
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

HOUSE OF ASSEMBLY

Tuesday, May 28, 2002

Pursuant to the adjournment, the House of Assembly met at 11.20 a.m. on Tuesday, May 28, 2002.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed. (Speaker)

His Honour J. M. EDGHILL, J.P. (Deputy Speaker)

Hon. Sir HENRY FORDE, K.A., Q.C., M.A., LL.M. (Cantab.)

Rt. Hon. O. S. ARTHUR, M.Sc. (Econ.) (Prime Minister, Minister of Finance and Economic Affairs), (Minister of the Civil Service)

Hon. Miss M. A. MOTTLEY, LL.B. (Attorney General and Minister of Home Affairs) (Leader of the House)

Mr. D. J. H. THOMPSON, LL.B. (Hons.) (Leader of the Opposition)

Hon. Sir HAROLD St. JOHN, K.A., Q.C., LL.B.

Mr. L. R. TULL, Q.C., M.A. (Oxon.)

Hon. Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.)

Hon. Miss B. A. MILLER (Deputy Prime Minister, Minister of Foreign Affairs and Foreign Trade)

Mr. G. W. PAYNE, LL.B.

Hon. R. C. EASTMOND, B.A. (Hons.) Dip. Ed., LL.B. (Hons.) L.E.C., J.P. (Minister of Labour and Social Security)

Mr. D. CARTER (Chairman of Committees)

Hon. R. N. GREENIDGE, B.A., LL.B. (Minister of Education, Youth Affairs and Sports)

Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Housing and Lands)

Hon. R. D. MARSHALL (Minister of Public Works and Transport)

Hon. H. F. LASHLEY (Minister of Social Transformation)

Hon. R. St. C. TOPPIN, LL.B. (Minister of Commerce, Consumer Affairs and Business Development)

Mr. D. St. E. KELLMAN

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Physical Development and Environment)

Mr. M. Z. WILLIAMS

Mr. T. A. PRESCOD, B.A.

Rev. J. J. S. ATHERLEY, B.A., B.Sc., J.P. (Parliamentary Secretary to the Attorney General and Minister of Home Affairs)

Mr. D. T. GILL, B.Sc.

Hon. N. A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport)

Hon. A. P. WOOD, B.Sc., M.Sc. M.Phil., J.P. (Minister of Agriculture and Rural Development)

Hon. R. R. FARLEY, B.Sc., J.P. (Minister of Industry and International Business)

Hon. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)

Prayers were taken by Reverend Canon Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, May 14, 2002.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes for the Honourable the House of Assembly for its meeting of Tuesday, May 14, 2002, which Minutes have been circulated, be taken as read.

Rt. Hon. O. S. ARTHUR: I beg to second that, Sir.

Mr. SPEAKER: If there are no corrections or observations, then let these Minutes stand confirmed.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I am in receipt of Accounts and Statements for the month of January, 2002 as prepared by the Accountant General.

FIRST READING OF BILLS

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Rt. Hon. O. S. ARTHUR, the following Bills were read a first time:

1. Local Loan (Amendment) Bill, 2002.
2. Final Appropriation Bill, 2002.

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move, Sir, that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of today's Sitting.

Rt. Hon. O. S. ARTHUR: I beg to second that.

The question was put and resolved in the affirmative without division.

ORDER NO. 10 – ANTI-TERRORISM BILL, 2002

Hon. Miss M. A. MOTTLEY: Mr. Speaker, before I start discussion on this Bill, I want to bring to the attention of the House that the Bill which was laid earlier has been substituted with this new Bill which was circulated to all Honourable Members this weekend.

Sir, I rise in this debate to address an issue for the passage of an anti-terrorism Bill in circumstances where less than one year ago, no member of this House would have contemplated that we would have been introducing such a Bill for the approval of this Parliament.

Sir, when one reads the 1999 Manifesto of the Barbados Labour Party, and then reads the statements of Members of this Government between 1999 and September 11, 2002, there was absolutely no need for us to confront, in the way in which we are being compelled to do so today, the passage of a Bill designed to fight the scourge and financing of terrorism as has been seen across the globe.

Mr. Speaker, when Barbados became a member of the United Nations shortly after becoming an independent country, we submitted and agreed to the Charter of the

United Nations which I will make a document of the House. Within that Charter there is a clear requirement that we agreed to submit to the judgements and decisions of the Security Council of the United Nations whose composition and membership is dealt with at Chapter 5 of the Charter.

As a result of that membership, we are bound by a resolution passed by the Security Council of the United Nations in circumstances that should we fail to adhere to the principles of that Resolution, the Security Council under Articles 41 and 42 of the Charter may seek to apply measures, not involving the use of armed force, to give effect to the decision and call upon members to apply those measures.

Sir, Article 41 goes on to list a whole range of measures that include complete or partial interruption of economic relations *et cetera*.

Mr. Speaker, if one examines the title to this legislation before the House today, one will clearly see in the Objects and Reasons that this Bill seeks to make provision for the implementation of the terms of the Security Council of the United Nations Resolution 1373 passed on September 11, 2001, in respect of measures to combat terrorism and the financing of terrorism. Much public ventilation has been given to Resolution 1373 and for the records of this House, I seek to make Resolution 1373 a document of the House.

Sir, Resolution 1373 was very clear in requiring countries of the United Nations to take measures that would seek to prevent terrorist acts including provision of early warning to other States by way of exchange of information; to deny safe haven to those persons who finance, plan, support or commit terrorist acts or provide safe haven for people so doing; to prevent those who finance, plan, facilitate or commit terrorist acts from using the respective territories for those purposes; to ensure that any person participating in the financing, planning, preparation or perpetration of terrorist acts is brought to justice; to ensure that in addition to any other measures such terrorist acts are established as serious criminal offences in domestic law and regulation and that the punishment duly reflects the seriousness of such terrorist acts.

Sir, Resolution 1373 goes on to say that countries should have the appropriate legislative framework, the will to effect appropriate law enforcement measures to bring to justice those who are central to the perpetration or facilitate the perpetration of terrorist activity and that other measures like immigration be used to be able to block persons from remaining in jurisdictions where they are seeking to benefit from safe haven and hide from other parts of the world.

Sir, this Resolution was passed 17 days after the horrendous bombing of the World Trade Centre in New York City and the Pentagon in Washington, D. C. I

remember the event very clearly because that morning we were in the midst of fighting the By-election for the Honourable Member for St. Thomas and I watched the view on the television because the sound was lowered as I was planning meetings for the night. I kept thinking that this look very much like a movie but I did not remember putting the TV on a movie channel at 9 o'clock in the morning, that is not customary for me. If my TV is not on CNN it is usually on BBC.
11.30 a.m.

Sir, I could not assimilate what it was that I was watching, imageries that look very much as though they could be located in a movie, a story line, but in my mind I knew that I had the channel on CNN. Within a matter of seconds, I saw the explosion of the second plane going to the second Tower and I realised that something fundamentally wrong was taking place and immediately turned up the volume of the television and discovered that we were in the grips of watching a sight, probably never beheld by a global audience on television before, a terrorist act that would lead ultimately to the loss of thousands of lives and so closely coordinated with the bombing at the Pentagon that to recognised that we were in the throes of great uncertainty and, indeed, about to enter a turbulent state of the management of our public affairs, irrespective of the fact that we were not the direct victim of the attack.

Sir, we have since found that almost every area of our national life, economic, social and security have been affected by the events of September 11. That was to be anticipated because in this region of the world where geographically the proximity is without question, where the extent of economic relations and social relations and even families bind us so closely, there would be of necessity negative consequences to us in this part of the world.

We were not to know then, on September 11, that the global community in the form of the United Nations, through its specific organ of the Security Council, was to pass a Resolution mandating all countries to take action such that there would be an appropriate global fight against the expression and perpetration of terror.

It is also of significance that Resolution called upon all States within 90 days or adoption of that Resolution to indicate to the United Nations' Security Council what steps would be taken in order to give effect to the terms of the Resolution. Indeed, that Resolution spoke to what would happen should there be a failure to comply with the same.

Sir, I want to say that pursuant to the terms of that Resolution, the Cabinet of Barbados immediately established an Inter-Ministerial Committee that had responsibility for the drafting of the appropriate response to Resolution 1373. That Committee span the offices of the Attorney General, Foreign Affairs, Corporate Registry, Royal Barbados Police

Force, Department of Customs, Department of Immigration and others who would have had an input in preparing Barbados' response to Resolution 1373.

Mr. Speaker, I believe it is only appropriate that our Report, pursuant to Paragraph 6 of Resolution 1373, filed on December 24, 2001, should also be made a document of the House because it explains in detail the existing and intended legal framework on the part of the Government of Barbados in respect of the fight on terror.

I am, therefore, clearly establishing that this Bill was not contemplated to be part of Government's original programme but finds itself here. The Government of Barbados, by reason of its membership of the United Nations system, is bound to accept those Resolutions passed by the Security Council and to give effect to those Resolutions if we are to avoid the consequences of Article 41 of the United Nations Charter, Sir, to put it in simple words, to avoid any economic and other sanctions being applied against this country.

Sir, there is another. This country has a long and distinguished history of abiding by its legal obligations and also facing all of its commitments. This is not something that is unique to Barbados in the 20th Century.

Sir, last week while addressing the Barbados Chamber of Commerce, I raftered to a quotation from Sir Anthony Trollot which spoke eloquently to the issue of the nature of Barbados in respect to the honouring of its obligations at an international level as far back as the 19th Century. Mr. Speaker, it may well be useful to quote what Sir Anthony Trollot, who was not known to like Barbados, had to say on the nature of Barbados' commitment to its obligations.

Sir Anthony Trollot said on that occasion in very clear terms and I quote, Sir.

"Barbados, Little England" as it delights to call itself. I am not so sure that part is applicable.

"...is and should be respected among islands. It owes no man anything, pays its own way and never makes a poor mouth. Let us say what we will, self respect is a fine quality and generally leads to respect from others."

Sir, this is a country that has a long and distinguished history of abiding by its legal obligations. Therefore, I locate the passage of this Bill in response to Resolution 1373 but also recognising that we have a cultural and historical bias to fulfilling our legal obligations and our moral commitments, not only domestically but internationally. It is for that reason our name enjoys the level of prestige as a country that it does, when called within the ranks of the global community.

Mr. Speaker, we have a fundamental opposition as a Government to the use of terrorism to achieve the objectives of any particular group. Whatever else may be said today, there is no gainsaying that the use of terror to achieve however noble those objectives maybe in other circumstances, is something that is repugnant to the rule of law and the morales of this society. Indeed, if you consider the feeling of all right-thinking Barbadians even to the use of crime, you will understand, more so, why we find the use of terror repugnant in the attainment of one's objectives whether at political, domestically, internationally or otherwise.

Sir, that fundamental opposition to terror is there. It is true that we did not necessarily see that as a thing that is going to affect us in the immediate future and our only real experience of a terrorist act was the bombing of the Cubana Aircraft in 1976. Our laws already provide, under the Hijacking Act, for a commitment under that legislation as well as under the Mercenaries legislation, to fight those traditional forms of terrorism that we had known them to be.

Sir, the reality is, we live in a world where the nature of crime and acts of terror being perpetrated are changing so fundamentally, that it is recognised that there would be a lacuna in Barbados' law in respect of our capacity either to deal with it domestically or to cooperate with other countries who would wish assistance in dealing with these matters.
11.40 a.m.

I will come back, Sir, to elements of the Bill as we go on, but I think it is important that I seek to locate this whole debate in its proper context politically and internationally since there are all kinds of consequences that are being faced by us today as a result of September 11 and the action being taken by countries across the world as a result of September 11.

Let me just say, that while I have indicated that we are here because of our commitment and membership in the United Nations system, I just wish to make this point for the record. Barbados, and I suspect a number of other like-minded countries across the world, feel very strongly that there is going to have to be some level of reform of the architecture and the instruments governing the United Nations system because, in effect, we are bound by a Resolution which we did not have an opportunity to comment on favourably, or negatively, or at all, and in circumstances where the United Nations' Security Council comprises 15 members with five permanent members, namely, China, the United States of America, France, the United Kingdom and the former USSR, there has been simmering below the surface across the global community feeling that there needs to be a reform of the structure of the Security Council, that there needs to be an expansion of the five permanent members. Indeed, persons question the validity of some persons' right to be there as compared to

how the international community has changed, who carries more weight and more of the financial burden across the international community.

Suffice it to say, that our concern as a country is that to the extent that we are affected by broad strategic policies such as this that we and all other Members of the United Nations should at least have the opportunity to comment. You may ask why do we not have the opportunity to comment? Article 12 of the Charter clearly states that in circumstances where the Security Council is addressing its attention to a matter, the General Assembly has no right to have any form of pre-eminence over the Security Council. In other words, the Security Council maintains the right of pre-eminence over discussion of any items on the Agenda.

Secondly, while Articles 31 and 32 allow for countries to have the right to be able to comment where a matter specifically affects them, they do not have a vote. Indeed, Sir, it is not mandatory for the Security Council to invite them under Article 31. Any Member of the United Nations which is not a member of the Security Council may participate without vote in the discussion of any question brought before the Security Council whenever the latter, the Security Council, considers that the interest of the Members are specially affected. Even though your interests may be specially affected, there is no obligation on the part of the Security Council to allow you to be able to comment on the matter and if you so comment you do not have a right to be able to vote.

Some may argue in Barbados that countries have breached Security Council Resolutions before and indeed, Sir, I would refer to the fact that Israel continues to breach Resolution 242 of the Security Council, but I would venture to suggest that we will not be afforded the same level of protection that Israel is afforded in pursuance of its breach of Resolution 242. I am prepared to take bets on that. We would not be the beneficiary of billions of dollars of aid to continue to support our national strategic objectives, developmental, military or otherwise if we breach Security Council Resolutions. Indeed, Sir, rather than being the beneficiary of aid, we are likely to be the victim of economic sanctions and other appropriate actions.

Some may argue that this country feels that it is big and bad, that it took on the OECD, and why are we cowering now under the Security Council. It is not an issue of cowering, Mr. Speaker, but it is a case where the Government of Barbados has a clearly stipulated legal position governed by the Charter of the United Nations to which we subscribe upon membership of the United Nations and the difference between this and the OECD is that the Organisation of Economic Cooperation and Development is not an organisation to which we belong, and has no standing in international laws that bind us to any commitment unless we were to agree to give it voluntarily.

Barbados' position in respect of the OECD and other entities was that we cannot and shall not be bound by an organisation to which we have no membership and which has no legal standing to impose anything upon us. Further, the Right Honourable Member for St. Peter was very clear that if there are concerns that fundamentally affect how we treat to the issue of fiscal matters on a global basis, then the appropriate mechanism to deal with this is the multilateral system, the United Nations, to which all of us belong and in which there is a legal framework to which we can all be bound. Far from that, we advocated the use of the United Nations as an appropriate legal multilateral system in which all parties' interest can be effectively taken care of.

Sir, I believe that I have set out appropriately this morning the reason why this Bill is before this Parliament. There are other considerations as well in respect to our fundamental opposition to the use of terrorism, in respect of our desire to honour our legal commitments, but there is a third thing and this relates to another organisation to which we have affiliate membership and I refer to the Financial Action Task Force.

On October 29 last year, 2001, the Financial Action Task Force met in Washington, D.C. and settled on a number of actions which called upon Member countries of either the central body of the Financial Action Task Force or the regional bodies such as the one to which Barbados belongs, the Caribbean Financial Action Task Force, to pass among other things appropriate legislation to fight the financing of terrorism. Indeed, Sir, it is to be noted that that communique on October 29, 2001 also spoke to the issue that in June 2002 the Financial Action Task Force at its normal annual meeting would be reviewing all countries to determine whether appropriate legislative provisions had been passed and that this would be pursuant to a self-assessment questionnaire which was to be completed by all countries.

Barbados has completed this self-assessment questionnaire and like other countries we anticipate that our legislative arrangements, namely this Bill, should it pass successfully in both Houses, will be the subject of perusal in June next month at the Financial Action Task Force meetings.

I want to say as well that in November of last year Barbados would have signed the Convention against the Suppression of Terrorism Financing and that Convention is at the First Schedule of this Bill. This Bill, in addition to responding to Resolution 1373, also then seeks to incorporate the terms of that Convention as part of our domestic legislation as is required by us to give full legal effect domestically to the terms and conditions of that Bill.

Mr. Speaker, we have, therefore, to be mindful of the role of the Financial Action Task Force. This is the body that

would normally peruse and pass judgment on our legal and administrative arrangements to fight money laundering. This is the body that would have issued some years ago the 40 recommendations that established the parameters for the fight against money laundering.

11.50 a.m.

Sir, it has generally been felt at a global level, that issues which are relevant in the fight against money laundering, tend generally to be relevant in the fight against terrorism financing.

I also need to make Honourable Members of the House aware that in May last year, the United States of America (USA) passed the USA Patriots Act. In passing the USA Patriots Act, they gave life to a legal provision which gives power to the USA Government to be able to suspend correspondent banking relationships with any jurisdiction that has been listed by an international independent organisation and, Sir, we have taken international independent organisations to include entities such as the Financial Action Task Force.

Sir, were we to be negatively listed by that body, or any other international independent organisation, it would have dire consequences for Barbados' economic interest, not just its international financial services sector, but the whole economy, since fundamental to the successful operation of banks domestically is that correspondent banking relationships with banks in the United States of America and other countries, in order to be able to impose, execute and administer transactions that fall outside of the geographical limits of Barbados and indeed, in particular, that fall within the realm of the United States of America, so there are possible consequences as a result of negative listing.

Of course, we also know that the incentive to do business and investment is also there, except there is a negative listing, and that is something we would wish to engage in. Now, these matters are collateral and this is the reason why this Bill is here but, nevertheless, they are important for us to maintain knowledge, since they have consequences that could affect the strategic interest of Barbados.

Mr. Speaker, in addition to that, I should point out that this weekend Barbados, for the first time, will be hosting the Organisation of American States (OAS) General Assembly, and it is anticipated, I am told, in fact, I know because I had to certify our position on it, that there would be an Inter-American Convention against terrorism that will be available for signature, I believe on Monday of next week.

As you know, the OAS represents all the countries of the hemisphere, with the exception of Cuba, but I will comment on that later. We will be expected to sign this Convention, after levels of negotiations have taken place, to

produce a suitable draft that reflects a consensus among all member countries, so that it is appropriate that the Parliament of this country should seek to have its domestic legislation approved, before we continue to sign other international or hemispheric treaties regarding this subject matter. I therefore am grateful for the attention of the House today, on this matter.

Mr. Speaker, part of the difficulty we face – and this is why this dialogue must take place, not just among us as parliamentarians but outside this Chamber, is that television and public media being what they are today, every day since September 11, 2001 our citizens have been treated to a diet about the fight against global terrorism – who is with us, who is not with us is against us, you want a man dead or alive. Some of you may think, if you were not watching it, that you were listening to a Western but “lo and behold”, if you put it in its correct historical record, it was in fact, the language of the President of the United States of America. The United Kingdom has followed suit, and has made it very clear that this is a case of drawing lines. There are lines that shall not be crossed, and there is a lot of rhetoric surrounding the fight against terror.

Sir, there is no doubt that the United Kingdom and the United States of America have significant economic and military clout, but I want to make this point that they do themselves no good where they seek to base their desire for persons to join them in the fight against terror based on language that seeks to intimidate people, rather than locating the request for cooperation in the context of the multilateral systems, the United Nations, that is available.

Mr. Speaker, looking at the history of this matter, since 1937, a year that is well familiar to Barbados, the League of Nations which was the precursor to the United Nations, has been trying to reach the conclusion on a convention to fight terrorism.

There was substantial international effort, Mr. Speaker, to promulgate an international convention to the prevention and punishment of terrorism by the League of Nations in 1937, but that effort came to naught. Since then, it is true that the effort to fight terrorism has been approached on a more *ad hoc*, piecemeal basis, dealing with it crime by crime, dealing with hijacking as a crime and having an appropriate convention to deal with hijacking, for example:

1. Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16th December, 1970.
2. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23rd September, 1971.

3. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14th December, 1973.
4. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17th December, 1979.
5. Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3rd March, 1980.

Sir, we recognise that all of these in some way had the capacity to constitute terrorists acts on their own, but they alone could not constitute the whole realm of what could be a terrorist act. Therefore, there has been this piecemeal, *ad hoc* approach with significant effort, perhaps, on the whole issue of terrorism.

Mr. Speaker, what has been the fundamental problem, is that the global community cannot agree on a definition of terrorism. Indeed, Sir, some of us may well recall the famous saying that one man's terrorist is another man's freedom fighter. As we recall, there were independent fights and anti-colonial fights across the world, by persons, whom by existing Governments were deemed terrorists one day, and the next day were founding fathers of States. That is the nature of the world that we have lived in.

In our part of the world, it has never been so dire, because we, as a people, have not generally resorted to the use of criminal means to pursue political objectives. Long may that be so, as a part of our culture, but, Mr. Speaker, in other regions of the world, it was not uncommon for extra judicial means, or straight criminal means, to be used to pursue political objects, to protect the interests of minorities, or majorities, in the case of South Africa, but denied access to fundamental rights and freedoms.

Therefore, Sir, there has been a perennial problem with coming to a clear definition of the word, terrorism. But as time has gone on, individual countries have taken the position that while we cannot define terrorism as a whole, let us seek to define what constitutes terrorists acts, and in fact, reflecting on the piecemeal approach that the global community has taken, in the passage of conventions that deem certain acts terrorists acts. So that a global community horrified by the increasing escalation of terrorist acts, mobilised no doubt by the clear influence of the Members of the Security Council whose national strategic interests were offended on September 11, the passage of a Resolution reflecting abhorrence to that act and calling upon the global community to act, recognising that there has been international agreements on a convention against the suppression of terrorism finances even where there was no

global definition for terrorism, and countries were asked to put measures in place.

12.00 noon

Mr. Speaker, some did the heroic and rush and passed legislation within one to two months but Barbados took note of what was required of it and spent the first three months preparing a proper response to Resolution 1373 to be submitted to the Security Council as we were required to do. At the same time, as a parallel action, we started discussions among ourselves where we would locate ourselves in respect of the passage of this legislation.

I want to make this point, Sir, and ask Honourable Members to remember it as their debate, that we have been successful in balancing our obligations at an international and diplomatic level while at the same time protecting the rights of our citizens as we have been required to do by the Constitution of Barbados and the other Laws of this country and we have done so without going outside the parameters of our existing jurisprudence.

This is the fundamental point about this Bill, Mr. Speaker, because when people listened to the rhetoric on television they will recall the facts that the United States of America, in its response to the fight against terrorism, has declared that it would establish military tribunals to try terrorists who are not Americans, has declared publicly its commitment to detain persons without laying charges as has happened, has sought to enter into an exercise in semantics to justify the treatment of those persons in Guantanamo Bay as to whether they are prisoners of war or not, or whether they are combatants or not, and whether the Geneva Convention of 1949 applies to them or not, and has sought to refer obliquely to the use of racial profiling in the granting of immigration permissions and student visas recognising that the location of terrorists tends to be, as they say, more in one geographic area than another. If September 11 proved anything, Sir, it was the invisible nature of terrorists to live within the bosom of your community and clearly shows the futility of the use of these measures to determine who effectively are terrorists and who are not.

Sir, I am suggesting that in the absence of intelligence specifically geared to collecting information on this matter, it is impossible simply to use culture or race to determine who is a terrorist or not. This is a process to which Members of this Government and this Parliament will find repugnant in respect of determining who constitutes a possible terrorist or not.

Sir, for too long we have been the victims of racial profiling and the victims of the denial of access to basic rights based on nothing else but our race. We know what it is for race to be central to the determination of any rights in a society since the modern creation of Barbados was

premised on one factor, that of race alone, and that the standards of excellence were defined by reasons of that, than anything else, so any attempt to use race as a mechanism to determine who should be fought or who should be chased after in the fight against terrorism is a mechanism the Government of Barbados would have the greatest difficulty in supporting.

I made these points because this is what our citizenry and others across the globe have been watching on a daily basis on television, and reading in the newspapers and periodicals of the world, not because it constitutes someone's fiction but because it emanates from voices of leading members of the executive of the United States of America.

International humanitarian law does not allow persons to be killed by extrajudicial means but yet we have a president saying that he wants someone dead or alive. I would like to believe that President Bush did not mean that. We have to take into account that there may be some people who might not be bright enough to understand what he meant and may locate that plea in their cultural experience of watching westerns and feel that it is a bounty to bring in a man dead or alive.

Asides.

Hon. Miss M. A. MOTTLEY: The Honourable Member for St. Lucy wants me to remember that a previous Prime Minister of this country had occasion to call a previous president a cowboy. It is true that he was from California and Mr. Bush locates himself in Texas but I would not want to say that he has a greater right at that label than Mr. Reagan.

Mr. Speaker, Barbados does not support those actions. We do not support the use of military tribunals to try international terrorists and deny them of the right to appeal and certain basic civil rights. We do not support the detention of persons without charges and without having the right to defend themselves under the rules of natural justice and in breach of the principles of due process. We do not support racial profiling to determine immigration policy or to determine who constitutes a terrorist. We do not support the treatment of prisoners who have essentially been caught in combat engagement in circumstances where their rights are not being protected as is laid down under the Geneva Convention and the 1977 Protocols which the United States of America Government has not signed.

Sir, there is no way, irrespective of might or size, that this country can be drawn into a position to glorify a right or to justify that which is fundamentally wrong and fundamentally in contradistinction to those things which we feel strongly about.

Sir, Aldous Huxley said “size is not grandeur and a territory does not make a nation” and we have to agree with him because it is not the size of a country that determines its grandness and it is not the extent of a territory that causes it to become a nation.

12.10 p.m.

Mr. Speaker, there are those other things that bind a society together, such as the respect for the rule of law, the respect for the sanctity of the individual’s right to life, the respect for due process, the respect for the peaceful coexistence of people in other territories that most speak to the issue as to whether you are a nation or can be declared as being grand. There must be the mobility of purpose reflected not only on the Laws of the country, but in the mores of the people, if one is worthy of having oneself to be respected as an independent nation.

Sir, I believe that in the passage of this Bill today, we have produced a Bill that respects due process as is required in our Constitution. We have produced a Bill that respects the presumption of innocence. We have produced a Bill that respects the rights of third parties not to have property interests altered, even if it is the subject of a restraint order or forfeiture proceedings. We have produced a Bill that does not seek to involve retroactive jurisdiction. We have produced a Bill that seeks to bring about a level of respect for those two principles upon which our Constitution is based, namely the rights to due process and the rights to natural justice.

I, therefore, feel comfortable and competent, Mr. Speaker, to commend this Bill to this Honourable House, knowing that it does not take us beyond already established parameters of our jurisprudence. It recognises that since Independence, the State has seen some level of balancing of the rights of individuals with the rights of the State. It recognises, as a leading civil rights attorney from the United States has said, that experience teaches that massive terrorism and protracted warfare, invariably alter the balance of democratic society willing to strike between safety and civil liberty.

Also recognising that for us, those decisions are not being made for the first time in this Bill but as it relates to seizing and forfeiture, we have tread that ground 11 years ago when we passed the Misuse of Drugs Act and the Proceeds of Crime Act, which were passed by a previous Government but was supported by the then Opposition. We understood the nature of the fight against narco-trafficking and its insidious effect and the extent to which it was cancerous to the growth of this society.

Sir, we say today, this Bill seeks to locate all actions of the State within the parameters clearly established by the

Prevention of the Misuse of Drugs Act, 1991, as well as the Proceeds of Crime Act, 1990, and the Money Laundering Prevention and Control) Act, 2001.

Mr. Speaker, some of those things had existed before and to the extent that there is a reversal of the burden of proof, it is sufficient to know that section 18(11) of our Constitution allows for the reversal of burden of proof where it is not central to the offence but, in these circumstances, we only reverse the burden of proof in respect of forfeiture.

Sir, it is generally held and felt in the United Kingdom and in Jamaica, as it relates to Barbados, that forfeiture proceedings under the Proceeds of Crime Act are no longer criminal proceedings but civil proceedings because you are no longer dealing with an accused person but with a particular offence. The forfeiture, as is exercised then, falls within the realms of civil proceedings.

Sir, I am going to speak more in terms of the Bill and to what Barbados has or has not agreed to in terms of what has been properly associated with the fight against global terrorism. I believe the message that we will help anyone in the fight against terrorism must be clear but only in the context which our laws allow and in the circumstances that we have clearly defined. We will not, however, support the rhetoric and breaches of fundamental human rights that are being spoken to, either by the Americans or any other country across the globe.

Sir, I believe we also have to pause and contemplate what this positioning of the fight against terror at the centre of the international debate is doing to us and to our strategic interest as a country that is part of a region that is still one of the most marginalised regions on a global basis.

Sir, every time the President of the United States of America or the Prime Minister of the United Kingdom speak, they locate their speeches within the fight against terrorism.

Mr. Speaker, we understand our responsibility in a multilateral system as a Member of the United Nations, but the fight against terrorism must not be used as an excuse to put, on the back burner, objectives that have been agreed upon at a global level, particularly in the last decade. Whether it be at a Summit for Children, 1990; the Earth Summit on the Environment of Sustainable Development in Rio; the Habitat Conference, Istanbul, 1996, the Beijing Conference on Human Rights; Human Rights Conference, 1993 in Vienna; World Summit on Social Development in Copenhagen, 1995; Special Session on the United Nations on HIV/AIDS, 2001; World Conference Against Racism, that they cut because of the intellectual dishonesty in trying to assert that slavery was not a crime against humanity, when

all of us on the technical, spurious basis knew that the time that slavery existed was not against the law, when we all know that after World War II, three or four countries got together to constitute the nucleus of the effort to establish the Newemburg war trials which tied men to crimes that were not crimes at the time of their commission and were, therefore retrospective, just like slavery. Whether it was the recent Conference in Monterray on the Finance for Development, recognising that these goals that seek to eliminate poverty and suffering from the global landscape have to have instruments of financing if they are to be obtainable or whether it is the last conference on reaching universal primary education on a global basis.

Mr. Speaker, as Kofi Annan said after the bombings, every matter that was urgent on September 10, 2001, is still urgent. Therefore, I say to you, there must be concern on the part of developing countries like Barbados, that the international development agenda is being supplanted by a commitment only to fight terrorism, that nothing matters unless terrorism is the precursor to that agenda.
12.20 p.m.

Sir, it cannot be right. It does negate from us a responsibility to fight terrorism but you cannot use it to supplant an international development agenda that speaks to whether children can get access to clean water, whether children can get access to primary education, to the rights of people not to be discriminated against as a result of their race or ethnicity, or to the rights of basic affordable housing across the globe for persons.

Mr. Speaker, there are only two countries in the world that have not signed or ratified the Convention Against the Rights of the Child, and the Honourable Minister for Social Transformation can speak to this fact because Barbados has signed and ratified it. Sir, those two countries are Somalia and the United States of America. The United States of America prides itself as the wealthiest and most developed country in the world but cannot bring itself to ratify the Convention Against the Rights of the Child. Sir, that is not the only Convention they did not ratify.

I will make a document of the House a list of Conventions that America has failed to ratify and in circumstances when they did sign and ratified that the period between signing and ratifying is invariably 20 or 25 years. It took them 15 years after signing in 1977 to ratify the International Convention on Civil and Political Rights and the United Nations Convention to Protect the Civil and Political Rights of People Across the World.

The Convention on Economic, Social and Cultural Rights was signed in 1977 but to this date is not ratified and I can go on and on.

Sir, I keep making the point that size is not grandeur and territory does not make a nation and that there has to be a certain basic level of morality that must inform the rights and actions of States. If you believe that you have a right to pass resolutions on China and call on them to question breaches of human rights, and on Cuba, and continue to insist that they should not be a natural member of the Organisation of American States, then there must be some level of morality reflecting your actions internally and not putting yourself in the position of sinning but telling people not to sin. Sir, Christianity and almost every other religion in the world speaks to that.

Mr. Speaker, we are not a great nation in terms of size, but we are a great nation in terms of spirit. I would like to think that there is consistency in what we say and what we do. We raise children to understand that there must be a mirror between what they do and what they say. We have no desire to spoil our relationship with the United States of America but our relationship must also accommodate frank discussion in the same way that two adults can come together and agree to disagree on certain issues. While there is much that we share in common, we also need to say things when they need to be said.

Sir, there is something fundamentally wrong with saying one thing and doing another. The United States of America seeks to pass a Resolution on China for breaches of human rights or on Cuba for similar breaches of human rights but at the same time does not reflect any changes in their behaviour for their breaches.

The United States of America is one of six countries in the world that applies the death penalty for people under 18 years. Barbados has the death penalty but nobody under 18 years old is hanged or nobody who is mentally challenged is hanged, but the United States of America retains the death penalty for people under 18 years and for people who are mentally challenged.

Mr. Speaker, what is even more offensive is that the United States of America's Congress passes a report every year that speaks to human right violations of countries across the world with spurious allegations of these countries but never do they pass a report investigating the perpetration of domestic human rights violations in the United States of America, but yet they pass the report with impunity and without reference to the economic consequences that it will have on countries who are barely holding their heads up, and very often depend on persons to invest or visit as tourists and that these persons' opinions can be influenced negatively.

Sir, if the United States of America wanted to crush Barbados tomorrow, they can crush us. There is no doubt about that but I would like to believe that we operate with some level of morality and fairness. Sir, I say that the United States of America is very powerful and that they have done

too much good in their history to allow it to be scarred by incursions into areas that they need not go into.

They can have the same suitable fight against terrorism through the multilateral system. They can bring terrorists to justice through having them tried in an American court or in a court of a third party. They even refused to come “on board” with the international criminal court and said that if they came “on board” it would not have jurisdiction over American citizens. Sir, 120 countries across the world prepared to give jurisdiction to an international criminal court but the Americans feel that it cannot have jurisdiction over them.

Sir, these are the kinds of things that breed contempt from other countries in the world and foster the anti-American feeling and sentiment that we often see on television from eastern countries. In fact, it will do more to foster a climate of terrorism and suicide bombers than anything that they are currently doing to fight terrorism. 12.30 p.m.

Mr. Speaker, I find it difficult to understand. Terrorism is not born out of any sense of a grievance. If it were, then it would be a straight criminal act. Terrorism is born out of a sense that there is some level of a grievance, invariably transcending generations. There comes a time in the affairs of men and countries when we have to be prepared to acknowledge where wrong has been perpetrated upon people. Failing to do that we cause an age-old grievance to live and to be refuelled. In the absence of honesty and transparency in the actions of countries it is no different when it is found in the actions of people, and *vice versa*.

Sir, as we fight the changing values in this society and seek to fight a battle against crime, not terrorism, we recognise that there can be no hypocrisy in the way in which the rule of law is applied if we are truly to be successful in changing values to counter the perpetration of crime in a society.

Crime is not an overnight fight and terrorism is not an overnight fight. We believe that those things are rooted in the behaviour and values of human beings in respect of crime and in respect of the behaviour and values of countries.

Sir, I can only appeal, as a single voice in this part of the world, that all of us are opposed to the use of terror, the killing of people and the disruption of services. All of us feel the pain that the Americans felt when the World Trade Centre and the Pentagon were bombed. Barbados lost five people who were born in this country but you cannot proceed with guns blazing on the side, riding into the sunset as though there was no tomorrow. Surely, the ones you kill

today have children who have the capacity to reason, who have memories and who believe that they too would live to fight another day.

Sir, Nelson Mandela, in his autobiography, made a statement which would never leave me. He said that when he was a boy, seven years old playing in South Africa, he learnt a lesson that was to live with him for the rest of his life. He said that this lesson taught him that whenever you are engaged in battle with someone else, you do not beat them to the point where you deny them their dignity, because when you do that you create an enemy for life and that issue becomes, not the reason for the initial fight, but the restoration of the dignity of the other individual. Sir, countries or people are no different.

The Americans and the Israelis need to understand that as a fundamental premise, otherwise they would never understand when people can sacrifice their lives in pursuance of a cause that is unlikely to improve their quality of life if they remain living.

Mr. Speaker, I think that I have said enough on our position in relation to the political context within which this Bill is being addressed. I want to make it clear that we are not here as the result of any hurt mentality. We are not here because somebody told us that you are either with us or against us. We are not here because of any desire to alter the balance between the rights of the State and the rights of individuals. At the same time we recognise that the nature of terrorism is insidious, invisible and it makes it more difficult to fight.

In fact, one of the defects at a global level that we face is that while the Charter for United Nations was agreed upon, when it was drafted, it spoke in terms of State parties. Today we live in a world where State parties, other countries, do not constitute the biggest problems alone but where there are entities that are not States that have the capacity to alter international peace and security, such that it may well be right for a reflection and a revision of the Charter of the United Nations to recognise that in the global community it is not only State parties that exist today that can alter balances, but other significant groups and entities that have that capacity.

Sir, for all the reasons that I stated before, we have exercised the greatest care and the most mature consideration in what should be included in a Bill that is brought before this Parliament. We are mindful of this country's commitment to the rule of law. We are mindful of this country's historical and cultural bias to fairness and transparency in its happenings. We are mindful that there is a natural disposition on the part of the Barbadian public to want to maintain as its fundamental tenet the Constitution of Barbados that guarantees the right to due process and the rights of natural justice.

We are also mindful that we are being called upon to cooperate in an international community. While to date we have not found any funds or properties owned by terrorists groups in Barbados, it is not beyond the realm of possibility, especially when your second most important productive sector is your International Financial Services sector. Therefore, there have to be appropriate safeguards to allow us not to be duped or to be unwillingly used in a scheme to bring terror and loss of life and property damage to other people across the world or domestically.

Mr. Speaker, in those circumstances, at the same time that we were preparing our response to Resolution 1373, we commissioned a study which was financed by the Caribbean Regional Technical Assistance Centre. I am going to make the entire study available as a document of the House because it is well worth reading on the part of anyone who is interested in jurisprudence. That study sought to review the Barbados Constitution and I would ask Members to look at the terms of reference and see the extent to which we went to protect the interest of our Constitution.

Sir, the report was asked to review the Barbados' Constitution and other domestic and international statutes, particularly those of Canada, United Kingdom and the United States of America, to provide legal advice on the following questions or issues:-

1. Whether civil forfeiture or restraint should be introduced into the legal system of Barbados and determine
 - (a) Whether it is consistent with Barbados' system of law and Constitution
 - (i) Particularly the possibility of civil forfeiture proceedings being taken "*in rem*."
 - (ii) Whether restraint of bank accounts could be executed by Ministerial or Executive Order.
 - (b) What appropriate safeguards need to be in place to protect the precepts of natural justice and the rights of individuals as guaranteed by the Constitution.
2. What definitions exist or to be established for the following concepts:
 - (a) The offence of "Terrorism" – defining and creating a model offence provision for us to subsequent domestic legislation;

(b) The criteria for 'Terrorists' ..."

3. In implementing Barbados' international obligations, what provisions exist in law and how could they be strengthened to allow

(a) Wire tapping;

(b) Imposition of criminal liability or directors of "Terrorist" Organisations and

(c) The broadening of Barbadian capabilities, such as Customs, Immigration and Licencing to control precursor chemicals and movement of terrorists?

4. What provisions could be implemented to prevent charitable organisations, under Barbadian law, from being used for money laundering and terrorist purposes?"

Sir, this study was done by a Mr. David Berry. I would like to refer to Mr. Berry as a Doctor because he is on the verge of getting his doctorate. Mr. Speaker, yeoman service was provided to the Government of Barbados by David Berry. I want to commend Mr. Berry because he had less than one month, at Christmas time, to produce this study. The study is almost 100 pages long and it extensively reflects the history of the law in major Commonwealth jurisdictions, as well as the United States of America, with reference to Barbados, Antigua and a number of other areas. Sir, the study has been extremely instructive in allowing us to settle on the approach and the process we would take.

In addition, a Committee was established that comprised the Chief Parliamentary Counsel, the Director of Public Prosecutions, the Solicitor General, the Permanent Secretary in the Ministry of Foreign Affairs and then we chose to bring in a number of senior persons who had served a high level of Government in advising Government on the Law or as Prime Ministers. The Honourable Member for Christ Church South was invited and participated. The Honourable Member for Christ Church South obviously was a former Prime Minister. The Honourable Member for Christ West, a former Attorney General and Minister of External Affairs participated, Mr. Oliver Browne, a former Solicitor General of Barbados, Mr. Elliott Mottley, a former Attorney General of Bermuda and a Court of Appeal Judge in the Turks and Caicos and Belize, and Sir Neville Nicholls, a former President of the Caribbean Development Bank.

12.40 p.m.

This Committee, Mr. Speaker, I had the honour to chair and we met on a number of occasions seeking to take decisions that would lead to the balancing of the protection of rights for Barbadians while, at the same time, allowing us to fulfil our international obligations. In the circumstances, the Committee operated between December and, in fact, two weeks ago. I would wish at this stage to register my very deep gratitude to those members who served on that Committee. Indeed, the last meeting they held was for five hours here in Parliament where they did not even stop for lunch but took the task at hand so seriously that we were able to meet the deadlines that we set ourselves.

In addition, Mr. Speaker, since the preparation of the Draft Bill, I have had the opportunity to get the comments and to circulate the Bill to Sir Roy Marshall, a distinguished Barbadian and legal educator, the former Vice Chancellor of the University of the West Indies and indeed the former Chief Justice of Barbados, Sir Denys Williams, as well as two eminent retired diplomats, and Heads of the Barbados Foreign Service, Mr. Oliver Jackman and Dr. Peter Laurie.

We have tried to reflect a broad and mature reflection of the issues to allow us to balance those interests that I keep referring to as our international legal obligations, at the same time ensuring that there is no breach of the due process or natural justice of other elements of our Constitution.

Mr. Speaker, the result is the Bill before this Honourable Chamber and in those circumstances it is only correct that I should come to this Bill. As I said, there is no breach of due process, no breach of natural justice in this Bill, there is no coming outside of the parameters of our existing jurisprudence, and I want to make that absolutely clear.

By the same token, Mr. Speaker, the Bill seeks to codify in law those requirements at paragraph 2D and 2E of Resolution 1373 in terms of the creation of a terrorism offence and the creation of an offence for the financing of terrorism while at the same time also reflecting the Convention against the Suppression of the Financing of Terrorism which is at the First Schedule of this Bill. What does the offence say, Mr. Speaker?

Let me just say that all of the definitions are consistent with the Convention at the First Schedule. What do the offences say? Clause 3 establishes as an offence that "a person who in or outside Barbados..." So it is not limited to Barbados alone and I will come to the issue of jurisdiction in a little while.

A person who in or outside Barbados commits any Act that is reflected in any of the nine Conventions that are listed in Schedule 3 is guilty of a terrorist act.

That is only one limb of the act of terrorism and those nine Conventions are long and are available at the back of the Bill so that I will not go into them now, but there are a whole host of Conventions which reflected a piecemeal approach towards the fight against terrorism over the last 30 to 40 years by the global community, things like Suppression of the Unlawful Seizure of Aircraft which is already covered in our Hijacking Act. The Suppression of Unlawful Acts against the Safety of Civil Aviation is already covered in our Civil Aviation (Montreal Convention) Act.

The Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents are already covered in our Internationally Protected Persons Act. The Convention against the Taking of Hostages, the Convention on the Physical Protection of Nuclear Material, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation is covered; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf and the Convention for the Suppression of Terrorist Bombings as well as the Convention for the Suppression of Terrorism Financing. If persons commit an act that is referred to in any of those Conventions as a breach in or outside of Barbados, they would be guilty of terrorism.

It does not stop there, Mr. Speaker. If a person commits any other act:

"A) that has the purpose by its nature or context..."
This is the fundamental point.

"to intimidate the public or to compel a government or an international organization to do or to refrain from doing any act..."

In other words, the motive to compel somebody to do something or not to do something must be there and that is intended to cause one of four things:

"A) death or serious bodily harm to a civilian or in a situation of armed conflict, to any other person not taking an active part in the hostilities;"

In other words, somebody who is not a combatant or soldier or it is intended to cause:

"B) serious risk to the health or safety of the public or any segment of the public;

C) substantial property damage, whether to public or private property, where the damage involves a risk..."

A serious risk to the health of the public or part of the public or “an interference or disruption of an essential service or facility or system”. In other words, if you blow up a building so that you can no longer distribute water out of that building, or Parliament can no longer sit here, or if it is the Central Bank the financial systems of Government are seriously altered or the fourth limb that it is intended to cause:

- d) serious interference with or serious disruption of an essential service, facility or system...”

As I said, water, the Central Bank, computers, anything that you can think of that is an essential service or essential facility or system, whether public or private.

It specifically goes on to exclude “not being an interference or disruption resulting from lawful advocacy or from protest, dissent or stoppage of work and not involving a risk of the kind mentioned in sub-paragraph (B)”, namely, serious damage to the public.

You have specifically made sure that you cannot constitute as a terrorist offence the right of any trade union, the right of any group of people to stop work even if unlawful because the lawful relates to advocacy and not stoppage of work so that a wild-cat strike could never be a terrorist act. Let me settle those concerns and worries now. A wild-cat strike such as takes place occasionally in our country, could never be a terrorist act. The right of a trade union to represent its interests, the right of a political party to march or even the right of a political party to hold meetings in Milk Market that do not come off could never be a terrorist act.

If any of those things are done, Mr. Speaker, the person is guilty of a terrorist offence and the penalty is, where death ensues, the death penalty and in every other case, life imprisonment.
12.50 p.m.

Sir, the reason for the death penalty at that stage is that if one person was killed in Barbados and convicted of murder, they would be subject to the death penalty. More so, this Law simply says that where the offence of murder is a constituent of the terrorism offence, then the death penalty shall also apply. Therefore, it does not in any way extend the death penalty to any new crime, because the essence of murder must take place first, and then, the intention to compel, restrain or intimidate the public, the Government or international organisation doing something.

If that compelling or intimidating was not there, you would simply charge the person with murder, but because of the existence of that motive, or purpose to force somebody

to do something, or not to do something, it then brings it within the realm of a terrorist act. So if you do an injury to somebody, death to somebody, property damage, disruption of essential service, facility or a system, or bringing serious risk to the public, if you contaminate part of the water system with the intention to get the Government to take a certain action, that would be a terrorist act.

If you hack into the Central Bank computers with an intention to get the Government to do something or to get an international organisation to do something, or not to do something, that would be a terrorist act. If you blew up a building, but nobody was injured, with the intention to get a member of the public, the Government, or an international organisation to do something, that would be a terrorist act.

Mr. Speaker, the House should note that a person who aids, abets, counsels, procures, incites, solicits or conspires, what we would normally call in law, the inaccurate offences, is liable, if they are found guilty to the same penalty as if they had done the offence themselves. They are liable to the same death penalty where death ensues, and to imprisonment for life, in every other case.

Sir, Clause 4 seeks to create an offence where a person, in or outside of Barbados, directly or indirectly, unlawfully and willfully provides or collects funds, or provides financial services with the intention that the funds or services are to be used, or with the knowledge that they are being used in full or in part to carry out the offences that I referred to just now, as terrorists’ offences. Indeed, Sir, you should note that person is liable to a term of imprisonment of 25 years, if found guilty.

Equally, if that person or persons are officers of an entity, and they have responsibility for the management or control of that entity – an entity being a legal body, a company, a society, or whatever – then that entity itself can also be subject to a \$2 million fine, without prejudice to any other civil or administrative actions, or criminal liability that that company may otherwise face.

Sir, if there were an offshore bank, for example, the Minister of Finance would still have the power, in addition to the \$2 million fine, to revoke the license, if he so deemed. So it is without prejudice to any other actions that we have.

Mr. Speaker, what this legislation also seeks to do is to impose a duty on members of the public that where any person has reasonable grounds – and note, it must be reasonable grounds, not spurious – to suspect that funds or financial services are related to, or are to be used to facilitate an offence under the Anti-Terrorism Act, it shall be the duty of that person to report the matter to the Commissioner of Police. Mr. Speaker, this is to avoid what we call, willful blindness. In other words, turning a blind eye to people doing nonsense, when you know that that money is going to

help perpetrate a terrorist act. In those circumstances, if you come forward, you may be able to avoid damage or avoid loss of life.

Mr. Speaker, this legislation also seeks to protect the human rights of the accused, by ensuring that they have access to counsel and to their diplomatic representation, if they are not Barbadian.

At clauses 8 and 9 – and this is the fundamental area – it sets out a procedure for freezing and forfeiture. Let me be clear, Mr. Speaker. There will be no forfeiture of any property unless the person has been convicted and, in those circumstances, Sir, the processes for forfeiture mirror that which exists under the Proceeds of Crime Act passed in 1990. In fact, Mr. Speaker, it has a higher standard than the Proceeds of Crime Act, because under sections 9 and 17 of the Proceeds of Crime Act, where a person has absconded from the jurisdiction, even where not charged, because the information or the warrant has not been served upon them, the court, under the Proceeds of Crime Act, can still confiscate property. Sir, under this Anti-Terrorism Bill, the person must have been convicted, so it has a higher standard than the Proceeds of Crime Act.

At clause 8, it provides for the freezing of funds. It simply says that the Director of Public Prosecutions can apply to the court, but usually in these circumstances, it is an *ex parte* application. In other words, the other party is not present and the court has the right to freeze the property on condition that those things listed in Section 2 are brought before the court.

Namely, the fact that the person either has been charged or is about to be charged, the fact that where the person has not been charged, grounds for believing that the person committed the offence, or having a reasonable suspicion that the person committed the offence, a description of the property in which the freezing order is sought, the name and address of the person who is believed to be in possession of the property or funds, and the grounds for believing that the funds are related to, or are used to facilitate an offence in this act and that the funds are under the control of that person.

The point being, Mr. Speaker, you just cannot go before the court and tell them to seize. You have to come before the court with reasonable grounds and you have to satisfy the judge that there is a case, if not he will send you packing outside of the court. I want to make this point, Sir, because it was opened to this Government to do as the Americans do, and as the United Kingdom and other countries have done, to allow a Minister of Government to issue a freezing order, or to allow the courts, and we have chosen the road of reserving unto the courts of Barbados the power to freeze and forfeit.

This is a fundamental point, Mr. Speaker, and I repeat it. We have chosen to locate within our law courts, the powers to freeze and confiscate property. If I may quote Allan Dershowitz again, Mr. Speaker, in his book, “Civil Liberties in a Turbulent Age,” he said:

“The essence of a democracy is placing responsibility for difficult choices in a visible and mutual institution like the judiciary.”

Mr. Speaker, as you know, every time you go before the court, you really do not know whether you are going to win or lose. You can suspect, but you cannot predict. Fortunately for us, Sir, the integrity of our judiciary is unquestionable, and I am therefore comfortable and believe that the mechanism which we propose in this Bill, to subject freezing and confiscation orders to the courts, is one that is worthy of commendation to this Parliament and one that we can feel comfortably protects the rights and due process.

Do you know why, Mr. Speaker, because we go further. We say that if the court makes a freezing order, the court must require the Director of Public Prosecutions to serve a copy of that order on the accused person, if they can be found, and must also publish a copy of that Order within such time and in such manner as the court directs. You could publish it in the newspaper, the *Official Gazette*, or whatever the court directs, because we recognise, Mr. Speaker, that that accused ownership of the property may not be absolute, and you cannot make a person suffer the loss of property when they do not even know that the court has frozen the particular property.

1.00 p.m.

We have said that the court can freeze but when the court freezes, you have to let the world know that you are frozen and if you feel that your rights have been affected, you can come back before the court within a certain time and ask it to hear the matter and to divide out your rights.

We have also given the courts the power to allow the accused person to use some of the money that has been frozen for living expenses if there is no other money to pay for legal representation because that is his right under our Constitution. We have also asked the courts to recognise that no person who has responsibility for administering these funds shall be held liable for any loss unless the loss was as a result of a negligent act. All of this is consistent with how our civil jurisprudence has developed.

Any attorney-at-law would tell you that the safeguards we have put in here have gone beyond those which are available in the Money Laundering Act and in the Proceeds of Crime Act. It also mirrors what is available in the civil jurisprudence when one applies for a Mareva Injunction or

an Anton Pillar Order. Mr. Speaker, I am comfortable with what we have done in respect of how we have dealt with freezing and forfeiture powers. Mareva Injunctions and Anton Pillar Orders are just to restrain the dissipation of property or somebody taking property out of the jurisdiction. You can go civilly and apply to the court for an expropriatory order and have that property frozen so that it cannot be taken out so.

It is also important to note that the freezing order can only be for a maximum of 18 months but they must be in six months tranches. The court cannot freeze for more than six months at any one time making it possible then for a minimum of three six-months' orders, or a combination of more orders but less than six months to constitute a maximum of 18 months.

The reason for this, Mr. Speaker, is that if you have evidence, the court, the first time around, will walk by faith and not by sight as in Corinthians, but the next time you come back to the court you should have concrete evidence to show the court that the faith which was put in you has been justified and that there is a basis for continuing the freezing order.

Mr. Speaker, I am going to finish in five minutes because I know Honourable Members are anxious to go to lunch.

Mr. Speaker, the problem is that almost every terrorist offence is a political offence and we have amended the Extradition Act to make terrorism a political offence now such that we can no longer say that we are not extraditing a person because of a terrorist act. Mr. Speaker, I said it wrong. Terrorism is now one of those reasons that will fall in line with murder and kidnapping which essentially do not allow you to say "No" to the extradition of a person. Previously, you could have said that an offence was a political offence to say "No" to extradition, now you cannot do so. With terrorism, you have to extradite.

There is, however, one saving point, that is, that it continues to validate that we can refuse to extradite a person where we have reasonable grounds for believing that the request for extradition is politically inspired, or inspired on the basis of race, ethnicity, gender or with the rank of that particular person in the particular country they come from. In other words, the only reason that they are asking to extradite this man from our ground is because they want to get at him for political or racial reasons, and if we believe that, then we can refuse to extradite.

The House must know that the jurisdiction in this legislation is prescriptive jurisdiction, but it goes broader. In other words, we can apply this Law whenever a terrorist act is committed against a national of Barbados, whenever it is

a Barbadian who commits a terrorist act, whenever it is done on a Barbadian ship, or a Barbadian aircraft or on an aircraft operated by Barbadians, or whenever the national security interest of Barbados is affected.

In International Law, there are three types of jurisdictions; prescriptive, enforcement and judicial. By clause 12 of this Bill we are recognising the prescriptive jurisdiction which said that where this act takes place where a Barbadian is the victim or the perpetrator, even if it is in Timbuktu, Alaska or the Antipodes, that we can have jurisdiction. What the Act does not do, and I want to make this clear, is to give us enforcement jurisdiction. In other words, we cannot go riding into the Antipodes, or into Timbuktu, or anywhere else and take up the person. We have to rely on existing legal treaties, extradition treaties and mutual legal assistance treaties in order to get access to that person.

Mr. Speaker, some may ask what is prescriptive jurisdiction. Every law that imposes an obligation outside of the territory of Barbados reflects prescriptive jurisdiction, so any taxation law that says that you can tax a man's global income is prescriptive jurisdiction, so there is no issue as to the jurisprudence or the location of this here within our Bill. It is the same thing.

Mr. Speaker, we do not subscribe to enforcement jurisdiction that says we can go into another man's territory without his permission and take up somebody as the Americans did in certain well-known cases of drug enforcement out of Mexico, so we do not support enforcement jurisdiction. Mr. Speaker, there are some who would want me to talk about Noriega, but I do not know enough about the facts of that case to comment in this Chamber about it.

Sir, this is one of the few areas in which the Attorney General is the competent authority to direct prosecutions and not the Director of Public Prosecutions. Section 79A (2) of our Constitution has a list of offences in which the Director of Public Prosecutions must take direction from the Attorney General. One of those things is anything that imposes an international obligation on Barbados and hence in this instance.

1.10 p.m.

Mr. Speaker, this Bill allows us to take a request from a foreign state and freeze property. Sir, our problem initially – the American can deem someone a terrorist by executive order but we cannot. Persons have to be charged and due process must occur.

Sir, we have a responsibility as a country in the global community and in respect of United Nations Resolution No. 1373 to be able to cooperate with any other State. What we

have done to further protect Barbados' interest in section 8(4) is that we have imposed an obligation on the court that it must first satisfy itself that where we are freezing property on behalf of another country, that country can do the same for Barbados, that there is a reciprocal obligation. If there is no reciprocal obligation, then there can be no freezing.

Sir, at Clause 16, we have further required that any request from a country has to be located within the Mutual Assistance in Criminal Matters legislation which allows us to be able to provide cooperation with all Commonwealth countries; those countries with whom we have a bilateral treaty arrangement, like the Americans with whom we signed such a Treaty in 1996 and ratified in 2000, or any country that is a signatory to the Vienna Convention and who offers reciprocity to Barbados. We have a wide network of countries and are saying, "Yes, we would help," but those countries have to locate their response for assistance in the context of the legal framework we have and not just to send a fax to the Ministry of Foreign Affairs for them to send it to the Central Bank or whomever. There is a process, and it must be adhered to, and this is reflective in our legislative arrangement.

Mr. Speaker, I am here today doing something that I had never contemplated I would have to do on becoming Attorney General and certainly not in this Parliamentary Chamber, that we would have, as a priority, a Terrorism Bill. I have been in this portfolio for more than eight months and I think it would be fair to say that at the beginning of October, I have had to address this issue of the fight against terrorism in some way and a whole host of other consequential things.

Sir, I make this point deliberately because it brings into a sharp focus the extent to which a small developing country like Barbados has had to utilise its legal resources to deal with something that was not necessarily core to its strategic plan in the process of development which, if we fail to deal with, can be inimical to our interest at an international level as well as our reputation to be faithful to both our legal obligations and moral commitments.

Sir, our membership to the United Nations requires that we accept the mandate and the responsibility to respond positively to all security council resolutions. To date, we have always done so as an individual country. As I reflect on a quotation from Trollop in the 19th Century, we have done so in assistance with our culture to pay our way throughout the world and therefore, it is nothing new to us.

Mr. Speaker, we have had to utilise substantial resources in the fight to prepare the legislation to look and to access the administrative arrangements and to deal with our foreign relations in respect to this matter.

Sir, I have said much today to suggest that we do not feel that however important or noble is the fight against terrorism and however we support it, that it should ever be used to supplant the international development agenda because those fundamental issues are issues to which we are committed, and would wish to see advanced at a global level in the shortest possible time.

Mr. Speaker, indeed, the achievement of those international development goals will do more to remove the cause of persons who use terrorism than any assertion, or any military incursion, or threats, that we currently see now. In other words, where we can make sure there were no marginalised areas, no lack of access to education, health care or housing, there would be no breeding ground for terrorists in the world.

Indeed, if ever there was an example of the satisfaction of basic, social, economic and political rights, it is the example of the Caribbean which has been able to address those issues in a 16-year period, without resorting to the level of violence to which we have seen other countries in the region have had to resort in order to assert those rights.

Sir, we are a lucky people, and even though we are small, I refer simply to the fact that we may be small in size but not in spirit. To put it conversely, size does not pay grandeur and territory does not make a nation. That, in fact, reflects the essence of this debate. We have remained faithful to our international obligations while, at the same time, recognising that we have a duty to continue to preserve the rights afforded to our citizens under the Constitution of Barbados which was passed at the time of the birth of this nation.

Sir, I am happy to be able to commend this Bill to this Parliament. I wish to thank all of those persons, particularly the Chief Parliamentary Counsel, who has slept, breathed and everything centred around this legislation, as well as those who have helped her.

I want also to commend Dr. David Berry whose scholarly work has allowed us to establish the parameters within which we can meet that balance. I want to thank all other persons, including members of that Committee, members of the Barbados Labour Party parliamentary party, who were vigorous in their examination of this Bill to ensure that those competing interests have been met by this Government.

Sir, we feel satisfied that we have put before this Parliament a Bill that meets the interest of our international legal obligations, while protecting the interest of the individual human rights of our citizens. I, therefore, commend this Bill and say that consistently with that, be satisfied that we are here because of United Nations Convention No. 1373 but also be satisfied that while we

oppose the fight and while we oppose terror that is being used as a means to attain those political objectives, I can find no better way to end than to quote the words of Mr. Kenneth Ross, the Executive Director of Human Rights Watch:

“To defeat the fundamental amorality of terrorism, requires a firm grounding in international human rights. Terrorists believe that anything goes in the name of their cause. The fight against terror must not be compromised in the name of any cause.”

I am obliged to you, Sir.

SUSPENSION

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that this Sitting be suspended until 2.15 p.m.

Hon. R. N. GREENIDGE: I beg to second that, Sir.

The question that the Sitting be suspended until 2.15 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.
1.20 p.m.

RESUMPTION

Mr. SPEAKER: This Honourable House is resumed.

Mr. D. J. H. THOMPSON: Mr. Speaker, I have always been of the view that unless there is a glaring matter on which there should be a divide that on matters which touch and concern the foreign policy of Barbados, once they are consistent with our basic principles, that Government and Opposition should speak as one.

I am not always satisfied with the level of consultation that takes place and Government and the Opposition should admit of such a position. In other words, it would be reasonable to chastise the Attorney General who spoke of her wide consultation and tell her that she could have spared a thought for the Opposition in those consultations but, at the same time...

Hon. Miss M. A. MOTTLEY: Mr. Speaker, on a point of order. I want to publicly apologise to the Leader of the Opposition on this matter. I want to say to him that I was confused as to whether I should speak to him, the Honourable Member for St. Lucy or Senator Clyde Mascoll, the President of the Party. However, I take the point he is making and I commit not to let it happen again.

Mr. D. J. H. THOMPSON: Mr. Speaker, I never ask for concession on my own behalf but I will leave it to the Honourable Member's creativity, ingenuity, appreciation of the law and otherwise to determine that, but beyond the official members of the Democratic Labour Party, we still have a wellspring of knowledge and experience which can be brought to bear on matters of this sort.

Barbadians as a whole feel a sense of repugnance at the nature of terrorism and not September 11 alone. There are other symbols of terrorism like man's inhumanity against man, the images of Zambians and Malawian children starving, genocide, the pictures of rotting bodies we see on television every night, dictators defending their actions before the criminal court and all of the other manifestations of the world in which we live. I believe that it is important, particularly in matters relating to the foreign policy of our country, to make sure that we have a joint approach.

There was not anything said by the Honourable Member for St. Michael North East that represented a significant departure from the historical trends which have occurred in Barbados except for a very short period in our history when our conduct might have been associated with the approach that the Honourable Member deplored in here today. We know about that period in our history because it was characterised by instability in the Caribbean, and much of that instability occurred as a result of acts consistently perpetrated by the United States Government in pursuance of its own agenda politically, economically and otherwise.

Fortunately, since then it has not been our experience and this is why I say that if you trace the first piece of legislation which sought to give teeth to the State in relation to tracing the proceeds of crime, to dealing with acts such as terrorism and money laundering, altering the burden of proof and all the other changes consistent with the passage of these Bills in the past 10 years, political parties have joined forces in these matters.

There were occasions when Backbenchers and myself expressed doubts in relation to the Proceeds of Crime Bill and other pieces of legislation but, as I said, we live in an era in which it is necessary to give the State very strong teeth to deal with the threats which can quickly infiltrate and destroy our society.

After September 11, the Honourable Member for St. Michael South, as Minister of Tourism, spoke about the impact of that act on tourism out of North America. In fact, he has learnt that its impact was not as great out of North America as it was out of the traditional destinations on which we have been depending, and even though we may feel that an act of terrorism or any element of instability in the international arena will have an effect in one area, very

often it gives birth to other major problems and crises that small countries are almost powerless to deal with.

This is a very tangible example in the Barbadian context of what an act like September 11 can do for us. We heard that Americans were very parochial and, therefore, the events of September 11 would cut off all American tourism, that the Europeans were more broad-minded, that they were explorers and travellers but the opposite has happened since September 11 as a result of a combination of policies, including those which have not been successfully introduced by the Honourable Member for St. Michael South, and also the trends in world travel since that particular event.

The fear which has overcome people living both in the United States of America, Europe and most of the western world as a whole has an impact, not only in relation to travel, but right through the society in the way that we and our children look at the world. As I said, man's inhumanity was expressed most strongly on September 11 and continues because of our inability to reverse that psychological pressure which we have all felt since then.

The Honourable Member for St. Michael North East made four critical points in the debate. She said that even though this Bill was not on Government's 1999 original agenda, it was necessary to put it on the agenda for four reasons. Sir, I will deal with those four reasons in due course but I will say to the Honourable Member that she should not worry too much about introducing measures that were not on the 1999 agenda because very few of the things on the 1999 agenda have been introduced.

Sir, constitutional reform has been dead either in the water or on the land. The total transformation of Barbados has been a laughable joke. Dealing with the issues of crime and violence failed and if you list what was in the 1999 agenda and compared it to the performance, you will see very little that has been successfully introduced, so there is nothing wrong in something else that is of equal importance and weight creeping on to the agenda and giving it the attention that it deserves. I have no problem in saying that despite it not being on Government's 1999 agenda nor, for that matter, on the Opposition's agenda, it is something that needs the attention of Parliament.
2.30 p.m.

Firstly, the Honourable Member said it was to avoid economic or other sanctions. Sir, this has become a great concern to countries like Barbados where we are very often being pressured, even through international organisations to which we belong and subscribe, to take action that we feel are inimical to the interest of our people and go against the grain of our sovereignty.

Sir, the point is, at the end of the day, there are things that we are going to have to do as a country, which will compromise our sovereignty from time to time so that we can function in the world economic and political system.

The Government likes to make a lot of song and dance about doing nothing to compromise our sovereignty. I am not saying that you have to be as blatant as the former Attorney General of Trinidad in laughing sovereignty through the window and acting as if, in the new economic and political environment in which we live, there is no such thing as sovereignty for countries like ours. At the same time, I think that it is important to be honest with the people of Barbados and to accept that there are times when what we have become accustomed to as part of the political and the world economic scenario, since the 1960s and since our Independence, now has to be compromised because the threats that we face often require collective rather than individual action.

The second statement which the Honourable Member for St. Michael North East made related to the long history Barbados has of abiding by all international obligations and this is something that anybody would not dispute. The only thing that I would say is, very often the legislation that is brought to Parliament to abide by these international obligations has no relevance to what happens in the real world in Barbados.

Recently, legislation was brought to cover issues such as child labour, something that has never in the modern history of Barbados afflicted us. We have legislation to deal with all manner of international obligations. Very often some of the most important things, particularly those which flow from the ILO and relate to workers' rights and some of the important environmental safeguards that we should be subscribing to are being forgotten. Yet, we would introduce legislation to cover international obligations which are likely, never to be breached in the context of Barbados as it is now nor maybe in the foreseeable future.

Sir, the question is the extent to which this particular legislation, apart from meeting those international obligations, has any relevance to what will happen in a country like Barbados. The point is, at the end of the day you meet your international obligations, which is part of the window dressing of countries, such as ours, belonging to these organisations that we comply with, that we ask others to comply with these international obligations and that we hold ourselves up as countries that believe in certain inviolable principles.

Thirdly, there is no reduction of our sovereignty and this legislation is consistent with the principles that form our domestic law. Those were the four planks on which the Attorney General recommended that this Parliament should support this piece of legislation.

Mr. Speaker, the reality is the fear, not only of terrorism but the impact on communities in countries like Barbados is very significant. We are more vulnerable even though September 11 proves that large countries of military might cannot foresee attacks against them. In a sense we are more vulnerable because of our size and lack of resources to events in the world which otherwise would not impact on us. For example, the threat of a country like Barbados being cut off from oil supply, the question of food security and other concerns that are now moving against the front of the global agenda, particularly in relation to small countries like ours.

Beyond that, I would like to hear from the Government what are the stances the Government has taken in relation to the international threats and the threats to countries like Barbados from illegal drugs, which are doing so much damage to small countries, and the extent to which all of the legislation, the commitments under various treaties, all of the resources we are devoting in terms of new equipment, specialised training in the process of investigating and prosecuting crimes in relation to the trafficking of illegal drugs and tracing the proceeds of those crimes. It seems as though we are in the reverse mode in relation to making any serious dent on the impact of facilitating the widespread use of illegal drugs in our country.

The second aspect relates to the spin-off of illegal drugs and the impact of crime. I am not getting into any debate on crime because my position in relation to this matter is already known. I still think that there is an element about the problem of crime in Barbados that relates to our inability as a small country to deal with the impact of drugs, the migration of money and the use of small domiciles in the Caribbean, fortunately, so far not Barbados, to facilitate the activities of those who are involved in illegal drugs and similar kinds of activities.

The United Nations, at this time, preoccupies itself, and rightly so, with international conflicts and conflicts which demonstrate man's worse form of inhumanity against man, starvation, war, genocide, territorial disputes and bringing international criminals to justice. I wonder how much headway we have made when we pass pieces of legislation, like this, and even devote considerable resources to deal with problems such as this. I believe that a report card needs to be given for countries like Barbados where we are asked to put out more and more by way of international and other obligations.
2.40 p.m.

Barbados, itself, therefore has to find those resources and it is preoccupied very often with dealing with some of these issues – the impact of AIDS, illegal drugs. You can think of the issues that have come to the fore in this Parliament by way of new legislation and by way of major

legal debates, all of them have by and large centred on international threats or on problems that essentially flow from outside of Barbados but which have reached very deep into the society and the communities and even into families in our country. As we make more resources available and we preoccupy ourselves more and more with these issues, I believe it is important for us to ensure that we get a report card on the progress that we have been making.

I am going to end where I started by saying that I do not believe that there is any virtue to a divide unless it is a significant policy issue in relation to matters of foreign policy and I believe I can speak for the parliamentary group of my Party when I say that a decision was taken to support this particular Bill by that group when it met and that in supporting it, what would have been at the forefront of that decision would have been an indication that as Barbadians we collectively need to be serious about these matters that affect us and put a united front or united face to those problems.

There can only be one Government of Barbados at any one time in relation to our international obligations and even if the people of Barbados themselves are dissatisfied with the Government they have, it is nevertheless the Government of Barbados, and should have the full weight of the country when it seeks to deal with matters relating to foreign policy. In that regard, there is nothing that significantly departs from the approach that the Democratic Labour Party has taken down through the years in these matters, particularly when Maurice King was the Attorney General and we had to introduce new and innovative pieces of legislation to deal with a number of threats that we faced and at that time Members on that Side supported those pieces of legislation and in like mind that, I believe, is what informed our decision to support this legislation today.

Hon. Sir HENRY FORDE: Mr. Speaker, I am pleased to hear the speech of the Honourable Member for St. John following the outstanding speech of the Leader of the House and the Honourable Member for St. Michael North East. I think it is very important that we make the point which the Honourable Member has made that this legislation is legislation that we would prefer not to be passing but legislation which we must pass because of our international obligations and also because of the high principles which we follow in our foreign policy. We have followed those principles consistently from the time that we became a free and sovereign state.

Obviously, Mr. Speaker, this legislation does cause some regrets and, understandably so, because we have to balance here our natural desire and propensity for freedom and civil liberties against the restriction in some respects of those liberties because of the licence which other people take unto themselves in dealing with problems that confront them or the world.

Terrorism is not anything that any of us can condone. On the other hand, it is very difficult to define what is terrorism and at times even to define who is a terrorist. If one looks back in history there may be those who did, in fact, designate a person such as Nelson Mandela as a terrorist in his time. There are several freedom fighters who, no doubt, depending on where one stands would have been defined or designated as a terrorist and yet those of us who have been enslaved, or come from such a history, understand quite clearly the necessity to have people who would stand up and fight for civil liberties and freedom.

Even those who have not been enslaved but in their own history have suffered repression that should never have taken place understand the need at times to resort to arms in order to gain their liberty, and that is part of the problem that confronted us in dealing with this Bill: to ensure that where there is legitimate action being taken by people who want to throw off the shackles of colonialism or restrictions on their freedoms, that those legitimate and lawful acts are not described as terrorist acts and that they are allowed to flourish so that the community could understand that dictatorship, that fascism, and all of those awful conditions of Government will not prevail.

Sir, in balancing, we had to keep that in mind. We had to keep in mind as well in our own domestic setting that we have a Constitution to guarantee fundamental rights and we gave the maximum amount of liberty to people to exercise their freedom of choice provided that they show reverence to the other freedoms of other persons. In this legislation, there are provisions, as the Honourable Leader of the House said, which seek to preserve the maximum amount of freedom that we can and ought to preserve and we seek to say that we should conform with our own Constitution.

I believe, Sir, that the acts of September 11 cannot be condoned by any right-thinking person in any part of the world. Barbados, itself, suffered in that four or five of our nationals were killed by what I describe as a dastardly act. I believe that people who yearn for freedom and who deserve freedom must find ways of expressing themselves which, at the same time, cannot be contrary to what we expect from proper international human rights standards and conduct. Therefore the world knew from early that the people and Government of Barbados will not condone and are definitely against acts of terrorism. However I believe that the strongest advocate today for condemning and rooting out terrorism has, in some respects, got its foreign policy wrong and we have, as a duty to our friends and to our friend the United States, to say that many of us remain unhappy about the uneven manner in which it deals on the international sphere.

I am pleased to see that the President of the United States is prepared to call on the State of Israel to comply with the United Nations Resolutions as, indeed, it is prepared to

call on the Palestinian authority to conform with the proper standards of international law. At the same time, there are doubts in my mind whether the necessary balance that is required for a solution of the Middle East problem and the Palestinian problem in particular has found itself within the correct corridors of Washington.

As a friend of the United States, this country should not hesitate to say to the United States whether its foreign policy as it impacts on us is off course, and I do not think there has been any hesitation either at the level of Heads of Government, or at the level of those Ministers with primary responsibility for our foreign policy.

We have had to say so to the United States before in relation to its foreign policy thrust towards Cuba, our Caribbean brother, and we continue to say to the United States, and we are pleased to see that President Carter has now caught up with the Barbados foreign policy that has been enunciated for several years how to treat a State like Cuba.

It must be a contradiction in foreign policy terms for the United States to want to seek to trade freely with China, to seek to trade freely with countries of Eastern Europe, to seek to trade freely with other countries in Latin America that until recently were rank dictatorships and at the same time to have a blockade for many years now in existence against Cuba.

Mr. Speaker, I am sure that you will not misunderstand and the country will not misunderstand what I am saying here. Wherever possible, the Barbadian Government under both parties have consistently said to Cuba that we expect Cuba to conform with the best standards of human rights and the best standards of civil government so as to achieve a true democracy.
2.50 p.m.

Sir, at the same time having said that and having tried to work to bring the Cubans along those lines, we cannot condone the punishment that is meted out to Cuba merely because it is not in total compliance and subjection to the United States foreign policy and domestic concerns.

I was deeply disappointed to hear the speech of the President made recently in Florida, and I join those people including academics who see the speech as giving not merely for the purpose for repressing genuine terrorism, but merely for domestic political consumption, more referable to the position of the coming Elections in the United States, particularly in the State of Florida, but also possibly the next presidential Election and the significance of the Spanish or Cuban vote within that area.

Sir, what we have to recognise, therefore, is that we must speak out and be objective in our analysis of these things and find our own way, looking at our own interests, but at the same time maintaining the high principles that characterise our domestic and international stances in this world. That is why, Sir, I believe that every Member, certainly in this House, will support this legislation. If we were going to do it on the stance of the United States alone, some of us will have great hesitation because that country needs to come back to a foreign policy that is consistent with principle.

It cannot in one breath, for instance, pass a Patriot Act and seek to penalise countries like ours that go into a low tax jurisdiction, and in another breath pass a Bill that gives farming subsidies to its farmers and ask us to put limitations on our own incentives whether they are financial or otherwise.

Those are contradictions for us and, therefore, by those contradictions in its domestic and foreign policies, it undermines our belief in the noble principles to which the United States has been known to stand and those principles that some of us have followed, based on its constitutional provisions.

Mr. Speaker, with this Bill in itself, I am not going to, at this stage of the Bill, discuss the particular provisions of the Bill. I think they are, except to say that the most difficult area was to come up with a definition of an offence that constitutes terrorism, that is, sections 3 and 4 of the Bill. I believe we have achieved that objective but I would wish the Government within the next couple of years to keep those sections, as indeed the whole Bill, under constant review.

It should be possible as time progresses for us to improve the Bill and to ensure that we conform not only with our obligations under Security Council Resolution 1373, but the method by which we seek to achieve that conformity. The legislation also fully conforms with other obligations under international Conventions, particularly those Conventions that deal with human rights.

It is in the Bill, a great difficulty for us to keep that consistency in every respect, but I hope that the Government will keep the Bill under constant review and consult, as it has done before, as widely as possible, including consultation with the Opposition, on how we can improve the Bill and to improve the Bill in the light of our own experiences and in the light of experiences in the Commonwealth in particular and countries such as Canada. I find that the Canadians are usually more balanced in these respects nowadays than Britain, but usually have legislation that we adopt and adapt.

I will also say, as in the case of Australia and New Zealand, in fact, I would like to suggest to the Leader of the

House and in her role of a Law Minister, the Attorney General, that this may be one of the matters to put on the agenda of the Law Ministers' meetings, so that a model Bill is produced for the Commonwealth as a whole and that perhaps Barbados' effort can be put forward as a useful working paper.

In this regard, I am very pleased that the House has had the benefit of the executive summary of Dr. Berry's paper which has helped considerably, the Government in keeping within the four corners of the Constitution. I have found it very explicit and useful.

I would also like to say that I think the Chief Parliamentary Counsel and her staff have done an excellent job in trying to chart a Bill in uncharted waters.

As I said, Mr. Speaker, it does not call for a long speech on this. I can summarise the position as I see it, certainly of myself and of Members of the Government and of the country as a whole. Barbados will never condone terrorism and, particularly, the destruction of civilian lives by wanton and irresponsible action.

At the same time, Barbadians are freedom loving people, and we believe the genuine action to achieve the freedoms and the civil liberties for communities, the world over, which are still under colonial or semi-colonial domination, are justified.

Sir, I have spoken on many occasions in the United Nations and elsewhere. I had the honour and privilege to speak on behalf of this country and I remember the struggles we had convincing the majority of the world, and particularly of the developed world, of the righteousness of the cause of the people of Southern Africa whether it was Zimbabwe, Namibia or South Africa, the difficulties we had in convincing the peoples of the undeveloped world, the Indonesians, the Australians and others of the strong case that the East Morales had for the independence of their country.

Our foreign policy has been consistent in this regard and, as a small State, although we have not got the military, nuclear or financial power that is opened to others, we have the power of principle, the strong moral stance and a clear and well-defined foreign policy, based on those very high values and principles that characterise true democracy from dictatorship, that stand up for freedom as against fascism, and stand up for freedom loving governments and good civil governance as against dictatorship.

3.00 p.m.

We have known that in our history and it is something that is now in our nature and part of our culture. Since

we have those, I think we should continue to use it. We have been using it consistently before we were Independent, and we should continue to use it in the defence of liberty and in the defence of freedom loving people the world over.

It is against that background that I give my support to this Bill and hope that the Government will call on all those who can help to stamp out terrorism wherever it is. Our citizens can help. Our citizens have a duty wherever crime raises its head and they are aware of it, whether it is domestically or internationally, to bring it to the attention of right-thinking people so that we can have a world that is not tormented.

Sir, I regret very much that the events of September 11 have impacted on the clear economic growth path we set for ourselves as a nation. It has set us back. It affected the man at Pie Corner as well as the woman at Dayrells Road corner who depends on services, whether it is tourism or financial services, so we have already seen the impact on our economy. Therefore, we must take full steps to ensure there is no repetition of this act whilst, at the same time, preparing ourselves to retool, refashion and advance our economy while holding our high principles.

Hon. R. R. FARLEY: Mr. Speaker, I rise to give support to this Bill which seeks to do two things; to give further and very clear evidence of Barbados' very strong stance against terrorism, particularly to give legal effect to the 1999 Convention on the Suppression of Financing for Terrorism, as well as several other instruments which Barbados has acceded to and, as a result of Resolution 1373 of the United Nations Security Council which is a post September 11, 2001 Resolution in which the United Nations Security Council mandates States to take the necessary steps in this regard to give effect to earlier resolutions.

For us, Sir, the fight against terrorism and the need for international cooperation is not something which hangs on September 11, 2001. Barbados is a small, peaceful, democratic and stable country. It has had a very close encounter of a terrorist kind in 1976 when this Barbados Labour Party Administration was only a few weeks old where we were able, unfortunately, to experience first-hand the impact which the international drama of terrorism can have on the lives of ordinary citizens.

In the case of Barbados, we were neither on the side of the aggressor nor the victim. We were, in large measure, innocent bystanders but it certainly brought home to us that terrorism can affect us all. Therefore, a global approach is needed to a global problem. It is really in that regard that perhaps the actions of the United Nations as the true multilateral forum are important and we, therefore, need to support this Resolution.

Sir, a few years ago, one of the Sir Winston Scott Memorial lectures was given by Professor Ali Mazuri who is an excellent academic and humanitarian. His topic was posed in the form of a question, the world with one super-power, is it a more dangerous place? He examined from his perspective the implications of a post cold war world in which there was no longer a balance of power where all of the economic, military and even cultural powers through television and film resided in one superpower. What has been revealed to us in this scenario with the world with one super-power is that there is an even greater need for true multilateralism. In fact, it is more important than ever for us as member countries of the United Nations to support that organisation in its reform to project the United Nations mechanism as being the international route by which countries can have its former cooperation.

With all frankness, I must say, Sir, that the United States of America should not support multilateral efforts only when it suits it. Indeed, the United States of America cannot use multilateralism as if it were a Kleenex. It cannot use it to clean up a mess and throw it away thereafter but, unfortunately, that is what occurs. We have heard of this Kleenex approach to foreign policy which has been used in relation to the world's great superpower ignoring multilateralism as expressed by 120 countries of the world when they said that they needed to have an international criminal court to deal with large international works of a judicial kind, but the United States of America said "No". They can try everyone else but they will have no jurisdiction over their American citizens. It is that Kleenex approach, Sir, which has resulted in instruments as fundamental as Conventions on human rights being rejected by the United States of America.

3.10 p.m.

Mr. Speaker, on issues of global warming where, so far this year, we have seen large chunks of the North Pole breaking away, chunks that are larger than Barbados, I believe the effect is very clear on the wildlife and the ice cap that global warming is taking place. Therefore, Sir, I would hope that arising out of this recognition that we are in the age of interdependence that through multilateral efforts, would be supportive and not on a case-by-case basis as the need arises.

Sir, as indicated, this matter of terrorism is not an additional matter for us. It is not something that lives only on the screen of CNN. These matters have direct impact on Barbados, certainly on our economy and our society generally. Sir, it involves the whole issue of security. Clearly, the fact that the most recent terrorist activity was perpetrated on a world superpower with all its military, economic and intelligence-like at its disposal, underscores the point that small, non-military States like Barbados could

do little to prevent these events from occurring. Sir, however little, we have a responsibility to do whatever we can to prevent, to detect and to punish terrorist activity whenever it should occur.

As indicated, we have had to take some measures as far as our domestic security is concerned. Sir, we have taken steps to ensure that our ports of entry, our financial institutions and the nature of the structure cannot be used by terrorists. We also have a responsibility to recognise the critical importance of maintaining safety and stability for Barbados particularly as we are a location for international business, headquarters for international financial organisations, and also as the main centre for international business.

We also need to enhance our ability to patrol our seas and our skies, not only in relation to potential terrorists activities but also in relation to other threats to our own domestic arrangements, threats posed by drugs and by the movement of criminals across borders in relation to shootings, robberies and matters in relation to the drug trade. Sir, as a country, we have taken other steps to improve our regulatory framework, to heighten our potential standard as they relate to bank supervision, protection to the insurance industry, the prevention of money laundering, *et cetera*.

Sir, Barbados is perhaps much more integrated into the international community than many may realise and the need for enhanced security arrangements obviously will have various cost implications. For example, under the Vienna Convention, we are mandated as the receiving State – that is where these international communities are located – to provide reasonable protection and safety, therefore, Sir, the presence of 10 foreign missions in Barbados, approximately 21 international and regional organisations of economic and social nature, where non-nationals who work in those organisations are numbered into several hundreds.

This puts us in the position of not only having great opportunities, but also being out there as potentially the one location which can be caught up in the heinous desires of international terrorism and, therefore, that has implications for us.

Sir, we also have responsibility to ensure that we provide whatever protection we can for our nationals abroad and, more particularly, for our Barbadian nationals working in Embassies and Missions in other countries.

Sir, Barbados, for its small size and limited means, recognises the importance of having international representation. We, therefore, have Embassies and Missions in the United States, Canada, Netherlands, London and Brussels. We have a situation in which the Mission in Barbados, along with a few other Eastern Caribbean

countries, share a building in Israel and you would immediately recognise the level to which that puts us. Sir, there have been days in which the staff in our offices have not been able to enter because of the threat posed by persons who were opposed to the State of Israel and which would have caused the police in New York to restrict access to the building. We, of course, have taken all necessary steps to eliminate that by removing ourselves from that building.

Sir, I make that point to illustrate that in relation to Barbados, our interest in the fight against terrorism relates not only to our onshore domestic affairs, but also the protection of Barbadian interest abroad where Barbados and other countries could, by inadvertence, be caught up in loss of one kind or other in relation to other countries and other installations which could prove easy targets.

Sir, when the Minister of Foreign Affairs speaks, she will do so in more detail, but I am satisfied that Ministry has taken all necessary feasible steps to ensure the protection and security of our staff abroad. In fact, the Barbados Investment and Development Corporation and Barbados Tourism Authority share offices with our Foreign Affairs staff and, therefore, it is of obvious concern to us, but I am pleased to see those measures have been taken.

Sir, this matter of the fight against terrorism and the way in which it is being approached also has some other important implications. Take the USA Patriot Act where, on the basis of this effort to fight terrorism, if for example, we do not take other measures to fight terrorism or the fight against money laundering, we could at the stroke of a pen, lose our ability to conduct basic international business. That, Sir, is a strategic economic objective imperative which this Government will ensure that we are able to protect our vital interest in this regard.

Sir, the only concern I have is the fact that the international development agenda has been sidetracked and focussed almost exclusively on the fight against terrorism. Sir, I would hope that, at a soon date, equal vigour would be given by international communities to matters ranging from the recently concluded Financing for Development Conference and the need to ensure that globalisation, trade liberalisation, democracy and the features of the new world, can be translated into growth and development, not just for a few but for all citizens of the world.

I would hope that equal international vigour would be given to the fight to reach the sustained millennium goal as set out in the United Nations Millennium Conference in which targets were set for the elimination of poverty, particularly as manifested as the school age enrollment, provide safe drinking water for the people of this world, to

remove from abject poverty the over one-third of people in the world who live on less than US \$2.00 per day.

Sir, these are matters which may not be overly visible to us in Barbados for, thankfully, we have gone beyond that, but any improvement in the overall economy of the world, any improvement in the poorer countries of the world, will result in the overall benefit to Barbados. It gives us a larger market into which to sell our goods and services. In addition to that, as human beings, we can never consider ourselves as being wealthy and secured when anyone within the brotherhood of mankind in which we live is living in abject poverty.

Sir, I want to urge international communities to recognise their responsibility to have a global approach to this global phenomenon. Also, to make the same level of commitment to the other aspects of the international agenda and to recognise that the matter of international security must be approached from a very broad base.

Sir, I remember our Prime Minister, the Right Honourable Member for St. Peter, making his speech at the Quebec Conference, which would have been the follow-up to the Summit of the Americas Meeting for Heads of States, the first being held in Miami in 1994. He essentially made the very strong plea for there to be a focus on human security. 3.20 p.m.

Human security as expressed not just in terms of protection against violence in the form of terrorism, but in terms of the fight against ill health through HIV/AIDS, related matters and the quest for human security as expressed in those very broad terms. I would simply want to urge the world to revert to that broad perspective on these international matters.

Sir, I want to support the Bill before us as Barbados discharges its commitment to the implementation of the conditions of Resolution 1373 and also to protect our vital economic interest, particularly as it relates to our continued ability to participate as a responsible member of the international financial community.

We are satisfied, certainly from my Ministry's perspective, that Barbados has nothing to hide, and that we have not been used as part of the international means for financing terrorism, and that from as far back in the 1970s we have had a jurisdiction for financial services which prides itself on quality, openness and transparency which have paid dividends. We can continue to pursue our objective as an international financial centre without being drawn into the web of terrorist financing.

Mr. Speaker, I am pleased to give my support to this Bill.

Rt. Hon. O. S. ARTHUR: Mr. Speaker, I wish to make a brief contribution to this very important debate. The Attorney General spoke brilliantly. She has given the House chapter and verse as to the purposes of the proposed legislation before Parliament and the way in which our support of this legislation will keep up within the four corners of constitutional propriety. It will also enable us to play our own small modest but still important role in the international struggle against terrorism in all of its forms.

Sir, this is a matter that was not on the Government's agenda of national issues when we assumed responsibility of this country affairs in 1994 and 1999. It is a matter that we would have wished not to have to bring to this Parliament, but it is a fact that we live in a world where the fight against terrorism is now a sad but important part of contemporary reality. This matter is here because we have to live in the world as it is. It does not mean that in living in the world as it is, that we like every aspect of the world as presently exists. While this legislation indicates a willingness on the part of this Administration to cooperate with the international community on matters such as the fight against terrorism, it is not intended to be taken to mean that we will do so uncritically.

We have on occasion, whether it was in the case of Shipriider or the OECD to take stands on international issues that were not popular with some people where, in our judgment, Barbados' best interests were being threatened by the course on which countries were embarked and initiatives that could have redounded to our disadvantage.

Sir, we will lend critical support, but in relation to the specific matter before the House, I want to say that while it is important that the international community should be focussed on the fight against international terrorism, it is equally important that the international community remains focussed on the fact that there is an agenda of developmental issues that have been articulated at a range of international Conferences going back over the last 20 years that also concern the welfare of man across the globe. We will continue to press the international community to carry out the purposes of the developmental agenda with the same alacrity and commitment of resources as is now being committed to the fight against terrorism.

Sir, long ago the international community committed itself to the fight to support sustainable development that was compatible with the environmental integrity of man's globe. We have had commitment by the international community to the reduction of poverty. We have had commitments by the international community to have appropriate housing for the

world, to the upgrading of women's rights and to a whole raft of matters that go to the meeting of the basic needs, particularly of the poor.

Sir, I stress the point that there is a danger in today's world with there being a uni-purpose, uni-factor global agenda which would have us believe that once we have dealt with terrorism that we have dealt with every thing that is to be dealt with. This is not the position of the Government of Barbados.
3.30 p.m.

We believe that there are other important global fights that are worth fighting and need to be won. In some respects, there has been a lessening of the commitment of resources to the other important global fights for the improvement of human condition to be commanding our support.

Mr. Speaker, I also need to say that while the Government of Barbados is going to collaborate with international and bilateral institutions in support of the preservation of global law and order, we are not prepared to do so in a manner that does not subscribe fully to respect of due process, nor are we prepared to do so in a manner that would enable foreign institutions to play an invidious role in our public affairs in a manner that will reduce our sovereignty or put us in collision with the due process of the law. We are prepared to collaborate with the international community across a wide range of issues to our mutual interest but with respect of our sovereignty and with regard for the due process of the law.

Sir, I am cognizant of the fact that we, as a Government, are already collaborating quietly with a number of institutions on matters of our mutual interest but we are going to do so always protecting our propriety with respect to our sovereignty and with regard to the due process of the law. Sir, this also has to do with financing and the potential role of foreign governments and financial agencies in the domestic affairs of Barbados. I need to use the Floor of this Parliament to make a few simple points, Sir.

I have been made aware that a Government agency, our Financial Intelligence Unit, has been collaborating with foreign agencies in the investigation of affairs of two Barbadian public officers. I now enter that as part of the records of this Parliament. One of our domestic agencies, our Financial Intelligence Unit, is collaborating with entities abroad in the investigation of financial and other affairs of public officials in this country. It is a matter that may have cross-border implications and that explains why there is a need for the cooperation with the foreign agencies.

Mr. Speaker, it is anticipated that the investigation will involve a considerable effort and a considerable paper trail

and paper chase as well. I say to this Parliament that the investigation is continuing. It has not been completed and quite contrary to reports that have been published without retractions, there is no report that has been prepared arising from this investigation recommending the pursuit of criminal charges against the persons involved.

Indeed, Sir, the matter does not fall under my portfolio. It is a matter that falls entirely under the Attorney General and the Ministry of Home Affairs, but I have been asked to be briefed about it. There is going to be no submission of a report to the Prime Minister's office. This is a matter that does not concern the Prime Minister's office or the Ministry of Finance.

Sir, I need to set this record straight from the Floor of this Parliament because there is a strong view out there that is being peddled now by an entire bankrupt Opposition, that there is a report recommending criminal charges that we are concealing from the people of this country. Mr. Speaker, others have gone to the extent of even seeking to imply that the Government has a motive to conceal because it may implicate friends of the Prime Minister and high officials in the Barbados Labour Party Administration. Sir, this is nonsense.

Mr. Speaker, it is nonsense, known to be nonsense by a bankrupt Opposition, because they know that the only thing that would not happen in this country is for the FBI to have a report in which criminal charges are recommended and that report be kept as a secret report from the people who are supposed to be investigating the charges.

Sir, this is the kind of life we have to live with in this country where we too could become the victims of a form of political terrorism led by a group of political gangsters and bandits, who have totally lost their way, and are presiding over a process of political anarchy in their own institution, and would wish to inform such a process of political anarchy on this whole society.

Mr. Speaker, I am saying that we are prepared to cooperate with institutions abroad but within the four corners of the law. Sir, all is lost in this country when you could have statements issued from the lips of the Chairman of the Public Accounts Committee that are intended to be taken seriously in this country, that an FBI should be invited into this country to investigate the accounts of the Government of Barbados.

Sir, if there was ever a clear case of a need for the resignation for the Leader of the Opposition, clearly that case now exists. We are now being told that there could be a basis upon which the sovereign integrity of this society could be undermined on the implication of the Leader of the

Opposition by an FBI being invited into this country to carry out an investigation into the affairs of the Government of Barbados.

Sir, it is an outrageous statement. If there is one person in this country who should not be calling for the assistance of any institution, local or foreign, to do any investigation of the Government's accounts, is the Leader of the Opposition. He is the Chairman of the Public Accounts Committee and that Public Accounts Committee has the responsibility to inquire into the Government's accounts. It can summon any files or any public officials to present evidence before it.

Mr. Speaker, on occasions when charges, fraudulently so, were issued to the extent that this Administration had purchased a few sugar factories for \$3 million in return for campaign financing, I issued a statement, in public, requiring the Leader of the Opposition to summon the Public Accounts Committee to hold public hearings at which I was prepared to appear and give evidence. I am still awaiting the Public Accounts Committee to meet on that matter, Mr. Speaker.

The Public Accounts Committee has not been meeting, not because of a lack of a quorum, but because there are those who would wish to use the device of a whisper to spread the loose propaganda rather than the truth to advance their causes in this country.

How can it properly fall from the lips of the Leader of the Opposition to say that there are things in the GEMS project that they cannot find out, when at the finger tip of all this, Sir, on August 25, 2001, the Honourable Member for St. John asked questions of the GEMS Project and answers accounting for seven pages of answers which were laid in this Parliament, laying out a full and comprehensive response to everything that he has asked.

Mr. Speaker, this is the first Administration in the history of this country in which Ministers of the Crown are required as part of their duty to lay before this Parliament the responses of their respective Ministries to any issues raised in the Auditor General's Report and also to give Parliament an explanation why the breaches occurred, further, to give Parliament a programme by which the breaches would be remedied.

It needs repeating, Mr. Speaker, that we hold ourselves accountable to this Parliament in a way that no other previous Administration has done. The Auditor General's Report is not only laid but there are specific responses by every Ministry to every query raised in the Auditor General's Report and a statement how the breaches would be remedied.

Mr. Speaker, the Honourable Member for St. John, as a Minister of Finance, was instrumental in establishing only two companies and they were companies under the Companies Act, private companies, that are not required to report to this Parliament. He has made a song and dance about the fact that private companies do not report to Parliament. This Administration now regularly lays in this Parliament the accounts of private companies owned by the Government, although we are not required to do so by law.

Sir, within the course of the last few weeks the Report of the Town and Country Planning Department was laid in this Parliament indicating the number of applications that have been processed and those outstanding, giving this House a full account of all of the decisions of the Town and Country Planning officers. In the last few weeks reports of every government revenue department giving a full account of their stewardship in a way never anticipated by law were laid in this Parliament.

Sir, last August, I told this House that we had to bring this country and this Government to a higher level of accountability. Even though the law does not require us to do so, the day-to-day working of the VAT office, Commissioner of Inland Revenue laid in this Parliament letting Members know how many matters were before it, and why it dealt with those that they dealt with and the reasons for not dealing with those that were not dealt with.
3.40 p.m.

He is now failing his Parliament and he is failing his country by now seeking to impose on us a nonsense that a sovereign society like Barbados can have an FBI come in here to investigate a government. Sir, it is the most shameful thing by any politician in the history of independent Barbados. One begins, Sir, to understand what was meant by those who left the DLP on the grounds that "this man does not have any moral minimum". Sir, he has made the Public Accounts Committee become something that was recognised by Samuel Taylor Coleridge as "idle as a painted ship upon a painted ocean".

Rather than use that Committee to seek the truth and the truth only, he would rather ignore the use of a public instrument recognised by our Constitution and spread lies and propaganda, as is his wont. Sir, I need to speak in this way because there are people who will hear this and believe that they can come to Barbados and act upon it. There will be people who will hear in this very dangerous age, where everybody feels that you can just justify everything in the name of the fight against terrorism, a Leader of the Opposition says, send the FBI to Barbados, and believe that they can come here and act on his nonsense. Sir, there are things that the FBI may eventually have to investigate, and the Member for St. John knows that I do not speak lightly,

but there are things they may need to investigate, but it will have nothing whatsoever to do with the affairs of this Administration.

The Members of this Cabinet and this Government are held fully accountable to this Parliament beyond what is provided in the law and beyond what is provided in the Constitution of this country. I am speaking, Sir, to a Parliament in an age that has been made dangerous by people who feel that you can disrespect due process, disrespect constitutional propriety, disrespect every known Convention.

Perhaps, Mr. Speaker, the disrespect for every known Convention and disrespect for propriety explains what has happened to the Democratic Labour Party, but it is not for me here to enquire into that purpose. I am saying only that we now live in an age where it seems that merely to say the fight against terrorism justifies every excess, and I join this debate to say merely that Barbados will be as strong as any other government, as any sovereign state in the world in the fight against terrorism, but we will do so by means that do not abridge the rights and privileges and the access to due process that the ordinary citizen of this country has come to regard as a birthright.

We will do so, but in a manner that does not prostitute ourselves in our relationships to other foreign countries and foreign institutions and we will do so by recourse to means that will allow us to build strong systems of governance rather than seek to cause others now to impose foreign obnoxious forms of governance on ourselves.

There is no role for an FBI in the investigation of Government's accounts when there is a Public Accounts Committee established by the Constitution of Barbados for that purpose. If there are those who have heard the member for St. John and have been excited by his nonsense, I am taking the Floor of this Parliament on this day to disabuse them of this dangerous impended intrusion into the affairs of a sovereign state and I have risen in this House, Sir, to make this short but, I hope, important contribution to this debate.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, this Anti-Terrorism Bill before the House arises directly out of the events of what is now referred to across the globe as 9/11-2001. We recall it, Sir, and this point must never be forgotten, that in the terrorist attacks against the United States on September 11 last year, Barbados was among at least 80 countries directly affected by those attacks. Do not let us forget that there were Barbadians who were killed in the bombing of the World Trade Center, five Barbadian nationals. We honoured their contribution to this country and to the United States in the memorial to them at that time.

Mr. Speaker, in many public statements which were made immediately after September 11 last year, the

Government of Barbados was very plain and explicit and unequivocal in its condemnation of the terrorist attacks, and we stressed that the use of violence could never be justified as a means for the settling of disputes, could never be a way to legitimise the taking of innocent lives.

Barbados, ever since its Independence, became a Member of the United Nations and the Organisation of American States. That Organisation will hold its General Assembly for the first time in Barbados next week. We pledged to cooperate fully with the international community and we have respected, acceded to and ratified many international laws, conventions and treaties, particularly those which speak to threats to international peace and security.

The Caribbean is seen as a zone of peace almost. We belong to a country where nobody ever comes to observe our General Elections, but we do not feel left out on that account. It speaks to the very high esteem in which the quality of our parliamentary participatory democracy is held. We hold in this Parliament – “we”, meaning the Members on this Side of this Honourable House, Sir – an overwhelming majority. There are 28 seats in this House and there are 26 on this Side and two on the Other Side. Not a very long time ago, Sir, there were 24 on this Side and three on that side. It is not as though this is a new experience for us. We see these wide swings. This is the voice of the people of Barbados and the people of Barbados have no fear for their democracy.
3.50 p.m.

The Prime Minister Arthur, Right Honourable Member for St. Peter, I well remember at the last General Elections in 1999, on the night when the people of Barbados visited upon us this high honour to continue to govern with this majority, said to the people, in perhaps the first statement that he was making, once the votes were counted and we were satisfied and the people were satisfied that their choice was well and truly made, that in the face of such an overwhelming majority, he would be even more consultative and participatory in the quality of our parliamentary democracy.

He and “we” on this Side, Sir, including yourself, as he who presides over this venerable Chamber, have held to our word. When Barbados gives its word that it will cooperate with the international community in respect of the myriad treaties and conventions, laws and so on, that word is respected and well regarded.

In this hemisphere, Sir, we have participated in meetings, our consultation of Foreign Ministers convened under the OAS Charter and under the REO Treaty. You will recall that the Leaders of CARICOM within weeks after

September 11, 2001, in early October met in the Bahamas in emergency session to address the far-reaching impact that the events of that fateful day would have on our sub-region.

Sir, out of that meeting came a pledge to deal with a number of events. Before that meeting the United Nations Security Council had already met and the now famous Security Council Resolution 1373 on September 28, had come into being. The Heads met and pledged that they would do everything necessary to respond to it. They met and decided on a pledge of national emergency measures, to help us to mitigate the immediate effects of the crisis. Do not let us forget that the two major planks on which our economy stands in services, tourism and international financial services, were much hurt by the events of September 11, 2001 and we are still feeling the after shocks of that in our economy.

Do not let us forget that there was a recession underway in the United States, even though it had not yet been declared, and that this Government had come to this Parliament at the end of August 2001, just a few days before September 11, 2001 with measures to counter it. Sir, we are always on the leading edge of events.

There were discussions among the Ministers of Finance of CARICOM on how we would assist ourselves in this region and how we would present our case to the International Financial Institutions, because many of the events coming out of September 11, required us to take steps which would have not only current, but recurrent expenditure and further implications for expenditure, in regard to certain anti-terrorism actions that we would have to take.

Some of those were legislative and the Ministry of Foreign Affairs and Foreign Trade, in very close collaboration with the Ministry of the Attorney General and Home Affairs has worked – and let me take this opportunity, Mr. Speaker, to thank those who work quietly behind the scenes, whom nobody knows, who nobody sees, late into the night, Saturdays and Sundays, to ready legislation and to ready other responses to this, particularly in those two Ministries, Foreign Affairs and Foreign Trade, and the Attorney General and Home Affairs.

Barbados, as a Member of the United Nations has always sought to honour its obligations to comply with the United Nations Security Council Resolution. Immediately following the passage of Resolution 1373, we took steps to form an Inter-ministerial Committee, under the chairmanship of the distinguished Attorney General, to review the status of our security and legislative framework with specific reference to terrorism and to determine what action we would have to take in response to the mandates of the Resolution.

I use the word “mandates” deliberately. There was a 90-day framework and I believe that the Honourable Attorney General has made reference to that, and a number of matters then spun out of it. So, we have been looking at the work coming out of that Inter-ministerial Committee. There were a number of areas in which we were already in compliance because, as I said, Sir, on a continuous basis, we have been honouring our obligations to the United Nations and other institutions of which we are a member.

In many instances, we have had to amend or to strengthen, as we are indeed doing today, the legislative financial and administrative framework arising out of these many Resolutions, Treaties and others.

Today is not any different or extraordinary in that respect. From time to time, we come here and we do that, but the impact of 9/11 was so enormous, it was universal and it is also important for us to recognise that this Bill has an immediacy for us because on the occasion of the General Assembly of the Organisation of American States next week, we hope that this Convention on Anti-Terrorism will become available for signature.

Mr. Speaker, the General Assembly of the United Nations which takes place every year in the month of September had to be postponed to November last year because of 9/11. As is our custom, and indeed our right across the Caribbean, and all of those countries of the world that are Members of the United Nations, Foreign Ministers sometimes, even Heads of Government will go to the General Assembly to speak on many issues and particularly whatever is the prevailing issue of the day. So you would not at all be surprised, Sir, that in the General Assembly of November last year, we all spoke to our several issues, but certainly everyone would have spoken to the matter of terrorism.

It may appear to be a little immodest but for the purpose of the debate, Sir, I want to quote, particularly, something that Barbados, through my mouth as its Foreign Minister, said at the last United Nations General Assembly. We made the point that 25 years ago, on October 6, 1976, the unthinkable happened to Barbados. I believe the Honourable Attorney General may have made reference to this but it is worthy of repetition. The unthinkable happened to Barbados with the terrorist downing of a Cubana Airlines flight outside of our territorial waters. I went on to say this, Sir, and I quote:

“Although the masterminds of that attack were identified and apprehended, they were never punished for their crime but instead they were encouraged to remain actively engaged in their campaign of terror”.

4.00 p.m.

Mr. Speaker, we share America's sense of outrage and determination to bring the perpetrators of the September 11 attack to justice. However, we must insist that there be zero-tolerance for terrorism, whatever its source for ideology. I am making that point to say this. In these matters, and particularly in this hemisphere of the Americas, the United States of America must be more consistent when it comes to these international conventions and treaties. The world understands their preoccupation at this time with terrorism but this is not peculiar to them.

We had our own experience of it. It happened on the day this Parliament was being reconvened after the General Election of September, 1976. I was a newly appointed Minister of Health but had not even yet gone to the office. I met the Honourable Member for Christ Church South in whose Chambers I had my Law Chambers coming down the stairs and I told him that a Cubana Airliner has gone down off Paynes Bay and I believe there is a massive loss of lives and ask him what I should do. He told me to do what I had to do. What I had to do was to preside over the return of the several body bags to Cuba and thereby hangs a tale.

Some 20 or so years later, we praised what President Fidel Castro, when he came for the event, described as a modest memorial to those who lost their lives. Some were Guyanese, a few were Koreans but the most were Cubans. That memorial stands there with all of the names of the victims and a few doves of peace inscribed on the face of the marble. I live in that part of Barbados and when I drive past, every now and then I may see a single flower, or sometimes a little wreath or a bunch of flowers which shows that somebody remembers and wants to make a little show of respect, so terrorism is not foreign to us.

We had our brush with terrorism in 1976 and we have a very immediate understanding of how devastating it can be and the horrors it can bring on innocent lives. I think it was only by the grace of God that the plane did not explode over Barbados and cause damage and possibly the lives of Barbadians, so we do understand.

Of course, it was very foreign for the United States of America to be attacked on its own soil, but the United States of America is not the entire world. In other places of the world there are awful atrocities that are happening on a daily basis. Nowadays on a daily basis, things are happening in this Barbados that the majority of us do not like.

Mr. Speaker, I am aware that there are Honourable Members who have some discomfiture with some aspects of this Bill. As other Honourable Members who spoke before me have said, and I have no doubt other speakers will say it, this is not something that ordinarily we would choose to do but this is the world in which we live.

So bearing in mind what I have said about October 1976, we know now that we are not immuned from

terrorism, that is why we find ourselves before this Honourable Chamber today with this piece of legislation which is designed to implement our obligations under the United Nations International Convention for the Suppression of the Financing of Terrorism which Barbados is a party to and to implement paragraphs one and two of the United Nations Security Council Resolution 1373 which was adopted by the Security Council at its meeting of September 28, 2001 which speaks to the prevention and combatting of terrorism.

Mr. Speaker, as a Foreign Minister, I do have some concerns. I heard other Honourable Members speak to theirs, about something I mention literally which has to do with the lack of consistency of our big neighbour to the North. The United States of America is our major trading partner and we must not fool ourselves about that. The United States of America is the most powerful country in the world. It is said now to be the sole super-power, that is the latest catch phrase, and we do live in the shadow and the influence of that mighty power in this hemisphere.

Mr. Speaker, I have said on this Floor before, I have said it in the Councils of the world wherever Barbados' business takes me, I will say it today and I will say it again and again, that we are at a place in Barbados where we are heartily sick and tired of being told by the developed world that we must do as they say but not necessarily as they do. 4.10 p.m.

Mr. Speaker, as the Honourable Member for St. Peter has pointed out a few moments ago in respect of the unwarranted and unprovoked onslaught of the OECD against Barbados, it was a nice thing to be vindicated, though we paid a high price for it. Nobody is going to pay us back for the human, financial and other resources invested in protecting what was a clean jurisdiction. We fought it out in other fora and we will continue to do that wherever we see the need arising. We have it now in the Ministry of Foreign Trade.

In the World Trade Organisation, in the Free Trade Areas of the Americas negotiation, in Europe, together with the African and Pacific countries, the Caribbean is told by the European – and it is always that same hardcore that you find in the permanent Council and Security Council. It is the same little hardcore that one finds in the Green Room process. It is the same hardcore that one finds in the World Trade Organisation. It is same hardcore which is driving the OECD.

They want to dictate to the rest of the world that we must do as they say but not as they do. We are being told in the trade negotiations and in matters to do with the

structuring of world trade that reciprocity is the order of the day. We have to be competitive. We have to lower and make disappear tariffs. We have to abandon subsidies. We are told that unless we do these things, we cannot be the beneficiaries.

Sir, we are in the process of amending our legislation to put new legislation on the books and restructuring our entire economy. At the same time the developed countries are mouthing these words, no country is more protectionist of domestic trade than they. The Europeans cannot get their common agricultural policy to work. The United States has just taken certain steps in respect of farm subsidies in respect of steel. There will be others which are openly, nakedly and unapologetically, protectionists. This is not the first time I am making this speech, for I make it all the time, but we have to go on making it until we are sick and partly tired of it.

Sir, we are making this speech in this House because we have an obligation to the international community to do what we are doing. We know it is in our wider good and strategic interest to do what we are doing, but it does not come easy. The United States would wish to point the finger at us and other poor developing countries like ours that are struggling to keep our heads above water, struggling for self-sufficiency.

We do not want aid, we want trade. We want free and fair trade like everybody else. They cannot be telling us to do that while, at the same time, even in these trade matters, speaking on conditionality which speaks to human rights, the adherence to human rights and observance to the rule of law. They cannot be doing that and, at one and the same time, have not ratified the Inter-American Convention on Human Rights. There is a long list, at least 15 or 16.

Sir, I remember in an earlier Administration the Law of the Sea Convention which cost hundreds of thousands of dollars for us to be constantly sending our law officers to Geneva on the Law of the Sea Convention. We fought to get the headquarters of the Law of the Sea in the Caribbean being located in Jamaica. Then, at the 11th hour and 59th minute, the mighty United States said "No", they could not accede to us. Another case dealt with land mines and the elimination of discrimination against women. What do we find wrong with that? They have found that they cannot come to terms with it.

Sir, I know they do not like it when I quarrel about the pollution of which the Caribbean Sea is the recipient. I have had persons writing all kinds of letters telling me what I had said was not that way but none so far has proven differently. All of the industrial sludge comes down the mighty Mississippi River and vomits itself into the Gulf of Mexico.

Mr. Speaker, I would advise you that anywhere you go in the Northern Caribbean to be very mindful about eating crustaceans. They are loaded with mercury, nitrates and other things that one does not want to put into the human system. What goes into the trans-boundary movement, particularly hazardous and nuclear waste, threatens us all in this hemisphere.

The point I am making is an appeal for consistency. One has to lead by example. One cannot continue to approbate and reprobate at the same time. To do that is not only deliberately sending the wrong message but also putting people in the position to say that if you can do that, then they too can do the same thing.

Sir, I hope that Members on both Sides and, indeed, all Barbadians, will understand the imperatives which drive this Bill before the House today and understand that Barbados is part of the international community. It is not something from which one can resile or resign. It is the way of the world. It is something that some of us can live with, while some of us do not want to live with. We make our rules and our laws. The function of this Parliament is to guard and to guide. Therefore, I hope this legislation will not only be legislation which will help to guard but will also help to guide, not only Barbadians but the rest of the international community to understand that we try to lead by example.

While speaking to another issue a while ago, the Honourable Member for St. Peter made this point. As Leaders sitting in the highest Committee in this land, we have this national responsibility that sometimes sits heavily upon our shoulders. We must be prepared to lead by example even in instances and at times where it is not the most fashionable thing to do, the most popular thing to do or the most readily obvious to people why we do what we have to do. Not only must we lead by example but we must be consistent and transparent in that example.

I commend this legislation to Honourable Members and I am much obliged to your Honour.

Hon. R. N. GREENIDGE: Mr. Speaker, I want to make a short presentation to this Honourable Chamber.

Indeed, when I read this Bill, my first impression was that certain sections of this Bill were draconian in nature. I then thought that perhaps it is so mainly because the incident which brought it about was, in itself, draconian.

Mr. Speaker, if you are part of a global family, then I submit that you cannot fault this legislation. If you believe that terrorism is wrong, then as a country, you have no alternative but to put measures in place to bring terrorism to an end.
4.20 p.m.

Mr. Speaker, we live in a world where every single terrorist action hurts someone and we in Barbados cannot stand idly by and support genocide. We believe that the children of this world must be raised in peace, in a safe environment and that they should not have to be constantly looking over their shoulders to see where the next bomb is coming from.

Mr. Speaker, this is not a happy piece of legislation but it is necessary and vital. It is indeed unfortunate that we are forced to have this legislation at all because it is an indictment on the society and the world in which we live. Just imagine that it has now become necessary for us to protect civilisation by anti-terrorism legislation. Sir, our great grandparents could never have anticipated this. When a man can decide that he will blow up and kill innocent people and that in order to do so he will blow up and kill himself in the process, then this is a different kind of warfare and mindset that we are dealing with.

Mr. Speaker, as already indicated, there may be those among us who may consider this legislation to be coercive or bullying, that the United States of America are compelling us to "get on board" or else be blacklisted and, Sir, I quarrel with no one for holding that particular view. I will, however, say that terrorism is a reality because Barbadians also perished and died in the World Trade Center and we have to constantly keep that in our focus and remain practical as a nation.

Mr. Speaker, we are part of a globalised world that is under the threat of terrorism and it is nonsense to think that this threat is going to easily go away. The Honourable Member for the City reminded us of the Cubana Airways disaster in 1976 which some of us vividly recall so we in Barbados have experienced terrorism before September 11 because we had a real example of terrorism on our own doorsteps. They may not have been aiming at Barbados *per se* but Barbados was virtually used as the battlefield and the startling reality is that it can happen again. Sir, it is usually said that tourism is our business and it can also be said that terrorism is our business and we have to play our part.

Mr. Speaker, the Bill is actually saying in a nutshell that we should get rid of the money which fuels terrorism because it is the funding of terrorism that is at the core of a lot of the international gangsterism going on in the world today.

Sir, I want to state boldly that I do not believe that there are any Barbadians involved in any terrorist activity anywhere in the world, but in Barbados we must be on the lookout for those non-Barbadians fronting for terrorists and who would do anything for the almighty dollar.

Mr. Speaker, one of the ways in which Barbados can help as a small country is by sharing information and intelligence concerning those suspicious accounts which we believe are being used to undermine and destroy the stability of this world. Sir, even though the Bill offers some comfort, there will still be some very well hidden and unsuspecting accounts which will escape scrutiny.

Mr. Speaker, an account that fuels terrorism needs not be a large account. This point should be made to this Honourable House because the terrorist that blew up the World Trade Center were not affluent people. They lived in cheap apartments, did not wear flashy clothes and purchased cheap one-way tickets. A terrorist act is not necessarily an expensive act and an account with a million dollars is not needed to repeat what happened on September 11. Small innocent looking accounts can get away and are not always easily detected.
4.30 p.m.

It could be hidden in what could be described as charity accounts opened by terrorists to facilitate their plan. Sir, you have to remember that these sums of money do not have any labels to them. There are no red flags or alarms to go off around these accounts. These are very modest accounts but they can undermine the stability of this world.

The money can also be in the names of individuals, innocent looking accounts. I have no doubt that some very innocent individuals living in the United States of America have had their hard-earned money frozen. I believe that there are persons in the United States of America who are declared and are treated as terrorists simply because of consanguinity and because they have similar Muslim names. I saw on Fox News this morning that there is a certain Mohammad Atta, the same name as the mastermind behind the September 11 incident, who is experiencing horrors because of his name.

Sir, I have no doubt that these things will happen. We have to remember that in the United States of America, if you are deemed a terrorist by executive order, your assets can be frozen. As long as they make up their minds that you are a terrorist, that is final.

Mr. Speaker, even though, to some extent, this Bill permits us to deprive an individual of his property, I still urge its support. My call for support is based on the fact that the Bill ensures that there is due process that there is a conviction before an order for a complete deprivation is made.

The Honourable Member for St. Michael North East, as she presented this Bill this morning to this Honourable Chamber, was very careful to say that there will be no

forfeiture unless the person has been convicted. I think that is the saving grace in this Bill and I agree with that.

Mr. Speaker, in Barbados we cannot and we must not be too hasty to criminalise people. If you are criminalised in a large country like the United States of America, you might be able to move from one State to another and will still be able to stage a comeback. If you are criminalised in a country as small as Barbados that could very well spell the end for you. Therefore, I agree that before you deprive someone completely, you should have a conviction first.

I have to commend the Honourable Attorney-General for insisting that due process be taken into account. I think that we can hold our heads up high because of what we have done in this regard and we can say that we have made this Bill as palatable as possible to the Barbadian legal culture as we possibly could. Sir, it is the best that we could do in the circumstances.

Mr. Speaker, Part IV of the Bill deals with the question of jurisdiction. The Bill indicates that we can commence proceeding here in Barbados against any person who has committed an act of terrorism against a Barbadian, Barbadian property or anywhere around the world. As you read this piece of legislation, you will realise what is being done in that provision. You will realise that this is not just a piece of domestic legislation but it is part of an international response to terrorism.

The Bill also shows the changing of jurisprudence. This Bill in some instances runs counter to some of the things that we have in our Constitution and some of the things we were taught at Law School. One of the things that we were taught at Law School is that a man has the right to use his property for his personal use and enjoy it and that you should not deprive an individual of his property. Sir, remember that even in the 8 per cent case we had in Barbados, the question to the right of property was argued.

Mr. Speaker, you have to realise that this Bill is about the freezing of assets and accounts. Therefore, a message could be sent that a man's property is no longer sacrosanct. The new jurisprudential point which has to be made is that we have a right to protect the State and life, even if we thread on the fundamental rights of an individual, including his right to property. I think that is the new jurisprudential point that is coming out of this particular piece of legislation.

I want to make the point that the rules of armed combat, by that I mean those rules which were drawn up after the Second World War which now form the Geneva Convention, spoke to the manner in which one country should treat another country's prisoners of war. I believe that

those rules are fast becoming an anachronism. Those rules applied when two States confronted each other. Sir, right now in the United States of America a soldier is suing the Iraq Government because he thinks that he was mistreated as a prisoner of war. The point I am making is, today the style of fighting has changed, the style of fighter has changed and the type of prisoner of war has changed. Today the damage is being done by groups fighting underground and it is a group attacking and killing innocent people who have nothing to do with the war.

Mr. Speaker, in a traditional war, soldiers fight against soldiers but we now have the al-Qaida killing innocent people. I always wonder if lives were saved when the plane crashed in Pennsylvania on September 11 and among those saved were some of the terrorists, if the treatment they would have received as prisoners of war would have been humane treatment which the Geneva Convention espouses.
4.40 p.m.

Mr. Speaker, this is the same way as in war. If you hide or you harbour, if you facilitate the enemy, you are considered guilty of the most heinous crime so that if you know what is going on where a terrorist is concerned and you do nothing you are considered to have aided and abetted the enemy and, therefore, you face the consequences.

Mr. Speaker, I close by saying that our responsibility as a country is to minimise the terrorist threat and by extension promote world safety. I have no problem whatsoever in supporting this Bill which is clearly aimed to do just that. I think that we have to stop tip-toeing and we have to stop espousing these very puffy academic arguments when the reality is so very clear and so very unavoidable. Sir, I think that when we see something in which we believe that we must not be timid in saying that we support it and that is exactly what I am saying about this particular piece of legislation.

I am obliged to you, Sir.

Mr. D. St. E. KELLMAN: Mr. Speaker, I rise to speak on this Bill and from the outset to say that I will be supporting this Bill. When I consider what occurred after September 11 and the effect that it had on Barbados, it is quite important that small countries like Barbados which depend on the United States of America recognise the importance of this Bill.

We also have to recognise that a foreign policy of "friends of all, satellites of none" must be continued in this country. That particular foreign policy has worked well for Barbados when we continue to follow that policy, instead of aligning ourselves to particular countries and picking up an

agenda on behalf of other countries. We, in Barbados, would recognise that we need to speak our minds when we see wrong and we need also to speak our minds when we see the right things occurring.

There is no doubt, Sir, that it is easy for one to have all sorts of negative comments about the United States and it is easy for people to use that as the whipping stone, but one must recognise that at the end of the day it is that particular country that we run to. I am not saying that because it is the country that we run to that we should abide by everything that is said and done by that country.

We also have to be very careful how we set our foreign policy trying to protect the interest of other people whose self-interest is very much an agenda item, because when that particular country receives what it wants it will dump Barbados. We have to be careful that we are not seen as pushing a case for someone who is just using us. We have witnessed how people can easily be used and it can also occur with countries. We have to be very careful that we do not fall into that trap.

I want to make the same point that I made when we discussed the Money Laundering Act, that we have to be very careful as a small country how we allow globalization and all its trappings to get us caught up in world affairs even though we need to make sure that those who represent us at the United Nations stand up and allow their voices to be counted. Our ambassadors have to understand that on issues like these they need to come home and take their brief and speak on these matters to make sure that the voice of all Barbadians are heard in those sittings. Sir, a lot of people believe that because we are a small island that our voices should not be heard. I disagree with that particular premise.

We also have to understand that in implementing all of these new acts and passing them that there is going to be a considerable cost to our economy and, as a small economy, we have to look at the cost which will impact on our economy by implementing these particular provisions. I am calling on the Government of Barbados to use their representatives to tell the UN body that a lot of these things we are doing are for them and all they are doing for us is increasing our costs. I hope that the Honourable Member for St. Michael North East, in whose name this debate stands, will deal with this particular matter as it relates to cost in implementing these particular measures.

There is no doubt, Sir, that to implement this there is going to be a severe cost for a small country like Barbados and I am saying that seeing there is going to be a severe cost that we should be able to recoup some of this cost from the UN. I am not begging for alms. I am saying that we are

supporting a measure that is of international good and as a small economy, it is going to have a negative effect on our economy that we have a right to have a piece of that vote from the UN. to write off some of the cost that this will incur. This is not just a simple matter of passing this through Parliament. It is going to have a severe impact on our economy to manage and protect this particular amendment. It is not just coming to Parliament and passing it. The cost incurs when you have to police it.

This is a matter which I would have thought would have been raised in this Parliament, because the same way that we have to try to police the Money Laundering Act, and there is a lot of money involved in policing that, when you add this, you will understand why I have taken the stance on globalisation. As I can see it, Sir, globalisation is an increase in cost to small nations while at the same time not having the opportunity to have fair trade. It is very important, Sir.

Here in the Caribbean we are being told that we must open up our markets to everybody and not allow subsidies to our farmers but we have seen a situation where the subsidy in one country has been increased from \$30 billion to a projected subsidy of \$100 billion but in our small country of Barbados when we speak of food security we are not practising the same policy. In other words, we do not understand the importance of food, especially in a terrorised world.

I hope the Honourable Member for St. Michael North East will speak on the additional cost and how it will impact on our economy and what we intend to do to recoup this cost so that Barbados will not see the implementation of this Bill as a negative effect and that we will be carrying the bag for the G8s and G7s while we are "scrutning" in a small country like this. I do not think a lot of people understand the total effect of passing a Bill like this. There is a cost attached to it. We also have to be careful when we "lie down in bed" with people that it does not have a negative effect on us.
4.50 p.m.

Asides.

Mr. D. St. E. KELLMAN: I am saying that we have to understand that as a member of a small nation group, Barbados must allow its voice to be heard in such a way, Sir, that it must continue to give guidance to the small nations. We must not allow ourselves to be siding with any one country but when we speak, we speak on behalf of all the small nations, so that we would not be caught between the middle, and that it will not appear as though we are speaking on behalf of any one country, but that our foreign policy will be so clear, that everyone understands exactly what we are saying.

It is no doubt, Sir, that stances taken by this country – as it relates to the OECD – and many people have taken the claim for it – and I do not mind giving up the claim, even though in March, I started the debate and continued it in the Bahamas...

Asides.

Mr. D. St. E. KELLMAN: This is a bit too high for you, because you know that even your tourism policy has to come from this Side.

I am saying, Sir, that we have to understand that globalisation, as it stands now is not as good as we think it is, and the Moon Town philosophy is that localisation keeps jobs in Barbados and globalisation causes jobs to be over. I am hoping that we understand that this is only part of a process that was started, Sir, when the IMF, the IADB and the World Bank were set up.

Sir, they were set up for a particular reason. Then, you had the WTO and now you have the OECD. You then had Acts being put on you like the Money Laundering Act and now today, the Terrorism Act. I am saying, Sir, that even though we have to support them, we have to tell the players who are asking us to come on board, that there is a cost. If they want everybody within the world to come on board, they have to recognise that cost. It cannot be seen as if we are begging for aid, because the simple reason is that we are doing them a favour, and all they are doing is compensating us for what we have incurred. I hope that when Barbados puts a case for expenses incurred in implementing these particular Bills, that somebody will not accuse the country of Barbados of begging for alms. You have a right, Sir, to put a case on behalf of the citizens of Barbados, because I do not think it is fair for the citizens of Barbados to have to pick up this particular intervention by the Government, by implementing this particular Bill.

It is an international cost and it must be seen not only as an international Bill. The cost associated with it must be able to be cost, and put back into our Treasury of Barbados. It involves many sectors, Sir, and many people will have to police this particular Bill when it is passed in our Parliament.

As I said earlier, Sir, we must put a case for the amount of money spent in implementing and policing this Bill. It is not only implementing it, Sir, it is the policing of it. We also have to understand that it is easy for us to go and agree at the United Nations Security Council to many Resolutions in the interest of the world, but we also have to understand that we must put a clear case.

We cannot afford to wait until it gets to this Parliament then for the Minister to get up and put the case. The case

must be laid at the United Nations and I hope that the person who spoke on behalf of Barbados, would have been given certain facts to put before the United Nations, before the Resolution was passed by the United Nations, and that we are not dealing in a situation, Sir, where as a Parliament we are now speaking to it and then we would brief the person who spoke at the United Nations.

In light of all that, Sir, as I said, the most important thing is that it will be supported, and we should continue to practise the foreign policy, “friends of all, satellites of none” and that the cost associated with implementing this Bill and policing this Bill, will be recovered by the Government of Barbados from the United Nations, or in whose interest this Bill is being passed.

I thank you, Sir.

Hon. Dr. R. L. CHELTENHAM: Mr. Speaker, the Leader of the House and the Honourable Attorney-General, walking us through the provisions of this Bill, and putting it in its proper context spoke with force, clarity and with the obvious grasp of mastery of the subject matter. I commend her and I am proud too, Sir, of the stance taken by this Barbados Labour Party Administration on this matter.

I think I need to begin by reminding the House and the wider public that will be listening to us, that as a Member of the UN system, Barbados had no choice but to implement the Resolution of the Security Council with respect to combating terrorism and putting a legislative framework in place against the financing of terrorism. All of this took place following the events of September 11, 2001 of which we are all aware.

Many countries, in giving effect to Resolution 1373 of the UN Security Council, put on their Statute Book Acts which, even on their surface, collide with their human rights provision and here in the region, some countries have followed the provisions of the United Kingdom Bill.

In the United Kingdom, there is no written constitution, even though there had to be increasing concern with the Treaty of Rome and its concern with human rights. In those countries which have copied the UK Act, it is felt by many, that the provisions as worded, obviously invite some constitutional challenges.

The Barbados approach has been very different. The Government has insisted that whatever is to be put on the Statute Book, such as we are discussing today, had to be in conformity with the Constitution. That was the first requirement. The second insistence was that there will be a large role for the court and that role is located in the Bill.

The Government had the option, for example, of writing into the legislation, that in circumstances in which it was necessary to freeze assets, that that is the result of an executive order, rather than a decision of our High Court. We rejected the option of executive order and insisted that our court, which we have large respect and have always had large respect, should be the one to determine whether a case has been laid out to freeze and later to confiscate assets. 5.00 p.m.

Thirdly, we insisted that the requirements of due process had to be protected and that the rules of natural justice had to be honoured. Even if there was some evidence that a terrorist was before the courts, he had to be given the right to be heard, be told what the case against him is and given every opportunity to be defended, even out of the assets which were frozen, if that was the only way in which he could pay for his defence, so the Bill makes provision for funds to be made available from the frozen assets to pay his counsel.

We went about the exercise by insisting first of all that there be a study on how these many new provisions could be put on our statute book without destroying our way of life or offending our constitutional provisions. After that, a high-powered committee was put in place to review the draft provisions, to make recommendations, cause refinements and ensure that our principal objectives were realised. The entire parliamentary party was convened and given an opportunity to comment and to play its part to the restructure and the wording of the Bill before it was brought to this House.

The result is that we have a Bill before us which was made necessary by the events of September 11 and our membership of the United Nations system which has been carefully studied and drafted which has struck the right balance between the protection of the Constitution and our attempt to combat terrorism and to cut off any source of finances that there may be in our country.

It was important, Mr. Speaker, that we adopt that approach because Barbados has a name we need to protect and a pride to maintain. Barbados is increasingly regarded as the best-managed black community in the world. Everywhere I went in the last five years, I heard that. For years we used to hear of the Singapore development model. We no longer hear of the Singapore development model but we hear increasingly of the Barbados model of development to small countries anywhere and everywhere in the world.

Barbados is regarded as one the freest countries of the world. We have a way of life which is the envy of many and we have a responsibility to protect and maintain it. It was necessary, therefore, that while giving expression to the

Resolution of the United Nations Security Council which was mandatory on us, that we should do it in a way which reflect the good sense and the maturity which we often display which was consistent with our Barbadian way of doing things. It was a tight-rope which we had to walk. It was a delicate balancing exercise which we had to undergo but I think we have done it well and we ought to be proud of what we have done.

I will make one point, I am not sure if it was made in the House today, that is, that this Bill which would soon be the Law of the land should be revisited from time to time. Some of its provisions are tough and had it not been for September 11 and the events that follow, it would not be on our Statute Book. We should review the legislation from time to time and see what is our experience of the legislation in action and whether it may be necessary to subtract any of the provisions therein from time to time.

I want to make the point as well which was made very effectively by earlier speakers which I think bears repetition, which is that we cannot fight terrorism simply by passing legislation. We must use tools other than the Law in order to address the evil of terrorism. That is what the development agenda that has been on the table of the international community for the last 25 to 30 years is about.

We live in a world as we enter this new millennium in which there are severe tensions. There is a large divide between the rich and the poor with that gulf growing. There is much alienation and much despair among two-thirds of the world's people. We have to address the problems of acute poverty, of substandard living, of alienation and the abuse of human rights.

These are the issues that must be addressed because in many respects they are fundamental causes of terrorism. We live in an unfair and unjust world and if its unfairness and its injustice cannot be addressed in a rational way, then there must be resorts to violence and terrorism.

We also live in a world which, fortunately or unfortunately, there is now only one superpower. The United States of America is increasingly dictating the shape of the agenda of the global community and we have correctly read it. When we listen to the Americans, the President, the Secretary of State, all the members of the Cabinet and the public officials who speak in the name of America, one gets the impression that the twin issues on the agenda on the international communities are to cut off the resources of the financing of terrorism and destroying terrorist cells wherever they exist in the world.

No one wishes to minimise the serious threat that terrorism poses both to the well-being of people who

experience terrorism and to the stability of a country. Those of us who have had the opportunity to travel through some of the war-torn countries of Africa, walk away with the clear unmistakable lesson that war is the absolute enemy of development.

Equally, I have no doubt that terrorism, if not checked, will destroy development in many countries and undermine the well-being and the peace and security of the people in those countries, so terrorism must be fought. It would be utterly wrong for the Americans to get away with forcing development issues off the agenda of the global community and crowding that agenda with issues only of combatting terrorism and the financing of terrorism wherever terrorist cells and terrorism exist.

5.10 p.m.

Mr. Speaker, we have to fight to ensure that the agenda for sustainable development is being graded into three things: social development, economic development and management of the environment. With these three things contributing to what we call sustainable development, we have to make sure these three issues remain at the centre of the agenda of the international community, and that the developed world be motivated to lend its commitment to financial resources, to ensuring that those issues are addressed.

Sir, this millennium started on a very high note. You will remember there was a Summit on Heads of Government in New York in which they committed themselves to reducing poverty by half in the year 2015. That decision has several implications. One was that the level of official development assistance would have to move to \$100 billion. Both America and those at the Millennium Conference said they would give an additional US \$5 million given the events that had happened. It is clear that those targets were not to be realised because America has been showing a lukewarmness in the Conference on Sustainable Development that is supposed to take place in Johannesburg, South Africa within the year. Already the signals coming from the Americas are signals of lukewarmness.

There was the Conference in Monterrey, New Mexico a few weeks ago that had to do with financing of these development issues and development challenges in the said States. The only thing that came out of that was a commitment of finance to problems in South Africa. No other area of the world was mentioned. Coming out of Monterrey, we have a new acronym being born – NEPA (New Economic Partnership for Africa).

Sir, we must not misread the atmosphere and the environment in which we operate. It is clear there is no

serious support for financing the development in the many areas in which development is needed. Sir, the pernicious diseases and HIV/AIDS are probably the best known issues that need be combatted in a very serious way but sustained efforts are needed to combat HIV/AIDS across the world, particularly in sub-Sahara Africa.

Traditional diseases like hypertension and cancer also need a new assault. Too many people are living in substandard housing conditions, or no housing at all. Too many people have no access to running water. Too many people in the world cannot look forward to a life span beyond 45 and 50 years. There is too much unemployment in the world, which is chronic in many parts of Africa and in other areas. There are too many children that have born and died without being able to read or write, without securing a minimum degree of literacy. These are issues that we have to address and to put right.

We have to make sure that the Americans are prevented from clouding us with this development issue and causing the world to focus only on combatting the financing of terrorism and destroying communist terrorist cells wherever they exist.

Sir, Barbados is well equipped to lend its voice and to give relief in insisting that the Americans respect that the agenda must have rules to these issues of sustainable development. After all, it was Barbados who fought the United States of America on its Shipriders' Agreement. It was Barbados who took the lead on the OECD when many others thought we had lost and that we should have waived away our rights, like many others in the region.

It was Barbados that has had to fight over the years and insist that though we are small in size, we will not easily allow our pride and our sovereignty to be trampled upon. Barbados is well-equipped in fighting its battle, in mobilising support in favour of ensuring that issues such as terrorism and terrorism related issues are put on the agenda of the international global community.

America has not been a good neighbour in recent times. By "neighbour" I mean in the broadest sense. They have been insensitive in not taking into account the problems and concerns of others when contemplating their initiatives.

The recent Farm Bill that has been put on the Statute Book in the United States of America is regarded as nothing short of being iniquitous, as the most damaging Bill of its sort in the history of international trade. The Bill, for sure, destroys property production across Africa and we in the region are wrong to believe that it will not affect us too because up to 80 per cent subsidies have been given to the

production of certain items which mean that our efforts at increased food production in the region are likely to be severely and adversely affected.

Sir, Argentina and Brazil have been forced to take the United States of America before the WTO court, if I may so describe it. The European Union countries have them there already in relation to their unilateral action on steel. Japan has them before the WTO court in relation to several other items. It is clear that notions of good neighbourliness that, at least in the past, they used to give expression to it in their rhetoric.

Mr. Speaker, you no longer hear the doctrine of good neighbourliness, as is required in the Roosevelt Doctrine, the Marshal Plan and the Point 4 Programme under President Truman, the Alliance for Progress, under President Kennedy, the Caribbean Basin Initiative under President Reagan, and in more recent times, the Third Border Initiative.
5.20 p.m.

There were Alliance for Progress under President Kennedy and the Caribbean Basin Initiative under President Reagan but, in recent times, America is showing insensitivity with its refusal to come 'on board' with the international court for criminal justice, its failure to sign the Convention on Global Warming and its failure to sign several other civilized Conventions. This reflects the tendency of America to be other than a good neighbour and to want to dictate the agenda regardless of the implications and the impact on other countries.

Mr. Speaker, many countries in this region and around the world are afraid to utter the thoughts that we are having in here today but it is to our credit that we have the courage to stand up, as we have always, and express clearly and forcibly how we think and what we think on these matters.

I know that our Prime Minister is highly respected in the international community, has led the fight for vulnerable small countries, and is well-equipped to carry the message to the many forums of the international community.

We cannot allow America to push these sustainable development issues off the agenda, dictate and dominate the agenda only by issues of terrorism, the combating of the financing of terrorism and destruction of terrorist cells wherever they exist. These are important, but other issues are equally important, and arguably more important, because they may be seen as the root causes of terrorism. We must continue to put this matter in proper perspective and allow our voices to be heard effectively in the many forums of the world where this message needs to be spread.

Mr. Speaker, I am indebted to you for your signal that my time is up, but I thought that this theme which I am

addressing, which has earlier been addressed, is worthy of repetition and should be heard again.

Mr. Speaker, I thank you.

Hon. N. A. LYNCH: Mr. Speaker, I want to add my own words to this vitally important debate which I believe has much relevance to our socio-economic future. I want to begin by giving kudos to the Minister for piloting this legislation. I also want to add my commendation to the Attorney-General for the skilful and articulate presentation given this morning in relation to this legislation.

I want to compliment the Minister for the alacrity in bringing this legislation in protecting and looking after our vital economic interests and also in complying with the international regulations which have far-reaching implications for our future as a country. I also want to compliment the officers who contributed and worked on the legislation.

Sir, in giving my support for the Bill, any practising politician or student of political science would have to admit that the way in which the Bill is put forward raises a number of questions in terms of our country and the future of the world as it relates to small developing countries like ours. Sir, these questions are: Are we truly protecting our vital interest in terms of our support for the Bill? Is our sovereignty truly being maintained as we give support to this legislation and other pieces of legislation mostly piloted by the only remaining superpower in the world? Are we, in effect, by passing this legislation, actually tightening the screws on ourselves rather than loosening the screws in many aspects of our development?

Sir, in giving my support I still have some discomfort with some of the issues in the Bill and the serious implications they may create for us in future.

As the principal steward of a Ministry, I must admit that our economic interests are important and vital and must be protected. Therefore, at the same time that we seek to protect these interests, we must be careful that we do not erode the work done that has built us a good reputation in the international community and that we are not putting sectors like international business and tourism in jeopardy. I will expand on this later, Sir.

Sir, none of us expected to pilot a Bill of this nature today. I wish to say from the outset that we abhor the acts of September 11. As a matter of fact, all right-thinking Barbadians and people across the world must abhor the incidence of September 11 and terrorism in all forms, but

the world's developmental debates cannot be reduced to terrorism alone. There is much in the world that needs to be on the front burner when we speak of issues of development, particularly as they relate to small developing countries like ours and other lesser developed countries. Sir, HIV/AIDS is a fundamental issue which needs now to be put on the front burner.

There are ecological and environmental issues that must form a part of the world's developmental debate that are not being dealt with in any forum. There are issues relating to poverty, drugs and drug trafficking and a number of other developmental issues that provide the genesis for terrorism in the first place that are not being discussed and these become important as we seek to look at the root cause of why there is terrorism in the first place.

5.30 p.m.

Sir, I am aware that there were many lapses in the United States Security and Intelligence system and there are many debates going on in the United States of America raging over whether there was prior knowledge of the incident of September 11. When we get to the root cause why there is terrorism or why the provisions of this Bill have become so important, it is obvious to me that the United States needs to do some introspection as well in terms of their own foreign policy.

Sir, people are beginning to critically assess the United States foreign policy and even create hatred of the US. Sir, they do not hate Americans but, seemingly, they hate their foreign policy. This is not only in the Far East or Africa where there is pitiable poverty and systems of under-development, this comes about as a result of the actions that the United States of America has been piloting across the world.

Sir, many of the conferences that relate to globalisation, for example, the WTO Conference which was held in Seattle, and the protests that were held against the institutions that were involved in that Conference, one clearly understands why these issues are with us. There was an incident in Quebec City where the Summit of the Americas was held and recently the visit of President Bush to Germany. Again, there were protests against the United States of America. Sir, when thousands of people are marching against a Leader of a particular superpower, and these are not people who live in abject poverty and who are under-developed, it tells us that the United States needs to look critically and seriously at their foreign policy and bring a number of issues into the midst.

The issue of global wealth and whether or not it is reaching the people that need it most, and the fact that they have become the world's police for everything that goes on

– the United States of America has been able to create a system where they would have a trade embargo against Cuba for issues relating to what they refer to as atrocities being committed in Cuba, but they would then give first-world trading status to countries like China, when, supposedly, there are worse incidents that happen there than in Cuba.

I believe that this Bill is a Bill that we need to support but, at the same time, we need to be aware that the Bill does not set us back in terms of our sovereignty and the development of our country and the Bill does not create avenues for abuse and its implementation.

There are some political issues that need to be spoken to. We do not want to be brought to the age of the "McCarthyism" where people openly abuse and use pieces of legislation to take advantage of people and to create witch-hunts. Sir, Joseph Raymond McCarthy, most Honourable Members would know who he was, created a stir in the late 1950s in the United States of America where everyone could have been branded as Communist. This action interfered with the State Department policy of trade and harm was brought to innocent people in the name of a witch-hunt in terms of Communism.

Sir, we do not want this country being able to use this particular piece of legislation to harm innocent people. This is a country that literally took charge of regional policies relating to the Shiprider Agreement and the OECD, therefore, we have a perfect record in terms of being able to meet our international obligations. There is a thin line that exists between these acts of terrorism and acts that can be constituted as political acts. Sometimes I wonder how we would consider in this age of terrorism freedom fighters like Nelson Mandela. Where would he have been brought into the midst in trying to create a better base for the people of South Africa? Where would he be stacked up in a Bill like this?

Sir, I think we have to be very careful where we draw the line between political acts and acts which can be constituted as acts of terrorism. Therefore, we have to be the stewards of the legislation in a way that we constantly monitor this piece of legislation. The Act must never be seen as an open invitation to abuse and it should be subjected to an annual review.

There is also a need for us to continue to show regional leadership and to speak with people of our like-mindedness and people who want to comply with all these regulations which are set up by the FATF and want to comply with the United Nations Resolution 1373, people like us who have always complied with their international obligations, people who have proper systems of governance and people who understand that their national sovereignty is important, therefore, we need to band together with people of like-minds in terms of the pursuit of these economic causes.

We have always been a country that has looked at these issues and seen them at work. The existing world war is one that is more exploitation in great measure. The world is full of poverty and more people are living in poverty. People are believing less in the statements that come from international organisations and the promises that come from them. The organisations that implement the issues of globalisation are based on a series of gambles.

Sir, a hundred times more money goes to speculative activity than it goes into actual trade and development. Sir, 75 per cent of the world's population still live in under-development; 1.2 billion people live in extreme poverty and the development of the richest nations is 75 per cent more than those of the poorest nations.

If we intend to move ahead and get to the root cause and cure the issues of terrorism which cannot only be reduced to implementing policing and laws but laws that must be subjected to a wider range of consultation than we are doing now, for true sustainable development to take place, more resources are required than we sometimes want to admit, and a more farsighted vision is necessary for this world.

I believe that in every forum the interests of the most powerful countries always seem to prevail. This particular issue of wealth exposes a need for us to speak to issues of parliamentary reform in Barbados. I believe that a Bill like this needs to be exposed to a Standing Committee system. For example, if there was a Standing Committee on issues relating to finance, this Bill could have been subject to this kind of committee where experts and lay persons need to contribute more to the Bill.

I am giving my support to the Bill relating to the issues that we need to monitor this Bill on an annual basis. We need to continue the fight for reform of the United Nations and its systems, particularly issues relating to the Security Council where all of us need to have a say. I support this Bill in the expectancy that this will happen and we need to subject ourselves to ongoing debate and consultation.
5.40 p.m.

I believe we can have a better world than the one in which we live, but the currency speculation that goes on in the world must come to an end, and we must put more resources in the hands of United Nations agencies that go directly to the root cause of where terrorism is, in the first place, and I believe that it can be done if we, as regional leaders, continue to pioneer the fight for issues relating to countries like ours be they people of like minds.

I believe, Sir, that it is our obligation. This country is proud of its international record and this Administration is

proud of its record. The OECD issue proved that we have sound systems of financial management and we can continue to pioneer this fight. When you start to tighten the screws on issues relating to the movement of capital across the world, it has implications for our two major planks of the economy, tourism and international business. There are many honest people in the world, and when you tighten the screws and make it almost impossible for the movement of capital, you actually restrict those of us who depend upon international investment and foreign investment for our survival, not only in international business but also in tourism.

After all the rhetoric is over, we still have to exist and we still have to live every day and we still have to comply with the international regulations, but I must caution that at the same time that we comply with these international regulations, we must constantly monitor where our sovereignty is going and monitor our livelihood. That is why the Bill must be subjected to this level of review. I believe, like the Honourable Member for St. Joseph, that we are the exemplar for how a small developing country should be managed. I do not think we can move away from that.

I want to commend again the Attorney-General and the Ministry for having piloted the legislation but, again, I will end on a note of caution. Even though we are seeking to protect our vital interests, we need as well to be very much aware of the protection of our sovereignty as a small, black, developing country.

I thank you, Sir.

Hon. R. St. C. TOPPIN: Mr. Speaker, I want to begin by complimenting the Honourable Member for St. Michael North East and the Attorney-General for an excellent presentation today and to give my support to the Bill before this Chamber. I note her comment that she would have preferred not to bring this legislation and I fully endorse that view and, in fact, Mr. Speaker, I would say that perhaps my Ministry is one that has suffered most as a result of this legislation having to be brought to this Honourable Chamber today.

I personally would have preferred to be here today to discuss the Consumer Protection legislation which has been with the Attorney-General's Chambers now for some considerable period of time but which had to be put on the back burner because of more important, pressing and immediate legislation in the form of Money Laundering legislation and this Bill that is currently before Parliament today. Similarly, in relation to the Fair Competition legislation and Computer Misuse legislation which are before the Attorney-General's Chambers, but which, understandably, had to be put on the back burner while in fact more immediate legislation had to be dealt with and

brought to this Honourable Chamber. Mr Speaker, I fully appreciate the comments and the sentiments of the Attorney-General with which I identify wholeheartedly.

I approach this debate, Mr. Speaker, as a pragmatist and my appeal today is to the pragmatists. I have not time for those who want to live in a world of make-believe. We are not here today, Mr. Speaker, with a Bill that is intended to ensure that the United States will remain a superpower today. We are not here today merely because we know that if we do not enact this legislation immediately that it is possible that the United States could take measures to bring to an end what is referred to as corresponding banking relationships between Barbados and itself. We are not here merely for that.

We are not today in a position which we were in the Shipriders' Agreement, or in relation to the OECD matter where we could contend that our territorial integrity and our sovereignty were being invaded, and we were entitled to take a stand, as we rightly did, as a small developing country and let the United States know that they cannot foist what it feels like upon us and we would suck it up hook, line and sinker. We are not in that position today and that is not what today is about.

The fact of the matter is that steps have to be taken to stamp out terrorism, and Barbados has to be fully supportive of that because Barbados' economic interests are integrally tied up with the elimination of terrorism and we can only look to the fact that in September last year, consequent upon the acts in New York and Pennsylvania, Barbados itself suffered not only by way of the loss of life of some of its citizens, and one of them was from my constituency, but because it suffered in the after effects and the after shocks of that day on September 11, 2001. This was seen in the effect it has had on our tourism sector.

We have paid a price. Admittedly, it is clear that the tourism downturn is being managed better here than in most other countries and for this the Honourable Minister must be commended. Perhaps the downturn was not as much as we had expected, but the fact of the matter is that the effect of September 11 last year directly affected Barbados' economic interests way beyond any threat that corresponding banking relationships would be ended between us and the United States.

We are not here today with that narrow focus in view in relation to our territorial integrity being challenged or giving in to any whims and fancies of a superpower. We are here today to ensure we play our part with the rest of the world in ensuring that terrorism is stamped out so that Barbados and its economic interests can, in fact, be protected. That, Mr. Speaker, is why I am supporting the legislation in the Bill currently before this Parliament.

In relation to the legislation, you will see that some of the measures stated in the Bill, particularly the freezing of assets and ultimate forfeiture of assets are included in the Bill and some may say that these measures are extreme but I support it because we simply have to play our part in rooting out terrorism in whatever form or fashion it may take and we, the citizens of the world, simply have to look at the issue and recognise that in the first shoot of the elimination of terrorism some rights may well have to be surrendered and the issue of rights being surrendered in the interest of world security from which we all benefit is, of course, nothing.

There were times when there was the suspension of criminal rights in relation to soldiers. During the Civil War, acts were passed at various times in our history that actually restricted the freedom of expression and the issue of the surrendering of rights. The issue of security is an issue that will forever be a burning issue that we will have to look at.

I do believe that citizens of the world will have to recognise that the time at present dictates that we will have to surrender some of our civil rights in the pursuit of the overall good of society and humanity. We have therefore, to support and expect that certain issues would occupy Government's time and lawmakers' time over the next couple of years. The issue of the investigation of bank accounts was already debated by this Honourable Chamber, but we must also be mindful that we may well have to go beyond even what we contemplated before.

5.50 p.m.

One thing that is clear is that there are a number of funds. Terrorism cannot thrive without funds and a lot of the funding of terrorism, from all of my readings on the matter, suggest that the funding of terrorism often takes the form of very small, low budget operations.

Last year there was a trial in relation to an operative, for example, of Bin Laden, who said that he had only been paid \$500 per month. That is nickpicking, but actually it went into a very serious terror campaign which proved "successful" in September of last year. A number of the wire transfers that take place, in fact, in relation to terrorism are for sums that are far under the sum of \$10 000, so that you have to understand who you are dealing with, and therefore there is going to be some debate how far you can go in relation to the surrender of civil liberties to ensure the overall good of society and humanity.

Sir, there was even a case of charities. There was discovered that some charities in various parts of the world are mere threats for the receipt of funds which ultimately find their way into the activities of terrorism, so we are in a new era and therefore we have to respond in the way I think

we are responding here today in supporting what we have to do. We have to play our role in relation to international terrorism.

I do agree with the Honourable Member for St. Michael South that there has to be what is referred to as a sunset approach to the matter. I have not seen anything in the Bill indicating that, in fact, there will be a review of the Bill from time to time, but there is always a Government's right to review any legislation that it has passed. Therefore, I have reservation now that we are in this situation, that this particular legislation is justified.

It may well be that in a matter of time, maybe not too long from now, we might find ourselves out of the situation that we are in and therefore, legislation like this would not be necessary to serve in its present form or remain on our Statute Book in its present form and, at that time, Sir, I would certainly be one of those, if I am in here and in a position to certainly want to urge upon the lawmakers, of which I would be one, that we should, in fact, revisit the legislation.

As it now stands, Mr. Speaker, I think that there is no way that looking at the situation from a realistic point of view, as a pragmatist, as I said at the beginning, that there is any scope for objecting to the Bill in its current form. I do believe that we are playing our role as we should play in relation to the issue of terrorism, and it is really, Mr. Speaker, purely from the point of view of doing what I think we have to do and moving on that, I stand today in support of the Bill before Parliament.

Hon. Miss H. E. THOMPSON: Mr. Speaker, like my colleague before me, I would give support to the legislation before the Chamber. I congratulate the Honourable Member for St. Michael North East for having the courage to recognise where her duty to Barbados lay but, at the same time, to try to hold fast our philosophical position, our core value and to protect the role of natural justice which has long been the principle of the law of this country.

Our choice is between not making this decision and jeopardising the economic interest of Barbados and being made a pariah in international fora for withholding support of this, as we support terrorism. So that while all Barbadians, I think, would say that we have no support for terrorism, and while we would want to fulfil our international obligations, we would not have wished to do it under the threat of a President whose very narrow approach to his policy and to this matter is that if you are not with us on this, you are our enemy and likely to suffer all of the consequences if we so define you.

I think there are a number of issues that this debate has highlighted and rightly so, because essentially the question

is, are we now all to be victims, in one way or another, of U.S. foreign policy? Are we not now going to be able to say as we have traditionally in the world when the late Errol Barrow spoke of, "friends of all and satellites of none", to be able to chart our own path, choose our own friends, agree with those with whom we wish to agree or disagree and choose in fact, our own timing to define certain issues of national policy and to determine how and when we will align ourselves at the international level?

As one observes what is happening in the United States today, the mass hysteria that has resulted at both the leadership of the United States and at the level of the population since the events of September 11, last year, we were all horrified by that. Make no mistake, nobody here is seeking to condone any kind of terrorist activity but it certainly raises the question of where is this war on terrorism going?

When the President of the United States spoke in his initial comments in the major speech he made immediately after the events, he indicated at that time that it was his intention to stamp out evil. Well, at that time I became a little hesitant because it seemed to me that he was immediately saying that he was going to do better than God. There has been a perennial fight between good and evil, a fight as I understand it, which will not be resolved until the second coming of Christ.

Sir, masquerading under the intention to stamp out evil, the President of the United States has determined who are the evildoers, without strictly defining in his country who is a terrorist, and without following the rules of natural justice which allow people to have a hearing.

They have gone in the United States for arbitrary confiscation of property, for classification and categorisation of people, without adequate investigation, and for – as the Honourable Member for St. Michael North East pointed out this morning – racial profiling. We therefore have to be concerned about where this path is taking us and what is its natural progression.

When the other Bush was President, he started the Gulf War with the stated intention of getting rid of Saddam Hussein. Well, Saddam Hussein is still there. His people are suffering, economically, socially for lack of medication, for lack of food, but the U.S.A. keeps up a fight against those people. A fight now renewed, or an intention to renew the fight has been started by the present Bush. But who are the other people who have been classified as evil?

We are told that Osama bin Laden was the perpetrator of these events. We have not been treated to any cogent evidence that he and his operatives are in fact, involved.

They may or may not be. I am simply saying that the information available on which independent persons can make a judgment has not been made available to the wider public. We have seen what has been put out by the very conservative U.S. media, but we do not know what the independent information has been that we ourselves can make judgments.

At the start of this War, there was an intention to wipe out bin Laden. We are told that he was not found but the nature of the operation in Afghanistan has changed and the people of Afghanistan, like the people of Iran, are also suffering as a result of the war that was waged in that country, in an attempt to find one man who has still not been found, whom the U.S. now concedes they have no idea where he is. When and where will it end?

If they determine next week that he is in Barbados and we are called to surrender him, and we cannot, what happens then? Are we also labelled as friends of the terrorists and made to suffer the consequences? There are no rules. There is no moral high ground here. There is no philosophical core or mooring that guides what is happening. There is too much arbitrary conduct. There is no objective standard. It is far too subjective a standard, that the U.S. is applying to people's rights and as a result, persons outside of the Caribbean are suffering.
6.00 p.m.

We must not be silent because it is far from our own shores because one day we could be in the gun sight of those who wield the weapons, or we could be at the other end of the person who holds the trigger if their sights are set on us because we have breached some rule they have determined we should not have breached. Those of us who still believe in governance with a moral centre in the protection of human rights and the protection of men everywhere must speak out about what is happening internationally.

Who was it that said, Mr. Speaker, "I was silent when they came for..." – and the person identified all the groups. I think it was spoken in relation to the third right as they implemented their own strategic policies at that time because they too had an enemy, in that case it was the Jews. I think it was a priest and he said that he was silent as they started the attacks on the various sectors of the community until they came to him. Mr. Speaker, we must not be silent in the expectation that they will not come to us because one day they might.

Sir, we have already seen hints of it because within days of the events of September 11, members of the US Congress were on television in the United States of America saying that the havens for terrorists money in the Caribbean

have to be stamped out. We already know that the work of the Organisation for Economic Cooperation and Development (OECD) was to ensure that Barbados and the other islands in the Caribbean got rid of their capital investment markets, so let us not feel that we may be exempt from attack.

The attack may not take the form of a war being waged. It may not take the form of helicopters or gun ships coming over Barbados or bombs being dropped. Economic warfare being waged on the people, as the people of Cuba well know, can decimate a national will, can reduce populations to hunger and can bring about the worse effects of poverty, ill- health, poor sanitation and poor environmental conditions, so let us not think that we are exempt, it could be us.

Mr. Speaker, there must be clear jurisprudential definitions of what it is the United States of America is attempting to do. The Americans are the first to speak in terms of banana republics but we in the Caribbean have a long tradition of jurisprudence that is not now being followed in the United States of America by its own admission, and by the way in which we see one set of combatants being treated, while the Americans are treated another way.

If persons are to be identified and singled out and made to suffer because they are classified as terrorists, we must understand that errors can be made. The United States of America, from its own parochial experience, knows well the large number of people who were wrongly convicted and who are only now coming to light because of the development of DNA testing. If those persons have been classified as terrorists and killed or their properties confiscated, how would they and their families be compensated now? So let us not feel that in this classification of people and terrorists that errors cannot be made or that errors will not be made because errors will be made. There will be people who will be imprisoned and people whose families will suffer and people who will be stigmatised socially by what is going on.

The notion, therefore, that the world is not now threatened by several superpowers is false. The sole remaining superpower is in itself a threat and we see the double standards they condone constantly. We see those double standards in the way they treat Cuba. While President Carter is saying that the way is open for them all, President Bush reused the language of antagonism, attack and the rhetoric of confrontation, so he is not minded to create cocoons of peace right here in the Caribbean basin or beyond. It is an attitude and a mind-set of war, of vengeance and of stamping out and routing out this evil wherever we find it and all of this is done in the name of peace and democracy.

We see that same country cuddling China while they curse President Castro in Cuba, but there must be human right abuses in China and there must be things in China to which they object and there must be some of the same problems in relation to democracy. However, that is not a problem because they see their economic interest as being tied to Cuba.

Mr. Speaker, I want to speak to a particular example of part of the danger of rushing to judgement without taking the time to find out who the perpetrators or the alleged perpetrators really are. We must not forget that when the Federal Building in Oklahoma was bombed, before the perpetrator was identified, members of the high level in the United States of America were on television giving the profile of Arabs as being the perpetrator of the crime.

When asked by the Press what is the profile of the perpetrator of a crime of this ilk, they said this person is an Arab probably a Muslim and they started to define who was the perpetrator as they would have it of the Oklahoma Federal bombing. Had they had the power at that time to swiftly go and take up somebody and treat them in the way that current legislation in the United States allows them to, only God knows how many Arabs and Muslims would have been disadvantaged at that time. In the end they found out that it was long hair, blue eye war hero Timothy McVeigh who was born in the United States of America.

That is the danger we face of the double standards and of the rush to judgement unless there are checks and balances in the legislation as the Attorney-General has had the courage to put in even while under the pressure of having to conform. So unless there are checks and balances, Mr. Speaker, you and I and persons who are innocent but may just happen to be in the wrong place at the wrong time will suffer the consequences perhaps of the colour of our skin or of our country of origin while we may not have been involved or been a party to the wrong doing at all.
6.10 p.m.

Mr. Speaker, let us watch the double standard of the United States of America that has language of convenience as they seek to carry out whether it is local or foreign policies.

Sir, I want to endorse fully the comments made today in this Chamber by Members of the House who spoke of refocussing our attention on the developmental agenda. The Honourable Member for St. Joseph has repeatedly made the point that the international agenda has to be focussed on development, that the life of mankind is not to be the history of guns and arms. There are children born in this world who only know the language of war and the sound of bullets, persons like those who live in Palestine and Israel.

If America wants to do something about terrorism, then they have to deal with Ariel Sharon. There is no bigger terrorist than Ariel Sharon whose historical acts against Palestinians and Arabs are well known and documented. He has been responsible for the slaughter of thousands when he led the Israeli army. Can you believe this is a man who wants peace? Yet he is the greatest friend of the Americans.

Let us not forget that prior to the event of September 11, 2001, the now President of Pakistan, Mr. Perez Musharraf was leader of an illegal regime but he decided that he was going to befriend the American, to allow them to use Pakistan for part of their operation. Sir, within days, a man who was an illegal leader by his undemocratic process became clothed in righteousness and is now the biggest friend and assistant to the Americans. That is part of the double standard which we are being asked to overlook and to ignore in bringing this legislation and in being signatory to it.

Sir, the Honourable Member for St. Michael North East this morning spoke about some of the international pieces of legislation that speak of Conventions, which the United States has not bothered to sign. These things have to do with development. Sir, if my memory serves me correctly, the United States has not, to this day, signed onto the International Convention Against Land Mines but a lot of land mines are being left in Afghanistan and other places where they are waging war in the name of peace, mines which will destroy the limbs and lives of resident populations but America is not concerning themselves with that fact.

Sir, speaking from an environmental perspective, as far as I am aware, one of the greatest threats to the earth is the whole phenomenon of global warming and climate change. Scientists have told us that the world is now the warmest that it has ever been historically, that the changes in climate have resulted in both health and environmental problems all over the world. We know that part of the reason for the climate change is the effect of greenhouse gases in the atmosphere. The United States is the largest emitter of greenhouse gases in the world.

The International Convention in Kyoto, Japan, which sought to bring greenhouse gases under their control has not yet been signed by the United States. The United States is saying that, in its economic interest, it has a right to pollute the world, to put people in Barbados and elsewhere at risk. This is such a grave problem that islands have already had to be abandoned because of the rising waters of the Pacific Ocean. The warming has become so intense that there has been resultant sea level rise causing the abandonment of some nations in some of these islands.

The United States is not concerning itself with the fact that in Argentina, in a place called Punta Arala', cattle is going blind from the effects of ultraviolet rays because of the breach in the ozone layer. America is not concerning itself with the fact that children at Punta Arala' cannot go outside of their houses in the afternoon because the ultraviolet rays of the sun are so intense that their health is at risk.

The United States is not concerning itself with the fact that where the hole in the ozone layer sits directly over Australia, there is the largest incidence of skin cancer in the world. Yet they continue emitting the world's largest amount of greenhouse gases without any concern on the impact it is having on the population. Yet they are saying to people to sign onto the Terrorism Bill or else they will deal with them.

These are issues we have to confront because they have to do with the quality of life for all our people here in the Caribbean and beyond. That is why the United States has to be made to stick to the development agenda. We must say to them, in the same way they are concerned about terrorism, we want them to be concerned about the people of Barbados and to stop voting against us in the IDB whenever we go to seek loans.

Sir, the IDB is an institution for development funding. When we seek loans from the IDB it is to improve the quality of life in Barbados for marine protection, for building structures, for developing various structures of the economy, whether it is EducTech or the coastal zone management loans. The American Government, through its representatives at the IDB, consistently vote against Barbados getting loans. Are we not entitled to say that we want our people to develop to go to the next stage of development? That we want to continue to access funding to guarantee national growth?

These are the issues which the United States has to confront, even as they seek to confront the issue of terrorism. Therefore, it cannot be a mono-focus agenda. While they seek to deal with terrorism on the one hand, there must be a simultaneous discussion about how the world is going to be developed, how poor countries will come out of poverty, how populations who live in degradation and distress can be brought to a better position in the world's development. These are the things that have to go on the agenda when we have international discussions.

Sir, I was at a Conference in England in the year 2000. The members of the Conference were speaking to issues of development and the role the United States is playing.

Sir, I was amused to hear the former Vice President of the United States, Dan Quayle. As people sought to make

points about the role of international leadership in the development agenda that the United States has to play, I heard the former Vice President Quayle make a point that to speak in terms of development and the role the United States needs to play that we, at the conference who spoke in these terms were being ungrateful and ungracious to the United States. He now leads a right-wing think tank in the United States and maybe the view on the part of the United States' leadership is that in seeking to put development issues on the table, we are being ungrateful and ungracious.

6.20 p.m.

What then, after this, is left of our sovereignty? It seems that we have to seek to maintain our sovereignty and will have to do so in a globalised world where international conventions will dictate the national agenda and where we will have no control over it.

It is significant that there are so many protests against George Bush and the United States of America wherever he goes at this time and, perhaps, it would do them well to rethink some of the positions they have taken...

Mr. SPEAKER: The Honourable Member has two minutes to conclude.

Hon. Miss H. E. THOMPSON: Sir, the media in the United States of America have a role to play that they have not yet played in being vigilant and analytical rather than just being the mouthpiece of the very conservative US Government which currently holds office.

Sir, I believe that this debate will occur again because as globalisation takes place and we struggle with issues of sovereignty, as the world changes and there is a new world order and a new economic order, we are going to start having serious discussions about where we are, where we are going and what is our capacity to fight against a giant like the United States of America who no longer believes in walking softly but in carrying a big stick to hit you with.

I want to thank this Attorney-General for carrying on the tradition that we started in respect of Shiprider and the OECD and for framing this legislation in such a way that the legislative integrity of Barbados and the role of national justice remains.

Mr. Speaker, I am much obliged to you.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I would like to thank all Honourable Members who spoke for taking the time to do so and for speaking with a level of honesty, frankness and robustness, especially as it relates to the

behaviour of the United States of America post September 11 in its fight against the war on terrorism.

I wish to say at this stage that persons who understand the independence of spirit of Barbadians will understand that in these matters we reserve the right to speak frankly, believing that those who are good and deep friends will not have their friendship fractured by frankness of speech.

I hope that the underlying message of those who have spoken in this debate will be received by all concerned in the spirit in which it was given, but equally recognising that it is our judgement, as a people, that the most effective way to fight terrorism is not necessarily by the show of military strength but by removing from the global community those concerns that breed terrorism in the first instance.

Mr. Speaker, I believe we all feel strongly that if we can meet the international objectives as set out by those many developmental conferences in the last decade and a half, such that persons no longer have to face hunger or lack of water, such that persons have access to education, health care and decent housing, that persons' political and economic rights are afforded, that there would be no reason for persons to use terrorism as a means to propel their cause and fight Governments.

In those circumstances, I simply say that I believe that our friendship between the United States of America and Barbados is such that we have the ability to speak frankly and robustly without necessarily fracturing the relationship of the two countries.

Mr. Speaker, I also want to say that all Honourable Members for the most part brought value to the debate and to the Honourable Member for St. Lucy may I say that his concern about the financial capacity of Barbados to find the resources to be able to put legislative and administrative measures in place is a valid one.

Sir, for the most part of the last eight months every day I went to work, I had to do something related to terrorism rather than the Government's core agenda. When we responded to Resolution 1373 on December 24, 2001, we placed a request to the Counter-terrorism Committee of the Security Council indicating that we needed to have assistance in key areas relating to technical assistance in training personnel in our law enforcement agencies like immigration, the legal department and, in addition, we would also like to pursue the possibility of financial assistance where equipment was required to beef up security at the ports of entry and in other key installations in the countries.

This matter has to be followed up and when we submit our update to their queries on June 24, 2002, we will be

renewing the call for technical and financial assistance and reminding them that they have not yet responded to that aspect of our claim.

Sir, Members raised some other concerns but I think that all persons have been satisfied that we have tried our best in balancing our obligations at the international level with the preservation of the rights of our citizens under the Constitution of Barbados.

6.30 p.m.

During the course of this debate, and that was the matter raised by the Right Honourable Prime Minister in respect of his handling of a very unfortunate statement which I confess Mr. Speaker, that I did not have the opportunity to see before speaking in this debate, but I have since seen, and I find it unbelievable that the Leader of the Opposition, as an officer of this Parliament, could find it possible to renege from his position as Chairman of the Public Accounts Committee and to suggest that any foreign law enforcement body could come in and take over his role as the Leader in respect of the investigation of Government's accounts under the Public Accounts Committee.

Sir, I do not know of any other instance in which any officer of this Chamber in the history of this Parliament, 360 years, has done that. I can only say that I trust that the Leader of the Opposition was simply making political mock sport at his Branch meeting and did not intend for the *Advocate* newspaper to report it, because the person that I know, knows better than to seek to perpetrate that upon the Parliament of this country. Indeed, were he really to be serious about it, it would be tantamount to a vote of no confidence in himself. Again, Mr. Speaker, a vote of no confidence would go well with Leaders of the Democratic Labour Party.

Asides.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I would like to thank all Honourable Members who have spoken and to say that this is a matter which we did not anticipate we would have to bring here. It is a matter that we would rather not have to bring here but the circumstances of the world are such, that it has become a major issue at the global level and we are bound by the Charter of the United Nations to respect those Resolutions passed by the Security Council. We have tried to do so to the best of our ability, while still protecting the essence of our Constitution, as it was passed in 1966, namely the right to due process and the right to natural justice.

I can, therefore, do no better than to commend this Bill as worthy for the support of this Honourable Chamber.

Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Rt. Hon. O. S. ARTHUR, the Bill was read a second time.

On the motion of Hon. Miss M. A. MOTTLEY, seconded by the Right Hon. O. S. ARTHUR, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. D. CARTER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Honourable House is now in Committee.

Clause 1 – 2 were called and passed.

Clause 3 was called.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, I beg to move an amendment to Clause 3, subsection (1) where it reads “where death ensues” comma, after the comma insert “and where that act would have constituted the offence of murder or treason prior to the commencement of this Act, shall be sentenced to death”.

I beg to move that Clause 3 stand part, as amended.

Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

Clause 4 was called.

Hon. Miss M. A. MOTTLEY: Clause 4, subsection (ii) subsection (b), after the word “risk” comma, insert the word “damage” comma.

I beg to move that Clause 4 stand part, as amended.

Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

Clause 5 was called and passed.

Part III was called and passed.

Clause 8 was called.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, Clause 8 subsection (3) subsection (c) insert “unless in respect of paragraph (b)”.

I beg to move that Clause 8 stand part, as amended.

Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

Clause 9 was called.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, at Clause 9 there are three amendments:– Clause 9 subsection (2) there is a grammatical error, the third line before the end of the paragraph. Please delete the word “is” and insert “are”. This would read “or any funds of that person that are the subject of a freezing order”. Equally, in the penultimate line after the word “commission”, insert the phrase “by that person”.

Sir, this simply seeks to make it clear that it is from the commission of an offence by that person.

Clause 9 subsection (4), delete the full stop after “proceedings” and insert the words “and for the purposes of subsection (3) is the same as in civil proceedings”.

Mr. Chairman, I beg to move that Clause 9 stand part, as amended.

Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

Clauses 10 to 11 were called and passed.

Part VI was called and passed.

The First, Second and Third Schedules were called as the Schedules to the Bill.

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Rt. Hon. O. S. ARTHUR, Mr. CHAIRMAN reported the passing of one Bill in Committee, as amended, and Mr. SPEAKER resumed the Chair and reported accordingly,

On the separate motions of Hon. Miss M. A. MOTTLEY, seconded by Rt. Hon. O. S. ARTHUR, the Bill was read a third time and passed and cited as the Anti-Terrorism Act, 2002.

A division was called for.

The bell was rung.

The question that the Resolution do now pass was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. O. S. ARTHUR, Hon. Miss B. A. MILLER, Hon. Miss M. A. MOTTLEY, Hon. N. A. LYNCH, Hon. R. St. C. TOPPIN, Hon. G. A. CLARKE, Hon. A. P. WOOD, Hon. R. R. FARLEY, Hon. R. C. EASTMOND, Hon. R. D. MARSHALL, Hon. R. N. GREENIDGE, Hon. Miss H. E. THOMPSON, Hon. Miss C. Y. FORDE, Hon. Dr. R. L. CHELTENHAM, Hon. Sir HAROLD ST. JOHN, Mr. T. A. PRESCOD, Mr. M. Z. WILLIAMS, Hon. H. F. LASHLEY, Mr. G. W. PAYNE, Mr. D. T. GILL, Hon. Sir HENRY FORDE, Rev. J. J. S. ATHERLEY, Mr. J. M. EDGHILL, Mr. D. CARTER, Mr. D. J. H. THOMPSON and Mr. D. St. E. KELLMAN – 26

6.40 p.m.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, Sir, this brings us to the end of Government Business for the day. As I indicated on the last occasion when we meet on Friday, May 31 we will be debating the Resolutions and the Draft Order from the Electoral and Boundaries Commission Report. That will constitute the business of Parliament and the House on Friday.

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that this House do adjourn until Friday, May 31, 2002, at 11.00 a.m.

Hon. R. C. EASTMOND: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

6.42 p.m.

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