

**Remarks by His Excellency Anthony Thomas Aquinas Carmona ORTT,  
S.C. at the Ceremonial Opening of the Fourth Session of the Tenth  
Parliament of the Republic of Trinidad and Tobago at the Parliament  
Chamber, Tower D, Port of Spain International Waterfront Centre,  
Port of Spain on Friday, 2<sup>nd</sup> August, 2013 at 1.30p.m.**

Senator the Honourable Timothy Hamel-Smith, President of the Senate

The Honourable Mr. Wade Mark, Speaker of the House of Representatives

Other Members of Parliament

Specially Invited Guests

Representatives of the Media

Other Distinguished Ladies and Gentlemen:

Good afternoon to all.

The Ceremonial Opening of the Fourth Session of the Tenth Parliament of the Republic of Trinidad and Tobago affords me as Head of the Parliament the opportunity to share with you, Honourable Members, issues vital in realising the vision of good governance to which we must all aspire.

As a parliamentary democracy, the Parliament is the vehicle by which we, the citizens, govern ourselves, through both elected and unelected representatives. It is in this vein that I wish to draw attention to the importance of effective COOPERATION and the inter-dependence of the various arms of Parliament: the President, the Senate and the House of Representatives.

Honourable Members of Parliament, Ladies and Gentlemen:

It has been suggested that, given the power exercised by the Prime Minister and the Cabinet in the Westminster model, “a more accurate contemporary description of parliamentary government might well be ‘Cabinet or Prime Ministerial government’”. And yet, the philosophy that informs the Westminster model of government and which has provided the basis for our own political institutions and norms, reflects the premise, according to Gerald Schmitz, 1998, *The Opposition in a Parliamentary System* “a delicate balance must be maintained between permitting elected governments to govern and legislate effectively, and ensuring that power is exercised with care and respect for minorities and dissenting views”. The term “delicate balance” is significant. My predecessor, President George

Maxwell Richards, has highlighted the fact that the government is accountable to the Parliament and that “oversight of the government on behalf of the public is Parliament’s role and not a role only for the Opposition”.

Now, it is the proper business and duty of an Opposition to persuade the people that the approaches and policies that it advocates constitute an improvement on what is being proposed by the government of the day. But, by devoting the required time and care to scrutinizing legislation proposed by the Government and by offering constructive informed criticism, not only the Opposition, but all parliamentarians may be expected to cooperate in holding the Government accountable, obliging it “to defend and justify its policies and administrative decisions” and to re-consider, even amend proposals so that they are more in keeping with what may be perceived as the general good. Timely receipt of policy documents and draft bills is an imperative to facilitate both scrutiny and the counter-proposals of all Parliamentarians.

As the engine room for national political debate, Parliament, then, must be about “the People’s business” not “the Party’s business”. In other words, as leaders and lawmakers, parliamentarians of differing political persuasions are still expected to COOPERATE on matters that promote the development, security and uplifting of the society. Once a “delicate balance” is struck, all Parliamentarians may be seen to be cooperating, even collaborating to ensure that Bills passed are in the wider public interest.

Indeed, I can think immediately of two areas in which such collaboration might be considered both feasible and timely.

I refer first to the Caribbean Court of Justice (CCJ), which is located in the heart of Port of Spain. We currently have legislation that gives jurisdiction to the International Criminal Court (ICC), to the ad hoc International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Yet we have none that recognizes the final appellate jurisdiction of the CCJ. Why can’t we start believing in ourselves and our competencies? Let there be a vote of conscience, by secret ballot, on whether it becomes the final Court of Appeal or, if as Parliamentarians you lack the confidence to make that change, place it before the electorate by way of public referendum on the ballot paper. The upcoming Local Government Elections, in two months’ time, affords an ideal opportunity for doing this. We must no longer pussyfoot on the matter.

The second issue, Election Campaign Financing, is a veritable juggernaut that results in financiers arrogating political power unto themselves and thereby undermining the system of governance. Curiously, when political parties are in opposition they call for transparency in campaign financing; yet, when in the seat of power they conveniently neglect to address the issue. We must really get serious. The time has come when we must bite the bullet of campaign financing reform and introduce appropriate measures for disclosure, reporting and enforcement laws to ensure transparency and accountability in the management of the

country's electoral system. This will certainly build citizen confidence and enhance our system of democratic governance. The need for legislation creating a Contractor General to address the issue of tendering procedures must be considered.

Additionally, for many years, there have been allegations of profligate enrichment by persons in authority. There have been complaints and observations for just as many years that the asset base of politicians is inconsistent with their income and tax returns and there has been a hue and cry for the intervention of the Integrity Commission or the Fraud Squad. Why are we taking such a divergent route when we can wake up that sleeping giant called the Board of Inland Revenue? Rise from your slumber. Do what you are empowered to do. The empire of mafia boss Al Capone was destroyed by his conviction of the crime of tax evasion. Ever since I worked at the Office of the Director of Public Prosecutions, this has been my clarion cry to persons in authority, throughout Trinidad and Tobago. The rejoinder from those in authority was a jaundiced eye in my direction and deafening silence.

Yet, crime continues to be the scourge of our society. If ever there was a need to cooperate and engage in realistic bipartisan methods, the time is now. For far too long, we have addressed the issue of crime with a focus on containment and not from a more holistic perspective. Legislation in the Parliament appears to deal, figuratively, with the bolted horse and not the horse in the stable. For instance, laws addressing parental responsibility must be considered to ensure that the child or the juvenile does not become a criminal because of the recalcitrant parent.

Ladies and Gentlemen:

As I end this appeal for COOPERATION, I would also add, that while meetings between the President and the Prime Minister may be regarded by some as a mere exercise in formal reporting, they do provide an opportunity for the Government to hear the views of the non-aligned in the decision-making process.

I now turn my attention to the timing of presentations and the influence it exercises on the CONTENT of the parliamentary debates.

What advantage is there in having issues debated at two and three o'clock in the morning? How does this compare with the disadvantage of a severely reduced complement of representatives, coupled with the obvious exhaustion of those who have managed or have been obliged to stay the course? Does this really augur well for the quality of parliamentary contributions? Should major decisions, in this the highest law-making body in the land, be made when the decision-makers are often, barely awake? Would it not be preferable to start parliamentary sessions earlier? It is highly unproductive to begin sessions at 1:30pm subject to the vagaries of a heavy lunch and oppressive humidity. As Head of the Parliament, I strongly suggest that Parliament begin at 8:00 am, as we all do, to deal more efficiently and effectively with the nation's business.

The earlier practice of having Parliamentarians not read from a written, prepared speech was supposedly intended to encourage them to respond to issues raised, rather than repeat at length arguments already explored or reintroduce points upon which there is already clear agreement. Debating is a skill that must be developed. It is indeed a sore diversion to observe Parliamentarians reading speeches. It can lead to a lack of reasoned arguments and needless regurgitation. Perhaps, we need to employ mediation and alternative dispute resolution techniques to arrest this problem.

Moreover, while the prepared speeches of MPs might score political points, they do not enable the listening public to scrutinise and to develop a critical understanding of national issues and how various pieces of legislation might affect them, immediately, and in the longer term. We are reminded that, as trustee of the nation's patrimony and resources, government's role is one of steward and not benefactor.

The elected government of the day is not a benefactor of the Nation's riches but rather a facilitator of its distribution. The government should ensure that the nation's resources are evenly and fairly distributed, not based on how one chooses to cast one's vote. It makes a mockery of a democracy if the exercise of my civic right attracts punishment, verbal flagellation and marginalisation. Regrettably, this has been the modus of successive governments in the main.

In keeping with this, I posed the same question in my address to the Tobago House of Assembly, on April 26<sup>th</sup> of this year:

"How often, as leaders, we see the need to protect the voiceless, the marginalised and the dispossessed among us and we see this strictly in terms of class and other social structures, conveniently forgetting that it equally applies in the arena of politics? Where there is no representation, voices can be silenced. Mohandas Gandhi once said, "I understand democracy as something that gives the weak the same chance as the strong". Dear assemblymen and women, you have the responsibility to ensure that no one in Tobago, or Trinidad, suffers from the vagaries of what I will term 'majority politics'."

Madam Prime Minister, Mr. Senate President, Mr. Speaker, Honourable Members all:

I bring to my Office the conviction that the Parliament must be an engine for positive change. And today, when the concept of civility seems to be everywhere under threat, the issue of dignity and decorum in Parliamentary CONDUCT is a matter of grave importance. This must not be lost on Parliamentarians.

Paragraph 7 of Resolution 1903 (2012) of the Council of Europe includes this interesting statement:

Members' conduct is first and foremost a matter of personal belief and conviction; However, their behaviour has to meet the expectations of those who placed

their

confidence in an elected representative...the declared commitment to abide by the code of conduct depends from the outset on members' willingness to comply with it, in good faith.

Every Honourable Member present today has taken the oath to "bear true faith and allegiance to Trinidad and Tobago...and to conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago." It is time to consider whether we are in contravention of the oath that we have taken, whether we have fallen short. Is our greatest allegiance to our country or are there competing allegiances? Can we say that we are discharging our duties in a manner that is "scrupulous, painstaking, principled and governed by conscience"?

If we cannot, my fellow Parliamentarians, then we have not done as we have sworn to do. We are in breach of our contract with the citizens of the nation. What our nation needs at this time is a return to honour. The challenge we have faced, for many, many years, is the lack of personal credibility in our leaders, in every sphere. And where leaders go, the nation follows. The question has been asked, "What is left when honour is lost?" Ladies and Gentlemen, honour cannot be legislated. Honour does not only involve distinguishing between right and wrong. Honour demands that we eschew the very perception of wrongdoing and impropriety. A University Education does not make one honourable. Wealth does not make one honourable. High rank or position does not make one honourable. Ladies and Gentlemen, to be honourable requires that one commit to always doing the right thing because it is the right thing to do, regardless of the consequences and ignoring the potential rewards of doing otherwise. It is honour in leadership that will inspire confidence in our people and result in the stability of our nation. Our nation is depending on honourable leaders in Parliament to demonstrate the understanding that they are called both to lead and to serve and that it is in faithful and conscientious service that honour lies. Leadership must be inspired and inspiring and, Parliamentarians, you sometimes fall short in the conduct you display in and out of the Parliament.

And this brings me to another aspect of Parliamentary CONDUCT.

Ladies and Gentlemen:

I am no stranger to "Fatigue" and no one enjoys well-placed "picong" as much as I; but the rule that says members participating in debate must address the Speaker, is one way of discouraging direct, heated exchanges, and forestalling the introduction of offensive, insulting, provocative or threatening language. The impulse to engage in theatrics may well prove irresistible when one is in sight of television cameras. However, indulging in forms of communication that denigrate and degrade not only compromises the substance of a debate but, more importantly, it signals to the larger public, and especially to our impressionable children, that crass behaviour and disrespect are acceptable modes of

conduct and communication. Wherever we find ourselves, our conduct should reflect the gravity of the responsibility entrusted to us.

Today in our nation, there is a tendency to ignore or to downplay the respect that accrues to public offices. But while it is the responsibility of a mature public to respect the Offices of the land, it is also the responsibility of the officeholders to earn that respect by their conduct while in office.

Madam Prime Minister, Mr. Senate President, Mr. Speaker, Honourable Members all:

Four and a half months ago, on assuming the Presidency, I swore to “preserve and defend the Constitution and the law” and “to devote myself to the service and well-being of the people of Trinidad and Tobago.” There are elements of the preamble to our Constitution that have resonated with me and which have encouraged me, in addition to my constitutional duties, to embark on various initiatives aimed at helping to preserve, in particular, the spirit of our Constitution.

One of these is the involvement of students as witnesses to important ceremonies and high profile visits, as a means of bringing them into close contact with leaders, both local and foreign. “Lunch With The President”, for example, allows the nation’s students the opportunity to engage with The Presidency in a personal way, drawing them into the governance process, and encouraging them to participate in the future development of Trinidad and Tobago by affirming their special value to the nation.

For the same reason, I want to commend the outreach programme of the Parliament which includes school visits by the Senate President and Speaker of the House and tours of the Parliament. For far too long, ours has been a democracy practised in ignorance. Parliament’s outreach programme is (yet) another means of sensitising our young people to the importance and responsibility of Parliament and Parliamentarians.

And here I want to raise the issue of the Constitutional provision that no person under the age of 25 can qualify to be a senator in the Upper House. It is a dinosaur piece of legislation lacking in vision. In every generation there comes along an exceptional human being under the age of 25 and there should be a constitutional provision for such an occurrence. The majority of parliamentarians here today will never get the opportunity to address the General Assembly as 16-year-old Malala Yousafzai did in her defiant response to Taliban Militants who attempted to take her life and destroy her dream of change and education. Young Malala stated “They thought that the bullets would silence us, but they failed. And out of that silence came thousands of voices... nothing changed in my life except this: weakness, fear and hopelessness died. Strength, power and courage were born...[I am not] here to speak in terms of personal revenge...I do not even hate the Talib who shot me...This is the compassion I have learned from Mohamed, the prophet of mercy, Jesus Christ and Lord Buddha. This is the legacy of change I have inherited from Martin Luther King, Nelson

Mandela and Mohammed Ali Jinnah. This is the philosophy of non-violence that I have learned from Gandhi, Bacha Khan and Mother Teresa.”

Honourable Parliamentarians:

I adhere fully to a philosophy that celebrates both the independence and the compassion of the human spirit. I will not, therefore, be burdened by the cronyism of the past and the present or engaged in a fossilized interpretation of my constitutional remit. I will not budge from engaging progressive change nor will I be bullied by those who cannot cope with such change. The President’s door will be open to provide access to those outside the corridors of power, influence and contact so that their existence and their desire to serve will not be limited by their seeming anonymity. I have a deep respect for institutional memory and it has its place and relevance but I also believe in creating lines of succession and, for far too long, with consecutive governments we have the same faces with the same old philosophies and tired ideas. We need as a nation to engage our young intellectuals and not simply speak of the ‘Singapore Model’ without ensuring that our best and brightest are in governance and in the Parliament. This President, much to the chagrin of some, will not engage, figuratively speaking, in the recycling of plastic bottles.

Before closing, allow me to refer to my Inaugural Address in which I stated that there are powers which the President has and powers which he does not have.

As a general rule, in the exercise of his functions, the President is mandated to act in accordance with the advice of the Cabinet, or a Minister acting under the general authority of the Cabinet. However, this general rule does not always apply. May I repeat, this general rule does not always apply. At times, he is required to act in his discretion, or after consultation with some other person or authority (Section 80(1)). Where the President is required to act in his own discretion, as for example in the appointment of the Leader of the Opposition, he may undoubtedly seek the counsel of any person who in his judgment could be of assistance. He may also choose not to consult with anyone at all. At the end of the day, the decision is his and his alone.

Similarly, where the President is required to act after consultation with some person or authority, it is expected that he will engage in a meaningful process of consultation. But again, having done so, the decision is his and his alone.

On the other hand, where the President is required to act in accordance with the advice of the Cabinet, or a Minister acting under the general authority of Cabinet, or of some other person or authority, he is obliged to act on that advice. In these instances, the decision is not his, but that of the person on whose advice he must act.

Nevertheless, the advice tendered to the President must itself be lawful. The President is not obliged to act in accordance with advice which is contrary to the law, that is illegal, unconstitutional and outside of the jurisdiction of the person tendering the advice. If it is

against the law, he is duty bound to ignore any such advice. For example, the President would be obliged to reject the advice of the Prime Minister or the Leader of the Opposition to appoint someone to the post of Senator who is not qualified under the constitution to hold that position.

Additionally, it is now commonplace that, in appropriate circumstances, the President would delay implementation of the advice tendered to him in order that he may bring to the attention of the decision-maker matters which, in his considered but restrained judgment, might have been overlooked.

Two of my important constitutional duties as President of Trinidad and Tobago which I have already exercised are the appointment of Independent Senators and members of the Integrity Commission. Under the Constitution and applicable legislation, the former appointment is made in my own discretion while the latter is made, by me, after the relevant consultation. Therefore, responsibility for these choices rests entirely on my shoulders. In making appointments such appointments, I will always be true to my Oath of Office to “conscientiously and impartially discharge the functions of President.” In respect of such appointments, “the buck stops with me.”

I saw a need to retool the composition of the Independent Senatorial Bench. I have listened and I have also observed for years the gaps in that composition. Where were the detractors in the last three years, when there was no energy expert on the Independent bench, no person of disability for some 50 years and no internationally-recognised expert and academic in finance? Where were you men and women of letters?

Constitutionally, of equal importance to my independent exercise of judgment in making the appointments, are the powers vested in the Prime Minister and other Ministers of Government to “advise” me to appoint particular persons named by them to various positions. Such Ministers bear the responsibility for such selections, although the actual instruments of appointment are under the hand of the President. I am simply upholding the Constitution of Trinidad and Tobago and the law when I give effect to those decisions, which are lawfully to be made by others. It is important that the public understand this constitutional principle and the reason for it.

I have no authority to refuse to appoint the persons put forward by the Prime Minister or other Ministers, or in some instances the Leader of the Opposition. It would be constitutionally incorrect for me to seek to do so.

Just as selections properly made by me in my own judgment are constitutionally required to be accepted by others, likewise, as President, I am required to accept the choices made by others in accordance with the applicable constitutional or statutory provisions.



I will make my own decisions where I am authorized by the Constitution or other law so to do, but in respect of matters where the authority to make the decision is vested in another person, I will follow the Constitution and the law and give effect to their decision.

It is still quite proper for a President to counsel and warn against any advice or recommendation that he considers to be unwise, and this I have done, with a measure of success, but the President cannot refuse to execute a lawful decision made by a Minister or the Leader of the Opposition under the Constitution. As President I understand this very clearly, and it is important that the public also recognize and appreciate the importance of this constitutional position.

Ladies and Gentlemen:

I have used the occasion of the Opening of this Fourth Session of the Tenth Parliament to again raise the issues of faithful service, personal honour and probity in public affairs.

A new session invariably gives rise, in its own small way, to the excitement of a “new beginning”... a new beginning informed, at once, by an awareness of new and ongoing challenges and the understanding that meeting these challenges may require previously unplumbed levels of commitment to the ideal of nation building.

I am confident, however, that we have the courage and the wisdom to treat with these challenges successfully. And so, in closing, Honourable Members, I need only wish you a productive session and thank you for the courtesy of your kind attention.

May God continue to bless the Republic of Trinidad and Tobago.