

8th November 2013

Invader's Bay part 3: MORE Invaders Bay Ingredients



I closed [last week's article](#) by restating my view that all the ingredients for corruption were present at Invader's Bay.

What are those ingredients?

Here is my list -

- Extensive public assets coming onto the market, in turbid circumstances. Those assets can include property, concessions, contracts and jobs;
- Questions of access to the gatekeepers - in these scenarios, some people will have unbelievable access to the decision-makers;
- Conflicting and confusing versions of the project or proposal. The confusion is as persistent as it is deliberate, a part of the tangled web.
- Blatant double-standards and lying is the norm in these situations;
- Apart from ceremonial fluff, such as sod-turnings and ribbon-cuttings, there is no intention whatsoever to give any proper public account or statement of intentions. True transparency is evaded like taxes;
- Professional Civil Servants who are unable or unwilling to insist on the maintenance of minimum standards;

Extensive Public Assets

These lands are estimated to be worth in excess of \$1.2Bn at today's priced, that means the unimproved value. Although the lands are reclaimed, a significant amount would have to be spent on infrastructure to make the property 'shovel-ready' for development.

As I noted in the first in this series, there were conflicting claims on this aspect, with the selected developers claiming extensive infrastructure expenses as a way to reduce what they would pay for the land. There were no estimates given for the developers' cost of infrastructure, but I noted that the National Budget for 2014 had specified, at pg 89 of the Public Sector Investment Program, that there would be publicly-funded 'Infrastructure Development' at Invader's Bay.

I have been assisted by some of the professionals in the very Ministry of Planning & Sustainable Development in identifying that item as being a \$50M allocation for 2014. The actual works are unspecified, so it is difficult to be certain what is included. It certainly seems a modest sum given the size and peculiar challenges posed by the Invader's Bay property.

In addition to the obvious public asset of the actual property, readers should note that assets in this context can include concessions. In this context that can mean maritime & docking concessions as well as tax concessions, so we will have to maintain full vigilance to safeguard the public interest.

As a first position, all the details of the overall agreements must be published for public consideration at the earliest opportunity. This is no minor point, since really huge sums of wealth can be transferred from public hands to private interests if proper transparency is not ensured. Just remember that in June this year while the President of the Peoples Republic of China was here there was the signing of a Government to Government Agreement. The JCC has lodged many strong objections to those agreements. How many readers will remember that there was an important agreement signed with respect to the Pitch Lake at that time?

To cite [a press report](#) -

...According to a release from Lake Asphalt of Trinidad and Tobago (1978) Ltd, the signing ceremony of a Memorandum of Understanding and a Confidentiality Agreement with Beijing Oriental Yuhong Waterproofing Technology Co Ltd of the People's Republic of China is scheduled to take place

at the Hyatt Regency, Port of Spain...

So, faced with a Freedom of Information Act which ensures disclosure, the new trend is to wrap-up the details in yet another layer of secrecy. We need to be alert to that trend. After all, this is the same Ministry which claims to have legal advice confirming that its actions conform to the Central Tenders Board Act, yet steadfastly refuse to publish that advice.

Access to the gatekeepers

One of the two successful proposers has been the MovieTowne principal, Derek Chin, whose confidence has been striking.

According to Mr. Chin, [in an extensive interview](#) -

...Chin has met with the Prime Minister and many government ministers seeking approval for this project. Before Christmas 2010, he had a meeting with the Transport Minister Jack Warner, Foreign Affairs Minister Suruj Rambachan, and other ministers, at the Prime Minister's Office. They all supported his plans. "I have been lobbying the Government for a year now, even before the elections. I sent in the preliminary sketches about the concept; I met 19 Cabinet ministers over the last six months. The next minister I am meeting is Bhoe Tewarie, Minister of Planning. He wants to see me. I also met with Jearlean John, Udecott chairman. She also loves it, but that was three to four months ago...

That interview was given in early July 2011, which is over one month before the Request for Proposals was published by the Ministry of Planning & Sustainable Development at the end of August. I tell you.

Conflicting and confusing versions

So, to return to the legal opinions, we have this swirling set of stories.

To date, Minister Tewarie has insisted that the project has been removed from UDeCoTT's portfolio and placed within the Ministry of Planning. He claims that Cabinet approved this in 2011 and also insists that there is no tender process at Invader's Bay. Of course it is impossible for the Ministry to

proceed to invite tenders for anything without following the Central Tenders Board Act.

The first legal advice I saw was clear that there is indeed a tender process at work here and that the CTB Act ought to have been followed. Obviously, that conclusion did not 'fit the script', so an escape hatch had to be fashioned. Shortly thereafter another opinion was submitted by Sir Fenton Ramsahoye SC, on an entirely different set of assumptions which made UDeCoTT the central enabling agency in the entire scheme.

The approach endorsed by the Ramsahoye opinion flatly contradicts the version being advanced by Minister Tewarie.

That is the deep, intentional confusion being encouraged by public officials in this matter.

Blatant double-standards and lying

So, let us start with the role of the Ministry of Planning & Sustainable Development on the Invader's Bay project. How does that Ministry reconcile its active role in seeking public views on the King's Wharf project in San Fernando with its silence on Invader's Bay in POS?

These are blatant double-standards of the worst kind. One can scarcely believe that there are professional civil servants who could condone this reckless and underhanded approach to national development. But there we have it.

When is the Ministry of Planning & Sustainable Development going to host a public consultation on Invader's Bay? That is now an inescapable requirement. Sooner rather than later.

But that is not all. No, not at all.

This administration campaigned on the findings of the Uff Enquiry and made several public promises to implement the 91 recommendations of the Uff Report. Such was the importance of the matter in the political agenda that it formed the first item of the very first post-Cabinet Press Briefing of the Peoples Partnership administration on 1st July 2010. That is a broken promise, since those Uff recommendations have not been adopted and the JCC's many attempts to offer our assistance to achieve that have all been rejected.

The 17th recommendation of the Uff Report is -

17. User groups and other interest groups should be properly consulted on decisions regarding public building projects, to ensure that relevant views can be expressed at the appropriate time and taken into account before decisions are made...

There has been no consultation at all on the Invader's Bay proposals. Quite frankly, apart from rumours and conflicting press reports, I do not really know exactly what is going to be built or where or even when.

According to the iconic American jurist Louis Brandeis, speaking on eradicating corruption -

'Sunlight is the best Disinfectant'