
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

THE SENATE

Wednesday, May 29, 2002

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, May 29, 2002, at 11.15 a.m.

PRESENT

His Honour Senator Sir Fred GOLLOP, K.A. (President)

His Honour Senator C. L. BOLDEN, C.B.E. (Deputy President)

Senator the Hon. J. X. WALCOTT, FRCS (Edin.), J.P. (Minister of Health) (Leader of the Senate)

Senator the Hon. G. S. H. MURRAY, B.A. (Hons.) J.P. (Minister of State, Prime Minister's Office)

Senator T. E. BARKER, B.A. (Hons.) M.A. (Econ.) J.P. (Parliamentary Secretary, Ministry of Economic Development)

Senator P. C. GODDARD

Senator Dame Patricia SYMMONDS, D.B.E., G.C.M., B.A. (Hons.), P.G.C.E., J.P.

Senator Miss J. C. ODLE, J.P.,

Senator J. E. D. WILLIAMS, B.Sc., M.B.A., J.P.

Senator D. D. MARSHALL, LL.B. (Hons.), L.E.C.

Senator D. L. Haynes, S.C.M.,

Senator C. A. MASCOLL, B.Sc. (Econ.) (Hons.) M.A. (Public Finance)

Senator C. LeR. TROTMAN

Senator Mrs. P. E. RICKINSON, B.A. (Hons.) M.P.H. (Harvard), S.R.N.

Senator C. K. LAURIE, D.I.C.T.A. (S.T.) FBSTA

Senator Sir John Stanley GODDARD, K.A., B.Com., C.A., Hon. LL.D. (U.W.I.)

Senator B. R. COLLYMORE, C.M.G.

Senator the Rev. L. W. B. ROCK

Senator the Hon. Mrs. V. E. NEWTON, S.C.M., B.A. (Spec. Hons.) M.A., LL.B. (Hons.) (U.W.I.), F.L.A. (Gt.

Brit.), L.E.C.

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: The Senate is in session.

PRESENTATION OF PAPERS

SENATOR THE HON. J. X. WALCOTT: Mr. President, I am commanded to lay the following documents before the Honourable Senate:

1. Half Yearly Report on the Revenue Collecting Departments for the period ended April 1, 2001 to September 30, 2001.
2. Sugar Industry (Sugar Workers' Provident Fund) Order, 2002.
3. Eighth Annual Report and Accounts of the Barbados Agricultural Management Co. Ltd. for the year ended June 30, 2001.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. J. X. WALCOTT: Mr. President, I beg to move that Standing Order No. 45 (2) be suspended for the remainder of today's Sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. J. X. WALCOTT: Mr. President, I beg to move that the following Bills be read a first time.

- (1) Anti-Terrorism Bill, 2002.
- (2) Tourism Development Bill, 2002.

The question was put to the Senate and agreed to.

GOVERNMENT BUSINESS

ORDER NO. 7 – ANTI-TERRORISM BILL, 2002

SENATOR THE HON. J. X. WALCOTT: Mr. President, the Anti-Terrorism Bill, 2002 is not the kind of Bill that I suspect that any Government of Barbados would have envisaged that they would be dealing with at this time, when so many very important matters are to be dealt with in this community. However, we know that conditions in the world have changed substantially since September last year and this Bill now seeks to implement a number of matters.

Sir, it seeks to implement the United Nations Convention on the Suppression of the Financing of Terrorism which was adopted by the General Assembly in December, 1999, and also for us to fulfil our obligations under the United Nations Security Council Resolution 1373, which was adopted on September 28, 2001, after the tragic incident of September 11.

Sir, the terrorist attack which was perpetrated against the United States of America on September 11, 2001, caused shock and outrage throughout the world, and Barbados was no exception. Indeed, Barbados was directly involved as five of our natives perished on that fateful day. The Government of Barbados condemned the event in its strongest language and pledged support to the international community in accordance with international law in this fight against terrorism.

Indeed, there was recognition at the level of the United Nations Security Council that some positive action had to be taken in these circumstances. As a result the Security Council adopted Resolution 1373 which mandated a series of measures which were aimed at defeating terrorism through collective cooperation.

Among some of the recommendations emanating from this Resolution were, that States should adopt measures to free financial assets, trace terrorist sources, criminalise wilful provision and collection of terrorist funds and prohibit nationals from aiding and abetting terrorists by making funds available to them.

Following the passage of this Resolution in September, 2001, the Government of Barbados set up an Inter-Ministerial Committee, Chaired by the Attorney General. This was to review the status of our security and legislative framework as regards to terrorism and to determine what action would be required by Barbados in response to Resolution 1373.

In addition, the assistance of the Caribbean Regional Technical Assistance Centre (CARTAC) was sought as well as a local high-level group in preparing a document which

was submitted to the Security Council in December, 2001, and this is currently being reviewed. Sir, bearing in mind that we had no real substantial legislation to deal with terrorism prior to this. However, Barbados has acted to implement some measures to block avenues for the financing of terror, namely the Money Laundering Prevention and Control Act, 2001 and the Mutual Assistance in Criminal Matters Act, which was passed earlier this year. These involved a relationship with the Financial Action Task Force, (FATF) which has an intention of reviewing member countries next month. Sir, this Financial Action Task Force has issued eight special recommendations on terrorism financing. Failure to comply with these recommendations would result in our being listed among non-compliant countries and we will be put on another negative list.

Under the USA Patriot Act, if a country is placed on this negative list by the FATF, the US Government can end the correspondent banking relationship that exists between the country and the United States of America. Sir, if this were to happen to Barbados, it would pose a serious threat to our economic security. From the point of view of our international business sector, I need say no more. The deadline for this compliance test, as it is, is imminent and thus the urgency of this Bill.

In addition, from June 2–4, 2002, the OAS would hold its General Assembly meeting in Barbados. One of the goals of this meeting would be to adopt the Inter-American Convention against Terrorism which has come out of the deliberations of the Inter-American Committee against Terrorism. This Convention will bind States to implement domestic legislation with respect to the prevention, combatting and eradication of the financing of terrorism. Sir, our signature to this Convention would further enhance the Declaration of Lima which was implemented to prevent, combat and eliminate terrorism.

This Bill seeks to cover those areas not already covered by its existing legislation. It may provide for the criminalisation of acts of terrorism resulting in the death of persons not actively engaged in armed conflict with a view to coercing the Government to refrain from doing some act. I would go into further details later in my presentation, Sir.

There is provision for the imprisonment of persons convicted of providing or collecting funds for criminal purposes. It is the liability of a corporate body with whom the person accused of an illegal transaction is employed for the commission of the act and is susceptible to payment of a fine and possible cancellation of its licence to operate.

Provision is made for the freezing and the forfeiture of funds allocated for the committing of an act and sharing by the victims of the offence of these funds. Provision is made for the prosecution of a person guilty of an offence under the Act if that person is not extradited to his country.

Sir, where an application for freezing order is made on the request from another State, the court must ensure that a reciprocal arrangement exists. The miscellaneous provisions relating to the notification of States whose nationals are taken into custody for offences committed under the Act and the conditions for transfer of such nationals.

Sir, the Bill attaches significant financial and custodial penalties to both terrorism and financing of terrorism. For more serious crimes resulting in death, capital punishment would apply. I would say a bit more about this later in my presentation.

Mr. President, Barbados may be confronted by demands from foreign jurisdictions to freeze or confiscate assets of criminal suspects in its jurisdiction and this would raise issues of due process. In all cases we have decided that we would allow the assets to be frozen prior to the conviction of the accused person. However, we will not allow confiscation proceedings without prior conviction.

Sir, since September 11, a number of countries have proceeded to freeze and confiscate property without the constitutional framework to do the same being in place in their country. Sir, because of the fluid nature of the situation, it is imperative that this Act be reviewed frequently and it will have to be amended as necessary.
11.25 a.m.

If I may then go on to the highlights in more detail. Clause 1 of the Bill is a short title and Clause 2 outlines the definition of certain terms.

Clause 3 deals with one or two major offences which will be found under the Bill, that is, terrorism and the financing of terrorism. Clause 3 talks about acts that have "a purpose by nature of context, to intimidate the public or to compel a government or an international organization to do or to refrain from doing any act". It speaks about death and serious bodily harm to a civilian; it speaks about serious risks to health or safety of the public; it speaks about substantial property damage, whether to public or private property and it speaks to serious interference with serious disruption of essential services, for example, the water supply.

There is an amendment to sub-clause (c) to read:

"Where that act would have constituted the offence of murder or treason prior to the commencement of this Act, shall be sentenced to death."

This Bill, therefore extends the death penalty to cases of terrorism where death ensues as a result. Subsection (3) follows:

"For the avoidance of doubt, section 12(1) of the Constitution is amended by paragraph 3 of subsection (1) to the extent necessary to give effect to that sub-paragraph".

What does section 12(1) of the Constitution say? It says:

"No person shall be deprived of his life intentionally save in the execution of a sentence of a court in respect of a criminal offence under the laws of Barbados of which he has been convicted."

It goes without saying that when our Constitution was drafted the offence of terrorism was not contemplated. This Bill will, therefore, be amending the Constitution for the avoidance of doubt. Where death ensues and where the Act would have constituted the offence of murder or treason prior to the commencement of this Act as a result of an act of terrorism, section 49 of our Constitution states that there cannot be an alteration to certain parts of the Constitution such as section 12 unless at the final voting or it is supported by votes of not less than two-thirds of all Members of the House. Sir, the passage of this Bill will therefore require a two-thirds majority of this Chamber.

Clause 4 provides for the second major offence, which is the financing of terrorism. It seeks to criminalise the wilful provision or collection of funds unlawfully and also the wilful provision of financial services where it is the intention that the funds or services are to be used to carry out acts that constitute the offence of terrorism. It says that the maximum penalty for this would be 25 years.

Clause 5 makes provision for a legal entity to be sanctioned under the Act in circumstances where a person who is responsible for the management or control of an entity commits an offence under Clause 4. The penalty provided under this clause is \$2 million so that this would discourage both institutions and individuals in taking part in terrorist activities.

Clause 6 imposes a duty on persons to report reasonable suspicions in respect of offences under this Bill. It says that failure to report as required under that subsection, that person is guilty of an offence and is liable on conviction to a fine of \$250 000 or imprisonment for a term of five years.

Clause 7 ensures that persons who are being investigated are accorded basic human rights to which they are entitled under the Constitution.

Clause 8 sets out the criteria in respect of which a freezing order may be made by the Court. Some
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freeze by an executive order and we have chosen to use a judicial order to do this. Subclause (3) ensures that an aspect of fairness and justice is brought to bear on the procedure, particularly with the rights of the innocent third parties to be involved and subclauses (6) and (7) delimit the period in respect of which a treason order remains valid. It is not supposed to exceed 18 months.

Clause 9 establishes the procedure to be adopted for the granting of a forfeiture order by the Court under this Act and clause 10 makes provision for Barbados to share on a reciprocal basis the funds derived from forfeiture.

Clause 11 deals with the matter of extradition and Clause 12 sets out the jurisdiction of the Barbados Court in respect to offences created under this Act.

Clause 13 requires that a State shall immediately notify directly or through the Secretary General of the United Nations when a person is taken into custody and inform of the circumstances.

Clause 14 makes provision for the transfer and conditions to be attached to the transfer of persons.

Clause 15 makes the Attorney-General the competent Authority in Barbados for the exchange of information in respect of the offences mentioned.

Clause 16 highlights the procedure to be adopted in Barbados in respect of a request made by another State for a freezing or forfeiture order.

Clause 18 seeks to amend certain statutes that are specified in the Second Schedule to give effect to the Act.

Sir, as you can see, this Bill is quite thorough and it has sought to protect the rights of the individual in due process of law. Barbados cannot stand alone and we have agreed since 1966 when we became a member of the United Nations to abide with all Security Council resolutions, hence our position now. However, Sir, it is regrettable that some countries have not followed suit as regard abiding by Security Council resolutions. Certainly, the United States of America and Israel have not always abided by Security Council resolutions.

The United States vetoed a Security Council resolution in 1986 which specifically called on all States to adhere to international law. Now here we are in 2002 and we are talking about a world movement to respect law and order and talking about terrorism but in 1986 the United States vetoed a Security Council resolution which was merely calling on all countries to adhere to international law. Of course, this is after that country had been condemned for international terrorism by the World Court in respect of its treatment of Nicaragua.

Israel, as we all know, has continually rejected Security Council Resolution 242. So this brings us to the whole question as to how should we respond and how far should we go in joining this international fight against terrorism. I think I should say at this point that the whole definition of terrorism is not even a global agreement on what constitutes terrorism but we are in this fight against terrorism.

It appears that certain groups are labelled as terrorist depending upon the whims and fancies of a particular President but, in all this, we must not abrogate the rights of our citizens to due process of law as we join this bandwagon of anti-terrorism. Certainly, we should not join the herd mentality that seems to be going around the world but we need to look at the root causes of terrorism, why people feel that it is necessary for them to sacrifice their own lives sometimes in the name of certain causes.

Certainly, if we want to talk about terrorists, we must remember that the African National Congress which forms the Government in South Africa was only a few years ago referred to as a terrorist organisation. Nelson Mandela was a terrorist.

Aside.

SENATOR THE HON. J. X. WALCOTT: Sir, we must also remember in Barbados in 1976 we had the Cubana affair when 73 persons perished off the shores of Barbados. This was a terrorist act and my information is that some of the perpetrators of this act are now living comfortably in Florida, but we are being told that Cuba is now being listed as a terrorist State. Yet we have people who indulge in terrorism against Cuba who are living in Florida and they are not accused of anything. I think we need to avoid the labelling of people as it suits its purpose and certainly in the case of the United States it needs to become more even-handed in this whole area of dealing with terrorism.

In Sudan in 1998 we had the bombing of the al-Shifa pharmaceutical plant which produced the majority of the anti-tuberculosis medication for those poor people in Sudan. Can you imagine if the Bin Laden faction had bombed half of the pharmaceutical supplies of the United States what we would hear? This happened in the Sudan. Hundreds of thousands of people died as a result of the disruption of the al-Shifa pharmaceutical plant because they were unable to access medication. Is this international terrorism? These are questions that we must ask.

We look at the situation in the Middle East, continual conflict between Israel and the Palestinians and we see just a vicious cycle of carnage occurring and it seems to have no end. These are some of the issues that we need to address. Do you really feel that Israel's intrusions into Palestinian homelands will wipe out terrorism? It certainly makes the

whole situation worst. We are speaking about the Taliban and Afghanistan but we must also remember that in the 1980's the United Kingdom, Saudi Arabia, the United States of America and Pakistan recruited, trained and financed the most fundamental of Islamic fundamentalists in the region to fight in Afghanistan against the Soviet-backed government that was in place in Kabul. These are the people that we are talking about 16 years later. These are the terrorists, but where are their origins, who financed them and who trained them? The United States and the United Kingdom. So, we have to be very careful, Sir, as we deal with this whole matter of terrorism.

11.35 a.m.

As I said, we must look at the causes of terrorism. In all this, we must not let the developed world forget the certain development issues that need to be addressed in the world: poverty, the eradication of poverty, access to health care throughout the world, housing and – a very important one – the respect of the right of self-determination of peoples throughout the world. I am saying in all this, that we need to be mindful of terrorism in its rightful circumstances, but we also need to be even-handed and more rational, as we go about talking about terrorism and anti-terrorist measures.

With these few words, I beg to move that this Bill be now read a second time.

SENATOR LeR. H. McCLEAN: Mr. President, when one speaks of terrorism, as the Minister quite rightly said, we must be careful how we label persons because today's terrorist, in many circumstances, could very well be tomorrow's leader. It depends very much on the circumstances which exist at a given point in time. It depends on how so called terrorists relate to the people of a particular society, within a particular set of rules.

Certainly, in the case of South Africa, as was mentioned, the African National Congress operated within a climate where persons sought to deny the majority of the people their basic human rights, and where a controlling minority was able to put laws in place which were in their interest and not necessarily in the interest of the wider society. Anyone who resisted those oppressive laws, would have been seen as a terrorist.

Interestingly enough, most of the western world, for a long time, turned a blind eye to what was going on, in particular, the United States of America and Great Britain. It suited them at that time because the minority rulers in South Africa gave them access to an abundance of love. Times have changed and, therefore, the attitude towards South Africa changed from those times, and today we have majority rule in that country.

We have seen, Sir, where in Chile a few years ago, a democratically elected Government was overthrown by a military coup, which was aided and abetted by the USA, which has set itself up and which, to a large extent, the western world sees as the greatest defender of democracy. Yet, they presided over the overthrow of Allende, and installed a tyrant like Pinochet in power. To this day, thousands of Chilean people are still missing who were murdered by that ruthless Government, and as I said, aided and abetted by the USA.

We have had the situation in Nicaragua where the rules which determine whether one is a terrorist, a guerilla, or whatever, are determined not by whether one is doing what is right in terms of respect for human dignity, but to a large extent is determined by what extent you are prepared to be a part of the overall capitalist system of this world, in fact, the extent to which you are prepared to be a part of the USA capitalist system.

Sir, we have a number of inconsistencies arising, because the Governments of the USA over the years have made it clear that their foreign policy is determined, not by what is right or what is wrong, in any part of the world, but by what is in the interest of the USA and that has been made abundantly clear.

We must not, and I certainly would not engage in any bashing of the USA because we must make the distinction between what the people of the USA really want, and what those persons do, who are installed as their leaders from time to time. Inasmuch as we might want to believe that the USA is this great bastion of democracy, it is probably one of the most undemocratic countries in the world when it comes to the installation of a government. This came out clearly in the last presidential election where you had a situation that a man can get fewer votes than another, but he becomes the President and he is installed or selected to be President rather than being elected to be President. This happened not only in the case of the last election, but is something which has been going on in the USA for many years. Under the laws of the USA, the Electoral College can clearly move against the wishes of the people, and install any person as President. The rules permit them to do that. It may be a complicated process but they can do it, so we have to make this distinction between when we see a controlling few in the USA, the interest that they pursue, and what we see as the interest of the people of the USA as a whole. Therefore, I would not join with anyone who wants to engage in any American bashing.

I get very concerned, Sir, as the Minister quite rightly pointed out, terrorism is not something which is abstract where Barbados is concerned. It has been visited on us in the bombing of the Cubana aircraft. I think it was really appalling to sit and watch, and now, the President of

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United States of America, President Bush, condemns Fidel Castro and the Cuban Government, while standing before an audience of so-called Cuban exiles, some of whom may very well have been involved in the bombing of the Cubana aircraft. Here it is this President, who was installed in a very unpopular election, was condemning the system in another country. This was done before an audience, which as I said, may very well have included some of those persons who were either directly or indirectly involved in the bombing of the Cubana aircraft.

If the USA, and any Government wants to be credible in this fight against terrorism, they must be seen not to be practising these kinds of inconsistencies. These inconsistencies have given rise to a number of people across the world believing they have a justifiable cause to go out and maim or kill innocent people. For very spurious reasons, some of them have taken on the battle believing that they are the champions for oppressed people across the world. In fact, the root of terrorism as we see it today is not about anybody trying to advance the cause of oppressed people, it is about religious extremism. That is what it is all about today.

11.45 a.m.

In the same way the crusaders went off to the east many years ago and slaughtered people in the name of Jesus, we have persons today who are prepared to slaughter innocent people in the name of Islam.

An extremist of any form is a danger to the whole society. When we have people who believe that anyone other than the follower of their faith is an infidel and is undeserving of life, then we have a significant dangerous element walking the face of this earth. These are things we have to address. However, it does not give justification to those of us who know better to sink to the level which these persons would want to sink in order to advance their cause but we cannot roll over and play dead because they would kill us anyway, so we have to find ways and means of fighting this scourge.

One of the ways we can do so is by ensuring that justice prevails in every corner of the earth so that those persons who want to go to the extreme would not be able to find a haven anywhere. The Taliban and the al-Qaeda were able to find a haven in Afghanistan because the super-powers, the United States of America and the Soviet Union, used that country over the years for their own purposes and then left the people in such a state that if anyone came along and offered them salvation they would open their arms and welcome them. This is why Bin Laden and his people were able to find a safe haven in Afghanistan.

If we ensure that these situations do not exist, then we would literally pull the rug from under them and they would know that they are not welcome anywhere on this earth.

With respect to the matter in the Middle East, two neighbours have a dispute and one says to the other, I am prepared to talk to you to deal with this matter only if you will agree that you have no right to live next door to me. It may seem simple but that is what it has come down to in the Middle East where people have found it difficult to co-exist.

In the Middle East, if you take a casual trip to the supermarket, it could result in your death and if you send your children to school they might not return home, so it is not easy to deal with situations like that. It is okay for us from a distance to talk about the Israelis using their might to suppress these poor defenceless Palestinians but when you have to deal with a situation where a 16-year old is prepared to strap a bomb to himself and walk into a crowded place with innocent civilians and detonate that bomb, how can you deal with situations like that. So wherever we have extremists, we are going to have this problem of terrorism. There are people who believe that if you "soft-soap" them, maybe they would not be so bad. At the root of their belief is that any life that is not of their kind is expendable. So how can you deal with such people?

Mr. President, we have also seen another form of terrorism which has emerged mainly in the United States of America. This is terrorism which has grown out of anti-government feeling where there are people who believe that there should be no governmental control and that they should be free to do what they like. You have the Timothy McVeighs and the militia groups that are spread across the United States of America, who believe that the government has no right to tell them what they should do, that they should be a law unto themselves. They are prepared to carry out a reign of terror on the people of the United States of America. So within that country, you have the fear of external aggression as well as the fear of terror that is home-grown and is carried out by white all-American boys.

So we have this difficult situation and the people who stand to suffer are those innocent people who only want to go about their lives with a sense of peace, to serve whatever god they believe in, to work and provide for their families and to pursue those activities that give them happiness and pleasure.

The people who suffered in the World Trade Center were people who left home to go to work but never returned. The people who died at the Pentagon and the people who took an aircraft to go about their legitimate business, are the people who died at the hands of the terrorists. So whereas in past years these would have been things we would only hear about on the BBC News and would have said, my goodness that is so bad, today we witness it happening live. I watched in horror as the second plane flew into the World Trade Center. The type of communication we have in this modern

day means that whatever happens in this world touches the lives of each and every one of us. Therefore, it is impossible for anyone to oppose any measure which seeks to deal with this matter of terrorism.

At the same time, as I have heard other people say in discussing this matter, we must be mindful of what we do in terms of how we are likely to abuse the rights of innocent people. We must ensure that those who are part of any terrorist act, be dealt with in a manner that is befitting our civilization but we must not sink to the levels to which they have gone.

Sir, the concentration camps which were in the United States of America incarcerated thousands of Japanese. Even though they were not treated in the same way as the German concentration camps treated the Jews, they were concentration camps nonetheless. Mr. President, many Japanese Americans who would have given their lives for the United States of America, mainly because they were Japanese, had found themselves in concentration camps in the United States of America. Therefore, we have to be careful how we deal with this matter of racial or religious profiling. We have to be careful of the inconsistencies that arise when dealing with and labelling people.
11.55 a.m.

Sir, clearly this is not the view of every American. We have had the view of the former President Carter going into Cuba and sending a message whereas President Bush is going to sit down in front of Cuban exiles, some of whom are probably terrorists themselves and had carried out a reign of terror while living in Cuba – probably that is why President Fidel Castro had to get rid of a few of them – he is there talking to them and opening his arms to China.

All of us here in Barbados believe that China is such a great country. We have a great friendship with China. China is building all kinds of things for us and giving us all kinds of aid but we forget the tanks that rolled over protesters who were protesting the need to have human rights respected. We forget the number of political prisoners in China, yet we talk about political prisoners in Cuba. We forget that in China one cannot open one's mouth to say anything contrary to what the Communist China Party deems fit without ending in prison. We forget that in China presently, there are people who because of their religious beliefs are being persecuted, imprisoned and beaten in the streets. We forget places like Tibet. We forget that China is carrying out this expansion policy within their own region to make sure that no other ideologies can take root other than what is already in China. Sir, while all of this is happening, while the Americans are opening their arms to China – and probably because they want to sell more Coca Cola or McDonalds – because China has the market there for it – they are condemning other persons who cannot be seen in any way to attract the

attention of atrocities and other crimes that are taking place in China.

The United States of America is probably the greatest country on earth today. The only country that could probably surpass the United States today would be if there were a United States of Africa. The United States of America made sure that would never happen by eliminating those persons who were in their quest to build a Pan-African movement on the continent of Africa and to pull the African people together.

Sir, as a boy, I remember my grandparents talking about the Mau-Mau gang, the Nkrumahs and the Kenyattas who were supposed to be the most evil persons on this earth. It was only when I became an adult and learnt who these people were, that I realise I was being fed with misinformation. These were people who were striving to uplift the African people but the great powers of the West saw it fit to destroy them, all in the interest of their own capitalist agenda. It was all about controlling wealth.

I believe that the Bin Laden group should have been wiped out within a week of the September 11, 2001 attack. The one thing of which I am critical of the Americans, is that they were too slow in moving against them. I believe the whole matter has now gone further than that and has become one of access to this world's resources. Just before the Taliban took control of Afghanistan, oil companies were discussing with the Afghanistan Government about bringing a pipeline from the former Soviet State, across Afghanistan and into the Persian Gulf. I believe that is where the issue has again gone. It is no longer about finding terrorists because apparently the Americans are no longer concerned about whether Bin Laden is alive or dead. It has now become one of access to oil.

Sir, again based on past experience, I have become very sceptical about reports where persons are labelled as terrorists or tyrants by the United States. Saddam Hussein was supposed to be a great terrorist and madman but he was a friend of the United States when he was fighting against Iran. He is now part of the axis of evil. Therefore, in one day you can belong to the capitalist system and in the next, you can be part of the axis of evil and that depends on how the United States views you, whether you are a friend or foe in respect to access to wealth.

SENATOR THE HON. J. X. WALCOTT: On a point of order. Mr. President, it has been drawn to my attention that all of the copies circulated to the Honourable Senators do not include three or four minor amendments made in the Other Place yesterday. I apologise for the oversight. I tender my apologies to the Honourable Senator and I seek your leave to have these corrected papers circulated at this time.

Mr. PRESIDENT: As I understand it, these are not amendments before the Honourable Senate. This is a complete Bill, inclusive of amendments made in the Other Place. If there is no objection, then I grant leave to have these corrected pages circulated.

SENATOR LeR. H. McCLEAN: Mr. President, to us as a small, vulnerable country, this makes us rather uncomfortable because depending on how we are seen as being friend or foe could determine our very survival. We have no weapons, whether for mass destruction or else. In fact, criminals in Barbados probably have more weapons than the State. Therefore, by no stretch of the imagination can we be seen as a threat to the security of any country anywhere in the world. Certainly, it is possible for us to become the victim of a reign of terror depending on how we are seen.

We are experiencing the reign of terror brought about by the drug industry where persons, who are the largest consumers of so-called illicit drugs, would then want to impose sanctions on countries that do not have the resources to fight against the drug traders. Airlines could be seized if one travels to the United States with drugs on that airline. Governments could be brought down merely because someone could say that person has connection with a drug lord.

Only last week I heard a news item coming out of Trinidad and Tobago. It spoke of an agency that had predicted that a drug lord could become the Prime Minister of Trinidad and Tobago within five years and that everything was in place for the support for persons in politics by the drug funds. Sir, whether this is true, it is frightening. It is more frightening when one considers that anyone, anywhere or any politician is deemed to be uncooperative, unsympathetic or, indeed bold enough to speak his mind about what is happening in the world, the word could be put in place to prove that person, even though innocent, is involved in the drug trade.
12.05 p.m.

Once the gun is pointed at you in that regard, the trigger will be pulled and even though you are not involved somebody can still determine how to deal with you. In other words, you could be set up and this too is terrorism.

Sir, the people of some Caribbean countries are experiencing a reign of terror because of violence as a direct result of the drug trade. Here in Barbados we have a murder every month even though it now seems to be one every week but I hope it does not become one murder a day. I sincerely hope it does not reach that stage because in Jamaica there is a murder every few hours and a lot of these murders come from the pervasive drug business and the fact that there are

people locked into a system whereby the wealth of the country is not distributed in a manner that all people can enjoy a decent standard of living. It is a situation where the wealth of the country is becoming more and more concentrated in the hands of a few and this is also happening internationally as well.

We have persons who have made their monies as a result of the same system but yet they are talking about the dangers of the capitalist threat that exists. Sir, these people are themselves capitalists but are saying that we have gone a route where we are not only looking to make money but we have become too greedy to the extent that we are now forcing many countries to go in the wrong direction, causing people to want to hold onto power and do everything they can to amass great wealth.

Sir, as people we have to be conscious of all the dangers that exist where terrorism is concerned. We have to be concerned about terrorism whether by religious extremists or by those persons who believe that the Government has no right to interfere or say anything with regard to their affairs or whether they be the common criminals who want innocent people to live in fear. Today, old people cannot go into a bank without fear of fools shooting them. An innocent old woman was shot here in Barbados and in Jamaica there is somebody waiting with a gun as you open your gate and you are shot at your own doorstep. Thank God there are still a few places in this Caribbean where life is still as we knew it years ago.

Sir, I heard people saying that crime is all over the Caribbean but that is not true because there are still several places where people live in relative comfort. Sir, when the system gets to the criminals, they will also experience the fear that innocent people are forced to experience.

Mr. President, I have no difficulty in supporting whatever measures the Government wants to be party to in order to fight the scourge of terrorism being visited on the people of this world at this point in time. Sir, we have to be careful about messages of inconsistencies that have been going out to people across the world because when we are inconsistent, we provide havens for the terrorists. If you bring a criminal into your home and cannot get him out and decide to burn the house, the only person you will end up hurting is yourself. Sir, we run the danger of doing this if we create the environment that will allow terrorism to thrive and if we permit people to believe that they are fighting a war on behalf of the remainder of the people of this earth. We have to ensure that these elements are eradicated one way or the other if this world is to live free of the scourge of terrorism.

Sir, I thank you.

SENATOR Dame PATRICIA SYMMONDS: Mr. President, as the Honourable Leader stated, Barbadians were horrified when they learnt about the event of September 11 and the problem was intensified by the fact that Barbadians also died in this attack.

This Bill before us is one which must of necessity be passed even if some people are not totally happy about it. Sir, it must be passed for reasons which have already been clearly stated, among them the possibility of negative listing.

The Government has given very careful and serious thought to this legislation and it attained the services of a legal consultant, Professor David Berry, a lecturer in international law to advise further on the legal constitutional implications and the freezing of assets, and it also set up a high-ranking legal committee.

The Government's concern about due process and fair hearing rights under the Constitution have resulted in a compromise of allowing assets to be frozen before the accused is convicted. This has been stated but it needs repeating. The fact that Barbados has chosen to freeze by judicial order is also another vital point that there can only be a freezing order where there is reciprocity. Confiscation or forfeiture will not be permitted unless there is a prior conviction and this is very important. Some countries froze and confiscated property without the constitutional framework to do so, immediately after September 11. 12.15 p.m.

It is important that the provisions which protect the rights of the accused and innocent third parties, are protected by allowing them to be informed about the procedures, thus, enabling court challenges to take place. Jurisdiction extends beyond acts committed within Barbados because of the nature of terrorist acts and the rights of appeal are already set out in the Supreme Court Act.

Mr. President, Barbados has an excellent record of participatory democracy and respect for human rights so that it is honouring a United Nations Convention and at the same time approaching this legislation in a humane manner. Therefore, Mr. President, I just wish to say, after those brief words, that I support this Bill.

Thank you, Mr. President.

SENATOR Sir JOHN STANLEY GODDARD: Mr. President, in dealing with this important piece of legislation here today and I realise that it flows from the United Nations Security Council Resolution 1373 on September, 2001, on terrorism. Barbados as a member of the United Nations is mandated to ensure that Convention is reflected in the laws of the country and that applies to all other countries that are

members of the United Nations.

Sir, before dealing with terrorism, in particular, let us recognise that serious threats have always faced mankind and still face mankind. I am talking about poverty internationally, inadequate health care, education, housing. While they remain, in very recent times, other serious threats have been added. I am referring to the threat of illegal drugs, which is an international threat; the threat of HIV/AIDS; the threat of global warming and terrorism, which was highlighted by the events of September 11, 2001, the events that took place in New York and Washington in the United States of America.

I am very pleased with the response of our Government. I want to commend the Government because I think that this Bill has been given very careful consideration, wide consultation, the opinions of experts in international and constitutional law were taken into account, and we are satisfying the requirements of our membership in the United Nations. Sir, we have also approached it in a humane way in terms of this sensitive manner, recognising the Barbadian culture. The Bill seeks to preserve the principle of due process and everyone's right to natural justice. I think this is very important.

Mr. President, I must say that while we are dealing with this at a high level, I have had discussions with ordinary people living in this island who do not seem too concerned about this Anti-Terrorism Bill as, in my opinion, they should have. They do not see terrorism as being close to home and that it is something that concerns developed countries, whether they are in the Middle East, USA or Europe, not here in the Caribbean. People here in Barbados seem to be more concerned with what they call the level of local terrorism. By that, they mean crime. They are living with crime in Barbados and reading about it every day in the newspapers and hearing it on the radio.

I make this remark not to discount in anyway the importance of this Bill. This Bill has national, regional and international significance. I think that it would be remiss of me if I did not reflect the opinions that I have been hearing. While we are dealing with this in the Senate today, I hope that the situation pertaining to local crime is not overlooked and that it will be dealt with in a more expeditious manner.

Sir, with those remarks, I certainly support this Bill.

I thank you.

SENATOR D. D. MARSHALL: Mr. President, this is a very important piece of legislation. I quite agree that the average Barbadian is not too sensitive about the issue. This is a very small nation and the risk of us being the direct

recipients of a terrorist attack may seem somewhat diminished. After all, Barbados is hardly likely to feature greatly in the plans of some terrorist trying to change the way in which things in his or her own country is done.

I am reminded that we have had our brush with terrorism. Whether or not there is a direct impact, there is certainly an indirect impact. We in Barbados can testify that arising out of the now infamous events of September 11, the indirect impact was felt on the Barbadian landscape the severest of terms.

12.25 p.m.

Therefore, we know that we must join hands in fighting terrorism and, of course, we recognise that there is difficulty in saying exactly what terrorism is. It is one of these things that you know it when you see it. I am reminded of a story about a very wealthy man who felt he was king of all he surveyed and he thought that he would take the king of the jungle on a tour through his home. As he escorted the lion through his home, there were wonderful works of art depicting on every occasion humankind and the lion. The lion noticed quietly that every single work of art, whether it was a sculpture or a painting the human being dominated and the lion was vanquished. After this tour, this fine gentleman asked the lion what he thought of the works of art and the lion said, "It occurs to me that the lion might have fared better if the lion were the artist".

I make that point really to echo something I think that we have all heard this morning and something which we can very well identify with. The question of who is a terrorist is a question of perspective. I do not need to reiterate the comments of my brother, Senator McClean on the Other Side, as he very artfully examined situations in history where people were on one side of the fence in this time and out the next time. As long as we keep that concept focussed in our minds we need to remember that in all of our dealings with people whether they offend us in some way that we are still at the end of the day dealing with human beings and my own sentiment is that sometimes we can go too far in our responses.

In terms of the actual legislation, I would like to commend the legislation. It is a very nicely crafted piece of legislation serving to incorporate the UN Convention. I do not think it is lost on any of my fellow Senators that this UN Convention is one of 1999 and predates September 11 of last year. From my own knowledge of the UN activities, this particular Convention would have been a whole decade in the making. That tells us too that this is not a situation where it is necessarily the response to the hideousness of September 11 but that this concept that we need to repress or suppress the financing of terrorism is one that has really dominated

our minds in recent times.

I would like, however, to make a particular reference to section 9 and without being too academic, I would like to mention that it might be appropriate at some point in time to expand the forfeiture power under section 9. Section 9(1) essentially establishes the power to forfeit funds that are the subject of the offence and section 9(2) provides that the funds must be derived from the commission of the offence. The difficulty that I have is that the concept of derived is nothing more than arising out of.

In my view, it does not adequately deal with a situation where an individual who is financing terrorism may have a corpus of funds sitting perhaps in an offshore account through Barbados and he does nothing more than send out \$1 million every month or every year out of this account to fund terrorism. This particular section does not allow for those funds to be forfeited and in my view that is something that we need to consider because a person who is funding it is clearly, if it can be proven, a person who is an accessory to the actual offence. In my view, when we say that the funds must have been derived out of the commission of an offence that narrows it down in a way that is not appropriate.

I do have some concern in relation to the amendment. Let me make it clear that I support the legislation wholeheartedly, but I just felt that it was important to mention that having looked at the Bill as it has come to us from the House, I detect there is a bit of legal trouble with section 9(4) where we try to establish civil proceedings. It gets into a contextual contradiction.

Nonetheless, I wholeheartedly support this legislation. The fight is not one that is left for the USA alone. It is a fight that we must all play our part in but always remember that the lion might have fared better if it were the lion who was the artist.

SENATOR THE HON. G. S. H. MURRAY: Sir, in intervening in this debate, I join others in this Chamber and elsewhere who can be categorised as right-thinking persons who would share in the condemnation and the abhorrence of the act of violence that took place last year in the United States of America on September 11. I hope never to be able to see that repeated anywhere in the world, especially in Barbados or in the Caribbean.

The reality is that this Bill indicates that Barbados has to meet certain international obligations, if only to protect our national self-interest, since if we do not meet certain standards and measures by a particular time we stand to have certain strictures imposed against us which would be to the detriment of Barbados' well being.

I must point out that I join in this debate somewhat like the proverbial reluctant bridegroom or bride who enters into a marital union with somewhat of a struggle and a certain amount of difficulty and resistance. I do so because I do not intend to be difficult and I think Barbados does not intend to be difficult if one listens to the tenor of debate in this Chamber and elsewhere to be anti-American but I think we have to see this measure in keeping with the good old Barbadian tradition of independent thought and talk that goes way back to 1652 when we had an independent point of view against the British government of the day which led to the signing of the Treaty of Eyestones. That attitude of independent thought and independent action against what seemed to be overwhelming odds has been exemplified over the years and there were certain high points that exemplified this attitude. I would think that one major one would have been the declaration by the then Prime Minister Errol Barrow at Independence that we intend to be friends of all and satellites of none. Then, furthermore, in recent years with the stance and declaration by the current Prime Minister Owen Arthur in our dealings with the Shiprider Agreement and more recently with the question of the OECD. So we have a tradition of telling it like it is, seeing it from our point of view and letting the rest of the world know where we stand on certain issues.

While we are and must be supportive of the attempt to eradicate terrorism, we must be careful that we do not have a kind of knee-jerk reaction to the mention or the utterance or the declaration of the words "terrorist" or "terrorism", that once those ominous terms are mentioned we are prepared to spring into action at the beck and call as determined by the USA, or any other power for that matter. To do so, Sir, would be to raise fears that we would be returning to the dire days of the 1950's of McCarthyism when the policy that was pursued by Senator Joseph McCarthy in the United States of America was a policy of hunting out or labelling persons who were called – quote, unquote – "communists" and these people were removed from jobs in government or other areas, lost work, were blacklisted. Actors and entertainers could not perform and got no work if only because they were called communists by Joseph McCarthy and the persons of that ilk and that thought.

We do not want to replace the McCarthyism of the 1950s with the "Bushisms" of 2002. That would be to indulge in an act of bushwhacking against ourselves. Therefore, we have to be careful that we do not go along and support the idea that once the USA or President Bush labels a person a terrorist that we feel that we must indulge in all kinds of punitive actions against them without any respect for human rights, international law, due process, that all we need to do is to pursue the dictates and the attitude of the United States.

12.35 p.m.

The problem, Sir, as has been widely recognised, not only in this Chamber but around the world, is really that it is

terribly difficult to determine who is a terrorist or what is terrorism because, like Senator McClean quite rightly said, it all depends on the perspective and the interest at the particular time.

Sir, I remember paying a visit to Israel in the late 1970's and being shown the King David Hotel which has become a veritable national monument in Israel. The persons who were conducting the tour, and if you read the literature about that hotel, were boasting about how that hotel had been blown up by the freedom fighters for Israel when they were fighting against the British to establish the state of Israel. It became a symbol of the resistance and the spirit of the fight of the Israelis against the British. In the same way that people undertake other acts of terrorism, they themselves were proud and boasted and pointed that as a monument that had to be seen on any tour of Israel, the King David Hotel, and they bragged how many scores of people were killed in the explosion.

I think one of the persons who actually led the assault on that hotel and indulged in the killing of persons, was a Mr. Begin. They regarded them as freedom fighters, as national heroes and as heroes of the day. I am sure the British then would have regarded them by today's terms as terrorists.

The point is that these so-called inconsistencies or double standards or even hypocrisies that might have been pointed out in the activities, actions, attitude and behaviour of the USA or any other power from time to time, Sir, really are in keeping with the very real politic position in international politics that a country has neither permanent friends, nor permanent enemies, but only permanent self-interest.

Therefore, with that in mind, people are able to shift their positions overnight, if needs be, to justify their behaviour because it is in that country's self-interest. For example, mention was made of Saddam Hussein who at one time was an ally of the USA against Iran. It was Saddam Hussein who overthrew the elite in Iraq and sought to redistribute the wealth of the country, where persons can go from kindergarten to Ph.D. level for free education. There were free health services and that seemed to threaten the elite in Kuwait who controlled the oil in Kuwait. Therefore, that was one of the reasons why the USA led the battle against Saddam Hussein, not so much to defend the interest of the Kuwaiti who were only interested in maintaining their elitism and their control, but also to protect their old interests through Kuwait.

Sir, in these things there are always these ebbs and flows in what are deemed as national self-interests and therefore we have to be careful how we get sucked into the vortex of these international issues. In saying so, Sir, I must

also deplore and deprecate the attitude and the involvement of the British Government. We have talked about the United States Government, but the British Government which at one time, for us ex-colonials, was seen to represent or was made to seem to represent fairness, rightness, justice and democracy and even-handedness across the world, when one looks at how the British Government, especially the role performed by the Prime Minister Tony Blair, Sir, and how he has become the virtual mouthpiece of the United States Government. I think it really is an embarrassment to those persons who at one time regarded the stiff British upper lip as a sign of dignity, rightness and correctness. While the United States wield the military power, the British Government and Tony Blair have gone around the world being the spokesman. I have heard some British persons refer to him as the lap dog of the United States, who is more virulent, vocal, aggressive and vociferous than even President Bush himself. He seemed to have gone around the world, from capital to capital, carrying out the bidding of the United States Government.

Sir, at the same time, we also have to condemn the role of the USA media. Persons in this part of the world who are subjected to the 24-hour service on channels like CNN and FOX, are made to believe that they are the bastions and practitioners of all the best that is in professional journalism. One could not help but notice how on this issue, when it was perceived as protecting the United States' interest and defending the homeland, we abandoned all semblance of critical thought and professional judgment and became Government information mouthpieces and spokespersons for the United States Government.

There were comments in the United States Government where persons, if they wanted to get another perspective on what was happening on this so-called war on terrorism, people had to turn to *BBC* to get a more broad-based and analytical view of what was happening in the so-called war on terrorism, rather than just what was turned out by CNN and FOX and institutions of that ilk, which had hitherto been made to seem, or had wanted us to believe that these are the paradigms of professional journalism by which we should set our standards and which all institutions in the Caribbean and Barbados should imitate and follow uncritically.

I recall, Sir, in that context, the story that came out of the USA on the eve of past President Carter's visit to Cuba recently, where it was said that the USA was condemning bio-terrorism in Cuba and then to hear the reporter say that this official of the USA who was making this charge say, "We believe that this is happening". The story came out in a very affirmative and assertive way that there was bio-terrorism in Cuba, only to quote a man as saying, "We believe that this thing is happening".

Therefore, we have these kinds of abandonment, like I said, of all that we hold dear in professional journalism, that we have to imbibe the news as the truth as to what is

happening and therefore, all of these things have to colour our judgment and form our attitudes. Sir, I believe that these are part of a deliberate policy to cultivate and condition the minds of the rest of the world in order to make it easier for the United States to do what it thinks it has to do around the world.

Apart from that, while I agree that we have to be very circumspect and must take precautionary measures against terrorism, I, too, join with those who feel it is unfair to countries who have very limited financial and other resources and whose development thrusts require that emphasis must be put on physical infrastructure or social infrastructure, in health or education or whatever, that at the dictates of the United States they are being compelled to divert these scarce resources to put these protective measures in place and the United States is not rushing to pump in any money to help them finance this.

I think, Sir, that this is going to deal a severe blow to the development efforts of these countries. In the same way that the United States of America can find its resources when it wants to protect its self-interest in Israel and other parts of the world, if it intends to regain the respect and the regard of many countries which have no choice but to do these things, if only in the interest of its own national survival, it should find it within its heart of hearts to put some of its resources to help finance a set of activities which these persons have to undertake through no fault of their own but because they think that they otherwise will be victims mainly by association.

Sir, Barbados, in dealing with this legislative measure has had to do a great balancing act which I think has been very well done, between seeking to satisfy the international obligations and at the same time maintaining our traditional respect for the law, our judicial system, adherence to due process, natural justice and protection of persons' national rights. We have done so conscious of the fact that we need to meet these international obligations but at the same time we have to make sure when this phase is over – I believe international terrorism is now the latest sexy international label or slogan which will be replaced by something else as the world turns and as the interest of the United States of America and the other major powers rotate, oscillate and do all kinds of other contortive actions – we should not be swept along blindly by terrorism so that we do not take a cautious and judicious look at what is in our interest in order to protect the long-term interest of Barbados and the Caribbean.

12.45 p.m.

I close, Sir, by making reference to a book entitled "The Rise and Fall of the Great Powers" written by a man named Paul Kennedy. This book deals with economic c h a n g e a n d

military conflict from the year 1500 to the year 2000. On pages 514 to 515 there is a quotation which I would like to make reference to if only as a work of caution to the United States of America and this current issue. This book says and I quote:

“In consequence, the United States now runs the risk, so familiar to historians of the rise and fall of previous Great Powers, of what might roughly be called ‘imperial overstretch’: that is to say, decision makers in Washington must face the awkward and enduring fact that the sum total of the United States’ global interests and obligations is nowadays far larger than the country’s power to defend them all simultaneously.”

I thought that should be a sobering thought to the United States of America.

With those words, I give my support to this measure.

SENATOR B. R. COLLYMORE: Mr. President, my intervention is going to be very brief. In a general way, I do not think that one can oppose the enactment of this legislation. However, I want to draw attention to Clause 5 of the Bill which says:

“Where an offence referred to under section 3 or 4 is committed by a person responsible for the management or control of an entity located or registered in Barbados or in any other way organized under the laws of Barbados, that entity, in circumstances where the person committed the offence while acting in that capacity – presumably as a manager – is guilty of an offence and is liable on conviction on indictment to a fine of \$2 million.”

I am very concerned about that. This Clause is not as expansive or as clear as the corresponding Article of the Convention and it does not give much room. It simply says that if you are an entity employing someone and that person is found guilty of terrorism, by extension you, as the entity, are liable to conviction and a fine of \$2 million. Assuming that a company finds itself in that position and is unable to pay the \$2 million, then the directors are liable for the debt. This is something that should not be allowed to go just like this. There should be some further explanation or provisions. As I said, it is different from what appears in the Convention and I am suggesting that the legal luminaries should re-examine this at some stage.

Thank you.

SENATOR C. LeR. TROTMAN: Mr. President, I do not believe that I can compete with Senator Collymore in brevity, so I shall not even try.

However, I wish to make the observation that this is not the first international convention that we would be faced with in Barbados or indeed that states have been faced with generally where they are required by virtue of their membership of an international organisation to become signatories or parties to.

Within the United Nations family there are several examples of conventions which individual states have to be part of simply because they are members of those international organisations. Within the International Labour Organisation in very recent times there has been a similar arrangement where because individual states are members of the International Labour Organisation they have by that principle been persuaded and then forced by convention to be part of the principles at work which is a body of conventions instituted among other things to ensure the freedom of association, the right to equality among persons, the discontinuation of discrimination, fairness for the sexes and generally to allow for the right and freedom of people to exercise their entitlement to decency at work. That is but one example of what happens in the international arena.

Even though it would be very fashionable to bash the United States of America or Great Britain, and they do deserve a significant amount of public criticism for what very often is hypocritical behaviour on their part, I am of the view that my contribution to this exercise should concentrate on what can be positive approaches which we need to be able to identify and to highlight in this exercise.

We need to be able to highlight the fact that it can only be proper for us to see the need which there is at the global level to ensure that there is the sanctity of life and respect for human beings and their entitlement to life whatever their persuasion, be it religiously, economically, culturally, sexual orientation, colour, class or creed. There must be a recognition that life must be sacred for all of us everywhere and at all times. There must be a recognition that anyone who challenges that sanctity of life or the freedom of persons to pursue their legitimate pursuits as sane, reasonable and law-abiding citizens anywhere in the world that such persons should be brought before the sanction of the international world and based on the level of the interruption of civic activities and civil liberties there ought to be a penal system which responds to that indirect relationship to the level of the interference in people’s exercise of their civil liberties.

In further pursuit of that concern which we must have for freedom of individuals, we ought to recognise that if we are going positively to ensure the freedom of people, then we have to be able to ensure that those who are likely to perpetrate ills or criminal acts against them have got to be

reduced in their activity. A reduction or stifling of their funds or the freezing of the avenues for them to progress cannot be considered to be a bad thing. So we have to be able to realise that any effort to improve the security of persons and any effort to look after the welfare of each individual in the world must be seen as a positive.

12.55 p.m.

Mr. President, even though there might be some persons who are using hypocritical means to advance their own interest, we must, for ourselves, be able to ask the major question, is the United Nations Resolution No. 1373 a Resolution with which we, as a people, can agree.

The secondary question about the sanctions which the United States might wish to apply will be there and can exercise our minds and we can, as a sovereign people and independent state, get highly offended at any effort which there might be or anyone who might want to coerce us into doing something that we are contemplating. Having got that point made and understanding that point can be debated at any other time, the question still has to be whether we are interested in ensuring that we are part of an exercise to make this world a more just society for everyone under all circumstances. If the United Nations, of which we are a part, brought together a Resolution that sought to put world opinion, their rejection of terrorism and their interest in having something positively done to reduce and eventually to eliminate terrorism, can we, as a people and as an individual agree that is a good thing? I posit that we could see it as a good thing.

I, therefore, say that we must be able to understand and accept that any effort on our part to remove and reduce terrorism must have the wholehearted support of all Barbadian people. I would think that in our efforts to ensure that we play our part, we have to put safeguards in place to ensure that in our search for that justice, that society does not deny individuals their rights as human beings, their rights to be different, their rights to associate as they may choose within the law and generally all those other rights and other tenets which are there by virtue of their being citizens of Barbados. If we are prepared to do that, then I think we are on the right track, notwithstanding the rejection we have for the attitude of "better" and "mightier-than-thou" that comes out of the United States or Great Britain.

Sir, I do not wish to produce too much of a commentary on that kind of behaviour of those kinds of people because, at the end of the day, we could get so embittered by our annoyance at that kind of behaviour that we might fail to recognise there is some kind of benefit to be derived.

I am pleased that we have realised the need to protect our interest and domestic sovereignty to the extent that we have consistently rejected any efforts by anyone that we

should snatch and repatriate individuals to some other power simply because that power believes that individual has committed an offence. Sir, as long as we still believe in the rights of due process, and still insist that it must be practised, then I see nothing terribly wrong with our wanting to join the rest of the international community to reduce evil wherever we see it.

Mr. President, I wish to make the further point that terrorism is not something we believe should be treated with kid gloves. Sir, I go beyond that to say it would be most unfortunate if we did not use this occasion, as I have been directed so to do by the Congress of Trade Unions and Staff Association of Barbados (CTUSAB) to say that terrorism is not only international but also domestic.

Mr. President, whereas it is proper for us to safeguard the lives, properties and businesses of all citizens across the entire world, it is equally proper for us in Barbados and the rest of the Caribbean to note that domestic terrorism is alive and well in this region. It is the kind of uncivil action and behaviour which prevent us from being able to enjoy the beautiful parks that have been provided for us by our forefathers, to enjoy the beaches that are ours by right of our patrimony. It prevents us from being able to entertain ourselves on our own verandas, not only at night but during the day, unless we are surrounded by large numbers of other persons. We are victims and scared citizens within our homes. As one Senator said today, we are afraid to transact business within our banks, business houses or any other place. The question we have to ask ourselves is what brings us to that level of existence where, with a few exceptions, all of us are unwilling to walk the streets alone at nights when, in fact, the streets should be ours and we ought to be proud to present this country of ours as being free for all of us.

It would seem to me that this occasion must be taken to tell all West Indians, all Bajans, all men and women, particularly those of good will, that charity begins at home and that when we know who are the perpetrators of terrorism, then a greater effort must be made to deal with them in such a manner that they discontinue believing that we, in this country, are unwilling to make sure that we prepare for the greatest good for the greatest number.

I do not want to suggest that we want to become like that of the leadership of the United States of America. I do not want to suggest that we must not believe in the rule of law. I want to suggest to this Honourable Chamber that we must cease to give the impression that law is good for the terrorists but the law-abiding citizens have a problem with being able to benefit under the terms of the same laws. That, unfortunately, is a general impression at which one can arrive in this country. It is unfortunate but true.

Unless all of us are prepared to accept the fact that there is a new code of behaviour which is more willing to protect the innocent than it is currently and make those terrorists understand that we cannot eternally extend the right hand of patience, then we are only fooling ourselves.

Mr. President, I am all for this legislation. I am all for saying we must work in the international interest. It is proper for us to understand that whatever the reason, terrorists must be brought into a common understanding of our need to remove them from an environment in which they perpetrate their terrorism.

Sir, at the same time, I am saying with all the passion that I can, that when hardworking men and women go out to work to protect this society, to build it and to make it into a better place, the terrorism which there is that prevents them from so doing, or that prevents them from returning to their homes at the end of an honest day's work, must not be winked at, smiled at, nor allowed to perpetrate itself indefinitely.
1.05 p.m.

If it does, the question then is what is the reason for our efforts if in the face of our efforts to improve there is the acceptance of a subculture and a subcommunity which is able to perpetuate terrorism without the levels of sanctions which this society must bring to bear.

Sir, I apologise if I am too passionate in this presentation but I urge that we support this international measure in much the same language that I urge Barbados to deal with domestic terrorism that is among us at our own doorsteps.

SUSPENSION OF SITTING

SENATOR THE HON. J. X. WALCOTT: Mr. President, I beg to move that this Sitting be suspended until 2.10 p.m. today.

The question was put to the Senate and agreed to and Mr. PRESIDENT suspended the Sitting accordingly.

RESUMPTION

Mr. PRESIDENT: This Senate is resumed.

SENATOR T. E. BARKER: Mr. President, I want to give my support to this piece of legislation because at some time or other, all of us can be victims to terrorism. This occurred in Barbados in 1976 when Cubana Airlines was bombed out of the sky killing 70 persons. So, this country is

no stranger to acts of terrorism and, as was mentioned before, some Barbadians died in the World Trade Center on September 11 and other Caribbean nationals perished as well so we would have to lend our support to any measure that seeks to eliminate the scourge of terrorism from the face of the earth.

Sir, there are a few issues we have to bear in mind. It is good and desirable that we make sure that people who engage in terrorist acts meet the full force of the law and also try to prevent any acts of terrorism, but what about the conditions that give rise to terrorism in the first place?

We know that in the world today there is nothing called perfection. There are Governments and systems which are not always working in the interest of the people and there are conditions which give rise to these acts of terrorism because, as was said before, Nelson Mandela, in present day time, might have been called a terrorist according to Clause 3 of the Act. If a Government is illegal by whatever definition, as was the case in Rhodesia some years ago, how do the citizens of that country, who cannot vote as we do in this country, have recourse? If we have a Government that is not working in our interest we simply have to wait until the next election and vote accordingly as we have done in the past. If this remedy is not available, how then do citizens react in a situation when their rights are taken away because the Government is an oppressive and illegal one and is not cognisant of its responsibility toward the citizens?

Sir, I believe that the same way the United Nations by its Resolutions are seeking to eliminate terrorism, in my view, they have the same obligation to ensure that governments around the world are "legal". It is okay to say we should eliminate terrorism but we know that there are governments that instead of using the ballot box, use terror to intimidate the citizens. I believe with all my being that a citizen in that situation has the right, since there is no recourse to the ballot box, to use whatever means are at his disposal to force the Government to go down a certain road.

The United Nations, in my view has an obligation to ensure, in the same way they are fighting terrorism by their Resolution, that they use whatever it takes to ensure that all Governments in the world pass the test of legitimacy.

Sir, we must agree that conditions sometimes give rise to anti-social behaviour. I am not convinced that if the conditions were good, that a girl who is only 18 years old, who should be dreaming of tomorrow, would strap explosives to her body and kill people. Sir, the conditions would have to be very extreme to breed that kind of person. I strongly believe that we have to go to the root of the matter

and spend some energy and time trying to resolve some of these conflicts and bring sensible solutions to bear on some of these problems. Sir, I want to stress that we have to use all means at our disposal to bring to an end some of these conflicts because injustice breeds all sorts of things.
2.15 p.m.

I am reminded of the words of Martin Luther King, who is my international hero, when he said that injustice anywhere is a threat to justice everywhere. Anytime that we have injustice we are going to end up with these sorts of situations. We have to go to the source of the problem. This Bill that we are debating is not going to stop the terrorists from perpetrating their acts because they believe that they have a cause. We can pass a hundred Bills, it is not going to stop them from going on their course of action. They believe with all of their hearts that they have a right to do these things. Sir, we have to look beyond legislation.

Sir, we have had legislation on our books from time immemorial but, unfortunately, that has not stopped people from taking other people's lives almost willy-nilly. Other countries have legislation in place but legislation alone is never the answer. While we know that we have to put measures in place to make it more difficult for terrorists to operate, at the same time we have to ensure that we attack with the same vigour the conditions that breed this sort of anti-social activity.

Thank you, Mr. President.

SENATOR THE HON. Mrs. V. E. NEWTON: Mr. President, I rise to support this Bill which is before us. There is no need for me to repeat all that other persons have said with regard to international terrorism. Senator Trotman spoke eloquently of local terrorism. We all know what the effects are and we have seen it on the increase day after day and it is causing us great concern.

In relation to this Bill, there are several provisions that I have found of interest and I would like to comment on. The first one deals with what constitutes terrorism and the penalties for terrorists. Some of what I was going to say in relation to the death penalty which is to be imposed if death ensues from a terrorist act, has been addressed by an amendment which was made in the House of Assembly and which we received after we started the debate of the Bill today. Sir, I was going to say that this provision did not take into account manslaughter and unintended consequences of a terrorist act where death would have resulted; but the amendment takes care of that.

The other provision that has caused me some concern, Mr. President, is the attempt to reach the directors of entities which are found to be involved in terrorist activities. Like

Senator Collymore, I am concerned that a director, who might not be aware or who could not be reasonably expected to be aware of the true activities of the organisation of which he is heading, would still be fined \$200 000...

Mr. PRESIDENT: Senator Newton is that a reference to \$2 million?

SENATOR THE HON. Mrs. V.E. NEWTON: I am sorry, \$2 million.

The Bill seems to be creating an offence of strict liability, where in my view, it may well be that the director should be given an opportunity in the act to prove that he was not aware of the activities that are being conducted. Sir, at the same time, one may argue that the provision would also have the result that directors, especially of offshore companies with such entities, would be extremely vigilant to make sure that they are not involved in any terrorist activities.

Sir, I believe that Senator Marshall spoke to Clause 9, subclauses (2), (3) and (4). Clause 9 (4) states that in determining whether or not any funds are derived from the offence under section 3 or 4, the standard of proof required for the purposes of subsection (2) is the same as in criminal proceedings and for the purposes of subsection (3) is the same as in civil proceedings.

Sir, that amendment, to me, creates more confusion than the section that was there before. Subsection (3) refers to subsection (2). In this amendment it says that the standard of proof is the same as in criminal proceedings. Then it says that the same subsection (3) the standard is the same as the civil proceedings. There is some confusion that needs to be addressed, in my view.

Mr. President, the extradition provision is an interesting section. It is one of the rare opportunities for us to see Section 79 of the Constitution being applied. That section provides that the Attorney General may in certain circumstances give direction to the Director of Public Prosecutions. In this case it provides that the Director may execute requests for extraditions in relation to terrorism under the direction of the Attorney General. Sir, that is a very interesting provision.
2.25 p.m.

The section further provides that the Government of Barbados would not accede to extradition requests for persons whom it has reasonable suspicion or evidence, who are being sought to be extradited for political, racial and

other reasons. That is a fairly important provision and it is in keeping with many of the other provisions and the whole tenor of the Bill which in a way although it is seeking to give implementation to a UN Convention and a UN Security Council Resolution shows clearly that the Government of Barbados is not, so to speak, in any "pushover" position in that it is trying to make sure that although it is bound, because it has been a signatory to the Convention to put the Treaty in force has sought in the enabling section to make sure that certain fundamental rights, provisions are not breached. With regard to the forfeiture and freezing provisions, again we see an attempt here to ensure that the provisions in the Barbados Constitution and other aspects of our domestic law are adhered to. For instance, the Bill makes provision for the property rights of third parties to be taken into account in any confiscation or freezing and it further provides that it is the Court and not any aspect or arm of the Executive which is going to be involved in making orders of freezing and compensation. Furthermore, if after six months after a court order for freezing or confiscating property has been given and the accused person has not been charged that property must be returned or fresh charges must be brought against him or her.

Mr. President, to my mind, those are some very salutary aspects of the legislation which we should all find of interest and support. I would like to say that I am very happy to note that one of my colleagues, Mr. David Berry, has been associated in helping the Government to draft this legislation and, in fact, some of the provisions in the Bill that are not in similar pieces of legislation in the region would have resulted from his research.

I also commend the Government for trying in the way that it has to put this Convention into place. What happens usually and I read a lot of these on a daily basis is that a Government having a Convention to put into domestic law will have a one-page document saying this Bill seeks to give implementation to UN Convention this or that. In this case, what the Government has done after extensive research and I am sure extensive consultation locally and with international experts is to make sure that in doing what it has to do, because of its international law responsibilities that it has not taken any steps which would jeopardise the provisions of the Constitution either in relation to the Bill of Rights, the death penalty or in relation to confiscation of property. The forfeiture and freezing provisions can all be said to be justifiable and in keeping with the provisions of section 16(2) of the Constitution which provides that property can be confiscated, provided it is in accordance with established law.

In making those few points, Mr. President, I offer my wholehearted support for the Bill and congratulate the Government in relation to the job that it has done in relation to the Bill. I would just like to say that one or two provisions, especially in relation to clause 9 should be re-examined to

make sure that what is actually stated there is what was intended. Thank you.

SENATOR Miss J. C. ODLE: Mr. President, much has been said today and much specific information has been given on the benefits of the Bill and I rise to support this Bill before us today and to make a few comments and commend the Government of Barbados and the Attorney General for presenting a Bill drafted in this manner. I am not a lawyer, as we all know, but the Senator who spoke before me was able to speak specifically to that and did. The way it is presented in terms of ensuring that Barbados as a sovereign state is not a roll-over to any convention and to be at the behest of any whip of any superpower in the world today.

I wish to commend the Administration of the day for having the foresight to draft this piece of legislation. Sir, I believe that we must do all in our power to aid in the policing of terrorism because we would be all aware of the hideousness of the crime of terrorism in whatever form it takes place whether it is the bombing of an aircraft or the use of an aircraft as happened on September 11 to do the crimes which took away lives that are created in the image of God for his service on this earth, just wasted away in the twinkling of an eye for some narrow political benefit.

Sir, the scourge on a society that has suffered terrorist acts such as recently experienced and even times before in the past we must never forget. I speak specifically to the humanitarian element or fall out of these crimes. The degradation of the environment, the whole issue of unemployment, the expansion of poverty, the risk to health care, particularly vulnerable groups. As we would be aware, usually in the aftermath of a terrorist act some type of war takes place.

This would have the impact of rendering vulnerable groups even more weakened. Women, in particular, Sir, would suffer the fall out by way of rape when countries are invaded in the manner we have seen most recently, where children are left without parents, usually fathers, who are the ones who are charged with the responsibility of defending nation states although women nowadays form part of that core group. The whole risks coming out of the rape situation with HIV/AIDS and we know that though we may be far away from some superpower's mainland we know that a scourge such as AIDS is no respecter of persons no matter if you reside on the smallest island. The spread of that in itself is almost an act of terrorism, particularly by those who infect people on purpose.

The whole degradation of human life by terrorist acts must be on our minds and against that background we must be conscious of doing all in our power even though we may

seem to be a small nation. We flex muscle and in flexing muscle it would be a call at this time in particular as the Caribbean still grapples with the whole issue of integration now more than ever is a time and a call for us to move speedily to a place where as a collective region we have a little more teeth even though we may yet be small.

Sir, I would also want this evening to put a call out because the Senator Trotman spoke very much to terrorism on *terra firma*, home based, and other Senators spoke to the crimes which in themselves are acts of terrorism for many and I believe that as individuals, each and every one of us here in Barbados, must open our eyes and stop – to use a quote from the Leader of this State – winking when we know that people are engaged in crimes that are illegal and though small in the context of the overall terrorism acts that take place in the world each small act is a nerve ending or a capillary towards a bigger act and we must stop winking and stop turning our faces the other way, particularly at issues related to drugs and funds to be garnered therefrom.

We must not turn a blind eye, Sir, because in doing so it says it is okay or we believe it is okay. If it is okay in a small way, then we must be suggesting that it is okay for these acts which oftentimes fund terrorist activity to be okay as well. We in Barbados are not immune from the spin offs and I have heard Senators speak to that before because we know that our State depends heavily on tourism and we know that when people are afraid because of acts perpetrated against them or in a domain near them they are going to stay at home. In doing so, we know some of the fall out that we suffered in the last months with respect to tourist arrivals, not nearly as bad as we projected but, of course, contingencies were put in place.
2.35 p.m.

I want to commend this Government as well for the initiatives taken post-September 11, 2001 to ensure that we did not suffer as bad a fall out as we could have done. I refer specifically to the security packages that were put in place: tourism, agriculture and manufacturing. At the time, particularly for the manufacturing, it may have seemed onerous to have a percentage replaced on goods imported. In the long run, I would suggest that it gave us an opportunity to weather the storm, and we should take an advantage then to ensure that we would be better positioned to continue to sustain ourselves throughout these difficult periods.

We are not alone. Sir, the world as a whole, fears and suffers the whole question of terrorism; but I want to commend this Government today for continuing to recognise that our sovereignty is important and ensuring that the drafting of this legislation is such that we are just not a roll-over. I want to take the call as well, for Barbados to recognise that the smallest act of violence and terrorism

against any group here or abroad is absolutely hideous; and with all of our might, strength and being, we must do whatever we must, to ensure that we join in the battle to ensure that terrorism does not thrive and that Barbados can remain a part of a glowing, wonderful nation that God created.

Thank you.

SENATOR P. C. GODDARD: Mr. President, I rise to support this legislation and to observe that perhaps some of our language is not as precise as we would like to think it is, and this is peculiar to Barbados. I saw a picture of a young gentleman here in the newspaper who had been shot in the foot, with a bandage around his thigh. The caption read that he had been shot in his foot but he was bound in his thigh.

Sir, when we talk about terrorism, I think it is incumbent upon us to recognise what is terrorism. It is an act taken against a civilian population, or non-combatting population for the objectives of achieving your religious, ideological, or political objectives. It is not about criminal activity. It is not about day in and day out criminal activity. It is about this type of new warfare that attacks civilian populations and not combatant troops.

Now, there is a distinct difference between guerilla warfare and terrorism and we have confused, I think, some of the historical antecedents or precedence that have been set. This new development where we have seen individuals commandeer aircraft filled with a civil population, using them as a weapon of destruction, annihilate all those on board, and those in the buildings to which were targeted, brings a new dimension. We also have the possibility of fire hazards and nuclear hazards.

I do not think we have seen the end of the al Qaeda, by any stretch of the imagination. Let us focus on the cause of this piece of legislation which is the Osama bin Laden and al Qaeda organisation and the associated organisations. We have spent some time here castigating the western powers who have been the main targets of this terrorism. Sir, every democracy on this earth, and we value our democracy here in Barbados, is at risk because there are organisations like those, that take away the freedoms that we so cherish and value in this democracy of Barbados. This is the reason for this legislation being brought here today. This is forming part of a global chain against terrorism and, Sir, that chain can only be as strong as its weakest link. We need to ensure that Barbados is one of the strongest links and does not have any weak parts of the chain anywhere near it.

While we have had indirect impact and some direct impact of the recent terrorist activities in that Barbadians have died, and we have suffered significant economic impact

as a result of the terrorist activities, and we will continue to do so for some time, it is quite foreseeable, that the Caribbean region could be an area of significant terrorist activity, if we do not put things in place to ensure that it is difficult for it to take place in this region. We have the appropriate mechanisms to fight terrorism in this region. Mr. President, that means building alliances and it also means strengthening alliances. We recognise that we are a small nation and that we do not have vast military power so it would be incumbent upon us to build strong alliances to ensure that, should we so need it, we will have a call upon military might. Certainly, one of the most important areas in the fight against terrorism, is the sharing of information. We will rely heavily on our allies to give us advance warning of any potential problems that we may face. Certainly, by the same token, we should share any information with them that we have in this regard.

Mr. President, this is a new war. It is often said that the admirals and generals prepared for the war of the past, and I might add that political leaders of countries also prepare. One can never forget Hitler outflanking the Maginot line. One cannot forget the faults toward the beginning of the Second World War, when France had the opportunity to go to war vigorously against Germany, and instead sat by and did nothing; and Germany came to the coast of France. We cannot do nothing. We have to be preemptive, look to the future and prepare for the future. This bit of legislation does much to protect the rights of Barbadian citizens over the next several decades.

We have had the courage to develop this legislation and shape it in our own way. We have been cautious and I commend the Attorney General for her diligent work and the thoroughness with which she has done the work to develop this piece of legislation and for those advisers who have also helped her.

Mr. President, I have no doubt that this Act will go a long way to helping in the prevention of terrorism. Yes, we have heard all about the other causes. What are the root causes of terrorism? Yes, those have to be addressed, but this has an immediacy. We can talk about pie in the sky and we can talk about apple pie and motherhood and we can talk about looking after the poor, and all those nebulous terms and all those feel good things. Yes, we do have to address those issues but this has an immediacy of life or death, day in and day out, over the months and years to come. This is serious business, Mr. President. This is not one for political grandstanding. This is about the new war of the 21st Century.
2.45 p.m.

I understand a little bit about combat. I sensed, within minutes after that first aircraft strike on the World Trade Center, that the world was at war again. Mr. President, we

have to get the perspective right on this and we have to go into it with the right attitude and the right commitment.

With that, I wholeheartedly support this Bill and any action that may be taken to ensure that this Bill is operationalised and has meaningful application.

Thank you very much, Mr. President.

SENATOR J. E. D. WILLIAMS: Mr. President, I will not delay matters or tarry unduly but I feel persuaded to lend my support to this measure and also to draw a sense of difference to some of the remarks made by Senator Philip Goddard.

As a small country, we have to recognise that the fight against international terrorism is everybody's fight, it is ours as well. Like all the other Honourable Senators who have spoken, I want to wholeheartedly thank and congratulate the Attorney General for the great work that was done in drafting this Bill we have before us.

In listening to all the other Honourable Senators this morning I do not think it is fair to say that there has been any bashing of the United States of America. I believe Honourable Senators were attempting to say that we have to look at things as they are and face them squarely and head on, it is not a question of bashing. As a Barbadian, I sometimes find it very difficult to understand and read the signals of the United States of America. All of us, I included, would abhor and condemn anyone who would strap explosives to their body to go and maim and kill innocent people anywhere.

However, I think the United States of America and all of us would have to condemn Israel for simply targeting people. You would see on television a building or a vehicle being blown apart simply because persons were deemed to have been terrorists by Israel and we sit by and simply say that is fine and that there is absolutely nothing wrong with it.

I am saying that if the world is looking at terrorism for what it is, we must deal with it for what it is. We must not say that there are different shades of grey of terrorism. If it is not in the interest of the United States of America and they brand you a terrorist, then that is what you are. If we look on it and realise that it does not fit squarely with decency and all the things we judge civility by, we can simply say that is another form of terrorism.

Despite the fact that we may be a small country, if we see something that is wrong we must speak out against it. I have to commend our Prime Minister for the stance he took with the Organisation for Economic Cooperation and Development (OECD). He simply told them that what they

were trying to foist on little Barbados was wrong and he prevailed at the end of the day. All of the countries in the Caribbean are beneficiaries of that. That was terrorism in another form.

We have to be big enough to call a spade a spade. It is a bit sad when we can only see it in terms of trying to bash the United States of America but not to be able to say to them that sometimes what they do, they do it wrong and that sometimes they fall on the wrong side of everything that we all stand for as a people in this world. It is not to say that the United States of America does not do things right, because they do, but we would be foolhardy to say that they do everything right. I have some difficulty with Senator Philip Goddard trying to believe that we are simply bashing the United States of America but that is not the case.

SENATOR P. C. GODDARD: On a point of order. Mr. President, I did not say nor implied that the Honourable Senator is engaged in bashing the United States of America or any other western country.

SENATOR J. E. D. WILLIAMS: Mr. President, I am heartened to hear that he said it was not a question of him saying that we were bashing the United States of America and if he did not say that, I withdraw those remarks.

Mr. PRESIDENT: I can confirm that, I did not hear him say those words.

SENATOR J. E. D. WILLIAMS: I am more fortified now with him having made that clarification because as a small country we have to be big enough as a people to be able to say this is the way we see it and state our own position and stick by it.

Mr. President, I would honestly say to Honourable Senators that this is a piece of legislation, if it is passed hopefully unanimously by everyone, no one elsewhere might even take notice. If indeed it were legislation that we did not support, it would send signals of monumental proportions. So I fully support this Bill. As a small country, we have to ensure that we play our part.

Again, I want to commend the Attorney General for the excellent work she did and also to thank those persons who have given critical input into the drafting of a Bill of this nature.

Before I sit, let me say that I have to support Senator Trotman in his presentation where he made reference to local terrorism. I do not understand why, in this new dispensation, we do not seem to understand that terror is terror and if you have a group of people who are raging terror on a society, then you can add the "ism" to it. It is simply terrorism in a different form. I want to say to us all as Barbadians that we

must always remember that the police cannot do it alone. The police require the support of each and every one of us. I have been hearing stories where people simply do not want to come forward to assist in helping to identify people because of fear. We can put as many policemen out there as we like. We can double or quadruple them but, if we do not help them, at the end of the day we are going to get nowhere. So I am calling on all Barbadians to lend their full support to the police and let us tackle this problem we have before us.

I am so obliged to you, Mr. President.
2.55 p.m.

SENATOR C. A. MASCOLL: Mr. President, I rise to support this Bill. I also feel that it is important to say that it is being overstated. I very much suspect the test of this Bill will come when an actual event occurs, that will allow us to see the true importance of this piece of legislation. Sir, this reminds me of establishing a post called a minister of employment where, in order for that minister to deliver, the necessary infrastructure must be put in place at each and every level because no one person can be responsible for the job creation that is required. In similar vein, this is a piece of legislation that is rooted in the United Nations International Convention and all member countries of the United Nations must put this legislation in place. As to whether minor adjustments are made to it or not will be a question of the domestic issues or the nature of that country's constitution.

I would hope that we have looked at the other Caribbean States to see what kind of amendments they might have made to similar amendments and to any definitions that they might have used across the Bill. Sir, I would think that sometime later, when matters become more regional, there might be the need for consultation and harmonisation of such legislation across the region as a whole.

Sir, it states clearly that the Act is seeking to suppress the financing of such terrorism. As far as I know, terrorism is not a profitable venture. Its intention is not to derive any form of profit whatsoever. Therefore, the financing of terrorism must come from other sources in or across the economy. Whether it is money derived legally or illegally, it will be used to finance terrorism. Therefore, the question is, are we as a country, as a region, or as a world, in a position to determine the sources of finance used in terrorism and as to whether or not they are authentic. Therefore, the major challenge has to be our capacity to identify the sources of financing.

This leads us to some very major concerns and, of course, the question of money laundering has become very prominent in recent years. The most important part of that is, to what extent is that money used. Is it to do good or bad?

Therefore, terrorism will be with us until this world ends because it is rooted in differences of opinion, either on the basis of plan, greed or satisfaction.

In short, differences will always be part of the process of worldwide governance. I cannot see a state of utopia being established in which we are all satisfied at every level of governance. As a consequence of that, we are going to have to deal with the issue of terrorism as long as the world exists. Therefore, I am hopeful that the Bill before us generally allows us to address the issue of the suppression of financing of terrorism. I know that until we can identify the genuine sources of financing while distinguishing them from the unnecessary sources of financing, we are then going to be in a very difficult position to be able to determine the efficacy of this Bill.

Again, this Administration is constantly seeking a pat on the back. There are all kinds of praises being given to the Government for the introduction of this legislation as though its intent was derived locally when, indeed, all we are seeking to do is to conform with the United Nations' desires or expectations. Therefore, the intention is not rooted in any local initiative to deal with terrorism. It is rooted in a worldwide effort and has to be the intention that we are seeking to identify the source of finance. Finance does not always have a physical dimension. It can take all kinds of forms and characters that can be hidden from us. Again, the introduction of this Bill and the amendments made need to be compared with what happened under the OECD situation about two years ago when, in essence, the final result of that engagement has been a considerable lapse of our international financial resources. Notwithstanding the efforts made, we are still seeing legislation being put in place where we deal with foreign sales corporations, the almost halving of the foreign sales sector. Sir, no matter what one does in that area, the principle evoked ...

SENATOR P. C. GODDARD: On a point of order, Mr. President. The Honourable Senator is misleading the House when he indicates that there has been a considerable collapse of our financial services sector. There has been a continued, consecutive growth each year during that period of time that this Government has been in office.

SENATOR C. A. MASCOLL: Mr. President, it has not been a substantial point that I was seeking to make, I was addressing the principles. It is not whether there has been a significant reduction in the sector, we all know there has been. It does not make sense for me to go down that route. This debate is not about the economics of this Bill but only to the principles involved.

Sir, we know that notwithstanding what has happened in the OECD situation, our international financial services sector has suffered considerably during the last two years. Sir, I am likening that to suggest that whatever kind of praise

we are seeking to heap on the Government, we must recognise there is no major benefit to be derived from this Bill. Indeed, I am suggesting to you that after this Bill is passed you cannot find ten Barbadians outside the House and Senate, who can find anything of significance in this Bill. Until some act of terrorism happens that has an international route, this Bill does not really kick into force. It is of no major significance to the average Barbadian. However, it is necessary to have something there just in case we have such an event.

Sir, the major issue is that there is something called terrorism with which we are all concerned. Most of all, we are concerned it can only exist and be of relevance, if it is adequately financed. Therefore, we have to be concerned about the sources of finance that allow for the conduct of terrorism across the world. Sir, that is a major concern which has to be addressed by any government that is seeking to put legislation in place. That is, can we effectively trace and suppress the finance that is used in conducting such terrible exercises across the world? As a consequence of that, Mr. President, I would not overstate nor override this Bill. It has its place and it is necessary but the real task for us is how do we identify as a country, a region and a world those sources of finances that are used in the conduct of terrorism. This will constitute a major problem for all countries for the next several years regardless of what we may say or believe is important about this Bill. It must be understood that the root problem here is extremely deep and the only way we can adequately address it is by looking at all of the other concerns pertaining to the flow of capital around the world. 3.05 p.m.

Mr. President, I can only but support this Bill because of its intent.

SENATOR THE HON. J. X. WALCOTT: Mr. President, we have had a full and stimulating debate and I want to thank Honourable Senators for their contribution and support.

I beg that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. J. X. WALCOTT the Senate resolved itself into Committee on the Bill, HIS HONOUR SENATOR C. L. BOLDEN in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Senate is in Committee.

Clauses 1 – 3 inclusive were called and passed.

Parts 2 – 6 inclusive were called and passed.

SENATOR THE HON. J. X. WALCOTT: I beg to move that the Schedules 1, 2 and 3 be the Schedules to the Bill.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. J. X. WALCOTT, Mr. CHAIRMAN reported to HIS HONOUR the PRESIDENT, the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

Mr. PRESIDENT: A Division has been called for.

DIVISION

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

Ayes: Senator the Hon. J. X. WALCOTT, Senator the Hon. G. S. H. MURRAY, Senator T. E. BARKER, Senator P. C. GODDARD, Senator Dame Patricia SYMMONDS, Senator Miss J. C. ODLE, Senator J. E. D. WILLIAMS, Senator D. D. MARSHALL, Senator D. L. HAYNES,
S e n a t o r C . A .

MASCOLL, Senator Sir John Stanley GODDARD, Senator the Hon. Mrs. V. E. NEWTON, Senator B. R. COLLYMORE, Senator the Rev. L. W. B. ROCK, Senator C. K. LAURIE, Senator C. LeR. TROTMAN, His Honour Senator C. L. BOLDEN – 17

On the separate motions of SENATOR THE HON. J. X. WALCOTT the Bill was read a third time and passed and cited as the Anti-Terrorism Act, 2002.

ADJOURNMENT

SENATOR THE HON. J. X. WALCOTT: Mr. President, I beg to move that this Sitting be adjourned until Wednesday, June 5, 2002 at 11.00 a.m.

The question that the Senate do now adjourn until Wednesday, June 5, 2002, at 11.00 a.m. was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.

3.15 p.m.

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3. Half Yearly Report on the Revenue Collecting Departments for the period ended April 1, 2001 to September 30, 2001.
4. Sugar Industry (Sugar Workers' Provident Fund) Order, 2002.
3. Eighth Annual Report and Accounts of the Barbados Agricultural Management Co. Ltd. for the year ended June 30, 2001.

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1. The Anti-Terrorism Bill, 2002.
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