

One Tobago Voice,  
c/o Hochoy Charles,  
P.O.Box 71,  
Scarborough,  
Tobago.

JSC Tobago Self Government,  
c/o Keiba Jacob Mottley,  
Parliament of the Republic of Trinidad and Tobago,  
Parliamentary Complex,  
St. Vincent Street, Port of Spain,  
Trinidad.

### **General Comments on the Matter of Self-Government for Tobago**

The Bills on Internal Self-Government for Tobago published by the Joint Select Committee of Parliament would definitely deny Tobago the right to self-determination and the equality of status promised by Parliament in 1977, repeated in Parliament in 1996 and 2013 and again in these Bills in 2021.

The provisions of the Bills do not recognize the right of the People of Tobago to “freely determine their Political status and to pursue their economic social and cultural development”. (Not even in the Sovereign Democratic State of Trinidad and Tobago).

These Bills are a colonial/imperialist imposition.

Tobago is aware that the right to self-determination does not necessarily mean Independence. But it does mean freedom to exercise options. Tobago is also conscious that this right must be recognized for large “islands” and small “islands” alike. But when the big/large denies this right to the small (as in this case), it is a colonial imposition which is contrary to the UN Charter; the Universal Declaration of Human Rights 1948; the International Convention on Economic, Social and Cultural Rights 1966; the International Covenant on Civil and Political Rights; and is therefore in violation of International Law.

These Bills provide Tobago with no “Power” which is the ability and capacity to influence and control its circumstance and destiny. And if one cannot do that (control and/or influence) your circumstance and destiny, you are Powerless.

The JSC is hereby reminded that:

Powers of Government are of three (3) kinds:

- (i) Legislative (Law making)
- (ii) Executive (carrying out/implementing law)
- (iii) Judicial (interpreting law)

And law is the tool for carrying out Government Policy/decision. So if there is no law, the decisions of Government cannot be carried out. Law therefore is Government Policy decision and the way the Policy decision will be implemented. And Policy is the intention (of Government) to do something and how that something would be done by the Government.

All the Matters in the Fifth Schedule are for ‘Policy Decision’ of the Government in “Trinidad”. And Tobago must implement those decisions even if the decisions are contrary to the wishes of **all** the people on the Island of Tobago, who may have voted for policies and programmes that are diametrically opposed to those policies.

Section 25(1) of the Tobago House of Assembly Act, 1996, states: “without prejudice to section 75(1) of the Constitution, the Assembly shall, in relation to Tobago, be responsible for the formulation and implementation of Policy in respect of the matters set out in the Fifth Schedule .....

The Provision did not say “subject to Section 75(1) of the Constitution. The formula of words “without prejudice” was written because the “Bill” that was before the Parliament did not receive the support needed to amend the Constitution. If the support was given, the words would have been “Notwithstanding” Section 75(1) of the Constitution. The intent of the Government then, was to allow the Assembly (Tobago), to have law making powers over the matters in the Fifth Schedule. The 33 matters in the Fifth Schedule are:

- (1) Finance, that is to say the collection of revenue and the meeting of expenditure incurred in the carrying out of the functions of the Assembly;
- (2) State Lands;
- (3) Land and Marine Parks;
- (4) Museums, archives, historical sites and historical buildings;
- (5) Public buildings and the maintenance of the residences of the President and the Prime Minister;
- (6) Tourism;
- (7) Sports;
- (8) Culture and the Arts;
- (9) Community Development;
- (10) Co-operatives;
- (11) Agriculture;
- (12) Fisheries;
- (13) Food Production;
- (14) Forestry;
- (15) Town and Country Planning;
- (16) Infrastructure including air and sea transportation, wharves and airports and Public Utilities;
- (17) Telecommunications;
- (18) Highway and Roads;
- (19) Industrial Development;
- (20) The Environment;
- (21) Customs and Excise;
- (22) Licensing;
- (23) Health Services;
- (24) Library Services;
- (25) Education including curriculum;
- (26) Social Welfare;
- (27) Marketing;
- (28) Valuations;
- (29) Postal Services and Collection of revenue therefrom;
- (30) Statistics and Information;

- (31) Housing;
- (32) Plant and Animal Quarantine;
- (33) Such other matters as the President may, by Order, assign to the Assembly.

I think there was an Order in 1997 assigning (1) Labour (2) Quarries and Mining and (3) Consumer Affairs to the Assembly. In these 2021 Bills, the Joint Select Committee of Parliament, instead of doing what was not done in the 1996 Legislation, i:e to give Tobago its Policy Making Powers, at least, over these matters, it claws back areas of responsibility of the Assembly; and the Policy making functions in the following areas, and placed them under the “Central Government” in Port of Spain, under the Fourth Schedule, viz;

Item 1. Agriculture, Land and Fisheries

Item 2. Community Development

Item 3. Culture

Item 4. Education

Item 5. Finance

Item 6. Health

Item 7. Housing

Item 8. Industrial Development

Item 9. Labour

Item 13. Planning and Development

Item 14. Public Utilities

Item 15. Social Services

Item 16. Sport

Item 17. Tourism

Item 18. Works and Infrastructure

Item 19. Youth Development

The Provision is confusing, deceptive and disingenuous.

In passing, your attention is drawn to Clause 19, Section 144 of the Constitution Amendment Bill:-

### **The Mediation Committee**

The Mediation Committee shall have the jurisdiction to mediate or mitigate any disputes that may arise in relation to the exercise of administrative powers set out in the Fifth Schedule.

The Committee shall comprise five (5) members, as follows:-

The Prime Minister and two Cabinet Ministers; and

The Premier and one (1) Executive Council Member.

Imagine, the Parties to the dispute (Cabinet and Executive Council), who are responsible to trigger the dispute are the members of the Mediation Committee. This does not sound sensible. For instance, two (2) parties to a dispute which they are unable to settle, are appointed the Mediation Committee to settle the very dispute.

The mechanism established at Part V, Sections 56 and 57 of the Tobago House of Assembly Act, 1996 is a better workable formula that could be used for Mediation.

Section 141 P(2) of the Constitution Amendment Bill should provide for a Primary election for the House of Assembly to be held on the **last Monday** of the month following the dissolution of the Assembly at Section 141 P(1).

What does Tobago want (immediately) NOW, in any legislation that goes to Parliament? The following:

**1. The Tobago Island Government** (or by whatever name it is called) shall in relation to Tobago be responsible for the formulation and implementation of Policy (Law making Powers) in respect of all matters affecting the lives of the people of Tobago other than the following matters:

- (a) The President;
- (b) The Office of the Prime Minister;
- (c) Auditor General;
- (d) Civil Aviation;
- (e) Immigration;
- (f) Foreign Policy;
- (g) Judiciary;
- (h) Meteorology;
- (i) National Police and Defence (Internal Policing shall be under the jurisdiction of the Tobago Island Government);
- (j) Ombudsman;
- (k) The Integrity Commission;
- (l) Central Banking;
- (m) Cross Border Tariffs;
- (n) Elections;
- (o) National Taxation and Expenditure;

Although the Government of Trinidad and Tobago would have exclusive law making in the above matters, there should be concurrence with the Tobago Island Government on items 4, 5, 6, 7, 12, 14 and 15.

**2. The Power to make and pass laws** for the peace, order and good government of Tobago with respect to all matters of Tobago except those listed at 1 to 15 hereinabove.

The law making body to be bicameral and both Houses to be elected by the “Tobago Voters” to ensure/allow the population to have a greater say in the decision/making process of Tobago and to serve as check and balance on the “Executive”.

## ALTERNATIVELY

In order to allow for the separation of powers between the Legislature and the Executive, the Legislature could be unicameral with the Chief Secretary (or by whatever other name he is called) elected by the electors of Tobago through Universal Adult Suffrage held in accordance with the Representation of the Peoples Act. He should select the Secretaries (the members of the Executive Council), NOT from among the elected members of the legislature, but from outside of those members.

A Legislature exists to ensure that just, proper and well-considered laws are passed; that there is scrupulous and intelligent informed oversight of government; and that the citizens are well

represented by their elected members who would operate according to their consciences/internal conviction and not under “the whip”. This can only be achieved by the Separation of Powers, where the Executive would be accountable to the legislature and function as a Committee of the Legislature.

### ***3. Jurisdiction of Tobago Island Government***

The physical boundaries of the area over which the Tobago Island Government must provide governance and protection must be appropriately defined to give effect to the Policy formulation and the application of Laws made by Tobago Legislature.

The Constitution at Sections 1(1) and 1(2) clearly states that the Nation, formally known as the Republic of Trinidad and Tobago comprises the Island of Trinidad and the Island of Tobago, without specifying the boundaries of either entity.

The delineation is therefore within the purview of the Constitutional provisions and merely seeks greater clarity for the purpose of effective administration over the respective islands.

The JSC should note that prior to the Trinidad and Tobago Act, 1887, which unite the Colonies of Trinidad and Tobago into ONE colony, the Colony of Trinidad with its physical boundaries existed and the Colony of Tobago with its physical boundaries existed, along with their respective Legislatures. The 1887 Act states that whereas it is desirable that the Islands of Trinidad and Tobago which are now separate colonies should be united into and form ONE colony...., that the legislative body of the colony of Tobago has expressed its desire for the said union and the legislative body of the colony of Trinidad has expressed its consent thereto.”

Therefore the Island of Tobago as well as the Island of Trinidad had defined boundaries which are established and known both by the Trinidad and Tobago Government and the United Kingdom Government.

The people of Tobago are simply saying, to put these description into the Constitution and state that these two entities form the Sovereign Democratic State of Trinidad and Tobago.

Tobago is not speaking about dividing waters or anything else. We are simply saying that we should properly describe the two (2) entities that come together and form that Union, Nation, Sovereign Democratic State or by whatever other name it is called.

Even if the physical boundaries were not already established and known; universally accepted methods of delineation of boundaries between entities can be appropriately applied in this matter, to enable proper and efficient administration for both Tobago and Trinidad.

### ***4. Finance (Financial Arrangements)***

The Tobago Island Government must be provided with the financial wherewithal to give effect to the formulation and implementation of Policy and the general governance of the Island of Tobago. A basic degree of predictability is an essential requirement to afford effective planning. Tobago therefore proposes, not less than 8% of the Annual National Budget as a **grant element**, as a measure/degree of predictability, along with other mechanisms, for bolstering the financial package, such as:

- (i) Ability to access donor funds;
- (ii) Ability to impose taxes and grant concessions;
- (iii) Ability to raise loans on its own creditworthiness;
- (iv) Revenue-sharing mechanism.

International financial and development agencies such as the I.D.B, recognize the need for specific mechanisms for sub-national entities to effectively discharge their functions. The ability to access donor funds, raise loans, and impose taxes is an integral and essential part of the package of measures necessary for good and effective governance. Sub-national entities, including cities, in most countries of the world impose and collect taxes on certain activities. The Cities and Boroughs in Trinidad have that ability (in a limited way).

The Tobago Legislature will make laws that will establish borrowing parameters and repayment of its commitments, based on generally established 'public financial' principles. If that concept was understood by the Parliament in 1996, Tobago would have been in a position to provide Trinidad and Tobago NOW, with the much needed funds, including foreign exchange, from One Project – The Bottle Water Project in Bloody Bay.

### ***5. Staff for Tobago Island Government***

The Tobago Island Government must have the Executive Authority over its staff – its human Resource. As a result, Tobago must have its own Service Commission that would ensure dedicated attention to its staff needs.

In the absence of this control, Tobago would continue at the altar of discrimination, ignorance, prejudice and pettiness as in the case of our Administrators who are, by law (Section 73 of the Tobago House of Assembly Act 1996) Accounting Officers of the Division(s) under their supervision; but are classified by Personnel Department (CPO and DPA) lower than a Deputy Permanent Secretary and paid at that rate since 1996, twenty-five (25) years now, with no remedy in site. This is only one such matter. There are several other such matters.

The Common Country Assessment for the Republic of Trinidad and Tobago – United Nations Agencies in the Republic of Trinidad and Tobago – October 1998: Page 39

#### **3.1 Governance, Participation and Management of Diversity.**

It states .....”Local Government authorities are designed to facilitate greater participation in the democratic process. There exist fourteen (14) Corporations made up of two (2) cities (Port of Spain and San Fernando), three (3) boroughs (Arima, Point Fortin and San Fernando), and nine (9) Regional Corporations (San Juan/Laventille, Sangre Grande, Tunapuna/Piarco, Mayaro/Rio Claro, Siparia, Princess Town, Couva/Tabaquite/Talparo, Penal/Debe and Diego Martin).

These are elected bodies that are legally empowered to take responsibility for Government activities in their particular regions.

Central decision-making is still retained at the level of Cabinet. The World Bank report, “Poverty and Unemployment in an Oil Based Economy” noted in 1995 that “Centralisation of Management Authority emanates from the highest levels, with the Cabinet maintaining control on every decision of significance, leading to delays, obscuring strategic issues and undermining staff initiative”.

It further noted that the Cabinet in Trinidad and Tobago had considered 3,717 matters in 1993, one hundred times more than in the UK (36 matters) and nine times more than in Jamaica (419 matters).

It is difficult to access data today that might indicate changes in “Cabinet’s control”.

It might be instructive for the JSC to research this matter to ascertain its present status. From a cursory observation, it might be worse than in 1993/1995.

## CONCLUSION

When in 1977, the former President and Prime Minister of Trinidad and Tobago, ANR Robinson in his capacity as member of Parliament for Tobago East framed the impetus for Self-determination of Tobago within the Nation State of Trinidad and Tobago, he did so as a “**Rights Issue**”. In presenting the motion for Internal Self-Government, he said, “It is consistent with contemporary notion(s) of **human rights**”.

At the end of the motion he said:

“ I end by emphasizing that whatever the fate of this motion, whether the honourable Members opposite oppose it or accept it, it will be on the national agenda from today and it will continue to be on the national agenda until - with help of Almighty God – justice and internal Self-government are brought to the people of Tobago”.

One Tobago Voice now ends its general comment on the JSC Proposals or views on Internal Self-Government of Tobago, by the following five (5) Quotes:

First by President Dwight Eisenhower to Columbia State University sometime in 1950, on the subject or Topic – “World Peace – A Balance Sheet”:

“Out of rubble heaps, willing hands can rebuild a better city, but out of freedom lost, can stem **only** generations of hate and bitter struggle and brutal oppression”.

Second by President Woodrow Wilson who said at the end of World War I:

“No Peace can last which does not recognize and accept the principle, that governments derive **all** their **just** powers from the consent of the governed. The important people are the governed and the wishes of the governed must be listened to”.

Third by John F. Kennedy:

“Freedom is not merely a word or an abstract theory, but the most effective instrument for advancing the welfare of man”.

Fourth by Abraham Lincoln:

“Those who deny freedom to others deserve it not for themselves, and under a just God, cannot long retain it”.

Note Well that if Trinidad does not set Tobago free, Trinidad will not remain free. It is not a threat. It is a statement of fact (spiritual) that would be manifested.

Fifth by John Stuart Mill:

“The only freedom which deserves the name, is that of pursuing our own good, in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it”.

## FINALLY

When Trinidad (and Tobago) pursued its internal self-government from the United Kingdom; discussions were held in London in November 1959 and in Trinidad in June 1960 between the United Kingdom Government and Trinidad and Tobago Government and Opposition. The report of those constitutional discussions contains basically the agreement of Trinidad (Government and Opposition) on what Trinidad wanted to take responsibility for as internal self-government. That agreement was reduced to law, with no changes made to it by the United Kingdom Government, as can be seen in the Trinidad and Tobago (Constitution) Order in Council 1961, made on 26<sup>th</sup> June, 1961. Both documents should be on the Parliament website.

The JSC should note that the United Kingdom Government did not hold consultation(s) with the population of Trinidad and Tobago nor with the population of the United Kingdom as the JSC has done and continues to do; even, after acknowledging the wide and extensive consultation held on the question of Tobago Self-Government culminating in a Resolution of the people of Tobago, as to the issues they consider **fundamental to Democratic Self-Government to Tobago** and matters connected therewith. A copy of the resolution is attached.

The British Colonial Powers did not treat Trinidad that way. They respected your judgement and your decision and provided the appropriate legislation. Why is Tobago treated so differently by Trinidad? Chief Minister Dr. Eric Williams made the following statement in Parliament on Friday 7<sup>th</sup> June, 1957. Hansard Page 1927:  
“Tobago had exchanged the neglect of United Kingdom Imperialism for the neglect of Trinidad Imperialism ..... Tobago had to pay a price for its union with Trinidad which it never ought to have paid”. Tobago is still paying that price and it is time to put this matter to rest.

One Tobago Voice is confident that a resolution of the matter of Democratic Self-Government to Tobago can be arrived at satisfactorily and expeditiously, since Tobago has clearly said what it wants as Democratic Self-Government within the Sovereign Democratic State of Trinidad and Tobago, and since both parties in the Parliament are on record indicating that this is of critical importance for harmonious relationship between the Islands of Tobago and Trinidad in the Sovereign Democratic State of Trinidad and Tobago.

Appropriate legislation should now be drafted and discussed with Tobago and then enacted forthwith to accomplish the deliverables contained herein. Assistance, if required, can be sought from the United Nations, the Commonwealth Secretariat, The Law Schools of the Caribbean.

One Tobago Voice is, and has always been, available to assist.

For and on Behalf of  
ONE TOBAGO VOICE

Hochoy Charles – Chairman.



