

*Leave of Absence*

*Tuesday, March 24, 2009*

**SENATE**

*Tuesday, March 24, 2009*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. Annette Nicholson-Alfred from today's sitting.

**SENATOR'S APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: MRS. PARVATEE ANMOLSINGH-MAHABIR

WHEREAS Senator Annette Alfred is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, PARVATEE ANMOLSINGH-MAHABIR to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Annette Alfred.

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 24<sup>th</sup> day of March, 2009.”

**OATH OF ALLEGIANCE**

*Senator Parvatee Anmolsingh-Mahabir took and subscribed the Oath of Allegiance as required by law.*

**PAPERS LAID**

1. Annual audited financial statements of Metal Industries Company Limited for the year ended September 30, 2005. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. Annual audited financial statements of Metal Industries Company Limited for the year ended September 30, 2006. [*Sen. The Hon. M. Browne*]
3. Trinidad and Tobago Heritage and Stabilisation Fund annual report for the year ended September 30, 2008. [*Sen. The Hon. M. Browne*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro Civic Centre for the year ended September 30, 2005. [*Sen. The Hon. M. Browne*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Port of Spain Corporation for the year ended September 30, 2000. [*Sen. The Hon. M. Browne*]

**ORAL ANSWERS TO QUESTIONS**

**East-West Maxi-Taxis  
(Regulation by Government)**

2. **Sen. Gail Merhair** asked the hon. Minister of Works and Transport:

Would the Minister inform this Senate of the steps, if any, which are being taken to regulate maxi-taxis that work parts of the route along the East-West Corridor?

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, the Minister is not available now. He is currently at the commission of enquiry. I therefore, seek a deferral of one week on this particular question.

*Question, by leave, deferred.*

**Manager of Communication in the Ministry of Health  
(Details of)**

20. **Sen. Dr. Adesh Nanan** on behalf of Sen. Wade Mark asked the hon. Minister of Health:

Could the Minister inform this Senate:

- (a) of the name of the Manager of Communications in the Ministry of Health;
- (b) of the terms and conditions of employment of the Manager;
- (c) of the currency in which the Manager is being paid, whether US\$ or TT\$;
- (d) whether the position was publicly advertised;
- (e) of the number of applications received for the position; and
- (f) whether the interviews were conducted in Trinidad and Tobago or overseas, if overseas, why?

**The Minister of Health (Sen. The Hon. Jerry Narace):** Mr. President, the answer for that question is prepared but not approved. Therefore, on the next occasion we should be able to answer it.

*Question, by leave, deferred.*

#### **Fast Patrol Vessels (Details of)**

**26. Sen. Dr. Adesh Nanan** on behalf of Sen. Wade Mark asked the hon. Minister of National Security:

With respect to the six fast patrol vessels which are being constructed by the firm Austal, could the Minister inform this Senate:

- (i) what is the cost of each vessel;
- (ii) of the name of the local agent for the firm Austal;
- (iii) if any commission is being paid; and
- (iv) if a commission is being paid, what is the total value or sum of the commission?

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. President, hon. Senators are advised that as part of the marine security strategy currently being implemented, the Government took a decision to acquire six fast patrol craft. These craft are being purchased directly from Austal Ships PTY Limited at a cost of \$52,110,000 each.

Austal Ships PTY Limited has advised the Ministry of National Security that it does not have a local agent.

In light of the response to part (ii) of the question, parts (iii) and (iv) of the question are not relevant.

**WRITTEN ANSWER TO QUESTION**

*The following question was asked by Sen. Gail Merhair:*

**National Trust of Trinidad and Tobago  
(Detailed List of Projects)**

3. Would the hon. Minister of Community Development, Culture and Gender Affairs provide the Senate with a detailed list of the projects undertaken by the National Trust of Trinidad and Tobago between the years 2002 to 2007?

*Vide end of sitting for written answer.*

**FINANCIAL SUPPORT FOR ELECTION CAMPAIGNS**

[Third Day]

*Order read for resuming adjourned debate on question [February 03, 2009]:*

*Be it resolved* that Parliament appoint a Joint Select Committee to consider establishing a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment.

*Question again proposed.*

**Mr. President:** Those who spoke on Tuesday February 03, 2009, were Sen. Prof. Ramesh Deosaran, Sen. Laurel Lezama, Sen. Wade Mark, Sen. Corinne Baptiste-Mc Knight, Sen. Dr. Carson Charles.

On Tuesday 10 March 2009, Sen. The Hon. Tina Gronlund-Nunez, Sen. Mohammed Faisal Rahman and Sen. Subhas Ramkhelawan.

Senators who wish to contribute now may do so.

**The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):** [*Desk thumping*] Mr. President, I am grateful to contribute to this Motion. I wish to begin by thanking Sen. Prof. Deosaran for bringing this Motion and giving us an opportunity to examine a very critical issue of importance, not just in the wider sense of politics, but more specifically, to the Vision 2020 pillar of effective governance. As an academic, Prof. Deosaran would understand that ideas must contend. As the Government puts forward ideas, we hope that the debate would continue into a very interesting Motion and one that seeks to take us to a developed country approach, to dealing with campaign financing.

As a Government we are excited for this opportunity to debate the topic and scrutinize the mechanisms offered to move the consideration from debate to action. In looking at the Motion, we observe the suggestion of a joint select committee. I will say a little about that later. I am not sure that that might be the best mechanism to move it forward. I will make my contribution and then comment on that towards the end.

Far from being underwhelmed as one Senator said earlier in the debate, the Government applauds the Motion mover with what we consider to be a prophetic move. Sometimes, when you see what happens with campaign financiers and political parties that could end up in mayhem, you would have an issue with campaign financing that needs to be considered. In the pursuit of democracy which is a critical concept in the Motion and what was said by Sen. Prof. Deosaran in his presentation, we need to see how democratic a joint select committee might be for considering the important issue of election campaign financing. It does not engage the widest set of views. It engages Members of Parliament and that is where our concern lies.

I will introduce a definition of democracy that might help us to bring another set of concepts or a particular concept into the debate. This definition of democracy we can use to explore the Motion some more. Permit me to read it. This definition is said to be derived from a combination of insights from the liberals and Marxists school in order to arrive at a meaning of democracy that supports the basic principles of our autonomy. It states:

“Individuals should be free and equal in the determination of the conditions of their own lives; that is, they should enjoy equal rights (and accordingly, equal obligations) in the specification of the framework which generates and limits the opportunities available to them, so long as they do not deploy this framework to negate the rights of others”. *Sorensen (1993)*.”

He explained that the performance of this principle of democracy requires both a high degree of accountability of the State and a democratic reordering of society. That is the concept I want to introduce. It is the notion of a democratic reordering of society which we can use to interrogate the Motion before us.

The Motion mover asserts in the Motion that “the issue of election financing has been the subject of widespread public concern during the last 30 years in this country”. This assertion suggests that there should be views held by the public that must be incorporated in any consideration of election financing. If we are talking about moving this forward, the mechanism should incorporate some form of wider consultation and not just a joint select committee inviting people to speak.

I heard someone say, not here, that this matter of election campaign financing is important as constitutional reform. That is where the concept of democratic reordering of society is. I will go further with that in a while. We believe that this is not a matter for a committee of Members of Parliament, that is the upfront position.

Having established those grounds, what I felt might be useful in taking the debate forward is that we look at the experience of other jurisdictions and how they have sought to address this issue of election campaign financing.

**1.45 p.m.**

One thing I noticed in my examination of the issue was that other nations engaged in this process saw it more than just an issue of financing; they saw it as an attempt to reorder their societies. When I give the examples, we will see how that comes through.

The most glaring example was Germany, so I will start with that one. The German experience is interesting because in the 1950s, following the world wars, the Germans, from my reading of different articles, sought to embark on a programme of public education in politics because they wanted the Germans not to be caught up again in a situation where there was this absolutist, one-party system out of which Hitler came.

So they sought, at the beginning of modernizing the German society, to pass a law that recognized political parties as freely formed associations and gave them this major mandate to educate the public on issues relating to politics. Part of that reordering was the understanding that state funds had to be given to political parties to carry out this important function. So, for the Germans, campaign financing was a part of democratically reordering their society out of what we understand to be a painful part of history; not just German history, but world history.

This plan to reorder the German society was captured in the West German Basic Law, which introduced considerations that contain an implicit challenge to the private status of parties. They talk about the famous Article 21, which goes as follows:

- “(i) The political parties shall participate in the forming of the political will of the people.”—This is quite a powerful statement to make about political parties, which at that time we know what the Germans were coming out of and hoping never to see again.—“They may be freely formed. Their internal organisation must conform to democratic principles. They must publicly account for the sources of their funds.

- (2) Parties which, by reason of their aims or the behaviour of their adherents, seek to impair or destroy the free democratic basic order or to endanger the existence of the Federal Republic of Germany are unconstitutional.”

They went on to talk about how the court understood that whole idea of unconstitutionality. Based on this was that focus on seeking to reorder German society. The critical point at the time was that the parties seemed to have this important public function to help to form the political will of the people. This supported the view of providing state funding for political parties in Germany. That is where it began for the Germans.

So, in 1959, parties received 5 million Deutschmark to provide for the work of political education by the parties and people were not upset by the notion of funds being provided to the political parties because they had an explicitly stated public function. In 1962, it moved to 15 million Deutschmark and then 20 million Deutschmark. The increase was said to be for the general work of the parties. In the following year, the budget title of political education was renamed special funds for the work of the parties in pursuance of Article 21 of the basic law.

So, all the way into the 1960s, the German governments maintained the notion of the public education role for parties and the focus on public funding. However, they ran into some problems in that an obvious disadvantage of having public funds was that there was no more a dependence on large donations from private corporations and individual membership fell away because the party was no longer depending on its broad membership to provide funding.

What happened later, which I did not know so I am glad for the Motion, is that there was an experience of major political corruption in the 1980s, where the notion of public financing sort of masked what was actually happening. Political parties were obtaining—and I would have to use the word clandestinely—major funding from private corporations, which was not supposed to be. They were receiving the funding and not accounting for it. In the 1980s, the deeper problems of campaign financing came to the fore and a series of scandals led to changes in the law and lessons were learned to which we need to pay serious attention.

I want to quote some of the issues that came out. In Germany, the powerful role of the parties invites public scrutiny. Parties through their MPs cannot be left to set standards for themselves. This is an important statement with respect to the Government's position on this Motion. If we let the joint select committee be the mechanism to take this forward, we will be setting standards for ourselves. Also, when it comes to regulating party finances, MPs tend to find themselves taking decisions that are self-serving.

*Support for Election Campaigns*  
[SEN. THE HON. DR. E. DICK-FORDE]

*Tuesday, March 24, 2009*

In Germany, as in many other countries, civil society needs to take an interest in monitoring party financing and party effectiveness respecting rights and limitations established by the Constitution. In Germany, they experimented with a number of things—I do not think they have actually resolved the issue of how best to finance political parties, but certainly there is a move towards a more transparent and accountable system and public finance of parties was already found not to be the solution for them alone. Having done that, it opened the door for further problems.

The United Kingdom was argued to have been behind the rest of the other jurisdictions in not having legislation. There is an article that says that Tony Blair extended the remit of a committee that was set up to look at standards in public life to include what they described as the vexed question of party finance. It reports that the committee produced perhaps the most radical report yet, promising widespread reform in party finance and within two years of the report, in 2000, there was a law passed called the Political Parties Election and Referendums Act.

The Act introduced legislation to level the playing field and in the end they said that the playing field became slightly more even for the Liberal Democrats, which would have been the third party, and the smaller parties, but the spending gap between all the parties remained and the larger two parties remained the same. There was still a large gap.

The legislation brought Britain closer to other democracies in the regulation of party finances. So for the United Kingdom it was more about accountability and transparency in funding, but did not include a state funding programme, which the Germans had and which is also part of the US experience. For the British, the democratic reordering of their society came where the other parties, not the two main ones, had a little more opportunity in terms of funding.

In the United States, their system encourages the raising of small amounts from many individuals. Under the current law, for example—I am talking about presidential elections; I cannot drill down to all the different levels of elections in the United States—for presidential elections, primary candidates, who accept public financing, receive \$1 public match for every \$1 raised, up to \$250, from an individual. They are seeking to reform this to give more motivation for people to raise funds the way President Obama raised his money, which is an even larger percentage being raised from individual contributions. The proposed reform for the US is for multiple public matching funds of \$4 for every \$1 raised, up to \$200 of individual contribution. It is reported that President Obama raised about \$80 million from small contributions.



It is not just about financing campaigns; it actually shifts the balance of power, so you do not have people depending on one or a few major financiers where most of the investment come from people who are business minded. When people invest that much money, they are looking for something in return and unless a party and its members are strong enough, they are usually under some obligation to reciprocate. This notion of getting funding from a wider cross section of the public gives a more democratic face to the campaign.

With the Canadian experience, their focus was more about seeking to address wider issues than just campaign financing and the financing aspect is an integral part. Successive Canadian governments, this report says, have sought to control the impact of money on politics and, since 1960, there has been concern to place limits on campaign funding by parties to make transparent their inter-campaign expenditure and the source and size of their private funding and to underwrite the cost of elections for candidates and parties. So the Government sought to underwrite the cost of elections for some candidates and parties. This gives an opportunity to more parties to participate in elections.

There was an interesting piece from this study where the Green Party, not having won a seat, but having taken part in the election and gotten 240,000 votes overall, they changed the rules so that the Green Party could get some funding to help them to grow and gain strength. That is another example of seeking to widen the democratic reach of the notion of elections.

For the Canadians, it said that the new regulation that they brought in 2004 pushed state involvement deeper into parties, requiring that these limits be applied to leadership contests within the party itself—this may be a good bit of learning for our friends on the other side—and also for the local candidate nomination contest that precede the election. So, the State had gotten involved even in their screening process. We cannot take that and put it in our system; it is how the Canadian system evolved; their understanding of what they had to do to make sure that their system was more democratic.

### **2.00 p.m.**

The Canadians also required local associations to file annual financial reports, which was only required of parties in the past. As well, there were recent changes to the definition of “a party” to mean those candidates from parties with as few as 250 members who meet the thresholds will qualify for reimbursements. So, we have before us a different kind of system in Canada, when compared to the United Kingdom, the German experience and the American.

*Support for Election Campaigns*  
[SEN. THE HON. DR. E. DICK-FORDE]

*Tuesday, March 24, 2009*

I want to speak briefly on Latin America and the Caribbean. The Carter Center held a symposium or something to that effect. It is quite a thick document, on elections campaign financing. They went into the wider issue of democratizing Latin American and Caribbean societies. Out of that session on financing democracies, which is what it was called—it is not just election campaign financing. People make the connection between the issue of campaign financing and widening the democratic nature of our societies.

A number of recommendations came out of a studied exploration into what different nations in Latin America and the Caribbean had expressed as their experience. The full document gives you what Barbados and Peru said that they had. Barbados and Peru were two jurisdictions that said they had no legislation at that time, with respect to election campaign financing. A number of recommendations came out. I want to read them, with your leave.

“Recommendations to government, noting whether this is a recommendation to the executive branch or to the legislature

About the cost of elections, governments and legislatures should:

- Establish and measure what the real costs of elections and party activities are.
- Encourage transparency rules as a way to tame large contributions.
- Adopt reasonable contribution limits, possibly including the money contributed by candidates to their own campaigns.
- Limit spending on those items that are easy to monitor, mainly media. This can be accomplished by banning paid political advertising or capping it.”

This is out of a study; this is not me. This is the Carter Center on a wide discussion by members from countries from different parts of Latin America and the Caribbean.

“With respect to the balance between public and private funding, it is desirable to:

- Create mixed funding systems with a substantial public funding component.”

This notion of public funding seems to be coming up again.

- Allocate public funding by a combination of proportional rules and flat subsidies to all parties.

The adoption of reasonable access thresholds to discriminate serious from rent-seeking parties is also desirable.”

We understand this to be where people are just supporting because they like your party and those who might be looking to get some value out of their contributions. That is where the real problem is.

- “• Provide parties with public funding for their permanent activities.”

They are sustained and ongoing. It is not parties that fly up just in time for election and then disappear again. Caught up in this would be the notion of encouraging the political will of the citizens.

- “• In allocating public funding, give particular attention to imbalances between incumbent and opposition parties, perhaps by introducing public grants earmarked for the activities of the latter.”

This is so that opposition parties would not atrophy while other parties are in power. This sometimes means that the opposition never gets back into power.

- “• Use the public funding system to create incentives for widespread political participation, perhaps by linking its distribution to the achievement of goals of gender and minority representation and to the enlargement of membership.
- Stress the importance of internal democratization within parties...”

I hope we have listening ears.

“and its implications for political finance, particularly in light of the visible trend towards the adoption of primary presidential elections within Latin American parties...”

That is not us, that is more within Latin America.

“Perhaps we should not rule out the adoption of a system of public funding for presidential primaries.”

Again, the issue of public funding comes up.

- “• Give a set of broad guidelines for political parties to spend public resources, but preserve their autonomy to use those resources in the ways that best suit them.”

For Latin America and the Caribbean, we see some prescriptions coming out, again, on the basis of a studied look at what exists in those societies and what some of their issues are.

*Support for Election Campaigns*  
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In our situation, while the Motion asserts that there has been discussion over the last 30 years, the extent to which we really understand what our situation is, I am not sure that we really do understand. Do we have large studies that give us a sense of some of the most critical things that have happened in our country as a result of the way in which we finance campaigns?

From looking at it, the discourse on elections campaign finance is always handled in a broader context, rather than just discussing the financing of elections alone. There is always a broader concern to democratize political parties and in the case of Canada to drill down to the level of local government and local government candidates—I gave the example of the Green Party already to help the Green Party to keep getting an opportunity all the time to run for elections in Canada and, hopefully one day, win some seats.

An Australian publication, which compared the Canadian and Australian systems noted the following—I want to quote again:

“Attempts to control the influence of money in elections are ubiquitous in the democratic world. At base, it is the potentially corrupting influence of money—its capacity to distort election outcomes and the policy process—that drives this response. Preventing these outcomes has variously been associated with ensuring accountability, transparency, integrity and equity. There has also been growing interest in ensuring that the role of money in elections helps rather than hinders democracy and democratic participation.”

A deep understanding of this issue is required. In our own situation, I want to suggest that too prescriptive an approach might stifle creativity and innovation as we saw in the United States, where we are actually seeing a greater emphasis on the way President Obama did his campaigning. People like him would be rewarded in the future. Instead of getting \$1 for \$1, they got \$4 for every dollar they raised, up to \$200 of an individual contribution. It really diffuses the power that sometimes comes with money into a political party.

From doing research for this Motion, one of the things I noticed is that there needs to be a very delicate balance between the consideration of reform to campaign financing and how we arrive to a position that you think would give you a more democratic open system.

Again, I want to repeat the need for a careful study of this issue. I even attempted to, in my research, come up with some solutions. One is that certainly we not have large financiers who themselves are politicians and have political ambitions. It is a ghastly combination. If you have a financier who has a view that

he is a politician and then, having put in all this money, he wants to be the boss, then it is not going to go down well. We have to bridge a balance. The major scandals in German elections campaign financing in the 1980s and 1990s tell their own stories. The lessons for us would be to firstly not take anybody else's pill for the symptoms that we think we have.

When I first started reading the German experience, it sounded like: yes, this is really a good system. That was before I got into the later studies that showed the real problems that came as a result of that particular system. The German system seems to, however, have achieved what it needed to achieve in the early stages; that is to move the German society from absolutist approach to politics, to giving people an understanding of the wider participation that citizens can actually take.

Secondly, my other view is that we need to diagnose ourselves and then look at what is available to understand the context within which these different countries apply, the different approaches and what might be best for us as a society.

One thing we know about Trinidad and Tobago is that we have a very vocal population. We know how to express things. We come out and say and we are very good at protesting. The first protest I took part in, which might be the only one, is when I was 11 years old and my secondary school, South East Port of Spain, was going to be made a half-day school. We protested with placards. I cannot remember who the Minister of Education was; I think it was Dr. Cuthbert Joseph. We probably had the Minister's name. The school was not turned into a half-day school as a result of the protest. We are good at expressing our views. I believe that as we widen the discussion on this issue, we would certainly get a lot of good views. We are a well-educated society.

With respect to the joint select committee, I think I am coming to the end, I am not sure that is the best way to go. I want to advise that we keep the debate going, if not here, elsewhere as well, so we can arrive at a way to guide the democratic reordering of our society towards the achievement of effective governance. *[Interruption]*

**Sen. Dr. Charles:** If you use the joint select committee as a mechanism, it means you have a body of people comprising different sides of both Houses that can engage the population and, therefore, elicit views and comments and assess. If you do not go that way and you want to engage the population, then who does it?

It seems to me if you do that, you are left with the Government as the only executive authority that would be engaging the population in consultation. I think that is the problem of not using a joint select committee approach. Who would engage the population? In all the consultations, we tend to get the Government doing the engagement and then coming back and having to report to itself. I thought I would get your view on that.

**Sen. The Hon. Dr. E. Dick-Forde:** As I have said, the joint select committee is really parliamentarians. Even though you invite, how long six months? I do not believe, that is our position, that gives you the broadest participation from the wider society. I also do not believe that the only mechanism for gaining public views is through a government mechanism. I do not have all the answers standing on my feet, but certainly we can engage some neutral body, the UNDP. Those organizations do have that capacity to engage the public on that wider sense. We have the University of the West Indies with excellent brainpower and creativity, that can actually come up with mechanisms. What we are putting on the table is that the joint select committee is indeed too narrow, especially when we widen the notion of this to be not just about campaign financing. It is about the democratic reordering of our society. When you go into a deeper understanding of the Motion, it does not speak only to campaign financing; it is a broader issue. The Motion mover did in fact incorporate that understanding in his presentation of the Motion as well. I am not going outside of the Motion mover's conceptualization of the whole thing.

I want to end by saying that I want to assure Sen. Prof. Deosaran that we are on his side and we are excited about the Motion. We are just seeking to explore how best to advance the matter, since we believe the joint select committee proposal may not be the way to go forward.

Mr. President, I thank you.

**2.15 p.m.**

**Sen. Basharat Ali:** Mr. President, thank you. As the seconder of the Motion, I wish to add my contribution and endorse many things that have been said. I endorse the preamble to this Motion and why this Motion is before us today and, I think, nobody seems to have any quarrel with what is the present situation in Trinidad and Tobago.

The three Senators on the Government side who spoke on this Motion seem to be saying that what is being proposed here may not be what we need, and it is a negative kind of way. I think the Motion is quite clear on what Sen. Prof.

Deosaran is proposing and that is the Parliament appoint a joint select committee to consider establishing a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment. So, this is really the basis of doing it. It does not say this is the term of reference for any joint select committee, but that will have to come. I am not getting a clear picture from the Government side as to how we need to go about this, apart from coming week after week to address this matter, and we may soon be running out of Senators to speak on it.

Mr. President, let me confess that I know very little about election campaigns, campaign funding and party politics. I have never been a member—I should say that I have never applied for membership in any political party in Trinidad and Tobago and I was never refused or admitted. I have to admit, however, that once I received a party card for which I did not apply. That goes back to 1976. In fact, I was supposed to be a member of Port of Spain Central, because I had just moved to Port of Spain.

Mr. President, I also have very limited exposure to politics per se, to even election. The first time I voted in this country was in 1958. I believe I am senior to most of the Senators here. In 1958 I was 25 years old, and that was the first time I voted. It was not in a local government election or a general election, but it was the federal election. That was the first time I voted. The next time I voted was in 1966. I was not here in 1961. I voted in 1966 when there was the use of the voting machine. In 1971 nobody wanted to vote except very few people, and since then I have gone along that path.

I always look at what is happening, and I have never been happy with party politics as I see it. I have never been happy with all the palaver that goes with it, but it is a necessary process. The question of campaign financing has always been something which I cannot understand.

I looked at the Representation of the People Act, Chap. 2:01, and there is really very little to guide you as to where you are in this. There is nothing that relates to real campaign financing except how to account for the so-called election expenses, and there is a form to fill out. I know that looks like an exercise in arithmetic more than anything else. For general election you are allowed \$50,000. That is your limit to spend. I think it is \$5,000 for the agent. I do not know how they work it, but they probably work it backwards—this is what I am allowed and these are the bills that I present.

I do not know whether the Elections and Boundaries Commission (EBC) has any power to look at that matter. So, it is not a transparent process. It is like a routine which one follows as one goes along, but there is little doubt that a lot of money is spent in this country financing election campaigns for the different parties. Sometimes it goes to the extreme. Let us look at television publicity or advertising. That is a very costly part of it and you get that ad nauseam. I get so fed up of them that sometimes I do not want to see them again. So, somebody is putting out that money. I do not know who is that altruist that provides funds for election campaign financing in Trinidad and Tobago. People say that they put money for various reasons, and very seldom for altruistic reasons, they put money for hedging. They would hedge their bets this way, that way or the other way and we go along with them. I am all in favour of getting down to doing something about it.

I listened to the hon. Minister of Planning, Housing and the Environment, and I think she had a worthy contribution, but it was addressed primarily to what happens elsewhere—whether it is in Germany, the United Kingdom or the United States of America—but what we have here might be completely different, and this I think is what we are looking for by asking for a joint select committee.

It is not that we are going to be self-serving. If you say a special select committee then we are going to say that all of us who sit here are appointed by political parties and, therefore, most of us would not be self-serving. That is what the hon. Minister thinks and it goes beyond that. I believe that whatever is there can be distilled by a period of research into it, and this can be done by a joint select committee. Let us be fair, that it can be done by a joint select committee, given its terms of reference and some funding. If the Government wishes to extend the terms of reference beyond election campaign financing, then they should get up and say so. We cannot continue coming here week after week and have this discussion on election campaign. It might lapse in a few months if we keep going on like this. The Parliament will prorogue and it is going to lapse and we will have to start all over again.

As I said, I have very little I can contribute other than my perception that we have nothing in place and we are starting at base. Let us start by engaging what we have in Parliament. The joint select committee comprises Senators of this honourable Senate and Members of the other place, so let us get going on that. The agenda should be set with a term of reference and funds should be provided so that the committee can do the homework.



All these models that we are hearing about could be examined and we can take the best from all of them if we want to, and adapt them to our own circumstances. We cannot take anything complete, but we can take some things partially. We need really to do it our way. We do not seem to want to do it our way.

I would like the Government to come up with an alternative proposal or an amendment to the Motion which is before us so that we can decide which way we are going to go and do so sooner rather than later.

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

**Sen. Helen Drayton:** Mr. President, thank you for the opportunity to make a contribution with respect to this very important matter. The Motion is specific, which is for Parliament to appoint a joint select committee to consider a legislative framework to govern financing of election campaigns.

I listened to the submission of the hon. Minister of Planning, Housing and the Environment and I could not help but wonder why Germany was used as an example since their entire circumstances were so different from that experienced by the Commonwealth—a transformation that was so well motivated by economic circumstances. Certainly, two Germanys could not have been economically viable and the powerhouse economically that it is today and democratically so.

Let me also say that I see political party reform as a matter that might very well be necessary, but distinctly different from campaign financing. I also see party financing, which suggests ongoing maintenance of a political party, as distinctly and uniquely different from election campaign financing. Indeed, since we are speaking about democracy and the involvement of a wide cross section of the population, then the ongoing maintenance of a party, by and large, should be something which is subscribed to by the membership. The democratic health of a party can be gauged by the extent to which its membership is prepared to support it financially on an ongoing basis.

Let me also say that I endorse the Motion for a joint select committee and why. We are dealing with a democratic process and the parliamentary representatives were elected by the people through a democratic process and should be the best vehicle to achieve buy-in and viability of democratic transformation. I think it goes to the heart of what democratic governance is all about.

Let me now say that the process of citizens electing their representatives goes to the core of the democratic process. The systems and structures that underpin that process must be sufficiently robust in order to facilitate equality of opportunity, which is

something the Minister touched upon in the definition of democracy—fairness and the maintenance of integrity of our system. I believe that if the process is tainted by whatever means from the outset, then the process of governance would also be tainted by virtue of the fact that we run the risk of individual interest and individual moneyed interest taking precedence over the collective will of the people.

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

I think, as such, it would be more than remiss of those who have an opportunity to bring about democratic change or rather to strengthen the democratic process if we fail to do so, to promote behaviours that are in tandem with a progressive democratic society, especially when you are dealing with a society that is striving towards developed country status.

Now, I will not go into the pros and cons of implementing a framework, that is for a committee to decide, but I would touch upon a few matters within the context of our Constitution. Our Constitution guarantees us freedom of expression and, therefore, I think that the work of any committee should be underpinned by this philosophy and that the fundamental right of the individual citizen as well as the corporate citizen, who also has rights within the Constitution to fund any political party of their choice or an individual independent seeking office, must not be impaired whatsoever.

### **2.30 p.m.**

I think any attempt to do otherwise will be an unjustified one and an unwarranted attack upon the Constitution and the freedom of expression, and we are mindful of the fact that those freedoms laid out in our Constitution are subject to any cause, any funding, that is in itself not illegal or contrary to public order and security.

I also want to anchor my few comments in public policy which underpins the legal, moral, ethical and economic values that would bring a society together. As such, while values and allegiances would change, then it is law that would regulate behaviour or should do so in the interest of the public and in a manner that promotes justice, fairness, equity and integrity of the democratic process.

Mr. Vice-President, the process of democracy is a very expensive one in both tangible and intangible ways. This is why it is a subject that is so uniquely different from the ongoing maintenance of a party or reform of a party; there are a whole range of services that underpin an election campaign, and none of these

services come cheap, whether it is rental of office space, utilities, travel, administration and clerical staff and very importantly, the manifesto. And all this means is the ability of a party and individuals seeking office to have access to the additional means; means that are above and beyond the maintenance of the party on an ongoing basis.

In today's context, the soapbox stand, which remains a core method of getting your message across to members of the community, is no match for the all and total power of mass media communications, and which has the ability to permeate just about every nook and cranny of the society, and that is a very expensive proposition.

The current system in the context of the definition of a democratic society is exclusionary. This is more so given the widespread perception that an incumbent has major advantages through the use of both hard and soft money. Hard money is the money it is able to mobilize from amongst its membership as well as large blocks of donations from corporate and individual citizens. Soft money, we are dealing with benefits in kind, and of course, a vehicle that is quite legitimate.

It is the incumbent that would know the date of an election, and therefore an incumbent, a year or two years before, can be legitimately disseminating information with respect to its programmes, its achievements, all of which are geared to influence an electorate, and that is a major advantage. The major public issue that comes to mind—and the Minister and others certainly have touched upon it—is one of transparency or the lack thereof. The perceived and real potential for corruption comes out of the lack of transparency.

So, the heart of the matter is not so much limiting funds or how much funds an individual or corporate entity may wish to give, but it is rather the disclosure of such information. I think Sen. Prof. Deosaran, in his submission, adequately cited a very real example to demonstrate the issue, so I am not going to go into such details.

The major argument for the proposed legislation and the proposed Motion to appoint a joint select committee, is one of transparency; it is mitigating corruption, you would never get rid of corruption entirely; it is integrity of the democratic process. I think that the State has a major role to play in ensuring fairness through public policy that promotes less reliance on large blocks of funds from corporate donors. When you consider that it is the individual who is called upon to go to the polls to elect their representative and a government, and the large blocks of funds that are coming from corporate donors, who by virtue of

underwriting that mass media communications programme—it means that it is the individual who has the democratic right to vote, not the corporate citizen—but the corporate citizen has an undue influence on the outcome.

So, there are many issues to be looked at in the context of this very, very timely Motion. It goes without saying that donations from foreign entities should be prohibited and also donations from State controlled companies, which would include private enterprises, as well as special purpose companies. Then there are other certain institutions. The question must be raised with respect to institutions which have a wide cross-section of the membership of the public, such as trade unions, credit unions and publicly listed companies. I think greater inclusion of talent; the playing field needs to be levelled in order to bring about equality of opportunity and the benefits that we want to be derived from the democratic process.

In giving support to the Motion, I recognize that there are other issues, and of course, mention was made with respect to State funding. I think that that is something that needs to be aired and debated to a great extent, and while it is appropriate for individuals to voluntarily give to political parties, is it fair to the taxpayer?

I know many other countries in the Commonwealth have answered that question, and there is state funding, but there is a real situation, in that taxpayers support respective and different political parties, and will be called upon to fund a political party for which the strategies and the policies they may not agree with.

So, there are issues to consider, and again, as the hon. Minister rightly said, we cannot use somebody else's medicine for our ailments; we have to look at our own unique situation. Trinidad and Tobago is so unique in many respects in that we tend to behave differently from the norm, and that has a historic context. While we speak of levelling the playing field, the well-established parties, in any situation, will continue to have a major advantage, because a well-established party is not on a development mode, so the capital that it needs—a new party, a new individual and talent that this country so well needs, will be totally different.

So, we recognize that you want to have legislation and the intent of the legislation is to bring about equality of opportunity, but it could only go so far.

Third is the ability to enforce the legislation, particularly where state funding is involved, because with state funding you are likely to see a greater proliferation of parties, a proliferation of persons independent of a political party seeking office, and that is a matter that would need to be addressed.

Again, this is why I am saying that election financing is really a specific matter, totally different from party reform and party maintenance. The basic goal of campaign finance, what is it, if not to raise money to fund election campaigns? I think it would be in the best interest of the public and therefore democracy, if funding is available to contestants within up-to-date, progressive and appropriate legislative framework.

In closing, I believe that public policy should address the widespread view of influence by moneyed interest. Again, as I said, regardless of legislation, there would always be a perception of malfeasance and there will be suspicions on the part of the electorate; it is in every country of the world whether it is a democratic state or otherwise.

Such a perception of suspicion is not a bad thing at all in a democratic society. In fact, suspicion and skepticism actually act as a kind of defence mechanism on the part of a very vigilant electorate or citizenry. It is what actually spurs widespread criticism on the quality of governance, so that a measure of suspicion is necessary for a healthy functioning democracy.

No government or political party should ever be allowed the comfort zone by the citizenry in believing that their goodwill comes without a price, and a high one. It is the price of confidence; it is the price of trust respectively, and since no government or no political party would ever have the total confidence and trust of the entire electorate or even its own base, there would always be skepticism, which is a critical safeguard of our way of life.

What is important is that those charged with a responsibility of governance, both the elected government and the opposition—and this is why I endorse the joint select committee—is that together we have reached the juncture in our society where we are talking about developed country status and we have got to move beyond what has been the status quo. There must be a determined and sincere effort to preserve the very democratic process that brought them where they are. To do that, law and order must prevail and therefore, an appropriate legislative framework is most necessary.

I thank you.

**Sen. Dana Seetahal SC:** Thank you very much, Mr. Vice-President. I support the Motion before us and I support it for the reason that the current laws that exist in Trinidad and Tobago in relation to election expenses in the Representation of the People Act are outdated. They are outdated to the effect that for the last three elections in Trinidad and Tobago, I dare say, every single candidate—I cannot say for the very small parties—of the major parties would have breached the laws.

The law set in section 48 of the Act stipulates that no candidate should spend more than \$50,000 in the case of a parliamentary election in respect of the conduct and management of his election campaign. I cannot think that any candidate of any of the major parties in the last election in this country, did not spend more than \$50,000. If anyone can say that or claim that, we would have to give them a medal; a medal for speaking an untruth with confidence.

**2.45 p.m.**

Mr. Vice-President, it is clear from section 48(1), and I read this:

“No sum shall be paid and no expenses shall be incurred by a candidate at an election or by his election agent whether before, during or after an election on account of or in respect of the conduct or management of an election in excess of the amount of fifty thousand dollars in the case of a Parliamentary election...”

And another section provides that:

“no payment...shall be made by a candidate or by any agent on behalf of a candidate or by any other person at any time in respect of election expenses other than by or through the election agent of the candidate.”

So in other words, it is fully covered. You just cannot say the party is making payment because the Act says the election agent is the one who should be making the payments. So, the net effect of that is even if it is the party making the payment that is wrong, because they would be in breach of the Act.

If some individual says, “I am doing this for candidate Charles because I like him and I am going to buy so many mikes and hire so many buses and pay for so many roti, rum and pelau and whatever,” then he would be in breach of the Act. The Act specifically states at section—I have just read section 45, that the payments must be through the agent. I have just read section 48, which specifies the total amount.

Section 47 provides this and this is for the edification of persons who intend contesting elections and their supporters:

“(1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display;
- (b) of issuing advertisements, circulars or publications; or

- (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.”

In other words, it is only the candidate or his agent who can do this and persons authorized in writing by the agent. So, you should not have other persons saying, for example, “This ad is not the ad of candidate Charles or whoever, it is my ad”—I am just saying this—“I am supporting him”, because that is in breach of the Act. But how many times has this not been done? All sorts of radio stations and persons claiming to support different candidates, that has proliferated in our elections, and has anyone done anything about it? Not at all!

Under section 77 of the current legislation, where one exceeds the spending limit, this is an illegal payment and the penalty is \$15,000 and six months imprisonment, the maximum penalty. If other persons make payment—that is other than the agent or the candidate I just talked about—this is another offence, and if persons other than the candidate or the agent or persons authorized disparage other candidates or put out ads, this is another offence.

Mr. Vice-President, my point here is that I believe that in the last few elections, whether parliamentary elections or municipal elections, there have been major breaches of the existing law; that the law has been observed by the breaches; that in fact, no one pays any attention to these provisions and that would therefore be reason enough for the law to be changed; for this Part (IV) of this Representation of the People Act, to be deleted entirely and replaced because it is not followed and it is not enforced. No one has been charged that I know of under any of these provisions.

If we took out that, for the simple reason that it is ineffective and not enforced, what would we have? We would have a situation of uncontrolled financing where lobbyists and persons of influence would rule the day. We have heard talk of people spending \$100 million in support of one party or the other and matters of that kind. Could you imagine that? An amount of \$100 million, or \$70 million, or whatever, would it not be obvious that if one expends that amount of money in support of a party that one expects a return? If I did that, which I would never dream of doing, let me say right now, not even \$10,000.

**Hon. Senator:** Ten dollars.

**Sen. D. Seetahal SC:** I do not know about \$10, I might buy a roti. [*Laughter*] But in any case, with that amount of money you must expect—and what do you expect? Not just positions of power, contracts, you expect probably positions in the Government—which you would with support, let us say. I am not really referring to anyone here, but if it were an alcohol company in Trinidad and Tobago and persons

were promoting laws to control tobacco smoking for instance, you would want to ensure that there are no laws to control alcohol consumption so you would donate wildly—but within your budget of course, but still millions of dollars, because that is your livelihood, that is your lifeblood. This is the sort of thing that will happen, has happened, and will continue to happen. Therefore, the obvious is to have proper control. You have limits that are reasonably fixed and you have a proper accounting authority.

Now, there is talk of public funding. In the United States I recall during the recent election, the talk of the public funding and the refusal by the current President Obama, then candidate, because if he did he would have to do certain accounting, he would be limited to a certain amount and so on. So, what you do then, is refuse any public funding and therefore you can spend any amount that you wish. That is an option! Then we have the problem of uncontrolled again, so we have to look at all the benefits. My view is, if one were to have public funding and that is administered through the Government of the day, there will be a perception of favouritism.

Right now we have public funding of commissions of enquiry and there is a perception because the Government said it is not going to—and this is my understanding of whatever ministry—fund the continued appointment of one engineer in that commission of enquiry. There is a perception that this is some kind of political manoeuvring. So, how would it look if in election campaigning you have the public funding and it is under the aegis of the government of the day, if for some reason or the other there is some control or some restriction on certain funding where it is not approved—supposing the Government were to say, that, through that election agent, that person who did that work we are not going to pay for it. When I say the government I mean the government agency, not necessarily the Government of the day. Then the reason, the ordinary man in the street, everyone will say it is the Government because they do not want the Opposition, they do not want parties to oppose them, they do not want valid opposition.

So, Mr. Vice-President, public funding by taxpayers' money, and we all pay taxes, some more than others. [*Interruption*] Some more than others, and those who pay more taxes want, I think, more accountability and therefore I would like to know—

**Sen. Browne:** Say it to me. Say it to me.

**Sen. D. Seetahal SC:** Speaking for those of us who pay taxes—when we have money out there and it is being managed by whatever government of the day it is,



when you authorize millions of dollars to be spent in one way, you cut it in another, that it is done without fear or favour.

Thank you very much, Mr. Vice-President.

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. Vice-President, based on the comments that have been made in the debate so far, we believe that this is an important matter, however, the Government proposes to allow this Motion to go forward, because the matter was debated in the other place and it was not concluded. Therefore, all the comments that have been made relative to the merits and the demerits, is a matter for which there is going to be a lot to be said.

Our view therefore, is that we would, on this matter, abstain and allow for the Motion to go forward in its current form because that is the appropriate position we think for the matters that we are discussing here to be concluded.

[MR. PRESIDENT *in the Chair*]

On the last occasion it was not concluded and therefore there is no position from the elected Members of the Parliament on this matter and we believe that that matter should be concluded before any further action is taken.

Once that is concluded, however, we will in fact be bound by that. So, I just wish to indicate to this honourable Senate that the Motion as it stands we will not oppose. It has raised a number of issues but as you heard from Senators on our side, there are other matters that we must consider, but it is our view at this point in time that we would allow the Motion to go forward. Therefore, when the vote is taken on this Motion we will abstain.

**Sen. Prof. Ramesh Deosaran:** Mr. President, this Motion has been introduced at a time when there is really no serious controversy—visibly that is—over election financing. I have learnt over the years as a member of the university community, that whenever you make a proposal to prevent something, there is usually no drama, no excitement, because you are trying to prevent an event from happening. Except when the event happens, be it kidnapping, a sudden rise in homicides, everybody rushes to find a solution whereas prevention should have been better at the appropriate time.

For many years I have been speaking about regularizing the PH phenomenon and it went in one ear and came out the other. I am making the analogy because it is quite pertinent to what I would like to prevent happening with this particular Motion, but because of recent kidnappings by alleged PH drivers, there is a

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torrent of opinions and a rush towards legislation and regulation, whereas, if the warning had been heeded years before with all sobriety and civic commitment such incidents might not have arisen.

I make that reference—and I could do so in many other instances. It seems as if this country—this small, seemingly democratic country—has a relish for moving only in times of crisis, so you find coming from such crisis conditions, half-baked legislation which has to be overturned by the courts, legislation which we have to revisit as a Parliament, not only duplicating time and energy, so for all of these reasons I hope that this Motion does not fall in the ultimate end on deaf ears, be put on the shelves or by some kind of bureaucratic wrangling, it remains more dead than alive.

The day will come when there will be such a serious scandal with respect to election financing in this country, when there will be such severe character assassinations of people who contribute to election financing and then you would see what I have spoken about, a rush to legislate, to create dramatic effect in the public mind. That is not the way to run a civilized democracy; that is not the way to manage a country. You make laws that after due consideration seem proper to prevent such things from happening.

And as I listen to speaker after speaker, you can see the sensible proposals being made that we need to do something now. We need to do something now!

### **3.00 p.m.**

I want to refer briefly to some of the comments made by some distinguished Senators. I do appreciate the promise by the Leader of Government Business in this Senate, to have the Motion go forward. I hope that really means forward, because this is a country when you take one step forward, you also end up taking two steps backward, in many instances, some of which are our current concern today. We would expect, especially those who have supported the Motion—and let me, Mr. President, through you, express my deepest gratitude on behalf of the public as it were, not so much on my own behalf, but on behalf of the public interest, to those who have spoken so conscientiously, and so sincerely on having this matter move forward to its proper conclusion.

I hope the Leader of Government Business acts with dispatch as far as he could, and I do hope that when its goes to the other place, that the proper mechanism be put in place to ensure as I said, an appropriate resolution of this very important matter.

My colleague, Sen. Seetahal SC, made a point in a really graphic way. She wanted to give a medal to somebody who claimed that they have spent less than \$50,000. The implication is that possibly a lot of people who win elections, are unwittingly criminals and should be jailed if the truth be found about how much money they have spent. I know persons who have spent much more than \$50,000.

In the last election, when you counted the amount of advertising—to underline the importance and the urgency of this Motion—jerseys, pencils, cash distributed here and there to mobilize people, the use of microphones, cars, tents, trips, lunches, dinners, breakfasts—I almost said "breakfastes"; I am following the precedent—everything put together came up to an estimated \$200 million. That is fine. Nobody says as the Motion indicates, that money should not be spent to support election campaign. But what we are speaking about as Sen. Seetahal SC, Sen. Drayton and even Sen. Ali said, is what happens after the donation is given in terms of nepotism, in terms of undue patronage, leaving out other people who deserve such opportunities. It is called payback.

Payback is one of the most subversive elements in an open society. There are not all things we can control, certainly not, but we must as a Parliament in the public interest, demonstrate that yes, there are some effects made in that direction. Because from what the public knows about corruption in election financing, just by the basis of what they know and if we stand still and do nothing, the public will feel perhaps that this Parliament is really irrelevant. Very irrelevant! We must make ourselves relevant and this is one way in which we can undertake that challenge.

Sen. Rahman spoke quite passionately about persons holding political parties to ransom, through donations and financing they would have given to particular parties. May I say very early and very frankly, that if we had the required legislation for election financing to which some regulation of political parties would be attached, the fiasco we have in these existing political parties today would not have arisen. People could not misbehave and lay threats as they are wont to do in the present circumstances, if we had some regulation of political parties at election financing. Because for a person to boast, as Sen. Seetahal SC said, that he contributed over \$100 million to a particular party, that is a breadth of corruption. It means you are controlling the party not by the vote, but by the pocket. Those are the elements we want to remove from our democratic system, and it is more precisely from the election campaign system.

Then, hon. Minister Dick-Forde made some very interesting comments to which I feel obliged to respond. I will choose two. She referred one, in the first instance to 1997, the then Prime Minister Tony Blair extended the terms of reference

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with respect to election financing and so on. But the hon. Minister must also note that the biggest problem that Prime Minister had, came through irregularities in campaign financing, through an allegation that went to have him politically condemned, that he distributed national awards in order to get campaign finance. That is on the record. So if the things were cleaned up properly and the prohibitions put in place, Prime Minister Blair would not have gotten into such an embarrassed position. But for our purpose, Mr. President, the more important point she made was this.

I notice on the Government side, the Senators who spoke were three distinguished women, so I would feel constrained to behave as a gentleman in responding to them. There are issues that I would have liked to raise a little more robustly, but out of deference to gender, I believe, I would like to restrain myself. I have a feeling, Mr. President, that they would have liked to say something else than what they said, which is another reflection about whether political parties do justice to individual integrity.

**Sen. Seetahal SC:** Good point. Good point.

**Sen. Prof. R. Deosaran:** And when the issue of party politics rose in 1956, and the platform of the PNM went on integrity in public affairs, as I look around today and I refer to this Motion as a vehicle to establish and to achieve such integrity in public affairs, the country, the political historians and the political scientists should watch with deep concern as to where this Motion will end in the context of the genesis of the PNM, with respect to integrity in public affairs.

The hon. Minister said that a joint select committee is not the preferable route, and I was waiting to hear the reason. The reasoning she gave, broadly speaking, briefly, was that a joint select committee will not embrace a wider society, but I want to refer to what a joint select committee as the one proposed can to do. This committee under Standing Order 71A(5), can send for persons, papers and records; it can make its own rules; it can have meetings all over the country. It calls for opinion of all kinds. It is a mechanism, an appropriate effective mechanism, if you want to use the Parliament properly, to elicit and solicit a wide range of views from here and hereunder. I therefore refer the Minister respectfully to Standing Order 71A. Without saying more, we have instruments to use and they are available.

In fact, Mr. President, there are a lot of fiascos that could have been avoided in this country and I should not have cause to bring a Motion to deal precisely with election financing. If our Parliament was functioning quite properly and faithful to the Standing Orders, if our Senate was functioning properly in

accordance with the Standing Orders, we would have had under 72(1), a Constitutional and Legal Affairs Joint Parliamentary Committee. It is stated here as Parliamentary Senate Standing Orders. In fact, this whole fiasco again with Clico/CL Financial could have come under another parliamentary committee, under the Banking, Finance and Estimates Parliamentary Committee.

The point is, we are not using the instruments that are available properly and we keep engaging in redundancy, duplicity and a waste of public taxpayers' money. That is why I say, select a joint parliamentary select committee, do its work with dispatch, which it could do if it is serious about managing a country, and report in six months.

Sen. Ramkhelawan raised some very pertinent points as to who will contribute, and what checks and balances can you put. Of course, I will not exhaust the points because I expect the select committee to do some of the work.

I was intrigued by Sen. Dr. Charles' explanation as to why when the NAR came it had to indulge in such a flourish of advertisements and expenditure. I remember the use of a baby in one of the pictures that proved to be very effective. Sen. Dr. Charles' argument was that you had to dig very deep in order to remove the PNM from the trenches, and one technique was wide coverage of advertisements: flags, banners, jerseys, a phenomenon from which we have never recovered. On the contrary, the flourish is being accelerated.

Sen. Tina Gronlund-Nunez and Sen. Laurel Lezama, I get a feeling again, that what they really wanted to say in the public interest, they really did not say it as they wanted to say it. Except that they accept the Motion, but not in its present form and without telling us in what form would you like it.

Mr. President, for the record, because I have a strong suspicion that in years to come as I said before, the political historians and the political scientists and even the criminologists and social scientists—because this is a matter like the prevention of corruption, this is a prevention of corruption Motion—they will look back at this debate and some of us would like to make sure the records are kept clear as to who stands where and who stands for what.

There are several letters to the Editor on this matter of election financing and political reform, but in the *Newsday*, March 09, 2009, page 12, there is a letter headed "Political financial reform" and it is written by Kelvin C. James Sr.

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"The time may be ripe for political financial reform legislation for TT. I say this in light of the threats made by Mr. Jack Warner about withholding financial support of the UNC-A.

In my opinion, no political party should allow itself to be put in such a position."

That is my point. No party should put itself in a position where one man could highjack—not Ramjack, highjack—the party with his pocket. Truly, the gentleman should be congratulated for helping, but sometimes the road to hell is paved with good intentions, such as what we are witnessing today.

**3.15 p.m.**

It goes on to say, however:

"Given the current political climate in TT, I do not see this happening anytime soon."

Our job as a Parliament, not as politicians, but as parliamentarians, we should try to remove this kind of skepticism from the public mind; to build confidence in our institutions. This is yet another objective of this Motion.

If the PNM twiddles its thumbs, dilates, moves around and delays, I do not think history will be on their side, not this time. You have many important contributions in terms of democratizing this country; a particular one is when the PNM decided to remove the power of appointing service commissions and the chairmen of such commissions from the hands of the Prime Minister, on to the President, with some consultation between. Another one, and we will keep on celebrating that decision, is that you have allowed Parliament to have its proceedings broadcast live; this is another challenge, in the name of democracy, that you should not allow to pass you by.

Sen. Mark, in typical fashion, warned the Government against using public agencies like WASA, T&TEC and TIDCO for electioneering purposes; I leave that there, except to say that we should remove all those suspicions from the table; let us have what Sen. Drayton called transparency, so we will know who knows what, who does what, how and where. Nobody is stopping you from financing election parties and candidates, but we want some more decency, we want some more transparency in the process.

Sen. Baptiste-Mc Knight was quite forthright with her knowledge of how the Elections and Boundaries Commission functioned, having been a member there, and pointed out the very measly amounts given to candidates and their agents, and

the discrepancies therein, again compelling us to save the politicians from themselves, because all politicians break the laws unwittingly—[*Interruption*]

**Hon. Senators:** All?

**Sen. Prof. R. Deosaran:** Is it a confession?

They break the laws unwittingly by overspending what the regulations require; that is the point Sen. Seetahal SC made. We have to be careful that we subscribe to the law and do not produce invoices that really do not reflect the actual expenditure incurred. That is the whole point about this. This Motion is not to accuse, it is to prevent any corruption from taking place.

Mr. President, in 1999 the Commonwealth Heads of Government met in Durban in South Africa at a conference just as the one we are going to have. [*Interruption*]

**Sen. Narace:** Would you just give way for a second?

The point you were trying to allude to was all elected representatives; you said all politicians, in terms of overspending.

**Hon. Senators:** That means you too.

**Sen. Prof. R. Deosaran:** Thank you; that is a good point. [*Laughter*] There might be an element of self-incrimination here.

**Sen. Piggott:** We are trying to help you.

**Sen. Prof. R. Deosaran:** In referring to Sen. Seetahal SC's comment, she did say "elected politicians".

It is not to scandalize or accuse; we know what happens during an election. You cannot fight a seat like St. Joseph, for example, those marginal seats, and say that you are going to follow the laws of the Representation of the People Act; it is quite difficult.

That Commonwealth Heads of Government conference in 1999 passed a resolution among themselves, asking that all Commonwealth countries develop a national strategy and legal framework on the funding of political parties and election. I am hoping that when the Commonwealth Heads of Government meet here, this PNM Government should be ready to present to the Heads of Government their intention, in compelling form, to subscribe to the 1999 declaration in Durban by the Commonwealth Heads of Government.

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You would be celebrated and admired. For those who do not have such framework yet, you will be emulated; so there is much to gain from this. That is what I said earlier on; do not wait until there is as big scandal, character assassination, "bobol", fraud, in terms of some election campaign, for us to move, as we do with so many other matters. Let us seize the moment and the goodwill that there is. Coming as a Motion does from the Senate, there is great virtue in it. It is removed from any possible squabble, any self-serving postures, as Sen. Dr. Dick-Forde said; it is a more quiet form of consideration, so we can now send it down to the other place and hope that such consideration be emulated and a proper resolution develop.

We know that we are not elected Members. We know that the voices of those who are elected should have a say in this, and that is why we ask for a joint select committee. We here can raise the issues, principles and urgencies and make comparisons with other countries, and to the benefit of the select committee in which the elected representatives should have a rightful say.

All over the Caribbean—and I do not want to repeat what I said earlier on—Jamaica, even Grenada and St. Kitts, do you mean that they are going to leave us behind? Are we going to appear as a Mickey Mouse, but rich country, compared to these other islands, states? They are moving forward in this respect. We are just trying to encourage the Government to do what should be done.

I have heard some remarks about Germany and other countries, and I welcome the information; it is helpful. I am quite sure when the select committee meets—I am not saying if it meets, I am saying when it meets—I hope the Government keeps its promise.

There was a Bill introduced in the House of Commons in December, 2008, just last year. It is called the Political Parties and Elections Bill. Clause 4 says that this Bill is to:

"Put in place arrangements to improve the transparency of donation to political parties."

So if our Westminster system came from the House of Commons and the House of Lords, does this not encourage us to do likewise with expeditiousness? Certainly it does; no matter what Germany might say. In fact, the European Union is moving as well. I wish not to belabour my point and to press your patience by referring in too pedantic a manner to all these references.



There is another one, "The Review of the Funding of Political Parties, An Interim Assessment, October 2006", by the British Parliament, both Houses. The cost for this is £18 pounds. Here I must acknowledge the kind assistance, in lending me this document, of the Clerk of the Senate, Mr. Neil Jaggassar. It speaks on a certain page about the role of parties. Without reading it out, just to give you a gist of what it says, it suggests that the public in Commonwealth countries, and they call some names, are frustrated and fed up with party politics.

The first line reads:

"For many people party politics is a turn-off."

When you really witness what is happening in this country with party politics, it really is a turn-off. It is not so much for those who are inside the party, but it subverts the growth of democracy by attracting other people, especially young people, into political parties, and that is a dangerous situation. Just as your democracy should grow and evolve, so you want a fresh wave of success in these parties, which is what you are not having; except I see some semblance of it in the PNM. You need some succession.

The document continues:

"There is widespread disenchantment with party politics, not only in the UK but in many other democracies."

And it cites those democracies. It is called, "The Review of the Funding of Political Parties, An Interim Assessment, October 2006", published by the British Parliament. We can go on; there are several other similar documents.

Sometimes I wonder, to be frank again, and for the record, because this debate will be revisited. The political scientists of this country and those who write about democracy, the Westminster system and accountability—this debate will have to be revisited. I perused the contributions made in the other place when a similar motion, not identical, was presented. There was no resolution, but this debate will be revisited. So it is important to keep the record clear, as I said, to show who stood where.

I sometimes wonder, because you are mashing a lot of corns in this Motion; you are encroaching into the realm of very powerful lobbies in this country; people who contribute heavily to election financing and expect a fair return, as Sen. Seetahal SC pointed out. Those powerful lobbies could steamroll over persons like myself, without anybody coming to my rescue—the sectoral groups, the different interest groups. That is why we have to rely on our Parliament, transparency, and hope that the debate here aroused the public interest so much that it will help to ensure that this Motion finds the appropriate resolution.

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Even in the privately owned media you have businessmen on boards, directors who belong to companies that contribute to election financing. That is no secret. I once interviewed the CEO of a conglomerate in Trinidad and Tobago; I will not call his name. I asked him, "Do you contribute to this party?" He said, "Yes, we contribute to both parties." He did not last long though, because I had an interview programme on TV6 some years ago and I interviewed the CEO. I posed that question to him, and for some reason, I am not saying for that reason, he did not last too long as CEO in that conglomerate; then I heard the story why afterwards.

**3.30 p.m.**

Anyhow, that is a passing but enlightening reference to show you how sensitive this issue is. I hope the editors in the media play their responsible role and not be tied down to the pressures that other people have in reporting in this matter of election financing. I understand the powers behind the throne but we need, as Sen. Drayton said, some transparency to remove from the shadows what should be brought to the light to deepen this country's democracy.

All of us know—I am quite sure you are quite aware of that—this is a country of rumour-mongering and character assassinations and I wish to repeat what I have said. This Motion is, in a sense, a prevention of corruption Motion, that is, it will put in train—it will create a framework so that people will not fall into the trap of undisclosed donations; they will not fall into the trap of being accused of making donations and getting undeserved returns and matters of that kind.

So all in all, I wish to thank the speakers who have contributed; those three Senators on the Government side; the Leader of Government Business in the Senate; the Independent Benches, those who have spoken; Members of the Opposition, and for your patience in listening to us. I hope the public interest in this matter is deeply aroused because in the end it is in the public interest and in the name of a democratic society.

Thank you very much, Sir. I beg to move. [*Desk thumping*]

*Question put.*

*The Senate divided: Ayes 14*

AYES

Mark, W.

Nanan, Dr. A.

Charles, Dr. C.

Kernahan, Dr. J.

Rahman, M. F.  
 Oudit, Mrs. L.  
 Deosaran, Prof. R.  
 Seetahal SC, Miss D.  
 Ali, B.  
 Ramkhelawan, S.  
 Baptiste-Mc Knight, Mrs. C.  
 Drayton, Mrs. H.  
 Merhair, Miss G.  
 Anmolsingh-Mahabir, Mrs. P.

*The following Senators abstained:* Hon. C. Enill, Hon. Dr. L. Saith, Hon. B. Annisette-George, Hon. M. Joseph, Hon. H. Manning, Hon. A. Piggott, Hon. J. Narace, Hon. Dr. E. Dick-Forde, W. George, G. Hadeed, L. Rogers, Miss L. Lezama, Miss J. Melville, Hon. T. Gronlund-Nunez.

*Question agreed to.*

*Resolved:*

That Parliament appoint a Joint Select Committee to consider establishing a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment.

**WATER AND SEWERAGE AUTHORITY  
 (RETENTION OF SEWERAGE FUNCTION)**

**Sen. Dr. Adesh Nanan:** Mr. President, I beg to move the following Motion standing in my name:

*Whereas* the operations of the Water and Sewerage Authority are vital and indispensable to the good health and welfare of the people of Trinidad and Tobago;

*And whereas* the Water and Sewerage Authority and its functions are provided for by Parliament;

*Be it resolved* that Government take all the necessary steps to ensure that the sewerage function of the Authority remain entirely and solely the responsibility of the Water and Sewerage Authority as provided for in law.

*WASA Sewerage Function*  
[SEN. DR. NANAN]

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The very premise on which the WASA Act of 1965 came into being was based on a World Health Organization Report which specified the need for the integration of these services which include water and sewerage and is of paramount importance. It is a backward step for any transformation plan by the Government to consider separating water and sewerage. What will we have if such a plan goes ahead? Will we have two bills, one for water and one for sewerage treatment? Is there going to be another increase in rates? Are we going to see poor people suffer once again under the present Government? We have to ask the question: Who wants to get their hands on water and sewerage?

What about the workers' rights? What about the workers of WASA? What about their retirement benefits? Would they be transferrable? We ask these questions in the context of the present environment of hiring and firing by the Government, as we have seen recently with a police officer and the Assistant Commissioner of Police who set up a tribunal and there is no appeal mechanism so the officer has to go to the High Court. This sends an alarm signal. The other question is: Does SWMCOL have the capability to handle the job? Those are the questions that have to be asked if there is any consideration of separating water and sewerage.

We have to examine the role and function of WASA. WASA plays a vital role in our society today, because we recognize the importance of water and with the varying climactic changes we cannot predict the situation in the future with respect to our water reserves. It is in this context that I want to examine the situation with our water reserves, because the United National Congress administration was vilified for having the idea and bringing into being a desalination plant. They said it was utter madness on the part of the UNC administration. But today, the Government has flip-flopped and now it is considering building more desalination plants.

We know of proposals with respect to the Government's thinking when it was in opposition with respect to the utilization of our natural resources and the situation of the heavy rainfall in north Trinidad. But when you look at the pollution possibility of our ground water, we have to ensure that there is no separation of water and sewerage because they are inextricably linked.

We must have rigorous control when we are dealing with our water supply, because there are many water-borne diseases that can be transmitted very easily. If we are considering making the best use of our water resource—and that is domestic water—we have to ensure that if we use the following waste water

treatment for recreational facilities or for agricultural use, that that water has been properly treated and cleared for usage in those particular areas.

It is in this domain that we have to look at situations as they exist now. If we look at the situation with the greenhouse gas, methane—I just want to look at a typical example of any household—you would see that the waste water, whether it be from the toilet facilities, wash basins, or whatever it is from a domestic household, is treated in a particular way in a household and there is a runoff septic tank.

If the planning of a particular building does not include pipe sub-venting of gases from a septic tank, you can have an explosive situation developing because of the methane gas. That is why, whenever a building is being constructed, the local government authority must give clearance with respect to the design to allow this gas to escape. Because if, God forbid, there is a situation where there is a problem with a septic tank and methane gas builds up there, you can have an explosive situation at that particular contact point. It is not only with respect to the domestic situation, methane gas is also in our sewers and we have to be very careful when we open manhole covers and smoke around those areas with respect to this particular gas.

As I speak of methane gas and the gases in our waste water, we also have to consider ammonia, because ammonia can dissolve in water and because of our industrial thrust it is very important that we manage our waste water in such a way that when we have that particular gas released into the environment, it does not contaminate the environment. Because in our industrialization thrust we can see a situation developing where, if we are not careful, we could have pollutants entering our water systems and these pollutants can vary because of the industrialization thrust.

There are various chemicals that are listed that can have toxic effects if entering our water system. If you look at the dangers of waste water, a large concentration of organic material can have a dangerous effect, because to break down this large quantity of organic material you need a certain amount of oxygen, and if the oxygen consumption from the water is utilized by the organisms, you will have a situation where aquatic life will not be sustained and you can have fish kills.

If you look at the situation with respect to pesticides and herbicides and even from dyes, these again can be toxic to humans. Even if it is not toxic to humans, you still have a situation where it can be, what you call, phytotoxic, so it can affect aquatic life or it can be taken up in our fish stock and make this particular fish stock unfit to eat.

So we have to look at the dangers of these chemicals in our waste water. Even if we look at a simple thing like oil and grease coming from our various restaurants, we have to look at the situation of if this particular oil and grease goes into our water systems, it can coat the surface of the water and you have a situation where you will have starvation for oxygen.

The heavy metals, because of our industrialization thrust, can range from arsenic, cadmium, chromium, copper, lead, mercury, zinc and, again, as I said, if not toxic to humans, they can be phytotoxic and limit this particular waste water for agricultural use. That is why we have to be extremely careful when we are dealing with release into the environment of waste water. Even drinking water can be contaminated by waste water and what is important here in terms of the pollution element is we have to control the pollutants in waste matter that enters into our rivers, streams and even our oceans, because it comes back to haunt us.

**3.45 p.m.**

This particular situation can be developing. Let us say, for example, if they divide the authority and there is a water supply agency and SWMCOL is handling the waste water aspect, the agencies must work hand in hand. We cannot see SWMCOL having that capability to look at waste water treatment in such a way to ensure the health of the nation. We have seen the failure of SWMCOL to manage the landfill and recently, CEPEP was removed and a company has been formed. It shows the track record. When SWMCOL had to manage the Beetham landfill and Forres Park landfill, there was extreme difficulty.

To control fires on these two sites was a major problem and there was hardship to the commuters and citizens in these environments. Now we are going to see that SWMCOL has to manage waste water from industrial sites throughout Trinidad and Tobago and these new housing developments. This is unsatisfactory. The Government is threatening the health of the population. The Minister of Health should be against this proposal. When you are dealing with water supply you are not dealing with one individual but the entire population.

If we take a simple example as the Maracas Bay situation, where, if you would recall the Maracas River was feeding water into the Maracas Bay, pollutants were coming down the Maracas River because of the situation of people squatting along the river. Fecal matter was entering the Maracas River and the entire area was being polluted. You could have tested the water and seen the fecal coliforms. I heard someone say that WASA is not working.

I am putting the proposal. It is a management problem. If you read any report you would see allegations were made about square pegs in round holes and people in WASA were placed by the PNM. That is what people were saying. I drew that example to show how a simple situation like that could pollute an entire environment.

When we look at the tourism aspect and the beaches, it is a whole different debate with respect to pollution. I will stay within the confines of WASA and waste water. I drew that example to show what would happen. The water has to be tested. The matter of testing the water around our shoreline is being handled by the Institute of Marine Affairs.

With respect to the waste water treatment, if you look at the historical perspective with respect to sewerage treatment, you would have seen what existed before 1965. You had a number of agencies involved in water. There were 11 bodies dealing with that particular area as the Oil and Water Board, the Ministry of Agriculture, Works Department and County Council. Eventually, water and sewerage were handed over to the Port of Spain City Council. At that time, there was a situation in which you wanted to go back. A retrograde step is taking place here. The services were separated. It was seen in the World Health Organization Report that developed countries went that way and paid very little attention to waste water management. In 1965, the World Health Organization Report was warning developing countries not to go that way; put the two bodies together and deal with waste water because the water supply is critical.

I will give an idea of what can happen. In 11 of the last 12 years, the earth has been at its hottest. If there is any increase from .2 to 6 degrees, you can have an 82 feet rise in sea level in terms of climate change. I brought in that because of the varying conditions. Who would have thought that New South Wales would have been 91 per cent dry now? Africa is already facing serious drought. Someone pointed out that the third world war might be fought over the issue of water. That is how critical it is. That is because of the situation with climate change. It is because of the industrialization thrust. We cannot create rainfall; we have to utilize what we have. Some of the reports say that in terms of utilization of our ground water supply, we are 80 per cent.

When the UNC administration had to supply millions of gallons of water—because of the industrialization thrust at the Point Lisas Industrial Estate, water was being diverted. The Caroni Arena Dam was supposed to supply water to south and central. That water was being sent to Point Lisas and there was a shortage in the central and south areas. You were sending potable water to Point

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Lisas Industrial Estate. The UNC administration looked at the situation and there was no plan on the drawing board by the previous administration for any improvement. They had to utilize whatever was at their disposal in terms of the time frame and demand.

When the idea of desalination came about there was strong objection on the part of the PNM administration. They started to compare the Barbados desalination plant. After the idea, they realized that it may have been a good idea. There was a comparison between the Barbados desalination plant and the Trinidad and Tobago desalination plant. The money spent for the Trinidad and Tobago desalination plant was four times that of the Barbados desalination plant. I will get to that later.

I will deal with the issue of the heavy rainfall in Trinidad. The PNM administration said that we could tap at the end of the Caroni Swamp and have a reservoir. Millions of gallons of water can be obtained from that area. That was your administration. If you check *Hansard* one of your ministers said that. They put forward a proposal. It was coming from the Caroni River, Cunupia River and Bejucal Drain. Those are the feeders that come into that particular area. It was millions of gallons of water. It was said that that would be utilized for the Point Lisas Industrial Estate. They said that we did not need desalination and it was a mad idea. If you look at Trinidad and Tobago we have so much water, why do we need a desalination plant?

Let me give you some figures because we need to know what is happening at the Point Lisas Industrial Estate. They are utilizing 3 million gallons per day. For the conversion of one tonne of urea methanol or ammonia, they are utilizing 428 gallons of water. This particular water is not feedstock; it is for cooling. They have to be guaranteed a supply. I am sure that the Minister in the Office of the Prime Minister is aware of that. There is a line from WASA to the Point Lisas Industrial Estate in case something happens and they need a supply from WASA.

What is important is that the water from the desalination plant is so processed that even if they use the water from WASA from that particular feed, they will have to demineralize it. That is how fine-tuned these plants are in terms of their requirements.

When we heard the comparison between the plant in Barbados and that of Trinidad and Tobago, there was a total difference. There was a view that because we are sitting in the mouth of the Orinoco, much silt is coming into our area and we should have brackish water. Why is the cost going up because we have to utilize water from that particular area? They had to point out that there was much



oil and silt in that particular area. That is why the cost has to be different. When they compared the Barbados plant and this one, the Barbados plant was built on coral near the sea and this plant would have to be pumped to the particular plant. Those are costs to be factored in.

If we look at the aquifers in terms of the ground water source, and I said 80 per cent usage, we would recognize that the history shows that they had the city councils before the Act came into being. The councils were utilizing ponds, wells and springs as water sources for the citizens in the municipal areas. The question of safety had to be asked because many times they would have been using water from wells and there would be water-borne diseases. We have gone past that in terms of our distribution of water, but we still have to be careful.

From time to time, in rural parts of Trinidad, we see people protesting for water. We see photographs being taken of people going back to springs, wells and ponds for water. It was so before and now we have gone so far back. Under the present administration, we still have people utilizing those areas which should not be. I am sure that if the UNC administration was in power, by now we would have had water for all. We would not have had this fiasco with respect to water distribution. To make things worse, the poor citizens have to go to these various sources to get water.

#### **4.00 p.m.**

There is a truck-borne system in the various rural communities and now you are cutting the allocation for water distribution. What will happen to these poor people who rely on a truck-borne water supply because you have not been able to deliver water? [*Interruption*] I am just reminded that you are spending \$6 million for a two-day summit.

What about flood control? That is another way people suffer. Flooding will put more pollutants into our watercourses. In terms of the Government's plan, we have not seen any policy document or anything laid before Parliament with regard to the secret move by the Government to separate water and sewerage. There has been very little consultation on the matter; it is coming like a thief in the night and people will have to accept it.

The reason the Motion was brought is to open the eyes of the citizens. This Motion is brought for all the people who are suffering right now with respect to an inadequate supply of water. It was foresight by the UNC because, not only were

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we putting a desalination plant in place for Point Lisas, south and central, at the same time, in the draft water pollution rules, we were dealing with water pollution in one aspect, reducing the pollutants that were going into the watercourses, giving more water to Point Lisas and freeing up water to the south and central. The present administration kept the draft legislation for years and would not bring it.

Several questions can be raised with respect to that matter. What interest does the Government have in waste water? We can only see it in terms of a monetary value of someone. That is why we put that question. Who wants to benefit from water and sewerage? Certainly not the population! They have starved WASA for funds. Mr. President, we have 3,900 kilometres of transmission and distribution lines and it will take almost \$1 billion over ten years—I have the figures here: 100 miles a year over a ten-year period for our transmission lines to be upgraded. That is what the projection was—and we have what is called “unaccounted for water” because of leaks. When we factored in the unaccounted for water, we had to go for the desalination plant, to have a greater supply of potable water.

In terms of the infrastructure for transmission and distribution, under the PNM administration, how much of this system has been upgraded? We know that under the UNC administration there were the north and south water projects and we had that upgrade, not only of distribution and transmission lines, but the Navet Dam. We cannot see any improvement, under the PNM administration, in water distribution.

We had reduced the allocation to local government bodies, but they have put nothing in place in terms of improving the water supply. The Minister of Public Utilities is a failure with respect to water distribution, the Minister of Public Utilities with respect to waste water and the Minister with responsibility for the environment should also be made to account. What is strange is that the same PNM, when there was talk about the Beetham water treatment plant—I was placed in the Ministry of Planning and Development at the time under Minister Lasse who was responsible for environmental affairs—were against that because they said it was supposed to be with the Minister of Public Utilities. How can they now turn around the whole thing and say it must be outside public utilities. They are flip-flopping.

The waste water treatment plant was again a concept of the UNC because we recognized that there is a mile or two of sewerage in the Gulf of Paria that was there for aeons under the PNM, but they did nothing about it. Now they want to separate water and sewerage and fire all the workers of WASA who deal with sewerage and put a new batch under SWMCOL, another failed enterprise.

Mr. President, we have to examine our transmission lines. Another area of importance is the close network between our transmission lines for water and our sewerage lines. God forbid that there is a leak and our sewer gets into our water! There has been that situation in other countries where there was an epidemic with typhoid fever. With so many leaks on our transmission lines, we have to be extremely careful with respect to this particular situation developing. That is why we are saying that water and sewerage must remain under one authority because of the closeness with respect to the actual infrastructure.

If we examine our soil with respect to our aquifers—this reminds me of the Chatham aquifer where they were to locate the smelter and hydrogen fluoride gas. This could go into the environment, dissolve in water as hydrofluoric acid, get into the Chatham aquifer and contaminate the entire aquifer. There will be no water that can be utilized there. That is the kind of thinking.

It is the UNC administration and UNC-A that opposed that plan and, thank God, I do not know if they have shelved the idea or if they intend to continue if they get another partner. We plead with the Government not to pollute the Chatham aquifers.

If we look at our landfills and these aquifers and where they are located, our island is a small one in terms of acreage and we have so many tanks storing diesel and gasoline. We can easily have leakage into our aquifers. That is why there was an upgrade of these particular tanks; to make them double-walled so that you do not have that contamination of aquifers or brown water. There has to be a master plan that we have not seen in terms of the coordination of the various ministries as well as agencies. You cannot have a haphazard approach to the management of water resources. It is too vital a commodity. It has to be done in a streamlined approach when dealing with water.

**Sen. Dr. Saith:** [*Inaudible*]

**Sen. Dr. A. Nanan:** There was. There must be that particular situation. When you look at all the various areas, the main part is contamination of our water supply. If you do not control the pollutants in our waste water, you will have contamination of our drinking water. How much chemical will you utilize? You will have to use more and more chemicals to reduce the pollutants. Of course, the organic compounds will increase as we industrialize. We will have a situation where we have no fish stock because we will have crystals all around the island when there are pollutants entering the sea via the rivers.

It was like that in 1965 and there was an industrialization thrust in terms of how far. Thanks to the visionaries here who saw that the industrialization would

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be taking off, that particular conceptualization was realized in terms of putting everything under one authority. [*Interruption*]

I do not think it was the PNM visionary; it was driven by a World Health Organization report. If you do it, there would be an epidemic. You had no choice. It is the report because there would have been a major epidemic. If you are not paying attention—and they specifically pointed to the developed countries; it was happening in the industrialized countries; they did not want it to happen in the developed countries—that was the driving force; not the PNM vision. It was a global situation in terms of the World Health Organization driving the process. If the World Health Organization has a report now that says that developed countries must continue to keep one authority to deal with water and sewerage, the Government would have no choice. It is not a vision. In fact, you may have to eliminate your vision, which is to separate them.

I cannot see how the Ministry of Health could allow a situation like this to exist—where there is going to be a division of water and sewerage. They cannot condone that. The Minister is on record as saying that there would be better conditions in our hospitals. They would have an epidemic because of the situation developing of so many pollutants in the various rivers and streams. A lot of our recreational facilities would be marginalized.

**4.15 p.m.**

We are not going to have any of those recreational facilities anymore, and people will not be able to utilize any of our rivers to have “duck limes” and so forth. That is not going to take place anymore, because of pollution. As we industrialize, we must have a policy that says that we are having industrialization. I am not saying to stop industrialization, but we have to limit the kind of carbon dioxide emission that is coming. I am going to deal with that matter at another time, but that is another factor that has to be considered when you are dealing with the climate.

Now, getting back to the issue of health which is paramount, I see all systems are in place for two days, but what is going to happen after the two days? We will have a situation where we cannot get any ambulance. We will have a situation where people will be asking the Ministry of Health for assistance and they will not get anything. That is how we are going to continue to go. The bed shortages will continue and the Minister of Health is going to keep opening small health centres here, there and everywhere, and have a programme here and there to fool the nation. The health of our nation is critical. Apparently, in terms of public

relations, the Government is making very little improvement in health. We only have 1.3 million people. We do not have 100 million people, and the Minister cannot deal with 1.3 million people. *[Interruption]*

Mr. President, what is interesting is that there are so many examples to look at in terms of countries that have made progress in health. One minute they are sending back the Filipino pharmacists and the next minute they are bringing in more pharmacists. They have no plan. We are going to have a situation where there is going to be a shortage of nurses. Yes, you are training some, but you are going to come and say that there are no nurses in our hospitals. You have not renewed contracts for patient care assistants. What are you doing there? In fact, you might be the very driving force for people to remain healthy, because they cannot afford to get sick in Trinidad and Tobago. *[Laughter]* That might be the only reason for people to adopt a healthy lifestyle and that is because of the situation in the Ministry of Health. *[Interruption]*

This debate has to revolve around health, because water is essential for life. There are many water-borne diseases. You have cholera, typhoid and gastroenteritis. All these diseases are going to target the younger children. If the Ministry of Health cannot accommodate this kind of load when these situations develop, because of the SWMCOL fiasco, what is going to happen? All the children are going to die. The Government must not put the children of Trinidad and Tobago at risk. The Minister of Health must put his foot down. The Minister must ensure that the Water and Sewerage Authority remains under WASA. You must ensure that. If you say that you care about the people of Trinidad and Tobago, then you must ensure that, because the health of our nation is paramount.

The summit will come and the summit will go; the cruise ships will come and the cruise ships will go. In fact, I understand—I do not know if it is true—that a number of government officials are going on the cruise to Margarita and Curacao free. Somebody asked me if I will be going. *[Laughter]* That is what I heard. I do not know. *[Laughter]* We have to be very careful with epidemics on cruise ships. I want to warn the Government to be very careful when they go on these cruise ships, because there could be one little incident and the entire Government could miss the summit. *[Laughter]* So, be very careful. Just be mindful of that. I do not wish that upon you all, but be very careful. In fact, the Minister of Health should ensure that particular situation does not develop. The Minister should take all precautions there. As I said, the summit will come and the summit will go. We may be better off in terms of our foreign relations, but in terms of our actual health problems we will not be better off.

WASA Sewerage Function  
[SEN. DR. NANAN]

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Mr. President, do you know what really annoys me? If I go to education, well that is another situation. The Minister does absolutely nothing in that ministry.

**Sen. Mark:** Hazel should go back!

**Sen. Dr. A. Nanan:** I would really want to suggest that the Minister of Local Government goes back to the Ministry of Education.

**Sen. Mark:** Go back Hazel! [*Interruption*]

**Sen. Dr. A. Nanan:** I did not think that anybody could have been worse than the Minister of Local Government, but they have put somebody there who is worse than the Minister of Local Government. [*Desk thumping*] Our children are not only at risk in health, but also in the education system under this present administration.

**Sen. Narace:** What about the child who was beaten at Rienzi?

**Sen. Dr. A. Nanan:** In every budget the Ministry of Health and the Ministry of Education get large allocations but, what is happening? Our education system is tumbling and our health system is no better off than it was before. Billions of dollars are being spent in those ministries, and the system is overloaded for our children. Why should our children have to suffer at an early age under this present administration in terms of the education curriculum? Why? This should never be. We should be intelligent thinkers. Children are being stifled at the primary school level, but I am going to deal with that matter at another time. [*Interruption*] I am sorry that incident took place, because the health centre probably could not accommodate that particular individual, if it did happen. I do not know.

I want to deal now with waste water, the dangers of waste water and mismanagement of our waste water. The Beetham Sewerage Treatment Plant would reduce the amount of pollutants going into the Gulf of Paria, but we still have other sources in the San Fernando environment, especially in the Palmiste area. The Government said that it is going to put a functioning sewer treatment plant in that area, and for years nothing has happened with respect to that development. At one point in time there was an open sewer system. We need to look at those things. That is a health hazard. In fact, why does the Government not look at our landfills? Is it because we are blessed with natural gas and oil reserves? At some point in time—I do not know if it is going to be 12 years, 14 years or 16 years—we will not have oil and gas.

Mr. President, there is no planning in the Ministry of Energy and Energy Industries. None! All the Minister comes and says is that they are looking at other markets. [*Interruption*] Where is the Minister of Energy and Energy Industries on renewable energy? Every time we put on our television we are seeing wind turbines and solar

power, and we are not hearing anything from the Minister. Why? We have natural gas and oil. We are in a fortunate position now as a developing nation. I want to get into the debate with respect to this particular situation on energy, because I want to point out that as we look at our renewable energy resources, we can look at the role of water. *[Interruption]*

Mr. President, we have seen no initiative on the part of the Ministry of Energy and Energy Industries. Why can Barbados utilize solar heaters and we cannot? Why? It is because we have electricity. Why do we not use the gas from our landfills? Why can we not have a feeding system and a tariff system so that people who reside near landfills could get reduced electricity rates? Why can we not have that? Why can we not tap into the methane reserves in our landfills? Since they are living there, why can they not be a most favourable community? Why can they not utilize that particular gas and feed it back into the system? Why should we be treated differently from other countries?

Mr. President, even little St. Kitts and Nevis is now going to geothermal energy. They are building a power generation plant there.

**Sen. Enill:** They are having problems with it.

**Sen. Dr. A. Nanan:** I am sure they are going to invite you to the opening. We are not in a fortunate position like that. It is either we have oil or gas or we have geothermal energy. We do not have any geothermal, but we have opportunities.

Mr. President, if we can capture the sunlight on the planet for one hour we can run the whole world for one year. That is the kind of potential that solar has. I am going to deal with that matter in another debate. I just want to put the position to you that waste water gases like methane can be tapped from our landfills. You could drill into the landfills. In fact, when SWMCOL could not manage the landfill and there were fires in the landfills and methane was being burnt, it was the gas causing the fires. So, if you are able to tap that methane gas—this is being done in Montreal, but because we have oil and gas we do not think about those projects.

Mr. President, do you know that in rural communities they cannot afford to pay T&TEC for a transformer so they cannot get electricity to their homes? You have that particular situation in rural communities. Why can we not have solar bulbs? Why can the Government not send a signal to have solar powered lamps? I do not understand that.

In fact, Barbados has taken the initiative and they have solar heaters. That is not a new technology, because that was done in 1972. We have oil and gas so we

must leave that out, and we must not be a part of that. Everywhere you go in Germany you are seeing wind turbines and concentrated solar power stations. Why can we not have that?

Mr. President, do you know what is strange? In Germany they have the least sunlight, but they have the most solar powered buildings. Why can the Government not do that? They could put solar power in all the buildings. They are building a big tower, so why did they not put solar power panels there? They do not want to do that. That is going to give you an initiative on the Kyoto Protocol. In fact, you are going to get assistance for all those projects. I went from the methane in the landfill to all those various energy areas, but I want to go back a little, because it is important when we look at the waste water gases, ammonia and methane.

**4.30 p.m.**

If we look at solid materials in any waste water or the sludge, they normally go into a particular plant and into a settling pond. If you identify the sludge in the settling pond, you will find various pathogens, which means that viruses are being transmitted in the waste water. That can be very detrimental. That is why we are saying that they are inextricably linked, in terms of waste water. With respect to this particular situation at the water treatment plant, you have to be very careful and make specific testing. You have to do specific measurements of various chemicals to ensure that whatever leaves the water treatment plant are permissible levels into the rivers and streams. That is one end.

You would be cutting down at the other end, in terms of the pollution by the water pollution rules from our various manufacturing plants. You have a situation where you are reducing the amount of pollutants coming into the water treatment plant, as well as you will have less requirements, in terms of treating the water going into the rivers and streams. That is the main emphasis on saying that we need water and sewage to be treated under one body. Stay with WASA; you may not like the management.

In fact, they signed five days before elections for Severn Trent. Severn Trent went in to upgrade the transmission lines. They were sent in five days before to do that. That would take 10 years at \$1 billion for transmission lines. That was at that time, so it is much more now, in terms of the upgrade of transmission lines, but it must continue. The upgrade of transmission lines will continue. Waste water treatment must continue. We must have more sewage treatment facilities. WASA must be given a mandate by the Government to upgrade all our sewage treatment



facilities. There must be spot checks in the various households to make sure they are complying, with respect to the designs of our buildings. All buildings must have these exhaust pipes, so that the gases will be escaping. We must continue, with respect to the building codes. We must put more sewer treatment facilities available.

The Minister of Planning, Housing and the Environment must get involved. The Minister must recognize the importance of waste water treatment and water pollution and must ensure that it remains under WASA too, because of this situation with the importance of the treatment of waste water and water pollution. The whole debate revolves around water pollution or the preservation of our water supply and the various chemicals into our waste water as we have this industrialization thrust.

I will continue, not with respect to—[*Interruption*]

**Hon. Senator:** You have one more minute.

**Sen. Dr. A. Nanan:** It has been a pleasure, Mr. President, to have this debate, because it will move from the Parliament to the nation as a whole. I am sure the Government will have more consultations and give more areas for discussion.

I thank you, Mr. President.

**Sen. Mark:** Mr. President, I beg to second the Motion and reserve my right to speak.

**Mr. President:** I have to say, I have never seen a person propose a Motion and then talk about everything else but his own Motion, but I shall put the question to you anyway.

*Question proposed.*

#### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that the Senate do now adjourn to Tuesday, April 07, 2009 at 1.30 p.m., where we would be continuing with the Bills under “Government Business” in the order in which they are recorded.

**Mr. President:** Before I put the question, we would take the tea break and we will resume at 5.05 p.m.

**4.35 p.m.:** *Sitting suspended.*

*Adjournment*

*Tuesday, March 24, 2009*

**5.05 p.m.:** *Sitting resumed.*

**Mr. President:** Hon. Senators, I have granted leave for a matter to be raised on the Motion for the Adjournment by Sen. Mark.

**LABIDCO Investigation  
(Status of)**

**Sen. Wade Mark:** Thank you very much, Mr. President. This Motion is dealing with the status of LABIDCO investigation. By letter dated May 09, 2002, Mr. Mark Mohammed, Senior Counsel and former DPP and now a Judge of the High Court instructed the Commissioner of Police to conduct a criminal investigation into the LABIDCO Project. Part of the instruction read as follows:

“I am of the view that a criminal investigation is warranted to determine whether, among other offences, offences of conspiracy to defraud and misbehaviour in public office are revealed. I accordingly forward to the Commissioner of Police documentation with my advice that a criminal investigation be conducted.”

That is part of the letter that was sent by the DPP, then Mark Mohammed.

Some six years and nine months later, the status of this investigation into LABIDCO ordered by the Office of the Director of Public Prosecutions remains virtually unanswered and virtually dead. What has the Office of the Director of Public Prosecutions and police done about this matter to date involving some top and senior officials occupying very sensitive and critical positions in offices in the present administration? Seven years later, the public is not aware about this high-level criminal investigation into corruption by the present administration. The investigation commenced under the so-called Anti-corruption Investigation Bureau with the assistance of one Mr. Bob Lindquist of City Gate Lindquist Incorporated. Our information is that volumes of evidence were seized from the Ministry of Energy by senior officers engaged and employed in the Fraud Squad. We on this side ask: What is the status of this criminal investigation which we understand has cost the taxpayers some \$430 million?

When one compares the speed and public manner in which police investigations have been conducted into allegations of corruption against former UNC officers and officials, with the inaction of the police as it concerns the LABIDCO investigation, the inescapable conclusion could be drawn that there appears to be nepotism, favoritism and partisanship now almost infiltrating the police service. Is it that the key players involved in this criminal investigation are the present Prime Minister; Prof. Ken Julien; Barry Barnes; and Petrotrin Chairman, Malcolm Jones? Why has there been no action against these persons by the police over the last seven years? We saw how quickly PC

Auguste was dismissed by the Acting Commissioner of Police for what they called discreditable conduct. We have witnessed the cancellation of a flight involving Gerry McCaffrey, because the Government does not want him to complete his job.

It was an independent Cabinet-appointed committee comprising of UWI lecturers, private sector representatives and Ministry of Energy officials that found that the then Prime Minister, hon. Patrick Manning and his Cabinet pursued this project for blatant political mileage and ignored geotechnical reports and studies that predicted its failure. One of the findings of the Cabinet-appointed committee that investigated the La Brea/Brighton Project revealed that the then Chairman of the National Gas Company, Prof. Ken Julien, along with the Prime Minister, were fully apprised of the engineering and geotechnical and geological constraints associated with the development of the site at La Brea/Brighton. Nevertheless, in spite of those warnings, the goodly Prof. Ken Julien advised that despite the technical constraints, according to the report, the La Brea/Brighton site would be used as the preferred site for the new industrial estate.

There was no rigorous, technical, social or economic justification of the La Brea/Brighton site as the optimum site for the proposed new industrial estate. There was no structural decision-making process to support the conclusion to establish a new industrial estate for petroleum-based industries. The Cabinet, headed by the then Prime Minister, hon. Patrick Manning, on December 07, 1994, in spite of all the advice given, took the decision to invest \$435.07 million on this particular fiasco called LABIDCO.

### **5.15 p.m.**

The Prime Minister at that time claimed that his administration had spent a mere \$120 million. Today, this Government stands guilty of corruption in the eyes of the public, by its failure to have the police address this national scandal. Since May 09, 2002, the Director of Public Prosecutions directed the Commissioner of Police (COP) to investigate this matter. Some six years and 10 months later, the COP has done nothing about this matter and the PNM has remained silent on this matter.

We call, today, on the hon. Minister of National Security to make a public declaration as to what is responsible, what factors have caused this inordinate delay in this particular investigation. We would also like to call on him, through you, Mr. President, to tell us what steps the Government will take or intends to take in order to get this report submitted as a matter of urgency. How far has this investigation gone? When will this investigation end?

*LABIDCO Investigation*  
[SEN. MARK]

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This is a clear case of the police service demonstrating a certain degree of bias in a matter that is so critical. There can be no justification for this long delay, this inordinate delay of six years and 10 months, after the Director of Public Prosecutions had written to the COP to investigate this matter.

I think the population needs answers and I hope the hon. Minister will be able to provide us with answers to this national scandal of enormous proportions, involving some \$500 million of taxpayers' money.

Thank you very much, Mr. President.

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Thank you very much, Mr. President. I have been asked to respond to the Motion, the Status of Police Investigation into the LABIDCO matter. Once more, the mover of the Motion, Sen. Wade Mark, has tried to rehash developments that took place some seven years ago. He had gone into so much technical details as it related to the preferred site and whether or not geological arrangements, et cetera, represented the most appropriate thing.

Mr. President, hon. Members, I am not going there at all. My responsibility was to determine what is the state of the investigation and I could now provide the honourable Senate with what the state of investigation is, as provided to me by the acting Commissioner of Police.

As Sen. Mark indicated, police investigations into the LABIDCO project commenced in May 2002, on a directive from the Director of Public Prosecutions. According to the acting Commissioner of Police, the major part of the police investigation has been done outside the jurisdiction of Trinidad and Tobago. As such, the assistance of the Central Authority in the Office of the Attorney General was sought under the Mutual Legal Assistance Treaty to investigate two companies in the United States: Cabot LNG Corporation and Mississippi Farmlands Chemicals.

So far, according to the acting Commissioner of Police, assistance has only been received with respect to Cabot LNG Corporation, which resulted in the then investigator, former assistant Commissioner of Police, Wellington Virgil, in company with senior legal executive, David West, of the Central Authority, in the Office of the Attorney General, visiting personnel of Cabot in the United States of America on August 09 and 10, 2007.

In respect of Mississippi Farmlands Chemicals, information was received by the Attorney General's Department, via email, from the United States Department of Justice, on June 26, 2007, that the said company went into bankruptcy, and in 2004, was brought out of bankruptcy by Terra Industries of Sioux City, Iowa.

Based on allegations, enquiries were made on certain banks relative to specific accounts. However, according to the acting Commissioner of Police, none of the specific accounts could be verified by the respective banks. I am advised by the acting Commissioner of Police, that in light of these developments, no further progress has been made in this investigation to date.

Thank you very much, Mr. President.

### **Carbon Dioxide Emissions (Reduction of)**

**Sen. Dr. Adesh Nanan:** Thank you, Mr. President. The Trinidad and Tobago Government was a party to the United Nations Framework Convention on Climate Change, and also a signatory to the Kyoto Protocol of 1997. The new Kyoto Protocol was 2008 to 2012, but under this Kyoto Protocol, under Annex I, industrialized countries have agreed to cut greenhouse gas reduction. Let me briefly say a word on that particular issue with respect to the greenhouse gas emission.

The chemical composition of the earth's atmosphere, the gases allow sunlight to strike to earth, and some of the energies reflected in the form of infrared relation, which is in the form of heat, but the gas carbon dioxide actually absorbs this heat, and that is why you have that situation with the earth temperature rising and causing this kind of melting of the ice caps and drastic climate change. That is in the context of the Kyoto Protocol, the greenhouse gas reduction and carbon dioxide emission. That is why the Motion really points to the Government utilizing renewable energy sources to reduce carbon dioxide emissions.

There is a window of opportunity because these industrialized countries, under Annex I, will now invest in emission reducing projects in developing countries, because what is happening, as an alternative to what is considered more costly emission in their own countries, and there are certified emission reductions under the Kyoto Protocol.

It will also help them adapt to adverse effects of climate change, and there would be allowance for a transfer of environmental technologies within developing countries. Trinidad and Tobago falls under non-Annex I countries and we rely heavily on income from fossil fuel production and commerce, just like Venezuela next door and Indonesia.

So, in terms of the renewable energy resources, we have the unlimited resource of solar. Let me say a little about that, because we have solar thermal power, and I do not see why the Government cannot consider having a concentrated solar

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power station in Trinidad and Tobago. I am sure the Minister will tell us, in terms of the amount of help we can get for the programmes that are allowed by the industrialized countries to invest in carbon dioxide reduction.

We have that potential there in terms of power stations. If not power stations, in various locations in Trinidad and Tobago we can set up solar cells in various batches that could actually facilitate solar thermal power. There is a new resource that is available now which is called solar photovoltaic energy. They have taken this technology to a high level now, because before they were using silicon which is very expensive; now they are using something called nano ink, impregnating metal plates, and each one of those gives you like, one or two watts.

There is that opportunity now using this solar photovoltaic energy to be able to have energy from a renewable energy source, which is the sun. There is also an opportunity in terms of our landfills and tapping the methane gas, which is a greenhouse gas, and that would also be under the Kyoto Protocol. We can have programmes there to assist us in trapping methane gas rather than it going out into the atmosphere as a greenhouse gas.

There is an interesting one that I would like the Minister to talk about, which is being used in China. I do not know if the Government has considered something like that here, but again we have oil and gas and I guess that is what is preventing us from going into these particular areas to utilize. You have a situation where you could use the controlled fermentation of organic waste material, and in China, it is called family scale biogas digesters. There are four million that are being used right now in India, with respect to this particular situation. Again, it is to produce methane, and they are actually using that with respect to clean and efficient fuel, that is biogas.

What about wind energy? In terms of our potential for wind energy, I am sure that the Government would say we have very little potential for wind energy, but we can consider not only on land, but we can have offshore wind facilities. Wind energy really is utilizing the kinetic energy from the wind and using it for mechanical power. Mr. President, 13 metres or above ground you have what you call faster and less turbulent wind, so, you can utilize wind turbines for power generation. I am sure that can fall under the Kyoto Protocol, because it would be industrialized countries giving assistance to developing countries if you want to go into wind turbines, because that would eventually reduce carbon dioxide emissions.

Now you have to recognize, Mr. President, that with respect to the solar intervention and wind turbines or use of wind energy, there must be some kind of feedback mechanism into the system. So, the Government may have to consider looking at our grid to see if they can facilitate, like these little pockets of— It would also facilitate because we have oil and gas now; we do not know how long our oil and gas reserves would last; we have to prepare for the future in terms of our energy demands, and we are not going to stop industrialization, we are continuing to embark on industrialization; we have to reduce our carbon dioxide emissions; we have an opportunity to transfer technology from the industrialized countries which have already gone so far in terms of industrialization; we are now trying to reach that level.

We have that opportunity to transfer the technology, but we must have some system where you would be able to feed into the grid system to make this thing viable. You would have power producers now wanting to come in to invest in probably a solar power station, and they must be able to feed into our grid system. The Government may consider, like in Germany, they have what is called feeding tariffs so people who are producing electricity whether by solar or wind or other mechanisms, can go back into the grid system and get some kind of rebate, so there might be a reduced cost. That is something that the Government may consider in terms of this particular programme.

There are other initiatives like having buildings designed in such a way that they are solar powered. You can also have solar powered lamps, like all our streetlights can be solar powered. When the Government goes into this large exercise, I am sure that we would probably hear that it is not cost effective.

### **5.30 p.m.**

We have to look at the pros and cons in terms of our future and that could have been one way that the Government could have sent a signal that we are going to use a renewable energy source and instead of putting all of these 78,000 street lamps throughout the country to be powered by the local government bodies and—that particular body has to pay the utility bills—they could have utilized solar powered lamps.

There is another area—I am sure that people will say what will happen if we do not have solar we would not have any source. There have been convenient ways to be able to utilize the solar in the day and store it and it can be used in the night.

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Mr. President, in terms of wind turbines, they can also use compressed gas. So the turbines would actually turn a turbine that compresses the gas in a storage chamber and it can be released when the wind power falls, so you have that continuous stream of energy. There are so many sources, so many things available in terms of creating energy. Of course, we do not have geothermal energy here, but a number of the other Caribbean islands have geothermal energy and they are tapping into their geothermal sources. So, we have to utilize what we are blessed with in terms of our wind and solar, even in meeting gas from our landfills and our biogas from fermentation of organic matter. Before I come off the topic let me reflect—

**Sen. Browne:** Off the topic. [*Laughter*]

**Sen. Mark:** Forget him. “Yeah, go ahead, nah.”

**Sen. Dr. A. Nanan:** Yes, Mr. President, I want to go to the Mauritius example because it is important. Mauritius has used their bagasse for power generation, we had a great opportunity and the Government failed to utilize that particular facility which was bagasse and they could have had the incentives so bagasse could have gone back to the factory. They would have created power using bagasse and I hope that does not come back to haunt them.

I thank you.

**The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):** Thank you, Mr. President. I am still trying to figure out what the Motion was about [*Laughter*] because all of those things I heard about, renewable energy sources and all of the details really did not add back to what I was given as the Motion. So, I will just answer very briefly some of what I think I heard with respect to the Kyoto Protocol and our obligations—I think there was something about non-compliance in the Motion as well.

Just to outline that Trinidad and Tobago became a party to the UN Framework Convention on Climate Change and the Kyoto Protocol since January 08, 1999 and in January of that same year the accord was ratified. We have a commitment as a developing country to do whatever we can, but we do not have to comply because it was really for developed countries to comply. However, we acknowledge that given the pace of our industrialization, we need to begin to do more so a number of initiatives have been put in place.

The Cabinet has approved the establishment of a Renewable Energy Committee which has a mandate to formulate a Renewable Energy Policy Green Paper and promote the use of the same. The mandate resides with the Ministry of



Energy and Energy Resources and it was agreed to in November 2008. This approach was taken in spite of the fact that we are a developing country. We are not obligated to commit to the Kyoto Protocol. In fact, some developed countries had actually not committed to the Kyoto Protocol, but we as a country, recognizing how important it is for every nation to be a part of the reduction of greenhouse gases, the country has taken the position. We have also put in place a number of measures to reduce our carbon emissions and those were approved—I think one month ago, I do not have the exact date—by the Cabinet and they include a specific project for solar powered lamps for street lighting. It included, as well, further incentives for CNG use.

I want to just outline specifically the renewable energy focus. The Renewable Energy Committee was established and the following were agreed to, the establishment of the Renewable Energy Committee to formulate the policy as I indicated, that the specific terms of reference of the committee are noted as follows:

- to review the energy balance of Trinidad and Tobago;
- conduct a current state assessment of renewable applications; and
- research activities into photovoltaic solar power, solar thermal energy, wind energy, wave energy and biofuels, which would be biogas, biomass, bio-diesel and bio-ethanol.

The reason you have to actually do a study rather than just run into these things, is that unlike what people think, it is not just that you have these approaches available but sometimes they use more energy than they produce in order to bring them into being. Sometimes people are more attracted to the idea of using an alternative fuel without looking at the processes we have to go through to actually get it to work and to produce enough quantity to make a difference.

Other specific terms of reference for the Renewable Energy Committee are:

- to identify feasible and practical renewable energy technologies in various sectors, including transportation, manufacturing, commercial and residential, using appropriate criteria relevant to Trinidad and Tobago;
- to set realizable targets and time frames for renewable energy use in the energy mix;

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- to make recommendations with respect to the level of incentives, tax relief, infrastructure support, grants, price subsidies and so on, required to promote the use of renewable energy technologies in each sector;
- to identify opportunities for research and development which can advance the implementation of renewable energy technologies in Trinidad and Tobago;
- opportunities for linkages between energy-based industrial plants to be established and the production of renewable energy components;
- mechanisms and strategies for financing renewable energy products by local and international agencies, including carbon training schemes; and
- legislation and regulation that would be necessary for the exploitation, development and use of renewable energy.

The Ministry of Energy and Energy Industries is supposed to engage professional services as required to undertake the preparatory research work. The committee would follow another committee that had been set up in 2004, I believe, the Working Group on Climate Change, which was to look at the impacts of climate change and sea level rise. That group reported recently on its findings and we expect, therefore, to go forward with a lot of what came out of that, including significant inventory information on our carbon emissions so that we can actually put a clear policy in place.

The Ministry of Planning, Housing and the Environment is in the process of getting a first draft of the climate change policy for the country. We have also finalized arrangements with the UNDP for a carbon reduction strategy to come into effect soon. While we do all that, we also have projects that are ongoing. The major project that we have is the reforestation project at Nariva which includes a carbon training component under the clean development mechanism aspect of the Kyoto Protocol.

Again, it is a first for a developing country to be a part of that and it is one that I signed in January with the World Bank and it is already on the way at Nariva. So, we are doing quite a lot and we are ensuring that we do it properly by having the right studies and having the right committees in place. The committees are reporting and they are performing.

So, Mr. President, that is my response. Thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 5.39 p.m.*

**WRITTEN ANSWER TO QUESTION**

*The following question was asked by Sen. Gail Merhair:*

**National Trust of Trinidad and Tobago  
(Detailed List of Projects)**

4. Would the hon. Minister of Community Development, Culture and Gender Affairs provide the Senate with a detailed list of the projects undertaken by the National Trust of Trinidad and Tobago between the years 2002 to 2007?

*The following reply was circulated to Members of the Senate:*

**The Minister of Community Development, Culture and Gender Affairs: (Hon. Marlene Mc Donald):** Projects undertaken by the National Trust of Trinidad and Tobago are prescribed by the functions of the Trust as enunciated in section 5 of the National Trust of Trinidad and Tobago Act, No.11 of 1991, as amended by Act No. 31 of 1999, and are grouped under the following headings:

Listing/Research and Documentation  
Heritage Tours (and Special Tours)  
Heritage Lecture Series  
Publications  
Exhibitions  
Inventory/Photographic and Architectural Records  
World Heritage Convention  
Nelson Island Heritage Site  
Other Collaborative Projects; and  
The National Heritage Preservation Awards.

Following is a list of the projects undertaken by the National Trust between the years 2002 to 2007 under these headings:

Listing/Research & Documentation

Research has been carried out on several historic properties and dossiers have been compiled on the following as a prerequisite to the listing of these properties:

- i. The Five Islands – Gulf of Paria
- ii. Hayes Court – Queen’s Park West, Port of Spain
- iii. Queen’s Royal College – Queen’s Park West

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- iv. Ambard's House (Roomor) – Queen's Park West
- v. Mille Fleurs – Queen's Park West
- vi. Archbishop's House – Queen's Park West
- vii. Killarney (Stollmeyer's Castle) – Queen's Park West
- viii. Whitehall – Queen's Park West
- ix. Boissiere House – 12 Queen's Park West
- x. Knowsley Building – Cor. Queen's Park Savannah and Dundonald Street, Port of Spain
- xi. National Museum and Art Gallery – 117 Frederick Street, Port of Spain (Royal Victoria Institute)
- xii. Tranquility Methodist Church – Cor. Tragarete Road and Victoria Avenue, Port of Spain
- xiii. The Heritage Library – Knox Street, Port of Spain
- xiv. Residence of Andrew Carr – 17 French Street, Woodbrook (Demolished)
- xv. Fort Picton – Picton Road, Laventille
- xvi. The Lion House – Chaguanas Main Road, Chaguanas
- xvii. Mayaro Post Office – Pierreville, Mayaro
- xviii. Banwari Trace Archaeological Site – Oropuche Lagoon
- xix. Fort King George – Scarborough, Tobago.

The listing of properties of interest is a legal means under the National Trust Act for protecting heritage sites. For the years 2002 to 2007 the Trust has conveyed its intention to list the properties mentioned above to owners/occupiers as well as in the daily newspapers.

#### Heritage Tours (and Special Tours)

Tours have been developed to build awareness of this country's natural and man made heritage. The following have been implemented during the period 2002 – 2007:

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- The City of Port of Spain – Sunday 6<sup>th</sup> April, 2003  
Conducted by Mr. Gerard Besson and Mrs. Rudylynn Roberts
- The City of Port of Spain – Sunday 9<sup>th</sup> April, 2006  
Conducted by Mr. Gerard Besson and Mrs. Rudylynn Roberts
- Waterloo – Sunday 25<sup>th</sup> June, 2006  
Conducted by Dr. Kumar Mahabir, Mr. Shamsu Deen and Mr. Devant Maharaj
- Military Sites – Sunday 27<sup>th</sup> August, 2006  
Conducted by Mr. Gaylord Kelshall
- Caroni Swamp (Bird Sanctuary) – Sunday 10<sup>th</sup> December, 2006  
Conducted by tour guides supplied by Nanan Tours
- Nelson Island – Sunday 11<sup>th</sup> February, 2007  
Conducted by Professors Julian S. Kenny and Brinsley Samaroo
- Nelson Island – Sunday 4<sup>th</sup> March, 2007  
Conducted by Professors Julian S. Kenny and Brinsley Samaroo
- The City of Port of Spain – Sunday 29<sup>th</sup> April, 2007  
Conducted by Mr. Gerard Besson and Mrs. Rudylynn Roberts
- Waterloo – Sunday 20<sup>th</sup> May, 2007  
Conducted by Dr. Kumar Mahabir and Mr. Saisbhan Jokhan
- The City of San Fernando – Sunday 30<sup>th</sup> September, 2007  
Conducted by Mr. Geoffrey MacLean and Mr. Louis Homer

**Special Tours**

- The City of Port of Spain – Sunday 17<sup>th</sup> September, 2006  
Conducted by Mr. Adrian Camp Campins (for visiting students of Colgate University, USA)
- The City of Port of Spain – Saturday 20<sup>th</sup> January, 2007  
Conducted by Mr. Adrian Camp Campins (for visiting students of Pacific Lutheran University, USA)
- The City of Port of Spain – Thursday 1<sup>st</sup> February, 2007  
Conducted by Mr. Adrian Camp Campins (for students of the University of the West Indies, St. Augustine)

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#### Heritage Lecture Series

The Heritage Lecture Series started in 2007 and has attracted large audiences. Following is a list of the presentations during the period under review:

- “The Changing Coastline of South Western Trinidad” by Prof. Julian Kenny (Author and former Professor of Zoology)  
July, 2007
- “Emancipation in Trinidad” by Prof. Bridget Brereton  
(Author, Lecturer in History, University of the West Indies)  
August, 2007
- “Popular Myths about Caribbean History” by Prof. Basil Reid  
(Author, Lecturer in Archaeology, University of the West Indies)  
August, 2007
- “Experiencing Architecture Caribbean Style” by Mrs. Rudylynn DeFour-Roberts  
(Registered Architect, Past President and Fellow of the Trinidad and Tobago Institute of Architects)  
October, 2007
- “Flora Diversity on Chacachacare Island” by Mrs. Yasmin Baksh-Comeau (Curator National Herbarium of Trinidad and Tobago, Dept. of Life Sciences, University of the West Indies, St. Augustine)  
December, 2007

#### Publications

Publications by the National Trust from 2002 to 2007 are as follows:

- “Patrimony” – the newsletter of the National Trust  
(March 2003) – featured the restored “Cabildo”  
(October 2006) – featured Tobago historic sites, the restored International Shipping Limited building located in Port of Spain as well as Mille Fleurs.  
(April-June 2007) – featured the Nelson Island Restoration Project.  
(July-Sept 2007) – featured the “Five Islands”.
- “Nelson Island – Gateway to our Heritage” ( February 2007), edited by Professor Julian Kenny
- “Notes on the Five Islands” (March 2007), edited by Professor Brinsley Samaroo

**Exhibitions**

Photographic exhibitions on selected architectural monuments in Trinidad and Tobago were developed in 2005 and presented at the following locations:

- The “Cabildo”, Port of Spain, June 2005
- The National Museum, Port of Spain, September/November 2005
- Movie Towne Mall and Cineplex, Audrey Jeffers Highway, Port of Spain, September/October 2006
- Gulf City Shopping Complex, South Trunk Road, La Romaine, August 2007
- Long Circular Mall, St. James, August, 2007
- Trincity Mall, Trincity, August, 2007
- Gulf City Lowlands Mall, Tobago, August 2007

**Inventory/Photographic & Architectural Records**

Since 2002, the National Trust has developed a computerized inventory of heritage sites in Trinidad and Tobago. Two hundred and eighty-one (281) properties of interests have already been identified and photographic and architectural records have been compiled on several of these.

The sites are categorized as follows:

Port of Spain	73
San Fernando	42
Tobago	106
Other Areas	60

**World Heritage Convention**

In 2005, Trinidad and Tobago became a State Party to the World Heritage Convention. A National Trust/UNESCO Workshop on the Convention was held from 8<sup>th</sup>—9<sup>th</sup> August, 2006 and since then the Trust has begun compilation of the National Tentative List – a list of potential World Heritage Sites in Trinidad and Tobago.

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#### Nelson Island Heritage Site

The National Trust took responsibility for the implementation of this project in December 2006. Below is a list of works accomplished thereon:-

- (a) A Hydrographic and Topographic Survey of the island has been completed.
- (b) A jetty which was completed in 2005 and modified in 2007 can accommodate small crafts.
- (c) Work has started in September 2007 on the reconstruction of "Butler's Cottage", the excavation and restoration of the 'Assembly Point' (where indentured labourers would have assembled on arrival at Nelson Island),
- (d) Drawings of the existing buildings were completed in October, 2007
- (e) Construction drawings on the buildings began in December, 2007.

#### Other Collaborative Projects

Over the period under review the National Trust collaborated with and provided advice to other agencies on the following historic restoration/preservation projects:

- Restoration of the Red House
- Restoration of buildings within the "Magnificent Seven" group (particularly Mille Fleurs, White Hall and Stollmeyer's Castle)
- Restoration of Knowsley Building

#### National Heritage Preservation Awards

In December 2007, the National Trust hosted its first National Heritage Preservation Awards Ceremony at the Festival Ballroom of Crowne Plaza Hotel, Wrightson Road, Port of Spain.

Awards were presented in the following categories:

- Best Kept Historic Property (St. Francis of Assisi R.C. Church, Belmont)
- Best Historic Restoration (Our Lady of Montserrat, Tortuga R.C. Church)
- Best Kept Natural Heritage Site (Little Tobago).



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Six 'Lifetime Achievers' awards were also presented to the following persons who have dedicated a substantial part of their lives to heritage preservation:

Professor Kenneth Ramchand

Mr. Edward Hernandez

Mr. John Newel Lewis (posthumous)

Mr. Reginald Dumas

Mr. Gerard Besson

Professor Keith Lawrence.