

Re-Route Truth

24th September 2014



Figure 6.2: Golconda to Point Fortin Highway and Alternative Route Proposed by the HRM

The leader of the Highway Reroute Movement, Dr. Wayne Kublalsingh, has started another hunger-strike in protest at the actions of the State in relation to the hotly-contested Debe-Mon Desir link of the Point Fortin Highway. Some of the issues now emerging offer disturbing echoes from Kublalsingh's first hunger-strike in November 2012, but it seems to me that these are the very reasons we need to think again so as to find a different way to speak about our country's large-scale development. This column is to be published on Republic Day, so it an invocation of the ideals of our status as equals, with our disputes on public policy to be settled on the facts.

A bit of background is important, given the great deal of confusion which is swirling on this issue –

- The San Fernando – Point Fortin Highway has been proposed for over 40 years, with the actual construction contract being signed in January 2011 with the Brazilian Construtora OAS for a reported sum of \$5.2 Billion.
- According to the [Highway Re-Route Movement \(HRM\)](#), the proposals for a Debe-Mon Desir link had attracted serious concerns since 2005, garnering support from various politicians who were then in

opposition and now in government. The precursor to the HRM was stated to be the Debe-San Francique Action Committee under the leadership of MP Dr. Roodal Moonilal, but I can find little other info on that. Dr. Wayne Kublalsingh was one of the founders of the HRM in 2011.

- The Hunger-strike – After failing to get the government to delay this controversial link, the HRM’s Dr. Wayne Kublalsingh started a hunger-strike protest in November 2012 to seek an urgent review.
- The Civil Society proposal – On 26 November 2012, in an attempt to act as ‘Peacemakers’, the JCC, the T&T Transparency Institute, the Federation of Independent Trades Unions and NGOs (FITUN) and Working Women for Social Progress made a [joint proposal](#) to the Prime Minister for an independent review of the aspects in dispute. This was a serious effort to reduce the heat and increase the light in this matter, by examining the competing claims on the basis of solid evidence.
- The agreed terms – [On 3 December 2012, the government agreed](#) to the proposed review of the Debe-Mon Desir link with the JCC, FITUN and TTTI. That review was to be done in 60 days, with all requested documents to be provided by government and NIDCO agreeing to consider the Report. [NIDCO](#) is a wholly-owned State Enterprise.
- The Review Committee – [On 5 December 2012, the Civil Society Organisations appointed a Review Committee](#), under the Chairmanship of then Independent Senator Dr. James Armstrong, with Terms of Reference agreed by both the State and the HRM. Upon arriving at that important agreement, Dr. Wayne Kublalsingh ended his hunger-strike.
- The 60-day Review – The principal documents in the formulation and conduct of the Highway Review Committee are on the JCC ‘s website at – <http://www.jcc.org.tt/resources.htm#>. That 60-day exercise was conducted by 19 highly-qualified professionals who worked intensely to review submissions received from the State, the HRM, Regional Corporations and other organisations.
- The HRC Report – On 3 March 2013, the 269-page [Final Report of the Highway Review Committee \(HRC\)](#) was published after [a review process](#) in which the State’s concerns were addressed.
- Payment – [On 17 April 2013, NIDCO paid \\$742,400](#) as claimed by the JCC for the review process, being a substantial contribution to the total cost of the exercise, which exceeded \$1,100,000.

At this stage the air is choked with claims and counter-claims –

- Many people are relying on the Highway to ease the heavy traffic in those areas, but the HRM is not against the actual San Fernando-Point Fortin Highway, so those concerns are misplaced.
- Environmental concerns as to drainage and habitats which can only be settled after study of those issues.
- The matter is before the Court and therefore is somehow removed from the agenda – of course one can contrast that with the treatment of the fortunate ‘Soca Warriors’. Different strokes, so it seems.

- The fact that the work is continuing on the disputed section is being cited by some as reason to finish the project now, but of course an alternative view is that the commitment of Public Money to complete a disputed link while it was under study is itself questionable.
- In my sober view, the HRM has taken an unrealistic stance to call on the government to ‘abide by’ the findings of the Armstrong Report, as it is now called. As I pointed-out earlier, the State agreed, on 3 December 2012, to ‘consider’ that Report and that is what we have to call for. It is premature to insist upon compliance until the Report has been considered.



The Armstrong Report is an historic achievement, to my knowledge being the first review of a State-sponsored project ever undertaken by a Civil Society group in the Caribbean. The Report represents an attempt to review the competing claims on the evidence and therefore promotes the ideal of fact-based decision-making in public policy.

Those are the positives we have to take from this turbid situation and we need to act soberly so as to ensure that those gains are not lost in the heat of this moment. Kublalsingh’s sacrifice opened the way for the Civil Society proposal to be accepted and the Armstrong Report is now a reality.

Many people have been asking whether there is a legal obligation on the State to consider the Armstrong Report and it is clear to me that such an obligation does exist. One of the tenets of Good Public Administration is ‘reasonableness’ in the conduct of decisionmaking by Public Officials.

The government agreed to the Highway Review on 3 December 2012 and participated in that 60-day exercise, up to commenting on the completed Report and paying a substantial part of the costs. Given those prior events, it is perfectly reasonable, in my view, for the government to give proper consideration to the recommendations of the Armstrong Report.

We need to summon the will to turn this corner, the State needs to exercise its powers in a reasonable fashion and that means that the Armstrong Report must be properly considered. The public needs to be advised of that consideration and its outcomes. Vague statements are not acceptable in this situation.

In years to come it will seem literally unbelievable that the State routinely carried out large-scale developments without this kind of study and consideration. The future is an inescapable part of reality, it is waiting for all of us.

We need to turn this corner. Do we have the will to do so?

A Summary of the Recommendations of the [HRC Report](#)

(those are at pgs 10 & 11 of the Report)

- 1.The CEC 1372/2006 contains an extensive list of conditions intended to address the lack of detail presented to the EMA at the time of the application. A significant amount of work still needs to be undertaken to obtain approvals before any additional site activities are carried out, those include satisfying CEC conditions, submission of EIA plans to the EMA, Storm Water and Water Management plans.
- 2.In accordance with the TCP Act no further construction work should be carried out on the site until all of the conditions attached to the Planning Permissions have been fulfilled.
- 3.It is imperative that a proper Social Impact Assessment be undertaken before a decision is made whether or not to continue with the Debe to Mon Desir segment of the Highway...the SIA studies to consider the alternate routes proposed by the HRM and by MOWT/NIDCO.
- 4.In view of the issues relating to the dislocation of persons from their homes it is critical that a Re-settlement Plan should be prepared and submitted to the EMA before any decision is finalised regarding the resettlement of affected persons.
- 5.No further engineering operations are to be undertaken on the land at Petit Morne, St. Madeline on which it is proposed to relocate persons residing in the path of the alignment until all necessary approvals are obtained.
- 6.Quantitative assessment of the surface and groundwater hydrology model and study of the wetland as a hydrodynamic system should be undertaken in the public interest...
- 7.An Environmental Economic Study of this Project must also be undertaken to inform a decision whether or not to proceed with this Highway segment. This should include a cost-benefit analysis....
- 8.Off-site impacts, such as the impact of removing and transporting extraordinarily large quantities of aggregate to be sourced from areas far removed from the Project Area need to be determined and measures designed to mitigate any negative impacts.
- 9.The HRC recommends that the APDSL studies be continued and consideration be given to staging highway improvement for the south western peninsula to allow the phased development of the transportation system.
- 10.The HRC recommends that all relevant state agencies together review their policy for the assessment of damage at Section 3 of the Land Acquisition Act.

In summary, the HRC concluded –

Should the Government decide to proceed with the construction of the Debe-Mon Desir segment, the HRC is of the considered opinion that shortcomings resulting from the inadequacies of proper assessment of the likely impacts on the human and natural environment must first be determined and resolved.