

**VERBATIM NOTES OF THE PUBLIC CONSULTATION OF THE JOINT
SELECT COMMITTEE ON THE CONSTITUTION (AMDT.) (TOBAGO
SELF-GOVERNMENT) BILL, 2020 (IN PUBLIC) HELD AT THE VICTOR
E. BRUCE FINANCIAL COMPLEX SCARBOROUGH TOBAGO, ON
SATURDAY MAY 01, 2021, AT 11.10 A.M.**

PRESENT

Mrs. Camille Robinson-Regis	Chairman
Mr. Nigel de Freitas	Member
Mrs. Renuka Sagrarsingh-Sooklal	Member
Dr. Maria Dillon-Remy	Member
Mr. Clarence Rambharat	Member
Mr. Rudranath Indarsingh	Member
Mr. Dinesh Rambally	Member
Mr. Faris Al-Rawi	Member
Ms. Shamfa Cudjoe	Member
Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Keiba Jacob	Assistant Secretary

PUBLIC STAKEHOLDERS

Dr. James Armstrong	Stakeholder
Dr. Denise Tsoiafatt-Angus	Stakeholder
Ms. Janae Campbell	Stakeholder
Ms. Margaret Park	Stakeholder
Ms. Ishla Bedlow	Stakeholder
Ms. Juliet James	Stakeholder
Mr. James Trim	Stakeholder
Mr. Max James	Stakeholder
Ms. Shirley Cooke	Stakeholder

UNREVISED

Ms. Cynthia Alfred	Stakeholder
Mr. Kevern Phillips	Stakeholder
Mr. Anthony Hector	Stakeholder
Ms. Nickocy Phillips	Stakeholder
Mr. Jerron Smith	Stakeholder
Mr. Reginald Vidale	Stakeholder

Madam Chairman: Good morning, ladies and gentlemen. Good morning in particular to the listening and viewing public of Tobago and Trinidad. I want to welcome you to this our second day of consultations on the issue of the work of the Joint Select Committee of the Parliament of Trinidad and Tobago and the Constitution (Amdt.) Tobago Self-Government Bill, 2020. Ladies and gentlemen before you is the Joint Select Committee team. I also want to welcome the team from the CPC and the staff of the Parliament and I want to thank them for their continued support. Let me start by asking members of the Joint Select Committee to introduce themselves and I will start with the members in Trinidad.

[Introductions made]

Madam Chairman: Thank you all very kindly and today we have stakeholders from the public who are here with us and they will be invited to make their comments. But before I invite anyone to make their comments, I would like to just start by reminding you that this is the second day of consultations, and I am obliged to indicate that these are discussions set to deepen Tobago's autonomy within the Constitution of our unitary State and these discussions did not begin today, they started many years ago.

In due course, however, that is to say in 2016 there was a debate in the Tobago House of Assembly on a Draft Bill, to amend the Constitution of Trinidad and Tobago to accord a self-government to Tobago. That Bill was transmitted to

the Cabinet of Trinidad and Tobago. This Cabinet under the leadership of Dr. Keith Rowley, himself a proud Tobagonian, brought the Constitution (Amdt.) Bill to the Parliament in 2018 in order to have the Parliament examine it, and formulate a Bill for debate by the Parliament. The Bill was sent to the Parliament without changes in 2018. This Bill was then sent to a Joint Select Committee in March of that same year. Over the period 2018 and 2019 that Committee called for comments and submissions and held a series of public hearings with stakeholders and experts from Tobago and Trinidad as well as Constitutional experts, other legal experts and other experts from various jurisdictions and also from the United Nations. All with knowledge, expertise and experience in relevant Constitutional matters, and in particular issues relating to internal self-government.

The life of that Committee wound to an end in 2020. Upon the resumption of the new Parliament, the Bill was referred to a new Joint Select Committee in November 2020. This is the Committee that is before you. With the aid of the body of research inherited from the last Committee, the new Joint Select Committee set about its work. This Committee has since circulated our preliminary findings and proposals and the two Bills, which we have produced draft Bills based on our mandate from the Cabinet and from the Parliament to develop and formulate draft legislation.

This Joint Select Committee produced the Constitution (Amdt.) Bill and the Tobago Island Government Bill. We trust that all interested citizens have by now been able to read these draft Bills. Our understanding is that they have been widely circulated, especially in Tobago, but also in Trinidad. It is also our understanding that there have been and continues to be healthy conversations over these draft Bills throughout Tobago. This is all part of the process of lawmaking, especially for legislation that will institute such momentous changes. We welcome and

encourage such exchanges, notwithstanding the fact that many of these conversations stretch beyond our current scope and capacity.

Today, we continue those conversations. Yesterday, we had intense and thought provoking discussions with a number of leaders of Tobago, all ever not evidently passionate, and quite robust, as a Committee, we appreciated one and all. Indeed, yesterday, we the citizens of Trinidad and Tobago would like to a family who shared a house where some members lived upstairs while some lived downstairs this family house. Interestingly, many queried the validity of this perception. You see, there are many citizens who believe that, despite the origins of this union, this union of Trinidad and Tobago is strong and deeply connected. Many citizens believe that the family members who live in that house, which is indeed a blessed home, live side by side today.

Based on the discussions yesterday, we have already flagged areas for review, and we undertake to do so. All of this is part of the mandate assigned to us by the Parliament, as requested by the people after that debate in the THA in 2016 and then by the Cabinet in 2018, which sent, I repeat, the then Bill to the Parliament to be sent to the Joint Select Committee. Where necessary, we will again seek the counsel of eminent Constitutional legal experts. To assist us in this regard, we hope that those who have so far contributed, will send their comments in writing as early as possible.

So, as I said yesterday, this Committee is interested in all comments. This is the process of lawmaking. We assure you that, mindful of our mandate, we will take all comments on board. We have today in this virtual space, several citizens who have registered to make submissions and so we begin, we will begin with the first person who is with us, and I will ask those who are on to introduce

themselves. Thank you very much, ladies and gentlemen and I look forward to a productive day today. I think Mr. Armstrong—Dr. Armstrong—is here with us.

Dr. Armstrong: Are you hearing me Madam Minister?

Madam Chairman: Yes, I am, please introduce yourself and you have the floor.

Dr. Armstrong: Okay. I am James Armstrong, urban and regional planner, Tobagonian, and I had been following the discussions since we started yesterday. Just two quick observations, Madam Chair, Madam Minister. With respect to the boundaries for Tobago, I had some concerns about that discussion yesterday, because I am of the view that if Tobago is going to have responsibility for planning and development in a spatial context, then it is very necessary to clearly define or delineate what is considered to be Tobago in a spatial context. And I have been hearing several definitions being given. I also heard that for the calculation of the allocation from the budget, that the size of the landmass was used. But I want to also point out that there would be a need for management beyond the landmass.

As you are fully aware, Minister, the existing legislation on planning and development includes responsibility for development within the sea or under the sea. And therefore, I am not sure how that is going to work without a very clear definition of the boundaries, not only for the control, or the permitting of development, but also for the management of resources within whatever that jurisdiction is. And therefore, I would appreciate very much if the Committee can really have another look at that and come up with something very definitive and very clear, although I understand the point that you made yesterday, Madam Minister, that this normally would not be delineated within a single state setting. But in this particular case, with the Tobago island government, I think it is very, very important for permitting of development for the management of resources, that needs to be very clear, particularly if Tobago is also going to be responsible

for planning and development. And we need to define what is meant by environment in that context as well. That is my contribution. Madam.

Madam Chairman: Thank you very much and we appreciate that, and I understand what you are saying about the development context and we will examine that. Thank you very much.

Dr. Armstrong: Thank you very much.

Mr. Al-Rawi: Madam Chair, Madam Chair, may I?

Madam Chairman: Yes, go ahead.

Mr. Al-Rawi: Quick response to Dr. Armstrong. First of all, it is very, very good to hear from Dr. Armstrong. Thank you so much for your submission. No stranger to strong submissions in Trinidad and Tobago, having served as an Independent for many years, Independent Senator. Madam Chair, just to let you know that we have looked at this we welcome the suggestion. The Planning and Facilitation Development Bill in co-ordination with the devolution of authorities that are provided for in that structure, coupled with the management of the maritime and other resources, are factors that we have paid attention to. We welcome the submission and will have a further look at it to make sure that we have the i's dotted and t's crossed in line with the comments made by Dr. Armstrong.

Madam Chairman: Thank you member Al-Rawi, in addition to that the delineation can occur within the Planning and Facilitation Act itself because the municipal corporations are defined, thank you very much. Dr. Tsoiafatt? Dr. Tsoiafatt? I understand Dr. Tsoiafatt is in the room, if you can hear us you can have the floor.

Dr. Tsoiafatt-Angus: Good morning, Madam Chairperson, can you hear me now?

Madam Chairman: Yes, very clearly, you have the floor.

Dr. Tsoiafatt-Angus: Thank you. Let me say good morning to other members of Joint Select Committee, other Ministers and the viewing audience, good morning. I am here as a former Presiding Officer and another passionate Tobagonian, wanting to see greater autonomy for Tobago.

Madam Chairperson, the business at hand is a very serious one. It is a dream that has taken forever and a day and has grown into long standing conversations with Tobagonians and spanning over 15 years. Of course, the last five years has been at the level of the Joint Select Committee and five years is a long time and therefore, the effective use of time I will not focus on a preamble—

Madam Chairman:—it just came to the Parliament in 2018 and now it is before a new Joint Select Committee—

Dr. Tsoiafatt-Angus: Okay, yes.

Madam Chairman:—in November 2020.

Dr. Tsoiafatt-Angus: Okay, thank you for the correction

Madam Chairman: And last year was COVID, if you recall so—

Dr. Tsoiafatt-Angus: Right.

Madam Chairman:—November 2020.

Dr. Tsoiafatt-Angus: And we still in COVID?

Madam Chairman: Yes.

Dr. Tsoiafatt-Angus: So, I will go directly to the feedback on the Bills. From my perspective, knowing first hand of all the work that has been done, the involvement of people across Tobago, and various contributions over time, I too, must register my disappointment by the documents presented to me, and like many others Tobagonians had hoped that this would be the final Bill we could be all excited about. Nevertheless, it is important that as many of us as possible, express our

concerns so that we can better appreciate the true desire of Tobagonians and therefore, I thank you for this opportunity today.

I want to go directly to clause 5 and I have to agree with Mr. Charles from yesterday, when he stated that even though it has good intent, it is not fully expressed throughout the document and I would just leave that there. And clause 6, and I, you know, heard Dr. James most eloquently, expressed and articulate his concerns with the clause that we all have problems with, you know, the lack of borders, and being defined is a hard pill to swallow.

Defining Tobago was the doorway for Tobagonians, feeling that we are significant contributors to our own economic development, and even that contributing to the national pie. The questions have been asked, who would have jurisdiction over the marine parks? To whom does the Buccoo Reef now belong? Who will have authority over the reef operators? And, you know, what about the creation of a marina? Where does that fall? These were all areas where Tobago, will, you know, we are looking forward to derive our economic benefits from if it were ever handled well, but with these grey areas of having no borders, I could see where it could be very contentious. The current conversation on the ground among the fisherman is how they are feeling about knowing that they will be fishing in Trinidad waters.

Now, while I understand the Government's predicament, given your interpretation of the international Law of the Sea, well articulated by Minister Al-Rawi, there must be an opportunity for creating and documenting an internal understanding between us and I really applaud you, Madam Chairperson, for suggesting that it can be done because the municipal authorities do have their definitions.

In clause 7—

Madam Chairman: Dr. Tsoiafatt—

Dr. Tsoiafatt-Angus: Yes?

Madam Chairman:—let me indicate that what I said, in terms of it being done, was for it to be done as it relates to the planning and facilitation—

Dr. Tsoiafatt-Angus: Okay.

Madam Chairman:—and that would be in that legislation.

Mr. Al-Rawi: Madam Chair, sorry to interrupt Dr. Tsoiafatt.

Dr. Tsoiafatt-Angus: That is okay.

Madam Chairman: Perhaps the Attorney General—

Dr. Tsoiafatt-Angus: Yes.

Madam Chairman:—can give the clarity, as it relates to the boundaries, because he did that yesterday, and I will ask him to do it again, before you proceed.

Mr. Al-Rawi: Good morning, Dr. Tsoiafatt, so very good to hear from you. Thank you so much.

Dr. Tsoiafatt-Angus: Good morning.

Mr. Al-Rawi: I am sticking this conversation, just at point one. I know you have other points to make, but so that we do not get too far away from point one, if I can just have a small intervention that can perhaps—

Dr. Tsoiafatt Angus: Yes.

Mr. Al-Rawi:—if it is in clarifying this issue. Dr. Tsoiafatt, you have echoed a concern raised by several people, and I think it is a very important one that we understand. First of all, you have made the observation that clauses 4 and 5—clause 4 in the Constitution, which treats with the amendment of the Preamble to the Constitution, and clause 5, which treats—I will come to clause 5 in a second as it does—they all relate to the Tobagonian desire, which joins the Trinidad and Tobago desire for autonomy. Let me make it abundantly clear, the Fourth

Schedule, which sets out the legislative functions of Tobago, combined with the Fifth Schedule, which sets out the administrative functions of Tobago, let us start with that so that Tobago knows what it is dealing with.

First of all, yesterday, pursuant to an observation, we are rechecking the Fifth Schedule. The Fifth Schedule will at the very least include every single function that the Tobago House of Assembly Act had. If there are any variations between the Fifth Schedule now and what the THA Act has, the instruction will be, from the AG's Office, the recommendation will be, include all of the powers that the THA Act had and go further. In other words then, whatever else may be there.

When you look to the Fourth Schedule which is administrative functions, we fully intend that planning and development will be captured, that we will—and it is already captured at No. 13 of the Schedule. We will also be looking at sports and tourism and parks and recreational spaces. When we look to those factors, we will ensure that Tobago therefore has, included in it, its marine parks.

It you look to item 17 of the Fourth Schedule, where Tobago has parks and other places for public recreation, that was not intended to mean only land parks. What we will do, following out of these consultations, is that we will make sure that we get that into better clarity. So the intention is, and the message back, as you give a lovely example of Tobago fishermen—the safety, the function of tourism, the management of marine parks—all of those functions can easily continue to stay in Tobago the same way the Tobago Marine Park Bill has come for consideration now by the national Parliament.

You made a very important point about Tobago fishermen fishing in Tobago's waters. Let us just explain, very carefully, in a very simple way for the listening public, so that we are all clear. The reason why we have not said what is a Tobago water versus a Trinidad water is that if we do that, the advice coming from

the international experts is that we will lose the benefit of an archipelagic State and we would lose the benefits of what we consider to be a unitary State.

If I would just explain that simply, it means this. Trinidad and Tobago is more than just the thing which kicks out of the waters in the two islands. We include, all of the shelf under the water up to a particular distance. In an archipelagic State, what happens is, the boundary is significantly wide underwater. The ratio is approximately 1.4, 1.5 of water to one of island in an archipelagic state. So you could imagine Tobago and Trinidad together, you then go 1.5 times the size of the island, basically, in a ratio or 1.6 times the value, and from there you know how much water you are going to have to constitute your economic exclusive zone tied in to your continental shelf.

The advice which comes from the international expert is, if we were to take the waters of Trinidad and define Trinidad what kicks out of the water and then you add what is underwater, if we were to take that, and then we take the waters of Tobago, what is going to happen is that we are going to drop down to somewhere about 0.4 per cent or the ratio will be 0.4:1. So, what happens is, putting quite simply, the waters shrink upon us. So that is why yesterday when Mr. Farley Augustine raised the issue of Trinidad and Tobago and the necessity for waters, we pointed out to him and we asked him squarely, is it that he wants Tobago and Trinidad to lose roughly about two-thirds of what they could claim under the United Nations Convention on the Law of the Sea? So those ratios are what are at risk right now.

We pointed out that if we were to, until we complete our Shipping Bill, and our Land and Fisheries Management and, very importantly, please to everybody listening, we are right now under the Law of the Sea Convention. We are right now in our economic exclusive zone convention. From an oil and gas perspective the

Republic of Trinidad and Tobago is arguing its claim against Barbados, Grenada, Suriname and Guyana. Those areas around us have the chance, under the Law of the Sea, to take more acreage if we make the mistake at this point in time of saying, this is the island of Tobago and its waters and the island of Trinidad and its waters.

So what the Committee has been advised, and what I very careful to remind of, is that if we make the mistake at this point to define the six-mile boundary or the 12-mile boundary, whether it is nautical miles or otherwise, we are going to have arguments in law where we may very well be giving up something that we do not want to give up right now, because we are in the middle in arbitration and consideration on those issues.

What the Committee has open to itself is the ability to clarify by better intention in the Schedules, Schedules four and five, we can clarify what the particular structures will be in terms of management. Because the fishermen of Trinidad and Tobago want to fish in more acreage rather than less. If we were to go with the Tobago waters and the Trinidad waters, I want to remind this, then we end up in the Brexit problem. In the Brexit problem, the fishermen between Europe and Ireland, not the northern part of it, had a problem as to who was in which waters, how do they count fish. You would have to go into a fishing depot, you would have to track the vessel in Tobago water. You would now have to say, well this has a different tariff in Tobago. It is going to be extremely complicated. It will be “Tobago exit” or “Trexit” whichever way you want to call it, the point is that it will be extremely complicated. We looked at the islands of Saint Kitts and Nevis and other examples, they do not define Nevis waters and St. Kitts waters.

And just to put the ratios on the table, if we did Tobago waters and Trinidad waters, we would fall from our archipelagic waters of 7,200 square kilometres. If

we went to Tobago waters, we would fall down to 3,282 square kilometres. Listen to that difference. We are moving from 7,200 square kilometres to 3,200 square kilometres. That will be a disaster for the Republic of Trinidad and Tobago.

If I could just turn to the last point that you raised, which is a very important point, and this is in relation to the specifics of clauses 4 and 5, I told you I would come back to clause 5, if I could just pull it up here now. Just to make it clear, clause 4 is the preamble of the Constitution, and we are inserting into the preamble the rights to self-determination of Tobago. This takes care of the original historical record which Tobago had, and which it declared when it decided that it would come where they reserved the rights to look at the rights of self-autonomy. So we are going back to the 19th Century discussions and earlier when Tobago had its own Legislature, et cetera.

In section 5, clause 5, we are putting into the Constitution that there shall be equality of the status between the island of Trinidad and the island of Tobago and we say these words: “within the sovereign democratic states of Trinidad and Tobago”. What that means in international law, is that we are a unitary and, therefore, archipelagic State. The minute we deviate from that, we go from 7,200 square kilometres to 3,200 square kilometres, and then the other territories around Trinidad and Tobago have the claim to say, well, you Trinidad and Tobago, you gave up 4,000 square kilometres of your oil and gas rights arguably. And what we as a Committee have to do is to be extremely careful to preserve the maximum benefits for the Republic of Trinidad and Tobago.

So, in summary, we can tighten up the Schedules, ensure that marine parks, planning, et cetera, prevail. The planning aspect is very simple to do, because we have the Planning and Facilitation Development Bill, we have the Urban and Regional Planners Bill, we have the THA model and now the local government

model, so we can deal with planning, no problem, Dr. Armstrong's observations can be dealt with. But, this point, the question for Tobago is, the question for Trinidad is: Do you want to go from 7,200 square kilometres to 3,200 square kilometres by saying Tobago wants its own waters and Trinidad wants its own waters? Madam Chair, I have tried to be as clear as I could and I thank Dr. Tsoiafatt for allowing me to intervene on point one of her submission.

Madam Chairman: Thank you very much, AG, and I thank you for being so clear, especially as I know that today you will have to be in and out and would not be with us for the entire day. So, thank you very much for that and I hope that the listening and viewing audience and Dr. Tsoiafatt-Angus was able to benefit from what you were able to tell us. Thank you very much. Dr. Tsoiafatt-Angus, you still have the floor.

Mr. Al-Rawi: If Dr. Tsoiafatt-Angus could just check whether she is muted or not?

Madam Chairman: Dr. Tsoiafatt-Angus, are you hearing us? She is trying to connect? Okay.

Dr. Tsoiafatt-Angus: Sorry about that. This technology we are still getting used to. So, Minister Al-Rawi, I want to thank you for that, bringing clarity and yes, we appreciate your challenges and the Government's challenges in dealing with this issue but, at the same time, we look forward to some type of definition, whether it is in the Schedules like you suggested, that will bring, you know, clarity as to how we better operate within the space. So thanks for that.

I move on the clause 7, where it suggests that wherever the word "Parliament" is seen the equivalent "Tobago Legislature" should be used. However, throughout the document, there are inconsistencies with using "Tobago Legislature" interchangeably with "House of Assembly" and sometimes even

“Tobago House of Assembly”. So, I think this needs to be addressed. One such example is at the bottom of page 6, clause 10(d).

I want to move directly into, perhaps, no. And, you know, Minister Al-Rawi, you made the statement that you are currently looking at the Fifth and Fourth Schedules and, perhaps, it has saved me going through the extensive discussions on that area, which I wanted to do lower down. But since you have brought it up, I would like to suggest, since there are that many, would the Government consider the original submission to them stating that, you know, if the Government is defined as to its responsibilities, then we can say, in the Tobago context, that anything outside of the Government’s responsibilities where Tobago is concerned, is the responsibility of Tobago? And, therefore, that should capture, you know, everything that we should be responsible for on the island. So, I certainly hope that is one consideration.

Mr. Al-Rawi: Madam Chair, could I before—sorry to interrupt you, Dr. Tsoiafatt-Angus—if I could just address that concern, because it was also raised yesterday. The reason why we went with the Saint Kitts and Nevis model, which is to be found elsewhere Commonwealth as well, is that it really is a much clearer and precise concept of law to define what Tobago has full autonomy for because of the conflicts of laws consideration. So, if look at the bodies of the law of the Republic of Trinidad and Tobago, and then you were to try and amend every single one of those laws to say this is what central governments alone can do, it is an almost never-ending process against saying, this is what Tobago has full and complete autonomy for.

The reason why this method was adopted is that the litigation coming out of the conflicts of laws in states where there is autonomy such as this, demonstrates that it is by far a more certain and specific area of identification to do it the way

this Bill proposes now. So it was not lightly undertaken to elect this model. It was done out of the, how will the law be operationalized position. And this is very, very, important because there is a principle in law that law must be specific and clear for it to withstand constitutionality. If a law is unclear, it is likely to fall into unconstitutionality and has the potential to be struck down for lack of specificity and clarity. So that is the reason why this methodology was approached.

Dr. Tsoiafatt-Angus: Correct. But just to—Minister Al-Rawi, I was referring to the Fifth Schedule in terms of administering. I know that is different from Fourth Schedule which treats with the law-making powers. But I am saying, if we are to administer, why not consider the areas where, you know, it is clear Trinidad will administer over those areas and that the rest of the administrative powers will go to Tobago?

Mr. Al-Rawi: Quick answer to that.

Dr. Tsoiafatt-Angus: Yes, I agree with delineating the boundaries of what we are responsible for in the law. So, currently, you know, with the Fourth Schedule—

Mr. Al-Rawi: Quick answer—

Dr. Tsoiafatt-Angus: Yes.

Mr. Al-Rawi:—we had THA litigation, if you recall. There were several times in the history—in fact, between 2010 to 2015, we had litigation on the Milshirv aspect, if you recall.

Dr. Tsoiafatt-Angus: Yes.

Mr. Al-Rawi: And what happened there was, there was testing in the court as to what is the autonomy of the THA. And, therefore, it became settled, when we looked at it using what works well for us, the THA model has worked exceptionally well for Tobago, and the certainty of law worked well for Tobago. So what we ought to do, is to expand the administrative function, for instance,

marine parks ought to be spelled out in addition to parks, so that we are aware of these aspects.

So the reason we went for the Fifth Schedule—and thank you for clarifying—being as specific as it is, to say what Tobago has exclusive autonomy for, is because we have precedence in the courts that tell us, do not touch that area, because you have to go to Tobago and it has exclusive administration for that area.

Dr. Tsoiafatt-Angus: Okay. But I welcome that you will be—yes.

Madam Chairman: Can I just also add that we will look at the possibility of also doing an exceptions list. That was raised and it is something that we will examine.

Dr. Tsoiafatt-Angus: Thank you.

Madam Chairman: So that that will be taken into consideration. What you are asking will be taken into consideration and we will raise it. We will look at it, as a Committee.

Dr. Tsoiafatt-Angus: Thank you. And also, the few items that have been left off of the, I guess, the Tobago law making, like education and health, I hope those areas would also be looked at.

Madam Chairman: Yes, we will.

Dr. Tsoiafatt-Angus: Okay. One other area. I know that Minister Al-Rawi may be leaving us, I want to really draw reference to the infrastructure, including air and sea transportation, the wharves and airports and public utilities, which was under our Fifth Schedule of the current Act. Where would that stand in the new?

Madam Chairman: Yesterday, that was raised and it is an area that we will look at. What we intend to do is look at the current Act 40. We are going to look at that, look at what we have, because we did look at that previously in order to come up with the draft. But we will look at it again and see what we need to do to make sure that we capture everything that needs to be captured.

Dr. Tsoiafatt-Angus: Thank you.

Madam Chairman: You are most welcome.

Dr. Tsoiafatt-Angus: Okay. I will move on to clause 11, which deals with the executive powers, and I think everybody will rejoice at the removal of section 75(1) to be repealed. But, you know, I still feel that the language of authority over Tobago is still present with the phrase, regarding the Fifth Schedule:

“...unless there is an emergency or unforeseen circumstance...:

You know, there is the saying that laws are often made in good times, but must be applicable to bad times, and I think leaving that there without some clarity may lend itself to abuse, you know, if not clearly defined for the future.

But I would like to suggest that, you know, emergencies and unforeseen circumstances, most likely, will have an economic impact and, therefore, any such situation, most likely, natural disasters, can be dealt with through the Fiscal Review Committee. If there is a coup on the island, that is another definitely unforeseen circumstance and emergency, then that is a matter for national security, which is the responsibility of the Government, anyway. So, the question is, do we really need that statement in clause 11 or “any unforeseen emergency” can be dealt with in any other area of the body of this document?

Mr. Al-Rawi: Madam Chair, could I intervene here? May I?

Madam Chairman: Go ahead, Member Al-Rawi.

Mr. Al-Rawi: Thank you. Dr. Tsoiafatt-Angus, thank you again. You are raising a very important consideration. The consideration that is afoot right now is section 75 of the Constitution is that section which gives the general authority to a Cabinet to engage in certain functions. What we are doing is we are splitting. So section 53 of the Constitution is where you have law-making powers. We have now said, let us amend 53 so that Tobago has law-making powers. The other critical provision

in the Constitution that must be amended now is the Cabinet authority. Section 75 is where the Cabinet would have general instructions and management of Trinidad and Tobago. We have now split that to say, Tobago has its own effective control and Trinidad does now.

Why did we put the exemptions for emergencies? The reason is that, in emergencies, the Cabinet of the Republic of Trinidad and Tobago has that emergency override, temporarily, and let me explain why. An emergency only lasts as long as the beginning of the emergency. So, for example, under the Public Health Regulations, which we do overnight, I amended, by way of instruction of the Cabinet, in an emergency setting yesterday, I amended the Public Health Regulations at close to midnight last night. It may mean that you are called, from time to time, to have immediate interventions and that you do not have the authority to reach out. If we did not put the override, it means that an emergency could pass you by in circumstances where you could not reach your counterparts in Tobago for one reason or the other.

Currently, a Cabinet is comprised and, in law, of the Prime Minister and the Attorney General. It does not include everybody in the Cabinet, simply because there may be circumstances well understood in law, in the history of laws, because you want a bare minimum in absolute cases of emergency. In the example of the United States, et cetera, that is why the President of the United States has Executive authority to flip the switch, to launch the nuclear codes. There are circumstances where you have an absolute emergency to act upon, and then the general consensus of everybody being involved, becomes a problem.

If we do not have that exemption, it means that the law or the action which is taken, may be viewed to be unconstitutional or ultra vires, meaning, outside of law-making capacity, in which case, all consequences that flow from the decision,

will be open to suit and suit means damages and destruction of the national structure and economy. So this override would only prevail in emergency cases, but an emergency does not continue for the entire time of the event. The minute you have the opportunity to contact others, the emergency inclusion begins to dissipate. I hope I have lent some clarity in that regard.

Mr. de Freitas: But, Madam Chair, let me just add to what—

Dr. Tsoiafatt-Angus: Thank you, Minister Al-Rawi.

Mr. de Freitas:—the AG is saying, because we had this discussion yesterday as well, and just for the clarification of Dr. Angus, Tobago has its own Emergency Management Authority, and I think what was being raised yesterday was, who determines what is an emergency, so that this override kicks in, and the intention was never that anybody can just jump up and define what an emergency is and, therefore, that scapegoat clause comes in. The fact is, Tobago does have its own Emergency Management Authority, and as much as what the AG is saying, it is envisioned that a situation where such an emergency management authority cannot, for lack of a better phrase, handle the emergency that is now facing them, that some outside intervention needs to take place to assist and I used the example yesterday of a hurricane passing and flattening Tobago in its entirety. Well then, obviously, your Emergency Management Authority would not be able to function in a situation like that. And as the AG rightly stated, it is not for the entirety of the emergency, but the beginning parts where you would need assistance from outside to come in and get you operational again. And so, that was the intention. But, obviously, if it needed to be worded differently to sort of say that, then we can definitely take a look at that, Dr. Angus.

Dr. Tsoiafatt-Angus: Thank you. Madam Chairperson, sorry.

Madam Chairman: Go ahead, Dr. Angus.

Dr. Tsoiafatt-Angus: And, yes, perhaps it is something that we need to look at, because like you said, you know, it has been a recurring decimal, so to speak, with various submissions. So, perhaps, it is something that we can look at, but I understand what, you know, the explanations that you all have given.

So, we move to clause 18, you know, in keeping with the United Nations, and clause 18 deals with the Tobago Legislature. In keeping with the United Nations Sustainable Development Goal No. 5, I would like to see the replacement of “Assemblyman” with “Member of the Assembly” or “Assembly Member” or “Legislative Member” and wherever possible to apply neutral terms throughout the Bill.

Madam Chairman: Yeah, sure.

Dr. Tsoiafatt-Angus: Thanks. Now, clause 18, also deals with constituting the House of Assembly, which shall begin with the election of a person to be the Presiding Officer. And I would like to—and also the fact that you do have the House as to how it is actually comprised, given the premier and the deputy premier and 15—I think 15 representatives, 10 additional councillors and your Presiding Officer and, of course, the Tobago Legislature now has the President. You know, I live through the all 12, and I was part of the all 12 in the House of Assembly back in 2013, and three seats are not that far off from 12.

As a former Presiding Officer, I know the value of ensuring that we have the level of oversight and conversation that could occur from two sides, and now we will even have independent voices, and I am wondering whether the current construct will guarantee that we will have that level of oversight or, perhaps, we need to consider challenging the House of Assembly that once it gets started, that you are giving five spots. They will then determine the process and the vehicle by which to fill those spots, but those spots should be guaranteed to youth and civil

society and, in some way, coming up with a vehicle to bring those in. And that way we can ensure—and those are definitely, they have nothing to do with administration or party—and that way we will always ensure that regardless of what happens at the polls that we will have some voices that will not be always along party lines or the majority, and that you also have representation from youth, not just one person, but significant representation from youth in the Tobago laws that we will be drafting that would not just be about us today, but for the youth of tomorrow and also civil society.

So I am challenging that there is some way that we can put those five availability spots and challenge the new House that, in their first six months, that they come up with a process and a vehicle to, you know, fill those spots that will be a standing procedure, over time, in now having a complete House.

Madam Chairman: Dr. Tsoiafatt-Angus, let me just indicate that what we saw taking place in Grenada—I am going to use Grenada as the example, where all 12 seats went to one party. I think Grenada may have more than 12 seats—where all seats went to one party. The Grenada Legislature passed a law where they now can co-opt civil society to do that oversight of the government. So that is quite, you know, quite possible. So it is something that the Assembly itself, the Legislature itself can do, because they would be able to make laws.

Dr. Tsoiafatt-Angus: Yes, and I certainly would hope that they would be considered.

Madam Chairman: And I just want to stress that it is for the oversight. So it is to work with the Committees, because remember we have indicated that the new Legislature would have a committee system, and when you build out that system you can add something of that nature.

Dr. Tsoiafatt-Angus: But, you know, I was considering going further than just the

committee system that they would also be part of the House and the debates in terms of, you know, delivering on whatever laws that we may be having that they are constantly part of the House.

Madam Chairman: I understand what you are saying but I am just explaining to you what is a possibility, what is a possible system because—

Dr. Tsoiafatt-Angus: Thank you.

Madam Chairman:—the oversight is really done through the committee system. Okay?

Dr. Tsoiafatt-Angus: Okay.

Madam Chairman: Thank you.

Dr. Tsoiafatt-Angus: I hope that it is really considered. Thank you. In addition to that, I believe, in moving on to clause 19, the composition of the mediation committee, and I think everyone so far has weighed in that—and I too would like to weigh in that I think that can be a bit counterproductive, the way it is, you know, suggested to be created. And I would like to suggest perhaps an independent body to chair this committee and it should comprise equal attendance from both Cabinet and Executive Council, and, you know, this is an area where we can have equality at the table in defending positions as part of this dispute.

We hope that it would not always get to that level but at least it is a way out where persons can feel comfortable that this is, you know, an independent mediator mediating for both sides.

Madam Chairman: This has come to the attention of the Committee and we have undertaken to look at it again.

Dr. Tsoiafatt-Angus: Thank you. I believe we spoke about the schedules before but I would not go into it much, but I have to ask, we spoke about cemeteries but a crematorium was not mentioned, so hopefully that could be added to the review. I

have one question concerning making laws for persons who are not citizens, and to me that seems to be a grey area as we are not responsible for immigration matters, so I do not know whether that needs to be looked at in terms of whether we really would have jurisdiction to make laws for persons who are non-citizens on the island since it may cross over into immigration areas.

Madam Chairman: Well, as we have indicated, foreign affairs, National Security, including Immigration, will remain the purview of the national Parliament.

Dr. Tsoiafatt-Angus: Yes. Correct. And what I was noting is that on the Fourth Schedule you actually have it there.

Madam Chairman: At 11?

Dr. Tsoiafatt-Angus: Yes.

Madam Chairman: Employment of persons who are not citizens.

Dr. Tsoiafatt-Angus: Correct, and making laws for that. So I just wondered, you know, that grey area, how it would work with us. But it is something that you all can look at if you think it can work, of course we would love to make laws for them but perhaps it is an area that could be examined.

Noting clause 12(6), regarding the Presiding Officer and the—I guess the Secretaries in terms of their functions and remuneration, and in that clause it implies that the Presiding Officer is a full-time position, unlike the Speaker in Parliament, and therefore I feel there is an opportunity to create an independent legislature; a pathway that has been well ventilated by parliaments worldwide, and perhaps some consideration could be given to starting it because, you know, the role of the Presiding Officer is already full-time but the mere fact that, you know, you cannot work anywhere else, you cannot engage in any other trade. So it must mean it is a full-time position and maybe this is opportunity to maybe have a pilot as to how an independent legislature can work as part of a smaller legislature and

that may lead to, you know, groundbreaking for the Parliament of Trinidad and Tobago to actually have what they also want, which is to have some level of parliamentary legislative independence.

I am also requesting more clarity on the direction of the Tobago Legislature in relation between the Presiding Officer and the Clerk as similarly outlined for a Secretary to a Division and administrator, and we can find that in terms of clause 20 would refer to that. Madam Chairperson, while more than 6.8 per cent was expected and definitely will be needed for Tobago to accelerate its development, I appreciate that no ceiling has been put in place, and I applaud that, and therefore there is an opportunity for the FRC to recommend increases as required.

In clause 23, while I understand the role and functions of the Fiscal Review Committee, I still believe there is a role for the Dispute Resolution Commission and that the composition and the role of the DRC should be adopted from the current THA Act to ensure that there is a space with an independent chair to resolve our financial disputes. As such—

Madam Chairman: That matter will be re-examined because it has been raised by other stakeholders and we appreciate that.

Dr. Tsoiafatt-Angus: Yes.

Madam Chairman: So it will be re-examined. Let me just bring you back to clause 12 where you talked about the independent Presiding Officer and so on, those are issues that would have to be dealt with by the SRC, issues of salary, issues of how the position is viewed. And so we understand the importance and we will bring that to the attention because we have had some discussions.

Dr. Tsoiafatt-Angus: Madam Chairperson, by the mere fact that you are putting into law that the Presiding Officer nor Secretaries can engage in any other business nor any other trade, it is very clear that it must be a full-time position. I do not

think that, you know—

Madam Chairman: Yes. So in terms of the issue of salaries, allowances and so on, those are issues that will be dealt with there.

Dr. Tsoiafatt-Angus: Yes.

Madam Chairman: But we recognize the importance of the position and so we will try to ensure that the significance of the position is maintained in whatever way produced.

Dr. Tsoiafatt-Angus: Thank you.

Madam Chairman: You are welcome.

Dr. Tsoiafatt-Angus: In clause 24, although it has been implied, I think, you know, it should be clearly outlined how Tobago gets its allocation from Trinidad and in keeping with the quality statement to be written as perhaps the 6.8 per cent lump sum at the beginning of the financial year.

Madam Chairman: Yes. That was raised and we will look at if that needs to be included.

Dr. Tsoiafatt-Angus: Thank you. Clause 28, in consideration of receiving—and this has to do with borrowing, and in consideration of receiving approval from the Minister for borrowing, I would like to suggest that a ceiling formula is developed for borrowing where the Tobago island Government would only require approval from the House of Assembly to borrow up to that ceiling and not the Minister. And anything above the derived formula, that formula, any loan above that amount would then require the approval of the Minister of Finance and it could even be done through the FRC. And I hope that this is something that would be seriously considered, you know, in terms of just coming up with that formula and saying, you know, below this level the Assembly can borrow. Once you begin going above that level you have to get the approval of the Minister.

Madam Chairperson, about three years ago I met with a Wales representative to the United Kingdom Parliament who told me that autonomy is a journey of many steps. They did not get to where they were with one pass through Parliament, so his suggestion was, get as much as you can get for the current step and know that in the near future the process for greater autonomy starts. So while we set about making these laws in good times so we can survive in bad times, it is important to nurture relationships and foster teamwork to create harmony for the overall good. I must admit, my initial disappointment has been converted somewhat to hope and a bit of excitement given the flexible approach that has been offered to us with, you know, you all being able to accept our recommendations and even, you know, indicate to us that you have already started the research overnight.

I therefore wish to express many thanks to the Committee for your contribution, patience and dedication throughout this process. Your job is by no means an easy one. I know that you would be judged for years to come based on your decisions and actions after this process is completed. Tobagonians will be eagerly awaiting the outcome and I certainly hope that the harmonious process to date will be continued to the end. I wish to thank all the persons who were open to frank discussions with me on this topic which allowed me to have a better appreciation of the road Tobagonians want to take at this time.

At the end of the day we do have options and every one of them will have consequences. We have to determine what we are prepared to live with once these decisions are made. I am therefore calling on everyone to get involved and send your views to the Parliament any way you can. This is not and should not be a party issue but an issue for everyone to get involved with. This is a Tobago issue.

Madam Chairman: Thank you very much for your participation, Dr.

Tsoiafatt-Angus.

Dr. Tsoiafatt-Angus: Madam Chairperson, I just—Madam Chairperson, I just wanted to say—

Madam Chairman: Oh, sorry, sorry. I thought you were finished.

Dr. Tsoiafatt-Angus: Yeah.

Madam Chairman: Sorry.

Dr. Tsoiafatt-Angus:—that as a former Presiding Officer, I know first-hand that the Parliament of Trinidad and Tobago is seen as the leader of parliaments around the region by your bold and innovative changes you have made within the Parliament of Trinidad and Tobago. And therefore on behalf of Tobagonians, I say that we are not asking you to break any law but to set new standards and shape the law to meet our expectations. We are not self-seeking and selfish enough to have the country experience loss, but we are determined that both islands must prosper.

We are not a proud people but we want to feel joy about who we are, where we live and who we are becoming, side by side we will stand. So as I close, Madam Chairperson, Tobago challenges this Committee to innovate with the rules such that those same experts of yesteryear will now be seeking you as the new experts to guide them to their next level in the upgrade of their own autonomy. So I say thank you again to the Committee, Madam Chairperson.

Madam Chairman: Thank you very much for your contribution, Dr. Tsoiafatt-Angus, and we are as passionate as you are to make sure that we bring for Tobago the best legislation to achieve what is necessary to be achieved. Thank you very much.

Dr. Tsoiafatt-Angus: You are welcome.

Madam Chairman: We have Ms. Campbell who is waiting to come in. Ms. Campbell, please take the floor.

Ms. Campbell: Just to clarify, are you referring to Janae Campbell?

Madam Chairman: Yes.

Ms. Campbell: All right. So I am here to represent the Tobago Youth Council as President and I would just like to express that it is my esteemed privilege to be a part of this consultation process. So my contribution would just be pretty much brief. Overall, I do not really have much contention with the Bill presented, you know, we as Tobagonians can be a little bit more considerate and try to, you know, exercise a little tact and understanding. However, my main concern, as with many other Tobagonians, is with the 6.8 per cent allocation. And as a Tobago youth, 18 years of age, President of the Tobago Youth Council, I would just like to express my sentiments in saying that I think that that is an insufficient amount to really transform the island.

I know that the present draft Bill stated that, you know, persons can advocate in each financial year for this figure to be increased but I think if we are setting a precedent, I think we should set it high. And, you know, as I look at the political landscape I see persons argue that, well, you know, Tobago's population is just a mere 60—well, just 60,000 approximately, which just represents a small percentage of the total population of Trinidad and Tobago. But while I understand that, I would just like to argue that Tobago should not just be considered by its population. When you think of the country, we are speaking about Trinidad and Tobago and Tobago should not be seen as a dependent.

So as a proud Tobagonian I have problems with, “Well, Tobago should be allocated this amount of money from Trinidad”, you know, it is one country and I believe that the idea of Tobago being lesser is a colonial mindset. And I am in no way trying to impute improper motives by saying that that is the perception of this Parliament, I am just saying that this is something that we need to take into

consideration, because we all know that if we compare the development of Trinidad and Tobago we would recognize that Tobago is far behind. So if we really want to advance our development, if we want Tobago to really begin meeting the needs of international market, if we really want Tobago to raise our standard, then I think that 6.8 per cent minimum would not work, especially considering the fact that we are far behind.

Additionally, in the Fifth Schedule it stated that we would not have control over meteorology and I am also thinking that that is something that can be reconsidered because as a young person opportunities are very rare in Tobago, especially those kinds of opportunities. And many of us yearn for these opportunities whereby persons can actually study these fields and actually gain employment over here, and that all goes hand in hand with really developing Tobago. Right? So I am just suggesting that these matters could be reconsidered to ensure that Tobago has its fair share and Tobago is really advancing in the way that it should, and that is all.

Madam Chairman: Thank you very much, Ms. Campbell. I can see you are very passionate about Trinidad and Tobago and I appreciate that. I wanted to just allay your fears, when we say that meteorological services would not be under the jurisdiction of the administration of Tobago, it is just because that is a national service; meteorology is national in scope, so that is the only reason. It does not mean that you cannot go and study meteorology or get a job in that service, but it is just that it is national in scope. So it is something that would not be for Tobago alone. But we have heard what you had to say and we appreciate you being so passionate about what you had to say. Thank you very much for that. Thank you for your intervention.

Mrs. Sagrarsingh-Sooklal: Madam Chair, before we proceed, I would just like

to express how very impressed I was by Ms. Campbell and more so young people's participation in this consultation and recognizing how important the youths' voices are in the drafting of this legislation. So I just want the record to reflect how very, very much, as a relatively younger parliamentarian, how very impressed I was with Ms. Campbell and her team of course in recognizing the responsibility that the young voices play in the drafting of this legislation. And Ms. Campbell, as one of the younger members of this Committee, you can rest assure that the voices of the youths are being heard and considered in the drafting of this legislation. So thank you, Madam Chair.

Madam Chairman: You are very welcome.

Mr. Cummings: Madam Chair—

Madam Chairman: Member Cummings.

Mr. Cummings: Yes, Madam Chair, I want to join with my colleague in commending the representative, Ms. Campbell, from the Tobago Youth Council. She was very clear on her points. She was very articulate and I want to also give her the assurance that this Committee considers, very seriously, all the comments coming forward and we will be taking on board the comments coming from Ms. Campbell and the Tobago Youth Council.

Ms. Cudjoe: Madam Chair, as a former President of the Tobago Youth Council, I want to commend and congratulate Ms. Campbell. I think that the future of Tobago and the young people in Tobago are certainly in good hands. I feel very pleased and very proud by your presentation today, so congratulations to you and the rest of the team at the Tobago Youth Council.

Madam Chairman: Thank you very much. As a former youth, I want to congratulate Ms. Campbell—[*Member laughs*—]as a former youth. All right. Now, I understand Margaret Parks is waiting to come in. Ms. Parks?

Ms. Parks: Yes, Chairman, I am here.

Madam Chairman: Thank you. You have the floor.

Ms. Parks: I do not know what is going on with my camera.

Madam Chairman: That is okay but we can hear you.

Ms. Parks: It is afternoon already. Good afternoon, ladies—honourable ladies and gentlemen of the Joint Select Committee of the Parliament of Trinidad and Tobago. The host has asked me to start my video. We are already there—oh, yes, thank you. I am very happy and grateful to you—

Madam Chairman: All right, we are seeing you. We are seeing you. We are seeing you so go ahead.

Ms. Parks: Okay. I am not very technology-oriented so you have to excuse me a little bit. Yes, I was saying that I am very 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 the future of Tobago. Now after carefully perusing the documents from the JSC, I respectfully wish to submit the following comments on the Bills. I also took, during the perusal of those Bills—I took into consideration the amendment Bills that were submitted in 2016. And before I address specific areas of the Bills, I just wanted to make a few preliminary comments and one of which I think Dr. Angus mentioned, and that has to do with the gender bias in the Constitution.

There needs to be a significant effort made to review the entire Constitution of the Republic of Trinidad and Tobago and the use of gender bias in the document. The male gender pervades throughout that document and can even be found in the current draft. 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 as “he”

and “him”. Our draft Constitution has and still cause the Members of the Tobago Legislature Assemblymen, so I am hoping that somewhere along the line, probably at the end of your consultations you all will have a look at that whole issue of gender as it relates to the laws and the Constitution of Trinidad and Tobago.

I just need to give a little clarity on who Margaret Parks is. I was a part of the initial—the first group of Tobagonians under the aegis of the Calder Hall Accord that set out to find what Tobagonians wanted for their island. It now pains me to see what is being offered to us as autonomy or self-government. In our journey around the island our group found that the majority of persons with whom we interacted had a preference for a federal federation of the two islands. The Constitution (Amdt.) (Tobago Self-Government) Bill and the Tobago island Government Bill however did not go that route. Even so what is being offered to Tobagonians differ significantly from that which was sent to the Parliament from Tobago in 2016. And that is thanks to the JSC because I believe that you all had that Bill as you looked into what you could take out of it to give Tobago what it wants.

I must point out, however, that it is very important for us as Tobagonians to know our history. I think many of us do not know our history and because of some of the things that are happening now, we need to get back to that. We do not know—when we do not know we will not let ourselves be bullied by any “Johnny-come-lately” who wants to shove things down our throat; most if all of us have grown up hearing about our island being labelled as a ward of Trinidad and are therefore subject to the colonial mentality that Tobago is a poor, undeveloped island incapable of supporting itself and waiting on the handout from the colonial master that replaced the British. So to think of having autonomy and self-determination may be alien to them but not to those who know the history of

Tobago to have autonomy, self-determination. It must be free from external control and have its own statehood in Government.

Let me say up front that I am not happy with what is before us in this Bill. I recognize that it requires a three-quarters majority in the House of Representatives and a two-thirds majority in the Senate to pass into law. There are, however, some things that need to be adjusted or changed before I can give it my support.

I will not go through the specific areas clause by clause but I have pulled out a few of the things that jumped out at me when I looked at the Bills. One is the definition of Tobago. Unfortunately, I did not hear the presentations that went yesterday and I have heard those that went today. I listened carefully to the AG but I will still say what I have to say with regard to that.

Madam Chairman: Ms. Parks, we did cover that area and I understand that you heard what the AG said, and I know he more or less said what he said yesterday. So if you want to move on to another point, we would be very happy for that. We have about 15 other people who want to participate.

Ms. Parks: All right. Okay. I will speed it up.

Madam Chairman: Thank you.

Ms. Parks: You indicated that the Planning and Development Act would indicate some issues relating to the definition? Did I hear you say that?

Madam Chairman: I said that that was a possibility.

Ms. Parks: Okay.

Madam Chairman: Okay? So we can move on from the definition.

Ms. Parks: Okay, just give me a second. When I went through the document, and I know we all know that there is a stalemate now with the current Tobago House of

Assembly, where there is no mechanism in the law, or so they say, for breaking a tie, 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. There are more than two political parties or independent candidates in a race. If that happens, there could still be a possibility of a tie. And I am thinking that we should not let it happen, as happened in the previous THA Act, that we do not foresee a tie. We should foresee a tie, even if it does not occur and we should put something in place, should it occur.

Madam Chairman: Let me just indicate that the legislation that will be dealt with by the Parliament would not be able to do that. What we would do is ensure that the legislature, the Tobago island government legislature, has the power in order to put Standing Orders in place that will deal with that situation. So it will not be one of the clauses in the Bills that are before us. It will be dealt with through the Standing Orders. As you know, the national Parliament has Standing Orders that deal with all those kinds of issues. So it would be a similar kind of set up with the Standing Orders of the legislature for the Tobago island.

Ms. Parks: Okay. Thanks for the clarification.

Madam Chairman: You are welcome.

Ms. Parks: The other issue that I want to talk about is the size of the Tobago legislature. In my opinion, the one that is being proposed is much too large. There is a proposal of 26 persons, 15 of whom are elected, and I think the other one—10 are councillors and one is the Presiding Officer. It crossed my mind, in the current position, I am wondering where are they going to put these 26 persons? They would have to get a new House of Assembly building, I suspect. And then, we would lose some of the historical impact that is currently in that area.

I would like to propose, not 15 Assembly persons, but 13. I will also like to

propose five councillors instead of 10; three for the majority and two for the minority. No councillors should be appointed by the President. I have heard of the reasons why they think the President should be able to appoint councillors to the Tobago House of Assembly, and I sort of understand that, but I would like to see us keep the President away from politics, whoever he or she may be. Because, if you recall, the President is usually nominated by the House of Representatives, the party in governance there, and usually the majority vote carries, and that President may or may not be beholden to whoever political party that has elevated them.

Madam Chairman: So, Ms. Parks, let me just indicate that the function of electing the President is merely that. It is a function. And after that, the President does not operate in a political way. The President is apolitical and the President is the President of Trinidad and Tobago. Let me also indicate that in the Parliament, in the Senate, as you well know, the Independent Senators are selected by the President in his or her own discretion, so there is no political interference. So let us not draw the President into this, please, because the President is apolitical.

Ms. Parks: Thank you, Madam Chairman, I hear you. But remember what I stated initially, is that the recommendation for the Constitution of the Tobago legislature has too many persons.

Madam Chairman: Okay. We heard that. So if you want to go on to your next point?

Ms. Parks: I was merely suggesting one of the ways that we could reduce those numbers.

Madam Chairman: Understood. Thank you.

Ms. Parks: I believe that we should do more with less and not create just jobs for the boys. There is too much money that will be going into salaries and perks and not enough for development. I am hearing 6.8 and I am hearing, “Oh that may not

be enough”, and there is already this feeling in some parts of the national community that Tobago gets too much of what belongs to Trinidad. That is why I will go back, it is important that we properly define Tobago and give Tobago all the benefits of what its maritime boundaries permit.

We should really educate our population as to what delineates Tobago from Trinidad, and what Tobago brings to the economy of Trinidad. So I am saying that to say, we are not supposed to be adding people, people, people, and I have already found that Bill has so many new things, all of which will call for money, and then we will get another story about how much money has gone to Tobago, and why and how. I am almost finished.

Madam Chairman: Ms. Parks, let me just remind you that the money that you are talking about is not Trinidad’s money or Tobago’s money. It is the money that belongs to the Republic of Trinidad and Tobago. So it is not a question of Trinidad’s money and Tobago’s money. It is our money.

Ms. Parks: I hear you, Madam Chair, but I am just repeating some of the things that have been said in the wider national community about the allocations that are being made out of the national budget to Tobago. I know it is Trinidad and Tobago’s money, but I am trying to find a way that in terms of the filling of all these various positions, not only the Assemblymen and the councillors and the whatever, but in the Bill there are several other areas that the House of Assembly or the Tobago legislature will now have responsibility for, and those consist of people. And I am saying, I heard someone say, I cannot remember which one, that 6.8 may not be enough. We need money for development and to bring Tobago out of its current position, and that is all I am saying.

Madam Chairman: Okay. All right. You want to move on? Thank you. Understood.

Ms. Parks: Yes. I have two more points. The words “public service” and “civil service”, I found being used interchangeably in the documents, and I think we need to stick to one or the other. I think I prefer public service. It is the more concurrent term, and public servant instead of civil servant.

Madam Chairman: Okay. Thank you.

Ms. Parks: The other thing I had an issue with was the word “Premiere”. I do not know how the term “Premiere” was arrived at. But to me, it reminded me of the old colonial days when we had a Premiere before a Prime Minister. So I do not know if the Premiere means “Prime Minister in waiting”. That is just being a little facetious. What is wrong with “Chief Secretary”?

Madam Chairman: Nobody said there is anything wrong with it, but “Premiere” is term that is normally used. Chief Secretary is not a term that is found normally, so that is why we made the change.

Ms. Parks: It does not matter. It is who we put there. It is just I am entitled to give my little opinion on what I have found in the Bill.

The other thing that stood out to me was the involvement of the premiere in appointments and transfers of staff being made by—Tobago is a small place, a very small place, and somehow I do not like the idea of politicians getting involved in public service matters where staff are being allocated. So once an individual is qualified and competent, no politician should be able to prevent them from being appointed to any position in Tobago—too small.

Dr. Tsoiafatt Angus mentioned something, and I made a note of it because I also found the inconsistencies in the Bill: Tobago Island Government, Tobago Legislature, House of Assembly, and to me, it was a little confusing. Perhaps, at the end of all of this, you all may need to put a glossary at the end of it, of the Bill or something, to explain these various issues.

Madam Chairman: Thank you very much.

Ms. Parks: Finally, I have a question. This question arises out of the pension scheme that I saw in the Bill—somewhere in the Bill. As I said, I did not note clause by clause, I just made my observations.

Madam Chairman: We appreciate that. Thank you very much. We will look at the issue of the pension scheme, and we appreciate your intervention.

Ms. Parks: But particularly, I wanted to find out whether that pension scheme would be very attractive because there are members, former members—

Madam Chairman: We will examine that.

Ms. Parks:—who have not been able to get a pension.

Madam Chairman: Okay. We will examine that.

Ms. Parks: Thank you very much—

Madam Chairman: We appreciate it.

Ms. Parks:—for the time that you have given me.

Madam Chairman: We have Ishla Bedlow.

Ms. Bedlow: Yes, good afternoon.

Mr. Chairman: Let me say, and I am saying this for all who are hearing, that what we would like for you to do, and everyone who is coming from henceforth, is if you can raise new points that have not been raised before, we would be very appreciative of that. So if you have new points that had not been raised previously by other speakers, we will take those points. Thank you very much. Ms. Bedlow, you have the floor.

Ms. Bedlow: Good afternoon again to everyone.

Madam Chairman: We are hearing you. Go ahead, please.

Ms. Bedlow: So I would like to say good afternoon to everyone. I listened to all the contributions that were made yesterday by the different individuals, and I took

notes of everything that was said, and the feedback that you all gave.

At this current moment, I realize that most of the points that I had that they already pointed them out. Dr. Tsoiafatt Angus made some very, very, very good points this morning, and I know you all will be taking them into consideration. So, at this moment, I do not have anything further to say, but I would like to say congratulations to how you all are conducting these meeting. You all are very understanding and continue the good work, and thank you for allowing us to share our contributions. Thank you.

Madam Chairman: Thank you very much for that, and we are very pleased that you were able to participate. We have Juliet James. Ms. James, you have the floor.

Ms. James: Good afternoon to the Committee, and all the persons listening and watching on social media. I too want to thank you all for the opportunity to engage us. And for those persons who took part, thank you as well for raising our voices. Some of the things, of course, Dr. Tsoiafatt Angus did highlight that I totally agree with, just the neutralization of the terms and not genderizing the Bill. Of course, you know we are very passionate about the definition of Tobago. It has been highlighted by all speakers. I know the AG has tried his best to let us know that not much could be done about it because of the economic block or the exclusive economic block that we would have in maritime. I am also pleased to hear that in terms of the marine parks—as a daughter of a fisherman, I am very passionate about our marine waters, our waters, and hope that there is somewhere in the Bill that it could be addressed for specifically the administrative powers of Tobago.

Another thing I would like to highlight is based on the finance aspect, there is the composition of the Fiscal Review Commission. I noted yesterday Mr. de Freitas's response in terms of the 6.8, it is not the ceiling, but there is an opportunity for an increase appropriation. But I do think that the composition,

which says five persons, one being the Minister of Finance, the Secretary for Finance and two other members from the Cabinet, I think that it is heavily weighted in the favour of the voices that are non-Tobagonian voices and it would be very pleasing, moving forward, that this becomes a bipartisan commission, a commission that can actually have the voice of the minority. So in the case where we have two Members from Cabinet, we should actually have one Member from Cabinet and one member from the minority. That is a consideration I hope that the Committee will be able to take on board and maybe to address.

Areas of the Fifth Schedule—there have been a lot of areas in the Fifth Schedule that have been taken away from the Act 40 of 1996. State lands, forestry, environment, Customs and Excise, licensing, Town and Country Planning, they have not appeared in the proposed Bill in the Fifth Schedule. I do not know if these areas are engulfed in what is here but I do know that in finance, the Secretary of Finance has control except the central and commercial borrowing external foreign affairs. I notice that Customs and Excise has been taken away and is back into the national coffers.

So I do not know what is the reason for removing those. I did note that the AG said that you all are going to look again at the Fifth Schedule, what was in Act 40, and try to bring across almost everything back into the proposal.

Madam Chairman: Ms. James, thanks very much for your input. Let me just clarify that planning and development is there. It is just that these areas are accepted, which is National Framework for Sustainable Development, National Monitor and Evaluation, National Statistics, the National Trust and *Vision 2030*. That is really because it is national in scope, so it will encompass Trinidad and Tobago. But planning and development for Tobago is kept in Tobago and under the purview of the Tobago island government. So it is just these areas that we have

accepted from the whole issue of planning and development, because they would take into consideration the wider national Republic of Trinidad and Tobago. So planning and development is certainly there in Tobago and will remain in Tobago.

Ms. James: Right, and what about environment?

Madam Chairman: Yes. As you know now the environment is under the Ministry of Planning and Development, so that will be part and parcel of Tobago's—Tobago will deal with environmental issues, as they are doing now. You know you say clean, green, safe and serene? That will continue for Tobago. It will not be taken over by the central government or anybody else.

Ms. James: Okay. Thank you, Madam Chair.

Madam Chairman: You are very welcome.

Ms. James: That will basically be my contribution for today. As I said before, most of the points have been highlighted by Dr. Tsoiafatt Angus and I stand on her back with some of those points in terms of the neutral terms. For me, the only thing is that the composition of the Fiscal Review Commission, I think, should really have a place for the minority, the minority in the Assembly. So where there are two Cabinet Members, I think it should be allocated to one minority and one Cabinet Member, so the voices of Tobago would be more weighted in that direction.

Madam Chairman: Thank you very much for your contribution. I will let in the next person shortly, but I just wanted to make the point that the reason that we are saying that if there are new points, we would be very happy to hear them. It is not to stymie anybody from speaking, but it is just that we have given the undertaking that we will cover and we will deal with, as a Committee, a number of points that have already been raised, and we will be giving that undertaking and we will do that.

In addition to that, we have about 15 or more other people who would like to

speak. It is not to stop anybody from speaking, as some of you seem to be thinking. It is certainly not for that purpose, but it is certainly to ensure that we get the richness of everybody's contribution. We really would like to seek new points because we have heard certain points continuously, and we have responded to those points. So if there are new points, we definitely need to get those new points on the table. It is not to stop anybody from being heard. So those of you who may think that, please disabuse your minds.

I understand James Trim is now wishing to speak. Mr. Trim, you have the floor.

Mr. Trim: Thank you very much, Madam Chairman. Good evening to you and the Committee. I would like to express my appreciation and thanks to the Joint Select Committee for their hard work and commitment to this country.

I made some submissions earlier by email and I just would like to highlight, as you have indicated, some of these points have been addressed forcefully and adequate in my judgment, so I need not go over them. However, I would like to address an item which has to do with the Tobago Government having jurisdiction over the use and development of an array of renewable and alternative resources within 100 kilometres, I dare say, outside of its borders. In other words, I am not asking for a definition, as explained by the AG, of Tobago's boundaries but rather if Tobago would be given jurisdiction to address renewable resources and alternative resources within a particular limit, I want to suggest 100 kilometres.

The reason for that is, let us suppose that we want to establish like wind farms or solar on the maritime or on the sea, for example, that those things should fall within the jurisdiction of the Tobago Government. In other words—

Madam Chairman: Mr. Trim, we did mention that yesterday and we will ensure that that is clear. Because, as I said before, environmental issues and the mere fact

that Tobago has already stated in its economic development plan that it is moving more assiduously to green energy, that is not going to be prevented in any way.

Mr. Trim: Right. Thank you so much.

Madam Chairman: So please understand that, and we did say that. I did say that yesterday, as the Minister responsible for the environment.

Mr. Trim: Perhaps I missed you on that. Thank you for the clarification. One other point I would like to address. In more recent times, we have been seeing this whole business of migrants and people who are seeking to be refugees and all the rest of it. I wonder whether or not we should consider that Tobago be established as a non-refugee place. Now, the reason why I am saying that is that more recently I saw where in several countries, whether it is in Kenya, whether it is in Germany or what have you, we have got people who are seeking refugee status. I agree with the hon. Prime Minister and the Government that that is not a type of thing that we would want to entertain. I am wondering whether or not we can specifically address the Tobago space as a non-refugee status.

Madam Chair, the other matters that I wanted to raise, as you have pointed out, they have been taken care of by other speakers and I accept that. In fact, one other final thing, I just want to endorse the last speaker with respect to the size of the professionals on the Assembly. To me, it is rather bureaucratic and I ask that in my submission that it appears to be somewhat burdensome, and that we should revisit the number of persons, or positions rather, and these positions should be subject to, perhaps, the position description or job analysis and determine their appropriateness.

Thank you so much, Madam Chair, and also the JSC for allowing me this opportunity. Have a good day and thank you for your service.

Madam Chairman: Thank you very much, Mr. Trim. We would look at those

points that you have raised, the non-refugee point and the issue with the public service in Tobago. The next person who is available is Shirley Cooke. Sorry. Max James. Mr. James, you have the floor. Mr. James, are you hearing us? Okay. If Mr. James is not available, I will invite Shirley Cooke. Is it Cooke?

Mr. James: Yes.

Madam Chairman: Shirley Cooke?

Mr. James: Hello.

Madam Chairman: Or, Max James.

Mr. James: Yes.

Madam Chairman: All right. Mr. James, you have the floor.

Mr. James: Right. And good morning again to you, Madam Chairman, and to the members of the Committee. No stranger to you and these kinds of discussions. I take into consideration what you have said so that I will try to be very brief having regard to the fact that you stated that other members or participants would have made certain contributions. So I will try to be somewhat tangential and not deal in a substantive matter but perhaps some of the points that have been made already, some of those—some of which I have not heard. However, I want to look at the philosophy that would have engaged the Committee, as it were.

Now, I want to quote the Prime Minister in his address on Friday the 9th of March, 2018, in preparing his Government for this particular exercise, and he gave the following undertaking. The PNM believes that Tobagonians must be primarily responsible for the growth and development of the island of Tobago and its people. Under the PNM, PNM members of the Parliament are mandated by the Tobago Council to pursue the follow objectives, i.e. engage the national government to facilitate efforts to achieve democratic self-government for Tobago in keeping with the aspirations of Tobago.

So that, Madam Chairman, when I saw what was presented before us, I could not disagree more with what was presented in a general sense, there are some good areas of the Bill, let me say that out front, on my own personal inspiration, there are some good areas. However, the general purport of the proposed Bills are cause for great concern.

I recall when our founding father, when we refer to him, went to England, the Queen and the English did not say, well, you can do this or you can do this, or you cannot do this and you cannot do that. This present Bill seems to circumscribe in very large measure the aspirations of Tobagonians and therefore we were hoping that a more comprehensive undertaking reflecting the will of the Bills that were sent to the Parliament somewhere in 2016, 2018 under the Orville London administration.

I am happy to hear the AG say that, matters under the Fourth and Fifth Schedules would be reconciled, so I thank him for that. But I am wondering whether he can give us an undertaking to the extent in terms of what I am about to say: Where any existing national law is in conflict with a Tobago policy, the Tobago law shall take precedence, because there are many things, for example, the present lockdown, where we know from the evidence, and I am going by the science and the evidence that there is very little COVID-19 in Tobago. And Tobago's economy is quite diverse and quite miniscule compared to that of Trinidad, and these things can come up again, Madam Chairman. And to the extent that in terms of the language of what you will call unforeseen issues, it does not appear that Tobago can pursue its own path and its own policy without interference from Trinidad, and this is the real issue. So that clarification and more specific language, Madam Chairman, needs to deal with the issue of unforeseen circumstances.

I come to the question of the President, and I do not know if others would have raised it, but perhaps if you wish to “tangentialize” this thing, because other persons might have raised it, but I want to look at a different area of it to venture that others would have raised it. The issue, Madam Chairman, is that, we in Tobago do not in any effective way underline or emphasis effect way can determine the outcome of who becomes President of Trinidad and Tobago. As a matter of fact, Madam Chairman, the two Tobago seats in the Parliament may not belong to any of, if you wish to say, a ruling party. The UNC may never have any seats in Tobago again or the PNM, for instance, but they will get together at the Electoral College and it is a numbers game.

The point I am raising, Madam Chairman, is that we will have in effect an illegitimate president to whom to the premier, and I am not bothered whether it is premier or the Chief Secretary, I like the name premier. But the premier will have to give an account to what we in Tobago deem to be an illegitimate president and therefore a different mechanism must perhaps be considered in terms of the election of a president. It not to say—I see your body language, Madam Chairman, but the point I am making is that, it is an important issue. The country is not Trinidad alone and the country is not Trinidad alone to determine where there are certainly very important matters that also concern the aspirations of Tobagonians where we will in fact by virtue of numbers have an illegitimate president.

Mr. de Freitas: Madam Chair—

Mr. James: So that—

Madam Chairman: Member de Freitas, you have the floor.

Mr. de Freitas: Thank you. Sorry, Mr. James, to intervene. I am just really trying to reconcile what you are saying in relation to the President. You know, I said this yesterday that it is the Parliament of Trinidad and Tobago of which Tobago is

represented and the idea of how many seats are in that Parliament for Tobago is a completely different discussion. But the fact still remains that Tobago is represented there and therefore does have a say by way of a vote in relation to the Electoral College and the choosing of a president. But how do you turn to say that the President of the Republic of Trinidad and Tobago is illegitimate when Tobago has had a son of the soil in that position already. Given the fact that you are saying that it is just two votes in an electoral college, you still had a Tobagonian as president. So it cannot be said that it is illegitimate. And I will just say, that I will not agree with that because we have Tobagonian representation in the choice, and we have had Tobagonian representation in the position of president.

Mr. James: Right. The fact that we have—thank you, Mr. de Freitas. The fact that we have had a Tobagonian as president does not remove the whole question of illegitimacy. Whether it is a Tobagonian or Trinidadian we—in fact, I may perhaps prefer a Trinidadian as president even if someone is proposed from Tobago. It does not remove the legitimacy of the question, what is important is the process. Perhaps if were to say whether the two seats in Tobago—if we are talking about equality of status and that is where my comment—

Madam Chairman: Mr. James. Mr. James.

Mr. James: Yes.

Madam Chairman: If I could just bring you back to what we are here to discuss that would help us. Because remember we are not here to discuss the legitimacy or the illegitimacy of the President or the mechanism for selecting the President, or electing the President. So if I could just try to bring you back to what we are here to discuss, I would really appreciate that.

Mr. James: Yes, Madam Chairman. But the point I want to make, I would not go against your wishes.

Madam Chairman: We understand your point, Mr. James. If you move onto another point I would be appreciative of that. Thank you so much.

Mr. James: I am so guided but I just want to tell you that I made the point in the context of the premier having to report to a president which we have really in effect no effective say, and that is why I figured that it is—

Madam Chairman: Yeah. We understood that point. Thank you.

Mr. James: Then we come to the question of bilateral composition of the Tobago House of Assembly or unilateral or unicameral, sorry, composition of the Tobago House of Assembly. I believe that another mechanism or an amendment to the proposed—in the proposed law should in fact promote the ascendancy of a bicameral system if only for the question of checks and balances be available. So that my preference is for a bicameral system rather than the unicameral system as proposed by the present legislation.

Then I come to the question of the state land issue. We are concerned, in the groups to which I belong, we are concerned, Madam Chairman, that the State of Trinidad and Tobago can appropriate land in Tobago for a national purpose for which we do not agree. I do not know whether there is some kind of mechanism to determine the appropriation of state land in Tobago because what it is saying is that, in effect we do not agree with perhaps what, and you said you are the Minister responsible for national planning or all of that, we may not disagree because do we have or will have an equality of say in what becomes national policy to which we may be circumscribed in the first place. And therefore, you will come to Tobago, say we want this parcel of land. We are going to say no, and you say well appropriate it in any event. When on the flip side of the coin we cannot come to Trinidad and say, well we want this for national purpose because Tobago finds that it is very important.

Madam Chairman: Now remember national means Trinidad and Tobago. National means and will continue to mean—

Mr. James: Yes.

Madam Chairman:—Trinidad and Tobago.

Mr. James: But, Madam Chairman—

Madam Chairman: I sure that if there is a national purpose, it will encompass what Trinidad and Tobago needs.

Mr. James: Yes. But I am suggesting to you, Madam Chairman, the Cabinet perhaps which will not have a member from Tobago—and it is a numbers game as well. You all can decide that we want this particular thing to happen and it is. And I am saying there, that does not suggest autonomy. That suggests an imposition if indeed we find that it does not suit us here in Tobago, and that is a position we need to look at. We cannot hide it or shut up someone by saying, well it is national. I am not saying you are shutting me up. I am saying, we cannot shut up a voice that says, we do not agree that that is national or that it should comprise national. And because the Cabinet says it is national, then it goes. And that has to be very unfair and unequal in respect—

Madam Chairman: I understand what you are saying.

Mr. James: Right. Then it comes to the issue of interpretation of the jurisdiction of Trinidad and Tobago. If I say to you, Madam Chairman—

Madam Chairman: Mr. James, as you know—

Mr. James: No. No.

Madam Chairman:—we have traversed—

Mr. James: No. No.

Madam Chairman:—this point on several occasions.

Mr. James: No. No. No. I am not going there.

Madam Chairman: I do not think, Mr. James, I am not arguing with you. But I am just saying that we have traversed this point on several occasions.

Mr. James: And promise you, Madam—

Madam Chairman: Unless you are coming with a very unique point—

Mr. James: And that is where I am going.

Madam Chairman: All right. Let me hear.

Mr. James: I do promise, Madam Chairman, I am not going there. Perhaps you pre-empted me, Madam Chairman, with all due respect. I am saying to you, Madam Chairman, assuming we want in Tobago to set up an oil rig north of Tobago or a gas platform north of Tobago insofar as the external boundaries of Trinidad and Tobago are concerned, will there be an objection? That is the point.

Madam Chairman: We have traversed this point before. Is there another point, Mr. James?

Mr. James: Yes, Madam Chairman.

Madam Chairman: Yes. Thanks a lot.

Mr. James: Well, I am saying, I did not hear. We will always run the risk of going over particular points because we would not wash the entire proceedings in any given day. So I was making the point about really in terms of the Tobago government wanting to carry out an activity north of Tobago, what are our constraints. And I am suggesting to—

Madam Chairman: Okay. Let me just give a general statement on that. The advice of the constitutional experts which was relied on was that it is not advisable and it is impractical to divide the waters of a unitary state. The practice in international law does not support this. Archipelagic states do not divide the waters between their regions or islands. So waters—

Mr. James: Madam Chair, I agree with you.

Madam Chairman: Just a minute, Mr. James.

Mr. Al-Rawi: Madam Chair, do you require—

Madam Chairman: The waters of Trinidad and Tobago will be dealt with as a whole. That is generally what we have been saying. That is what our advice has been—

Mr. James: Madam Chairman—

Madam Chairman: And that—Mr. James, I do not want us to—we are not in an argument. I am just trying assist you with your point, and it is something that we have taken advice on. We understand the concerns and we will continue to look at it so that we come up with what is the best position for the unitary state of Trinidad and Tobago.

Mr. Al-Rawi: Madam Chair.

Madam Chairman: But I understand your point.

Mr. Al-Rawi: Madam Chair, Faris Al-Rawi.

Madam Chairman: Oh, AG, you are here. So, AG, you can deal with it again as succinctly as possible please.

Mr. Al-Rawi: Thank you, Madam Chair. Good afternoon to you, Mr. James, and thank you so much for your—for sharing your observations and concerns. Just to put this in a very succinct way, what is at stake if we define the maritime boundaries of Tobago, we are going to lose approximately two-thirds of our exclusive economic rights for fishing which Tobago is interested in, the blue economy and for oil and gas. That comes from the law which tells us that we are an archipelagic state, it is set out in the Constitution that there is a State of the Republic of Trinidad and Tobago and our exclusive economic zone is defined under the Convention on the Law of the Sea. The United Nations Convention on the Law of the Sea, we right now in discussion in protecting our maritime

boundary both from a fishing perspective, blue economy and from an oil and gas perspective. We are before the Law of the Sea Commission right now protecting our boundaries from claims by Barbados, Grenada, Surinam, Guyana—not that we are at war with them or in dispute with them, but they have to define the boundaries.

If you are making the point that Tobago's boundaries need to be defined. The expert advice that we have received is that we would lose acreage specifically if I could put it on the record. What we are going to lose, we are going to lose thousands of square footage of acreage. We will move from 7,128.8 square kilometres, down to an area of approximately 5,181 if I add Trinidad and Tobago and therefore, we are going to lose a significant acreage. So the position at present is that we have not decided not to do this, but we cannot do this in the context of what we will lose. Could I just ask you: Is your submission that we reduce archipelagic status and the total water acreage down by several thousand square kilometres? Is that what you are an advocate for? You are on mute. Mr. James, we see you speaking but no sound, so you are muted.

Mr. James: Yes. Thank you, Minister AG. I am not saying, I do not know what the Chair is hearing, but I am not saying that we want to redefine Tobago's boundaries in relation to Trinidad. What I am asking and I want to be succinct and clear as you, if the government of Tobago decides to drill and set up an oil rig or a gas platform, how do you—what does the Committee or how does Trinidad feel about that? That is a different issue as opposed to the boundaries of Tobago or the boundaries of Trinidad. I agree with you and what your experts have said. What I am asking is an authority to develop a question. So that is what I am putting before the Committee. I do not know if you understand or you would hear me with time, Mr. AG.

Mr. Al-Rawi: Understood. I can answer that quickly. It will be a decision for Trinidad and Tobago. I will give you an example. If I take it now to the Loran–Manatee gas field which is in the south of Trinidad where Venezuela and Trinidad have a unitary arrangement, two-thirds Venezuela, one-third Trinidad or 75 per cent 25 per cent depending upon how you look at it. If we were to take it that way and separate out these positions, then if we apply it the way the question leads itself, then Tobago is alienated from the southern field. This is a decision, the economic exclusive zone is a decision for Trinidad and Tobago. What the financial mechanism set out in the Constitution will result in, is that Tobago will always have the light of day on its submissions. It produces its budget, it says what its claim is, it says if it wants more than the percentage, let us say if it wants to move from 7 per cent to 20 per cent, all of that becomes a public document upon which it has public advocacy. So it is dangerous for us to say that the Republic of Trinidad and Tobago is Trinidad because that keeps coming up. People assume that Tobago is not part of the State and that is not correct. Tobago is a part of the Republic of Trinidad and Tobago.

Mr. James: Yes, Mr. AG, and that is because of a historical context, but the specific question remains.

Mr. Al-Rawi: That is because of our Constitution, Sir, not because of our historical context.

Mr. James: Well the Constitution is also history, Mr. AG. But the point I am making is, it is historical and the point I am making, Mr. AG, is again but I will leave it there, but I am saying to you, if Tobago, the government of Tobago decides to invest in the south of Trinidad in terms of the coordinates between Tobago and Trinidad that may be a problem. If Tobago decides to invest and develop gas or oil fields north of Tobago, that may also be a problem. I am merely

raising those concerns as a citizen, which I have a right to.

Madam Chairman: Thank you very much.

Mr. Al-Rawi: That is not a problem, Sir. Just one last point.

Madam Chairman: Go ahead, AG.

Mr. Al-Rawi: It is actually not a problem. There is the liberty to do anything. I cannot see why it is a problem if Tobago decides to make an investment anywhere it still has the latitude to do so, there is no problem. There is autonomy and then there is the Republic of Trinidad and Tobago, so I cannot see how the decision to invest somewhere becomes problem. It is permitted. There is a structure by which it can be managed. How does it reach to be a problem?

Mr. James: Mr. AG, I am suggesting again which you seem—I gather it seems to be dismissive or not taking it into consideration.

Madam Chairman: Mr. James. Mr. James, I am not going to allow that. Nobody has been dismissive on this Committee to anybody who has come before the Committee so I am not going to allow that. And I think the AG has explained the question. He has given an answer to the question that you have raised and I would like to ask if you have any more issues if you can raise them now please. Thank you very much, AG.

Mr. James: I am so guided, Madam Chairman, and I am suggesting as I move along there is the issue of the DRC and the SRC, but I want to focus on the SRC. The SRC, the Salaries Review Commission we do not know for sure as there are many areas within these proposed Bills, there are many areas of uncertainties, and the question of the salaries of the new secretaries and premier, I am—do not know whether the salary of a secretary would be equal to that of a Minister and I have—

Madam Chairman: Okay. That is for the SRC to decide, Mr. James. It will not be in the legislation.

Mr. James: Yes, but what I am saying—

Madam Chairman: That will be strictly for SRC's decision.

Mr. James: What I am saying, Madam, why I raise the point again in a historical context—I raise the point in a historical context again, Madam Chairman, that traditionally a Secretary in the Tobago House of Assembly receives lower income and lower perks than that of a Minister. And if we are talking about the equality of status and the Tobago government, we do not have any real say because for the most part the Salaries Review Commission has not taken into considering certain kinds of issues as they pertain to Tobago and if we are talking equality of statement again, I wish to hazard that it does not appear from the Constitution of the SRC a Secretary is likely to receive the same kinds of remunerations as that of a Minister and—

Madam Chairman: I understand what you are saying and, of course, the Tobago island Government will be in a position to make submissions to the SRC in order for them to understand the level of work that they have to do and as a consequence of that form them to examine effectively where to put the salary but it will not be within the Bill before us.

Mr. James: I just wanted us to perhaps look at it—

Madam Chairman: To flag that. All right. I understand you.

Mr. James: My final issue is the name of the country. People may laugh at it but I think it is a very important issue if you look at the larger or the largest democracies in the globe, in the world, you do not see one name of a country appearing before the other. It is a very sacred issue to me and others in the group which I belong to. I feel it is not set—what I am going to say is not set in stone or welded as a piece of metal however, I am suggesting that the name of the country be looked at again and I propose—it is not my idea, it is my brother's, one of my brothers, I would

not say which—the united islands of the southern Caribbean. Now you could give it a bull pistol as much as you may want—we may want, but gone should be the notion because it conjures into the mind that there is a superiority of Trinidad over Tobago because the name appears first. And to give you an example of that, if I google something on Amazon, you tend to find that “the best choices will appear first”

So in like manner we need to look at the name change for Tobago and Trinidad, and I do not want to say Tobago and Trinidad nor Trinidad and Tobago. The constituent names can remain the same however, in reference to the country should be different and not where Trinidad is mentioned before Tobago. We have Canada as an example, I know you will show me St. Kitts and Nevis but that is not a good example. I will look at Switzerland, I will look at the United States and so forth where no state is named before the other or no canton or province is named before the other. We have England or you have the United Kingdom also is a good example. Thanks for hearing me, Madam Chairman, and members of the Committee. Have a good day.

Madam Chairman: Thank you very much, Mr. James. And that is an interesting concept that you have raised there. And I was going to say St. Kitts and Nevis and Turks and Caicos and Antigua and Barbuda but I am not going to say that. So—

Mr. James: They are not good examples.

Madam Chairman: You are very welcome and thank you very much for your submission. Ladies and gentlemen, we are going to take a 45-minute adjournment at this time and we will come back to you after 45 minutes. Thank you very much.

Meeting suspended.

Meeting resumed

Madam Chairman: Welcome back to the consultations on the Tobago

Constitution (Amdt.) Bill and the Tobago Island Government Bill. We look forward to your comments, and we would like to thank those who have already commented. I understand our next stakeholder is Shirley Cooke. Ms. Cooke, you have the floor. All right, we are not hearing Ms. Cooke, but I understand that there is another person who is—

Ms. Cooke: I am here. I was not hearing you.

Madam Chairman: Okay, so Ms. Cooke you have the floor.

Ms. Cooke: All right. Good evening, Madam Chair, good evening to the members of the Committee, and I am grateful to have this opportunity to address you today. I am guided by your concern that we do not be repetitious as there were many things that were already said, and I am not going to belabour those points. But I am going to highlight some of the things that I believe that were not highlighted before and things that I need clarity on or to add to the discussion.

With respect to—again I did not discuss clause, I am discussing the issues on each section. With respect to the clarification if we have to believe what the Attorney General says in terms of the boundaries, outside of defining, giving Tobago a definition which according to him would allow us to lose marine space, there must be some mechanism even if you may have indicated that, and I want to know if this is what you mean. There must be a mechanism to give Tobago the authority over the jurisdiction that affords it the ability to determine in Tobago the political, economic, social and cultural developments. So what I am asking you. Madam Chair, is by discussing the Planning and Facilitation Act, is it under that body that that you would be able to afford Tobago those parameters?

Madam Chairman: The Planning and Facilitation of Development Act talks specifically about issues surrounding the Town and Country Planning Division, and so it will be those kinds of issues that the Planning and Facilitation of

Development Act deals with.

Ms. Cooke: Not necessarily the jurisdiction or parameter areas under which Tobago can exercise jurisdiction with respect to the Fourth and Fifth Schedules.

Madam Chairman: No, no, no, no. The Fourth and Fifth Schedules are specific to the Constitution Amendment Bill that is being proposed.

Ms. Cooke: Okay.

Madam Chairman: You are welcome.

Ms. Cooke: Secondly, with respect to the—I listened yesterday to Mr. Hochoy Charles' presentation, and I have been trying to grapple with this situation. We are discussing two Bills, one to change the Constitution to afford Tobago autonomy, and the second one is to provide the provisions under which Tobago can have that autonomy. That is my understanding. I am not an attorney. It therefore means, what bothers me about that is the fact that once the Act, the provision, to present Tobago's autonomy is going to be enshrined in the Constitution, Tobago therefore would need 50 of the about 72 members in government to change any parts of the Act. Am I correct?

Madam Chairman: Yes, if it is to change any part of the Constitution amendment there is the need for a three-fourths majority in the House of Representatives and a two-thirds majority in the Senate.

Ms. Cooke: So, outside of the—

Madam Chairman: The objective is to entrench these provisions in the Constitution of Trinidad and Tobago.

Ms. Cooke: As much as there are some positives in that, I am probably not liking the fact that all of these matters are enshrined in the Constitution, and therefore puts Tobago at a disadvantage should it decide to change any part of that, even though throughout the morning you keep reminding us that it is one Trinidad and

Tobago. The fact remains that we only would have two representatives out of a body of about 72 persons in the Parliament. So that part concerns me a little bit, and I would like to see some effort being made to address that, because it may sound good now but I think in the future it would be a challenge for Tobago.

Madam Chairman: I understand your point. Thank you very much.

Ms. Cooke: Okay.

Madam Chairman: Let me say that previously the Tobago House of Assembly had not been entrenched in Constitution and consequently the request was from the Bill that came to us to be discussed and to be determined by the Joint Select Committee, was that it should be entrenched in the Constitution of Trinidad and Tobago. But you can go on to your next point. Thank you very much.

Ms. Cooke: Okay. But what I am saying, I am of the opinion that the Bill of Rights or items that Tobago should be responsible for under a Bill of Rights arrangement should be entrenched, but all the governance structures that we are discussing does not necessarily need to be entrenched. In addition to that, the Premier should be able—should we put some of those into an Act of Parliament that we would be able to change we should have something added to that that says that the Act for the Tobago Island Government cannot be changed unless it is directed to do so by the Premier. So what happen in Tobago with respect the 6:6 tie and that Parliament took it upon itself to change the Act that will no longer occur, but Tobago will have the flexibility to change items in the Act without having to have about 50 of the 72-person Parliament to make that decision. Okay.

Madam Chairman: We understand what you are saying, and let me say that it is two Bills, one is the Constitution (Amdt.) Bill and the other one is the Tobago Island Government Bill. So it is two Bills that deal with certain aspects of the proposed internal self-government. So, one is to be entrenched and the other one is

a normal piece of legislation, but we understand what you are saying.

Ms. Cooke: Thank you, Madam Chair. Okay, another point that I would like to bring up it is with respect to the statement made by Dr. Tsoiafatt-Angus this morning with respect to civil society involvement in the governance of Tobago. And I just need to add to that that considering the fact that you recommended a unicameral legislature, to me it is even more important, in addition to the fact that the Executive Premier has a lot of appointment powers, that Tobago needs internal oversight, and that body for oversight should come from a civil society arrangement. Because what I would prefer here in Tobago is a greater participatory type of governance for Tobago rather than what we have seen in the past. So I just wanted to make that point.

Madam Chairman: Thank you for that point.

Ms. Cooke: Thank you. With respect to the dissolution of the House, and the fact that it mentioned, which I am happy about, that minority leader will continue for oversight, I would like to add that is that, should the Committee agree with a Tobago House with a civil society participation, and mind you, I would like to have those persons be elected positions, so there is less political interference in the oversight that will be necessary. With respect to the dissolution of the House, that new body of oversight should continue with a dissolved House so we do not end up in the situation we are in presently with no proper oversight when the Tobago Assembly cannot be properly constituted. In addition to that, there is no tie-breaking mechanism which, and again that probably can happen in the legislature, the presiding officer may propose but I am saying that I did not see any of that. I also—

Madam Chairman: We did say today that issues like the tie-breaking and so can be dealt with in the Standing Orders.

Ms. Cooke: Yes, Madam, I agree. Yes you did. I want to address also the issue of—national security, yes, is central government’s portfolio, but I am thinking about the internal security for Tobago with respect, you know, to state assets and all of that. Again, are you saying that that is going to be part of the legislative charge for Tobago, I did not see anything that says that?

Madam Chairman: National security issues are not legislated by—national security remains the purview of the public of Trinidad and Tobago as does foreign affairs.

Ms. Cooke: Yes, Ma’am.

Madam Chairman: Yes.

Ms. Cooke: I agree with that, but what I am saying, outside of that there should be something that affords Tobago some level of internal security to manage some level of that with respect to state buildings, tourism assets and all of that stuff. I just wanted to make that submission. With respect to the Public Service Commission, one of the things that plagues us here in Tobago is the shuffling of administrators. And I know that was mentioned but I just wanted to make the point that it is important not to have a premier so much involved in transferring and moving administrators amongst divisions. I just wanted to ensure that I make that point.

With respect to the 6.8 allocation. I noted the Minister of Finance yesterday indicated that the means or the measures by which they decided or they came up with 6.8. I would have thought, and I hope that it would still be possible that they can engage an economist who can assess what the new—all the new rules, all the new jurisdictions and administrative structures that will cost additional moneys so that the fiscal review commission within short order does not have to go to the Minister of Finance to request additional funds because they now realize that the

6.8 is not adequate. So what I am saying is, in addition to land mass and all of that that is he is articulating how they came up with this 6.8, I think it is important to possibly have an economist who can assess, you know, pretty closely how much moneys, additional moneys Tobago would need.

Madam Chairman: Thank you.

Ms. Cooke: Also with respect to the revenue generation in Tobago, I noted that it said that Tobago would not be allowed to collect vehicular fines, and I do not know if you can explain why that is?

Madam Chairman: Where does it say that? If you are looking at the Fourth Schedule at Item 19—

Ms. Cooke: “Eh mm.”

Madam Chairman:—that is not what it says. What it means is that Tobago cannot make its own laws in relation to vehicular traffic offences, because those kinds of offences would fall under the Republic of Trinidad and Tobago in terms of law making power.

Ms. Cooke: But in terms of collection?

Madam Chairman: Where you are talking about collection.

Ms. Cooke: Okay, there is somewhere in the Bill, I do not have that in front of me, I just have my notes, but I would look at that again and part of my—

Madam Chairman: All right, and you can always send us something in writing in relation to that.

Ms. Cooke: Yes, I would definitely do that along with my other submissions.

Madam Chairman: Okay.

Ms. Cooke: Again, I would make it short because several persons want to speak, and in addition to that a lot of these concerns have been highly ventilated, but I want to finally say that Tobago even if there were calls to reject this Bill, I think

that we have an obligation to unite and fight for what is right to be put into this Bill, and therefore I cannot subscribe to the fact that we reject this Bill outright. So with that said, Madam Speaker, I thank you for your time and the opportunity to present today.

Madam Chairman: Ms. Alfred you have the floor.

Ms. Alfred: Thank you, Madam Chair. My name is Cynthia Alfred, and I shall speak on, well, of course, we are talking about the two Bills. I want to say—

Madam Chairman: Ms. Alfred. Ms. Alfred, we are hearing you, but if you could position your camera a little differently, maybe a little lower, because we are just seeing the top of your head.

Ms. Alfred: You know how to do that? Is that better? Madam Chair, are you hearing me better now?

Madam Chairman: We are hearing you but we are not seeing you as yet.

Ms. Alfred: Oh, are you seeing me now?

Madam Chairman: No, we are not, but we are hearing you so please go ahead.

Ms. Alfred: Okay. In addition, Madam Chair, to the two Bills that are presented to us today, I would like to suggest that there should be a third document. I did not say a third Bill, but a third document. And the reasons are this: Tobago is an island, an island, of roughly 60,000 persons. It took about three years for the then Committee to talk to almost everybody in Tobago. I am sure that in the two to three years that have been taken by the Joint Select Committee that most of Tobagonians would have forgotten what would have been submitted. What they said and even what the Bill that was sent by the assembly had to say.

So I am suggesting that in addition to the two Bills that there be by the Committee not a report by an update to the people of Tobago, especially on what this whole thing is about. Many persons have forgotten, and I think it is in the interest of

Tobagonians to be reminded of what this whole process is about. Because when the meeting started, the consultation started yesterday, Madam Chair, you gave some explanation on what the Bills are about. But that is what the Bills are about, but in respect of what would have led up to the actual coming into effect of the Bills, that, I think needs to be addressed. So, that is my first point.

The second point, I noticed that a unicameral status has been advanced. I do not know if I would have missed perhaps where you would have given an explanation on why, but it does say in the Bills that it is to recognize the equality of status between the island of Tobago and the island of Trinidad. Of course within the unitary state of Trinidad and Tobago. So, that having been said, Trinidad does not have a unicameral system and therefore my question is, why does Tobago have to have one? I am sure that there has to be an explanation. That is number two.

The third point, these Bills are not ordinary Bills. These Bills talk about the future of this island called Tobago. So we cannot deal, or we should not deal with these Bills as if they were ordinary Bills. I know sometimes in the Parliament in the House of Representatives and sometimes even in the Senate, one the House of Representatives or the Senate might go right through the night to accomplish what they would have considered the importance of a particular Bill. In this particular case we had two days, yesterday and today. I understand that Monday most likely will not be in Tobago, it would be in Trinidad. But I am saying, after three, roughly three years of this Committee, and I remember that the Committee changed at one time, if I am not mistaken, after three, approximately three years for us to be given two days, to me that is not enough. Because the persons who are going to talk now, and who spoke yesterday, I am sure there are persons, additional persons who would have wanted to express themselves, but because of two days perhaps they will say perhaps another time.

But we have to bear in mind that 60-or-so-thousand persons that represent Tobago, Tobago is an island. Trinidad is an island. And if Tobago is an island, we cannot take two days, at least in my estimation, we should not take just two days to go through the Bills as they are without perhaps one recognizing the need for the rest of Tobago to be more involved. Because the persons who are make the presentations will have—

Madam Chairman: Ms. Alfred, let me just say that we will also be receiving written submissions, so it is not that it is just two days. We put out these Bills for comment over a week ago, I think it was two weeks they have been out, about two weeks now and we have asked for written submissions. What we are doing today and we did yesterday was ask for people to come in to us, in the virtual space, and tell us their submissions. And again, we indicated that if you had written submissions in addition, you could feel free to do that. So it is not that we are just giving two days for people to make submissions. And you will recall that these Bills are all over Tobago, and everyone is given the opportunity to make submissions, so it is not just two days.

Ms. Alfred: All right, I take your point, Madam Chair. Right, the other points I would like to make, Mr. Hochoy Charles, I am not going to go over what he said, but he did make a point that the Bill he was talking about was sent to—well, the document he spoke about was sent to Trinidad. Madam Chair, if I am remember correctly, you said you did not, when I say you, the Committee, did not receive that Bill, so it begs the question.

Madam Chairman: No, no, no. What I said is, when the forum completed the Bill that they thought was what reflected the will of the people of Tobago, a Bill was sent to the Cabinet in 2016, and that Bill was sent by the Cabinet to the Parliament untouched, and the Parliament established a Joint Select Committee to deal with

what was requested. After that Committee had done its work, and there was a new Parliament, a new Joint Select Committee was established, and using some of the inputs from the previous Committee we are now before you with two Bills; the Constitution (Amdt.) Bill and the Tobago Island Government Bill.

Ms. Alfred: I understand that. I hear you, but I made the point—I make the point, because the Bill what was sent by the Tobago House of Assembly, I presume that that is the—it is out of that Bill that these two Bills have come forth. Yes? Right. So, I again ask the question, but you gave an explanation on what Mr. Charles would have said. Right. The other point I would like to make—right, yes. The Attorney General made a point, somebody made a point about Tobago cannot make a Bill that would supersede the Bill, the national Bill or a Bill of Parliament. Right. But I am asking a question, the Attorney General made a point and the example he gave to me it was very, very interesting. He said suppose the national Bill says, no death penalty in Trinidad and Tobago, and Tobago says, we would like to say something about that. Now not necessarily to supersede the Bill, but perhaps to give an opinion on what they think about a particular Bill. How would you address a particular case like that? In other words, I got the impression that the Tobago Bill cannot supersede the national Bill. Okay, we say, all right. But suppose Tobago does have a problem, or a situation where Tobago feels that it has to make some sort of intervention with respect to the Bill. What happens in a case like that?

Madam Chairman: Then the intervention can be made.

Ms. Alfred: The intervention can be made. Right. And I come, Madam Chairman, almost to the end of my submissions, and without repeating anything that has been said, I would like to thank you the Committee for the question of Town and Country Planning because you mentioned it a little while ago. Town and Country

Planning coming under, that is where Tobago is concerned, coming under the jurisdiction of Tobago. Town and Country Planning, because I want to add one more thing, Madam Chairman. There is this question, sometimes it takes 10, 15 years to solve problems with respect to Town and Country Planning in Tobago, and I would like to see that Tobago handles that portfolio where we do not have to wait 10 or 15 years, and not only the Town and Country Planning Bill, but other things that go with it.

Madam Chairman: Thank you very much, Ms. Alfred. Your submissions have been noted and we appreciate it.

Ms. Alfred: Thank you very much.

Madam Chairman: Thank you very much

Ms. Alfred: You are welcome.

Madam Chairman: I will now give the floor to Kevern Phillips.

Mr. Phillips: Pleasant good afternoon to the esteemed panel and to the distinguished Chairman. Well, first and foremost I would like to express thanks for the opportunity to more or less comment. I would try my best not to be repetitive in nature due to the deliberations that would have taken place prior to me coming on, they would have more or less expressed the sentiments that I would have wanted to bring across.

However, Ms. Alfred would have indicated something, making reference to a third document, but not necessarily—I do not necessarily think that there is a requirement for a third document, but there needs to be a pathway or an avenue to further sensitize persons with regard to what it is that is being brought before the people of Tobago to make a decision upon. Because, based upon the different contributions that would have been made earlier today, and even yesterday, it is in my opinion that there seems to be manifestations of some level of confusion or

understanding of what it is the two Bills have been more or less designed to do.

As in the sense that from these manifestations, from these positions, one must ask what it is that we really want. What are the expectations as in the sense we are hearing three different narratives coming from contributors that more or less ventilate autonomy, that ventilate secession, and also ventilate federalism. And it begs one to wonder, are we facing somewhat of a Brexit type of situation where persons are advocating for something that we do not fully understand. Is it that we no longer want to be part of a unitary state where there are questions of whether or not the significance of a title being bestowed as Premier or Chief Secretary, where in truth and in fact the rationale behind Premier I am just simply saying could have been the fact that we want to clearly establish that this portfolio heads the government of an island, and you need to clearly distinguish between the person that heads the island's government from the Prime Minister which heads the national or unitary state government as per se.

So there is significance but the reason where you would have questions regarding the devolution of responsibilities and all of that, is do we understand that we are not seeking secession but we are seeking self-determination. And is it now a requirement for the Committee and those responsible for the proper dissemination of these information to once again go through that process of ensuring that the body politic and the masses within the 116 square-mile space, by extension, the 1,981 square-mile space to have a full understanding of what it is we are trying to establish.

Madam Chairman: I understand what you are saying Mr. Phillips, and in terms of communication you may be quite accurate, that a little more needs to be said. We understand that, because there does seem to be that confusion. Thank you. Go ahead, please.

Mr. Phillips: Okay, Chair, because in order for all stakeholders to have a full appreciation and understanding of the very intricate but important process, one must understand first and foremost what it is we are trying to achieve, what is we are aspiring to. And I am quite sure that in the good sense and good nature of things, even before this particular Bill, Act 37 of 1980, Act 40 of 1996, that it is in my view that it was never the intent for us to separate ourselves totally from the unitary State that we can all benefit from. And it speaks as well to what the Attorney General would have said that if it is that that pathway is one that one wishes to embark upon, the exclusive economic zone and all of that comes into question, the maritime boundaries and all the demarcation points.

The Bill speaks to the fact that we are currently in a transitory, or what we wish to achieve is a transitory pathway from just simply being able make by make by-laws, to actually making laws which is a significant step. Even when we had sought independence prior to 1962, the current constitutional framework that governs the nation was not what exists today. It is ergonomic in nature, so a lot of the questions that we tend to have as to why this is not mentioned, what about the infrastructural capacity in the House to have 15 additional members? All of that, that is a work in process and as human beings, while we make laws, laws are made to be modified and altered as time goes by, and as the need analysis is done to further enhance how these laws could be suitably assigned to meet the needs of persons. Laws are ergonomic in nature, they are very organic. The most important thing is making the stride in a progressive nature to have these laws enacted for the betterment of our society.

Madam Chairman: That is well said, yes.

Mr. Phillips: So, I do not want to harp too much and take up too much time, distinguished Chairman, and the panel, but I believe that there is a responsibility to

further sensitize people on the rudimentary level of what it is we are trying to aspire to establish that it is not secession. It is not that we are now going into a geographic silo and still more or less seek this requirement according to the Dispute Resolution Commission for the larger part of our twin island Republic to fund us, because you are now—there is conflict more or less between is it that we have federalism, secession, autonomy? Is it an autonomous agreement? So, I am hoping that more clarity would come where there are pathways of further enlightening and awareness of what it is we want to achieve, that we first must establish what we really want and not have a Brexit-like situation, that after we make a particular demand, we now ask ourselves what we have done. Thank you very much.

Madam Chairman: Okay, thank you very much, Mr. Phillips, appreciated. And someone just told me that today is your birthday, so on behalf of the Committee we want to wish you a very happy birthday and many more happy returns.

Mr. Phillips: Thank you. Thank you very much.

Madam Chairman: Thank you very much. We now ask Jerron Smith to take the floor. Jerron Smith, the floor is yours. Is Anthony Hector there? If Mr. Hector is there you can take the floor. We are not hearing Mr. Smith.

Mr. Hector: Good afternoon. Good afternoon.

Madam Chairman: Good afternoon, Mr. Hector.

Mr. Hector: Thank you very much, Madam Chair, you and your Committee members both in Trinidad and Tobago, and all other participants who took the time to participate in this very important exercise. Can I preface my comments, which will be brief, because I realize in the interest of time we have to be reasonable. Can I preface my comments by saying that this is my third reincarnation of this exercise, so that I can describe myself as a student of this important exercise. So

firstly I want to reemphasize a point I made previously, which was that the term that should be used for both male and female gender, and then I have updated it since then to mean assembly representative, and I was—

Madam Chairman: Mr. Hector, we did get that request and we will—

Mr. Hector: You got that from me? You got that from me?

Madam Chairman: No, this is the first time we are hearing from you—

Mr. Hector: Oh, really. Okay.

Madam Chairman:—but we did get that request previously, so yes we did.

Mr. Hector: Oh, well, yeah, but I said that before, but I want to add to that, that I would like to include the possibility of transgender being included in the conversation as we go forward in that particular category of individuals participating in the exercise of governance going forward. Well, I will speak to this in my own time in my own space. Thank you.

Madam Chairman: Okay, thank you.

Mr. Hector: Now, the question of Independence, well, you may or may not have been aware. I also raised that as the first in this conversation before. I am seeing it appearing and I am suggesting that we do not use an even number in going forward with this exercise. I am seeing two, and I am suggesting three, just in the event that an important discussion takes place amongst them so that they can better see the circumstances unevenly, rather than evenly. And as I make that point, Madam Chair, as I examine the documents before us, I want to say that it appears as though we are producing out of Tobago public servants corresponding or working in a system that will not be productive for the benefit of the residents, or the benefit of the nation that should be Tobago. And I am happy that the Attorney General is somewhere hearing, or somewhere paying attention to this particular matter.

Madam Chairman: Mr. Hector.

Mr. Hector: Yes.

Madam Chairman: In relation to the two Bills that are before us, can you tell me where in the Bills you have come to that conclusion—

Mr. Hector: Independence?

Madam Chairman: No, the conclusion about productivity?

Mr. Hector: No, no, no, I am giving my submission, you know,

Madam Chairman: Sorry?

Mr. Hector: I am free to give my submission.

Madam Chairman: No, I have not said no, I am just asking in relation to the issue of productivity would you be able to say—

Mr. Hector: Yeah, yeah, I am saying of what I have seen of the Bills. If you have not seen it, I can submit it to you.

Madam Chairman: Yeah, so could you tell me where? Yes, I would appreciate it.

Mr. Hector: What I have seen of the Bills is that we have produced documents to make us public servants out of Tobago, instead of being productive individuals that can contribute to the development of a country that can be made up of two islands. I am saying so far I have not seen it.

Madam Chairman: Okay, I now understand. All right. Sorry, I am now understanding what you are saying.

Mr. Hector: Okay.

Madam Chairman: Because I heard you mention productivity, so I thought it was something that—

Mr. Hector: Yes, yes, I am very concerned about productivity.

Madam Chairman: All right. Thanks very much.

Mr. Hector: I am seeing a picture developing. I am seeing a trend developing where we in Tobago must become responsible, if we are not already responsible,

more responsible; we must become productive, if we are not productive, to become more productive, and as I have said to you before, that we are entitled to having a mind of our own. You all do not like the words that I used the last time so I will leave it there. Now, another quick point, so I will try to make it fast in the interest of the rest of participants. I would like to have suggested as part of the exercise, or having scanned the document quickly, that the Tobago House of Assembly as a body should debate these documents before us, and pass it also, just as Parliament will pass it, so that we will see transparency and we will see accountability coming from both sides. Too often we have seen a lopsided arrangement where everything must be said or done out of Trinidad. I am suggesting in this particular case, the Tobago House of Assembly as a body must debate and discuss and agree, and if possible pass these matters that are being discussed that would only go to Parliament which obtained in the past. I am saying let us go forward looking better and more mature than we have done in the past.

I am moving quickly forward. The question of equality of status. I would like to suggest that we outline what each country or island is bringing to the table. As I scan the document, all I saw was some sections talking about Little Tobago and things like that. I would like to see all the resources of both islands come to the table and let us for sure know who has what. Because I have heard the AG say that we cannot disaggregate what we will bring to the table in Tobago because of the fact that it is one country that comprises of all.

We are mature enough, we must advance. If we move from infancy to youth to adult to old age, there must be a process taking us through life. And I am asking, please, and I am begging that all the resources be placed on the table, even if you do not want to bring all together as one, I am requesting kindly that we have all resources of both islands and both nations placed on the table. I would try to wrap

up in the interest of time because I could get my own space.

Now, subsection (6)(c). Now, we have had experiences in the past, I do not know if the AG did the research, where in 1990—and we had another instance of a court matter in the Caribbean where Tobago’s waters were determined and as a result we won the flying fish case. I do not know if you—you “doh” remember that particular case there, Madam Chair. So I want to put the two of them as examples on the table.

We have had that particular case where Tobago was afforded the right to the flying fish in our waters which has been demarcated and can be demarcated. I would like to add to that, when we look back at history—and I have been a good student of history—in 1990, the then Chief Secretary of the Tobago House of Assembly and the then Prime Minister agreed that Tobago could control whatever is happening in its own space under the circumstances in a state of emergency. And I am suggesting that we consider in a future circumstance that if, God forbid, that any kind of circumstance faces us, manmade or through natural disasters, Tobago be afforded the opportunity to make decisions that are relevant to its own circumstances on behalf of its own people.

I would leave it there because I do not want to be unreasonable, but I still had 61(1)(a) and (b), and 75(1)(a) and (b), and 14 (a)/(b). But I want to be reasonable—

Madam Chairman: Thank you very much.

Mr. Hector: And I would leave it there for now—

Madam Chairman: Thank you very much, Mr. Hector.

Mr. Hector: Thank you very much for your time.

Madam Chairman: Thank you very much.

Mr. Hector: Have a great evening.

Madam Chairman: Same to you. Thank you for participating. I will now call Jerron Smith. Can I ask Nickocy Phillips to take the floor, please?

Ms. Phillips: Hi, good afternoon. A pleasant good afternoon to the Chair and the other members of the JSC both Trinidad and Tobago. I would not be too long because what happen I would have seen some of the issues being touched on the self-government Bill. But if I raise some of the topics and it has already been touched on, you could tell me so I can pass them on, please.

First of all let me just say, the (Tobago Self-Government) Bill, 2020. Since we are in 2021, should it be 2021 self-government Bill? Hello.

Madam Chairman: We will deal with that.

Ms. Phillips: Okay. Thank you. In the Fifth Schedule, I did not see you had anything for transportation under the Schedule. So this Bill begs the question, who is responsible for Tobago's transportation as it relates to the—

Madam Chairman: We will deal with that. We will deal with that.

Ms. Phillips: That gone already. Okay.

Madam Chairman: Yes.

Ms. Phillips: Well, okay. I will pass that on. The Tobago legislative clause 18—
[Cell phone rings] Hello?

Mr. Smith: Yes, yes, good afternoon.

Madam Chairman: We are dealing with Nickocy Phillips. Go ahead, please.

Ms. Phillips: Yes. The Tobago legislative in clause 18, the Committee proposes a unicameral Tobago legislative with 26 members empowering to make laws referred to a Tobago Act for peace, order and good governance of Tobago. I just want you all to—if you all could add here—because although we would have discussed it on a previous discussion, 15 members elected as the Assemblymen; 10 Councillors which is appointed, five is appointed by the advice of the Premier,

three by the advice of the Minority Leader and two by the President, some people still question that that is 25 members. But they wanted to know if you could make it clear that the 26th member being the Presiding Officer?

Madam Chairman: Yes, we will.

Ms. Phillips: The Tobago Island Government Bill. With this Bill being passed, questions were: Will there be a rebuilding or relocation of the Assembly now having more seats and members to the legislative arm of the THA once the Bill is proclaimed? And we are also looking at: Since there is a Tobago Island Government Bill, would there be one in Trinidad as well?

The Financial Provisions, Part IV, clause 22 to 30, paragraph 1:

“An annual minimum budgetary allocation of 6.8...of the total budget expenditure is being proposed”—in—“(Clause 22).”

Questions: Commission was invoked in court—well, we know there was a court case in regards to the 6.8 per cent, but no government has gone above 4.3 per cent. Who is to say that with this Bill going forward we are going to receive that allocation of the 6.8 per cent and should there not be a better formula inserted into and discussed for financial autonomy? What I believe we have now is a ratio. So I think going forward, if we can have a proper proposed ratio of how and how we can get that 6.8 per cent, I think that should be inserted as well. Because I think as it stands now, all we have is a ratio.

Paragraph 4, why do we need the Minister of Finance approval to borrow? Why not deal directly with the central government and would we still have to wait on Trinidad’s—we would still have to wait on Trinidad on approval to get to borrow as well. I think I have this—Tobago’s allocation from the Government, sorry.

So these are some of the notes and questions on our list put forward. I want

us to take note that many contentious clauses are not in the survey created by your Parliament. So some of the clauses that we find in the discussion, they are not on your Parliament website. No federal arrangements. I think I heard you all talk about federal arrangements already, so I will pass that off.

Concerns again—right. I am of the view that once the Teaching Service Commission has the right implementation and it is in the right framework, it will be a plus for the Teaching Service Commission in Tobago and applaud that being a part of the Bill. And I think that we should also have autonomy over the control of the Teaching Service Commission, the Public Service Commission and the Police Service Commission.

Definitions of Tobago needs to be rectified, in regard to the mileage of Tobago needs to be addressed. Why the nautical miles were removed? I think I heard some sort of discussion with that yesterday but I think if they need a more transparent discussion so we could take two persons on the street, the average persons. Is there any economic zone on the seas of Tobago?

Concern number 4: We have control over public utilities but I think they excepted—they took out the Met office. Why does the Premier have power to have a larger Executive than the Assembly? There is not enough non-executive members to overthrow the Executive Council's oversight over the Executive or the House.

Another concern is in the early part of the Bill it speaks about recognizing the right of the people of Tobago to determine in Tobago their political status to freely pursue their cultural and economic development. But how do you pursue your economic development in Tobago and all the resources are not available to Tobagonians as yet? How do you also pursue your political development if what you do have to subject to a national Parliament that is not a part of our federal

arrangements? Not putting in the boundaries, you are denying Tobagonian—

Madam Chairman: Let me—could I just say that we have had no instructions to determine a federal arrangement.

Ms. Phillips: Nice.

Madam Chairman: The instructions are that there is a Parliament for the Republic of Trinidad and Tobago, and what we are doing is determining internal self-government for Tobago. We have no instructions to determine a federal system or cessation or independent. What the instructions were that we got from Tobago was that Tobago wanted autonomy and within the unitary State of Trinidad and Tobago. So it is not a federal system we are determining.

Ms. Phillips: Nice. Thank you. Well, I would not stay long because, as I said, most of the subjects and areas were touched before. My executive will be forwarding something towards the JSC and I hope some of the initiatives there will be added and discuss into the Bill.

In closing, I would like to say it is very easy, however, to take liberty for granted. And to misconstrued just how difficult it was and would be for us Tobagonians to gain our own freedom or autonomy status with the lack of equitable share in these two pieces of Bill drafted and handed to us like a thief in the night.

Now, Tobago is an autonomy, our freedom is never more than one generation away from extinction. It is fighting here today and in the future to pass to our children in the bloodstreams, it must be fought, protected and handed on for them to do same. If the freedom of speech is taken away then dumb and silent we may lead, like sheep to the slaughter. Liberty has not and will never come from the Government. Liberty has always come from the subject of it. The history of liberty is a history of resistance. And I do not believe that we, the Tobagonians, want to

resist the Bill. And I am hoping that—in my view, I do feel that the Bill is a little rushed. I think there are still parts in the Bill that needs to be addressed and I think that not just sitting here before the Joint Select Committee and giving the views that, you know, it will just pass on like that. I hope that whatever is being put forward, that the Committee will really look into some of the inserts that were put forward and will come back to us before it is passed in the Parliament or to debate in the Parliament.

And I believe Mr. Hector would have spoken about debating it in the Assembly. We do not have a constituted Assembly at this point in time, so I think, you know, before things are rushed, we do not want to have a full resistance of resisting the Bill. Because if we resist the Bill, what is there in place to put there? So I think that all of us should work together still and continue to put inserts to make sure that this Bill actually is proclaimed in the right framework for the people of Tobago. And I thank the JSC for doing a very excellent work. Thank you so much.

Madam Chairman: Thank you very much and please be reminded that if you have any more points or if you want reiterate your points, you can send them to us in writing. Thank you very much for your participation.

Ms. Phillips: Will do. Thank you very much.

Madam Chairman: We have been trying to get Jerron Smith if—[*Interruption*] that was—Mr. Smith?

Mr. Smith: Yes, good afternoon, Miss, the hon. Minister—I believe it is Minister of Planning and Development. Yes, I was basically reading through the document that was sent. I got it like yesterday. However, there was one point I was going to raise which was actually dealing with the borders but—yes, is this good enough, Miss? Hello?

Madam Chairman: I am hearing you.

Mr. Smith: Right—was with the whole discussion with the nautical miles and stuff like that, that I know was in several reincarnations of a draft that was sent. But I realized that was dealt with and that has been exhausted, so I shall not try to elucidate on that any more.

However, I was reading through it again and I saw that there was—there is one here with regard to like, in the old Bill, there was usually a limit for the number of Secretaries that can be had. But I am seeing that in this new document that is not the case. Is it that that will only fall under the jurisdiction of the premier or is it that that will be added in after? Right? That is my first one.

Again, my other point was the whole tie-breaking mechanism. I did not see anything in the Bill to deal with the tie-breaking mechanism, but I guess that that was dealt with already. My other point is with regard to this mediation committee that I am seeing here. I would like to ask, does this replace the Dispute Resolution Commission and is it that—I am seeing that it is largely somewhat partisan, in that it would comprise mainly of persons that will have some political affiliation. Is it that this will also be reviewed in the future?

The other point that I am—

Madam Chairman: It will. Yes, it will.

Mr. Smith: I am seeing hear also within your Schedules, I think it is either the Fourth or the Fifth Schedule where I am seeing that the island government has the provision to borrow in the Act but under the Schedule, we do not have authority to borrow from external sources. But in the Bill itself, it is saying that we can borrow from any source that we choose. Is that an inconsistency or is it that I am missing something here with regard to the document?

Madam Chairman: The borrowings will be both internal and external. So where

you see except under the Fifth Schedule, external, that will be taken out.

Mr. Smith: Okay, thank you very—

Madam Chairman: Okay. You are welcome.

Mr. Smith: And the 6.8 per cent that I am seeing here—I know that this was also dealt with. But is it that we have not asked for 8 per cent in previous incarnations? Even the Bill, I think, that was sent down in 2018 has 8 per cent. I know that the one that was presented in the House had 8 per cent. I know that there was one with the John Prince, I think, went up as high as 10 per cent. So I do not know if this is something that is definitive in terms of the financial appropriation for Tobago.

The one thing that I do like is that—that I was hearing during the break—is that the financial appropriation that Tobago does, no longer has to be sent to Trinidad for approval. And I think that is a step in the right direction. However, I do have some serious—well, some concerns, some that are largely, some that are—I believe that it has been rushed and I think that more time should be really given to Tobagonians to really peruse this document before it actually goes to the House. Is it that there will be a wider consultation before it is presented to the House? Is it that—

Madam Chairman: Mr. Smith, what will happen after this series of consultations, we will take on board what has been said. We also anticipating that there will be written submissions. We will take all these into consideration and we will see how we move forward in this regard. We do have a date of May 31st to return to the House with the report of the Joint Select Committee, but as I said, we will take all of these issues under consideration.

Mr. Smith: Okay. Thanks very much, Madam Minister. I take it that this—this that is before us is not really—it is not finite on it, it is not final.

Madam Chairman: It is a draft. It is two draft Bills that we have brought to the

public for your examination and further consultations. So all stakeholders can make their presentations either before us in this virtual forum or they can write their comments or they can do both. So you can submit written comments to us in addition to what you are saying today and anybody else can submit written comments to us.

Mr. Smith: Yes, Madam Minister and also—yes, Madam Minister, another thing. Is there any provision for a holdover?

Madam Chairman: Sorry. I am not understanding you.

Mr. Smith: Now, in this current incarnation because of the 6:6 tie, I believe that the Executive stands to remain. Is it until such time this can be resolved, right?

Madam Chairman: That is not before us. That is not before this Committee. That is not within our remit.

Mr. Smith: “Ohh”, I thought it was. So that is my contribution. Thank you very much for your time.

Madam Chairman: Thank you very much for participating. We appreciate your comments. I will now move Mr. Reginald Vidale who is our last stakeholder that is before us today. Mr. Vidale?

Ladies and gentlemen, it would appear as though we have completed our consultation for today. And as I close, on behalf of the Committee, I wish to thank all those who participated with us today. And again, I want to thank those who participated yesterday. Clearly, this has been a very interesting and worthwhile discussion. To all who joined us and made comments, we are indeed grateful. I say thank you again on behalf of the members of the Joint Select Committee.

We believe that this is the best methodology of law making. What we are doing here happens all over the world. Lawmakers, with the aid of draftsmen and constitutional experts and other legal experts and other experts, propose legislative

drafts and then hear from the people, especially for complex constitutional matters. With law making, no side, no group can get all that it seeks and that is normal. It does not mean that no progress is made.

It is though unfortunate that so many of our brothers and sisters in Tobago who have spoken seem to hold the view that there is an unwillingness by this Committee to give Tobago the autonomy it deserves within the framework of the unitary sovereign state of Trinidad and Tobago. Nothing could be further from the truth.

As a Committee and as the team that brought this legislation before the Parliament, through the Cabinet, we are committed to creating a mechanism for the running of the affairs of Tobago by Tobagonians for the autonomy that they have so long requested, and that has taken some time over the years to get us to this point because there is quite a high level of autonomy as it is now in Tobago. Such a mechanism will be part of the overall Government of the Republic of Trinidad and Tobago.

Like many of you who spoke to us, both yesterday and today, we continue to seek, to form a central government in Tobago, not totally mirroring what exists at the level of the national government, but with all the elements and that is to say, a legislature and executive all made up of Tobagonians making decisions for Tobago as well as arrangements for oversight as determined by Tobago. All will run and be operated by Tobagonians for Tobago. But remember that this entire Tobago governance structure, although autonomous in nature, comes under the wider umbrella of the Republic of Trinidad and Tobago.

Having heard from the stakeholders today, we of this Committee feel confident that we can iron out all the concerns expressed, even if not to the full extent desired. Given that we are limited by the framework of our Constitution—

and when I say our Constitution, I mean the Constitution of the Republic of Trinidad and Tobago, the Constitution that belongs to all of us and we cannot expand our remit.

We look forward to our continued discussions and remain committed to this process. Thank you again to those who joined us today and very stridently and passionately shared their views. Today we heard from James Armstrong, Dr. Denise Tsoiafatt-Angus, Janae Campbell, Margaret Parks, Ishla Bedlow, Max James, James Trim, Shirley Cooke, Anthony Hector, Kevern Phillips, Jerron Smith, and yes, we heard from Ishla Bedlow and we thank you all for participating—and we also heard from Nickocy Phillips—yes, Nickocy Phillips. Thank you all for participating and these discussions will continue.

We also remind you that we anticipate that those of you who did not participate virtually will send your comments in writing and even those of you who did participate virtually that you will send any further comments that you have in writing. Thank you and, as I said, the discussions will continue and we look forward to meeting with you again.

Thank you and thank you to the Joint Select Committee team, the team from the Parliament and the team from the Chief Parliamentary Council. Thank you and may God continue bless us all.

Meeting adjourned.