

Preamble

I wish to make it extremely clear that I am not in favour of this process being offered as a solution for the current stalemate in the THA, nor do I believe that this is somehow an opportune time for any such discussion. The Bill that has been presented is so significantly different to what was proposed by Tobago, any prior consultations have been effectively negated. (Not a comment on quality.) The realities occasioned by the current pandemic, demands an earlier-than-resolution-of-this-bill, resolution of the THA situation to provide much needed stability and enforceable policy directions.

I share completely the severally stated concern about the definition of Tobago. I should suffice to say that decisions regarding the internal management of any part of Trinidad and Tobago is an internal matter.

The new THA that is described as Island Government, must be a hybrid of a national government and a local government.

The gist of my presentation therefore assumes that the agreed areas of disagreement will be resolved and eventually allow for the consideration of the not yet explored considerations, that will follow.

Assumptions

1. That this document will be read.
2. That it is clear that terms like 'internal self-government', 'autonomy' and 'self-determination, are tabula rasa to be defined by this process.
3. That the current model of national governance, should not limit our vision for Tobago and Trinidad and Tobago.
4. That it is understood that I have several other concerns with the Bill, but I defer to the several others who have raised those matters.
5. That years of clamour and actual consultations on Constitutional reform suggests that the Constitution has flaws. In fact, this very action, proposes amendments. The Constitution cannot therefore be an absolute backstop for any proposed action on the relationship between Trinidad and Tobago.

Suggestions

The Right to Recall

The 'new THA' should allow a system of recall. I will not attempt to define rules for such a situation, as the committee can doubtlessly source expert advice on a system that is not subject to flippant use, or abuse. The proposal is not speculative. Two concrete examples of when such a provision may have been activated are part of the history of the THA. Firstly, when Ms. Deborah Moore-Miggins was an independent representative, she chose for an extended period, to register her disapproval with the management of the THA, by attending plenary sessions only until roll call. It is conceivable that in such a situation, her constituents may have desired more direct representation. Secondly, the illness that befell Mr. Hilton Sandy is sincerely regretted. Incapacitated, he was unable to attend to the business of the house. The Chief Secretary at the time, chose not to, or could not, - it was never clear which - take any action. The constituents therefore had no representation for an extended period.

The Right to Address the House

There is a feature of local government systems around the world and should form a part of the THA hybrid. Whichever political party wins a THA election will do so with the votes of a significant number of persons, who are not party members; the Minority (opposition) will be similarly favoured. If it is assumed that representatives are guided by political parties, and they in turn by party groups, it is safe to say that 60 plus percent of the population, who vote, only participate by that mechanism. It should be noted also that numbered among such persons are public officers, members of the military, and others persons whose jobs either expressly forbid or discourage open participation in party politics. Such persons may wish to comment in a non-partisan environment on matters like physical development in their communities.

The need is emphasized by the following example. About six years ago, there was a controversial project being undertaken in Charlottesville. In response, the THA offered a public consultation in the village. I attended where the following occurred. Being was used to that kind of experience, I timed it. The event started 27 minutes late. Five Divisions of the THA then made presentations, one by each Secretary, and another by the Administrator or Senior Technical officer in that Division. The Chief Secretary then presented. Each presentation started with an acknowledgement of the head table and all other V.I.Ps - that part of the presentations alone lasted on average three minutes and thirty seven seconds. The public was then asked for comments with a time limit of two minutes per speaker, because 'it was so late and people had to drive back to Scarborough'! Those who were there would recall that, after the chauffeured vehicles left, the public stayed and discussed for a further ninety minutes. I have provided that report to indicate the need for a structured setting that the THA is bound to respect. I envision a system that must be triggered in two ways:

1. When a certain spending of disruptive threshold is met, the THA must hold public consultations. Such consultations must be scheduled prior to the inclusion of any non-emergency project in the THA's budget submission. In emergencies, consultations must be as soon as practicable, including after the action, when mitigation may be the only option.
2. Any individual who wishes to address the THA, can make an application to the Clerk to do so on a day that is designated for the purpose; quarterly is suggested.

Persons wishing to make presentations in the former case need only to indicate their interest in response to an advertisement.

In the latter case, individuals or interest groups must make an application to the Secretariat, by way of a simple form, which the CSAs of the Secretariat should be prepared to assist in completing them. The individual must outline only the matter and the general reason for his/her concern at this stage. The Presiding Officer should arbitrate on the requests and should only refuse a request on a limited number of grounds. A rejection by the Presiding Officer should automatically trigger a referral to the Minority Leader who may seek re-consideration by the Presiding Officer on behalf of the Petitioner.

1. No group or individual should be allowed to dominate the proceedings by making multiple requests on the same topic.
2. A topic itself has been sufficiently ventilated.
3. A presentation appears to be geared towards the denigration of any group or individual on the basis of race, class, religion, gender or sexual orientation.
4. The proposed presenter does not address a specific action or omission of the THA.
5. The presenter is qualified to vote in a THA election, unless that individual is a minor in a household where an adult next of kin is eligible to vote in a THA election.

The Right to Referenda

Referenda should be seen as an extension of the structured public inputs, described in the Right To Address The House. The major difference being scale. Referenda should be triggered in any of three circumstances:

1. In the event of a project or program that exceeds a preset funding threshold. For example, the Shaw Park Complex, with its troubling inconsistency with local demand, its yet unused ability to host four times as many patrons as any other facility in the country and its failure to host a single sporting event, is a project that deserved way more public scrutiny. Spend on the facility to date, approaches \$1B.
2. In the consideration of a program that seeks to make a significant change in island policy with the potential to significantly affect lifestyles. As an example, consideration of introducing casinos, in support of the tourism.
3. Any other issue the achieves, by way of signed petition, a fixed percentage of those persons who are eligible to vote in a THA election.

State Companies

The proposed requirement to have state companies providing services in Tobago “take into consideration the desires of the THA” is insufficient guidance and will lead to conflict.

Transition

Transitional arrangements are critical elements of successful change. The last two iterations of the THA were plagued with unintended negative consequences. When the THA was inaugurated, uncertainty about the creation of the political space caused problems. The public was not prepared, the public service was apprehensive, especially relating to their conditions of service, and several persons sought transfers to Trinidad.

The second iteration of the THA brought a different kind of human resource problem. The overnight growth from one to eight accounting units, with limited training opportunities, saw several junior public servants, catapulted from entry level positions to management. The continuous adverse reports from the Auditor General, is directly related to this yet unaddressed challenge.

Implementation of this tranche must be more studied. Transitional systems may require additional subsidiary legislation, partial proclamation and enforceable timelines. The first THA, mandated the development of a Tobago-specific curriculum addition on the history and culture of Tobago. There is no evidence of any effort to fulfill this requirement. The requirement for the development of financial rules for the THA has met a similar fate.

The following are recommended: -

1. A schedule of partial proclamation be developed, especially in areas like the creation of Island Service commissions, where the recruitment of personnel and setting up of systems will be an extended exercise.
2. A formal structure must be developed for Memoranda of Agreement between the THA and agencies who may have to, for some period, keep providing services in Tobago. A generic document should be an appendix to the legislation.
3. The prescribed monitoring body, should have its mandate extended to include placing a purpose-built transition unit, in the division responsible for public services.

General

The THA should lead nationally in restructuring its budget. The traditional "Development" and "Recurrent" monikers should be discarded in favour of a system that more clearly defines what funds will be actually used for and render unnecessary the "percentage" argument which is hardly useful for development.

The following items are proposed:-

1. Recurrent expenditure. This item will include all expenditure required for the day-to-day operations of the THA and should be reflective of actual agreed costs.
2. Human development. This item should include programs intended to improve education, skills, cultural and social development of all Tobagonians.
3. Social and physical infrastructure. Limited to new physical development.
4. Productive sector investment. Limited to projects done by the Island Government that are expected to generate revenue.

Item 4. in particular solves a myriad number of problems. It defines the area where loan financing is a likely preferred option.

The system also places human development on the map. It should see, for example, a better relationship between the social infrastructure like community centres and recreation grounds that virtually lie fallow all over the island, for the want of structured programs. It is less than acceptable, that entities with responsibility for human development, routinely report on how much was spent on building and repairing physical facilities, with nary a word about the throughput of children, young adults, adults or seniors, of the facilities that are developed and sometimes maintained.