**DRAFT**

**EXTERNAL RELATIONS OF AUTONOMOUS REGIONS AND TRANSBOUNDARY COOPERATION – THE CASE OF TWIN ISLAND STATES IN THE COMMONWEALTH CARIBBEAN: COMPARISON WITH THE MOROCCAN INITIATIVE FOR THE SAHARA REGION**

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**Introduction –Structure and Outlook of Twin Island States in the Caribbean[[2]](#footnote-2)**

The Commonwealth Caribbean is identified as a region which shares a common geographical space, cultural outlook and colonial heritage. It is precisely as a result of its colonial experience that the phenomenon of nation-states with autonomous or semi-autonomous regions, or ‘twin-island states’ as they are labelled in the region, developed. In each of its three twin-island states: Trinidad and Tobago, St. Kitts and Nevis and Antigua and Barbuda, the status of shared nation-state was imposed by the colonial directorate, the United Kingdom. In fact, the United Kingdom, as coloniser, had experimented with a variety of integration formulas for its several Caribbean colonies, no doubt because of the cost in administering so many tiny territories individually.[[3]](#footnote-3) Some of these economic and political arrangements survived into independence. In each of these twin-island states therefore, it is to the independent constitutions that we must look to find the character and authority afforded to autonomous territories and that of the twin-island states themselves.

While administrative and political expediency of a single coloniser and the lack of choice or consensus in relation to twin-island status are common denominators in these states, the end results are not uniform. Both the legal infrastructure and the socio-political makeup of autonomy are to be differentiated. It is also the case that the twinning of these island-nations was not necessarily because of any perceptions towards similar experiences, cultures or economic makeup, nor is it the case that those twin-island states with more cultural linkages fared better in terms of governance. Indeed, Trinidad and Tobago, which has radically different ethnic populations, has seemingly existed more harmoniously than St. Kitts and Nevis where the ethnic and cultural makeup seem almost identical to the casual observer.

Accordingly, to adequately analyse the relevant issues given the differing factors at play, this paper will analyse each of the twin-island nations separately, highlighting important similarities and differences with a view to presenting a useful comparative framework for assessing the Moroccan Proposal.

The three twin-island states exhibit different levels of autonomy, with Nevis being the most autonomous in its partnership and Tobago the least, without even the power to create laws.

However, with regard to autonomy in external relationships, it is clear that in one area, tourism, all of the three states permit the autonomous territory to engage in the global marketplace as a separate entity, including, except for Barbuda, representing itself in the groupings governing regional tourism such as the Caribbean Tourism Organisation (CTO) and the Caribbean Hotel and Tourism Association (CHTA). Given the importance of tourism to the region, this is an important power. The source of authority for such initiatives, however, differs.

The model in each of these three nation-states is conceptualised with a ‘dominant’ territory, the larger one and a ‘subordinate’ territory. These are arrangements which mimic the colonial constructs when the smaller territory was annexed to the larger territory in a variety of forms, such as wardship (a controversial term). These annexations were political and administrative conveniences, particularly because of the several territories in the region and the very small size of some of these states, whether in terms of geography or population. Barbuda, for example, has a population of only 1,800.[[4]](#footnote-4) The political structure involves some type of local assembly for the subordinate state, which permits it the autonomy for some governance for its territory only, while the dominant partner is the central government which governs for both territories except for designated areas of exclusivity, where specified. In none of these nations is there any type of governing Assembly that can govern for the dominant state alone, be it Trinidad, St. Kitts or Antigua. This is remarked upon by political commentators in St. Kitts and Nevis as being peculiar, but it is a typical arrangement in the region and in fact underscores the notion of dominant-subordinate relationships, as opposed to equal power sharing.

It is the case, however, that all of these twin-island states may be described as non-consensus models which have strong impulses towards greater autonomy and even secession emanating from the subordinate territory. The lack of choice and consensus in the very formation of these autonomous regions are to be viewed as important factors of the significant deficiencies in their governance and even as inherent self-destructionist impulses. They have all exhibited tendencies towards political fragmentation after independence. These territories had their own functional autonomous machinery for much of their early history, permitting them to develop their own “idiosyncratic customs, which they zealously guarded from infringement” (Ottley 1973). They each possess a strong sense of insular identity and view themselves as “distinctive cultural, economic and political entities’ (Jordan, 2005), despite their small sizes. This contributes to the friction. In fact, Nevis and Tobago both had self-government in the colonial sense when still dependent territories of Great Britain, before this political status was demoted in these twinning arrangements, a point which has also mitigated against consensus building. In each nation-state, there have been complaints of neglect and abuse by the dominant to the subordinate.

This historical experience teaches us that consensus building is an important component of successful models of autonomous regions.

**Sphere of External Relations Not Concisely Outlined**

In each of these twin-island states, it is clear that the realm of external relations, or foreign relations, in the purist sense of international law, is the preserve of the nation-state, as part of its sovereignty. It is only the nation state, as authorised by the Executive (central government) that can enter into formal treaties or agreements with other nation-states, establish consulate offices and related arrangements in other countries and treat formally with international organisations such as the United Nations. There is no power sharing for these formal foreign relations powers to be delegated in any of the twin-island states in the region.

Nonetheless, if one views external relations in a broad sense, as opposed to its formal understanding in international law, such as the ability to enter into contracts, represent itself in the international sphere and engage in cooperative alliances, we can discern a number of arrangements, whether through ceding of authority to local autonomous bodies in the subordinate territory or through practice, whereby functions normally undertaken by sovereign states are carried out by the autonomous subordinate territory. This is particularly with respect to activities in the area of cooperation or promotion of economic development. Two notable spheres of activity in this category are discernible. They are tourism and the offshore financial sector, two important economic activities for development in the Commonwealth Caribbean. As a result of these activities, collateral issues like land distribution and control and revenue collection often come into focus in determining the limits of autonomy. This paper will first describe and analyse the degree of autonomy in each of the nation-states under review and thereafter make some further observations about these areas of commercial activity in the international arena.

However, it is demonstrable that the legislative infrastructure determining autonomy is not sufficiently clear as to its parameters. It has not fully considered, if at all, the degree of autonomy where external affairs in the broad sense is contemplated. The matter is particularly complicated where issues of external relations are collateral to other subject areas where the subordinate state has been given jurisdiction. In the globalised economy, it is not feasible that these supposedly local subjects will not be tangential to, or even directly involve external interactions, whether it is the setting up of a hotel by a multinational company, or the building of a road by a foreign company or even a sporting or cultural development project. Investment inevitably has an international dimension, especially in small island states. This has led to enduring ambiguities which, particularly in Nevis and Barbuda, have led to litigation in the courts, which unfortunately, has not resolved them adequately to date, often sidestepping the core issue of autonomous jurisdiction, or in some cases, resolving the matter by conciliation or political negotiation.

In addition, the local authorities in the Caribbean have not concerned themselves with engaging externally as separate entities, such as for example, with a view to entering into ‘twinning’ arrangements with cities and the like. Similarly, these subordinate territories do not have civil society organisations or NGOs that seek to develop this kind of engagement as envisaged by ‘low diplomacy’ initiatives.

**St. Kitts and Nevis**

St. Kitts and Nevis is a sovereign democratic federal state, or Federation, comprised of two territories, St. Kitts and Nevis, as established under the Constitution of St. Kitts and Nevis, 1983. Nevis, the smaller island territory, is a fairly well-developed autonomous region within the nation, with its own Legislature established under article 100 of the Constitution and comprising Her Majesty and an autonomous body, the Nevis Island Assembly, made up of elected members corresponding with the electoral districts and three nominated members. This Assembly is the governing body for Nevis and has a range of extensive powers. A unique and controversial feature of the Nevis–St. Kitts arrangement is that the Constitution, by virtue of an enshrined provision under section 113, known as the Secession clause, permits Nevis to unilaterally secede from the Federation arrangement, provided that it follows a set internal constitutional process. St. Kitts does not have such a route to secession and arguably, the clause, conceived of as a “safeguard against future domination and control” by St. Kitts, has been destructive, rather than constructive to the aims and objectives of a harmonious, functional, twinned or integrated state, in that it has been used as bargaining chip in the political process to meet purely Nevis demands.[[5]](#footnote-5)

Importantly, under section 103 of the Constitution, the Nevis Island Legislature has the power to make laws for Nevis, such laws being labelled “Ordinances, for the peace, order and good government of the island of Nevis with respect to the specified matters”. A list of the specified matters for which the Nevis Island Legislature has exclusive power to make laws under the Constitution is set out in Schedule 5. Section[[6]](#footnote-6) Further, section 103 (2) prescribes:

“(2) A law made by the Nevis Island Legislature may contain incidental and supplementary provisions that relate to a matter other than a specified matter but if there is any inconsistency between those provisions and the provisions of any enacted by Parliament, the provisions of the law enacted by Parliament shall prevail.”

The Constitution, under section 102, also establishes a Nevis Island Administration (NIA), responsible for the day-to-day running of the territory. It consists of a Premier and at least two members of the Nevis island Assembly. Under section 106, the Administration has **exclusive** responsibility for the administration, within the island of Nevis, of certain designated areas, in accordance with relevant laws, namely: of airports and seaports, education, extraction and processing of minerals, fisheries, health and welfare, labour, crown lands and buildings appropriated to the use of the Federation, and licensing of imports into and exports out of the State. Section 106 (4) provides that "nothing in subsection (1) shall be construed as precluding the legislature from conferring other responsibilities on the Administration." In other words, the Nevis Island Legislature may on its own expand the list of responsibilities of NIA.

However, the wide power to administer and to make consequent laws is curtailed under subsection (2) of section 106 where they conflict with policies and objectives of the Federated state. Accordingly, the Nevis powers cannot:

“(a) affect the exercise of any power vested by law in the Governor-General or a Minister; or

b) empower the Administration to take any action that is inconsistent with the general policy of the Government as signified by the Prime Minister in a written communication to the Premier, or that relates to a question that in the opinion of the Prime Minister as so signified involves issues of national concern, without the prior concurrence of the Prime Minister.”

Section 37 of the Constitution gives the Parliament of St. Kitts and Nevis a general power to make laws, but this is with the exception of certain designated areas as laid down in Part 10 of the Constitution, for which Nevis is given the exclusive right to make laws for Nevis, with the proviso that these Nevis laws do not conflict with the laws of the Federation. External affairs and defence are two areas which are singled out as being within the jurisdiction of the Federation and not within the autonomy of Nevis in terms of law-making and related powers. Even within the exclusive law-making spheres granted to Nevis, therefore, the law-making authority of the Parliament of St. Kitts and Nevis in relation to external affairs and defence may extend to Nevis. The provision states:

37.- (1) Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Saint Christopher and Nevis.

(2) Save as otherwise provided in subsections (3) and (4) the power of Parliament to make laws having effect in the island of Nevis shall not extend to any of the specified matters (that is to say, matters with respect to which the Nevis Island Legislature has exclusive power to make laws so having effect). . . [[7]](#footnote-7)

(4) At any time when there is in force a declaration made by the Governor-General by proclamation that any provisions of any law enacted by Parliament specified in that declaration (being provisions that relate to a specified matter) are required to have effect in the island of Nevis-

1. in the interests of external affairs, or
2. in the interests of defence,

those provisions shall accordingly have effect in the island of Nevis; and if there is any inconsistency between those provisions and the provisions of any law enacted by the Nevis Island Legislature, the provisions of the law enacted by Parliament shall prevail.[[8]](#footnote-8)

The declaration specified in subsection (4) (a) of section 37 as required by the Governor-General when external affairs are in issue is an unusual formula and suggests some interesting possibilities, particular with regard to the specified areas of exclusive jurisdiction reserved to Nevis. It certainly gives Parliament the authority to intervene or expand its jurisdiction in relation to interests of external affairs even where the matter relates to these specified areas, but it can only do so through this constitutional formula of a declaration. On the one hand we can read this simply as the framers of the Constitution wanting to simply underscore that external affairs are to be the exclusive domain of the sovereign nation-state. However, the way it is drafted, giving a negative right, as it were, can also be interpreted to mean that unless Parliament so intervenes by Declaration, Nevis can engage in external affairs, at least for external affairs that relate to those specified matters of exclusivity. It is entirely plausible that the constitutional framers did not envisage that external affairs would affect these specified areas of exclusive domain.

These are the kinds of ambiguities that exist which need to be clarified and which Morocco should seek to avoid. A realistic example relates to the offshore financial sector. Currently, as discussed further below, this subject is treated as one of exclusive jurisdiction for Nevis. However, can the St. Kitts central government intervene if (as is the case) the sector comes under international criticism to save the country’s international image, for example? Indeed, one attempt in 1996 to compel more accountability for the sector by then Prime Minister Douglas by seeking to open a Federal Office in Nevis was met with strong opposition and suspicion that the St. Kitts wanted to secure some of the offshore business for itself and party patronage, and failed.[[9]](#footnote-9)

Indeed, there is little consideration of the subject of external affairs *per se* and there appears in the writing to be no consensus as to whether Nevis has any such authority. In fact, one writer matter of fact assumes that Nevis has such authority, whereas others appear to take it as a given that such authority resides in central government. For example, Griffin states: “The argument for constitutional reform is based upon the fact that while there is a Nevis Island Assembly that is responsible for the internal and *some external affairs of Nevis,* there is no similar St. Kitts Island Assembly.” [author’s emphasis][[10]](#footnote-10) Regrettably, he provides no information or analysis to support this claim, underlining the suggestion of ambiguity.

TheNevis Island Administration has the authority to raise and receive revenue (section 108) and even to levy certain taxes. The revenue earned is to be shared proportionately with the Federated state (section 110). However, under section 111, the power of the Administration to take loans and incur debts is circumscribed since it must consult with the Government before doing so and the Governor-General may also prescribe limits for such loans.

While Nevis has the autonomy to contract, engage in commercial relations, sue and be sued, the limits of this authority, in particular, where it is necessary to participate in dispute resolution in the international arena, has been less certain. The issue was examined in an important case involving an offshore cable television company, Cable and Wireless (Cable), which involved an attempt at arbitration before the International Centre for Settlement of Investment Disputes (ICSID), that is, *Cable Television of Nevis Ltd and Cable Television of Nevis Holdings Ltd.* v. *The Federation of St. Christopher (St Kitts) and Nevis.[[11]](#footnote-11)*  A key issue for our purposes was the Second Issue, that is, whether the Arbitral Tribunal was competent to countenance the substitution of a Contracting State, namely, the Federation of St. Kitts and Nevis, in lieu of the Nevis Island Administration (NIA), as a party to the proceedings, such proceedings having arisen from a commercial arrangement entered into by NIA.

The dispute arose because Cable had been denied permission by the Federation (the Respondent) to increase its cable television charges prior to arbitration. The Federation obtained an injunction to prevent Cable from doing so. While the ICSID ruled that it had no jurisdiction to hear the matter, it made a number of important and pertinent findings about the status and authority of Nevis and its place in the international arena.

First, the ICSID affirmed that NIA possesses juridical personality with the authority to enter into agreements of its own and further, found it evident that “that the Constitution recognises Nevis in two ways: one, as an integral inseparate part of the Federation (Chapter I, Section 1) with both St. Kitts and Nevis being unified as one sovereign democratic federal state, and two, as a separate, distinct and somewhat autonomous entity within the Federation (Chapter X enhanced by Section 37).”[[12]](#footnote-12) Consequently, it rejected Cable’s claim that the Agreement had been entered into by the Government of Nevis as representing the Federation, in other words that the Federation should take the place of the Government of Nevis as a party to the Agreement. It found that, on the face of it, the Agreement recognises the Government of Nevis and the Federation separately, since both appear at separate places in the Agreement. Interestingly, it noted the use of the word ”Government” in describing Nevis’ in the Agreement. Treating cable television as ‘educational,’ it fell squarely within the exclusive domain of responsibility of Nevis.[[13]](#footnote-13) It was also clear that the television levy (tax) was prescribed by the Federation and not Nevis, outlining the different spheres of responsibility. Since no evidence had been produced to demonstrate that Nevis’s law-making or administrative power had been curtailed because it conflicted with Parliament’s laws or national policy, the Agreement and concessions granted by the NIA were legitimate and thus the Federation had no standing in the matter and could not be substituted for NIA.

While the ICSID accepted Nevis’s autonomy to enter into the Agreement with the offshore company, this was a different issue to whether Nevis had standing, in of itself, before this international tribunal.

It noted that the procedure for ICSID Arbitral Proceedings as laid down in the Convention gives jurisdiction “between a Contracting State (or any constituent subdivision or agency of a Contracting State designated to the Centre by that State . . . and a national of another Contracting State.”[[14]](#footnote-14) Nevis could not be considered a Contracting State. “The Contracting State for the purpose of these proceedings must therefore be the Federation, since the dispute is in respect of an agreement which is being performed within that State and the investors are claiming to be American citizens, i.e. nationals of another state, to wit, the USA, another Contracting State.’[[15]](#footnote-15) Accordingly, only the Federation, or its agency could consent to the arbitration and as explained previously, since the Federation was not a party to the Agreement, it had no standing.

Nevis could have obtained standing to be represented in this international forum. However, in order for this to occur, it had to be designated as an agency or constituent subdivision of the Federation, the contracting state. Since there was no evidence of this designation, the Tribunal had no jurisdiction. The ICSID also took the opportunity to define what constituted a ‘state’ on the ‘international scene’, describing it as an international legal person i.e. an independent government, which has total control over its affairs both at the national and international levels including its foreign affairs and national security. Such a state can join international organisations like the United Nations, the World Bank or ICSID.”[[16]](#footnote-16) It is clear therefore, that Nevis cannot exist independently in terms of international standing before international tribunals such as these. It is instructive that the possibility of designating Nevis as an agency for such important activities, as has been done by other countries for their semi-autonomous states, was never even considered by St. Kitts, giving a telling clue about the attitude to genuine power-sharing as contemplated by the Morocco initiative.

If one takes a flexible approach to the notion of external relations, however, it is clear that Nevis, like other autonomous or semi-autonomous territories, can make significant overtures in the international arena. The ICSIS case confirms any doubt that the Nevis authority has the power to negotiate and conclude agreements with business and financial interests, even if foreign.

Another incidental point worthy of note arising from the *Cable and Wireless case* is the acknowledgement and acceptance by the ICSID of the authority of Nevis, described as the Government of Nevis, to make available necessary work permits for foreign nationals required by Cable and to grant customs duty exceptions with respect to material and equipment imported by Cable. Such powers underline the capacity of Nevis to engage in external trade relations and exercise certain traditional aspects of state sovereignty.

Yet, there is a note of caution and a possible lesson for Morocco in relation to the high degree of financial autonomy that Nevis enjoys. It appears to have fuelled the impetus towards secession rather than tamed it. The Nevis Assembly voted for secession in 1993 and while it subsequently failed at the requisite referendum state, this demonstrates the volatile nature of the union. Midgett has this to say:

“An irony of the secession attempt is that the economic underpinning of the proposed new nation is almost entirely attributable to developments that have followed from the 1983 constitutional arrangements and subsequent enabling legislation. The growth of tourism, largely as a result of an impressive facility owned by a transnational enterprise, and the rapid proliferation of offshore financial services have arguably made Nevisian independence viable. Hence, the grounding for this attempt at national sovereignty relies on the vastly expanded globalization of the Nevisian economy, quite a contrast from that earlier depiction of Nevis’s plight, which emphasised its penury and forced isolation.”[[17]](#footnote-17)

**Trinidad and Tobago**[[18]](#footnote-18)

Trinidad and Tobago is a twin-island state established by the Constitution of Trinidad and Tobago 1976. Tobago, the smaller and subordinate territory in the state, has a semi-autonomous body, the Tobago House of Assembly (THA), established under the Tobago House of Assembly Act 1996[[19]](#footnote-19) and Chapter 11A (sections 141A to 141D) of theConstitution*,* as amended.Section 141B of the Constitution prescribes for the Assembly an Executive Council consisting of a Chief Secretary and other secretaries as may be designated. Section 141D establishes a fund, the Tobago House of Assembly Fund, which “shall consist of (a) such monies as may be appropriated by Parliament for the use of the Assembly; and (b) such other monies as the Assembly may lawfully collect.

However, the degree of autonomy afforded to Tobago is very slight, especially when compared to that of Nevis, described above. Like Nevis, Tobagonians exhibit a high level of intolerance for the dependent status of Tobago and what they view as unequitable treatment by the dominant territory, Trinidad. Tobago’s history demonstrates that it had autonomous government during colonial times, having an unelected bicameral Legislative Council of Government as far back as 1832, with its own Governor and Commander-in-Chief. The act of Britain to abolish this autonomy by establishing a joint colony with Trinidad, making Tobago a ‘ward’ of the new joint colony in 1898 was unpopular with both colonies.[[20]](#footnote-20)

Tobago has no independent law-making power. It can only propose and adopt Bills which must then have the stamp of authority from the central Parliament, after being transmitted to the Executive, the Cabinet, who can refuse to lay them before Parliament. If enacted, such laws are to be called Assembly Laws, but none have been made. The powers of the Tobago House of Assembly (THA) are solely administrative.

The THA is given the authority to formulate and implement policy under the Tobago House of Assembly Act in relation to thirty-three designated matters listed under the Fifth Schedule of the Act, which includes *inter alia* tourism, agriculture, fisheries, food production, Town and Country planning, infrastructure, including both air and sea transportation, ports, the environment, customs, health, education. However, this is in really a pyrrhic victory, since it is not an exclusive jurisdiction, as in the cases of Nevis, or even Barbuda.[[21]](#footnote-21) Rather, this broad policy-making objective is subservient to section 75 (1) of the Constitution which gives Cabinet (the central making authority) the broad and all-encompassing power to have general direction and control over all matters, including national policy formation for the subject areas designated under the Act. This has obviously been a source of contention and often confusion, leading to calls for constitutional reform. For example, while Tobago has a tourism authority, there is also a Minister of Tourism in central government who dictates policy.

Further, there is no requirement for Tobago to be consulted if Parliament intends to pass laws that will affect Tobago. Indeed, this is one of the recommendations made for reform. There is also no constitutional requirement for a member of the THA to sit in the Cabinet, or Parliament. Representation in these august bodies by Tobagonians is through general elections, with two seats reserved for Tobago. There is no guarantee that the policy visions of Tobagonians, as harnessed by the THA, are reflected through these two central authority representatives or that they even have a working relationship, and in practice, often have not been, as identified by one recent Committee as a key finding.[[22]](#footnote-22) Interestingly, the Committee envisaged that even with constitutional reform, which they projected as federal government, central government would still have jurisdiction over “foreign affairs, national security, central banking.”

In addition, Tobago has no financial autonomy, which would be a severe hindrance to any meaningful autonomy in engaging in external affairs. Subsection (b) of section 141D above appears to give some latitude regarding financial affairs, but to date, while the THA has power to collect taxes and revenue in Tobago, it has no power to use such monies as it wills, nor to create, or levy taxes or raise loans on its own. Rather, monies collected are set-off against the Assembly Fund described at (a). Thus, the power of the Tobago House of Assembly to collect tax revenue is merely for administrative convenience. Any monies earned are set off against the grant of monies coming from Trinidad to resource the island. In addition, as a result of a decision by the Dispute Resolution Committee, Tobago now receives a fixed percentage of the Trinidad and Tobago budget.

In practice, Tobago is given wide latitude for the monies it receives from the budget, a “hands-off approach”.[[23]](#footnote-23) This has been both a plus and a negative. There have been complaints that these monies would be better spent for desirable purposes if there were some form of accountability, which in practice there has not been. As such, in 2010, another Committee, the Tobago Forum, called for the introduction of “legislative oversight over executive action and spending.”[[24]](#footnote-24) As noted above, Tobago does not have self-sustaining finances to effectively implement deep policy on its own in any event and attempts to do so within its current financial prison may prove frustrating. It is notable, for example, that while Tobago has lip service control over transportation, this has been a huge problem, affecting both movement between the two islands and tourism development and other commercial business ventures, both internally and externally. There is one national airline and a ferry, neither of which are efficient for Tobago’s needs. In addition, as a territory wishing to offer itself as a premier tourism destination, Tobago does not have the authority to bring direct investment in relation to international competitive airlines and the like to Tobago.

The question of jurisdiction for external relations − state to state − is explicitly addressed in the existing Constitution. Indeed, the Tobago House of Assembly Act specifically precludes Tobago from entering into this sphere. Section 4 of the Act states:

“4. No provision of this Act or of an Assembly Law shall be construed or interpreted so as to authorise—… c)) any convention, declaration, treaty, protocol, agreement or any international compact of any sort whatever between the island of Tobago or the Assembly and any foreign State.”

In addition, the Sixth Schedule lists the Matters for which the Assembly shall not be responsible and expressly states “3. Foreign Affairs.”

Relations between Tobago and Trinidad are characterised by a high level of friction on the question of autonomy for Tobago. Central government have sometimes acknowledged the imbalance of power between Tobago and Trinidad as detrimental to the twin-island state. For example, then Chief Minister, later Prime Minister of the nation, Eric Williams, said in 1956 that “Tobago had exchanged the neglect of UK imperialism for the neglect of Trinidad Imperialism”.[[25]](#footnote-25) Various constitutional or law reform committees and even legislative reform instruments on this question have been created, but not implemented. All have recommended greater autonomy, particularly with regard to giving Tobago law-making power over internal affairs, by virtue of a negative resolution in Parliament and financial independence.

Nonetheless, Tobago, like Nevis, trades in the global market as a separate and distinct territorial entity in the area of tourism and to a limited extent, in cultural affairs. The latter is informal and relates to Tobago’s distinct cultural heritage, which is very different to that of Trinidad. In truth, apart from cultural heterogeneity between the two territories, the geographical and economic make up of Tobago is vastly different from that of Trinidad, with Tobago being a tourist destination with sun and sea and beaches, while Trinidad is an oil-based economy. As such, the marketing and development of tourism in Tobago has been emphasised in Tobago.

**Antigua and Barbuda**

Antigua and Barbuda is a unitary sovereign democratic state with a history of twinning: as far back as 1 August 1860, Barbuda was made a dependency of the island of Antigua. In 1980 Antigua and Barbuda became an independent sovereign nation as a unitary state.

There is a semi-autonomous local government body, the Barbuda Council, established in 1976 by the Barbuda Local Government Act, as amended in 1979 and 1981, which created a council of eleven members, nine of whom are elected. The Barbuda Council, which is a body corporate, is given constitutional authority under Chapter X of the Constitution of Antigua and Barbuda 1981. Barbuda has a Member of the Parliament of Antigua and Barbuda which sits on the Council as well as a senator, who is nominated by the Council, as ex-officio members.

The Barbuda Council runs the internal affairs of the island and administers and regulates agriculture, forestry, public health, public utilities, and roads as exclusive powers. The Barbuda Council also has the authority to raise and collect revenue to meet expenses incurred in the performance of its functions in relation to these exclusive prescribed matters. The existing provisions of the Barbuda Local Government Act are protected under the Constitution by clauses which mandate that any Bill in the House of Parliament seeking to change these provisions must obtain the consent of the Barbuda Council.[[26]](#footnote-26)

Section 20 of the Act also grants the Council the responsibility for the maintenance of public buildings and harbour facilities; and the promotion of hotel and tourist development "in accordance with and subject to "any law relating to the alienation of land, foreign investment or tax incentives"; and a number of other headings. Further, section 20 confers power to borrow money in relation to the designated areas.

While there is a presumption that foreign relations reside in the nation state of Antigua and Barbuda, the Barbuda Council has been given express authority to engage in external relations with respect to financial aid or assistance, on condition that it informs the Cabinet and the Cabinet determines that it does not conflict with national laws and objectives. Accordingly, section 20 of the Barbuda Local Government Act states:

20. (1) Subject to the provisions of subsection (2) of this section, with the sanction of the Cabinet and a resolution of Parliament, the Council may borrow, on such terms and on such security as the Cabinet shall deem fit, any sum or sums of money for the purpose of exercising or performing any of the functions or duties of the Council under this Act or any other law.

(2) Where for the purpose specified in subsection (1) of this section the Council proposes to approach any person, body or authority *outside Antigua and Barbuda for the purpose of borrowing or otherwise obtaining any sum or sums of money for financial aid or assistance for Barbuda, the Council shall, in the first place, inform the Cabinet of the proposal* and if, in the opinion of the Cabinet, the proposal does not adversely affect the constitutional or legal responsibilities of the Government or its relations with other Governments, the Cabinet shall so inform the Council and thereafter the Council may make the approach; otherwise the approach shall not be made.”

While the Act does not specifically mention other states with regard to seeking such financial aid or assistance, it speaks to bodies and authorities, which is wide. Further, the condition that this approach should not conflict with the nation’s “relations with other Governments” suggests that Barbuda can approach other Governments or foreign national authorities provided that it does not conflict with the nation-state.

***Land ownership and Autonomy***

The issue of land has been particularly problematic because of Barbuda’s particular historical experience and has bearing on the extent to which Barbuda may be considered to have autonomy with regard to external relations of various forms. This is because land in Barbuda was historically only leased by Barbuda’s inhabitants and the restrictive relationship to land has continued. The issue of land had not been specifically addressed and the matter remained to be resolved through litigation.

Sections 20 and 21 provide clear evidence of the legislative scheme of the relationship between the Central Government and the Barbuda Council with regard to dealing with land. Under section 21:

[1] The Council may, with the sanction of the Cabinet, acquire by lease or purchase lands and buildings for any purpose of public utility, and in particular for the purpose of water works, markets, streets, road, parks and places of recreation.[2] The Council may accept, hold and administer any gift or property for any public purpose, or for the benefit of the inhabitants of Barbuda or any part thereof and may execute any works including, works of maintenance on the exercise and improvement incidental to or consequential on the exercise of the powers conferred under this subsection."

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| However, as noted above, the authority for tourism development under section 20 (4) (b) is made subject to land laws “any law relating to the alienation of land, foreign investment or tax incentives”, a proviso that has turned out to be significant for that development and for Barbuda’s autonomy in relation to meaningful external relations in this arena. |  |

In *AG v Barbuda Council,* AG 2002 CA*,* for example, the eastern Caribbean Court of Appeal settled the question whether the Barbuda Council could prevent the state from dealings of Barbuda land. Holding that Barbuda lands vested in the Crown, the court rejected Barbuda’s argument that the national government had to obtain the consent of the Barbuda Council, saying:

“71] The learned trial judge observed that the provisions of section 18[2][b] meant that no directions could be given to the Council by the Cabinet in matters relating to agriculture and forestry. He reasoned that the duty to regulate agriculture necessarily involved the power to regulate where agricultural pursuits may be carried out and that since the Council's powers were exclusive once land had been set apart as provision grounds their character could not be changed without the consent of the Council. This reasoning carries potential for conflict. For example, under section 18[4][b] one could argue that the power to promote hotels and tourism carries the right to determine where these projects should be located. This is a power which the Council is required to exercise in accord with the policy of the Cabinet. Therefore, there could be conflicting regimes regarding the allocation of land for agricultural and tourism purposes. In this case, for example, the question could be whether Spanish Point is to be used for the Agricultural purpose of provision grounds or the tourism purpose of the Unicorn development.

[72] The real answer is that the Local Government Act does not deal with issues relating to land tenure and land usage. Certainly there is nothing in section 18 which regulates land usage or tenure or the disposition of Crown land in Barbuda.

Earlier cases support this view: In *The Barbuda Council v. The Attorney General Antigua Aggregates Ltd. and Sandco Ltd*,[[27]](#footnote-27) the learned trial judge in that case, Redhead, J., had to consider the effect of section 18 of the Local Government Act. He said, at page 51:

"I am of opinion, that ’to administer agriculture and forestry’ does not give the Council control over the land in Barbuda. I cannot agree therefore with learned counsel Mr. Clarke that sections 18 and 19 of the Barbuda Council Act give the Council wide and extensive powers over lands in Barbuda. The powers given as I have said are prescribed by the Barbuda Act."

Further, in *Unicorn Ltd v. The Barbuda Council,[[28]](#footnote-28)* in proceedings relating to an injunction concerning access to the lands in dispute in this case, the learned trial judge Georges, J. concluded at page 11:

"The Council can only exercise jurisdiction and control as given to it under and by virtue of the Act. It follows therefore that the Council cannot grant a lease or concur in the grant of a lease of lands which it does not itself own. That power vests in the Crown alone and is unfettered. And the power of the Council to set apart lands for public purposes [e.g. to establish conservation areas and national parks] can only be exercised lawfully with the sanction and approval of Cabinet and with its concurrence. No lawful act of reservation was demonstrably done by the Council in respect of lands at Spanish Point."

Reasoning by analogy it is suggested that the limitations placed on the Barbuda Council would make it difficult for it to exercise autonomy in activities outside of Barbuda which involve land, without first obtaining the consent of the Cabinet of Antigua and Barbuda. Barbuda’s autonomy is therefore restricted in this regard.In fact, the court in *AG v Barbuda Council* seemed to recognise some of the deeper implications of such conflicts when it said:

“[78] . . . The real issue in this case had nothing to do with agriculture. It was essentially a contest as to the extent of the authority of the Barbuda Council in the exercise of the State's power to dispose of land in Barbuda. This is exemplified by the evidence which indicated that the Council had agreed that the hotel could be built at Spanish Point, although there was some dispute as to the exact area to which the approval related . . . What is equally clear is that the Council was allotted no interest in the, land, and therefore it had no interest in land which was affected by the grant to Unicorn.

[79] . . . The powers associated with such ownership which the Crown was entitled to exercise when administrative control was exercised by the colonial office are the same powers which are retained under the new constitution now that Antigua and Barbuda is a sovereign unitary state with executive power in the Cabinet.

Yet, moving away from the problematic questions of land, there is clear acknowledgment of the high degree of autonomy given to Barbuda. For example, on the question of collecting taxes and other finances, the case of *The Barbuda Council v Antigua Aggregates Ltd and Sandco Ltd,* Civil Appeal No 11 of 2005, is instructive. The Court stated: [

21] In the premises, the Council is not an agent of the Crown, particularly for the purpose of collecting tonnage dues. Notwithstanding this, it is a “Crown body” around which the shield of the Crown should be thrown for the purpose of recovering tonnage dues because its functions are essentially governmental? The collection of taxes, including tonnage, was a function normally reserved for the Crown, but had been specifically entrusted to the Council.

The court described the Council as an arm of government which “attracted the contagion of the Crown’s immunity.”

**Autonomy in Tourism**

In all three countries, tourism is an exceedingly important industry. In the case of St. Kitts and Nevis and Antigua and Barbuda, it is the main economic sector whereas this is also the case for Tobago but not for Trinidad, although the latter, being an oil territory, has promoted tourism more aggressively in recent times. In all three territories, Nevis, Tobago and Barbuda, there is a significant amount of autonomy given with respect to tourism, as described above. This autonomy is a result of several factors, including the separation of each of the island states by water, indicating some administrative necessity, differing policy frameworks for the tourism product and historical reality. These different policy frameworks are attributable to the different cultural and political identities described above.

The autonomy envisaged for these territories has resulted in parallel tourism industries, including two sets of administrative authorities, one for Central Government and the other for the autonomous territory, residing in the various local government bodies. It is understood that there is to be a devolution of autonomous decision-making power in the area of tourism and in fact, in each autonomous territory, there is a separate tourism office or authority, run by the local governing body. In practice, these territories treat with the tourism product as one for local autonomy in a significant way. For example, the governing bodies of both Tobago and Nevis are represented separately as ‘government members’ in the Caribbean Tourism Organisation,[[29]](#footnote-29) the Caribbean’s public sector tourism development agency comprising membership of over 30 countries and territories including Dutch, English, French and Spanish, which are comprised of government tourism officials, as well as a myriad of private sector allied members. This means that these autonomous territories have full authority to represent in this international space which is concerned with policy making and trade. Its governing arm, the Tourism Ministerial Council, is comprised of Ministers and Commissioners of Tourism, Secretaries of State for Tourism or others of equivalent rank.

In addition, the Tobago Hotel and Tourism Association is listed as an independent member, labelled as a ‘national hotel association’, separate from Trinidad, in the region’s premier hotel and tourism grouping, the Caribbean Hotel and Tourism Association.[[30]](#footnote-30) Consequently, Tobago and Nevis, and to some extent Barbuda,[[31]](#footnote-31) enter the global marketplace as autonomous entities and define and frame their own tourism product, with very little obstruction, except as limited by lack of budgetary and land resources, for reasons explored herein. Their ability to speak to the international community and even to enter into commercial arrangements, however, may be stymied by conflicts in relation to the powers of central government with regard to tourism policy nationally, and where tourism, as it must do, impacts on overall economic development, which is still the reserve of the central government.

Nonetheless, the autonomy described above has been criticised, being seen as a hindrance, rather than an efficient construct for appropriate development, even where, as in Nevis and Barbuda, tourism falls under their exclusive jurisdiction and they enjoy law-making power, and can even raise revenue. This is largely because of the contradictions and inefficiencies that exist when two regions of the same state are competing against each other in the same international market and not working collaboratively in a single tourism policy. Jordan, for example, argues that “internal core-periphery relationships, as well as the earlier historical forces which have shaped political, economic and social structure through the region, have fostered specific institutional arrangements with respect to tourism development and management in each twin-island state.”[[32]](#footnote-32) This has led to “fragmented” tourism development. She views these relationships as unsurprising given the historical and socio-cultural differences and the political inequities due to size and power.

Another area of contention has been the hostility and suspicion in relation to land, based on fears that the dominant territory continues to attempt to gain control over lands in the subordinate territory for commercial tourism purposes, as opposed to preserving such lands for communities or environmental purposes. Similarly, where authority for tourism development was restricted by laws giving hegemony to the central authority, this also severely undermines the ability of the autonomous territory to negotiate competitively in the global marketplace, ultimately undermining tourism development, which requires such external relations, as we saw in the Barbuda cases, above.

These inherent destabilizing factors have led to tourism development strategies which are weak because they lack a “common, shared sustained vision”, centralisation of tourism decision-making in the central government which often contradicts or undermines the policy objectives of the autonomous region, lack of clearly defined roles, responsibilities and authority for tourism goals, poor communication, and duplication of resources and functions.[[33]](#footnote-33) It is clear that the political organisation and the ambiguities in the arrangements and objectives for autonomy of these twin-island states as described above, has directly impacted tourism development and there are constant tensions in the industry, despite the relative flexibility to engage in external relations in this sphere.

In the case of Tobago, which has no law-making power and no independent budgetary resources, the problem is more acute, despite the THA having responsibility over tourism policy for Tobago. In effect, the central government can dictate policy, particularly in view of section 75 of the Constitution, which gives Cabinet (i.e. Trinidad) the right to override any decision in creating policy in the national interest. In practice, this has been interpreted to mean that the national Minister responsible for tourism will be the one ultimately dictating policy. The cultural and social differences between Trinidad and Tobago and the different geographical experiences have meant that Tobagonians generally have a vision of tourism development which is in stark contrast to that of Trinidad, emphasising nature, heritage-type tourism and promoting environmental sustainability, while Trinidad favours large-scale development. These conflicting visions for tourism, coupled with the lack of real autonomy for Tobago has arguably undermined tourism development and exacerbated tensions between the territories.

**The Offshore or International Financial Sector**

The offshore financial sector demonstrates a high degree of autonomy, at least in practice, with respect to the external relations that these autonomous regions may engage in. Both Antigua and Barbuda and St. Kitts and Nevis may be described as countries with significant offshore or international financial sectors, contributing a large share of GDP. Trinidad and Tobago is not, although it has indicated its desire to go in this direction. The better example to demonstrate autonomy is St. Kitts and Nevis, the more successful country in this regard.

Nevis, as opposed to St. Kitts, has marketed itself very successfully as an offshore financial jurisdiction. It has done so independently, with its own brand name. The legal arrangements described above, has allowed Nevis to create its own administrative structures in this regard, including raising revenue. It does not have the autonomy to give tax incentives or tax holidays, as was demonstrated in the ICSID case. That is the domain of the nation-state. However, it has been able to build a thriving financial sector, with its own brand, so much so that it has outperformed St. Kitts. The sector is managed exclusively by the Nevis Island Administration.

Nonetheless, the inevitable grey areas in the constitutional structure for power sharing between St. Kitts and Nevis have raised its head here too. In fact, in practice, an offshore company first has to register nationally in St. Kitts and then is required to register separately in Nevis to operationalise. The success of Nevis on its own has led to attempts by the central government to attempt to intervene on the basis that more appropriate mechanisms for accountability had to be devised to manage the Nevis financial sector. These, however, have been vigorously objected to.

The existence and management of the offshore or international financial sector in Nevis, as distinct from the Federation, is an example of the autonomy of Nevis to engage in business ventures, even those with international dimensions, as confirmed in the *ICSID* case, discussed above. Nevis has been a very successful offshore financial sector, an area of exclusive economic activity. It constantly advertises itself as a separate jurisdiction with respect to this sector, as it does in relation to tourism.

While it is true that the provision of tax incentives as needed in the offshore sector requires the authority of the Federation, this has been already established under legislation. The success and development of the financial sector depends on the marketing of the sector and the level of expertise and services offered in Nevis. These are areas and activities which require significant interaction in the international sphere and may be viewed as important aspects of external trade relations, although bereft of treaty making power as is sometimes required in this sector.[[34]](#footnote-34)

**Comparative Aspects with the Moroccan Initiative– Lessons to be Learned**

From the above discussion, it is very clear that the Moroccan initiative is much more far reaching in its perspectives on autonomy that those of the twin-island states in the Caribbean. The attitude towards and authority for exclusive autonomy on the part of the Sahara in key areas, including legislative, executive and judicial authority, are much greater and importantly, more clearly set out than in the Caribbean. In the latter, there is either no such real authority supported by law and / or independent financial resources, as is the case in Tobago, or, autonomy is granted only partially, for designated areas and often, the extent of autonomy is ambiguous or circumscribed, as demonstrated in the Nevis and Barbuda situations. For example, nowhere in the Caribbean is there autonomy for judicial authority.

Like in the Moroccan initiative, external relations, that is the power to engage in state-to-state relations, remains the ultimate preserve of the sovereign state in the Caribbean. However, the Moroccan proposal contemplates a genuine sharing of state responsibilities with regard to external affairs by requiring consultation with the Sahara Region in matters that have a direct bearing on that region, within the context of an integrated and equitable democratic state. This power sharing in areas traditionally reserved for the sovereign state is expressed clearly and authoritatively in the proposal, which is conducive to harmonious and efficient operations in this area. In contrast, in the Caribbean, engagement in external affairs is not explicitly legislated for, nor expressed in terms of policy. At best, it must be inferred, as in the case of Barbuda, and to some extent Nevis, or carried out unofficially, in ad hoc ways without legislative authority, as in Tobago. The single exception is the power given to the Barbuda Council to borrow, or obtain monies or financial aid from ‘bodies’ outside of the country after consultation with Cabinet, but even this is somewhat ambivalent. This uncertainty and failure to provide for meaningful autonomy in key areas have often lead to duplication and conflict, including litigation before the courts. Indeed, there have been several calls in the Caribbean for the kind of consultation contemplated by the Morocco initiative in future law reform.

The phenomenon of subsidiary governmental entities such as the local Councils and Authorities that exist in Caribbean Island states engaging in “low diplomacy” is not yet a feature of Caribbean life. At best, tourism and tourism related cultural activities may be seen as evidence of a movement in this direction, but as yet undeveloped. Similarly, commercial initiatives in Nevis and Barbuda may be viewed as virgin attempts to move in this direction, as contemplated by the Moroccan vision, but still in the infant stages, with no clear policy in mind. Further, civil society organisations are either weak or non-existent in these small island states and have not participated in activities that can enhance or accentuate the kind of “low diplomacy” envisaged as part of the direction for the Sahara.

In addition to promoting equity, the proposal from Morocco has its impetus in consensus building and negotiation, which is an entirely different construct to the twin-island states in the Caribbean. We have seen that autonomous territories in the Caribbean that originate from a non-consensus model, where autonomy was imposed as part of the colonialist imperative, rather than negotiated or agreed to, are inherently disruptive. Further, that imposition was one sided, resulting in the phenomenon of dominant versus subordinate territories in the union. It is suggested that the Moroccan initiative, in its projection of clear requirements for consultation, conciliation, agreement and the principle of subsidiarity, has a greater chance for successful power sharing and integration, building a strong, democratic state.

1. Dean, Faculty of Law, University of the West Indies; former President, Inter-American Commission on Human Rights. [↑](#footnote-ref-1)
2. I am indebted to Jolie Rajah, Law Librarian at the University of the West Indies, St. Augustine Campus, for her assistance in sourcing scarce materials for this presentation. [↑](#footnote-ref-2)
3. For example, during colonial times, there had been a larger grouping of the Leeward Islands. Similarly, an attempt at political integration of all of the colonies into a Federation had been tried and failed. [↑](#footnote-ref-3)
4. Antigua in contrast has over 93,000 people. St Kitts has a population of 56,000 whilst Nevis’s population is 12,106 and is 35.9 sq miles (59.4 km2). Trinidad, 1,863 sq miles (2,998 km2) has approximately 1.34 million people while Tobago, with 115 sq miles (185 km2), has 62,219 people. [↑](#footnote-ref-4)
5. See e.g. C. Omelda Dasent ‘Secession for Nevis – A Constitutional Right’, WILJ Vol 30 (1) & (2), 2005, 13, especially pp 20-21. The author also cites Simeon McIntosh, ‘The St. Kitts-Nevis Question: Secession or Constitutional Reform’, *Caribbean Law Review,* Vol 7, Dec 1997, p 461. McIntosh asserts that “the success of the federal agreement ought not to turn on a recognized constitutional right to secede, or on the threat of secession. Rather, the success … should be . . . a design which gives the appropriate incentives to the political elites who must carry out its mandates: . . . which is cognizant of the varying and competing interests throughout the nation state.” Ibid, at p. 492. [↑](#footnote-ref-5)
6. PART 1: Matters with respect to which the Nevis Island Legislature has exclusive power to make laws

   (1) Agriculture

   (2) Amenities for tourists.

   (3) Animals

   (4) Archaeological or historical sites and monuments.

   (5) Borrowings of money, or obtaining grants of money, for the purposes of the Nevis Island Administration and the making of grants and loans for those purposes.

   (6) Cemeteries.

   (7) Cinemas.

   (8) Conservation and supply of water.

   (9) Dangerous or inflammable substances.

   (10) Economic planning and development other than national planning and development.

   (11) Employment of persons who are not citizens.

   (12) Hotels, restaurants, bars, casinos and other similar establishments.

   (13) Housing.

   (14) Industries, trades and businesses.

   (15) Land and buildings other than land and buildings vested in the Crown and specifically appropriated to the use of the Government, including holding of land by persons who are not citizens.

   (16) Manufacture and supply of electricity.

   (17) Parks and other places for public recreation.

   (18) Prevention and control of fires.

   (19) Roads and highways.

   (20) Sport and cultural activities.

   (21) The matters with respect to which the Nevis Island Legislature is empowered to make laws by sections 47, 70, 71, 72 and 73, as applied with modifications by section 104, and by sections 102(l) and 113.

   (22) Any matter added by Parliament under section 37(6).

   (23) Any matter that is incidental or supplementary to any matter referred to in this list.

   PART 2 of the section defines “incidental and supplementary matters” in subsection 23 to include judicial powers, the compulsory acquisition and tenure of land, fees, rates and charges in respect of services provided, buildings and land other than buildings and land vested in the Crown and specifically appropriated for the use of the Government; and importantly, taxes in respect of the use of premises as hotels, restaurants, bars, casinos, premises used for the manufacture of aerated beverages, the sale of alcoholic beverages or tobacco and taxes on itinerant traders or mobile establishments for the sale of refreshments to the public. [↑](#footnote-ref-6)
7. NIA may also give its consent to laws promulgated by Parliament which relate to these specific areas and they will have effect (section 37 (3). [↑](#footnote-ref-7)
8. Where there is any inconsistency between any such provisions and the provisions of any law enacted by the Nevis Island Legislature, the provisions of the law enacted by Parliament shall prevail (s 37(5). [↑](#footnote-ref-8)
9. Central government sought to act under section 106 (3) which permits land in Nevis to be used by the Federal government in the national interest. It was viewed as an attempt to undermine the authority of Nevis. [↑](#footnote-ref-9)
10. Clifford E. Griffin, ‘The Quest for Secession in Nevis: Just another Political Game’ in *Special Issue: Eastern Caribbean Integration: A rekindling of the Little Eight’ Journal of Eastern Caribbean Studies,* Special Issue, Vol. 23 No 1 March 15, at p. 84. In contrast, leading St Kitts and Nevis attorney (based in St. Kitts) Anthony Gonsalves QC, in an interview conducted on 9 April 2016, is of the view that external affairs are the preserve of the central government. [↑](#footnote-ref-10)
11. ICSID Case No. ARB/ 95/2, decided January 13, 1997. [↑](#footnote-ref-11)
12. Ibid, at p 397. [↑](#footnote-ref-12)
13. Cable television is not mentioned in the Constitution, but education is, so it had to be viewed in this way. There was also a Public Utilities Commission Ordinance which included television by fibre optic cable in its sphere. [↑](#footnote-ref-13)
14. ICSID, at p 344. [↑](#footnote-ref-14)
15. Ibid, at p 344. [↑](#footnote-ref-15)
16. Ibid, at p 346. [↑](#footnote-ref-16)
17. Douglass Midgett, ‘Pepper and Bones: the Secessionist Impulse in Nevis’, in *New West Indian Guide* (2004) no: 1 / 2, Leiden, 43-71*, at* 68. [↑](#footnote-ref-17)
18. I am indebted to former Attorney General of Trinidad and Tobago, Christlyn Moore, from Tobago, who kindly permitted me an interview on the challenges of twin-island status for Tobago. The interview was conducted on 4 April 2016. [↑](#footnote-ref-18)
19. Which replaced the earlier Tobago House of Assembly Act, 1980. [↑](#footnote-ref-19)
20. See Eric Williams, *History of the People of Trinidad and Tobago*, New York, A & B Books Publishers, Reprint 1993. [↑](#footnote-ref-20)
21. The relationship was described as ‘master and servant’ one in the Prince Committee’s Report – Status Report of the Working Committee, 2008. It called for a “a legislative format which [would] give meaningful application to devolution of power in a manner . . . consistent with self-determination and autonomy.” [↑](#footnote-ref-21)
22. The Demas Committee, which presented a report: *Report of the Constitutional Team Established to Collect Inputs from the People of Tobago for a new Constitution for Trinidad and Tobago, 2007.* [↑](#footnote-ref-22)
23. Christlyn Moore, supra. [↑](#footnote-ref-23)
24. In its Report: *Proposals for Constitutional Reform from a Tobago Perspective: Side by Side, 2010.* [↑](#footnote-ref-24)
25. Williams, supra, at 221. [↑](#footnote-ref-25)
26. The Barbuda Council has five committees: Finance; Works and General Purposes; Health, Social Welfare and Disaster; Tourism, Sports, Culture and Youth Affairs; and Agriculture, Land, Forestry, Fisheries, Coastal/Marine Protection. The Council also has a Board of Education and Training. [↑](#footnote-ref-26)
27. HC 456 of 1994. [↑](#footnote-ref-27)
28. HC No 68 of 1998 [↑](#footnote-ref-28)
29. See: <http://www.onecaribbean.org/members-lists/government-members/>. [↑](#footnote-ref-29)
30. http://www.caribbeanhotelassociation.com/NationalHotelAssociations.php [↑](#footnote-ref-30)
31. Barbuda has its own web-page and is marketed as a different type of tourism to that found in Antigua. See http://www.barbudaful.net/ [↑](#footnote-ref-31)
32. Leslie-Ann Jordan ‘Institutional arrangements for tourism in small twin-island states of the Caribbean’, in David Duval, ed, Tourism *in the Caribbean, Trends, Development, Prospects’* , London, Routledge, p 99. [↑](#footnote-ref-32)
33. Jordan, supra, at p 103. [↑](#footnote-ref-33)
34. An example would be the signing of Tax Information Exchange Agreements recently agreed to. [↑](#footnote-ref-34)