider that position.

Question put.

The Senate divided: Ayes 24 Noes 5

AYES

Saith, Hon. Dr. L,

Jeremie, S. C., Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Piggott, Hon. A.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Hackshaw-Marslin, Mrs. J.

Padmore, O.

Hypolite, N.

Mc Kenzie, Dr. E.

Ramchand, Prof. K.
Deosaran, Prof. R.
King, Mrs. M.
Seetahal, S. C., D.
Anmolsingh-Mahabir, Mrs. P.
Khan, Bro. N.
Ali, B.
Cropper, Mrs. A.
NOES
Mark, W.
Gopeesingh, Dr. T.
Kernahan, Dr. J.
Ahmed, Mrs. R.
Juteram, A.
Question agreed to.

SECURITY ASSISTANCE (CARICOM) BILL

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, let me seek your leave to refer extensively to my prepared text, please. The Treaty on Security Assistance Among Caricom Member States is a regional treaty whereby Caricom Member States agree to provide mutual assistance to each other during emergency situations. It has as its objectives, timely response to and management of natural and manmade disasters in order to reduce and eliminate harmful consequences thereof; efficient mobilization and deployment of regional resources, in order to manage and diffuse national and regional crises and to combat serious crimes; combating threats to national and regional security and preservation of the territorial integrity of the contracting states. The treaty is merely an agreement and neither provides the legal basis for the deployment of service personnel under crisis conditions nor for the protection of such personnel who are providing a service at the request of the receiving state.

The protocol to the treaty also recognizes the possibility that in certain circumstances assistance may be required from extra regional sources at the invitation of Caricom Member States. Two courses of action are necessary; enactment of legislation to give the provisions of the treaty and protocol, the force of law in Trinidad and Tobago and the enactment of legislation to provide for the conditions under which visiting forces would operate. In this case it is the law which will govern the presence of regional or extra regional forces in Trinidad and Tobago. Generally, the enactment of this legislation is taking place in the context of Trinidad and Tobago's role as a Member State of the Caricom community.

At the conference of Heads of Government on February 13, 2007, it was agreed that all Member States should enact such legislation in time for Cricket World Cup 2007, to provide the appropriate legal basis for certain security aspects of the regional security plan for Cricket World Cup, 2007, including the use of regional security personnel supported by international counterparts having specialized skills. This was even more vital for those states that were hosting the event. Since Trinidad and Tobago is both expected to send and receive personnel, it was very important to this Government that it enacted the required legislation to ensure that it provided protection so that it would receive protection for its visiting personnel.

The magnitude of the tournament and the fact that international support in the form of personnel with special skills are now being committed has brought into focus, the unspeakable international publicity, Trinidad and Tobago could face should there be an incident involving visiting forces whether regional or international. We cannot underscore the importance of security arrangements for the staging of a global event. It is always a primary concern and must be addressed from a global perspective. It must also be seen in its broader sense. Disaster preparedness including mass casualties and public health must be addressed.

Furthermore, the experience of host countries has shown that the international nature of participation and attention requires broader co-operation. For these reasons Caricom governments agreed to the establishment of an international support and advisory group (ISAG) as did the government of Greece in its security preparations for the 2004 summer Olympics. Among the countries comprising this group in 2004, was the United Kingdom who chaired the group. Over the past year we have had and continue to have the benefit of two persons who formed part of that UK team advising us in the Caribbean. At this time, it must be stated for the record that visiting personnel have arrived in Trinidad and Tobago and are performing functions in an advisory capacity. More are expected to arrive shortly.

One may ask why only now, if the legislation has always been necessary in the context of a treaty that is not peculiar to Cricket World Cup. It must be recognized that ICC Cricket World Cup 2007 has precipitated regional security action that may have taken otherwise, a great deal longer. Quite apart from the tournament it is necessary for our safety and security in a global environment. It is against this background and on the basis of current threat assessments and international expert advice on security arrangements for global events, that the regional security plan for Cricket World Cup 2007, has been formulated with the emphasis on preemptive rather than reactive action. In some cases it may appear that action is required in a last minute manner, but time has always been against us, particularly so in the situation where the tournament is being held across nine sovereign states.

Agreement on the substantive legislation, that is the Caricom model legislation was prepared by the Caricom legislative drafting facility and was only finalized in the middle of February 2007, over two weeks ago. When the agreed model legislation was received our legislative drafters had to shape the legislation to ensure that it was consistent and compatible with the laws of Trinidad and Tobago and its Constitution. One will see minor amendments to do that. We cannot adopt the legislation *carte blanche*; we had to shape it to suit our needs. At that stage the decision had to be taken by our Government whether to make these Bills legacy items since the rationale for them is not exclusive to Cricket World Cup 2007. It would and must be legacy legislation since the obvious need for them regionally would surely outlive Cricket World Cup 2007.

For the record, Barbados and Jamaica have visiting forces legislation for over 20 years. What was introduced in Barbados was Visiting Police Forces legislation and the Security Assistance Bill. Those other Caricom countries that do not have legislation now are speedily moving towards ensuring that the legislation is passed. If my memory serves me correctly, Guyana is either meeting now or about to meet to ensure that these packages—at the end of the day all nine Caricom States and Dominica would have passed similar legislation.

It is important to note that in the past Trinidad and Tobago has assisted its neighbours in times of difficulty with military and law enforcement support, all this in an *ad hoc* manner and without the necessary legislative framework or protection for our personnel. We have been lucky so far in that there has been no untoward incident. The latest was with respect to after hurricane Ivan in Grenada. You will recall that Trinidad and Tobago sent upwards of 200 troops to Grenada.

The purpose of status of forces legislation is to give such forces the legal authority to exercise military or police functions in a foreign country and to simulate the conditions under which they would provide such services. It should be noted that the status of forces legislation usually deals with military personnel and civilians forming part of their force. In the case of the Treaty on Security Assistance Among Caricom Member States, assistance is provided for by way of police personnel. This is because Caricom Members such as Grenada does not have a defence force and so provision must be made to invite members of their police into the arrangements.

In the single domestic space created for Cricket 2007, it has become of vital importance that Trinidad and Tobago take the necessary steps to pass legislation to ensure the safety of all persons within the jurisdiction, fans, players, visitors and citizens alike.

States participating in the tournament have offered police personnel to assist regional law enforcement in the event of any law and order situation, where there might be cultural or language difficulties in dealing with their supporters. As I mentioned before, some have arrived already. Let us take this opportunity to prepare for foreseen as well as unforeseen events such as natural disasters such as that which occurred in Grenada when hurricane Ivan battered its shores in 2004. It is very difficult for Trinidadians and Tobagonians to appreciate this devastation because we have been spared thus far. Ever mindful of this fact, we must make preparations for any eventuality.

The Security Assistance (Caricom) Bill: the Treaty on Security Assistance Among Caricom Member States was signed by Member States at Basseterre, St. Kitts/Nevis on July 06, 2006. Recognizing that the community may have need to mobilize forces under a single command on occasions in relation to the management of a single incident or event, Member States signed a protocol to the treaty on February 14, 2007. In order to give effect to this treaty at the domestic level the Government has prepared the Security Assistance (Caricom) Bill, 2007.

Clause 1 of the Bill is the short title.

Clause 2 of the Bill proposes to define contracting parties to be those countries that are signatories to the treaty; to define "Minister" to be the Minister with responsibility for national security; and to define "treaty" to be the treaty signed on July 06, 2006 at Basseterre, St. Kitts/Nevis as amended by the protocol signed on February 14, 2007.

Clause 3 states that the treaty shall have force of law in Trinidad and Tobago.

Clause 4(1) provides for the Minister to amend the treaty or any protocol thereto by order.

Clause 4(2) provides that unless otherwise specified any reference made to the treaty after an amendment under clause 4(1) shall be construed as reference to the treaty as amended.

The Schedule, Part I is the treaty on security assistance among Caricom Member States signed on July 06, 2006.

The Schedule, Part II is the protocol to the Treaty on Security Assistance Among Caricom Member States signed on February 14, 2007.

In addition to the treaty, the presence of foreign forces on Trinidad and Tobago's territory requires a special legal basis; that is to say the law governing their presence which sets out all the legal provisions to which foreign forces are subject while present on Trinidad and Tobago's soil. Two such pieces of legislation are before the Senate, the Visiting Police Forces Bill 2007 and the Visiting Forces Bill, 2007. The content of the legislation was taken from model legislation drafted by the Caricom legislative drafting facility using the Jamaican Visiting Forces Act, No. 20 of 1975 which is quite similar to the UK Visiting Forces Act of 1952 and even more compatible to the Canadian Visiting Forces Act of 1985.

On the international level visiting forces legislation exist all over the world including many Commonwealth countries, namely, Australia, Britain, Canada, New Zealand and Singapore. These pertain essentially to visiting military personnel. One may then ask: Why is there a need for the Visiting Police Forces Bill? I indicated earlier that that is to take care of some of those countries for historical reasons. In the Caricom region there are countries that do not have a defence force such as Grenada and St. Vincent and the Grenadines. In order to include these countries in the regional assistance plan legislation similar to that immunizing the military from prosecution is needed for the police. The intent of the Visiting Police Forces Bill is to give members of visiting police forces the powers of local police whilst making them subject to the authority and instruction of the Commissioner of Police.

They will enjoy immunity from prosecution in our local courts in respect of acts done in the course of their duty as well as in respect of acts committed against other members of their visiting forces or in respect of property belonging to the sending country. This immunity will pertain to acts that may constitute either a civil or criminal offence providing the act is done in the course of duty; is an act against another member of a visiting force or property belonging to a visiting force.

The determination of whether an offence is done in the performance of one's duty will be certified by the Commissioner of Police of Trinidad and Tobago. Acts committed outside the course of duty would be prosecuted by the courts of Trinidad and Tobago in accordance with our justice system. In many host countries this can become a political issue following crimes allegedly committed by service members of visiting forces. In such arrangements there is always the need to balance the interest of receiving and sending states in the areas of criminal and civil jurisdiction and fiscal matters. Trinidad and Tobago has agreed to enact such legislation at its domestic level with the assumption that other Caricom Member States would also enact similar legislation. That assumption is correct because they are doing so. Undertakings were given at the regional level to do so.

On the basis of this reciprocal arrangement a Trinidad and Tobago police officer will enjoy the same police powers, rights and immunities from legal proceedings offered to his Caricom counterpart. These powers, privileges and rights are conferred under clause 5 of the Bill. Many host countries have mixed feelings about foreign personnel on their soil especially since the concern of the sending state is to ensure that its personnel is not subjected to other persons' jurisdictions for offences committed on foreign soil under a different legal system, that they may not enjoy the same constitutional rights and freedoms given to them in their home state. Generally, the sending state would wish for total immunity for its personnel which would be resisted by the host country that would seek to protect its citizens from harm by visiting personnel. However, most crimes by servicemen against local civilians occur off duty and in accordance with the domestic legislation are considered subject to local jurisdiction.

This Bill will apply to those visiting forces originating from countries listed in the Schedule of the Bill. Provision is also made for a country to be so designated by the Minister under clause 4(2) of the Bill. It is the act of being so designated that invokes the application of this legislation. One may ask since visiting police personnel are immune from suits for acts done in the course of their duty under clause 6, what recourse does a civilian national have for damage, loss or injuries suffered at the hands of such persons? Clause 8 provides a mechanism for arbitration where there is disagreement between the contracting states on the issue or whether a member of a visiting police force was acting in the performance of his or her duties.

Under clause 9 of this Bill visiting police personnel while acting in the course of their official duties shall be deemed to be servants of the Republic of Trinidad and Tobago and as such, any action for compensation against a member of a

visiting force would be an action against the State of Trinidad and Tobago under the State Liability and Proceedings Act. Additionally, the Minister of National Security may make arrangements for the payment and settlement of such claims of settlement which would be defrayed out of moneys provided by Parliament.

Clause 11 of the Bill prevents double compensation by the receiving state where compensation has been paid or is payable by the designated state which is the sending state.

Lastly, it is customary international practice that visiting forces would be exempted from the payment of taxes, licensing and custom duties on fuels, vehicles or equipment which they may be importing in the host country for effectively carrying out their functions. It is also customary to exempt from taxation, emolument and income earned by members of visiting forces, always bearing in mind that the visiting forces are on foreign ground at the request of the host country and it is the sending state that is paying their wages without contribution by the receiving state. It is only logical therefore, that visiting forces personnel would be exempted from paying import duties on their personal effects when they first arrive in the receiving country.

The legislation before the honourable Senate augurs for enhanced coordination of activities as well as protection of contingents, since at present our military personnel are deployed on a needs basis without any immunity. Whilst we have relied on goodwill and gentlemen agreement, the time has come to solidify this. This Government is once again showing its proactive nature by anticipating the needs of our country in the event of a tragedy, natural or otherwise, by the presentation of the Visiting Forces Bill. This Bill seeks to provide for the presence, activities and privileges and immunities to visiting forces and the civilian component thereof and the waiver of jurisdiction of service and civil courts relevant to those visiting forces and their civil components.

Part I of the Bill provides for preliminary matters.

Part II of the Bill deals with the jurisdiction of our courts and the courts of the visiting forces and gives to the visiting forces immunity from civil and criminal jurisdiction of Trinidad and Tobago, in respect of acts performed in the course of their official duties. This does not mean that visiting forces come to Trinidad and Tobago and commit offences with impunity. This Bill defers from the Visiting Police Forces Bill in that it also deals with the role of military tribunals which have been defined as service courts and are not applicable with respect to police. The service courts of the visiting forces shall exercise jurisdiction over their troops in respect of acts committed in the performance of their duties.

Alternatively, if they commit any crimes outside their official duties against a citizen of Trinidad and Tobago, they would be subject to the jurisdiction of our local courts. As an added precaution for our citizens, we have provided for compensation under Part VI of the State Liability and Proceedings Act.

Part III of the Bill is entitled “Attachments of and to Trinidad and Tobago Forces” and would grant to visiting forces whose members are temporarily attached to the Trinidad and Tobago forces, the same status under the laws of Trinidad and Tobago and the same powers of command, punishment and arrest as if they were members of the Trinidad and Tobago forces of relative ranks. We feel that we need to provide further protection to our citizens as a result of the immunities granted under this Bill and so we have provided in Part VI under Claims for Personal Injuries and Property Damages for the State to assume liability for claims made against the visiting force of a designated state. This Part will also empower the Minister of National Security to make payments for those claims.

Part V of the Bill deals with coroner’s inquest under this Bill.

Part VI speaks to the issue of taxation and provides certain tax exemptions for members of a visiting force similar to those being afforded to the police under the Visiting Police Forces Bill.

2.30 p.m.

Part VII deals with three issues: One; it makes provision for members of the visiting forces to drive in Trinidad and Tobago as long as they have a valid driver’s licence issued in their designated state. Secondly, it contains the rules and regulations making provision and provides that this Act shall be binding upon the State.

Mr. Vice-President, it is the duty of the Government to adopt and put in place the necessary measures to ensure the safety of all its people. To ensure delivery of this service we must strengthen international cooperation. To achieve this we must have consensus, hence the model legislation and implementation of decisions arrived at with our regional counterparts. This package is intended to construct the necessary legislative framework for that.

Mr. Vice-President, with these few words, I beg to move.

Question put and agreed to.

Sen. Wade Mark: Thank you very much, Mr. Vice-President. According to the hon. Minister of National Security we have now moved from what we have grown accustomed to under Cricket World Cup 2007, as sunset legislation, and we are now being taken onto new heights, legacy legislation. Legacy, for whom,

we may well ask? But that is another question and I will try to unravel this mystery that is before us in the sense that there is legislation that was agreed upon by Heads of Government—and I want to say very early that Ministers of National Security tend to be very myopic in their thinking because they only look at things internally. But do you know many national security issues have far-reaching foreign policy implications? I would like this Minister of Foreign Affairs, who has been silent today in this Parliament, at the appropriate time to intervene in this debate. Because where sovereignty and independence come into the picture, these are issues that would require an intervention from the Minister of Foreign Affairs.

Mr. Vice-President, I have some questions for him, that is why he will have to speak today. I want to deal first of all with this Security Assistance (Caricom) Bill. This was supposed to have been signed by Heads of Government in July, we were told. If one looks at the last page of this document one will see where our hon. Prime Minister, without any discussion with the sovereign people of this nation, without any discussion with the Parliament, signed on the dotted line purportedly representing our interest. That was on July 06. But to demonstrate the contempt and disrespect that this PNM regime has for this Parliament, they used the legal fig leaf of Cricket World Cup to hustle us here today to deal not with one, not with two, but with three pieces of legislation simultaneously, that required in its own time, separate debate and separate discussions. That is how the PNM operates, to mamaguy the population when they have their own political agenda. So we are here today debating three pieces of far-reaching legislation involving the independence, the sovereignty of our nation.

I would like the Minister of Foreign Affairs who has been silent to date in this country to tell us today on what basis and on whose recommendations did the Heads of Government of the Caribbean sign this treaty. You cannot sell out our sovereignty and independence in Basseterre just so.

Mr. Vice-President, there is something called the *Revised Treaty of Chaguaramas* and there is no provision in this Treaty that we have signed that deals with security assistance. I have not seen it. Maybe, the Minister of Foreign Affairs will guide me as to where I can find it. But what I saw on page 13, Article 16, where there is a section that deals with the Council for Foreign and Community Relations. I want to read that particular section. It gives the mandate to this particular Council to deal with a number of things but the one that caught my attention is 3(b):

“establish measures to co-ordinate the foreign policies of the Member States of the Community, including proposals for joint representation, and seek to

ensure, as far as practicable, the adoption of Community positions on major hemispheric and international issues;”

I would like the hon. Minister of Foreign Affairs to tell us whether the Council for Foreign and Community Relations recommended to the Heads of Caricom after proper evaluation, analysis and assessment of the implications of this Treaty. Tell us when this Council met because it is our information that before Caricom Heads of Government take a decision of the magnitude that is involved in this document called the Security Assistance (Caricom) Bill which deals with a treaty, we understand that they normally rely on the advice and on the positions submitted by the Council for Foreign and Community Relations.

I would like the hon. Minister of Foreign Affairs to provide us with the minutes. We want to know when this committee met seeing that the decision was taken in July to accept this Treaty by the Heads of Government. You provide to this Parliament and to this country when did this committee meet. We want to know when they met, what did they discuss, what were the implications of their recommendations and if he could give us, for instance, exactly the minutes of those meetings, because we have information that is contrary. I would not reveal that now. I will await him to tell us when this committee met.

I believe that this Treaty that they are seeking to have us rubber stamp today in this Parliament is not only insulting to the intelligence of the people of this country, but we want to know if the Government of Trinidad and Tobago has altered its foreign policy. We want to know if the Government of this country that has had a rich tradition of non-interference in the internal affairs of other nations, whether the Government of Trinidad and Tobago has altered its foreign policy. Because, this Treaty is clearly giving this Government, along with its Caricom colleagues, almost a mandate to provide military and other assistance to Caricom countries.

Since when does Trinidad and Tobago have to enter into a treaty to provide such assistance? We have done it in the past. The Minister said it a short while ago when there was this major hurricane in Grenada. The Government of Grenada requested support. We complied. We went forward and as he said, provided a couple hundred troops, or army personnel. Mr. Vice-President, that could be on a country to country basis. But when you have a treaty which is saying among other things—Mr. Vice-President, I just want to read one or two of the objectives. Tell me what you understand by this? Are we now an imperialist state? Is Trinidad and Tobago having imperial ambitions because we have a prime minister with imperial

ambitions? We want to know. Hear what is said here in this Treaty under Article 3, page 6. The security assistance mechanism is to do the following things:

“(b) expeditious, efficient mobilisation deployment of regional resources in order to manage and defuse national and regional crises and to combat serious crimes;”

Since when Trinidad and Tobago wants to be part of a regional mechanism to mobilize resources in order to deal with national and regional crisis?

Mr. Vice-President, if there is an oppressor like Gairy emerging in Grenada, what are we saying? That the masses of people of Grenada have a right to get rid of oppression? You are saying, for instance, you are going to suppress the rights of the people to self determination? You are going to be like an advance guard to send troops to Grenada? Is that what is being said here? I want to know because I am a citizen of this country. And I want to know if you are going to use your troops and our military personnel to suppress genuine rebellion in the region. Hear what it goes on to say:

“(c) combating and elimination of threats to national and regional security however arising;”

So you have a force that could get going at short notice to get into any territory to eliminate all threats to national and regional security however arising. Hear, “however arising”. So Trinidad and Tobago is being asked to ratify a treaty to get our police and army involved in other people’s internal affairs. Since when Trinidad and Tobago is involved in that kind of policy? Is it because the new Prime Minister of this country has broken with the tradition of Overand Padmore in the past?

I know that when they invaded Grenada and they wanted Trinidad and Tobago support, George Michael Chambers said we were not getting involved in that because our policy in Trinidad and Tobago is not to get involved in the internal affairs of other countries. [*Desk thumping*] This Government is now signing a treaty to make it now almost a matter of course to invade other countries. This is what this Treaty is about. It is not just about manmade earthquakes, and manmade natural disasters. It is more than that. If this was just about natural disasters, and calamities, who can have objection to that? A hurricane hits Grenada or St. Vincent, we send some forces there to help them but we are going a step further to combating and talking about combating and eliminating threats to national and regional security “however arising”. What do you mean by that?

Mr. Vice-President, what is the role of the regional security system in this whole arrangement? We know that the regional security system is not about us. It is about the OECS countries, but they are part of this system now. I understand the United States Government is part of the RRS, so I want to know if the Minister of Foreign Affairs could tell us what role is the United States Government playing in this whole new Security Assistance (Caricom) Bill? We need to know this.

Is somebody pushing us in a particular direction? Is this the making of the Prime Minister of Trinidad and Tobago alone? Or, is it coming from pressures outside of Trinidad and Tobago and outside of Caricom so we are forced to sign this document? Let us know today. Minister of Foreign Affairs, today you will speak on these matters. This is a very serious matter in our country and we must never be seen as a rubber stamp Parliament. So you settled your business in Basseterre, St Kitts since July and you choose to come in March when the World Cup has started. Police from different countries are here, security personnel, bomb squad from India. Everybody here and you are now coming to get us to rubber stamp something. Why did you not bring that about two months ago?

We heard about model legislation, and I will tell you about that just now. I want to show you the inconsistencies of what you advanced earlier. This Government is on a game plan. It reminds me of the problem with the doctors, and I will come with that a little later on when we are dealing with the Visiting Police Forces Bill, 2007. I want to ask the Minister of National Security if that is a way of importing policemen to undermine local policemen? Is it a new approach in buying policemen and recruiting them from aboard from different countries inside and outside of the region to undermine the local police service? I do not know. I am asking a question. I hope, for instance, the Minister will be able to tell me and the country later on.

Mr. Vice-President, Article 9 of the document, this Treaty that your Prime Minister signed—Look at Article 9. Our Prime Minister should resign, the Attorney General should resign, but we will deal with that a little later. Shameless episode, after episode, Sir. Again, it is clearly outlined in Article 9 what is the role of these forces that are coming under security assistance. They are:

- “(a) combating threats to national and regional security;
- (b) minimizing the incidence of serious crimes;
- (c) preserving the territorial integrity of the Contracting States;

in any other area mandated by the Contracting States which is within the objectives stated in Article 3.”

And I told you in Article 3, “however arising”. It does not matter how it arises, they will intervene.

Mr. Vice-President, when we talk about constitutional reform in this country among other things, it must mean that before any future government signs a treaty with any other country it should be debated in the Parliament before they sign that document with their particular party. We should not have the reversal taking place where the Government signs and then we are debating. In fact, some treaties have never come to the Parliament. [*Interruption*] You are dealing with the past. I am dealing with the future. The PNM is caught in the past. We are not caught up in the past.

Mr. Vice-President, let me go to Article 11.

“Notwithstanding the provisions of any article, within the spirit and in accordance with the objectives of this Treaty, any two or more Contracting States may—

(a) activate the Security Assistance Mechanism;”

So on one hand we are supposed to have an arrangement of how to trigger this mechanism. On the other hand, they are saying any two could just get involved in some activity that is requested by one of the parties. So they could activate the security assistance mechanism and they could cooperate with each other without the RSS being an active participant. Again, one wants to know what is happening within Caricom. How is this related to cricket?

Mr. Vice-President, how is this Treaty related to World Cup Cricket? Could anybody tell me? Could the Minister of National Security, in his winding up, tell this country what is the relationship between this Treaty and Cricket World Cup 2007?

Mr. Vice-President, this Treaty is a very dangerous and troubling Treaty. None of the Bills that are before us today has sunset clauses. So what are the objectives of these Bills? If these Bills are to deal with security or Cricket World Cup 2007, why is it we do not have sunset clauses in these Bills? Why is it that these Bills are designed to go on permanently? What is the objective behind it? If these Bills according to the Minister, are designed for Cricket World Cup 2007, visiting forces, visiting police forces, why is there not a sunset clause in those Bills? Why are you seeking to have police officers, security personnel and civilian personnel with a security orientation permanently stationed on our soil?

This Bill gives this Government the power to invite forces into our country. And they are saying they can do it with a simple majority. This is a Bill that violates my constitutional rights and freedoms where a policeman could come from Grenada, South Africa or Bangladesh and shoot a citizen of this country and they would say that is lawful. He is immune from criminal and civil proceedings in this country. So you have a stranger coming into your country to abuse your citizens. That is what the Government is doing. This is a shameless Government. Disgraceful behaviour! They want us to support them on these measures. How can we support them on these measures? We want to know whether the Government of Trinidad and Tobago was forced into this Treaty. We want to know what role, if any, was played by outside forces in getting this Government to come with this disgraceful and shameful piece of legislation in this Parliament today. Why? And they want to force it down our throats. This Government is so contemptuous of the population—we are representatives of the people. And they do not want us to have time to study a document that took them maybe a year to prepare for the Heads of Government. This was signed since July. We are now in the month of March, almost nine months later, and we are being told to debate this within a week when it took them almost a year to prepare it.

Mr. Vice-President, this PNM Government is about control. They want to control the Judiciary; they want to control the Parliament; they want to control every single apparatus in this country because that is what they feel they must do to perpetuate themselves in power, total control. But I want to warn them they could control for some time but not for all times. This Security Assistance (Caricom) Bill, this Treaty and its appendix in Part II, I think it is an insult to us and to the people of this country. Where is the consultation with the people of the Republic of Trinidad and Tobago? Have the stakeholders been involved in this, the people of this country, the Chamber of Commerce, the Trade Union movement, the NGOs, the churches, the political parties? Nobody has been consulted on this matter.

I sent copies of this Bill to the Police Officers Second Division of the Police Service and they saw it for the first time, and do you imagine their policemen are being called upon to go and serve other countries and they did not have a copy of this Bill until I made it available to them about 48 hours ago? What is going on here? How can you say you signed on behalf of me and on behalf of this country and people do not know anything about this piece of legislation that you have brought here?

3.00 p.m.

We do not know the contents of the treaty. If the masses were able to understand what this means, they may have been able to advise the Government not to sign this. This Government does not listen, but they will feel the wrath of the people. In spite of your column, Sir, the time will come when the people will have a say and a chance to determine their future.

Mr. Vice-President, I now deal with the Visiting Police Forces Bill. Go to clause 6 of this Bill. I want to deal with the Minister of National Security on a particular matter. This regime is hypocritical and engages so much in doublespeak that I have downloaded from the Internet, from Antigua and Barbuda, the Status of Visiting Police Forces Act, 2007. He just told this Parliament that it was model legislation; that the reason it took so long; that it came only two weeks ago was that Caricom was preparing model legislation. How is it that Antigua and Barbuda has a different model to us? They are part of Caricom. They are a part of the nine countries that are operating within the single domestic space. How is it that they have different legislation? *[Interruption]*

You feel you can “mamaguy” us. You cannot, Sen. Dr. Saith. You can do it for some time, but not all the time. *[Interruption]* You do not worry; you have to go. You are an embarrassment to this country.

Mr. Vice-President: Please!

Sen. W. Mark: If I had the power I would impeach him.

Sen. Jeremie S.C.: Thank God you do not.

Sen. W. Mark: He is a disgraceful Attorney General. *[Interruption]* I am fast on the draw, my brother; you are too slow.

Mr. Vice-President, I refer you to the Antigua and Barbuda Status of Visiting Police Forces Act, 2007. Hear how it starts:

“An Act to provide for the presence, activities...”

I want you to follow me closely so that you can see that this Government is trying to “mamaguy” us in this Parliament today.

“An Act to provide for the presence, activities, privileges and immunities of members of foreign police forces and civilian personnel during the period of CWC 2007...”

This is in the Antigua legislation. We talk about model legislation and Antigua and Barbuda legislation makes it very clear that there is a sunset clause.

It is only for CWC 2007. Why is this Government trying to bring legislation forever? Why is it trying to bring legacy legislation and to “mamaguy” the population? There is an ulterior motive behind this regime's move. Why is it sunset legislation in Antigua, but in Trinidad and Tobago it is legacy legislation? I thought they just tweaked it, but they changed the whole apparatus, deliberately.

The hon. Minister of National Security was at pains to talk about model legislation that took so long; it came two weeks ago, that is why we got it late; but the image and the product do not match. Mr. Vice-President, they have to go. This regime must go and the sooner they call election, the better for the people of this country. *[Interruption]* Do not worry! You are an old stalwart; you know about tear gas.

Mr. Vice-President: Sen. Mark!

Sen. W. Mark: Tell him not to provoke me. This old veteran who has come here, tell him to keep quiet when I am on my legs.

Mr. Vice-President, look at the immunity provision under clause 6(1) of the Visiting Forces Bill:

“All members of visiting police forces shall enjoy immunity from the criminal and civil jurisdiction of Trinidad and Tobago in the performance of their official duties.”

We know policemen have been performing their official duties and they shoot people in this country. I remember a girl called Bonadine, a member of our party. They murdered the woman in Caledonia. *[Interruption]* The police!

Sen. Joseph: No, no, no, no. Mr. Vice-President, on a point of order, I cannot sit here and let Sen. Mark indicate that police have murdered the—

Mr. Vice-President: Sen. Mark, I suggest you withdraw the statement. It is too much of a sweeping statement and too generalized.

Sen. W. Mark: Well, elements of the police service were involved in an incident in which a young woman lost her life whilst they were on official duty. That is what I want to say.

Mr. Vice-President: Sen. Mark, you did not withdraw the statement.

Sen. W. Mark: I withdraw it, Sir.

The immunity provision is further evidence of the Manning administration's demolition of the sovereignty and dignity of this nation; reducing you and me, as nationals of this country, to second and third-class citizens in the country of our

birth. You bring a stranger here and they can shoot someone and you give them full immunity? Where did you get that? Better you give the policemen here the power to shoot people, too. If a police officer shoots someone in the line of duty, his or her family can raise issue. There can be a coroner's inquest and the man is performing his duty officially.

We have no problems with policemen coming if the police here need help, but they must leave as soon as Cricket World Cup is over. We do not want any foreign police officers on the soil of Trinidad and Tobago after June 30, 2007. All foreign policemen must go back home; they must go where they came from. We do not want them on our soil. We have policemen here; we employ them; let them do their work.

We are appalled that a government could be so lacking in self-respect that they would legislate away the fundamental rights of the Trinidad and Tobago State to prosecute any class of expatriates who come into our country and commit crimes against its citizens. That is a government lacking in self-respect. It is an abuse.

The power to protect one's citizens from criminal abuse goes to the very heart of nationhood and sovereignty. No right-thinking nation can divest itself of this right; therefore we denounce any proposal to give a visiting police officer that kind of power. We condemn that in the strongest terms. You give a policeman from some other country the power to shoot citizens in this country?

Mr. Vice-President, I am not opposed and the UNC is not opposed to foreign or civilian security personnel coming to work in T&T during the Cricket World Cup. When that ends, they leave. This is what Antigua and Barbuda has legislated. This regime is not doing that. They want the forces to be on our soil for the general election. They have, maybe, other ambitions. Why have they not put into this legislation a sunset provision? Is it an attempt to bring in mongoose elements to kill people they do not like? We do not know. When they tell me they are bringing foreign forces and they will stay here after World Cup Cricket, I begin to think. Election is due on October 07, 2007 and you cannot go beyond January 08 next year. After that, all hell will break loose here.

My hon. colleague referred to the Canadian legislation. I have a copy of the Canadian legislation before me. I have the Antigua and Barbuda because it is model legislation, so whatever I got from the website, I took it off. If I get Antigua and Barbuda, it should be something through the islands because we understand it is model Caricom legislation. *[Interruption]* I am not concerned about Barbados and the United Kingdom, I am concerned about the Republic of Trinidad and Tobago.

I would like the Minister, if he has not seen a copy of the document, to look at what is in the legislation. The primary jurisdiction is a heading under Part IV, “Jurisdiction of Civil Courts and Visiting Police Forces”. In this Bill, the jurisdiction of the civil courts of Antigua is made pellucidly clear. Nowhere in our legislation are the civil courts and this provision succinctly identified or highlighted. We want an amendment to that Bill to make sure that the primary role must remain within the courts of Trinidad and Tobago and identify that role in the legislation.

In Antigua, there is a provision for an arbitration panel and an arbitrator. Nowhere in our legislation is there a provision for arbitration and for an arbitrator. I want to see it the way it is in this legislation—clear—so that the people of this country would not have to read between the lines. Do it like Antigua! Antigua is less developed than we are. We have a brilliant Attorney General who knows how to take action against our Chief Justice, so he can deal with this. He can be on the phone talking to people, but that is public knowledge now.

Mr. Vice-President: Deal with the Bill please!

Sen. W. Mark: I am staying with the Bill; do not worry. We have all these things piled up for them. As soon as they call election, that will be discussed. The Attorney General must go.

Sen. Jeremie S.C.: With you.

Sen. W. Mark: I am here to stay. You gone. I did not do what you did. I did not “lime” with Fifi and say to fix up McNicholls’ problem. [*Interruption*] I know McEneaney Alstons gave you a Range Rover.

Sen. Jeremie S.C.: I paid for it.

Mr. Vice-President: Do not go there! Resist the temptation!

Sen. W. Mark: Tell him I have a nice file on him; to stay quiet when I am on my legs.

I ask the hon. Minister of National Security to look again at the Canadian and the Antigua and Barbuda models. I do not believe that they have studied these very well.

I go to Article 4, which deals with the countries listed in the schedule.

“A designated state for the purposes of this Act, notwithstanding subsection (i), the Minister, by Order,

- (a)
- (b)
- (c)..."

They left out (d).

Mr. Vice-President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, in the legislation coming out of Antigua and Barbuda, there is a provision for (d), which is not incorporated here. It says:

“(d) revoke or amend any designation or declaration made under paragraph (a), (b) or (c).”

Why has the Attorney General and the Minister of National Security left out this provision that is contained in the Antigua and Barbuda legislation? We want it in. [*Interruption*] Nothing is relevant to you except power. You are drunk with power. You have a file on every member, including Sen. Dr. Saith.

Mr. Vice-President: Sen. Mark!

Sen. W. Mark: The time will come to prove that.

The Bill that deals with visiting forces, the bedrock foreign policy position on non-interference in the internal affairs of other countries can be found in the decision of the former Prime Minister, George Michael Chambers' position on Grenada. To show the danger of this particular interference in other country's internal affairs, there was a recent experience where a Prime Minister, a very good friend of our Prime Minister, campaigned in another country for another Prime Minister, who is his friend. He campaigned as a Prime Minister and an 82-year-old fellow won the elections. The strain in relations between that country and the other country was patched up only a week ago.

I warn this particular Prime Minister to know of the danger of interfering in the internal affairs of other countries. Do not make the mistake and come to Trinidad and Tobago and campaign for his partner! That is the danger of invading and getting involved in other people's internal affairs. When there is an election in this country, let Trinidadians and Tobagonians settle their affairs. We do not want any Vincentian, Grenadian—anybody—campaigning for us or for the PNM. I saw

what happened in St. Vincent. I just brought it to your attention so that you would know, when we talk about non-interference, that is what we are talking about.

Mr. Vice-President, again we see in this Visiting Forces Bill, the third piece of legislation, that there is blanket immunity being given and we do not support that. The legislation we have here gives the Minister the power to make rules, but we do not have the rules before us. The Minister is given total power to do whatever he wants. Where is the democracy? I warn the Government that if these Bills are passed in their present form, we will have to get clarification from the courts of the country on this so-called treaty they have entered. *[Interruption]* Well, the Anti-Terrorism Bill is going to be tested. We warn this Government not to take the Parliament for granted and not to impose measures without the requisite majority.

I look at Part III of the Visiting Forces Bill, at clause 17 and ask the Minister of National Security, when he takes police officers from Trinidad and Tobago and sends them to Antigua and Barbuda and the cost of living is different, how will he address that? I see, under clause 17, and I quote:

“No proceedings shall be entertained by any court in Trinidad and Tobago with regard to the pay of any person in respect of service as a member of a visiting force, with regard to the terms of such service or with regard to a person's discharge from such service.”

In other words, if a police officer—

Sen. Joseph: Look at the Bill you reading. That is just military.

Sen. W. Mark: The Visiting Forces Bill, which would mean army.

Sen. Joseph: That is just military.

Sen. W. Mark: You are saying that the military would not be able to do so. What about the police officer?

Sen. Joseph: Go back into the police bill.

Sen. W. Mark: Tell me the particular section of the Bill that deals with the police officer having the right to have new terms and conditions when, for instance, he is posted to another jurisdiction.

If I am a police officer and have a family of four and have to take my family to St. Vincent or Grenada for a year, the cost of living is different. Our dollar is weak. When I go to Barbados, I am ashamed. We have a weak dollar, although we have GDP of \$114 billion. The EC dollar is stronger. How is that police

officer to survive on his pay? Where are the provisions in this legislation to allow the police officer flexibility as it relates to new terms and conditions of employment? I have not seen them.

The Minister has the power to make rules and regulations, but where are they? They bring legislation without rules and regulations. Everything is now being left up to the Minister who has made several errors already. We want to know if the people who are coming into our country are a new SAUTT. We have a Special Anti-Crime Unit, which is illegally operating in this country and all we are getting are promises that they will bring legislation to legalize this operation. It is illegal and it is still operating. We want to know whether these officers who will be coming here will have superior coverage to those of their counterparts here.

I see in clause 8 that claims against visiting police officers would be treated under the State Liability and Proceeding Act. I do not know if a local police officer has that same right. Many exemptions are given to these people under clause 11, tax and other exemptions. The gentlemen who are coming from abroad do not have to have even a licence to drive. They have exempted that. I know, even if you go to Barbados on a holiday, you have to get a licence to drive, even though you have your own licence from Trinidad and Tobago.

So I think the Minister of Foreign Affairs and the Attorney General have a lot to answer to. We want clear answers on this treaty; on whose recommendation and on what basis it was signed. We also want the hon. Attorney General to tell us why the legislation was tweaked in such a way as to leave out fundamental provisions as contained in other pieces of legislation. We advise the Government to amend the Visiting Police Forces Bill and the Visiting Forces Bill. We want sunset clauses in both the Visiting Forces Bill and the Visiting Police Forces Bill. You shall not get the support of the Opposition UNC unless you make those changes.

I hope that the former Minister of National Security, now advisor, who is now becoming a permanent feature in the Parliament, will tell us, if he gets a chance to speak, of the principle of non-interference in other people's domestic affairs. I know he was around when George Chambers was Prime Minister of this country and would know that it was a principle that the UNC adheres to and will continue to adhere to in future. It is now a policy position shift that has taken place in the PNM.

3.30 p.m.

Maybe somebody needs to shed some light on an otherwise dark area. We need to get clarification on the reason for this sudden change. Did someone get killed or was a head of state beheaded? I do not know. Let us know why this

fundamental policy shift in the non-interference in other countries' domestic affairs. Why are we allowing that, Sir, to creep into legislation under this treaty? I hope that the hon. Minister, when he winds up, would be able to address some of the issues that we have raised. There are many more that we shall be raising during the course of the debate. We hope that at the end of the day, we would be able to fashion model legislation that is acceptable to all of us in Trinidad and Tobago which will make us all proud as we continue to build our democracy and avoid dictatorship and tyranny in our land.

Thank you very much, Mr. Vice-President.

Sen. Prof. Kenneth Ramchand: Thank you, Mr. Vice-President. I think Sen. Mark was correct to see a difference between the Security Assistance (Caricom) Bill on the one hand, and the Visiting Forces Bill and the Visiting Police Forces Bill on the other.

The second set may be said to be related to Cricket World Cup 2007, but the first has been devised in relation to the Treaty on Security Assistance among Caricom Member States 2003. As such, the Security Assistance (Caricom) Bill is destined, when and if it is passed, to be a permanent part of our legislation. If we are going to abide by the Treaty and work out the kind of relationship proposed by the Treaty, the Security Assistance (Caricom) Bill is necessary. Although the distinction between Bills Nos. 1, 2 and 3 is very clear, you would have expected that the Bills relating to Cricket World Cup 2007 would have a termination date on them. They do not have a termination date. The result of that is if we pass this packet of legislation as it stands, we would be committing ourselves, at this point, to the possibility of the entry into this country at any time that some authority invokes such entry, the entry of visiting police and visiting forces from other Caricom states. I do not know if it is appropriate to add that I have certain misgivings. I do not think I will support Bill Nos. 2 and 3 if there is no termination date attached to them.

I do not have time to go into the Visiting Forces and Visiting Police Forces Bills because I was careless. I assumed that they were sunset legislation, like the other Cricket World Cup 2007 legislation that we have had before and I did not check. It was only when I looked at them and listened to Sen. Mark that I realized that I have been careless. At any rate, it is enough to say that I am not supporting these Bills without an amendment putting a termination date on them. If there is a termination date on them, I do not see that I would have to quarrel too much with the details, because it will be over after Cricket World Cup 2007. I am willing to let it go "unamended", in content, provided there is the termination date.

I want to look at the Security Assistance (Caricom) Bill, in particular the place where the Security Assistance Mechanism is described on (page 8). It states:

“There is hereby established a Security Assistance Mechanism that is charged with the execution of the tasks and services required to be performed in accordance with this Treaty.”

Is the Security Assistance Mechanism something that is abstract? Is that mechanism a piece of machinery, or does the phrase imply that there will be a committee—Is the Security Assistance Mechanism a body within which the Joint Strategic Coordinating and Planning Committee, will operate? I am a bit concerned about the Security Assistance Mechanism and the relationship between the Security Assistance Mechanism and the Joint Strategic Coordinating and Planning Committee.

What is the relationship between Joint Strategic Coordinating and Planning Committee and the Caricom Heads? Can the Joint Strategic Coordinating and Planning Committee, comprising the coordinator of the RSS and the forces commanders, act without instruction from the Heads of Government? I am going back to the mechanism. I want to know if the mechanism can be activated by one government. Can one government, which feels that it is time for this mechanism to be implemented, activate it? If so, how? Can the mechanism be activated by an interest group in one territory? Can it be activated by an Opposition party? Can the mechanism be activated by a citizen; a patriotic citizen? I would really like to know, because none of the Bills tell us how this mechanism is activated. My question is not a finicky question. To show that it is not a finicky question, I want to look at the objectives of the mechanism.

The first of the objectives is efficient and timely response to and management of natural and manmade disasters in order to reduce and eliminate the harmful consequences thereof. I understand natural disasters such as hurricane, drought, earthquake, fire and flood. I can see that is not problematic. If a county is hit by a hurricane, it is very clear that it has been hit by a hurricane. There are no moral questions arising there, we are going to give help, or they are coming to give help. When we talk about manmade disasters, I want to know what is comprehended by the term: “manmade disasters”? Is a manmade disaster the devastation caused by an attempted coup? Is a manmade disaster the disorder caused by a protest against a government? Is a manmade disaster even a successful coup? What is a manmade disaster? It just does not seem to me, to be logical, to link the very commendable aim of wishing to intervene, when there are natural disasters to link that to the aim of intervening, when there are manmade disasters. Manmade

disasters could mean virtually anything that those who want to intervene can make it mean. It seems to me, though—I do not think it will happen here, a government may consider the success of the Opposition party a manmade disaster and it could invoke the mechanism to come and put the results of the elections in doubt. That is not farfetched. These things have happened in Guyana.

Many years ago people came to me and asked me to sign a petition, some of the intellectuals, to invade Grenada to bring peace to what was going on there. I said: “No, I would sign the petition, if at the same time you have a petition which says that a Caricom force will invade Guyana and topple the Burnham regime. If you want to interfere with what is going on, you have to be a moral force. Why is it that you sit for all these years and allow Mr. Burnham to do what he is doing and now there is a little action in Grenada, you want to send Caricom force?” I do not like a body having the kind of power to move into another country and interfere in what is going on there. They may have to, under certain conditions, but it cannot be something that can be done without proper safeguards.

We cannot arrive at a Bill allowing that, unless that Bill has extended debate in Parliament; and extended discussion and dialogue with the national population. The people of Trinidad and Tobago have to know the implications of this kind of act. The Parliament of Trinidad and Tobago has to discuss it at length. The government proposing it has to be prepared to make amendments arising from a full national dialogue.

Look at (b):

“expeditious, efficient mobilisation and deployment of regional resources in order to manage and defuse national and regional crises...”

If there were a crisis, which all the governments agreed was a regional crisis, and we decided to take action to deal with it, I do not think we would have much trouble defining what a regional crisis is. Again, just as with manmade disaster, we have a problem with national crisis. What is a national crisis? Who determines it is a national crisis? Who, in the island of Trinidad and Tobago, will report to those who are implementing the mechanism that there is a national crisis in Trinidad and ask them to invade? It is not clear in this Bill who will do it and how it will be done.

“(c) combating and elimination of threats to national and regional security...”

If Barbados says, since they are much more efficient than we are, even though they are smaller, that they are going to invade Trinidad for oil rights or flying fish,

what do we do? To whom do we go? What do we do? Even the most cursory glance at the Security Assistance (Caricom) Bill helps us to get to the root of the misgivings anybody would have.

This Bill, as it stands, would permit interference in the domestic affairs of individual countries and this Bill is very vague about how this can come about. In fact, because it is so vague, it leaves it arbitrarily in the hands of island governments. This mechanism can be invoked for good purposes, in the case of hurricane, droughts, et cetera, but it could easily be invoked for evil purposes. I am not opposing the necessity for having such a Bill, but we have to debate it over a longer period and put in safeguards. We have to work towards defining properly the body that makes decisions as to when troops or forces shall be sent. That body has to earn moral force. Maybe that body would have to be connected with the Caribbean Court of Justice, I do not know. If you are going to have this kind of legislation, you need people to have confidence in the technical qualifications, the moral authority and the goodwill of people making the decision. You have to be very clear about what a regional crisis is and what a national crisis is and you have to make sure the thing is not used for political ends. I do not want to go on and on. That is my main point.

I think the Visiting Police Forces Bill and the Visiting Forces Bill could be passed today, if a termination date is put on them. But, I certainly am not going to support the first one at this time. It has to be subject to extended discussion and national dialogue. Thank you.

The Attorney General (Sen. The Hon. John Jeremie S.C.): Mr. Vice-President, I rise in support of the package of legislation before the Senate this afternoon. The Government seeks to introduce, by this package, into domestic law, three pieces of legislation which will serve to further this country's ability to manage disaster and cope with unusual security demands. I do not intend to speak to Cricket World Cup 2007 because I understand that these pieces of legislation are far-reaching in scope and intent. I am not going to try to hide behind the fig leaf of Cricket World Cup 2007.

If I might be permitted at the outset—Sen. Mark seeks consultation on the Security Assistance (Caricom) Treaty but, in international law, states are bound by the Executive. Our Constitution, unlike many civil law constitutions, allows for that. It is called the Act of State Doctrine.

When Mr. Panday was Prime Minister, he signed a Shiprider Agreement which was roundly criticized by all. It was never seen in this Parliament. That was a treaty. It was his prerogative, as Prime Minister and Head of State, to sign

a Shiprider Agreement. It was roundly criticized throughout the region. Barbados signed a modified ship rider eventually, but it was never seen by any of those in this Parliament. *[Interruption]* I said roundly criticized. He also signed the instruments to establish the Caribbean Court of Justice (CCJ). There was no parliamentary oversight there either. In fact, when it came to this Parliament, he did a summersault with his friend and he turned around and denounced the treaty. We do not have a Caribbean Court of Justice in the form in which Mr. Panday sought to establish it. That is to say—*[Interruption]*

Sen. Mark: On a point of order. I think he is misleading the Parliament.

Sen. The Hon. J. Jeremie S.C.: That is not a point of order.

Sen. Mark: The records will show that what he saying is totally wrong. There is record to show that Mr. Panday made it very clear that it would have required national consultation. It was not a somersault. Do not talk that foolishness!

Mr. Vice-President: Sen. Mark, please control your language.

Sen. The Hon. J. Jeremie S.C.: Mr. Vice-President, the point is that the treaty was signed, whether or not he said that it would require widespread public consultation to have acceptance. To have acceptance of what? He signed in his capacity as Prime Minister and what he did, as an Executive act is that he turned around, catapulted on his principles and rejected the treaty in its subsequent jurisdiction.

The legislation before us comes on the day that the West Indies takes the field. This is the cricket part. I said that it is not cricket legislation but, it is going to help us with what is going on in relation to cricket at Sabina Park in Jamaica, in the first international Cricket World Cup match ever played in the Caribbean. The legislation has much more to do with the larger questions of crime and security, development and globalization and independence and interdependence. It is not and does not purport to be cricket legislation. It is far-reaching in scope and perpetual in intent.

In the other place, the legislation was passed with unanimous—*[Interruption]*

Sen. Prof. Ramchand: Could the Attorney General, while he is on the point, tell us if the legislation is not passed today, this week or during the Cricket World Cup, if that would put us in breach of any agreement.

Sen. The Hon. J. Jeremie S.C.: Yes, it would. There is something called a Host Venue Agreement which obliges us to host the police forces of Australia, Bangladesh, Sri Lanka and certain—[*Interruption*]

Sen. Mark: He is talking about the security assistance.

Sen. The Hon. J. Jeremie S.C.: He did not make a distinction. He meant all three. I do not need any clarification from you. I am speaking to Sen. Prof. Ramchand.

In the other place, the legislation was passed with unanimous support. In fact, I am advised that the Leader of the Congress of the People advised that this legislation was so good that it should not be sunset legislation, because we do not know when we might be hosting another event of this nature in the Caribbean. That is sensible leadership for you. They have some difficulties, in terms of leadership on that side.

What is difficult to comprehend is how the Senator—they are part of the same party, which is in such disarray—in their caucus, would agree unanimously downstairs and then come up here and adopt sunset position somewhere and belligerence stance somewhere else and say: “We are not supporting this, but we are supporting this.” It is as if they are speaking not with one voice, not with two voices and not with three voices, but as a hydra headed monster. That is what is going on.

The legislation has been ably piloted and presented by my colleague, the Minister of National Security. I am proud to be his colleague. It is his responsibility to ensure that the many visitors in our midst at this time are well cared for.

There are distinct elements in the package. The first is the enactment into domestic law of the Treaty on Security Assistance. That is a regional mutual legal assistance treaty. Sen. Mark, a few weeks ago, cried about—I thought he was almost crying today as well—the powers of the Attorney General, in relation to the Evidence Act, a most powerful and progressive piece of legislation. He cried about the powers of the Attorney General, in relation to mutual legal assistance matters, but this legislation, the security assistance part of it, is really mutual legal assistance legislation, insofar as the Commonwealth Caribbean is concerned.

By that, what I mean is that the Treaty is reciprocal in nature. It allows Caricom Member States to request timely and efficient assistance in times of national crises, manmade or as a consequence of natural disasters. What the Treaty lacks, however, is the force of law in individual states and the provision or protection in national legislation, when there is to be a deployment in the territory of another state.

The Treaty is only right for legislative action today because of the Conference of Heads on February 13, 2007. The Conference agreed that Member States should proceed to institutionalize Caricom Planning and Coordinating Staff Operations (COPACS). It is the body which serves as the nerve centre, a single point of command, for the activities of troops and personnel which may be required to do more throughout what is now the area designated as the single domestic space. This is the critical need for the legislation. It is this critical area identified by Sen. Prof. Ramchand, which distinguishes the pieces of legislation, the Security Assistance (Caricom) Bill, from the Visiting Forces Bill and the Visiting Police Forces Bill.

We are moving rapidly towards greater integration in the region. The single domestic space is but one step in the process towards a unified region. We now have a single domestic space that was ushered in a couple of weeks ago. Together with that, we are committed to greater union. [*Sen. Mark leaves Chamber*] Sen. Mark is leaving at a most inappropriate time.

Sen. Mark: I will be back.

Sen. The Hon. J. Jeremie S.C.: He has this habit of speaking and running, but such is the life.

I have said before that it is a Mutual Legal Assistance Treaty, which is designed to provide for our security when our borders are opened in this new single domestic space. With a single domestic space, there is the movement of personnel from one territory to another. Eventually, it would be without—I think already it is without—passports. They move simply on the basis of some identification document. They are then provided with a colour-coded wristlet, which changes from day to day.

Together with the European Union, they have developed a treaty which allows for expedited extradition, because there are criminals who take advantage of the free movement across borders and the different jurisdictional areas within the Union. The same thing exists in the Caribbean. There will be a mechanism, which mirrors the Security Assistance Treaty and COPACS and the nerve centre, which will be able to identify persons and say: “John Brown has moved from state X to state Y. He is wanted in state X. Let us see about getting him back to state Y.” What we have on the drawing board has been put before the Organization of American States. It is an expedited procedure, which allows for extradition on the backing of warrants. No longer will we have to go to court in order to seek extradition orders in respect of persons who have stolen millions of dollars from

the Treasury of Trinidad and Tobago. What we do is simply say: Here is an arrest warrant from a court of competent jurisdiction. It is backed and the person is on the plane and in another court and that is the end of it.

The Treaty was only ready for enactment as domestic law, subsequent to the meeting of Heads on February 14, 2007. It is therefore not correct to state that it is being brought to the Parliament as a rush job, as some items of legislation have, admittedly in the past, been brought. This Treaty was brought as soon as it was possible, having been agreed to by Heads in February 2007.

The Bill is simple, comprising of four short clauses, with the Treaty being a Schedule to the Bill, as is the norm with treaties which are made into domestic law. There are a number of them. We have done the Caribbean Court of Justice, in its truncated form because of the pole vaulting of the Opposition. We have done a number of these treaties.

The Treaty provides both for right of presence of troops and the governing law applicable to troops, which are present in the territory. As far as the former is concerned, the right of presence is defined as the formal legal consent given to the receiving state to the presence of foreign forces in its borders.

The governing law question speaks to the law which governs the presence of the troops.

The Security Assistance (Caricom) Bill is to be read together with the Visiting Forces Bill and the Visiting Police Forces Bill.

In respect of the package, the Legal Affairs Ministers of Caricom, which comprise the Attorneys General of Member States, examined the existing community law, which was to be found in Jamaica in the form of the Jamaica Visiting Forces Act, No. 20 of 1975, which was conspicuously absent from the legislation which my absent friend, Sen. Mark, spoke to. He spoke about Antigua and Barbuda and model legislation, which I will come to in a while. He neglected to speak of the Jamaican legislation, which has been on the books since 1975, 32 years.

The Attorneys General looked at existing legislation; the Jamaican Visiting Forces Act and referred the drafting of model legislation for all Caricom territories, to the Caricom Legislative Drafting Facility (CLDF) in Guyana. The Jamaica Visiting Forces Act of 1975 is similar to the UK Visiting Forces Act of 1952, but it is closer to the Canadian Visiting Forces Act of 1985. Most developed states have legislation which is similar to this. The legislation which is before us is a product of the oversight of the CLDF, the Legal Affairs Committee, the Attorneys General of Caricom and the subcommittee of the LAC on the

harmonization of laws. That subcommittee, the harmonization of laws, has as its main function to see to it that the regions' laws ultimately reflect the common heritage of us all, while taking into account the individual and peculiar circumstances of certain Member States.

I am glad my friend has returned. He has returned at an opportune moment for some words of education. Model legislation, Sen. Mark, is not identical legislation. It is model legislation. It is a prototype, in respect of which each territory can adjust and modify the legislation as it sees fit, according to its domestic circumstances.

The Caricom Legislative Drafting Facility is established to provide model legislation. It does not provide legislation for each and every single territory in the Caribbean. It is not a photocopy of the legislation. Otherwise, we could give up our offices of Chief Parliamentary Counsel and say: We have a Caricom Legislative Drafting Facility, let us close up shop and take whatever the Caricom Legislative Drafting Facility turns out. That is not the case. It provides a model. The Legal Affairs Committee looks at the model, the subcommittee on harmonization of laws looks at that model and they decide to agree or disagree. The Prime Minister of Barbados might have a problem, as he does, with attorneys being on boards. He said: "Why must attorneys be on boards? I am the Prime Minister of Barbados and I am not an attorney, are you saying to me I cannot sit on an Integrity Commission because your Integrity Commission requires judges and attorneys?" We take a different policy position. It is model legislation. We are not bound to follow everything inside there. That is for Sen. Mark's edification.

He spoke of Antigua. As I said, what was conspicuously and I suspect purposefully, absent was a reference to Jamaica because the Jamaican legislation is what really formed the basis of the model legislation which the CLDF produced.

I would quickly turn to the Visiting Police Forces Bill and the Visiting Forces Bill respectively. The intent of the former is to give members of Visiting Police Forces the powers of local police. This is an innovation which we in the Caribbean have had to make because a large number of our territories do not have armed forces; they have police forces. What the CLDF did was provide both the Visiting Police Forces Bill and the Visiting Forces Bill. The intent of the Visiting Police Forces Bill is to give members of visiting police forces the powers of local police, whilst making them subject to the authority and instruction of the Commissioner of Police. Unlike our local police, these visiting police officers will enjoy immunity from prosecution in our local courts, in respect of acts done

in the course of their duty as well as in respect of acts committed against another member of their visiting force or in respect of property belonging to the ascending state. This immunity will apply to acts that may constitute either a civil or criminal offence, provided that the act is done in the course of their duty.

The test as to whether or not the act is done in the course of an officer's duty, resides with the Commissioner of Police of the receiving state. In the case of Trinidad and Tobago, it will be our Commissioner of Police. Our Commissioner of Police determines, for the purposes of legislation, whether the offence is done in the performance of one's duty. A determination by him, that the acts are not so covered, will attract the normal processes of our courts. Our courts will have jurisdiction in that case. There is provision in the Bill for state liability for acts committed by the visiting police forces by way of compensation to affected citizens.

I turn briefly and finally to the Visiting Forces Bill. The intent of this enactment is to provide for the presence, activities, privileges and immunities to visiting forces and the civil components thereof. The Bill contains seven parts and comprises 27 clauses.

Part II speaks to jurisdictional matters. The visiting force is granted immunity from civil and criminal jurisdiction of Trinidad and Tobago, in respect of acts performed in the course of their official duty, as is the case with the Visiting Police Forces Bill. The Bill provided that in respect of offences committed in Trinidad and Tobago, the service courts of the visiting forces—because these are military tribunals, which are the equivalent of court martials; the service courts, which are court martials—shall exercise jurisdiction over their troops in respect of acts committed in the performance of their duties. In respect of acts committed outside of their official duties against a citizen of Trinidad and Tobago, they would be subject to the jurisdiction of our local courts.

There is again, a mirror provision in respect of compensation to counter the width of the immunities granted. That is in Part VI, which Sen. Mark conveniently ignored. It is entitled: claims for personal injuries and property damages. The Bill provides for the state to assume liabilities for claims made against the visiting force of a designated state.

The scope of immunities, be they civil, criminal or fiscal, granted by the legislative enactments is usually—I wish he would pay attention again because he might learn something—to that accorded, pursuant to the Vienna Convention for diplomats and their households. This has nothing to do with police officers who are on the beat everyday. The analogy is that, as is the case with diplomats, visiting

forces, police and military, are in a requesting state to foster, by international cooperation, an increased capacity to deal with dangers posed in the case of this particular legislation, by manmade or natural disasters in the world in which we live.

The legislation is not unusual. It was studied by Sen. Mark's colleagues in the other place in 48 hours and was passed unanimously. Sen. Mark might need more time, understandably, than that, but certainly not all that much time. The package of legislation is not new. It will not provide a complete answer to the perils which confront us, but it can be of assistance to us as a nation.

I think I should, at this point, deal with a few of the remarks because I like to be comprehensive, in terms of my contributions here in the Senate. Everything that was said on his legs, Sen. Mark or any Senator's, I consider my duty to respond. I heard from Sen. Mark, this afternoon, some of the most boldfaced and brass-faced comments from a bunch of miscreants that I have ever heard. Imagine, according to him, I had a conversation with a man I do not know, on a matter that does not concern me and that is the subject of complaint for him. His leader stole money from the airport, InnCogen, Desalcott and everywhere and they follow him blindly. This is a strange place.

With those few words, I thank you.

Sen. Dr. Tim Gopeesingh: Thank you, Mr. Vice-President. In a number of the newspaper articles recently, these Bills were discussed and described as “Cricketing Bills”.

Sen. Jeremie S.C.: I did not describe them as “Cricketing Bills.”

Sen. Mark: Not you, but the newspapers.

Sen. Dr. T. Gopeesingh: We saw in one of the newspapers that Guyana will be discussing these "Cricketing Bills”.

Sen. Mark: Even Sen. The Hon. Joseph said that this afternoon.

Sen. Dr. T. Gopeesingh: It seems as though this Government has a propensity for bringing legislation after the fact. The cricketing community within the Caribbean and the world—the real cricket has begun today, with West Indies playing Pakistan and this afternoon we are discussing legislation which, in their mind, they should have brought and finalized before Cricket World Cup 2007 had started. They have brought it after the fact. What is the rush now, when the time has already passed and the Cricket World Cup 2007 events have already started? This is the blunder that Trinidad and Tobago's Government and Prime Minister make from time to time. He made the biggest blunder when it came to

cricket. He knows absolutely nothing about cricket. He directed somebody to negotiate on behalf of Trinidad and Tobago and got a dirty brown paper bag; a piece of thing that Trinidad and Tobago's people cannot enjoy. We had to look at the television to see West Indies play Pakistan in Jamaica. This is absurd!

They brought a piece of legislation on the eve of the ICC World Cup 2007 and worked throughout the night into the morning to discuss that piece of legislation to give them the support. We have come back again, approximately two or three months later, asking for support after the fact. This is untenable. What is happening to their legislative agenda?

Not only was the Cricket World Cup 2007 legislation brought on the eve of its expiration, they brought the Bail (Amdt.) Bill, which would have expired the next day. Again, the "Cricketing Bills" are brought under the pretext—these Bills have many implications—that they are being brought for the cricket. They know full well that it is not for the cricket.

I want, on behalf of our party, to congratulate the Jamaican Government and the people of Jamaica on a job well done in hosting the inaugural ceremony, beautifully for Cricket World Cup 2007. They have done their country proud, but we have not done our country proud.

Sen. Jeremie S.C.: We contributed.

Sen. Dr. T. Gopeesingh: We have not contributed because that inaugural ceremony could have been held in Trinidad and viewed by 2.2 billion people around the world. When we say that we are doing something for tourism, that is what we could have done for tourism.

Some people may differ in the approach of how the culture events were staged. Some said that not enough of Trinidad and Tobago was represented. We would not bother with that. What is important is that we are being asked to okay a piece of legislation, which impacts upon the individual constitutional right of a citizen of Trinidad and Tobago.

They want us to accept legislation when, on July 06, 2006, a treaty was signed by Caricom Member States. What has happened to the Caribbean Facility for Legal Drafting? If they knew that this piece of legislation was required to bring police forces and security forces in the Caribbean and move within regions, in July 2006, would they not have known that? What has happened to the Caribbean Legal Drafting Facility? They came on February 14, approximately 28 days, and asked all Caricom Governments to sign this type of treaty.

As Sen. Mark indicated, not all the Caricom countries are signing the same protocol. He pointed out that in Antigua and Barbuda they are signing it as sunset legislation. Why are they not asking us to consider it as sunset legislation?

Let me refer to what the hon. Attorney General indicated. He indicated that the Lower House said nothing about sunset legislation. The Leader of the Opposition, in the Lower House indicated:

“Mr. Speaker, another major issue I have with their unhealthy rushed legislation is the fact that these Bills do not appear to have a sunset clause.”

Where does the hon. Attorney General get the fact that in the Lower House the Opposition did not ask for the sunset clause? The Leader of the Opposition asked for the sunset clause in the Lower House. Do not say that we are an idle-headed monster. We are one united group ready to take government and we will take government as soon as they call the election. We are not split in any way whatsoever.

She said:

“Like the other ICC-related Bills we debated under similar conditions late last year. I wonder if this is an oversight or a deliberate policy statement. Are we to, therefore, expect that the importation of additional police and security officers will be regular and permanent practice in this country? Certainly, then this legislation requires serious consideration and review as this has long-term and other implications.”

When the hon. Attorney General said that we did not make representation in the Lower House that we needed this as sunset legislation, I think he is moving far away from the truth on that matter. We want to indicate that we agree with Sen. Prof. Ramchand, that this Bill necessitates some degree of sunset legislation, because it is designed—if they want to have visiting forces—to end when the cricket ends. This has serious implications for the constitutional rights of the citizens of Trinidad and Tobago.

The Caricom region is trying to develop a type of framework, in terms of operations, management and guidance, similar to the European Union. The EU has been in existence for approximately 57 years, since the early 1950s. We are in operation under the Treaty of Chaguaramas for approximately 35 years. Sure, we want to have some degree of commonality amongst the Caribbean countries, but if we want to develop a strategy for security—we have approximately 15 independent sovereign states within Caribbean; similarly the European Union has

25 independent countries—where their borders are well defined. In the interest of their national security, they come together to discuss their policies on a common basis, in terms of a common strategy, for dealing with the security of their region.

We are in agreement with the Caricom countries discussing security matters for the entire Caricom region, but when it begins to interfere with national sovereignty—where forces from another country can come into another country just by a special edict of a Minister; the Minister may make regulations—that is highly untenable.

Let me guide you to what the European Union has done. I want to quote from a paper called *Evolving European Union Foreign and Defence Policies-European Union Security Strategy*, which states:

“Over the past decade the European Union has sought to forge a common foreign and security policy to help boost its right in world affairs and match its growing economic clout. Sure, the Caricom wants to have some economic clout. We are a small fry in a big world and this is why—”

The same thing that Mr. Manning said that he was going to give up the whole thing for the cricket and we ended up with a dirty paper bag because we were to be the headquarters for the FTAA, which is no longer so.

Sen. Jeremie S.C.: Would you give way?

Sen. Dr. T. Gopeesingh: Is it a matter of—

Sen. Jeremie S.C.: It is a point of clarification.

Mr. Vice-President: Are you going to give way?

Sen. Dr. T. Gopeesingh: On what, Sir?

Sen. Jeremie S.C.: On a point of clarification.

Sen. Dr. T. Gopeesingh: No, no, you will clarify at the end.

The European Union, in developing an EU security strategy to identify common security interests and joint policy resources, some Member States had resisted setting out a common European Union strategy for years, fearing that it could constrain their national policies.

The European Union Member States, for years deliberated on this issue, fearing it would constrain their national policies. It was in December 2003, after approximately 50 years, the European Union approved a final version of its first ever security strategy to secure Europe in a better world.

Do you know how they had to do that? They had to go back to their independent countries and their sovereign states and discuss it with their people, for their people to tell them what sort of policy they must have before going collectively among the 25 states to develop a common European Union policy. What is happening here? Our Prime Minister, Minister of Foreign Affairs and Minister of National Security joined with our Caricom brothers and said: "All right, we would sign to this right away." They did that without discussing with the people of Trinidad and Tobago. They are the representatives of the people of Trinidad and Tobago. They cannot sign something in Caricom without discussing it with the people. After they have signed it they are asking Parliament to rubberstamp that. That is treating Parliament with utter disrespect, discourtesy and disdain. We cannot sit in a Parliament and accept the Government doing that type of thing and asking us to rubberstamp something after they have signed in to it. We will not do it and we will not support it.

Mr. Vice-President: Hon. Senators, for fear that the tone will get more aggressive, I think we should take the tea break now. We will suspend for tea and we shall return at 5.00 p.m.

4.28 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Dr. T. Gopeesingh: Mr. Vice-President, just before the tea break, I was indicating that it was only in December 2003 that the European Union approved a final version of a first ever security strategy, to secure Europe in a better world, and it outlined five key global threats confronting the EU. Now, as a Caricom bloc, we have to compare ourselves by virtue of the legislation that we are trying to enact which is something comparable to what the European bloc has been doing. This is how Caricom countries have been enacting their legislation and bringing their Treaties, almost in keeping with what is happening in the EU, but not to that large extent.

What it showed in the European Union is that the major problems that were confronting them were terrorism, weapon proliferation, which we do not have much of in the Caribbean; regional conflicts, we can have conflicts between independent countries in the Caribbean, but that is not present at the moment; failed states, the Eastern Caribbean States are having some difficulties in surviving economically; and organized crime. The only two major areas that are similar are terrorism and organized crime. They developed a range of tools and primary diplomatic and economic relations for tackling them.

Now, we have not seen evidence from these Bills that there is something similar in terms of the necessity for this type of security legislation when tackling these problems. The real two problems are terrorism and organized crime. The European Union emphasized the importance of conflict prevention and multilateral solution.

Mr. Vice-President, I believe that carrying forces across from one country to another creates conflicts in the minds of citizens and those individual countries. It is not a nice thing for citizens of one particular country to know that there are visiting police forces from another country coming into their country for whatever reason. Visiting police forces in another country can cause a conflict which we are trying to prevent, and which the EU was trying to prevent by bringing about one major national security area, but having visiting police forces from one country to another is not the way to deal with the security of the region.

Mr. Vice-President, do you remember the West Indies Federation? The West Indies Federation had a West Indian regiment. Persons were taken from different regiments and different areas in the Caribbean and a whole body was formed, so that when there was an economic disaster or natural disaster within a particular country, those forces could have been moved to a particular country as a bloc, as a team from that regiment, or as a team from that security force.

I wonder whether Caricom Heads of Government have not considered that issue? Why do we have to take police officers from one country and move them to another country? That will create terrible fear and anxiety in people's minds. If they knew that we have, as a Caricom region, a body of soldiers and defence force personnel where in time of disaster they can draw their resources from, that would be more comforting for people within the independent countries.

Mr. Vice-President, they said that the security strategy also calls on the EU to promote stability in the European neighbourhood which includes the Balkans and the European Union new eastern border after enlargement, as well as the South Mediterranean and the Middle East.

In the Caribbean, we do not have major border problems. The only problem emanating, occasionally, is the problem between Guyana and Venezuela, but we do not have that problem in Trinidad, except recently with the Law of the Sea, in terms of fishing between Tobago and Barbados. We had a problem there and that matter was settled by arbitration. So, as an alternative government, we cannot really understand the necessity in having visiting forces and visiting police forces from one country to another. That has not been satisfactorily dealt with in terms of an explanation for that.

After 55 years in the EU, some commentators have criticized the EU security strategy as being too vague and lacking in detail. None of these Bills—whether it is the Security Assistance (Caricom) Bill, the Visiting Forces Bill or the Visiting Police Forces Bill—has any area of any major detail for us to understand how this is going to operate. It is rather vague. So, we are passing legislation which is vague and lacking in detail, and that is unacceptable to us, and it would be unacceptable to the people of the different independent countries within the Caribbean.

Some EU officials have indicated that the new security strategy is weak, because it does not clearly identify possible use of force as an option for confronting threats posed by terrorism or weapons of mass destruction. We do not have such an issue of weapons of mass destruction within the Caricom region.

Mr. Vice-President, you will remember that President George Bush decided to go to Iraq when he said that there were weapons of mass destructions—one nation moving into the territorial integrity of another nation. Similarly, Prime Minister Tony Blair supported that issue and, today they are reaping the rewards and whirlwind of such an action. They have met their Waterloo. Both Prime Minister Tony Blair and President George Bush have met their Waterloo, based on what they have done in terms of invading another country's territorial rights. As Caricom countries, why are we going to bring visiting police forces from one country to another? Why are we going to be sending police forces from Trinidad to other countries? Why is that necessary?

Mr. Vice-President, with respect to the question of police forces, do we really need visiting police forces to come to Trinidad and Tobago? In Trinidad and Tobago, we have a complement of almost 7,000 police officers, and out of that probably about 5,500 officers are functional. We have one of the highest per capita ratio of police officers per population. We have police officers who are technically trained, who are competent and who are dedicated. Of course, there are a few within the ranks who do a lot of negative things. Is it necessary for us to sign an agreement to have visiting police forces coming into Trinidad? Why do we need these police officers? What are the visiting officers going to do that we cannot do?

Mr. Vice-President, recently, the Minister of National Security indicated that the defence force increased in size by more than 1,000 soldiers. At the moment, we do not know what is the total complement of the defence force; and what is the complement of the coast guard. I think it would be important for the population to know how many officers we have in the defence force and how many officers in

the coast guard. We know what the complement in the police service is. These are our protective agencies.

Do you really believe that the country needs any visiting security forces to come in when we have such a large complement of officers who are well trained? We have no difficulty in giving assistance to other countries where they do not have personnel, and in times of disaster we can assist them, but to legislate and say that we are passing legislation to have visiting security forces, we are legislating something that has no end.

So, we ask the question, what is the real rationale for bringing this Bill? We do not know whether the Government feels that it cannot cope with the crime situation and they are expecting another 1990 coup. Why is it necessary for us to have these people coming into Trinidad and Tobago?

Mr. Vice-President, we have such difficulties in dealing with our own police service. The Commissioner of Police has so much difficulty dealing with his own force, so when you begin to bring police officers from abroad, who will be under his jurisdiction—he has inherent difficulties dealing with his own people—how is he going to deal with these visiting police officers who are coming when he has to set the standard and the criteria for them to operate and work in?

Do you remember the whole question of the Police Service Commission Report of 2005, where there were almost 500 disciplinary cases out of a force of 7,000? What is going to happen when we bring in new police officers from abroad, when there are already monumental problems in terms of disciplinary matters? We have about 500-plus problems related to police operations in Trinidad and Tobago like the abandonment of office, 18; interdiction and suspension from duty, 42; preferment of disciplinary charge, 88; and discipline, 342. The total is almost 500. So, here it is, the Commissioner of Police and the Police Service Commission are unable to deal with a situation of discipline within the police service, so can you tell us that this police commissioner will be able to deal with police forces coming from abroad?

Mr. Vice-President, when police officers come from abroad, they have to get accustomed and acclimatized with the people's thinking and the people's culture to a certain extent. The police officers in Trinidad and Tobago have to undergo certain outreach programmes and training, and the Police Welfare and Service Division plays an important role in assisting these police officers by going into communities and outreach areas. Do you really believe that these police officers will not have a difficulty in dealing with the population, the culture and the nuances of the culture where we exist? How can our officers go to another country and do the

same thing as well? We have to understand their culture. The culture in Guyana, Barbados and Jamaica is different from the culture in Trinidad. We in Trinidad gesticulate with our hands and so forth, and if a police officer who comes from abroad says: "Stop right there." This officer could pull out a gun and shoot you.

We hear from time to time of the difficulties that the police service have, where there are human resource matters to be dealt with. There are two parallel human resource organizations within the police service headed by different individuals, and that whole area of the human resource management within the police service is fraught with disaster. You see it every day. It is written in the Republic of Trinidad and Tobago Police Service Commission Annual Report 2005. Sen. Prof. Ramesh Deosaran has been talking about it for a long time now.

Mr. Vice-President, there was a round table discussion of chairmen of Police Service Commissions for the Caribbean in Canada and in the United Kingdom. They identified serious cultural programmes, in terms of if there is going to be a mix of police officers from these areas. We saw that these police officers, who were brought under the British system—the Yardies who are probably not Scotland Yard officers—it took them a long while before they became oriented with the culture of Trinidad and Tobago for them to begin to do their work efficiently. It is only within the last few months that you have been seeing some of these visiting officers working in Trinidad and Tobago.

Mr. Vice-President, I am going to give you a little story. In one of the recent kidnappings, the Naipaul-Coolman kidnapping, one of the police officers from Britain was sitting in the home of the kidnapped victim, and he was there eating. A visiting person came in—a person of sound character and who is knowledgeable in security. This person who visited the home asked the police officer from Britain what can we do to help in this kidnapping, and from evening to evening he was just eating. Now, this is just one example of when you have people coming into your country, they really do not care about what is happening, because they are earning their livelihood and getting some "warm bread". They do not really have care and consideration. Those officers may be the type of police officers who would come to your country, and do not really care about what your people are accustomed to, and for some reason or the other they may fire some shots and kill some of our people and so on in the course of their duty.

My colleague, Sen. Mark, was making the reference that in Trinidad and Tobago, there are over 25 cases of extrajudicial killings that have not been determined and investigated. There was an investigation in only one case which is Galene Bonadie. These are extrajudicial killings by our own force in Trinidad and

Tobago, and investigation has started in only one out of those 25 cases. Could you imagine that if these guys from abroad—visiting security forces and visiting police officers come from abroad—do their thing, because they are given immunity and leave to go back whenever they want—what is going to happen to our poor people? This is something that this Government has failed to explain. Why is this rush? Why a piece of legislation, as important as this—we are being asked to look at it, examine it and pass it in the cloak of secrecy, and in the cloak that we have to do it because of the cricket. We cannot accept that because this has far-reaching implications for every citizen of Trinidad and Tobago.

So, Mr. Vice-President, what they are attempting to do is to make inroads into the sovereignty of every state in the Caribbean, without consultation first by the people. They are making major agreements for Parliament to rubber stamp and that should not be. We indicated that the consultation must be done with the people first before going to sign those treaties and protocol.

In Canada, there was a big referendum between the English speaking Canadians and the French speaking Canadians, in terms of whether Quebec will play a major role in terms of the determination of the administration of the government, and the Quebecois people almost defeated the English speaking Canadians.

There was a big referendum recently in France, in terms of the matter in relation to the EU and the French President was defeated in his referendum strategy. The referendum was as a result of some problems within the EU. Why our people cannot be consulted first before this is done? We have to fight a rearguard action in Parliament for the people. This is untenable. I think the hon. Minister of National Security has a lot to explain to this population, aided and abetted by the Attorney General. It is surprising that the Minister of Foreign Affairs, under whose jurisdiction this should come—this is a foreign affairs matter; this is not simply a national security matter. This is interfering with the national sovereignty of independent States within the 15 Caricom member States. It is a Treaty and, therefore, the Minister of Foreign Affairs has an important role to play. Is he being sidelined?

Sen. Mark: Like Knowlson Gift.

Sen. Dr. T. Gopeesingh: We wonder whether this is another repetition of his predecessor.

Sen. Mark: Be careful, you might become a victim.

Sen. Dr. T. Gopeesingh: I love my brother. He is my neighbour and I do not want to see him become a victim like how Mr. Knowlson Gift became a victim.

Sen. Mark: Do not let them sideline you, Arnold.

Sen. Dr. T. Gopeesingh: Mr. Vice-President, there is the freedom of movement going to take place in 2009. At the moment, we have movement of people in different categories like journalists, artistes, skilled labourers and graduates from the University of the West Indies and so forth. We have no difficulty with that whatsoever, but in 2009, most likely, there is going to be a complete freedom of movement.

Now, I heard the Attorney General mention the question of passports. We are operating now, and we are moving towards getting machine-readable passports for five years. It was brought down from 10 to five years. The cost has moved from \$100 to \$250, and we are putting our population through that difficulty by increasing the cost and having them renew their passports every five years. Within Caricom countries, do you know that there is a very brisk trade in giving out passports, particularly in Grenada and in other countries within the Caribbean? There is a brisk trade of passports. So while our country, Trinidad and Tobago, is making it possible for our citizens to go internationally and to be accepted readily with machine-readable passports, persons from within the Caribbean can come through very easily with fake passports. Do you know who may be coming? Some of the deportees from other countries may be landing at our doorsteps. We have to be very careful in terms of this freedom of movement and security measures and so forth as far as these three Bills are concerned.

Since I raised the question of police officers, I wonder whether the Minister of National Security will be able to tell us, probably in his winding up, how many foreign police officers are here in the country. At the moment, we know that there are officers from Britain, but how many have come in as a result of the cricket? How many security officers are we sending to these Caribbean islands? If we do not intend to send any officers, why are we trying to be part of this legislation?

I want to refer to what the Minister of National Security said in his introduction of the Bill. He indicated that this Treaty was signed for regional security, for mutual assistance to each other and to respond to man-made disasters; to defuse national and regional—I did not get the word that he used—but to combat crime and security threats; and for the preservation of territorial integrity. I am not certain that by doing that—having visiting forces and visiting police officers coming in here—we are preserving our territorial integrity. In fact,

we are not. We are moving away from that. We are invading other people's territorial integrity and other people are invading our territorial integrity, because our people would not really want that.

When we tell our citizens about the Bills that we are debating, they are frightened. Why should we be having foreign police officers in Trinidad and Tobago? Now, each member country has different laws, and there are going to be major conflicts, in terms of governance of these officers in one country versus another country, because the laws in one Caricom State may be different from the laws of another Caricom State, and the officers will have to go through some degree of training programme before they become accustomed and knowledgeable about the laws under which they are operating. If the Commissioner of Police decides to have X number of police officers coming in from abroad, they have to undergo some degree of rigid training during this period of time.

So, the movement of these officers throughout the Caribbean must be in the context of understanding the laws in each one of these countries, and that is going to create tremendous difficulties. So, when the Caricom Heads of Government decided to sign on this agreement, I wonder if they knew the difficulties that they would be encountering, and the problems that these visiting people would have in terms of what is required of them.

The Minister of National Security and the Attorney General indicated a while ago that Jamaica has had its visiting forces legislation for over 30 years and also Barbados, but he should have gone on and explained to us their rationale for having this piece of legislation. Has there been a monitoring and evaluating mechanism to determine whether the application of that law has been successful in dealing with some of their problems? Jamaica has a great problem in terms of drugs and the movement of arms and so on, and we are having it now. Perhaps, if you wanted us to understand and to buy into your thinking on that, it would have been necessary for the hon. Minister of National Security to give us some information on that matter as to whether it has been successful. It does not mean that because Jamaica and Barbados have had it running for 20 or 25 years that we must accept it.

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

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

Question put and agreed to.

Sen. Dr. T. Gopeesingh: Mr. Vice-President, I just want to go through a number of points within the next 15 minutes which relate to the whole aspect of the cultural nuances. This is an interesting concept. We would have security officers of different training levels, ranks, cultural, intellectual and competence levels being absorbed into our own domestic police service, and I mentioned earlier that those cultural differences would be difficult to be integrated very quickly into the climate, the mind and thinking of the visiting officers and, therefore, many problems would occur.

We expect that these absorbed personnel would function seamlessly in the domestic service, but that is not going to happen. We assume that some sort of professional training would have to be provided so that these personnel would be aware of the idiosyncrasies and the uniqueness which characterize our Trinidadian population. We use language in a particular way which may appear frictional to someone unfamiliar with our cultural nuances, so would these imported officers be thoroughly briefed on that matter?

With respect to the question of immunity, the Government, by this piece of legislation that we are being asked to pass today, is proposing that members of the various visiting forces be afforded immunity advantage. They will not be subjected to the jurisdiction of the laws of Trinidad and Tobago. Instead, even as they serve in Trinidad and Tobago, offences committed by them in Trinidad and which are based on local laws, would be dealt with in their home jurisdiction. That is a serious problem. This has all kinds of implications related to the collection and relevance of evidence and witnesses. If someone has to be tried in another country, you have to collect evidence and you have to take witnesses across to that country.

The sovereignty of a nation and the procedures involved in prosecution and, generally, the compatibility of legislation amongst the islands which I referred to earlier—when you give immunity, in terms of trial for certain offences committed, that has major implications and difficulties. A member of a foreign force can commit an offence in this country, in the course of official duties and not be brought to justice here even though the offence is national. This would not sit very well with us. Can this Government do that? Are we, in effect, awarding immunity to these officers *carte blanche*? That has not been spelled out properly, and this may be contrary to the doctrine of the separation of powers. We all speak about the separation of powers between the Judiciary, the Executive and Parliament.

Now, let us look at the service courts in the Visiting Forces Bill in clause 8 and it says that the decision of a service court of a visiting force is given the same status as that of a civil court in Trinidad and Tobago. Clearly, this is inappropriate.

Mr. Vice-President, you would recall the death of a young man called Shazad Mohammed, who was allegedly shot by a coast guard member. In that unfortunate incident, the coast guard member was actually acquitted by the tribunal which is the service court, and he was only charged in the domestic criminal courts after protest by relatives of Mr. Mohammed. So, you had the service court freeing the gentleman, and the domestic court looking after the conviction.

So, the whole question of service courts being given the same privileges as our courts is not something that we are taking very lightly. We think that is inappropriate in this piece of legislation. Clearly, the rules of procedure, evidence gathering and sentencing will differ between both courts and, in this case, between both jurisdictions. So, hon. Minister, you have to clarify that for us very clearly.

Mr. Vice-President, I just want to touch briefly on the whole question of funding for the coordinating secretariat of the Security Assistance (Caricom) Bill which is Article 8, and it says:

“The Contracting States may, where the exigencies of the Security Assistance Mechanism so require, agree to the preparation of a budget in which the quantum or proportion of each Contracting State contribution is determined.”

We have had difficulties with the Caribbean Court of Justice (CCJ), in terms of funding, and Trinidad and Tobago has had to spend over \$100 million to support the CCJ. The Minister will probably have to indicate to us, how much money the Trinidad and Tobago Government would have to spend in keeping COPACS, which is the establishment of the Caricom Operations Planning and Coordinating Staff, and which will be running the whole aspect of the security arrangement for Caricom. How much is Trinidad and Tobago going to be paying in this whole Caricom venture? Trinidad and Tobago has always had to bear the brunt of the financial burden in anything to do with Caricom. We bear it for the CCJ; and we bear the brunt of the burden for the University of the West Indies. Are we going to bear the brunt of the burden for this to be running properly?

Mr. Vice-President, Article 9 says:

“The Contracting Parties agree to cooperate in the areas and in the manner set out hereunder—

(c) preserving the territorial integrity of the Contracting States;”

We do not see this incursion of forces across nations as preserving the territorial integrity. In fact, it is dysfunctional and it will create just the opposite.

Mr. Vice-President, Article 13 says:

“When service personnel of a sending Contracting State are within the jurisdiction of another Contracting State, they shall respect the laws, customs and traditions of that other Contracting State.

The relevant authorities of one Contracting State shall have, within another Contracting State or on board any vessel or aircraft of that other Contracting State, the right to exercise all such criminal and disciplinary jurisdiction over the service personnel of the first-mentioned Contracting State as are conferred on the relevant authorities of that Contracting State by the laws of that Contracting State, including the right to repatriate personnel to their own State for trial and sentencing.”

How are we going to decide whether that person would be repatriated or will be kept here in Trinidad for them to answer charges against them? Who has the jurisdiction? The jurisdiction will have some difficulties which may end up with arbitration; a lot of arbitration difficulties.

Article 17 deals with settlement of disputes between two territories. We have world bodies like the WTO and the Law of the Sea which are governing bodies and branches of international organizations. Countries have disputes in terms of trade, and the WTO takes years to look at settlement of disputes. Now, if there are disputes between two territories, as far as forces are concerned and as far as the committing of offences of personnel between one state and another are concerned, who is going to arbitrate in these matters? Is it the Caribbean Court of Justice or would an arbitration panel be set up by the two countries? This is left open-ended, and we do not have the answer to that.

Mr. Vice-President, we believe that this legislation that is being brought before us today and which is being rushed within a five-or-six day period—we were given these three Bills to read, digest and to understand and to do the research—we say that it is unacceptable for us to have to undergo that a third time, again, within just the space of about three months.

The analysis of these Bills requires tremendous research and understanding, and it has severe implications and repercussions for citizens at a national level throughout all the 15-member Caricom countries. This is brought under the pretext that it is for cricket and we must pass it, but we see that the cricket has come on and it is going on, and I hope that West Indies is winning.

So, I would like to describe this piece of legislation that is being proposed to us as trying to colonize our cricket by proxy. This legislation is not allowing us the scrutiny that it deserves. We have serious concerns about the motive for this. Why has Trinidad and Tobago volunteered to sign a protocol under this Treaty?

Sen. Mark: Is it imperial ambitions?

Sen. Dr. T. Gopeesingh: My brother has put it very correctly.

Sen. Mark: We do not know. Mr. Manning has elusions—

Sen. Dr. T. Gopeesingh: So, we are frightened, particularly in the context of general election coming. We are worried and we are concerned, because we do not want foreign forces to come in to interfere with our election. We have indicated to you and to the citizens of Trinidad and Tobago, our major concerns as far as these pieces of legislation are concerned. We believe that this is being brought under the pretext of cricket, but there are serious repercussions and implications which are unacceptable to us and, therefore, we cannot support it in the present context.

Thank you very much. [*Desk thumping*]

The Minister of Foreign Affairs (Sen. The Hon. Arnold Piggott): Thank you very much, Mr. Vice-President. I seem to be a favourite in this Senate as there is such a clamour for me to speak. [*Desk thumping*] It is, indeed, a pleasure for me to address this honourable Senate today, the 13th day of March in the year of our Lord 2007.

A lot of noises are being made in this honourable Senate—and I see Sen. Wade Mark, a trade unionist, when I was a banker and Sen. Dr. Tim Gopeesingh, my neighbour, are very anxious to hear the Minister of Foreign Affairs speak. I wrote it down here: “Foreign Minister speaks.”

It is the foreign policy position of Trinidad and Tobago of non-interference in regional affairs of other states and this remains sacrosanct.

Sen. Mark: Very good. [*Desk thumping*]

Sen. The Hon. A. Piggott: Trinidad and Tobago has not deviated from this position, so the matter of interference or intervention does not arise. The governance structure of Caricom calls for and demands closer collaboration between member States. The intention of collaboration has no invasion intent. Under the Treaty pertaining to security assistance—note the name of this Treaty very carefully. It is the Security Assistance (Caricom) Bill. It talks about

assistance; it does not talk about penalties and invasion of anybody's rights. It is not contemplated that Caricom States collaborate in a unified manner to destroy any other state within Caricom. Participating States are reasonable States. They come with an integration movement in mind and that is what Caricom is about. [*Desk thumping*]

Mr. Vice-President, the security management framework was established in 2005 by the Conference of Heads of Government. This decision established the Council of Ministers of National Security and Law Enforcement, which is the body that now reports and advises the conference on regional security matters.

In 2007, pursuant to the decision of the Conference of Heads of Government in St. Vincent and the Grenadines, security was considered to be the fourth pillar of the Caribbean Community. There are three other pillars of the regional integration movement: Co-ordination of Foreign Policy, Functional Co-operation; and Economic Co-operation.

The framework and security management includes standing committees of Chiefs of Defence Staff and Commissioners of Police among others, such as the Heads of Intelligence, Heads of Customs and Immigration, including matters such as disaster preparedness.

Trinidad and Tobago chairs the Standing Committee of Commissioners of Police, Chiefs of Defence Staff and Comptroller of Customs. These regional standing committees are the advisers, along with other Government officials to the Council of Ministers of National Security and law enforcement.

These committees, after appropriate consultations and considerations, collectively make recommendations to the Conference of Heads of Government of Caricom. That is how your Prime Minister and all the other Prime Ministers in Caricom get to a point of signing various aspects of Treaties.

Our hon. Leader and Prime Minister has absolutely no monopoly over regional standing committees. All Caricom governments decide by consensus. It is only by consensus that decisions are taken in the Caricom Heads of Government meetings.

This Government led by the hon. Patrick Manning of which I am proud to be a part—[*Desk thumping*—subscribes to and supports fully—[*Interruption*]

Sen. Mark: We know that.

Sen. The Hon. A. Piggott: While you know it, I want you to understand that this Government subscribes to and supports fully, the regional integration movement. [*Desk thumping*] That body created is called the Caricom Community.

When presented with considered information and opinion by a body of experts with the moral authority and goodwill to advise objectively, at the regional table—I heard Sen. Prof. Ramchand take issue with the moral authority, goodwill and expertise, and Sen. Mark also made reference to how decisions are being made—that is at the Heads of Government meeting. It is the role of the Heads of Government to make a decision in the best interest of the Republic of Trinidad and Tobago and that includes Sen. Mark and Sen. Dr. Gopeesingh. Mr. Vice-President, that was in response to the demands being placed on this hon. Minister by Sen. Mark and, my friend, Sen. Dr. Gopeesingh.

I will now go into part of my contribution. A lot of issues have gone around about Article 9. I want to remind this honourable Senate and hon. Senators on that side that we are talking about one of the Bills which is the Security Assistance (Caricom) Bill and Article 9, to which Sen. Mark made reference to—he skated over the relevant sections of that Article. Article 9, 2 says:

“Any one or more of the Contracting Parties may request in writing the assistance of one or more of the other Contracting Parties in the areas of cooperation set out in paragraph 1 of this Article.

Article 9, 5 states:

“Where, having so consulted, the Contracting Parties or any number of them consider that they should take action to combat the threat to the security of any Contracting State upon the written request of the Contracting Party, they may individually or collectively take such action as may be requested in writing by that Contracting State.”

Sen. Mark, I hope that clarifies fully all the questions that you have asked this hon. Minister.

Mr. Vice-President, the 1962 Vienna Convention on Diplomatic Relations outlines that States, inter alia, establish diplomatic relations to promote friendly linkages between themselves and develop mutually beneficial economic, cultural and scientific relations. That is the foundation of the Vienna Convention. The establishment of diplomatic relations implies that countries involved have agreed to collaborate to their mutual advantage. We in the Caribbean community have gone well beyond the mere establishment of diplomatic relations among

ourselves. We are expanding and deepening cooperation in the integration movement. We inaugurated in 2006 the Caricom Single Market and Economy, a major achievement for Caricom countries.

Mr. Vice-President, 2008 has been dubbed, “a date with destiny,” given the timetable set by the Heads of Government for the establishment of the Caricom Single Market and Economy. Cooperation and collaboration has been aggressively pursued with friendly extra-regional States to our mutual advantage in a wide range of areas, including security matters such as what we are discussing today.

The immediate impetus for the enactment of the three Bills into law is the Cricket World Cup 2007. Members of this honourable Senate will note, however, that there is no sunset provision that would terminate the legislation after the conclusion of the Cricket World Cup tournament. The life of the legislation is intended to be indefinite. Whilst it is intended to satisfy certain security needs in the organization of the Cricket World Cup, the rationale for the enactment of these Bills clearly goes beyond the immediate needs of the CWC 2007.

Mr. Vice-President, the Security Assistance (Caricom) Bill 2007, which I referred to previously, gives the force of law in Trinidad and Tobago to the provisions of the Treaty on Security Assistance Among Caricom Member States. Trinidad and Tobago is indeed a party to this Treaty. It was at its 24th Meeting held in Montego Bay, Jamaica in 2003 that the Conference of Heads of Government of the Caribbean Community was challenged to promote a system of regional security to ensure the economic and social integrity of member States. A security assistance mechanism is, accordingly established to execute the tasks and provide the services to be performed in accordance with the Treaty. This Treaty was signed in St. Kitts and Nevis in July 2006.

The Bill also gives effect to the protocol relating to the establishment of COPACS which is the Caricom Operations, Planning and Coordinating Staff. This protocol was signed in St. Vincent and the Grenadines on February 14, 2007. Trinidad and Tobago is also a party to this protocol. I was in St. Vincent and the Grenadines then when this protocol was signed.

Mr. Vice-President, this Bill is but one more manifestation of our interdependence in the Caribbean Community. It is testament of our willingness to cooperate regionally in this most important area for the security and protection of all our people in Caricom, and that includes Trinidad and Tobago.

Now, why do we need the Security Assistance (Caricom) Bill, 2007? The objectives of the Treaty set out in Article 3 go beyond the immediate needs of CWC 2007, as I said before. The CWC is, however, directly relevant in respect of the objective to combat and eliminate threats to national and regional security, however arising. Planning for a sporting event of the scale of CWC 2007, the third largest such event in the world requires a proactive and collaborative approach to security.

Members will recall that a single domestic space was created to facilitate the hosting of this tournament. Visitors to any of the nine participating States and Dominica automatically gain entry to the other participating States without question by other immigration officials in those countries. This demonstrates that security concerns connected with the CWC is a concern not of any single member State, but of the Caribbean Community as a whole, and we continue to collaborate in that regard.

Mr. Vice-President, it is no secret that heightened concern about security matters is a feature of modern international life. That concern has been made even more acute by several terrorist attacks in the United States of America, East Africa, Indonesia, Spain and the United Kingdom. Member States of Caricom, in responding to the new security concerns in the global environment, are challenged to establish the legal and institutional framework that would permit the highest level of cooperation in matters concerning the security of our several States and the safety of all our citizens.

In this regard, the Treaty envisages in Article 9 that Contracting Parties will cooperate in the following areas:

- “(a) combating threats to national and regional security;
- (b) minimizing the incidence of serious crimes;
- (c) preserving the territorial integrity of Contracting States;
- (d) conducting search and rescue missions as a consequence of natural and man-made disasters; and
- (e) in any other area...”

consistent with the objectives of the Treaty which was signed by several honourable men within the Caricom arena.

Mr. Vice-President, let me now speak to the rationale for international cooperation in security matters. It is vitally important for the small States of the Caribbean Community to enter into cooperative arrangements among themselves,

and with like-minded States. As Caricom seeks to deepen its governance structures, members of the Community recognize the shared responsibility to confront common problems in a cooperative and coordinated manner, especially in matters of national security. I hope that my friend, Sen. Mark is listening to me carefully, because I see that he wishes to shadow as a Minister of Foreign Affairs. I want to tell him that it is going to take him a long time to get there. *[Interruption]*

These cooperative arrangements must include mechanisms that take account of any insufficiency of national resources to deal with crises, for example, those occasioned by natural or man-made disasters. In terms of international cooperation, the principle of international law relating to equality of States, mutual respect and reciprocal rights and obligations, regardless of size, geography, natural endowment or economic circumstance, must, of course, underpin any such arrangements.

6.00 p.m.

Enactment of these three pieces of legislation constitutes determined and concrete steps in the progressive development of regional integration movement. It will certainly provide a platform for enhancement of regional governance for the Caribbean Community, to which it strives and is actively engaged.

The Caricom Security Assistance Treaty defines our relations with our Caricom neighbours in this vital area. As an international instrument, this Treaty establishes the legal framework which would facilitate cooperation among member states as contracting parties in certain specific areas; namely:

- confronting crises arising from natural or man-made disasters.
- the deployment of regional resources to manage and defuse national and regional crisis and to combat serious crimes.
- combating and eliminating threats to national and regional security, and
- preserving the territorial integrity of participating states.

Mr. Vice-President, instruments such as the Security Assistance Treaty provides a safeguard against threats and actions of natural or man-made disasters which can undermine the security of small states. The Visiting Forces Bill and the Visiting Police Forces Bill are critical in making the Security Assistance Treaty operational, and this is why we could not take them as separate Bills.

What good would it be with the other Bills without the framework Bill. Taken together, these three Bills establish a solid legal basis to assist states, which may not have the resources to deal with critical national security issues.

One of the objectives of the Security Assistance Treaty in Article 3 is the:

“expeditious, efficient mobilisation and deployment of regional resources in order to manage and defuse national and regional crises and to combat serious crimes.”

Cooperation among Caricom member states in this field is reflective of the collective responsibility and the concrete interest of all the member states of that Caricom Community, all of which have a stake in the following areas: ensuring that our society is secure and free of the scourge of serious crimes; mitigating the effects of man-made or natural disasters that imperil the integrity of our society; and managing expeditiously and efficiently threats to national and regional security. Perhaps I should read that again, “managing expeditiously and efficiently threats to national and regional security.”

These negative elements, Mr. Vice-President, by threatening the socio-economic development and political stability, do a great deal to reduce the security and safety and hence the quality of lives of our people. By providing for mutual assistance under the Security Assistance Treaty, this initiative by the Heads of Government can only redound to the strengthening of the economic and social integrity of the member states of the Caribbean Community.

One may ask why do we need the Visiting Forces Bill, 2007 and the Visiting Police Forces Bill, 2007? In examining the Visiting Forces Bill and the Visiting Police Forces Bill, Mr. Vice-President, the fact that legislation is now before us dealing with visiting forces does not mean that Trinidad and Tobago has not accommodated visiting forces in the past. It is a matter of record that from time to time visits have been arranged between the military of certain friendly states and the Trinidad and Tobago Defence Force.

These visits have involved the carrying out of joint military exercises by Trinidad and Tobago and foreign forces. In the absence of legislation such as that now under consideration by this honourable Senate, those visits and exercises have been conducted on the basis of ad hoc agreements between the two states. That is the sending state and the receiving state, Trinidad and Tobago, covering specific exercises to be carried out during specific periods of time.

The Visiting Forces Bill will put a permanent regime in place to govern cooperation in this area between Trinidad and Tobago and any State designated by the President in accordance with clause 4 of the Bill. It is therefore a welcome improvement on the status quo, my brother, Sen. Mark. It obviates the need for special ad hoc arrangements to be concluded each time a visit by a foreign force is planned. We do not want to be coming here every time asking for permission please to do something that is good for the nation, which is good for Caricom.

The content of the laws in Trinidad and Tobago regarding the status and activities of visiting forces would be known to all interested parties. That is to say these Bills tell us what it is that they say and when forces come we know what the regulations are that govern them. We know what immunities and privileges they get. We know what taxes they do not pay. We know all that because it is clearly there; it is a transparent process before you.

Mr. Vice-President, the need for cooperation in security matters existed, like I said, before the CWC and it will continue to exist after the final match of the competition is concluded in Bridgetown, Barbados on April 28, 2007.

In terms of privileges and immunities, clauses 5 and 6 of the Visiting Forces Bill and the Visiting Police Forces Bill respectively, provide that the members of the visiting forces will enjoy immunity from civil and criminal jurisdiction of Trinidad and Tobago in the performance of their official functions. This is the level of immunity granted to officials of international organizations pursuant to the Fifth Schedule to the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act of Trinidad and Tobago.

Mr. Vice-President, I notice that my friend, Sen. Dr. Gopeesingh has also gone out the room but I will like him to hear what the Minister of Foreign Affairs is saying. I want him to know what the Minister of Foreign Affairs is saying. I want him to record that the Minister of Foreign Affairs has spoken. I will like him to hear that. [*Desk thumping*]

Sen. Mark: Do not worry, I will convey.

Sen. The Hon. A. Piggott: I thank you, brother Mark for being able to convey that. This immunity from Trinidad and Tobago's civil and criminal jurisdiction is therefore proportionate and consistent with existing legislation pertinent to immunities. In clause 5(2) of the Visiting Forces Bill, it is provided that the civil court will exercise jurisdiction if offences are committed by a member while acting outside of his official duties.

In respect of a member of a visiting police force, clause 5 gives him the same rights, powers and privileges as are conferred on members of the Trinidad and Tobago Police Service by the Police Service Act or any other law.

Clause 6 gives immunity from the criminal and civil jurisdiction of Trinidad and Tobago in the performance of official duties only. Clause 7 provides that if a member of a visiting police force commits an offence involving the property or security of his state, or another member of the visiting police or his property or in the performance of his official duty, the courts of the sending state shall exercise jurisdiction in respect to that offence. An offence committed against a national of Trinidad and Tobago, outside of his official duties of the member shall be subject to the jurisdiction of the Trinidad and Tobago courts. It seems to be very straightforward. All the safeguards are there.

There is no possibility in my mind and in the mind of the people on this side of the Senate, that members of the visiting forces will be provided with a licence to violate the laws of this country with impunity and they cannot do that. They just cannot violate laws of Trinidad and Tobago and let me read this again; it says, an offence committed against a national of Trinidad and Tobago, and outside of his official duties of the member shall be subject to the jurisdiction of the courts of Trinidad and Tobago. And I will expect the judicial system to treat with him in the manner that he is required to be served with.

Mr. Vice-President, the sending government will retain jurisdiction over its military or police officers and in the case of the former—that is the military—service courts will exercise jurisdiction over members of the visiting forces in accordance with military law. The immunity, therefore, to be enjoyed by the members of the visiting forces is restricted to actions taken in the course of the performance of their official duties. Only in respect to official duties for which they would have been invited here or if we went there, they invited us.

This level of immunity is the minimum—Sen. Mark—customarily accorded to the representatives of one state who might be engaged in carrying out official functions in another state. The basis of the grant of privileges to representatives of a foreign state is that one sovereign state should not tax another.

The privileges and exemptions provided for in the Visiting Forces Bill, 2007 and the Visiting Police Forces Bill, 2007, include exemptions with respect to taxation on emoluments and tax and customs duties on imported articles. Those are shown in clauses 24 and 11 respectively.

Sen. Mark: Minister, may I—?

Sen. The Hon. A. Piggott: Sen. Mark, I am in full flight and I will like to continue in full flight because the Foreign Minister speaks. [*Laughter*] You waited too long, now you have got to listen to me, now.

Mr. Vice-President, the Government of Trinidad and Tobago; that great Republic, that rainbow Republic with such energetic people, it is setting itself as the premier Conference Centre in the Caribbean. With strategic thinking and planning therefore, in 2009 Trinidad and Tobago will host two major international conferences. Do you know about them, Sen. Mark?

Sen. Mark: We will be there. [*Crosstalk*]

Sen. The Hon. A. Piggott: I am coming to that.

Sen. Mark: We shall host that for you.

Sen. The Hon. A. Piggott: The first one is the Summit of the Americas and the second one is the Commonwealth Heads of Government Meeting. [*Desk thumping*] Two major International conferences, Sen. Mark, in one year.

Sen. Mark: We shall host that for you.

Sen. The Hon. A. Piggott: Listen to this; listen to this. The legislative framework provided by the enactment of these three Bills will enable Trinidad and Tobago to call on the assistance of friendly states prior to and during the holding of these important meetings, among others, Sen. Mark. [*Desk thumping*] Thirty-four Summit of the Americas, 53 Commonwealth Heads, including the Queen of England.

Mr. Vice-President, this Government is at work; it is busy doing its work. [*Desk thumping*] The Foreign Affairs Minister whom you wanted to hear speak has been busy doing his work. [*Laughter*] Sen. Mark, I was told that the reverse of listening is silence; so I have remained silent so I could hear all that you would say; and now I am speaking.

I am sure that Members of this honourable Senate will be pleased to learn that this Government will be, “standing on guard” to effectively host and manage these two major conferences, as we continue to do our part in promoting international understanding, equality and mutual respect for peaceful co-existence and the reduction of the threat of disorder and terrorist activities, Sen. Mark. That is what we are committed to.

So, this is why we are moving, in tandem with the other member States of the Caribbean Community, to put in place the institutional and legislative framework necessary for enhanced cooperation in the security field. The desirability of cooperation in this area is self-evident.

In terms of natural disasters, we need only cast our mind back to the destruction wrought upon Grenada—and there was a lot of talk about Grenada today, but there is history and I would not go back to the history now. We are all very conscious—if we throw our minds back to 2005—to the destruction wrought upon Grenada by Hurricane Ivan in 2005 to appreciate the necessity for enhanced cooperation in the field of security.

The Trinidad and Tobago Defence personnel who went to Grenada in 2005, in the wake of the destruction wrought by Hurricane Ivan did not go there to wreak havoc or invade a sovereign state, but rather on a humanitarian mission to save lives, to bring relief to people ravaged by a natural disaster.

These forces did not have the benefit of the legislation such as we are now debating, but I will tell you, these pieces of legislation will obviate the need in the future to seek to arrange for the institution of a legal framework to protect members of the Trinidad and Tobago Police Force, who may be deployed to assist in any reconstruction of the type witnessed in Grenada.

To that extent, other Caricom member states are in the process of enacting similar legislation, Trinidad and Tobago personnel rendering assistance to other Caricom member states in the future would be assured that there is a legal and institutional framework in place that would assist and protect them to discharge their official functions.

Mr. Vice-President, I got some information that I want to check here now before I proceed. I was in Germany for soccer World Cup in 2006. And I moved around Germany from place to place in a single domestic space, which is what the European Union has put in place. When I got into Germany there were various security forces in the major airports and train stations. I am telling you that they were British, Dutch, Polish and they were working together with the German police force in uniform on the streets of Germany during the World Cup. I am telling you that there is no intent on the part of the Government to invade anybody's rights as indeed was not the intent of the European Union to invade anybody's right. [*Crosstalk*]

Mr. Vice-President, we must focus on the legislation and the intent of the legislation. It is not intended that forces come here to stay; the forces will come to visit and that is why I referenced you and the honourable Senate, to the Summit

Security Assistance (Caricom) Bill
[SEN. THE HON. A. PIGGOTT]

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of the Americas and to the Commonwealth Heads of Government Conference that will be held here with major security requirements. Every Head of State travels with security. Every Head of State travels with a variety of security. And it is important that we have these arrangements in place so that when these people come, among the various other things that we are doing to prepare for these Summits, we can have a secured space.

It is without a doubt a massive undertaking and for the purposes of the Cricket World Cup we have created the single domestic space so that groups from around the world can enter this space and move around freely. These Bills, the legal framework if the need arises for the presence in Trinidad and Tobago of visiting forces and visiting police forces of the designated countries will be of immeasurable use to Trinidad and Tobago and the Caricom Community.

Improved security arrangements and facilitation will be a tangible legacy of the Cricket World Cup. For cogent reasons indicated by the mover of the Motion, Sen. The Hon. Martin Joseph—very hard working Senator, very well respected Senator. [*Desk thumping*]

PROCEDURAL MOTION

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate continue its sitting until the completion of the debate on these Bills.

Question put and agreed to.

SECURITY ASSISTANCE (CARICOM) BILL

Sen. The Hon. A. Piggott: Thank you very much, Mr. Vice-President. You know when I first stood I thought I was going to take 20 minutes. When I looked at Sen. Mark and my neighbour, Sen. Dr. Gopeesingh, I was inspired to speak on this, my maiden speech in the Senate. [*Desk thumping*] [*Crosstalk*]

I want to emphasize before I proceed, in the matter of the security forces of the British, the Dutch, the Polish and others in Germany, that whereas they went there for soccer World Cup and left, the legislation and the law which allowed them to do that remains in place. And this is the legislation that we have here that will remain in place after the Cricket World Cup. [*Desk thumping*]

Mr. Vice-President, let me revert therefore, for the cogent reasons indicated by the mover of the Motion, I am of the view that the Security Assistance

(Caricom) Bill, the Visiting Forces Bill and the Visiting Police Forces Bill should readily commend themselves to the Members of this honourable Senate.

Mr. Vice-President, this Government is committed to better securing the peace, safety and tranquility of our people, our land and that of our neighbours. This Government is also committed to facilitating improved security arrangements for the citizens, visitors and guests of our blessed, energy-fuelled land and that of our neighbours, while we continue to deliver on our planned programmes and policies geared towards enhancing the social and economic well-being of all the citizens of Trinidad and Tobago.

Mr. Vice-President, as Trinidad and Tobago marches steadfastly and confidently towards achieving developed country status by the year 2020, to take its rightful place within the international community, permit me to extend an open invitation, particularly to those of our friends on the Front Benches opposite—Sen. Mark, permit me to extend an invitation to you and your colleagues—to support a government on the move as it continues to deliver on its commitments to deepening relations locally, regionally and internationally.

Mr. Vice-President, I thank you.

Sen. Anil Juteram: Thank you very much, Mr. Vice-President for giving me the opportunity to speak in this honourable Senate. Mr. Vice-President, can—

Mr. Vice-President: Just one minute, please. Hon. Senators, I have to rewind a bit as they say and compliment the Minister of Foreign Affairs for his maiden speech. [*Desk thumping*] I was carried away by the fact that he was in Cabinet before he was in Government for sometime and I really did not believe it was a maiden speech.

CONGRATULATIONS West Indies Cricket Team

Mr. Vice-President: While I am on my feet hon. Senators, I think the Foreign Minister's contribution came on a very significant day. Today is the day on which the World Cup Cricket 2007 started. I think it is also in order for me to say we should extend congratulations to the Caribbean team for winning the first game [*Desk thumping*] of the 2007 World Cup. I would like to ask the Clerk of the House to send a letter to skipper, Brian Lara, who is a national of Trinidad and Tobago, conveying our best wishes for the rest of the tournament. [*Desk thumping*] Sen. Juteram.

SECURITY ASSISTANCE (CARICOM) BILL

Sen. Anil Juteram: Thank you very much, for giving me the opportunity to speak and extend my congratulations to the cricket team on behalf of our people here in the Senate. [*Desk thumping*]

Mr. Vice-President, can the Government force officers, in particular Trinidad and Tobago police officers, to go abroad and work? Is that mandatory?

Hon Senators: The answer is no.

Sen. A. Juteram: No? Okay. Then who will define the scope of work according to Article 16, page 15, that is with the training. Since the foreigners are coming here to work, I am not too sure they would be able to execute any DNA legislation and if there are labs available and so on down here at this present time to do whatever work is necessary.

When and by whom will the orientation programme be given to the Trinidad and Tobago security forces and foreign forces to enable them to acclimatize in their new respective tour of duty? We do not want our service men and women operating blindly.

We know in Trinidad and Tobago Carnival is a national event. Our Commissioner of Police gives at his discretion three days off to his officers who have worked during the Carnival period. What is the arrangement for overtime or days off in another country for our service men and women? Would it be 24 hours duty in another country or would it be a 40-hour work week, as it is in Trinidad and Tobago? [*Crosstalk*]

Mr. Vice-President, I ask this in particular, in Jamaica for 40 hours of work per week, what is the compensation for our police officers, since in Jamaica the working hours are more than 40 hours? Abuse of any government to this Bill with the absence of the sunset clause, which will give specific duration to time, is of national importance.

We need to know, is this Bill the genesis of the Cricket World Cup alone? Why the unlimited time for this treaty on security assistance? Could this Bill be abused down the road by any government in the future? Is the Cricket World Cup being used to slip in this Bill as the perfect opportunity to further strengthen the Special Anti-crime Unit of Trinidad and Tobago (SAUTT)? I am not making any accusations; I am just feeling out what people have been telling me during our research and so on.

According to the *Guardian* newspaper front page on Thursday, August 04, 2005; if I may just quote:

"SAUTT probe exposes senior executive member. Kidnap kingpin is a cop"

Sen. Dr. Saith: He quoting from a "cop" paper, you know. [*Laughter*]

Sen. Dumas: That is your prospective buyer

Sen. Mark: He is talking about the Commissioner of Police. [*Laughter*]

Sen. A. Juteram: I ask this in respect and in context of the SAUTT Academy which is completed in Cumuto, while the Police Training College is not. The legal framework of SAUTT lacking police authority, this Bill could enable this unit to function with more teething power.

Article 3, page 21, with regard to the regional operations commander; who would be the regional operations commander? Mr. Vice-President, I would distinctively like to ask through you, in his response, the hon. Minister of National Security, as to what is the function of former Brigadier and Chief of Defence Staff, Brigadier Ancil Antoine?

Article 1, page 3, Use of Terms, forces commanders means on page 5:

- “(u) Chief of Defence Staff of the Trinidad and Tobago Defence Force;
- (v) Commissioner of Police of the Trinidad and Tobago Police Service.”

Then there is full command, which means:

“the military authority and responsibility of a commander to issue orders to his subordinates in every aspect of military administration and operations;”

Mr. Vice-President, through you, I will like to ask the hon. Minister of National Security to please shed some light to clarify if the commander in this instance is the head of the Special Anti-crime Unit of Trinidad and Tobago.

Thank you very much.

6.30 p.m.

Mr. Vice-President: Sen. Juteram, may I congratulate you on the first speech you made in the Senate. Congratulations. [*Desk thumping*]

[*Senator rose*]

Sen. Anmolsingh-Mahabir: Is he finished? [*Crosstalk*]

Mr. Vice-President: Sen. Anmolsingh-Mahabir, please.

Sen. Parvatee Anmolsingh-Mahabir: Thank you very much, Mr. Vice-President. I, too, would like to lend my voice to congratulate the West Indies team. [*Desk thumping*]

Mr. Vice-President, in accord with the changing geopolitical and international security structure there is no doubt in my mind that the Security Assistance (Caricom) Bill, 2007; the Visiting Forces Bill, 2007 and the Visiting Police Forces Bill, 2007 are necessary. Given the need for closer cooperation, collaboration, information gathering and intelligence sharing in the region to combat trans-border crimes, transnational offending; these Bills will, no doubt, aid in the development of the region's security platform. [*Desk thumping*]

What we need to bear in mind is that with the passage of these Bills there will arise the need for the collective political will to forge greater and committed ties to the security and stability of the region. Therefore, we must have a genesis to this effort. A good example as mentioned before, is the European Union and the way they are handling and forging their way forward with regard to freedom of movement and security issues. Significantly too, we must recognize the paradigm shift of the old traditional national security framework to the new convergence of threats emanating from transnational offending primarily: terrorism, drug trafficking, human trafficking, money laundering and organized crime.

Mr. Vice-President, it is in this context that a fresh approach is required, taking into account the domestic and international interest of our country and region where the United States is a key ally in terms of being an economic, strategic and military giant. I am aware that these pieces of legislation go beyond the ICC Cricket World Cup, but because the hosting of the ICC Cricket World Cup is an international event, Trinidad and Tobago will have the added assistance of expert security personnel from many countries. I see this as an opportunity for Trinidad and Tobago to foster new, meaningful and beneficial relationships with the outer world. We will be better positioned to develop the necessary database for information and intelligence gathering.

Therefore, I see the need to facilitate the Bills and not to frustrate their passage. At the same time, this new shift in security measures requires that the hon. Minister of National Security, as well as, the hon. Attorney General take a comprehensive review of the Immigration Act and its regulations. The current Immigration Act which was patterned after the 1952 Canadian Immigration Act is obsolete and antiquated in many areas. I am sure the Attorney General will agree

with me on this. While Canada has an ongoing process with its immigration legislation, Trinidad and Tobago's Act remains stagnant in certain areas. I refer to section 8 in particular, which deals with prohibited classes or inadmissibility.

While I support the Bills before us, I respectfully submit that the hon. Ministers urgently seek out the requisite expertise to enhance and improve our immigration laws. However, there is one area that I seek clarification with regard to the Bills. If the Visiting Police Forces Bill, 2007 is not related to cricket, why is it that we have a list in the schedule of designated states, so many cricketing countries? [*Interruption*] If these are the states falling under this Bill then maybe it should have a sunset clause identifying—

Sen. Bro. Khan: Yes, true.

Sen. P. Anmolsingh-Mahabir:—when this particular arrangement will cease. I refer to page 10 of the Visiting Police Forces Bill, 2007. [*Desk thumping*] Hon. Minister, I am just seeking clarification.

I thank you.

Sen. Raziah Ahmed: Mr. Vice-President, as I rise to continue the debate on this very significant piece of legislation, I am reminded that laws with respect to how we treat with our neighbours are extremely old. In fact, from as long as 1200 BC when the Prophet Moses brought the Ten Commandments, he brought one of the most well-known laws about how we treat with our neighbours. And so legislation that allows us to help our neighbours to live in unity and in mutual assistance is very significant.

Like my colleagues on this side, I wish to point out that other Caricom territories with respect to the Security Assistance (Caricom) Bill, and in particular, Barbados, which has not been cited before, did include—with respect to the visiting forces police, as well as, military—it in their sunset legislation package, according to an article posted February 28, 2007 in the *Daily Nation* Barbados newspaper. So that in addition to the Caricom territories cited before Barbados also has significantly included this sunset provision in their legislation, and with respect to that I want to say 100 per cent, that it is necessary to have sunset legislation in keeping with the Cricket World Cup dictates. We have been advised by the hon. Minister who presented the Bill that we are rushing the time frame because of the cricket.

I agree that a treaty between Caricom nations is an important piece of legislation because of the principle of good neighbours. When we set out to standardize the rules among the Caricom nations that will determine how we

interact and how we intervene when there is a national crisis with respect to natural disasters or, according to the Bill, security, insurrection and other types of harmful consequences that could arise in these countries, I am a little concerned that we have included in the objectives of the treaty that little clause at the end of Article 3, “Objectives” (b):...and to combat serious crimes.”

Yes, it is a noble objective, Mr. Vice-President. Indeed, it is a noble objective, but I was just wondering that if as a single nation state we are unable to deal with the issues of crimes here on our own; how are we going to help our Caricom neighbours when we are perceived in the Caricom region as one of the strongest nations? All round, not only in terms of economic power but in terms of infrastructure, facilities and standard of living, et cetera. So we have one blimp operating, we have two blimps set aside for parts and we have put into our treaty that we will help our Caricom neighbours with respect to combating serious crimes when we have shown and we have demonstrated that we cannot deal with it ourselves. [*Desk thumping*]

Is it that under this treaty we are expecting that Grenada or somebody else will come in to help us with our crime situation? I am wondering. The other aspect of this treaty that I find difficult is the fact that we are living in an age of virtual networks, and the word sovereignty is being redefined. We have to recognize that there have been international organizations that have been almost stepped upon, even as they seek to invoke tenets of the Security Council, and I am referring here to the United Nations. In fact, when the US and Europe went to war in Kosovo it was without the United Nations Security Council. When Mr. Bush went to war in Iraq it was against their best advice. So we are looking at a treaty that pertains to the Caricom nations, and I am saying that we are being shortsighted and myopic because we have failed to put this in the context of the larger international security framework. We have failed to understand that the relationship, that the powers, the G6 or the G7, that NATO, the powers that the United Nations has far supersedes any power that we have.

Therefore to put all of this in context, Mr. Vice-President, I am putting forward to this honourable Senate that what we are really debating in this entire treaty is the movement of a few squads or a few troops in order to rehabilitate, to fix, to control and, maybe, to help with drainage as we did in Grenada; we sent off some CEPEP forces. They lived in tents, they complained that they got biscuits and sardines to eat; we could not even take care of them when we sent them to Grenada in 2005. They complained! Maybe we got things right; maybe you had good intentions and good ambitions, but we showed them that we could not take care of the people

that we sent. Here we have a treaty that looks wonderful on paper; grandiose ideas, but unrealistic with respect to our ability to actually deploy troops into foreign countries and to bring useful and constructive assistance to those people who are in need.

So the hon. Minister in his opening address indicated that this was pre-emptive legislation and I am very scared when I hear the word pre-emptive, because it has been used before in an international context. Now the world is debating whether or not pre-emptive strikes by the large international bodies that saw it fit to go in and fix other people's democracy or lack of democracy, whether it was merited and whether or not it has in fact failed. Therefore, I got very worried when the Minister used the word, pre-emptive and I wish I could ask him to find some other adjective to describe this legislation, because it reminds me too much of international disasters, that I will not go into at this point in time.

Mr. Vice-President, one of the things that we must be mindful of in this kind of legislation, is not only are we going to use the legislation as an opportunity to mobilize forces to reduce and eliminate the consequences of disasters man-made or otherwise. But we also have the situation that has arisen in the past in Grenada in an earlier period and in Guyana for example, where outside intervention in the form of security troops were needed in order to protect people in nation states from the actions of their own governments.

I believe that this piece of legislation that comes under the umbrella or under the name of security assistance really does not treat with that kind of occurrence that has happened within the Caricom nation, that has happened in this part of the world, that has happened in the East and in the Middle East; it does not treat with how a nation decides how much of its sovereignty it will concede to a regional body.

What this piece of legislation does is that it establishes a regional body called the Joint Strategic Coordinating and Planning Committee. That regional body, is one massive group of people who will have to be assembled, and if you want to see how large this group is, you just need to look at the pages that list the forces commanders, and for every nation involved in this treaty there are at least two representatives, the commander of the police and the commander of the defence military mechanism. For each country we have at least two people that will have to be assembled and who "...shall meet in session as often as the exigencies of the circumstances require." So this is a massive group that the Caricom Nation States will have to finance, in the first instance.

Now, the existing defence laws, the legislation that covers the defence of this nation both with respect to the defence force and the police service, already allows, already makes provision for our commanding officers, under the direction of the President of this country to send our forces outside of Trinidad and Tobago to do the same kind of work. So we already have legislation that allow us to send our forces by direction of the President of the Republic of Trinidad and Tobago, and we are now saying that, that is not good enough, that is insufficient; we need this treaty, and in this treaty we need to set up this Joint Strategic Coordinating and Planning Committee to take care of emergencies.

Mr. Vice-President, I submit to this honourable Senate that, that is redundant and it is a waste of money. The said legislation makes provision; only requires, that two or three people—a sending state and a receiving state—within this entire treaty, can, in fact, get together and decide that they are going to deploy forces elsewhere. So why are we setting up this massive group of people to do planning exercises, when we know, when it is engrained in our moral fibre, that we will help our neighbours? In any event we will help our neighbours! There is absolutely no need to set up this Joint Strategic Coordinating and Planning Committee, made up of 30-plus individuals. Can you imagine the logistics headache of having to bring these people together if there is an emergency? Absolute madness! We will have all the private security helicopters flying off to one destination while some nation state is in trouble, because the commanders and the leaders have to go and sit and come to something. You see that, that makes absolutely no sense. We should allow within this treaty, the one, two or three states that are strategically important to the defence of whatever problem that has arisen to make their decision and to go ahead. This massive committee is only dressing and a waste of taxpayers' money and you will see that that is exactly what it shall be.

To move on, Mr. Vice-President, the treaty advocates that request must be in writing. Now we are dealing with emergencies. We are dealing with emergencies when electricity service may go and telephone service may go; we may not be able to send a fax transmittal or an e-mail transmission, and yet we are saying that before any party can actually act, communicate has to be received in writing. There has to be some additional clause in that provision to allow for requests that have not yet been put into writing to be heeded, so that to confine all Contracting Parties to written communication in a time when there might be no electricity service, no telephone service and no facsimile service, that is constraining the haste with which we need to respond.

As I say that, I am reminded that even during the hurricane event when we decided that we would send troops out to Grenada—if I remember correctly—it took about two or three days before we could get our troops loaded up onto some conveyance, a boat, ship or something because of all the bureaucratic nonsense that had to go down before these people could leave.

What I like in Article 10 is that:

“The senior officer of a requested State shall exercise full command over his service personnel.”

I think that must be comforting to the forces that may be deployed. What I do not like at all, is the whole section that grants immunity to forces operating under this treaty in alien territory or in territories that are not their own. This is a serious situation in light of the fact that we live in a dynamic confrontational, power hungry leadership regimen, all over the world. All over the world leaders are hungry to hold on to power; they are big bad bullies on the world market who feel that they know everything about democracy and they could fix everybody else’s democracy. They are people who feel that they could just blow up countries; they are people who feel they could blow up buildings. None of this is right because the destruction of innocent lives; the destruction of women and children and people who are not involved in the conflict at any level; whether you blow up a whole country or whether you blow up two buildings—totally wrong, totally immoral, totally irreligious, but that is the world in which we live. That is the world in which we live and therefore we cannot, *carte blanche*, we cannot say across the board that you can come as a visiting force into my country and you would be granted immunity. We do not know what evil is being weaved in the minds of the perpetrators of injustice in this world today.

It was said, Mr. Vice-President, that prior to September 11, the only other event in history was the Trojan Horse and people had thought that the Trojan Horse was a story; that it was fiction, but somebody came with some foolish idea and shocked the world into reality and the world changed, and because the world changed, we are here today bringing this type of legislation to protect our borders. As I speak of borders, there is something that I would need the hon. Minister to clarify in his winding up.

A police officer who might be a visiting officer has the authority to arrest. A soldier, a member of the military who comes into this country as a visiting officer does not have the right to arrest; he does not have the right to tell me to come out of my motor vehicle, to vacate my property. That is my understanding of his

jurisdiction. How are we going to deal with cases where we have visiting forces and these kinds of things are being forced upon a population? And it is because of that reason and because of the one I cited before, where the dynamics of international crime and evil has become so immense, and apparently some brilliant people are so misguided that we cannot imagine what kind of wickedness they can come up with.

Look at the wickedness earlier this week, a tear gas canister in a major hotel in Trinidad and Tobago. When we are supposed to be the “badest” and the brightest country, with the top class national security and everything in place and right under our noses we terrorized—we—the people of this country, the nationals of this country who are in charge of national security, we terrorized our own players and the playing teams of our visitors because we allowed this to happen right under our noses. We feel that we are big and bad in the Caricom and we can do all kinds of fancy things.

But it shows, Mr. Vice-President, how myopic and how sometimes we cannot see beyond our own noses. Right here, right in front our faces. That was no real—I do not think by any stretch of imagination that that was any real threat to anybody, but it was a piece of mischief. It was a piece of mischief perpetrated by people with evil minds! Do you recall that there was an incident a couple of years ago with a similar piece of mischief, somebody threw some matches in two dustbins somewhere in St. James and we started to hear about terrorism and a set of foolishness. Absolute mischief! But this is the mischief that is wrought by evil and idle minds, and so people can do stupid mischievous things that none of us in our right minds would ever conceive of. Those are the kind of threats that we need to prepare ourselves for.

Therefore to say that our visiting police, visiting forces, visiting soldiers and so on are to be granted immunity under this article, that is to give away, to sell out our patrimony. You are dealing with my fundamental constitutional right. We live in a world where people have been mislabelled and where people have been blamed for all kinds of things that they knew nothing of. In fact, according to an article published in Kingston, Jamaica retrieved from the Caribbean Net News; www.caribbeannetnews.com/news, and according to what is reported to have been said by Jamaica’s National Security Minister, Peter Phillips, and I just want to read exactly what the article says:

“Around 30 people so far have been denied entry to the Caribbean with two weeks to go before the official opening ceremony of the World Cup. Peter Phillips, Jamaica’s national security minister, who is leading the Caribbean

community's security programme for the cricket showpiece, said the measures were taken by Caribbean immigration officials using technology provided by Interpol.

The International Criminal Police Organisation is providing the region with technology that allows law enforcement officers at airports and seaports to instantly check passports against the group's global database of stolen and lost travel documents.

The database contains information on more than 13 million documents from over 120 countries."

7.00 p.m.

The article goes on to say:

"To give you an idea of how powerful this system is, each month here in the Caribbean 96,000 passport travel documents and visas are screened against Interpol's data base instantly."

Having cited that and with reference to my point on the fact that we have been myopic in that we have failed to put this in the context of what is happening in the international arena, in an article in the *USA Today*, dated Friday May 12, 2006 by Paul Davidson, I just want to read the last two paragraphs of the article. It says:

"When intelligence suggested a possible 2003 New Year's Eve attack in Las Vegas, the government (referring to the US Government) began assembling records of about 270,000 hotel guests and airplane passengers who visited the city December 22 to January 1, the *Las Vegas Review-Journal* reported. Yet there was no specific and credible terrorist threats, the newspaper said.

Last year, the Justice Department (that is the US Justice Department) demanded that AOL, Yahoo, Microsoft MSN and Google hand over customer search records in a bid to prove that filtering software doesn't screen kids from online porn. Only Google refused, and a judge ultimately ruled that the search giant need turn over only 50,000 Web addresses, not the 1 million originally subpoenaed. Also, Justice said the information would not identify individuals."

Mr. Vice-President, I cite these cases because this is what is happening in the international arena. And to say in this article that we are going to give visiting forces immunity, *carte blanche*, whereas our own forces, our own local people will still be subject to the rule of law according to what obtains in this jurisdiction. So it is a very worrisome thing to depend on other States, especially in an environment where we know what is happening with detainees and we know what

kind of abuses are going down under the disguise of securing boarders. So we need to reconsider, very, very carefully exactly what we are saying when in this treaty between the Caribbean because not only Trinidad and Tobago is at risk, if we allow this to pass as it is, we expose all the other Caricom nations to the same threat of abuse. If we are a big brother or a big sister in the Caribbean as we sometimes think we are, especially from an economic perspective, then we need to be more than just a good neighbour; we need to be big brother and big sister and to ensure that the legislation that they agree to will in fact, and indeed, safeguard their own citizens who in the Caribbean context are still pretty naive.

Caribbean people are still very innocent and still very naive. We are still very gullible and it is an onus on this Parliament of the Republic of Trinidad and Tobago to ensure that if this treaty is passed, it must be passed in a way that protects all of our Caricom neighbours. Because no amount of commanding officers of the army and the police service in any number of the Caricom countries will be able to grapple with any amount of abuse of human rights, as has been going down in the world under our noses.

Mr. Vice-President, you know in 1992, when they brought an end to apartheid in South Africa, many of us applauded, but do you know as recent as 2001, almost 10 years after apartheid had been disbanded, a human rights situation had been perpetuated for years and years, even up to 2001. The people in South Africa were still reflecting the psychological pain and the hurt of what had gone on for all of those years.

I remember being on a tour bus with a very fluent young man and my husband asked him if he played cricket—a young African boy, a very educated boy—and you know what was his response in 2001, he said that was a white man's game. So he grew up never playing cricket; did not know anything about cricket. So, the human rights problems in the world did not end with apartheid, it continued under the President of Yugoslavia, Miloshevic who is now before the United Nations tribunal for crimes against humanity. It continued right under our noses and it continues in other parts of the world, but I will not go into that in this forum. But it is only to remind us that human rights contravention is a serious thing and that current war strategies have abused the rights of prisoners and detainees; and to allow visiting forces to come in here and to have that same right within our territory, is an injustice that will be perpetrated against not only the citizens of Trinidad and Tobago, but the citizens of the entire Caricom arena, because if we pass this, we, being the big brother and big sister in the Caribbean will have to bear the blame.

This is no small matter. This is no simple matter of having to agree with all the other Caricom nation States in this treaty. This is a matter of oversight that we must perform as citizens according to the ancient laws, 1200 BC, they were given to us on this earth to love our neighbours. It is on that basis, I call for an absolute withdrawal of that section of this treaty and that it be rewritten and reworded in the context that will never allow an infringement of the human rights of those people of the Caribbean legacy because our historical antecedents have already been extremely painful.

Mr. Vice-President, we came here under very strange circumstances and we have risen our heads, our hearts and we hold them high and we fly our national flag as we saw them flying on the heads of all those people who participated in the opening ceremony of the World Cup on Sunday night. Beautiful ceremony indeed; all our flags were there and they carried those flags proudly. We must safeguard our neighbours and protect our citizens and that clause that gives visiting forces, police and military who are coming in here—what is the word?

Hon. Senator: Immunity?

Sen. R. Ahmed:—immunity, has to be removed, it cannot go down like that. If our Caricom brothers and sisters do not understand the consequences of that, then I am saying that we have to show them, we have to make them understand, we have to open their eyes and in this form that really has to be removed. There is no debate on that and I do not think that we should ever, ever want to debate that.

So, Mr. Vice-President, I want to conclude by reminding those of us who are pursuing the highest interest of national security, that according to the experts in a paper presented at the WE Forum (World Economic Forum) in 2004, where it was said that the two worst things that could go wrong in the next 10 years in the world are one, the major spread of disease; and two, abrupt climate change. The major spread of the disease and an abrupt climate change. Do you know that there is absolutely nothing in this treaty of security and assistance and so on, that will facilitate ease of access and ease of travel to medical personnel, and people who have expertise in the environment and these are major security issues.

It may not be relevant to who is shooting who, or who has lined up who in the town's square to shoot them down for political or other reasons as has happened in the Caribbean, but it will certainly treat; it will certainly lend itself to the objectives set out in the early part of the Bill where we are saying that this security assistance mechanism will efficiently and timely respond to the management of natural and man-made disasters in order to reduce and eliminate the harmful

consequences thereof. We have put nothing in this treaty—except for the transference of military and police—to deal with the two major threats that would face the Caricom nations, major spread of disease and abrupt climate change.

So, if it is that we have to be holistic and comprehensive, movement of personnel must be extended to the other experts with the same ease. It is not only about sending people with guns and blimps—it is not only about that—it is about taking a holistic long view. Because, Mr. Vice-President, it is no debate which country in the world is the leading economic power, although China and India have come way up on the list. Let us read from the strategic plan of the National Security Strategy of the United States of America and let us borrow a little bit from them. This is what they have in one of their sections on the way ahead, and if we want to really safeguard the future of our citizens locally and in the Caricom, this is what we must do. We need to focus on improving our capability to plan for and respond to post-conflict and failed state situations. This is what has been happening in Haiti, in the Caribbean, and the Caricom had no response and this is what we need to prepare ourselves for.

At the end of their strategic plan, this is what they say and I quote:

“There was a time when two oceans seemed to provide protection from problems in other lands, leaving America to lead by example alone. That time has long since passed. America (and may I by extension add, any country) cannot know peace, security, and prosperity by retreating from the world. America must lead by deed as well as by example. This is how we plan to lead, and this is the legacy we will leave for those who follow.”

Mr. Vice-President, if they have military strength and they have military power for the rest of the world, I am submitting to you, hon. Sir, that Trinidad and Tobago, this Republic State has that same image to the weaker Caricom nations, and therefore, we must have a long view, a holistic view and we must remove that clause from the Bill.

I thank you. [*Desk thumping*]

Sen. Brother Noble S. A. Khan: Thank you, Mr. Vice-President. I would like to share just a few words on what is before us, and in particular, reference to the major law which I look upon as the major piece of legislation, the first one that was circulated and is referred to as the Security Assistance (Caricom) Bill, 2007.

Now, it does raise some questions in my mind which I will like to share with the rest of our Members here. We obviously can play a great role in peace initiatives on the global scene. I am happy to see and to hear the speech that was

made by the hon. Minister of Foreign Affairs and it was indeed very enlightening and I feel very heartened on hearing it. Thank you, Mr. Minister. I know we have a former—he is not here, most likely he is in another part of the building I guess—Minister of Foreign Affairs or External Affairs, I think in those days too. I do not know if he will be making his contribution today, but I guess it would have been very interesting to hear what he has to say.

With respect to what we have before us here, quickly I will like to turn to the question of the objectives. Basically, how I see it, is that we have a law incorporating the agreement or the protocol that was entered into between all these nations—I see that some have not signed, but I guess by now they may have signed. Bahamas, I see did not sign, but they are so close to North America I do not know how. That may have an influence where they can get their shelter of protection as far as security is concerned.

Something that strikes me and the two other Bills that emanated out of this seem to be an amplification, but within the framework of the major Bill, Article 3 objectives—I think many of our colleagues have spoken on it—is that here we are entering into an agreement, the Parliament giving its approval—I assume let us take that as a given—and it places plenty power so to speak into the hands of the administration. Nothing is wrong with that. Cabinet is supposed to rule and we look forward to that and rule well. Of course, that could be a big question on the political scene. But the question of when, within the framework of Article 3, (a), (b), (c), and (d) that are mentioned here as the objectives and action is taken emanating out of these major objectives.

The question of a feedback of some form of answerability or accountability, I humbly suggest that we should have some mechanism, because how it is to my mind, is that once we take a decision in that way, it goes into the hands of the Government or the Cabinet or what have you, and there it gets very clouded, opacity steps in, but I think in present day thinking, the more information that we get especially in the areas of sensitivity as far as the nation is concerned and security is concerned, there should be some form of answerability and I do not see it in the legislation here.

Of course, I will really like to see that whenever we take action under these here, that within the law that we have that there should be some mechanism within the law—either present it to the other place or to here, but preferably to both places—so it would be public knowledge and the nation will be aware of it. I assume that whatever takes place we will be aware of it for these problems, but the question of the action that takes place should be definitely told to the nation—

I assume that will take place—but it should be built-in into the law. This is a very important aspect; I think one of the major aspects in it that I will like to see.

Now, to go a bit into other areas, we are dealing here with respect to the police situation. These laws were brought hurriedly to us and it indicates the priorities of the Government, but there are certain laws, for example, the HIV/AIDS law which has been around for quite some time and that has been recognized as an international pandemic. For quite some time, I have said of any law reflecting in that area. This is an ongoing process and even as we make law, the bite of the law is how we put it into effect. And in this area of security, I will just share some thoughts that came back to my mind.

Much has been said about Grenada and Hurricane Ivan, but I will go back a little further maybe 1983 or thereabout when there was an invasion of Grenada by forces in which Caricom countries were involved. I would not go back because it is kind of bitter for some of us, what took place there as a Caribbean people and even what the reason for it too, where one so-called legitimate Government was overthrown and then later on a few years afterwards people from outside the Caribbean together with people inside, went into Grenada. I do not know what the academics may have said of it; what our historians would have said of it today; and what our young people would say about it today, but if they are going through that, I would also like them to refer to the debacle that took place between St. Kitts, I remember and one of the other islands that was associated with St. Kitts, when you had a sort of invasion too.

It all looked like a set of caricature behaviour. I think one of the invaders of the leadership of the other side who served in Trinidad in the days of our federation—here he was, it looks like an old customs jacket in the old days, going on a boat to the other island. These are some of the things reflected as a Caribbean people. But even if we are to go back into the Caribbean basin and extend it beyond the Caribbean, we could think in term of Colombia and how Panama came about. Good and possibly too. A famous meeting that took place in Barbados some years ago when for whatever reason, the President of the United States of America had been to Barbados and he had invited people from all over the Caribbean. Some leaders did not turn up, but that same President was noted for his acting as a cowboy. It might have spread over into some of the expression that he shared because I do recall hearing him say that you cannot do anything in my backyard what I do not like—to use local parlance. These are some of the things that when we think in terms of force and how you institute your power structure and allow yourself to be the leader, so to speak.

We even come a little closer to our country here, 1990, some of us do not like to remember it, but we have a permanent memory of it before us. Only this weekend, I was speaking to some of his relatives in Pitch Road, Morvant. I visited there; that in itself could raise other areas of concern about what is taking place in our country. Even within the areas of how we meet the challenges of crime and the meeting of this challenge between ourselves and one, it came to my mind and I wondered if this here, if we could use this mechanism to deal with present day challenges that are facing our country with what is taking place in other areas of crime. If this mechanism could be used or was it a great motivator in bringing this Bill forward.

So even too in the subsequent legislation that came out of it, the two documents—it was brought to my attention that the schedule that we had here of those countries that were being—it seems to me in a way that, I think our colleague, Sen. Parvatee Anmolsingh-Mahabir made mention of it where some countries were named—Yes, I have it, thank you, Mr. Vice-President for allowing me. In the schedule with respect to Visiting Police Forces Bill, how these names came about? Because what I am trying to do is to link the model legislation with these that emanated out of it. Page 10 schedule, “designated states”, we have heard some talk that the imminence of this coming before us was contingent upon the cricket that is being played and those people who are into cricket. I think Sen. Parvatee Anmolsingh-Mahabir had touched on the question of some countries here that do not play cricket or are not listed to play in the game that we have, the World Cup series. Because we have Kenya, Pakistan, Ireland, Zimbabwe; New Zealand, why they are not on the schedule, if this is supposed to catch that group?

Obviously we have Caribbean people all over and I guess in France we have cricket played there too, but not at the stage for which this law was meant. So I do not know if we could have that cleared up, Mr. Vice-President.

So these are some of the things that concern me. But the question of the immunity, why exempt? It is true we are regional, but it is also international by law and we always pride ourselves with having a very great input in the formation of the International Criminal Court. How would that interact? If we have immunity, we have international court, we have this International Criminal Court and these other mechanisms, I do not know if the homework was done in this or if they will be exempted or subjected but you speak about immunity.

These are some of the things that come to my mind—maybe the Caribbean Court of Justice, but there is an International Criminal Court that deals with crime too. I think the Caribbean Criminal Court of which we do not participate too much, is constrained by certain—but we are dealing with as far as nation. Nation

to nation, we may be subjected to the international court and then again we have such a great input, Trinidad and Tobago in the creation of that and here we are speaking about immunity and exempting people. I guess it is all tied up within the legal framework for which as a layman, a person, who has an interest in our country and what is before us, we just like to bring it. It may be within the frame of how the diplomatic people will handle that.

These are some of the thoughts I would like to share, because I am aware that as we go—and even reference has been made to the European Union, we could remember how that emanated and it grew out of the Benelux and how over the period, the '50s how it progressed to today. Even our own Caricom, how the concept of it which remained in cold storage, but there is still some progression that is taking place that bring us closer together. So, one would expect that such a situation some of things or the so-called freedom that we have as a nation, might be ebbed away as we come closer together, to bring us together. This has been the example in the European Union and one would expect that will take place in other places where we have that sort of coming together.

So, Mr. Vice-President, these are some of the thoughts I share and with due respect if we could have some response to them, I will be most grateful.

Thank you. [*Desk thumping*]

7.30 p.m.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, let me start off by thanking the nine Senators, seven on the other side and two on our side, who made valuable contributions to the debate.

In some instances, my hon. colleagues on this side, starting with the Attorney General and the hon. Minister of Foreign Affairs, responded to some of the concerns raised by some Members. I do not think it will be useful for me to rehash the responses provided by the hon. Attorney General and the hon. Minister of Foreign Affairs, because they have responded adequately, in my opinion, to some of the issues raised.

I again thank Sen. Mark, who raised some concerns, which I would address, and Sen. Prof. Ramchand. Those are the ones I feel need to be addressed, because my colleagues may not have addressed them. I will have to respond to Sen. Anmolsingh-Mahabir, because she raised a couple of questions. Sen. Bro. Khan and Sen. Ahmed came after the contributions made by the Attorney General and the Minister of Foreign Affairs. Their concerns, as far as I am concerned, were addressed.

Sen. Anmolsingh-Mahabir and Sen. Bro. Khan raised a question about the Schedules, that it seemed as if there was some kind of—I do not want to say ambiguity—but they were saying that the countries identified were supposed to be cricketing countries. The countries listed in the Schedule in the Visiting Forces Bill under “Designated States” are listed based on competencies either required or being provided for Cricket World Cup. However, also note that the Schedule can be amended, because the Bill makes provision for amendment to the Schedule from time to time.

I think you also raised a point about the immigration. While the Immigration Act is not specifically before us, you talked about the question of immigration policy. Immigration policy is being reviewed. We have an IOM consultant who is assisting the Government in terms of reviewing the immigration policy. Part of the review of this policy calls for the implementation of machine readable passports and we are, in fact, implementing this. That is part of a total border protection mechanism that is going to be put in place. I assure you that your concerns with immigration are being addressed and, from time to time, you would be advised, hon. Senator, on developments in that regard; even though it does not bear any direct relevance to what this is. [*Interruption*]

Sen. Dr. Gopeesingh: Just a clarification on that issue.

Sen. The Hon. M. Joseph: Sen. Dr. Gopeesingh spoke about the West Indies regiment and asked why Heads of Government could not consider a joint Caricom force to be inserted in the face of disaster. This is exactly why the Caricom Operations, Planning and Coordinating Staff (COPACS) was established by the Protocol to the Treaty, but this cannot remove the right of the country to seek assistance from another on a bilateral basis if the situation or capacity of the other can assist. In all cases, the personnel will be visiting. I think this is important.

Sen. Prof. Ramchand raised the question about what the trigger for forces to visit will be. I am sure somebody on this side addressed this, but I think it is worth restating, that it is not a matter of occupation, but to address a particular emergency. Sen. Ahmed said she did not like the word “pre-emptive”. This is not a preemptive strike, but to preempt any national security occurrences only when the capacity of the receiving State is deficient and for as long as the receiving State determines. The legislation does not provide for or sanction unilateral action by forces of a sending State for its own purpose. I think the hon. Minister of Foreign Affairs dealt adequately with that.

If territories require Trinidad and Tobago's assistance beyond Cricket World Cup and their legislation has expired, Trinidad and Tobago will be in a better position to require legislation for the protection of its forces. Let me just make a point, because I heard some Senators say that in some States they have put it as sunset legislation. Let me remind this honourable House, that as far as the Advanced Passenger Information System legislation is concerned, we set it as sunset legislation with a clear intent and an indication that we have to come back to make it permanent legislation. So that if some states, at this time, put theirs as sunset legislation it will be necessary for them to make it permanent legislation in the regional framework which we are talking about.

I think Sen. Mark raised a question about terms and conditions. Terms and conditions applicable to each arrangement with each designated state will be according to the particular circumstances that would apply at that particular point in time. Mr. Vice-President, both the Attorney General and the Minister of Foreign Affairs dealt adequately with respect to the issues raised. They identified clearly why the three pieces of legislation were required, why they are not and cannot be sunset legislation. With these few words, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Sen. Mark: Mr. Chairman, I had asked the hon. Minister of Foreign Affairs to identify for us the body that had advised the Heads of Caricom before arriving at their decision to agree on this Treaty on Security Assistance. I did recall him talking about police commissioners and ministers of national security, et cetera. I just want clarification as to whether this is a council or a committee under the Revised Treaty of Chaguaramas.

Sen. Joseph: It a Council of Ministers of National Security and Law Enforcement.

Sen. Mark: Where is that under the Treaty?

Sen. Joseph: It is a new development; I think the Heads only approved that mechanism in 2005.

Sen. Mark: But that is yet to be incorporated?

Sen. Joseph: That document has to be updated. I think the hon. Foreign Minister indicated that has now become the fourth permanent mechanism in the Caricom arrangement.

Sen. Mark: What then is the role of the Council for Foreign and Community Relations, in the context of a Treaty like this in the future? The reason I ask this is that under the Revised Treaty of Chaguaramas, the Council for Foreign and Community Relations under Article 16, does have a clear mandate as to its responsibilities. When you are taking such far reaching decisions, as I read here, Sir, that will have major hemispheric and international reach, is it not the role of this committee to at least advise the Heads of Government in a matter like this, because it has foreign relations implications?

Sen. Jeremie S.C.: The Council of Heads of Government (COHOG) is the supreme decision-making organ in Caricom. They co-opt and their decision making is fed by bodies such as the Foreign Relations Council. My understanding is that Council is now going to be gradually overtaken and the Treaty has to be amended to reflect that fact, but it is within the competency of the Heads to take advice and decisions as they see fit.

Sen. Mark: So the role of this Council under Article 16 is more or less redundant in the context of this Treaty?

Sen. Jeremie S.C.: Not as yet; it is being phased out.

Sen. Mark: Okay; thank you.

Sen. Jeremie S.C.: In respect of security.

Question put and agreed to.

Clause 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Sen. Cropper: Mr. Chairman, it occurred to me that with this Bill, we are giving this Treaty entered into by the Heads of Government the force of law in Trinidad and Tobago. With that being the case, I wondered whether amendments to the Treaty which would have the status of the force of law in each of the

jurisdictions, would need to come to Parliament to be entered into law. That is to say, when Heads of Government meet in conference, they do not make law for the Caricom Member States, they make policy which is then, when required by Acts of Parliament, entered into the law in various jurisdictions; so if they were to amend this Treaty, since it has now become the law of Trinidad and Tobago, those amendments will then have to be given the force of law also by an Act of Parliament; an amendment to this very Act.

Sen. Jeremie S.C.: When the Heads of State meet, they make international law which is binding on the States. That is in accordance with customary international law. To make that into domestic law, we need to come to the Parliament. If the Parliament disagrees with X or Y or Z, a particular provision, there is, of course, a problem. You then have the difficulty of maybe a protocol or some sort of opting out of the treaty. Those are the only options which exist at that stage.

Sen. Prof. Ramchand: I take the Senator's point, that if the treaty is made by Parliament into being part of the law of Trinidad and Tobago, it has now become the law. Any changes to the domestic law of Trinidad and Tobago have to pass through the Parliament.

Sen. Jeremie S.C.: It is a change to the treaty.

Sen. Prof. Ramchand: It is also a change to the domestic law, because the treaty has become the domestic law of Trinidad and Tobago; that is what she said.

Sen. Jeremie S.C.: It is a bit of the chicken and egg situation. The treaty itself is a creature of international law, so that you must retain the flexibility to amend the treaty in the way it was made.

Sen. Prof. Ramchand: When you amend the treaty, you now come and amend the laws of Trinidad and Tobago; that is the treaty again.

Sen. Jeremie S.C.: You publish it by order, because the treaty is a schedule to the Act which domesticates the treaty.

Sen. Cropper: Therefore, it seems to me that when that treaty is amended by the Heads of Government, it needs then to enter into the law of Trinidad and Tobago by an Act of Parliament. With great respect, I disagree with the Attorney General about the automaticity with which treaties entered into by the Heads of Government become law for the Member States. It can only do that when there is a Caricom single act that provides for that, which has only recently been recommended by the governance task force established by the Heads of Government on which I have served. [*Crosstalk*]

Sen. Montano: No.

Sen. Prof. Ramchand: Up for negative or affirmative resolution.

Sen. Jeremie S.C: The point is that if you look at the Treaty, the Articles are set out in the Schedule. If there are changes to the Articles, then there are changes to the Treaty. The Act itself which domesticates the Treaty is going to remain as is; it is the Schedule which is going to change. [*Crosstalk*] It is always done by order.

Even in respect of domestic legislation where we have transferred bank assets, for example—if we transfer the assets of, let us say, X bank with one million mortgages and we forgot to put in five or six mortgages, we do it by order. This is why you have schedules as opposed to the operative part of the legislation.

Sen. Prof. Ramchand: Sen. Mark's observation that after the changes are made we should know. [*Crosstalk*]

Sen. Jeremie S.C: It is gazetted; that is the procedure which is adopted. The Gazette is the official communication by virtue of which we know what is going on.

Sen. Mark: May I ask my friend, because of the fact that the Gazette does not reach far and wide in the population, I am suggesting that while it is gazetted as you said, we should have an amendment to that arrangement, where apart from being gazetted it should be in the two daily newspapers, so that sections of the population would, in fact, be aware of what is taking place.

Sen. Jeremie S.C: We will take note of it; the Minister of National Security will do it, but this is how we have always done it in respect of the Caricom Treaty and the Caribbean Court of Justice Act.

Sen. Mark: We want change now.

Sen. Jeremie, S.C: Let us move on, please.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Mark: Mr. Chairman the clause reads:

“Where the Treaty is amended, the Minister shall, by Order, amend the Schedule accordingly.”

Is there going to be any reference to the Parliament or is that going to be done unilaterally by the Minister?

Sen. Joseph: Mr. Chairman, my understanding is that the amendment is going to be done subsequent to agreement by Heads, so it is not one minister unilaterally making such a decision.

Sen. Mark: What would be the role of the Parliament? The Heads meet; they take a decision to amend and the Minister would affect whatever changes as it relates to Trinidad and Tobago coming out of the Heads. Is there any role for the Parliament after that decision is taken at the Heads for the Minister of National Security to bring about the necessary amendments, whether it would be referred to the Parliament, whether there would be some kind of debate on it or whether you would just table it for noting? There has to be some mechanism for the Parliament to be aware of whatever changes would have taken place.

Sen. Jeremie S.C.: Perhaps we can do it by way of some sort of administrative arrangement such as tabling it for noting, but the Treaty itself was made by the Executive, so that it would be inconsistent if the Treaty is amended, to have the Treaty amended by the Parliament. That would be inconsistent with how we make treaties; how you have made treaties and how we make treaties in the common law world. It is not like the civil law systems where the Constitutions expressly provide that where you are binding the State to do X or Y or Z, that the Parliament should have an input in that. As a matter of practice it could be laid before the Parliament.

Sen. Dr. Gopeesingh: How would Members know whether any changes have been made to the treaty? Something has to be mentioned to Parliament? We generally do not do orders by resolution, whether affirmative or negative, but orders are to be laid. [*Interruption*]

Sen. Jeremie S.C.: I am reminded that once the order is made by the Ministry it has to be published, so that there is no requirement for it to even be put before us in the Parliament. We get the Gazette as we come into the Parliament every week or every other week, as that case might be. We would be kept abreast of whatever changes there are in the treaty if, in fact, there are changes.

Sen. Mark: The Gazette when it is published is not something that is read frequently by Members of Parliament (MPs). [*Crosstalk*] We do not even receive them.

Sen. Jeremie S.C.: We all receive the Gazette.

Sen. Mark: I do not receive them. [*Crosstalk*]

Sen. Jeremie S.C: Something is wrong with yours.

Sen. Mark: Mr. Chairman, I am just making a submission if the Attorney General could table in the Parliament the contents of that publication in some form so that it could be noted by Members. That is the first point, Sir.

The other area I suggest to the Attorney General and the Government is that there has to be a new way of doing business in the Parliament. When a treaty is signed by the Heads of Government, in July in this instance, there ought to be some mechanism whereby that treaty is tabled in the Parliament, at least one month after the signing of that treaty. What has happened is that over the years, the only time we see these treaties is when the Government needs to enact domestic legislation to give effect to the provision of those treaties. I am suggesting that if we had information long before today or last week, this could have gone to different fora where we could have discussed at the level of the party and the public the contents of the treaty that is going to be debated in a few months time. When we do not have access to the information and we get the information at the eleventh hour, it places everyone at a disadvantage. Whilst it is not in legislation, I am suggesting that one of the means of advancing the system of proper governance in the future, is for us to have some kind of agreement where treaties that are entered into by the State via the Executive on behalf of the population be tabled in the Parliament at least one month after its signing by whoever, the Foreign Affairs Minister or the Prime Minister; so the Parliament would be in a better position to understand what the Government is doing.

Sen. Jeremie S.C: There are territories in the world where their constitutions provide for that expressly. Italy is one country where, for example, if the Government of Trinidad and Tobago wishes to buy a boat from them, the Italian government can do various things, but that has to go to their Parliament. We do not have that provision in our Constitution; that is, perhaps, a matter for constitutional reform. We take the point on board, but it is not directly relevant to the Bill before us.

Sen. Mark: One final point; there is a Standing Committee on Foreign Relations in our Standing Orders. We have never effected that Foreign Affairs Committee. If that committee was in operation, what I am talking about would automatically take effect. In the absence of that committee being operational, I am suggesting to you, as the Attorney General, that we take into consideration the need to make these agreements or treaties available to the Parliament one month after they have been signed. I know it is not related, but I am also suggesting that in future we take that on board.

Sen. Jeremie S.C: I will take that on board and we will have some discussions. Certainly I will discuss it with my Cabinet colleagues; I cannot take a unilateral decision on that.

Sen. Prof. Ramchand: I take it that Sen. Mark is accepting what is possible within the present Constitution, that we get to see the treaty after the signing, but I hope the Attorney General is thinking with constitutional reform that it might be possible for us to get to see the draft treaty before it is signed.

Sen. Jeremie S.C: I do not think any territory does that.

Sen. Prof. Ramchand: We could be the first. [*Crosstalk*]

Sen. Jeremie S.C: It could be an idea in terms of constitutional reform.

Question put and agreed to.

Clause 4 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.

VISITING FORCES BILL

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, I beg to move,

That a Bill to provide for the presence, activities, privileges and immunities of members of visiting forces and for matters connected therewith, be read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Sen. Prof. Ramchand: Is the phrase “connected thereto” or “connected therewith”? [*Interruption*]

Hon. Senator: Therewith.

Mr. Chairman: Hon. Members, this Bill has 27 clauses and the suggestion is that we take it in parts, in groups of five. Is that the will of the Senate?

Hon. Senators: Yes.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Mark: Mr. Chairman, I would like to suggest the inclusion of a section (d). I would like to suggest as contained in other model Caricom legislation that we incorporate (d) to read:

(d) revoke or amend any designation or declaration made under paragraphs (a), (b) and (c).

I ask the Attorney General to consider incorporating that provision under this clause.

Sen. Jeremie S.C: In Trinidad and Tobago we do not need that particular section, because the power to grant includes a power to revoke in the Interpretation Act, so that it is not necessary.

Sen. Mark: So the Interpretation Act differs from island to island? They do not have that?

Sen. Jeremie, S.C: Yes, I am getting it for you.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill

Clause 6.

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

Sen. Mark: I want to get some clarification based on what Sen. Dr. Gopeesingh said earlier. These service courts, which is the court martial, we see that you are equating these courts with the civil court; we have some problems with that, because we know that the test is much lower at the level of the service court. He did bring out an example where they acquitted a soldier who was alleged to have murdered someone. You know about that one? He brought it to your attention.

Sen. Jeremie S.C.: I know the case. I am not taking it, that the test in the court martial, as I would call them, is law; it is not.

Sen. Mark: So what is a service court?

Sen. Jeremie S.C.: A court martial.

Sen. Mark: That is what we are talking about; that is what happens in the army. You are equating that with the civil court.

Sen. Jeremie S.C.: No we are not.

Sen. Mark: Under 6(1) it reads:

“Where a member of a visiting force has been tried by a civil court...”

It is not too clear. [*Crosstalk*]

Sen. Jeremie S.C.: It is clear. [*Crosstalk*] It says:

“Where a member of a visiting force has been tried by a civil court and has been convicted or acquitted, he may not be tried again in Trinidad and Tobago for the same offence by a service court, but nothing in this section shall prevent a service court from trying within Trinidad and Tobago, a member of the visiting force for any violation of rules of discipline arising from an act or omission that constituted an offence for which he was tried by a civil court.”

That is clear.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Sen. Mark: Mr. Chairman, can I ask the Attorney General to look at this clause?

Mr. Chairman: What is the concern?

Sen. Mark: The point I was just making, Sir, with regard to clause 6:

“Where a member of a visiting force has been tried by a service court...and has been convicted or acquitted, he may not be tried again...”

There is where we have some worry.

Sen. Jeremie S.C: The standard would be higher in the service court than in the civil court.

Sen. Mark: The standard would be higher where?

Sen. Jeremie S.C: In the service court.

Sen. Mark: How do we know that? Are these service courts open to the public? As I understand it, Mr. Chairman, these service courts are not open to us.

Sen. Jeremie S.C: The standards are higher and it is similar to what the Americans call the “double jeopardy” and what we call *autre fois acquit* or *convict*.

Sen. Mark: These service courts are out of our reach.

Sen. Jeremie S.C: It does not matter; it is committee, so the principle is that you accept these persons into your territory and you treat them as diplomats. It does not matter where they are tried; if they do something wrong, they are tried either by the service court, if it is within the scope of their duty or they are tried by the civil court in your jurisdiction, if it is outside of the scope of their duty.

Sen. Dr. Gopeesingh: Mr. Chairman, based on what the AG is saying here, I would just like to guide him to clause 5(1) where it says that they would be tried by the courts, but you are given immunity under this clause. It says in 5(1):

“Members of a visiting force shall enjoy immunity from the civil and criminal jurisdiction of Trinidad and Tobago...”

Sen. Jeremie S.C: “in respect of actions taken in the course of their official duties.”

Sen. Dr. Gopeesingh: A visiting policeman—[*Crosstalk*] Suppose the visiting army personnel get into some difficulty and somebody dies as a result, in the course of his or her official duties. You just grant them broad immunity like that, even in the course of their duties?

Sen. Jeremie S.C: Because you have them in your territory, so that the onus would be on the service court to take up jurisdiction in this case.

Sen. Dr. Gopeesingh: It does not say that; this is blanket immunity.

Sen. Jeremie S.C: That clause relates to jurisdiction, but then it goes on, “immunity from prosecution” and then it goes on to provide what happens in respect of a trial.

Sen. Dr. Gopeesingh: This is acting outside of his official duties. In clause 5(1) it is within his official duties; you are giving that person blanket immunity. Outside of official duties he could be tried by the service courts and so on, but you are giving a blanket immunity under 5(1) to anybody, during the performance of their duties, which is not right at all.

Sen. Jeremie S.C.: That is the whole point of the Bill. [*Crosstalk*] Can I just take one at a time, please. That the whole point of what we are doing here; we accept these persons into our jurisdiction on the same basis that you accept diplomats, as the Minister of Foreign Affairs said and as I said. The Vienna Convention would apply. It applies to household as well. It goes as far as that, because these persons are providing a service similar to diplomats in international law. The point is that they are not completely blameless, because they are brought to book in service courts, court martials, which are—

Sen. Dr. Gopeesingh: But this does not say that. Clause 5(1) does not say that they can be brought to a service court.

Sen. Jeremie S.C.: If you look at the side words, it speaks to “Immunity from Prosecution”; that is all it does. Part II deals with jurisdiction in relation to visiting forces. It starts off by stating the immunity in respect of actions taken in the course of official duties; that is 5(1); 5(2) is if you commit an offence against any law in force in Trinidad and Tobago while acting outside your official duties, you are brought to book in the civil courts. If you go to clauses 6 and 7—

Sen. Prof. Ramchand: Clause 7(1) answers the question.

Sen. Jeremie S.C.: It says:

“The service court of a visiting force has the right to exercise jurisdiction in relation to an offence alleged to have been committed by a member of the visiting force in respect of—”

Section (c) would take you right back to 5(1):

“an act done or anything omitted in the performance of official duty.”

Sen. Dr. Gopeesingh: That clears it up. Is there anything you can put in the legislation which would draw us to 7(1)(c)?

Sen. Jeremie S.C.: It is one part. The way the legislation is framed, this is Part II of the legislation. It deals with jurisdiction in relation to visiting forces; it is like the governing law which applies to the visiting forces. Sometimes the governing law is the law of the sending State; sometimes the governing law is the

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law of the receiving state. It depends on whether the act is done in your official duties or outside of the scope of your official duties.

Sen. Dr. Gopeesingh: Chair, we understand what the Attorney General is saying.

Sen. Jeremie S.C.: It is reflected in the legislation.

Sen. Dr. Gopeesingh: Clause 7(1) really clears it up. All the parliamentary draft persons are here, is it not possible to put under 5(1):

“In respect of action taken in the course of official duties...subject to 7(1)(c)”?

Sen. Jeremie S.C.: No. it is not necessary because the clauses stand alone and they make sense.

Sen. Prof. Ramchand: It might have been neater to have 7(1) earlier.

Sen. Jeremie S.C.: I am not sure I agree but, in any event, the clauses are there and the law is in the clauses.

Sen. Ahmed: This is saying “the service court of a visiting force”, so assuming that a visiting military officer rapes a prisoner of war in detention, you are saying that according to this our jurisdiction cannot interfere; that person would be tried in his own jurisdiction? [*Crosstalk*]

Sen. Jeremie S.C.: That would not be a part of his official duties.

Sen. Ahmed: In the course of having somebody in detention, the visiting officer who is guarding the prisoner of war, rapes the individual—[*Crosstalk*]

Sen. Jeremie S.C.: Sen. Ahmed, I would think it is impossible for any argument to be made that rape would be a part of an official duty of any person. [*Crosstalk*]

Mr. Chairman: Members, I think we have gone through that enough.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Sen. Mark: Where are the rules?

“...in accordance with Rules made for the purposes of this section...”

Who is to make those rules?

Sen. Jeremie S.C: The rules are not conditions precedent to the Act, because of the use of the word “may”.

“A court having jurisdiction pursuant to sections 5(2) and 7 may, in accordance with Rules made for the purposes of this section, waive such jurisdiction...”

Sen. Mark: That is the court?

Sen. Jeremie S.C: Yes.

“...in favour of the court not having jurisdiction and thereupon the latter court shall have jurisdiction in the matter.”

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Sen. Mark: In terms of witnesses, I find it a bit loose under this clause. I looked at the Canadian legislation on visiting forces and there is a clear provision that deals with witnesses. All we see here on witnesses is (b):

“witnesses appearing before any such court martial.”

That is essentially what is required, AG?

Sen. Jeremie: Yes. The Canadian are sovereign, as you know. We are sovereign as well, as you like to point out, and this was done by our proud, sovereign Caricom legislative drafting facility and refined by our legislative draftsmen. This is what was thought to be adequate for our purposes.

Sen. Mark: Okay.

Question put and agreed to.

Clause 10 ordered to stand part of the Bill.

Clauses 11 to 13 ordered to stand part of the Bill.

Clause 14.

Question proposed, That clause 14 stand part of the Bill.

Sen. Mark: We understand that this is about the army, but we see the functions of the police entering here, Sir, and the authority of members of the army to exercise police functions.

“...including the power of arrest, in relation to any member of that force, shall be the same as authorized by the service law of that force, but nothing herein contained shall empower a member of a visiting force to exercise police functions in respect of a person who is not a member of the visiting force.”

Sen. Dr. Gopeesingh: What are they talking about here?

Sen. Montano: The military police.

Sen. Jeremie S.C.: I was hoping that Sen. Mark would read the whole section and educate himself, rather than have me read it for him. [*Crosstalk*] Do you want me to read it for you?

Sen. Mark: Remember that you are moving at a pace, so I am going through. Rather than I say, “Let us go through clause by clause, we are going through Parts, but one Part would have almost seven sections.

Sen. Jeremie: You are just a little slower than they were downstairs.

Sen. Mark: That is why I better revert to clause by clause.

Sen. Jeremie S.C.: No, we are going part by part.

Sen. Mark: Then you will have to tolerate me. [*Crosstalk*]

Sen. Dr. Gopeesingh: That is why we said you were rushing this piece of legislation. [*Crosstalk*]

Question put and agreed to.

Clause 14 ordered to stand part of the Bill.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Sen. Dr. Gopeesingh: What was your rationale for the death sentence issue here?

“Notwithstanding anything in the foregoing provisions of this Part relating to a sentence by a service court, a sentence of death passed by a service court shall not be carried out in Trinidad and Tobago.”

What is the rationale for it?

Sen. Jeremie S.C.: If you pass a sentence of death, carry it out elsewhere, in your own territory; that is it; a policy matter.

Sen. Dr. Gopeesingh: Then say: “a sentence by a service court outside of Trinidad and Tobago.”

Sen. Jeremie S.C.: No; the service court can do what is required in Trinidad and Tobago. We just do not want them hanging anyone in Trinidad and Tobago. If you want to hang somebody go to Holland or wherever.

Prof. Ramchand: So presumably if one of the Jamaican service courts says that one of its members has to be imprisoned, that person would be imprisoned in Jamaica and not Trinidad and Tobago?

Sen. Jeremie S.C.: They would have breaks here, so we would allow them to do that.

Sen. Prof. Ramchand: To jail but not to hang?

Sen. Jeremie S.C.: If you want to hang, you go back to Jamaica and hang there, or shoot. [*Crosstalk*]

Question put and agreed to.

Clause 15 ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

Mr. Chairman: Is there anything else on Part II?

Clause 18.

Question proposed, That clause 18 stand part of the Bill.

Sen. Mark: Could the Attorney General explain 18(3) for us?

Sen. Dr. Gopeesingh: Particularly, the last two lines.

Sen. Jeremie S.C.: Remember that the laws generally will not apply to the visiting force, but the Minister of National Security might decide that, “Okay, you drive on the right side of the road”, that is a law which applies and it imposes an obligation on him to say, “Well, okay, these laws for benefit of the rest of the society apply to you.” That is all.

8.30 p.m.

Sen. Dr. Gopeesingh: I want you to further clarify “subject to such adaptations and modifications” of what? That is unclear.

Sen. Jeremie S.C.: That the Motor Vehicles and Licensing Act would apply subject to the adaptation licensing, you do not need a driver’s licence, but you

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drive on the right hand side of the road and observe the other requirements with respect to turning right, left, and giving hand signals and so forth.

Sen. Prof. Ramchand: I think the problem is that the word “such” seems to imply that we have been told about the exceptions and adaptations already. What is it referring to?

Sen. Jeremie S.C.: “...such exceptions and subject to such adaptations and modifications.”

Sen. Prof. Ramchand: It needs the word “as”.

Sen. Jeremie S.C.: Not really. “The Minister after consultation with the Attorney General may by Order direct that, in relation to members of a visiting force... shall apply with such exceptions and subject to such adaptations and modifications.” It is not literature, it is law.

Sen. Prof. Ramchand: Well, you know what the law is.

Sen. Jeremie S.C.: A higher form of literature.

Mr. Chairman: Is there anything else on clause 18?

Sen. Prof. Ramchand: It has to be “as the Minister sees fit” or something like that. It really is ungrammatical.

Question put and agreed to.

Clause 18 ordered to stand part of the Bill.

Clauses 19 to 22 ordered to stand part of the Bill.

Clause 23

Question proposed, That clause 23 stand part of the Bill.

Sen. Dr. Gopeesingh: Mr. Chairman, clause 23(1) which says:

“If any coroner having jurisdiction to hold an inquest touching a death, is satisfied that the deceased person at the time of his death had a relevant association with a visiting force...,”

What does that mean? It goes on.

“then unless the Director of Public Prosecutions otherwise directs, the coroner shall not hold the inquest or, if the inquest has begun but has not been completed, shall adjourn the inquest.”

So the inquest continuing or being adjourned depends on whether that person had a relevant association with the visiting force?

Sen. Jeremie S.C.: It is defined later on; a reference to a person at any time having a relevant association with a visiting force is a reference to his being at that time a person of one or other of the following descriptions. [*Interruption*]

Sen. Mark: You are rushing us.

Sen. Jeremie S.C.: Can we just calm ourselves? Take a deep breath, turn the page, do you see it, Sen. Dr. Gopeesingh?

Sen. Dr. Gopeesingh: I am not seeing it, AG.

Sen. Jeremie S.C. If you look on page 11, clause 5(b).

“(b) a reference to a person having at any time...”

Sen. Dr. Gopeesingh: Okay.

Sen. Prof. Ramchand:—coroner’s inquest but somebody else would hold the coroner’s inquest to be done by the visiting force? I think that is what probably worried Dr. Gopeesingh, it looks like if there would be no inquest at all.

Question put and agreed to.

Clause 23 ordered to stand part of the Bill.

Clause 24.

Question proposed, That clause 24 stand part of the Bill.

Sen. Prof. Ramchand: Mr. Chairman, just for some clarification and a little more food for my paranoia, clause 24(4), is talking about this as a visiting force and this clause says:

“Within six months of his first arrival to take up duty...a member of a visiting force shall import...” et cetera

It is frightening to me that this visiting force is envisaged as staying over six months. So at that point it ceases to be a visiting force if he is bringing his wife, his child; like he has come here to live. So is it right to call him a visiting force? Can we envisage circumstances in which we would need a visiting force here for so long?

Sen. Jeremie S.C.: I cannot envisage what circumstances will exist. This is the model legislation and this is what is normally granted in terms of taxation relief. It is standard. So I think you have some right on first arrival and so forth.

Sen. Prof. Ramchand: So do not take it literally, it is literature.

Question put and agreed to.

Clause 24 ordered to stand part of the Bill.

Clauses 25 to 27.

Question proposed, That clauses 25 to 27 stand part of the Bill.

Sen. Mark: Mr. Chairman, having regard to the introduction of this Bill which has never been on our statute books before, and as the Minister of Foreign Affairs indicated, it was really a bilateral agreement between countries, I would like to suggest that clause 26(1) to say:

“The Minister may make regulations subject to an affirmative resolution of the Parliament...”

So we can make sure that we help him.

Sen. Jeremie S.C. No. The matters set out here are both specific and minor and without speaking to the Minister I cannot think of any situation in which he might need help in determining what regulations he might require for summoning civilian witnesses before a service court, determining where a sentence of imprisonment shall be spent, or prescribing anything that is required by the Act to be prescribed. Those are very minor.

Sen. Mark: Let us be serious, Attorney General. It is a generality; there can be many more things that he will be called upon to proceed with, so whilst these three are mentioned, that does not confine him to those three. It is within a broad framework and that is why I am saying that you are giving the Minister the kind of power to do things that we feel the Parliament should have some say, and I am suggesting an affirmative resolution to help him out. What is the secrecy about? This is the Parliament, man.

Sen. Enill: We are part of the Parliament too; you are behaving as though we are not part of the Parliament.

Sen. Jeremie S.C.: Mr. Chairman, we disagree and we are unable to see eye to eye with Sen. Mark’s proposal. If he wants, we can put it to a vote.

Mr. Chairman, before the Bill is reported, I had promised to research a point for Sen. Mark on the Interpretation Act. It is at 45(2), so you can check it out in your spare time.

Question put and agreed to.

Clauses 25 to 27 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.

VISITING POLICE FORCES BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, I beg to move,

That a Bill to provide for the presence, activities, privileges and immunities of members of visiting police forces and civilian personnel and for related matters be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Hon. Senators, the Visiting Police Forces Bill has 14 clauses the suggestion is that we take them in groups of five and four.

Agreed to.

Clauses 1 to 5.

Question proposed, That clauses 1 to 5 stand part of the Bill.

Sen. Mark: Mr. Chairman, I have two suggestions we can take it either the last new clause 14 and renumber, or incorporate it at the beginning meaning that the Bill to provide for the present activities, privileges and immunities of members of visiting police forces which is usually foreign police forces and civilian personnel, I want to insert between the words “personnel” and “and” “during the period of the Cricket World Cup 2007.” We can either incorporate it here, or as a new clause 14 renumbered clause 15. It all depends on which one the Attorney General will prefer.

Mr. Chairman: Where are you?

Sen. Mark: I am at the beginning of this legislation, Sir. I am on page 1 of the Bill, the long title.

Mr. Chairman: What was your suggestion?

Sen. Mark: My suggestion is between the words “personnel” and “and” we insert the words “during the period of the Cricket World Cup 2007”.

Sen. Jeremie S.C.: No.

Mr. Chairman: Sen. Mark, you can only amend the title if the Bill is amended.

Sen. Mark: Okay, then I will have an amendment, new clause 14.

Mr. Chairman: So we are still looking at clauses 1 to 5.

Sen. Prof. Ramchand: Mr. Chairman, one Bill says: An Act to provide for the presence, activities, privileges and immunities...and for matters connected therewith." And the next one says: "...and for related matters." I wonder why the difference.

Sen. Jeremie S.C.: Style. Old school, new school drafting. I will try to use a whip next time.

Sen. Prof. Ramchand: Would you try to be consistent? We could really go with "and for related matters" which would eliminate the doubt about therewith and thereto.

Question put and agreed to.

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

Clauses 6 to 10.

Question proposed, That clauses 6 to 10 stand part of the Bill.

Sen. Mark: Mr. Chairman, I am not happy with the matter of this immunity but we have made our position clear already.

Question put and agreed to.

Clauses 6 to 10 ordered to stand part of the Bill.

Clauses 11 to 14.

Question proposed, That clauses 11 to 14 stand part of the Bill.

New Clause 14.

Sen. Mark: Mr. Chairman, I want to insert a new clause 14 and renumber. It reads as follows:

This Act shall expire on June 30, 2007.

Sen. Jeremie S.C.: No, Mr. Chairman.

Sen. Mark: I put an amendment, I heard one gentleman on the other side say no, but you have to put my proposal to the vote. I proposed that there be a new clause 14 to read as follows:

This Act shall expire on June 30, 2007.

We cannot take what the Attorney General says, I respect the Attorney General but—

Mr. Chairman: Sen. Mark, please. Give me that suggested amendment.

Sen. Jeremie S.C.: Did you circulate the amendment?

Sen. Mark: I indicated to you that I was coming with an amendment. Mr. Chairman, do you have it?

Question proposed, That new clause 14 stand part of the Bill.

Question put and negatived.

Question put and agreed to.

Clauses 11 to 14 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

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, March 20 at 1.30 p.m. at which time we propose to debate the extension to the Bail (Amdt.) Bill. As you recall, it was extended for 90 days which is expiring on March 23, so we will debate that on Tuesday.

I have asked the Clerk to circulate the Bill to Members of the Senate tomorrow.

Mr. Vice-President: Hon. Senators, leave has been granted for a matter to be raised on the Motion for the Adjournment. I now call on Sen. Dr. Gopeesingh.

Proposed Land Reclamation Project at Otaheite

Sen. Dr. Tim Gopeesingh: Mr. Vice-President, the Motion on the Adjournment this evening is the failure of the Prime Minister to substantially inform and discuss with the national population the proposed land reclamation project at Otaheite for the proposed construction of the aluminum smelter plant.

What prevails today is the insidious and deceitful manner in which this Government conducts its relationship with those who have entrusted them with the management of this country. This PNM administration seems incapable of walking that straight road which necessitates the quality and type of dialogue and input for arriving at informed and intelligent decisions. Arrogance is now the established way of proceeding by this Government and this has led to serious contempt for this PNM Government administration, and lack of trust by the population in all it says and does.

For approximately two years now we have been bombarded by this regime's determination to construct an aluminium smelter. It first started at Chatham but no consultation with the public was done. When the citizens of Chatham and the south-western peninsula protested, we witnessed brutal force by the security services to lock up those who have a legitimate right to voice their disapproval to the construction of this smelter by Alcoa in Chatham.

This administration never undertook any consultation whatsoever with the general public, the residents and citizens of Trinidad and Tobago on this proposed aluminium smelter. When the Government realized that the population was virtually angry about the proposed construction and the citizens were gaining momentum nationally and internationally in their voices against this construction, the Prime Minister made an about turn or volte-face and tried to hoodwink the population by calling for consultation in San Fernando. What we witnessed was a well-orchestrated symposium bringing CEPEP workers, and PNM party groups to express support for the construction of this aluminium smelter.

Sen. Dumas: [*Inaudible*]

Sen. Mark: We know that; we have evidence of that.

Sen. Dr. T. Gopeesingh: At this symposium, the Prime Minister realized that this was a futile attempt to hoodwink the population, and on Christmas Eve he made an announcement that the site for Alcoa's aluminium smelter plant would now move from Chatham to a new industrial estate offshore at Otaheite bank, a total surprise to the general population, and it came a year after public debate and overwhelmingly negative comment on the plan to build a smelter at Chatham.

9.00 p.m.

Mr. Vice-President, it has been two years in the making and when objection to Alcoa's proposed smelter plant in Chatham reached a crescendo, Government's rabbit-in-the-hat was the Oropouche Bank site off Otaheite.

Alcoa has already expressed its disappointment in the Government's decision to move the plant, which means that it will delay construction of their aluminium smelter even further. It was in the process of finalizing an environmental impact assessment and was conducting soil sample research for the past five months at Otaheite.

Prakash Saith, President of the National Energy Corporation, said it was given the mandate by Government to develop new industrial sites, and he began to show that there were industrial sites being developed at Point Lisas, Cap-de-Ville and the Oropouche Bank—1,400 hectares. There is no consultation whatsoever so far on this Otaheite Bank with the general population. In fact, the population was shocked at the announcement on Christmas Eve that an aluminium smelter was going to be constructed on the Otaheite bank.

Essar Steel is already located in Point Lisas and Alcoa moved to Oropouche Bank. Plans to develop Cap-de-Ville were then abandoned. Prakash Saith admitted that the NEC, which is the National Energy Corporation, did not anticipate the smelter plant having to move under public pressure. The *Trinidad Guardian* on Thursday, January 11, 2007 had a headline: “Going Offshore at Otaheite.” It states:

“NEC leads ambitious plans to build new industrial estate on land reclaimed at sea”

And there was a photograph of Prakash Saith, Vijai Lal and John Jones, three of the main men with the National Energy Corporation who obviously knew about this proposed construction of the Otaheite Bank and the general population knew absolutely nothing about it. This is what Lal said on the Oropouche bank:

“...the Oropouche Bank was identified in November 2004...”

So in January 2007, when the Prime Minister made the announcement, three years before that the Otaheite Bank was identified. Is this fair that all these things are being done underhand, without any consultation with the population knowing nothing about this whatsoever? This is what Lal said:

“...work was being done concomitantly with the other sites of Cap-de-Ville and Point Lisas South.”

So it was something that they had in their thoughts all the time and they were going ahead doing the work. But what is important is that the National Energy Corporation said:

“A cost is yet to go tabulated for this project, but Jones said it could be significant.”

If they knew that they were going to construct an Otaheite Bank to bring this aluminium smelter and you do not know what the cost is—you do not have an idea about what the cost is—and a man from the National Energy Corporation is saying he knows it is going to be significant; this is the propensity of the Government to do things without the population knowing; just do things willy-nilly, ad hoc, but do not care about the cost whatsoever. They do not want to know anything about the cost.

So they want to build an Otaheite Bank; they know that it is going to be expensive but they cannot tell the population what the cost is going to be. These factors were identified in a National Energy Corporation Southwest Peninsula Masterplan Study.

“Saith observed that the Oropouche Bank was a natural accresion with only about three metres of filling to be done.”

This was what he thought. But many of the citizens of Trinidad and Tobago realized that there were serious challenges in this whole project. The challenges were that the NEC will have to face design issues of site access; they will have difficulties in the provision of access for fishing, drainage, coastal protection, dredging methodology, engineering design and modelling and analysis, sedimentation, wave penetration, oceanography.

All these hurdles will be experienced by the National Energy Corporation, taking the expenditure to overcome these hurdles and difficulties into millions and millions of dollars, and here it is a decision is made to go and construct an Otaheite Bank. They are not looking at the whole question of roads, power, gas, habitat impact—housing, institutional facilities, community facilities. All these things needed to be looked at. There was no consultation whatsoever, but going ahead with the construction of an Otaheite Bank and the Prime Minister announcing that the aluminium smelter will now be constructed on that.

A popular concern was expressed about the site joining the coast, which will remove the water and affect the current circulation, that is, the water currents.

“Lal explained that the area is located in proximity to two mangroves—the Rousillac and the Oropouche swamps.”

So here it is as well, the natural environment and the habitat are being affected in these two swamps. Jones said—and this is important:

“It’s the second time around for the NEC and handling public relations with Alcoa’s smelter plant.”

It is the second time around. The first was Chatham; the second was Otaheite. He said:

“This time it intends to have more information out for public consumption.”

They realized that they did not have any consultation at all previously, so he said this time they are going to do it. But three years later they are going to do it. Remember in 2004 they realized that they were going to build this Otaheite Bank, but three years later he is saying they are going to have consultation. What consultation? None for three years? It continues:

“Saith acknowledged that NEC did not disseminate enough information in the first instance with public outcry over the smelter construction winning media favour.”

Listen to what Lal said:

“We have taken a decision that we want to move from public information to put in factual and intellectual information outside. What is happening is that public relations may not be targeting issues which may be relevant to the project.”

Three years later this is what Lal is talking about, while they are busy preparing to go to Otaheite Bank. It continues:

“‘Chatham has now become an abandoned site. Government will have to decide what it wants to do’, said Jones.

The Government has abandoned all plans to pursue an industrial estate in Chatham.”

This is what Jones is saying. He is with the National Energy Corporation, but:

“Dr. Lenny Saith, Minister in the Ministry of Energy and Energy Industries, said the Prime Minister had stated very clearly that no industrialization would be pursued in Chatham.”

That was the newspaper report.

“‘We will no longer be looking at Chatham for industrialization’, he told the *Business Guardian* in a brief telephone interview.”

We want to know whether that is, in fact, so.

So all of this is leading to contempt for the Government and lack of trust in all it says and does. It is managing a country under such conditions that are just not acceptable, but this is leading to a breakdown in our society; it is leading to anarchy or even worse. This Motion is timely. It comes on the heels of the Prime Minister's announcement recently in a red herring news conference, that he is about to embark on national consultation with regard to crime and the half-billion dollar cultural centre he now wants to undergo consultation after he has learnt his lesson.

It was a sham move for consultation. The fact that this Government has a history of no consultation, about-turn and plain old-fashioned PNM incompetence, we have serious concerns. The general population has very serious concerns about this administration; we would look at the Tarouba Stadium costing \$1 billion; a cultural centre, \$.5 billion to replace the Grand Stand which is yet to be built; the University of Trinidad and Tobago costing \$1 billion; the rapid rail; new highways; housing complexes. At every turn there are complaints from the business sector about no consultation but widespread reports of rampant, shameless dictatorship by this Government and their cohorts, of billions of dollars. This is untenable. In Trinidad and Tobago the population deserves an explanation of how all of this came about; what is going to be the cost cover of it; how is Trinidad and Tobago going to benefit and what cost is Alcoa going to share in this. Is there going to be abandonment of the Chatham site; and is there going to be a construction of the Oropouche Bank and at what cost?

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

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, when I heard the Senator's contribution to his own Motion and I read the Motion—"A failure of the Prime Minister to substantially inform and discuss with the national population the proposed land reclamation project at Otaheite for the proposed construction of the aluminium smelter plant—his contribution is all over the place. I heard Tarouba; I heard a number of things. Even the Motion is confused. Are we talking about Otaheite or the smelter plant? I know the Senator is capable of more lucid thought. He is a doctor, after all—

Sen. Mark: Like your good self.

Sen. The Hon. Dr. L. Saith: Yes. But he is a real doctor and he would, in the course of his profession, marshal his facts and come to a lucid explanation. This is not so, but I would try to deal with the Motion.

The Motion, I think, could be split in two parts: The Otaheite project and the smelter. The Otaheite project is the creation of an industrial estate. It has nothing to do with the smelter. The smelter could be one plant that is located there. For example, the Otaheite estate, in its first phase will comprise 1,400 hectares or 2,800 acres and it could possibly go up to 2,600 hectares, almost 5,200 acres. An aluminium smelter will require 400 acres. So the creation of the Otaheite industrial estate is not an estate being created solely to locate an aluminium plant.

When the original proposal to site, the smelter plant at Chatham—which arose out of a request by the Government—Point Lisas having been filled—to look for alternative industrial sites. NEC did studies in November 2004 and came up with six sites and in February 2005, recommended three of the sites for further industrial development: An extension of Point Lisas; Chatham and Otaheite. That was in November 2005.

Chatham was first allocated to the Alcoa plant, because one aluminium plant was going at La Brea. When the Prime Minister made his announcement he said if we are not going to proceed with it in Chatham, Otaheite is a likely site. That is all he said, because Otaheite was already being developed and work was being done to develop it as an industrial site.

Why Otaheite? The site is a contiguous site and it is much bigger than the Point Lisas Estate. The Point Lisas Estate is 850 hectares. This site, when fully developed, will be almost three or four times the size of Point Lisas. It will allow a large cluster of gas-based industries; it is separated from the coast by about three kilometers; there will be no land use conflict because it is a new site; it extends more than 4.5 kilometres from the existing coastline; its seaward side will give us the possibility of a natural deep water harbour that will allow us to create a harbour that will take, what they call post-Panama vessels, which are very large vessels; it is uninhabited; it will require no relocation of people; there is no vegetation on it; it would provide a buffer between the villages and the plant; it is Government-owned and there will be no drainage or flooding impacts because of its creation. So it is an ideal site for the development of an industrial estate and whether or not an aluminium smelter is going there, it is going to be developed as an industrial site to take future industrial development for our gas-based industries.

The Senator said that nobody knows; it is a secret. I announced this site on July 01, 2006 when I addressed the South Chamber's 50th anniversary. Recently in Vessigny, I again gave details of the site. So this is no secret. When the site was selected, statements were made: We were looking at three industrial sites. In developing the site, the National Energy Corporation has to go through a process

of getting a Certificate of Environmental Clearance from the EMA, and in that process there are regular consultations with all stakeholders. That is the process in which stakeholders have been consulted, as part of the process for the EMA to determine whether they will issue a certificate for this work.

On November 23, 2005, NEC filed an application with the EMA for the certificate. In December of 2005, the EMA responded and said: "In order to consider your application, you need to provide information on hydrodynamic and oceanographic modelling, the detailed dredging and reclamation plan, the engineering development plan for us to consider this." Based on that, the NEC has been proceeding to retain consultants to do all these studies: Tidal movement; effect on the mangrove; effect on fishing; all the studies that are necessary.

When I hear comments being made about how it will kill fish and it will destroy the mangrove and the world will come to an end, I am asking on what basis? Where is the information? The work is now being done by experts, not human rights lawyers—by experts in the field. It is on the basis of all that scientific and technological information, when it is collated, that will go to the EMA to satisfy them that the project is environmentally sound. It is only at that time when they know what the remedial measures that they will have to take, that the first cost could be developed. Unless you know what you have to do you cannot cost it.

So there is a process going on and it has been going on since 2005, all of 2006 and the work is continuing. As I said, I have made announcements. In this year alone there have been advertisements in the daily newspapers indicating that this work is going to be done, asking people for their comments. There have been presentations to the Chambers of Commerce. As I said, I discussed it with the South Chamber at its 50th anniversary; the University of the West Indies. Community meetings are being held and the entire process of keeping the population informed, giving the stakeholders a chance to consult and contribute to the process by which decisions are made, is there and it is being done.

So I have to say that there is nothing that is going on now or that has gone on before, which will suggest that it is a failure of anybody to inform and discuss with the national population about the land reclamation project at Otaheite. The question of an aluminium smelter going there is a side issue. The question is: When the estate is developed, will that be a suitable site for an aluminium smelter?

I think the Senator asked whether—because I indicated that we were doing no further work on Chatham because we moved this estate as a priority development. Chatham still remains a potential site for industrial development, but in the short term unless there is a request from the people of Chatham to come back and put a plant there, it will remain second priority.

So that I want to assure the hon. Senator that nothing is being done in secret; that all the necessary rules and regulations that go towards developing an industrial site are being followed. Before the site is available for industry we will have to get Town and Country Planning approval; we will have to get the EMA's approval and it is only when it is done we will talk about what industries will go there. What we do know, it is because Point Lisas is filled; because La Brea is filled; because the addition to La Brea is filled, that future use of our gas in gas-based industries require additional industrial estates and that is what we are about.

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

Ruling Re: Standing Order 17(1)(g)

Mr. Vice-President: Hon. Senators, before I put the question on the adjournment, earlier today in the sitting Minister Sahadeo had referred to a Standing Order which Sen. Mark had asked for clarification on and for a ruling from myself. I do not see a reason for a ruling and I would like to read the Standing Order 17(1)(g) which states:

“A question shall not be asked—“

And I go to (ix) of (g) to get directly to the matter in question:

“the answer to which can be found by reference to available official publication;”

That was exactly what the Minister had said. So that is clear enough.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 9.22 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Sen. Wade Mark:

**Urban Development Corporation of Trinidad and Tobago
(Details of Projects)**

4. (a) Could the Hon. Minister of Planning and Development provide the Senate with the following information from the establishment of the Urban Development Corporation of Trinidad and Tobago (UDeCOTT):
- (i) The number and names of projects undertaken by UDeCOTT;
 - (ii) the types of financial arrangements governing each project;
 - (iii) the cost of each project; and
 - (iv) the names and addresses of all contractors engaged by UDeCOTT in the execution of those projects?
- (b) Will the Minister further state whether the accounts and financial statements of UDeCOTT have been audited as is customary and the names of the auditing firms engaged for these projects;
- (c) Could the Minister also state whether UDeCOTT has been in full compliance with the provisions of the Central Tenders Board Act;
- (d) If the answer is in the affirmative, could the Minister provide a full account of the process involved; and
- (e) If it is in the negative, will the Minister provide details of the Tender procedures employed by UDeCOTT in the award of contracts?

The following reply was circulated to Members of the Senate:

The Minister of Legal Affairs and Acting Minister of Planning and Development (Sen. The Hon. Christine Kangaloo): The Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT) has been given a mandate to execute development works and provide project management services for a number of Government projects. In the execution of these projects, UDeCOTT has engaged the services of various contractors.

Appendix I provides a listing of the projects awarded by UDeCOTT over the period January 01, 2002 to December 31, 2006, the names of the projects and contractors, their respective addresses, the costs and financing arrangements.

Financial Statements have been prepared and audited by Price WaterHouse Coopers, and have been published up to 31 December, 2005.

UDeCOTT was incorporated under the Companies Ordinance and continued under the Companies Act 1995. The procurement of goods and services by UDeCOTT therefore does not fall within the scope of the Central Tenders Board Act. UDeCOTT is guided by the tender procedures encapsulated in its procedures for the Procurement of Articles, Works and Services. These tender rules have been approved by UDeCOTT's sole shareholder, the Ministry of Finance. A copy of the Procedures for procurement is attached as Appendix II. These procedures have been in use since 1995 and were revised in 1998.

Under its Tender Rules, firms are required to prequalify. Tenders are invited from firms that have pre-qualified and are registered with UDeCOTT. Prequalification is not automatic but is based on a comprehensive and careful evaluation of the firm's capacity to undertake the project for which tenders are being invited taking into account the following:

- (i) Technical competence
- (ii) Experience and performance on similar jobs
- (iii) Dedicated personnel and equipment available
- (iv) Established track record
- (v) Financial soundness
- (vi) Current workload
- (vii) Knowledge of local conditions
- (viii) Experience of the Project Manager
- (ix) Existence, pending and future obligations and undertakings that may compete with the execution of works to be undertaken.
- (x) Litigation or arbitration resulting from prior contracts under execution during the last five (5) years.

UDeCOTT's Tender Rules prohibit the application of any pre-qualification requirements which violate the principle of equal treatment of all tenders. However, the Rules provide for prequalification of a contractor as a sole selective tenderer where there is an ongoing engagement or relationship with UDeCOTT, where the firm has special capability or knowledge. This approach ensures that at all times UDeCOTT obtains value for money in the procurement of professional services from both local and international firms.

All contracts awarded by UDeCOTT have been in strict adherence to its Tender Rules and Procedures.

The Minister of Planning and Development recommends and Cabinet is asked to agree to the written response to Question No. 4 as posed by Senator Wade Mark in the Senate as set out in paragraph 3 of this Note.

**Urban Development Corporation of Trinidad and Tobago
(Procurement Procedures)**

5. Could the Hon. Minister of Planning and Development provide the Senate with a detailed understanding of the procurement procedures adopted by Urban Development Corporation of Trinidad and Tobago (UDeCOTT) with respect to the Tarouba project as well as all the other projects undertaken by UDeCOTT from the period January 01, 2002 to October 30, 2005?

The following reply was circulated to Members of the Senate:

The Minister of Legal Affairs and Acting Minister of Planning and Development (Sen. The Hon. Christine Kangaloo): Consistent with its mandate to execute development works and provide project management services for the Government, UDeCOTT has been undertaking a programme of urban development and urban renewal in the municipal areas and towns throughout Trinidad and Tobago. During the period January 01, 2002 to October 30, 2005 UDeCOTT undertook the implementation of various development projects among which is the Tarouba Project which includes the Brian Lara Stadium.

UDeCOTT was incorporated under the Companies Ordinance and continued under the Companies Act 1995. The procurement of goods and services by UDeCOTT therefore does not fall within the scope of the Central Tenders Board Act. UDeCOTT is guided by the Tender procedures encapsulated in its Procedures for the Procurement of Articles, Works and Services. These tender rules have been approved by UDeCOTT's sole shareholder, the Ministry of Finance. A copy of the procedures for procurement is attached as an Appendix.

It should be noted that the same procurement procedures adopted by UDeCOTT with respect to the Tarouba Project have been applied to all other projects undertaken by UDeCOTT and have been used by UDeCOTT since 1995. These procedures were revised in 1998. Accordingly, UDeCOTT undertook the procurement of goods and services for its various projects in accordance with the provisions of these Tender Rules.

Under its Tender Rules, firms are required to pre-qualify. Tenders are invited from firms that have pre-qualified and are registered with UDeCOTT. Pre-qualification is not automatic but is based on a comprehensive and careful evaluation of the firm's capacity to undertake the project for which tenders are being invited taking into account the following:

- (i) Technical competence
- (ii) Experience and results in similar jobs
- (iii) Dedicated personnel and equipment available
- (iv) Established track record
- (v) Financial soundness
- (vi) Current workload
- (vii) Knowledge of local conditions
- (viii) Experience of the project manager
- (ix) The existence of other obligations or of pending or future obligations or undertakings that may compete with the execution of works involved in the tendering;
- (x) Litigation or arbitration resulting from prior contracts under execution in the last five (5) years.

UDeCOTT's Tender Rules at Section 5.04 read as follows:

“In the prequalification procedures, no requirements for prequalification will be established which impede or make it difficult for the participation of foreign firms, or that would tend to violate the principles of equal treatment of all tenderers.”

However, the Rules provide for pre-qualification of a contractor as a sole selective tenderer where there is an ongoing engagement or relationship with UDeCOTT, where the firm has special capability or knowledge. This ensures that at all times UDeCOTT obtains value for money in the procurement of professional services from both local and international firms. Tenders are invited from firms that have pre-qualified and or registered with UDeCOTT. All contracts awarded by UDeCOTT have been in strict adherence to its Tender Rules and Procedures.

In the case of the Brian Lara Stadium, UDeCOTT utilized the sole selective Tender method provided for in its Tender Rules for the engagement of Turner Construction International for the Design and Construction Management of the

Brian Lara Stadium. Turner Construction International has considerable expertise, a proven track record and experience in the construction and design of stadia and other major projects in the Caribbean as well as worldwide, including the Bank of America Stadium, Financial Towers, Port of Spain, Government Campus Plaza, Port of Spain, Ohio State University, University of Princeton Stadium and University of North Carolina.

Turner Construction International has sub-contracted HOK Sport Incorporated to undertake the Design component of the Project. HOK Sports is an Internationally renowned architectural Firm which has undertaken major projects in the Caribbean and Worldwide, including Wembley Stadium, England, Nanjing Olympic Sports Centre, China, Pittsburg Steelers Football Stadium, Sabina Park Cricket Stadium, Jamaica.

For the excavation and civil works UDeCOTT invited nine (9) pre-qualified Contractors by Letter of Invitation dated 7th April 2005. The Contractors invited to tender were:

- Seereeram Brothers
- Junior Sammy Contractor
- Coosal's Construction
- Raghunath Singh
- General Earth Movers
- PR Contracting
- Thanu Mungal
- Trinidad Contracting
- Ali Meah John.

Six (6) of these Contractors submitted tenders with Seereeram Brothers, the lowest tenderer, being selected after a thorough analysis of the tenders.

For the Superstructure UDeCOTT invited nine (9) pre-qualified Contractors by Letter of Invitation dated 11th November, 2005. The Contractors invited to tender were:

- Hafeez Karamath Limited
- Carillion (Caribbean) Ltd
- Sunway Construction (Caribbean) Ltd

- N.H. International (Caribbean) Ltd
- China Jiangsu
- Management Technical Services Ltd
- Johnson International Ltd
- Allan Brammer Construction
- Kier/Kee Chanona Ltd.

Four of these Contractors submitted tenders with Hafeez Karamath Limited, the lowest tenderer, being selected after a thorough analysis of the tenders.

For the Piling works, UDeCOTT invited five (5) pre-qualified Contractors by Letter of Invitation dated 11th November, 2005. The Contractors invited to tender for those works were:

- Gordon Winter Co Ltd
- Berkel & Co. Contractors
- R&R Interprise Ltd
- Solentuche Bache Cimas S.A.
- Sunway Construction (Caribbean) Ltd.

Three of these Contractors submitted tenders with Gordon Winter, the lowest tenderer, being selected after a thorough analysis of the tenders.

For the Mechanical, Electrical, Plumbing and Interior works UDeCOTT invited four (4) pre-qualified Contractors by Letter of Invitation dated 21st April, 2006. The Contractors invited to tender for these works were:

- Sunway Construction (Caribbean)Ltd
- Carillion (Caribbean) Ltd
- Hafeez Karamath Ltd
- N.H. International (Caribbean) Ltd.

In this instance, due to the fact that no tenders were submitted UDeCOTT requested proposals for the required works from four (4) Contractors, namely Times Construction Ltd, Sunway Construction (Caribbean) Ltd, Hafeez Karamath Ltd., and Johnston International Ltd. Two (2) proposals were received from

Johnston International Ltd and Hafeez Karamath Ltd respectively and upon review of the proposals by UDeCOTT Hafeez Karamath Ltd was accepted.

For the Pitch and Field, UDeCOTT invited five (5) pre-qualified Contractors by Letter of Invitation dated 27th June, 2005. The Contractors invited to tender for these works were:

- Terra Forma Construction Ltd
- Peter Richards Landscaping
- Greenwel Ltd
- FT Farfan
- Steve Sampath.

Two of these Contractors submitted tenders with Terra Forma Construction Ltd, the lowest tenderer, being selected after a thorough analysis of the tenders.

Based on the above facts UDeCOTT invited tenders from several individual Contractors for the construction works on the Brian Lara Stadium. These Contractors were all pre-qualified based on UDeCOTT'S tendering requirements and represent a mix of the leading local and foreign contractors in the respective spheres of activity for which construction works were required. Local contractors were awarded the contracts for all aspects of the construction works on the Brian Lara Stadium.

The Minister of Planning and Development therefore recommends and Cabinet is asked to agree to the written response to Question No. 5 as posed by Senator Wade Mark in the Senate as outlined in paragraph 3 of this Note.