

Trinidad and Tobago

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Trinidad and Tobago is made up of two primary islands and several smaller ones with a population of just over 1.3 million in 2017. Trinidad is divided into fourteen regional corporations and municipalities with an average population of 92,000. Since 1962, the island of Tobago, with 60,000 inhabitants, has had a differentiated arrangement (Hazel 2005; Ragoonath 1997). Constitutional reforms took place in 1961 and 1976.

Trinidad and Tobago was first a Spanish and then British colony and gained independence in 1962; it became a republic in 1976 but it has remained a member of the British Commonwealth.¹ Prior to 1980, Tobago was governed by a dual system with preponderant authority vested in the central government. A special central ministry, the Ministry of Tobago Affairs (replaced in 1976 by the Central Administrative Services in Tobago), set policy and decided on resource allocation. Tobago had an elected Tobago County Council, which could propose policies but its advice was non-binding and all recurrent and capital works required prior approval and financing from the central government. While this structure was not purely deconcentrated, the predominant role of central government suggests it was closer to deconcentrated than decentralized government.^β

In 1977, the representative for Tobago-East in the national parliament put forth a proposal to develop plans for “internal self-government” on the island, which initiated a multi-year negotiation culminating in the passage of the Tobago House Assembly Act (1980, Act 37).² The Act set up the Tobago House Assembly, which was given responsibility to formulate and implement policy on matters devolved by the minister and as well as responsibility for implementing national policy in Tobago. Few policy tasks were devolved to the Tobago House Assembly and hence the body remained mainly charged with implementation rather than legislation. Moreover, the central government was unresponsive to attempts of the Tobago House Assembly to set up secretaries for daily policy management (Hazel 2005: 8). In all, Tobago House Assembly policy autonomy increased very slowly throughout the period.

The Tobago House of Assembly Act of 1996 (Act 40) replaced Act 37 and considerably deepened self-rule. The Act conferred to the Tobago House Assembly legal identity (Section 5.1), which means that it can conclude contracts nationally and internationally (Section 24.2.c and 24.3). The Assembly has now explicit authority to propose and implement legislation, though each legislative proposal requires the consent of the national parliament. The national cabinet is a gatekeeper because it can refuse to introduce Assembly proposals in the parliament. Tobago laws may not be contrary to any written national law or impose taxation (Section 26.1). So the central

¹ In the 1990s there was a failed attempt to unite Barbados, Trinidad and Tobago, and Guyana in a federation

² The original proposal of the Joint Select Committee called for extensive self-government, but was rejected on the grounds that it threatened the unitary nature of the state. The then Attorney General argued that in seeking internal self-government for Tobago, one was “asking (the) House to preside over the liquidation, or rather the fragmentation and disintegration, of the Republic of Trinidad and Tobago” (quoted in Dumas 2012: 18).

government retains a veto.

The Act divides competences in two categories: a long list of devolved but concurrent competences, which include education, health, land management, infrastructure, agriculture, finance, environmental policy, tourism, customs, and financial accounts related to Assembly activities, as well as a shorter list of exclusively national competences, which include national security, foreign affairs, judiciary, immigration, civil aviation, meteorology, and legal affairs (Section 25.1). The Tobago House Assembly has authority over local government. Residual powers, policing, and institutional set up remain national.

Tobago scores 1 on institutional depth and 0 on policy scope for 1962–79, 2 and 0 for 1980–95, and 2 and 2 from 1996.

For the past decade, comprehensive reform of the Tobago House Assembly has been underway. Support from the central government has ebbed and flowed, but with a Tobagoan Prime Minister since 2015, has picked up steam. As of 2018, a bill is under consideration in the national parliament (Law No. 5) that would create a relationship similar to that formed between Scotland and the UK in 1998, and would create substantial new autonomy for Tobago in self and shared rule, if passed (O'Brien and Gayle 2018).

FISCAL AUTONOMY

The authority to tax is reserved to the central government (C 1976, Art. 63.2). Act 40 of 1996 details criteria that the central government must consider in allocating resources to Tobago (Section 43). Tobago is responsible for collecting taxes in its region and can use these revenues to finance its operations, but it cannot set the rate or base (Hazel 2005: 11).

BORROWING AUTONOMY

Borrowing was prohibited until 1996, when Tobago was allowed to take on debt for investments or for overdraft purposes (Act 40, Section 51). Prior central government approval is required (Hazel 2005: 15).

REPRESENTATION

Under the 1961 constitution Tobago had dual government with executive power in the hands of the central government, and a county assembly that was directly elected but consultative.

The 1980 reform (Act 27) instituted the Tobago House of Assembly. It consisted of twelve directly elected assembly persons, who chose a presiding officer, a chief secretary, and a minority leader. The presiding officer appointed three more assembly persons. There was no independent executive, though the assembly created over the years an internal structure of “secretaries.” Their legal status remained uncertain.^α

The 1996 reform created an executive as well as an assembly. The assembly consists of twelve directly elected members, four councillors appointed by the assembly from outside its ranks—three in accordance with the chief secretary’s advice and one in accordance with the minority leader’s (Act 40 Part II)—and a presiding officer who may or may not be a member of the

assembly. The executive council is headed by the chief secretary and the deputy chief secretary, both elected from among the assembly members. The council can also have no more than seven other secretaries (increased from the original five via the Tobago House of Assembly Amendment Act 17 of 2006). They are selected from among the other assembly members and councillors upon advice of the chief secretary.

Shared rule

LAW MAKING

Neither chamber of the bicameral national parliament is organized on the basis of equal territorial representation. The senate has currently thirty-one members: sixteen senators for the majority appointed on the advice of the prime minister, six senators for the opposition appointed on the advice of the leader of the opposition, and nine independent senators appointed by the president to represent civil society. Tobago has no reserved seats. There are no special provisions that allow the Tobago government to initiate, be consulted, or co-decide national legislation that may affect its territory. If the current constitutional reform proposal were to become law, Tobago would gain shared rule in law making.

EXECUTIVE CONTROL

The 1996 Tobago House of Assembly Act sets out two channels for communication between the Tobago House of Assembly and the central government. Article 30.b stipulates that the chief secretary may, if invited by the prime minister, attend national cabinet meetings (without voting rights) to represent the interest of Tobago in any matter likely to have an adverse effect on Tobago. Article 31 foresees regular meetings between the prime minister and the chief secretary to discuss the affairs in Trinidad and Tobago.^α Since 1996 Tobago has non-binding bilateral executive control.

FISCAL CONTROL

The 1996 Act creates a dispute resolution commission for financial disagreements between the central government and the Tobago House of Assembly. It is composed of equal members from each body. The dispute resolution commission is not a permanent body and holds no regular meetings. It requires action on the part of the central executive to be set in motion, and cannot produce binding decisions.

BORROWING CONTROL

The Tobago government is not routinely consulted on borrowing policy.

CONSTITUTIONAL REFORM

A Tobago-based member of parliament may use the standard legislative procedure to introduce a change to the Tobago statute, but there are no provisions in the Act that grant the Tobago government (or its people) the right to initiate change, compel the national government to consider

amendments, or prevent the central government from amending the Act unilaterally without Tobago consultation. Tobago scores 0 on constitutional reform.

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Self-rule in Trinidad and Tobago

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self- rule
					Assembly	Executive	
Tobago 1962–1979	1	0	0	0	2	0	3
1980–1995	2	0	0	0	2	0	4
1996–2018	2	2	0	1	2	2	9

Shared rule in Trinidad and Tobago

	Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
	L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Tobago 1962–1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1996–2010	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).