

TRINIDAD AND TOBAGO COUNTRY REPORT

For the Quebec Plan of Action

Part B: Access to Participation in Local Government

Section 1: Overview

1.1 Executive Summary

Administration of local government functions can be highly ineffective in Trinidad and Tobago, due to the numerous levels of jurisdictions and the resulting overlap in functions. Confusion and ambiguity regarding under which jurisdiction a particular function falls contributes to this inefficiency, and oftentimes provides bureaucrats with an excuse to pass the buck.

Operations and functioning of local government authorities in Trinidad, in particular, is largely emasculated by the dependence on central Government and the operations of the Ministry of Local Government. The work of the latter is essentially politicised and the Ministry is seen to serve the interests of the party in power rather than national interest. Public trust in the operations and intentions of the Ministry of Local Government is low, with an increasing perception of municipal authorities – particularly those under Opposition-control – as being ineffective. This is aggravated by a highly polarised political culture.

The weakening of local government by the central Government, as noted by a 1997 OECS report, continues, with the central Government having instilled a public perception that the only way for the general public to address development needs is through a Member of Parliament or a central government agency.

Local Government is severely limited in its ability to act on local needs related to agriculture, community development, health, labour, works, telephones, public safety, and water, as these are under the jurisdiction of central government agencies.

As such, local government bodies also suffer from inadequate funding, equipment and supplies, as well as the availability of skilled and experienced persons. These inadequacies are especially acute in regard to these bodies' political functions.

Because of the relatively small size of the island, many local problems reflect national situations and cannot be tackled from a local level alone; for example, problems of crime, poverty, illiteracy, etc.

There seems to be no redistribution system to compensate for income inequalities among municipalities. In fact, the converse seems true, where redistribution favours supporters of the party in power or efforts by the party in power to win votes in a particular area, and not on the basis of need, size, and demands on the resources of the municipality.

The escalating numbers of complaints against the Corporations filed in the annual Ombudsman reports indicate a growing concern regarding the operations of the corporations in meeting citizens' expectations and needs.

There is a need for Constitutional Reform that will take a local-level approach to development and poverty alleviation; promote greater participation by civil society organisations; and increase public consultation on the functions and projects of local government. At the same time, greater decentralisation is required to give local authorities the power, finances and equipment to meet the needs of local communities.

1.2 The Quebec Plan of Action

The Quebec Plan of Action regards local government as an active agent of the State's political and administrative decentralization. Decentralisation is a key tool to broadening democracy and promoting the population's well being.

Local governments' more prominent presence in citizens' daily lives favours adequate participation and political representation, which are the foundations of democracy. Local governments are more familiar with the affairs of the community, and thus more responsive to the population's needs and demands. This proximity allows them to mobilize local resources more effectively to promote sustainable community development.

The capacities of local management impact the effectiveness of Local Government personnel to deliver their mandate to citizens. Many experiences with decentralization have shown that the positive role played by local governments is not automatic; it requires a pro-active focus, which takes local governments' unequal strength in managing and implementing policies and programs into account. Similarly, strengthening decentralization requires local governments to be willing to actively welcome citizen participation.

In recognition of the fact that adequate citizen participation and political representation constitute the foundations of democracy, and that local governments have a more significant presence in the daily lives of citizens, the governments, in committing to the Quebec Plan of Action, agreed to:

- Promote mechanisms to facilitate citizen participation in political life, especially in local or municipal governments
- Promote the development, autonomy and institutional strengthening of local governments, to help create favourable conditions for the sustainable economic and social development of their communities
- Strengthen local governments' institutional capacity to permit full and equitable citizen participation in public policies without discrimination, so as to facilitate access to essential services in order to improve citizens' quality of life and to promote decentralization and integral development of these services – in part through adequate and timely financing and in part through initiatives that help local governments generate and administer their own resources
- Promote the exchange of information, best practices and administrative techniques among local government officials, associations of municipalities, community groups and citizens' organizations, by facilitating municipalities' access to information and communications technologies, as well as promoting

- cooperation and coordination among national, sub-regional and regional organizations of mayors and local governments
- Promote cooperative international programs to help train local government leaders and mid-level officials

Section 2: Access To Local Government In Trinidad and Tobago

2.1 Introduction and Background

The first known local government system in Trinidad was set up by Spanish Conquerors in 1592, when they founded the first town, San Jose De Oruna, now known as St Joseph, and established the Cabildo, or town council. The Cabildo entailed the establishment of institutions now believed to be the pillars of society – a church, a governor’s residence, and a prison.

A formal election was held for members of the Cabildo, which constituted a mayor and protector general, among others. These members enjoyed certain privileges, including exemption from military service and preferential choice at the public markets.

The Cabildo swore in the Governor and all other public servants. It granted approval to practice for physicians, surgeons and apothecaries, and financed a physician and schoolmaster for the poor. It also administered funds to prevent epidemics, and help the public in case of 'public calamity.'

The Cabildo could not make laws for the public. It advised the Governor. Public funds were kept in a 'treasure chest,' the keys to which were held only by the mayor, secretary and the Depositor General.

The local government in Trinidad remained virtually unchanged through the administration of British Governor Sir Ralph Abercrombie (1813 - 1829) and up to that of Lord Harris (1845 - 1854).

Under Lord Harris, the system was revised, with the country divided into counties and wards. Wardens were established as government chief executive officers of each ward. The system also created the Borough of San Fernando in 1846, reducing the centralized administrative power of the Port-of-Spain Council. Arima was made a borough in 1888.

In 1899, Tobago was merged administratively with Trinidad to form the single colony of Trinidad and Tobago.

In 1946, seven counties were defined to conduct local administrative functions.

Trinidad and Tobago now functions under a central government and a local government system. The Central Government is headed by a Cabinet formed by the party that wins the majority of votes in general elections, held every five years. Each Cabinet member is responsible for a Ministry. The division according to county and wards still exists, to some extent, as markers of the division in the jurisdiction of some decentralized government functions, such as education.

However, two city Corporations, three borough Corporations and nine regional Corporations are responsible for administering to the needs of local communities, as established by Act No. 21 of the 1990 Municipal Corporations Act, 1990. A Tobago House of Assembly serves Tobago at the local level.

Elections to select local authorities are held every three years.

Mayors and chairmen of corporations generally represent a party, rather than disadvantaged groups or those subject to discrimination, unless that is pitched as a party line. There are no female mayors. **Since the two major parties virtually command about 40 percent each of the respective two major ethnic groups, the choice of heads of corporations largely reflect this ethnic composition.** Little attention is given to other ethnic minorities, such as the Chinese, Syrian-Lebanese, etc.

2.2 The Central Government

For general election purposes, Trinidad and Tobago is divided into 36 constituencies, two of which are in Tobago. Those who win the general election to their constituency are assured of a place in the Parliament, either as a Government member in the majority party or as a member of the Opposition, the minority party.

Members of Parliament are responsible for representing the needs of their constituents in the Parliament.

The Executive, or Central, Government, drawn from among the majority party, is headed by the Prime Minister, who commands a Cabinet of elected and selected Ministers. Each minister is responsible for various policy-making and administrative portfolios such as education, health, infrastructure, economy, finance, etc.

The Ministry of Local Government oversees the operations of two City, three Borough and nine Regional Corporations. The Ministry is meant to facilitate, coordinate, monitor and ensure “accountability of Municipal Corporations in the effective and efficient delivery of quality services through meaningful decentralized systems, structures, procedures, practices and provision of specialized support services.”

2.3 Local Government

The mayoral cities and towns account for some 17.69 percent, or less than one-fifth, of the nation’s population. Furthermore, the urbanised stretch between Port-of-Spain and Arima, known as the East-West Corridor, accounts for approximately 30 percent of the population, meaning that the majority of the population lives in rural areas, where infrastructure is scattered and provision of social services ad hoc. The concentration of populations around cities and boroughs creates demands and stresses on services and facilities of municipalities, while the more scattered and rural population in the areas outside the East-West Corridor creates its own demands in terms of provision of infrastructure to scattered populations.

Local Government in Trinidad and Tobago is divided into 14 City, Borough, and Regional Corporations, all of which suffer from low levels of training for public office, low levels of literacy, and low levels of commitment to local and national goals.

In addition to the 36 constituencies, whose needs are represented in the Parliament by elected members, the local government system in Trinidad and Tobago allows for two City Corporations, three Borough Corporations and nine Regional Corporations, as established by the Municipal Corporations Act of 1990 (see Table 1). This act lays down the terms of election of officers to the municipalities. Each Corporation is composed of two arms, on political and the other administrative.

The political arm comprises mayors, aldermen and councillors. The city and borough councils are headed by mayors and the regional corporations by chairmen.

Councillors are elected to office every three years. The councillors elect aldermen to three-year terms. The councillors and aldermen, in turn, elect mayors and chairmen, whose terms are for one year and who are eligible for re-election.

The administrative arm, appointed under the Statutory Authorities Act, comprises a Chief Executive Officer, a Corporate Secretary with a legal background, a Treasurer, an Engineer and a Medical Officer of Health.

The Chief Executive Officer is the chief administrative and accounting officer of the Corporation and attends all meetings of council, supervises sales and revenue collections, and by March 31 of each year is expected to submit a report on the administration for the previous year ending December 31.

Each municipality must also be served by a Municipal Police Force, which falls under the jurisdiction of the Minister of Local Government. In consultation with the Commissioner of Police, a cadre of officers including rank of Superintendent, Assistant Superintendent and inspector; and Sergeant, Corporal and Constables.

The boundaries of regional corporations are wider than constituency boundaries and may accommodate the strongholds of various political parties. In addition, remnants of the colonial counties and ward system continue to exist in name only as a guide to Central Government's administration of such needs as Education, Health and Public Works.

This sometimes complicates the issue of jurisdiction, as Regional Corporations also are responsible for aspects of delivery of health services and public works.

The complications involved with the overlap of jurisdictions are best exemplified by the health system. A system of Regional Health Authorities exists, with five Regional Health Authority (RHA) districts – four in Trinidad and one in Tobago. The RHAs serve as yet another administrative level, further complicating the issue of delivery of health services and, more recently, the issue of compensation for doctors; based on the current system in Trinidad and Tobago, doctors must report to three different levels of administration – the RHAs, the Regional Corporations and district health offices, and the Central Government. This has resulted in several impasses by the

various jurisdictions on issues surrounding administration and delivery of public health services.

Borough and Regional Corporations have complained that successive Ministries of Local Government have usurped their roles and functions and introduced political motives into the provision of goods and services at district and community levels.

Table 1: City, Borough, and Regional Corporation Statistics

Corporation	2000 Pop	2004 Pop	Area	Pop/ km²
Arima (Borough)	32,300	33,300	11 km ²	0.33
Chaguanas(Borough)	67,400	69,500	60 km ²	0.86
Couva-Tabaquite-Talparo	162,800	167,800	703 km ²	4.19
Diego Martín	105,700	109,000	149 km ²	1.37
Mayaro-Río Claro	33,500	34,500	853 km ²	24.73
Peñal Dèbé	83,600	86,200	237 km ²	2.75
Point Fortín (Borough)	19,100	19,600	23 km ²	1.17
Port of Spain (City)	49,000	50,600	10 km ²	0.20
Princes Town	91,900	94,800	617 km ²	6.51
San Fernando (City)	55,400	57,100	8 km ²	0.14
Sangre Grande	64,300	66,300	895 km ²	13.50
San Juan-Laventville	157,300	162,200	232 km ²	1.43
Siparia	81,900	84,500	531 km ²	6.28
Tunapuna-Piarco	204,000	210,300	496 km ²	2.36
Tobago (THA-ruled)	54,100	55,800	303 km ²	5.43
Trinidad (total)	1,262,400	1,301,700	5,128 km ²	

2.4 The Tobago House of Assembly

Until the formation of the Tobago House of Assembly in 1980, the smaller island's affairs were administered entirely from Port-of-Spain, Trinidad's capital city. With the passage of the Tobago House of Assembly Act in 1980, the Tobago House of Assembly was established for the purpose of making better provision for the administration of the island of Tobago. The result was that the island acquired a degree of autonomy not previously enjoyed. Under this Act, the Assembly was given responsibility for formulating and implementing policy on all matters referred to it by the Minister and for implementing in Tobago government policy relating to matters set out in the Act.

This 1980 Act has since been repealed and replaced by the Tobago House of Assembly Act No. 40 of 1996, when the Trinidad and Tobago Constitution was amended so as to entrench the Tobago House of Assembly in the Constitution. Under the 1996 Act, the Tobago House of Assembly has power both to formulate and implement policy in relation to a wide spectrum of matters set out in the Act. Although the Cabinet constitutionally retains general direction and control over the Assembly, in practice the Assembly retains substantial autonomy over Tobago.

However, areas such as foreign affairs, the judiciary, etc., are still managed by the Central Government.

The 1996 Act also entitled Tobago to independent and adequate funds from the Central Government. A Dispute Resolution Commission was established to act as Arbitrator between the Tobagonian Authorities and the Central Government in Trinidad.

In the only case where the Commission has had to make a formal recommendation, it has held the view that Tobago was entitled to expect, every year, a certain minimum percentage of the amount of resources available for the whole nation based, *grosso modo*, on the percentage of the Tobagonian population within the population of Trinidad and Tobago.

The Assembly is headed by a Chief Secretary, who is appointed from among the candidates of the party who wins the majority of seats in THA elections, held every five years. It includes a deputy chief secretary, a leader of assembly business and three appointed councillors, a presiding officer and a deputy presiding officer. A minority leader is drawn from among the party that wins the second highest number of seats in the election.

The Assembly meets in the Assembly Chamber once a month, on the fourth Thursday of every month.

A Clerk of the Assembly is responsible for administrative support, and functions according to the rules and standing orders of the assembly, or as assigned by the presiding officer.

An Executive Council, which mimics a Cabinet setup, includes six Executive Secretaries and three Assistant Secretaries. Their duties include formulating and administering policy decisions of the THA in areas such as legal affairs, health, education, public finance, public infrastructure, etc. The Executive Council meets once a week.

2.4 The Trinidad and Tobago Association of Local Government Authorities

The Municipal Corporations Act of 1990 established the Trinidad and Tobago Association of Local Government Authorities, which includes representatives from all of the regional corporations. It seeks to promote local government as a centre for opportunity, leadership, governance, representation and participatory democracy.

It has collaborated with the Caribbean Association of Local Government Authorities (CALGA), the Commonwealth Local Government Forum, Association of London Government, International Union of Local Authorities, among others to promote capacity building and development programmes for its members.

Section 3: Autonomy and Institutional Strengthening of Local Governments

3.1 Strengthening the autonomy of local governments.

Since 2000, there have been no modifications to the legal framework that regulates or supports the decentralization process at the constitutional, legal or regulatory levels.

However, there have been incessant calls for constitutional reform, which requires a two-thirds majority acceptance in the Parliament. Given that the Government rules with a slim majority, bills requiring majority support have not been passed, as the Opposition has joined Civil Society Organisations in the call for Constitutional Reform before assenting to any bill that requires majority support.

3.2 Local government's power and capacity for action

Local Government's capacity to act has been described as low to medium, largely unfocussed and restricted, and is subject to manipulation by the Central Government through the Ministry of Local Government, the Ministry of Community Development and other Government agencies.

In cases where the local bodies are under the control of Opposition parties, there are reports of frustration in accessing funding and manoeuvring around the bureaucracy to fulfil mandates of serving local communities.

Such community-based programmes as CEPEP, URP, HYPE, etc., are under the jurisdiction of the central Government. The administration of these programmes also suffers from lack of transparency in the issuing of contracts and public accountability in the value of work done for money paid.

Most of the total income of all local bodies come from the Central Government, and under the Municipal Act are paid into a Corporation Fund. This pays salaries and expenses of carrying out the functions of the corporations – road repairs, drainage, street lighting, cemeteries, parks and market management etc. The local bodies collect house and business taxes on behalf of the Central Government, and these are paid into the National Treasury. In cases where licence or user fees are charged, for issuance of copies of documents, etc., the charges are minimal. Taxes, licence and user fees go to the Treasury. Some user fees are left with the Corporations, but these are regulated by Government through its fiscal and other policies. Loans are also negotiated by the Central Government on behalf of local authorities and form part of their allotment and transfers from Central Government – for example, IDB loans for development of rural access roads, etc.

Councils may establish a “Mayors’ Fund,” to which go donations, grants or material received from diplomatic missions and representatives of foreign countries, but these represent less than one percent of needs. The council must prepare an annual written report and submit it to the mayor.

Most of the municipalities approve their budgets by the legal deadline, but there have been complaints of bureaucratic or politically instigated delays on the release of funds to finance public works or pay staff salaries.

There is some collaboration among the Trinidad and Tobago Association of Local Government Authorities body, the Caribbean Association of Local Government Authorities, and international organisations such as the Commonwealth Local Government Forum, the Association of London Government, and the International Union of Local Authorities. However, these are ad hoc, sporadic and inconsistent.

3.3 Municipal officials

There is no formal recruitment system for municipal personnel.

The political arms – mayors, councillors and aldermen – are developed by the parties, and selected by party members. The administrative arm of support services largely is an outcome of patronage for party support

Less than 20 percent of municipal officials have a technical or university degree. Some may even fall within the definitions of functional illiteracy. In a system that is built on party patronage, there are no systems to reward excellence, productivity, and innovation or for training of municipal personnel to improve delivery of service.

The courts are the only recourse against officials for ethical breaches, as party discipline systems are usually very lax, and only come into play if the official comes into direct conflict with his or her party's leader, or runs afoul of the party in power.

3.4 Citizen participation in the politics of local governments and municipalities

Elections to select local authorities are held every three years.

Mayors and chairmen of corporations generally represent a party, rather than disadvantaged groups or those subject to discrimination, unless that is pitched as a party line. There are no female mayors. Since the two major parties receive support from the majority of the two respective major ethnic groups (Afro-Trinidadian and Indo-Trinidadian), the election of heads of corporations largely reflects this ethnic composition. Little attention is given to ethnic minorities like the Chinese, Syrian-Lebanese, etc.

The body of elected local representatives function under the Municipal Corporations Act of 1990, which establishes a Minister to head a Ministry of Local Government. This system effectively neutralises the powers of local representatives as the Ministry has powers through its provision of funding for establishing facilities, expanding infrastructure and paying staff salaries.

Local bodies sit at statutory meetings once a month where are discussed established items on the agenda that may have been proposed by the local representatives. Local government officials present opinions and discuss solutions, but ultimately those are voted upon and the party with the majority number of representatives in the council usually holds sway as voting is almost always done with consideration to party loyalty. Local officials have no powers to veto a mayor's decision.

3.5 Non-discriminatory citizen participation in public policymaking.

There are few channels, systems or mechanisms for citizen participation in the management of public services and development projects at the local level. Generally, citizens have to turn to the media to get attention to local plights such as poor access roads, market facilities, traffic congestion, etc.

There are no channels for participation in:

- Public Service Management
- Development Projects
- Comments on scope of participation
- Information
- Consultation
- Training
- Participation in project administration
- Participation in directive councils

3.6 Oversight or control mechanisms

In the decision-making process for the municipal investment and development budget, have there been no noteworthy experiences since 2000 in the following areas:

- Consultation with civil society organizations
- Direct consultation with the population (assemblies, council meetings, referenda)
- Public sessions of the municipal council in which the budget is discussed
- Public dissemination of the proposed budget for information and/or discussion
- Discussion of the budget with community opinion leaders

3.7 Openness of local governments to citizen participation

Opportunities to participate are largely non-existent.

There is/are:

- No websites of local government corporations, or other expeditious forms of access to information about local governments' planning, programs and administration
- No consultation on specific issues through public surveys or assemblies
- No participation of civil society organizations in programs or projects through committees or working groups on a consultative basis
- No participation of civil society organizations in programs or projects through committees or working groups with decision-making power
- Little promotion by local government of alliances with civil society organizations

A Tax Appeal Board allows for complaints regarding collection of taxes. The Ombudsman also receives complaints against municipalities, which he tabulates in his annual report. In 2000, Local Government recorded the second highest number of complaints, after the prison services, with regional corporations lodging 60 complaints and municipal corporations lodging 23. In 2001, complaints against municipal corporations alone were 121. In 2002, that number was 257, 162 of which were against municipal authorities. The highest number of complaints in 2002 was against regional corporations (106) and the Tobago House of Assembly (137).

The escalating numbers of complaints against the corporations indicate a growing concern on the functioning of the corporations in meeting citizens' expectations and needs.

The CEO's submission of an annual plan on the administration of the Corporation by March 31 of the following year involves no citizen consultation, such as referenda or plebiscites.

The only powers available to local citizens are the few minutes they spend in the polling booths to elect local officials every four years.

None of the municipalities have an official department responsible for citizen participation initiatives or community organizations.

Municipalities lack infrastructure, meeting places, recreational facilities, equipment, service centres, and training facilities at the citizens' disposal to support participation. Some local level training courses are run to empower women and youth, but these are occasional and inconsistent.

In general, civil society organizations have a low level of influence on local government decision-making, in consultations with the local government, in negotiations among council members, in discussions about topics directly affecting the population or subgroups, in the work of committees, or in assemblies or plenary debates of the municipal government. However, they may lobby the mayor or members of council to support a particular cause or initiative.

There are no forms of local citizen participation that establish obligations for the municipality.

3.8 Promotion of sustainable economic and social development of communities

About half of the population in all municipalities lives below the poverty line – in approximately 35 percent of the municipalities, more than half of the population lives below the poverty line.

And few local governments have medium- or long-term development plans that cover three or more years.

Moderate priority is placed on cultural affairs, poverty elimination, and disaster management, with low focus given to combating corruption, environmental stewardship, access to technology, or local economic development.

There is low level of agreement among civil society organizations on local governments' development priorities, as the local authorities' focus is on party loyalty and not necessarily serving the communities.

As such, there is generally a low level of population satisfaction with the public services managed by local governments, especially education, health, infrastructure, community safety, housing or support for small businesses.

Section 4: Policy Recommendations

Based on the above analysis of the power and capacity of local government in Trinidad and Tobago, this country report recommends the following action:

1. Constitutional reform that will strengthen the role and functions of municipalities to effectively deal with development of districts and poverty alleviation.
2. Strengthening relations with and consultation with civil society organisations – women’s groups, youth groups, religious groups, farmers’ groups, etc., in an effort to promote community development and alleviate poverty.
3. Promote leadership training to enhance the level of individuals who not only function within local government but also civil society organisations.
4. Encourage practices of transparency and accountability within the system so as to remove suspicions that currently accompany Local Government projects.
5. Decentralise the authority so as to allow municipalities more autonomy in their functions.
6. Incorporate municipalities more into decision making in national, public and private sector planning.