



# NATIONWIDE

A publication of the Department of Information Services



# 100,000 CAPSULES HERE TO HELP HIV VICTIMS



David Singh

**T**he Aids Action Foundation, a non-government organisation which receives Government support has received some 100,000 vitamin supplement capsules to slow down the HIV virus. The large quantity of drugs was made available by Destiny Health and Wellness, one of Canada's leading nutraceutical companies. A presentation of the drugs was made at the official launching of company's operations in St. Lucia and the wider region, at the Royal St. Lucian Hotel.

The capsules proven to slow down the HIV virus will be dished out to persons on the island living with the virus, with a view to maintaining their health and lives. The success of the Multi-Vi-

tamins supplement over the virus was proven over an eight year experiment on over 1000 Kenyan women living with the virus.

CEO of Destiny Health and Wellness, David Singh said the Caribbean initiative was deliberately targeting women, as the rate at which they contract the disease has increased by over 100%: "What this product does is to build up and strengthen the immune system. It is not a cure for AIDS; let me make sure I make that very clear. It is to help keep the body strong, so the body don't end up breaking down and then you become a victim".

Minister for Health Damian Greaves said initiatives of that nature, which enhance the lives of people living with the dreaded disease are always welcomed:

"It seems to be an opportunity for quite a few people. It's an opportunity for St. Lucians. It's an opportunity for other people in the Caribbean and let us, as I said, nurture what is happening there and see what the final result and outcome will be. But I'm very hopeful that this is going to create a wonderful opportunity for us; it is going to create a situation whereby our people can in fact profit and benefit from the whole aspect of wellness".

Destiny Health and Wellness specializes in the sale of natural supplements and also provides an opportunity for St. Lucians to make an added dollar by becoming sales persons for their products.



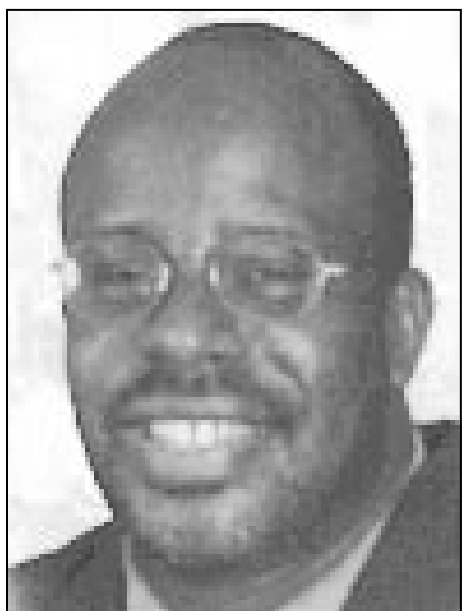
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# Minister John urges St. Lucians to become more energy conscious



Hon. Ferguson John

**M**inister for Physical Development, Environment and Housing, Honourable Ferguson John has called on St. Lucians to become more energy conscious, because the dependency on imported fuel was becoming greater, with demand steadily increasing even in small territories, such as Saint Lucia.

Speaking in the context of the recent hike in the price of petrol and developments in the global market, Minister John, in his broadcast statement to mark the observance of Energy Week suggested that the trend almost conclusively indicated that the cost of fuel

was not likely to become any cheaper for the island, calling on the public to become even more energy conscious.

“While the world will continue to depend heavily on oil for the foreseeable future, an energy future based solely on petroleum will be subject to the vagaries of the world market, and fraught with environmental risk. Already, as importers and users of petroleum products, we St. Lucians have experienced the effects of rising oil prices in our daily lives and on our pockets,” Minister John said.

Minister John proposed that the na-

tion ponder some profound questions that can stimulate a change of attitude: “We need to ask ourselves are considering all of the energy supply options opened to us? What are we doing to use energy wisely? Are we trying to reduce the effects of energy consumption on the environment? What are we doing in order to ensure a sustainable energy future? If we are honest to ourselves, the answer to all these questions will be not enough.”

Energy Week was launched on Monday December 06th, with an exhibition at the Castries City Hall.



Schools display Energy experiments at the City Hall



St. Mary's College



Castries Comprehensive Secondary School



Energy experiment

## Government training Institutions to help the Poor

**T**he Government of St. Lucia, through the Ministry of Physical Development, Environment and Housing has begun providing Micro Housing Credit Technologies training to financial institutions here.

Mahindra Satram-Maharaj, a micro credit specialist in the Caribbean specialising in manufacturing has been contracted to carry out a four-day course aimed at training 10 financial institutions on how to appropriately

use Housing Micro Credit Technology in their dealings with the poor and low income households in St. Lucia.

“It’s a brilliant programme I must say, coming out from the government of St. Lucia in ensuring that there is improvement in the standard of living in the poor and low income households in, to ensure these people come out of poverty with dignity”, said Mr. Maharaj, noting that the specialised training taking place among the financial institutions would provide a service to as-

sist people in getting out of poverty.

“This is not a programme of hand-outs from the government. Very wisely they are looking at a programme of hand holding, which is quite different, and instrumental for the sustainable development of the poor in St. Lucia.”

The four day training programme involves 15 training modules, and financial institutions are being encouraged to pursue an incremental building process to ensure the success of the initiative.

## Anatomy of the Eastern Caribbean Gas Pipeline Project

**T**he Eastern Caribbean Gas Pipeline Project was initiated by the Intra-Caribbean Gas Pipeline Company (ICGPC) in 2002. The ICGPC contracted the consulting firm J.P. Kenny to perform a pre-feasibility study on behalf of ICGPC and EOG Resources, a US-based energy company operating in Trinidad.

The pre-feasibility study provided the framework for developing a sub-sea pipeline to deliver natural gas to islands within the Eastern Caribbean from the gas fields of Trinidad and Tobago, to as far northwards as Guadeloupe. The pre-feasibility study concluded that a sub-sea pipeline could be built using a westerly routing linking seven islands of the Eastern Caribbean in succession, beginning from Trinidad, with a lateral to Barbados. Those other six islands were Grenada, St. Vincent, St. Lucia, Martinique, Dominica and Guadeloupe.

In early 2004 Guardian Holdings Limited (GHL) and the AIC Financial Group Limited (AICFG), joined ICGPC and formed the Eastern Caribbean Gas Pipeline Company Limited (ECGPC) to perform the feasibility study and develop the project. GHL is a large Trinidad based financial and insurance institution, while AICFG is a Trinidad

based full service financial institution affiliated with the AIC Group of Companies. The ECGPC contracted Doris Inc., a Houston-based engineering firm to perform the feasibility study. The feasibility study was completed towards the end of August 2004.

The first objectives of the project is to provide the Eastern Caribbean islands with a predictable, non-volatile delivered cost of natural gas primarily for the generation of electric power, through an economically and technically viable pipeline. Importantly, the pipeline is expected to deliver natural gas at prices significantly lower than the current price of fuel for power generation, thereby assisting in the economic stabilization of the economies of the various islands. Additionally, the introduction of natural gas provides important environmental benefits as a clean burning fuel, while broadening the fuel choices in the islands.

A second objective is to ensure the pipeline’s ‘sustainability’ through the ‘commerciality’ of the venture in which the regional and international private sectors play leading roles in its development and operation; along with multilateral financing institutions, regional governments and the French government.

The third objective is to provide a unique opportunity for profitable lower risk investment by regional financial institutions in an energy asset characterized by fixed infrastructure costs and small variable costs. The Project would be an important vehicle for deepening the Trinidad & Tobago and regional capital markets.

The feasibility study concluded that the Eastern Caribbean gas pipeline was both technically feasible and commercially viable for the five islands of Barbados, St. Lucia, Martinique, Dominica and Guadeloupe.

The routing of the pipeline, unlike the pre-feasibility study conclusions, was based on a more easterly routing, commencing in Tobago and focused on routing the pipeline to the largest markets of Barbados, Martinique and Guadeloupe, with laterals to the smaller consuming islands from the backbone infrastructure to the larger markets. This routing is also operationally better, since it avoids most of the more tectonically active areas identified in the original westerly routing.

The feasibility study also concluded that delivery of pipeline gas to the islands of Grenada and St. Vincent, although technically feasible was not economically viable, largely as a re-

sult of the high pipeline installation cost and the very low gas demand in those islands. Other alternatives geared towards addressing similar benefits to natural gas for power generation in Grenada and St. Vincent are being investigated by other entities.

Presentations of the feasibility study have been made to the power companies and governments in the seven islands, Tobago and the government of France. The gas pipeline system will be designed as a high pressure system (3,750 psig), therefore, smaller diameter pipeline sizes can be utilized, resulting in reduced installation and material costs and an optimized distribution system. At its origin in the island of Tobago the pipeline size will be 12 inches in diameter initially, decreasing to 8 inches at its terminal point in Guadeloupe.

The maximum water depth the pipeline will traverse is 6,000 feet. The gas pipeline to the five islands will be over 550 miles in length delivering over 130 mmcf of gas at peak consumption. Gas for the pipeline will be supplied by the National Gas Company of Trinidad and Tobago (NGC). It would be one of the longest undersea gas pipelines in the world.

# ARC Yachts arriving

## • Making huge impact on economy

**Y**achts participating in the 2004 Atlantic Rally for Cruisers (ARC) are slowly sailing into the Rodney Marina after two challenging weeks on the waters of the Atlantic Ocean.

By Monday morning 14 of the 190 yachts entered had already crossed the finish line and berthed at the Marina. The first boat to finish overall was Leopard of London.

Andrew Bishop is the Director of the World Cruising Club, organisers of the ARC.

“Obviously, they are very pleased to make landfall after two weeks at sea. They are certainly pleased with the reception they have received so far. They are pleased to get their cold rum punch, a basket of fresh fruit, and to get on



File photo

shore and start relaxing after a tough crossing.”

General Manager of the Rodney Bay Marina Cuthbert Didier told the GIS the entertainment package organised this year was expected to move into top gear as more yachts arrive.

“In the 14th day into the ARC we have 14 vessels here as of today. All in all the programme of events has started. We had an excellent reception Saturday evening for the first five vessels. It was well attended and all the participants were very enthusiastic, and we expect as they filter in, the rest of the programme will unfold,” said General Manager of the Rodney Bay Marina Cuthbert Didier.

The competing yachts have until midday Saturday to arrive in St. Lucia when the finish line will be closed off.

## St. Lucia gives enthusiastic welcome to ARC

**A**pproximately 72 participants of the 2004 Atlantic Rally for Cruisers (ARC), who are already on the island received an enthusiastic welcome on Saturday, December 4th by local partners and sponsors of the event, including the St. Lucia Tourist Board and the Ministry of Tourism.

Marketing Manager for the St. Lucia Tourist Board, Ian Herman said the other sponsors included Bank of St. Lucia and Cable and Wireless, who or-

ganised a very special programme for the ARC participants at Rodney Bay Mariner.

“So we are just welcoming them on the island and of course ensuring that at least they know that we are very interested in their wellbeing once they are on the island; and St. Lucia is extending itself, making sure that their stay here is a very good one,” Mr. Herman said.

According to Mr. Herman, a local participant of last year’s ARC event has gained much popularity in this year’s event. Eric Jean, Skipper of the boat “Paper Moon” is said to be very much involved in this year’s Atlantic Rally for Cruisers.

“We understood that Eric is somewhat a celebrity in the ARC; in fact, we understood that he was a hit in Las Palmas. In addition, we understood that there is a resident of St. Lucia, whose parents have actually participated in

the ARC- Mr. Mike Richins, the owner of Spinicus, whose son happens to be the youngest skipper in the race this year. He is only twenty three years old and he is captaining a boat called Sky. He has not arrived yet, but he has already set the record of being the youngest skipper around this time,” the SLTB Marketing Manager said.

The ARC race is in its 19th year in the Caribbean. In the first four years, the final destination was Barbados. This year marks the 15th year since the ARC was move to St. Lucia.

In 2002, the Atlantic Rally for Cruisers generated in the region of 1.4 million US dollars to St. Lucia’s economy while in 2003, it accumulated 1.6 million US dollars.

## Festival of carols 2004: Another CDF success story

**S**cores of patrons turned up at the St Joseph the Worker Church in Gros-Islet on Sunday 5 for the annual Festival of Carols.

For the third consecutive year, the Cultural Development Foundation ensured that there was a total mix

of musical genres. A Folk Band from Mon Repos, Digicel Pantime and the Vieux-Fort Comprehensive Campus B School Band, added to the first-rate singing put on by choirs from around the island.

Following on the heels of the Fes-

tival of Carols is the annual Gosfest, which will be held at the Gaiety on Rodney Bay from 8:00 pm on Saturday 11th. This year, Carleen Davis and Sean Daniel will headline Gosfest.

The highlight of the week will be the National Festival of Light Celebrations

slated for the village of Micoud on Sunday December 12th. The traditional lantern parade, switching on of the lights and the much anticipated Fire Works Display, all form part of the National Festival of Light Celebrations.

## Tourism Ministry attends to Yachting Sector



Jacqueline Emmanuel

**T**he Ministry of Tourism has contracted the services of ACME Tourism and Consultancy Incorporated to undertake a consultancy for the yachting sector, as the Ministry proceeds with the development of a

comprehensive plan for the tourism sector.

The consultancy agreement was signed on Monday December 6th between the local company and the Office of Private Sector Relations (OPSR), who will provide funding of over EC\$ 228,000 for the project, which is expected to last three months.

Executive Director of the OPSR, Jacqueline Emmanuel said, “Ultimately our goal is to assist the private sector in attaining and maintaining international competitiveness, and so we are happy to assist in bringing the private sector on board, and in seeing that this initiative goes forth to develop a very critical aspect of our tourism sector”.

Managing Director of ACME Consulting Incorporated, Agnes Francis said in addition to examining trends in the yachting sector, the consultancy

exercise will assess the current impact of the yachting sector in terms of employment and foreign exchange. The consultancy will be undertaken in conjunction with yachting experts, Thomas J. Murray and Associates out of Florida.

“We will undertake an assessment of the current legislative instruments which impact on the sector, including overlaps, gaps, inconsistencies and lack of clarity”, Mrs. Francis said.

In October 2004, St. Lucia welcomed over 20,000 yacht passengers, a figure that is expected to double in the coming months. Tourism Minister, Hon. Philip J. Pierre reiterated government’s plans for improving the environment for the yachting sector, as is evident in the granting of duty free status on yachts overnighting here.

The consultancy will be supervised by a project oversight team, comprising key public and private sector representatives.

## Stop Vandalising Health Centres – Health Official

**T**he Ministry of Health is appealing to members of the public to desist from vandalising public Health Centres on the island. Health officials are particularly concern over recent incidents of burglarising and vandalising at the Ti Rocher Health Centre.

Permanent Secretary in the Ministry of Health, Human Services, Family Affairs and Gender Relations, Fedelis William said this was matter of serious concern to health officials: “The Ti Rocher Health Centre has been burglarised and vandalised several times and equipment has been stolen; what we did was to have a meeting with the people

of Ti Rocher about the situation”.

The Health Permanent Secretary is however, dispelling rumours being circulated regarding the closure of that health centre: “There is no truth to the rumour that the health centre is being closed; if people are doing this, it is a malicious rumour. We are not going to close the health centre, and I am repeating we are not closing the health centre”.

According to Mr. Williams, all they did was to talk to the Ti Rocher people about the intolerable situation and to encourage them to assist the police in apprehending the culprits

# A Peek into the new PM in conversation



**Prime Minister, Dr. Kenny D. Anthony**

**G**ood Day, Citizens of St. Lucia. Another Monday is upon us and the festive season draws closer and closer.

But what an unusual season of rain. I cannot recall another month of November when we had as much rain as we have had this past month. It has been rain and more rain. Those who believe that the weather patterns are changing may well find evidence in this unusually high rainfall.

As the year draws to a close, our minds naturally, will focus on the new year. One of the developments which we need to be aware of is the commencement or coming into force of the new Criminal Code.

#### **Remember the criminal code?**

Of course, you remember the Criminal Code, don't you? After all, the Code was made famous by the so-called "abortion debate" over Section 165 and Section 166. That debate went down as one of the more colourful episodes in our recent parliamentary history. Unfortunately, that debate overshadowed the other provisions of the Code.

This Criminal Code, will, once it comes into force, be a major tool in our fight against crime. It is the most modern statement of Criminal Law in the Commonwealth Caribbean.

#### **A little history**

But first, a little history of our Criminal Code... Our original Code was written 84 years ago in 1920, and possibly before then. In fact, it had its source in a draft prepared by the Colonial Office in London for use in West Africa. It was first revised in 1957 and again in 1992. The 1992 revisions were minor, largely cosmetic.

As the Leader of Government Busi-

ness in the House, Hon Mario Michel, explained when he presented the New Criminal Code to Parliament last year, while the world has changed much since 1920, the Code continued to reflect many of the laws that were written for the 1920s. Not only have times and people changed, but so too has the nature, extent and complexity of crime.

Many of the provisions of the old Code were archaic and totally useless. Some addressed problems that no longer existed. Many provisions were irrelevant and incapable of enforcement. That is why one of the main objectives of the Government these past seven years has been to revise and modernize our laws. The new Criminal Code is one such project. Indeed, early next year, St. Lucia will have a revised edition of all of its laws, the first since 1957.

#### **The new criminal code**

Now, back to the new Criminal Code. It is a comprehensive body of law. It comprises 1,264 Sections and Seven Schedules, all in 868 pages.

In the drafting of this new Code, several provisions of the Old Code were removed. Some of the old provisions were retained because of their continuing relevance. Some clauses were refined with textual amendments. In other cases, new provisions were introduced.

#### **A stake in the new code**

Everyone has a stake in this new Code. It takes a comprehensive look at every aspect of crime. It provides for Offences Against the Person, such as homicide, assaults, sexual offenses, theft, forgery, bankruptcy, fraud, extortion and damage to property. It identifies the Offences Against Public Order and Offences Against the Administration of Justice. It makes provisions for

Arrest and Bail. Search and Seizure, Trials, Appeals, Punishment, Imprisonment, Parole, Probation, Fines and Compensation, Pardon, Remission and Reward.

#### **Repeal of old laws**

In introducing the Code to Parliament, the Leader of Government Business in the House, Hon Mario Michel, referred to some of the old laws that were deleted because they no longer stood the test of time. Take, for example, Section 492 of the Old Code. That provision says that whoever beats or shakes a mat on the sidewalk or roadside between 6am and 6pm, would be committing an offense. That provision had its roots in the old days when people shook their mats on their doorsteps and enveloped passersby in dust. I could well imagine that such acts were often used to express hostility and insult. Now, try enforcing that law today. It simply had to go, so, it was expunged.

Another provision that was done away with was Section 40. That section said that disobedient servants could be corrected by physical punishment, including beating by their masters. Clearly, this was an absurd law.

Consistent with the spirit of the times, Section 41 of the Old Code gave any adult the authority to correct (meaning beat) any child under the age of 16 for disobedience. This law too was repealed, because it was inconsistent with modern day ideas of parenting.

#### **Novel provisions**

There are some novel provisions in the Code. Let us look at some of them. For example, there are those who will be glad that there is a provision which outlaws "stalking". Stalking occurs, for example, when persons are put in fear of their lives by others who maliciously and intentionally follow or harass them.

Section 119 makes it a crime for parents or guardians to refuse to report cases of sexual abuse that are within their knowledge.

Then there is Section 139, which outlaws soliciting of sexual advances at workplaces by employers. In effect, sexual harassment is now a criminal act. This is an interesting provision.

It says in its entirety: (1) It is an offence for an employer, or a supervisor of an employee to make it reasonably appear to the employee that the prospects or working conditions of the employee are dependent upon the acceptance or tolerance by the employee of sexual advances or persistent sexual suggestions from the employer or supervisor. (2) It is an offence for a prospective employer to make it reasonably appear that – (a) an offer of employment to that person; (b) the terms on which employment is so offered is or are dependent on that person's acceptance or tolerance of sexual advances or tolerance of persistent sexual suggestions from the prospective employer. (3) A person who commits an offence under





# New Criminal Code on with the nation

sub-section (1) or (2) is liable on summary conviction to imprisonment for one year.

Then there is Section 140 makes it an offense for anyone to intentionally or recklessly infect someone else with HIV/AIDS.  
This is new law!

Section 267 is another modern provision. It is aimed at tackling a situation that never existed in 1920 or 1957. This section guards against Computer Fraud, which was not an offense previously, simply because computers did not exist at that time.

**“Wangeman” abolished**

Other interesting provisions of the new Code are Sections 374 to 376. These sections make what we know as “wanjeman” a criminal offence. You and I know what “wanjeman” means. Sometimes when individuals commit criminal acts, particularly against minors, they offer money to the injured or the parents of the minor to induce them not to offer evidence in court, or to cooperate with the Prosecution. Sometimes, these deals are arranged by lawyers. Now, these acts are illegal because they pervert the course of justice.

**A gender-neutral rape law**

Major changes have also been effected to the law on Rape. The old law defined Carnal Knowledge as unlawful sexual penetration between a man and a woman. The new provision specifies that Carnal Knowledge could involve

any gender, male or female. In other words, an unlawful homosexual act can constitute rape. The new clause also defines rape as any unsolicited or un-consensual sex, with any other person.

**Husbands beware!**

Husbands and boyfriends, in particular, must be on their guard. There is now an offence called “marital rape”. In other words, a husband could be charged for raping his wife, in certain circumstances.

Listen to what Section 123 (3) says: “A husband commits the offence of rape where he has sexual intercourse with his wife without her consent by force, fear or the use of a drug or thing with intent to stupefy or overpower her where there is in existence, in relation to them – (a) a decree nisi of divorce or nullity granted under the Divorce Act; (b)a decree of judicial separation granted under the Civil Code; (c) a separation agreement or where the parties are in fact separated; or (d) a peace binding order or an order for the husband not to molest his wife or have sexual intercourse with her, including a protection order from the Family Court.

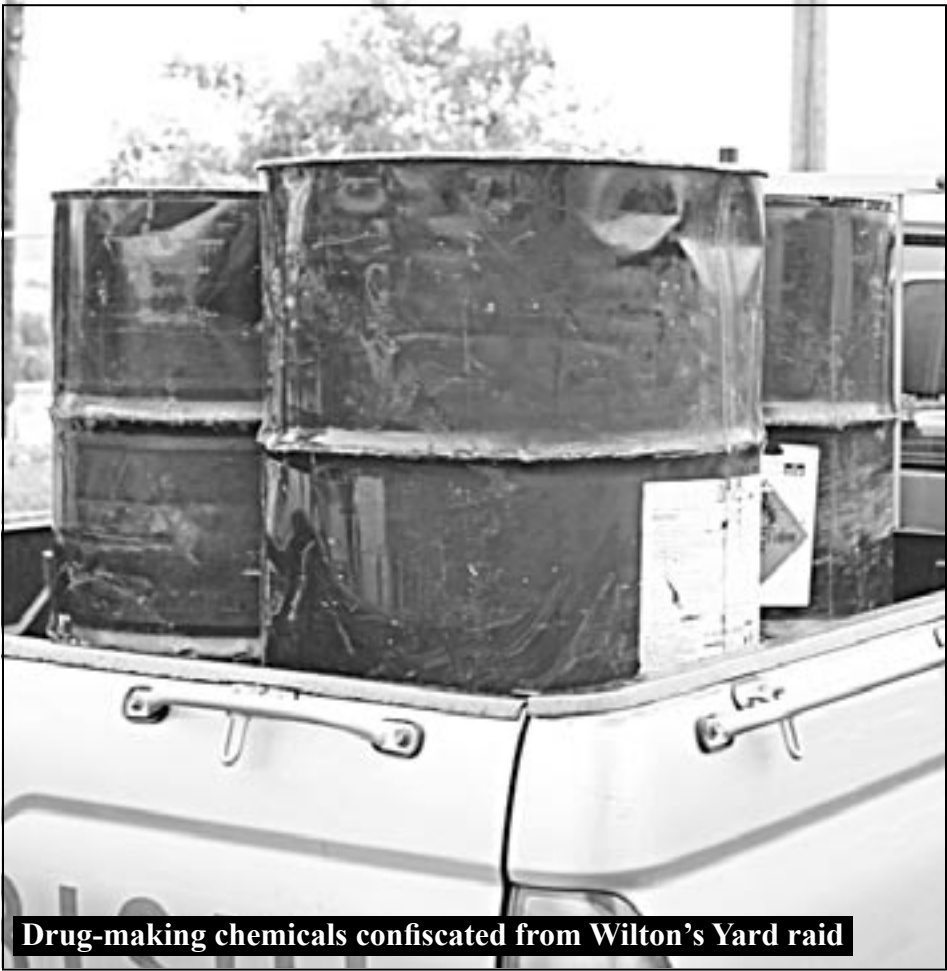
Section 123 (4) says: The provisions of sub-section (3) shall apply, mutatis mutandis, to a wife who commits the offence of rape.

Section 123 (5) says: A husband or wife who commits the offence of rape is liable on conviction to imprisonment for fourteen years.

So, husbands (and wives) beware!



Journalists view drugs confiscated from Wilton’s Yard raid



Drug-making chemicals confiscated from Wilton’s Yard raid

**Stiffer penalties**

The new Criminal Code has also introduced stiffer penalties. Let us look, quickly, at some penalties for a few common crimes. A person who commits rape could be imprisoned for life. The offense of unlawful sexual connection can attract a penalty of fourteen years in prison. The penalty for theft on conviction on indictment renders the offender liable to imprisonment for fourteen years. Aggravated burglary, that is, burglary committed with a firearm, explosive or any weapon of offense renders the offender liable, on indictment, to imprisonment for life.

Any person who is guilty of preventing another person from giving evidence in court is liable, on conviction on indictment, to imprisonment for seven years. I hope Arthur Charles hears this!

So, as Velon John would say, the message to the criminals is “pellucidly clear.” The days of kind and generous sentences are simply over.

Ask yourself now: Is this Government soft on crime? Think about it as the week progresses.

Take Care and Be of Good Cheer. God Bless!



# Agricultural sector strengthening ability to increase competitiveness

**The regional agricultural sector is strengthening its ability to strategically use Information to increase competitiveness and reposition the sector to effectively face global challenges. A two-day conference designed to accomplish this goal took place at the Bay Gardens recently.**

The event sought to examine the issues, challenges and opportunities facing agricultural information management and use in the Caribbean, and the development of strategies for addressing these challenges. It provided a unique opportunity for creators, providers and users of information to network, share experiences and form new alliances, an aspect Minister for Agriculture Forestry and Fisheries, Ignatius Jean thought was highly significant to

the repositioning of the agricultural sector.

“There is a need to establish the current status of our agricultural information management and communications systems at the national and regional levels. We also need to research existing systems making use of available and relevant ICT tools to determine our major competitors, the strategies that they have and are using to stay ahead”.

The Exercise was assisted by the Technical Centre for Agricultural and Rural Cooperation, (CTA) and the Inter-American Institute for Cooperation on Agriculture (IICA). IICA’s Representative in the OECS, Dr. Barbara Graham said the issue of strategy in information was closely linked to that of

sustainable development. Dr. Graham said the challenge facing the regional agricultural sector was how to package information so it can have the desired effect.

“Is it relevant? Is it information balance? Is it sufficiently focused? Is it results oriented? Are there mechanisms to measure whether or not there has been any kind of response in terms of the persons who perceive this information? And what is the response, has it moved them forward or has it kept them in the same place”

Participants of the two-day exercise closely examined the information market and developed strategies that would cause the regional agricultural sector to make better use of what that market had to offer.



Banana field

## Ministry hunting young builders for Grenada rebuilding effort



Destruction of Grenada by hurricane Ivan

**The Department of Youth and Sports in the Ministry of Education, Human Resource Development, Youth and Sports in collaboration with the Commonwealth Youth Programme (CYC), are on the hunt for a volunteer corps of young builders to assist with the Grenada rebuilding effort, which is to commence at the end of January, 2005.**

Senior Youth and Sports Officer in the Department of Youth and Sports, Victor Reid, said the Department of Youth and Sports is at present seeking for young construction workers, who is skilled in carpentry, masonry, steel bending, painting and plumbing. Mr. Reid said the Commonwealth Youth Programme had written to a number of government departments requesting their assistance in that regard: “So we now seeking the support of the young persons in St. Lucia between the ages of 18 to 35 years old, who have the skills so they can volunteer to be in Grenada”.

Speaking of the response so far, He said, “It has not been overwhelming as

we thought it would have it been, but I guess we are giving it some time; we are hoping to give it a few more weeks. So we have some time in which we are hoping that people would volunteer their services”.

Mr. Reid said CYC and the Department Youth and Sports would welcome both employed and unemployed skilled personnel to volunteers for the Grenada rebuilding effort. He also gave the assurance that all the necessary provisions will be in place for the volunteers while in Grenada: “The Commonwealth Youth Programme would be making provision to give those persons who volunteer, accommodations, meals and so on in Grenada. They are also looking at the possibility of giving a small stipend to those persons so that while in Grenada they can survive”.

The duration of the programme will be determined by the number of volunteers. At present, the Department is on a mobilisation drive island-wide which involves all community youth groups and organisations.

## Health Ministry urges caution in the use of natural medicine

- Recognition, registration and regulation coming



**The Ministry of Health in association with a representative body of practitioners of alternative or complementary medicine in St. Lucia have expressed concern on reports received regarding the safe use of natural medicine.**

As a result, the Ministry has issued a public warning stating that “because a medicinal product is natural, does not make it absolutely safe”. Ministry officials also stressed that safety was paramount with the use of any medicinal product.

Permanent Secretary in the Ministry of Health, Human Services, Family Affairs and Gender Relations, Fedelis William said the announcement came out of the many decisions taken at a recent meeting between the Ministry of Health officials and a representative body of local practitioners of alternative medicine.

According to Mr. Williams, there have been concerns over recognition, registration and regulation of the

### Beware of remedies in Dark Containers



Fedelis William

practice: “Having said all this, we are aware that there are genuine persons in the country, who can in fact provide remedies that work. So, we are not discounting that, but there are quacks

among us, so we have to be very, very careful about those quacks among us”.

“Taking into consideration that in the past, there has not been any legislation to guide that, we are collecting all

the information to advise the Attorney General to put in place, the appropriate legislation and all the other issues involved so we can regulate this practice”, Mr. Williams said further.

However, Mr. William contends that legal action can still be taken against one, under the Pharmacy Act: “The only way we can charge people is under the Pharmacy Act, if people are dispensing pharmaceuticals. But when people are claiming to be naturopathic doctors we have no legislation for that”.

The Ministry is advocating due diligence on the part of consumers, stating that the onus was on consumers of natural remedies to ensure that the practitioners they visit can demonstrate their qualifications.

Currently, ministry officials, supported by a number of concerned interest groups are putting together a framework for the recognition, registration and regulation of alternative or complementary medicine practice in St. Lucia.



# Report of the investigation into the circumstances relating to the “Helenites building” located at 438 East 49th Street, Brooklyn, New

## *Continued from last week's issue*

On October 5, 2004, the Ambassador gave me a written statement in which he said that what is really meant in clauses (iii) and (iv) of the Agreement in Schedule 3, which state that the Government of St Lucia will repay the loan, is that the Helenites Centre would be repaying the loan. He said it was not expected that the Government of St Lucia would repay the loan as those payments were to come from the revenue generated from the Centre through leasing or renting of the Centre.

The present Ambassador told me that the Council of St Lucian Associations is looking at the development of the property and the refinancing of the mortgage debt of \$150, 000. They would take a loan once for all and re-develop the property. That was also the view of the Accountant and the Vice Consul.

The five representatives of the different associations told me they were never involved in the transfer of ownership of the property nor the facilitation of the mortgage. But they all would like to see the Council of St Lucian Associations own the Centre and most of them supported the project. As I said before, one held the view that the location was inappropriate.

The cost of the project is estimated at four million dollars including the amount to pay off the loan of \$150, 000. In existence are detailed drawings from Management Consultants and Controls Group Inc. The date of the costings is October 31, 2003.

I think I have given a sufficient background to the Helenites Centre, its transfer from Young Israel of Ruby Inc. to the Helenites Association Inc., then to the Government of St Lucia and finally to Michael Bartlett for the purpose of seeking a loan to pay mainly arrears of taxes on the property and for other additional purposes. It is now time to turn to my second term of reference.

### **Behaviour of parties involved in these matters**

In the course of the investigation, both in St Lucia and in New York, I was shown and referred to various printed matter commenting on the matter under review. Some of these were scurrilous, biased, misinformed and cruel to some of the parties involved in these matters. I shall not allow them to influence my findings.

I find no evidence of any criminal intent by any of the parties, and consequently there cannot be any conduct which constitutes criminal intent. I shall define corruption for the purpose of the report as reprehensible conduct short of criminal misbehaviour. I would include underhand behaviour or conduct from which a party gains or expects to gain financial or other reward. It is my opinion that none of the parties involved in these matters can be said to be guilty of corruption. In Schedule 4 of the report, the Accountant of the Mission shows how the amount of \$150, 000 was expended.

Acts of impropriety would include incorrectness or improper conduct and misfeasance may be defined as the wrongful exercise of lawful authority. It appears clear from the evidence that there are acts of impropriety and / or misfeasance.

The Ambassador most concerned in these matters has unsolicitedly sought

to give reasons why the Government of St Lucia was not approached for the monies required for the Centre and why a loan was raised in New York by a private individual for the purpose. He admitted that he did not seek clearance from the Authorities in St Lucia because as Ambassador he has plenipotentiary powers and he acted under those powers. I am of the view that the Ambassador was misguided.

Another Ambassador also told me of his plenipotentiary powers and when I asked him for the source of these powers, he pointed to the letter of appointment by the Governor General. I had a look at the document which is a simple letter of appointment and mentions nothing about plenipotentiary powers. A letter from the Foreign Minister clearly gives him authority to represent the Minister at the United Nations.

The Ambassador is agent for his Government and as agent, he must act in accordance with instructions on all matters pertaining to the disposal of the property of the Government. One Permanent Secretary told me that in all his years in the public service he has never seen a civil servant enter into a one-to-one agreement in respect of Government property. It is an elementary principle of English law that a person cannot give away or dispose of what he has not got. This is illustrated by the Latin maxim NEMO DAT QUOD NON HABET.

Many years ago I was told that the norms of international law and municipal law do not always coincide. I believe this to be so. That is why for the CARICOM Treaty to have become law in the member states, each state had to pass appropriate legislation to give that effect. The same is happening now in respect of the Caribbean Court of Justice.

Customary international law cannot give an ambassador authority to do anything which infringes the law of the land. The recent case of Attorney General vs. Martinus Francois with respect to the Rochamel Hotel illustrates that not even the Minister of Finance can borrow money on behalf of the State without the approval of Parliament.

Part VIII of the Finance (Administrator) Act, No. 3 of 1997, deals with the public debt. To the extent that the agreement in Schedule 3 of this report signed by the Ambassador and Bartlett states that the Government of St Lucia will pay money owing on the mortgage, it imposes a debt on the State and there is no authority for that.

Section 39 of the Act provides for loans and the authority to sign such loans. Section 39 (2) states: “The Minister may, in writing, authorize the Director of Finance or Head of a Foreign Mission to sign on his or her behalf any loan agreement or guarantee made under Section 38 or 39.” In my opinion there can be no plausible reason why the Ambassador should cause a loan to be made without the authority of the Government of St Lucia.

I am also of the view that the Ambassador should not lease, mortgage, sell or in any way deal with the property of the Government of St Lucia without specific approval. I cannot deny the Ambassador's powers to act on behalf of his Government in routine matters affecting the Mission but on the important issues it would be correct and wise to obtain instructions to protect himself. He should be able at this level to decide what decisions he can make

and those for which he should obtain instructions.

The words “pleni” and “potentiary” are from Latin words meaning “full” and “power” ----- “plenus” and “potens”. They give one full powers of representation. As one ex-ambassador said, if an ambassador has the powers as claimed he can sell St Lucia and he will have nobody to report to, for the country will have been effectively and validly sold.

The Minister of External Affairs stated that he had never been informed of, or consulted on, the transactions and has never seen the mortgage agreement. The Honourable Prime Minister was in no better position. He only saw a copy of the agreement in Schedule 3 when the current Ambassador sent him a copy long after the Ambassador in question had left office at the Mission. There is no record of the transactions at the Ministry of External Affairs or even at the Mission when the current Ambassador took over. According to the Permanent Secretary of the Ministry of Finance there was no approval for the loan or authority to make payment from the Consolidated Fund.

None of the Presidents of the five St Lucian associations with whom I spoke knew anything about the transfer of title or the facilitation of the mortgage before they heard it via the media. The Accountant at the Mission only knew of the transactions when a cheque of \$63, 091 .38 was handed to him, presumably for the repairs to the Centre.

Full blame for the transfer of title to the Centre and the facilitation of the mortgage for \$150, 000 must be placed squarely and firmly on the shoulders of the Ambassador. He acted without authority in several respects. One employee at the Mission told me that the decision to transfer the property and to enter into the mortgage had to be made from the office of the Mission and only the Helenites Association had to be consulted. I reject that notion. The Government of St Lucia is the supreme authority in all of this and they had to be consulted and give their approval.

As I have indicated, the Ambassador no doubt had very good intentions. He was very enthusiastic about the idea of demolishing the existing building and constructing a multi-storey commercial building which would earn revenue and be a valuable asset for the future. He may well be right and there is no reason why the project should not be pursued. But how can one justify taking such a major step without the authority of the Government? He was of the view that when the project was further developed he would inform the Authorities in St Lucia. The Ambassador got it wrong. It is the other way round.

The acts of impropriety and / or misfeasance that I find include the transfer of title to the Centre from the Government of St Lucia to Michael Bartlett without the knowledge of the Government; the facilitation of a loan over the property without the approval of the Government; and the engagement of real estate agents in respect of the redevelopment of the Centre, again without the knowledge of the Government of St Lucia.

I shall now turn to the third term of reference.

### **Recommendations**

The main recommendation I wish to make consequent upon my investiga-

tion of the aforementioned matter relates to the issue of accountability by heads of mission and permanent secretaries to the Government of the country. These top officers of the administration who wield tremendous power and influence must realize that they are agents of the Government and must in all matters of policy and substance follow the instructions of their principal. Specifically, in all matters pertaining to the acquisition, dealing with, or disposal of property, they must inform the Government and act under instructions, preferably written instructions.

Another recommendation I would like to make touches on the regularization of the ownership of the Centre as well as the liability to pay off the existing mortgage of \$150, 000. The mortgage document and the agreement in Schedule 3 are not consistent with each other and do not represent the reality of the situation. What would be ideal is for the property to be transferred to the Council of St Lucian Associations and the Council would be responsible for the payments of the mortgage sums. But that of course would depend on agreement of all the parties concerned.

I was told by Mr. Gairy that any mortgage to a group such as the Council would need one or two persons to be responsible, as the lending institution would not be inclined to deal with a group.

I spoke to the lawyer about the possibility of an agreement as I described above. He agreed it is possible under United States law for Mr. Bartlett to effect a conveyance to the Government without advising the mortgagor, and people do that all the time. The mortgagee would not be the wiser as long as he is getting his money. As attractive as this may appear I would not recommend this course of action.

Mr. Gairy stated that Mr. Bartlett could also prepare a deed which he would sign and the Government would hold it as an escrow. This has the same effect as the agreement between Huntley and Bartlett for it would not be able to alter the fact that by virtue of the mortgage document Bartlett is the legal owner of the Centre.

Although the agreement in Schedule 3 would have little effect over the deed of mortgage it provides some evidence that Bartlett is under a legal obligation to Huntley and his successors in office to transfer the title back to the Government after the mortgage transaction has been rendered void or otiose. I would therefore recommend that the status quo be maintained and the Council of Associations of St Lucia begins promptly to act towards obtaining the loan for the refinancing of the mortgage sum, after which they would be vested with ownership of the Centre as originally envisaged.

The project for the new building is closely connected to the refinancing of the mortgage loan. As has been stated by so many including the present Ambassador, the redevelopment of the Centre for the use of the growing St Lucian community in New York is a well deserved goal. I understand that the Council received not-for-profit status on May 14, 2004 and it is in the process of obtaining tax exemption status which is known as a 501C3. According to an official at the Mission, when you get 501C3 you are entitled to funds for development and that involves making presentations to the City Council.

*Continued in the next issue*



# Argentina committed to stronger relations with St. Lucia



Ambassador Jose Luis Vignolo presents Credentials to Governor-General

**The Government of the Republic of Argentina has conveyed its firm commitment towards strengthening diplomatic ties with Saint Lucia and the Caribbean Community.**

This commitment was recently emphasized by the Ambassador Extraordinary and Plenipotentiary of the Argentinean Republic to Saint Lucia, His Excellency Mr. Jose Luis Vignolo,

when he presented his credentials to Governor-General Her Excellency Dame Pearlette Louisy. Mr. Vignolo said the 24 years of diplomatic relations between the two countries had been marked by common situations, which influenced the governance of both countries.

“The Argentine policy towards the Caribbean has been consistent and steadfast for several decades. As we are all together in a world confronted with new challenges, we should unite our efforts and strength towards multi – literalism, the war against terrorism, the war against drug trafficking and money laundering, and the protection of the environment,” His Excellency Mr. Vignolo said.

Moreover, His Excellency Mr. Vignolo called for continued unity among the islands as a means of protecting democracy, defending Human Rights and ensuring the sustainable growth of the hemisphere.

Her Excellency Dame Pearlette Louisy confirmed that the relations between the countries had indeed thrived on a cordial note. She assured the Ambassador that the commitment was a mutual one. Dame Pearlette noted that more collaboration should be promoted in the areas of technical, commercial and economic cooperation.

“We need then to give effect to these agreements and to speed up the pace of implementation of the programmes identified. Argentina’s commitment to the Caribbean is evident in its support of the Association of Caribbean States, of which we are both members, and in its collaboration with Caribbean States in the initiatives to which you referred,” Her Excellency Dame Pearlette Louisy said.

According to the Governor General, the future of both countries and the wider hemisphere depends on their success in joint undertakings.

## Government Officials visit streets to be affected by the massive drainage project for Castries and Anse La Raye



### THIS WEEK ON NTN

Sat. Dec. 11th - Fri. Dec. 17th, 2004

Government of St. Lucia - Year in Review 2003 Dec. 3rd, 9:00 p.m.

- St. Lucia – Home of International Events – 20 minutes of fascinating information, with testimonies from Butch Stewart, Ashanti & others, rating the island as a top notch destination – Sat. Dec. 11, 2004 – 7:10 p.m.
- SPORTS IN ACTION: St. Lucia’s top long distance runner Victor Ledgers speaks about his recent victory at the “Run Barbados Marathon” as well as other relevant issues - Sat. Dec. 11th, 8:30 p.m.
- Organometrix: Local painter Cedric George unveils his seminal works. A must for the lover of art. Sun. Dec. 12th, 8:30 p.m.
- The HIV/AIDS Pandemic – How are we responding? – Mon. Dec. 13th, 8:00 p.m.
- The GIS discusses yachting with general manager of the Rodney Bay Marina Ltd., Cuthbert Didier.
- Flavouring St. Lucia Cooking (New Edition!) – An exciting adventure using local foods and seasonings to create high class dishes – Wed. Dec. 15th, 6:30 p.m.
- KiddiCrew.Com (New Edition) – Thurs. Dec. 16th, 7:30 p.m.
- Bagay Noel – Learn to bake your Christmas Black Cake and much more – Fri. Dec. 17th 6:30 p.m.

Remember to tune in for:

- GIS News Breaks and Kweyol News daily from 6:30 p.m.
- Issues & Answers/Mondays at 8:00pm:
- Interview/Tuesdays at 6:15pm :
- Konsit Kweyol/Tuesdays at 8:00pm (Kweyol Discussion):
- Your Right to Know/Thursdays at 6:15 p.m. (Min. of Ed. Prog.)
- Take 2/Fridays at 6:15pm (Week in Review)
- Weflechi/Fridays at 6:40pm - (Week in Review—Kweyol)

For the complete programme guide, log on to our website at [www.stlucia.gov.lc](http://www.stlucia.gov.lc) and then click on the NTN icon.

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