



THE UNIVERSITY OF THE WEST INDIES

ST. AUGUSTINE, TRINIDAD AND TOBAGO, WEST INDIES

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3rd May, 2020

The Secretary JSC Constitution (Amd't)(Tobago Self-Government) Bill, 2020
Parliamentary Complex,
Cabildo Building,
St. Vincent Street,
Port-of-Spain

Dear Sir/Madam,

I am writing to you at this time in response to a letter to me dated 23rd April, 2020 from the Chair of the Joint Select Committee, the Honourable Camille Robinson-Regis, MP, that included two attachments, namely (i) The Constitution (Amendment)(Tobago Self-Government) Bill 2020, and (ii) The Tobago Island Government Bill 2021.

I circulated the correspondence received on 23rd April, 2021 with a request for feedback by today's date.

In accordance with your deadline of today's date for the receipt of comments, I am pleased to provide you with my comments for the consideration of the Committee as follows :

1. In the first paragraph of the commentary on The Draft Constitution (Amendment) (Tobago Self-Government) Bill reference is made to "the unitary State of Trinidad and Tobago". This philosophical foundation for the Bill will not guarantee "equality of status between the Island of Tobago and the Island of Trinidad" because such "equality" is supposedly already guaranteed between the two islands in the existing "unitary State". The decision to separate the two Islands within the context of a "unitary State" will create an inequality because different powers will be granted to one Island as opposed to the other in relation to the Central Government which will have jurisdiction over both Islands under the umbrella of the "unitary State". This requires further consideration to ensure that "equality", as intended, can be guaranteed.

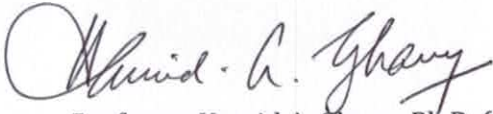
2. In the second paragraph, it is stated that the Preamble of the Constitution of the Republic of Trinidad and Tobago will be amended "to acknowledge the right of the people of Tobago to determine, in Tobago, their political, economic, social and cultural development". In the context of a "unitary State", this is discriminatory to the Island of Trinidad as a "unitary State" is supposed to guarantee to all units of the State equality that is common to all. It is to be hoped that the Constitution will not promote inequality between the constituent units of a "unitary State".

3. The only way that the intention of promoting "equality of status between the Island of Tobago and the Island of Trinidad" may be accomplished is to alter the foundation of the State from a unitary one to a federal one. It is obvious that the unitary state model has failed to provide such equality which has led to the need for such fundamental reform and, therefore, the only other model that can guarantee the desired equality of status, regardless of size, is a federal model.

I shall be pleased to elaborate on this and other related matters in oral testimony before the Committee after it has reviewed submissions made to it, if this is considered desirable.

Thank you for your kind consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hamid A. Ghany". The signature is written in a cursive style with a large initial 'H'.

Professor Hamid A. Ghany, Ph.D. (LSE), CMTT
Director