
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

HOUSE OF ASSEMBLY

Tuesday, November 2, 2004

Pursuant to the adjournment, the House of Assembly met at 10.20 a.m. on Tuesday, November 2, 2004.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip.Ed. (Speaker)
His Honour J. M. EDGHILL, J.P. (Deputy Speaker)
Rt. Hon. O. S. ARTHUR, M.Sc. (Econ.) (Prime Minister, Minister of Finance and the Civil Service)
Hon. Dame Billie MILLER, D.A. (Senior Minister and Minister of Foreign Affairs and Foreign Trade)
Mr. D. J. H. THOMPSON, LL.B. (Hons.)
Mr. L. R. Tull, Q.C., M.A. (Oxon.)
Hon. R. C. EASTMOND, B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C., J.P. (Minister of Labour and Social Security)
Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Public Works)
Mr. R. D. MARSHALL (Chairman of Committees)
Hon. H. F. LASHLEY (Minister of Social Transformation)
Mr. R. St. C. TOPPIN, LL.B. (Hons.)
Hon. Miss H. E. THOMPSON, LL.B. (Minister of Housing, Lands and the Environment)
Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney General and Minister of Home Affairs) (Leader of the House)
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)
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 Energy and Public Utilities)
Hon. R. R. FARLEY, B.Sc., J.P. (Minister of Education, Youth Affairs and Sports)
Hon. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)
Hon. J. X. WALCOTT, M.B., B.S., F.R.C.S. (Edin.), J.P. (Minister of Health)
Hon. D. D. MARSHALL, LL.B., (Hons.), L.E.C., (Minister of Industry and International Business)
Hon. K. D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)
Dr. W. F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS., J.P.
Mr. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance) (Leader of the Opposition)
Mr. D. St. E. KELLMAN
Mr. R. D. JONES, B.A. (Hons.), M.A. Ed., J.P.
Dr. D. C. ESTWICK, B.Sc., M.B. B.S.
Mr. M. A. LASHLEY, LL.B. (Hons.)
Mr. R. L. SEALY, M.B.A., B.Sc.

Prayers were led by Reverend Canon Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, October 26, 2004.

Hon. Miss M. A. MOTTLEY: I beg to move that the Minutes for the Honourable the House of Assembly for its meeting of Tuesday, October 26, 2004, which Minutes have been circulated, be taken as read.

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

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

PAPERS

Rt. Hon. O. S. ARTHUR: Mr. Speaker, I am commanded to lay the following documents:

1. Report of the Public Enterprise Fund for the Quarters ended March, 2004 and June, 2004.
2. The Report on the Social Investment Fund for the Quarters ended March 31, 2004 and June 30, 2004.

GOVERNMENT NOTICES

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to give notice of the following:

CARICOM Single Market and Economy (Implementation) (Miscellaneous Provisions) Bill, 2004.

Mr. Speaker, in so doing I wish to indicate that this is effectively the same Bill which was on the Order Paper before. Sir, the one that was circulated last week was withdrawn inadvertently and I am giving notice of this new Bill.

FIRST READING OF BILLS

Hon. Miss M.A. MOTTLEY: Mr. Speaker, I beg to move that the following Bills be read a first time:

1. CARICOM Single Market and Economy (Implementation) (Miscellaneous Provisions) Bill, 2004.
2. The Road Traffic (Amendment) Bill, 2004.

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

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

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of today's Sitting. 10.30 a.m.

In so moving the Standing Orders for today's Sitting, I believe that an intimation was given last week that the Government was seeking to proceed or at least start the CARICOM Single Market and Economy (Implementation) (Miscellaneous Provisions) Bill, 2004. There was a difficulty

with one section pertaining to the Franchises Act and, indeed, Sir, the Bill was withdrawn, inadvertently, without substituting it at the same time.

I am informed though, Mr. Speaker, because I was not here, that intimation was made and the Bill would be done in all of its stages today. We recognise, however, that all Honourable Members would not have had the opportunity to be able to see the Bill and the Government is disposed, Mr. Speaker, to just lead the Bill today through the Speech of the Right Honourable Member for St. Peter and to defer further consideration of the Bill, such that there is no prejudice or injustice to any Honourable Members' rights of this House.

Thank you, Sir.

Hon. R. R. FARLEY: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

ORDER NO. 6 – THE CARICOM SINGLE MARKET AND ECONOMY (IMPLEMENTATION) (MISCELLANEOUS PROVISIONS) BILL, 2004

Rt. Hon. O. S. ARTHUR: Mr. Speaker, it is my great honour to be able to lead a piece of legislation that is intended to present in one place most of the measures that Barbados has to implement to honour its commitment to become part of a Caribbean Single Market – and I stress Single Market – by the end of 2004.

I do feel, Sir, that in introducing this piece of legislation, I ought to set the proper context. I say that because, at the turn of the century, I participated in an exercise in Montego Bay, Jamaica, convened by the private sector of the Caribbean and the highlight of the seminar was the presentation by one of the region's leading businessmen, who proceeded to inform the seminar as to why the Caribbean Single Market and Economy had not worked over the long period of time that it had been in existence. He gave a vast exposition on the great damage that the Single Market had done to the Caribbean and indulged in an exercise that was presented in the most caustic terms regarding the futility of proceeding with the endeavour.

I had to point out, Mr. Speaker, that while all that the businessman said was very interesting, the reality was that there was no substance to it because the Caribbean Single Market and Economy does not yet exist. He had been condemning it on grounds that were quite wrongful and spurious.

Sir, I fear that his confusion on the matter is honest, which is shared by many persons in the region, in Barbados and in this House. The facts are that there are those who speak about the Caribbean Single Market and Economy who have never read the original Treaty of Chaguaramas, and who do not understand the distinction between the various phases of integration that a region can go through.

Therefore, I must begin by discussing what is before the House in setting the appropriate context, which is essentially to say that although there have been attempts at economic integration in the Caribbean since the failure of Federation, those attempts at integration have not amounted to an effort by the region to put in place a single market and a single economy.

The House will be aware that in the process of seeking to establish integration mechanisms among themselves, countries of a region can entertain various types of economic integration. The simplest is that in which they simply agree to remove all of the restrictions and barriers that have prevented the free movement of goods and services between themselves. This is generally called a free trade area.

They can thereafter proceed to a customs union, whereby they retain the provision to remove the restriction on goods and services among themselves that constitute a free trade area, by adding a common external tariff, whereby goods coming from outside the region are charged the same tariff, so that every producer within the region is afforded the same level of protection from extra-regional competition.

Beyond that, Sir, it is possible to contemplate a higher level of economic integration, where countries not only have a free trade area and a common external tariff, but they begin to allow factors to move, particularly labour and capital. At that stage, the integration process is defined as constituting a common market.

Beyond a common market, Mr. Speaker, it is possible to conceive of an integration process that involves members, not only allowing goods and services to move freely and having a common protection against imports from the rest of the world, but beginning to bind the economies together by pursuing common policies in relation to the development of their sectors of production, common policies in relation to taxation, monetary and fiscal affairs. Sir, at that stage, an economic union is said to have been constituted.

Sir, there is a history to the process of Caribbean economic integration that has properly to be told, if we are to understand the significance as to what constitutes a single market and a single economy in the spectrum of our development as a region.

In 1965, three participating countries, led largely by Barbados, decided to begin the process of building Caribbean integration in the post-federation endeavour, by putting in place arrangements for the simplest form of economic integration. Out of that, came CARIFTA in 1968, where the Caribbean countries agreed to remove duties and tariffs on goods sold within the region.

Mr. Speaker, by 1973 other countries in the Caribbean had joined CARIFTA and it was decided that the process of integration should have been advanced to a stage of a common market. Sir, you get a common market by adding to a free trade area, provisions for a common external tariff, and provision for the movement of factors within your integrated area.

In 1973, therefore, CARICOM, which was then created, differed from CARIFTA by the provision made for the creation of a common external tariff. Remarkably, however, although the intention was to create a common market in which factors of production should have been able to move freely, CARICOM, Sir, did not in fact enact in the Treaty of Chaguaramas, the arrangements that would have allowed a common market, as understood, to evolve.

Indeed, when one reflects on the contemporary difficulties in dealing with economic integration in the Caribbean, one has to trace that with brutal honesty to the deficiencies that were inherent in the immediate post-independence euphoria which caused people to feel that insular development was possible and more important than regional development.

Sir, a single market was intended to have been created in 1973. Sir, a common market requires that factors should be able to move, but embedded in the CARICOM Treaty of 1973 is the provision that nothing in the Treaty should obligate member countries to allow the nationals of the member countries to move freely from one country to the other.

10.40 a.m.

Sir, we have to begin to understand what we are dealing with in the Caribbean because from as early as 1973 there was very powerful resistance in the minds of some of the most visionary people in the Caribbean about allowing Caribbean integration to take the form of the movement of the Caribbean people. Sir, the people who put in place CARICOM are some of the most outstanding regionalists in Caribbean history, Michael Manley, Errol Barrow, Forbes Burnham and Eric Williams, but they defined a process of economic integration that says that we will allow goods to move freely, we will allow for there to be a common external tariff and we can have limited arrangements for the mobility of capital, but there was no provision whatsoever for the movement of people.

Sir, what CARICOM in 1973 embodied was a rather deformed type of common market which perpetuated in that context all of the grave deficiencies that have been inherited even from colonial times in having the regional economy brought together so that all of the component parts could be used in a manner that conferred upon the whole strength that is greater than the component parts. Sir, all of that was compounded by the fact, as you are aware, that under the Revised Treaty of Chaguaramas decisions in the region had to be made only on the basis of their unanimity rule, but then the same Heads of Government who created CARICOM failed to meet for an extended period of time, putting the regional integration process, in my judgment, in great peril.

Indeed, it was only at Nassau in 1982 that the process was taken up again and movement was made in relation to one minor aspect of it, the implementation of the arrangements for the common external tariff. Sir, the common external tariff was intended to have been in place from 1980 but it was only implemented in 1997/98, so we only came to that aspect of the economic integration process that was added by CARICOM about 15 years after CARICOM had been created.

Mr. Speaker, in the interval, there was no provision in the region whatsoever for people to move freely and all the region was doing was building up more and more restrictions on the Caribbean people's ability to help to develop this region through the release of their talents and their capacity to create enterprises wherever they can in this region.

Sir, I want to say this for the record. I salute the vision of those who in 1989 determined that an integration process had to be taken to a higher level. I salute that vision because sometimes the leaders have to be in advance of the people.

Mr. Speaker, while at Grand Anse there was a determination to move to a higher level of economic integration in the region, you will not find in the Caribbean a call by the people for it. Sir, when you look at the newspapers of the day after Grand Anse you will not notice any reference in them that the Caribbean leaders had just done something fundamental, namely, committed the region to something as important as what the single market is supposed to embrace.

Mr. Speaker, I make that point early in this debate because those of us who have the responsibility today of trying to implement it, and I certainly am, because I have the lead responsibility, understand very clearly that there is a love/hate relationship in this region toward integration. That love/hate relationship arises from the fact that insular nationalism in the Caribbean is still stronger than any sense of regional togetherness. That is true. That insular

nationalism is still strong because we have not entirely live through the euphoria that is associated with the great gift of independence and we still have not fully understood that our independence can be enriched if we add all of our independence together rather than each of us trying to pursue a separate independent course.

Sir, economic integration in the Caribbean runs up against the tremendous difficulty still of strident and sometimes bitter, narrow nationalism. Sir, in 1989 when Mr. Erskine Sandiford and others, and I call them visionary people, decided to go the way of a single market and economy, there was no clamour in the region for it, and there were powerful forces in the region who did not feel that the Caribbean should go the way of the great integration either at the economic or political level. That sets part of the context.

Sir, what was contemplated at Grand Anse therefore was to drastically advance the process of economic integration in the region by moving the region from a stage of a deformed common market as provided for in the Treaty of Chaguaramas to a situation where the region could be reconstituted as a single market and a single economy rather than 15 separate domestic markets and 15 separate domestic economies.

Sir, the concept of a single market and economy is exactly how it sounds. Rather than having 11 different parish markets in Barbados or seven different parish economies, we are one national single market and single economy in which all parishes face the same rules of inter-parish trade, where there are no barriers to the movement of people, where there are no barriers to the movement of capital across the country and where there is one common set of economic policies that apply across the country. Sir, as it is with a single island economy, so it is intended to be with a single regional economy.

Sir, the CARICOM Single Market and Economy therefore has to be seen in terms of the efforts to create a single market on the one part and the single economy. I make that distinction early in this debate. Therefore, I want to start by establishing that the two things are not one and the same. The effort to create the single market is the effort to remove all of the restrictions that have been built up over a whole history that have prevented the region from having an environment in which there is free movement of capital, free movement of labour, free movement of skills or provision of skills and one in which entities in the region enjoy rights to be able to establish businesses wherever they want to in the region. That is what the single market is all about.

On the other hand, the single economy represents the effort now to go beyond just removing restrictions and

to have a common approach toward the development of all of our sectors, a common approach to the development not only of the productive sectors but on the development of things like the human capital of the region, micro- enterprises and to building institutions that are regional in scope like standards institutions, competition policy institutions and a regional capital market. It also concerns the overall effort to make sure that the separate economies in the region pursue relatively similar policies and have a harmonised approach to policies in important areas such as taxation, administration of customs and all of the other areas that affect the running of the economy, that areas such as competition policy and consumer policy are all coordinated and that funding mechanisms are available to lift up those smaller parts of the lesser developed parts of the regional economy so that there is almost a unity in the level of development.

The effort to create a single market and single economy also involves putting in place, and this is important, special and differential measures to ensure that the lesser developed countries that were disadvantaged before coming into the arrangement or those that experienced disadvantage arising from it are given special treatment so that when the Caribbean calls for special and differential treatment internationally it is because we have accepted the concept of special and differential treatment among ourselves.

More especially, Mr. Speaker, the CARICOM single economy requires the creation of new institutions that are intended to settle disputes and to give certainty to the application of the law.
10.50 a.m.

Mr. Speaker, this is important. Integration is simply about the removal of tariffs on goods. One does not need a court to say when tariffs are to be removed but if there was something as complex as the effort to have common laws and common approaches to taxation, *et cetera*, issues of interpretation of the regional integration laws themselves will arise. Hence, it is fundamental to the creation of a single economy that something like a Caribbean Court of Justice, with an original and mandatory jurisdiction to interpret and to apply the provisions of the treaty created in the economy, becomes a vital instrument in the creation of the economy itself.

Mr. Speaker, by way of establishing context, I must establish that there is a different time frame for the creation of the single market from that of the creation of the single economy. The creation of a single market, in many respects, requires only legislative action by governments to remove all restrictions, whether in the law or in administrative practice, that historically have been put in place in the Caribbean to

restrict the movement of capital in the region, to restrict the movement of people, to stop Caribbean people from being able to establish enterprises in the Caribbean, and to stop Caribbean people from being able to trade services freely in the Caribbean.

Mr. Speaker, when persons speak about making the Caribbean Single Market and Single Economy ready by 2005, what they should say with more exactness is that by 2005, it has been agreed that the single market part of the arrangement will be in place, meaning by that time all of the restrictions on capital, labour and technology would have been removed.

The creation of a single economy involving the development of the respective sectors of the Caribbean on a harmonised basis, pursuing relatively common policies, will be an on-going exercise that will never lead to the economy, at any one point in time, being a finite and legal process. It will continue to evolve.

Mr. Speaker, in point of fact, part of the rationale of the special Prime Ministerial meeting that is to take place in Trinidad and Tobago next week, is to deal with our trying to put time frames to some of the more critical aspects of creating the single economy, now that we have the programme for the creation of the single market essentially in place.

Mr. Speaker, since the original Treaty of Chaguaramas did not make provision for a single market and single economy, the whole Treaty had to be replaced by a new one because integration relationships between countries have to be governed by some instrument of international law to the treaties. Therefore, the first exercise in creating a single market and single economy was to undergo the process of negotiating an absolutely new Treaty of Chaguaramas. This revised Treaty replaces the original Treaty of Chaguaramas, to give effect to the intention to move the process of integration from a limited common market to a full-fledged single market and single economy.

Mr. Speaker, in 1989, the visionary people who conceived of the Caribbean going this way, in my judgment, made one fundamental mistake. They, having said that we will go in this direction, then set an incredibly unrealistic deadline for its conclusion. They said it had to be ready by 1992. Sir, the process of moving a region from a common market to a single market, first of all, requires that the organs of CARICOM had to be changed, the voting powers had to be changed, and new organs had to evolve to replace those that were in place for a more limited form of integration.

Mr. Speaker, the Honourable House would understand that getting an agreement across CARICOM's 15 countries to change voting arrangements in the integration process, to change the office of CARICOM, to make a single market possible, which is a tremendously difficult exercise would have constituted Protocol One.

Mr. Speaker, the region then had to identify all of the restrictions, over 400, embedded in every kind of law, including Caribbean constitutions that have been put in place over time to prevent people from being able to move freely within the region, to move capital freely, or to establish companies within the region. That exercise had to be gone through. Sir, then an inter-governmental task force had to be put in place to negotiate over nine protocols, all of the specific measures that will be contained in the Treaty.

Mr. Speaker, therefore, by way of sequencing of activities, it was only possible between 1989 and 1992 for the basic technical work that had to be undertaken to prepare the region for the market. It was only possible to do that in that period. Subsequent to 1992, an inter-governmental task force was put in place and this inter-governmental task force got concurrence on the part of the 15 countries in the Caribbean to amend the original Treaty of Chaguaramas and to evolve a new revised treaty, constituting over 240 new articles to clothe the Single Market and Single Economy in its new legal garbs.

Mr. Speaker, I am asking the Honourable House to understand what was really taken then. In that period between 1992 and 2001, through the work of an inter-governmental task force, all of the countries in the Caribbean agreed to 240 new articles embodied in a treaty, to be able, by the year 2001, to have the single market become a legal entity to the extent that a treaty provided for it, whereas prior to that period there was no law in the Caribbean which said that a single market and single economy could have been obtained.

Mr. Speaker, people talk about the Caribbean being slow, but I am asking them to reflect on what is being said. Fifteen countries are required to agree to 240 separate articles that will change forever and in a fundamental way, the way in which they have been structured and organised, therefore, investing in new regional institutions, new responsibilities, putting new obligations on countries to stop doing things that they have historically done. It took an effort.

Mr. Speaker, I need to say this now. We are in the Caribbean today where Europe was in 1992. Many people forgot the only other region in the world that has sought to constitute itself to the same level of integration as the Caribbean is Europe. But Europe started their process in 1957 and were only able to have a single market in place by

1992. It has taken Europe 35 years to do what the Caribbean has succeeded in doing between 1989 and 2004. Sir, it is the same process. It is the same complexity but we in the Caribbean have so come to doubt ourselves and to live in a climate of distrust and with a willingness to want to discredit, that the region cannot understand that what it has achieved is beyond anything that has ever been achieved by any other region in the world, including Europe.

Sir, this is a tremendous thing and, therefore, from the Floor of this Parliament, I want to thank those persons in the Caribbean, the private sector, the public sector, the ambassadors and consultants, who constituted members of the inter-governmental task force, who have put us in the position today where we can have something that is as important as this being embodied in the law.

Sir, the former CARICOM Ambassador to Barbados, Mr. Nigel Barrow, in many respects chaired the inter-governmental task force and as a person who I think was also involved in the original Federation of the Caribbean has such a deep commitment to the process, that he made that chairmanship of the inter-governmental task force his life work at the end of his career. I really want to thank him for it. Sir, these things should be said, for they are part of the historical records.

11.00 a.m.

Mr. Speaker, the Caribbean Single Market and Economy has been made a legal identity insofar as in 2001, the region agreed to the Revised Treaty of Chaguaramas to bring it into existence and we now have to translate it into a live reality which, on the first instance, involves our agreeing on the programme to remove all the restrictions on capital, movement of labour, rights of establishment of enterprise and provision of services that are necessary to create the single market part of it first. Sir, that single market should be created by 2005 and some of us in the Caribbean, principally Barbados, Jamaica, Trinidad & Tobago feel that we can create it by 2004.

Mr. Speaker, this debate today is to allow us to give effect to our obligations to remove the restrictions that Barbados has put in place on regional activity in relation to the movement of goods and services by the end of 2004. This does not mean that there are not other things that we would have to do in the future to be part of a single Caribbean economy but as regards the meeting of our obligations to the single market, this Bill is intended to join others that have gone before to allow us to honour our obligations by 2004.

Sir, the arrangements to remove the restrictions on capital, labour, rights of establishment and movement of services are contained in Chapter 3 of the Revised Treaty of Chaguaramas. They have been conditioned by two principles

as expressed by Articles 7 and 8 of the Treaty itself. What the country has to do in relation to its obligations to be part of a Caribbean single market are governed by Articles 7 and 8.

Sir, Article 7 prescribes that within the context of the scope of the Treaty that member countries will not discriminate on grounds of nationality only. This means that if there were arrangements in Barbados that discriminated against other CARICOM nationals on grounds of nationality only, insofar as it relates to movement of capital, rights of establishment or provisions of services, they would have to be removed.

We are aware that over a period of time in Barbados we have designated certain sectors of the Barbados economy as being exclusive spheres for Barbadian nationals only. This would be in contravention of the provision of Article 7 which says that you cannot discriminate on grounds of nationality only.

Article 8 of the Treaty of Chaguaramas says that CARICOM countries undertake not to confer on extra-regional entities conditions that are more advantageous than they are prepared to confer on their CARICOM nationals in relation to the same activity.

Sir, as the House is aware, over the course of the history of the Caribbean at least 450 different types of restrictions of all kinds have been imposed by Caribbean Governments on the people of the region, their enterprises and their capacity to move capital, labour, *et cetera*. An intense process of preparation had to be undertaken where we had to do a comprehensive survey on the circumstances of every country and determine what were in fact restrictions, categorise them and then develop a programme for removal.

I want to give the House an idea of the complexity of what was involved. Sir, some Caribbean countries have alien landholding legislation embedded in their Constitution but this would now be contrary to Article 7 of the Treaty of Chaguaramas which says that you should not discriminate on grounds of nationality only. Those countries which have alien landholding legislation have to amend their Constitutions to apply the provisions of the Treaty of Chaguaramas in relation to discrimination.

There are some restrictions that are embedded in law and some that are in the nature of simply administrative practice. Sir, all countries notified the region as to what constituted their restrictions. These were then categorised in relation to those that could be removed immediately, over the medium term and over the long term ending at 2005.

Mr. Speaker, in some countries' programme anything that required amendment to the Constitution to remove a restriction on activity would have to be removed at the end of the process. It is to the credit of the region that in a short period of time the entire region could, in good faith, sit and put together all the information about the restrictions and agree to introduce no new restrictions and remove all the existing ones over a four-year period. Essentially, Sir, the creation of a single market is about the removal, on a phased basis, of all 450 odd restrictions that were identified that stand in the way of capital, labour, free movement, services being provided and Caribbean entities being able to establish their enterprises wherever they are in the Caribbean.

Mr. Speaker, this House has already dealt with various aspects of the programme to remove some of those restrictions. For example, the House already dealt with the Caribbean Skilled National Bill which is intended to give effect to our commitment to remove the restrictions on certain Caribbean nationals being able to enjoy the right to work in Barbados. The House already dealt with the accreditation legislation and formally approved the social security arrangements and in a previous Parliament already approved the arrangements for Barbados to participate in the double-taxation treaty of CARICOM.

Mr. Speaker, this legislation now seeks to put in one place the arrangements for us to remove all those restrictions where Barbados would have in the past been applying discriminatory economic measures against other CARICOM nationals.

Sir, the areas in legislation in Barbados where there were specific provisions in the law that amounted to discriminatory provision on grounds of nationality only affecting the capacity of other CARICOM nationals to function in Barbados are the Shipping Act, the Travel Services Act, the Offshore Banking Act, the Barbados Port Authority Act, the Small Business Development Act, the Companies Act, the Immigration Act and the Legal Professions Act.

There are certain other matters not built into the law that are in the nature of administrative practices which are also discriminatory and to the extent that they are not built into any law means that there is no law to amend. What is here in this omnibus legislation is merely the provision to amend at one time, by one fell swoop, all of those provisions in various Acts that are offensive to the precept of Article 7 of the Revised Treaty of Chaguaramas that there should be no discrimination on the grounds of nationality only.

11.10 a.m.

Sir, rather than bringing separate pieces of legislation, incorporating them into one Act and changing those other

pieces of legislation by reference, it would mean that in some circumstances there will be additional work to change administrative practice and those areas relate to financial auditing, land transportation, restaurant services and the registration of architects. Mr. Speaker, if the Honourable House does not seek provision for this omnibus legislation it is because our restrictions in relation to matters in those spheres have never been codified in the law.

Sir, we have also identified, during business operation and outside of the context of the agreed programme between CARICOM, certain provisions in the Insurance Act as discriminatory and those are to be amended.

Recently, a consultant was contracted by CARICOM to make sure that we fine-tuned the process across the region and that consultant looked beyond the 400 restrictions that have been the subject of the agreed programme. They have identified that our Aliens Act, Companies Act, Financial Institutions Act, Industrial Designs Act, Patent Act, Trademark Act and Franchises Registration and Control Act were not in the original programme that was agreed to and are also contrary to the provisions of Article VII to the extent that they contain discriminatory positions and, therefore, we are now incorporating those Acts that were identified by the consultant into this one piece of legislation, so that in one fell swoop Barbados can honour its obligation to remove from its domestic law, things that are of a discriminatory character.

Mr. Speaker, the Honourable House may want to get a flavour of some of these discriminatory practices that were observed in the past. Under the Franchises Registration and Control Act, this Act states that persons other than citizens or permanent residents must obtain a licence from the Minister prior to operating a business using his or her own mark, product, service, technique, device, copyright, industrial design or innovation.

Sir, this Act treats Barbadians in Barbados differently from how it treats CARICOM nationals in Barbados. We are, therefore, amending the law to remove the requirement that there should be this distinct treatment.

Mr. Speaker, we had before the Honourable House last week an amendment that did not capture what was needed. The amendment that was before this Honourable House, which we refuted, was one that would impose a new burden on Barbados by trying to correct the burden that was on Caribbean nationals by requiring Barbadians now to seek a licence, when they did not have to seek it in the first instance. We have tied that area.

Asides.

Rt. Hon. O. S. ARTHUR: Sir, the Aliens Act states that an alien shall not hold a piloting shipping licence and

shall not be the owner of a ship registered in Barbados. Sir, for the purposes of an Aliens Act, an alien means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland.

Mr. Speaker, as you are aware, most countries in the Caribbean are members of the Commonwealth except Haiti and Suriname. Therefore, they would be defined as aliens for the purposes of the Aliens Act and until Haiti and Suriname are part of the CARICOM, we have to amend the Aliens Act.

Sir, the Immigration Act is being amended to facilitate the free movement of service providers and specified categories of CARICOM nationals entering Barbados with respect to rights of establishment and I will come to that in greater detail later.

The Companies Act, section 198.1, states that a public company may by special resolution, amend its articles in accordance with the regulations to constrain the issue of transfers of its shares to persons who are not resident Barbadians. Again, this is discrimination on grounds of nationality and that has to be amended.

The Insurance Act states that applicants for registration of brokers will only be received from individuals who are permanent residents of Barbados and from companies and other corporate entities that are residents in or controlled by citizens or permanent residents of Barbados. Sir, again, this provision is discriminatory and it has to be removed.

Mr. Speaker, under the Legal Professions Act, qualified citizens of Barbados are admitted to practice. Non-citizens belonging to countries listed in the First Schedule of the Act are admitted on the process of reciprocity. The existing Act excludes Haiti and Suriname and will have, therefore, to be amended.

Sir, the Travel Services Act states that only citizens, permanent residents and immigrants are allowed to operate as travel agents and we have to make provision for CARICOM nationals to be able to so function.

Sir, the Small Business Development Act states that an approved small business for the purposes of concessions would have to be an enterprise in which 75 per cent of its shares are locally owned. Mr. Speaker, you can only get small business concessions in Barbados if 75 per cent of its shares are locally owned. That is discriminatory in relation to the fact that it does not provide a similar benefit for all CARICOM nationals and that has to be changed.

Sir, the programmes for the removal of these restrictions are guided by two things. One, we have to remove those provisions where there is discrimination

with regard to nationality, Article VII of the Treaty, and secondly that CARICOM countries undertake, not to convey on entities outside of the region in every circumstance treatment that is more favourable than they give to the CARICOM nationals.

Sir, in relation to the scope of what is being achieved, in many instances what we have to do to become Caribbean Single Market and Economy compliant by 2004 is not going to bring about vast upheaval in the structure of the Barbados economy. The fact is, Barbados has been a relatively open economy in many instances before. We do not have any major embedded difficulties that some countries have, such as alien landholding legislation and such of that character.

Mr. Speaker, I must speak in greater detail on the requirements to meet obligations under Chapter III. This single market that we are seeking to create will for the first time allow CARICOM nationals the right of establishment of enterprise and it is an important concept because it never before existed in the region. This right to establish enterprise is being conferred in the Treaty on a category of entities that are at the very core of the regional economic soul, if I can put it that way. It is a right conferred to persons to engage in non-wage activity, that is self-employment, commercial, agricultural, industrial, professional or activity of an artisan nature. Persons seeking to create their own enterprise in areas such as agriculture, industry, commerce, professional or artisan areas can now go into other CARICOM countries and enjoy the right to establish those enterprises.

Sir, they are also entitled, not only to establish those enterprises but the provisions relating to the rights of establishment allow them to be able to have the host country extend entry facilities to their managerial, technical and supervisory staff.

Mr. Speaker, it has to be made clear that there are two things involved, (a) self-employed persons in agriculture can now go into other CARICOM countries and acquire work permits and establish enterprises and their managerial, technical and other staff is now also in a position to move.

Sir, I make that point because there is a popular belief in the Caribbean that only certain classes of graduates have freedom of movement. This is not true. There are other categories of people in the Caribbean who have rights of freedom of movement within the context of the general provision, in relation to the right of establishment of enterprise.
11.20 a.m.

Article 45 of the Revised Treaty of Chaguaramas also makes provision for something that is new and radical in the

Caribbean, in that member countries commit themselves to the goal of the free movement of their nationals within the community. This is the overarching goal that is stated in those broad terms and it has been decided, Sir, that within the context of making provision for the movement of the nationals, the regional decision-makers have decided to start with four types of nationals, namely, university graduates, media workers, sportsmen, artisans and musicians.

They have also committed themselves to additional facilitation measures to allow those nationals to be able to move, including, Mr. Speaker, the elimination of a requirement for passports for nationals travelling to their jurisdictions, the elimination of a requirement for work permits, the establishment of certifying and establishing equivalency of degrees for accreditation institutions, and the harmonisation and transferability of social security benefits. Sir, a framework has been put in place for the process of allowing CARICOM nationals to begin to move and to be facilitated.

Mr. Speaker, my own view of the matter, quite frankly, as I said recently at a seminar in Suriname, this is but a start. It is modest and it is imperfect. The intention is to allow all CARICOM nationals to move. The best to have been negotiated is that you start with a set.

The truth is, Mr. Speaker, that while under the rights of establishment, non-wage people are free to move, if they are in agriculture. I also think that if you want to go to another CARICOM country and create your own agricultural enterprise, you are now able to do that. However, if you are a wage earner, who wants to develop an agricultural system in another CARICOM country, you do not yet have that built into the Treaty.

Sir, I feel that we should call all the Guyanese who have come here self-employed people, because if they were self-employed, they could come and do the same things that they were doing, but if they are not self-employed, then they are excluded; but graduates can come.

Asides.

Rt. Hon. O. S. ARTHUR: Mr. Speaker, it is a tragedy, an irony, that in the days when our region was under Colonial rule, the people of the Caribbean could move freely within the region. They could and did, and there was a robust migration in the Caribbean, where Barbadians went everywhere across the Caribbean and other Caribbean people came here.

Mr. Speaker, the development of our region must be based upon the strength of our human capital. Sir, you cannot develop the region or any country, if you then

put restrictions on the movement of capital. As I said, we had to negotiate what was accomplishable but, I really feel that the list is too restrictive, and there are areas where people need to be able to move in the Caribbean and have the fusion of skills across the region that are beyond these five designated areas, which are vitally needed for the development of the region as a whole, and the development of some Caribbean countries.

Asides.

Rt. Hon. O. S. ARTHUR: Sir, I appreciate the contributions of media workers at the University, but there are others who have technical skills, not graduate skills, but they are needed to build our economies, and I feel that they should also be able to move freely.

Sir, I was pleased to be at the Caribbean Congress of Labour in Suriname last week and to be part of this effort to let us broaden it, because I do not believe that all of the people in the Caribbean will come to live in one area, as if they do not have any commitment to their kith and kin and community. It is against human nature for these things to happen and I think we have been too defensive and modest in this matter, and I would continue to urge Barbadians especially, to have the wide and handsome approach. Barbados has been the Caribbean country that since the Treaty of Chaguaramas has been in vogue, opened its doors mostly to other CARICOM nationals. Sir, some 800 non-Barbadians have already benefited from the provision afforded to graduates to come to Barbados from other CARICOM countries.

The country next to us is Trinidad which has allowed 400. We have been generous to the graduates. We also have, Mr. Speaker, to be generous to the non-graduates because Barbados needs their skills as much as they need the graduate skills, and in some instances, Sir, perhaps even more. I am making the point that the revised Treaty of Chaguaramas makes provision for the movement of nationals within the Community.

Asides.

Rt. Hon. O. S. ARTHUR: It is being addressed here to the extent that we have to amend the Immigration Act, but we have already addressed it in other pieces of legislation, and we have set up the Accreditation Council to be able to treat to issues relating to degrees.

There is one qualifying issue that has to be admitted into the discussion and that is, if you are going to allow people to move freely, then the question of their contingent rights arises. Are the people who are going to move freely entitled to the same access to social services and other domestic entitlements as nationals would? Sir, that matter is

now the subject of evaluation by the inter-governmental task force. Indeed, Sir, it is one of the issues that has been recognised as unresolved.

Mr. Speaker, Article 239 of the Revised Treaty requires that member countries develop a protocol, rights contingent to the establishment of services and the right and movement of capital within the community. Therefore, at this time, they cannot fully embrace our overall policy of complete freedom of movement of people until it has been decided by way of a protocol built into the Treaty what rights will persons from other countries coming into your country enjoy in relation to access to services that your nationals regard as their right.

Sir, it is an important matter. It is an issue that had to be dealt with by Europe and, obviously, it is a matter we have to deal with shortly, if we are to move this process forward.

Mr. Speaker, the effort to establish a single market also requires us to remove restrictions that have existed on people's capacity to provide services. I am not going to take the House through all the modes in which services can be supplied. I presume that Honourable Members read the basic literature about international trade and are familiar with the four fairest modes.

Mr. Speaker, we sought to make provision for the removal of establishment of services in all four modes that are known to the International Trade Law under Article 36 of the revised Treaty, from one Member country to another, from consumption abroad established through commercial presence and through the movement of natural persons.

Mr. Speaker, there is a close relationship between the provisions in relation to the removal of restriction on services and rights of establishments, and those who are interested in reading the Treaty should take them together. May I say, Sir, that a lot of the intention is to facilitate the liberalisation of services, especially in areas that lead to the generation of foreign exchange, and those provisions are explicitly stated in the Treaty.

The Treaty and the arrangements for the creation of the single market also removes restrictions that would have hitherto assisted banking, insurance and other financial services. Under Article 40 of the Revised Treaty, member countries of the region agree to remove restrictions on the movement of capital payments and current payments, including payment for goods and services, and transfer payments within the single market.

11.30 a.m.

The Treaty makes provision for the removal of capital and current account payments and transactions, but there

is not yet an agreed regional programme that sets a time limit by which all capital controls have to be removed on capital transactions. That programme still now has to be agreed because, as you would appreciate, Sir, the removal of exchange controls in an environment where there are some countries that have fixed exchange rates and some that have floating exchange rates is a matter that has to be proceeded with a certain circumspection.

Mr. Speaker, what we were seeking to do then is in this legislation to remove all of those things embedded in the law where there is specific discrimination as regards people's rights to establish enterprises and things of that nature.

Mr. Speaker, at the special meeting of the Heads that will take place in Trinidad over the weekend, one of the key matters on the agenda is for us to take stock as to where the region is in honouring the obligations to create the single market by 2005 and what the region must do to press on with the work of creating the single economy in the period beyond 2005.

Mr. Speaker, the opportunity to constitute the Caribbean as a single economy is perhaps even more exciting than to have the region become one single market. In many respects, some regional economies have the same sectoral problems, for example, sugar and agriculture. The regional economy has a sugar industry that is facing the same peril in which there ought to be the same process of rationalisation. I feel that the region should have negotiated long ago with Europe for a regional quota for sugar and allow that quota to be met from the country that can produce sugar most effectively. I also feel that we should have long ago negotiated with Europe and others to get resources to start developing the sugar cane industry not to sell sugar but to start doing things like producing fuel and maximising the use of other by-products.

Mr. Speaker, we have the opportunity now as part of the effort to build a regional economy to rationalise our sunset industries. There is no fisheries mechanism nor no regional fisheries policy that governs access to the Caribbean Sea, but yet we would all agree that the Caribbean Sea constitutes a vital part of the Caribbean economic space. Europe has a common fisheries policy, the Caribbean does not have one, and Barbados has put on the table what we conceive to be the basis for a proposed regional fisheries policy.

Mr. Speaker, there is tremendous scope in the Caribbean for us to address issues pertaining to regional food security, but we can only do it on a regional basis. The region imports \$3 billion in food every year but there are vast open spaces in the Caribbean that can be used to produce that food to feed the region. Therefore, it makes sense for us

now to seek to do it by allowing Caribbean nationals to exercise the right of establishment of agricultural enterprises across the region. Mr. Speaker, consider what would happen if we had regional companies to which all of us in the Caribbean could subscribe by way of the ownership of the equity that was producing the food that is necessary just to supply our tourism industry. The Caribbean could supply the tourism industry.

Sir, consider also what would have been the case if we could have a situation where the Caribbean could for the first time get involved in the cruise business. The cruise industry is the only industry, I like to say, in which the Caribbean is dominant in the world. Over 53 per cent of international cruises originate and take place in the Caribbean, but the Caribbean does not have any interest by way of investment in any cruise business, so we need the Caribbean entrepreneurs to invest as much in cruise as they do in land-based tourism. Sir, we really do need to have a Caribbean cruise line that offers international visitors a different experience. We need a cruise line that goes from Suriname, stops in Guyana and comes up to the Caribbean and offers the Caribbean a new opportunity. We could then be able to put our own people on the cruise lines and supply them with our own products rather than be scrambling, as we are often scrambling about the head tax here and a little bit of supply here.

Sir, the opportunity to develop our sectors under a new Caribbean economy offers these prospects which Heads now have to put in the form of a work programme to make sure that the major elements of it are in place by the year 2008.

Sir, we also have to begin to build regional institutions that can support the development of a regional economy in standards and in competition policies, but the most exciting possibility is to build a strong regional capital market. Sir, in my judgement, the earliest and fastest progress that would be made in the building of the CARICOM Single Market and Economy is in relation to the capital market. All the ingredients are already there. There are strong financial systems in the region. There is excess capital in the region in some areas that have to be moved to others. More especially, we have in the Caribbean in the financial sector that emerging collection of enterprises that already point the future to the Caribbean economy.

You must allow me to make one point, Sir. Last year I was invited to visit with SAGICOR in their annual meeting in London. It was an important exercise because they wanted me to see what was happening to SAGICOR as a company that began in Barbados. SAGICOR now is a company that is drawing all of its management and its capital from across the region. It has a corps of leadership

that is regional in scope. It has a workforce that is completely local. It has used access to the regional capital market and access to the regional pool of labour to build a company that is now fully regional and has reached and attained the scale of operations to now begin to go global. The intention now of having a Single Market and Economy is a point of fact to allow enterprises to evolve that can become regional in the first instance and then proceed to go global after.

Sir, I strongly feel that the earliest possible progress that would come from a CARICOM Single Market and Economy will come from our developing our regional capital market because the region has the capital and the foreign exchange to begin to create the kind of enterprises that will transform the Caribbean economy from 15 relatively weak economies to one strong regional economy. That is where the early harvest has to go.

Ahead of us, Mr. Speaker, is the need for us to have a regional development fund and I hope that we can leave our meeting in Trinidad with an agreement in principle on a regional development fund. I will just quickly explain to the House the significance of why that is necessary. Whenever countries are at different levels of development before beginning the process of integration, unless deliberate efforts are taken to lift up those that are at the lower levels, integration is simply going to lead to the emergence of a disastrous set of tendencies whereby those that start as being more developed would advance at the expense of those that are less developed.

Already in the Caribbean before we even went to a CARICOM Single Market and Economy, economic polarisation had started to take place. In that period leading up to 2004 when our integration had been restricted largely to the removal of goods on trade, Trinidad and Tobago benefited more from that pre-phase of integration than any other Caribbean country. Prior to the CARICOM Single Market and Economy, Trinidad and Tobago accounted for 75 per cent of all inter-regional exports while only providing a market for about 15 per cent of inter-regional imports.

Sir, Barbados is a bigger buyer of CARICOM goods than Trinidad and Tobago. Trinidad and Tobago, because of its abundance of energy resources and the re-engineering of its industrial sector, has obviously been in a position to benefit from the removal of the restriction on goods but it has been at the expense of other CARICOM countries.
11.40 a.m.

Mr. Speaker, when we go to the single market and single economy, Barbados because I think it has the services to sell, will benefit much more in the next phase of CARICOM but we have to be conscious that we have to take the whole region with us, and Europe has shown the way how it is done. Europe started with a situation where Portugal, Spain, Greece and Ireland, were at different levels

of development than the rest of Europe. If you want to bring these four countries into the same economic space, then what you have to do is to lift them up so that it does not become an issue to their citizens where they are living because if Ireland is as developed as the rest of Europe, then the people in Ireland will stay in Ireland.

Mr. Speaker, the point I am making is that one could only successfully bring everybody into the same economic space if all aspects of that economic space are developed virtually to the same level because as long as development is relatively at the same level, it will not matter to people where they live and work. As long as there is a distinction, then you can be sure that there will be a concentration of activity and a tendency for persons to move to the same space.

Mr. Speaker, over a 30-year period, Europe has deployed over \$350 billion in regional development funds to lift up Ireland, Greece and Spain. Those countries are prospering today in large measures because of integration, because there was something deliberately in it for them.

Sir, Europe had that agreement whereby every country had agreed that 1 per cent of its Gross Domestic Product (GDP) would have been put towards a regional development fund and that the lesser developed countries would have access to it, to help themselves develop.

Mr. Speaker, I am strongly of the view that in order for the single market and single economy to work, the lesser developed countries must too be satisfied that there is something in it for them. The Treaty of Chaguaramas, in 1973, called for a regional development fund but it has never been done. Barbados has prepared a paper that we presented to the Heads of Government as to how a regional development fund could be created. There is a consultancy that the Caribbean Development Bank is now spearheading on the matter and I hope that the Heads can reach an agreement that we can have a regional development fund created and funded, to come into existence in 2005, at the same time as we are asking the lesser developed countries of the region to begin to open their markets to the rest of us. I think it is only fair. I do not think that we are going to get a single market unless this happens and I want to ask the Honourable House to commit Barbados.

Sir, to the extent that we can benefit in the future from the expansion of the single market and single economy, let us agree here. I am asking the Honourable House to give me their mandate, to tell the rest of the region that the Treaty of Chaguaramas commits us to a regional development fund and that Barbados will find the resources to contribute to the fund so that we can have equitable development in the region, as the single market is intended to create.

Mr. Speaker, the Honourable House may ask what is in this for Barbados and I think I would have touched on it already such as the previous attempts at limited integration, the removal of restrictions on the movement of goods, from which Trinidad and Tobago benefited most. The next phase of integration will liberalise the regional markets in those areas where Barbados has a great advantage, such as in the movement of services. I feel that we should gear ourselves to go for it. The Honourable House will, therefore, better understand the very caustic nature of some remarks that I had to make at the recent national consultation on the economy.

Mr. Speaker, I want to say this again and to put it into context. It only makes sense for Barbados to participate in a single market and single economy and in the Free Trade Area of the Americas because it gives us a broader market in which to sell the services that we have in great abundance and in high quality. In anticipation of this, the Government has encouraged the formation of a Coalition of Service Providers. The Government has committed resources to that Coalition of Service Providers, to give it a Secretariat, a website, and to help it with its management programme.

Mr. Speaker, the programme for service development can be put contextualised by the State, by our providing the framework but it is for the Coalition of Service Providers to fill in the space and to tell us what are the key private sector activities that we must now push, in order to make Barbados the main provider of services in CARICOM.

Our expertise to date has largely been in the sale of international financial services but Barbados still has to be able to sell all other kinds of services to the rest of the world. What we, therefore, want from the Coalition of Service Providers is not attacks about Government only employing public servants who are professionals. That is not their business. We want from them, and we have not yet received, the precise programme that will give us the assurance that once we go to the single market and single economy, that we would have a group of service providers in Barbados who would say that the market is now open and that we are going to go for it. This is what we have to sell. We want that programme. It is what we have asked for. It is what the Government has committed resources to the Coalition in order to help them to develop. It is within their capacity to develop that programme but we must have it, if we are to optimise the benefits arising from a single market and single economy.

Mr. Speaker, I, therefore, feel that we have to press on with this matter if only because as I said, Barbados stands to benefit more from the next phase of CARICOM's economic integration than from the phase that has gone before, where Trinidad and Tobago was the greater beneficiary.

Mr. Speaker, as I said, there has always been criticism in the region about the single market taking too long. Today I have laid that to rest when I said that in 15 years, we are exactly where Europe was in 1992 but that it had taken Europe 35 years to get to that point, and Europe is still now evolving having declared the intention to constitute itself as a single market as far back as 1957. Sir, this message has to go out. Sir, a great effort has been made to bring us to this point and we should be congratulating ourselves for having brought it.

Mr. Speaker, there are issues, and I trust that the Honourable Minister of Foreign Trade and the Honourable Minister of State, when they get the opportunity, will both speak to it. There is a view that all of this would become irrelevant, that the single market will become subsumed in the Free Trade Area of the Americas and in the global trade issues, *et cetera*. Sir, nothing can be further from the truth, and for a number of reasons.

Mr. Speaker, we are trying to build a single market and single economy, in which the arrangements for liberalisation are broader, more attractive and deeper than we are prepared to deal with or to negotiate in any other theatre of negotiations. Sir, to put it graphically, if persons in St. Philip had more liberal economic relationships than those in St. George, and those in Christ Church had a more liberal relationship among themselves, there will be a tendency for persons to want to go to those markets where the arrangements for economic activities are more attractive and more liberal. Similarly, by making sure that in the Caribbean we remove more restrictions on the activities among ourselves than we are prepared to remove in the Free Trade Area of the Americas or under the World Trade Organisation (WTO), we will always keep the Caribbean as a more attractive area for Caribbean people than the rest of the world.

Sir, if I may illustrate. In the Free Trade Area of the Americas, there is no provision being negotiated for the movement of labour and we are, in every area, a services industry. In relation to services, in 1994, Barbados made very few commitments to remove restrictions on services in the World Trade Organisation (WTO) but in CARICOM we are making commitment to remove restrictions on all so that the single market and single economy is what is called WTO-plus. We are making it more liberal than we are prepared to agree to in any other trade relationship with any other country in the world. It is also intended to be FTAA-plus. There are things that we are prepared to do amongst ourselves that we are not prepared to do in the Free Trade Area of the Americas. Indeed, I have been at everyone of the summits dealing with Free Trade Area of the Americas.

The Free Trade Area of the Americas has been designed, not to replace, but to co-exist with other

sub-regional groupings and that can only be the case if the sub-regional groupings provide themselves with more liberal arrangements than they provide in those institutions. Therefore, the Single Market and Single Economy has been deliberately designed to be both WTO-plus and FTAA-plus. 11.50 a.m.

Negotiations to create a Free Trade Area of the Americas (FTAA) by 2004 have been suspended since February of this year. The deadline that was set to put the FTAA into place by 2005 cannot now be met and whether or not they can be met in the future depends on what happens today. By any event, even if the negotiations of the FTAA were to resume, there is no doubt that it could not come into existence before 2007 at the earliest. The US Government has started negotiating separate agreements on a bilateral basis with the Dominican Republic and Trinidad & Tobago which suggest that their interest in the FTAA has waned.

Sir, I have gone to every summit of the Americas at which the FTAA has been discussed and the concept of the FTAA as it was originally conceived has been massively modified at the most recent Ministers of Trade meeting. In 1994, the FTAA was intended to be a free trade area embracing liberalisation in nine areas that had to be put in place as a single undertaking, subject only to the limitation that special and differential treatment had to be built into each of the nine areas for small countries. Sir, that has floundered because there can be no hemispheric agreement on free trade in agriculture.

Sir, the world has to be told and the media must help in this matter. The developed countries of the world each year give their agricultural sectors \$350 billion in support but the countries of the world in Africa and Asia that get aid from these developed countries get only \$50 billion in aid.

Sir, the developed world gives their agricultural sector seven times more support than they give the poorest countries of the world. There can be no prospect of free trade in agriculture when people are asking us to open up our markets for highly subsidised products being produced in the United States of America and elsewhere. We cannot have free, fair agriculture in circumstances where people are subsidising themselves to that extent while others cannot do this. I want to say that the part of the world that is living on the most aid is the rural society of the developed world.

Mr. Speaker, the greatest encumbrance to the creation of the FTAA is that countries in the hemisphere such like Argentina, Brazil and others can be major food exporters but cannot export food because there are restrictions in the United States of America. The United States of America is not only maintaining its pre-existing subsidies to its farming community but the present President, as you know, Sir, went against world opinion and introduced a Farm Bill which says

that it would be given more subsidies so we simply cannot have free trade in this hemisphere in agriculture.

Mr. Speaker, I want to make it clear that we are not going to open up our markets to people dumping their products here which are subsidised. I have heard Barbadian supermarkets say that they want to be able to sell chicken at \$1 per pound but they do not understand that the chicken producers in the United States of America are not living on what they produce but their Government has taken from other sectors and subsidised the agricultural sector.

Sir, it is an injustice that the persons in the world living on the greatest aid are the farming community of the developed countries because they are given seven times what Africa, Europe and Latin America receives. Mr. Speaker, the Free Trade Area of the Americas has floundered as was anticipated. No one can agree to liberalise trade in agriculture when one country is not just maintaining its subsidies but expanding them while expecting us to open up our markets.

The Caribbean trade ministers especially, have been part of the effort to say that we cannot get past that hurdle to a free trade area that would do damage to our vital interest. Mr. Speaker, the talks have been suspended on agriculture and other issues. It has been agreed that rather than there being nine protocols, fully negotiated to be implemented all together or not at all, countries would now subscribe to common principles and then you can pick and choose which aspect of the free trade arrangement you want to subscribe to. You can become part of the free trade area but you do not have to accept all the disciplines of market access or whatever else because you can pick what you want.

Sir, even if there is going to be a free trade area of the Americas in 2007, which is optimistic, it will bear no relation to the binding, holistic free trade arrangement that was contemplated in 2004. May I say that the Caribbean, which has enshrined the precept of special and differential treatment in our own Treaty of Chaguaramas, has been fully insistent that there can be no FTAA unless provision is made explicitly for special and differential treatment for the small economies of the Americas.

Sir, there should be no issue that the Caribbean Single Market and Economy will be of enduring relevance to the Caribbean because we have made it more liberal than any other trade arrangement in which we are participating. Sir, the trade arrangements that were likely to come into existence in 2005 are no longer on the immediate horizon.

Mr. Speaker, the last matter I want to address in this opening statement is the issue relating to governance of the regional integration process. It is an issue that has been raised over and over again and is a legitimate one that

the pace of implementation of regional decisions in CARICOM is slow. Sir, I agree that the pace is slow and should be improved.

The pace of implementation of regional decision in CARICOM is slow for a precise political reason, namely, that CARICOM has chosen to be an association of communities of sovereign states and we have not accepted any form of political integration that allows supranational institutions to be responsible for the implementation of regional policy. Sir, CARICOM is a community of sovereign states in which each country participates as a sovereign state and each country, as a sovereign state, is responsible for the implementation of regional decision.

Sir, in Europe, there is a body of community law and the European Commission can give directives to embody decisions at the regional level directly into domestic law. In our case, Mr. Speaker, Sir, unless we take the Treaty of Chaguaramas, embed it in the law and pull out those parts of the Treaty that have to be embedded in the law to be given enforceability, then there is no real binding enforceability in the best legal sense. It is left to the will of sovereign states to implement the provisions of a regional nature in CARICOM.

The question has always been asked whether the CARICOM countries should allow the evolution of some kind of supranational institution that would give automatic or stronger scope for enforceability of matters that are entirely of a regional nature.

Is there now not going to be the evolution of a body of community law that should automatically be embedded in the jurisdictions concerned? Sir, the Caribbean Single Market and Economy has already prepared a large number of model laws and almost every one of the provisions in this Treaty has been the subject of the Drafting Unit of CARICOM and model laws in the Companies Act and Customs Act have been prepared. The work programme to bring the Caribbean Single Market and Economy into existence is ready in the form of model laws.

12.00 noon

Sir, it is now for CARICOM countries to invoke the use of their Parliaments to make those regional laws domestic laws. There is nothing in the political arrangements of CARICOM that force them to do so. The implementations of the regional provisions are fundamentally affected by the fact that the CARICOM countries have retained sovereignty and they have not been prepared to transfer sovereignty to other supranational, regional institution. I also want to make the point that there has been an unwillingness to devolve authority even to the organs of CARICOM that have been created to help implement the Caribbean Single Market and Economy.

Mr. Speaker, I am the Prime Minister with lead responsibility for the creation of the Caribbean Single Market and Economy and I always say that the region asked that whoever the Prime Minister of Barbados is will be the person who has lead responsibility. I often feel that is the worse thing that a politician can be, a person that has responsibility but has not been given the power to it. I can only use suasion representation but there is no lawful authority by which the person with lead responsibility can make things happen.

Sir, the region is still holding on in a fierce way to all the symbols of insular nationalism and it has wrecked the implementation of the integration process.

Mr. Speaker, when economic integration was of a simpler form and involved, as it did under CARIFTA, the removal of duties at the Port, then issues of government did not have to arise because all we needed to do was to bring an Order to Parliament to do that, but as we get deeper into the integration process to make a single economy work, then fundamental issues of government have to be divested. There has to be some ceding of sovereignty, the pooling and transferring of sovereignty to an extent that was not contemplated when CARICOM was created. Therefore, the issue of governance has to be addressed if we are to advance this process.

Sir, this is an issue that is tantalising the attention of those of us in CARICOM. The CARICOM Wise Men Report, Time for Action, had proposed commissioners and that issue is being revisited. My view is that we have to devolve serious authority to the existing organ of CARICOM and give them full responsibility to work. We have councils that have been created as part of the Caribbean Single Market and Economy. It is my judgement that those Councils, at the Council of Ministers, have not been given authority and we have to devolve authority. Barbados will support strongly the devolution of authority to organs to function on our behalf and do that as a matter of urgency.

Sir, the creation of the Caribbean Single Market and Economy will also require the deployment of new resources. A full work programme, which is to be implemented over the course of the next ten years, has been conceived and all the action has been costed. We know what has to be done. This Honourable House has agreed to allow the Government to let a CARICOM Single Market Unit be housed in our Central Bank and this unit has done valuable work. Sir, the work programme is there but it is going to cost money to implement.

Mr. Speaker, funds have been arranged for the Caribbean Court of Justice but funds now have to provided

for the implementation of the work programme because there is no point specifying the work programme when there is no automatic funding for it. So the issue of governance and automatic funding have to be addressed.

Sir, I feel that sooner or later the region will recognise that in the same way that we could not have the Barbados economy as a single market and economy, unless you had a form of political governance that is equivalent to what is required to make that single economy work, then we cannot take a region and bring fifteen separate economies together and make them a single economy when we have not addressed fundamental matters as to how we are going to govern it.

Mr. Speaker, since 1996, I have indicated in speeches that, in my judgement, the economic integration intended has outgrown the political garb in which it is clothed and the region has to think anew.

Sir, last week the University of the West Indies opened the Federal Archives Centre. I am proud to tell this Honourable House that funds which were voted by this Chamber have made that centre a reality. Ever since the closure of the West Indies Federation, all of the documents relating to that experience had been stored in back rooms. Our young people need to be made aware that there was a moment in our history when the Caribbean people came together in a federation. That experience has to be researched so that we can learn from those errors which we may not wish to replicate in the future.

Sir, the University of the West Indies has also been invited by the Government of Barbados to begin research programmes into issues relating to regional governance. Unless we address this fundamental disconnection between the level of economic integration, which we are seeking and our capacity to govern that process, the economic aspect of it will fail and that is the truth.

Sir, may I also say that there has to be an embrace of the concept of integration by the ordinary man and woman. As our contribution, the Government of Barbados has gone beyond what we have done in terms of financing the unit at the Central Bank. Beginning next year we are going to finance the workers' education programme for the single market and the single economy.

Mr. Speaker, the workers in the Caribbean must know what the Caribbean Single Market and Economy is about, what they must do to be part of it, what they must do to support it and what they must do to make it happen.

The public relations programme of CARICOM at present is not a workers' education programme and we feel

that is a vital requirement in moving the process forward. Therefore, next year I am going to be asking Parliament for the resources to let the University of the West Indies, the Barbados Labour College and the National Union of Public Workers and any other places where workers are trained, begin to fund programmes to allow our workers and workers from the rest of the Caribbean to come and begin to understand what CARICOM is about because they do not know.

Asides.

Rt. Hon. O. S. ARTHUR: It also has to be at the university level as well because the graduates coming out of the University of the West Indies must be fully socialised to be part of a new Caribbean experience rather than go back to internationalism.

Sir, I hope that all Honourable Members and members of the society will avail themselves of the existence of a Federal Archives Centre here in Barbados to do research and identify with its causes because a day must come when the region has to revisit this issue again.

Mr. Speaker, I keep making the point that the political shadows are lengthening for whom they are, but tough times are going to face the people who have to lead this process on behalf of the Government of Barbados in the future. For example, the cost of government is slowly going out of the reach of most Caribbean societies. The cost of providing an excellent health care or excellent education is expensive and to add the kind of service that we need in the Caribbean is such that at some time in the future we are going to say, let us designate some parts of the region as centres of excellence for certain things and have these things done regionally rather than everybody in the region having the feeling that they can replicate education and certain facilities.
12.10 p.m.

We would love, Mr. Speaker, to have a diplomatic presence in Latin America beyond Venezuela. Barbados does not have a presence in Central America, Brazil, and Mercosur. Nobody defends the interest of the Caribbean countries where the major decisions are being made in Asia and Africa so that if we are going to live in a world of globalisation, we cannot have only a North Atlantic view of our external relations. Sir, none of us can realistically afford the expense associated with the independence of having a full-fledged set of representation. Therefore, the notion of joint representation has, sooner or later, to become a reality.

Mr. Speaker, our interest in joining with the OECS on diplomatic integration was not driven only by sentimentality. We share a common, exclusive economic space with all of the OECS countries, and how wonderful it would be if we could have an Eastern Caribbean Marketing

Authority that allows us jointly to define what is ours and develop those resources and to protect them.

Mr. Speaker, I could go on that sheer pragmatism will eventually cause Governments in the region to revisit concepts of insular development. In the first 40 years of Independence, there are some that have done it better than others. Barbados has managed by prudence better than some other Caribbean countries but there are some Caribbean countries where the experience of integration is leading to their becoming failed societies. I say that, Sir, not to degrade them but that is the reality. They are each going to remain in a cracked mould, or sooner or later, move to something that from a sheer pragmatic perspective is the only thing that can possibly work.

What the nations of that Caribbean, Mr. Speaker, will be, is left to be seen. It has always been the history of the Caribbean that you start with a few who eventually branch out. It was so with CARIFTA which started with three and the others joined. It was so with CARICOM which started with four and the others joined. Almost everything that is of major consequence in the Caribbean started with a few and then others joined. In the Single Market and Single Economy, a few are trying to make ourselves ready by 2005 and then the others will come along.

I suspect, Mr. Speaker, that if we have to go to a higher form of integration, it will have to start with a few and eventually the others will join. I really must share with the House the perspective of the person who has in this region the formidable responsibility to be the leader to create it, and to say that the authority for so doing bears no relationship to the task at hand.

Sir, if the region wants a single market and single economy to be created, it has seriously to revisit issues of governance. It can be done but I think – and I am saying this during Barbados' Independence celebrations, but it needs to be said – in this climate of fierce nationalism it is going to be hard to accomplish. Sir, sooner or later, if you are going to pool your economic resources, you are going to have to pool your sovereignty and transfer it to institutions that can get those pooled resources used in their best economic way.

I do not believe, Mr. Speaker, that during my period of responsibility for the single market that it is going to be realised. The political part of it is not going to be realised, but I say to this House, Sir, that this country which provided the leadership for the Federation should keep the hope of political deepening alive, because, in the final analysis that is what may make all of the difference as to whether this region will succeed or fail.

I am obliged to you, Sir.

Hon. Dame BILLIE MILLER: Mr. Speaker, I beg to move that further consideration of this matter before the House be postponed.

Hon. R. R. FARLEY: I beg to second that, Sir.

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

SUSPENSION OF SITTING

Hon. Dame BILLIE MILLER: Mr. Speaker, I beg to move that this House be suspended until 1.30 p.m. today.

Hon. R. R. FARLEY: I beg to second that, Sir.

The question that the House be now suspended until 1.30 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.
12.16 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed.

ORDER NO. 4 – THE CIVIL AVIATION BILL, 2004 (resumed)

Hon. R. C. EASTMOND: Mr. Speaker, one of the functions of Government is to continue to evaluate and re-evaluate existing institutions and mechanisms with the aim of ensuring that the country governed is up to date and is the beneficiary of modernisation. With these opening remarks, Mr. Speaker, I rise to intervene in this debate in support of this Bill before us, whose title is the Civil Aviation Act, 2004.

Mr. Speaker, one of the principal reasons for changing the old Civil Aviation Act is to allow for new measures to take effect which would take into account Barbados' obligations to international civil aviation regulatory agencies.

Mr. Speaker, except for some of the schedules, this new Bill before this Honourable House will repeal and replace the old Civil Aviation Act. As everyone knows, Barbados is a country that relies heavily on tourism but in circumstances where the regulatory framework by which our civil aviation is governed has become outdated, it is necessary to update and ensure that we move forward with the changing times.

Mr. Speaker, one of the key things to bear in mind when we look at this Bill is that at the time of the passage of the last Civil Aviation Act by this Honourable House some

20 or more years ago there was not yet in existence the Federal Aviation Administration nor the International Civil Aviation Organisation. By the time the Federal Aviation Administration and the International Civil Aviation Organisation came into existence that old Act which is now being repealed by this Honourable House did not cater to these international agencies.

Mr. Speaker, we had this anomalous situation where Barbados was very much interested in interacting and interfacing with two modern international civil aviation agencies but its law did not really empower it to deal with them. This is going to be put right by the proposed measures before this Honourable House.

In addition, Mr. Speaker, there are two aspects of this Bill which attract my attention. One of them appears in late order in the Act, not that it is by any means insignificant, and speaks to the establishment of a Board which is going to be empowered to look into accidents and serious incidents. That provision is found just before the provision to set up a special tribunal.

Mr. Speaker, for purposes of this Act, the Minister is going to be given power and authority to establish a special Board, where if an accident or a serious incident occurs, the Board will have exclusive investigative power to look into the incident, to go about investigating what caused the incident and the implications of the incident so as to give the country a report as to what has transpired. Mr. Speaker, there is also provision for a tribunal called the Civil Aviation Tribunal which shall determine matters other than the investigation of accidents. That Tribunal will be made up of a Chairman and six members who would be appointed by the Minister.

Mr. Speaker, it is necessary to reflect both on the Board of Inquiry to which I referred earlier and the Civil Aviation Tribunal. These particular institutions set up under the Act are dealt with at Clauses 60 to 63 in respect of the Board and Clauses 64 to 72 in respect of the Tribunal. There can be no question that both of these institutions, the Board of Inquiry and the Civil Aviation Tribunal, are designed to ensure as aircraft come and go even when they are not moving to or from Barbados in terms of their presence in Barbados' airspace, that we have a regime to cater to the question of safety and accountability.

Mr. Speaker, some weeks ago, this Honourable House in terms of our international obligations on particular aspects of safety, considered a convention known as the Montreal Convention. Of significance, this particular Bill before this Honourable House takes into account a convention signed at Chicago in 1944. Sir, even though this particular convention was signed and agreed on in Chicago in 1944, to us it is still

current. It sets out the general framework within which international civil aviation is to occur.

In essence, what I am saying, Mr. Speaker, is that at the level of regulation, both in terms of regulations of aircraft and civil aviation within Barbados and also in terms of Barbados' agreement to be bound by international standards, this particular Bill is very much in order.

Mr. Speaker, there has also been the modernisation of the functions of the Director of Civil Aviation. Clauses 6 and 7 deal specifically with the duties of the Director. The Bill says:

6. The Minister may in writing delegate to the Director any of the responsibilities of the Minister set out in section 5.

7. (1) The Director shall

(a) have the duties and functions as are conferred on him by this Act; and

(b) have the powers and responsibilities delegated by the Minister pursuant to section 6.

7. (2) The functions of the Director are to

(a) grant aviation documents;

(b) carry out inspections and audits;

(c) register aircraft and aircraft mortgages;

1.40 p.m.

Sir, this is a specialised area. The mortgaging of ships and aircraft is an area of relative recency to the Third World but the reality is that there is such a thing as the registration of mortgages of ships and aircraft in this world.

Mr. Speaker, I am very much intrigued that the Director of Civil Aviation is going to be given responsibility more or less to set up an aircraft registry in Barbados to register aircraft and mortgages.

(d) investigate and examine the airworthiness of aircraft;

(e) license personnel who perform duties relating to aviation;

(f) have operational oversight of all flight operations;

(g) examine and report on the operation and development of commercial air services into and out of Barbados;

- (h) provide assistance to organisations and foreign governments in relation to matters pertaining to aeronautics.
- 8. investigate matters concerning aviation security.
- (j) take reasonable steps to ensure the detention and protection of aircraft, and investigate aircraft that are not airworthy or are likely to be operated in an unsafe manner.
- (k) establish aviation standards;
- (l) provide assistance in respect of conducting accidents investigations.
- (m) administer and enforce regulations and standards in respect of the registration and certification of aircraft personnel and airports;
- (n) administer and enforce regulations and aviation standards;
- (o) establish programmes of certification, operational safety, surveillance, inspection of aircraft and airports and the inspection of commercial flight operations;
- (p) promote measures for the prevention of aircraft accidents and incidents;
- (q) establish and maintain a registry of aircraft and aircraft mortgages;
- (r) ensure that airport facilitation meets local and international requirements as set out in Annex 9 to the Convention; and
- (s) certify airports and heliports.

Mr. Speaker, the Minister of Civil Aviation derives power under this new Bill and in many respects, will find himself with more powers and with greater authority now to administer the Bill and its particular clauses. Therefore, in real terms in keeping with the need to modernise and to bring the regulation of aircraft into a modern era, both the Minister and the Director of Civil Aviation are going to be given greater powers than they had under the old law.

Mr. Speaker, in respect to a number of other issues pertinent to civil aviation, the Minister and Director, more particularly the Minister, will also be given power for the development of aeronautics. I do not think that in the last Act governing Civil Aviation it was spelt out so blatantly, neither

was it manifestly clear that the development of aeronautics was one of the objectives of civil aviation in Barbados.

Mr. Speaker, speaking about the development of aeronautics, I must say that by the time this Bill and the regulations which are made under it are made, the Minister and his staff are going to be required to look closely at the powers that have been given them to see where they can perform developmental roles in the business of civil aviation and tourism.

Mr. Speaker, the regulation as proposed in this Bill before this Honourable House foresees a measure of increased economic activity. Sir, the Bill taken as a whole is good enough, both to regulate civil aviation and at the same time stimulate the business of the regional airline industry within CARICOM. It gives greater strength to Government, through the Minister, to engineer the pillars that go with the Caribbean Single Market and Economy.

Mr. Speaker, as has been said over and over again, the context of where Barbados is expected to be involved with the Caribbean Single Market and Economy and the degree to which the Caribbean Single Market and Economy is going to develop our people, the movement of people in the Caribbean Single Market and Economy is going to be very important.

Mr. Speaker, when one considers where the European Union is, they do their utmost to encourage the movement of people within the European Union, but there are blocs outside the European Union and outside the Caribbean Single Market and Economy where the movement of persons is not considered in the same degree as the movement of capital, investment and goods and services.

Mr. Speaker, we are contemplating that as Barbados gets more involved in the Caribbean Single Market and Economy in the context of a single market and economy, that the business of moving people quickly is going to assume a particular paramountcy. Sir, even though one can travel by sea, many persons who are not given to cruising and relaxation in a boat on the sea would prefer it to air travel. Sir, there is no question that there might be some persons who like to travel by boat. I believe there are some persons who like to travel by boat for the purpose of a cruise and all that goes with it but I believe that, given their own way, the majority of persons like to move quickly and air travel is faster than sea travel, as they like to move from one destination to another in good time.

Mr. Speaker, we are contemplating that this particular Civil Aviation Bill can accelerate the process of the movement of our regional counterparts from Jamaica, Haiti, Suriname, Guyana, Antigua, and from throughout the region.

Mr. Speaker, in a situation where Barbados' very good name has been able to go abroad, the time clearly has come for us, as Barbadian patriots, to consider the extent to which it is possible and feasible to create a hub at the Grantley Adams International Airport. If one goes to Atlanta, Georgia, United States of America, there is a particular airline called Delta Airlines that uses Atlanta as its hub. We in the region know that Antigua and Barbuda very much sees itself as the hub for LIAT. Trinidad and Tobago will want to see itself as the hub for BWIA although there are days when I believe there are as many BWIA aircraft present in Barbados as they are in Trinidad and Tobago or that some days the possibility of more BWIA aircraft being in Barbados than in Trinidad and Tobago.

Mr. Speaker, I remember in the 1980s, even when Caribbean Airways was in existence, Barbados had named BWIA as its national airline for purposes of travelling to Europe. Indeed, if you remember, Mr. Speaker, Barbados had joined with Trinidad and Tobago in fighting England to have BWIA use Heathrow. There had come a time where the British had been determined to make visitors and tourists leaving the Caribbean go to Gatwick. There was this heroic struggle years ago where Barbados joined with Trinidad and Tobago and other regional countries to say we want to use Heathrow International Airport. Sir, the reason in England, in addition to Gatwick was that in terms of passenger comfort and passenger closeness to metropolitan London, most passengers if given their own way would go to Heathrow, all other considerations being taken into account.

Mr. Speaker, I say this in the context of my country's yearning to see its international airport become a hub. If two or three airlines can make a hub out of Barbados, that would increase not only the prospect of earnings from landing fees but would have implications for routes, load factors and our tourism could end up being the beneficiary.
1.30 p.m.

Mr. Speaker, when I pursue this draft bill before this Honourable House I must commend the Honourable Minister of Tourism for having brought it. I also sense in the context of the mood of this Honourable House that Honourable Members are going to be able to give their support to this from the point of view of its clear intention to modernise the regulations of our civil aviation.

Mr. Speaker, the Right Excellent Errol Barrow and Sir Harold Bernard St. John had many a strong and robust debate on the Floor of this House and, Sir, both of them were passionate about civil aviation. They took turns at each other and argued as to who was the most up to date in terms of information and knowledge about civil aviation matters.

Mr. Speaker, I think their interest in civil aviation was not misplaced. If we take into account not just tourism but

other factors in the economy as well, we would definitely support this New Civil Aviation Bill.

Mr. Speaker, if you look at air traffic in the Leeward and Windward Islands and consider the process of an increase in traffic flows to Barbados and an increase in the business of civil aviation between English-speaking Caribbean States and Barbados, then it is crystal clear that over time, LIAT has had such an accommodation with Vincentians, St. Lucians and Grenadians as to grant them licence to use LIAT aircraft to transport ground provisions. Mr. Speaker, in a situation where the transport of food has always meant a lot to our neighbours in St. Vincent, Grenada and St. Lucia and in circumstances where in future the Windwards might de-emphasise bananas and emphasise other forms of food production more than bananas, then we can look to the possibility of more trade in the traditional provisions like potatoes, yams, tannia and such like between the islands and Barbados.

Finally, it is always necessary when considering the flying of aircraft to keep in mind the question of safety and safety standards. In circumstances where we have been most fortunate in Barbados by never having a major aircraft accident, we should still be forward-looking to ensure that we put in place systems to deal with such emergencies were they to occur.

Mr. Speaker, in my whole life, I cannot recall any more than two or three small aircraft going down in Barbados' space. I do recall that when a Barbadian pilot had experienced a serious accident in Martinique a French territory and when a Barbadian pilot went down North West off Oistins a few years ago, there were concerns as to the process by which the investigation was to be done. When these unfortunate incidents occurred, they provoked public response and for a long time Barbadians were concerned that a report on that particular accident was not forthcoming. Sir, these accidents have far-reaching implications.

Mr. Speaker, notwithstanding these two occurrences, if we look at precisely what is being dealt with at each clause in this draft bill before us, we would see that the question of safety and security is being approached with a greater sense of proactive urgency and a better way than what we had before.

Mr. Speaker, in my time and your time we had instances where Grantley Adams International Airport received a boost to its infrastructure around 1979. Currently, Grantley Adams International Airport is receiving a major boost to its infrastructure at the level of terminal and such like than in 1979. I must say that if we are going to improve the physical plant and facilities at the Airport then the case must be made for our improving the regulations for all that goes on there.

Mr. Speaker, in the last 25 years, on at least two occasions, major works, infrastructural, cosmetic and otherwise have been carried out at the Grantley Adams International Airport. Some 20 years plus, after 1979, we must ask ourselves if the type of legislative regime that should be there to permit civil aviation was in order. When we look at what we had before this particular Bill, we were not satisfied that the old Act was doing enough. This is the reason why the Honourable Minister has been well-advised to bring this particular new Bill before this Honourable House and I am happy to support it.

Sir, without reservation or hesitation, I wholeheartedly lend my support to this Bill before the Honourable House.

Mr. D. St. E. KELLMAN: Mr. Speaker, I also rise to speak on this Bill and to say from the outset that I have a problem with Section 19(2) of the Bill which states that:

“The Minister for the purpose of exercising the power conferred by subsection (1) acquire land or any right in or over land

(a) by private treaty; or

(b) in accordance with the provision of the Land Acquisition Act.”

Mr. SPEAKER: Honourable Member, I will allow you to continue but clauses are usually reserved for Committee.

Mr. D. St. E. KELLMAN: Sir, I accept your ruling but we have to be careful that as a Parliament we understand the laws of Barbados and it must not be seen that we are using the back door of Parliament to amend an Act that has not been amended. If the Minister seeks to get certain powers using the Land Acquisition Act and it is not stated therein, the correct thing is for us first to amend the Land Acquisition Act and then make reference to it in this Bill. Sir, the Land Acquisition Act must be corrected first.

Mr. Speaker, we cannot give credence to something that has not been amended. I believe before we can give the Minister powers under this particular section that the Land Acquisition Act must first be corrected. Sir, if as a Parliament we allow this to occur, we will be using the back door approach in allowing other things to occur. We would also be using Parliament to create a situation that will not only become a problem under the Civil Aviation Act but we might be confronted with a similar problem, such as the one confronted by the Barbados Cricket Association. Therefore, we must first correct the Land Acquisition Act before we can give new power to the Minister.
2.00 p.m.

Sir, we believe that when we deal with aviation, we need to make corrections as it relates to aircraft. We have to understand that, this idea is now being echoed by the Other Side, when we were discussing the financing of LIAT and BWIA. The way the world is changing, we should not only deal with air transportation in the Caribbean but we would do well to invest in sea transportation as well.

Sir, if we are going to make any substantial changes to adopt the idea which was given by the Opposition, we need not operate on a piecemeal approach but be proactive and not only deal with the air but with sea transportation.

Sir, if we are encouraged to get involved in the cruise line business, let us make the amendment now and deal with both the air and sea transportation instead of coming back at a later date. This is not a piecemeal Parliament and we have to understand that the world is not waiting on us. I made the point in this Honourable House that because we are a small country it does not mean that we have to think small. Mr. Speaker, that point was made cleverly by the officials of Standard and Poors when they referred to how our economy was able to grow over the years. We also have to understand that it does not look good in the eyes of the public or any international body when we have to come frequently to this Parliament to amend legislation.

I hope that the Honourable Minister understands the point that I am making. Sir, it is not a criticism but if he does not understand the point that I am making it will then become a criticism but I am just giving him advice.

Asides.

Mr. D. St. E. KELLMAN: We have to understand that we are operating in a world where we have to protect passengers.

Asides.

Mr. D. St. E. KELLMAN: We also have to understand what is occurring and realise that we have to protect persons who are travelling. We must assure the world that Barbados has always been unique, will continue to be unique and that it is a safe destination to visit. However, at the same time we have to be careful not to over emphasise certain points. Sometimes when Honourable Members on the Government's Side want to score a political point they have a negative approach to things that are supposed to be positive, and they have to be careful that this is not misinterpreted because this could impact negatively on the country.

Sir, Barbados is in a very good geographical location and we should not see Grantley Adams International Airport as an ordinary airport. We must see it as an important

place and we should not continue to limit ourselves by believing that Grantley Adams International Airport should be the only airport in Barbados.

Sir, if we are going to be asking that hubs should be developed in Barbados, then we must find the land space to create such facilities. The Honourable Minister would soon be telling us that by December 2004 we are going to have a problem with land space for aircraft. If this is going to be the case, how can we ignore the point that has been made by the late Right Excellent Errol Barrow, over 29 years ago, that the time is right for us not to put all our eggs in one basket. Sir, if we are serious about Barbados we cannot talk about the importance of airports and continue to store all our eggs in one basket.

Asides.

Mr. D. St. E. KELLMAN: Sir, if we are going to say to airlines that we have the capacity to develop hubs, then we must have the land space to create them. It is clear to everyone that when it comes to this Government, talk is cheap but when it comes to implementation, it is a different matter.

Mr. Speaker, since 1979, the amount of money that has been spent on expanding the existing airport was enough to have built an additional one. I want the Honourable Minister to tell this Honourable House and the Barbadian public how much money has been spent on the airport since 1979. Sir, you would be shocked to know the amount of money that has been spent since 1979 in trying to expand the airport. The Honourable Minister has the figures and I want him to bring them to this Parliament.

Sir, this Government seems to be a Government that believes in limiting the capacity of Barbados and yet we are wondering why we cannot increase our capacity. This is because the Government has put all its eggs in one basket. The Government has to understand that expansion in terms of numbers is important and not expansion in terms of one person having a fat pocket and others not having any.

We have to understand that we are developing this country and we have to develop it not only on one leg. We have to move away from that concept. It does not make sense for us to continue to come to this Honourable House, after the point has been made by the Opposition and say that we have to get cruise liners. We now are talking about the Caribbean Single Market and Economy and we do not know if it is going to work. The best way to know if the Caribbean Single Market and Economy would work is to try to get the Caribbean Governments to bring a project where they would invest in the cruise liner industry. This is the best example to start with. Sir, they should set up a company and let them buy into it to see if they really care about the Caribbean.
2.10 p.m.

The truth is, Sir, everybody understands the importance of getting involved in the cruise line business. If they do not get involved in that, then it is clear that the CSME would not work because the cruise business is what will carry the Caribbean forward. We cannot have an Aviation Bill being amended, Sir, without reference to cruise business.

Sir, we have to understand that the development of this country must be foremost in everyone's mind and we must maximise the uses of the resources of the country to put forward projects in the interest of the masses of people in Barbados to keep them on the cutting edge.

This Government believes, Sir, that it can hold everything tight-fisted among a clique of a few, without expanding the opportunities for more people to get involved in the development of the country. It believes that things must be located in a particular area, even though there is a capacity for it to be expanded to other areas.

I am saying that this is a very competitive world, and we must appreciate that, and deal with things at that particular level. We also have to understand that the world is not waiting on us, and any opportunities we lose at this time, we will not get back with the same advantages. We have to take the advantages when they are in our favour.

Sir, the problem with this Government is that they can talk about what they should do, and what can be done. We are not interested in what should be done, but what is being done, and that is what is lacking within the Caribbean, which seems to be a talk shop, because they do not do anything.

Sir, if we are interested in the CSME, let us see some real action. What is the best action that we can get? The same way we did it with LIAT and BWIA, let us see what we are going to do as it relates to the cruise business. Sir, home porting might be good, but the best home porting you could get is when you home port your own boat or cruise liner.

Asides.

Mr. D. St. E. KELLMAN: Sir, we have to understand that we cannot be playing the catch-up game and we should be in the forefront. If the Caribbean is the playground for the rich and famous, as it relates to the cruise liners, we cannot be building ports for other people's cruise ships to come. We must be able to appreciate what they appreciate, and gain from what they are gaining.

We must also understand that the same way we have been able to take the sugar cane industry and the tourist industry and maximise from them, we must be also able to do the same with the cruise line business.

Asides.

Mr. D. St. E. KELLMAN: At least, Sir, we exported the sugar.

Mr. SPEAKER: Sir, I am finding it very difficult to follow you and make an assessment. I have to make a judgment relating to your relevance. I suggest that you try your best to relate to the Bill before the House.

There is nothing wrong with making a reference, but you need to use it as an example, and get back to the substantive point, please.

Mr. D. St. E. KELLMAN: Mr. Speaker, I accept your ruling but I am a bit surprised by it, because the point I was making, Sir, is that we maximised the uses of the sugar industry, and the tourism industry as it relates to land based tourism, and we now need to maximise the uses of cruise industry.

Mr. SPEAKER: Honourable Member, that is not the substantive point before the House.

Mr. D. St. E. KELLMAN: Sir, that also means once you have made that point, you need to make sure that you have your ports, and you need to have civil aviation matters done in such a way that they also relate to the cruise industry and not only the airline industry.

Sir, if that is your ruling, I would have to abide by it because, as you know, I need not get into any conflict and disrespect the Chair because that is not the way I have been brought up, Sir.

Mr. SPEAKER: It would help us out, if you do that. Thank you.

Mr. D. St. E. KELLMAN: Sir, some of us are fortunate. There is a word in the dictionary called, "foresight", by which I will continue to live.

As I was saying, Sir, the Civil Aviation Bill must be amended to accommodate cruise liners, *et cetera*.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, there is no doubt that we not only have to see civil aviation as it relates to airports, but we also have to see that it relates to the sea port, and the Minister must understand his mandate, because it is clear to me that he believes civil aviation is only about the airport and not the sea port. Sir, this also means that the Minister would tell me that international transport is only about the airport and not the sea port.

Mr. Speaker, when we say this, we also have to understand that this Ministry has to be expanded to the sea port. We have to appreciate that we are operating in a changing world and we cannot be dealing only with aeroplanes because we have moved away from ...

Hon. K. D. SYMMONDS: Mr. Speaker, on a point of order. The Honourable Member is misleading the House. He must, at all times, try to recall the fact that the Ministry of International Transport does, in fact, deal with maritime matters and civil aviation matters.

Mr. D. St. E. KELLMAN: All I said, Mr. Speaker, is that the Minister must understand that, and I do not understand why the Honourable Member would believe that the Minister...

Mr. SPEAKER: Please proceed!

Mr. D. St. E. KELLMAN: Mr. Speaker, I also hope that before we conclude the discussion on this matter, the important point made about Section 19 is looked at, and I hope that when we come to the clauses, that item is dealt with, because if we do not do that, what this House will be doing is sailing in dangerous waters. I would not want this House to be caught up in situations like that, and I hope that through your advice, you will use your Chair to direct this House in the right direction, as I know you always do, Sir.

We also have to understand that now we have corporatised the airport, we must be very clear, Sir, whether we are going to treat the customs officers, the policemen and the immigration officers working there, as normal workers of the Customs Department, or we are going to elevate them to the type of responsibility that they are now asked to partake.

Sir, the responsibility of working at the airport or sea port now in these testing times, cannot be the same as an officer going to check a container, *et cetera*. Sir, we must find out whether the new authority will be financing the expenses for the Customs Department, the Royal Barbados Police Force and the Immigration Department or whether these departments will continue to carry those expenses. I believe that these things must be addressed. We are making changes and the same way there is contention about the normal workers, we also have to deal with the hybrid.

2.20 p.m.

Sir, if we have to change the Civil Aviation Act because of what is going on in the world, we have to understand and appreciate that we must also adequately compensate those persons who have to protect and manage this particular Bill. We cannot come in here and tell persons that we are operating in a complex and dangerous world

and not understand that we must compensate those persons who have to protect us.

I thank you, Sir.

Hon. R. R. FARLEY: Mr. Speaker, I rise to support this new legislation, the Civil Aviation Act. Sir, this legislation is another of a series of reforms which this Administration has introduced by way of the restructuring of our economy and our society. In fact, much of our reform efforts have had to be buttressed by reform of the law. In some cases, law has had to be created where it did not exist before and in other cases existing law has had to be reformed in order to give new legal footing to those actions which we need to take, to those policies we need to introduce and those procedures that we need to follow in a modern era. For example, several of the things we have done along the vein of this new Civil Aviation Act are: a new Small Business Development Act, an Insolvency Act, a new Telecommunications Act, the Financial Institutions Act and an entire suite of seven pieces of legislation with respect to the protection of intellectual property.

Sir, over the past ten years this Parliament has had to busy itself with making these kinds of approvals which we are asking the Parliament to make today which recognise that although there would always be an element of a lag between a change in circumstances in the environment and the law which deals with the administration of that area, the key to progressive and successive societies has been to ensure that there is not too dangerous a disconnection between the reality and the law. One would lead, one would follow, but the thing is to have them in as close a time sequence as possible.

Sir, in relation to the civil aviation matter, no one has to advance any arguments in order to convince any breathing two-eyed person that civil aviation is central to the continuity of our Barbadian economy and society. Without regular access to aircraft on a frequent and scheduled basis, we are stranded. There are many places in the world where once there is an airstrip some form of aircraft can land, but what has singled Barbados out from many other destinations is that we have scheduled traffic, and that is important. Charters are fine and wonderful, but scheduled traffic is what would drive your regular business traveller, what would ensure that your Government and members of the civil society are able to plan their business in some sense of order and predictability and what would also allow you to have that base and that visibility which would spur on even more charter traffic.

So we have distinguished ourselves over the years by having a progressive and pro-active civil aviation policy which our officials in Government have been able over the years to not only create the physical infrastructure but also

the legal infrastructure to make sure that we have been able to attract a whole range of airlines and even aircraft equipment to our shores.

Think of it, Sir. A small country, 21 miles long, 14 miles wide, compared to countries around the world with larger populations, what would be the likelihood, if you were to step back and take an objective look of that country being able to attract a scheduled Concorde service, a range of wide-bodied aircraft and being able to accommodate on several occasions Air Force One, the aeroplane of the President of the United States of America which does not go any and everywhere?

There are elaborate measures surrounding the flight of that aircraft. We have all seen the documentaries on it. It speaks as an objective measure of the success of our civil aviation efforts over the years that we have been able to win and maintain the confidence of key names in commercial aviation as well as in matters relating to high security, but of course we cannot continue to go forward based on our successes of the past. Recognising the changes in civil aviation, this new legislation seeks to give us that new footing.

Sir, this legislation deals with the regulation of civil aviation, not with the management of an airport. Sir, I heard the Honourable Member for St. Philip West, and even more recently in a slightly different way, the Honourable Member for St. Lucy getting into some element of misinterpretation – I will put it as generously as that – in relation to the separation of the regulation of the civil aviation activity and the management of the physical surroundings. Of course, in the past both in relation to civil aviation and indeed not too long ago our ports, because the Government was the only owner, we had one piece of legislation. Our civil aviation legislation and legislation dealing with maritime matters dealt with both the ownership, operation and the regulation in one piece. With the corporatisation of those entities and the recognition that in the case of maritime matters there could be other owners, there has been a separation of the legislation dealing with ownership and day-by-day operation and the regulation.

So the question adverted to by the Honourable Member for St. Lucy, albeit a rhetorical question, raises some questions in people's minds. The matter of whether the formation of the Grantley Adams International Airport Inc. has any impact on the operation of the Police Department and Customs Department is a matter on which we need to be very clear. There is no connection between the two whatsoever. The formation of the Grantley Adams International Airport Inc. is a matter of how Government chooses to hold the physical assets, the runway, the building and those things so attached. The matter of the regulation of civil aviation, who could get a licence to fly, who could

land and when, who can enter an airport and under what conditions and who may be subject to search, *et cetera* are regulatory matters handled variously by this Civil Aviation Act, the Customs Act, the Immigration Act and other legislation which may deal with matters of security and things of that nature. Mr. Speaker, therefore, I am sure that the Honourable Member has understood it very clearly yet his rhetorical question may have raised doubts in other persons' minds. The formation, therefore, of the Grantley Adams International Airport Incorporation as an operating company to deal with the physical management of the airport will not, in any way, impact upon or affect the operations of the security agencies in Barbados. They will not be under the control or influence of that entity.

2.30 p.m.

Mr. Speaker, the Commissioner of Police will give direction to his officers as they patrol and control security at the airport. The Comptroller of Customs will give directives to his officers as they perform their duties in accordance with the law, as will the Chief Immigration officer. Therefore, whether the airport, in terms of its physical assets is owned by a Government department, by a statutory board, or by a corporate entity registered under the Companies Act, does not change that. Sir, it is similar to that of the Civil Aviation Act, you are separating out your regulatory functions, such as registration of aircraft and investigation with respect to crashes from other aspects.

Mr. Speaker, I know that the Honourable Member has understood these circumstances very clearly but I hope that I have provided some balance and have removed any doubts that persons within the sound of his melodious voice might have come to ask. I know that the Honourable Member has made a very strong plea to have "Moon Town International Airport" established in St. Lucy but it is not proposed by the Government to do that. I must tell him by way of further reinforcing this point that as a private investor of means that if he wants to invest in "Moon Town International Airport" in St. Lucy, that this Civil Aviation Act would equally apply to the operation of his airport, not the physical assets such as runways, building, *et cetera*, but who can land, how they can land, the regulatory and security matters, as it was with the Grantley Adams International Airport.

Asides.

Hon. R. R. FARLEY: Mr. Speaker, I want to speak to some things that have pleased me about this Bill. So far we have heard about the benefits which this legislation will bring to the operation. We have heard how it will streamline regulatory matters, how it will impact on the operations of the air and on transport licensing authority, *et cetera*.

Mr. Speaker, as a Member of Parliament representing citizens of Barbados who live on the north, west and south of the airport, those on the east are represented by the

Honourable Member for St. Philip West, I am pleased that this legislation also looks to the protection of Barbadian citizens and that it includes specific provisions that impose liability on aircraft and their operators for any damage or loss which is caused to citizens.

Mr. Speaker, for example, Part V1 of the legislation speaks generally to the matter of liability for damage caused by aircraft. Sir, there are provisions in there with respect to damage to property by the operation of an aircraft and it creates a liability which the affected persons can easily claim. The law is very clear. It does not require an act of a wilful nature. There is no requirement to have the intention to cause damage.

25. (1) No action shall lie in respect of trespass or nuisance by reason only of the flight of aircraft over any property at a height above the ground that, having regard to wind, weather and all the circumstances of the case, is reasonable or the ordinary incidence of the flight of aircraft so long as there is compliance with this Act.
- (2) Subject to subsection (3) where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article, animal or person falling from, an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft.

Mr. Speaker, therefore, the big difference between this legislation brought in 2004 by this Administration and the situation in which the residents of this constituency, especially those in Fairy Valley and Wilcox, who, under the Democratic Labour Party, lived through the experience of the (HARP) High Altitude Space Research Project run by a Canadian, Jerry Bull.

Sir, the legislation dealing with HARP exempted that entity from all liability for any damage caused by whatever means whatsoever and to whomever. Sir, generations will recall the noise, the cracks in the walls, the vibration, little old ladies being jumped out of their skins, not just their beds. People were wondering what was happening and when they sought recompense, there was none. There was no measure of protection in that legislation.

Sir, we recognised that an airport is not operating in the desert. It is operating in and among Barbadian citizens for their benefit but we have to make sure that in pursuing this benefit on the behalf of the citizens, that we do not ignore the very citizens that we are sworn to protect. Sir, this legislation is making sure that we do not do that. This is a very different approach from that taken by the Democratic Labour Party with respect to HARP.

Asides.

Hon. R. R. FARLEY: Mr. Speaker, the legislation also protects the citizens in relation to trespass, nuisance, surface damage caused by aircraft. Specifically in one of its sections, it further speaks to the matter of noise and vibration caused by aircraft. It does that in two ways. First of all, the body of the law creates a liability for noise and vibration caused by aircraft which meet the regulations.

Secondly, it empowers the Minister, and I am sure that this Minister, the sprinter that he is, will move with alacrity to put those regulations in place which will set the limits for permissible noise and vibration.

- “26. (1) The Minister may make Regulations under section 88 as to the conditions under which noise and vibration may be caused by aircraft in Barbados and the regulations may provide that subsection (2) shall apply to any airport in respect of which provision as to noise and vibration caused by aircraft is so made.
- (2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft in Barbados to which this subsection applies by virtue of subsection (1) so long as the provisions of the Regulations mentioned in that subsection are complied with”.

Mr. Speaker, we must always, as a country, proceed with our economic and social development from the perspective of self-respect. We must never embrace this perspective, which I call the “for export only” perspective. Sir, there are many developed countries in the world that do a number of things and make a number of products such as pesticides, certain foods and equipment which they label “for export only”. They sit there and in a most sanctimonious manner if you listen to them, would rationalise that they have done nothing wrong, that the product that they are sending into these countries does not breach the regulation of the country to which it is going, despite the fact that the breach of the regulation starts with the place of manufacture. Therefore, we, in all of our endeavours, should apply the

principle that if it is not good enough for the person who has made it, then it is not good enough for us here in Barbados.

Mr. Speaker, I am sure the Honourable Minister will not be afraid. He will not hesitate to impose the noise and vibration standards which are imposed by the leading airports in the developed world. Sir, you and I know that there have been situations in which some regional airlines – not those that fly to Barbados but some others and I will not be pejorative by calling their names – have not been allowed to fly to Kennedy Airport, New York because the aircraft has breached the noise standards.

2.40 p.m.

This legislation empowers the Minister to make regulations giving detailed standards to be met in order to protect the constituents of Christ Church East, Christ Church South, Christ Church West and St. Philip West.

Sir, we in Barbados must be thankful and must continue to pray morning, evening and night that we have not had, other than the helicopter crash, any major aircraft accidents on our shores. All of the evidence says that the two most dangerous points of the flight of an aircraft is takeoff and landing. Therefore, the matter of establishing clear zones with respect to the operation of the airport is not because people are affected by the noise and the closeness of the aircraft but it recognises that there needs to be a clear area of a certain specified distance on the landing end of the runway and at the takeoff end in case the unfortunate, unthinkable should occur.

This is one of the ways in which the airport has impacted on the constituents of Christ Church East where in order to meet new stringent civil aviation regulations, there have been new standards imposed on us with respect to where you can put up buildings and other structures with respect to where you can subdivide land or not, to where you are able to put public places, like schools, churches, hospitals recognising that just in case an accident occurs you need to minimise the damage.

This legislation speaks to the protection of our citizens. For example, it creates offences for dangerous flying where pilots fail to follow regulations concerning heights and manoeuvre.

Sir, I need to speak to the matter of the new requirements concerning safety and the need for some of the houses near the airport to be relocated. The relocation of these houses which is taking place at the same time as the physical expansion of the capacity of the airport is related exclusively to the matter of safety. The relocations are not to make the airport bigger because no one is moving from near the terminal building, all the movement necessary is in the area of the landing and the area close to the runway. I would have been happy if the project went faster but we are

making progress because of the 72 households which have been advised of the need for the relocation, the first phase of the project deals with 41 households and 21 of these have been relocated and are occupying their new homes, 11 in Fairy Valley and 10 in Lead Vale.

Sir, this is an experience that people in the area would have preferred not to undergo because they were perfectly happy to remain because they were born there but they realised that this is the fourth phase of the expansion of the airport. One lady said that the middle of the runway is where she was born and she helped her grandfather bring rocks from the cane fields to build the first runway. She then moved a second time and is now moving a third time so there is a philosophical understanding of the matter. Sir, it does not make it easier to move but the Government decided that people should be able to improve their condition as they move.

Sir, the 21 households which have moved so far have moved into newly constructed wall houses and the vast majority of them lived in wooden houses in varying conditions. The Government recognises the need to provide an opportunity for improvement. Sir, a considerable portion of the group who moved were renting the land and are now in a position, when they are ready, to purchase the spot from Government. Sir, the issues of land tenure, security and the opportunity to own land rather than rent has been taken care of at the same time recognising that persons were making sacrifice for the greater good as well as for their own safety.

The project continues with four additional houses which are unoccupied and 13 houses are under construction with four houses yet to start. Sir, another 31 houses are to be constructed in the Thyme Bottom area. These are four-bedroom and five-bedroom houses and apartments and these persons need not fear because the Valuation Committee within the Ministry of Housing met in September to review the information submitted and correspondence is going back and forth between individuals, their lawyers and the Minister of Housing.

Sir, as you are aware in matters relating to valuations and compensation for the purposes of acquisition, the property owner has a say and there is considerable toing and froing to deal with values.
2.50 p.m.

Sir, I must let you know that people have been exercising choices. They either have the Government build another property for them or opt for the fair compensation for their property and relocate elsewhere. There has been a case where a person owned property in Pilgrim Road and opted to have a house built rather than going to Lead Vale or Fairy Valley. Sir, there has been flexibility in the

arrangements such that would allow the project to proceed. I am urging all concerned, the Minister of Housing and Lands and the contractors, to move more speedily so that we are able to bring this phase to an end and allow the intention of this Civil Aviation Act, the whole purpose of ensuring passenger safety as well as the safety of our citizens on the ground, to be an urgent reality.

I am pleased that the matter is moving in such a manner as would ensure the happiness of the citizens, Government and the commercial aviation interests that have invested in us so heavily over the years.

I want to thank you, Mr. Speaker.

Mr. DEPUTY SPEAKER: The Honourable Member for Christ Church West.

Dr. W. F. DUGUID: Mr. Deputy Speaker, thank you for giving me the opportunity to make a short but important intervention in this debate. First, I must support the Bill.

Asides.

Dr. W. F. DUGUID: Sir, to my mind this Civil Aviation Bill speaks to improved security, facilities and most of all making us internationally compliant. I must support this Bill because whenever we journey to the airport we must always feel secure. Sir, aviation is necessary for an economy, trade, cargo and, indeed, for business and leisure.

Sir, there was a time when taking a flight to go overseas was an important event and the whole family would go to see you off. Now, air travel has become so commonplace that you hardly get anyone to drop you to the airport when you have to travel. This is important because we have to recognise how important an everyday occurrence air travel is in this country.

Sir, more and more the airport plays an important part in our lives. For example, mail, FedEx, UPS and DHL bring important documents, instruments and tools to this country as a next day service when necessary. These things could not be achieved if we did not have a vibrant and successful airport here in Barbados. We also live in a time when planes can be used as weapons and it is important that we have in place the necessary regulations that would keep us secure. We have to make sure that our facilities and planes originating from this country will never be used as weapons in other countries. If this is not done, other countries would become suspicious and suggest that we are lackadaisical or that our airport is lacking in security. Therefore, planes originating from here would become suspect and we would suffer the consequences.

Sir, airports are points of terrorist activities. Let us not believe that we are immune from terrorist acts. We only need to remember the Cubana plane crash a few miles off the coast of this country in the 1970s when it was suggested that it was a terrorist act. Let us not be lulled into the sense that it could not happen here because it has happened in recent history.

Sir, can you imagine the damage that a plane crash or terrorist act or an explosion at our airport could cause our economy and country as a whole? I must also remind you of the problems that we could find ourselves in as a result of a plane crash.

Sir, when I was a young dentist, in the early 1990s, I was privileged to be involved in a trade winds exercise which was put on by the Barbados Defence Force. It was a simulation of an aeroplane crash at Chancery Lane and in that exercise there was a simulation of a mass casualty incident. The intention of this exercise was to test our medical services, facilities and our ability to respond to such an incident. As a participant in that exercise, I have to tell you that our response to such an incident at that time was woefully inadequate.

Sir, we did not have the number of ambulances to take the casualties to the hospital, the number of trained personnel to deal with the mass casualties, the space for refrigerated morgue facilities to deal with the fatally injured people or the engineering capacity to extract people from the wreckage.

Mr. Deputy Speaker, at that time our ability to cope with such an incident was woefully inadequate and I would like to think that in 2004 we now have a country with the necessary infrastructure to deal better with a mass casualty incident. I believe that a mass casualty incident is defined in Barbados as one that has casualties greater than sixty persons.

Sir, a jumbo aircraft coming to Barbados would have approximately 300 people onboard. Can you imagine the strain on our infrastructure if such an incident occurred in this country? Therefore, I would call on the Honourable Minister and everyone in Government to make sure that we have in place the necessary facilities, infrastructure and a plan to deal with such an incident should it occur.

Sir, this is part of mitigating the risk and the problems that could occur if we have such an incident. Heaven forbid, we never want to see such a happening here on these shores but we must be prepared if such an event occurs. This is important because there are times when people who are involved in a crash might be able to survive that crash once they get the necessary treatment and this treatment is afforded to them in an appropriate and timely manner. Sir, it

is vital that we have the capability to transport them to proper facilities to open up additional facilities, and to offer the treatment necessary so that we could save their lives during that golden hour.

3.00 p.m.

Sir, if we need to have more exercises to test services to make sure that we are able to cope, let us do that. I am aware that there was supposed to be another trade winds exercise, I believe, earlier this year, if not last year but we did not get a chance to go through with it. I want to urge the necessary services, the Barbados Defence Force, in particular, which plays a strategic and pivotal role in setting up these exercises, to please go forward and keep these exercises going. That is the only way that you can test your ambulance and medical services.

Mr. Deputy Speaker, I am very happy with how far civil aviation has come in Barbados. I am one who used to go to the old Seawell Airport, saw the construction of the Grantley Adams International Airport, and now see a further expansion of the airport. All of this augurs well for our economy. All of this augurs well for our country, a country which continues to improve its economy, a country which continues to show the rest of the world that we here in Barbados can also offer a service at our airport, second to none, and I am happy to see the advances. Of course, like the Honourable Member for Christ Church East, I would like to put in a plea for the constituents of Christ Church West to be able to benefit from some jobs at the airport as well.

Sir, of course, the airport is in Christ Church and you, Mr. Deputy Speaker, also coming from a constituency of Christ Church, with the airport being in Christ Church and the Honourable Member for Christ Church East Central, for all of us, the airport being in Christ Church, one would expect that the constituents of Christ Church would certainly be able to benefit from that airport. The proximity of the airport to where the people live, must certainly play a part in giving them an opportunity to get jobs near to where they live.

Sir, improving this airport and the way in which it continues to add to our economy is a fundamental statement about the confidence of this nation. I am sure that this continued expanding airport will be a treasure for our country.

I thank you, Sir.

Hon. N. A. LYNCH: Mr. Deputy Speaker, I believe that the time has come for us to wrap up the Bill but before we do so and go through the formal arrangements, I think it is necessary to clarify a number of things which were stated explicitly or intimated by speeches made by some Honourable Members on the Other Side.

Mr. Deputy Speaker, the Honourable Member for St. Philip West, was in his usual confusion about certain aspects of the Bill, which I will clarify, but it is important to reiterate that this particular piece of legislation is vital for the survival of our people in the foreseeable future.

Mr. Deputy Speaker, this is a vital area to our existence in the future, and it is unfortunate that we have not paid the type of attention to the development of civil aviation as merited, in the past. Sir, for so long we have existed with a piece of legislation which was crying out for amendment and we have not amended until today.

Mr. Deputy Speaker, the Civil Aviation (Amendment) Bill that we are piloting today is underestimated for its full potential as a piece of legislation, in terms of the social and economic value that it can bring to Barbadians. Particularly, in a tourism dependant small island economy, civil aviation regulations are vital to the survival of the sector. They are also very important to the advancement of the sector and I believe that it is unfortunate that we have left it for so long.

One thing, Mr. Deputy Speaker, the mention was made of inter-regional travel, as a final component of the tourism industry. This particular piece of legislation will really strengthen the concepts of people being able to travel better, inter-regionally. Sir, it will allow us to strengthen the Grantley Adams International Airport as a hub for the Eastern Caribbean.

Sir, when we do business in Barbados at the Grantley Adams International Airport, the larger airlines with whom we do business every day, really set up the basis for how we trade, inter-regionally. For example, Mr. Deputy Speaker, I do not think many Honourable Members are conscious of the fact that the survival of inter-regional travel is really dependant, in many instances, on how much international traffic we get coming into the region.

Sir, our expansion of the Grantley Adams International Airport Inc. and where it goes as a hub, is really dependent not only on the international traffic that we get, but what happens in terms of the disbursement of the people that come in, through some of the other Eastern Caribbean countries. Sir, LIAT, Caribbean Star, BWIA, and Air Jamaica are also dependent upon how we strengthen Grantley Adams International Airport Inc. as a hub.

In addition to that, Mr. Deputy Speaker, I believe that one of the ideals of this Bill is the whole concept of security confidence in our airport, and in our civil aviation space. The confidence in our security systems is vital for continued security, and continued confidence in trading with those people with whom we do business every day. This particular

piece of legislation strengthens that environment by strengthening the hands of the Air Transport Licencing Authority (ATLA), the Minister, the Director of Civil Aviation and his or his designee, in terms of imposing these regulations.

Sir, I believe the point that caused the most confusion for the Honourable Member for St. Philip West was that this Bill makes reference to an authority called, the Air Transport Licencing Authority. This Bill does not make any reference to the Grantley Adams International Airport Inc. as an entity.

Asides.

Hon. N. A. LYNCH: Sir, the Grantley Adams International Airport Inc. has its own piece of legislation. The only reference to a Minister in that legislation is Section IV(2), regarding the laying in Parliament of the Accounts, the submission of a master plan, and the submission of a business plan.

Mr. Deputy Speaker, the Grantley Adams International Airport Inc. legislation does not speak to any Minister directing the affairs of the entity. It speaks specifically to areas of laying in Parliament of its accounts, submission of a master plan and submission of a business plan. The reference to authority in this piece of legislation that we are piloting today speaks to the Air Transport Licensing Authority.

Mr. Deputy Speaker, it is important that the Government continues to play a serious regulatory role in how things happen within the environment of civil aviation. This has nothing to do with the commercial side of the airport and how the airport is run, in terms of collecting fees, marketing and the like, because this is a different matter.

The Honourable Member for St. Lucy who constantly confuses himself, also made reference to this issue of the Customs Department. Mr. Deputy Speaker, the Customs Department, the Royal Barbados Police Force, and the Immigration Department do not fall under the Ministry of International Transport. They fall to their respective ministries, even though they are housed for working purposes, in the Grantley Adams International Airport. 3.10 p.m.

The Ministry of International Transport has no say over the Customs Department. The Customs Department falls under the Ministry of the Finance. The Act makes reference to the acquisition of land under the Land Acquisition Act or by private treaty. Mr. Deputy Speaker, you know what is private treaty. Sir, those entities that fall under international transport at the Grantley Adams

International Airport, you can be assured would be looked after. Mr. Deputy Speaker, the Minister is empowered to give general direction to the Air Transport Licensing Authority not to the Grantley Adams International Airport Inc.

Mr. Deputy Speaker, we have vented ourselves on the issue of corporatisation as opposed to privatisation on more than one occasion, but some people would want to go back to it every time we speak in here. The Prime Minister, the Right Honourable Member for St. Peter, made the point that Government has no intention of privatising the airport or the seaport. I want to repeat it again because the media gets it wrong sometimes too, so I am saying it clearly. The Government of the day has no intention of privatising the airport or the seaport. Sir, some people believe that they have licence to talk about it in the way in which they want to intimate. Sir, a simple matter of how something or a word is transposed could cause much controversy in a house.

Mr. Deputy Speaker, I want to make the point that the concept of corporatisation is not in itself a first step towards privatisation. I want to clarify that because I listened very carefully and I heard that corporatisation means a further step towards privatisation. Mr. Deputy Speaker, that is not any logical conclusion.

Mr. C. A. MASCOLL: On a point of order. Mr. Deputy Speaker, the Honourable Member for St. Michael South is misleading this House. It has been clearly stated that the Government intends to allow the Boards at the seaport and eventually, I suspect, the airport to be able to offer shares to the public of Barbados. Mr. Deputy Speaker, it therefore means that while the Port Authority may now be corporatised, eventually the private sector may be able to own more than 51 per cent of the shares of the Port. That is the point at which the Port would then become privatised. When Government allows for the issuing of shares and there is no limit to the issuing of these shares, then eventually it is quite possible that the private sector could control the shareholding and therefore the entity becomes a private sector entity.

Hon. N. A. LYNCH: Mr. Deputy Speaker, I am really losing my respect for the Honourable Leader of the Opposition, because I do not know where he is going with this. Mr. Deputy Speaker, because Government offers shares to the private sector, is that to be automatically presumed that the private sector would be allowed to have controlling interest in the entity? That is ridiculous. I do not know how the Leader of the Opposition could suppose what is going to happen.

Mr. Deputy Speaker, the concept of privatisation or who controls most of the shares is known in law in this

country. If more than half of the shares are owned by the private sector, that is the concept we know as privatisation. Mr. Deputy Speaker, because we offer shares to the private sector, does that mean that the private sector would have controlling interest in the entity? That is ridiculous. I do not understand that. He should know better than that.

Mr. Deputy Speaker, this particular piece of legislation strengthens the hands of the Minister in terms of regulating this very vital sector. The piece of legislation we had in the past which is more than 20 years old is a carry-over from old British regulation that does not give the Minister such power. The penalties structure, the basis for fines *et cetera*, are all brought into the modern era relative to how you deal with civil aviation. The Federal Aviation Administration and the International Civil Aviation Organisation, two entities that would not have existed in this present form at the time when this existing Civil Aviation Act was coined. These relevant bodies would not have been in vogue and therefore would not have been able to deal with the regulations as we know it today.

Mr. Deputy Speaker, a new, relevant, modern set of regulations which meets the standards of those with whom we do business, the Federal Aviation Administration and the International Civil Aviation Organisation, are now coming into vogue.

Mr. Deputy Speaker, this legislation is necessary for the continued success and best opportunities for Barbados' civil aviation to progress. The concept of safety oversight as outlined in the Bill, the concept of monitoring all of the procedures within the civil aviation environment, practices, procedures and standards relating to operation of aircraft, *et cetera* are all now for the first time brought into a Bill in this modern age. Therefore, all of this is necessary for the concept of categorisation which may not be seen as important right now because Barbados does not have its own airline flying out of Barbados, but it would become very relevant in the future particularly when we want to be categorised under the Federal Aviation Authority under the concept of what is known as category one or two which determines whether or not you can fly your own airline into the United States of America and into other jurisdictions.

Mr. Deputy Speaker, reference was also made to the opening up of new air routes and the fact that we may be spending a lot of time dealing with air routes into existing jurisdictions, the United States of America, Europe, Canada and other parts of North America, *et cetera*. Mr. Deputy Speaker, the Opposition does not have to tell us anything about looking for new opportunities in new jurisdictions, like South America and the African Continent. People go to work every day to try to improve our lot relative to opening new air routes in places like the African Continent, Asia and South America.

Mr. Deputy Speaker, if one is up to date on what is happening in the environment, one would understand. First of all, we are constantly in negotiations at the individual level, the bilateral level and the multilateral level with South African Airways to create a non-stop flight from Johannesburg to one of the jurisdictions within the Eastern Caribbean.

Mr. Deputy Speaker, it has always been difficult in terms of cost, it has been difficult from way back when the Honourable Member for the City was Minister of Tourism and International Transport, I am sure she can tell you that, so we have always been negotiating. The problem, Mr. Deputy Speaker, is that every day an aeroplane flies over Barbados from Johannesburg non-stop to Miami. We have been negotiating for the concept of being able to put down that 747 on Barbados or some other country near to us. However, Mr. Deputy Speaker, a lot of it has to do with the cost. For one thing, the flights going from Johannesburg to Miami are always full. Therefore, to put down a 747 here, to refuel it and to restart it, has always been a very costly exercise, and the Honourable Member for the City of Bridgetown can tell you that.

3.20 p.m.

Mr. Deputy Speaker, we have not shelved the idea. Much of what we want to do is to share the cost with some of the other countries in the Eastern Caribbean. That, in itself, has become difficult. Sir, many people know that doing business in the African Continent is not easy because we would have to get past a lot of the principles that we adhere to and a lot of the ways in which we do business.

Mr. Deputy Speaker, you may rest assured that this Government intends to have, even if on a chartered basis, a non-stop flight from the African Continent, most likely Johannesburg into Barbados and we are going to continue to pursue it. Sir, in relation to South America, we have had non-stop airlift out of South America before. We have had airlift coming out of Venezuela but deeper into South America, we have had a one-stop flight for refuelling in some part of Brazil and then flying onto Barbados. What has happened is that once the South American economies went sour, it has always been difficult to get that back up. Most of the South American airlines, like most of the other airlines in the world, particularly after September 11, 2001, and now with the economic challenges existing about rising fuel charges, *et cetera*, are always seemingly in trouble.

Mr. Deputy Speaker, we are always seeking to deal with South America. We understand how vital it is to continue diversifying the places from which our tourists come and from which we will do business, not only in leisure trade but we must understand how important it is for commerce if we start looking South and not only North or some other side of the Atlantic.

Mr. Deputy Speaker, now that the economies in South America are beginning to bounce back, I think that within the very near future we are going to see renewed trade and renewed airlift movement between Brazil, Argentina and Barbados because we have had deep discussions with the Argentinian Civil Aviation Authority and their Government relative to getting a non-stop flight out of Buenos Aires into Barbados.

Mr. Deputy Speaker, the tourism relevance of the Bill, again the concept that we always hear this talk about being back to 1996 levels, *et cetera*...

Asides.

Hon. N. A. LYNCH: Mr. Deputy Speaker, I want Barbadians to understand that the Barbados Labour Party inherited this Government in 1994 and that from 1989 to 1992, the Democratic Labour Party had reduced our tourism traffic from 485 000 towards the region of 350 000. Therefore, the Democratic Labour Party has no authority to tell anybody how to move passenger traffic up to any levels. The 1996 levels, to which the Honourable Member for St. Philip West always refers, happened under this Administration. We took over the reins of Government in 1994 and in two years have repaired what they destroyed in relation to tourism.

Mr. Deputy Speaker, every year since 1994 up to 2000, our tourists arrival figures have grown by an average of 3 per cent. Sir, everybody knows what then happened in 2001. There was the terrorist attack on September 11 when we were already on track. Our October, November and December numbers plummeted because confidence in air travel was shattered and people were no longer interested in travelling. After that, we put a recovery plan in place after the first quarter of 2002 and since then until now, with the exception of two months, have shown increases in tourists arrivals in Barbados.

Asides.

Hon. N. A. LYNCH: Mr. Deputy Speaker, when I hear all this talk which makes no sense to anybody who understands it.

Asides.

Hon. N. A. LYNCH: Mr. Deputy Speaker, last year this country earned just under \$1.5 billion from the tourism sector, accounting for 12 per cent of our Gross Domestic Product (GDP). That did not take construction which formed a fundamental part of what we did in the tourism sector, into consideration.

Mr. Deputy Speaker, I like to hear this talk from the Honourable Member for St. Philip West but they do not have any alternatives. All one hears is a lot of criticism. They cannot give any relevant ideas as to how to move the Barbadian economy forward.

Asides.

Hon. N. A. LYNCH: Mr. Deputy Speaker, since we have been at the reins of Government in this country, you can count on one hand, 2000 to 2004, the months where the tourism industry has declined. Sir, under the Democratic Labour Party, between 1989 and 1992, we lost 100 000 passengers to Barbados.

Asides.

Hon. N. A. LYNCH: What nonsense am I hearing? The Democratic Labour Party has no moral authority in this country to speak about tourism. I want to put this to them because it has relevance; they decimated the Barbados Tourism Authority. They not only roughed up the tourism industry but decimated the Barbados Tourism Authority.

Asides.

Dr. D. C. ESTWICK: On a point of order. Mr. Deputy Speaker, the Honourable Member is misleading the Honourable House by suggesting that the Democratic Labour Party decimated the Barbados Tourism Authority. The facts of the matter are that the Democratic Labour Party was not in power within the last four years when there were at least four changes to the management of the Barbados Tourism Authority and changes to the Ministers running the Barbados Tourism Authority within a nine-year period. That is creating a serious level of instability. That is decimation. That never happened under the Democratic Labour Party.

Mr. DEPUTY SPEAKER: Proceed, Honourable Member for St. Michael South.

Asides.

Hon. N. A. LYNCH: Mr. Deputy Speaker, if I may continue. Between 1994 and 2004, we have had four Ministers. The Democratic Labour Party had four in one month.

Asides.

Hon. N. A. LYNCH: And none of them has ever carried the industry anywhere. They were Honourable Members Brandford Taitt, Erskine Sandiford, Johnny Tudor and Evelyn Greaves.

Asides.

Hon. N. A. LYNCH: Mr. Deputy Speaker, they lynched the Barbados Tourism Authority and the tourism industry.

Mr. Deputy Speaker, with those words, I beg to move that this Bill be read a second time.

Hon. R. R. FARLEY: I beg to second that.

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

On the motion of Hon. N. A. LYNCH, seconded by Hon. R. R. FARLEY, the House resolved itself into Committee of Supply, Mr. R. D. MARSHALL in the Chair. 3.30 p.m.

COMMITTEE OF SUPPLY

Part I, Clauses 1 – 2 were called and passed.

Part II, Clauses 3 – 4 were called and passed.

Part III, Clauses 5 – 12 were called and passed.

Part IV, Clauses 13 – 18 were called and passed.

Part V, Clauses 19 – 24 were called and passed.

Part VI, Clauses 25 – 26 inclusive were called and passed.

Part VII, Clauses 27 – 45 inclusive were called and passed.

Part VIII, Clauses 46 – 59 inclusive were called and passed.

Part IX, Clauses 60 – 63 inclusive were called and passed.

Part X, Clauses 64 – 77 inclusive were called and passed.

Clauses 78 to 82 were called and passed.

Clause 83 was called.

Hon. N. A. LYNCH: Mr. Chairman, I beg to move that the following amendment be made to Clause 83:

Delete the word “authority” on page 66 at the end of Subclause 1 and substitute the word “director”.

Subject to that amendment, I beg to move that Clause 83 stand part.

The question that Clause 83, as amended, stand part, was put and resolved in the affirmative without division.

Clauses 84 – 91 were called and passed.

The First Schedule became the Schedule to the Bill.

The Second Schedule became the Schedule to the Bill.

On the motion of Hon. N. A . LYNCH, seconded by Hon. Hon. R. R. FARLEY, Mr. CHAIRMAN reported to His Honour the DEPUTY SPEAKER, the passing of one Bill in Committee with amendment and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. N. A . LYNCH, seconded by Hon. R. R. FARLEY, the Bill was read a third time and passed and cited as the Civil Aviation Act, 2004.

ADJOURNMENT

Hon. Dame BILLIE MILLER: Mr. Deputy Speaker, this concludes Government Business for today.

I beg to move that this House be adjourned until Tuesday, November 9, 2004, at 10.00 a.m.

Hon. R. R. FARLEY: I beg to second that.

The question that the House be adjourned until Tuesday, November 9, 2004 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER adjourned the House accordingly.
3.37 p.m.

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DUGUID, Dr. W. F. (Christ Church West)
EASTMOND, Hon. R. C. (St. James North)
FARLEY, Hon. R. R. (Christ Church East)
KELLMAN, Mr. D. St. E. (St. Lucy)
LYNCH, Hon. N. A. (St. Michael South)
MILLER, Hon. Dame Billie (City of Bridgetown)
MOTTLEY, Hon. Miss M. A. (St. Michael North East)
ROETT, His Honour I. A. (St. Michael Central)