

SENATE

Tuesday, June 25, 2024

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 the Sen. The Hon. Dr. Amery Browne and Sen. Damian Lyder, both of whom are out of the country; and to Sen. Jayanti Lutchmedial-Ramdial who is ill.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from Her Excellency the President Christine Carla Kangaloo, O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. VYASH NANDLAL

WHEREAS Senator the Honourable Dr. Amery Browne is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section

UNREVISED

44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, VYASH NANDLAL to be a member of the Senate temporarily, with effect from 25th June, 2024 and continuing during the absence from Trinidad and Tobago of Senator the Honourable Dr. Amery Browne.

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 24th day of
June, 2024."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo

President.

TO: DR. TIM GOPEESINGH

WHEREAS Senator Jayanti Lutchmedial-Ramdial is incapable of performing her duties as a Senator by reason of illness;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, TIM GOPEESINGH to be a member of the Senate temporarily, with effect from

25th June, 2024 and continuing during the absence of Senator Jayanti Lutchmedial-Ramdial by reason of illness.

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 25th day of
June, 2024."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. COLIN NEIL GOSINE

WHEREAS Senator Damian Lyder is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, COLIN NEIL GOSINE to be a member of the Senate temporarily, with effect from 25th June, 2024 and continuing during the absence from Trinidad and Tobago of Senator Damian Lyder.

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 25th day of June, 2024.”

OATH OF ALLEGIANCE

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

Vyash Nandlal, Dr. Tim Gopeesingh and Colin Neil Gosine.

VISITORS

Delegation from the Jamaica Houses of Parliament

Mr. President: Hon. Senators, I wish to advise that a delegation from the Jamaica Houses of Parliament is present in the Chamber for today's proceedings. The delegation comprises the Most Honourable Juliet Holness MP, Speaker of the House of Representatives—

Hon. Senators: [*Desk thumping*]

Mr. President:—Ms. Colleen Lowe, Clerk to the Houses; Ms. Chesanne Brandon, Acting Deputy Clerk to the Houses; and Ms. Rochelle Simms of e-Gov Jamaica Limited. I ask you to join me—

Hon. Senators: [*Desk thumping*]

Mr. President:—in welcoming the delegation to the Senate of the Republic of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Whistleblower Protection Bill, 2022

Bill to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector, to

protect persons making those disclosures from detrimental action, to regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct and to provide for other matters connected therewith, brought from the House of Representatives [*The Attorney General*]; read the first time.

Miscellaneous Provisions (Testing and Identification) Bill, 2021

Bill to amend the Judicial and Legal Service Act, Chap. 6:01, the Prison Service Act, Chap. 13:02, the Defence Act, Chap. 14:01, the Police Service Act, Chap. 15:01, the Civil Service Act, Chap. 23:01, the Fire Service Act, Chap. 35:50 and the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01 to provide a regulatory framework for polygraph and drug testing and biometric identification for members of the Protective Services and certain offices in the Judicial and Legal Service and the Civil Service and for other related matters, brought from the House of Representatives [*The Minister of National Security*]; read the first time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Point Fortin Civic Centre for the financial year ended September 30, 2014. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
2. Audited Unconsolidated Financial Statements of the Trinidad and Tobago Electricity Commission for the year ended December 31, 2022. [*Sen. The Hon. P. Gopee-Scoon*]
3. Public Procurement and Disposal of Public Property (Review Board) Regulations, 2024. [*Sen. The Hon. P. Gopee-Scoon*]

**Special Select Committee
(Presentation)**

St. Dominic's Children Home (Inc'n) Bill, 2023

Sen. Anthony Vieira SC: Mr. President, I have the honour to present the following report:

Report of the Special Select Committee of the Senate appointed to consider and report on the St. Dominic's Children's Home (Incorporation) Bill, 2023, Fourth Session (2023/2024), Twelfth Parliament.

**Pan American Health Organization
(Investigative Report)**

URGENT QUESTION

Mr. President: Sen. Mark.

Sen. Wade Mark: To the hon Minister of Health: Can the Minister indicate when the Government intends to publish the investigative report submitted by the Pan American Health Organization on the death of several newborns during the period April 02 to 09, 2024 at the NICU, Port of Spain General Hospital?

Mr. President: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. President, and welcome to the Jamaican contingent. The PAHO, on their website, did indicate that the report was submitted on the 21st, last week Friday. We put out a release on Sunday the 23rd, indicating that following standard procedure on matters like these, the report will be made public at the earliest possible opportunity. Thank you very much.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, the Minister is on public record as telling the people of Trinidad and Tobago, as soon as that report is submitted to him, the report will be

released for public consumption. Can the Minister indicate whether he is now going back on his commitment to the people of Trinidad and Tobago?

1.45 p.m.

Mr. President: Minister of Health.

Hon. T. Deyalsingh: No such thing exists. What we said was that the report would be made public as soon as possible. Mr. President, the common law precedent of procedural fairness, reasonableness, equity and justice demands clinical staff and administrative staff have a right to be heard and a right to respond to any findings in that report. To do otherwise will be to jeopardize whatever matters may flow from that report. In any report of this nature, people have a right to be heard and a right to respond and that is going on now as we speak as I indicated in my press release of Sunday the 23rd. Thank you very much.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, I hope that is not a sophisticated approach that is being taken to in anyway sanitize that—

Mr. President: Sen. Mark what is the question?

Sen. Mark: Yeah, Mr. President, can the Minister indicate to this honourable House a time frame—

Hon. Senator: [*Desk thumping*]

Sen. Mark: —a specific date for the issuing of that report in the two Houses of Parliament so that the parents who are grieving over their newborn babies can bring closure to this development.

Mr. President: So Sen. Mark that question has been asked numerous times and has been answered by the Minister of Health, which brings us to the end.

ANSWERS TO QUESTIONS

Mr. President: Acting Leader of Government Business.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): The Government is in the position to answer all questions on the Order Paper. Save and except, question number 124, which, by agreement, will be dealt with on the next occasion that we meet.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Dr. Paul Richards:

Port of Port of Spain Surveillance/Scanning

(Details of)

124. With regard to surveillance and scanning operations at the Port of Port of Spain, can the hon. Minister of National Security advise as to the following:

- (i) whether the scanners at the Container Examination Station (CES) are operational;
- (ii) whether the CCTV cameras at the CES are operational; and
- (iii) what are the significant challenges in relation to the equipment used for the surveillance and scanning of containers and goods imported into this country?

Question, by leave, deferred.

Mr. President: Sen. Dr. Paul Richards. Actually no, Sen. Sunity Maharaj.

Steelpan Manufacturing Grant Fund Facility

(Details of)

128. Sen. Sunity Maharaj asked the hon. Minister of Trade and Industry:

In relation to the Steelpan Manufacturing Grant Fund Facility for the period September 2023 to present, can the Minister provide the following:

- (i) the number of steelpan manufacturers that have received grants;

- (ii) the names of said grant recipients;
the quantum of funds received by each recipient;
- iv) the dates of approval of each grant; and
- (iii) the conditions, including local content requirements, attached to the grants?

Mr. President: Minister of Trade and Industry.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you very much Mr. President. To part one of the question, the number of steelpan manufactures that have received grants: For the period September 2023 to May 2024, two business accepted this Steelpan Manufacturing Grant Fund Facility, with one beneficiary accessing its final tranche and one beneficiary as a new applicant.

With regard to part two of the question, the names of said grant recipients: The beneficiaries were Panland Trinidad & Tobago Ltd. and Chrome Furnishers Limited.

As regards to part three: the quantum of funds received by each recipient during this period, Panland Trinidad & Tobago Ltd. received a final tranche of the \$236,200 and Chrome Furnishers Limited received two tranches totalling \$500,000.

As to the dates of approval of each grant: Panland Trinidad & Tobago Ltd. was approved \$236,200 on January 2nd 2024. Chrome Furnishers Limited was approved on January 17th 2024, for the first tranche of \$250,000 and on May 6th 2024 for the second tranche of \$250,000.

With regard to part five, the conditions including local content requirements attached to the grants: The conditions attached to each grant are outlined in the grant agreement in each approved applicant is required to sign together with the

MIC Institute of Technology and exporTT Limited. The beneficiary is required, among other things to complete the requirements for the purchase of the local or international approved items; to service, operate and maintain the acquisition in accordance with the supplier's recommendations; to submit written reports on works completed and to make available accounts, files and records pertaining to the expenditure of the project when necessary. Thank you.

1.50 p.m.

Mr. President: Sen. Maharaj.

Sen. Maharaj: No, that is it. Thank you.

Mr. President: Sen. Hutchinson.

**Shooting Incidents at Harpe Place and Cocorite
(Support to Affected Persons)**

129. Sen. Prof. Gerard Hutchinson asked the hon. Minister of National Security:

In light of the mass shooting incidents which occurred at Harpe Place and Cocorite, can the Minister outline the systems used to provide financial, social and psychological support to relatives, police officers and other affected persons, in the aftermath of such events?

Mr. President: The Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you, Mr. President. The tragedies that occurred at Powder Magazine and Harpe Place are traumatic and heinous mass shooting incidents where families and communities have been gravely impacted. Victim care is critical in every crime, especially where lives are lost and as such, the Trinidad and Tobago Police Service remains committed to the progressive approach of ensuring victim support services are

offered to persons affected by crime.

The Ministry of National Security, as it relates to financial support to relatives, police officers and other affected persons, remains guided by the following legislation: Regulation 190 of the Trinidad and Tobago Police Service Act, Chap. 15:01, which outlines:

“Pension to dependant of officer killed on duty and gratuity to spouse, etc., of”—a police—“officer who dies in the Service.”

Secondly, the Trinidad and Tobago Police Service’s Standing Order 24, police military funeral, which states that the responsibilities of various sections, branches, units and also outlines the necessary arrangements to be made for a military service. Thirdly, Parts V and VI, section 29 of the Criminal Injuries Compensation Act, which outlines the “Application for Compensation” to persons who are potential applicants for compensation and reimbursement.

According to the Commissioner of Police, after the mass shooting incidents at Harpe Place and Cocorite, the Trinidad and Tobago Police Service’s Victim and Witness Support Unit and Social Work Unit provided social and psychological support to relatives, police officers and other affected persons. Following these tragic incidents over the period March 17, 2024 to April 20, 2024, the support provided included visits, crisis intervention and extensive community engagement. Specifically, the Victim and Witness Support Unit of the Police Service, in collaboration with the Besson Street police, Belmont, and the divisional task force, conducted a crisis support and wellness walk to engage victims of the incidents; a wellness booth where brochures were given out; visits to families, including a home visit, where grief counselling session was held; referred victims to the National Family Services Division for further assistance regarding socio-economic needs; and finally, the implementation of crisis strategies to address the immediate

needs of the community members.

The Victim and Witness Support Unit seeks to provide—as this unit seeks to provide a menu of victim care services following these incidents, it has become clear that the victim's receipt of trauma-focused care, targeted to recovery, and the support needed for them to participate in the police procedures is of paramount importance. This unit maintains that such therapeutic and psychological care can be offered and assessed following these incidents so as to aid in addressing the hurt and resentment that often lead to retaliation and response, gun violence.

In addition, the Social Work Unit of the service is engaged in therapeutic intervention plans, which include ongoing supportive counselling in the form of grief and loss to be provided for immediate family members, in the form of individual and group counselling; ongoing individual counselling to be provided for police officers who require intervention for grief and loss; and ongoing individual support counselling to be provided for civilian staff members who are required to intervene in matters of grief and loss.

I thank you, Mr. President.

Mr. President: Prof. Hutchinson.

Sen. Prof. Hutchinson: Thank you. Is there any measure of the effectiveness of these various interventions, and is there any record of the number of people who have been in receipt of these services?

Mr. President: Sen. Prof. Hutchinson, it is one question, so you have got to be specific.

Sen. Prof. Hutchinson: So the first question, first of all, measurement of effectiveness.

Mr. President: Minister of National Security.

Hon. F. Hinds: As things go, Mr. President, I am confident that there would be

some monitoring and evaluation of these, but I do not have that information or data before me now. I would be quite happy to provide it to the hon. Senator in light of his very important question. Thank you.

Mr. President: Prof. Hutchinson, next question.

Sen. Prof. Hutchinson: As a follow-up to that, is there any record of the number of families or number of individuals who have received these services?

Mr. President: Minister of National Security.

Hon. F. Hinds: Again, given my clear understanding of how things—policing go, I am certain that there are records in each case and that too can be made available to the Senator at the first opportunity. Thank you.

Mr. President: Senator.

Sen. Prof. Hutchinson: And finally, there does seem to be an increase in the numbers of these kinds of incidents. Is there, or are there any specific measures being put in place to either prevent or treat with them more effectively?

Mr. President: Minister of National Security.

Hon. F. Hinds: Thank you very much. I think they all reflect an explosion of violence, the tendency of members of our society and in some case, visitors here, to express themselves in explosions of violence.

There are, as I would have answered in the main elements of the question, measures taken, in terms of counselling, to prevent retaliation. There are programmes where people work on the ground to communicate with victims, and perpetrators too, to minimize these expressions of violence and, of course, they are usually conducted with firearms—one of the major problems afflicting us in this society—and there are a number of programmes from our border management, and our international intelligence sharing, and our tracing of firearms, and a number of other ways we seek to minimize. The presence of these firearms, automatic and

military grade as they are, the impact in each case is as widespread and as severe to result in what we call mass shootings. And so in answer to the Senator's question, the answer is, yes. A number of different actions are taken to minimize these horrific incidents. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Hutchinson, you have another question?

Sen. Prof. Hutchinson: No.

Mr. President: Sen. Mark.

Illegal Drugs at Barrackpore School

(Measures Taken to Address)

118. Sen. Wade Mark asked the hon. Minister of Education:

Given April 2024 reports that two (2) students from a school in Barrackpore were hospitalised, after ingesting tablets containing illegal stimulant and hallucinogenic drugs, can the Minister indicate what measures are being taken to address this matter and prevent any recurrence?

Mr. President: The Minister of Education.

Hon. Senators: [*Desk thumping*]

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Mr. President. The Student Support Services Division on a case-by-case basis, both now and as well as previous to this question, employs several strategies for deterrence of substance abuse. Drug and prevention sessions are held regularly by external agencies, such as the Ministry of Health, the Trinidad and Tobago Police Service, and the National Alcohol and Drug Abuse Prevention Programme as appropriate. Sessions are also arranged for staff and parents. The Ministry of Education also works with the Trinidad and Tobago Police Service with respect to drug-related and other behavioural or criminal issues to ensure the most positive

outcomes for the students.

I would like to take this opportunity to remind all students that they should not accept nor ingest medication offered by even those they consider their peers, as this may lead to medical emergencies, such as the event that took place. Parents are asked, please, to discuss these matters with their children and to reinforce what is said to them at schools. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, in light of the various strategies outlined by the Minister, can the Minister advise this Senate whether discussions are being held with her colleagues in the Ministries of Health and National Security, with a view to instituting a ban on these kinds of drugs that can easily get into the hands of our students and have real serious consequences for their future lives?

Mr. President: Minister.

Hon. Dr. N. Gadsby-Dolly: Thank you, Mr. President. As far as we know, these illegal substances are illegal, meaning that they are not allowed to be circulating in the wider population and certainly, not in our schools. So it is not a matter of a ban, these are already illegal things, and students are well aware that they are not, of course, to bring these things into schools and so that matter really is addressed in the law.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, may I ask the hon. Minister, vaping is still a legal form available to students and—

Hon. Senator: [*Inaudible*]

Sen. Mark: Well, in other words, “it in de market”.

Hon. Senators: [*Interruption*]

Sen. Mark: Is it legal? Is not legal? Mr. President, may I ask the hon. Minister whether the Ministry of Education is aware of this particular drug that is being exposed—

Hon. Senator: Product.

Sen. Mark:—or product that is being exposed to our students at the primary school level in particular, and what, if any, measures are being taken to address it? That is all I would like to know.

Mr. President: Again, that particular question would not be allowed, Sen. Mark, even though two questions were contained inside of there. Do you have another supplemental?

Sen. Mark: Okay, no. I will go on to my next question, Sir.

Shortage of Spaces at Public Cemeteries

(Steps Being Taken to Rectify)

119. Sen. Wade Mark asked the Minister of Rural Development and Local Government:

In light of the reported shortage of spaces at public cemeteries in addition to a rising death rate in this country, can the Minister advise what steps are being taken to rectify said shortage?

Mr. President: Minister of Rural Development and Local Government.

Hon. Senators: [*Desk thumping*]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi SC): Thank you, Mr. President, and good afternoon to all hon. Senators. It is good to be here. Several public cemeteries pose a public health hazard and as a result, require closure or rehabilitation, upgrading or expansion, if feasible. This is an ongoing issue and the Ministry of Rural Development and Local Government is in regular communication with the various municipal corporations to formulate

appropriate solutions to this issue.

Specifically, in order to assist in the safe and compassionate disposal of human remains and to address the shortage of spaces at public cemeteries, five crematoria were established in Trinidad over the period 2015 to 2023. Within the last year, five additional applications for crematoria are currently engaging the attention of the Ministry. Further, the Ministry is, at present, finalizing and overseeing the updating of all municipal corporations' Vesting Orders, that is the schedule by which lands are specified to belong to corporations and is in collaboration with the corporations, specifically to identify appropriate areas and land to develop additional public burial grounds, cemeteries and crematoria. Thank you.

Developed Residential Lots to Newlands Village Residents

(Arrangement of)

120. Sen. Wade Mark asked the hon. Minister of Housing and Urban Development:

Given the report by New Lands Village residents that the Land Settlement Agency gave developed residential lots, initially promised to them, to former Petrotrin workers, can the Minister advise what arrangement, if any, will now be made for said residents?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you very much, Mr. President. The Ministry of Housing and Urban Development recognizes the concerns expressed by the residents of Newlands Village, Guayaguayare, regarding the recent allocation of lots to former Petrotrin employees. We understand the importance of transparency and fairness in the land allocation process and are dedicated to addressing these concerns thoroughly.

It must be noted that neither the Ministry of Housing and Urban Development nor the Land Settlement Agency has any record of any promise made to distribute

developed lots, specifically to the residents of Newlands Village. All persons who are applied for lands under the Government's Aided Self-Help Housing Programme are informed that allocations are made through televised, live, computerized random selection draws and this ensures fairness and impartiality.

The GASHHP, which is a housing initiative aimed at providing affordable and high-quality housing, is administered by the Ministry of Housing and Urban Development and project management—managed by the Land Settlement Agency. Under this programme, citizens benefit from fully developed lots at subsidized prices, that is, 30 per cent of the market value, supported by mortgage loans from the Trinidad and Tobago Mortgage Finance Company Limited, as well as pre-approved house plans, technical assistance and oversight for the construction of affordable, high-quality homes.

As the name applies, the programme utilizes a combination of self-help and small contractors to construct the houses for the selected beneficiaries. It was envisioned that the implementation of this programme, the Government's Aided Self-Help Housing Programme, would encourage house construction by beneficiaries, thereby removing the burden from the State to construct houses. As with this programme and the Petrotrin initiative, the LSA appoints, as project manager, and oversees the infrastructural development of the identified plots.

With regard to the Petrotrin land distribution initiative, in 2020, the Government of the Republic of Trinidad and Tobago determined that as part of the VSEP to former employees of Petrotrin, persons who have neither houses nor land would be granted residential lots. The La Savanne and Nurse Trace communities are two communities within the Newlands Village. They are the only two areas in that village where the LSA has undertaken works and allocated lots.

2.05 p.m.

As of May 2024, 46 lots have been distributed under this programme in the La Savanne and Nurse Trace communities. Some guidance for the New Lands Village residents: For residents of New Lands Village interested in residential lots, we encourage applications under the programme when it is next advertised. Applicants must not have a house or land, and their gross household income must be TT\$25,000 or less per month.

The Ministry and the Government remain dedicated and committed to seeking the best interest of the citizenry of Trinidad and Tobago by ensuring equitable access to housing opportunities through fair and transparent processes in the distribution of its products and services. Thank you.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, can I ask the honourable Minister whether the OWTU that represented the Petrotrin workers were consulted or if any discussions were held with the OWTU before these allocations of residential lots were distributed by the agencies outlined in this question?

Mr. President: Minister.

Sen The Hon. P. Gopee-Scoon: I think, Minister, I was very clear on the initiative and also the process for any person wishing to engage in obtaining a house under this programme. And therefore, the OWTU is not a party to the process, and I can not confirm if there have been any discussions in any way at all concerning the initiative.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, can I ask the honourable Minister whether there is any intention on the part of the Government to engage the OWTU in future discussions as it relates to the distribution of residential lots to former Petrotrin workers?

Mr. President: Minister.

Sen The Hon. P. Gopee-Scoon: This does not involve any collective bargaining process, and there is therefore no need to have any conversation with the OWTU on these matters which concern the Ministry of Housing and Urban Development and the Land Settlement Agency.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: Can the Minister confirm or deny whether it is a form of house padding for voting purposes?

Mr. President: I will not allow that question. Sen. Mark, next supplemental

Sen. Mark: Okay, well, can I ask another question, Sir?

Sen The Hon. P. Gopee-Scoon: “Doh come with dat”—

Sen. Mark: Yeah, can I ask another question—

Sen The Hon. P. Gopee-Scoon: Try “dat” in Moruga.

Sen. Mark: Moruga, “yuh thief” in Moruga.

Hon. Senators: [*Continuous crosstalk*].

Mr. President: Sen. Mark, Sen. Mark, Sen. Mark, have a seat. Have a seat. Minister, Minister, okay.

Sen. Mark: “Tief”—

Mr. President: No Sen. Mark, please.

Hon. Senators: [*Continuous crosstalk*]

Mr. President: Members to my right—next question Sen. Mark.

Sen. Mark: Mr. President, may I ask through you, to the distinguished Member who is leading temporarily—

Mr. President: Sen. Mark. Ask the question.

Sen. Mark: Can I ask the honourable Minister, through you Sir, whether, for instance, she can share with this honourable Senate the number of residential lots

earmarked for distribution to former Petrotrin employees in the next few years?

Mr. President: Minister.

Sen The Hon. P. Gopee-Scoon: That is not something—I cannot give an answer to that question at this time. I am not even sure whether or not the process is still open. So I cannot commit to a response to that. And that is with regard to the Petrotrin workers.

Sen. Mark: [*Inaudible*]

Sen. Gopee-Scoon: Yeah, you have finished your four.

Sen. Mark: [*Inaudible*]

Mr. President: Senator, no—that is it. That is it. Sen. Mark the number of supplementals that you have has ended. Sen. Dr. Paul Richards.

Sen. Richards: Thank you, Mr. President. May I take the opportunity to welcome, once again, Madam Speaker from Jamaica. Madam Speaker Holness and her contingent to Trinidad and Tobago. Question number 125 to the Minister of National Security.

Illegal Importation of Weapons and Ammunition

(Details of)

125. Sen. Dr. Paul Richards asked the hon. Minister of National Security:

In relation to the illegal importation of weapons and ammunition into this country for each year during the period January 2018 to April 2024, can the Minister provide the following:

- (i) the number of illegal weapons and ammunition discovered at each legal port of entry;
- (ii) the number of persons arrested for the offence; and
- (iii) the number of persons charged for the offence?

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you, yet

again, Mr. President. According to information received from the Commissioner of Police in relation to the illegal importation of weapons and ammunition, the following data is relevant for the period January 2018 to April 2024. One, the number of illegal weapons and ammunition discovered at the country's legal ports of entry is as follows: 2018, 0—in terms of weapons, 0 and ammunition 2 items; 2019, 2 weapons and 46 items of ammunition; 2020, 5 weapons and 54 items of ammunition; 2021, 37 weapons and 845 items of ammunition; 2022, 3 weapons and 46 rounds; 2023, 9 weapons and 4,849 rounds; 2024, 0 weapons and 2 rounds of ammunition. Totalling over the period, 56 weapons and 5,844 rounds of ammunition. Thank you very much.

In item No. (ii), the second part of this question, in terms of the number of persons arrested in these illegal importations at our legal ports, year 2018, 0 for firearms and 2 for ammunition; 2019, 0 for firearms and 8 for ammunition; 2020, 4 for firearms and 4 for ammunition; 2021, 5 for firearms and 7 for ammunition; 2022, 1 for firearms and 3 for ammunition; 2023, 0 for firearms and 5 for ammunition, and 2024, 0 and 0. Totalling for the period, 10 for firearms and 29 for ammunition.

And finally, Mr. President, the number of persons charged in relation to those at the legal ports of entry, 2018, 0 for firearms and 2 for ammunition—well the same figures, possession, 0 for firearms and 8 for ammunition; 2020, 4 for firearms and 4 for ammunition; 2021, 5 for firearms and 7 for ammunition; 2022, 1 for firearms and 3 for ammunition; 2023, 0 for firearms and 5 for ammunition; 2024, 0 and 0, totalling again, 10 for firearms and 29 for ammunition for the period. Thank you very much.

Hon. Member: [*Desk thumping*]

Mr. President: Sen. Dr. Richards

Sen. Dr. Richards: Thank you, Minister. Through you, Mr. President, given the

Minister's indication of 56 weapons and 5,844 rounds of ammunition between the period 2018 to 2024, and the Minister being on record of saying that most of the legal weapons are coming through legal ports, can the Minister indicate if the necessary infrastructure and resources are in place at legal ports to ensure that we are intercepting the maximum number of illegal weapons and ammunition coming into the country?

Mr. President: Minister.

Hon. F. Hinds: Let me begin by responding in the following terms, in light of the firearm problem, which interestingly, I understand that a very significant official from the World Health, I think it is, Organization, indicated a few hours ago that the firearm problem is indeed a public health affair internationally. Given that fact and the seriousness of what we have to contend with in Trinidad and Tobago, I venture to say that whatever we have in place is not enough. But it always has to do with the question of resources and the allocation of same. We are here talking about only those discovered at the legal ports, but a lot of other weapons and ammunition are discovered across the country. Otherwise, they may have passed through the port and then got on land and were detected accordingly.

So to answer the specific supplemental question, yes, there are resources in place at our borders, and we continue to apply them to detect them at the ports, and if they pass there, to detect them otherwise, but we are quite clear as to the source. And we are also quite clear that our legal ports of entry are indeed a very threatening opportunity against us, in respect of the importation of illegal firearms and ammunition. Thank you very much.

2.15 p.m.

Sen. Dr. Richards: Thank you, Mr. President. Thank you Minister for the answer. Can the Minister indicate if there are particular ports that, from his

information, are more vulnerable than others?

Mr. President: Minister.

Hon. F. Hinds: I would say from my own observations in the last few years that our transit sheds—so-called—these are facilities authorized by the Comptroller of Customs to assist the State with the smooth importation of goods with a focus on the ease of doing business, we have found that those have been the most vulnerable. In fact, with particular focus on them for the last two years, all of the elements of law enforcement, working in tandem with our international collaborative support, we were able to discover a tremendous amount of activity in those places leading to the shutdown of two, and we continue to pay particular attention to them. Thank you very much, Mr. President.

Mr. President: Senator.

Sen. Dr. Richards: Thank you kindly. Can the Minister indicate if, of the 10 persons he identified in the reporting period 2018 to 2024 who were arrested for arms and on the 29 for ammunition, if any of those are persons who were employed in Customs and Excise?

Mr. President: Minister.

Hon. F. Hinds: I am unable to truthfully answer that question. But it would not surprise me because we have found across the spectrum of Trinidad and Tobago all occupations, including the Customs and Excise Division, there are people who are sworn and paid to protect the people of Trinidad and Tobago, but allow themselves to become dangers to the people of Trinidad and Tobago engaged in the criminality described in the question by my friend.

Mr. President: Senator.

Detection of Illegal Firearms and Ammunition
(Related figures for January 2018 to April 2024)

126. Sen. Dr. Paul Richards asked the hon. Minister of National Security:

In relation to the detection of illegal firearms and ammunition by the Trinidad and Tobago Police Service (TTPS) for each year during the period January 2018 to April 2024, can the Minister provide the following:

- (i) the number of illegal firearms and ammunition discovered by the TTPS;
- (ii) the number of persons arrested for the possession of illegal firearms and ammunition; and
- (iii) the number of persons charged for the offence?

Mr. President: Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you yet again, Mr. President. According to information received from the Commissioner of Police as it relates to the detection of illegal firearms and ammunition by the Trinidad and Tobago Police Service, the data from the period January 2018 to May 2024 reveals as follows:

- 2018: 988 illegal firearms, 16,308 rounds of ammunition;
- 2019: 888 firearms, 4,368 rounds of ammunition;
- 2020: 755 firearms, 37,697 rounds of ammunition;
- 2021: 681 firearms, 12,850 rounds of ammunition;
- 2022: 703 firearms, 11,022 rounds of ammunition;
- 2023: 709 firearms, 19,804 rounds of ammunition;

Year to date: 232 firearms, 2,688 rounds of ammunition, totalling for the period: 4,966 firearms and 104,737 rounds of ammunition. I thank you, Mr. President.

Mr. President: Senator.

Sen. Dr. Richards: Thank you, Mr. President. Can the Minister indicate if given

the data he supplied that we can confirm as a country that the real issue is illegal firearms coming into the country posing the greatest threat to life and limb?

Mr. President: Minister.

Hon. F. Hinds: I would say in response to that, firearms are the problem. Because, while illegal firearms are so properly described, legal firearms—meaning firearms that are lawfully in the possession of persons authorized under the law—have also become, can also become, and are known to have become, abused, misused in terms of illegal conduct and illegal activity. It is known as divergence.

So, for me, for us, firearms are the real danger and, of course, we recognize that you have legal firearms for very lawful use. We have had state firearms issued to law enforcement personnel that had been used in very severe criminal activity. So we do have a problem, no surprise that the region has described the violence, particularly with the use of firearms, as a public health concern, and more lately described so at the very international level. Thank you very much.

Mr. President: Senator.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Richards: : Finally, Mr. President, through you, can the Minister indicate if, from his knowledge, the TTPS has had any challenges in identifying persons who trade in illegal firearms, and arresting and laying charges to those such persons?

Mr. President: Minister.

Hon. F. Hinds: The answer is indubitably yes. And there are ongoing enquiries as we speak because this is a present, and burgeoning problem, and I can give the hon. Senator the assurance that persons have been arrested and charged, of course. And, there are ongoing enquiries supported by intelligence, supported by tracing, supported by other techniques, in order to detect them to rid the society of them,

making here safer for all of our citizens, and of course, our wonderful visitors including, of course, those from the Parliament of Jamaica who I join all of us in particularly welcoming. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Acting Leader of Government Business.

Standing Order 77

Continuation of work into Fifth Session

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Mr. President, having regard to the report of the Special Select Committee of the Senate appointed to consider and report on the St. Dominic's Children's Home (Inc'n) Bill, 2023, in the Fourth Session 2023/2024, Twelfth Parliament, I beg to move that the work of the Committee be saved and resumed in the Fifth Session of the Twelfth Parliament, and that a Committee be re-established to consider and report on said Bill. Thank you.

Question put and agreed to.

Principles and Practice of Democracy

(Government's Reaffirmation of Commitment)

[Second Day]

Order read for resuming adjourned debate on question [April 23, 2024]

Be it resolved that this Senate calls on the Government to reaffirm its commitment to the principles and the practice of democracy in Trinidad and Tobago.

Question again proposed.

Mr. President: The list of those who spoke as follows: Sen. Jayanti Lutchmedial-Ramdial, mover of the Motion; Sen. The Hon. Renuka Sagrarsingh Sooklal, the Minister in the Office of the Attorney General and Ministry of Legal

Affairs; Sen. Sunity Maharaj; Sen. David Nakhid; Sen. The Hon. Randall Mitchell, Minister of Tourism, Culture, and the Arts; and Sen. Damian Lyder. Hon. Senators on the last occasion there were six speakers on this Motion. Sen. Dr. Paul Richards.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Paul Richards.

Sen. Dr. Paul Richards: Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. Dr. P. Richards: Thank you, Mr. President. Thank you for the opportunity to contribute to this Motion by Sen. Jayanti Lutchmedial-Ramdial which states:

“Whereas the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 entrenches the principle of the Separation of Powers between the Legislature, the Executive and the Judiciary, which ensures the protection of citizens and a system of checks and balances in the exercise of power;

And whereas the Constitution provides protection to all constitutionally enshrined offices and institutions;

And whereas the actions of the Government in its engagement with constitutionally enshrined offices and institutions have caused public unease and concerns;

Be it resolved that this Senate calls on the Government to reaffirm its commitment to the principles and the practice of democracy in Trinidad and Tobago.”

Of course, by the mover Sen. Jayanti Lutchmedial-Ramdial.

Mr. President, the construction of the Motion itself is quite interesting because it states that:“...*whereas* the actions of the Government in its engagement with constitutionally enshrined offices and institutions have

caused public unease and concerns;

Be it resolved that this Senate calls on the Government to reaffirm its commitment to the principles and the practice of democracy in Trinidad and Tobago.”

So it seems like a benign Motion but because of the construction, it has a stated position of course, and calls for an action based on that position. So, if you agree with the Motion and you take the assumptions as accurate, by extension, you call it to be legitimate, and of course, both the Government and the Opposition will have established positions as collectives. So the Motion in a real sense is aimed at identifying each of the positions of the Independent Senators, and by extension the wider public depending on what your perspective is.

I intend to take the Motion from a much wider perspective, and interestingly enough it follows the call for a similar previous Motion, which I contributed to, and my position is that if we are serious about protecting institutions and enshrined offices, we cannot conveniently cherry-pick which institutions we want to protect while choosing from time to time to degrade and denigrate others. The obvious question is how this is not in some instances the kettle calling the pot black? To offer a quote.

We have “...all...sinned, and fallen short of the glory...”—all of us.

I commend Sen. Lutchmedial-Ramdial's Motion because it gives us an opportunity to examine all our actions, to see if our words and actions fall in line with protecting constitutionally enshrined offices and institutions, all of them, all of the time. I can tell you that I have heard on numerous occasions and continue to hear and read, persons from the highest offices in the land—the Presidency and the holders of that office, plural—and office holders denigrated in the most vile and

vulgar manner. Is that not a constitutionally enshrined institution or office? The Office of the Prime Minister, the Officer of the Leader of the Opposition, the Chief Justice, colleagues on the Independent Bench, past and present, have all faced an onslaught in the public domain. Should we not equally seek to examine anyone who has continued through their engagement, in the Houses of Parliament and otherwise, diminish and denigrate the holders of these constitutionally enshrined offices? Or are we cherry-picking?

Hon. Senators: [*Desk thumping*]

Sen. Dr. P. Richards: Are we only to examine the Government's engagement with constitutionally enshrined offices and institutions that have caused public unease and concerns? As the Motion described, is it a holistic approach, is it comprehensive or convenient? I appreciate the Motion but I wish Sen. Lutchmedial-Ramdial had included in her Motion that we all reaffirm our commitment to the principles and practices of democracy in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Dr. P. Richards: And as I speak, I can hear the echoes of the trolls typing away anonymously on their keyboards—

Hon. Senators: Ahhh! [*Continuous desk thumping*]

Sen. Dr. P. Richards:—and publishing vigorously through social media.

Hon. Senators: [*Desk thumping*]

Sen. Dr. P. Richards: I expect it all in the next couple of days. It is par for the course. Something else will come up in four days and we will move on.

Sen. Sagramsingh-Sooklal: Exactly.

Hon. Senators: [*Laughter*]

Sen. Dr. P. Richards: That is how it is. I have been in the media long enough to

go through this—

Hon. Senators: [*Laughter*]

Sen. Dr. P. Richards:—cycle after cycle.

One of the issues that struck me in the Motion is that:

“*Whereas* the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 entrenches the principle of the Separation of Powers between the Legislature, the Executive and the Judiciary...”

There is an opportunity to identify that our Constitution has outlined specific roles and rules of engagement for the three arms including the Legislature, the Executive, and the Judiciary. There is, or there should be, an understanding that these three arms must work together for the effective functioning of the State of Trinidad and Tobago. Must work together, it “cah” work no other way. This is part of what the founders of our Constitution envisioned, and that is why the parameters of the remit and their rules of engagement are so precisely encoded in our legislation.

In some cases, there is even overlap as the Executive and the Legislatures have overlapping memberships. And, in our construct, as we have seen time and time again, conflicts and disagreements have arisen and will continue to arise because very often personalities become involved, and the human psyche is a very unpredictable and sometimes volatile entity. Mr. President, may I direct your attention to a commentary by attorney-at-law Gayatri Dass, which is titled:

“Separation of powers a closer look”

Published in the *Newsday* newspaper on Thursday the 15th of September, 2022. Let me thank Ms. Gayatri for her excellent work which made my preparations for this debate so much easier because she had it all well documented. I quote:

“The idea of the separation of powers stemmed from”—the—“ancient Greece”—country—“but was given prominence by the French political philosopher...”

—and I am going to butcher this name so excuse me.

Hon. Senators: [*Laughter*]

Sen. Dr. P. Richards:

“...Montesquieu in his comparative analysis of forms of government, L'Esprit des lois (1748).

2.30 p.m.

Three branches

The separation of powers denotes that in order to avoid an unnecessary concentration of state power, the following institutions should be separate from one another: (I) the legislative function (lawmaking); (ii) the executive function (governmental); (iii) judicial function (adjudicative and interpretive). As stated by Lord Templeman in *M v Home Office and others* [1994] 1 AC 377, ‘parliament makes the law, the executive carries the law into effect and the judiciary’—reinterprets and—‘enforces the law.’”

Separation of powers rationale

(i) To avoid a concentration of public power in one body/institution”

The philosopher—“...argued that state power should be divided in order to avoid a concentration of power which otherwise could lead to tyranny and oppression, ‘when legislative power is united with executive power in a single person...there is no liberty...nor is there

liberty if the power of judging is not separate from legislative power and executive power...' Therefore, if a person making the laws also enforced and implemented these legislative provisions and then determined whether a person had violated that law, this person would...enjoy excessive and tyrannical powers, leading inevitably to an abuse of powers and a manifestation of the proverb that absolute power corrupts absolutely.

(ii) To provide a system of checks and balances between the branches of government

The avoidance"—again—"of a concentration of power is not achieved through an absolute separation and isolation of the three branches, but rather through the creation of a system of checks and balances between these branches. One institution may well interfere with the constitutional function of another to provide a check on that power...

(iii) To provide efficient government

By specifically allocating definite functions to specific institutions staffed with particular expertise, for example judges who are arguably experts at assessing evidence and judging, this necessarily aims to provide efficient governance.

(iv) To safeguard the independence of the judiciary

The separation of powers subsumes the fundamental notion that the judiciary should be constitutionally independent. In a democratic society, it is of paramount importance that the judges, who form part of the court system, are independent, impartial and free from

interference from”—all—“other branches of the state, in particular the executive.”

So, Mr. President, through you, the framers of our Constitution certainly recognized and understood that because of the nature of these critical interactions, that clear laws, rules and regulations have been built in to ensure that every arm knows or should know its function, its limits. Even with that said, human nature is to push limits and boundaries to the very limits of the law, sometimes the letter of the law, causing confusion. And many of these have been tested and settled in the courts in many different instances.

The three branches, as stated previously, provide essential checks and balances to excesses of power and occasional gaps in operations and decisions that, in one way or another, can be to the detriment of the State as a whole.

If I go to another article titled, “Challenges to Separation of Powers in Constitutional Democracies”, it is on a website www.judicial.gov.gh, and it identifies a similar notion as Ms. Dass, which states:

“The principle of Separation of Powers is premised on the concept that concentration of power in one government institution or person results in arbitrary governance.

In modern times, Separation of Powers, essentially, connotes three elements; that one person should not be in more than one arm of the government, one organ should have its own functions and should not exercise the function of the other and the powers must be distributed in a manner that there are checks and balances.”

In recent times, or not so recent times, we have seen a couple of instances where the checks and balances have worked, to me, effectively, although controversially.

The first one I will identify is, of course, written very eloquently by my media colleague, Tony Fraser, in the online publication, caribbeanintelligence.com:

“Trinidad’s Constitutional Saga”

No date is provided for the article. And at that time, in this first one:

“It claimed the...”

—and I am quoting:

“...cabinet seat of a justice minister and led to a protest march in the capital, while the United States is still demanding two extraditions.

But few people outside Trinidad and Tobago have followed the whys and wherefores of what had, at first, seemed like a storm-in-a-teacup...”

And in this instance, the checks and balances afforded in the separation of powers were able to rectify a significant issue that arose in the country, which is now titled, of course, section 34, which, in the article, and I am paraphrasing here:

“...gave the right of individuals whose matters had remained without trial for 10 years and more to have them dismissed by a judge.”

And I am paraphrasing again, in a subtitle, it is called:

“Dismissal of charges

Immediately after the law received final decree on the 31 August, the day the country was celebrating its 50th year of political independence, attorneys for two businessmen, known as”—at the time—“financiers...applied for the charges against their clients to be dismissed.

The Government responded at that time, Trinidad and Tobago’s Attorney General. There were several legal groups and the then Opposition:

“...and parts of the media cried foul.”

The Government’s response at the time was:

“Trinidad and Tobago’s Attorney General, Anand Ramlogan, characterised the move on section 34 as an ‘oversight’.

He maintained that all members of parliament who unanimously passed Section 34...”—all Members of Parliament voted yes to—“...the Administration of justice (Indictable Offences) Act into existence as a separate piece of wider legislation must share responsibility for the obvious flaws in the legislation.”

Many have cried that, well, the entire Parliament fell asleep at the wheel that day, because of the very long Sitting and a lot of other circumstances that time will not permit me to go into.

“In effect, Section 34 also opened the way for several high-profile figures, including”—and the article says—“former Prime Minister Basdeo Panday, three former government ministers and the two major financiers of the ...ruling....”—party—“...to apply to the High Court to have billion-dollar fraud charges against them dismissed.”

At that time:

“The Opposition...(PNM), led by Dr. Keith Rowley...”

—insisted that the Prime Minister and the Attorney General were more than culpable.

Another subtitle in the article read:

“More time

A similar point was made by the majority of the independent senators”—who are—“(appointed by the President) who also supported the Bill.”

At that time:

“Independent Senator Helen Drayton...”—was—“...the only MP who...”—

had— "...given an unequivocal apology 'for not fully scrutinising the Bill'." So there was more than enough blame to go around in that case. I know people like to point fingers at this side and that side, but everybody failed. We have all fallen short of the glory of God. "So nobody cyah point nobody finger in dat case".

"Under fire"

—another subtitle.

"In September, then acting President of the Republic, Timothy Hamel-Smith, whose substantive position..."—was—"...President of the Senate said: 'The Act was fundamentally flawed and it was wrong for legislation like that to be passed without addressing white-collar crime such as corruption and money laundering.

The constitutionally independent Director of Public Prosecutions, Roger Gaspard,"—SC—"said in a media release that the early promulgation of this one..."—particular—"...law by itself was an 'absurdity'."

Well, the fallout from that was then—the article described someone as a "scapegoat", because I am paraphrasing, and the subtitle is titled:

"Volney sacked

Stung to action by a report in the Trinidad Guardian on the effects of the early and secretive promulgation, the government returned to parliament in September and repealed Section 34."

So Senior Counsel, Martin Daly, in an article said:

"Who else is to blame?"

'Let's be clear about three things,'—then—"senior counsel Martin Daley, a

former independent senator, in his column in the *Trinidad Express* on 15 September.

‘The now infamous Section 34 became an issue primarily because of the acts and omissions of the government. The government get ketch. They ‘shoulda get ketch’ [got caught] before, but the opposition failed to be vigilant.’”

Enough blame to go around. “Everybody fall down”.

“Mr. Daly blamed all those sitting in Trinidad’s House of Representatives. ‘Mauvaise lange [to bad-mouth someone] and insults’—being—‘their priorities’”—he said.

“‘They fail to understand that they are legislatures making laws for good governance of Trinidad and Tobago.’

He also criticised the 12 and 14-hour sittings of the Parliament and argued the need for legislators to have access to legal advice on difficult matters.”

And the final subtitle:

“Volney: Sacrificial lamb?

The former justice minister portrayed himself”—the late, sorry, Herbert Volney—“as ‘the sacrificial lamb, the fall-guy sent to the wolves by my colleagues’.”

So, again, fortunately, the error was caught and other independent institutions kicked in, identified the issue, and it came back to Parliament for rectification. Again, the importance of the separation of powers and every arm doing its job effectively.

Another example of the importance of checks and balances is captured in a *New York Times* article entitled:

“...Trinidad House Speaker Put Under House Arrest”

August 05, 1995. And, of course, I am talking about Ms. Occah Seapaul, who was placed under house arrest by then Prime Minister, the late Patrick Manning, for three days in 1995, for allegedly attempting to take the Government's authority in Parliament. So, again, there was a perception of an overstep of remit and action taken to deal with that because of the separation of powers principle in some instances. There were allegations:

“...she was going to suspend other government members of Parliament following the suspension of Diego Martin Central MP Ken Valley,”—the late—“thereby reducing government's majority in the Parliament.”

Of course, she denied this. Occah Seapaul is quoted in *Trinidad and Tobago Guardian*, after much time, that she was:

“...left to wonder why then President”—I think it is the late Noor Hassanali—“did not ask the relevant questions before agreeing to impose a limited state of emergency.”

I do not think we have ever seen that since then. And it is one of those constitutional challenges this country faced because, again, of perception of incursions of one arm into the other, and responses to those incursions. Dr. Rowley is quoted in the article as saying:

“...‘we were not going to allow Speaker Seapaul to remove the mandate of a government that we earned from an election.’”

Mr. President, Trinidad and Tobago's Republic stands on the pillars of democracy. Democracy stands on the pillars of norms, mores, laws and rules, and critically constitutionally-enshrined institutions:

1. The rule of law, ensuring equality and justice;

2. Free and fair elections, allowing citizens to choose their leaders;
3. Protection of human rights, safeguarding individual liberties; and
4. Separation of powers, distributing authority among branches of Government to prevent abuses.

These pillars collectively sustain democratic values and practices, and the media is also included in this as a constitutionally-protected institution.

So looking at this situation—because as I started, through you, Mr. President, I think this Motion gives us an opportunity to all examine ourselves and our actions, and our words, and deeds. In the interest of the protection of our democracy and also, identifying if we are guilty in word or deed, from time to time, of denigrating institutions, of dragging them down. It does not only happen in Parliament. It does not only happen in Government. It happens all over the country. Because it is not the Government, does not make it right or less egregious. We all have to look at what we do: Independents, Opposition, Government, civil society, everyone, “tout bagai”.

Hon. Senators: [*Desk thumping*]

Sen. Dr. P. Richards: And in the age of social media, where anything can and is said, contributes to a continuous erosion of public trust in institutions, which leads to my last point.

An article entitled, why do countries fail, a case study for Chile—and one would—we would do well to study this in great detail because it is in the not-too-distant future. The article is titled, “Institutional vulnerability, breakdown of trust: a model of social unrest in Chile” by Andrés Velasco of the London School of Economics and Robert Funk, Universidad de Chile, May 2020, acknowledgments to Roberto Chang and Tim Besley for comments and contributions. The piece

goes on to identify:

“Why did millions of angry Chileans take to the streets in protests for several months starting in October of 2019? And why did a country like Chile...”—described—“...perhaps”—as one of—“the most prosperous and law-abiding country in Latin America—explode in a rampage of street violence, vandalism, and looting?”

One of the more initially proffered explanations was that the:

“...3% increase in metro fares caused public indignation at rising prices and high inequality to boil over.”

But was that a really the reason? Actually, it was not.

“At some level...”—it was—“...true: people with sufficient income who feel they are treated fairly do not”—generally—“loot and riot. But as an explanation on which to base policy and political changes, that standard accounts risks being simplistic.

It might seem odd that trust in political institutions has been declining as the region...”—South America more and more.

“...CERC”—I do not know if it is pronounced CERC—“...Mori poll has the most consistent series on the subject, having asked the same set of questions regularly since 1990.”

2.45 p.m.

The poll on :

“...data for Chile on the extent of trust in five institutions”—one—“political parties...”—two—“the Senate...”—three—“the Catholic Church...”—four—“the Judiciary and Carabineros (the national police force). For some institutions, like political parties, trust has been consistently low since the

1990s.

The CERC Mori report issued in May 2019, 5 months before the outbreak of violence, is alarming in both tone and content..."

Title is:

"Trust collapses between 2018 and 2019, reaching the darkest moment since we began measuring trust in 1990."

The report goes on to point out that in the previous year trust in Carabineros fell from 49% to 32%..."—sounds familiar? That is their police force—. "...trust in the judiciary dropped from 31% to 13%. The two institutions displaying the"—worst—"levels of trust are the Catholic Church (from 31% to 8%) and political parties (from 15%...)"—is low already—"(to just 5%). The least trusted categories of people, the report concludes, are politicians with 6%, and bishops and priests, with just 5%."

And South America is a highly religious continent, if you know.

"So the World Bank indices suggest that Chile has reasonably high-quality institutions, even after the drop in quality for the last five or six years. By contrast, Chileans believe that their country's institutional framework is in terrible shape, and their assessment has been getting dramatically more pessimistic over the same period of time.

"The argument

...the data..."—suggested was—"Chile"—was—"experiencing a crisis of hopelessness."

Let me repeat that, "a crisis of hopelessness". Do a scan outside; walk among the people; go to the market on Saturday; walk in the supermarket and face the high prices; go to the rural areas and see how people are living and ask yourself, how

many people are feeling hopeful, for several different reasons. They also suggested that there was:

“...a crisis of trust and credibility. The main message of this paper...that both crises are one and the same. And that in the interactions among pessimism, institutional fragility and trust...”—lay in—“the core of Chile’s...”—challenges that led to that uprising.

In conclusion, while I appreciate the Motion brought by Sen. Lutchmedial-Ramdiel, in my humble opinion as presently constructed, absolves everyone else, when everyone is responsible in some way or another at some time or another. We have seen in the past couple months conflicts with the DPP and the Office of the Attorney General, the Ministry of Finance and the Auditor General’s office. In the past, the late Basdeo Panday took on the media, decade after decade while the public looks on and the interest group feels, well, I am willing because the public opinion is on my side, but generally the cumulative effect is the public is trusting the institutions less and less and less. No matter who wins the elections, they are faced with these public institutions that the public does not trust.

So think about what we do and say and what you will inherit down the road. I believe we should be called upon to be aware that what we all say and do will have profound effects and public trust in critical institutions and we should all reaffirm ourselves to the commitment, to the principles and practice of the protection of these institutions, constitutionally enshrined or not, and to the practice of democracy in Trinidad and Tobago. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Hislop.

Hon. Senators: [*Desk thumping*]

Sen. Laurence Hislop: Thank you, Mr. President, for the opportunity to contribute on this Motion. Mr. President, I want to join with Sen. Dr. Paul Richards in saying that the Motion—well I will ask the question, is it a convenient Motion or is it a Motion of convenience? Because when I look at what was laid out before us by the mover of the Motion, I would say that this Motion is an attempt, as always by the Opposition, to score cheap political points under the guise of concern for our institutions to poke or try or attempt to score points against this Government, the People's National Movement Government.

But, Mr. President, I make no apology for saying that the People's National Movement, all governments, all People's National Movement administrations have held in very high regard, the democracy of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: And we could go as far back, from a historical standpoint, it is the People's National Movement that led the charge towards our independence, and on top of that led the charge towards us becoming a republic.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: And if that does not speak to democracy then I do not know what the Opposition really wants.

The Motion is weak, Mr. President, it lacks any basis, any basis for the Resolution. Because you are calling on the Government to reaffirm its commitment. You reaffirm your commitment if you are not sure about your commitment. I know for one thing that this Government that I am part of has a commitment to democracy and has proven that—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—over and over and over again. And the thing about it is, not only

does the Government have that commitment, but the party that is the foundation of the government, because the reality, Mr. President, before we even take any significant decisions as it relates to the governance of Trinidad and Tobago in a significant way, independence, republican status, all of these things have to be brought to the people of the People's National Movement at a convention.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: And Members are allowed to have their say, and Members are allowed to have their input into the direction that the Government will go. The Resolution, Mr. President, is an insult to this Government. But not only this Government, but to every single citizen of Trinidad and Tobago who exercises his or her right at any election time, this Resolution is an insult. Because you are saying to the population that your vote or to the citizenry, your vote that you, your franchise, that you go out to exercise on, whether it is local government election, general election, by-election in Lengua, THA election, whatever the election, you are saying to the citizenry that your vote "ent" really matter because we "ent" too sure about the democracy of Trinidad and Tobago.

But I know I live in a country where I could choose to vote or not to vote. I could decide election morning, I am getting up and I am not going and vote. [*Laughter*] I would not do that because that is my friend, but I am just saying that in a democratic society you have that right and for us to get to the point where we calling on the Government to reaffirm its commitment says a whole lot to me about the person who spent the time to draft this Motion and to come to this Senate.

Hon. Lezama-Lee Sing: "Wasteman or woman."

Sen. L. Hislop: And that is right because the Motion was redrafted.

Hon. Lezama-Lee Sing: Twice.

Sen. L. Hislop: Because you had a Private Motion that was brought with similar wording and you have come back again, and the timing is very suspicious, Mr. President, because we know we are going into election season and the people are getting very antsy, people are getting very antsy. You know, if I am to read from the mover of the Motion's contribution, I am reading here, reading from the second *Hansard*. It says that:

“...if we are to live in a functioning democracy, we must have recognition and respect...”

—and I would not belabour the issue of separation of powers anymore, because I think Sen. Dr. Richards did an exceptional job at really encapsulating what separation of powers is about. But if I go on, the mover said:

“...we must understand that in order to safeguard a citizen and their fundamental rights and freedoms guaranteed to them by the Constitution and to guard against tyranny or dictatorship, we must ensure that there is no concentration of power and that all the independent institutions that are set up; whether through the Constitution or separate pieces of legislation, that they are allowed and permitted to function efficiently and effectively.

Now, the Opposition has a habit of using particular words, Mr. President—
 [*Device goes off*]

Sen. L. Hislop:—and we have an echo. That is all right. The Opposition has a knack of using particular words. Words like “tyranny” and “dictatorship”—

Sen. Gopee-Scoon: Yeah, yeah, yeah.

Sen. L. Hislop:—and I wonder sometimes if they really understand what they are doing to the psyche of the population when they repeating these words. Because I know I live in a country that we do not have a tyrannical leader, we do not have a

tyrannical leader.

Hon. Senators: [*Desk thumping*]

Sen. Lezama-Lee Sing: There is a tyrannical leader on the other side.

Sen. L. Hislop: Because, well I cannot speak to what happens on the other side, but tyranny is a government in which all the power is concentrated in one individual.

Sen. Lezama-Lee Sing: Maxima Kamla.

Sen. L. Hislop: And if we are honest with ourselves, where in this country have we ever experienced a situation where we ever had a tyrannical leader?

Sen. Lezama-Lee Sing: Kamla.

Sen. L. Hislop: Where?

Sen. Lezama-Lee Sing: Over there.

Sen. L. Hislop: And even if you want to look at it, yeah, I belong to the Government, but even prime ministers of the Opposition party, I would not call them tyrannical.

Sen. Lezama-Lee Sing: Some, some.

Sen. L. Hislop: “We doh have dat.” When you talk about tyranny, go to places where you cannot even—you think some of the words uttered by Members opposite, Mr. President, would be allowed in a tyrannical society? I know some on the opposite side who have all kind “ah” politics would be arrested already, just by their utterances if they were in a tyrannical society. And we want to come in Trinidad and Tobago, because you disagree with the utterances of a leader, you call the leader—

Sen. Lezama-Lee Sing: Anything you want.

Sen. L. Hislop:—tyrannical, dictator. We truly understand what a dictator is? We

understand what a dictator is? I know some people may have lived in countries—

Sen. Lezama-Lee Sing: They were in jail.

Sen. L. Hislop:—where they were neighbours to dictatorship. But I know Trinidad and Tobago has never experienced, we may have come close, some years ago.

Sen. Lezama-Lee Sing: 2010.

Hon. Senator: [*Inaudible*]

Sen. Lezama-Lee Sing: 2011.

Sen. L. Hislop: You see when we talk about the fundamental rights of an individual, and the mover of the Motion quoted eloquently from the Constitution, section 4. And if we look at it, Mr. President, it says:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex the following fundamental human rights and freedoms, namely:

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;

3.00 p.m.

- “(c) the right of the individual to respect for his private and family life;
- (d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;
- (e) the right to join political parties and to express political views;”

And they have Members leaving in droves because they are exercising their rights.

- “(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;
- (g) freedom of movement;
- (h) freedom of conscience and religious belief and observance;
- (i) freedom of thought and expression;
- (j) freedom of association and assembly; and
- (h) freedom of the press.”

Mr. President, I am a firm believer, that all of these fundamental rights are experienced by every citizen of Trinidad and Tobago, and if, peradventure, a citizen feels that his rights are being infringed, Sen. Dr. Paul Richards spoke clearly to the separation of powers. One of the arms of governance in Trinidad and Tobago, or the powers in Trinidad and Tobago is the Judiciary. I know our friends opposite know how to get to the courthouse, even though, in a lot of instances when they come up against the People's National Movement, they keep losing.

Hon. Senator: They have a pool.

Sen. L. Hislop: Because as far as we are aware, there is still some significant outstanding owed to the People's National Movement—

Hon. Senator: “Yeh.” Legal fees—

Sen. L. Hislop:—for court matters. And that is their right, Mr. President because we still reside in a country where you have democracy, where if you disagree you can go to the court.

I want to say that disagreement with an independent institution or officeholder does not make one a dictator. It does not. Because politicians as well

are covered by this fundamental right. “Freedom of thought and expression.” If you have an entity that speaks out about something, is it that we expect, that maybe, the Prime Minister or Government Members cannot speak in defence of an attack? They cannot—well I would not even say an attack, of a concern? Is it that Members of the Government cannot speak, or cannot clarify an issue? We are not allowed to speak? If that is the case then those opposite may be the dictators and the tyrannical leaders because they want us to remain silent, Mr. President.

But when we talk about calling on the Government to reaffirm its commitment, there is a level of hypocrisy that comes through this Motion.

Hon. Senator: Correct.

Sen. L. Hislop: I am challenged that an entity called the United National Congress has the gall and the temerity to call on the Government to reaffirm its commitment to democracy when the track record of the United National Congress is to constantly attack independent institutions. Especially one, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: As far as I am aware, the People's National Movement has never taken the EBC to court, or even threatened to take the EBC to court. But whenever the election results come in a particular way that the UNC has a challenge with, Mr. President, the first place they want to go is take the EBC to court. The first thing they do is attack the head of the EBC and call the head of the EBC all kinds of—giving the head all kinds of relations that she may not even know she has.

Hon. Senators: “Hmm, hmm.”

Sen. L. Hislop: I am just saying.

Sen. Roberts: Please, please. Do not come here and talk about lies. Talk the truth.

Sen. L. Hislop: You see and that is the thing you know. When we start to treat—[*Interruption*] Mr. President. All right.

Sen. Gopee-Scoon:—we understand—

Sen. L. Hislop: I understand what is going on. I understand what is going on with Sen. Roberts you know, because Sen. Roberts has the ability to—He goes on a platform, says what he says, talks what he wants to talk, but nobody must respond to him.

3.05 p.m.

Because why? Because Sen. Roberts has the biggest bark and the biggest—

Sen. Nakhid: He tells the truth.

Sen. L. Hislop:—always attacking an independent institution called the EBC. And, Mr. President, this is of recent vintage, August 21, 2023, a Guardian article by Gail Alexander:

“UNC moves ahead with legal action against EBC”

Sen. Lezama-Lee Sing: Again.

Sen. L. Hislop: Again.

“The Opposition United National Congress is taking legal action against the Election and Boundaries Commission...today...regarding a rejected ballot in...”

Where?

“...in Lengua/Indian Walk...where the EBC has called fresh elections.”

“Y’all shoulda just stay with de tie, yuh know”.

Hon. Senators: [*Desk thumping and laughter*]

Sen. L. Hislop: “Shoulda just stay with the tie”.

“The EBC last Saturday announced fresh elections in Lengua/Indian Walk

after the UNC and PNM candidates' respective votes tied twice—but the UNC claims the rejected ballot makes the party..."—[*Laughter*]

Sen. Lezama-Lee Sing: [*Laughter*] Sorry.

Sen. L. Hislop:

"...the UNC claims the rejected ballot makes the party the winner of this area and the EBC is wrong..."

"I doh know since when ah tie is ah win, and when ah loss is ah win". Because we have a Leader of the Opposition, Mr. President, than whenever they lose an election, they win. Every single time they lose an election, they win. And they tie, but they win. Maths, UNC-style.

"At yesterday's Opposition media briefing in Port-of-Spain, Barataria/San Juan MP Saddam Hosein said UNC political leader Kamla Persad-Bissessar wrote the EBC yesterday...expecting a reply from the Commission by 4 pm about the ballot."

You contested, you are trying to take the EBC to court. We go back to the polls and they are shell-shocked.

Sen. Lezama-Lee Sing: Whoo! Congrats, Mrs. Gopee-Scoon.

Sen. L. Hislop: They are shell-shocked.

Sen. Lezama-Lee Sing: Mrs. Gopee-Scoon, well done.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Hard work by our Acting Leader of Government Business in the Senate—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—to the extent that Sen. Mark jumps on his legs today talking about bribery. This is the PNM.

Sen. Lezama-Lee Sing: That is their modus operandi.

Sen. L. Hislop: This is not the UNC.

Sen. Lezama-Lee Sing: That is their MO.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: “We doh put money in jersey”.

The other thing—the other one—Mr. President, I want to read from another article, and this is November 24, 2019. Again:

“UNC threatens EBC with court action”

What it is? What does the UNC have with the EBC? This is an independent institution that, since independence, has ran elections—

Sen. Lezama-Lee Sing: Free and fair.

Sen. L. Hislop:—free and fair elections. And the thing about it, Mr. President, is that whenever—you see, and this is the difference between the PNM and the UNC. Whenever the PNM loses an election, we take the results of the election because that is the democratic process, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: And you are now calling on a Government that accepts the democratic process? Whenever we lose an election, we take our loss, we dust our bottoms, we clean up.

Hon. Senator: Do the work.

Sen. L. Hislop:—do the work—thank you, Senator. We do the work, and nine out of 10 times, when we come back, “is blows”, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: We do the work. We do not threaten the EBC. We do not say that we win the election when we lost. If there is need for a recount—and history

has proven that when the PNM lost this what?—33-3—there was a seat that we lost by how many votes?

Sen. Lezama-Lee Sing: Sixteen.

Sen. L. Hislop: A lil bit of votes that could have gone to a recount.

Sen. Dr. Gopeesingh: Manning would have lost his seat.

Sen. L. Hislop: Thank you, “Sen. I”—sorry, Sen. Tim Gopeesingh. Thank you very much.

Sen. Dr. Gopeesingh: You have me confused. The NAR—[*Inaudible*]

Sen. Mitchell: Would you stop disturbing him?

Sen. Dr. Gopeesingh: The NAR—[*Inaudible*]

Sen. L. Hislop: Well, okay. Either way—

Hon. Senators: [*Interruption*]

Sen. L. Hislop: Either way, the process continued, Mr. President, because we do not fight. We do not fight.

Hon. Senators: [*Interruption*]

Sen. Mitchell: “Share licks nah, you go ahead”.

Sen. L. Hislop: You see, and this is what—you have the track record of attacking independent institutions.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: Always. That is the one track record outside of the others with— all that corruption and whatever—independent institutions, you attack. And if I am to go to another fundamental right, Mr. President, it is freedom of the press.

Sen. Dr. Gopeesingh: [*Inaudible*]

Sen. L. Hislop: “Eh-heh”? Freedom of the press. I remember on a morning show, Mr. President, former Minister of Works, during the 2010—2015 period, sat

on a morning show with a very revered morning show host, and the interview was extremely contentious; extremely contentious.

Sen. Mitchell: I remember that.

Sen. L. Hislop: You remember that?

Sen. Mitchell: Yeah.

Sen. L. Hislop: And that morning host needed a job after that interview.

Sen. Lezama Lee-Sing: Before he walked out the studio.

Sen. L. Hislop: Oh, before he walked out?

Sen. Lezama Lee-Sing: Before he walked out the studio, the man was fired. Poor Fazir.

Sen. L. Hislop: We do not know where the call came from. Do not know who made the call. But by the time the show was done, the morning show host needed a job.

Sen. Mitchell: Shame.

Sen. L. Hislop: UNC activist, Ken Ali, appointed CEO of government-owned new media group. You had so many instances of, as soon as things did not go as the UNC wanted when they were in office, they had problems.

Listen, we currently have a Prime Minister, I do not know, has this innate ability to stand for hours in front of the media and take questions, answer questions truthfully—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—face the hard questions, Mr. President. I cannot recall seeing any Prime Minister of Trinidad and Tobago do that; will stand in front of the media for hours and take the questions, even sit for one-on-one interviews, does not run from the media. But if you ask the former Prime Minister, now Opposition Leader,

how many interviews, how many press conferences? When they just came into office, friends of the media, but when it is about governance and you have to answer the hard questions, you cannot find them. That is—and you want to come in this Senate today, Mr. President, and talk about—asking this Government to reaffirm its commitment to democracy? We do not need to reaffirm that, we have remained committed to democracy in Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—and I would say, from before independence. We have remained committed to independence—to democracy.

Sen. L. Hislop: But, Mr. President, you know—

Sen. Mitchell: Our middle name is democracy.

Hon. Senators: [*Laughter*]

Sen. Mitchell: Go ahead.

Sen. L. Hislop: Mr. President, I want to touch on this last area of interest as it relates to who attacks independent institutions. Tuesday, November 09, 2021, *Newsday* article, Sean Douglas—you all know what the headline is? The headline is, Mr. President:

“Persad-Bissessar slams independent senators”

Sen. Lezama Lee-Sing: Oh, my God. The bastions of independence in this place.

Hon. Senator: Inside of here?

Sen. L. Hislop: Right in this Chamber—

Sen. Lezama Lee-Sing: Shame.

Sen. L. Hislop: Hon. Members who are—or Members who are in this Chamber to, what we may consider, create balance, you have the Leader of the Opposition attacking Independent Senators because Independent Senators choose to be

independent. Independent Senators choose to be independent based on the oath of office that they took, Mr. President. You are attacking them for their independence.

“...questioned the impartiality of the independent senators when she addressed a UNC virtual meeting on Monday.”

The Opposition Leader—“...chided their voting record and hit Senator Anthony Vieira’s censure motion against opposition members for their behaviour last month at the Electoral College meeting called to vote on President Paula-Mae Weekes’ recent performance.

Urging Weekes to reveal the fate of the commissioner of police merit list...”—the Opposition Leader—“...said until this is done, the whole process for selecting a new CoP should be paused.”

The Opposition Leader—“...alleged that the independent senators viewed themselves as...”—PNM’s—“rubber stamp...”

Sorry, let me quote correctly:

“...as the PM’s rubber stamp, saying six of them had voted with the Government...”

I wonder if the Opposition Leader has the same sentiment of the MP for—where is he again?

Sen. Lezama-Lee Sing: Cumuto.

Sen. L. Hislop: Cumuto/Manzanilla.

Hon. Senators: *[Interruption]*

Sen. L. Hislop:

The Opposition Leader—“...dubbed them ‘eat ah food’ senators, who had been hand-picked by the President and whom the Opposition would deal with if they enter the political gayele.”

Not my words, Mr. President.

The Opposition Leader—“...dubbed Vieira ‘a pawn in Rowley’s anti-democratic playbook within our Parliament.’”

Sorry, Sen. Vieira—

Sen. Mitchell: SC.

Sen. L. Hislop:—SC.

Sen. Lezama-Lee Sing: Outstanding Independent Senator, eh. The man outstanding.

Sen. L. Hislop:

“I want to remind you, Honourable Senator, that nobody voted for you, Vieira. You were hand-picked by a President who was hand-picked by the PNM.”

As far as I am aware, there is a process in the Republic of Trinidad and Tobago that is clearly laid out in the Constitution. It is a process. The Opposition Leader has the right to ask questions, but so does the Independent Senator—

Sen. Mitchell: Yes.

Sen. L. Hislop:—and the Government—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—because we are standing on the fundamental rights of the Constitution. And so, okay, fine, if the Opposition Leader has a problem with the selection of an office-holder and raises concerns, fine, that is her democratic right, Mr. President. But you cannot attack an Independent Senator because he has an independent view.

Hon. Senators: [*Desk thumping*]

Sen. Mitchell: Correct.

Sen. L. Hislop: And then goes on to accuse the Senator that he moved a Motion to try and silence the voices of the elected Opposition. But I know the Opposition Bench in the Senate is not elected either—

Sen. Mitchell: No, appointed.

Sen. L. Hislop:—and they are appointed by one person.

Sen. Roberts: Based on—[*Inaudible*]

Sen. L. Hislop: Based on the Constitution, Sen. Roberts. Based on the guidelines of the Constitution.

Sen. Mitchell: Correct.

Sen. Roberts: Based on votes.

Sen. L. Hislop: Based on votes? Okay, all right. All right. Votes, right. [*Senator gestures with hands*] Lost, lost, lost, never win.

Hon. Senators: [*Desk thumping and laughter*]

Sen. Roberts: [*Inaudible*]

Sen. L. Hislop: Because I have the democratic right to face the electorate. I stood up before the electorate, and just like you, Sen. Roberts, the electorate chose somebody else, which is their right.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: So when we talk about reaffirming our democratic, what?—democracy, we do not need to reaffirm it. We stand on it.

Sen. Mitchell: Yes.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: And elections come, elections go. Mr. President, 41 seats—even in the seats, historically, we have not won; 41 seats, the People's National Movement—

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop:—puts forward 41 candidates. The UNC has no authority to talk about Tobago. “All yuh fraid Tobago like cat—fraid Tobago”.

Hon. Senators: [*Desk thumping*]

Sen. L. Hislop: When last have you placed a candidate for any election—well, you all have a proxy.

Sen. Mitchell: “Dey doh even know where Tobago is”.

Sen. L. Hislop: When last have you all placed a candidate for any election in Tobago? That is what you all need to reaffirm, whether you all truly are a national party.

Hon. Senators: [*Desk thumping*]

3.20 p.m.

Mr. President, we stand, this Government stands squarely on the Constitution of the Republic of Trinidad and Tobago. We believe in the rule of law, we believe in democracy, we practise democracy. Even if I do not agree with an independent institution's statement, or the head of the independent institution's statement, I have a right just like everybody else, to say I do not agree. Whenever the Prime Minister comes out and speaks to what an editor—and this is freedom of the press. The editor, whom we do not know, writes an editorial, and a Minister or the Prime Minister chooses to correct inaccuracies, how is that attacking the press? How is that attacking democracy? Is it that it is okay for everybody, just as Sen. Paul Richards said, is it okay for it just to be the Government? Is it? Or is it the responsibility of every single one of us? Yes, consider the things we say but that does not say that we cannot say and it does not mean—

Sen. Nakhid: Yea, you cannot bully.

Sen. L. Hislop: Does not mean—

Sen. Nakhid: “Allyuh” bully Paula-Mae Weekes.

Mr. President: Sen. Nakhid, no. Just—

Sen. Nakhid: [*Inaudible*]

Mr. President: Sen. Nakhid, I am on my legs. Temper the outbursts please.
 Continue Sen. Hislop.

Sen. L. Hislop: Thank you, Mr. President, as I wind—

Hon. Senator: And beat them some more.

Sen. L. Hislop: For me—

Hon. Senators: [*Laughter*]

Sen. L. Hislop:—to hear Sen. Nakhid say that we bullied the former President, I am not going there, Mr. President, but it is just amazing. So, Mr. President, we stand; the People's National Movement stands squarely on the foundation of the Constitution of the Republic of Trinidad and Tobago. I know while people do not like to hear us say this, but we built, we fought, we worked, the People's National Movement. Every PNM Government has a track record standing on democracy and believing in the rule of law, Mr. President. And we do not need to reaffirm our commitment, we are fully committed to democracy and all that it stands for. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Roberts.

Sen. A Anil Roberts: Thank you, Mr. President. I want to thank my learned colleague over there, Sen. Hislop, for giving me a bellyful of laughs. I have not laughed like that for about a week. Unfortunately, on this Motion about democracy, I cannot speak to my learned colleagues across the aisle because when

you are brainwashed, when you are in love, when you are passionate, when your emotions are high on a topic, logic is suppressed. I mean, you can see at a sports day that logic gets suppressed when emotions take over and Ministers forget themselves and go about showing muscles and hugging up each other and so on. They get confused because it is so much love sharing. But let me—

Hon. Senators: [*Crosstalk*]

Sen. A. Roberts: Well, it is okay. I know you all find nothing is wrong with that, good for you. But I am saying to you, Mr. President, I am here to debate this Motion to you and to the population. The hon. learned Sen. Hislop said “But it is only the UNC does take de EBC to court.” Well, hon. Senator, because the PNM control the EBC from inception, so they have no need to take their friend to court. They have no need—

Sen. Mitchell: Boy, sit down “nah” boy.

Sen. A. Roberts:—to take—

Sen. Mitchell: 46(1)

Hon. Senator: And you start already—[*Inaudible*] Come on.

Mr. President: Let me just hear the Standing Order Senator.

Hon. Senator: 46(4)

Mr. President: Okay, so again, just be careful of the statements that you are making in relation to a particular party and the EBC. As much as I know you are responding to comments that have gone before, just be careful. Continue.

Sen. A. Roberts: Hon. President, this is a Motion about democracy. The former Senator tried to claim quite without any fact or basis, that the United National Congress attacks the EBC, takes them to court, makes spurious allegations about familial relationships. We do no such thing. The fact of the matter is that the

current head of the EBC is the niece of a former PNM Minister. She is also the best friend of the sitting Minister of Education from St. Augustine Girls. Best friends. So those are facts.

Sen. Gopee-Scoon: Point of order 46(6)

Mr. President: Right, so imputation of improper motives.

Sen. Mark: [*Inaudible*]

Mr. President: Sen. Mark, please. Very, very thin, in terms of the imputation that is occurring. Just be careful because, as I have always indicated, what the average citizen would take from a statement like that, is that there is something nefarious occurring. So that is where the imputation is coming in. Continue.

Sen. A. Roberts: Thank you, Mr. President. It is not imputation. We are here to discuss separation of powers, we are here to discuss conflict of interest, and we are here to discuss apparent bias. If there is any relationship in a situation that could be deemed to give one side an advantage over the other, that in itself is the benchmark for apparent bias. It does not need to be actual bias. You do not need to actually prove that the person has done something wrong. If someone receives senior counsel from a Government, whether it is UNC who is in Government and they give someone senior counsel which leads to extra revenue being earned by that individual, one can imply that there is an apparent bias in that person to take an independent office. That is a simple principle.

Sen. Gopee-Scoon: Point of order 46(6).

Mr. President: Okay, so I have spoken to that. Member continue.

Sen. A. Roberts: Thank you, Mr. President. One would also understand when you have an Auditor General who understands and is independent and cannot find US \$26,000 and says that you must find it and give her bills and the company

cannot be found, they need to just allow the debate to go on. This is a specific Motion on democracy.

The hon. Senator brought about the EBC, said that the UNC like to go to court. But, the fact of the matter is, the election in Lengua/Indian Walk, was not a tie, because there was a ballot that had no signature of the returning officer. No fault of the democratic citizens, the citizens who went to vote. That vote had an X by the UNC. So, it is fair and within a democracy for the United National Congress to question a decision made by an organization which has a history and a track record of PNM bias. The hon. Member also talked about arguing and discussion. That is fine. We are not talking about that, we are talking about actions taken by a Government who is given power and they abuse that power to ensure that independent offices are replaced with people who are more akin to their beliefs. So when the hon. Senator talked and quoted about a situation which involved his very own Prime Minister, and who he later admitted—you see he quoted from an article before the truth came out. When the truth came out, and his hon. Prime Minister, and Member for Diego Martin West, admitted that he went to the President on August 11th, 2021, and interviewed and talked to her and caused her to ask the then Chairperson of the Police Service Commission, an independent institution, to withdraw a merit list that was duly approved by a majority of the Police Service Commission, thereby causing an individual to misbehave in public office and breach the Constitution, section 123(4) which states:

The President on receipt of the merit list from the independent Police Service Commission shall deliver it to the Parliament.

Well it did not “shall”, it did not reach, and that created a conundrum and a crisis in this country and deals directly with the separation of powers. How did the hon.

Prime Minister know the merit list was completed? How did the hon. Prime Minister get to the President's house? Why did the President allow the Prime Minister to talk to her? And therefore—

Mr. President: Senator.

Sen. A. Roberts:—we came to a situation—

Mr. President: One second. So, I have been telling all Members that have contributed in this particular debate, that Office of the President is not to be used to influence the debate in any way. Now, to make this particular debate and only this debate, somewhat intelligible, in relation to what is being stated, very, very minor instances, the Office might be mentioned. But to repeatedly state that the Office of the President did this, or this went to the Office of the President, that is not going to be allowed because eventually what is happening is that office is being brought into the debate. So try to stay away as much as possible from using that title.

3.30 p.m.

Sen. A. Roberts: While I respect your ruling, this is about the Constitution, about the separation of powers. I will now take you back to the history and track record of this PNM because they said in crosstalk that their middle name is democracy. The Senator who just spoke said that the PNM built this democracy.

Sen. Mitchell: Correct.

Sen. A. Roberts: Well, correct, and I would show you and the country that the PNM with the Premier Dr. Eric Eustace Williams and the then Attorney General Ellis Clarke designed a Constitution in their own likeness to provide them with the ability to move forward, creating enough loopholes and control for the Premier or the Prime Minister to come to be—

Sen. Gopee-Scoon: [*Inaudible*]

Sen. A. Roberts: Excuse me please!

Mr. President: No, no, just now. If you are debating—

Sen. A. Roberts: I would like some [*Inaudible*]

Mr. President: Yes, yes all well and good. If you are debating, try your very best not to engage in the crosstalk. Members on my right as well, try not to engage in the crosstalk with the Member speaking. Continue Sen. Roberts.

Sen. A. Roberts: Thank you. Unpatriotic, that is the point we are making. The PNM believes through their brainwashing and their cult that if you disagree with anybody who is a PNM you are unpatriotic. Well, I am here to tell the PNM that PNM is not Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: Trinidad and Tobago is all of us. They designed the Constitution based on PNM as I would show. They designed a draft and they told the population they must accept it and here we are, 62 years later suffering from a Constitution handed down and dictated to the people and the ignoring of voices of Independents, Opposition and different thoughts. We are here, and the majority of independent institutions have been infiltrated over the years by PNM sympathizers, either overtly or covertly. Over a period of 52 of 68 years, the PNM has run this country for 52 of 68 years and we can see that the PNM has influenced the Integrity Commission, the Central Bank Governor, the TTPS, the Commissioner of Police, the Police Service Commission, the Independent Benches before. I will not talk about it now, because they are my colleagues now, but we can see examples of Independent Senators who sat and somehow when the honourable colleague says they are Independent 23 out of 23 contributions of an Independent Senator attack the then Government. That is not independence.

Mr. President: Senator, have a seat, have a seat. There is so much wrong with exactly what you are saying now. That has been dealt with at another particular point in time.

Sen. A. Roberts: [*Inaudible*]

Mr. President: No. I am going to be very careful in terms of how I put this. The line that you are going down, where you are speaking in relation to Independent Senators and how they vote is not allowed.

Sen. A. Roberts: I did not say how they vote.

Mr. President: Not—no, no, the number of votes, however you phrased it, just know that is not allowed in relation to Members in the Senate. They are free to do as they please, because each individual in here can choose to vote as they please, or they can choose to respond as they please. They are free to state their opinions in relation to anything that comes into this Chamber. Secondary to that, again, just be careful with the way you are phrasing your comments because the average citizen can take away from it that something nefarious is occurring and that is what imputation is. So just be careful. Continue.

Sen. A. Roberts: On what I would say is that the history and the track record is replete of Independent Senators leaving when the Government changes to become a Member of the next Government of the PNM; to take up positions as chairperson of CNMG or chairperson of NIB. That would lead people to question how really independent when you can change immediately and accept a position on a board. These are the issues that need to be discussed.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: Because, we can see that the PNM has infiltrated. I have personal experience and some of their colleagues have been on charges and so on

because Permanent Secretaries have relations to the PNM and cause them to breach the rules, which leads to police charges and indictment. Because, any other person who did not have that relationship would not have been able to get a cheque of \$356,000 for a foundation that was not registered. The NGO was not registered and had no bank account. For a Permanent Secretary to do that, when the rules are very clear and Permanent Secretaries are very qualified in accounting and procedure and finance rules, for that to occur something emotional had to take place. There had to be some connection because the inexplicable occurred.

We have seen the infiltration of the PNM in offices like the Chief of Defence Staff; so much defending the PNM that he thought 1000 hours could fit into one week. We see the members of the labour movement, we see the Law Association defending perjury; some things that just do not logically fit. We have to reach—we have to analyze how we started. How did we get here? How did Trinidad and Tobago begin? And that is where I shall begin. I will take some quotes. There are many books and much research but I would take this book, yes, from Kenneth R. Lalla, an Independent Senator, a brilliant son of the soil, a genius of an attorney, a brilliant patriot, who also was a Senior Counsel when silk was silk and not polyester. I will quote from—

Sen. Mitchell: His son was a patriot.

Hon. Senators: [*Laughter*]

Sen. A. Roberts: What is that?

Sen. Mitchell: His son was a patriot too. [*Laughter*]

Sen. A. Roberts: His what? Son?

Sen. Mitchell: His son.

Sen. A. Roberts: Yeah. Listen, sons do not have anything to do with fathers.

Sen. Nakhid: I do not understand that.

Sen. A. Roberts: Basdeo Panday was a great man, that does not mean his daughter is going to be a Prime Minister. But we are moving ahead.

Hon. Senator: What?

Hon. Senator: Wow!

Sen. A. Roberts: The PNM—Page 54, we are talking about how we started. We began this journey to nationhood, to Independence, to Republican Constitution in 1976 based on PNM untruths, PNM falsehoods and PNM bad faith negotiation.

Kenneth Lalla writes:

When Williams, realizing at this juncture as they were up in Marlborough House, breaking up the conference was imminent as a consequence of his and his team's incompetence and recalcitrance, which would have subjected him to much humiliation, he approached Capildeo, the Leader of the Opposition, as reported and gave him the solemn undertaking—the solemn undertaking—that if the Opposition were to accede to the granting of Independence, he, Dr. Williams would address all the proposals of the Opposition on their return to Trinidad.

The number one issue then was the demarcation of the boundaries in the East West Corridor, which the Opposition and all other groups were saying was done unfairly, that it did not represent a fair representation of the population and the makeup of Trinidad and Tobago. So the number one undertaking by Dr. Williams was, “Y'all, sign this document. When we reach home, we will address those boundaries.” The EBC has not addressed those boundaries and up to today, it has gotten worse—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: —every EBC report because of PNM infiltration. That is why the PNM does not need to take the EBC to court because the EBC is PNM.

Mr. President: Sen. Roberts, have a seat. Again, that statement is too direct. You can find a better way to say it. It is imputing improper motives. That cannot be said in relation to the Standing Orders that we have before us. Again, be mindful.

Sen. A. Roberts: Okay, thank you, Mr. President, I will let Senior Counsel Kenneth Lalla speak. May he rest in peace for me since he would be more eloquent. He says:

Chief among the proposals of the Opposition on their return to Trinidad, among such proposals, was the embodiment in the Constitution of the British Convention that the Prime Minister consult with the Leader of the Opposition on matters of national importance, such as the Chief Justice, the Chairman of the Boundaries Commission, and the absence of the Office of the Director of Public Prosecution.

Kenneth Lalla SC continued:

Members of the Opposition, propelled no doubt by their patriotism, and the Oaths of their office to serve the interests of the people of Trinidad and Tobago, accepted Dr. Williams' undertaking and promises as emanating from an honourable gentleman, and agreed to the granting of Independence to the colony. As a consequence, political independence was granted to Trinidad and Tobago on June 8th 1962 because of the patriotism of the Opposition. On learning of the Opposition's capitulation, Williams' overtures, the delegates of the Indian Association met with Capildeo and

expressed to him the great disappointment over the decision, and prophetically informed him that Williams would renege on his undertaking. And Williams so did. There was no adjustment, no analysis, no scientific change of boundaries up to this date.

We hear the ludicrous claims of the PNM that every bit of development— You are seeing on Facebook now they are doing some nice fancy videos; election coming. Every bit of development in Trinidad and Tobago came from the PNM and the PNM and the PNM. This is not only nonsense, it is arrant nonsense. When we realize some of the decisions taken by the PNM—They shut down the railroad and now we all in traffic. They shut down Caroni 1975 Limited, we suffering for food and food import bill is \$5 billion. They shut down the Petrotrin Refinery and the energy sector is decimated. They have Point Lisas down to 24 per cent from a high of 74 per cent. They shut down CL Marine and the yachting industry is now gone. They shut down THTTI for tourism. They shut down the nursing school and then on top of that—

Sen. Mitchell: Excuse me please, 46(1) please.

Hon. Senators: [*Laughter*]

Mr. President: Sen. Roberts, 46(1) is upheld. What you are speaking to sounds more—what is the word?—along the lines of campaigning versus what is before us in relation to democracy and the protection of independent institutions.

Sen. A. Roberts: Yes Sir.

Mr. President: So just bring it back in.

Sen. A. Roberts: Well the protection of independent institutions, it is incumbent on the population to realize that the essence and genesis of the PNM was based on untruths. It was based on dictatorship. It was based on a power struggle and it

continues. So when they come to revisit history and redesign the narrative, one has to correct the record because the PNM has a track record that has left Trinidad and Tobago being compared by the hon. Senator who spoke before me to other tyrannical areas.

The concept of the PNM is that if you are not at war, if you are not at civil war and pain and death, that you do not have a tyrannical oppressor if you can go to the court. But yet the PNM— We just heard and learnt that due to an honourable decision by a former PNM Attorney General, who found it was really too much for an Attorney General of the PNM who had reached so far to the Privy Council showing that a separation of powers had been interfered with back in 2006 and 2007 when cases were brought against a Chief Justice and witness of a magistrate who was beholden to the said Attorney General— He was about to be made a judge and they had reached the Special Branch due diligence process, and then the learned attorney, in his wisdom, said, “I will withdraw my name”. So we thank that PNM for finally getting a conscience. But the fact of the matter is that for something like that to have nearly occurred means our democracy is in danger. The courts must be independent. If we choose—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: I choose to be here in politics. I choose to be in the United National Congress. I choose to be in the gayelle. It means I must forego other options. I cannot jump out from here and say I want to sit on that Bench and say I am Independent next week. I cannot go on the Judiciary and sit down and say well, all of what I believe and my philosophies I now put aside now and I am fair and impartial. That does not muster the benchmark of apparent bias.

When you see from the start, we have the original Constitution and we have the Republican Constitution. When you read this, you will see that the PNM never intended for Trinidad and Tobago to have a democracy that all could really take part in. It was designed to ensure, as the hon. Minister of Finance in a debate previously told us, that the PNM will always come back, the PNM will always grab back power, no matter if they lose, they accept the results and they will be back. That the Opposition always disintegrates and the PNM remains as a monolith and always comes back because the system was designed that way and the PNM designed the system for themselves.

3.45 p.m.

When you look at these Constitutions, you would see that Dr. Williams did not want to enshrine in these documents the freedoms and rights of individuals—in the original 1962 document. He made all sorts of spurious reasons why he did not want to take the time to delineate rights and responsibilities, enshrine them. But 14 years later, after a black power revolt, after opposition forces united—ULF, DAC and Tapia House—he was forced to change his way and flip-flopped, and that is why in the Republican Constitution, we have section 4 where the rights are enshrined.

When we talk about—well, that was the freedom and the rights. I hold here a document from the Premier, Dr. Eric Williams, of a broadcast he gave on the 9th of April, 1962, because there was widespread discontent, that here it was, the PNM had drafted a constitution. They had brought it to the fore and given the entire population 40 days to comment and they were heading towards independence. So obviously, people were saying, and commentators, Leaders of the Opposition, labour movement and so on, were saying, “This is not enough time. How could

you do this? This is undemocratic.” Well, Dr. Williams went to the airwaves—and this is a direct, pristine account of what he said on that night of the 9th of April—and he said, and I quote:

“Radio broadcast, Sunday, April 8, 1962

Ladies and Gentlemen:

I am very happy indeed to have this opportunity of reporting to you tonight on the Draft Constitution for an Independent Trinidad and Tobago which was published for public comment on February 20...”

It was published for public comment on February 20th, and the entire population—it did not have Internet, it did not have email, it did not have WhatsApp, it did not have social media—was supposed to comment, and get their comments in by the end of March 31st; 30 to 40 days to comment on a constitution to chart our way forward.

Dr. Williams said—he is responding to three major criticisms.

“The first criticism is that the Government had no mandate to decide to proceed to Independence...In this connection it has been argued that the continuation of the Federation was not an issue in the General Elections last December and that it was the Party to which I belong which refused to make it an issue. The argument continues that I had repeatedly pledged to consult the population after the Elections on the question of our attitude to the Federation.

It is, of course, a great pity that this concern over consultation of the population, and the question of the Federation now being displayed when the Federation is dead was so conspicuously absent when it was...conceived.”

The DNA of the PNM is to mamaguy, to not consult and to come with arrogance, when the people say, “We would like an opportunity to voice our views.”

The Premier said:

“...I would not accept the constitution discussed at the conference...”—previously.

And that was a constitution that had been produced by the Sir Edward Beetham committee, which included a wide cross-section of religions, labour movements, Opposition, party groups, businesses, everybody had come together. And here it was the PNM saying, “You all came together, you produced a document, we do not want to hear that. We will move with what I have drafted here with Ellis Clarke, my Attorney General.”

That is the same thing we see here, whether it is local government reform, you have to take it; whether it is the Tobago electoral process with the EBC, when the PNM instructs that Tobago must move from 12 to—from 11 to 14—to 15 seats—from 12 to 15 seats, without any discussion, to putting the cart before the horse. We see this repeating itself because it is the DNA of the PNM. So for the PNM to come and tell the population that they are for democracy, they started wrong and they are going even further down “de” road.

3.50 p.m.

The dictatorship came and continued:

“Not only did I reject this...”—in the pursuit of—“...nonsense. I also indicated that I would consult the population of Trinidad and Tobago in due course, after the elections, emphasising that such consultation would certainly not be by way of referendum.”

Again, we are seeing that replaying itself. We are seeing issues not being brought

to the fore and then the Government of the PNM bringing—they did not come to say they are going to fire WASA workers, we see that on the table.

They did not come to say, “In the 2020 election, we are coming to give you property tax”, but “we getting it”. They did not come to say that, “We are going to raise your electricity rates”, but they are being raised. That is what the PNM does. They do not care about the mandate. They do not care about consultation. They do not care about the issues being heard and being ventilated. What is their way, must go and that is anti-democratic.

The Premier also said this, and this is in the DNA of the PNM. When we are talking about independence, one who understands Trinidad and Tobago's independence knows that since 1908 people were fighting for a little democracy. Uriah “Buzz” Butler of the African National Congress and Cola Rienzi of the East Indian National Association, and so on, got together in 1922 and we got legislative representation as a colony. We had elections and there were people who got in there to represent the people here in Trinidad and Tobago. Everyone knows that, but the PNM said—Dr. Williams said, and I quote:

“We”—the PNM—“had brought the Territory to full internal self government as a stage on the road to independence. We decided therefore, quite consistently and quite properly, that whatever...independence would not be delayed any longer...”

But that simply was not true, because if you go to Kenneth Lalla, you will see that the PNM was formed on January 15, 1956. But when you are talking about the truth about internal self-government, which the PNM claimed that they brought us, the Premier, Dr. Williams, said he did it. They did it.

Let me read here for you, 17th January, 1955:

Sir Edward Beetham created a committee, including people—I cannot read all the list, but A.S. Sinanan, Chairman; K.C. Hannays, A. Gomes, V. Brian, Adjodhasingh, R. Kumar, Chanka Maharaj—

A committee of about 33 scholars from disparate parts and different levels of Trinidad and Tobago:

The committee recommended, inter alia, that an executive council be the chief instrument of policy. The executive council be responsible for this. The Chief Minister elected—and so on.

This was all done before the PNM was ever created, but the PNM is taking and rewriting history to say that they brought us to independence and they brought all of this. Dr. Williams was not telling the truth and the PNM continues to be fraught with untruths and not talking factual.

The report was dispatched to the colonial office and that is the very report that Dr. Williams said:

I am ignoring that report and here is a draft constitution given to you by me and the PNM.

Well, let us read about that draft constitution that people were supposed to comment on. Now, Dr. Williams said that that draft constitution that he thought that in his wisdom, it will be better rather than take the document created from a whole cross-section of the population that the PNM will write a document and that will become the document that the country must comment on. Well, then Dr. Williams and the PNM said “Now we have that document, we disseminated these copies. Give us your comments.”

All these comments came and he boasted that it was the number one seller back then. They sold it at 10 cents per copy and they disseminated 10,000 across

Trinidad and 2,000 in Tobago, and so on, and people gave their comments and Dr. Williams said—

Sen. Mitchell: Mr. President, I am enjoying the route back down into history but 46(1), please. I am not sure which limb he is speaking on.

Mr. President: So there is, as such as within the Motion that is before us, it speaks to the Constitution and independent offices. Senator, I would ask you to, in your explanation, at least tie it back to here, which again is the protection of those offices—

Sen. A. Roberts: Yes.

Mr. President:—and the protection of—*[Inaudible]*

Sen. A. Roberts: Thank you, Mr. President. My learned colleague, he understands very well but he is being mischievous. We are talking about the PNM, democracy, separation of powers; the PNM's position is that we live in the greatest democracy. Their Prime Minister is not a dictator, that all of us are happy to see and hear him whenever he talks to us, even though the hon Prime Minister does not even tell them good morning in Cabinet, but that is okay. That is just what I know.

Sen. Gopee-Scoon: *[Inaudible]*

Sen. A. Roberts: “Oh, yuh doh know?” You are one, but anyway.

So, Mr. President, democracy means hearing views, real consultation, and from differing views, adapting and changing a document. What Dr. Williams did and Sir Ellis Clarke said—and it was very instructive what he said, he said:

The system, which I have proposed in the draft—

—

That I have proposed—everything, you could swear that the PNM was Rastafari, everything was “I”, “I”, “I” and “I”:

—that I proposed—

Ellis Clarke said:

The system which I proposed in the draft constitution accords exactly to all that we have been trained to follow, and it seems quite inappropriate to me in presenting a draft to invent a new rule.

That is why our democracy is floundering. The PNM from conception did not have the confidence, the creativity, the ability, the willingness or the democratic zeal to hear differing views and then move to suit in order to allow democracy to grow and to blossom, and that is why we are here, and no independent offices are functioning. And when they function, they get pre-action protocol from the very Attorney General who is supposed to protect them also, as we could say—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—on the basis of the Auditor General.

Also, the police, independent institution. The police should be independent, here Kenneth Lalla shows that, one, in the consultation of this special meeting that they brought together, one, the press was not allowed. So when the hon. Senator before me said that, “Oh, they love the press and the press is so great”, Dr. Williams and Ellis Clarke said, “The press is not allowed in that meeting”. Number two, all who wanted to contribute on this voluminous document only had five minutes. You had people like Broomes and Ashford Sinanan saying, “But this cannot be. This is our nation. This is our future. Throw away this document that makes no sense”, and Clarke said—he takes a document—

Sen. Mitchell: But, Mr. President, Sir Ellis Clarke is not in government, this speaks to government, 46(1), please. [*Inaudible*]
—Eric Williams.

Mr. President: Okay. So, 46(1), I think you have made your point, Sen. Roberts,

with the history lesson that we have been getting with relation to the meeting that took place, and as much as you are trying to tie it in response to Senators that have gone before, that particular point is now belaboured, so I would ask you to move on to another point.

Sen. A. Roberts: Yes.

Mr. President: You have five more minutes.

Sen. A. Roberts: Thank you, Mr. President. I was just moving on to a point that way back then the PNM controlled the police, and I can even quote for you here that because we are seeing right now under this Government that the police are being controlled. That if there is a tape in Tobago, police reach over there fast. If there is some issue with FULs, police reach there fast. They choose their own—

Mr. President: Again, Sen. Roberts, that is imputation of improper motives, that cannot be said in the manner in which you are saying it.

Sen. A. Roberts: Okay. Thank you, Mr. President. Again, I am guided.

I turn to illustrious, brilliant, intelligent Senior Counsel to speak on my behalf because clearly, he will be much better at it:

To demonstrate their power——says Ken Lalla, SC——the PNM supporters marched along Fifth Street—

This is on the eve of developing this Constitution that created our democracy that is now dying under the PNM, 52 years of tyrannical oppressive dictatorship:

To demonstrate their power, the PNM supporters marched along Fifth Street,—

—just like they marched on Sunday down in Skinner Park and police had to go and work extra hard:

—Barataria, on the eve of the 1961 general election and unleashed their

violent attacks on the docile Indians residing in the area and looted their shops, broke and entered into their homes, resulting in the death of an Indian man. To further exacerbate the vulnerable status of the Indians, the Government declared a state of emergency, not in the whole country but in St. Augustine, Barataria and Caroni East. What was abundantly clear was that the Indians had done no wrong but were made to feel the wrath of the PNM. Having declared a state of emergency in the area, the police then searched Indians' homes without warrant or valid authority and stripped Indian women naked and assaulted them under the pretext of—

Sen. Nakhid: Shame.

Sen. A. Roberts:—searching for guns and ammunition—

Mr. President: Again Senator—

Sen. Nakhid: Shame.

Mr. President: Have a seat, Sen. Roberts.

Sen. Nakhid: Shame.

Mr. President: So—

Sen. A. Roberts: The truth hurts.

Mr. President: No. No. No. No. No. No. Whether read from a book, whether quoted, one, 46(1) is at play, that is not relevant to the Motion that is before us. There is no linkage to the Motion that is before us, and, again, the way it is being used would also be in breach of 46(6). Move on from that point, Sen. Roberts.

Sen. A. Roberts: I will move on, Sir, but into this Motion it shows independent institutions are not allowed to function. We are here over the last three years and we have witnessed that where we now have a Commissioner—we had a period where we had no Commissioner of Police. Now we have a period here where the

Commissioner of Police is beholden on the PNM Cabinet to extend her job.

Sen. Gopee-Scoon: [*Inaudible*]

Sen. A. Roberts: I do not see what is, “no”, that is a fact. What are you talking about?

Sen. Nakhid: You do not know what is a Standing Order?

Mr. President: Again, I have warned repeatedly, over and over again, in relation to the statements that can only be construed—

Hon. Senator: What?

Mr. President:—by an average citizen as imputation of improper motives, therefore I will not allow you to continue. Your time has ended.

Sen. A. Roberts: Sir, I have two more minutes.

Mr. President: Next—your time has ended, Sen. Roberts. Have a seat. Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Mr. President, I thank you for this accommodation as I rise to speak on this important Motion piloted by Sen. Jayanti Lutchmedial-Ramdial to wit, and I think it is useful to remind our listeners of what this Motion is:

“*Whereas* the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 entrenches the principle of the separation of powers between the Legislature, the Executive and the Judiciary, which ensures the protection of citizens and a system of checks and balances in the exercise of power;
And whereas the Constitution provides protection to all constitutionally enshrined offices and institutions;

And whereas the actions of the Government in its engagement with constitutionally enshrined offices and institutions have caused public unease and concerns;

Be it resolved that this Senate calls on the Government to reaffirm its commitment to the principles and the practice of democracy in Trinidad and Tobago.”

Now, this Motion as crafted moves some supposed statements of facts in preambles one and two to one of opinion in preamble three. I will now share my views on the presentation.

I promise not to ramble. To do so would be to gamble on the patience of the President on which I should not trample, as the consequences for so doing, I would rather not sample.

Hon. Senators: [*Laughter*]

Sen. H. Thompson-Ahye: The doctrine of the separation of powers was propounded, as we have heard, by Montesquieu, a French philosopher, in 1747 in his book, *De l'esprit des lois, The Spirit of the Laws*.

To quote Dr. Rakesh Kumar Singh and Souvik Dhar in their book, *Local Self Government Including Panchayat Administration*, they said:

Montesquieu found that if the power is concentrated in a single person's hand or a group of people, then it results in a tyrannical form of government, and to avoid the situation with a view to checking the arbitrariness of the government, Montesquieu suggested that there should be a transparent division of power between the three organs of the State, i.e the Executive, the Legislative and the Judiciary.

Mr. President, if I may be allowed to quote Montesquieu further:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty...

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive...”—powers. “Were it joined with the legislative...”—power—“...the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”

According to Singh and Dhar, yet again, they stated:

Generally, there are three main categories of governmental functions, Legislative, Executive and Judicial.

4.05 p.m.

Similarly, there are three main or organs of the government in a State, Legislature, Executive and Judiciary. According to the theory of separation of powers, these three powers and functions of the Government must, in a free democracy, always be kept separate and be exercised by three separate organs of the Government. Thus, the Legislature cannot exercise executive or judicial power; the Executive cannot exercise legislative or judicial power and the Judiciary cannot exercise legislative or executive power of the Government.”

One of the finest statesmen that Trinidad and Tobago have produced—and I cannot believe what I was hearing today—Mr. Kenneth Lalla, in his book A

Republic in Constitutional Transition, stated that:

The doctrine of separation of powers connotes the compartmentalization of government into three segments, the Legislature, the Executive, and the Judiciary.

What the doctrine signifies is that:

“(a) That the same person should not form part of more than one of the three organs of government, for example, that Ministers should not sit in parliament.

(b) that one organ of government should not control or interfere with”—the exercise of the functions by another organ. Example, the Judiciary should be independent of the Executive or that Ministers should not be responsible to parliament.

“(c) ...that Ministers should not have legislative powers.”

But what if the principle that a theory signifies does not accord with reality? In the English language, connotation differs from literal meaning of words and frequently, does not accord with reality. We should, therefore, not be surprised that in the context of what happens in practice, is that in the Westminster system, according to Leylands and Woods' *Textbook on Administrative Law*:

The prevailing superiority of the executive over Parliament is possible, not simply because the Executive, including the Prime Minister, Cabinet, and all other Ministers are members of the Executive, but above all, because the survival of the government depends on the maintenance of its parliamentary majority.

MPs supporting the Government are made well aware by the party Whips of the consequences of taking action that might lead to defeat in the House of Commons.

In fact, this dominance of Parliament by the Executive has been described by an ex-Lord Chancellor, Lord Hailsham as:

“elective dictatorship.”

Very rarely is the Whip removed. Consequences may accrue, when the Whip, even though implicit, is not complied with. That can make for interesting times. We await the fate of the brave Dr. Rai, who has already precipitated, not just a virtual, but an actual earthquake in this land.

Hon. Senators: [*Desk thumping*]

Sen. H. Thompson-Ahye: Mr. Lalla observed that while the Constitution of the United States makes no specific provision for the separation of powers, it nevertheless has incorporated the doctrine in its Constitution, which states:

- Article I - All legislative powers shall be vested in Congress;
- Article II - All executive power shall be vested in the President;
- Article III - Judicial powers shall be vested in the Supreme Court.

So the American Constitution makes it extremely clear how powers are separated.

Mr. President, like so many former British colonies, we follow the Westminster system of government. Mr. Lalla informs that:

The US Constitution, unlike the Westminster model, excludes members of Congress from being appointed to the President's Cabinet.

Mr. President, having regard to the Montesquieu's definition of separation of powers, the clear explanation of the concept by Mr. Lalla, the learning in a text by Leylands and Woods, the wording of the wording of our Constitution and the structure of our Government system, I find it extremely difficult to understand the first preamble of this Motion to which:

“...the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01

entrenches the principle of Separation of Powers between”—the Legislature—“the Executive and the Judiciary...”

Is that a fact? More of that anon.

Mr. President, the battle royal between a former Attorney-General Mr. Ramesh Lawrence Maharaj and the then Chief Justice, Mr. Michael de la Bastide, in 1999, was a fierce one. I remember it all too well. It generated the Justice Telford Georges enquiry, in which Minister Young played a part, then, a Commission of Enquiry. The Attorney General produced a paper, more a booklet, titled, “The Doctrine of the Separation of Powers”. The independence of the Judiciary, and the obligation of accountability, the facts of the matter raised by the Chief Justice on September 16th, 1999.

The then Attorney-General Ramesh Lawrence Maharaj SC—you must give the lawyers their SC these days you know, or else—said. The Chief Justice in discussing the doctrine of the separation of powers rightly said Parliament must not encroach on the sphere of the Judiciary. The Doctrine of the Separation of powers mandates the Judiciary to decide cases. This is not the function for Parliament or the Executive. Similarly, the Parliament enacts laws, and that function cannot be carried out by the Judiciary or the Executive. The Executive performs its executive functions and those functions cannot be carried out by the Judiciary or Parliament.

Section 75 (1) of the Constitution of Trinidad and Tobago states:

“There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of Trinidad and Tobago and shall be collectively responsible, therefor, to Parliament.”

The then Attorney-General stated further:

Our Constitution like all modern democratic constitutions seeks to secure a legal framework by which time the State can govern in accordance with democratic will of the people while at all times ensuring that the democratic will does not lead to tyranny.

The Constitution guarantees fundamental rights to all and provides checks and balances to safeguard the enjoyment of these rights to all. To that end, modern constitutions, in one form or another have established the State as three separate arms. The political arms of the state are the Executive and the Legislature. The legislative process has responsibility for legislating in accordance with the democratic. The Executive has the general control and direction of the Government and for executing laws which are enacted. He saw our Constitution as a hybrid of the US model where separation is more complete than the model we inherited from the UK.

Mr. Maharaj said:

All modern constitutions have in common that the third arm of the State the Judiciary was independent of and co-equal with the others.

He saw the independence of the Judiciary as an absolutely vital component of any healthy democracy. Their independence was secured by their being independent of the Legislature and Executive arms of the State. Their salaries were protected from being diminished and their salaries and allowances were charged on the Consolidated Fund. Once appointed, they could only be removed for misbehaviour in Office.

Mr. President, when we were looking at the question of the Judiciary at the last Commonwealth law conference in India last year, the participants in the workshop, they were looking and talking about what was happening in their

jurisdiction, and when I stood up and I told them about benefits that our Judiciary gets from the Government, that the judges do not pay taxes, and they do not form part of those persons who must report to the Integrity Commission, they were shocked because that is not what happens in other jurisdictions.

Mr. President, sometimes when I sit in the Parliament listening to the debate, I wish I were still a primary school teacher. Although I spent more years teaching law school students, 27 years in all, than primary school students, seven years, I want to return to primary school to excite the minds of the young. I love to use examples as a teacher to clarify lessons I am teaching. So, if I were a teacher—and newspaper editors, please do not change my verb to “if I was” because I am using the subjunctive mood, as you do so often—And I was teaching a lesson on idioms, I would have so many rich examples to illustrate the nature of idioms. For example, if I wanted to teach the meaning of “pot calling the kettle black,” I would point to Sen. Lutchmedial-Ramdial’s criticism of the Government appointing an acting Commissioner of Police when a similar practice was followed by her party with respect to Comm. Stephen Williams, who was always the groomsman, never the groom. The rationale was it would make him work harder. Please.

Mr. President, Sen. Lutchmedial-Ramdial stated that separation of powers highlights the need for us to ensure that there are institutions, independent institutions, which cannot be starved of resources. In teaching my students metaphors, I would explain that the phrase “crying crocodile tears” can be illustrated by the mover of the Motion referring sympathetically to the failure to award funds to Director of Public Prosecutions, when her party did the same.

4.15 p.m.

To be charitable, she was probably not aware of the denial of funds of less

than \$8,000 for registration fees, requested by the DPP, for two officers to train in juvenile justice principles. That same training was later utilized by a high government official when he returned to private practice and successfully sued the State for not adhering to international standards regarding the treatment of juveniles. When later questioned as to his reason for not approving the DPP's request for funds for the training, the official explained that the trainer was not a known supporter of his Government.

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

He said, "Those who support the Government make loads and loads of money." I must, however, commend the Senator for her courage in putting on sackcloth and ashes and entering into the realm of the confessional, and saying:

"...when we notice that there are things being done or things being said that does not sit well and does not accord with these fundamental principles that are enshrined our Constitution, we must speak out about it without fear of criticism and without, I would say, the typical tit for tat, who did what and when, who did more and who did worse. Because if we are looking forward as a nation and we want to preserve our way of life and our liberty we must correct ourselves wherever we may have gone wrong."

Mr. Vice-President, that was her finest hour in this Parliament. When I read it in the *Hansard*, I was so pleased. It is the closest we have gotten to a mea culpa from a representative of the former Government. But after her act of contrition, she moves into, not a litany of the saints, but a litany of the supposed sins by the Government. It reminded me of the lyrics of the popular tune sung by Frank and Nancy Sinatra:

But—"...then I go and spoil it all

By saying somethin'..."

I say no more. You know the song.

I must say that I agree with Sen. Lutchmedial-Ramdial with regard to the exemptions to the procurement legislation though. There was no legitimate justification for the exemptions, as Government's fears could have been assuaged by following the guidelines from the House of Lords' committee report that I have twice outlined in this Parliament.

As far as the Integrity Commission is concerned, there seems to be issues there which need to be resolved. A former chairman, the highly respected, Ken Gordon, expressed some concerns, which were reported in the *Guardian* on January 09, 2024. Perhaps, a body with no vested interest and a level head can attempt to pour some oil on the troubled waters of that institution so it can function as it should.

I thank Sen. Lutchmedial-Ramdial for bringing this Motion at this time when we are considering reform of the Constitution. We need to examine—unfortunately, her well-intentioned, articulate rhetoric does not always match with the reality on the ground, so she needs to come down to earth. So we need to examine what is really happening.

Do we truly have separation of powers? The mover of the Motion is an experienced and successful lawyer. She has not been too shy to regale us with references to some of her cases and no doubt, her silk is assured, whatever political party is in office. So I was surprised that she did not even concede that judges do make law, and when you read a number of the administrative law textbooks, you will see what I mean.

The separation of powers doctrine is no magic bullet to ensure democracy. Whether it truly exists at all is a matter on which the jury is still sitting. We have

to get it real, concretize the doctrines of the reality of our operations. I now turn to the views on the separation of powers that the renowned Prof. Albert Fiadjoe have exposed in his well-known text, *Commonwealth Caribbean Public Law*. Prof. Fiadjoe writes:

“...the doctrine of separation of powers no longer bears the meaning that the early writers conceived of. In the context of the times then, the doctrine addressed the legitimate concern of the day, which was the fear of arbitrary rule. In today's world, it is submitted that the new meaning of the doctrine may be stated in two senses. First, the doctrine helps us to appreciate that in the complexities of modern government, there can only be shared powers among separate and quasi-autonomous, yet interdependent State organs. Second, the doctrine helps us to appreciate the truism that the system of government which we operate works on the assumption that there is a core function which can be classified as legislative, executive and judicial and that those core functions belong to their respective branches or organs. Thirdly, the doctrine helps us to recognise that government involves the blending of the respective powers of the principal organs of State. Experience shows we cannot have watertight compartments in government. The essence of the doctrine thus enables us to apply its philosophy to the pragmatic legal settings of the working of government.”

That is what I mean when I say, we have to be real, we have to be realistic. We are not dealing with a pie-in-the-sky concept, but everyday life, everyday governance.

Prof. Fiadjoe quotes our eminent CCJ jurist, Justice Saunders in the *Bata Shoe Company Guyana Ltd v Commissioner of Inland Revenue* (1976) 24 WIR 172 at page 204. So when I saw that I said, “So that is where Bata gone? Into

Guyana?" I was wondering. I also saw a sign advertising Bata when I was in India last year, but I digress. In that case, Justice Saunders said:

"...our democracy rests on three fundamental pillars, the legislative, executive and the judicial. All must keep within the bounds of the Constitution. The judiciary has the task of seeing to it that legislative and executive action does not stray outside those boundaries onto forbidden territory. If that occurs and a citizen with standing complains, the court declares the trespass and grants appropriate remedies.

Within their constitutional parameters, the legislature and the executive are responsible for enacting and implementing such policy measures as in their wisdom they consider to be most appropriate for the people. The judiciary has to be careful that it does not stray from its function and usurp the authority and role reserved for the other two pillars."

What Justice Saunders was advocating, therefore, as we say in local parlance, is for everyone to bat in their crease. He continued:

"I reiterate that there is a fine line which the court must tread in these circumstances. On the one hand it must protect the citizens and guarantee them the rights and freedoms which the Constitution proclaims. On the other hand, the court should not intrude into the preserve of the other branches of the State.

For our democracy to operate effectively,"—he says—"it has been said that it is necessary that a certain comity should exist between the three branches. Each should respect the role and function of the other. The court is subject to and must enforce laws passed by Parliament that are *intra vires* the Constitution. The executive should respect and obey the decisions and

accept the imitations of the court. If this comity does not exist, then the wheels of democracy would not turn smoothly. A jarring and dangerous note will resonate from them.”

So, Mr. Vice-President, while there is a cry for comity, we know that there exists, at times, a tension between the organs of the State. One example is in the power of the State Legislature to prescribe a fixed or mandatory sentence or a range of discretionary punishments for a criminal offence. However, it is the Judiciary that must impose the appropriate sentence in a particular case, and tension may arise when the Legislature seeks to usurp that judicial discretion. When these matters come to the Parliament, as they have, they have to be scrutinized carefully to ensure that neither the Executive nor the Legislature is seeking to transfer that judicial power unto itself.

Each organ of the State jealously guards the sphere of influence, but it must always do so as guardians of democracy and not for selfish gains or hubris. We operate in a context, we are dealing with human beings, with human failings. At times, we must save our colleagues from themselves. Well-meaning people can sometimes operate outside the bounds of propriety. We have to call them out on their transgressions. We must always strive to do what is right, guided by love and care, and most of all, our responsibility to our fellowman and our country. There is a right way and a wrong way to do things. Even when trying to avoid harm, we must strive, even when we feel a matter of urgency requires desperate measures to do it right.

We are, all of us, called upon to be individually and collectively the guardians of democracy, to follow the prescribed rules of governance. At times, we must temper our passions and trust that God is on our side. I have spoken time

and again about the question of negative resolutions and affirmative resolutions. I have brought to the Parliament where, in the same legislation, in another jurisdiction—I remember a case in Jamaica, where Jamaica provided for affirmative resolution, we provided for negative. So we do have a propensity—and I have said it, and I will say it again and again—for negative resolution. And when we do that and people protest, then what should not happen is what happened. Once we had one of the super Ministers saying, “Oh, is because you lazy.” No, we want the matter to be aired and there has been—and I have brought to this Parliament, when you had a whole committee from the House of Lords and they had the same problem. They want the Parliament to be more involved and not just a few persons. So we just cannot be passing on things to the Minister to settle things for us.

As a Parliament, we subscribe to the United Nations General Assembly Resolution 70/1 entitled: “Transforming our World: the 2030 Agenda for Sustainable Development”. The new enabling SDG, which recognizes the importance of strong institutions, including strong Parliaments, has created the need to help parliaments to evaluate their progress against this goal, particularly Targets 16.6 to:

“Develop effective, accountable and...institutions at all levels”.

And 16.7 to:

“Ensure responsive, inclusive, participatory and representative decision-making at all levels.”

That is what we are about here, and again, I thank Sen. Lutchmedial-Ramdiel for beginning the discussion. We have to talk about these things.

Mr. Vice-President, I end by quoting the Mighty Sniper who sang, "Portrait of Trinidad", and Tobago, do consider yourself included. In his calypso, Sniper sang:

"Trinidad is my land and of it I am proud and glad".

Let these words not be an empty cry of a calypsonian, but a heartfelt belief in our homeland to which we all subscribe, our home that we love. It is a God-given privilege to serve in the Parliament of one's country. Let us use it well. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Laurel Lezama-Lee Sing.

Hon. Senators: [*Desk thumping*]

Sen. Laurel Lezama-Lee Sing: I thank you very much, Mr. Vice-President, for the opportunity to intervene in this debate on the Motion presented by Sen. Jayanti Lutchmedial-Ramdial, calling upon:

"...the Government to reaffirm its commitment to the principles and practice of democracy in Trinidad and Tobago."

Mr. Vice-President, you know this Motion the way it is worded really and truly opens the debate up to a lot of conversation, and we have seen a lot of material put forward here today, some of it very irrelevant, some of it very relevant, but everything needs to be responded to. We have seen a lot of mistruth, misinformation and character assassination coming forward in this debate, Mr. Vice-President. So before I get into the meat of my contribution, permit me please therefore to respond to some of the arrant nonsense that has been placed on the record here in this Parliament upon this debate here today, Mr. Vice-President.

Mr. Vice-President, Sen. Anil Roberts jumped into the fray today hot and sweaty, thinking that this was one of his online episodes and not realizing that this is the Upper House of Parliament, the Senate of the bicameral Parliament that we operate under, and I will get to this bicameral operation shortly because it speaks to part of the debate.

4.30 p.m.

Mr. Vice-President, the continued and repeated untruth that the PNM is controlled by the EBC, and that the PNM controls the EBC is completely untrue, and I want to dispense with that nonsense immediately.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: For years, Mr. Vice-President, for more than five years, the United National Congress and their spokespersons, their band of merry men, who go through the country perpetuating nonsense and mistruths, have repeated the falsehood that the current head of the EBC is related to somebody in the PNM. I would like to quote from an article on Tuesday the 31st of October, 2017. Mr. Vice-President, we are in 2024, seven years later, and this is still being said into the public domain. Nothing they can say can be trusted, Mr. Vice-President. So, let me correct the incorrect statement made here today. An article from the *Newsday* written by Mr. Sean Douglas.

“EBC head, no relation of Minister”

And, Mr. Vice-President, I must put this onto the record.

“Chief Elections Officer Fern Narcis-Scope is not the first cousin of Minister of Public Administration Maxie Cuffie, the Elections and Boundaries Commission (EBC) said yesterday, in reply to queries by *Newsday*.

Newsday asked if she had a suitable background to hold...in light of

allegations that she was a minister's first cousin. The EBC replied, "Mrs Narcis-Scope is not the first cousin to a Cabinet Minister. That pronouncement is incorrect. Mrs Narcis-Scope was appointed by the Public Service Commission (PSC) and as such we believe she possesses the requisite credentials to be Chief Elections Officer."

Mr. Vice-President, and therefore, I wish to reject completely the assertion that the PNM controls the EBC. As a matter of fact, as an executive Member of the PNM, I have had the opportunity to go and sit with the EBC and similarly executive members of the UNC have similarly gone and sat with the EBC, in a free and open conversation, where you raise your concerns and the EBC responds accordingly. There are many opportunities for these conversations to take place and political parties are free to do so. I call upon Sen. Roberts to stop with the nonsense today.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: Because what you continue to do and picking up on what Sen. Hislop talked about, where he said the UNC is constantly taking the EBC to court. You continue to try to discredit and diminish confidence in the independent institution that is the Elections and Boundaries Commission, that was established in 1962, Mr. Vice-President. And therefore, I want the national population and the listening population to understand that the PNM has no familial links in the EBC. The officers of the EBC continue to be independent, they continue standby their oaths of office to serve the people independently, and to ensure that free and fair elections are conducted in Trinidad and Tobago, at every and any occasion.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: And I must repeat, Mr. Vice-President, that if the elections do not go—if the population does not vote for the PNM, we accept it, we regroup, we re-strategize, and we come back. It happened in 1986, it happened in 2010.**Hon. Senators:** [*Desk thumping*]

Sen. L. Lezama-Lee Sing: We have done that and they continue to do that, and the PNM will not seek to undermine or diminish the role of the EBC in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: And this attempt to continuously instil fear into the population of Trinidad and Tobago, is a political tactic and that is political bullying, that is political intimidation.

Sen. Hislop: They are blaming the umpire now.

Sen. L. Lezama-Lee Sing: Yes, you are blaming the umpire. That is right.

Hon. Senator: Yeah. Yeah.

Sen. L. Lezama-Lee Sing: Yes. So, it is unacceptable that this Senator continues and I ask him, and I am asking him here today to stop, because he continues to go into the public domain and repeat absolute nonsense. I have more nonsense to come and debunk right now, Mr. Vice-President. And permit me as well, please, just before I move on from the EBC, to thank the EBC for ensuring that two by-elections that were held Monday 17th of June, were done freely and fairly, and in accordance with the law.

4.35 p.m.

Mr. Vice-President, history will smile upon the EBC and history will smile upon the voting population in Trinidad and Tobago. In Lengua/Indian Walk, because the PNM understands what service is, and the PNM understands what delivery is.

We moved from a tie to winning by over 600 votes in local government election

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: And more so, in a local government by-election where traditionally votes would go down.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: Mr. Vice-President, in Quinam/Morne Diablo, a seat that is traditionally strongly held by the Opposition party, the PNM tripled its votes.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: There is no way that the EBC could have interfered in that performance, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: What that shows is the population is confident in the work of the People's National Movement and this Government. It is just the beginning. We look forward to continuing to participate in every single election be it general, local, THA, by-election, or otherwise.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: And yes we will continue to deliver cut-tails.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: Mr. Vice-President, we have also had Sen. Roberts standing here again to say that the Prime Minister was interfering in the work of the Police Service Commission, and I want to debunk that arrant nonsense again. I am quoting now from an article in the *Newsday* written by Janelle De Souza, dated Saturday the 10th of December, 2022:

“PM knocks Chaguanas West MP over false claim on Police Service

Commission merit list”.

Now I am not to get into their business but “ah real sorry” for the Chaguanas West MP and all those other MPs who are on the firing line from their own party. And, I am going to get to that self-loathing in a bit too. Mr. Vice-President:

“The Prime Minister has accused Chaguanas West MP Dinesh Rambally of misrepresenting the facts in a letter to the editor published by a daily newspaper on Saturday.

In the letter, Rambally sarcastically congratulated acting Commission of Police Mc Donald Jacob—who is on vacation for 35 days—on his fight against crime...

He also stated, ‘Prime Minister Dr. Keith Rowley has admitted to breaking the law and intercepting the Police Service Commission (PSC) merit list at President’s House”.

Mistruths are endemic. That is what is in the DNA of the UNC, perpetuating mistruths, lies, half-truths and innuendos. He also stated:

“In a response, Dr Rowley, in a Facebook post, said it was not the first time United National Congress members accused him of breaking the law and intercepting the merit list. And while he usually ignored them, he could not do so this time”.

[*Sen. Gosine stands*]

Mr. Vice-President: You are trying to raise a point of order?

Sen. Gosine: Mr. Vice-President, 36(1).

Mr. Vice-President: The Senator is responding.

Sen. L. Lezama-Lee Sing: Thank you, Mr. Vice-President, I continue to respond. I have a few things to respond to before I get into my matter.

“I am not unduly concerned about the daily diet of misinformation, but I think the public needs to be spared the wasting of their thoughts”.

That is so true. Everything they say we have to waste our time thinking about the nonsense that is being perpetuated there.

“He described the statement as a ‘mischievous falsehood’ that started out as speculation but was now being published by Rambally as fact.

‘I have said no such thing. What I said is that I received a report on the operations of the Police Service Firearms Unit and I thought it contained information that is pertinent to the work of the Commission and in furtherance of my duty. I gave a copy of the report to the chairman of the Police Service Commission.’

According to Rowley, what he said was that he had never seen the merit list, that no one showed or discussed it with him, and that he did not instruct or advise anyone about the merit list”.

So to come here today to stand and say that the Prime Minister is interfering in the work of the independent institution that is the Police Service Commission, is simply mischief and untruth and we will not accept that here today.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: This is unacceptable that they show nothing, and I want to tell the national population, through you, Mr. Vice-President, that nothing that is said by Sen. Roberts and the UNC Bench can ever be taken as factual or true based on the contributions here today.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: And that is a fact, Mr. Vice-President. Sen. Roberts talked about Sir Ellis Clarke designed the Constitution for the PNM in their own

image and likeness. In a little while, Mr. Vice-President, I am going to get to some contributions that would have been delivered in a distinguished lecture series that was created by the then Heads of Parliament, Sen. Timothy Hamel-Smith and Speaker Wade Mark on a series of lectures happening across the country for the 50th Independence of Trinidad, and the publication of all those lectures is titled *Evolution of a Nation: Trinidad and Tobago at Fifty*, and the things that are written in here, Mr. Vice-President, would debunk everything that Sen. Roberts has spoken to. So I am going to get to that very shortly, when we talk about Sir Ellis Clarke's contribution.

Mr. Vice-President, in yet another attack on Independent Senators, present and past, Sen. Roberts stands up here today to diminish the credibility of people who have served previously as Independent Senators, people who have put country first, who have served their country at the call of the leaders of the country. I cannot speak for the Independent Senators, but I am pretty certain that every single Independent Senator, past and present, has accepted the call to service on the basis that they believe that their contribution, however small or however big it may be, can redound to the benefit of the people of Trinidad and Tobago. I have confidence in the Independent Senators. I do not think the Independent Senators are traitors, I do not think that they are politically aligned, I will never disrespect them during a sitting of the Electoral College and call them names and taunt them, and belittle them, and insult them. They are equal Members of this Chamber, with a valid contribution to make, every single one of them.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: Sen. Anthony Vieira SC is renowned for his work as an Independent Senator. If you look through any online evidence about certain

matters you would see contributions from Independent Sen. Anthony Vieira SC. And, despite being so well respected Sen. Anthony Vieira SC, like Sen. Dr. Paul Richards and Sen. Sunity Maharaj, and Sen. Dr. Dillon-Remy, and Hazel Thompson-Ahye, even for the smallest matters make themselves available, because they are not too big or too important.

We have just established a Women's Parliamentarians of Trinidad and Tobago less than a year ago, Mr. Vice-President, and the Opposition is not participating in that. By the way, it is a cross-party group of women parliamentarians, past and present, who are working towards increasing the participation of women in Parliament. The Opposition, headed by a woman, received instructions, I am advised, not to participate. I do not know, I am just advised. But this WPTT is working on a project called the YES Leadership, which is helping young women to prepare themselves for leadership and to enter into Parliament. And even on these little matters Sen. Vieira SC came and did a presentation on mind mapping and how to prepare, Senators Drs. Paul Richards and Sunity Maharaj came to speak to them about a media communication on public presentation, Senators Thompson-Ahye and Dr. Maria Dillon-Remy are crucial and critical integral members of the executive and the functionality of it.

So therefore no matter being too big or too small, if an Independent, a former Independent Senator has the credentials, the capability and the skills to serve in a different capacity, Mr. Vice-President, what is the problem? So to stand here—for Sen. Anil Roberts to stand here to talk about Independent Senators moving to head boards, we are happy to have people who are capable and who can do the job, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: We are happy to do that. The PNM's policy is if you are competent we will put you in that space.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: So heading the NCC we have Winston Gypsy Peters a former UNC Member of Parliament and a former Minister of Culture and the Arts, and a man who is so deeply entrenched in the culture that he knows what he is about. We have Sahid Hosein, we have Marcus Girdharie, we have Taharqa Obika. These are all people who can serve sufficiently in the right spaces.

But, Mr. Vice-President, in 2010, when former Independent Sen. Mary King was appointed as a Government Minister I did not hear boo coming from anybody in the UNC about the independence of the Independents, and history will sadly show that less than a year later former Senator, former Minister Mary King was fired by the UNC. She was the Planning, Economic and Social Restructuring Minister, and she was fired for her role in the award of the construction of the Ministry's website to a company owned by her family. But it gets more, Mr. Vice-President, Ms. Mary King requested that the Integrity Commission clear her name. The independent Integrity Commission, she went to them and asked them to clear her name. Why? Because she felt that the then Attorney General, the then People's Partnership Attorney General Anand Ramlogan, because he was the then, I am not calling people who did not hold the office, he was the Attorney General. He conducted his own investigation and recommended her removal, and what was her sentiment? She felt—Ms. Mary King felt that Mr. Anand Ramlogan had usurped the role of the Integrity Commission.

So here we have people speaking from two sides of their mouths. In one breath the Independent Senators cannot do anything but be independent, but you bring them

onto your government to serve as a Minister. All right, no problem, you think they are capable. Then you fired the poor woman, you conducted your own investigation, and you have people feeling that you have usurped the role of the Integrity Commission. Who really is the one with the problem? Who is the one with the problem with the independent institutions in Trinidad and Tobago? Who needs to reaffirm their commitment, or who rather needs to try to be committed to it, because they probably never had it before? I posit it is not this Bench or the People's National Movement.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: Mr. Vice-President, I want to continue on that independent thing. I have never seen in my life in Trinidad and Tobago anybody stepping off of the Bench of the Judiciary—and this is not to bring the Judiciary into disrepute, I am speaking on the actions of one particular former judicial officer. You stepped off the Bench of the Judiciary 4.00 o'clock today, 8.00 o'clock tonight I am on an election platform on a ballot box in St. Joseph. Is that not interference with the Judiciary? What have you been doing to be able to get somebody to come off of the Bench? What conversations would have been happening? What has been your action? What is your relationship with the Bench? And this is not to bring the entire Judiciary into disrepute. I am speaking about the dangerous relationship that may have existed between that amalgamation and somebody who was independently sitting on the Bench. In a matter of hours you resigned, you show up in a party T-shirt, you end up on a ballot paper, you end up as a Member of Parliament, and like Mary King, pew, you gone. You gone, because maybe he had, there was, and may his soul rest in peace, but maybe there was some modicum of decency and integrity in him when he saw the nonsense that

was happening.

That brings us therefore to section 34, Mr. Vice-President. What happened in section 34? We are talking about independence, we are talking about democracy, we are talking about Trinidad and Tobago. On the night of August 31, 2012, Mr. Vice-President, I could tell you where I was. I was outside Balisier House, and my party, then in Opposition, was re-enacting the Independence ceremony with the lowering of the Union Jack and the elevation of Trinidad and Tobago's flag. We were outside. We had our actors playing the Governor General, and a few other people in between.

And while we were doing that, seven months after November, 2011, when the then Cabinet took a decision to interfere with section 34, the Cabinet instructed the then President, instructed the then President in the dark of the night, when the rest of the country was celebrating 50 years of Independence and 50 years of democracy in this country, 50 years of suffrage, 50 years of our self-governance, Mr. Vice-President. When we were around the country celebrating that, what happened? They forced, or they instructed the then President to proclaim, not the Act, part of the Act, maliciously, deliberately, conveniently, just a little piece, not the whole thing, just a little convenient piece, to serve whose purpose? I do not know. There is a national conversation, there is great speculation.

4.50 p.m.

But if you tell me that that action speaks to separation of powers and democracy, then I need to move from Trinidad and Tobago, because that is not democracy as I understand it to be, Mr. Vice-President. So to stand here, to bring this Motion to talk about—to speak on the Motion rather, to talk about separation of powers and democracy, and then to come here with mistruths, when you have

your whole history behind you, is very worrisome.

And I listened as well to Sen. Roberts launch a scathing attack on his former parliamentary colleague, who would have served as the Member of Parliament for Oropouche West, I believe, and the daughter of the founder of their party. I am not here to defend Ms. Mickela Panday in any way at all. Any person is free to offer themselves, himself or herself to be in politics, in any party, to do anything. They are free. This is what our democracy allows us to do. But you see that self-loathing that this UNC is well known for—this is the founder of your party, and this is the daughter of the founder of your party, and while you may have no allegiance to her, it is simply a matter of courtesy and respect. And I am pretty sure Ms. Panday has done nothing to them, but maybe it is a reaction of fear of what may happen if the little lioness comes to roar, Mr. Vice-President, and it is similar to how they treat with Trinidad and Tobago.

They refuse to acknowledge and accept their history. So the history of UNC is coming up through the sugar cane, the labour force and Basdeo Panday, and then cut down his daughter. No problem, that is your politics, not ours. And their history for Trinidad and Tobago is to come here and spew some sort of thing that I am not too sure is really true, but dead men tell no tales. So if this is the publication of Mr. Kenneth Lalla that he is reading, so be it. I also have publications here that will speak to the opposite of what was being put forward here today. And so they are attacking the history of Trinidad and Tobago.

Sen. Roberts over here stood up to talk about the PNM, Dr. Eric Williams, pretty much trying to hoodwink the rest of the delegation into saying, “I will come back to Trinidad and do that.” Mr. Vice-President, that is not the history—that is not an accurate account of the history of Trinidad and Tobago. So I am going to

take a little time now to quote from one of the lectures from the late Prof. Brinsley Samaroo, and his presentation was titled, "From Unicameralism to Bicameralism: Trinidad's Constitutional Advances". And in the abstract, he talks about:

"Trinidad and Tobago was developed as a model Pure Crown Colony government and it was not until 1925 that a small number of elected representatives were allowed into the unicameral legislature. By the 1950s, the population had become so socialised into an acceptance of unicameralism that a Parliamentary committee endorsed its continuance in 1955. In that year however, Dr. Eric Williams appeared on the scene and he galvanised the population into an acceptance of the principle of bicameralism. Dr Williams' initial petition, signed by thousands,"—and that is not his own signature, thousands of people in Trinidad and Tobago, which tells us that clearly there was consultation, it—"was rejected..."

"...was rejected by the Colonial Office and the 1956 elections were conducted under unicameralism. The People's National Movement, led by Williams, captured the government and in 1958, appointed another constitutional reform committee that recommended a bicameral legislature. The Colonial Office accepted the majority recommendation and so bicameralism was introduced in 1962."

But I want to go a little further into what the body of his presentation said:

"A constitutional reform committee set up in January 1955 had recommended the retention of..."—this.

"This conservative tide was reversed and public opinion was galvanised to this purpose through a vigorous campaign waged by Eric Williams during the months of July and August 1955."

And what happened there? What happened during that time, Mr. Vice-President?

Dr. Eric Williams, supported by the education committee, conducted hundreds of lectures across the country, speaking life into a new future for Trinidad and Tobago, speaking life into independence, speaking life into self-governance, speaking life into representation coming from amongst the peoples, Mr. Vice-President. That is what happened in Trinidad and Tobago.

Dr. Eric Williams went to Marlborough House in London, not on his own whim and fancy, but buoyed by the support of thousands and thousands of Trinidadians and Tobagonians who wanted this country to be independent. And, Mr. Vice-President, it is a fact that there were some naysayers who did not want the country to be independent, some naysayers who wanted us to ensure that we still had colonial rule. But Dr. Williams persevered, he did what he had to do, he represented our country well and by 1962, we got our independence, which we celebrate on August 31st.

Fast forward to 1976, Sir Ellis Clarke had led the constitutional reform committee—I have 10 more minutes—had led the constitutional reform committee for that, Mr. Vice-President. And Sir Ellis Clarke in that—the major change from the independent Constitution, that I see the Senator was waving, to the Republican Constitution that the Senator was also raising, really spoke to this Chamber and the operation of this Chamber and the ability of Senators to be able to hold ministerial portfolios. Because in the independent constitution, only two Senators were allowed to become Ministers, and the change allowed for more Senators to become Ministers and to form part of the Cabinet. And since I only have two minutes—five minutes, sorry, I need to just go through a few things.

Another lecture from that 50th series was—and I really do not wish to

legitimize the quotations from here, but I have to raise it—from one, Dr. Kirk Meighoo, who is the Public Relations Officer of the United National Congress, and the title of his presentation—and he did it at the Town Hall in Arima—was, “From Legislative Council to House of Representatives: Promoting or Hindering Democracy?” This lecture was given on 28th of September, 2011, the Prime Minister was hon. Kamla Persad-Bissessar, the Government was People’s Partnership, or whatever name it was under at that point in time. And in this presentation, Kirk Meighoo says:

“Politically central to the Westminster system, too, is the large number of backbenchers. Parliament has 650 members,”—and this is in the UK of course—“and under current UK law no more than 90 MPs can be Ministers. That leaves a minimum 236 Government backbenchers, apart from the Opposition members.

Backbenchers from the governing party (or coalition) play an important informal role in keeping the Government in check. Government backbenchers are the ones who make any motion of no confidence in the Government succeed, such as occurred with the toppling of Margaret Thatcher, for example.

In contrast,”—this is September, 2011—“in the current Parliament of Trinidad and Tobago of 41 members, each MP from the ruling party is either a Minister or Deputy Speaker. There are no Government backbenchers. This situation has worsened instead of improved under the current administration.

This is a qualitatively different level of parliamentary accountability from anything...”

This is the UNC's PRO, saying that the UNC, or Partnership, but the UNC's Prime Minister, Kamla Persad-Bissessar, had a system where she had no backbenchers and therefore, there was no accountability. So that really—when you talk about separation of powers and the Legislature versus the Executive, Mr. Vice-President, you could see in the last iteration, which I am certain is the last time she will ever be Prime Minister—

Hon. Senators: [*Desk thumping and laughter*]

Sen. L. Lezama-Lee Sing:—you can see in that last iteration, that there was no system for checks and balances and accountability in that Government.

So when this Motion comes here to talk about separation of powers and to talk about the rule of democracy, Mr. Vice-President, it is flawed, it is hypocritical and it is a Motion of convenience, and I will conclude with the Motion of convenience in a short while.

I want to also quote very quickly from one last lecture there—because this lecture, it was important, it happened under the UNC, under the People's Partnership at the time of our 50th independence anniversary, and this is from Prof. Selwyn Ryan, and it was delivered in San Fernando, November 2011, “The Role of Political Parties in the Development of Democracy in the Republic of Trinidad and Tobago”. And, Mr. Vice-President:

“A brief outline of party politics in Trinidad and Tobago, 1956 to 2011

The arrival of the PNM on the political scene gave rise to the appearance of several parties which sought to imitate it...”

—so we are the gold standard, and we continue to be the gold standard, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing:

“...which sought to imitate it in terms of organisational principle and even ideology. The most significant of these were the Democratic Labour Party which began its life in 1958 as a federal party led by Alexander Bustamante of Jamaica, and the Liberal Party...The two parties were, however, never able to match the discipline for which the PNM became well known. For the most part, the PNM represented the Afro-Creole masses, the mixed middle class, the Indian Christians, and the urban Muslims, and there was need...”

—they felt:

“...there was a need to establish a corresponding mass based party for the Hindu element.”

And so, Mr. Vice-President, the PNM continues to be the gold standard for how political parties function.

Selwyn Ryan continues:

“In modern democratic parties, the policies that are formulated and ascribed to the party, are supposed to be informed by party manifestoes that reflect the opinions of party members and supporters. In practice this rarely happens.”

But that is not a fact for the People's National Movement. Every document that we have put forward is a creature of consultation from our membership and from the wider national community.

Hon. Senators: [*Desk thumping*]

Sen. L. Lezama-Lee Sing: The PNM believes in consultation. At this time, an independent committee has been established to review our Constitution here in Trinidad and Tobago.

Sen. Mitchell: That is true. That is true.

Sen. L. Lezama-Lee Sing: And what has happened, Mr. Vice-President? The Opposition has made a mockery of it. They have launched personal attacks on the independent members of that committee. They have attempted to make a mockery of it. And what has the PNM done, Mr. Vice-President? The PNM has established its own internal committee to review the Constitution, because we also want to have a say in the Constitution. We have gone to all across the country to have this consultation happening. The committee has worked really well and the report is coming out very shortly.

Similarly, the national committee has gone all around the country. People from all over the country have come to give their independent views. Interest groups, civil society, churches, independent citizens have all come forward to be a part of a national conversation to take the country forward. And what is the UNC's position? Do not go. I do not know the reason why the parliamentary consultation did not happen.

Mr. Vice-President: Senator, you have five more minutes.

Sen. L. Lezama-Lee Sing: Thank you. I do not know why that did not happen, but in my understanding is that the Opposition has refused to participate in the consultation with the wider national community reform committee. I do not know. This is what I was told, Mr. Vice-President.

Hon. Senator: *[Inaudible]*

Sen. L. Lezama-Lee Sing: Yeah, they do not care.

So, Mr. Vice-President, I say all of this to say that the PNM subscribes to the principle of democracy. On August 31, 1962, the incoming Prime Minister, Dr. Eric Williams, former Premier, just about to become Prime Minister, said:

“The first...”—and I had to quote this, because it is the best definition of democracy for us in Trinidad and Tobago—indigenous definition.

“The first responsibility that devolves upon you is the protection and promotion of your democracy. Democracy means more, much more, than the right to vote and one vote for every man and every woman of the prescribed age. Democracy means recognition of the rights of others.

Democracy means equality of opportunity for all in education, in the public service and in private employment—I repeat, and in private employment. Democracy means the protection of the weak against the strong. Democracy means the obligation of the minority to recognize the right of the majority.”

Therefore, democracy means not challenging the EBC at every occasion and to discount the votes put in by the majority of the population.

“Democracy means responsibility of the Government to its citizens, the protection of the citizens from the exercise or arbitrary power and the violation of human freedoms and individual rights.”

And therefore, I say, democracy cannot be section 34. Democracy cannot be a state of emergency where you imprison 400-and-something young black men from Trinidad and Tobago. And then you stand here you talk about your support for the corridor, but that is the same people you went—and how many court cases we are facing now in this country.

5.05 p.m.

I continue the quote, Mr. Vice-President:

“Democracy means freedom of worship for all and the subordination of the right of any race to the overriding right of the human race. Democracy means freedom of expression and assemble of organization.

All that is Democracy. All of that is our Democracy, to which I call upon all citizens to dedicate themselves on this our Independence Day. This is what I meant when I gave the Nation its slogan for all time: Discipline, Production, Tolerance. Indiscipline, whether individual or sectional, is a threat to democracy.”

And who are the indisciplined people in this Chamber and in this country, Mr. Vice-President? I ask you and I cast no aspersions. I am just asking the question.

“Slacking on the job jeopardizes the national income...”—

And this is in the national population now because we truly believe in our country and we encourage all citizens.

“Slacking on the job jeopardizes the national income, inflates costs, and merely set a bad example. The medieval churchmen had a saying that to work is to pray. It is also to strengthen our democracy by improving our economic foundations.”

And the last paragraph I will quote is:

“That democracy is but a hollow mockery and a gigantic fraud which is based on a ruling group's domination [of] slaves or helots or fellaheen second class citizens or showing intolerance to others because of considerations of race, colour, creed, national origin, previous conditions of servitude or other irrationality.”

Mr. Vice-President, the PNM is a party that is built on the principle of democracy. The PNM believes in interracial solidarity. The PNM believes in international relations and regional integration. The PNM believes in the right of opportunity for everyone. The PNM believes in freedom of speech. The PNM believes in separation of power, Mr. Vice-President. History depends, Mr. Vice-President, on

who the storyteller is, and we will not allow the continued effort by the United National Congress to skew the history of Trinidad and Tobago in their favour and against the reality of what had happened for the people of Trinidad and Tobago.

And so, Mr. Vice-President, I just close by saying, the PNM has never strayed from being committed to democracy—

Hon. Senator: Never.

Sen. L. Lezama-Lee Sing:—as stated in this Motion, to the principle of democracy, or to the practice of democracy. The Government, Mr. Vice-President, and the PNM, continues to provide protection to all constitutionally enshrined offices and institutions, and this Government will not ever attack or undermine independent institutions and we will continue to respect the rule of law. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dr. Tim Gopeesingh.

Sen. Dr. Tim Gopeesingh: Mr. Vice-President, I think it is incumbent upon me to stand this afternoon in this distinguished Chamber to make a short contribution and to respond to some of the statements made by the other side. I must thank the hon. Leader of the Opposition for appointing me to sit in the Senate today in the absence of Sen. Jayanti Lutchmedial-Ramdial, who on May the 23rd, 2023, in this esteemed Chamber, the hon. Sen. Jayanti Lutchmedial-Ramdial brought a Motion to debate, and essentially it states:

“*Whereas* the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 entrenches the Principle of the Separation of Powers between the Legislature, the Executive and the Judiciary, which ensures the protection of citizens and a system of checks and balances in the exercise of power;

And whereas the Constitution provides protection to all constitutionally enshrined offices and institutions;

And whereas the actions of the Government in its engagement with constitutionally enshrined offices and institutions have caused public unease and concerns;”

And it is noteworthy that the population is stirred up with uneasiness and serious concerns they have about the management of the democracy and the principles of democracy which this Government puts forward to the population and is being considered as antidemocratic, sometimes tyrannical. This is the population that says that. And so, the Motion goes on:

“*Be it resolved* that this Senate calls on the Government to reaffirm its commitment...”—

Because the Government has lost its commitment, but they must seek now to do it.

“...to the principles and the practice of democracy in Trinidad and Tobago.”

To the principles and practice which the Government has been found wanting over the last nine years of not being able to provide the true democratic principles and working for the people of Trinidad and Tobago.

In that Motion, Sen. Lutchmedial-Ramdial rightly noted that democracy is under attack from this Government. I want to reemphasize that. This is a mindset of the population. It is not UNC alone that is saying that. It is a wider population. It is a number of agencies and institutions across the country that is saying that the democracy is under attack from this Government and I will give some examples of it in a while, Mr. Vice-President. So the population has been speaking out loudly, and individuals and companies have taken the Government to court on their determination for their constitutional rights.

There have been many cases that have gone through the first court, then to the Appeal Court, and citizens and institutions and organizations have had to go to the Privy Council to seek judicial redress against this Government, and this Government has been found wanting in several occasions of not being able to meet the democratic principles which they ought to have been ruling and governing this country. So people have had to spend millions, organizations have had to spend millions, and to go outside of this country to seek their justice before the Privy Council. And this is one of the reasons that the United National Congress seeks to continue in support of the Privy Council at the moment because we cannot trust this Government in the work that they are doing. We have to go outside of Trinidad and Tobago and seek redress. Citizens have to seek redress.

So democracy is under threat, Mr. Vice-President. In that, Sen. Jayanti Lutchmedial-Ramdial noted that it is an essential component of any functioning democracy that you have recognition and respect for the doctrine of separation of powers. This Government has been found wanting to interfere in the Judiciary, in the Office of the President—in so many areas—in the Office of the Commissioner of Police, in the Police Service Commission and so many of these independent commissions—

Hon. Senator: The Integrity Commission.

Sen. Dr. T. Gopeesingh: —and I would go on to that in a while.

The doctrine requires that key institutions of the State namely the Executive, the Legislature and Judiciary should be separate in order to safeguard citizens' fundamental rights and freedoms, and guard against tyrannical and dictatorship when there is a concentration of power. There is a concentration of power in the hands of the Prime Minister. The Prime Minister is supreme. He can say what he

wants to say and does whatever he wants to do. That is the concentration of power that is in the hands of the Prime Minister now and he is exhibiting that on a daily basis, "If you doh like it well do something about it". This cannot be allowed to continue, and this is why this Motion is very appropriate.

I want to just respond a few minutes to Sen. Laurel Lezama-Lee Sing who quoted the words of the distinguished, and our first Prime Minister, the father of the nation, Dr. Eric Williams, when he spoke about what democracy is about. And I want to exhort the PNM to go back and examine every word that Dr. Eric Williams spoke about what democracy is about and see whether you are in fact abiding by what he provided for what the nation should be. You are not. Go back and look at everything that Dr. Williams said, democracy is about this, democracy is about that. Your PNM Government has been found failing, and wanting, and not doing the things that your founding father, Dr. Eric Williams, said what democracy is about.

Sen. Lezama-Lee Singh: [*Inaudible*]

Sen. Dr. T. Gopeesingh: I do not have it with me. You read it out. But examine it carefully and see whether in your own mind and in your own conscience whether PNM has continued along that pathway. You have been found wanting, and it is an antidemocratic Government that we have in place for the last nine years.

You have been holding this country in a manner that you alone believe that you are God and supreme, and whoever makes any noise about it, well you know where you should go. That is not the way to run a country. There are places across the world that are reeling from this type of dictatorship that this Government is exhibiting at this time. The Motion goes on to say, creating separate institutions is a system of checks and balances between all three of them, and under the

Westminster system we have inherited that amongst all the Commonwealth countries—the 55 Commonwealth countries—and we inherited that under independence. Under the independent Constitution, we went in almost the same manner that other countries around the world which got independence had as their Constitution, but we went on to change that subsequently.

The concentration of power could lead to bias, corruption, conflict of interest, and just as important the perception of these things. I want to read that again. The concentration of power could lead to bias, corruption, conflict of interest, and the perception, and just as important the perception of these things. This Government is being perceived, Mr. Vice-President, as being corrupt, as being conflicted, as being biased, and they hold on to the concentration of power with no respect for any other person or institution. They rule supreme.

Separation of powers goes beyond just the three arms of the state, Mr. Vice-President, and ensuring that democracy is preserved depends on the working of a number of institutions. Democracy is not preserved by just the saying that you have the separation of powers between the Executive, and Judiciary and so on. But some of these institutions created by our Constitution, and these institutions like the Office of the President, the Integrity Commission, the Office of the Director of Public Prosecutions and even our service commissions, Mr. Vice-President.

Sen. Laurel Lezama-Lee Sing spoke about the Marlborough House meeting, and so on, when we wanted to get independence. Let me educate you a little bit, hon. Senator. It was the Opposition at that time who supported Dr. Rudranath Capildeo, and the Opposition which supported Prime Minister, Dr. Williams, in the quest for independence in 1962, but they had reservations about certain things that can run afoul in a country. And this is why they sought to have the independent

institutions put into the Constitution, and those independent institutions which are the Public Service Commission, the Teaching Service Commission, the Police Service Commission, the Judicial and Legal Service Commission, and the Statutory Authorities Commission. These are the five independent institutions that had been put forward in the Constitution to protect the rights and freedoms of citizens of Trinidad and Tobago that was ensured by the Opposition at that time in Marlborough House.

Today, 62 years later, we see the trampling by this Government on all these independent institutions, Mr. Vice-President. They are trampling about all these institutions. Interference in the Judiciary and Legal Service Commission, interference in the Police Service Commission, interference in the Public Service Commission—well perhaps nothing much in the Teaching Service Commission and thank God for that.

5.20 p.m.

I want to read an article from the *Express* published on the 18th May, 2023, and it headlines “T&T scores low in Rule of Law survey”. That is 2023 last year. That article asked how do the citizens of this country view the functioning of this democracy? It states:

“Trinidad and Tobago has scored low in a Rule of Law survey, with 80 per cent of respondents of the view that top government officials attack or attempt to discredit the media and civil society organisations that criticise them.”

Let me read that again for emphasis. This is a survey on the rule of law in Trinidad and Tobago. It scores low in the rule of law survey. That is an article published by the *Express* on the 18th of May last year and it was asked how do the citizens of

this country few the functioning of this democracy. The citizens of this country have spoken on this.

“Trinidad and Tobago has scored low in a Rule of Law survey, with 80 per cent of respondents of the view that top government officials attack or attempt to discredit the media and civil society organisations that criticise them.”

Once you criticize this Government you are being attacked.

“Citizens are also of the view”—I continue to read—“that top government officials attack or try to discredit the country's electoral system.”

Just a while ago I was sent an article published by the *Daily Express* on July 8th 2015. “A PNM anti-EBC campaign part two.” They are trying to say that the UNC attacks the EBC. The first important point is that there must be no perception at all on the head of the EBC—the CEO of the EBC where the citizens of this country perceived that person to be intimately involved in the PNM. And, whatever you read there has not disturbed the essence of the perception that the head of the EBC is closely aligned to the ruling PNM. So this is what we have been saying. We have not attacked the EBC. We went to court to defend the Opposition's rights and I will come to that.

“A PNM anti-EBC campaign part 2” July 8th 2015.

“PNM queries about the non-appearance of writs required for holding the general election have proved to be ill-informed, and ill-advised, unless the intent has been to raise a political dust storm for the sake of doing so. The clearest result can be seen only in potential damage to the image of the Elections and Boundaries Commission...if not to destabilise that critical agency”

It goes on to speak about PNM vice-chairman Colm Imbert making a lot of statements and making some charges. That article ends by saying—let me just read this part:

“The PNM shifted its aim to the President and the EBC,”—and that the PNM the Government is saying that we attacked the EBC—“decrying the failure to issue the necessary writs. The party held up the non-appearance of writs as suggestive of a government aim to postpone the elections. The approach soon came to look much like a fishing expedition for an election-related issue.”

5.25 p.m.

So they were fishing, but in the end:

“In opposition, the PNM targeted the EBC with judicial review. In early 2002 when, under Patrick Manning, the party took office, it set up the Lennox Deyalsingh enquiry into the EBC.”

You all set up an enquiry into EBC.

Sen. Mark: Exactly.

Sen. Dr. T. Gopeesingh: After the EBC survived all such challenges, what remained clear was a PNM intent to blame the Commission for its 2000 and 2001 election performance.

Hon. Senator: Correct.

Sen. Dr. T. Gopeesingh: Now, that is nature of the PNM, 2000/2001, “yuh blame the EBC and yuh coming today to say that the UNC is against the EBC”. You are against the EBC.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: You are against the EBC. You have always been

against—when you get “licks” in the elections, you blame everybody, and you had the resounding victory from Panday's Government in 2000 and 2001, and you were defeated. So the defeat is coming again pretty shortly. As soon as Prime Minister Rowley calls the election, your defeat is booked, it is assured.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: Do not go into Lengua, Princes Town, and say that “yuh win”. You had won that for the sixth out of the seventh time, so it is not surprising that “yuh go and yuh try to do whatever you have to do”, some type of things that I do not even want to speak about, of which you all are guilty of. In the election time, you all know what you do.

Hon. Senators: [*Interruption*]

Sen. Dr. T. Gopeesingh: You know what you all do to win the support and the minds of people. I would be ashamed to say what you all do at election time. I have been through seven general elections.

Hon. Senators: [*Desk thumping and interruption*]

Sen. Mark: [*Inaudible*]—omission and commission. We know.

Mr. Vice-President: Sen. Mark.

Sen. Mark: “Doh leh we expose allyuh”.

Mr. Vice-President: Sen. Gopeesingh, whilst you continue, bring it back to the debate a bit. You are going a bit off.

Sen. Dr. T. Gopeesingh: Thank you, Mr. Vice-President, for your guidance to come back. But you know, sometimes you have to say what you have to say and the truth must come out, and they know what they are accustomed doing when they are in a tight corner, but I will leave there. And that was exemplified in the Lengua elections recently. We know what they did, and they will continue to do it, but we

are watching you all. Somebody will have to make jail. Somebody will have to make jail. I have been through seven general elections—

Hon. Senators: *[Interruption]*

Mr. Vice-President: There is no reason for this level of crosstalk.

Sen. Dr. T. Gopeesingh: All right. I am moving away from—*[Inaudible]*

Hon. Senator: Sen. Gopeesingh, you are going well. Continue.

Sen. Dr. T. Gopeesingh: I appreciate it, Mr. Vice-President. So I want to read this article:

“In opposition, the PNM targeted the EBC with judicial review. In early 2002 when, under Patrick Manning, the party took office, it set up the Lennox Deyalsingh enquiry into the EBC. After the EBC survived all such challenges, what remained clear was a PNM intent to blame the commission for its 2000 and 2001 election performance. In 2015, the voting public should be alerted to the prospect that the PNM's latest unfounded anxieties could be the start of similar things to come.”

They may have done it, but we defeated them in 2010 to 2015, Mr. Vice-President. So stop making this statement that the UNC is anti-EBC. The UNC sits with the EBC, quietly asks questions, gets answers and we work with the EBC over the period of time.

Sen. Mitchell: “With ah straight face he saying that, yuh know”.

Sen. Dr. T. Gopeesingh: So I go on to read from that rule of law report:

“Compared to their regional counterparts...”

—I am quoting:

“...respondents in Trinidad and Tobago most often felt that top government officials attack or attempt to discredit the media and civil society

organizations that criticize them..."

Mr. Vice-President, 80 per cent of the people who were asked to comment, and this is the population making that statement.

"...resort to misinformation to shape public opinion in their favour..."

The PNM:

"...resort to misinformation to shape public opinion in their favour (75%)..."—said so.

They:

"...attack or attempt to discredit the electoral system and other supervisory organs (72%)..."—said so.

They:

"...seek to influence..."

—that is the PNM, that is the Government, because this survey was done last year, 2023. They:

"...seek to influence the promotion and removal of judges (68%), and seek to limit the courts' competencies and freedom to interpret the law (64%)..."—of the people surveyed believed this.

It is important, when we speak about the interference in the Judiciary, it is the perception of the national population that there is interference and it is exemplified in this survey:

"...seek to influence the promotion and removal of judges (68%), and seek to limit the courts' competencies and freedoms to interpret the law (64%)."

I will move on to attack on the freedom of the press by this Government, and I quote from a Trinidad *Express* article by Kim Boodram on May 28, 2020:

"PM lashes out at media

'They have interests to protect...'

Prime Minister..."

—I quote from the article:

"...Dr Keith Rowley has accused media houses of 'harassing people with lies'..."

He is attacking the media houses.

"...saying yesterday media in Trinidad and Tobago were not independent but instead 'have interests to protect'."

The Prime Minister is accusing the media of having interest to protect.

"In a lengthy criticism of the media from the Diplomatic Centre in St Ann's, the Prime Minister accused the media perpetuating untruths about, among other issues, a high-level meeting in St Ann's last month between five persons which included himself, National Security Minister Stuart Young, Venezuelan Vice President Delcy Rodriguez and Asdrubal Chavez, who was later appointed President of Venezuela energy company, PDVSA."

So he attacked the media from speaking about that.

"The PM"—Prime Minister—"later singled out the Express for peddling a story that he had said he was unaware of the details of some persons at the meeting."

He attacked the media for saying that he was unaware of the people in that meeting, when he knew fully well and told untruths to the population time and time again. How could you be like that? Speak the truth. Do not hide it all the time. The truth comes out. You know, Mr. Panday, one of the things he taught me when I started being with him in 1993, that is almost 31 years ago, he said, "Doh ever tell ah lie because ah lie catches up with you. Do what your heart tells you, do

what your conscious tells you.” And if Prime Minister Rowley would have heeded some of that, do not tell untruths to the population because the untruths catch up with you.

I go on to say that the Government has utilized, in some cases, the Sedition Act to hounds its critics. You know how many people are charged under the Sedition Act? All of a sudden, the Sedition Act comes into being, you know. They are in Government now, so anybody who wants to criticize, they charge you under this, they charge you under that. They charge you under the Sedition Act.

Sen. Mitchell: Mr. Vice-President, 46(6), please. And it is the police that charges people, not the Government.

Hon. Senators: *[Interruption]*

Mr. Vice-President: Sen. Dr. Gopeesingh, stick to the debate.

Sen. Dr. T. Gopeesingh: *[Inaudible]*

Mr. Vice-President: No, no, you are going fine but bring that point to the debate, please.

Sen. Dr. T. Gopeesingh: Well, citizens of Trinidad and Tobago are saying that the Government is irresponsible and they are trying to control, dissension, by trying to instigate the whole question of the Sedition Act back into office again. We know it is the Commissioner of Police and the police who have to do it, but you have to watch the relationship there.

The Government has diluted important legislation and then limbos under special parliamentary majorities that were there and entrenched in our Constitution to protect citizens' rights. I want to give an example. The Government has weakened vital institutions, such as, and the most obvious example is the Office of the Procurement Regulator.

The procurement legislation was passed in 2015. Nine years later, the procurement department of the country's Constitution is still not very functional. They attacked it from all angles. They waited for years because it needed special majority. They came into Parliament and because what they wanted to do, they did not get the special majority, they went differently from that and tried to rearrange the Procurement Act and bring it under simple majority. You know how many times they did that? The Procurement Act, which required majority passage, brought to simple majority passage upon time and time again; simple majority, and they have done this, not with one Act, several Acts.

Mr. Vice-President, you know, they keep attacking the Opposition of not assisting the Government in its work and functions and the laws that govern Trinidad and Tobago, and they keep making irrational, nonsensical and untrue statements about the Opposition is not cooperating and the Opposition is not patriotic. When you compare you with us, we are the most patriotic citizens of Trinidad and Tobago. We fight for the citizens.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: And every time we speak, it is on behalf of the citizens' rights and freedoms and privileges in Trinidad, but you all destroyed them. You all destroyed those rights and freedoms and privileges, and they always accuse us, Mr. Vice-President, of not cooperating with the Government, not helping them. We say we want to pass good law.

Hon. Senators: [*Interruption*]

Mr. Vice-President: Members, again, can you allow the Senator to continue with his contribution in silence?

Sen. Dr. T. Gopeesingh: Thank you, Mr. Vice-President. You will hear our

Member of Parliament for Barataria/San Juan, the shadow Minister of Legal Affairs and Attorney General, speak on many occasions about the amount of Bills that the UNC has supported this Government in. I want you to really stop, examine yourself when you make a statement to this country that we are unpatriotic, we do not support the Government in all its laws and so on, and we keep on maintaining good law we will support, not PNM law.

Sen. Roberts: Not PNM.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: And you would have heard the Member of Parliament for Barataria/San Juan mention that we have supported almost 35 pieces of legislation. This UNC Government supported over 35 pieces of legislation that dealt with just crime alone, and you will hear the Administration of Justice (Indictable Proceedings); the Firearms (Amdt.) Bill; the Summary Courts; Miscellaneous Provisions (Criminal Proceedings) Bill; the Sexual Offences; the Firearms (Amdt.) Bill; the Sexual Offences (Amdt.) Bill, 2021; the Electronic Payments into and out of Court; the Anti-Gang Bill; the Evidence Bill; the Cannabis Control Bill; the Domestic Violence (Amdt.) Bill; the Administration of Justice, and it goes on and on. It is two pages, 35 pieces of legislation. So they have no moral authority to tell this country that the United National Congress in Opposition does not support good law.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: We are brilliant on this side.

Sen. Mitchell: What?

Sen. Dr. T. Gopeesingh: We are bright. We examine everything in detail, and what is for the benefit of the people of Trinidad and Tobago, what is right, we

support, Mr. Vice-President.

Sen. Roberts: [*Inaudible*]—your Minister of National Security—[*Inaudible*]—and “allyuh eh talking about that”.

Sen. Gopee-Scoon: [*Inaudible*]

Sen. Roberts: No? “Is not true”?

Sen. Dr. T. Gopeesingh: So, Mr. Vice-President—

Mr. Vice-President: Hello. Sen. Roberts, there is some crosstalk and then there is not good crosstalk. Desist from it, please, completely, and allow Sen. Dr. Gopeesingh to finish.

Sen. Dr. T. Gopeesingh: Thank you. Mr. Vice-President, this Government's most glaring recent act of undercutting the Constitution was announced, not in the Parliament, not in an official press conference, but at a PNM Family Day, where they said that they were going to disband the Service Commissions.

5.40 p.m.

What our forefathers in 1962 sought to protect was the constitutional rights and freedom of all citizens of Trinidad and Tobago in the Marlborough Commission. This Government, at a party issued—at a rally, a family day, they said that they were going to disband the service commissions. And one would see, for example, that when they show—so they want to disband the Teaching Service Commission, the Police Service Commission, the Judicial and Legal Service Commission, the Statutory Authorities Service Commission, and the Police Service Commission.

The Prime Minister must come out clearly, and the Attorney General must respond to these statements and accusations. And they said it on a family day. I do not have the exact quote. But why do you want to disband these institutions?

We know that there are weaknesses in the management of these institutions. For instance, insufficient staff, the procedures, and so on, are still archaic, everything is on paper, and you have to paper trace.

When I was Minister of Education with 15,000 teachers, you could not get a promotion. You could not get anything done for the poor teachers because everything was on paper. The Teaching Service Commission worked half a day, probably twice a month. So, there are weaknesses in it, and there needs to be some strengthening of these commissions. But we saw glaring examples of interference in the Police Service Commission and the Judicial and Legal Service Commission. So that is not for us to say in the Opposition here now. It is people who are saying that.

One would see, for example, Mr. Vice-President, that when the issue was raised, where the Law Association tried to get the Prime Minister to trigger Section 137 of the Constitution for an independent investigation into misconduct, that there was an outright vitriolic attack from all corners on the Law Association, on the media and even on the Opposition. The Government kept trying to exempt bodies from the Freedom of Information Act. So, when we speak about this in the Motion that Sen. Lutchmedial-Ramdial brought to this House, we are going on to see what the areas are that we are pointing out, that you are trying to remove the democratic freedom and principles of the population. You are trying exempt bodies from the Freedom of Information Act.

I remember when Prime Minister Manning brought the Freedom of Information Bill some time in 2007 or something. I was in Opposition. Eleven areas were subject to the Freedom of Information Act. And within a short period of time, of two or three years, four areas of that were removed from the Freedom

of Information Act. So why do you go all the time and put something in place, and when you find it is not working for you, you remove it? Then you set up all sorts of processes. Before, you had to go apply here and apply there to get the information that you needed, and then it was delayed and you could never get the information.

Sen. Mark asked just a while ago, this afternoon, on the report of the COVID enquiry that has been done by PAHO, and the report has been there for over a month. And you can not get the report because it is hidden. It is hidden, and why are you hiding it under the guise that you have to give people the privilege of responding? But say a time. Give them a time to respond to the statements made in it. Why are you hiding it? You keep on hiding everything from the population. This is a democratic society, and people must know what is going on. And they have a right to know what is going on.

So the Government inserted itself into the process of appointing the Commissioner of Police, and that is well known and spread across the country and even into our Caribbean territories. People know what this Government has been doing. They have removed the parliamentary oversight for the Acting Commissioner of Appointments and more. So, Mr. Vice-President, this Government has a distinct and very alarming track record of attacks on practically all of the independent state institutions in our land.

Mr. Vice-President: Senator, you have four minutes remaining.

Sen. Dr. T. Gopeesingh: Thank you. I just want to read out a few—2022, three in one attacked—an interference on the dependence of the Office of the President, the Police Service Commission and the Office of Police Commissioner. And the Prime Minister said then, “It was me” The Prime Minister confirmed he was a

high-ranking official who met the Police Service Commission Chairman, and a report I reiterate from March 14, 2022 says, and it is quoted:

“Although he was previously reluctant to admit it, Prime Minister Dr. Keith Rowley has confirmed he was the ‘high-ranking official’ who met with then-Police Service Commission chairman Bliss Seepersad at President’s House and provided her with information with respect to then-police commissioner Gary Griffith.”

This is Ria Taitt saying so on the *Express*.

“The news of the meeting, coupled with the failure to release the name of the ‘high-ranking official’ who had shared the information with Seepersad, created immediate controversy. But the Prime Minister finally made the admission in an interview with the *Express* last Thursday...”

He was caught, and he had to give the statement that it was he. They interfered in 2023, the Director of Public Prosecutions. A Guardian article:

“DPP seeks counsel after PM’s ‘attack’”—and the—“UNC accuses”—Prime Minister—

Sen. Mitchell: Mr. Vice-President excuse, 46(8), please. This is not of substantial—

Mr. Vice-President: Sen. Gopeesingh, whilst you summate in your last one and a half minutes, pull it back into the conversation at hand, please.

Sen. Dr. T. Gopeesingh: In the last one and half minutes Mr. Vice-President:

“Roger Gaspard SC”—was—“seeking counsel as he prepares to respond to a lashing from Prime Minister Dr. Keith Rowley during the People's National Movement...”

During the meeting”—Prime Minister—“Rowley”—attacked—“the Office of the Director of Public Prosecutions (DPP)...”

So from—then to an attack on the Integrity Commission and Prime Minister Rowley attacked the Integrity Commission. So the Integrity Commission was under attack:

“Prime Minister Dr. Keith Rowley has come under fire for his ‘attack’ on Integrity Commission (IC) chairman Dr. Rajendra Ramlogan.”

So these are just some of the examples, just some. What I mentioned there by paper 20 or 25 per cent but the population is replete. The minds of the citizens of Trinidad and Tobago are very bothered by this undemocratic governance, and the lack of principles of leadership and proper governance in Trinidad and Tobago. The Prime Minister and his team, the Government, stand accused of undemocratic principles and actions. They have tried to deceive this population with false propaganda. And they have tried to run this country under dictatorship and tyranny. It cannot continue. It must stop. Thank you very much, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice President: Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. Vice-President. As I listened to the speakers on the other side, on the Opposition, I came to understand the core of the Motion that is before this House. If you repeat to yourself sufficient falsehoods repeatedly, you come to believe them, and you premise your actions on them.

Sen. Gopee-Scoon: That is what they are made of.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And the last speaker I listened to, Sen. Gopeesingh, was a very good example of that false premise because I sat here, and I do not say so immodestly. I am, after all, a lawyer. I sat here as a lawyer, and I listened to Dr. Tim Gopeesingh purport to give this House a lecture of a record of judicial pronouncements of the number of times that courts and judges have condemned the Government—of which, I am proud to be a part of—wholly incorrectly, wholly incorrectly.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: One of the last things that he said was that the PNM Government is using the Sedition Act to prosecute people. Well, Mr. Vice-President, just as one example of that falls to Section 9 of the Sedition Act, which gives specific power for the written consent of the Director of Public Prosecutions before a sedition charge can be brought under that Act, and that charge is then dealt with by a court judge, a High Court judge, or a Court of Appeals judge. This is what Justice Beraux, Justice of Appeal Beraux, in *Inshan Ismael v The Attorney General*, number 140 of 2008 said in relation to that.

5.50 p.m.

He said that that case exemplifies the important safeguard that is the DPP's consent in the context of making an application by the police under the sections of the Anti-Terrorism Act and the Sedition Act.

“Even before the application is made, the consent of the Director of Public Prosecutions is required. Both the Director of Public Prosecutions and a high court judge are independent public functionaries.

“Both are expected to bring independent and impartial points of view to bear

in the decision-making process.”

So, for the good medical doctor to purport to quote law in furtherance of the false premise that there is public unease and concern about this Government pursuing people unlawfully by way of sedition is entirely false. That is one example.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: All the speakers before me on the Independent Bench, Dr. Paul Richards, Sen. Hazel Thompson-Ahye, in particular, have referred to the principle of Montesquieu on the separation of powers. We have a strong Judiciary in Trinidad and Tobago, an independent Judiciary in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: All of our judges, with one voice over several years, have spoken to the meaning of the separation of powers. The high watermark of that was stated by Chief Justice Sharma in 2005 in the Civil Appeal *Director of Personnel Administration and the Police Service Commission vs Cooper and Balbosa*. He spoke there, he quoted from Montesquieu which Sen. Dr. Richards and Sen. Hazel Thompson-Ahye have already quoted from, which is that the different organs such as the Legislature and the Executive should have no influence or control over the acts of each other, but rather that neither should exercise the whole power of the other. That is the essence of the separation of powers.

Sen. Richards used the term “overlap”, and it is the correct. The organs of State under a separation of powers have to work together. Without exception, all of the judgments of the independent Judiciary of Trinidad and Tobago, all the way up to the Privy Council have defended actions of this Government in recognition of

the separations of powers, not as Dr. Gopeesingh would have this record reveal unless it was contradicted definitively, as I am doing now, to suggest that this Government is being held accountable by judicial decisions for tyranny and oppression. There is nothing further from the truth.

So we have the cases of: *Chandler vs the State*, Appeal No. 2, 2022, UKPC 19. *Attorney General Akili Charles*, 2002, UKPC page 31, in which the judges of the Privy Council say:

“The separation of powers is not a free-standing, legally enforceable principle that exists independently of and above...”—the—
 “...Constitution.”

They go on to say in *Matthew vs The State*:

“As their Lordships observed in *Boyce*...the separation of powers is not an...”—overarching supra-national—“...constitutional principle but a description of how the powers under a real constitution are divided. Most constitutions have some overlap between legislative, executive and judicial functions.”

These are all cases that have gone all the way to the Privy Council in which the State is being accused of a violation. The State in the name of the People's National Movement Government of this country being accused of violations of separation of powers, and on every occasion the Judiciary has come back and said that this Government has not disrespected but has rather upheld the concept of separation of powers.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: So that the jurisprudence emanating from our High Court judges, our Courts of Appeal and the Judicial Committee of the Privy

Council, are unanimous in establishing that the separation of powers does not create an artificial line of demarcation between the Executive, Legislature and Judiciary. There must, of necessity as Dr. Richards used the word, be some overlap in the functions in order to effect good governance. We have had the more recent cases, and again Sen. Dr. Tim Gopeesingh is misstating the record when he tries to suggest as he did minutes ago that there was overreach on the part of this Government in relation to the Commissioner of Police among other things.

So we have had the very recent decision of Mr. Justice Rahim in the High Court upheld and affirmed by three judges in the Court of Appeal in the case of—Justice Rahim was the 16th of January, 2024. This is the case of *Ravi Balgobin Maharaj vs Cabinet and the Attorney General* in which the extension of the term of the present Commissioner was challenged in court, and the allegation was that the Executive overreached the separation of powers in order to extend the term of office of the Commissioner of Police. It went to the High Court, Justice Rahim rejected it, he threw it out. It went to the Court of Appeal, and on the 8th of May, 2024, this is what the Court of Appeal had to say.

Sen. Dr. Gopeesingh: Mr. Vice-President—

Sen. The Hon. R. Armour SC:

The final issue we are to consider—

Sen. Gopee-Scoon: You spoke already.

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

Sen. Dr. Gopeesingh: No, this matter is sub judice and as I understand is before the Privy Council.

Mr. Vice-President: There is a procedure for this. You may raise your Standing Order.

Sen. Dr. Gopeesingh: I do not have it with me here, I just—

Mr. Vice-President: Continue.

Sen. The Hon. R. Armour SC: Thank you very much, Mr. Vice-President. I am replying to a misstatement on the record by Sen. Gopeesingh.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: All I am going to do is to quote, I am not going to comment, I am going to quote verbatim from the judgment of the Court of Appeal:

The final issue we are here to consider is whether section 75 of the Act violates the doctrine of the separation of powers and is illegal and unconstitutional. First, as we clearly stated on our early interpretation, section 75 of the Act and section 123 of the Constitution, there is no overlap or inconsistency. They deal with discreet matters. There is no violation of the doctrine of separations of powers.

They repeated that four times on four separate counts. The Court of Appeal, on the 8th of May, in relation to the Police Service Commission, recommending the extension of term to the President of the Office of the Commissioner of Police, held Court of Appeal for all of these reasons which we recognize as somewhat different from the trial judges' reasons, the appellant's submission— The appellant being the figurehead of the UNC, Ravi Balgobin Maharaj.

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Armour SC: The appellant's submissions on this issue are without merit.

Sen. Mark: Mr. Vice-President, 46(2).

Sen. The Hon. R. Armour SC: I withdraw that.

Hon. Senators: [*Interruption*]

Sen. Dr. Gopeesingh: [*Inaudible*] 46(2).

Mr. Vice-President: It has been retracted, continue.

Sen. The Hon. R. Armour SC: Thank you very much. So—

Hon. Senators: [*Interruption*]

Sen. The Hon. R. Armour SC:—I continue my quotation from the Court of Appeal:

For all of these reasons which we recognize as somewhat different from the trial judge's reasons—

Sen. Dr. Gopeesingh: I stand on 46(2).

Sen. The Hon. R. Armour SC:—the appellant's submissions on this issue are—

Sen. Dr. Gopeesingh: I am on my feet. Hon. AG, I am on my feet you have to—

[*Mr. Vice-President stands*]

Sen. Mark: 46(2).

Sen. Dr. Gopeesingh: I stand on 46(2).

Mr. Vice-President: Dr. Gopee—

Sen. Dr. Gopeesingh: Reference cannot be made to any matter which is sub judice as provided in Standing Order 47.

Mr. Vice-President: Senator.

Sen. Dr. Gopeesingh: That matter is before the Privy Council—

Mr. Vice-President: Senator, we know the Standing Order.

Sen. Dr. Gopeesingh: 46(2).

Mr. Vice-President: We know the Standing Order.

Sen. Dr. Gopeesingh: Yes.

Mr. Vice-President: The Attorney General is not making a proclamation, he is responding to—

Principles and Practice of Democracy
 (Government's Reaffirmation of Commitment
 Sen. The Hon. R. Armour SC (cont'd)

Sen. Dr. Gopeesingh: [*Inaudible*]

Mr. Vice-President: Senator.

Sen. Dr. Gopeesingh: [*Inaudible*]

Mr. Vice-President: Senator, you could have a seat. I am on my legs.

Sen. Dr. Gopeesingh: 46(2).

Mr. Vice-President: Attorney General, continue, please.

Sen. Gopee-Scoon: Yes, yes, yes.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: I quote:

For all of these reasons which we recognize as somewhat different from the
 trial judge's reasons—

Sen. Mark: Mr. Vice-President—

Sen. The Hon. R. Armour SC:

—the appellant's submissions on this issue are without—

Sen. Mark: 46(2), this is an abuse.

Mr. Vice-President: Sen. Mark—

Sen. Mark: You are on 46—

Mr. Vice-President:—have a seat, on have a seat. I am hearing you with 46(2),
 however, the Attorney General is saying he is not giving an opinion, he is quoting
 and responding. Please continue in your last minute.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Thank you. Without the—

Sen. Mark: [*Inaudible*]

Sen. The Hon. R. Armour SC: I continue—

Sen. Mark: [*Inaudible*]

Mr. Vice-President: [*Inaudible*] on the same matter, do not raise the same Standing Order.

Hon. Senators: [*Laughter*]

Sen. Mark: [*Inaudible*]

Hon. Senators: [*Laughter*]

Mr. Vice-President: Do not raise the same Standing Order.

Sen. Mark: We have a right to raise Standing Orders here man.

Sen. Dr. Gopeesingh: And that is his [*Inaudible*]

Sen. Mark: We are governed under Standing Orders, you cannot tell people not to raise the Standing Order.

[*Mr. Vice-President turns to the Attorney General*]

Mr. Vice-President: Please.

Sen. The Hon. R. Armour SC: Thank you very much, Mr. Vice-President, the last word of the Court of Appeal:

They have all failed.

Hon. Senators: Ahhh!

Hon. Senators: [*Continuous desk thumping*]

Sen. The Hon. R. Armour SC: That is the quotation from the Court of Appeal. So in the few minutes left to me, Mr. Vice-President—

Hon. Senator: Few seconds.

Sen. The Hon. R. Armour SC: In the few seconds, I simply rise to correct the record that everything said by Sen. Dr. Kim Gopeesingh—Dr. Tim Gopeesingh—

Sen. Mark: Said by Tim, Tim.

Sen. The Hon. R. Armour SC:—was inaccurate, false, and demonstrates—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—the unlawful premise of this Motion, that anything said by them has caused public unease or is an attempt by the Government to reaffirm. We do not reaffirm, we affirm the commitment of this Government to the respect for the principle of separation of powers.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Acting Leader of Government Business.

ADJOURNMENT

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, July 2nd, 2024, at 1.30 p.m. I give notice that the Bills to be debated on that day would be the Whistleblower Protection Bill, 2022, and the Miscellaneous Provisions (Testing and Identification) Bill, 2021. Thank you.

Mr. Vice-President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion of the adjournment of this Senate. However, if I do understand Sen. Vieira, you have deferred your—

Sen. Vieira SC: Yes, yes, Mr. Vice-President, I defer it.

Mr. Vice-President: Okay, so we will just have one. Sen. Mark.

Dragon Field Project

(Status Report on)

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, my Motion calls on the Government through the Minister of Energy to provide this Senate with a status report on the Dragon Field Project given Shell's indecision on this matter as it relates to a financial investment decision.

Now, Mr. Vice-President, gas and oil constitute the lifeblood of Trinidad and

Tobago. At one time we were 4.2 billion cubic feet, we are down to 2.4 to 2.5. At one time we used to produce 278,000 barrels of oil, we are down to 49,000 and revenues have collapsed. The country is broke as a result. So, Mr. Vice-President, this matter is raised because the Government has placed the Dragon Project at the heart of its energy policy. There are several risks and uncertainties surrounding this particular project. These include the geopolitical risks, such as the July 2024 election in Venezuela, and the November 2024 Presidential election in the United States. Both these elections can negatively affect the project.

Mr. Vice-President, there is also a deteriorating domestic situation in that country called Venezuela, which is not conducive to foreign investment and ease of doing business. Recently, the High Court of Trinidad and Tobago recognized an award for US\$1.3 billion in favour of a US company called ConocoPhillips against PDVSA and its subsidiaries. So, Mr. Vice-President, the Minister of Energy and Energy Industries has denied that this development will negatively impact or affect the Dragon deal ut questions whether the award was properly recognized. Mr. Vice-President, law firms in different parts of the world are analysing this judgment or this order very carefully to determine how this will impact this entire project. They are studying it very carefully.

6.05 p.m.

Mr. Vice-President, there is also the issue of whether the National Gas Company's payments to Venezuela and PDVSA could be garnished by ConocoPhillips, given this court order. These are issues that the country and the citizens would like to know, Mr. Vice-President. So it is very important that in raising this issue, we have to look at the environment of uncertainty that we currently exist in. And therefore, the Minister would need to tell this Parliament and the country whether Shell would have serious concerns with this situation.

And therefore, Mr. Vice-President, we would like to ask the Government, through the Minister of Energy and Energy Industries, why has this particular company called Shell, that have to invest over US \$1 billion in this Dragon field project, why has it taken Shell all this time to arrive at a financial investment decision; a final investment decision? We need the Government to clear the air. Shell is saying, Mr. Vice-President, that they need a 15-year licence to really get involved in that Dragon field project. And that two-year licence that the Minister is speaking about, issued by OFAC, that it is inadequate, and Shell, from what, I am reading, is prepared to bypass the Government and deal directly with the US Treasury Department to get a 15-year licence before they can invest one red cent in that project called the Dragon field project. So it is important for the Government to come clean and not sell this country pipe dreams by telling us to expect gas by 2027.

But if Trump wins the election in November, there will be no Dragon field. You know what the policy of the incoming President is towards Venezuela. So let us not fool ourselves. We have to come up with a plan B, and a plan C, and a plan D to save our economy; 2.4 billion cubic standard feet, and it is going down every day. Where are we going? The country is broke. So, Mr. Vice-President, we want the Minister to come clean on this matter today. Tell the country, in the interest of transparency and accountability, what is the state of play with this Dragon field project, and why is Shell “lahaying”, lagging in taking its final investment decision?

Mr. Vice-President, may I also bring to your attention that the Manakin-Coquina field, 80/20 Shell, they too, even though what we have been told, they are holding up their investment because BP is also involved in that area. So we want to know what is the position on these matters, because these are fields that have a lot of gas

and we need to know what is taking place, Mr. Vice-President.

So I have brought this matter in the national interest. Because if I do not bring it on behalf of the UNC and the people, we do not expect the Government to come clean and tell the country what is the state of play.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So we have to force it out of the Government. That is why we have brought this matter, Mr. Vice-President, so that the Minister of Energy and Energy Industries, on behalf of the Government, can tell Trinidad and Tobago what is the state of play with the Dragon field project. That is the main item. That is the main issue that we have raised today.

There are other issues that we are coming up with, but not today. But we want the Minister to take the opportunity to give us a status report. So we will know, Mr. Vice-President, where we stand as a nation, as it relates to this issue. So I hope that the Minister will provide us with some answers to this particular issue. I thank you, Mr. Vice-President.

Mr. Vice-President: Minister of Energy and Energy Industries.

Hon. Senators: [*Desk thumping*]

The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young SC): Thank you very much, Mr. Vice-President. Mr. Vice-President, allow me, through you, to assure the population, as the record will adequately reflect, this Government certainly needs no prompting from the UNC Opposition in keeping the population updated on matters in the energy sector.

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC: In fact, as the record reflects, and the record is never doctored, unlike what you see coming from the other side, at every instance that

the Government engages with the energy sector, or has something to announce with respect to the energy sector, we are the first ones to come forward with that information.

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC: To put the population at ease, as we have said on a number of occasions, we are a mature province. To put things into perspective, the highest that gas production was in this country was in that period of 2006 to 2008, where we were at 4.2 billion cubic feet of gas. By the time the UNC had finished their decimation of the energy sector and not negotiating a single gas supply contract in 2015, they had left that sector at 3.8 Bcf of gas. And, in fact, as I have repeated numerous times before, their failure to conduct negotiations for future gas supply immediately led in a reduction of gas supply, down to the levels that we are at now of 2.7. There were gas contracts that required them to begin negotiations for future gas supply. From the beginning, January 01, 2014, they did no such thing. Similarly, with oil production, oil production dropped from 100,000 barrels of oil per day to 70,000 barrels of oil per day; 30,000 barrels dropped off by the time they had left office in 2015.

With respect to this continued cry that the Dragon gas deal is the Government's singular initiative in the energy sector, that, of course, is completely false. You have seen, including last week, the signing of a number of licences now for onshore production. We have signed for shallow water, a bid has gone out. We are pursuing deepwater gas with the Calypso project with Woodside. In fact, just today, good news that you would not hear from those on the other side, Woodside, the big energy company in Australia, decided to name their latest LNG carrier after one of our national birds, the Scarlet Ibis—

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC:—in tribute and recognition of this Government's efforts. I have engaged the CEO, Ms. Meg O'Neill from Woodside, on a number of occasions, so they are very familiar with where Trinidad and Tobago is. So we are pursuing deepwater.

Manatee—I can assure the population, they can take a bet, in the coming days, there will be big news announced with the Manatee gas field with Shell. But to show the continued ignorance, and it can only be a conscious decision to mislead the population by those on the other side, I just heard the stumbling of a suggestion that Manakin-Coquina—which, by the way, we have just gotten a specific licence from OFAC to pursue Manakin-Coquina when, a few weeks ago, the same reporter, who now is ghostwriting for the *Express* newspaper and not putting his by-line—and that is a fact, ghostwriting for the *Express* newspaper now and not putting a by-line, wrote a false article, two of them—I will refer to the first one on Manakin-Coquina—saying that BP has pulled out, that is the end of Manakin-Coquina. The Government has to stay quiet. Literally, two weeks later, we announced to the population and the world that the United States Treasury has granted us a specific OFAC licence to pursue Manakin-Coquina. I was in Venezuela a few days ago. That deal is well on its way and a team will be going from the Government, from NGC, and from BP, not Shell, because Shell has nothing to do with Manakin-Coquina, on Monday to Venezuela to continue the negotiations.

And stand by, the same way in December of last year—on the 21st of December last year, we created history with a 30-year exploration and production licence for the Dragon gas field, after we secured, not only an OFAC licence for Dragon gas field, but an amended OFAC licence. Because you would recall, when we got the first licence that did not allow us to pay in cash, the same perpetrators on the other side

were screaming, “It is the end and it is the collapse.” Subsequent to that, we remained quiet. We continued to do the hard work, the hon. Prime Minister and myself, several trips to Washington, D.C., engaged in the discussions at the White House. Not a single one of them could probably even venture near the gates of the White House without being questioned.

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC: So we have secured an amended OFAC licence that allows us to pursue the Dragon gas. We have a 30-year licence from the Venezuelan Government. So regardless of what happens, there are 30 years to develop, 30 years for it to happen.

You know, it is really, not disheartening, but I ask the population to look on very carefully at those who continue to wish the worst on Trinidad and Tobago; those who continue to, at every step of the way, when progress is being made, down cry. And it is an opportune moment to ask the UNC today, where is President Guaidó? And to ask all of them today, when they were jumping—he wants to talk about geopolitics—the Member wants to talk about geopolitics, and they were bowing at the feet of President Guaidó, who became President on the basis of a tweet. The PNM Government does not operate that way.

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC: The PNM Government operates in accordance with the UN Charter. And as we continue to submit, when you pick up the phone and you call to the White House now, you will get President Biden. You call to Miraflores in Venezuela, you get President Maduro, and that is who you do business with.

And I can tell the population now, without giving away too much, we are not concerned either as to the outcome of the elections in either country. We have legal documentation that secures us with Venezuela. We have legal documentation

that secures us with the United States Government, despite who may be at the helm. And I can tell the population here as well, that on many of those visits to the United States Congress, the Prime Minister and myself engaged in conversation with both sides of the House, the republican side as well as the democratic side. And we have made many trips and had many conversations on both sides of the House, and that is how you secure a country's future.

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC: A country's future is not secured on the basis of lies and hysterics and fanfare.

I would just like to also deal very quickly—so I assure the population our whole energy sector policy is not based on Dragon. But by the way, country, you have secured a 30-year licence for Dragon gas with Shell. The second article that was completely false, is this article that was produced by the same ghost writer that says that Shell is asking for a 15-year licence. The 15-year licence that is being requested is a figment of imagination. Shell has confirmed they have made no such application whatsoever. In fact, the licence granted by OFAC is to the Government of the Republic of Trinidad and Tobago, whom I am proud to represent, as is the licence as well for Manakin-Coquina. And we are the ones who then brought in Shell for Dragon, and BP for Manakin-Coquina.

With respect to this arbitral award from 2018—an ICC arbitral award from 2018, in favour of ConocoPhillips, it is against PDVSA. Fortunately, once again, for the people of Trinidad and Tobago, it was a PNM Government and an intelligent, confident and competent Government that negotiated the licence for Dragon. That same 30-year licence is not anywhere related to PDVSA. So for those creating the hysterics on the other side—and Sen. Vieira SC can bear this out—there is something called the “corporate veil”. So, sorry to disappoint them, but the licence

is with the Government of Venezuela, which is a sovereign entity. There is also a concept called “sovereign immunity”. So whilst you may have a decision against a commercial entity called PDVSA and payments with respect to PDVSA, that does not automatically equate to the Government of Venezuela. You cannot just simply pierce a corporate veil.

And again, fortunately, for this country, it was the PNM Government that negotiated that licence and had the foresight to structure the deal in that way, unlike the one energy deal that was negotiated between 2010 and 2015, that I take the opportunity, through you, Mr. Vice-President, to remind the population, we continue to lose billions of dollars from; the one energy deal. The one energy deal that the UNC Government negotiated in the energy sector, apart from the licences given out to all of their financiers and supporters for gas stations, including some present, the one energy deal that they negotiated was between 2010 in 2015, that is still costing the taxpayers of Trinidad and Tobago today billions of dollars in losses. So, population of Trinidad and Tobago, be assured, we will continue to act in your best interest, with competence and confidence in the energy sector. I thank you.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.21 p.m.