

Study of the Urban Management Systems of a “Twin Island” Developing State

A Case Study of Trinidad and Tobago

INTRODUCTION

Overview

The Caribbean is made up of distinct archipelagic small island states bounded by the Atlantic Ocean on the East, the Caribbean Sea on the West and nestled between the North and South American continents. Throughout their rich history the islands have undergone several changes with respect to their occupation and governance particularly by the powerful Western European countries. These changes, for political and economic reasons have resulted in several territories that consist of regionally and geographically distinct twin islands states. These include Antigua and Barbuda, St. Kitts Nevis and Trinidad and Tobago as well as some multiple island territories such as St. Vincent and the Grenadines.

This paper will explore and present the experience of Trinidad and Tobago. It will focus on the legislative and institutional environment and its relation to the existing management practice. After independence in 1969 the discipline and practice of urban management for both islands present particular challenges in terms of the existing administrative and legislative arrangements. The Town & Country Planning Act 35:01 1969 provides for 'securing consistency and continuity in the framing and execution of policy for the development of all land in Trinidad and Tobago'.

However, decentralised administration of the legislative arrangements often leads to conflicts namely in the areas of discrepancy and overlaps of powers and responsibility for planning and development control of Tobago. A number of issues are significant. For instance, while the two islands are governed as one state, the characteristics, resources and needs of both are very distinct. One example is that while the psychological outlook of Trinidad is oil and industry, Tobago is centred on land and the environment. Hence the order of development priorities in Trinidad and Tobago particularly in their urban region is different. One major problem in Trinidad for example is decapitalised urbanisation, while in Tobago problems of environmental degradation and underdevelopment present some unique challenges.

The ultimate goal of this paper is to learn from the issues of geographic separation and urban management and planning in archipelagic, small island developing states. In addition it will seek to address issues pertaining to the need for revision of the legislation governing planning and control as well as its administration to better suit emerging trends and general characteristics of this country. This will assist in building strategic systems that will facilitate the sustainable management of urban regions in countries such as these.

Background

A brief account of the history and structure of Trinidad and Tobago adds to the understanding of the context in which the relationships between the 'twin islands' exists. Under British colonisation, Tobago was a colony on its own and became a ward of Trinidad in 1898, this was a motive for "administrative convenience". Tobago's colonisers developed a socio-economic structure to satisfy the needs of plantation owners. The administrative act was designed to unify the economies and the governments of the two islands in order for

Trinidadian resources and capital to be given to Tobago. Since then the union between Trinidad and Tobago remains to date, and this union is enshrined in the constitution as the Republic of Trinidad and Tobago being an independent unitary state.

Tobago is represented by the minority (2 seats) in Parliament. Furthermore, the island of Trinidad is the more significant contributor to the economy of the country, has a larger population and a greater land area than that of Tobago. Thus, there is an asymmetrical relationship between Trinidad and Tobago, which is a constraint for Tobago in gaining equity from the state. In other words, Trinidad can be equated to the centre/core and Tobago to the periphery.

Scope & Methodology

The key features of the Trinidad and Tobago legislation and the division of responsibility of the administration of planning are described.

An analysis and evaluation, the spatial planning system of the state is analysed in terms of what is intended in the legislation and what occurs in practice and issues relating to these two situations are brought together for comparison. Factors such as: responsibility for aspects of planning, coordination and communication and decision making.

From the discussion in section effective aspects of the systems are chosen and recommendations with regard to the management of urban regions in Trinidad and Tobago are made.

PHYSICAL CHARACTERISTICS AND NATURAL RESOURCES

Trinidad and Tobago is a twin island nation that is the most southerly of the Caribbean islands, Trinidad being 13 km from Venezuela at the nearest point. Tobago is approximately 32 km North-east of Trinidad. They lie between latitudes 10 – 12 degrees North and Longitude 6 - 62 degrees West. The total land area is 5,128 km² or 1,980 square miles, Tobago being approximately 300 km².

The islands have a humid, tropical climate with uniformly high temperatures all year round. There are two distinct seasons, the dry season from January to May and the wet season from June to November. Rainfall is generally heavy particularly in the wet season and in the Eastern half of Trinidad as well as in the more mountainous regions of the country. This variation is particularly significance for agricultural land use. There is much diversity in tropical flora and fauna in both islands.

Topography and Geology

In Trinidad there are five main physiographic regions. Located from North to South they are:

1. The Northern Range,
2. The Northern Basin,
3. The Central Range,
4. The Southern Basin,
5. The Southern Range.

The Northern Range is an area of rugged topography, steep slopes and peaks. It contains Trinidad's highest peak of 914 metres. This area is a geographical continuation of the Caribbean coastal ranges of South America. This can account for the absence of the typical white sand beaches that are found in most other Caribbean islands including Tobago. The other four regions contain low hills and alluvial fans and plains. There are three major swamps areas, located on the coastal plains.

In Tobago there are two main physiographic regions. The main ridge running in a north-east to south-west direction is on about two thirds the length of the island. The highest point is 576 metres. There is also a limited flat coastal plain of coral terraces in the south west. This rugged topography has a limiting effect on development particularly when stringent standards which not specific to the islands' needs are applied. However these characteristics also account for the island's potential as a major tourist attraction. The coastline is characterised by bays many of which contain fine beaches and is a major recreational resource on the island.

EVOLUTION OF PLANNING LEGISLATION AND ADMINISTRATION

Legislation

The evolution of planning law in Trinidad and Tobago can be traced back to the mid-nineteenth century in Britain where in response to the Chadwick Commission as well as other political protests, concerning the conditions of unsafe housing and public safety prevailing in the slums, there was a realisation that government needed to play a more regulatory role in procuring a healthy living environment as well as a more systematic approach to the problems of the urban environment. This ultimately led to the adoption of legislation empowering local authorities to demolish slums and provide replacement housing for the poor.

A similar sequence of events took place in the Commonwealth Caribbean and Public Health Legislation, for example the Public Health Ordinance enacted in Trinidad Tobago in 1915. Slum clearance, housing and planning laws were introduced in the late 1930s amidst mass political protests, strikes and riots concerning the conditions of the underclass in the region. As a this Housing Ordinance was enacted which established and empowered the Planning and Housing Commission, a statutory Authority, to engage in the demolition of slums and the construction of standardised high density public housing units in Trinidad.

A similar model was exported in part or in whole to many other Commonwealth Caribbean countries and the legislation is based on the English Town and Country Planning Act of 1932. However, deficiencies in the pre-World War II planning legislation in England led to a radically different law there in 1947. The new legislation contained the basic principles of modern planning law and it reflects the belief in the regulatory/welfare role of the state, the benefits of public sector planning and the neutrality of the professional planner. The 1947 Act served as the model for the Town and Country Planning Act adopted in Trinidad and Tobago in 1960 – The Town and Country Planning Act 1960 Chapter 35:01 of the Laws of Trinidad and Tobago.

Apart from one minor change in the Town and Country Planning Act in Trinidad and Tobago which facilitates enforcement action, much of the Act as it stands today was copied word for word from the English legislation.

Institutional Framework

The Town & Country Planning Act Chapter 35:01 states that the Minister responsible for planning is responsible for administering the Act. The Act outlines the duties of the Minister whom: "shall secure consistency and continuity in the framing and execution of a comprehensive policy with respect to the use and development of all land in Trinidad and Tobago in accordance with the development plan..." The Town and Country Planning Division is empowered to undertake the powers of the Minister that is, this division has been established to act as the administrative arm of the office of the Minister.

This Division therefore provides the institutional framework in which town and country planning operates vis, it is:

1. The strategic land manager for government projects
2. Responsible for the preparation of physical development plans.
3. The Minister's agent for the exercise of development control

The Act also provides for the Minister to be advised by the Advisory Town Planning Panel. However in practice, the Town Advisory Planning Panel is responsible for advising the Minister on appeals from members of the public who were refused permission from the Division.

The scope of this act covers the planning and control of development of all land in Trinidad and Tobago. The administrative arrangement found in the planning legislation follows the Ministerial Model. In this model, responsibility for the administration is vested in the Minister and the law is administered in practice by a department of government acting for the Minister. However no mention is made of this practice in the Act. Since English planning legislation on which it is based, provides for the powers of the Minister to be delegated to local authorities outlined in Section 10. No such delegation has ever been made in Trinidad and Tobago.

Organisation

As stated above the Town & Country Planning Division (T&CPD) is the organisation that was established to exercise authority on behalf of the Minister. For planning purposes Trinidad and Tobago is divided into ten Planning/ Settlement areas, with Tobago being defined as one of them. There are branch offices of the T&CPD located in Port of Spain, San Fernando, Tunapuna, and Tobago. The legislation provides for the delegation of functions to the local authority as contained in Section 10 (1) of the Town and Country Planning Act. This would provide the mechanism required for effective decentralisation of development planning and control function of the Division.

In this regard, the Tobago Regional Office of the Town and Country Planning Division was established under the Planning Act No 35 of 1960 to administer physical planning in Tobago. The passing of the THA Act has been charged with the responsibility for Town and Country Planning. Section 13 (1) also deals with this issue in relation to the conduct of appeals during the approval process.

In Trinidad and Tobago the THA is an Act in itself therefore the powers will be more significant with respect to the general administration of Tobago. Planning administration in

Tobago however is equivalent to any other settlement area. Applications for planning permission are handled at the Town and Country Planning Division's branch office in Tobago. More complex applications are referred to headquarters in Trinidad. These regional offices administer the functions of the organisation within their specific regional boundaries.

Decentralisation

It has been suggested that decentralisation of planning is one of the most critical pillars on which a planning structure must rest. Widely used in literature is the definition by Rondinelli, which states that it is, "any transfer of central government, the authority to plan, make decisions, finance and manage public functions. In fact Section 10(1) of the Act does empower the Minister to delegate his function to local authorities. However no such delegation has ever been made.

Therefore even though the division has decentralised a major constraint to effective decentralisation has been the reluctance of the central government to devolve responsibility to local authorities that is to delegate power and responsibility to other specific agencies. This is presumably due to the perception that there will be a loss of political power and control and the lack of institutional capacity.

The Tobago being one such local authority with responsibility for Tobago and although it does offer input into the development of Tobago, all major plan formulation as well as processing of major applications for development, and all decision making are centralised that is are dealt with in Trinidad.

It is clear that an attempt to devolve significant responsibilities for development planning and control to local authorities will have the following significant consequences:

1. It can make land use planning and development more transparent;
2. It may encourage cooperation and coordination amongst local government and the private sector
3. It can make the national physical planning system more efficient and effective.

In principle, the local authorities should play an active part in urban development because they are the urban government and because they have the local knowledge to more effectively represent local interests and because they will ultimately be responsible for the continuing services which any new development will require (Amos 1992).

The Tobago House of Assembly Act (THA)

The Tobago House of Assembly Act empowers the Tobago House of Assembly to be responsible for the economic well-being of Tobago, hence development projects are initiated by the THA before it is transferred to the central authority for processing. All major development in Tobago would always include a representative from the THA in deciding applications.

Section 25 of the Tobago House of Assembly Act, states that 'without prejudice to section 75(1) of the constitution, the Assembly shall (in relation to Tobago) be responsible for the formulation and implementation of policy in respect of the matters set out in the fifth

schedule. Under the fifth schedule under Areas of responsibility of the Assembly includes Town and Country Planning (item 15). The Assembly also has control over all land in Tobago. However, there is also provision under the Act for all policies of Tobago to be reviewed by central government. In the legislation therefore, there is a redundancy of roles of both the THA and T&CPD.

In practice the Town and Country Planning Act supersedes the THA Act and in fact the Town and Country Planning Division has been administering all development control matters in Tobago. Recently however the THA with some input from the Town and Country Planning Division completed a Development Plan for Tobago. The Tobago House of Assembly has a Department of Planning and another primarily responsible for economic planning. A thorny issue with this arrangement is that economic plans have land use implications and there is no legislative provision and mechanism for consultancy between the THA and T&CPD. Delegation of planning functions can only be transferred by an instrument of delegation that is by new legislation.

FOUNDATION OF PLANNING FUNCTIONS

Development Planning

Section 5(2) of the Act provides for a survey of the whole of Trinidad and Tobago and the subsequent preparation of a development plan: "consisting of a report of the survey together with a plan indicating the manner in which he (the Minister) proposes that land in Trinidad and Tobago may be used (whether by the carrying out development or otherwise) and the stages by which any such development may be carried out."

Additionally Section 6(1) of the Act Requires that the development plan so prepared must be revised once every five years. The National Physical Development Plan (NPDP) was in fact published by the Division in 1978, amended in 1982 and approved in 1984. The plan is consistent with the Minister's responsibility to frame a "comprehensive policy".

There has however been no revision of the NPDP to date. It has been suggested that there may have been a misconception in the drafting of the Act since the British Town and Country Planning Act of 1947 on which it is based referred to local plans and not national plans. In addition the requirement for continuous review is thought to be unrealistic given the limitations of human resources, data and funds as well as the fluctuating external forces to which an open economy such as Trinidad and Tobago is subject.

In Trinidad and Tobago the culture of town planning has been shaped by development control rather than development planning. One reason has been the limitations in resources including professional planners. Indeed in Tobago the limited staff available at the department made development controls the only activity that could be dealt with. However the efficient functioning of any planning department requires development planning. Furthermore, without plans there can be no effective development control and there will be no effective development programme or vision for the direction for growth and development (Atwell, Frontin – LUPAP 2000).

In order for there to be meaningful plan preparation however, there must be relevant and clearly prescribed criteria that can guide the process from the conceptual stage to plan formulation to implementation, monitoring and evaluation. The existing planning legislation is deficient in this respect however there have been some attempt to correct these deficiencies with proposed legislation – The Planning and Development of Land Bill (PADL) - which seeks to identify and make provision for regulations for plan preparation activity. This would

necessarily be a comprehensive understanding of the process by all concerned parties before the actual plan preparation process commences. The process requires a collaborative effort with all stakeholders particularly with all of the communities both private and public who will be affected most by these plans.

There have to date been numerous debate within parliament as well as among non-governmental agencies leading to several drafts of this bill however due to political instability which lead to several changes in government over the last five years the Bill was eventually To date the bill has yet to be re-introduced in parliament.

Therefore plan preparation in Tobago will require more adequate organisation of the planning office in Tobago, not only in terms of professional staffing but also in terms of the effective devolution of responsibilities for decision-making, monitoring and guidance of the planning process. This would mean that plans which foster the development in Tobago will be efficiently and adequately prepared in Tobago.

Development Control

According to the requirements of Section 8 of the Act the Town and Country Planning Division must issue a decision on all valid applications and should do so within two months of receipt of the application. The Division on behalf of the Minister considers and issues decisions on all planning applications on the basis of the available plans and policy statements. Between eight and nine thousand applications are received each year from both islands.

Where unauthorised development occurs, the Division may invite an application for planning permission and may subsequently grant permission. Where unauthorised development is not permissible the Division may take action through the courts to impose penalties and/or remove the offending development. However due to insufficient staff and low success rate, enforcement action is taken infrequently.

Statistics prove that the output of the Division is commendable however there are frequent delays induced by factors external to the Division. For example there is often a need for many major applications to be approved by multiple sectoral agencies including inter alia, the environmental Management Agency, Highways Division and several Utility Authorities (electricity, water, communications).

Section 9(1) of the Act stipulates that subject to the Town and Country (General Development) Order, that development under this order may be undertaken without the permission of the Minister. This excludes development by statutory authorities from requiring permission. However government departments should be required to consult with planning authorities before embarking on any major development, as would any private developer would have required specific permission. Such consultation has been reduced to the extent that government departments have become the worst offenders of unauthorised development. The dilemma occurs in respect of the Division being part of the government system. The role of the Division in relation to government differs considerable from its role in relation to private developers. The result is that significant development occurs without co-ordination and in contradiction to national physical development plans and policies.

It is evident from the above that the existing system for dealing with development applications in Trinidad and Tobago as a whole is not working as it should. One of the major reasons for this is that the prevailing legislative and administrative systems have never been

reviewed since the advent of town planning function in Trinidad and Tobago. As stated earlier even though there is a Town Planning department within the THA the functions regarding the processing of all major applications are being carried out in the Town and Country Planning Department in Trinidad. Therefore there has never been an upgrade in the level and quantity of staff in the Tobago Regional Office. In addition all major development plans for Tobago are part of broad based policy plans for the whole of Trinidad and Tobago which have no widespread circulation to the general public and there have been very little local area planning for Tobago.

A number of issues can be identified after examination of the existing system of development control in the plan approval process. These problems are hardly associated only to Tobago but are characteristic of the governance of the country as a whole some of these include:

- The lack of up-to-date, relevant development plans and policies required to guide and inform decisions
- Lack of professional as well as technical staff
- Lack of public involvement in the decision making process
- Lack of an overall relevant system that can efficiently and effectively deal with the control of development in both islands.

POLICY IMPLICATIONS

The fact that Tobago is territorially separated from Trinidad and is geographically separated as well as one third its size creates unique developmental problems. During the past two years with the establishment of the THA, there has been discussion between the central office and the THA with respect to major developments, particularly those related to Tourism in Tobago. However policy formulation is still a function of the central office thus creating some issues relating to both development planning as well as control.

The Environment

Over the last ten years, Tobago has become one of the major port of calls for many major cruise lines, in addition there has been major developments in beach recreational facilities, hotels and resorts to facilitate this increase in the Tourism industry in Tobago which has become its major revenue earner. In order to further develop this industry requires a less conservative response to environmental policy. However because the development of a policy framework is for Trinidad and Tobago coupled with the fact that Trinidad is more environmentally conscious than Tobago, the policies tend to be restrictive causing conflict with the development of the Tourism Industry in Tobago, which will require a more substantial exploitation of the environment.

Design Guidelines

Port-of-Spain is the capital of this twin island state and is the largest settlement in the country. Its sphere of influence includes the whole of Trinidad and Tobago and all services are typically present at their highest level. It is also the seat of government, the dominant administrative, commercial, financial and social centre of the island as well as the main cargo port and focus of the internal transport system (NPDP 1982). The city can attribute its devel-

opment to a variety of historical influences including past settlement and physical factors. Its advantageous location makes it an ideal location for export to metropolitan counties.

Scarborough, which is the largest town in Tobago, has been classified in the National Physical Development Plan as a special case centre, which is described as one that contains urban occupational structures but still maintains other rural characteristics.

A comparison of the physical characteristics of these two centres reveals vast differences in the physiographic make up. Therefore the administration of policy guidelines, which govern the development of these two areas, can also cause some conflict with respect to the development planning and control. These development guidelines, allow development in Port-of-Spain because of its size and status as a capital region into and major urban centre. However these guidelines often restrict the development of urbanised zones in Tobago, including Scarborough. Restrictions such as building height, setback distances and hillside development, have limited the development of the town as well as other areas considered to be potential urbanised zones.

In addition the size as well as the availability of developable land in all of Tobago provides little scope for alternatives to development that fail to meet with required standards, therefore opportunities for development in Trinidad is of a much wider scope.

RECOMMENDATIONS AND CONCLUSION

A system of Town and Country is the foundation of land use management. In Trinidad and Tobago current practices of planning by the government in general have not been adequately responsive to the changes in the socio-economic climate of this country nor has it evolved to meet its development needs in response to these changes. According to J.P. McAuslan, this is the challenge facing planners, lawyers and politicians – to design, enact and then use a law, which enables an equitable, efficient and open system of land management.

The legislation must provide an adequate system that would mirror the culture geography and the ever fluctuating socio-economic climate of the country. Also the administration of the system must take into account not only the availability of factors of production but also on the ability to effectively and efficiently perform the functions required by the system, given the availability of these resources. This is particularly relevant to countries with regionally distinct characteristics such as Trinidad and Tobago. However, the legislative and institutional environment governing planning and development as well as in this twin island developing country leaves much to be desired. This has led to the lack of co-ordination and overlap in the development process within and between the twin states.

To address the inherent deficiencies in the legislation of the countries the following is recommended:

1. Better co-ordination of functions
2. Devolution of planning functions to local authorities
3. Statutory provision for participation and consultation between the islands
4. Implementation of the provisions articulated in the Acts

The establishment and implementation of the law requires an adequate institutional environment in which to function. In this regard, the planning process has been described as setting the direction for a system to help an organization respond in an effective and innovative way to its environment and constituents (Jeanne Wolfe 2002). There is therefore an increasing need for the establishment of modern institutions that could provide better and more comprehensive system of land management that combines equity and efficiency in carrying out planning functions. These institutions must:

1. Support compliance through decentralization
2. Involve communities in vision and goal setting to respond to socio-economic needs
3. Be transparent in the management of their affairs
4. Be flexible to accommodate change, growth and diverse regional characteristics
5. Be time and cost efficient
6. Provide a system that would prevent the proliferation of marginalized communities or groups

REFERENCES

- Atwell, Lynette & Frontin, Gerard Tobago Review of Existing Planning Resources Functions and Capabilities Land Use and Administration Project (LUPAP) 2000
- Amos, Francis J.C. (1988) Role and Administration of Town and Country Planning United Nations Centre for Human Settlements 996, No. 20
- Amos, Francis J.C. (1988). Institutional Improvements to Facilitate Urban Development The Inter American Development Bank
- Land Development and Control Act 1977 Antigua
- McAuslan, J.P., (1988) Planning Law in the Commonwealth Caribbean
- Premdas, Ralph R. (1998). Secession and Self-Determination in the Caribbean: Nevis and Tobago. The University of the West Indies, Trinidad, West Indies.
- The Frigate Bay Development Corporation Act, 1973
- Trinidad and Tobago (1982). National Physical Development Plan Trinidad and Tobago Vol 1& 2
- Trinidad and Tobago (1980). Tobago House of Assembly Act Ch 25:03.
- Trinidad and Tobago (1980). Town and Country Planning Act Ch 35:01.
- Wolfe, Jeanne M. (2002). Trinidad and Tobago: Models for Planning