



National Infrastructure Development Company Limited

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25 February, 2013

Mr. Afra Raymond  
President  
Joint Consultative Council  
Professional Centre Building  
11-13 Fitzblackman Drive  
Wrightson Road  
Port of Spain

Re: Report of the Highway Review Committee

Dear Mr. Raymond

I refer to our letter dated 21 February, 2013. Please note that item #10 of the said document is to be replaced by the following:

10. Land Tenure and Acquisition (page 8 of the report): NIDCO assures the Committee that there is no instance where entry on to property has been made without legal authority. It should be noted that under Section 3 Notice authority is granted to carry out surveys and other relevant investigations. However, it is common practice for investigations and studies to be carried out prior to the start of the acquisition process for the purpose of acquiring a CEC, preparing project, estimates or conducting feasibility studies. In such a situation entry would not be made onto any property without the permission of the owner or occupier. It should also be emphasized that Section 4 Notice has been published for all areas released to the contractor.

The offending statement is inflammatory and prejudicial and has been made without any evidence whatsoever. It should be deleted.

By way of further clarification, it should be noted that the land acquisition consultant made several comments (pages 145 to 149 of the report) which must be carefully examined.

Board of Directors: Mr. Krishendath Ramoutar (Chairman)

Professor Winston Suite (Deputy Chairman), Mrs. Mandavi Tiwary, Mr. Hollis J. Eversley, Mr. Rabindra H. Outar, Ms. Reneelise Khan

Firstly, the case presented that "NIDCO has failed to follow due process..." is completely unacceptable (page 144 of the report).

At (a) : As explained above, social surveys and investigations are routinely carried out without the publication of Section 3 Notices in the early stages of any project, provided that persons' properties are not entered into without their consent. The HRM did not exist six years or even three years ago and no complaint has been received of such unauthorized conduct from the community groups which then existed. In any event, such preliminary work does not form part of the acquisition process.

At (b) : At no point was entry made for construction purposes without Section 4 authority. NIDCO challenges the consultant to identify any such case before making remarks **designed to cast doubt in a court of law** over Government's commitment to lawful acquisition of private property.

At (c), (d), (e) : These matters reflect differences of opinion between the consultant and NIDCO over policies which should govern the treatment of encroachers and squatters. However, they bear no relationship whatsoever to the matter of due process insofar as the acquisition process is concerned.

Secondly the consultant indicated that "up to the time of writing of this report, NIDCO had not provided written documentation to the HRC Consultant on land acquisition and re-settlement measures in the affected communities". However, no such request has been made to NIDCO in writing and no indication that this was required, has been conveyed to the President of NIDCO at any time. Indeed the only request made by the JCC for responses to specific items of concern was by way of an Aide Memoire sent by Ms. Desiree Arthur Lopez on behalf of the JCC to Dr. Charles on 09 January, 2013, wherein it was stated "This is not intended to solicit any written response from NIDCO or HRM".

Thirdly, the consultant stated that his research findings suggest the following:

*"3) A lack of transparency in the calculation of compensation for some who have agreed to be relocated.*

*4) Inconsistency in the quantum of payments made to various property owners"*

It needs to be emphasized that all acquisition procedures followed and all settlements arrived at up to the time of the delivery of the HRC report were made under the process followed previously for other highway acquisitions and **all negotiations were carried out by the Commissioner of Valuations**. Clearly the consultant's comments were based on no relevant information whatsoever and are completely unrelated to any actions of NIDCO.

I have accordingly amended NIDCO's letter to the JCC as attached.

Yours faithfully



Dr. Carson Charles  
President