

THE CONSTITUTION (AMENDMENT) TOBAGO SELF-GOVERNMENT BILL AND THE ISLAND GOVERNMENT BILL 2021

Introduction

Good afternoon, Madam Chairmen and Honourable ladies and gentlemen of the Joint Select Committee (JSC) of the Parliament of Trinidad and Tobago. I am happy and grateful to you for giving me this opportunity to address you today on this very important matter as it pertains to the welfare and future of my beloved Tobago.

After carefully perusing the documents from the JSC of the Parliament of Trinidad and Tobago, I respectfully wish to proffer these comments on the Constitution (Amendment) Self Government Bill and the Island Government Bill 2021. I will do this having also taken into consideration the Draft Constitution (Amendment) Tobago Self-Government) Bill 2016.

Preliminary – General Comments

There needs to be a significant effort made to review the entire Constitution of the Republic of Trinidad Tobago with respect to the gender bias in the document. The male gender pervades throughout that document and can even be found in the current Draft Bill. We are now in 2021 and have moved on from 1976 when the original constitution was drafted, mostly by males, I presume. We now have a female President who, in our Constitution, is still being referred to **'he/him'**. Our draft Constitution still has the members of the Tobago Legislature being called **'Assemblymen'**. The world and our country have changed since the original Constitution and even the Tobago House of Assembly Act was written. We need to get with it.

As a part of the initial thrust of a group of Tobagonians, under the aegis of the Calder Hall Accord, that set off to find out what Tobagonians wanted for their island, it now pains me to see what is being offered to us as “Autonomy/Self-determination”. In our journey around the island, our group found that the majority of persons with whom we interacted, had a preference for a Federation between the two islands. The Constitution (Amendment) (Tobago Self-government) Bill and the Tobago Island Government Bill 2016 that was submitted to the Parliament, however, did not go that route. Even so, what is now being offered to Tobagonians differs significantly from what was sent from Tobago to the Parliament of Trinidad and Tobago, Thanks to the JSC.

I must point out, however, that it is very important for us as Tobagonians to know our history and to embrace it. When we do that, we will not let ourselves be bullied by any Johnny-come-lately who want to shove things down our throat. Most, if not all of us have grown up hearing our island being labelled as a ‘**Ward**’ of Trinidad and are therefore, subject to the colonial mentality that Tobago is a poor, underdeveloped island, incapable of supporting itself and waiting on handouts from the colonial master that replaced the British. So to think of Tobago having Autonomy/Self-determination may be alien to them but not to those who know their history. For Tobago to have Autonomy/Self-determination it must be free from external control and form its own statehood and government.

Let me say up front that I’m **not** happy with what is before us in these Bills. I recognise that it requires a three quarters majority in the House of Representatives and a two thirds majority in the Senate to be passed into law. There are however, some things that need to be adjusted or changed before it can have my support.

Madam Chair, I will not go through the Bills Clause by Clause but will simply give my comments on them. I think that Dr. Tsoi Afatt Angus did quite an excellent job during her presentation.

The Definition of Tobago

Tobago is much more than as indicated in the Bill. There is a glaring discourtesy done by delineating its boundary with a 6 mile baseline. That is even less than the 12 miles recommended in the Draft Constitution Bill that was sent to the Parliament. How was the 6 mile baseline arrived at? As part of an archipelagic state, Tobago brings an unrecognised substantial contribution to this union. This should be addressed now and allow an Autonomous Tobago to benefit from what lies in our waters. We know that a significant amount of the oil and gas, being in the Exclusive Economic Zone (EEZ), is brought to this union by Tobago. Therefore, by denying Tobago its just due and by not defining its true maritime boundaries, this Bill denies Tobago's true contribution to the national economy and blinds many Trinidadians to the fact that Tobago contributes significantly to the national purse and this must be recognised. In the Exclusive Economic Zone (EEZ) there should be joint negotiated arrangements for sharing revenues from offshore oil and gas production as well as any other mineral deposits found therein. Please do not try to tie us up Mr. Attorney General. You are trying to sell us the myth of Tobago's dependency on Trinidad for its survival. We will not settle for that.

Tie Breaking Mechanism

I could not find anywhere in the new Bill a tie breaking mechanism. The increase in the Electoral Districts from 12 to 15 does not eliminate the possibility of a tie in the House/Tobago Legislature if there are more than 2 political parties or independent candidates in the race. In view of the current stalemate or impasse, it is imperative to include a tie breaking mechanism and not assume that it will not re-occur. If and whenever it occurs this JSC would have done its job and would get kudos for its foresight.

Size of Tobago Legislature

The Bill recommends 26 persons:-15 elected, plus 10 Councillors plus a Presiding Officer. There is absolutely no need for 10 Councillors to make up a team. There should be Thirteen (13) elected Assembly persons with five (5) Councillors (three for Majority and two for Minority). No Councillors should be appointed by any President. A President is nominated by the Party with the majority of seats in the House of Representatives and then voted into Office by that majority. Therefore, nominations from that source may not be neutral. Granted that the President should be neutral after being elected, I still do not see the need for those nominations.

We should do more with less and not just create jobs for the 'Boys and Girls'. There is too much money going to salaries and perks and not enough for Development.

Public Service/Civil Service

The terms Public Service and Civil Service are used interchangeably in the document. Is it Public Service or Civil Service – Public servant or Civil servant? Please be consistent.

Premier

The term “Premier” reminds me of old colonial days when there was a Premier before there was a Prime Minister in Trinidad and Tobago’s case. What is wrong with “Chief Secretary”? The others in the Executive Council are called Secretaries, is it that a “Premier” is a Prime Minister in waiting?

Involvement of Premier in Appointment and Transfer of Staff

This Bill authorizes politicians (Premier) to vet the selection of public officers who work with the government before they can be assigned by the Public Service Commission/Tobago Service Commission. This appears to be an entrenchment of politicisation of the Public Service. Once an individual is qualified, competent and meets the criteria set out for the position, no politician should be able to prevent them from being appointed. Tobago is too small for that.

Consistency

There are terms in this document that seem to be used interchangeably: House of Assembly, Tobago Island Government, and Tobago Legislature. It could be confusing. Perhaps a glossary of words could help.

Question

In this Bill there is mention of a Pension Scheme for members. Will this be retroactive? There are former members of the House of Assembly who served diligently at great financial cost to themselves who have, inadvertently or otherwise been denied a pension for their service. This should not happen as benefits should be made retroactive and not punitive. A Pension Scheme for Assembly persons should be for **all** those who served for the required period.

Conclusion

In conclusion, Madame Chairman, I have taken the time to scrutinise these Bills and cannot say that I support it. I would have preferred to see Bills that gave Tobago real Autonomy instead of this hodge podge of matters strung together with no depth and nothing really new. Just the same ole, same ole. We not taking that so. So reel and come again. A wise old sage once told me "*if better can't be done, let the worse continue*". Better **can** be done for the people of Tobago as they stand up for their just due and not a pittance handed down by the current colonial masters. I say that one day, one day, Tobago will rise and this is the time.

Thank you for giving me your time to share my thoughts with you and the listening public.

Margaret A Parks