

Trinidad and Tobago

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1. With high rates of economic growth and decreasing unemployment, Trinidad and Tobago (T&T) has been called a Caribbean ‘tiger’ (The Economist, 2006), awash with money and investment from the liquefied natural gas boom. Prime Minister Patrick Manning has launched Vision 2020, a policy strategy which calls for T&T to acquire developed country status by 2020. However, an incipient deterioration in the quality of services provided by the state coupled with very high corruption levels point to the difficulty of translating economic wealth and macroeconomic stability into institutional capacities, especially those needed to confront expanding crime and corruption. The diverse racial composition of T&T makes it vulnerable to polarisation, and its particular geographic location makes it vulnerable to international criminal networks which can build contacts with each ethnic community. Thus, there is significant potential for democratic institutions to be eroded by:

- I. The increase in crime and the influence of international crime networks;
- II. The impact of ethnic politics on the functioning of the State and the political parties;
- III. The difficulties of translating outstanding economic growth into state capacity.

These conditions are described below in sections I, II, and III. Sections IV, V, and VI, review respectively the legal framework for campaign funding, the social response to existing laws and social advocacy for reform and the recent incidence of corruption and illegal funding.

I. The increase in crime and the influence of international crime networks

2. Trinidad and Tobago is a transit point for illicit drugs, mainly cocaine, and increasingly heroin. The nation’s advanced petrochemical sector requires the import/export of precursor chemicals that can be diverted for the manufacturing of cocaine hydrochloride (International Narcotics Control Strategy Report 2004, US Dept of State, 2006). The proximity of Venezuela is a crucial element that facilitates the transit of drugs (Crime, Law & Social Change, 2001) with the Venezuelan *Tucupita* cartel believed to be the main connection between Trinidadian and Colombian drug cartels. Additionally, other criminal organisations from Syria, China and Russia allegedly operate in the country.

3. T&T is among the ten countries in the world with the highest kidnapping rates. Kidnappings have increased from 10 in 2001 to more than 150 in 2004 (Erikson, 2005). The nature of the phenomenon is not clearly defined, but it involves conflicts between gangs and drug cartels, as well as economic incentives (ransoms). Also complex is the nature and activities of the group Jamaat al Muslimeen, which has been linked to kidnappings and explosions. Its leader, Abu Bakr, will shortly be tried on charges of sedition and terrorism.¹

¹ Abu Bakr, leader of Jamaat al Muslimeen, led a 1990 coup attempt against the Government. Enmeshed in a number of public controversies, he was exonerated in December 2006 in a case of conspiracy to murder, but will shortly be on trial again on charges of incitement of violence, sedition and terrorism (Miami Herald, 24/12/06).

4. **Murder rates** have increased from 7.6 per 100,000 inhabitants in 2002 to 30.7 in 2005 with a sharp increase in gang and drug-related murders (Hood, 2006). According to the Minister of National Security, Fitzgerald Hinds, 60 percent of all serious crimes are related to the illicit drug trade.

5. The **circulation of small arms** has a growing impact on murder rates, as gun-related deaths have increased from 31 percent in 1998 to 61 percent in 2001. Furthermore, the proportion of gang-related killings committed by shooting increased from 7 out of 10 in 1998 to nearly 9 out of 10 in 2002 (Hood, 2006).

6. Wars between gangs for territorial control have increased. Like in other Caribbean islands and in Central America, the deportation of criminals from the US has impacted the composition of gangs, as 65 percent of deportees from the US to T & T have criminal records (DHS, 2004).

7. The recent natural gas boom has increased the importance of T&T as a destination for **human trafficking**. Women from neighbouring islands are trafficked for exploitation within a growing sex tourism industry. Other victims transit through Trinidad into other Caribbean islands such as St. Lucia (IOM, 2005), the US and Europe.

8. According to the US Department of State, T&T is a 'monitored location' for money laundering activities. Such classification means that even though the extent of **money laundering** is limited, it is facilitated by non-banking financial institutions (currency exchange houses), unregulated casino networks and the uncontrolled expansion of real estate holdings.

II. The impact of ethnic politics on the functioning of the State and political parties

9. Like most English-speaking Caribbean states, politics in T&T has been dominated by two parties, namely, the Peoples National Movement (PNM) and the United National Congress (UNC).² Political identity is strongly determined by ethnicity:³ the PNM is identified with those of Afro-creole descent, while the UNC is identified with those of Indian descent. In 2001 when parliamentary seats were evenly distributed between the PNM and the UNC, political gridlock ensued. In 2003, a swing of voters from the UNC to the PNM allowed the reappointment of Patrick Manning as Prime Minister, ending congressional gridlock and showing that there are instances in which voters cross ethnic lines. Differences between the East Indian and the Afro-Trinidadian Muslim minorities also contribute to political fragmentation (Zambelis, 2006).

10. Bipartisan dominance is both a source of democratic stability and an obstacle for the success of third parties. Over time, parties and elections have been more volatile than in Jamaica, for instance, but the influence of independents has been limited. One example of the resistance of the system to third parties is the experience of the National Alliance for Reconstruction (NAR) which emerged in 1986 as an alliance between small movements including the Tobagonian Democratic Action Congress (DAC) and the larger United Labor Front (the base of the UNC). The Prime Minister between 1986 and 1991, Napoleon Robinson, was from the NAR. In 1988 the NAR and the UNC broke their alliance and the

² Founded in 1988, the UNC is an extension of the United Labour Front.

³ According to the World Bank, the population breakdown is approximately 39.6 percent of African origin, 40.3 percent of East-Indian origin, 14 percent mixed (French, Spanish, English, Lebanese, Syrian, Palestinian, Portuguese, Venezuelan) and 1 percent Chinese.

NAR remained as an important source of independent votes which decided the appointment of the UNC's Basdeo Panday in 1995 as the first Indo-Trinidadian Prime Minister in history. However, NAR's electoral power almost disappeared at the national level in 2000, and at the regional level in Tobago in 2005.

11. Ethnic-based politics and bipartisan dominance has made political leaders unaccountable as they are able to control the electoral system even when facing corruption charges or in the wake of internal party conflicts. For example, in 2001 the UNC expelled its Deputy Leader and former Attorney General, Ramesh Maharaj, for having started an investigation into Panday and some of his supporters for allegedly diverting money from the National Lotteries Control Board. The investigation was blamed for contributing to the defeat of the UNC in 2002 elections. Maharaj set up his own party (National Team Unity) but it failed to win seats. In 2005 Panday invited Maharaj to rejoin the UNC. In part as a consequence of this decision, the UNC split again and the party leader, Winston Bookeran, floated the possibility of forming a new party. Reflecting the country's entrenched political structures, Panday referred to Bookeran's plan as follows, 'the political system in Trinidad and Tobago has always contained and can only contain two political parties. The best example of that was when the NAR formed a political party and got 91,000 votes and not a single seat. That is what is going to happen to Mr. Bookeran, I have no doubt'.

12. Ethnicity is often used to explain increased crime or conversely to avoid prosecution. (See Section VI). Indo-Trinidadians often blame crime on Afro-Trinidadians and vice versa. Ethnic-based politics can also undermine the responsiveness and unity of politicians when facing serious national developments. After a series of bombings in 2005 in an area considered a PNM stronghold, Abu Bakr, leader of Jamaat al Muslimeen, was questioned as a suspect and claimed that the UNC was linked to the bombings. The fact that Prime Minister Manning (PNM) did not publicly refute the possibility that the attacks could be linked to the opposition party caused outrage in the UNC.

III. The difficulties of translating economic growth into increased state capacity

13. T&T has impressive social indicators compared with the rest of Latin America and the Caribbean (WB, 1998) and it has one of the highest rates of economic growth in Latin America, namely, 6 percent in 2005 (IDB, 2005). However, the recent deterioration in political indicators and in the quality of basic social services such as health and education point to a gap between economic growth and institutional capacities.

14. T& T has fallen from 31st place in 2001 to 61st in 2005 in the ranking of Transparency International's Corruption Perception Index. World Bank's Governance Indicators for the country, especially those for political stability and rule of law, have also deteriorated since 2002. The competitiveness data from the World Economic Forum also illustrate the gap that separates business and economic performance from political and institutional performance: T&T ranks 83rd out of 117 countries on the public institutions variable of the index, while it ranks 40th in macroeconomic and business variables. The prevalence of organised crime, lack of judicial independence, and corruption are elements that contribute to the overall deterioration of the Global Competitiveness Index (Global Economic Forum, 2005).

15. Inefficiency in the judicial system in dealing with criminal cases is the most visible sign of the deteriorating institutional capacities. According to a recent analysis (Hood, 2005) it takes more than two years to take a murder case to the High Court. Less than a quarter of the cases where there is a suspect are solved, and gang and drug-related murders have

the highest rates of impunity (70 percent). Similarly, judicial charges in high profile cases are often dismissed, such as those of Barry Alphonse, leader of the Gambino gang, and Abu Bakr, leader of Jamaat al Muslimeen.

16. The performance of T&T's police forces has been mixed. While specialised units such as the Police Drug Unit are perceived to be effective and enjoy wide public support, there have been cases of police officers apprehended in connection with illicit activities, while rank and file police are perceived as easily corruptible (Bartilow, 2003; Freedom House, 2006).

17. A poll conducted in 2005 by the New York-based firm NACTA, showed that crime is perceived by the public in T&T to be the main problem in the country (43 percent), followed by racial tensions (21 percent), corruption (18 percent), and the economy (11 percent). In this context, public protest against corruption – what is called the first generation or the base of anti-corruption reforms – is just starting to emerge in T&T (Trinidad Guardian, 2005).

18. As a consequence of relatively low corruption awareness, the public perception is that weak sanctions against crime, rather than law enforcement problems, are the main issue to be tackled. Therefore, the public is increasingly supportive of 'heavy-handed' measures and sanctions, such as the use of hangings. Public demand has contributed to increased levels of militarisation since 1998 (BICC),⁴ and this has had a negative impact on human rights standards. According to the US Department of State, in 2005 there were reports of 'police killings during apprehension and deaths of persons while in custody, poor prison conditions and reports of police and guard abuse of prisoners'. However, research shows that the death penalty has rarely been applied in T&T; that it has been used arbitrarily and not in the gravest cases, and that, contrary to the views of its supporters, it has not proved to be a deterrent against serious crime (Hood, 2005).

IV. Legal Framework for campaign funding

Contents of the law

19. The Representation of the Peoples Ordinance and its last amendment in 2000 provide the legal framework for party funding.

20. Candidates and their agents are responsible for campaign finances. Regulations do not focus on parties.

21. There are no provisions for **public funding or media access**.

22. Limits on expenditures: Candidates and their agents are allowed to spend a maximum of US\$ 8,000 in parliamentary elections and US\$ 4,000 in local elections.

23. Limits on private contributions: The maximum permitted contribution (in kind and cash) is US\$ 813 for general elections.

24. Disclosure and accountability: Parties must present expenditure reports to the Chief Elections Officer. Reports have to be published by the electoral authority in the mass media 21 days after the election results are announced.

⁴ The Bonn International Center for Conversion's militarisation index indicates a combination of military expenditures, average weapon system holdings, armed forces personnel and employment in arms production.

25. Sanctions: Failure to file reports is punishable with a fine of US\$ 250 and 6 months in prison, false declarations are fined with US\$ 500 and 12 months in prison.

Shortcomings of the legal framework

26. Limits on contributions are unrealistic and the limit on campaign expenditures 'bears no relation to what is actually spent' (Ryan, 2004). Even though reports are issued, they are not effectively reviewed as it is pre-supposed that they do not reflect reality. The lack of real controls enables politicians to raise funds in the name of their party but to use these funds for other purposes. Some analysts report that campaigning at the local level is done by persons with no ideological affinity to the party and who expect to be paid (Ryan, 2004). Similarly, voters expect to be paid to cast their vote. Thus, campaign costs are mounting as is the pressure to find funds.

27. In general, freedom of the media is widespread and opposition can be easily voiced in the media. However, the lack of access to free media spots, or of regulations on media use, contributes to increasing campaign costs and reinforces exclusionary tendencies. The closure of the state-owned media, the 'National Broadcasting Network', in January 2004 had two opposing effects in terms of party access to media: on the one hand it deepened the negative effect of inexistent regulations on private media, on the other hand, it reduced news coverage biased towards incumbent governments which previously took advantage of access to the state network for campaign purposes.

28. Foreign contributions are not regulated; the diaspora contributes to the funding of political campaigns.

Recent advances

29. The Prime Minister's policy strategy, Vision 2020, acknowledges that effective government, transparency and good governance are crucial issues to address if T&T is to acquire developed country status by 2020.

V. Social Response to Existing Laws and Social Advocacy for Reform

30. In 2002, the Constitutional Reform Forum launched a signature campaign to gather support for a constitutional reform which would address campaign finance reform as one of five key issues. Although the proposal did not become an actual reform, this group continues to be very active in advocating for constitutional reforms. In general, falling approval rates for institutions such as the police, the judiciary and political parties suggest that the population is starting to perceive corruption as a serious problem.

31. The T&T Chapter of Transparency International has been advocating for reform, but its lack of a permanent office, added to budgetary constraints, have limited its impact.

VI. Recent incidence of corruption and illegal funding

32. There has been no proven case of illicit resources being used in political campaigns for the funding of political parties in T&T. However, in the last decade several high-level officials have been accused of corruption and of having direct links with criminal organisations. In 2002, the French organisation *Association d'Études Géopolitiques des Drogues*, released a report alleging that members of Prime Minister Patrick Manning's cabinet (PNM) had direct links with criminal groups (Chinese, Indian, and Venezuelan

cartels) and drug-trafficking. Although some of the Ministers mentioned in the report are currently facing corruption charges, the drug-related issues have not been addressed.

33. Several allegations in recent years have pointed to links between private sector contributions to campaigns and irregular procurement, including preferential treatment in large infrastructure projects. Basdeo Panday was accused (but not convicted) of accepting a bribe from a cabinet colleague and a businessman in relation to a multimillion construction project for a new terminal at T&T's International Airport. In 2000, nine Ministers were investigated for fraud in this case. In 2006, former PNM chairman and Member of Parliament Franklin Khan faced 10 corruption charges, among them, receiving cash from a PNM Councillor in return for granting him lucrative Government anti-seismic projects. Similar charges were made against the Energy Minister, Eric Williams.

34. Ethnic politics often come into play as forces which obstruct the effective enforcement of regulations and cast doubt on judicial decisions, even if they are fair. In 2005 former Prime Minister Basdeo Panday was arrested on corruption charges. Many supporters reacted to Panday's arrest by gathering at the UNC party headquarters and complaining about racial abuse. In 2006 Satnarine Sharma, the country's top Chief Justice, was accused of trying to squash a prosecution process against Panday. In April 2006 Panday was convicted and sentenced to two years in prison for failing to include a London bank account in the declaration of his assets. Public opinion regarding Sharma's guilt is split along racial lines, with most Indo-Trinidadians supporting him and arguing that he is a victim of machinations by PM Manning to undermine his credibility.

VII. Conclusions

35. The geographic location of T&T makes it a strategic place for the operation of several international criminal networks. Unlike the situation in other Caribbean countries or Central America, in T&T Colombian and Mexican cartels interact with Chinese and Venezuelan cartels, creating increasing opportunities for bribery, as reflected in the accusations that link politicians with criminals from different organisations.

36. Furthermore, ethnic divisions strongly influence the way public opinion reacts to corruption scandals. Politicians often exploit these divisions while attempting to shield themselves from accusations of wrong-doing. This dynamic can be expected to complicate the enforcement of any future party funding reform initiatives.

37. Illegal political funding and the irregular awarding of bids, especially multi-million dollar contracts for infrastructure projects, appear to be closely linked and associated with individuals at the highest levels of Government authority.

38. Positive trends are emerging, such as the Government itself advocating greater transparency in its Vision 2020 policy and political figures such as opposition leader Winston Bookeran and former Attorney General Glenda Morean starting to call for transparency and legal reforms. Emerging smaller parties are also advocating improvement in these areas although their lack of parliamentary representation reduces the probability of broad anti-corruption reforms being enacted in the short term.

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