

AN INDOMITABLE SEARCH FOR AN ELUSIVE AUTONOMY

TOBAGO'S ADMINISTRATIVE/CONSTITUTIONAL EXPERIENCE



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The constitutional history of Tobago is a history of contestation. The island endured a variety of imposed administrative/constitutional arrangements which reflected an imperial and national quest to find the best constitutional arrangement for its administration that would serve interests of particular groups. This proved to be an elusive dream. For the most part, the systems utilised did not meet the satisfaction of some group or groups on the island and generated petitions and protests. The constitutional issue became more emotionally charged and tension-ridden in the wake of developments during the later part of the 19th century as British officials remained firm in their commitment to some form of unification regardless of local sentiments, and even more so in the 20th century. It is posited here that the root of Tobago's constitutional and administrative problems has been the top-down panic-driven approach taken by a ruling class that was insensitive to the desires of the population mainly allowing participation by dissent. While there were changes in the groups involved, from early

colonial times to the present day, seven distinct phases of contestation can be identified.

The first stage of contestation was manifested as Europeans fought over the island, which was shuffled from one European possessor to another. As a result, the island remained devoid of any specific permanent constitutional arrangements until 1763, when it was made a British possession which was confirmed, after a French interregnum, by the Treaty of Paris in 1814.

The second phase of contestation occurred during the early period of British rule when the island was administered as a part of the Government of Grenada, along with Dominica, St Vincent and the Grenadines. The central administration was run by a General Council but each island had the direct administration of a resident Lieutenant Governor. This arrangement did not satisfy the resident planter element who petitioned for a Council which was appointed in 1768 when the island's first assembly was established.

The third phase of contestation occurred between 1833 and 1876 when Tobago was made a part of the Confederation scheme. The British sought to reform government and cut administrative costs. The new social formations which resulted from the termination of enslavement impacted on developments during this period providing a new dynamic as the freed African population had a perspective that was different to that offered by the planter class. Imperial commitment to a federation or administrative union of the colonies was reflected in the inclusion of Tobago in the Windward Islands Federation, with the seat of Government in Barbados, in 1833. However, the Scarborough Riot of 1851, the island's inability to afford the costs of maintaining troops and their subsequent withdrawal, the passage of The Act for the Better Government of Tobago in 1855 and the 1857 attempt by the President of the Legislative Council to extend the property rights



Alphonso Philbert
Theophilus 1901-1962 (right)
and Arthur N.R. Robinson
SC, TC, OCC (far right)
two of the 'Founding
Fathers' of modern Tobago

of the electorate, all reflect growing tensions over political and constitutional issues in the island. Despite these responses and amid attempts to reform the judiciary in 1866, the first discussions for unifying Trinidad and Tobago took place.

In 1874 the Tobago Single Chamber Act merged the Council and Assembly. While the larger planters supported the Bill, smaller freeholders including enfranchised non-whites saw the Act as an attack on their political aspirations. In 1875 planters protested the new arrangements and animosity towards the new Governor of the Windward Islands and his policies led to the Barbados Confederation Riots and the Belmanna Riots of Tobago in 1876. In June panicked planters voted to abolish the political constitution to facilitate the introduction of crown colony government and a next phase of contestation.

This 4th phase occurred between 1876 and the end of the 19th century. Faced with severe financial problems between 1878 and 1890, the island's administration was placed in the hands of a cheaper junior official called Administrator. On the recommendation of a Royal Commission, a new Grenada Governorate including Tobago and excluding Barbados was formed. The Tobago Defence Association mounted a bitter campaign against inclusion in the new confederation and resisted attempts by the new Administrator to tackle corruption. In 1885, a debate in the Legislative Council ended in a violent anti-confederation disturbance in Market Square and in March 1885, despite the opposition of planter politicians, Tobago entered the new Windward Islands governate. Continued opposition from the planter class to this confederation led imperial attention to focus on association with Trinidad with which it was believed, the island would be better placed. By 1887 this was a fait accompli but the Tobago Legislature unsuccessfully sought an escape clause leading to protests from the island's leading planters. In June 1887 the St Vincent,

Tobago, and Grenada Constitution Act as far as it related to Tobago was repealed to make way for the union of Trinidad and Tobago. The Order in Council came into force in January 1889 despite continued opposition from the planter element.

The era from union to Independence marks the fifth period of contestation. The act of union was revisited and with effect from 1st January 1899, Tobago was made a ward in the united colony of Trinidad and Tobago. From the start there were elements of dissatisfaction in the union. Biggart, Hope and A.P.T. James sought in vain to intercede for change and tensions became heightened during this period. Susan Craig James identifies five issues which faced Tobago during the first 50 years of the union. These include adequate representation in the councils of the state and the need for decentralisation of the administration, transfer of decision-making power to the island and popular control over the organs of the state. Tobago was placed in an "unenviable political and economic position" and it remained underdeveloped and its people frustrated in the union up to 1962.



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The independence constitution marks the beginning of the sixth phase of contestation. Independence for Trinidad and Tobago aggravated rather than solved Tobago's problems as the central government did not empathise with the people of Tobago. The creation and later removal of the Ministry for Tobago Affairs stimulated more political tension as the age-old debate on how best to administer Tobago continued. The question of autonomy for Tobago occupied a prominent position in the politics of the country and matters came to a head in the 1970s with a crescendo of calls for cession and autonomy. The establishment of the Wooding Commission in 1971, which resulted in no tangible action, was followed by the Robinson motion of 1977 and a petition for self government for Tobago. In 1979 the Seemungal Draft constitution was prepared and the public was given one month to comment. While residents of Tobago supported the draft, government opposed the autonomy it proposed to give to the island. Finally, in 1980 the Tobago House of Assembly (THA) was reestablished.

While it offered a resolution to a long-standing demand, the establishment of the THA created numerous constitutional and personal tensions amongst the political class of Trinidad and Tobago and stimulated yet another phase of contestation over constitutional issues in Trinidad and Tobago.

The establishment of the THA ushered in the seventh phase of contestation. Once it became operational, dissatisfaction was expressed over a number of shortcomings of the Act. After much debate and tension, Justice Guya Persaud reviewed the constitution and produced a revised THA Act in 1996. But Tobagonians continued to complain about deficiencies of the Act. In 2006, Ellis Clarke presented a draft to amend the constitution to which objection was made on the grounds that it was prepared without the consultation of the people of Tobago, which was the norm in previous efforts. After more than a century the constitutional issue remains a hotly debated centre stage issue in the politics of Trinidad and Tobago. Meanwhile real autonomy remains an elusive dream for the people of Tobago. ■



Tobago House of Assembly Chambers, Scarborough